

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 530 Session of 2015

INTRODUCED BY REESE, CAUSER, DIAMOND, GROVE, KRIEGER, MILLARD, O'NEILL, SAYLOR, DUNBAR, MOUL, CUTLER, BAKER AND GABLER, FEBRUARY 18, 2015

SENATOR BROWNE, APPROPRIATIONS, RE-REPORTED AS AMENDED, DECEMBER 10, 2015

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," in terms and courses of study, <--
6 further providing for agreements with institutions of higher
7 education; in opportunities for educational excellence,
8 further providing for definitions and for concurrent
9 enrollment agreements; and extensively revising and adding
10 charter school provisions. IN PRELIMINARY PROVISIONS, FURTHER <--
11 PROVIDING FOR CRIMINAL HISTORY OF EMPLOYEES AND PROSPECTIVE
12 EMPLOYEES AND CONVICTION OF CERTAIN OFFENSES AND FOR KEYSTONE
13 EXAMS; PROVIDING FOR POWERS AND DUTIES OF THE SECRETARY OF
14 EDUCATION; IN DUTIES AND POWERS OF BOARDS OF SCHOOL
15 DIRECTORS, PROVIDING FOR PUBLICATION OF POLICIES; PROVIDING
16 FOR POWERS AND DUTIES OF THE SECRETARY OF EDUCATION;
17 PROVIDING FOR SCHOOL WATCH, AND FOR STATE OPPORTUNITY
18 SCHOOLS; IN GROUNDS AND BUILDINGS, PROVIDING FOR POSTING OF
19 INFORMATION AND FURTHER PROVIDING FOR LIMITATIONS ON APPROVAL
20 OF PUBLIC SCHOOL BUILDING PROJECTS; AND ESTABLISHING THE
21 PUBLIC SCHOOL BUILDING CONSTRUCTION AND RECONSTRUCTION
22 ADVISORY COMMITTEE; IN PROFESSIONAL EMPLOYEES; FURTHER
23 PROVIDING FOR PAYMENT OF SALARIES IN CASES OF SICKNESS,
24 INJURY OR DEATH; IN CERTIFICATION OF TEACHERS, FURTHER
25 PROVIDING FOR GRANTING PROVISIONAL COLLEGE CERTIFICATES AND
26 PROVIDING FOR PROVISIONAL VOCATIONAL EDUCATION; IN PUPILS AND
27 ATTENDANCE, FURTHER PROVIDING FOR EDUCATION AND TRAINING OF
28 EXCEPTIONAL CHILDREN; AND FOR COST OF TUITION AND MAINTENANCE
29 OF CERTAIN EXPECTATIONAL CHILDREN IN APPROVED INSTITUTIONS;
30 IN SCHOOL HEALTH SERVICES, FURTHER PROVIDING FOR DEFINITIONS;
31 PROVIDING FOR EDUCATION OF SCHOOL EMPLOYEES IN DIABETES CARE
32 AND MANAGEMENT, FOR DIABETES CARE IN SCHOOLS, FOR POSSESSION

1 AND USE OF DIABETES MEDICATION AND MONITORING EQUIPMENT, FOR
2 LIABILITY, FOR COORDINATING, SUPERVISING OR EDUCATING NOT
3 CONSIDERED DELEGATION AND FOR DIABETES CARE IN NONPUBLIC
4 SCHOOLS; IN TERMS AND COURSES OF STUDY, FURTHER PROVIDING FOR
5 AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION; IN
6 EDUCATION SUPPORT SERVICES AND EDUCATIONAL ASSISTANCE
7 PROGRAMS, PROVIDING FOR SUPPLEMENTAL ONLINE MATHEMATICS
8 SUPPORT; IN OPPORTUNITIES FOR EDUCATIONAL EXCELLENCE, FURTHER
9 PROVIDING FOR DEFINITIONS, FOR RESPONSIBILITIES OF SCHOOL
10 ENTITIES AND FOR CONCURRENT ENROLLMENT AGREEMENTS; IN CHARTER
11 SCHOOLS, EXTENSIVELY REVISING AND ADDING CHARTER SCHOOL
12 PROVISIONS; IN VOCATIONAL EDUCATION, FURTHER PROVIDING FOR
13 VOCATIONAL EDUCATION EQUIPMENT GRANTS; IN COMMUNITY COLLEGES,
14 FURTHER PROVIDING FOR ELECTION OR APPOINTMENT AND TERM AND
15 ORGANIZATION OF BOARD OF TRUSTEES, FINANCIAL PROGRAM AND
16 PAYMENT REIMBURSEMENT; IN DISRUPTIVE STUDENT PROGRAMS,
17 FURTHER PROVIDING FOR APPLICATIONS; IN PRIVATE ALTERNATIVE
18 EDUCATION INSTITUTIONS FOR DISRUPTIVE STUDENTS, FURTHER
19 PROVIDING FOR CONTRACTS WITH PRIVATE ALTERNATIVE EDUCATION
20 INSTITUTIONS; PROVIDING FOR RURAL REGIONAL COLLEGE FOR
21 UNDERSERVED COUNTIES; IN FUNDING FOR PUBLIC LIBRARIES,
22 PROVIDING FOR STATE AID FOR FISCAL YEAR 2015-2016; IN
23 REIMBURSEMENTS BY COMMONWEALTH AND BETWEEN SCHOOL DISTRICTS,
24 PROVIDING FOR STUDENT-WEIGHTED BASIC EDUCATION FUNDING, FOR
25 TRANSITION TO STUDENT-WEIGHTED BASIC EDUCATION FUNDING FOR
26 2014-2015 SCHOOL YEAR AND FOR CAREER AND TECHNICAL EDUCATION
27 CAREER PREPARATION; FURTHER PROVIDING FOR PAYMENTS TO
28 INTERMEDIATE UNITS, FOR SPECIAL EDUCATION PAYMENTS TO SCHOOL
29 DISTRICTS AND FOR EXTRAORDINARY SPECIAL EDUCATION PROGRAM
30 EXPENSES; REPEALING PROVISIONS RELATING TO SPECIAL EDUCATION
31 FUNDING FOR ELIGIBLE STUDENTS WITH DISABILITIES IN COST
32 CATEGORY 3; FURTHER PROVIDING FOR ASSISTANCE TO SCHOOL
33 DISTRICTS DECLARED TO BE IN FINANCIAL RECOVERY STATUS OR
34 IDENTIFIED FOR FINANCIAL WATCH STATUS; PROVIDING FOR
35 REIMBURSEMENT FOR SCHOOL DISTRICTS NOT SUBMITTING REQUIRED
36 DOCUMENTATION, FOR PUBLIC SCHOOL BUILDING LEASE AND DEBT
37 SERVICE REIMBURSEMENTS FOR FISCAL YEAR 2015-2016 AND FOR
38 READY-TO-LEARN BLOCK GRANTS; PROVIDING FOR SCHOOL DISTRICT
39 DEBT REFINANCING BONDS; IN THE STATE BOARD OF EDUCATION,
40 FURTHER PROVIDING FOR POWERS AND DUTIES OF THE BOARD; AND
41 REPEALING PROVISIONS OF THE FISCAL CODE RELATING TO RURAL
42 REGIONAL COLLEGE FOR UNDERSERVED COUNTIES.

43 The General Assembly of the Commonwealth of Pennsylvania
44 hereby enacts as follows:

45 ~~Section 1. Section 1525 of the act of March 10, 1949~~ <--
46 ~~(P.L.30, No.14), known as the Public School Code of 1949, added~~
47 ~~July 4, 2004 (P.L.536, No.70), is amended to read:~~

48 ~~Section 1525. Agreements with Institutions of Higher~~
49 ~~Education. Notwithstanding any other provision of law to the~~
50 ~~contrary, a school district, charter school, regional charter~~
51 ~~school, cyber charter school or area vocational technical school~~

1 ~~may enter into an agreement with one or more institutions of~~
2 ~~higher education approved to operate in this Commonwealth in~~
3 ~~order to allow [resident] students to attend such institutions~~
4 ~~of higher education while the [resident] students are enrolled~~
5 ~~in the school district, charter school, regional charter school,~~
6 ~~cyber charter school or area vocational technical school. The~~
7 ~~agreement may be structured so that high school students may~~
8 ~~receive credits toward completion of courses at the school~~
9 ~~district, charter school, regional charter school, cyber charter~~
10 ~~school or area vocational technical school and at institutions~~
11 ~~of higher education approved to operate in this Commonwealth.~~

12 ~~Section 2. The definitions of "concurrent student" and~~
13 ~~"school entity" in section 1602-B of the act, added July 13,~~
14 ~~2005 (P.L.226, No.46), are amended to read:~~

15 ~~Section 1602-B. Definitions.~~

16 ~~The following words and phrases when used in this article~~
17 ~~shall have the meanings given to them in this section unless the~~
18 ~~context clearly indicates otherwise:~~

19 ~~* * *~~

20 ~~"Concurrent student." A student who is enrolled in a school~~
21 ~~district, a charter school, a regional charter school, a cyber~~
22 ~~charter school, an area vocational technical school, a nonpublic~~
23 ~~school, a private school or a home education program under~~
24 ~~section 1327.1 and who takes a concurrent course through a~~
25 ~~concurrent enrollment program.~~

26 ~~* * *~~

27 ~~"School entity." A school district, a charter school, a~~
28 ~~regional charter school, a cyber charter school or an area~~
29 ~~vocational technical school.~~

30 ~~* * *~~

1 ~~Section 3. Section 1613 B of the act is amended by adding a~~
2 ~~subsection to read:~~

3 ~~Section 1613 B. Concurrent enrollment agreements.~~

4 ~~***~~

5 ~~(c) Charter schools, regional charter schools and cyber~~
6 ~~charter schools. Charter schools, regional charter schools and~~
7 ~~cyber charter schools shall have the power and authority to~~
8 ~~enter into a concurrent enrollment agreement with an institution~~
9 ~~of higher education, and appropriate credit shall be awarded to~~
10 ~~students concurrently enrolled under the agreement.~~

11 ~~Section 4. Section 1703 A of the act, amended June 29, 2002~~
12 ~~(P.L.524, No.88), is amended to read:~~

13 ~~Section 1703 A. Definitions. As used in this article,~~

14 ~~"Administrator" shall include an employe of a charter school~~
15 ~~entity, including the chief administrator of a charter school~~
16 ~~entity and any other employe, who by virtue of the employe's~~
17 ~~position is responsible for taking official action of a~~
18 ~~nonministerial nature with regard to contracting or procurement,~~
19 ~~administering or monitoring grants or subsidies, managing or~~
20 ~~regulating staff, student and school activities or any activity~~
21 ~~where the official action has an economic impact of greater than~~
22 ~~a de minimis nature on the interests of any person.~~

23 ~~"Appeal board" shall mean the State Charter School Appeal~~
24 ~~Board established by this article.~~

25 ~~"Assessment" shall mean the Pennsylvania System of School~~
26 ~~Assessment test, the Keystone Exam or another test established~~
27 ~~by the State board to meet the requirements of section 2603~~
28 ~~B(d)(10)(i) and required under the No Child Left Behind Act of~~
29 ~~2001 (Public Law 107 110, 115 Stat. 1425) or its successor~~
30 ~~Federal statute.~~

1 ~~"At risk student" shall mean a student at risk of educational~~
2 ~~failure because of limited English proficiency, poverty,~~
3 ~~community factors, truancy, academic difficulties or economic~~
4 ~~disadvantage.~~

5 ~~"Charter school" shall mean an independent public school~~
6 ~~established and operated under a charter from the local board of~~
7 ~~school directors and in which students are enrolled or attend. A~~
8 ~~charter school must be organized as a public, nonprofit~~
9 ~~corporation. Charters may not be granted to any for profit~~
10 ~~entity.~~

11 ~~"Charter school entity" shall mean a charter school, regional~~
12 ~~charter school or cyber charter school.~~

13 ~~"Charter school foundation" shall mean a nonprofit~~
14 ~~organization under section 501(c)(3) of the Internal Revenue~~
15 ~~Code of 1986 (Public Law 99 514, 26 U.S.C. § 501(c)(3)), that~~
16 ~~provides funding, resources or otherwise serves to support a~~
17 ~~charter school entity, either directly or through an affiliated~~
18 ~~entity.~~

19 ~~"Chief administrator" shall mean an individual appointed by a~~
20 ~~board of trustees to oversee and manage the operation of a~~
21 ~~charter school entity. The term shall not include a professional~~
22 ~~staff member under this article.~~

23 ~~["Chief executive officer" shall mean an individual appointed~~
24 ~~by the board of trustees to oversee and manage the operation of~~
25 ~~the charter school, but who shall not be deemed a professional~~
26 ~~staff member under this article.]~~

27 ~~"Community college" shall mean a community college~~
28 ~~established under Article XIX A.~~

29 ~~"Cyber charter school" shall mean an independent public~~
30 ~~school established and operated under a charter from the~~

1 ~~Department of Education and in which the school uses technology,~~
2 ~~including electronic or digital books,~~ in order to provide a
3 significant portion of its curriculum and to deliver a
4 significant portion of instruction to its students through the
5 Internet or other electronic means. A cyber charter school must
6 be organized as a public, nonprofit corporation. A charter may
7 not be granted to a for profit entity.

8 "Department" shall mean the Department of Education of the
9 Commonwealth.

10 ~~"Educational management service provider" shall mean a~~
11 ~~nonprofit charter management organization, for profit education~~
12 ~~management organization, school design provider, business~~
13 ~~manager or any other partner entity with which a board of~~
14 ~~trustees of a charter school entity contracts to provide~~
15 ~~educational design, business services, comprehensive management~~
16 ~~or personnel functions or to implement the charter. The term~~
17 ~~shall not include a charter school foundation.~~

18 ~~"Immediate family member" shall mean a parent, spouse, child,~~
19 ~~brother or sister.~~

20 "Local board of school directors" shall mean the board of
21 directors, ~~School Reform Commission or other governing authority~~
22 of a school district in which a proposed or an approved charter
23 school is located.

24 ~~"Nonrelated" shall mean an individual who is not an immediate~~
25 ~~family member.~~

26 "Regional charter school" shall mean an independent public
27 school established and operated under a charter from more than
28 one local board of school directors and in which students are
29 enrolled or attend. A regional charter school must be organized
30 as a public, nonprofit corporation. Charters may not be granted

1 ~~to any for profit entity.~~

2 ~~"School district of residence" shall mean the school district~~
3 ~~in this Commonwealth in which [the parents or guardians of a~~
4 ~~child reside] a child resides as determined under section 1302-~~
5 ~~and 22 Pa. Code § 11.11(a)(1) (relating to entitlement of~~
6 ~~resident children to attend public schools).~~

7 ~~"School entity" shall mean a school district, intermediate~~
8 ~~unit, joint school or area vocational technical school.~~

9 ~~"School performance profile" shall mean the Pennsylvania~~
10 ~~School Performance Profile developed by the department under~~
11 ~~section 1123.~~

12 ~~"Secretary" shall mean the Secretary of Education of the~~
13 ~~Commonwealth.~~

14 ~~"State board" shall mean the State Board of Education of the~~
15 ~~Commonwealth.~~

16 ~~"State System institution" shall mean a member institution of~~
17 ~~the State System of Higher Education established under Article~~
18 ~~XX A.~~

19 ~~Section 5. The act is amended by adding a section to read:~~

20 ~~Section 1704 A. Charter School Funding Advisory~~

21 ~~Commission. (1) The chairman of the State board shall~~ <--

22 ~~immediately convene a Statewide advisory commission, to be known~~

23 ~~as the Charter A CHARTER School Funding Advisory Commission, to~~ <--

24 ~~IS ESTABLISHED. THE COMMISSION SHALL examine the financing of~~ <--

25 ~~charter school entities in the public education system and~~

26 ~~related issues. The commission shall examine how charter school~~

27 ~~entity finances affect opportunities for teachers, parents,~~

28 ~~pupils and community members to establish and maintain schools~~

29 ~~that operate independently from the existing school district~~

30 ~~structure as a method to accomplish the requirements of section~~

1 ~~1702 A. The department GENERAL ASSEMBLY shall provide~~ <--
2 ~~administrative support, meeting space and any other assistance~~
3 ~~required by the commission to carry out its duties under this~~
4 ~~section.~~

5 ~~(2) The commission shall consist of the following members:~~

6 ~~(i) Four members of the Senate appointed by the President~~
7 ~~pro tempore of the Senate, in consultation with the Majority~~
8 ~~Leader of the Senate and the Minority Leader of the Senate, with~~
9 ~~two appointees from the majority party, ONE OF WHOM SHALL BE THE~~ <--
10 ~~MAJORITY CHAIRMAN OF THE EDUCATION COMMITTEE OF THE SENATE, and~~
11 ~~two appointees from the minority party.~~

12 ~~(ii) Four members of the House of Representatives appointed~~
13 ~~by the Speaker of the House of Representatives, in consultation~~
14 ~~with the Majority Leader of the House of Representatives and the~~
15 ~~Minority Leader of the House of Representatives, with two~~
16 ~~appointees from the majority party, ONE OF WHOM SHALL BE THE~~ <--
17 ~~MAJORITY CHAIRMAN OF THE EDUCATION COMMITTEE OF THE HOUSE OF~~
18 ~~REPRESENTATIVES, and two appointees from the minority party.~~

19 ~~(iii) The secretary or a designee.~~

20 ~~(iv) The chairman of the State board or a designee. AN AT~~ <--
21 ~~LARGE MEMBER CHOSEN BY THE GOVERNOR, THE PRESIDENT PRO TEMPORE~~
22 ~~OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.~~

23 ~~(v) To represent the interests of charter school entities,~~
24 ~~the following members, who shall be appointed by the chairman of~~ <--
25 ~~the State board, subject to the approval of a majority of the~~
26 ~~members of the State board SECRETARY FROM A LIST PROVIDED BY THE~~ <--
27 ~~PENNSYLVANIA COALITION OF PUBLIC CHARTER SCHOOLS AND THE~~
28 ~~KEYSTONE ALLIANCE:~~

29 ~~(A) One member who shall represent charter schools BE A~~ <--
30 ~~BUSINESS MANAGER OF A CHARTER SCHOOL.~~

1 ~~(B) One member who shall represent regional charter schools. <--~~
2 ~~(C) (B) One member who shall represent cyber charter schools <--~~
3 ~~BE A BUSINESS MANAGER OF A CYBER CHARTER SCHOOL. <--~~
4 ~~(D) One member who shall be a teacher in a charter school <--~~
5 ~~entity.~~
6 ~~(E) One member who shall be a parent of a child attending a~~
7 ~~charter school entity.~~
8 ~~(vi) To represent the interests of school districts, the~~
9 ~~following members, who shall be appointed by the chairman of the <--~~
10 ~~State board, subject to the approval of a majority of the~~
11 ~~members of the State board SECRETARY FROM A LIST PROVIDED BY THE <--~~
12 ~~PENNSYLVANIA ASSOCIATION OF SCHOOL BUSINESS OFFICIALS:~~
13 ~~(A) One member who shall be a teacher in a public school <--~~
14 ~~that is not a charter school entity BUSINESS MANAGER OF A RURAL <--~~
15 ~~SCHOOL DISTRICT.~~
16 ~~(B) One member who shall represent school administrators. <--~~
17 ~~(C) Two members who shall represent school board members.~~
18 ~~(D) (B) One member who shall be a business manager of a AN <--~~
19 ~~URBAN school district.~~
20 ~~(3) Members of the commission shall be appointed within~~
21 ~~twenty (20) days of the effective date of this section. Any~~
22 ~~vacancy on the commission shall be filled by the original~~
23 ~~appointing authority. The commission shall select a chairman and <--~~
24 ~~vice chairman from among its membership at an organizational~~
25 ~~meeting BE CO CHAIRED BY THE CHAIRMAN OF THE EDUCATION COMMITTEE <--~~
26 ~~OF THE SENATE AND CHAIRMAN OF THE EDUCATION COMMITTEE OF THE~~
27 ~~HOUSE OF REPRESENTATIVES. The organizational meeting shall take~~
28 ~~place not later than forty five (45) days following the~~
29 ~~effective date of this section.~~
30 ~~(4) The commission shall hold meetings at the call of the~~

~~1 chairman. The commission may also hold NO MORE THAN SIX public <--
2 hearings on the matters to be considered by the commission at <--
3 locations throughout this Commonwealth. All meetings and public
4 hearings of the commission shall be deemed public meetings for
5 the purpose of 65 Pa.C.S. Ch. 7 (relating to open meetings). Ten <--
6 (10) EIGHT (8) members of the commission shall constitute a <--
7 quorum at any meeting. Each member of the commission may
8 designate another person to represent that member at meetings of
9 the commission.~~

~~10 (5) Commission members shall receive no compensation for
11 their services but shall be reimbursed by the department for all
12 necessary travel and other reasonable expenses incurred in
13 connection with the performance of their duties as members.
14 Whenever possible, the commission shall utilize the services and
15 expertise of existing personnel and staff of State government.
16 The department may utilize undistributed funds not expended, <--
17 encumbered or committed from appropriations for grants and
18 subsidies made to the department, not to exceed three hundred
19 thousand dollars (\$300,000), to carry out this section.~~

~~20 (6) The commission shall have the following powers and
21 duties:~~

~~22 (i) Meet with current charter school entity operators and
23 school district personnel.~~

~~24 (ii) Review charter school entity financing laws in
25 operation throughout the United States.~~

~~26 (iii) Explore the actual cost of educating a child in a
27 cyber charter school.~~

~~28 (iv) Evaluate and make recommendations on the following:~~

~~29 (A) Consideration of establishing an independent State level
30 board to authorize charter school entities and support charter~~

1 ~~school quality and accountability through performance monitoring~~
2 ~~and technical assistance.~~

3 ~~(B) The process by which charter school entities are funded~~
4 ~~under section 1725 A, including addressing potential funding~~
5 ~~inequities, to include consideration of disallowing a school~~
6 ~~district food services deduction in the case of cyber charter~~
7 ~~schools that provide food services to their students, and~~
8 ~~consideration of continuing the school district deduction for~~
9 ~~cyber charter school tuition costs.~~

10 ~~(C) Appropriate funding for charter school entity~~
11 ~~facilities.~~

12 ~~(D) A process by which the performance matrix established~~
13 ~~under section 1731.2 A may SHALL compare the academic~~ <--
14 ~~performance of each charter school entity with the academic~~
15 ~~performance of the school district of residence of each student~~
16 ~~enrolled in the charter school entity.~~

17 ~~(E) SPECIAL EDUCATION TRANSPORTATION.~~ <--

18 ~~(F) OTHER FUNDING ISSUES RAISED IN THE COURSE OF PUBLIC~~
19 ~~HEARINGS.~~

20 ~~(G) CONSIDERATION OF A SCHOOL DISTRICT DEDUCTION FOR~~
21 ~~PROGRAMS AND SERVICES TO THE EXTENT THEY ARE FUNDED FROM THE~~
22 ~~PROCEEDS OF COMPETITIVE GRANTS FROM PRIVATE OR PUBLIC RESOURCES~~
23 ~~OR FROM CONTRIBUTIONS OR DONATIONS FROM PRIVATE SOURCES.~~

24 ~~(H) THE APPROPRIATE MANNER OF FUNDING A CHARTER SCHOOL THAT~~
25 ~~PRIMARILY SERVES ADJUDICATED YOUTH.~~

26 ~~(I) FUNDING AND ALL COSTS ASSOCIATED WITH ATHLETIC PROGRAMS~~
27 ~~PROVIDED BY CHARTER SCHOOL ENTITIES.~~

28 ~~(v) Issue a report pursuant to paragraph (7).~~

29 ~~(7) The commission shall, no later than one year from the~~
30 ~~effective date of this section, issue a report of its findings~~

1 ~~and recommendations to the Governor, the President pro tempore~~
2 ~~of the Senate, the Majority Leader of the Senate, the Minority~~
3 ~~Leader of the Senate, the chairman and minority chairman of the~~
4 ~~Appropriations Committee of the Senate, the chairman and~~
5 ~~minority chairman of the Education Committee of the Senate, the~~
6 ~~Speaker of the House of Representatives, the Majority Leader of~~
7 ~~the House of Representatives, the Minority Leader of the House~~
8 ~~of Representatives, the chairman and minority chairman of the~~
9 ~~Appropriations Committee of the House of Representatives and the~~
10 ~~chairman and minority chairman of the Education Committee of the~~
11 ~~House of Representatives. The recommendations of the commission~~
12 ~~shall not take effect unless the recommendations are approved by~~
13 ~~an act of the General Assembly enacted after the effective date~~
14 ~~of this section.~~

15 Section 6. Section 1715 A of the act, amended or added June
16 19, 1997 (P.L.225, No.22) and July 9, 2008 (P.L.846, No.61), is
17 amended to read:

18 Section 1715 A. Charter School Entity Requirements. ~~(a)~~
19 Charter [schools] school entities shall be required to comply
20 with the following provisions:

21 (1) ~~Except as otherwise provided in this article, a charter~~
22 ~~school entity is exempt from statutory requirements established~~
23 ~~in this act, from regulations of the State board and the~~
24 ~~standards of the secretary not specifically applicable to~~
25 ~~charter [schools] school entities. Charter [schools] school~~
26 ~~entities are not exempt from statutes applicable to public~~
27 ~~schools other than this act.~~

28 (2) ~~A charter school entity shall be accountable to the~~
29 ~~parents, the public and the Commonwealth, with the delineation~~
30 ~~of that accountability reflected in the charter. Strategies for~~

1 ~~meaningful parent and community involvement shall be developed~~
2 ~~and implemented by each school.~~

3 ~~(3) A charter school entity shall not unlawfully~~
4 ~~discriminate in admissions, hiring or operation.~~

5 ~~(4) A charter school entity shall be nonsectarian in all~~
6 ~~operations.~~

7 ~~(5) (i) [A] Subject to subparagraph (ii), a charter school~~
8 ~~entity shall not provide any religious instruction, nor shall it~~
9 ~~display religious objects and symbols on the premises of the~~
10 ~~charter school entity.~~

11 ~~(ii) It shall not be a violation of this paragraph for a~~
12 ~~charter school entity to utilize a sectarian facility:~~

13 ~~(A) if the charter school entity provides for discrete and~~
14 ~~separate entrances to buildings utilized for school purposes~~
15 ~~only;~~

16 ~~(B) if the religious objects and symbols within the portions~~
17 ~~of the facility utilized by the school are covered or removed to~~
18 ~~the extent reasonably feasible; or~~

19 ~~(C) in which the unused portion of the facility or its~~
20 ~~common areas contain religious symbols and objects.~~

21 ~~(6) A charter school entity shall not advocate unlawful~~
22 ~~behavior.~~

23 ~~(7) A charter school or regional charter school shall only~~
24 ~~be subject to the laws and regulations as provided for in~~
25 ~~section 1732 A, or as otherwise provided for in this [article]~~
26 ~~act.~~

27 ~~(7.1) A cyber charter school shall only be subject to the~~
28 ~~laws and regulations as provided for in section 1749 A, or as~~
29 ~~otherwise provided for in this act.~~

30 ~~(8) A charter school entity shall participate in [the~~

1 ~~Pennsylvania State Assessment System as provided for in 22 Pa.~~
2 ~~Code Ch. 5 (relating to curriculum), or subsequent regulations~~
3 ~~promulgated to replace 22 Pa. Code Ch. 5,] assessments in the~~
4 ~~manner in which the school district in which the charter school~~
5 ~~entity is located is scheduled to participate.~~

6 ~~(9) A charter school entity shall provide a minimum of one~~
7 ~~hundred eighty (180) days of instruction or nine hundred (900)~~
8 ~~hours per year of instruction at the elementary level, or nine~~
9 ~~hundred ninety (990) hours per year of instruction at the~~
10 ~~secondary level. Nothing in this clause shall preclude the use~~
11 ~~of computer and satellite linkages for delivering instruction to~~
12 ~~students.~~

13 ~~(9.1) A CYBER CHARTER SCHOOL SHALL NOT BE PRECLUDED FROM~~ <--
14 ~~CONSIDERING THE USE OF IN PERSON INTERACTION, TESTING OR~~
15 ~~INSTRUCTION FOR ANY STUDENT PROTECTED BY THE INDIVIDUALS WITH~~
16 ~~DISABILITIES EDUCATION ACT (PUBLIC LAW 91 230, 20 U.S.C. § 1400~~
17 ~~ET SEQ.) OR SECTION 504 OF THE REHABILITATION ACT OF 1973~~
18 ~~(PUBLIC LAW 93 112, 29 U.S.C. § 794), AND A CYBER CHARTER SCHOOL~~
19 ~~MAY USE IN PERSON INTERACTION, TESTING OR INSTRUCTION TO THE~~
20 ~~EXTENT CONSISTENT WITH THE CYBER CHARTER SCHOOL'S OBLIGATIONS~~
21 ~~UNDER APPLICABLE PROVISIONS OF THE INDIVIDUALS WITH DISABILITIES~~
22 ~~EDUCATION ACT AND SECTION 504 OF THE REHABILITATION ACT OF 1973.~~

23 ~~(10) Boards of trustees and contractors of charter [schools]~~
24 ~~school entities shall be subject to the following statutory~~
25 ~~requirements governing construction projects and construction~~
26 ~~related work:~~

27 ~~(i) The following provisions of this act:~~

28 ~~(A) Sections 751 and 751.1.~~

29 ~~(B) Sections 756 and 757 insofar as they are consistent with~~
30 ~~the act of December 20, 1967 (P.L.869, No.385), known as the~~

1 ~~"Public Works Contractors' Bond Law of 1967."~~

2 ~~(ii) Section 1 of the act of May 1, 1913 (P.L.155, No.104),~~
3 ~~entitled "An act regulating the letting of certain contracts for~~
4 ~~the erection, construction, and alteration of public buildings."~~

5 ~~(iii) The act of August 11, 1961 (P.L.987, No.442), known as~~
6 ~~the "Pennsylvania Prevailing Wage Act."~~

7 ~~(iv) The "Public Works Contractors' Bond Law of 1967."~~

8 ~~(v) The act of March 3, 1978 (P.L.6, No.3), known as the~~
9 ~~"Steel Products Procurement Act."~~

10 ~~(11) Trustees of a charter school entity shall be public~~
11 ~~officials[.] for the purposes of 65 Pa.C.S. Ch. 11 (relating to~~
12 ~~ethics standards and financial disclosure) and shall file a~~
13 ~~statement of financial interests for the preceding calendar year~~
14 ~~with the State Ethics Commission and either the local board of~~
15 ~~school directors in the case of a charter school or regional~~
16 ~~charter school, or the department in the case of a cyber charter~~
17 ~~school, not later than May 1 of each year that members hold the~~
18 ~~position and of the year after a member leaves the position. All~~
19 ~~members of the board of trustees of a charter school entity~~
20 ~~shall take the oath of office as required under section 321~~
21 ~~before entering upon the duties of their office.~~

22 ~~{(12) A person who serves as an administrator for a charter~~
23 ~~school shall not receive compensation from another charter~~
24 ~~school or from a company that provides management or other~~
25 ~~services to another charter school. The term "administrator"~~
26 ~~shall include the chief executive officer of a charter school~~
27 ~~and all other employes of a charter school who by virtue of~~
28 ~~their positions exercise management or operational oversight~~
29 ~~responsibilities. A person who serves as an administrator for a~~
30 ~~charter school shall be a public official under 65 Pa.C.S. Ch.~~

1 ~~11 (relating to ethics standards and financial disclosure). A~~
2 ~~violation of this clause shall constitute a violation of 65-~~
3 ~~Pa.C.S. § 1103(a) (relating to restricted activities), and the~~
4 ~~violator shall be subject to the penalties imposed under the~~
5 ~~jurisdiction of the State Ethics Commission.]~~

6 ~~(b) An individual who serves as an administrator for a~~
7 ~~charter school entity shall be a public employe for the purposes~~
8 ~~of 65 Pa.C.S. Ch. 11 and shall file a statement of financial~~
9 ~~interests for the preceding calendar year with the board of~~
10 ~~trustees not later than May 1 of each year that the person holds~~
11 ~~the position and of the year after the person leaves the~~
12 ~~position.~~

13 ~~(c) (1) No individual who serves as an administrator for a~~
14 ~~charter school entity may receive compensation from another~~
15 ~~charter school entity or from an educational management service~~
16 ~~provider, unless:~~

17 ~~(i) The administrator has submitted a sworn statement to the~~
18 ~~board of trustees of the charter school entity and the sworn~~
19 ~~statement details the work for the other entity and includes the~~
20 ~~projected number of hours, rate of compensation and projected~~
21 ~~duration.~~

22 ~~(ii) The board of trustees of the charter school entity has~~
23 ~~reviewed the sworn statement under subclause (i) and agreed, by~~
24 ~~resolution, to grant permission to the administrator.~~

25 ~~(2) A copy of the sworn statement under clause (1)(i) and~~
26 ~~the resolution by the board of trustees granting the permission~~
27 ~~under clause (1)(ii) shall be provided to, and kept on file~~
28 ~~with, the charter school entity and the local board of school~~
29 ~~directors or, in the case of a cyber charter school, the~~
30 ~~department.~~

1 ~~(3) No administrator of a charter school entity or immediate~~
2 ~~family member of the administrator may serve as a voting member~~
3 ~~of the board of trustees of the charter school entity that~~
4 ~~employs the administrator.~~

5 ~~(4) (i) No administrator of a charter school entity may~~
6 ~~participate in the selection, award or administration of a~~
7 ~~contract if the person has a conflict of interest as that term~~
8 ~~is defined in 65 Pa.C.S. § 1102 (relating to definitions).~~

9 ~~(ii) An administrator who knowingly violates this clause~~
10 ~~commits a violation of 65 Pa.C.S. § 1103(a) (relating to~~
11 ~~restricted activities) and shall be subject to the penalties~~
12 ~~imposed under the jurisdiction of the State Ethics Commission.~~

13 ~~(iii) Any contract made in violation of this clause shall be~~
14 ~~voidable by the board of trustees of the charter school entity.~~

15 ~~(5) An administrator shall be immediately dismissed upon~~
16 ~~conviction for an offense graded as a felony, an infamous crime,~~
17 ~~an offense pertaining to fraud, theft or mismanagement of public~~
18 ~~funds or any crime involving moral turpitude.~~

19 ~~Section 7. Section 1716 A(c) of the act, added June 19, 1997~~
20 ~~(P.L.225, No.22), is amended and the section is amended by~~
21 ~~adding subsections to read:~~

22 ~~Section 1716 A. Powers of Board of Trustees. * * *~~

23 ~~(b.1) (1) For a charter school or regional charter school~~
24 ~~chartered after the effective date of this subsection, an~~
25 ~~individual shall be prohibited from serving as a voting member~~
26 ~~of the board of trustees of the charter school or regional~~
27 ~~charter school if the individual or an immediate family member~~
28 ~~receives compensation from or is employed by or is a member of~~
29 ~~the local board of school directors who participated in the~~
30 ~~initial review, approval, oversight, evaluation or renewal~~

1 ~~process of the charter school or regional charter school~~
2 ~~chartered by that board.~~

3 ~~(2) An employe of the school district that chartered a~~
4 ~~charter school or regional charter school may serve as a member~~
5 ~~of the board of trustees of the charter school or regional~~
6 ~~charter school without voting privileges.~~

7 ~~(b.2) (1) No member of the board of trustees of a charter~~
8 ~~school entity may participate in the selection, award or~~
9 ~~administration of any contract if the member has a conflict of~~
10 ~~interest as that term is defined in 65 Pa.C.S. § 1102 (relating~~
11 ~~to definitions).~~

12 ~~(2) Any member of the board of trustees of a charter school~~
13 ~~entity who in the discharge of the person's official duties~~
14 ~~would be required to vote on a matter that would result in a~~
15 ~~conflict of interest shall abstain from voting and follow the~~
16 ~~procedures required under 65 Pa.C.S. § 1103(j) (relating to~~
17 ~~restricted activities).~~

18 ~~(3) A member of the board of trustees of a charter school~~
19 ~~entity who knowingly violates this subsection commits a~~
20 ~~violation of 65 Pa.C.S. § 1103(a) and shall be subject to the~~
21 ~~penalties imposed under the jurisdiction of the State Ethics~~
22 ~~Commission.~~

23 ~~(4) A contract made in violation of this subsection shall be~~
24 ~~voidable by a court of competent jurisdiction, if the suit is~~
25 ~~commenced within ninety (90) days of the making of the contract.~~

26 ~~(5) No member of the board of trustees of a charter school~~
27 ~~entity shall be compensated for duties on the board of trustees.~~

28 ~~(b.3) A member of the board of trustees of a charter school~~
29 ~~entity shall be automatically disqualified and immediately~~
30 ~~removed from the board of trustees upon conviction for an~~

1 ~~offense graded as a felony, an infamous crime, an offense~~
2 ~~pertaining to fraud, theft or mismanagement of public funds, any~~
3 ~~offense pertaining to his official capacity as a member of the~~
4 ~~board of trustees or any crime involving moral turpitude.~~

5 ~~(c) The board of trustees shall comply with [the act of July~~
6 ~~3, 1986 (P.L.388, No.84), known as the "Sunshine Act."]~~ ~~65~~
7 ~~Pa.C.S. Ch. 7 (relating to open meetings).~~

8 ~~(d) (1) (i) The board of trustees of a charter school~~
9 ~~entity shall consist of a minimum of five (5) nonrelated voting~~
10 ~~members.~~

11 ~~(ii) If a charter school entity has fewer than five (5)~~
12 ~~nonrelated voting members serving on its board of trustees on~~
13 ~~the effective date of this subsection, the charter school entity~~
14 ~~shall, within sixty (60) days, appoint additional members to the~~
15 ~~board of trustees to meet the minimum requirements of this~~
16 ~~section.~~

17 ~~(2) Within one (1) year of the effective date of this~~
18 ~~subsection, at least one member of the board of trustees of a~~
19 ~~charter school entity shall be a parent of a child currently~~
20 ~~attending the charter school entity OR, IN THE CASE OF A CHARTER <--~~
21 ~~SCHOOL THAT PRIMARILY SERVES ADJUDICATED YOUTH, A MEMBER OF THE~~
22 ~~JUVENILE COURT JUDGES' COMMISSION. The board of trustees member~~
23 ~~required by PROVIDED FOR UNDER this paragraph shall be eligible <--~~
24 ~~to serve only so long as the child attends the charter school~~
25 ~~entity.~~

26 ~~(e) (1) A majority of the voting members of the board of~~
27 ~~trustees shall constitute a quorum. If less than a majority is~~
28 ~~present at any meeting, no business may be transacted at the~~
29 ~~meeting.~~

30 ~~(2) The affirmative vote of a majority of all the voting~~

1 ~~members of the board of trustees, duly recorded, shall be~~
2 ~~required in order to take official action on the subjects~~
3 ~~enumerated under subsection (a).~~

4 Section 8. ~~The act is amended by adding a section to read:~~

5 ~~Section 1716.1 A. Payment of Indebtedness by Charter School~~
6 ~~Entities. (a) The board of trustees of a charter school entity~~
7 ~~shall supply the secretary and, in the case of a charter school~~
8 ~~or regional charter school, the local board of school directors~~
9 ~~a list of the amount of rental payments which are guarantees for~~
10 ~~school building debt or bonds that become due during the fiscal~~
11 ~~year together with the amount paid on each item of indebtedness.~~
12 ~~Any charter school entity that elects to issue debt shall hold~~
13 ~~in escrow an amount sufficient to pay the annual amount of the~~
14 ~~sum of the principal maturing or subject to mandatory redemption~~
15 ~~and interest owing by the charter school entity or sinking fund~~
16 ~~deposit due by the charter school entity.~~

17 ~~(b) (1) In any case where the board of trustees of a~~
18 ~~charter school entity fails to pay or to provide for the payment~~
19 ~~of:~~

20 ~~(i) any indebtedness at date of maturity or date of~~
21 ~~mandatory redemption or on any sinking fund deposit date; or~~

22 ~~(ii) any interest due on such indebtedness on any interest~~
23 ~~payment date or on any sinking fund deposit date in accordance~~
24 ~~with the schedule under which the bonds were issued,~~
25 ~~the bank or trustee for the bonds shall notify the board of~~
26 ~~trustees of its obligation and shall immediately notify the~~
27 ~~secretary and, in the case of a charter school or regional~~
28 ~~charter school, the local board of school directors.~~

29 ~~(2) The secretary shall withhold any payment due the charter~~
30 ~~school entity in any amount necessary to fully fund the amount~~

~~1 held in escrow by the charter school entity which shall be equal
2 to the sum of the principal amount maturing or subject to
3 mandatory redemption and interest owing by the charter school
4 entity or sinking fund deposit due by the charter school entity
5 and shall require payover of the amount withheld to the bank or
6 trustee acting as the sinking fund depository for the bond issue
7 from the escrow account.~~

8 Section 9. Sections 1717 A(c), (d), (e) and (f) and 1719 A
9 of the act, added June 19, 1997 (P.L.225, No.22), are amended to
10 read:

11 Section 1717 A. Establishment of Charter School. * * *

12 (c) ~~An application to establish a charter school shall be
13 submitted to the local board of school directors of the district
14 where the charter school will be located by [November 15]
15 October 1 of the school year preceding the school year in which
16 the charter school will be established except that for a charter
17 school beginning in the 1997-1998 school year, an application
18 must be received by July 15, 1997. In the 1997-1998 school year
19 only, applications shall be limited to recipients of fiscal year
20 1996-1997 Department of Education charter school planning
21 grants.~~

22 (d) ~~Within forty five (45) days of receipt of an
23 application, the local board of school directors in which the
24 proposed charter school is to be located shall hold at least one
25 public hearing on the provisions of the charter application,
26 under [the act of July 3, 1986 (P.L.388, No.84), known as the
27 "Sunshine Act."] 65 Pa.C.S. Ch. 7 (relating to open meetings).
28 At least forty five (45) days must transpire between the first
29 public hearing and the final decision of the board on the
30 charter application except that for a charter school beginning~~

1 ~~in the 1997-1998 school year, only thirty (30) days must~~
2 ~~transpire between the first public hearing and the final~~
3 ~~decision of the board.~~

4 ~~(e) (1) Not later than seventy five (75) days after the~~
5 ~~first public hearing on the application, the local board of~~
6 ~~school directors shall grant or deny the application. For a~~
7 ~~charter school beginning in the 1997-1998 school year, the local~~
8 ~~board of school directors shall grant or deny the application no~~
9 ~~later than sixty (60) days after the first public hearing.~~

10 ~~(2) A charter school application submitted under this~~
11 ~~article shall be evaluated by the local board of school~~
12 ~~directors based on criteria, including, but not limited to, the~~
13 ~~following:~~

14 ~~(i) The demonstrated, sustainable support for the charter~~
15 ~~school plan by teachers, parents, other community members and~~
16 ~~students, including comments received at the public hearing held~~
17 ~~under subsection (d).~~

18 ~~(ii) The capability of the charter school applicant, in~~
19 ~~terms of support and planning, to provide comprehensive learning~~
20 ~~experiences to students pursuant to the adopted charter.~~

21 ~~(iii) The extent to which the application considers the~~
22 ~~information requested in section 1719 A and conforms to the~~
23 ~~legislative intent outlined in section 1702 A.~~

24 ~~(iv) The extent to which the charter school may serve as a~~
25 ~~model for other public schools.~~

26 ~~(3) The local board of school directors, in the case of an~~
27 ~~existing school being converted to a charter school, shall~~
28 ~~establish the alternative arrangements for current students who~~
29 ~~choose not to attend the charter school.~~

30 ~~(4) A charter application shall be deemed approved by the~~

~~1 local board of school directors of a school district upon
2 affirmative vote by a majority of all the directors. Formal
3 action approving or denying the application shall be taken by
4 the local board of school directors at a public meeting, with
5 notice or consideration of the application given by the board,
6 under [the "Sunshine Act."] 65 Pa.C.S. Ch. 7.~~

~~7 (5) Written notice of the board's action shall be sent to
8 the applicant, the department and the appeal board. If the
9 application is denied, the reasons for the denial, including a
10 description of deficiencies in the application, shall be clearly
11 stated in the notice sent by the local board of school directors
12 to the charter school applicant.~~

~~13 (f) At the option of the charter school applicant, a denied
14 application may be revised and resubmitted to the local board of
15 school directors. Following the appointment and confirmation of
16 the Charter School Appeal Board under section 1721 A, the
17 decision of the local board of school directors may be appealed
18 to the appeal board. When an application is revised and
19 resubmitted to the local board of school directors, the board
20 may schedule additional public hearings on the revised
21 application. The board shall consider the revised and
22 resubmitted application at the first board meeting occurring at
23 least forty five (45) days after receipt of the revised
24 application by the board. For a revised application resubmitted
25 for the 1997-1998 school year, the board shall consider the
26 application at the first board meeting occurring at least thirty
27 (30) days after its receipt. The board shall provide notice of
28 consideration of the revised application under [the "Sunshine
29 Act."] 65 Pa.C.S. Ch. 7. No appeal from a decision of a local
30 school board may be taken until July 1, 1999.~~

1 * * *

2 Section 1719 A. Contents of Application. [An] (a) The
3 ~~State board, in consultation with the department, DEPARTMENT~~ <--
4 ~~shall create a standard application form for charter school~~
5 ~~applicants seeking to establish a charter school entity and A~~ <--
6 ~~STANDARD FORM for existing charter school entities seeking~~
7 ~~renewal of their charters. The form FORMS shall be published in~~ <--
8 ~~the Pennsylvania Bulletin and posted on the State board's~~ <--
9 ~~DEPARTMENT'S publicly accessible Internet website. The form~~ <--
10 ~~FORMS shall include all of the following information:~~ <--

11 (1) ~~The identification of the charter school applicant.~~

12 (2) ~~The name of the proposed charter school entity.~~

13 (3) ~~The grade or age levels served by the school.~~

14 (4) ~~[The proposed governance structure of the charter~~
15 ~~school, including a description and method for the appointment~~
16 ~~or election of members of the board of trustees.] An~~
17 ~~organization chart clearly presenting the proposed governance~~
18 ~~structure of the school, including lines of authority and~~
19 ~~reporting between the board of trustees, administrators, staff~~
20 ~~and any educational management service provider that will~~
21 ~~provide management services to the charter school entity.~~

22 (4.1) ~~A clear description of the roles and responsibilities~~
23 ~~of the board of trustees, administrators and any other entities,~~
24 ~~including a charter school foundation, shown in the organization~~
25 ~~chart.~~

26 (4.2) ~~A clear description of the method for the appointment~~
27 ~~or election of members of the board of trustees.~~

28 (4.3) ~~Standards for board of trustees performance, including~~
29 ~~compliance with all applicable laws, regulations and terms of~~
30 ~~the charter.~~

1 ~~(4.4) If the charter school entity intends to contract with~~
2 ~~an educational management service provider for services, all of~~
3 ~~the following:~~

4 ~~(i) Evidence of the educational management service~~
5 ~~provider's record in serving student populations, including~~
6 ~~demonstrated academic achievement and demonstrated management of~~
7 ~~nonacademic school functions, including proficiency with public~~
8 ~~school based accounting, if applicable.~~

9 ~~(ii) A draft contract stating all of the following:~~

10 ~~(A) The officers, chief administrator and administrators of~~
11 ~~the educational management service provider.~~

12 ~~(B) The proposed duration of the service contract.~~

13 ~~(C) Roles and responsibilities of the board of trustees, the~~
14 ~~school staff and the educational management service provider.~~

15 ~~(D) The scope of services, personnel and resources to be~~
16 ~~provided by the educational management service provider.~~

17 ~~(E) Performance evaluation measures and timelines.~~

18 ~~(F) The compensation structure, including clear~~
19 ~~identification of all fees to be paid to the educational~~
20 ~~management service provider.~~

21 ~~(G) Methods of contract oversight and enforcement.~~

22 ~~(H) Investment disclosure or the advance of moneys by the~~
23 ~~educational management service provider on behalf of the charter~~
24 ~~school entity.~~

25 ~~(I) Conditions for renewal and termination of the contract.~~

26 ~~(iii) Disclosure and explanation of any existing or~~
27 ~~potential conflicts of interest between the members of the board~~
28 ~~of trustees and the proposed educational management service~~
29 ~~provider or any affiliated business entities, including a~~
30 ~~charter school foundation qualified as a support organization~~

1 ~~under the Internal Revenue Code of 1986 (Public Law 99-514, 26-~~
2 ~~U.S.C. § 1 et seq.)~~.

3 ~~(5) The mission and education goals of the charter school-~~
4 ~~entity, the curriculum to be offered and the methods of-~~
5 ~~assessing whether students are meeting educational goals.~~

6 ~~(6) The admission AND ENROLLMENT policy [and criteria for <--~~
7 ~~evaluating the admission of students] which shall comply with <--~~
8 ~~the requirements of section 1723 A.~~

9 ~~(7) Procedures which will be used regarding the suspension-~~
10 ~~or expulsion of pupils. Said procedures shall comply with-~~
11 ~~section 1318.~~

12 ~~(8) Information on the manner in which community groups will-~~
13 ~~be involved in the charter school entity planning process.~~

14 ~~(9) The financial plan for the charter school entity and the-~~
15 ~~provisions which will be made for auditing the school under-~~
16 ~~[section 437] sections 437 and 1728 A, including the role of any-~~
17 ~~charter school foundation.~~

18 ~~(10) Procedures which shall be established to review-~~
19 ~~complaints of parents regarding the operation of the charter-~~
20 ~~school entity.~~

21 ~~(11) A description of and address of the physical facility-~~
22 ~~in which the charter school entity will be located and the-~~
23 ~~ownership thereof and any lease arrangements.~~

24 ~~(12) Information on the proposed school calendar for the-~~
25 ~~charter school entity, including the length of the school day-~~
26 ~~and school year consistent with the provisions of section 1502.~~

27 ~~(13) The proposed faculty, if already determined, and a-~~
28 ~~professional development and continuing education plan for the-~~
29 ~~faculty and professional staff of [a] the charter school entity.~~

30 ~~(14) Whether any agreements have been entered into or plans-~~

1 ~~developed with the local school district regarding participation~~
2 ~~of the charter school entity's students in extracurricular~~
3 ~~activities within the school district. Notwithstanding any~~
4 ~~provision to the contrary, no school district of residence shall~~
5 ~~prohibit a student of a charter school entity from participating~~
6 ~~in any extracurricular activity of that school district of~~
7 ~~residence: Provided, That the student is able to fulfill all of~~
8 ~~the requirements of participation in such activity and the~~
9 ~~charter school entity does not provide the same extracurricular~~
10 ~~activity.~~

11 ~~(15) A report of criminal history record, pursuant to~~
12 ~~section 111, for all individuals identified in the application~~
13 ~~who shall have direct contact with students[.] and a plan for~~
14 ~~satisfying the proper criminal history record clearances~~
15 ~~required for all other staff.~~

16 ~~(16) An official clearance statement regarding child injury~~
17 ~~or abuse from the Department of Public Welfare as required by 23-~~
18 ~~Pa.C.S. Ch. 63 Subch. [C.2 (relating to background checks for~~
19 ~~employment in schools)] C (relating to powers and duties of~~
20 ~~department) and section 111 for all individuals identified in~~
21 ~~the application who shall have direct contact with students[.]~~
22 ~~and a plan for satisfying the proper official clearance~~
23 ~~statement regarding child injury or abuse required for all other~~
24 ~~staff.~~

25 ~~(17) How the charter school entity will provide adequate~~
26 ~~liability and other appropriate insurance for the charter school~~
27 ~~entity, its employes and the board of trustees of the charter~~
28 ~~school entity.~~

29 ~~(18) Policies regarding truancy, absences and withdrawal of~~
30 ~~students, including the manner in which the charter school~~

1 ~~entity will monitor attendance consistent with section 1715 A(a)~~
2 ~~(9). The charter school entity's policy shall establish, to the~~
3 ~~satisfaction of the local board of school directors or, in the~~
4 ~~case of a cyber charter school, to the satisfaction of the~~
5 ~~department, that the charter school entity will comply with~~
6 ~~sections 1332 and 1333, including the institution of truancy~~
7 ~~proceedings when required under section 1333.~~

8 ~~(19) How the charter school entity will meet the standards~~
9 ~~included in the performance matrix developed by the State Board~~
10 ~~of Education under section 1731.2 A.~~

11 ~~(20) Indicate whether or not the charter school entity will~~
12 ~~seek accreditation by a nationally recognized accreditation~~
13 ~~agency, including the Middle States Association of Colleges and~~
14 ~~Schools or another regional institutional accrediting agency~~
15 ~~recognized by the United States Department of Education or an~~
16 ~~equivalent federally recognized body for charter school~~
17 ~~education.~~

18 ~~(b) A local board of school directors may not impose~~
19 ~~additional terms, develop its own application or require~~
20 ~~additional information outside the standard application form~~
21 ~~required under subsection (a).~~

22 ~~Section 10. Section 1720 A of the act, amended July 9, 2008,~~
23 ~~(P.L.846, No.61), is amended to read:~~

24 ~~Section 1720 A. Term and Form of Charter. (a) (1) Upon~~
25 ~~approval of a charter application under section 1717 A, a~~
26 ~~written charter shall be developed which shall contain the~~
27 ~~provisions of the standardized charter application under section~~
28 ~~1719 A and which shall be signed by the local board of school~~
29 ~~directors of a school district, by the local boards of school~~
30 ~~directors of a school district in the case of a regional charter~~

1 ~~school or by the chairman of the appeal board pursuant to~~
2 ~~section [1717 A(i) (5)] 1717 A(i) (9) and the board of trustees of~~
3 ~~the charter school or regional charter school. This written~~
4 ~~charter, when duly signed by the local board of school directors~~
5 ~~of a school district, [or] by the local boards of school~~
6 ~~directors of a school district in the case of a regional charter~~
7 ~~school or by the chairman of the appeal board, and the charter~~
8 ~~school or regional charter school's board of trustees, shall act~~
9 ~~as legal authorization for the establishment of a charter school~~
10 ~~or regional charter school. This written charter shall be~~
11 ~~legally binding on both the local board of school directors of a~~
12 ~~school district and the charter school or regional charter~~
13 ~~school's board of trustees. [Except as otherwise provided in~~
14 ~~subsection (b), the charter shall be for a period of no less~~
15 ~~than three (3) nor more than five (5) years and may be renewed~~
16 ~~for five (5) year periods upon reauthorization by the local~~
17 ~~board of school directors of a school district or the appeal~~
18 ~~board.] If the charter school or regional charter school~~
19 ~~contracts with an educational management service provider, a~~
20 ~~contract shall be executed once the charter is approved. A~~
21 ~~charter will be granted only for a school organized as a public,~~
22 ~~nonprofit corporation.~~

23 ~~(2) The following shall apply to all charters granted by a~~
24 ~~school district:~~

25 ~~(i) An initial charter executed pursuant to section~~
26 ~~1720 A(a) (1) shall be for a period of five (5) years.~~

27 ~~(ii) Prior to the effective date of the regulations~~
28 ~~implementing the performance matrix as required pursuant to~~
29 ~~section 1731.2 A, a charter may be renewed for five (5) year~~
30 ~~periods upon reauthorization by the local board of school~~

1 ~~directors or other governing body of a school district or the~~
2 ~~appeal board.~~

3 ~~(iii) Upon the effective date of the regulations~~
4 ~~implementing the performance matrix as required pursuant to~~
5 ~~section 1731.2 A, the following shall apply:~~

6 ~~(A) For charter schools and regional charter schools that~~
7 ~~have satisfied the academic quality benchmark established by the~~
8 ~~State board pursuant to section 1731.2 A, a charter may be~~
9 ~~renewed for ten (10) year periods upon reauthorization by the~~
10 ~~local board of school directors or other governing body of a~~
11 ~~school district or the appeal board.; PROVIDED THAT, BEGINNING <--~~
12 ~~IN THE SIXTH YEAR OF ANY TEN (10) YEAR PERIOD OF RENEWAL UNDER~~
13 ~~THIS SUBCLAUSE, THE CHARTER OF ANY CHARTER SCHOOL OR REGIONAL~~
14 ~~CHARTER SCHOOL THAT FAILS FOR TWO (2) CONSECUTIVE YEARS TO~~
15 ~~SATISFY THE ACADEMIC QUALITY BENCHMARK ESTABLISHED BY THE STATE~~
16 ~~BOARD UNDER SECTION 1731.2 A SHALL BE SUBJECT TO REVIEW BY THE~~
17 ~~LOCAL BOARD OF SCHOOL DIRECTORS OR OTHER GOVERNING BODY OF A~~
18 ~~SCHOOL DISTRICT.~~

19 ~~(B) For charter schools and regional charter schools that~~
20 ~~have not satisfied the academic quality benchmark established by~~
21 ~~the State board pursuant to section 1731.2 A, a charter may be~~
22 ~~renewed for five (5) year periods upon reauthorization by the~~
23 ~~local board of school directors or other governing body of a~~
24 ~~school district or the appeal board.~~

25 ~~{(b) (1) Notwithstanding subsection (a), a governing board~~
26 ~~of a school district of the first class may renew a charter for~~
27 ~~a period of one (1) year if the board of school directors~~
28 ~~determines that there is insufficient data concerning the~~
29 ~~charter school's academic performance to adequately assess that~~
30 ~~performance and determines that an additional year of~~

1 ~~performance data would yield sufficient data to assist the~~
2 ~~governing board in its decision whether to renew the charter for~~
3 ~~a period of five (5) years.~~

4 ~~(2) A one year renewal pursuant to paragraph (1) shall not~~
5 ~~be considered an adjudication and may not be appealed to the~~
6 ~~State Charter School Appeal Board.~~

7 ~~(3) A governing board of a school district of the first~~
8 ~~class does not have the authority to renew a charter for~~
9 ~~successive one (1) year periods.]~~

10 ~~(c) (1) A charter school or regional charter school may~~
11 ~~request amendments to its approved written charter by filing a~~
12 ~~written document describing the requested amendment with the~~
13 ~~local board of school directors.~~

14 ~~(2) Within twenty (20) THIRTY FIVE (35) days of its receipt <--~~
15 ~~of the request for an amendment, the local board of school~~
16 ~~directors shall hold a public hearing on the requested amendment~~
17 ~~under 65 Pa.C.S. Ch. 7 (relating to open meetings).~~

18 ~~(3) Within twenty (20) THIRTY FIVE (35) days after the <--~~
19 ~~hearing, the local board of school directors shall grant or deny~~
20 ~~the requested amendment. Failure by the local board of school~~
21 ~~directors to hold a public hearing and to grant or deny the~~
22 ~~amendment within the time period specified in this subsection~~
23 ~~shall be deemed an approval.~~

24 ~~(4) An applicant for an amendment shall have the right to~~
25 ~~appeal the denial of a requested amendment to the appeal board~~
26 ~~provided for under section 1721 A.~~

27 Section 11. Section 1721 A(a) and (c) of the act, added June
28 19, 1997 (P.L.225, No.22), are amended to read:

29 Section 1721 A. State Charter School Appeal Board. (a) The
30 State Charter School Appeal Board shall consist of the Secretary

1 ~~of Education and [six (6)] the following members who shall be~~
2 ~~appointed by the Governor by and with the consent of a majority~~
3 ~~of all the members of the Senate. [Appointments by the Governor~~
4 ~~shall not occur prior to January 1, 1999.] The Governor shall~~
5 ~~select the chairman of the appeal board to serve at the pleasure~~
6 ~~of the Governor. The members shall include:~~

7 ~~(1) A parent of a school aged child enrolled in a charter~~
8 ~~school entity.~~

9 ~~(2) A school board member.~~

10 ~~(3) A certified teacher actively employed in a public~~
11 ~~school.~~

12 ~~(4) A faculty member or administrative employe of an~~
13 ~~institution of higher education.~~

14 ~~(5) A member of the business community.~~

15 ~~(6) A member of the State Board of Education.~~

16 ~~(7) An administrator of a charter school entity.~~

17 ~~(8) A member of the board of trustees of a charter school~~
18 ~~entity.~~

19 ~~The term of office of members of the appeal board, other than~~
20 ~~the secretary, shall be for a period of four (4) years or until~~
21 ~~a successor is appointed and qualified, except that, of the~~
22 ~~initial appointees, the Governor shall designate two (2) members~~
23 ~~to serve terms of two (2) years, two (2) members to serve terms~~
24 ~~of three (3) years and two (2) members to serve terms of four~~
25 ~~(4) years. A parent member appointed under paragraph (1) shall~~
26 ~~serve a term of four (4) years, provided the member's child~~
27 ~~remains enrolled in the charter school entity. Any appointment~~
28 ~~to fill any vacancy shall be for the period of the unexpired~~
29 ~~term or until a successor is appointed and qualified.~~

30 ~~* * *~~

1 ~~(e) Meetings of the appeal board shall be conducted under~~
2 ~~[the act of July 3, 1986 (P.L.388, No.84), known as the~~
3 ~~"Sunshine Act."] 65 Pa.C.S. Ch. 7 (relating to open meetings).~~
4 ~~Documents of the appeal board shall be subject to the [act of~~
5 ~~June 21, 1957 (P.L.390, No.212), referred to as the Right to~~
6 ~~Know Law] act of February 14, 2008 (P.L.6, No.3), known as the~~
7 ~~"Right to Know Law".~~

8 ~~Section 12. Section 1722 A(a), (b) and (d) of the act,~~
9 ~~amended November 17, 2010 (P.L.996, No.104), are amended and the~~
10 ~~section is amended by adding subsections to read:~~

11 ~~Section 1722 A. Facilities. (a) A charter school entity~~
12 ~~may be located in an existing public school building, in a part~~
13 ~~of an existing public school building, in space provided on a~~
14 ~~privately owned site, in a public building or in any other~~
15 ~~suitable location.~~

16 ~~(b) The charter school entity facility shall be exempt from~~
17 ~~public school facility regulations except those pertaining to~~
18 ~~the health or safety of [the pupils] students.~~

19 ~~(b.1) (1) A charter school entity shall have the right of~~
20 ~~first refusal to purchase or lease, for educational purposes~~
21 ~~only, a public school building or a part of a public school~~
22 ~~building which is no longer in active use by the property~~
23 ~~titleholder, at the price of one of the following:~~

24 ~~(i) The last best offer above fair market value received in~~
25 ~~the ninety (90) days preceding the charter school entity's~~
26 ~~offer.~~

27 ~~(ii) Fair market value, if no offer has been received in the~~
28 ~~ninety (90) days preceding the charter school entity's offer.~~

29 ~~(iii) Below fair market value, upon the mutual agreement of~~
30 ~~the school entity and the charter school entity.~~

~~(2) A school entity shall accept an offer from a charter school entity that conforms to the provisions of paragraph (1).~~

~~(3) The department shall provide a page on its publicly accessible Internet website on which school entities are required to post a notice for each public school building or part of a public school building that is available for purchase or lease. A school entity shall submit a notice to the department on a form to be developed by the department. The department shall post the notice within five (5) days of receiving the form.~~

~~(4) The following shall apply to the sale or lease of a public school building or a part of a public school building by a school entity:~~

~~(i) A school entity may not enter a contract to sell or lease a building or part of a building until at least thirty (30) days after the posting of a notice as required under paragraph (3).~~

~~(ii) Where two (2) or more charter school entities make offers on the same building or part of a building that conform to the provisions of this subsection, the school entity shall:~~

~~(A) Accept the first offer, if the offers are equal in dollar amount.~~

~~(B) Accept the best offer, if the offers differ in dollar amount.~~

~~(d) Notwithstanding any other provision of this act, a school district [of the first class] may, in its discretion, permit a charter school or regional charter school to operate its school at more than one location.~~

~~* * *~~

~~(f) (1) Alcoholic beverages shall not be available for~~

1 ~~consumption, purchase or sale in any charter school entity~~
2 ~~facility.~~

3 ~~(2) If, in the case of a charter school or regional charter~~
4 ~~school, the local board of school directors reasonably believes~~
5 ~~that alcoholic beverages have been made available for~~
6 ~~consumption, purchase or sale in the charter school or regional~~
7 ~~charter school facility, the local board of school directors~~
8 ~~shall notify the department.~~

9 ~~(3) If alcoholic beverages have been made available for~~
10 ~~consumption, purchase or sale in a charter school entity~~
11 ~~facility, the secretary shall order the following forfeitures~~
12 ~~against the charter school entity:~~

13 ~~(i) A fine of one thousand dollars (\$1,000) for the first~~
14 ~~violation.~~

15 ~~(ii) A fine of five thousand dollars (\$5,000) for the second~~
16 ~~or subsequent violation.~~

17 ~~(4) The charter school entity may appeal the order of the~~
18 ~~secretary under 2 Pa.C.S. Chs. 5 (relating to practice and~~
19 ~~procedure) and 7 (relating to judicial review).~~

20 ~~Section 13. Section 1723 A(a), (b) and (d) of the act,~~
21 ~~amended June 26, 1999 (P.L.394, No.36) and July 9, 2008~~
22 ~~(P.L.846, No.61), are amended and the section is amended by~~
23 ~~adding a subsection to read:~~

24 ~~Section 1723 A. [Enrollment] Admission and Enrollment~~
25 ~~Requirements. (a) (1) All resident children in this~~
26 ~~Commonwealth who submit a completed enrollment form in~~
27 ~~accordance with clause (3) qualify for admission to a charter~~
28 ~~school entity within the provisions of subsection (b). [If] In~~
29 ~~the case of a charter school or regional charter school, if more~~
30 ~~students apply to the charter school or regional charter school~~

1 ~~than the number of attendance slots available in the school,~~
2 ~~then students must be selected on a random basis from a pool of~~
3 ~~[qualified applicants meeting the established eligibility~~
4 ~~criteria and submitting an application] eligible applicants who~~
5 ~~have submitted an enrollment form in accordance with clauses (3)~~
6 ~~and (4) by the deadline established by the charter school or~~
7 ~~regional charter school, except that the charter school or~~
8 ~~regional charter school may give preference in enrollment to a~~
9 ~~child of a parent who has actively participated in the~~
10 ~~development of the charter school [and] or regional charter~~
11 ~~school, to siblings of students presently enrolled in the~~
12 ~~charter school or regional charter school and to siblings of~~
13 ~~students selected for enrollment during the lottery process.~~
14 ~~First preference shall be given to students who reside in the~~
15 ~~district or districts[.] in which the charter school or regional~~ <--
16 ~~charter school is physically located OR IN WHICH THE REGIONAL~~ <--
17 ~~CHARTER SCHOOL IS CHARTERED.~~

18 ~~(2) If a charter school or regional charter school has a~~
19 ~~waiting list following its initial selection of eligible~~
20 ~~applicants under clause (1), the charter school or regional~~
21 ~~charter school shall select eligible applicants from the waiting~~
22 ~~list as spaces become available. All children shall be assigned~~
23 ~~to the waiting list on a random basis. When selecting eligible~~
24 ~~applicants from the waiting list, a charter school or regional~~
25 ~~charter school shall give first preference to students as~~
26 ~~provided under clause (1) and to those who reside in the~~
27 ~~district or districts in which the charter school or regional~~ <--
28 ~~charter school is physically located OR IN WHICH THE REGIONAL~~ <--
29 ~~CHARTER SCHOOL IS CHARTERED until the charter school or regional~~
30 ~~charter school again reaches its maximum capacity of students.~~

~~1 If a charter school or regional charter school has a waiting
2 list, once the charter school or regional charter school has
3 exhausted the waiting list of resident children, it may then
4 enroll children on the waiting list who reside outside of the
5 district. Nonresident children shall also be selected on a
6 random basis. If a charter school or regional charter school and
7 the school district from which it is authorized have voluntarily
8 capped enrollment or the district attempts to involuntarily cap
9 enrollment of resident students and the charter school or
10 regional charter school has enrolled the maximum number of
11 resident students, the charter school or regional charter school
12 may enroll students residing outside of the district.~~

~~13 (3) The State board DEPARTMENT, in consultation with the <--
14 department and representatives of charter school entities, shall
15 develop a standard enrollment form that shall be used by all
16 eligible applicants to apply to a charter school entity. The
17 standard enrollment form shall only request information
18 necessary to allow the charter school entity to identify the
19 student, grade level and residency, including:~~

~~20 (i) The student's name, physical address, telephone number,
21 age, birth date and current grade level.~~

~~22 (ii) The name, physical address, telephone number and e mail
23 address of the student's parent or guardian.~~

~~24 (4) The standard enrollment form shall be made physically
25 available at each charter school entity, in a form that complies
26 with Federal and State law and posted on the publicly accessible
27 Internet website of each charter school entity, if available. A
28 charter school entity may accept the enrollment form via
29 electronic means.~~

~~30 (5) When a student applies to a charter school entity, a~~

~~1 charter school entity shall not require or request information
2 beyond the contents of the standard enrollment form developed by
3 the State board DEPARTMENT.~~

<--

~~4 (6) Nothing in this section shall prohibit a charter school
5 entity from requesting the submission of additional records and
6 information that public schools are entitled to receive after a
7 student is accepted for admission to a charter school entity.~~

~~8 (7) As used in this subsection "eligible applicant" shall
9 mean a student who is seeking to enter a grade level offered by
10 the charter school entity and meets the requirements of 22 Pa.
11 Code §§ 11.12 (relating to school age), 11.13 (relating to
12 compulsory school age), 11.14 (relating to admission to
13 kindergarten when provided), 11.15 (relating to admission of
14 beginners), 11.16 (relating to early admission of beginners) and
15 12.1 (relating to free education and attendance) and student
16 residency requirements.~~

~~17 (b) (1) A charter school entity shall not discriminate in
18 its admission policies or practices on the basis of intellectual
19 ability, [except as provided in paragraph (2), or] athletic
20 ability, measures of achievement or aptitude, status as a person
21 with a disability, proficiency in the English language or any
22 other basis that would be illegal if used by a school district.~~

~~23 (2) A charter school entity may limit [admission] its
24 academic focus to a particular grade level, a targeted
25 population group composed of at risk students[, or areas of
26 concentration of the school such as mathematics, science or the
27 arts. A charter school may establish reasonable criteria to
28 evaluate prospective students which shall be outlined in the
29 school's charter.] or a specialized area or accelerated program
30 of study, such as mathematics, science or the arts.~~

1 * * *

2 ~~(d) (1) Enrollment of students in a charter school [or~~
3 ~~cyber charter school] entity, or expansion of a charter school~~
4 ~~entity into additional grade levels, shall not be subject to a~~
5 ~~cap or otherwise limited by any past or future action of a board~~
6 ~~of school directors, a board of control established under~~
7 ~~Article XVII B, a special board of control established under~~
8 ~~section 692 or any other governing authority[, unless agreed to~~
9 ~~by the charter school or cyber charter school as part of a~~
10 ~~written charter pursuant to section 1720 A].~~

11 ~~(2) The provisions of this subsection shall apply to a~~
12 ~~charter school [or cyber charter school] entity regardless of~~
13 ~~whether the charter was approved prior to or is approved~~
14 ~~subsequent to the effective date of this subsection.~~

15 ~~(e) A school district's obligation to make payments for~~
16 ~~students enrolled in a charter school entity shall be governed~~
17 ~~by section 1725 A or, in the case of students who are below a~~
18 ~~school district's age of enrollment, by the terms of any charter~~
19 ~~or service contract between a school district and a charter~~
20 ~~school entity. Notwithstanding the above, absent language to the~~
21 ~~contrary in a charter or service contract between a school~~
22 ~~district and a charter school entity, a school district shall~~
23 ~~not be obligated to fund a four year old kindergarten program if~~
24 ~~the school district has exercised its discretion not to offer~~
25 ~~such a program in its own schools.~~

26 Section 14. ~~Section 1725 A of the act, amended or added June~~
27 ~~19, 1997 (P.L.225, No.22), June 22, 2001 (P.L.530, No.35) and~~
28 ~~June 29, 2002 (P.L.524, No.88), is amended to read:~~

29 Section 1725 A. ~~Funding for Charter [Schools] School~~
30 ~~Entities. (a) Funding for a charter school entity shall be~~

1 provided in the following manner:

2 ~~(1) There shall be no tuition charge for a resident or~~
3 ~~nonresident student attending a charter school entity.~~

4 ~~(2) [For non special education students, the charter school~~
5 ~~shall receive for each student enrolled no less than the~~
6 ~~budgeted total expenditure per average daily membership of the~~
7 ~~prior school year, as defined in section 2501(20), minus the~~
8 ~~budgeted expenditures of the district of residence for nonpublic~~
9 ~~school programs; adult education programs; community/junior~~
10 ~~college programs; student transportation services; for special~~
11 ~~education programs; facilities acquisition, construction and~~
12 ~~improvement services; and other financing uses, including debt~~
13 ~~service and fund transfers as provided in the Manual of~~
14 ~~Accounting and Related Financial Procedures for Pennsylvania~~
15 ~~School Systems established by the department. This amount shall~~
16 ~~be paid by the district of residence of each student.] For non~~
17 ~~special education students, the charter school entity shall~~
18 ~~receive for each student enrolled the following, which shall be~~
19 ~~paid by the school district of residence of each student by~~
20 ~~deduction and transfer from all State payments due to the school~~
21 ~~district of residence as provided for under clause (5):~~

22 ~~(i) Subject to clause (ii), no less than the budgeted total~~
23 ~~expenditure per average daily membership of the prior school~~
24 ~~year, as defined in section 2501(20), minus the budgeted~~
25 ~~expenditures of the district of residence for nonpublic school~~
26 ~~programs; adult education programs; community/junior college~~
27 ~~programs; student transportation services; for special education~~
28 ~~programs; facilities acquisition, construction and improvement~~
29 ~~services; and other financing uses, including debt service and~~
30 ~~fund transfers as provided in the Manual of Accounting and~~

1 ~~Related Financial Procedures for Pennsylvania School Systems~~
2 ~~established by the department.~~

3 ~~(ii) Beginning in the 2015-2016 school year, AND CONTINUING <--~~
4 ~~THROUGH THE 2018-2019 SCHOOL YEAR, the following:~~

5 ~~(A) For each student enrolled in a charter school or~~
6 ~~regional charter school, no less than the budgeted total~~
7 ~~expenditure per average daily membership of the prior school~~
8 ~~year, as defined in section 2501(20), minus the budgeted~~
9 ~~expenditures of the district of residence for nonpublic school~~
10 ~~programs; adult education programs; community/junior college~~
11 ~~programs; student transportation services; special education~~
12 ~~programs; facilities acquisition, construction and improvement~~
13 ~~services; and other financing uses, including debt service and~~
14 ~~fund transfers as provided in the Manual of Accounting and~~
15 ~~Related Financial Procedures for Pennsylvania School Systems~~
16 ~~established by the department.~~

17 ~~(B) For each student enrolled in a cyber charter school, no~~
18 ~~less than the budgeted total expenditure per average daily~~
19 ~~membership of the prior school year, as defined in section~~
20 ~~2501(20), minus the following:~~

21 ~~(I) the budgeted expenditures of the district of residence~~
22 ~~for nonpublic school programs; adult education programs;~~
23 ~~community/junior college programs; student transportation~~
24 ~~services; special education programs; facilities acquisition,~~
25 ~~construction and improvement services; other financing uses,~~
26 ~~including debt service and fund transfers as provided in the~~
27 ~~Manual of Accounting and Related Financial Procedures for~~
28 ~~Pennsylvania School Systems established by the department; and~~
29 ~~food services; and~~

30 ~~(II) during the 2015-2016 and 2016-2017 school years only, <--~~

1 ~~the actual total amount the district of residence paid to cyber~~
2 ~~charter schools under this section for the prior school year.~~

3 ~~(III) BEGINNING IN THE 2019 2020 SCHOOL YEAR, THE FOLLOWING: <--~~

4 ~~(A) FOR EACH STUDENT ENROLLED IN A CHARTER SCHOOL OR~~
5 ~~REGIONAL CHARTER SCHOOL, NO LESS THAN THE BUDGETED TOTAL~~
6 ~~EXPENDITURE PER AVERAGE DAILY MEMBERSHIP OF THE PRIOR SCHOOL~~
7 ~~YEAR, AS DEFINED IN SECTION 2501(20), MINUS THE BUDGETED~~
8 ~~EXPENDITURES OF THE DISTRICT OF RESIDENCE FOR NONPUBLIC SCHOOL~~
9 ~~PROGRAMS; ADULT EDUCATION PROGRAMS; COMMUNITY/JUNIOR COLLEGE~~
10 ~~PROGRAMS; STUDENT TRANSPORTATION SERVICES; SPECIAL EDUCATION~~
11 ~~PROGRAMS; FACILITIES ACQUISITION, CONSTRUCTION AND IMPROVEMENT~~
12 ~~SERVICES; AND OTHER FINANCING USES, INCLUDING DEBT SERVICE AND~~
13 ~~FUND TRANSFERS AS PROVIDED IN THE MANUAL OF ACCOUNTING AND~~
14 ~~RELATED FINANCIAL PROCEDURES FOR PENNSYLVANIA SCHOOL SYSTEMS~~
15 ~~ESTABLISHED BY THE DEPARTMENT.~~

16 ~~(B) FOR EACH STUDENT ENROLLED IN A CYBER CHARTER SCHOOL, THE~~
17 ~~LESSER OF THE FOLLOWING:~~

18 ~~(I) THE PER STUDENT PAYMENT AMOUNT FOR THE IMMEDIATELY~~
19 ~~PRECEDING SCHOOL YEAR AS WOULD BE CALCULATED UNDER SUBPARAGRAPH~~
20 ~~(II) (B); OR~~

21 ~~(II) THE MEDIAN PER STUDENT CYBER CHARTER SCHOOL PAYMENT FOR~~
22 ~~NON SPECIAL EDUCATION STUDENTS PAID BY ALL SCHOOL DISTRICTS FOR~~
23 ~~THE IMMEDIATELY PRECEDING SCHOOL YEAR, PLUS TEN PER CENTUM.~~

24 ~~(2.1) The amount under clause (2) shall be calculated by~~
25 ~~each school district on a form prescribed by the secretary in~~
26 ~~accordance with this section. The secretary, upon receipt of a~~
27 ~~school district's calculation, shall review the school~~
28 ~~district's calculation and may request supporting documentation~~
29 ~~from the school district regarding its calculation. If the~~
30 ~~secretary finds an error or discrepancy in a school district's~~

~~1 calculation, the secretary shall require the school district to
2 correct the calculation and require the school district to
3 notify affected charter school entities.~~

~~4 (3) [For special education students, the charter school
5 shall receive for each student enrolled the same funding as for
6 each non special education student as provided in clause (2),
7 plus an additional amount determined by dividing the district of
8 residence's total special education expenditure by the product
9 of multiplying the combined percentage of section 2509.5(k)
10 times the district of residence's total average daily membership
11 for the prior school year. This amount shall be paid by the
12 district of residence of each student.] For special education
13 students, the charter school entity shall receive for each
14 student enrolled the same funding as for each non special
15 education student as provided under clause (2), plus an
16 additional amount determined by dividing the total special
17 education expenditure of the school district of residence by the
18 product of:~~

~~19 (i) the combined percentage of section 2509.5(k) applicable
20 to the school year; and~~

~~21 (ii) the total average daily membership of the school
22 district of residence for the prior school year.~~

~~23 (3.1) The following apply: PER STUDENT PAYMENTS TO A CYBER <--
24 CHARTER SCHOOL CALCULATED UNDER CLAUSES (2) AND (3) SHALL BE
25 MADE AS FOLLOWS:~~

~~26 (i) The amount under clauses (2) and (3) shall be paid by
27 the school district of residence of each student by deduction
28 and transfer from all State payments due to the school district
29 of residence as provided under clause (5) (5) (II). <--~~

~~30 (ii) If a charter school entity CYBER CHARTER SCHOOL <--~~

1 ~~disputes the accuracy of a school district's calculation under~~
2 ~~clauses (2) and (3), the charter school entity CYBER CHARTER~~ <--
3 ~~SCHOOL shall file a notice of the dispute with the secretary,~~
4 ~~who shall hold a hearing to determine the accuracy of the school~~
5 ~~district's calculation within thirty (30) days of the notice.~~

6 ~~(iii) The secretary shall determine the accuracy of the~~
7 ~~school district's calculation and make any necessary billing~~
8 ~~adjustment within thirty (30) days of the hearing.~~

9 ~~(iv) The school district shall bear the burden of production~~
10 ~~and proof with respect to its calculation under this clause.~~

11 ~~(v) The school district shall be liable for the reasonable~~
12 ~~legal fees incurred by a charter school entity CYBER CHARTER~~ <--
13 ~~SCHOOL if the charter school entity CYBER CHARTER SCHOOL is the~~ <--
14 ~~substantially prevailing party after a hearing under this~~
15 ~~section. The charter school entity CYBER CHARTER SCHOOL shall be~~ <--
16 ~~liable for the reasonable legal fees incurred by the school~~
17 ~~district if the school district is the substantially prevailing~~
18 ~~party after a hearing under this section.~~

19 ~~(vi) All decisions of the secretary under this clause shall~~
20 ~~be subject to appellate review by Commonwealth Court.~~

21 ~~(4) [A charter school may request the intermediate unit in~~
22 ~~which the charter school is located to provide services to~~
23 ~~assist the charter school to address the specific needs of~~
24 ~~exceptional students. The intermediate unit shall assist the~~
25 ~~charter school and bill the charter school for the services. The~~
26 ~~intermediate unit may not charge the charter school more for any~~
27 ~~service than it charges the constituent districts of the~~
28 ~~intermediate unit.] A charter school entity may request the~~
29 ~~intermediate unit or school district in which the charter school~~
30 ~~entity is located to provide services to assist the charter~~

~~1 school entity to address the specific needs of non special
2 education and special education students. The intermediate unit
3 or school district shall assist the charter school entity and
4 bill the charter school entity for the services. The
5 intermediate unit may not charge the charter school entity more
6 for any service than it charges the constituent districts of the
7 intermediate unit. Nothing under this clause shall preclude an
8 intermediate unit or school district from contracting with a
9 charter school entity to provide the intermediate unit or school
10 district with services to assist the intermediate unit or school
11 district to address specific needs of non special education and
12 special education students.~~

~~13 (5) [Payments] (I) FOR A CHARTER SCHOOL OR REGIONAL CHARTER <--
14 SCHOOL, PAYMENTS shall be made to the charter school OR REGIONAL <--
15 CHARTER SCHOOL in twelve (12) equal monthly payments, by the
16 fifth day of each month, within the operating school year. A
17 student enrolled in a charter school OR REGIONAL CHARTER SCHOOL <--
18 shall be included in the average daily membership of the
19 student's district of residence for the purpose of providing
20 basic education funding payments and special education funding
21 pursuant to Article XXV. If a school district fails to make a
22 payment to a charter school OR REGIONAL CHARTER SCHOOL as <--
23 prescribed in this clause, the secretary shall deduct the
24 estimated amount, as documented by the charter school OR <--
25 REGIONAL CHARTER SCHOOL, from any and all State payments made to
26 the district after receipt of documentation from the charter
27 school OR REGIONAL CHARTER SCHOOL.] Beginning in the 2015-2016 <--
28 school year, the following apply:~~

~~29 (II) FOR A CYBER CHARTER SCHOOL, THE FOLLOWING SHALL APPLY <--
30 BEGINNING IN THE 2015-2016 SCHOOL YEAR:~~

1 ~~(i) (A) Payments shall be made to the charter school entity <--~~
2 ~~CYBER CHARTER SCHOOL in twelve (12) equal monthly payments, <--~~
3 ~~according to the established monthly unipay schedule within the~~
4 ~~operating school year or any subsequent school year.~~

5 ~~(ii) (B) Except as provided for in subelause (v), payments <--~~
6 ~~shall be made directly by the secretary deducting and paying to~~
7 ~~the charter school entity CYBER CHARTER SCHOOL the estimated <--~~
8 ~~amount, as documented by the charter school entity CYBER CHARTER <--~~
9 ~~SCHOOL, from:~~

10 ~~(A) (I) all State payments due to the school district of <--~~
11 ~~residence; or~~

12 ~~(B) (II) if no payments are due to the school district of <--~~
13 ~~residence, from all State payments reasonably expected to be due~~
14 ~~in the next established monthly unipay schedule, after receipt~~
15 ~~of documentation from the charter school entity CYBER CHARTER <--~~
16 ~~SCHOOL as to its enrollment.~~

17 ~~(iii) (C) At least thirty (30) days prior to the scheduled <--~~
18 ~~payment date each month, a charter school entity CYBER CHARTER <--~~
19 ~~SCHOOL shall provide to the department and to the school~~
20 ~~district of residence of each student enrolled in the charter <--~~
21 ~~school entity CYBER CHARTER SCHOOL documentation of the charter <--~~
22 ~~school entity's CYBER CHARTER SCHOOL'S enrollment, on a form to <--~~
23 ~~be developed by the secretary within sixty (60) days of the~~
24 ~~effective date of this section. The form, which shall be~~
25 ~~developed in consultation with representatives of charter school <--~~
26 ~~entities CYBER CHARTER SCHOOLS and school districts, shall <--~~
27 ~~require the charter school entity CYBER CHARTER SCHOOL to <--~~
28 ~~provide to the department and to the school district of~~
29 ~~residence of each student enrolled in the charter school entity <--~~
30 ~~CYBER CHARTER SCHOOL, documentation of each student's current <--~~

~~1 enrollment in the charter school entity CYBER CHARTER SCHOOL and <--~~
~~2 current residence in the school district, including the~~
~~3 following information:~~

~~4 (A) (I) Student's name. <--~~

~~5 (B) (II) Student's home address. <--~~

~~6 (C) (III) Name and telephone number of student's parent or <--~~
~~7 guardian.~~

~~8 (D) (IV) Student's date of birth. <--~~

~~9 (E) (V) Student's grade level. <--~~

~~10 (F) (VI) Type of school in which student was previously <--~~
~~11 enrolled.~~

~~12 (G) (VII) Student's date of enrollment. <--~~

~~13 (H) (VIII) Whether each student is being educated under an <--~~
~~14 individualized education plan under the Individuals with~~
~~15 Disabilities Education Act (Public Law 91 230, 20 U.S.C. § 1400-~~
~~16 et seq.).~~

~~17 (I) (IX) The tuition amount due on account of each student. <--~~

~~18 (J) (X) The total amount due from the school district for <--~~
~~19 that month.~~

~~20 (K) (XI) Copies of the actual documents used by the charter <--~~
~~21 school entity CYBER CHARTER SCHOOL to verify each student's <--~~
~~22 residence in the school district.~~

~~23 The secretary shall not make payments under this section until~~
~~24 the charter school entity CYBER CHARTER SCHOOL provides the <--~~
~~25 department and the school district of residence with a completed~~
~~26 form and accompanying documentation as required under this~~
~~27 clause SUBCLAUSE. A charter school entity CYBER CHARTER SCHOOL <--~~
~~28 may make only one (1) payment request per month under this~~
~~29 clause SUBCLAUSE. After a charter school entity CYBER CHARTER <--~~
~~30 SCHOOL makes a payment request under this clause SUBCLAUSE, any <--~~

1 ~~necessary corrections or adjustments may be made in the next~~
2 ~~subsequent monthly payment request.~~

3 ~~(iv) (D) The secretary's obligation to make payments under~~ <--
4 ~~this section is mandatory and ministerial, except that payments~~
5 ~~made pursuant to this section shall not be given priority over~~
6 ~~payments required pursuant to sections 633 and 785 and 53~~
7 ~~Pa.C.S. § 8125(b) (relating to security for tax anticipation~~
8 ~~notes and sinking fund), PREFERENTIAL CLAIMS UNDER SECTION 1155,~~ <--
9 ~~or an agreement pursuant to which the Commonwealth is required~~
10 ~~to make payment to a holder of debt issued by or on behalf of a~~
11 ~~school entity. If payments required under sections 633 and, 785~~ <--
12 ~~AND 1155 and 53 Pa.C.S. § 8125(b) preclude the timely payment of~~ <--
13 ~~funds to a charter school entity CYBER CHARTER SCHOOL under~~ <--
14 ~~section 1725 A or will cause the board of school directors of a~~
15 ~~school district to fail to pay or provide for payment under this~~
16 ~~subsection, nothing shall preclude the secretary from~~
17 ~~withholding funds from any and all State payments made to the~~
18 ~~school district for the operating school year or for any~~
19 ~~subsequent operating school year.~~

20 ~~(v) (E) If there are insufficient State payments due to a~~ <--
21 ~~school district in the established monthly unipay schedule to~~
22 ~~cover all charter school entity CYBER CHARTER SCHOOL deductions~~ <--
23 ~~and transfers, the school district shall be responsible for~~
24 ~~paying the unpaid balance directly to the charter school entity~~ <--
25 ~~CYBER CHARTER SCHOOL not more than ten (10) days following the~~ <--
26 ~~established monthly unipay schedule.~~

27 ~~(vi) (F) A student enrolled in a charter school entity CYBER~~ <--
28 ~~CHARTER SCHOOL shall be included in the average daily membership~~
29 ~~of the student's school district of residence for the purpose of~~
30 ~~providing basic education funding payments and special education~~

1 funding under Article XXV.

2 ~~(6) [Within thirty (30) days after the secretary makes the~~
3 ~~deduction described in clause (5), a school district may notify~~
4 ~~the secretary that the deduction made from State payments to the~~
5 ~~district under this subsection is inaccurate. The secretary~~
6 ~~shall provide the school district with an opportunity to be~~
7 ~~heard concerning whether the charter school documented that its~~
8 ~~students were enrolled in the charter school, the period of time~~
9 ~~during which each student was enrolled, the school district of~~
10 ~~residence of each student and whether the amounts deducted from~~
11 ~~the school district were accurate.] The following apply:~~

12 ~~(i) Within thirty (30) days after the payment is made to the~~
13 ~~charter school entity as described under clause (5), a school~~
14 ~~district may notify the secretary that the estimated amount, as~~
15 ~~documented by the charter school entity, is inaccurate.~~

16 ~~(ii) Within thirty (30) days of the notice by the school~~
17 ~~district under subclause (i), the secretary shall provide the~~
18 ~~school district with a hearing concerning whether the charter~~
19 ~~school entity documented that students were enrolled in the~~
20 ~~charter school entity, the period of time during which each~~
21 ~~student was enrolled in the charter school entity, the school~~
22 ~~district of residence of each student enrolled in the charter~~
23 ~~school entity and whether the amounts deducted from or paid by~~
24 ~~the school district were accurate.~~

25 ~~(iii) The burden of proof and production at the hearing~~
26 ~~shall be on the school district. A hearing shall not be held~~
27 ~~before the secretary deducts and transfers to the charter school~~
28 ~~entity the amount estimated by the charter school entity IS PAID~~
29 ~~TO THE CHARTER SCHOOL ENTITY.~~

30 ~~(iv) The secretary shall determine the accuracy of the~~

1 ~~amount documented by the charter school entity and make any. ANY~~<--
2 ~~necessary payment adjustment SHALL BE MADE within thirty (30)~~ <--
3 ~~days of the hearing.~~

4 ~~(v) The school district shall be liable for the reasonable~~
5 ~~legal fees incurred by a charter school entity if the charter~~
6 ~~school entity is the substantially prevailing party after a~~
7 ~~hearing under this section. The charter school entity shall be~~
8 ~~liable for the reasonable legal fees incurred by the school~~
9 ~~district if the school district is the substantially prevailing~~
10 ~~party after a hearing under this section.~~

11 ~~(vi) All decisions of the secretary under this section shall~~
12 ~~be subject to appellate review by Commonwealth Court.~~

13 ~~(vii) Supersedeas shall not be granted to the secretary or~~
14 ~~any party to the proceeding on an appeal from the decision of~~
15 ~~the secretary under this section; and, absent a court order, the~~<--
16 ~~secretary shall not hold any payments PAYMENTS SHALL NOT BE HELD~~<--
17 ~~in escrow.~~

18 ~~{(b) The Commonwealth shall provide temporary financial~~
19 ~~assistance to a school district due to the enrollment of~~
20 ~~students in a charter school who attended a nonpublic school in~~
21 ~~the prior school year in order to offset the additional costs~~
22 ~~directly related to the enrollment of those students in a public~~
23 ~~charter school. The Commonwealth shall pay the school district~~
24 ~~of residence of a student enrolled in a nonpublic school in the~~
25 ~~prior school year who is attending a charter school an amount~~
26 ~~equal to the school district of residence's basic education~~
27 ~~subsidy for the current school year divided by the district's~~
28 ~~average daily membership for the prior school year. This payment~~
29 ~~shall occur only for the first year of the attendance of the~~
30 ~~student in a charter school, starting with school year 1997~~

1 ~~1998. Total payments of temporary financial assistance to school-~~
2 ~~districts on behalf of a student enrolling in a charter school-~~
3 ~~who attended a nonpublic school in the prior school year shall-~~
4 ~~be limited to funds appropriated for this program in a fiscal-~~
5 ~~year. If the total of the amount needed for all students-~~
6 ~~enrolled in a nonpublic school in the prior school year who-~~
7 ~~enroll in a charter school exceeds the appropriation for the-~~
8 ~~temporary financial assistance program, the amount paid to a-~~
9 ~~school district for each qualifying student shall be pro rata-~~
10 ~~reduced. Receipt of funds under this subsection shall not-~~
11 ~~preclude a school district from applying for a grant under-~~
12 ~~subsection (c).~~

13 ~~(c) The Commonwealth shall create a grant program to provide-~~
14 ~~temporary transitional funding to a school district due to the-~~
15 ~~budgetary impact relating to any student's first year attendance-~~
16 ~~at a charter school. The department shall develop criteria which-~~
17 ~~shall include, but not be limited to, the overall fiscal impact-~~
18 ~~on the budget of the school district resulting from students of-~~
19 ~~a school district attending a charter school. The criteria shall-~~
20 ~~be published in the Pennsylvania Bulletin. This subsection shall-~~
21 ~~not apply to a public school converted to a charter school under-~~
22 ~~section 1717 A(b). Grants shall be limited to funds appropriated-~~
23 ~~for this purpose.]~~

24 ~~(d) It shall be lawful for any charter school entity to-~~
25 ~~receive, hold, manage and use, absolutely or in trust, any-~~
26 ~~devise, bequest, grant, endowment, gift or donation of any-~~
27 ~~property, real or personal and/or mixed, which shall be made to-~~
28 ~~the charter school entity for any of the purposes of this-~~
29 ~~article.~~

30 ~~(e) It shall be unlawful for any trustee of a charter school-~~

1 ~~entity or any board of trustees of a charter school entity or~~
2 ~~any other person affiliated in any way with a charter school~~
3 ~~entity to demand or request, directly or indirectly, any gift,~~
4 ~~donation or contribution of any kind from any parent, teacher,~~
5 ~~employe or any other person affiliated with the charter school~~
6 ~~entity as a condition for employment or enrollment and/or~~
7 ~~continued attendance of any pupil. Any donation, gift or~~
8 ~~contribution received by a charter school entity shall be given~~
9 ~~freely and voluntarily.~~

10 ~~(f) A charter school entity may not provide discounts to a~~
11 ~~school district or waive payments under this section for any~~
12 ~~student, except in the case of a school district identified for~~
13 ~~financial recovery status under Article VI A.~~

14 Section 15. Sections 1728 A and 1729 A(a), (b) and (c) of
15 the act, added June 19, 1997 (P.L.225, No.22), are amended to
16 read:

17 Section 1728 A. Annual Reports and Assessments. (a) ~~(1)~~
18 ~~The local board of school directors shall annually assess AND~~ <--
19 ~~PUBLICLY REPORT~~ whether each charter school ~~or regional charter~~
20 ~~school~~ is meeting the goals of its charter and shall conduct a
21 comprehensive review prior to [granting a five (5) year renewal
22 of the charter] ~~renewing the charter pursuant to section 1720~~
23 ~~A(a)(2)~~. The local board of school directors shall have ongoing
24 access to the records and facilities of the charter school ~~or~~
25 ~~regional charter school~~ to ensure that the charter school ~~or~~
26 ~~regional charter school~~ is in compliance with its charter and
27 this act and that requirements for testing, civil rights and
28 student health and safety are being met.

29 ~~(2) Ongoing access to a charter school's or regional charter~~
30 ~~school's records shall mean that the local board of school~~

~~1 directors shall have access to records such as financial
2 reports, financial audits, aggregate standardized test scores
3 without student identifying information and teacher
4 certification and personnel records.~~

~~5 (3) Charter schools and regional charter schools shall
6 comply fully with the requirements of the Family Educational
7 Rights and Privacy Act of 1974 (Public Law 90 247, 20 U.S.C. §
8 1232g) and associated regulations. No personally identifiable
9 information from education records shall be provided by the
10 charter school or regional charter school to the school district
11 except in compliance with the Family Educational Rights and
12 Privacy Act of 1974.~~

~~13 (b) In order to facilitate the local board's review and
14 secretary's report, each charter school or regional charter
15 school shall submit an annual report no later than August 1 of
16 each year to the local board of school directors and the
17 secretary in the form prescribed by the secretary.~~

~~18 [(c) Five (5) years following the effective date of this
19 article, the secretary shall contract with an independent
20 professional consultant with expertise in public and private
21 education. The consultant shall receive input from members of
22 the educational community and the public on the charter school
23 program. The consultant shall submit a report to the secretary,
24 the Governor and the General Assembly and an evaluation of the
25 charter school program, which shall include a recommendation on
26 the advisability of the continuation, modification, expansion or
27 termination of the program and any recommendations for changes
28 in the structure of the program.]~~

~~29 (d) A charter school entity shall form an independent audit
30 committee of its board of trustees members which shall review at~~

~~1 the close of each fiscal year a complete certified audit of the
2 operations of the charter school entity. The audit shall be
3 conducted by a qualified independent certified public
4 accountant. The audit shall be conducted under generally
5 accepted audit standards of the Governmental Accounting
6 Standards Board and shall include the following:~~

~~7 (1) An enrollment test to verify the accuracy of student
8 enrollment and reporting to the State.~~

~~9 (2) Full review of expense reimbursements for board of
10 trustees members and administrators, including sampling of all
11 reimbursements.~~

~~12 (3) Review of internal controls, including review of
13 receipts and disbursements.~~

~~14 (4) Review of annual Federal and State tax filings,
15 including the Internal Revenue Service Form 990, Return of
16 Organization Exempt from Income Tax and all related schedules
17 and appendices for the charter school entity and charter school
18 foundation, if applicable.~~

~~19 (5) Review of the financial statements of any charter school
20 foundation.~~

~~21 (6) Review of the selection and acceptance process of all
22 contracts publicly bid pursuant to section 751.~~

~~23 (7) Review of all board policies and procedures with regard
24 to internal controls, code of ethics, conflicts of interest,
25 whistle blower protections, complaints from parents or the
26 public, compliance with 65 Pa.C.S. Ch. 7 (relating to open
27 meetings), finances, budgeting, audits, public bidding and
28 bonding.~~

~~29 (e) The certified audit under subsection (d) and the annual
30 budget under subsection (g) are public documents and shall be~~

1 ~~made available on the charter school entity's publicly~~
2 ~~accessible Internet website, if available, and, in the case of a~~
3 ~~charter school or regional charter school, on the school~~
4 ~~district's publicly accessible Internet website.~~

5 ~~(f) A charter school entity may be subject to an annual~~
6 ~~audit by the Auditor General, in addition to any other audits~~
7 ~~required by Federal law or this article.~~

8 ~~(g) A charter school entity shall annually provide the~~
9 ~~department and, in the case of a charter school or regional~~
10 ~~charter school, shall annually provide the school district, with~~
11 ~~a copy of the annual budget for the operation of the charter~~
12 ~~school entity that identifies the following:~~

13 ~~(1) The source of funding for all expenditures.~~

14 ~~(2) Where funding is provided by a charter school~~
15 ~~foundation, the amount of funds and a description of the use of~~
16 ~~the funds.~~

17 ~~(3) The salaries of all administrators of the charter school~~
18 ~~entity.~~

19 ~~(4) All expenditures to an educational management service~~
20 ~~provider.~~

21 ~~(h) (1) Notwithstanding any other provision of law, a~~
22 ~~charter school entity and any affiliated charter school~~
23 ~~foundation shall make copies of its annual Federal and State tax~~
24 ~~filings available upon request and on the charter school~~
25 ~~entity's or foundation's publicly accessible Internet website,~~
26 ~~if available, including Internal Revenue Service Form 990,~~
27 ~~Return of Organization Exempt from Income Tax and all related~~
28 ~~schedules and appendices.~~

29 ~~(2) The charter school foundation shall also make copies of~~
30 ~~its annual budget available upon request and on the foundation's~~

1 ~~or the charter school entity's publicly accessible Internet~~
2 ~~website within thirty (30) days of the close of the foundation's~~
3 ~~fiscal year.~~

4 ~~(3) The annual budget shall include the salaries of all~~
5 ~~employees of the charter school foundation.~~

6 Section 1729 A. Causes for Nonrenewal or Termination. (a)
7 During the term of the charter or at the end of the term of the
8 charter, the local board of school directors may choose to
9 revoke or not to renew the charter based on any of the
10 following:

11 ~~(1) One or more material violations of any of the~~
12 ~~conditions, standards or procedures contained in the written~~
13 ~~charter signed pursuant to section 1720 A.~~

14 ~~(2) Failure to meet the requirements for student performance~~
15 ~~{set forth in 22 Pa. Code Ch. 5 (relating to curriculum) or~~
16 ~~subsequent regulations promulgated to replace 22 Pa. Code Ch. 5}~~
17 ~~on assessments AS MEASURED BY THE ACADEMIC PERFORMANCE MATRIX or <--~~
18 ~~failure to meet any performance standard set forth in the~~
19 ~~written charter signed pursuant to section [1716 A] 1720 A.~~

20 ~~(3) Failure to meet generally accepted standards of fiscal~~
21 ~~management or audit requirements.~~

22 ~~(4) Violation of provisions of this article.~~

23 ~~(5) Violation of any provision of law from which the charter~~
24 ~~school entity has not been exempted, including Federal laws and~~
25 ~~regulations governing children with disabilities.~~

26 ~~{(6) The charter school has been convicted of fraud.}~~

27 * * *

28 ~~(b) [A member of the board of trustees who is convicted of a~~
29 ~~felony or any crime involving moral turpitude shall be~~
30 ~~immediately disqualified from serving on the board of trustees.]~~

~~1 If, after a hearing under this section, a local board of school
2 directors or, in the case of a cyber charter school, the
3 department, proves by a preponderance of the evidence that an
4 administrator or board member of a charter school entity has
5 violated this article, the terms and conditions of the charter
6 or any other law, the local board of school directors or, in the
7 case of a cyber charter school, the department may require the
8 charter school entity to replace an administrator or board of
9 trustees member in order to obtain renewal of the charter. The
10 local board of school directors or, in the case of a cyber
11 charter school, the department may refer its findings to the
12 district attorney with jurisdiction or to the Office of Attorney
13 General for prosecution if the local board of school directors
14 or, in the case of a cyber charter school, the department
15 discovers or receives information about possible violations of
16 law by any person affiliated with or employed by a charter
17 school entity.~~

~~18 (c) Any notice of revocation or nonrenewal of a charter
19 given by the local board of school directors of a school
20 district shall state the grounds for such action with reasonable
21 specificity and give reasonable notice to the [governing] board
22 of trustees of the charter school or regional charter school of
23 the date on which a public hearing concerning the revocation or
24 nonrenewal will be held. The local board of school directors
25 shall conduct such hearing, present evidence in support of the
26 grounds for revocation or nonrenewal stated in its notice and
27 give the charter school or regional charter school reasonable
28 opportunity to offer testimony before taking final action.
29 Formal action revoking or not renewing a charter shall be taken
30 by the local board of school directors at a public meeting held~~

1 ~~pursuant to [the act of July 3, 1986 (P.L.388, No.84), known as~~
2 ~~the "Sunshine Act,"] 65 Pa.C.S. Ch. 7 (relating to open~~
3 ~~meetings) after the public has had thirty (30) days to provide~~
4 ~~comments to the board. All proceedings of the local board~~
5 ~~pursuant to this subsection shall be subject to 2 Pa.C.S. Ch. 5~~
6 ~~Subch. B (relating to practice and procedure of local agencies).~~
7 ~~Except as provided in subsection (d), the decision of the local~~
8 ~~board shall not be subject to 2 Pa.C.S. Ch. 7 Subch. B (relating~~
9 ~~to judicial review of local agency action).~~

10 * * *

11 Section 16. ~~The act is amended by adding sections to read:~~

12 ~~Section 1729.1 A. Evaluation of Educators. (a) All~~
13 ~~applications by a charter school entity for a charter or for the~~
14 ~~renewal of a charter shall include a system of evaluation for~~
15 ~~educators that includes:~~

16 ~~(1) At least four (4) rating categories of educator~~
17 ~~performance.~~

18 ~~(2) Multiple measures of student performance which shall~~
19 ~~include, but may not be limited to, value added assessment~~
20 ~~system data made available by the department under section 221~~
21 ~~and student performance on the most recent assessments for which~~
22 ~~results have been released by the department and may include~~
23 ~~goals specific to the mission of the charter school entity's~~
24 ~~charter.~~

25 ~~(b) Nothing in this section shall preempt the powers of a~~
26 ~~board of trustees under section 1716 A(a) nor affect the intent~~
27 ~~of the General Assembly provided in section 1702 A(3) and (4).~~

28 ~~(c) For purposes of this section, the term "educator" shall~~
29 ~~include all professional employes who are certified as teachers~~
30 ~~and noncertified staff members who teach in a charter school~~

1 ~~entity.~~

2 ~~Section 1729.2 A. Multiple Charter School Organizations.~~

3 ~~(a) Establishment shall be as follows:~~

4 ~~(1) Subject to the requirements of this section and 15-~~
5 ~~Pa.C.S. Pt. II Subpt. C (relating to nonprofit corporations),~~
6 ~~two (2) or more charter schools may consolidate into a multiple~~
7 ~~charter school organization if both of the following apply:~~

8 ~~(i) The department approves the consolidation as proposed in~~
9 ~~the application form submitted to the department pursuant to~~
10 ~~subsection (c). If the department does not approve the proposed~~
11 ~~consolidation within forty five (45) days after receipt of the~~
12 ~~application, the department will be deemed to have approved the~~
13 ~~consolidation.~~

14 ~~(ii) Each school district that granted the initial charter~~
15 ~~of any charter school included in the proposed consolidation~~
16 ~~approves, by a majority vote of the local board of school~~
17 ~~directors, a resolution approving the consolidation as proposed~~
18 ~~in the application submitted to the local board of school~~
19 ~~directors pursuant to subsection (c). If a local board of school~~
20 ~~directors does not adopt a resolution under this clause~~
21 ~~approving or rejecting the proposed consolidation within forty~~
22 ~~five (45) days after receipt of the application, the school~~
23 ~~district will be deemed to have approved the consolidation.~~

24 ~~(2) The multiple charter school organization shall be:~~

25 ~~(i) granted legal authority to operate two (2) or more~~
26 ~~individual charter schools under the oversight of a single board~~
27 ~~of trustees and a chief administrator who shall oversee and~~
28 ~~manage the operation of the individual charter schools under its~~
29 ~~organization; and~~

30 ~~(ii) subject to all of the requirements of this article~~

1 ~~unless otherwise provided for under this section.~~

2 ~~(3) Nothing under this section shall be construed to affect~~
3 ~~or change the terms or conditions of any individual charter~~
4 ~~previously granted that is consolidated under this section.,~~ <--

5 ~~INCLUDING, BUT NOT LIMITED TO, ANY OBLIGATION OF A SCHOOL-~~
6 ~~DISTRICT TO PROVIDE TRANSPORTATION FOR STUDENTS ENROLLED IN AN-~~
7 ~~INDIVIDUAL CHARTER SCHOOL WITHIN A MULTIPLE CHARTER SCHOOL-~~
8 ~~ORGANIZATION.~~

9 ~~(b) A charter school that, within either of the most recent~~
10 ~~two (2) school years, has failed to meet any of the following~~
11 ~~shall not be eligible to consolidate with another charter~~
12 ~~school:~~

13 ~~(1) Requirements for student performance set forth in 22 Pa.~~
14 ~~Code Ch. 4 (relating to academic standards and assessment).~~

15 ~~(2) Accepted standards of fiscal management or audit~~
16 ~~requirements.~~

17 ~~(3) Performance standards set forth by the performance~~
18 ~~matrix established under section 1731.2 A or, prior to the~~
19 ~~effective date of the regulations implementing the performance~~
20 ~~matrix, a School Performance Profile score of at least 80.0~~ <--

21 ~~75.0; Provided, that a charter school that has failed to meet~~ <--
22 ~~any of these requirements may consolidate if the consolidation~~
23 ~~includes a charter school demonstrating that it has satisfied~~
24 ~~such requirements for the most recent two (2) school years.~~

25 ~~(c) The State board, in consultation with the department,~~ <--
26 ~~DEPARTMENT shall develop and issue a standard application form~~ <--
27 ~~that multiple charter school organization applicants must submit~~
28 ~~to the department and to the local board of school directors of~~
29 ~~each school district that granted the initial charter of any~~
30 ~~charter school included in the proposed consolidation. The~~

1 ~~application form shall contain the following information:~~

2 ~~(1) The name of the multiple charter school organization.~~

3 ~~(2) The names of the charter schools seeking consolidation~~
4 ~~under this section.~~

5 ~~(3) A copy of the approved charter of each charter school~~
6 ~~seeking to consolidate under this section.~~

7 ~~(4) An organizational chart clearly presenting the proposed~~
8 ~~governance structure of the multiple charter school~~
9 ~~organization, including lines of authority and reporting between~~
10 ~~the board of trustees, chief administrator, administrators,~~
11 ~~staff and any educational management service provider that will~~
12 ~~play a role in providing management services to the charter~~
13 ~~schools under its jurisdiction.~~

14 ~~(5) A clear description of the roles and responsibilities~~
15 ~~for the board of trustees, chief administrator, administrators~~
16 ~~and any other entities, including a charter school foundation,~~
17 ~~shown in the organizational chart.~~

18 ~~(6) A clear description of the method for the appointment or~~
19 ~~election of members of the board of trustees.~~

20 ~~(7) Standards for board of trustees performance, including~~
21 ~~compliance with all applicable laws, regulations and terms of~~
22 ~~the charter.~~

23 ~~(8) Enrollment procedures for each individual charter school~~
24 ~~included in its charter.~~

25 ~~(9) Any other information as deemed necessary by the State~~
26 ~~board.~~

27 ~~(d) A multiple charter school organization may:~~

28 ~~(1) Participate in the assessment system in the same manner~~
29 ~~in which a school district participates, with its individual~~
30 ~~charter schools participating in the assessment system in the~~

~~1 same manner as individual schools within school districts. All
2 data gathered for purposes of evaluation shall be gathered in
3 the same manner in which data is gathered in the case of school
4 districts and individual schools within school districts.
5 Nothing in this paragraph shall alter the manner in which
6 charter school performance on assessments is measured as
7 required under the No Child Left Behind Act of 2001 (Public Law
8 107-110, 115 Stat. 1425), or its successor Federal statute.~~

~~9 (2) Add existing charter schools to its organization by
10 obtaining the approval of the department and of the school
11 district that granted the initial charter of each charter school
12 proposed to be added under subsection (a)(1).~~

~~13 (3) Allow students enrolled in an individual charter school
14 to matriculate to another individual charter school under its
15 oversight so as to complete a course of instruction in an
16 educational institution from kindergarten through grade twelve
17 or otherwise in the best interests of the student.~~

~~18 (e) A multiple charter school organization shall be regarded
19 as the holder of the charter of each individual charter school
20 under its oversight and each previously or subsequently awarded
21 charter shall be subject to nonrenewal or revocation by the
22 local board of school directors that granted the initial charter
23 in accordance with this act. The nonrenewal or revocation of the
24 charter of an individual charter school under the oversight of a
25 multiple charter school organization shall not affect the status
26 of a charter awarded for any other individual charter school
27 under the oversight of the multiple charter school organization.~~

~~28 (f) Appeals shall be as follows:~~

~~29 (1) The appeal board shall have the exclusive review of an
30 appeal by an applicant for consolidation, with respect to the~~

1 ~~rejection of a proposed consolidation by either the department~~
2 ~~or a school district.~~

3 ~~(2) In considering an appeal under this section, the appeal~~
4 ~~board shall:~~

5 ~~(i) Review the decision made by either the department or the~~
6 ~~school district on the record as certified by the entity that~~
7 ~~made the decision being appealed, provided that the appeal board~~
8 ~~may allow the department, a school district or the applicant for~~
9 ~~consolidation to supplement the record if the supplemental~~
10 ~~information was previously unavailable.~~

11 ~~(ii) Meet to officially review the certified record no later~~
12 ~~than thirty (30) days after the date of filing the appeal.~~

13 ~~(iii) Issue a written decision affirming or denying the~~
14 ~~appeal no later than sixty (60) days following its review of the~~
15 ~~certified record.~~

16 ~~(iv) Make its decision based on whether the proposed~~
17 ~~consolidation satisfies the requirements of subsections (b) and~~
18 ~~(c).~~

19 ~~(3) The secretary shall recuse himself from all appeals of~~
20 ~~decisions by the department and shall not participate in a~~
21 ~~hearing, deliberation or vote on any appeal of a decision made~~
22 ~~by the department.~~

23 ~~(4) All decisions of the appeal board shall be subject to~~
24 ~~appellate review by the Commonwealth Court. In the event of an~~
25 ~~appeal of a decision by the appeal board to the Commonwealth~~
26 ~~Court, the decision of the appeal board shall be stayed only~~
27 ~~upon order of the appeal board, the Commonwealth Court or the~~
28 ~~Pennsylvania Supreme Court.~~

29 ~~(g) For purposes of this section, the term "charter school"~~
30 ~~shall include a regional charter school.~~

1 ~~Section 1731.1 A. Fund Balance Limits. Fund balance limits~~
2 ~~shall be as follows:~~

3 ~~(1) For the 2015 2016 school year and each school year~~
4 ~~thereafter, a charter school entity shall not accumulate an~~
5 ~~unassigned fund balance greater than the charter school entity~~
6 ~~unassigned fund balance limit, which will be determined as~~
7 ~~follows:~~

Charter School Entity	Maximum Unassigned Fund	Balance as Percentage of	
Total Budgeted Expenditures	Total Budgeted Expenditures		
Less than or equal to \$11,999,999	—12% 16%		<--
Between \$12,000,000 and \$12,999,999	11.5% 15.5%		<--
Between \$13,000,000 and \$13,999,999	—11% 15%		<--
Between \$14,000,000 and \$14,999,999	10.5% 14.5%		<--
Between \$15,000,000 and \$15,999,999	—10% 14%		<--
Between \$16,000,000 and \$16,999,999	—9.5% 13.5%		<--
Between \$17,000,000 and \$17,999,999	—9% 13%		<--
Between \$18,000,000 and \$18,999,999	—8.5% 12.5%		<--
Greater Than or Equal to \$19,000,000	—8% 12%		<--

20 ~~(2) For the 2015 2016 school year and each school year~~
21 ~~thereafter, any unassigned fund balance in place on June 30,~~
22 ~~2016, and on June 30 of each year thereafter in excess of the~~
23 ~~charter school entity unassigned fund balance limit shall be~~
24 ~~refunded on a pro rata basis within ninety (90) days to all~~
25 ~~school districts that paid tuition to the charter school entity~~
26 ~~in the prior school year, based upon the number of students for~~
27 ~~whom each school district paid tuition to the charter school~~
28 ~~entity multiplied by the school district's per student payment~~
29 ~~under section 1725 A.~~

30 ~~(3) By September 30, 2016, and by September 30 of each year~~

1 ~~thereafter, each charter school entity shall provide the~~
2 ~~department and all school districts that paid tuition to the~~
3 ~~charter school entity in the prior school year with information~~
4 ~~certifying compliance with this section. The information shall~~
5 ~~be provided in a form and manner prescribed by the department~~
6 ~~and shall include information on the charter school entity's~~
7 ~~estimated ending unassigned fund balance expressed as a dollar~~
8 ~~amount and as a percentage of the charter school entity's total~~
9 ~~budgeted expenditures for that school year.~~

10 ~~(4) Unassigned funds of the charter school entity in excess~~
11 ~~of the unassigned fund balance limit may not be used to pay~~
12 ~~bonuses to any administrator, board of trustees member, employe,~~
13 ~~staff member or contractor and may not be transferred to a~~
14 ~~charter school foundation. If a charter school entity uses funds~~
15 ~~in excess of the unassigned fund balance limit to pay bonuses to~~
16 ~~any administrator, board of trustees member, employe, staff~~
17 ~~member or contractor or transfers such funds to a charter school~~
18 ~~foundation, the value of the bonus payment or fund transfer~~
19 ~~shall be deducted by the department from the payment due the~~ <--
20 ~~charter school entity under section 1725 A and shall be refunded~~
21 ~~on a pro rata basis to all school districts that paid tuition to~~
22 ~~the charter school entity in the prior school year, based upon~~
23 ~~the number of students for whom each school district paid~~
24 ~~tuition to the charter school entity multiplied by the school~~
25 ~~district's per student payment under section 1725 A.~~

26 ~~(5) As used in this section, "unassigned fund balance" shall~~
27 ~~mean that portion of the fund balance of a charter school entity~~
28 ~~that provides funding or resources or otherwise serves to~~
29 ~~support the charter school entity that is:~~

30 ~~(i) available for expenditure or not legally or otherwise~~

1 ~~segregated for a specific or tentative future use; and~~
2 ~~(ii) held in the General Fund accounts of the charter school~~
3 ~~entity.~~

4 ~~Section 1731.2 A. Performance Matrix. The following shall~~
5 ~~apply:~~

6 ~~(1) Within eighteen (18) months of the effective date of~~
7 ~~this section, the State board shall develop a standard~~
8 ~~performance matrix to evaluate charter school entity performance~~
9 ~~and shall promulgate regulations pursuant to the act of June 25,~~
10 ~~1982 (P.L.633, No.181), known as the "Regulatory Review Act," to~~
11 ~~implement this section.~~

12 ~~(2) The performance matrix may SHALL assess performance by <--~~
13 ~~utilizing objective criteria, including, but not limited to:~~
14 ~~student performance on assessments; annual growth as measured by~~
15 ~~the Pennsylvania Value Added Assessment System; attendance;~~
16 ~~attrition rates; graduation rates; other standardized test~~
17 ~~scores; school safety; parent satisfaction; accreditation by a~~
18 ~~nationally recognized accreditation agency, including the Middle~~
19 ~~States Association of Colleges and Schools or another regional~~
20 ~~institutional accrediting agency recognized by the United States~~
21 ~~Department of Education or an equivalent federally recognized~~
22 ~~body for charter school education; and other measures of school~~
23 ~~quality, including measures for assessing teacher effectiveness.~~

24 ~~(3) In developing the performance matrix, the State board~~
25 ~~shall determine an academic quality benchmark the satisfaction~~
26 ~~of which shall qualify a charter school entity for a ten (10)-~~
27 ~~year renewal term pursuant to section 1720 A(a)(2) or 1745 A(f)~~
28 ~~(3). The academic quality benchmark shall be included in the~~
29 ~~regulations required under clause (1).~~

30 ~~(4) In developing the performance matrix, the State board~~

1 ~~may:~~

2 ~~(i) Contract for consulting services with an entity that has~~
3 ~~experience in developing performance matrices if the services~~
4 ~~are procured through a competitive bidding process.~~

5 ~~(ii) To the extent possible, utilize an existing database~~
6 ~~developed by the department, including the School Performance~~
7 ~~Profile.~~

8 ~~(5) Neither the department nor any local board of school~~
9 ~~directors or other school district governing authority may~~
10 ~~develop a separate performance matrix for the evaluation of a~~
11 ~~charter school entity.~~

12 ~~(6) (i) A local board of school directors or other school~~
13 ~~district governing authority shall utilize the standard~~
14 ~~performance matrix as a primary factor in evaluating new and~~
15 ~~renewal charter school and regional charter school applicants~~
16 ~~and in annual monitoring and evaluation of charter schools and~~
17 ~~regional charter schools.~~

18 ~~(ii) The department shall utilize the standard performance~~
19 ~~matrix as a primary factor in evaluating new and renewal cyber~~
20 ~~charter school applicants, in evaluating consolidation~~
21 ~~applications under section 1729.2 A and in annual monitoring and~~
22 ~~evaluation of cyber charter schools.~~

23 ~~(7) (i) In developing the performance matrix and~~
24 ~~promulgating the regulations required under clause (1), the~~
25 ~~State board shall convene and consult with a Statewide advisory~~
26 ~~committee which shall consist of representatives of the~~
27 ~~department and a minimum of seven (7) representatives from~~
28 ~~charter schools, regional charter schools, cyber charter schools~~
29 ~~and school district personnel. Members of the committee shall be~~
30 ~~selected to be representative of the urban, rural and suburban~~

1 ~~areas of this Commonwealth.~~

2 ~~(ii) The Statewide advisory committee required to be~~
3 ~~convened under subparagraph (i) shall be convened not later than~~
4 ~~thirty (30) days after the effective date of this section and~~
5 ~~shall meet regularly to fulfill requirements of this paragraph.~~

6 ~~(8) The department shall distribute the performance matrix~~
7 ~~to all school districts and shall publish the matrix on the~~
8 ~~department's publicly accessible Internet website.~~

9 Section 17. ~~Section 1732 A of the act, amended or added June~~
10 ~~19, 1997 (P.L.225, No.22), and June 29, 2002 (P.L.524, No.88),~~
11 ~~is amended to read:~~

12 Section 1732 A. ~~Provisions Applicable to Charter Schools and~~
13 ~~Regional Charter Schools.~~ (a) ~~Charter schools and regional~~
14 ~~charter schools shall be subject to the following:~~

15 ~~(1) Sections 108, 110, 111, 321, 325, 326, 327, 431, 436,~~
16 ~~443, 510, 518, 527, 708, 736, 737, 738, 739, 740, 741, 752, 753,~~
17 ~~[755,] 771, 776, 777, 808, 809, 810, 1109, 1111, 1112(a),~~
18 ~~1205.1, 1205.2, 1205.3, 1205.4, 1205.5, 1301, 1302, 1303, 1310,~~
19 ~~1317, 1317.1, 1317.2, 1317.3, 1318, 1327, 1330, 1332, 1333,~~
20 ~~1303 A, 1513, 1517, 1518, 1521, 1523, 1531, 1547, 2014 A,~~
21 ~~Article XIII A and Article XIV.~~

22 ~~(2) Act of July 19, 1957 (P.L.1017, No.451), known as the~~
23 ~~"State Adverse Interest Act."~~

24 ~~(3) Act of July 17, 1961 (P.L.776, No.341), known as the~~
25 ~~"Pennsylvania Fair Educational Opportunities Act."~~

26 ~~(4) Act of July 19, 1965 (P.L.215, No.116), entitled "An act~~
27 ~~providing for the use of eye protective devices by persons~~
28 ~~engaged in hazardous activities or exposed to known dangers in~~
29 ~~schools, colleges and universities."~~

30 ~~(5) Section 4 of the act of January 25, 1966 (1965 P.L.1546,~~

1 ~~No.541), entitled "An act providing scholarships and providing~~
2 ~~funds to secure Federal funds for qualified students of the~~
3 ~~Commonwealth of Pennsylvania who need financial assistance to~~
4 ~~attend postsecondary institutions of higher learning, making an~~
5 ~~appropriation, and providing for the administration of this~~
6 ~~act."~~

7 ~~(6) Act of July 12, 1972 (P.L.765, No.181), entitled "An act~~
8 ~~relating to drugs and alcohol and their abuse, providing for~~
9 ~~projects and programs and grants to educational agencies, other~~
10 ~~public or private agencies, institutions or organizations."~~

11 ~~(7) Act of December 15, 1986 (P.L.1595, No.175), known as~~
12 ~~the "Antihazing Law."~~

13 ~~(8) 65 Pa.C.S. Ch. 7 (relating to open meetings).~~

14 ~~(9) 65 Pa.C.S. Ch. 11 (relating to ethics standards and~~
15 ~~financial disclosure).~~

16 ~~(b) Charter schools and regional charter schools shall be~~
17 ~~subject to the following provisions of 22 Pa. Code:~~

18 ~~{Section 5.216 (relating to ESOL).~~

19 ~~Section 5.4 (relating to general policies).}~~

20 ~~(1) Chapter 4 (relating to academic standards and~~
21 ~~assessments).~~

22 ~~(2) Chapter 11 (relating to pupil attendance).~~

23 ~~(3) Chapter 12 (relating to students).~~

24 ~~(4) Section 32.3 (relating to assurances).~~

25 ~~(5) Section 121.3 (relating to discrimination prohibited).~~

26 ~~(6) Section 235.4 (relating to practices).~~

27 ~~(7) Section 235.8 (relating to civil rights).~~

28 ~~(8) Chapter 711 (relating to charter school services and~~
29 ~~programs for children with disabilities).~~

30 ~~(c) (1) The secretary may promulgate additional regulations~~

1 ~~relating to charter schools and regional charter schools.~~

2 ~~(2) The secretary shall have the authority and the~~
3 ~~responsibility to ensure that charter schools and regional~~
4 ~~charter schools comply with Federal laws and regulations~~
5 ~~governing children with disabilities. The secretary shall~~
6 ~~promulgate regulations to implement this provision.~~

7 ~~Section 18. The act is amended by adding a section to read:~~

8 ~~Section 1733 A. Effect on Existing Charter School~~

9 ~~Entities. (a) Within one (1) year of the effective date of~~
10 ~~this section, a charter school entity established under section~~
11 ~~1717 A, 1718 A or 1745 A prior to the effective date of this~~
12 ~~section shall amend its current charter through the amendment~~
13 ~~process under section 1720 A(c) or 1745 A(f) (5) as needed to~~
14 ~~reflect the requirements of this article. Any renewal that takes~~
15 ~~effect after June 30, 2015, shall be for the term specified~~
16 ~~under section 1720 A(a) (2) or 1745 A(f) (3).~~

17 ~~(b) A charter school entity approved after the effective~~
18 ~~date of this section shall be in full compliance with this~~
19 ~~article.~~

20 ~~(c) Within sixty (60) NINETY (90) days of the effective date <--~~
21 ~~of this section, each charter school entity shall demonstrate,~~
22 ~~to the satisfaction of the local board of school directors or,~~
23 ~~in the case of a cyber charter school, to the satisfaction of~~
24 ~~the department, that the charter school entity is in compliance~~
25 ~~with sections 1332 and 1333, including the institution of~~
26 ~~truancy proceedings when required under section 1333.~~

27 ~~Section 19. Sections 1741 A(c) and 1742 A of the act, added~~
28 ~~June 29, 2002 (P.L.524, No.88), are amended to read:~~

29 ~~Section 1741 A. Powers and duties of department.~~

30 ~~* * *~~

1 ~~(c) Documents. Documents of the appeal board shall be~~
2 ~~subject to the act of [June 21, 1957 (P.L.390, No.212), referred~~
3 ~~to as the Right to Know Law.] act of February 14, 2008 (P.L.6,~~
4 ~~No.3), known as the "Right to Know Law."~~

5 ~~Section 1742 A. Assessment and evaluation.~~

6 ~~(a) The department shall:~~

7 ~~(1) Annually assess whether each cyber charter school is~~
8 ~~meeting the goals of its charter and is in compliance with~~
9 ~~the provisions of the charter and conduct a comprehensive~~
10 ~~review prior to granting a [five year] renewal of the charter~~
11 ~~for the period specified in section 1745 A(f) (3).~~

12 ~~(2) Annually review each cyber charter school's~~
13 ~~performance on [the Pennsylvania System of School Assessment~~
14 ~~test, standardized tests and other performance indicators to~~
15 ~~ensure compliance with 22 Pa. Code Ch. 4 (relating to~~
16 ~~academic standards and assessment) or subsequent regulations~~
17 ~~promulgated to replace 22 Pa. Code Ch. 4] assessments.~~

18 ~~(3) Have ongoing access to all records, instructional~~
19 ~~materials and student and staff records of each cyber charter~~
20 ~~school and to every cyber charter school facility to ensure~~
21 ~~the cyber charter school is in compliance with its charter~~
22 ~~and this subdivision.~~

23 ~~(b) School districts, intermediate units, community colleges~~
24 ~~and State system institutions shall provide a cyber charter~~
25 ~~school with reasonable access to its facilities for the~~
26 ~~administration of standardized testing as follows:~~

27 ~~(1) A cyber charter school shall provide an intermediate~~
28 ~~unit, school district, community college or State system~~
29 ~~institution with at least 60 days' notice of the need for~~
30 ~~facilities to be used for the administration of standardized~~

1 ~~tests.~~

2 ~~(2) Within 30 days of the cyber charter school's~~
3 ~~request, the intermediate unit, school district, community~~
4 ~~college or State system institution shall notify the cyber~~
5 ~~charter school of the location of the facilities that will be~~
6 ~~provided, which shall be a quiet, separate location in which~~
7 ~~cyber charter school students will not be commingled with~~
8 ~~students of the intermediate unit, school district, community~~
9 ~~college or State system institution.~~

10 ~~(3) An intermediate unit, school district of residence,~~
11 ~~community college or State system institution shall not be~~
12 ~~required to make facilities available to a cyber charter~~
13 ~~school on dates and times that may cause undue interference~~
14 ~~with the educational programs of the intermediate unit,~~
15 ~~school district, community college or State System~~
16 ~~institution.~~

17 ~~(4) Any facilities rental fee charged to the cyber~~
18 ~~charter school and the payment thereof shall be in compliance~~
19 ~~with the facility rental policy of the intermediate unit,~~
20 ~~school district, community college or State system~~
21 ~~institution that applies generally to all organizations and~~
22 ~~community groups.~~

23 Section 20. Section 1743 A(e) of the act, added June 29,
24 2002 (P.L.524, No.88), is amended to read:

25 Section 1743 A. Cyber charter school requirements and
26 prohibitions.

27 * * *

28 (e) Students. For each student enrolled, a cyber charter
29 school shall:

30 (1) provide all instructional materials, which may

~~include electronic or digital books in place of textbooks;~~

~~(2) provide all equipment, including, but not limited to, a computer, computer monitor and printer; provided, that a parent or guardian of more than one child who is enrolled in the same cyber charter school may elect not to receive a separate computer, computer monitor and printer for each enrolled child; and~~

~~(3) provide or reimburse for all technology and services necessary for the on line delivery of the curriculum and instruction.~~

~~The Commonwealth shall not be liable for any reimbursement owed to students, parents or guardians by a cyber charter school under paragraph (3).~~

~~* * *~~

~~Section 21. Sections 1744 A, 1745 A and 1749 A(a) and (c) of the act, added June 29, 2002 (P.L.524, No.88), are amended to read:~~

~~Section 1744 A. School district and intermediate unit responsibilities.~~

~~An intermediate unit or a school district in which a student enrolled in a cyber charter school resides shall do all of the following:~~

~~(1) Provide the cyber charter school within ten days of receipt of the notice of the admission of the student under section 1748 A(a) with all records relating to the student, including transcripts, test scores and a copy of any individualized education program for that student.~~

~~[(2) Provide the cyber charter school with reasonable access to its facilities for the administration of standardized tests required under this subdivision.]~~

1 ~~(3) Upon request, provide assistance to the cyber~~
2 ~~charter school in the delivery of services to a student with~~
3 ~~disabilities. The school district or intermediate unit shall~~
4 ~~not charge the cyber charter school more for a service than~~
5 ~~it charges a school district.~~

6 ~~(4) Make payments to the cyber charter school under~~
7 ~~section 1725 A.~~

8 ~~Section 1745 A. Establishment of cyber charter school.~~

9 ~~(a) Establishment. A cyber charter school may be~~
10 ~~established by an individual; one or more teachers who will~~
11 ~~teach at the proposed cyber charter school; parents or guardians~~
12 ~~of students who will enroll in the cyber charter school; a~~
13 ~~nonsectarian college, university or museum located in this~~
14 ~~Commonwealth; a nonsectarian corporation not for profit as~~
15 ~~defined in 15 Pa.C.S. § 5103 (relating to definitions); a~~
16 ~~corporation, association or partnership; or any combination of~~
17 ~~the foregoing. Section 1327.1 shall not apply to a cyber charter~~
18 ~~school established under this subdivision.~~

19 ~~(b) Sectarian entities. No cyber charter school shall be~~
20 ~~established or funded by and no charter shall be granted to a~~
21 ~~sectarian school, institution or other entity.~~

22 ~~(b.1) Local board of school directors or intermediate~~
23 ~~unit.~~

24 ~~(1) A cyber charter school may be established by a local~~
25 ~~board of school directors or an intermediate unit if the~~
26 ~~procedures and requirements of this article are satisfied.~~

27 ~~(2) Nothing in this article shall be construed to~~
28 ~~preclude a school district or an intermediate unit from~~
29 ~~offering instruction via the Internet or other electronic~~
30 ~~means, except that the instruction shall not be recognized as~~

~~1 a cyber charter school under this article unless the school~~
~~2 district or intermediate unit establishes a cyber charter~~
~~3 school pursuant to subsections (a) and (b.1) (1).~~

~~4 (c) Attendance. Attendance at a cyber charter school shall~~
~~5 satisfy requirements for compulsory attendance, subject to~~
~~6 penalties for violation of compulsory attendance requirements~~
~~7 under section 1333.~~

~~8 (d) Application. An application to establish a cyber~~
~~9 charter school shall be submitted to the department by October 1~~
~~10 of the school year preceding the school year in which the cyber~~
~~11 charter school proposes to commence operation.~~

~~12 (e) Grant or denial. Within 120 days of receipt of an~~
~~13 application, the department shall grant or deny the application.~~
~~14 The department shall review the application and shall hold at~~
~~15 least one public hearing under 65 Pa.C.S. Ch. 7 (relating to~~
~~16 open meetings). At least 30 days prior to the hearing, the~~
~~17 department shall publish in the Pennsylvania Bulletin and on the~~
~~18 department's [World Wide Web site] publicly accessible Internet~~
~~19 website notice of the hearing and the purpose of the~~
~~20 application.~~

~~21 (f) Evaluation criteria.~~

~~22 (1) A cyber charter school application submitted under~~
~~23 this subdivision shall be evaluated by the department based~~
~~24 on the following criteria:~~

~~25 (i) The demonstrated, sustainable support for the~~
~~26 cyber charter school plan by teachers, parents or~~
~~27 guardians and students.~~

~~28 (ii) The capability of the cyber charter school~~
~~29 applicant, in terms of support and planning, to provide~~
~~30 comprehensive learning experiences to students under the~~

1 charter.

2 ~~(iii) The extent to which the programs outlined in~~
3 ~~the application will enable students to meet the academic~~
4 ~~standards under 22 Pa. Code Ch. 4 (relating to academic~~
5 ~~standards and assessment) or subsequent regulations~~
6 ~~promulgated to replace 22 Pa. Code Ch. 4.~~

7 ~~(iv) The extent to which the application meets the~~
8 ~~requirements of section 1747 A.~~

9 ~~(v) The extent to which the cyber charter school may~~
10 ~~serve as a model for other public schools.~~

11 ~~(2) Written notice of the action of the department shall~~
12 ~~be sent by certified mail to the applicant and published on~~
13 ~~the department's [World Wide Web site] publicly accessible~~
14 ~~Internet website. If the application is denied, the reasons~~
15 ~~for denial, including a description of deficiencies in the~~
16 ~~application, shall be clearly stated in the notice.~~

17 ~~(3) Upon approval of a cyber charter school application,~~
18 ~~a written charter shall be developed which shall contain the~~
19 ~~provisions of the charter application and be signed by the~~
20 ~~secretary and each member of the board of trustees of the~~
21 ~~cyber charter school. The charter, when duly signed, shall~~
22 ~~act as legal authorization of the establishment of a cyber~~
23 ~~charter school. The charter shall be legally binding on the~~
24 ~~department, the cyber charter school and its board of~~
25 ~~trustees. The charter [shall be for a period of no less than~~
26 ~~three years nor more than five years and may be renewed for a~~
27 ~~period of five years by the department.] term shall be as~~
28 ~~follows:~~

29 ~~(i) An initial charter granted pursuant to this~~
30 ~~section shall be for a period of five years.~~

1 ~~(ii) Prior to the effective date of the regulations~~
2 ~~implementing the performance matrix as required pursuant~~
3 ~~to section 1731.2 A, a charter may be renewed for five~~
4 ~~year periods upon reauthorization by the department.~~

5 ~~(iii) Upon the effective date of the regulations~~
6 ~~implementing the performance matrix as required pursuant~~
7 ~~to section 1731.2 A, the following shall apply:~~

8 ~~(A) For cyber charter schools that have~~
9 ~~satisfied the academic quality benchmark established~~
10 ~~by the State board pursuant to section 1731.2 A, a~~
11 ~~charter may be renewed for ten year periods upon~~
12 ~~reauthorization by the department.; PROVIDED THAT, <--~~
13 ~~BEGINNING IN THE SIXTH YEAR OF ANY TEN YEAR PERIOD OF~~
14 ~~RENEWAL UNDER THIS SUBCLAUSE, THE CHARTER OF ANY~~
15 ~~CYBER CHARTER SCHOOL THAT FAILS FOR TWO CONSECUTIVE~~
16 ~~YEARS TO SATISFY THE ACADEMIC QUALITY BENCHMARK~~
17 ~~ESTABLISHED BY THE STATE BOARD UNDER SECTION 1731.2 A~~
18 ~~SHALL BE SUBJECT TO REVIEW BY THE DEPARTMENT.~~

19 ~~(B) For cyber charter schools that have not~~
20 ~~satisfied the academic quality benchmark established~~
21 ~~by the State board pursuant to section 1731.2 A, a~~
22 ~~charter may be renewed for five year periods upon~~
23 ~~reauthorization by the department.~~

24 ~~(4) The decision of the department to deny an~~
25 ~~application may be appealed to the appeal board.~~

26 ~~(5) (i) A cyber charter school may request amendments~~
27 ~~to its approved written charter by filing with the~~
28 ~~department a written document describing the requested~~
29 ~~amendment.~~

30 ~~(ii) Within twenty (20) 35 days of its receipt of <--~~

~~the request for an amendment, the department shall hold a public hearing on the requested amendment under 65 Pa.C.S. Ch. 7 (relating to open meetings).~~

~~(iii) Within twenty (20) 35 days after the hearing, the department shall grant or deny the requested amendment. Failure by the department to hold a public hearing and to grant or deny the amendment within the time period specified shall be deemed an approval.~~

~~(iv) An applicant for an amendment shall have the right to appeal the denial of a requested amendment to the appeal board provided for under section 1721 A.~~

~~(g) Denied application. A cyber charter school applicant may revise and resubmit a denied application to the department. The department shall grant or deny the revised application within 60 days after its receipt.~~

~~(h) Appeal. If the department fails to hold the required public hearing or to approve or disapprove the charter, the applicant may file its application as an appeal to the appeal board. The appeal board shall review the application and make a decision to approve or disapprove the charter based on the criteria in subsection (f).~~

~~Section 1749 A. Applicability of other provisions of this act and of other acts and regulations.~~

~~(a) General requirements. Cyber charter schools shall be subject to the following:~~

~~(1) Sections 108, 110, 111, 321, 325, 326, 327, 431, 436, 443, 510, 518, 527, 708, 736, 737, 738, 739, 740, 741, 752, 753, [755,] 771, 776, 777, 808, 809, 810, 1109, 1111, 1112(a), 1205.1, 1205.2, 1205.3, 1205.5, 1301, 1302, 1303, 1310, 1317, 1317.2, 1318, 1327, 1330, 1332, 1333, 1303 A,~~

1 ~~1513, 1517, 1518, 1521, 1523, 1525, 1531, 1547, 1602 B, 1613~~
2 ~~B, 1702 A, 1703 A, 1704 A, 1714 A, 1715 A, 1716 A, 1716.1 A,~~
3 ~~1719 A, 1721 A, 1722 A, [1723 A(a) and (b)] 1723 A(a), (b)~~
4 ~~and (d), 1724 A, 1725 A, 1727 A, 1728 A(d), (e), (f), (g) and~~
5 ~~(h), 1729 A, 1729.1 A, 1730 A, 1731 A(a) (1) and (b), 1731.1~~
6 ~~A, 1731.2 A, 1733 A and 2014 A and Articles [XII A,] XIII A~~
7 ~~and XIV.~~

8 ~~(1.1) Act of July 19, 1957 (P.L.1017, No.451), known as~~
9 ~~the State Adverse Interest Act.~~

10 ~~(2) The act of July 17, 1961 (P.L.776, No.341), known as~~
11 ~~the Pennsylvania Fair Educational Opportunities Act.~~

12 ~~(3) The act of July 19, 1965 (P.L.215, No.116), entitled~~
13 ~~"An act providing for the use of eye protective devices by~~
14 ~~persons engaged in hazardous activities or exposed to known~~
15 ~~dangers in schools, colleges and universities."~~

16 ~~(4) Section 4 of the act of January 25, 1966 (1965-~~
17 ~~P.L.1546, No.541), entitled "An act providing scholarships~~
18 ~~and providing funds to secure Federal funds for qualified~~
19 ~~students of the Commonwealth of Pennsylvania who need~~
20 ~~financial assistance to attend postsecondary institutions of~~
21 ~~higher learning, making an appropriation, and providing for~~
22 ~~the administration of this act."~~

23 ~~(5) The act of July 12, 1972 (P.L.765, No.181) entitled~~
24 ~~"An act relating to drugs and alcohol and their abuse,~~
25 ~~providing for projects and programs and grants to educational~~
26 ~~agencies, other public or private agencies, institutions or~~
27 ~~organizations."~~

28 ~~(6) The act of December 15, 1986 (P.L.1595, No.175),~~
29 ~~known as the Antihazing Law.~~

30 ~~(7) 65 Pa.C.S. Ch. 7 (relating to open meetings).~~

1 ~~(8) 65 Pa.C.S. Ch. 11 (relating to ethics standards and~~
2 ~~financial disclosure).~~

3 * * *

4 ~~(c) Existing charter schools.~~

5 ~~(1) The charter of a charter school approved under~~
6 ~~section 1717 A or 1718 A which provides instruction through~~
7 ~~the Internet or other electronic means shall remain in effect~~
8 ~~for the duration of the charter and shall be subject to the~~
9 ~~provisions of Subdivision (b).~~

10 ~~(2) In addition to subsections (a) and (b), the~~
11 ~~following provisions of this subdivision shall apply to a~~
12 ~~charter school approved under section 1717 A or 1718 A which~~
13 ~~provides instruction through the Internet or other electronic~~
14 ~~means:~~

15 ~~(i) Section 1743 A(c), (d), (e), (f), (g), (h) and~~

16 ~~(i).~~

17 ~~(ii) Section 1744 A.~~

18 ~~(iii) Section 1748 A.~~

19 ~~Section 22. The addition of section 1725 A(a) (2) (ii) (B) (II) <--~~
20 ~~shall expire at the end of the 2016-2017 school year.~~

21 ~~Section 23 22. This act shall take effect as follows: <--~~

22 ~~(1) The amendment or addition of the following~~
23 ~~provisions of the act shall take effect immediately:~~

24 ~~(i) Section 1704 A.~~

25 ~~(ii) Section 1725 A(a) (1), (2), (2.1), (3) and (4), <--~~

26 ~~(b), (c), (d), (e) and (f).~~

27 ~~(II) SECTION 1725 A. <--~~

28 ~~(iii) Sections 1731.1 A.~~

29 ~~(iv) Section 1731.2 A.~~

30 ~~(v) Section 1732 A.~~

1 ~~(vi) Section 1749 A.~~
2 ~~(2) The amendment of section 1725 A(a) (5) and (6) of the <--~~
3 ~~act shall take effect in 90 days.~~
4 ~~(3) (2) This section shall take effect immediately. <--~~
5 ~~(4) (3) The remainder of this act shall take effect in <--~~
6 ~~60 days.~~

7 SECTION 1. SECTION 111(B), (C.1) AND (J) (2) OF THE ACT OF <--
8 MARCH 10, 1949 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE
9 OF 1949, AMENDED OR ADDED JULY 9, 2008 (P.L.846, NO.61) AND JUNE
10 30, 2012 (P.L.684, NO.82), ARE AMENDED AND THE SECTION IS
11 AMENDED BY ADDING SUBSECTIONS TO READ:

12 SECTION 111. CRIMINAL HISTORY OF EMPLOYES AND PROSPECTIVE
13 EMPLOYES; CONVICTION OF CERTAIN OFFENSES.--

14 * * *

15 (B) ADMINISTRATORS OF PUBLIC AND PRIVATE SCHOOLS,
16 INTERMEDIATE UNITS AND AREA VOCATIONAL-TECHNICAL SCHOOLS SHALL
17 REQUIRE PROSPECTIVE EMPLOYES TO SUBMIT WITH THEIR EMPLOYMENT
18 APPLICATION, PURSUANT TO 18 PA.C.S. CH.91 (RELATING TO CRIMINAL
19 HISTORY RECORD INFORMATION), A REPORT OF CRIMINAL HISTORY RECORD
20 INFORMATION FROM THE PENNSYLVANIA STATE POLICE OR A STATEMENT
21 FROM THE PENNSYLVANIA STATE POLICE THAT THE STATE POLICE CENTRAL
22 REPOSITORY CONTAINS NO SUCH INFORMATION RELATING TO THAT PERSON.
23 SUCH REPORT OF CRIMINAL HISTORY RECORD INFORMATION SHALL BE NO
24 MORE THAN [ONE (1) YEAR] FIVE (5) YEARS OLD. AN APPLICANT MAY
25 SUBMIT A COPY OF THE REQUIRED INFORMATION WITH THE APPLICATION
26 FOR EMPLOYMENT. ADMINISTRATORS SHALL MAINTAIN A COPY OF THE
27 REQUIRED INFORMATION. ADMINISTRATORS SHALL REQUIRE CONTRACTORS
28 TO PRODUCE A REPORT OF CRIMINAL HISTORY RECORD INFORMATION FOR
29 EACH PROSPECTIVE EMPLOYEE OF SUCH CONTRACTOR PRIOR TO EMPLOYMENT.
30 A COPY OF THE REPORT OF CRIMINAL HISTORY RECORD INFORMATION FROM

1 THE PENNSYLVANIA STATE POLICE SHALL BE MADE AVAILABLE TO THE
2 APPLICANT IN A MANNER PRESCRIBED BY THE DEPARTMENT OF EDUCATION.

3 (C.1) BEGINNING APRIL 1, 2007, ADMINISTRATORS SHALL MAINTAIN
4 ON FILE WITH THE APPLICATION FOR EMPLOYMENT A COPY OF THE
5 FEDERAL CRIMINAL HISTORY RECORD IN A MANNER PRESCRIBED BY THE
6 DEPARTMENT OF EDUCATION. AT A MINIMUM, THE DEPARTMENT OF
7 EDUCATION SHALL PRESCRIBE A METHOD FOR APPLICANTS TO SUBMIT A
8 SET OF FINGERPRINTS TO BE TRANSMITTED TO THE FEDERAL BUREAU OF
9 INVESTIGATION FOR FEDERAL CRIMINAL HISTORY RECORD INFORMATION
10 PURSUANT TO THE APPLICABLE FEDERAL LAW. THE FEDERAL CRIMINAL
11 HISTORY RECORD INFORMATION REPORT SHALL BE NO MORE THAN [ONE (1)
12 YEAR] FIVE (5) YEARS OLD. ADMINISTRATORS SHALL MAINTAIN A COPY
13 OF THE REQUIRED INFORMATION AND SHALL REQUIRE EACH APPLICANT TO
14 SECURE A FEDERAL CRIMINAL HISTORY RECORD INFORMATION REPORT THAT
15 MAY NOT BE MORE THAN [ONE (1) YEAR] FIVE (5) YEARS OLD AT THE
16 TIME OF EMPLOYMENT. A COPY OF THE FEDERAL CRIMINAL HISTORY
17 RECORD INFORMATION REPORT SHALL BE MADE AVAILABLE TO THE
18 APPLICANT IN A MANNER PRESCRIBED BY THE DEPARTMENT OF EDUCATION.

19 * * *

20 (C.3) IN ACCORDANCE WITH 23 PA.C.S. § 6344.4 (RELATING TO
21 CERTIFICATION COMPLIANCE), ADMINISTRATORS SHALL REQUIRE THE
22 PERSONS SUBJECT TO THIS SECTION TO OBTAIN THE REPORTS DESCRIBED
23 IN SUBSECTIONS (B) AND (C.1) AND UNDER 23 PA.C.S. § 6344(B)(2)
24 (RELATING TO EMPLOYEES HAVING CONTACT WITH CHILDREN; ADOPTIVE
25 AND FOSTER PARENTS) ON A RENEWED BASIS EVERY SIXTY (60) MONTHS.
26 ANY PERSON SUBJECT TO THIS SECTION WHO HAS PREVIOUSLY NOT BEEN
27 REQUIRED TO OBTAIN THE REPORTS REQUIRED BY SUBSECTIONS (B) AND
28 (C.1) AND UNDER 23 PA.C.S. § 6344(B)(2) ON ACCOUNT OF SERVICE
29 PRIOR TO APRIL 1, 2007, SHALL BE REQUIRED TO OBTAIN SUCH REPORTS
30 NO LATER THAN DECEMBER 31, 2015. THE ADMINISTRATOR SHALL REVIEW

1 THE REPORTS AND DETERMINE IF THE REPORTS DISCLOSE INFORMATION
2 THAT MAY REQUIRE FURTHER ACTION. THE ADMINISTRATOR SHALL
3 MAINTAIN A COPY OF THE REQUIRED REPORTS.

4 (C.4) TO THE EXTENT PERMITTED BY 23 PA.C.S. § 6344.3(F)
5 (RELATING TO CONTINUED EMPLOYMENT OR PARTICIPATION IN PROGRAM,
6 ACTIVITY OR SERVICE), AN ADMINISTRATOR MAY ACCEPT THE REPORTS
7 IDENTIFIED IN 23 PA.C.S. § 6344(B) (1) AND (3) OBTAINED FOR
8 EMPLOYMENT OR VOLUNTEER REQUIREMENTS PURSUANT TO 23 PA.C.S. §
9 6344 IN SATISFACTION OF THE REQUIREMENTS OF SUBSECTIONS (B) AND
10 (C.1), PROVIDED THE REPORTS ARE NOT MORE THAN SIXTY (60) MONTHS
11 OLD AND THE APPLICANT PROVIDES THE ADMINISTRATOR WITH THE REPORT
12 DESCRIBED IN SUBSECTION (J) (1) INDICATING THAT THE INDIVIDUAL
13 HAS NOT BEEN DISQUALIFIED FROM EMPLOYMENT PURSUANT TO SUBSECTION
14 (E) OR (F.1). THE APPLICANT SHALL ALSO PROVIDE AN ATTESTATION
15 THAT THE APPLICANT HAS NOT BEEN DISQUALIFIED FOR EMPLOYMENT
16 UNDER 23 PA.C.S. § 6344(C) (1). THE ADMINISTRATOR SHALL REVIEW
17 THE REPORTS AND DETERMINE IF THE REPORTS DISCLOSE INFORMATION
18 THAT MAY REQUIRE FURTHER ACTION AND SHALL MAINTAIN A COPY OF THE
19 REQUIRED REPORTS.

20 * * *

21 (J) * * *

22 (2) ALL CURRENT AND PROSPECTIVE EMPLOYEES OF A PUBLIC OR
23 PRIVATE SCHOOL, INTERMEDIATE UNIT OR AREA VOCATIONAL-TECHNICAL
24 SCHOOL SHALL COMPLETE THE FORM DESCRIBED IN CLAUSE (1),
25 INDICATING WHETHER OR NOT THEY HAVE BEEN ARRESTED FOR OR
26 CONVICTED OF AN OFFENSE ENUMERATED UNDER SUBSECTIONS (E) AND
27 (F.1), PROVIDED THAT ANY CURRENT EMPLOYEE WHO COMPLETED THE FORM
28 ON OR BEFORE DECEMBER 27, 2011, IN COMPLIANCE WITH CLAUSES (1)
29 AND (2) ON THAT DATE AND WHO HAS NOT BEEN ARRESTED FOR OR
30 CONVICTED OF AN OFFENSE ENUMERATED UNDER SUBSECTIONS (E) AND

1 (F.1) SHALL NOT BE REQUIRED TO COMPLETE AN ADDITIONAL FORM UNDER
2 THIS SUBSECTION EVERY SIXTY (60) MONTHS AS REQUIRED IN
3 SUBSECTION (C.3).

4 * * *

5 SECTION 2. SECTION 121 OF THE ACT, ADDED JUNE 30, 2012
6 (P.L.684, NO.82), IS AMENDED TO READ:

7 SECTION 121. KEYSTONE EXAMS.--(A) SUBJECT TO ANNUAL
8 APPROPRIATION, NOT LATER THAN THE 2020-2021 SCHOOL YEAR, THE
9 DEPARTMENT OF EDUCATION SHALL DEVELOP AND IMPLEMENT KEYSTONE
10 EXAMS IN THE FOLLOWING SUBJECTS: ALGEBRA I, LITERATURE, BIOLOGY,
11 ENGLISH COMPOSITION, ALGEBRA II, GEOMETRY, UNITED STATES
12 HISTORY, CHEMISTRY, CIVICS AND GOVERNMENT AND WORLD HISTORY. THE
13 STATE BOARD OF EDUCATION SHALL PROMULGATE REGULATIONS, SUBJECT
14 TO THE ACT OF JUNE 25, 1982 (P.L.633, NO.181), KNOWN AS THE
15 "REGULATORY REVIEW ACT," NECESSARY TO IMPLEMENT THIS SECTION.

16 (B) IN ADDITION TO ANY REQUIREMENTS ON THE STATE BOARD OF
17 EDUCATION UNDER THE "REGULATORY REVIEW ACT", ON THE SAME DATE
18 THAT PURSUANT TO THE "REGULATORY REVIEW ACT" THE STATE BOARD OF
19 EDUCATION SUBMITS A PROPOSED REGULATION FOR OR RELATED TO THE
20 IMPLEMENTATION OF KEYSTONE EXAMS UNDER THIS SECTION TO THE
21 LEGISLATIVE REFERENCE BUREAU FOR PUBLICATION OF NOTICE OF
22 PROPOSED RULEMAKING IN THE PENNSYLVANIA BULLETIN AS REQUIRED BY
23 THE ACT OF JULY 31, 1968 (P.L.769, NO.240), REFERRED TO AS THE
24 COMMONWEALTH DOCUMENTS LAW, AND THEREAFTER ON THE SAME DATE IT
25 SUBMITS THE TEXT OF THE FINAL-FORM REGULATION TO THE INDEPENDENT
26 REGULATORY REVIEW COMMISSION, IT SHALL SUBMIT TO THE CHAIRMAN
27 AND MINORITY CHAIRMAN OF THE EDUCATION COMMITTEE OF THE SENATE
28 AND THE CHAIRMAN AND MINORITY CHAIRMAN OF THE EDUCATION
29 COMMITTEE OF THE HOUSE OF REPRESENTATIVES A DETAILED FISCAL
30 IMPACT STATEMENT THAT THE PROPOSED OR FINAL-FORM REGULATION WILL

1 HAVE ON THE COMMONWEALTH, THE COMMUNITIES, THE SCHOOL DISTRICTS
2 AND, IF APPLICABLE, PRIVATE AND PRIVATE RELIGIOUS SCHOOLS. THE
3 DETAILED FISCAL IMPACT STATEMENT SHALL INCLUDE A COMPREHENSIVE
4 FISCAL NOTE OF ALL DIRECT AND INDIRECT COSTS WHETHER INCURRED IN
5 PREPARATION OF THE PROPOSED OR FINAL-FORM REGULATION OR WHICH
6 WILL BE REQUIRED AS A RESULT OF THE PROMULGATION OF THE
7 REGULATION TO ITS BEST DOLLAR ESTIMATE. THE STATE BOARD OF
8 EDUCATION MAY INCLUDE NARRATIVE STATEMENTS TO ACCOMPANY ITS BEST
9 DOLLAR ESTIMATE, BUT MAY NOT DO SO IN LIEU OF DETAILED BEST
10 ESTIMATED DOLLAR AMOUNTS.

11 (C) THE FOLLOWING SHALL APPLY:

12 (1) NOTWITHSTANDING SECTION 2604-B(B) (2) (V), 22 PA. CODE §
13 4.24 (RELATING TO HIGH SCHOOL GRADUATION REQUIREMENTS), 4.51
14 (RELATING TO STATE ASSESSMENT SYSTEM) OR 4.51C (RELATING TO
15 PROJECT-BASED ASSESSMENT) OR ANY STATUTE OR REGULATION TO THE
16 CONTRARY, THE USE OF THE KEYSTONE EXAM AS A GRADUATION
17 REQUIREMENT OR AS A BENCHMARK FOR THE NEED FOR PARTICIPATION IN
18 A PROJECT-BASED ASSESSMENT SHALL BE DELAYED UNTIL THE 2018-2019
19 SCHOOL YEAR.

20 (2) THE DEPARTMENT OF EDUCATION SHALL INVESTIGATE AND
21 DEVELOP ALTERNATIVES IN ADDITION TO THE USE OF THE KEYSTONE
22 EXAMS AS A REQUIREMENT FOR GRADUATION AND SHALL, WITHIN SIX (6)
23 MONTHS OF THE EFFECTIVE DATE OF THIS PARAGRAPH, ISSUE A REPORT
24 OF THE DEPARTMENT OF EDUCATION'S FINDINGS AND RECOMMENDATIONS,
25 INCLUDING PROPOSED LEGISLATION, TO THE CHAIRMAN AND MINORITY
26 CHAIRMAN OF THE EDUCATION COMMITTEE OF THE SENATE AND THE
27 CHAIRMAN AND MINORITY CHAIRMAN OF THE EDUCATION COMMITTEE OF THE
28 HOUSE OF REPRESENTATIVES. THE REPORT SHALL, AT A MINIMUM,
29 CONTAIN A DETAILED PLAN AND TIMELINE WITHIN WHICH THE DEPARTMENT
30 OF EDUCATION SHALL ACCOMPLISH ALL OF THE FOLLOWING:

1 (I) IMPLEMENT ALTERNATIVE METHODS FOR STUDENTS TO
2 DEMONSTRATE PROFICIENCY FOR GRADUATION IN ADDITION TO THE
3 KEYSTONE EXAMS, PROJECT-BASED ASSESSMENT AND OTHER ALTERNATIVE
4 ASSESSMENTS PROVIDED FOR IN 22 PA. CODE § 4.24.

5 (II) IMPROVE AND EXPEDITE THE EVALUATION OF PROJECT-BASED
6 ASSESSMENTS.

7 (III) ENSURE THAT NO STUDENT IS PROHIBITED FROM
8 PARTICIPATION IN VOCATIONAL-TECHNICAL EDUCATION OR ELECTIVE
9 COURSES OR PROGRAMS AS A RESULT OF SUPPLEMENTAL INSTRUCTION
10 REQUIRED IN 22 PA. CODE §§ 4.24(K) AND 4.51B(F) (RELATING TO
11 KEYSTONE EXAMS).

12 SECTION 3. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:
13 SECTION 124. POWERS AND DUTIES OF THE SECRETARY OF
14 EDUCATION.--(A) ON BEHALF OF THE COMMONWEALTH, THE SECRETARY OF
15 EDUCATION SHALL HAVE THE AUTHORITY AND DUTY TO ENTER INTO AND
16 ADMINISTER MEMBERSHIP IN A REGIONAL COMPACT AND AN INTERSTATE
17 RECIPROCITY AGREEMENT FOR THE PROVISION OF POSTSECONDARY
18 DISTANCE EDUCATION BY THE FOLLOWING:

19 (1) INSTITUTIONS OF HIGHER EDUCATION TO STUDENTS IN OTHER
20 STATES, TERRITORIES AND DISTRICTS PARTY TO SUCH AGREEMENT.

21 (2) POSTSECONDARY INSTITUTIONS IN OTHER STATES, TERRITORIES
22 OR DISTRICTS THAT ARE A PARTY TO SUCH AGREEMENT TO STUDENTS IN
23 THIS COMMONWEALTH.

24 (B) THE DEPARTMENT OF EDUCATION MAY CHARGE ADMINISTRATIVE
25 FEES TO INSTITUTIONS OF HIGHER EDUCATION THAT CHOOSE TO
26 PARTICIPATE IN THE AGREEMENT, NOT TO EXCEED THE DEPARTMENT'S
27 COSTS TO IMPLEMENT AND ADMINISTER THE AGREEMENT. THE DEPARTMENT
28 MAY PROMULGATE FINAL-OMITTED REGULATIONS PURSUANT TO THE ACT OF
29 JUNE 25, 1982 (P.L.633, NO.181), KNOWN AS THE "REGULATORY REVIEW
30 ACT," NECESSARY TO IMPLEMENT THIS SUBSECTION, PROVIDED THAT SUCH

1 FINAL-OMITTED REGULATIONS SHALL EXPIRE ON JUNE 30, 2018. AFTER
2 JUNE 30, 2018, ANY REVISIONS TO THE ADMINISTRATIVE FEES CHARGED
3 UNDER THIS SUBSECTION SHALL BE MADE THROUGH REGULATIONS
4 PROMULGATED UNDER THE REGULATORY REVIEW ACT.

5 (C) THE POSTSECONDARY DISTANCE EDUCATION INTERSTATE
6 RECIPROCITY AGREEMENT RESTRICTED RECEIPTS ACCOUNT IS ESTABLISHED
7 AS A SPECIAL RESTRICTED RECEIPTS ACCOUNT WITHIN THE GENERAL FUND
8 OF THE STATE TREASURY, FROM WHICH THE DEPARTMENT MAY DRAW MONEYS
9 FOR THE PURPOSE OF AGREEMENT EXPENSES, THE COSTS OF
10 ADMINISTERING AND IMPLEMENTING THE AGREEMENT AND ALL OTHER COSTS
11 ASSOCIATED WITH THE ACTIVITIES OF THE DEPARTMENT RELATED TO
12 IMPLEMENTATION OF THIS SECTION. THIS ACCOUNT SHALL CONSIST OF
13 ALL ADMINISTRATIVE FEES DEPOSITED UNDER SUBSECTION (B) AND STATE
14 FUNDS APPROPRIATED FOR USE UNDER THIS SECTION. THE RESTRICTED
15 RECEIPTS ACCOUNT SHALL BE SUBJECT TO AUDIT BY THE AUDITOR
16 GENERAL.

17 (D) FOR PURPOSES OF THIS SECTION, "INSTITUTION OF HIGHER
18 EDUCATION" SHALL HAVE THE MEANING GIVEN IN SECTION 118 AND
19 ARTICLE XIX-B.

20 SECTION 510.2. PUBLICATION OF POLICIES.--BEGINNING WITH THE
21 2016-2017 SCHOOL YEAR, THE BOARD OF SCHOOL DIRECTORS OF A SCHOOL
22 DISTRICT SHALL POST ON ITS PUBLICLY ACCESSIBLE INTERNET WEBSITE
23 THE FOLLOWING POLICIES TO THE EXTENT SUCH POLICIES ARE REQUIRED
24 TO BE ADOPTED BY THE SCHOOL DISTRICT UNDER FEDERAL OR STATE LAW:

25 (1) THE FOLLOWING RELATING TO STUDENTS:

26 (I) ADMISSION OF BEGINNERS.

27 (II) ATTENDANCE, EXCUSALS AND TRUANCY.

28 (III) WITHDRAWAL FROM SCHOOL.

29 (IV) STUDENT DISCIPLINE.

30 (V) SUSPENSION AND EXPULSION OF STUDENTS.

- 1 (VI) SEARCHES.
- 2 (VII) AUDIO INTERCEPTION ON SCHOOL BUSES OR SCHOOL VEHICLES
3 FOR DISCIPLINARY OR SECURITY PURPOSES.
- 4 (VIII) RETENTION, MAINTENANCE AND ACCESS TO STUDENT RECORDS.
- 5 (IX) USE OF PERSONAL ELECTRONIC DEVICES.
- 6 (X) DRESS AND GROOMING.
- 7 (XI) STUDENT COMPLAINT PROCESS.
- 8 (XII) PARENT APPEAL OF A SCHOOL DISTRICT'S PLACEMENT OF
9 TWINS OR MULTIPLE BIRTH SIBLINGS.
- 10 (XIII) PARTICIPATION BY HOME SCHOOL STUDENTS IN SCHOOL
11 DISTRICT EXTRACURRICULAR ACTIVITIES.
- 12 (2) THE FOLLOWING RELATING TO EDUCATIONAL PROGRAMS:
- 13 (I) CURRICULUM REVIEW BY PARENTS AND STUDENTS.
- 14 (II) PROMOTION AND RETENTION.
- 15 (III) GRADUATION REQUIREMENTS.
- 16 (3) THE FOLLOWING RELATING TO STUDENT HEALTH:
- 17 (I) COMMUNICABLE DISEASES AND IMMUNIZATION.
- 18 (II) HEALTH EXAMINATIONS AND SCREENINGS.
- 19 (III) STUDENT USE OF MEDICATIONS.
- 20 (IV) THE SCHOOL DISTRICT'S WELLNESS POLICY.
- 21 (4) THE FOLLOWING RELATING TO SCHOOL PROPERTY:
- 22 (I) USE OF SCHOOL PROPERTY AND FACILITIES.
- 23 (II) SCHOOL VISITATION POLICIES.
- 24 (III) INTEGRATED PEST MANAGEMENT PLAN.
- 25 (5) THE FOLLOWING RELATING TO COMMUNITY:
- 26 (I) PUBLIC PARTICIPATION IN SCHOOL BOARD MEETINGS.
- 27 (II) PUBLIC ATTENDANCE AT SCHOOL EVENTS.
- 28 (III) PARENTAL INVOLVEMENT POLICY FOR PARENTS AND GUARDIANS
29 OF STUDENTS PARTICIPATING PURSUANT TO SECTION 1118 OF THE
30 ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 (PUBLIC LAW 89-

1 10, 20 U.S.C § 6318).

2 (IV) PUBLIC ACCESS TO AND USE OF SCHOOL DISTRICT BUILDINGS,
3 FACILITIES AND GROUNDS.

4 (V) PUBLIC COMPLAINT PROCESS.

5 SECTION 4. THE ACT IS AMENDED BY ADDING ARTICLES TO READ:

6 ARTICLE VI-B

7 SCHOOL WATCH

8 SECTION 601-B. SCOPE.

9 THIS ARTICLE RELATES TO PUBLIC SCHOOL WEB ACCOUNTABILITY AND
10 TRANSPARENCY (SCHOOLWATCH).

11 SECTION 602-B. DEFINITIONS.

12 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ARTICLE
13 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
14 CONTEXT CLEARLY INDICATES OTHERWISE:

15 "ADMINISTRATIVE STAFF." EMPLOYEES OF A PUBLIC SCHOOL ENTITY
16 THAT INCLUDE, BUT ARE NOT LIMITED TO, SUPERINTENDENTS, ASSISTANT
17 SUPERINTENDENTS, DEPUTY SUPERINTENDENTS, PRINCIPALS, ASSISTANT
18 PRINCIPALS, SUPERVISORS, MANAGERS, DIRECTORS AND COORDINATORS.

19 "AREA VOCATIONAL-TECHNICAL SCHOOL." AS DEFINED IN SECTION
20 1841.

21 "AVERAGE DAILY MEMBERSHIP." AS DEFINED IN SECTION 2501.

22 "CHARTER SCHOOL." AS DEFINED IN SECTION 1703-A.

23 "CHARTER SCHOOL ENTITY." A CHARTER SCHOOL, CYBER CHARTER
24 SCHOOL OR REGIONAL CHARTER SCHOOL AS DEFINED IN SECTION 1703-A.

25 "CYBER CHARTER SCHOOL." AS DEFINED IN SECTION 1703-A.

26 "DEPARTMENT." THE DEPARTMENT OF EDUCATION OF THE
27 COMMONWEALTH.

28 "FACILITIES ACQUISITION AND CONSTRUCTION EXPENDITURES."
29 EXPENDITURES RELATED TO THE PURCHASE OR IMPROVEMENT OF LAND,
30 BUILDINGS, SERVICE SYSTEMS AND BUILT-IN EQUIPMENT.

1 "GENERAL FUND BALANCE." THE BALANCE IN A PUBLIC SCHOOL
2 ENTITY'S GENERAL FUND, WHICH SHALL NOT INCLUDE NONSPENDABLE AND
3 RESTRICTED FUND BALANCES.

4 "INSTRUCTIONAL EXPENDITURES." EXPENDITURES RELATED TO ALL
5 THOSE ACTIVITIES DEALING DIRECTLY WITH THE INTERACTION BETWEEN
6 TEACHERS AND STUDENTS AND RELATED COSTS, WHICH CAN BE DIRECTLY
7 ATTRIBUTED TO A PROGRAM OF INSTRUCTION.

8 "MARKET VALUE/PERSONAL INCOME AID RATIO." AS DEFINED IN
9 SECTIONS 1703-A AND 2501.

10 "NONINSTRUCTIONAL EXPENDITURES." EXPENDITURES RELATED TO
11 ACTIVITIES CONCERNED WITH PROVIDING NONINSTRUCTIONAL SERVICES TO
12 STUDENTS, STAFF OR THE COMMUNITY.

13 "OTHER FINANCING USES." CURRENT DEBT SERVICE EXPENDITURES
14 AND OTHER EXPENSES SUCH AS THE REFUNDING OF DEBT AND TRANSFERS
15 OF MONEY FROM ONE FUND TO ANOTHER.

16 "PUBLIC SCHOOL ENTITY." ANY OF THE FOLLOWING:

17 (1) AN AREA VOCATIONAL-TECHNICAL SCHOOL.

18 (2) A SCHOOL DISTRICT.

19 (3) A CHARTER SCHOOL ENTITY.

20 "REGIONAL CHARTER SCHOOL." AS DEFINED IN SECTION 1703-A.

21 "SCHOOL DISTRICT." AS DEFINED IN SECTION 102.

22 "SCHOOL PERFORMANCE PROFILE." A COMPREHENSIVE OVERVIEW OF
23 STUDENT ACADEMIC PERFORMANCE IN A PUBLIC SCHOOL ENTITY COMPILED
24 ANNUALLY BY THE DEPARTMENT.

25 "SUPPORT SERVICES EXPENDITURES." EXPENDITURES RELATED TO
26 THOSE SERVICES THAT PROVIDE ADMINISTRATIVE SUPPORT, TECHNICAL
27 SUPPORT, INCLUDING, BUT NOT LIMITED TO, GUIDANCE AND HEALTH, AND
28 LOGISTICAL SUPPORT TO FACILITATE AND ENHANCE INSTRUCTION.

29 SECTION 603-B. FINANCIAL INFORMATION TO BE POSTED.

30 (A) INFORMATION.--BEGINNING MAY 31, 2016, AND BY MAY 31 EACH

1 YEAR THEREAFTER, THE DEPARTMENT SHALL POST ALL OF THE FOLLOWING
2 FOR EACH PUBLIC SCHOOL ENTITY ON ITS PUBLICLY ACCESSIBLE
3 INTERNET WEBSITE, TO THE EXTENT THE INFORMATION IS AVAILABLE TO
4 THE DEPARTMENT:

5 (1) THE FOLLOWING FINANCIAL INFORMATION FOR THE PUBLIC
6 SCHOOL ENTITY FOR THE MOST RECENT FISCAL YEAR FOR WHICH THE
7 PUBLIC SCHOOL ENTITY REPORTED SUCH INFORMATION TO THE
8 DEPARTMENT:

9 (I) TOTAL EXPENDITURES IN THE FOLLOWING CATEGORIES:

10 (A) INSTRUCTIONAL.

11 (B) SUPPORT SERVICES.

12 (C) NONINSTRUCTIONAL.

13 (D) FACILITIES ACQUISITION AND CONSTRUCTION.

14 (E) OTHER FINANCING USES.

15 (II) THE PUBLIC SCHOOL ENTITY'S PER-STUDENT
16 EXPENDITURES, ON EACH OF THE FOLLOWING BASES:

17 (A) BASED ON THE PUBLIC SCHOOL ENTITY'S
18 INSTRUCTIONAL EXPENDITURES.

19 (B) BASED ON THE PUBLIC SCHOOL ENTITY'S TOTAL
20 EXPENDITURES.

21 (III) THE PUBLIC SCHOOL ENTITY'S PER-STUDENT CHARTER
22 SCHOOL TUITION RATES IN EACH OF THE FOLLOWING CATEGORIES:

23 (A) FOR REGULAR EDUCATION STUDENTS.

24 (B) FOR SPECIAL EDUCATION STUDENTS.

25 (IV) THE PUBLIC SCHOOL ENTITY'S AVERAGE DAILY
26 MEMBERSHIP.

27 (V) THE PUBLIC SCHOOL ENTITY'S MARKET VALUE/PERSONAL
28 INCOME AID RATIO.

29 (VI) THE AVERAGE TEACHER SALARY IN THE PUBLIC SCHOOL
30 ENTITY.

1 (VII) TOTAL REVENUES FROM THE FOLLOWING SOURCES:

2 (A) FEDERAL.

3 (B) STATE.

4 (C) LOCAL.

5 (D) OTHER.

6 (VIII) THE PUBLIC SCHOOL ENTITY'S GENERAL FUND
7 BALANCE.

8 (2) A LINK TO THE MOST RECENT OF EACH OF THE FOLLOWING
9 REPORTS FILED BY THE PUBLIC SCHOOL ENTITY WITH THE
10 DEPARTMENT:

11 (I) SUMMARIES OF FINANCIAL REPORT DATA.

12 (II) NONADMINISTRATIVE STAFF COMPENSATION REPORT.

13 (III) ADMINISTRATIVE STAFF COMPENSATION REPORT.

14 (3) A LINK TO THE PUBLIC SCHOOL ENTITY'S PUBLICLY
15 ACCESSIBLE INTERNET WEBSITE, WHERE AVAILABLE.

16 (4) A STATEMENT INSTRUCTING THE PUBLIC TO CONTACT THE
17 PUBLIC SCHOOL ENTITY FOR ACCESS TO ANY UNION CONTRACT.

18 (B) POSTING.--IN POSTING FINANCIAL INFORMATION AS REQUIRED
19 UNDER THIS SECTION, THE DEPARTMENT SHALL:

20 (1) POST AND COMPILE ANNUALLY ALL INFORMATION AS A "VIEW
21 FISCAL INFORMATION" ICON LOCATED ON A SCHOOL PERFORMANCE
22 PROFILE FOR EACH PUBLIC SCHOOL ENTITY.

23 (2) POST ALL INFORMATION IN A LOCATION AND MANNER THAT
24 IS EASILY ACCESSIBLE TO THE PUBLIC.

25 (3) INCLUDE ALL DEFINITIONS AND OTHER EXPLANATORY
26 REFERENCES THAT MAY BE NECESSARY TO ASSIST INTERNET WEBSITE
27 USERS IN UNDERSTANDING THE POSTED INFORMATION.

28 (4) USE EXISTING DATABASES AND ELECTRONIC REPORTING
29 SYSTEMS TO THE EXTENT POSSIBLE.

30 (5) PROVIDE FOR AN ELECTRONIC FEATURE THAT WILL ALLOW

1 THE PUBLIC TO COMPARE FINANCIAL INFORMATION FOR A MINIMUM OF
2 FOUR PUBLIC SCHOOL ENTITIES.

3 (6) BEGINNING WITH INFORMATION PERTAINING TO THE 2012-
4 2013 FISCAL YEAR, POST THE INFORMATION REQUIRED UNDER
5 SUBSECTION (A) (1) FOR AT LEAST THE MOST RECENT THREE FISCAL
6 YEARS FOR WHICH SUCH INFORMATION IS AVAILABLE TO THE
7 DEPARTMENT, INCLUDING A TREND GRAPH DISPLAYING THE CHANGE IN
8 THE AMOUNT REPORTED EACH YEAR FROM THE AMOUNT REPORTED IN THE
9 PREVIOUS YEAR.

10 (C) LIMITATION.--THE DEPARTMENT'S POSTING OF FINANCIAL
11 INFORMATION UNDER THIS SECTION SHALL NOT BE CONSTRUED TO:

12 (1) REQUIRE A PUBLIC SCHOOL ENTITY TO PROVIDE THE
13 DEPARTMENT WITH ANY ADDITIONAL INFORMATION, DATA OR REPORTS
14 THAT THE PUBLIC SCHOOL ENTITY IS NOT ALREADY REQUIRED TO
15 PROVIDE TO THE DEPARTMENT AS OF THE EFFECTIVE DATE OF THIS
16 ACT.

17 (2) REQUIRE ANY PUBLIC SCHOOL ENTITY TO PROVIDE THE
18 DEPARTMENT WITH ADDITIONAL INFORMATION BEYOND THE INFORMATION
19 REQUIRED TO BE PROVIDED TO THE DEPARTMENT BY ANY OTHER PUBLIC
20 SCHOOL ENTITY.

21 ARTICLE VI-C

22 STATE OPPORTUNITY SCHOOLS

23 SECTION 601-C. SCOPE.

24 THIS ARTICLE RELATES TO THE TRANSFER OF UNDERPERFORMING
25 SCHOOLS TO THE DEPARTMENT OF EDUCATION.

26 SECTION 602-C. DEFINITIONS.

27 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ARTICLE
28 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
29 CONTEXT CLEARLY INDICATES OTHERWISE:

30 "COMMISSION." THE SCHOOL REFORM COMMISSION ESTABLISHED UNDER

1 SECTION 696.

2 "DEPARTMENT." THE DEPARTMENT OF EDUCATION OF THE
3 COMMONWEALTH.

4 "DIAGNOSTIC AUDIT." A COMPREHENSIVE REVIEW OF A SCHOOL'S
5 ORGANIZATIONAL STRUCTURE, SCHOOL MANAGEMENT, OPERATIONS,
6 ACADEMICS, USE OF DATA AND CLIMATE COMPLETED TO IDENTIFY THE
7 WEAKNESSES AND STRENGTHS OF THE SCHOOL AND AREAS FOR GROWTH AND
8 IMPROVEMENT WITHIN THE SCHOOL.

9 "EDUCATION MANAGEMENT SERVICE PROVIDER." A FOR-PROFIT OR
10 NONPROFIT MANAGEMENT ORGANIZATION, NONPROFIT CHARTER MANAGEMENT
11 ORGANIZATION, SCHOOL DESIGN PROVIDER, BUSINESS MANAGER OR ANY
12 OTHER PARTNER ENTITY WITH WHICH A SCHOOL DISTRICT CONTRACTS TO
13 PROVIDE EDUCATIONAL DESIGN, BUSINESS SERVICES, COMPREHENSIVE
14 MANAGEMENT OR PERSONNEL FUNCTIONS. THE TERM DOES NOT INCLUDE A
15 CHARTER SCHOOL FOUNDATION.

16 "ELIGIBLE SCHOOL." A SCHOOL WITHIN A SCHOOL DISTRICT
17 DESIGNATED BY THE SCHOOL DISTRICT UNDER ITS PERFORMANCE METRIC
18 AS AN INTERVENTION SCHOOL.

19 "INTERVENTION SCHOOL." A SCHOOL DESIGNATED IN THE LOWEST
20 PERFORMANCE TIER OF A SCHOOL DISTRICT'S PERFORMANCE METRIC.

21 "PERFORMANCE METRIC." THE SYSTEM CREATED AND UTILIZED BY A
22 SCHOOL DISTRICT TO MEASURE A SCHOOL'S ACADEMIC PERFORMANCE.

23 "PERSISTENTLY LOW-ACHIEVING SCHOOL." AN ELIGIBLE SCHOOL
24 DESIGNATED BY THE SECRETARY UNDER SECTION 603-C.

25 "SCHOOL DISTRICT." A SCHOOL DISTRICT OF THE FIRST CLASS.

26 "SCHOOL IMPROVEMENT PROCESS." A SCHOOL IMPROVEMENT PLAN
27 DEVELOPED AND IMPLEMENTED BY THE SECRETARY.

28 "SECRETARY." THE SECRETARY OF EDUCATION OF THE COMMONWEALTH.
29 SECTION 603-C. PERSISTENTLY LOW-ACHIEVING SCHOOLS.

30 (A) DESIGNATION.--

1 (1) WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS SECTION
2 AND BY SEPTEMBER 30 OF EACH SUCCEEDING YEAR, THE SECRETARY
3 SHALL IDENTIFY ELIGIBLE SCHOOLS AND DESIGNATE PERSISTENTLY
4 LOW-ACHIEVING SCHOOLS.

5 (2) THE SECRETARY SHALL HAVE DISCRETION TO DESIGNATE
6 PERSISTENTLY LOW-ACHIEVING SCHOOLS FROM THE LIST OF ELIGIBLE
7 SCHOOLS CREATED BY THE PERFORMANCE METRICS.

8 (3) THE SECRETARY SHALL NOTIFY PERSISTENTLY LOW-
9 ACHIEVING SCHOOLS AND THE SCHOOL DISTRICT OF THEIR
10 DESIGNATION IN WRITING WITHIN 30 DAYS OF THEIR DESIGNATION.

11 (4) THE SECRETARY SHALL DESIGNATE FIVE SCHOOLS PER YEAR
12 AS PERSISTENTLY LOW ACHIEVING.

13 (B) LIMITATIONS.--THE SECRETARY SHALL NOT IDENTIFY A SCHOOL
14 AS PERSISTENTLY LOW ACHIEVING IF THE SCHOOL:

15 (1) HAS BEEN CONVERTED TO A CHARTER SCHOOL OR
16 RENAISSANCE MODEL WITHIN THE PAST THREE YEARS.

17 (2) INITIALLY OPENED WITHIN THE PAST THREE YEARS.

18 (3) EXCLUSIVELY SERVES A HISTORICALLY UNDERSERVED
19 POPULATION, INCLUDING, BUT NOT LIMITED TO, RETURNING TRUANTS,
20 HOMELESS STUDENTS, STUDENTS WITH DISABILITIES OR ADJUDICATED
21 MINORS.

22 (4) HAS A COLLEGE MATRICULATION RATE THAT MEETS OR
23 EXCEEDS THE LOCAL SCHOOL DISTRICT AVERAGE.

24 (5) IS A CHARTER SCHOOL WHOSE ACADEMIC PERFORMANCE AS
25 MEASURED BY THE MOST RECENT PENNSYLVANIA SCHOOL PERFORMANCE
26 PROFILE EXCEEDS THE AVERAGE PENNSYLVANIA SCHOOL PERFORMANCE
27 PROFILE FOR SCHOOLS IN THE AUTHORIZING SCHOOL DISTRICT.

28 (C) DESIGNATION.--ONCE DESIGNATED, A PERSISTENTLY LOW-
29 ACHIEVING SCHOOL SHALL ENTER THE SCHOOL IMPROVEMENT PROCESS AS
30 SET FORTH IN SECTION 604-C.

1 SECTION 604-C. SCHOOL IMPROVEMENT PROCESS.

2 (A) DIAGNOSTIC AUDIT.--DURING THE FIRST ACADEMIC YEAR IN
3 WHICH A SCHOOL HAS BEEN DESIGNATED A PERSISTENTLY LOW-ACHIEVING
4 SCHOOL, A DIAGNOSTIC AUDIT OF THE SCHOOL SHALL BE COMPLETED NO
5 LATER THAN JUNE 30. THE AUDIT SHALL BE PROVIDED BY THE
6 DEPARTMENT.

7 (B) DEPARTMENT ACTION.--UPON COMPLETION OF THE DIAGNOSTIC
8 AUDIT, THE DEPARTMENT SHALL TAKE ONE OR MORE OF THE FOLLOWING
9 ACTIONS:

10 (1) CONTRACT WITH AN EDUCATION MANAGEMENT SERVICE
11 PROVIDER TO OPERATE THE PERSISTENTLY LOW-ACHIEVING SCHOOL AND
12 GUARANTEE ADMISSION TO STUDENTS WHO WERE ENROLLED IN THE
13 SCHOOL IN THE PRIOR SCHOOL YEAR.

14 (2) CONVERT THE PERSISTENTLY LOW-ACHIEVING SCHOOL TO A
15 CHARTER SCHOOL AND GUARANTEE ADMISSION TO STUDENTS WHO WERE
16 ENROLLED IN THE SCHOOL IN THE PRIOR SCHOOL YEAR.

17 (3) CLOSE THE PERSISTENTLY LOW-ACHIEVING SCHOOL AND
18 FACILITATE THE TRANSFER OF STUDENTS TO HIGHER PERFORMING
19 SCHOOLS.

20 (4) AUTHORIZE A NEW CHARTER SCHOOL AND, NOTWITHSTANDING
21 THE PROVISIONS OF ARTICLE XVII-A, GUARANTEE ADMISSION
22 PREFERENCE TO ANY STUDENTS WHO RESIDE IN THE AREA BEING
23 SERVED BY THE PERSISTENTLY LOW-ACHIEVING SCHOOL. THE
24 DEPARTMENT SHALL ADOPT CRITERIA FOR THE AUTHORIZATION OF
25 CHARTER SCHOOLS THAT IS CONSISTENT WITH THE CRITERIA SET
26 FORTH BY THE NATIONAL ASSOCIATION OF CHARTER SCHOOL
27 AUTHORIZERS.

28 (5) REPLACE THE PRINCIPAL AND AT LEAST 50% OF THE
29 PROFESSIONAL STAFF AT THE PERSISTENTLY LOW-ACHIEVING SCHOOL.

30 (6) OPERATE UNDER ONE OF THE POWERS ENUMERATED UNDER

1 SECTION 606-C.

2 SECTION 605-C. POWERS AND DUTIES OF DEPARTMENT.

3 (A) GENERAL RULE.--EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED
4 IN THIS ARTICLE, THE DEPARTMENT SHALL HAVE THE POWERS AND DUTIES
5 OF A SCHOOL DISTRICT UNDER THIS ACT.

6 (B) CHARTER SCHOOLS.--THE AUTHORITY OF THE DEPARTMENT TO
7 AUTHORIZE THE GRANT OF A CHARTER TO AN APPLICANT FOR A CHARTER
8 SCHOOL AND THE AUTHORITY TO CONVERT A CHARTER SCHOOL SHALL BE
9 LIMITED AS SET FORTH IN THIS SECTION.

10 (C) CRITERIA FOR CONVERSION.--NOTWITHSTANDING THE PROVISIONS
11 OF ARTICLE XVII-A, THE DEPARTMENT MAY CONVERT A SCHOOL UNDER ITS
12 JURISDICTION TO A CHARTER SCHOOL.

13 (D) LIMITATIONS.--FOR THE SCHOOL YEAR 2017-2018, AND EACH
14 SCHOOL YEAR THEREAFTER, THE DEPARTMENT SHALL TAKE ONE OR MORE OF
15 THE ACTIONS UNDER SECTION 604-C(B) IN PERSISTENTLY LOW-ACHIEVING
16 SCHOOLS. FOR THE SCHOOL YEAR 2017-2018, AND EACH SCHOOL YEAR
17 THEREAFTER, THE DEPARTMENT SHALL TAKE ACTION UNDER SECTION 604-
18 C(B) (2) OR (4) IN AT LEAST TWO OF THE PERSISTENTLY LOW-ACHIEVING
19 SCHOOLS. NOTWITHSTANDING SECTION 604-C(B), THE NUMBER OF SCHOOLS
20 UNDER THE JURISDICTION OF THE DEPARTMENT MAY NOT EXCEED 15 AT
21 ANY ONE TIME.

22 (E) CHARTER SCHOOLS.--NOTWITHSTANDING ANY PROVISION OF LAW
23 TO THE CONTRARY, IN ACCORDANCE WITH SECTION 1720-A, THE
24 DEPARTMENT MAY REVOKE OR OPT NOT TO RENEW A CHARTER SCHOOL
25 WITHIN ITS JURISDICTION PROVIDED THE DEPARTMENT CONTINUES TO
26 MEET THE REQUIREMENTS OF SECTION 605-C(D). THE NONRENEWAL OR
27 REVOCATION MAY NOT BE APPEALED TO THE STATE CHARTER SCHOOL
28 APPEAL BOARD. ANY APPEAL OF THE NONRENEWAL OR REVOCATION SHALL
29 BE TO COMMONWEALTH COURT.

30 (F) AUTHORITY TO OPERATE.--THE DEPARTMENT MAY DIRECTLY

1 OPERATE A SCHOOL OR CONTRACT WITH INDIVIDUALS OR EDUCATION
2 MANAGEMENT SERVICE PROVIDERS TO MANAGE THE DAY-TO-DAY OPERATIONS
3 OF A PERSISTENTLY LOW-ACHIEVING SCHOOL, INCLUDING, BUT NOT
4 LIMITED TO, PROVIDING DIRECT SERVICES TO STUDENTS.

5 (G) INTERMEDIATE UNIT SERVICES.--THE DEPARTMENT MAY REQUIRE
6 AN INTERMEDIATE UNIT TO PROVIDE SCHOOL SUPPORT OR STUDENT
7 SUPPORT SERVICES FOR A SCHOOL TRANSFERRED FROM THE INTERMEDIATE
8 UNIT'S JURISDICTION, INCLUDING, BUT NOT LIMITED TO, STUDENT
9 TRANSPORTATION, SCHOOL FOOD SERVICE, ALTERNATIVE SCHOOLS AND
10 SPECIAL EDUCATION SERVICES, IN COMPLIANCE WITH LAWS AND
11 REGULATIONS GOVERNING SUCH SERVICES. THE DEPARTMENT SHALL
12 REIMBURSE ACTUAL COSTS INCURRED BY THE INTERMEDIATE UNIT IN
13 PROVIDING THE SERVICES FROM FUNDS RECEIVED UNDER SECTION 610-C.

14 (H) PROCUREMENT.--NOTWITHSTANDING ANY LAW TO THE CONTRARY,
15 THE DEPARTMENT HAS THE SAME AUTHORITY AND AUTONOMY AFFORDED TO A
16 SCHOOL DISTRICT UNDER STATE LAW REGARDING THE PROCUREMENT OF
17 PROPERTY, GOODS AND SERVICES, INCLUDING, BUT NOT LIMITED TO,
18 PERSONAL, PROFESSIONAL, CONSULTING AND SOCIAL SERVICES.

19 (I) WAIVER.--ANY ENTITY THE DEPARTMENT CONTRACTS WITH TO
20 OPERATE OR MANAGE A SCHOOL UNDER THE JURISDICTION OF THE
21 DEPARTMENT MAY APPLY TO THE SECRETARY FOR A WAIVER OF ANY
22 REGULATION OR STATUTORY PROVISION THAT INHIBITS THE ABILITY OF
23 THE SCHOOL TO INCREASE STUDENT ACHIEVEMENT. THE SECRETARY MAY
24 WAIVE ANY REGULATION OR STATUTORY PROVISION THAT INHIBITS THE
25 ABILITY OF THE SCHOOL TO INCREASE STUDENT ACHIEVEMENT.
26 NOTWITHSTANDING THIS SUBSECTION, THE SECRETARY MAY NOT WAIVE
27 RULES RELATED TO THE FOLLOWING:

28 (1) FEDERAL AND STATE CIVIL RIGHTS.

29 (2) FEDERAL, STATE AND LOCAL HEALTH AND SAFETY.

30 (3) FEDERAL AND STATE PUBLIC RECORDS.

- 1 (4) POSSESSION OF WEAPONS ON SCHOOL GROUNDS.
- 2 (5) BACKGROUND CHECKS AND FINGERPRINTS OF PERSONNEL.
- 3 (6) FEDERAL AND STATE SPECIAL EDUCATION REQUIREMENTS.
- 4 (7) STUDENT DUE PROCESS.
- 5 (8) PARENTAL RIGHTS.
- 6 (9) FEDERAL AND STATE STUDENT ASSESSMENT AND

7 ACCOUNTABILITY.

- 8 (10) OPEN MEETINGS.

9 (J) FUNDING.--THE DEPARTMENT MAY SEEK, MANAGE AND EXPEND
10 FEDERAL MONEY AND GRANTS AND OTHER FUNDING WITH THE SAME
11 AUTHORITY AS A SCHOOL DISTRICT.

12 (K) TAXING POWER.--THE DEPARTMENT HAS NO AUTHORITY TO LEVY
13 ANY TAX.

14 SECTION 606-C. DEPARTMENT-OPERATED PERSISTENTLY LOW-ACHIEVING
15 SCHOOLS.

16 (A) POWERS OF DEPARTMENT.--IN ADDITION TO THE POWERS GRANTED
17 BY LAW TO SCHOOL DISTRICTS, AND NOTWITHSTANDING ANY OTHER LAW TO
18 THE CONTRARY, THE DEPARTMENT SHALL HAVE THE FOLLOWING POWERS AS
19 TO PERSISTENTLY LOW-ACHIEVING SCHOOLS OPERATED BY THE
20 DEPARTMENT:

21 (1) TO ENTER INTO AGREEMENTS WITH PERSONS OR EDUCATION
22 MANAGEMENT SERVICE PROVIDERS TO OPERATE THE SCHOOL. A SCHOOL
23 OPERATED UNDER THIS PARAGRAPH SHALL BE FUNDED IN ACCORDANCE
24 WITH THE TERMS OF THE AGREEMENT.

25 (2) TO EMPLOY PROFESSIONAL AND SENIOR MANAGEMENT
26 EMPLOYEES WHO DO NOT HOLD STATE CERTIFICATION IF THE
27 DEPARTMENT HAS APPROVED THE QUALIFICATIONS OF THE PERSON AT A
28 SALARY ESTABLISHED BY THE DEPARTMENT.

29 (3) TO ENTER INTO AGREEMENTS WITH PERSONS OR EDUCATION
30 MANAGEMENT SERVICE PROVIDERS PROVIDING EDUCATIONAL OR OTHER

1 SERVICES TO THE SCHOOL. SERVICES PROVIDED UNDER THIS
2 PARAGRAPH SHALL BE FUNDED IN ACCORDANCE WITH THE TERMS OF THE
3 AGREEMENT.

4 (4) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE,
5 TO CLOSE OR RECONSTITUTE A SCHOOL, INCLUDING THE
6 REASSIGNMENT, SUSPENSION OR DISMISSAL OF PROFESSIONAL
7 EMPLOYEES.

8 (5) TO APPOINT MANAGERS, ADMINISTRATORS OR EDUCATION
9 MANAGEMENT SERVICE PROVIDERS TO OVERSEE THE OPERATIONS OF THE
10 SCHOOL.

11 (6) TO DELEGATE TO A PERSON, INCLUDING AN EMPLOYEE OF
12 THE SCHOOL DISTRICT OR AN EDUCATION MANAGEMENT SERVICE
13 PROVIDER, POWERS IT DEEMS NECESSARY TO CARRY OUT THE PURPOSES
14 OF THIS ARTICLE, SUBJECT TO THE SUPERVISION AND DIRECTION OF
15 THE DEPARTMENT.

16 SECTION 607-C. TRANSFER TO DEPARTMENT.

17 (A) GENERAL RULE.--THE DEPARTMENT MAY TRANSFER AN ELIGIBLE
18 SCHOOL TO ITS JURISDICTION AFTER PROVIDING NOTICE TO THE
19 TRANSFERRING DISTRICT OR TRANSFERRING CHARTER SCHOOL.

20 (B) OBJECTION BY SCHOOL DISTRICT.--THE SCHOOL DISTRICT OF
21 THE ELIGIBLE SCHOOL SUBJECT TO TRANSFER MAY OBJECT TO A TRANSFER
22 BASED ON THE CRITERIA SET FORTH IN SECTION 603-C(B). AN
23 OBJECTION AND REASONS FOR THE OBJECTION MUST BE FILED WITH THE
24 DEPARTMENT WITHIN 30 DAYS OF THE NOTICE IN SUBSECTION (A).

25 (C) OBJECTION BY CHARTER SCHOOL.--IF THE ELIGIBLE SCHOOL
26 SUBJECT TO TRANSFER IS A CHARTER SCHOOL, THE CHARTER SCHOOL MAY
27 OBJECT TO THE TRANSFER BASED ON THE CRITERIA SET FORTH IN
28 SECTION 603-C(B). AN OBJECTION AND REASONS FOR THE OBJECTION
29 MUST BE FILED WITH THE DEPARTMENT WITHIN 30 DAYS OF THE NOTICE
30 IN SUBSECTION (A).

1 (D) PUBLIC HEARING.--WITHIN 30 DAYS OF RECEIPT OF AN
2 OBJECTION BY A SCHOOL DISTRICT OR CHARTER SCHOOL, THE DEPARTMENT
3 SHALL HOLD A PUBLIC HEARING ON THE OBJECTION AND SHALL RECEIVE
4 PUBLIC TESTIMONY DURING THE HEARING.

5 (E) DECISION BY DEPARTMENT.--WITHIN 60 DAYS OF THE PUBLIC
6 HEARING, THE DEPARTMENT SHALL MAKE A FINAL DECISION IN
7 ACCORDANCE WITH THE CRITERIA SET FORTH IN SECTION 603-C(B).

8 (F) APPEAL.--WITHIN 60 DAYS OF THE FINAL DECISION UNDER
9 SUBSECTION (E), AN OBJECTING PARTY UNDER THIS SECTION SHALL HAVE
10 A RIGHT OF APPEAL TO COMMONWEALTH COURT.

11 (G) DECISION FINAL.--IF NO OBJECTION UNDER THIS SECTION IS
12 FILED WITHIN THE REQUIRED PERIOD, THE DECISION TO TRANSFER UNDER
13 THIS SECTION SHALL BE FINAL.

14 SECTION 608-C. TRANSFER FROM DEPARTMENT.

15 (A) LENGTH OF TRANSFER.--A PERSISTENTLY LOW-ACHIEVING SCHOOL
16 SHALL REMAIN UNDER THE JURISDICTION OF THE DEPARTMENT FOR A
17 MINIMUM OF THREE YEARS.

18 (B) RETURN TO JURISDICTION OF SCHOOL DISTRICT.--AFTER THE
19 MINIMUM TIME SET FORTH IN SUBSECTION (A), THE DEPARTMENT MAY
20 TRANSFER A PERSISTENTLY LOW-ACHIEVING SCHOOL TO THE JURISDICTION
21 OF ITS SCHOOL DISTRICT OF ORIGIN IF, FOR TWO CONSECUTIVE YEARS,
22 THE SCHOOL DOES NOT MEET THE CRITERIA NECESSARY TO BE DEEMED A
23 PERSISTENTLY LOW-ACHIEVING SCHOOL.

24 (C) CHARTER SCHOOLS.--UPON APPROVAL OF THE SECRETARY, A
25 CHARTER SCHOOL UNDER THE JURISDICTION OF THE DEPARTMENT MAY
26 RETAIN THE DEPARTMENT AS ITS AUTHORIZER UNDER ARTICLE XVII-A.
27 SECTION 609-C. EVALUATION.

28 FOR THE SCHOOL YEAR 2020-2021, AN ELIGIBLE SCHOOL MAY NOT BE
29 TRANSFERRED TO THE JURISDICTION OF THE DEPARTMENT UNLESS THE
30 DEPARTMENT:

1 (1) DEMONSTRATES, IN A REPORT AND BASED ON CRITERIA
2 ESTABLISHED BY THE SECRETARY, THAT ELIGIBLE SCHOOLS WITHIN THE
3 JURISDICTION OF THE DEPARTMENT FOR AT LEAST THREE YEARS HAVE
4 OUTPERFORMED ELIGIBLE SCHOOLS NOT TRANSFERRED TO THE DEPARTMENT
5 IN THE 2017-2018 SCHOOL YEAR; AND

6 (2) SUBMITS THE REPORT TO THE CHAIRMAN AND MINORITY CHAIRMAN
7 OF THE EDUCATION COMMITTEE OF THE SENATE, THE CHAIRMAN AND
8 MINORITY CHAIRMAN OF THE EDUCATION COMMITTEE OF THE HOUSE OF
9 REPRESENTATIVES AND THE GOVERNOR.

10 SECTION 610-C. PAYMENTS AND FUNDING.

11 (A) TUITION.--TUITION MAY NOT BE CHARGED FOR A RESIDENT OR
12 NONRESIDENT STUDENT ATTENDING A PERSISTENTLY LOW-ACHIEVING
13 SCHOOL.

14 (B) FUNDING.--FUNDING SHALL BE PROVIDED AS FOLLOWS:

15 (1) FOR NONSPECIAL EDUCATION STUDENTS, THE DEPARTMENT
16 SHALL RECEIVE FOR EACH STUDENT ENROLLED NO LESS THAN THE
17 BUDGETED TOTAL EXPENDITURE PER AVERAGE DAILY MEMBERSHIP OF
18 THE PRIOR SCHOOL YEAR, AS DEFINED IN SECTION 2501(20), MINUS
19 THE BUDGETED EXPENDITURES OF THE DISTRICT OF RESIDENCE FOR
20 NONPUBLIC SCHOOL PROGRAMS; ADULT EDUCATION PROGRAMS;
21 COMMUNITY/JUNIOR COLLEGE PROGRAMS; STUDENT TRANSPORTATION
22 SERVICES; SPECIAL EDUCATION PROGRAMS; FACILITIES ACQUISITION,
23 CONSTRUCTION AND IMPROVEMENT SERVICES; AND OTHER FINANCING
24 USES, INCLUDING DEBT SERVICE AND FUND TRANSFERS AS PROVIDED
25 IN THE MANUAL OF ACCOUNTING AND RELATED FINANCIAL PROCEDURES
26 FOR PENNSYLVANIA SCHOOL SYSTEMS ESTABLISHED BY THE
27 DEPARTMENT. THIS AMOUNT SHALL BE PAID BY THE DISTRICT OF
28 RESIDENCE OF EACH STUDENT.

29 (2) FOR SPECIAL EDUCATION STUDENTS, THE DEPARTMENT SHALL
30 RECEIVE FOR EACH STUDENT ENROLLED THE SAME FUNDING AS FOR

1 EACH NONSPECIAL EDUCATION STUDENT AS PROVIDED IN PARAGRAPH
2 (1), PLUS AN ADDITIONAL AMOUNT DETERMINED BY DIVIDING THE
3 DISTRICT OF RESIDENCE'S TOTAL SPECIAL EDUCATION EXPENDITURE
4 BY THE PRODUCT OF MULTIPLYING THE COMBINED PERCENTAGE OF
5 SECTION 2509.5(K) TIMES THE DISTRICT OF RESIDENCE'S TOTAL
6 AVERAGE DAILY MEMBERSHIP FOR THE PRIOR SCHOOL YEAR. THIS
7 AMOUNT SHALL BE PAID BY THE DISTRICT OF RESIDENCE OF EACH
8 STUDENT.

9 (3) THE DEPARTMENT MAY REQUEST THE INTERMEDIATE UNIT IN
10 WHICH THE PERSISTENTLY LOW-ACHIEVING SCHOOL IS LOCATED TO
11 PROVIDE SERVICES TO ASSIST THE DEPARTMENT TO ADDRESS THE
12 SPECIFIC NEEDS OF EXCEPTIONAL STUDENTS. THE INTERMEDIATE UNIT
13 SHALL ASSIST THE DEPARTMENT AND BILL THE DEPARTMENT FOR THE
14 SERVICES. THE INTERMEDIATE UNIT MAY NOT CHARGE THE DEPARTMENT
15 MORE FOR ANY SERVICE THAN IT CHARGES THE CONSTITUENT
16 DISTRICTS OF THE INTERMEDIATE UNIT.

17 (4) PAYMENTS SHALL BE MADE TO THE DEPARTMENT IN 12 EQUAL
18 MONTHLY PAYMENTS, BY THE FIFTH DAY OF EACH MONTH, WITHIN THE
19 OPERATING SCHOOL YEAR. A STUDENT ENROLLED IN A PERSISTENTLY
20 LOW-ACHIEVING SCHOOL SHALL BE INCLUDED IN THE AVERAGE DAILY
21 MEMBERSHIP OF THE STUDENT'S DISTRICT OF RESIDENCE FOR THE
22 PURPOSE OF PROVIDING BASIC EDUCATION FUNDING PAYMENTS AND
23 SPECIAL EDUCATION FUNDING UNDER ARTICLE XXV. IF A SCHOOL
24 DISTRICT FAILS TO MAKE A PAYMENT TO THE DEPARTMENT AS
25 PRESCRIBED IN THIS PARAGRAPH, THE SECRETARY SHALL DEDUCT THE
26 ESTIMATED AMOUNT, AS DOCUMENTED BY THE DEPARTMENT, FROM ANY
27 AND ALL STATE PAYMENTS MADE TO THE DISTRICT AFTER RECEIPT OF
28 DOCUMENTATION FROM THE DEPARTMENT.

29 (5) WITHIN 30 DAYS AFTER THE SECRETARY MAKES THE
30 DEDUCTION DESCRIBED IN PARAGRAPH (4), A SCHOOL DISTRICT MAY

1 NOTIFY THE SECRETARY THAT THE DEDUCTION MADE FROM STATE
2 PAYMENTS TO THE DISTRICT UNDER THIS SUBSECTION IS INACCURATE.
3 THE SECRETARY SHALL PROVIDE THE SCHOOL DISTRICT WITH AN
4 OPPORTUNITY TO BE HEARD CONCERNING:

5 (I) WHETHER THE DEPARTMENT DOCUMENTED THAT ITS
6 STUDENTS WERE ENROLLED WITH THE DEPARTMENT;

7 (II) THE PERIOD OF TIME DURING WHICH EACH STUDENT
8 WAS ENROLLED;

9 (III) THE SCHOOL DISTRICT OF RESIDENCE OF EACH
10 STUDENT; AND

11 (IV) WHETHER THE AMOUNTS DEDUCTED FROM THE SCHOOL
12 DISTRICT WERE ACCURATE.

13 (C) DONATIONS.--THE DEPARTMENT MAY ACCEPT DONATIONS OF
14 MONEY, PROPERTY OR SECURITIES FROM ANY SOURCE FOR THE BENEFIT OF
15 THE PERSISTENTLY LOW-ACHIEVING SCHOOLS. A DONATION SHALL, IN
16 GOOD FAITH, BE DISBURSED IN ACCORDANCE WITH THE CONDITIONS OF
17 THE DONATION.

18 (D) APPROPRIATIONS.--THE GENERAL ASSEMBLY SHALL APPROPRIATE
19 FUNDS AS IT DEEMS NECESSARY TO PAY THE COSTS FOR THE
20 IMPLEMENTATION AND ADMINISTRATION OF THIS ARTICLE.

21 SECTION 611-C. FACILITIES.

22 SUBJECT TO A LEASE OR LICENSE AT NO MORE THAN FAIR MARKET
23 RATES, THE DEPARTMENT SHALL HAVE THE RIGHT TO USE ANY SCHOOL
24 BUILDING AND ALL FACILITIES AND PROPERTY OTHERWISE PART OF THE
25 PERSISTENTLY LOW-ACHIEVING SCHOOL AND RECOGNIZED AS PART OF THE
26 FACILITIES OR ASSETS OF THE SCHOOL PRIOR TO ITS TRANSFER TO THE
27 DEPARTMENT AND SHALL HAVE ACCESS TO ADDITIONAL FACILITIES AS
28 WERE TYPICALLY AVAILABLE TO THE SCHOOL, ITS STUDENTS, FACULTY
29 AND STAFF PRIOR TO ITS TRANSFER TO THE DEPARTMENT. EXTENSIVE
30 REPAIRS TO BUILDINGS OR FACILITIES CONSIDERED CAPITAL EXPENSES

1 SHALL BE THE RESPONSIBILITY OF THE TRANSFERRING SCHOOL DISTRICT
2 AND NOT THE DEPARTMENT. ANY FIXTURES, IMPROVEMENTS OR TANGIBLE
3 ASSETS ADDED TO A SCHOOL BUILDING OR FACILITY BY THE DEPARTMENT
4 SHALL REMAIN AT THE SCHOOL BUILDING OR FACILITY UPON THE SCHOOL
5 BEING RETURNED TO THE JURISDICTION OF THE TRANSFERRING SCHOOL
6 DISTRICT.

7 SECTION 612-C. EMPLOYEES.

8 (A) DIRECT OPERATION BY DEPARTMENT.--AN EMPLOYEE HIRED TO
9 WORK IN A DEPARTMENT SCHOOL DIRECTLY OPERATED BY THE DEPARTMENT
10 SHALL BE DEEMED AN EMPLOYEE OF THE DEPARTMENT, AND THE EMPLOYEES
11 SHALL BE UNDER THE EXCLUSIVE CONTROL OF THE DEPARTMENT. THE
12 PROVISIONS OF ARTICLE VI OF THE ACT OF APRIL 9, 1929 (P.L.177,
13 NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF 1929, AND THE
14 CLASSIFICATION AND COMPENSATION PLANS OF THE COMMONWEALTH DO NOT
15 APPLY TO DEPARTMENT EMPLOYEES UNDER THIS ARTICLE. THE DEPARTMENT
16 SHALL DEVELOP WRITTEN PROCEDURES FOR EMPLOYMENT AND MANAGEMENT
17 OF PERSONNEL AS WELL AS THE DEVELOPMENT OF COMPENSATION AND
18 BENEFIT PLANS. WITHIN THE LIMITS OF THE BUDGET, STAFFING NEEDS
19 OF ANY PERSISTENTLY LOW-ACHIEVING SCHOOL SHALL BE EXCLUSIVELY
20 DETERMINED BY THE DEPARTMENT.

21 (B) EMPLOYEE TRANSFERS.--THE DEPARTMENT, OR AN ENTITY UNDER
22 CONTRACT TO OPERATE A PERSISTENTLY LOW-ACHIEVING SCHOOL, MAY
23 DETERMINE WHETHER AN EMPLOYEE WHO IS ASSIGNED TO A SCHOOL PRIOR
24 TO THE SCHOOL'S TRANSFER TO THE DEPARTMENT MAY OPT TO CONTINUE
25 AS AN EMPLOYEE OF THE DEPARTMENT OR THE OPERATING ENTITY. IF AN
26 EMPLOYEE IS NOT PROVIDED THE OPTION, THE EMPLOYEE SHALL BE
27 RETAINED AS AN EMPLOYEE OF THE TRANSFERRING SCHOOL DISTRICT. IF
28 AN EMPLOYEE ACCEPTS THE OPTION, THE EMPLOYEE MAY, AT THE
29 DISCRETION OF THE TRANSFERRING SCHOOL DISTRICT, RETURN TO THE
30 EMPLOY OF THE SCHOOL DISTRICT, IF THE DEPARTMENT OR OPERATING

1 ENTITY LATER DETERMINES NOT TO CONTINUE EMPLOYMENT.

2 (C) CERTIFICATION.--AT LEAST 75% OF THE PROFESSIONAL STAFF
3 MEMBERS OF A PERSISTENTLY LOW-ACHIEVING SCHOOL SHALL HOLD
4 APPROPRIATE STATE CERTIFICATION.

5 (D) COLLECTIVE BARGAINING.--EMPLOYEES OF A PERSISTENTLY LOW-
6 ACHIEVING SCHOOL MAY ORGANIZE UNDER THE ACT OF JULY 23, 1970
7 (P.L.563, NO.195), KNOWN AS THE PUBLIC EMPLOYE RELATIONS ACT.
8 THE DEPARTMENT SHALL BE CONSIDERED AN EMPLOYER FOR THE PURPOSES
9 OF ARTICLE XI-A. UPON FORMATION OF ONE OR MORE COLLECTIVE
10 BARGAINING UNITS AT THE SCHOOL, THE DEPARTMENT SHALL BARGAIN
11 WITH THE EMPLOYEES BASED ON THE PROVISIONS OF THIS ARTICLE,
12 ARTICLE XI-A AND THE PUBLIC EMPLOYE RELATIONS ACT. COLLECTIVE
13 BARGAINING UNITS AT A PERSISTENTLY LOW-ACHIEVING SCHOOL SHALL BE
14 SEPARATE FROM ANY COLLECTIVE BARGAINING UNIT OF THE TRANSFERRING
15 SCHOOL DISTRICT.

16 (E) RETIREMENT.--ALL EMPLOYEES OF THE DEPARTMENT SHALL BE
17 ENROLLED IN THE PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM IN
18 THE SAME MANNER AS SET FORTH IN 24 PA.C.S. § 8301(A) (RELATING
19 TO MANDATORY AND OPTIONAL MEMBERSHIP) UNLESS THE DEPARTMENT
20 PROVIDES FOR A FEDERALLY QUALIFIED RETIREMENT PLAN. THE
21 COMMONWEALTH SHALL MAKE CONTRIBUTIONS ON BEHALF OF THE
22 DEPARTMENT EMPLOYEES ENROLLED IN THE PUBLIC SCHOOL EMPLOYEES'
23 RETIREMENT SYSTEM. THE DEPARTMENT SHALL BE CONSIDERED A SCHOOL
24 DISTRICT FOR PURPOSES OF THIS ARTICLE AND SHALL MAKE PAYMENTS BY
25 EMPLOYERS TO THE PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM AND
26 PAYMENTS ON ACCOUNT OF SOCIAL SECURITY AS ESTABLISHED UNDER 24
27 PA.C.S. PT. IV (RELATING TO RETIREMENT FOR SCHOOL EMPLOYEES).
28 THE MARKET VALUE/INCOME AID RATIO USED IN CALCULATING PAYMENTS
29 AS PRESCRIBED IN THIS SUBSECTION SHALL BE THE MARKET
30 VALUE/INCOME AID RATIO FOR THE SCHOOL DISTRICT FROM WHICH THE

1 SCHOOL IS TRANSFERRED TO THE DEPARTMENT. EXCEPT AS OTHERWISE
2 PROVIDED, EMPLOYEES OF THE DEPARTMENT SHALL MAKE REGULAR MEMBER
3 CONTRIBUTIONS AS REQUIRED FOR ACTIVE MEMBERS UNDER 24 PA.C.S.
4 PT. IV. IF THE EMPLOYEES OF THE DEPARTMENT PARTICIPATE IN
5 ANOTHER RETIREMENT PLAN, THEN THOSE EMPLOYEES SHALL HAVE NO
6 CONCURRENT CLAIM ON THE BENEFITS PROVIDED TO PUBLIC SCHOOL
7 EMPLOYEES UNDER 24 PA.C.S. PT. IV. FOR PURPOSES OF THIS
8 SUBSECTION, THE DEPARTMENT SHALL BE DEEMED TO BE A PUBLIC SCHOOL
9 AS DEFINED IN 24 PA.C.S. § 8102 (RELATING TO DEFINITIONS).

10 (F) HEALTH CARE BENEFITS.--EVERY EMPLOYEE OF THE DEPARTMENT
11 SHALL BE PROVIDED THE SAME OR COMPARABLE HEALTH CARE BENEFITS AS
12 THE EMPLOYEE WOULD BE PROVIDED IF HE WERE AN EMPLOYEE OF THE
13 TRANSFERRING DISTRICT.

14 (G) SICK LEAVE.--ANY EMPLOYEE OF A PUBLIC SCHOOL WHO IS
15 GIVEN AND ACCEPTS THE OFFER OF EMPLOYMENT WITH THE DEPARTMENT
16 SHALL RETAIN ANY ACCUMULATED SICK LEAVE IN THE POSITION WITH THE
17 DEPARTMENT.

18 (H) LEAVE OF ABSENCE.--A PUBLIC SCHOOL EMPLOYEE OF A SCHOOL
19 ENTITY MAY REQUEST A LEAVE OF ABSENCE FOR UP TO FIVE YEARS IN
20 ORDER TO WORK FOR THE DEPARTMENT AT A PERSISTENTLY LOW-ACHIEVING
21 SCHOOL. APPROVAL OF A LEAVE OF ABSENCE SHALL NOT BE UNREASONABLY
22 WITHHELD.

23 (I) TENURE.--A TEMPORARY PROFESSIONAL EMPLOYEE ON LEAVE FROM
24 A SCHOOL DISTRICT MAY ACCRUE TENURE IN THE TRANSFERRING SCHOOL
25 SYSTEM AT THE DISCRETION OF THE TRANSFERRING SCHOOL DISTRICT IN
26 THE SAME MANNER AS THE EMPLOYEE WOULD UNDER ARTICLE XI IF THE
27 EMPLOYEE HAD CONTINUED TO BE EMPLOYED BY THE SCHOOL DISTRICT. A
28 PROFESSIONAL EMPLOYEE ON LEAVE FROM A SCHOOL DISTRICT SHALL
29 RETAIN TENURE RIGHTS, AS DEFINED IN ARTICLE XI, IN THE SCHOOL
30 ENTITY FROM WHICH THE EMPLOYEE TRANSFERRED. NO TEMPORARY

1 PROFESSIONAL EMPLOYEE OR PROFESSIONAL EMPLOYEE SHALL HAVE TENURE
2 RIGHTS AS AGAINST THE DEPARTMENT. A TEMPORARY PROFESSIONAL
3 EMPLOYEE AND PROFESSIONAL EMPLOYEE SHALL CONTINUE TO ACCRUE
4 SENIORITY IN THE SCHOOL DISTRICT FROM WHICH THE EMPLOYEE
5 TRANSFERRED IF THE EMPLOYEE RETURNS TO THE SCHOOL DISTRICT UPON
6 TERMINATION OF THE LEAVE.

7 (J) SERVICE REQUIREMENTS FOR CERTIFICATES.--PROFESSIONAL
8 EMPLOYEES WHO HOLD A FIRST LEVEL TEACHING OR ADMINISTRATIVE
9 CERTIFICATE MAY, AT THEIR OPTION, HAVE THE TIME COMPLETED IN
10 SATISFACTORY SERVICE IN THE DEPARTMENT APPLIED TO THE LENGTH OF
11 SERVICE REQUIREMENTS FOR THE NEXT LEVEL OF CERTIFICATION.

12 (K) RETURN TO SCHOOL DISTRICT.--A TEMPORARY PROFESSIONAL
13 EMPLOYEE OR PROFESSIONAL EMPLOYEE WHO LEAVES THE EMPLOY OF THE
14 DEPARTMENT SHALL HAVE THE RIGHT TO RETURN TO A COMPARABLE
15 POSITION FOR WHICH THE PERSON IS PROPERLY CERTIFIED IN THE
16 SCHOOL DISTRICT WHICH GRANTED THE LEAVE OF ABSENCE. IN THE CASE
17 WHERE A TEACHER HAS BEEN DISMISSED BY THE DEPARTMENT, THE
18 DEPARTMENT SHALL PROVIDE TO THE SCHOOL DISTRICT WHICH GRANTED
19 THE LEAVE OF ABSENCE THE FOLLOWING INFORMATION:

20 (1) THE REASON FOR THE DISMISSAL AT THE TIME IT
21 OCCURRED.

22 (2) A LIST OF ANY WITNESSES WHO WERE RELIED UPON BY THE
23 DEPARTMENT IN MOVING FOR DISMISSAL.

24 (3) A DESCRIPTION OF AND ACCESS TO ANY PHYSICAL EVIDENCE
25 USED BY THE DEPARTMENT IN MOVING FOR DISMISSAL.

26 (4) A COPY OF ANY RECORD DEVELOPED AT ANY DISMISSAL
27 PROCEEDING CONDUCTED BY THE DEPARTMENT. THE RECORD OF ANY
28 HEARING MAY BE ADMISSIBLE IN A HEARING BEFORE THE SCHOOL
29 DISTRICT WHICH GRANTED THE LEAVE OF ABSENCE.

30 (L) AUTHORITY OF COMMISSION.--NOTHING IN THIS SECTION SHALL

1 AFFECT THE AUTHORITY OF THE COMMISSION TO INITIATE PROCEEDINGS
2 UNDER ARTICLE XI IF THE COMMISSION DETERMINES THAT OCCURRENCES
3 AT THE DEPARTMENT LEADING TO DISMISSAL OF A PROFESSIONAL
4 EMPLOYEE CONSTITUTE ADEQUATE AND INDEPENDENT GROUNDS FOR
5 DISCIPLINE UNDER SECTION 1122.

6 (M) CRIMINAL HISTORY RECORD AND CHILD ABUSE CLEARANCE.--NO
7 TEMPORARY EMPLOYEE OR PROFESSIONAL EMPLOYEE WHO LEAVES THE
8 EMPLOY OF THE DEPARTMENT SHALL BE RETURNED TO A POSITION IN THE
9 SCHOOL DISTRICT WHICH GRANTED A LEAVE OF ABSENCE UNTIL THE
10 SCHOOL DISTRICT IS IN RECEIPT OF A CURRENT CRIMINAL HISTORY
11 RECORD UNDER SECTION 111 AND THE OFFICIAL STATEMENT REGARDING
12 CHILD INJURY OR ABUSE FROM THE DEPARTMENT OF HUMAN SERVICES AS
13 REQUIRED BY 23 PA.C.S. CH. 63 (RELATING TO CHILD PROTECTIVE
14 SERVICES).

15 (N) CRIMINAL HISTORY RECORD INFORMATION.--PRIOR TO BEGINNING
16 EMPLOYMENT WITH THE DEPARTMENT, AN INDIVIDUAL WHO HAS DIRECT
17 CONTACT WITH CHILDREN SHALL BE REQUIRED TO SUBMIT A REPORT OF
18 CRIMINAL HISTORY RECORD INFORMATION AS PROVIDED FOR IN SECTION
19 111. THIS SUBSECTION SHALL ALSO APPLY TO AN INDIVIDUAL WHO
20 VOLUNTEERS TO WORK ON A FULL-TIME OR PART-TIME BASIS AT A
21 PERSISTENTLY LOW-ACHIEVING SCHOOL.

22 (O) CHILD ABUSE CLEARANCE.--AN APPLICANT FOR A POSITION AS A
23 SCHOOL EMPLOYEE WITH THE DEPARTMENT SHALL BE REQUIRED TO SUBMIT
24 THE OFFICIAL STATEMENT REGARDING CHILD INJURY OR ABUSE FROM THE
25 DEPARTMENT OF HUMAN SERVICES AS PROVIDED IN 23 PA.C.S. CH. 63.
26 THIS SUBSECTION SHALL ALSO APPLY TO ANY INDIVIDUAL WHO
27 VOLUNTEERS TO WORK ON A FULL-TIME OR PART-TIME BASIS AT THE
28 PERSISTENTLY LOW-ACHIEVING SCHOOL.
29 SECTION 613-C. STUDENT ENROLLMENT.

30 ANY STUDENT ELIGIBLE UNDER THIS SECTION HAS THE RIGHT TO

1 ATTEND THE SCHOOL DESIGNATED UNDER SECTION 603-C FOR WHICH THE
2 STUDENT IS ELIGIBLE, NOTWITHSTANDING ANY OTHER PROVISION OF LAW
3 TO THE CONTRARY.

4 SECTION 614-C. OVERSIGHT.

5 (A) REPORT.--ANNUALLY, THE DEPARTMENT SHALL SUBMIT A WRITTEN
6 REPORT TO THE GOVERNOR AND THE PRESIDING OFFICERS OF THE SENATE
7 AND THE HOUSE OF REPRESENTATIVES. THE REPORT SHALL INCLUDE:

8 (1) A LISTING AND DESCRIPTION OF THE STATUS, INCLUDING
9 ACADEMIC PERFORMANCE, OF EACH SCHOOL WHOSE JURISDICTION HAS
10 BEEN TRANSFERRED TO THE DEPARTMENT SINCE THE SUBMITTAL OF THE
11 PRECEDING REPORT.

12 (2) A JUSTIFICATION FOR EACH SCHOOL DETERMINED TO BE AN
13 ELIGIBLE SCHOOL THAT IS NOT TRANSFERRED TO THE DEPARTMENT.

14 (B) LIMITATION.--THE DEPARTMENT MAY NOT EXPAND THE TOTAL
15 NUMBER OF SCHOOLS PERMITTED UNDER ITS JURISDICTION IN SECTION
16 605-C(B) WITHOUT LEGISLATIVE AUTHORIZATION.

17 SECTION 4.1. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

18 SECTION 731.2. POSTING OF INFORMATION BY DEPARTMENT.--NO
19 LATER THAN FEBRUARY 1, 2016, AND EVERY NINETY (90) DAYS
20 THEREAFTER, THE DEPARTMENT OF EDUCATION SHALL POST AND UPDATE ON
21 ITS PUBLICLY ACCESSIBLE INTERNET WEBSITE IN A SEARCHABLE AND
22 SORTABLE FORMAT THE FOLLOWING INFORMATION RELATED TO PUBLIC
23 SCHOOL CONSTRUCTION AND RECONSTRUCTION PROJECTS, BUILDING
24 PURCHASES AND LEASE REIMBURSEMENTS SUBMITTED FOR THE APPROVAL
25 OF, OR APPROVED BY, THE DEPARTMENT:

26 (1) THE TYPE OF PROJECT, ELEMENTARY SCHOOL, MIDDLE SCHOOL,
27 INTERMEDIATE SCHOOL, HIGH SCHOOL, CHARTER SCHOOL OR VOCATIONAL
28 TECHNICAL SCHOOL BY SCHOOL ENTITY.

29 (2) THE SCOPE OF PROJECT, NEW CONSTRUCTION, RENOVATION,
30 ADDITION, PURCHASE OR LEASE.

- 1 (3) THE DATE OF RECEIPT OF EACH APPLICATION.
- 2 (4) THE DATE OF DEPARTMENT APPROVAL OF EACH APPLICATION.
- 3 (5) THE DATE OF APPROVAL OR DENIAL OF ANY WAIVER OR
4 EXCEPTION GRANTED BY THE DEPARTMENT.
- 5 (6) THE REASON FOR APPROVAL OR DENIAL OF ANY WAIVER OR
6 EXCEPTION GRANTED BY THE DEPARTMENT.
- 7 (7) THE DATE OF SUBMISSION OF THE APPLICATION FOR EACH STEP
8 OF THE REIMBURSEMENT PROCESS.
- 9 (8) THE DATE OF APPROVAL OF THE APPLICATION FOR EACH STEP OF
10 THE REIMBURSEMENT PROCESS.
- 11 (9) THE ANTICIPATED TOTAL PROJECT COST.
- 12 (10) WHETHER THE PROJECT REACHED THE MAXIMUM REIMBURSABLE
13 PROJECT AMOUNT.
- 14 (11) THE ANTICIPATED TERM OF STATE REIMBURSEMENT.
- 15 (12) THE ANTICIPATED TOTAL REIMBURSEMENT AMOUNT.
- 16 (13) THE TEMPORARY REIMBURSABLE PERCENTAGE.
- 17 (14) THE PERMANENT REIMBURSABLE PERCENTAGE.
- 18 (15) THE DATES OF EXPECTED STATE PAYMENTS.
- 19 (16) THE DATES OF EXPECTED SCHOOL DISTRICT PAYMENTS.
- 20 (17) WHETHER THE PROJECT WAS FINANCED BY CASH.
- 21 (18) THE DATE A PROJECT WAS VOIDED, IF APPLICABLE.
- 22 (19) A SUMMARY OF THE TERMS OF THE PROJECT'S DEBT SERVICE OR
23 LEASE.
- 24 (20) AN ANALYSIS OF THE CALLABILITY OF THE PROJECT'S DEBT
25 SERVICE.

26 SECTION 5. SECTION 732.1 OF THE ACT IS AMENDED BY ADDING A
27 SUBSECTION TO READ:

28 SECTION 732.1. LIMITATION ON NEW APPLICATIONS FOR DEPARTMENT
29 OF EDUCATION APPROVAL OF PUBLIC SCHOOL BUILDING PROJECTS.--* * *

30 (C) FOR THE 2015-2016 AND 2016-2017 SCHOOL YEARS, THE

1 DEPARTMENT OF EDUCATION SHALL NOT ACCEPT OR APPROVE NEW BUILDING
2 CONSTRUCTION OR RECONSTRUCTION PROJECT APPLICATIONS. COMPLETED
3 SCHOOL BUILDING CONSTRUCTION OR RECONSTRUCTION PROJECT
4 APPLICATIONS RECEIVED BY THE DEPARTMENT OF EDUCATION BY JANUARY
5 15, 2016, ARE NOT SUBJECT TO THIS SUBSECTION.

6 SECTION 6. THE ACT IS AMENDED BY ADDING A SECTION TO READ:
7 SECTION 732.3. PUBLIC SCHOOL BUILDING CONSTRUCTION AND
8 RECONSTRUCTION ADVISORY COMMITTEE.-- (A) THERE IS HEREBY
9 ESTABLISHED AN ADVISORY COMMITTEE.

10 (B) THE COMMITTEE SHALL REVIEW AND MAKE FINDINGS AND
11 RECOMMENDATIONS RELATED TO THE PROGRAM FOR STATE REIMBURSEMENT
12 FOR CONSTRUCTION AND RECONSTRUCTION AND LEASE OF PUBLIC SCHOOL
13 BUILDINGS.

14 (C) THE ADVISORY COMMITTEE SHALL CONSIST OF THE FOLLOWING:

15 (1) THE SECRETARY OF EDUCATION OR A DESIGNEE.

16 (2) (RESERVED).

17 (3) A REPRESENTATIVE FROM THE FOLLOWING:

18 (I) THE PENNSYLVANIA ASSOCIATION OF SCHOOL BUSINESS
19 OFFICIALS.

20 (II) THE PENNSYLVANIA SCHOOL BOARDS ASSOCIATION.

21 (4) THE CHAIRMAN AND MINORITY CHAIRMAN OF THE APPROPRIATIONS
22 COMMITTEE AND EDUCATION COMMITTEE OF THE SENATE AND THE CHAIRMAN
23 AND MINORITY CHAIRMAN OF THE APPROPRIATIONS COMMITTEE AND
24 EDUCATION COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

25 (5) ONE MEMBER APPOINTED BY THE PRESIDENT PRO TEMPORE OF THE
26 SENATE.

27 (6) ONE MEMBER APPOINTED BY THE MINORITY LEADER OF THE
28 SENATE.

29 (7) ONE MEMBER APPOINTED BY THE SPEAKER OF THE HOUSE OF
30 REPRESENTATIVES.

1 (8) ONE MEMBER APPOINTED BY THE MINORITY LEADER OF THE HOUSE
2 OF REPRESENTATIVES.

3 (D) THE COMMITTEE SHALL HOLD ITS FIRST MEETING WITHIN THIRTY
4 (30) DAYS OF THE EFFECTIVE DATE OF THIS SECTION REGARDLESS OF
5 WHETHER ALL OF THE COMMITTEE MEMBERS HAVE BEEN APPOINTED TO THE
6 COMMITTEE. AT THE FIRST MEETING, THE DEPARTMENT OF EDUCATION
7 SHALL PRESENT ITS REPORT RELATING TO THE STATEWIDE ANALYSIS OF
8 SCHOOL FACILITIES AND CAPITAL NEEDS AS REQUIRED UNDER SECTION
9 732.1.

10 (E) THE COMMITTEE SHALL APPOINT A MEMBER TO SERVE AS
11 CHAIRMAN OF THE COMMITTEE.

12 (F) THE COMMITTEE SHALL HOLD MEETINGS AT THE CALL OF THE
13 CHAIRMAN.

14 (G) THE MEMBERS MAY NOT RECEIVE COMPENSATION FOR THEIR
15 SERVICES, BUT SHALL BE REIMBURSED FOR ALL NECESSARY TRAVEL AND
16 OTHER REASONABLE EXPENSES INCURRED IN CONNECTION WITH THE
17 PERFORMANCE OF THEIR DUTIES AS MEMBERS OF THE COMMITTEE.

18 (H) THE GENERAL ASSEMBLY SHALL PROVIDE ADMINISTRATIVE
19 SUPPORT, MEETING SPACE AND ANY OTHER ASSISTANCE REQUIRED BY THE
20 COMMITTEE TO CARRY OUT ITS DUTIES UNDER THIS SECTION IN
21 COOPERATION WITH THE DEPARTMENT. THE DEPARTMENT SHALL PROVIDE
22 THE COMMITTEE WITH DATA, RESEARCH AND OTHER INFORMATION UPON
23 REQUEST.

24 (I) THE COMMITTEE SHALL ISSUE A REPORT NOT LATER THAN
25 NOVEMBER 1, 2016, OF THE COMMITTEE'S FINDINGS TO THE GOVERNOR,
26 THE PRESIDENT PRO TEMPORE OF THE SENATE, THE MAJORITY LEADER AND
27 MINORITY LEADER OF THE SENATE, THE APPROPRIATIONS COMMITTEE AND
28 EDUCATION COMMITTEE OF THE SENATE, THE SPEAKER OF THE HOUSE OF
29 REPRESENTATIVES, THE MAJORITY LEADER AND MINORITY LEADER OF THE
30 HOUSE OF REPRESENTATIVES, THE APPROPRIATIONS COMMITTEE AND

1 EDUCATION COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE
2 SECRETARY OF EDUCATION.

3 SECTION 7. SECTION 1154(C) OF THE ACT, AMENDED DECEMBER 22,
4 1965 (P.L.1180, NO.467), IS AMENDED TO READ:

5 SECTION 1154. PAYMENT OF SALARIES IN CASES OF SICKNESS,
6 INJURY OR DEATH.--* * *

7 (C) WHENEVER A PROFESSIONAL OR TEMPORARY PROFESSIONAL
8 EMPLOYE IS ABSENT BECAUSE OF THE DEATH OF A NEAR RELATIVE, THERE
9 SHALL BE NO DEDUCTION IN THE SALARY OF SAID EMPLOYE FOR ABSENCE
10 ON THE DAY OF THE FUNERAL. THE BOARD OF SCHOOL DIRECTORS MAY
11 EXTEND THE PERIOD OF ABSENCE WITH PAY IN ITS DISCRETION AS THE
12 EXIGENCIES OF THE CASE MAY WARRANT. A NEAR RELATIVE SHALL BE
13 DEFINED AS A FIRST COUSIN, GRANDFATHER, GRANDMOTHER, GRANDCHILD,
14 AUNT, UNCLE, NIECE, NEPHEW, SON-IN-LAW, DAUGHTER-IN-LAW,
15 BROTHER-IN-LAW OR SISTER-IN-LAW.

16 * * *

17 SECTION 7.1. SECTION 1204 OF THE ACT, AMENDED OCTOBER 21,
18 1965 (P.L.601, NO.312), IS AMENDED TO READ:

19 SECTION 1204. GRANTING PROVISIONAL COLLEGE CERTIFICATES.--
20 THE [SUPERINTENDENT OF PUBLIC INSTRUCTION] SECRETARY OF
21 EDUCATION MAY GRANT A PROVISIONAL COLLEGE CERTIFICATE TO EVERY
22 PERSON WHO PRESENTS TO [HIM] THE DEPARTMENT OF EDUCATION
23 SATISFACTORY EVIDENCE OF GOOD MORAL CHARACTER, AND OF BEING A
24 GRADUATE OF AN APPROVED COLLEGE OR UNIVERSITY, WHO HAS COMPLETED
25 SUCH WORK IN EDUCATION AS MAY BE REQUIRED BY THE STANDARDS OF
26 THE STATE BOARD OF EDUCATION, AND TO EVERY PERSON WHO PRESENTS
27 TO [HIM] THE DEPARTMENT OF EDUCATION SATISFACTORY EVIDENCE OF
28 GOOD MORAL CHARACTER, AND OF BEING A GRADUATE OF MUSIC, WITH THE
29 DEGREE OF BACHELOR OF MUSIC OF AN APPROVED COLLEGE OR
30 UNIVERSITY, WHO HAS DURING SUCH MUSICAL COURSE COMPLETED THE

1 PRESCRIBED NUMBER OF HOURS OF PROFESSIONAL STUDIES, WHICH
2 CERTIFICATE SHALL ENTITLE [HIM] THE INDIVIDUAL TO TEACH FOR
3 THREE ANNUAL SCHOOL TERMS, AND MAY BE RENEWED FOR ONE ADDITIONAL
4 THREE-YEAR PERIOD IN ACCORDANCE WITH STANDARDS TO BE ESTABLISHED
5 BY THE STATE BOARD OF EDUCATION.

6 SECTION 7.2. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

7 SECTION 1204.2. PROVISIONAL VOCATIONAL EDUCATION
8 CERTIFICATE.--THE SECRETARY OF EDUCATION MAY GRANT A PROVISIONAL
9 VOCATIONAL EDUCATION CERTIFICATE TO EVERY PERSON WHO PRESENTS TO
10 THE DEPARTMENT OF EDUCATION SATISFACTORY EVIDENCE OF GOOD MORAL
11 CHARACTER, AND WHO HAS COMPLETED SUCH WORK IN VOCATIONAL
12 EDUCATION AS MAY BE REQUIRED BY THE STANDARDS OF THE STATE BOARD
13 OF EDUCATION, WHICH CERTIFICATE SHALL ENTITLE THE INDIVIDUAL TO
14 TEACH FOR EIGHT ANNUAL SCHOOL TERMS.

15 SECTION 8. SECTION 1372(8) OF THE ACT, ADDED MAY 10, 2000
16 (P.L.44, NO.16), IS AMENDED TO READ:

17 SECTION 1372. EXCEPTIONAL CHILDREN; EDUCATION AND
18 TRAINING.--* * *

19 (8) REPORTING OF EXPENDITURES RELATING TO EXCEPTIONAL
20 STUDENTS.

21 (1) BY DECEMBER 31, 2000, AND EACH YEAR THEREAFTER, EACH
22 SCHOOL DISTRICT SHALL COMPILE INFORMATION LISTING THE NUMBER OF
23 STUDENTS WITH DISABILITIES FOR WHICH EXPENDITURES ARE BETWEEN
24 TWENTY-FIVE THOUSAND DOLLARS (\$25,000) AND FIFTY THOUSAND
25 DOLLARS (\$50,000), WHICH SHALL BE KNOWN AS CATEGORY 2; BETWEEN
26 FIFTY THOUSAND DOLLARS (\$50,000) AND SEVENTY-FIVE THOUSAND
27 DOLLARS (\$75,000), WHICH SHALL BE KNOWN AS CATEGORY 3A; AND OVER
28 SEVENTY-FIVE THOUSAND DOLLARS (\$75,000), WHICH SHALL BE KNOWN AS
29 CATEGORY 3B, FOR THE PRIOR SCHOOL YEAR. THE INFORMATION SHALL BE
30 SUBMITTED TO THE DEPARTMENT IN A FORM PRESCRIBED BY THE

1 DEPARTMENT. BY FEBRUARY 1, 2001, AND EACH YEAR THEREAFTER, THE
2 DEPARTMENT SHALL SUBMIT TO THE CHAIRMAN AND MINORITY CHAIRMAN OF
3 THE EDUCATION AND APPROPRIATIONS COMMITTEES OF THE SENATE AND
4 THE CHAIRMAN AND MINORITY CHAIRMAN OF THE EDUCATION AND
5 APPROPRIATIONS COMMITTEES OF THE HOUSE OF REPRESENTATIVES A
6 REPORT LISTING THIS INFORMATION BY SCHOOL DISTRICT.

7 (II) BY DECEMBER 31, 2015, AND EACH YEAR THEREAFTER, EACH
8 SCHOOL DISTRICT SHALL COMPILE INFORMATION LISTING THE NUMBER OF
9 STUDENTS WITH DISABILITIES FOR WHICH EXPENDITURES ARE UNDER
10 TWENTY-FIVE THOUSAND DOLLARS (\$25,000), WHICH SHALL BE KNOWN AS
11 CATEGORY 1. THE INFORMATION SHALL BE SUBMITTED TO THE DEPARTMENT
12 IN A FORM PRESCRIBED BY THE DEPARTMENT.

13 (III) BEGINNING WITH THE 2015-2016 SCHOOL YEAR, THE
14 DEPARTMENT SHALL ANNUALLY ADJUST THE DOLLAR RANGES FOR WHICH THE
15 INFORMATION IS COLLECTED UNDER THIS SECTION BY THE PERCENT
16 CHANGE IN THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS FOR
17 THE PENNSYLVANIA, NEW JERSEY, DELAWARE AND MARYLAND AREA
18 REPORTED BY THE BUREAU OF LABOR STATISTICS FOR THE TWELVE (12)
19 MONTH PERIOD ENDING IN DECEMBER OF THE SCHOOL YEAR FOR WHICH THE
20 DATA IS BEING COLLECTED.

21 SECTION 9. SECTION 1376 OF THE ACT IS AMENDED BY ADDING A
22 SUBSECTION TO READ:

23 SECTION 1376. COST OF TUITION AND MAINTENANCE OF CERTAIN
24 EXCEPTIONAL CHILDREN IN APPROVED INSTITUTIONS.--* * *

25 (C.9) FOR THE 2015-2016 SCHOOL YEAR, THE AMOUNT AVAILABLE IN
26 THE APPROPRIATION AFTER SUBTRACTING THE AMOUNT DETERMINED TO BE
27 THE COMMONWEALTH'S SHARE UNDER SUBSECTION (A) AND ANY AMOUNTS
28 PROVIDED TO A NEW APPROVED PRIVATE SCHOOL SHALL BE DISTRIBUTED
29 ON A PRO RATA BASIS BASED ON THE ALLOCATION DETERMINED IN
30 SUBSECTION (A.2) AND SHALL BE CONSIDERED PART OF THE BASE

1 ALLOCATION IN SUBSECTION (A.2).

2 * * *

3 SECTION 10. SECTION 1401 OF THE ACT IS AMENDED BY ADDING
4 CLAUSES TO READ:

5 SECTION 1401. DEFINITIONS.--AS USED IN THIS ARTICLE--

6 * * *

7 (13) "DIABETES MEDICAL MANAGEMENT PLAN" MEANS A DOCUMENT
8 DESCRIBING THE MEDICAL ORDERS OR DIABETES REGIMEN DEVELOPED AND
9 SIGNED BY THE STUDENT'S HEALTH CARE PRACTITIONER AND PARENT OR
10 GUARDIAN.

11 (14) "SERVICE AGREEMENT" MEANS A STUDENT'S SECTION 504
12 SERVICE AGREEMENT PURSUANT TO SECTION 504 OF THE REHABILITATION
13 ACT OF 1973 (PUBLIC LAW 93-112, 29 U.S.C. § 794), THE
14 INDIVIDUALS WITH DISABILITIES EDUCATION ACT (PUBLIC LAW 91-230,
15 20 U.S.C. § 136 ET SEQ.) AND 22 PA. CODE CHS. 14 (RELATING TO
16 SPECIAL EDUCATION SERVICES AND PROGRAMS) AND 15 (RELATING TO
17 PROTECTED HANDICAPPED STUDENTS).

18 (15) "HEALTH CARE PRACTITIONER" MEANS THE TERM AS DEFINED
19 UNDER SECTION 103 OF THE ACT OF JULY 19, 1979 (P.L.130, NO.48),
20 KNOWN AS THE HEALTH CARE FACILITIES ACT.

21 SECTION 11. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:

22 SECTION 1414.3. EDUCATION OF SCHOOL EMPLOYES IN DIABETES
23 CARE AND MANAGEMENT.--(A) WITHIN ONE HUNDRED TWENTY (120) DAYS
24 OF THE EFFECTIVE DATE OF THIS SECTION, THE DEPARTMENT OF HEALTH,
25 IN COORDINATION WITH THE DEPARTMENT OF EDUCATION, SHALL
26 ESTABLISH EDUCATIONAL MODULES AND GUIDELINES FOR THE INSTRUCTION
27 OF SCHOOL EMPLOYES IN DIABETES CARE AND TREATMENT AND MAKE THEM
28 AVAILABLE ON ITS PUBLICLY ACCESSIBLE INTERNET WEBSITE. THE
29 EDUCATIONAL MODULES SHALL INCLUDE, BUT NOT BE LIMITED TO,
30 INSTRUCTION IN A SCHOOL ENTITY'S OBLIGATIONS UNDER 22 PA. CODE §

1 12.41 (RELATING TO STUDENT SERVICES) AND ITS RESPONSIBILITIES TO
2 COMPLY WITH SECTION 504 OF THE REHABILITATION ACT OF 1973
3 (PUBLIC LAW 93-112, 29 U.S.C. § 794), THE INDIVIDUALS WITH
4 DISABILITIES EDUCATION ACT (PUBLIC LAW 91-230, 20 U.S.C. § 136
5 ET SEQ.) AND 22 PA. CODE CHS. 14 (RELATING TO SPECIAL EDUCATION
6 SERVICES AND PROGRAMS) AND 15 (RELATING TO PROTECTED HANDICAPPED
7 STUDENTS). AT A MINIMUM, THE EDUCATIONAL MODULES SHALL INCLUDE
8 INSTRUCTION IN:

9 (1) AN OVERVIEW OF ALL TYPES OF DIABETES.

10 (2) MEANS OF MONITORING BLOOD GLUCOSE.

11 (3) THE SYMPTOMS AND TREATMENT FOR BLOOD GLUCOSE LEVELS
12 OUTSIDE OF TARGET RANGES AS WELL AS HYPOGLYCEMIA, HYPERGLYCEMIA
13 AND OTHER POTENTIAL EMERGENCIES.

14 (4) TECHNIQUES ON ADMINISTERING GLUCAGON IN A HYPOGLYCEMIC
15 EMERGENCY.

16 (B) THE SCHOOL NURSE, IN CONSULTATION WITH THE CHIEF SCHOOL
17 ADMINISTRATOR OR DESIGNEE, MAY IDENTIFY AT LEAST ONE SCHOOL
18 EMPLOYE IN THE SCHOOL BUILDING WHO IS NOT THE SCHOOL NURSE AND
19 WHO DOES NOT NEED TO BE A LICENSED HEALTH CARE PRACTITIONER, TO
20 ASSUME RESPONSIBILITY FOR THE CARE AND TREATMENT OF STUDENTS
21 WITH DIABETES WHEN A SCHOOL NURSE IS NOT AVAILABLE TO PERFORM
22 THIS FUNCTION. AN IDENTIFIED EMPLOYE SHALL COMPLETE THE ANNUAL
23 EDUCATIONAL MODULES OUTLINED IN SUBSECTION (A) OR ANNUAL
24 EDUCATION OFFERED BY A LICENSED HEALTH CARE PRACTITIONER WITH
25 EXPERTISE IN THE CARE AND TREATMENT OF DIABETES THAT INCLUDES
26 SUBSTANTIALLY THE SAME INFORMATION AS OUTLINED IN SUBSECTION
27 (A). THE STUDENT'S PARENT OR GUARDIAN SHALL BE A RESOURCE FOR
28 THAT STUDENT'S CARE AND TREATMENT. AN EMPLOYE IDENTIFIED AS THE
29 INDIVIDUAL RESPONSIBLE FOR CARE AND TREATMENT OF A STUDENT WITH
30 DIABETES IN THE ABSENCE OF THE SCHOOL NURSE SHALL HAVE THE RIGHT

1 TO DECLINE SUCH RESPONSIBILITY AND ANY DIRECTIVES RELATING
2 THERE TO.

3 (C) A SCHOOL EMPLOYEE WHO IS NOT A LICENSED HEALTH CARE
4 PRACTITIONER AND WHO HAS SUCCESSFULLY COMPLETED THE EDUCATION
5 MODULES UNDER SUBSECTION (A) OR ANNUAL EDUCATION OFFERED BY A
6 LICENSED HEALTH CARE PRACTITIONER WITH EXPERTISE IN THE CARE AND
7 TREATMENT OF DIABETES THAT INCLUDES SUBSTANTIALLY THE SAME
8 INFORMATION AS OUTLINED IN SUBSECTION (A) MAY BE DESIGNATED IN A
9 STUDENT'S SERVICE AGREEMENT TO ADMINISTER GLUCAGON AND OPERATE
10 MONITORING EQUIPMENT AND PROVIDE OTHER DIABETES CARE. A SCHOOL
11 ENTITY MAY REQUIRE THE DESIGNATED EMPLOYEE WHO HAS NOT DECLINED
12 THE ASSIGNMENT TO COMPLETE THE ANNUAL EDUCATIONAL MODULES OR
13 ANNUAL EDUCATION FROM A LICENSED HEALTH CARE PRACTITIONER, OR
14 BOTH, IN THE ADMINISTRATION OF GLUCAGON AND THE OPERATION OF
15 MONITORING EQUIPMENT AND PROVISION OF OTHER DIABETES CARE.
16 EDUCATION PROVIDED TO SCHOOL EMPLOYEES SHALL BE COORDINATED BY
17 THE CHIEF SCHOOL ADMINISTRATOR OR A DESIGNEE. SCHOOL ENTITIES
18 MAY INCLUDE THE EDUCATION IN THE PROFESSIONAL EDUCATION PLAN
19 SUBMITTED BY THE SCHOOL ENTITY TO THE DEPARTMENT OF EDUCATION
20 UNDER SECTION 1205.1.

21 (D) NOTWITHSTANDING ANY OTHER STATUTE OR REGULATION
22 RESTRICTING THE FUNCTIONS THAT MAY BE PERFORMED BY PERSONS OTHER
23 THAN LICENSED HEALTH CARE PRACTITIONERS, SCHOOL EMPLOYEES WHO
24 HAVE COMPLETED THE EDUCATION REQUIREMENTS UNDER THIS SECTION MAY
25 PERFORM DIABETES CARE AND TREATMENT FOR STUDENTS. SCHOOL
26 EMPLOYEES WHO ARE NOT LICENSED HEALTH CARE PRACTITIONERS SHALL
27 ONLY BE AUTHORIZED TO ADMINISTER GLUCAGON FOLLOWING ANNUAL
28 EDUCATION BY A LICENSED HEALTH CARE PRACTITIONER WITH EXPERTISE
29 IN THE CARE OF DIABETES, AND FOLLOWING THE SCHOOL'S RECEIPT OF
30 WRITTEN AUTHORIZATION FROM BOTH THE STUDENT'S HEALTH CARE

1 PRACTITIONER AND PARENT OR GUARDIAN THAT AN EDUCATED SCHOOL
2 EMPLOYEE, WHO IS NOT A LICENSED HEALTH CARE PRACTITIONER, MAY
3 ADMINISTER GLUCAGON.

4 (E) FOR PURPOSES OF THIS SECTION, "SCHOOL ENTITY" MEANS A
5 SCHOOL DISTRICT, INTERMEDIATE UNIT, AREA VOCATIONAL-TECHNICAL
6 SCHOOL, CHARTER SCHOOL OR CYBER CHARTER SCHOOL.

7 SECTION 1414.4. DIABETES CARE IN SCHOOLS.--(A) A PARENT OR
8 GUARDIAN OF A STUDENT WITH DIABETES WHO DESIRES THAT THE STUDENT
9 RECEIVE DIABETES-RELATED CARE AND TREATMENT IN A SCHOOL SETTING
10 SHALL PROVIDE THE SCHOOL ENTITY WITH WRITTEN AUTHORIZATION FOR
11 THE CARE AND INSTRUCTIONS FROM THE STUDENT'S HEALTH CARE
12 PRACTITIONER, CONSISTENT WITH THE SCHOOL ENTITY'S POLICIES
13 REGARDING THE PROVISION OF SCHOOL HEALTH SERVICES. THE REQUIRED
14 AUTHORIZATIONS MAY BE SUBMITTED AS PART OF A DIABETES MEDICAL
15 MANAGEMENT PLAN.

16 (B) ALL DIABETES-RELATED CARE PROVIDED TO STUDENTS SHALL BE
17 CONSISTENT WITH THE SCHOOL HEALTH PROGRAM ESTABLISHED BY THE
18 GOVERNING BODY OF THE SCHOOL ENTITY AND ANY ACCOMMODATIONS
19 OUTLINED IN A STUDENT'S SERVICE AGREEMENT.

20 (C) A STUDENT'S SERVICE AGREEMENT MAY REQUIRE A SCHOOL
21 ENTITY TO PROVIDE THE DRIVER OF A SCHOOL BUS OR SCHOOL VEHICLE,
22 WHO PROVIDES TRANSPORTATION TO A STUDENT WITH DIABETES, WITH AN
23 INFORMATION SHEET THAT:

24 (1) IDENTIFIES THE STUDENT WITH DIABETES.

25 (2) IDENTIFIES POTENTIAL EMERGENCIES THAT MAY OCCUR AS A
26 RESULT OF THE STUDENT'S DIABETES AND THE APPROPRIATE RESPONSES
27 TO SUCH EMERGENCIES.

28 (3) PROVIDES THE TELEPHONE NUMBER OF A CONTACT PERSON IN
29 CASE OF AN EMERGENCY INVOLVING THE STUDENT WITH DIABETES.

30 (D) FOR PURPOSES OF THIS SECTION:

1 "SCHOOL BUS" MEANS A SCHOOL BUS AS DEFINED IN 75 PA.C.S. §
2 102 (RELATING TO DEFINITIONS).

3 "SCHOOL ENTITY" MEANS A SCHOOL DISTRICT, INTERMEDIATE UNIT,
4 AREA VOCATIONAL-TECHNICAL SCHOOL, CHARTER SCHOOL OR CYBER
5 CHARTER SCHOOL.

6 "SCHOOL VEHICLE" MEANS A SCHOOL VEHICLE AS DEFINED IN 75
7 PA.C.S. § 102.

8 SECTION 1414.5. POSSESSION AND USE OF DIABETES MEDICATION
9 AND MONITORING EQUIPMENT.-- (A) A SCHOOL ENTITY SHALL REQUIRE
10 THE PARENT OR GUARDIAN OF A STUDENT WITH DIABETES WHO REQUESTS
11 THAT THE STUDENT POSSESS AND SELF-ADMINISTER DIABETES MEDICATION
12 AND OPERATE MONITORING EQUIPMENT IN A SCHOOL SETTING TO PROVIDE
13 THE FOLLOWING:

14 (1) A WRITTEN STATEMENT FROM THE STUDENT'S HEALTH CARE
15 PRACTITIONER THAT PROVIDES THE NAME OF THE DRUG, THE DOSE, THE
16 TIMES WHEN THE MEDICATION IS TO BE TAKEN OR THE MONITORING
17 EQUIPMENT TO BE USED, THE SPECIFIED TIME PERIOD FOR WHICH THE
18 MEDICATION OR MONITORING EQUIPMENT IS AUTHORIZED TO BE USED AND
19 THE DIAGNOSIS OR REASON THE MEDICINE OR MONITORING EQUIPMENT IS
20 NEEDED. THE STUDENT'S HEALTH CARE PRACTITIONER SHALL INDICATE
21 THE POTENTIAL OF ANY SERIOUS REACTION TO THE MEDICATION THAT MAY
22 OCCUR, AS WELL AS ANY NECESSARY EMERGENCY RESPONSE. THE
23 STUDENT'S HEALTH CARE PRACTITIONER SHALL STATE WHETHER THE
24 STUDENT IS COMPETENT TO SELF-ADMINISTER THE MEDICATION OR
25 MONITORING EQUIPMENT AND WHETHER THE STUDENT IS ABLE TO PRACTICE
26 PROPER SAFETY PRECAUTIONS FOR THE HANDLING AND DISPOSAL OF THE
27 MEDICATION AND MONITORING EQUIPMENT.

28 (2) A WRITTEN REQUEST FROM THE PARENT OR GUARDIAN THAT THE
29 SCHOOL ENTITY COMPLY WITH THE INSTRUCTIONS OF THE STUDENT'S
30 HEALTH CARE PRACTITIONER. THE PARENT'S REQUEST SHALL INCLUDE A

1 STATEMENT RELIEVING THE SCHOOL ENTITY AND ANY SCHOOL EMPLOYEE OF
2 ANY RESPONSIBILITY FOR THE PRESCRIBED MEDICATION OR MONITORING
3 EQUIPMENT AND ACKNOWLEDGING THAT THE SCHOOL ENTITY BEARS NO
4 RESPONSIBILITY FOR ENSURING THAT THE MEDICATION IS TAKEN BY THE
5 STUDENT AND THE MONITORING EQUIPMENT IS USED.

6 (3) A WRITTEN ACKNOWLEDGMENT BY THE STUDENT THAT THE STUDENT
7 HAS RECEIVED INSTRUCTION FROM THE STUDENT'S HEALTH CARE
8 PRACTITIONER ON PROPER SAFETY PRECAUTIONS FOR THE HANDLING AND
9 DISPOSAL OF THE MEDICATIONS AND MONITORING EQUIPMENT. THE
10 WRITTEN ACKNOWLEDGMENT SHALL ALSO CONTAIN A PROVISION STATING
11 THAT THE STUDENT WILL NOT ALLOW OTHER STUDENTS TO HAVE ACCESS TO
12 THE MEDICATION AND MONITORING EQUIPMENT AND THAT THE STUDENT
13 UNDERSTANDS APPROPRIATE SAFEGUARDS.

14 (B) AFTER THE WRITTEN ACKNOWLEDGMENT IN SUBSECTION (A) IS
15 COMPLETED, THE STUDENT SHALL DEMONSTRATE COMPETENCY TO THE
16 SCHOOL NURSE THAT THE STUDENT IS CAPABLE OF SELF-ADMINISTRATION
17 OF THE MEDICATION AND USE OF THE MONITORING EQUIPMENT.

18 (C) A SCHOOL ENTITY MAY REVOKE OR RESTRICT A STUDENT'S
19 PRIVILEGES TO POSSESS AND SELF-ADMINISTER DIABETES MEDICATION
20 AND MONITORING EQUIPMENT DUE TO NONCOMPLIANCE WITH SCHOOL RULES
21 AND PROVISIONS OF A STUDENT'S SERVICE AGREEMENT OR DUE TO
22 DEMONSTRATED UNWILLINGNESS OR INABILITY OF THE STUDENT TO
23 SAFEGUARD THE MEDICATION AND MONITORING EQUIPMENT FROM ACCESS BY
24 OTHER STUDENTS.

25 (D) A SCHOOL ENTITY THAT PROHIBITS A STUDENT FROM POSSESSING
26 AND SELF-ADMINISTERING DIABETES MEDICATION AND OPERATING
27 MONITORING EQUIPMENT PURSUANT TO SUBSECTION (B) SHALL ENSURE
28 THAT THE DIABETES MEDICATION OR MONITORING EQUIPMENT IS
29 APPROPRIATELY STORED IN A READILY ACCESSIBLE PLACE IN THE SCHOOL
30 BUILDING ATTENDED BY THE STUDENT. THE SCHOOL ENTITY SHALL NOTIFY

1 THE SCHOOL NURSE AND OTHER IDENTIFIED APPROPRIATE SCHOOL
2 EMPLOYES REGARDING THE LOCATION OF THE DIABETES MEDICATION AND
3 MONITORING EQUIPMENT AND MEANS TO ACCESS THEM.

4 (E) FOR PURPOSES OF THIS SECTION, "SCHOOL ENTITY" MEANS A
5 SCHOOL DISTRICT, INTERMEDIATE UNIT, AREA VOCATIONAL-TECHNICAL
6 SCHOOL, CHARTER SCHOOL OR CYBER CHARTER SCHOOL.

7 SECTION 1414.6. LIABILITY.--NOTHING IN SECTIONS 1414.3,
8 1414.4 OR 1414.5 SHALL BE CONSTRUED TO CREATE, ESTABLISH OR
9 EXPAND ANY CIVIL LIABILITY ON THE PART OF ANY SCHOOL ENTITY OR
10 SCHOOL EMPLOYEE.

11 SECTION 1414.7. COORDINATING, SUPERVISING OR EDUCATING NOT
12 CONSIDERED DELEGATION.--(A) NOTWITHSTANDING ANY OTHER LAW TO
13 THE CONTRARY, COORDINATING OR SUPERVISING THE PROVISION OF
14 DIABETES CARE BY SCHOOL EMPLOYEES AUTHORIZED IN SECTIONS 1414.3
15 AND 1414.4 AND PROVIDING EDUCATION IN ACCORDANCE WITH SECTION
16 1414.3 SHALL NOT BE CONSTRUED AS A DELEGATION BY A LICENSED
17 HEALTH CARE PRACTITIONER.

18 (B) A LICENSED HEALTH CARE PRACTITIONER WHO, ACTING IN
19 COMPLIANCE WITH SECTIONS 1414.3 AND 1414.4, COORDINATES OR
20 SUPERVISES CARE FOR A STUDENT OR PROVIDES EDUCATION TO A SCHOOL
21 EMPLOYEE SHALL NOT BE SUBJECT TO ANY CRIMINAL OR CIVIL LIABILITY
22 OR ANY PROFESSIONAL DISCIPLINARY ACTION FOR SUCH COORDINATION,
23 SUPERVISION OR EDUCATION.

24 SECTION 1414.8. DIABETES CARE IN NONPUBLIC SCHOOLS.--(A) A
25 NONPUBLIC SCHOOL MAY COMPLY WITH THE EDUCATION OF SCHOOL
26 EMPLOYEES AND PROVISION OF DIABETES-RELATED CARE TO A STUDENT
27 WITH DIABETES REQUIRED UNDER SECTIONS 1414.3, 1414.4 AND 1414.5.
28 A WRITTEN EDUCATION PLAN THAT OUTLINES THE AIDS AND RELATED
29 SERVICES REQUIRED TO MEET THE ACADEMIC NEEDS OF THE STUDENT WITH
30 DIABETES MAY TAKE THE PLACE OF A SERVICE AGREEMENT FOR A STUDENT

1 WITH DIABETES ATTENDING A NONPUBLIC SCHOOL UNLESS A SERVICE
2 AGREEMENT IS OTHERWISE REQUIRED UNDER LAW OR REGULATION.

3 (B) NOTHING IN SECTION 1414.3, 1414.4, 1414.5, 1414.6 OR
4 THIS SECTION SHALL BE CONSTRUED TO DO ANY OF THE FOLLOWING:

5 (1) CREATE, ESTABLISH OR EXPAND ANY OBLIGATIONS ON THE PART
6 OF ANY NONPUBLIC SCHOOL TO COMPLY WITH SECTION 504 OF THE
7 REHABILITATION ACT OF 1973 (PUBLIC LAW 93-112, 29 U.S.C. § 794).

8 (2) CREATE, ESTABLISH, RESULT IN OR EXPAND ANY CONTRACTUAL
9 OBLIGATIONS ON THE PART OF ANY NONPUBLIC SCHOOL.

10 (C) NO NONPUBLIC SCHOOL EMPLOYE OR NONPUBLIC SCHOOL SHALL BE
11 LIABLE FOR CIVIL DAMAGES AS A RESULT OF THE ACTIVITIES
12 AUTHORIZED BY SECTIONS 1414.3, 1414.4 AND 1414.5, EXCEPT THAT AN
13 EMPLOYE MAY BE LIABLE FOR WILLFUL MISCONDUCT.

14 SECTION 11.1. SECTION 1525 OF THE ACT, ADDED JULY 4, 2004
15 (P.L.536, NO.70), IS AMENDED TO READ:

16 SECTION 1525. AGREEMENTS WITH INSTITUTIONS OF HIGHER
17 EDUCATION.--NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE
18 CONTRARY, A SCHOOL DISTRICT, CHARTER SCHOOL, REGIONAL CHARTER
19 SCHOOL, CYBER CHARTER SCHOOL OR AREA VOCATIONAL-TECHNICAL SCHOOL
20 MAY ENTER INTO AN AGREEMENT WITH ONE OR MORE INSTITUTIONS OF
21 HIGHER EDUCATION APPROVED TO OPERATE IN THIS COMMONWEALTH IN
22 ORDER TO ALLOW [RESIDENT] STUDENTS TO ATTEND SUCH INSTITUTIONS
23 OF HIGHER EDUCATION WHILE THE [RESIDENT] STUDENTS ARE ENROLLED
24 IN THE SCHOOL DISTRICT, CHARTER SCHOOL, REGIONAL CHARTER SCHOOL,
25 CYBER CHARTER SCHOOL OR AREA VOCATIONAL-TECHNICAL SCHOOL. THE
26 AGREEMENT MAY BE STRUCTURED SO THAT HIGH SCHOOL STUDENTS MAY
27 RECEIVE CREDITS TOWARD COMPLETION OF COURSES AT THE SCHOOL
28 DISTRICT, CHARTER SCHOOL, REGIONAL CHARTER SCHOOL, CYBER CHARTER
29 SCHOOL OR AREA VOCATIONAL-TECHNICAL SCHOOL AND AT INSTITUTIONS
30 OF HIGHER EDUCATION APPROVED TO OPERATE IN THIS COMMONWEALTH.

1 SECTION 12. THE ACT IS AMENDED BY ADDING A SECTION TO READ:
2 SECTION 1513-C. SUPPLEMENTAL ONLINE MATHEMATICS SUPPORT.

3 (A) GENERAL RULE.--FOR THE 2015-2016 SCHOOL YEAR, THE
4 DEPARTMENT SHALL MAKE ONLINE MATHEMATICS SUPPORT AVAILABLE TO
5 ALL STUDENTS ENROLLED IN SCHOOL ENTITIES IN GRADES THREE THROUGH
6 EIGHT AND PROVIDE TRAINING AND SUPPORT FOR SCHOOL ENTITY
7 PERSONNEL TO EFFECTIVELY PROMOTE STUDENT USE OF THE ONLINE
8 MATHEMATICS SUPPORT.

9 (B) CONTENTS.--ONLINE MATHEMATICS SUPPORT SHALL INCLUDE
10 TUTORING, STUDENT MOTIVATION PROGRAMMING AND ADAPTIVE ONLINE
11 INSTRUCTION PROVIDED BY INSTRUCTORS CERTIFIED TO TEACH
12 MATHEMATICS UNDER ARTICLE XII.

13 (C) CONTRACT.--IN CARRYING OUT ITS DUTY UNDER THIS SECTION,
14 THE DEPARTMENT MAY ENTER INTO A CONTRACT WITH A SERVICE
15 PROVIDER. IN AWARDING A CONTRACT UNDER THIS SECTION, THE
16 DEPARTMENT SHALL GIVE PREFERENCE TO SERVICE PROVIDERS BASED IN
17 THIS COMMONWEALTH THAT HAVE DEMONSTRATED SUCCESS IN PROVIDING
18 STATEWIDE ONLINE MATHEMATICS SUPPORT.

19 (D) FUNDING CONTINGENCY.--THE POWERS AND DUTIES ESTABLISHED
20 IN THIS SECTION SHALL BE CONTINGENT ON APPROPRIATIONS MADE BY
21 THE GENERAL ASSEMBLY.

22 (E) DEFINITION.--FOR THE PURPOSE OF THIS SECTION, THE TERM
23 "SCHOOL ENTITY" SHALL INCLUDE A SCHOOL DISTRICT, CHARTER SCHOOL,
24 REGIONAL CHARTER SCHOOL OR CYBER CHARTER SCHOOL.

25 SECTION 12.1. THE DEFINITIONS OF "CONCURRENT STUDENT" AND
26 "SCHOOL ENTITY" IN SECTION 1602-B OF THE ACT, ADDED JULY 13,
27 2005 (P.L.226, NO.46), ARE AMENDED TO READ:
28 SECTION 1602-B. DEFINITIONS.

29 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ARTICLE
30 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE

1 CONTEXT CLEARLY INDICATES OTHERWISE:

2 * * *

3 "CONCURRENT STUDENT." A STUDENT WHO IS ENROLLED IN A SCHOOL
4 DISTRICT, A CHARTER SCHOOL, A REGIONAL CHARTER SCHOOL, A CYBER
5 CHARTER SCHOOL, AN AREA VOCATIONAL-TECHNICAL SCHOOL, A NONPUBLIC
6 SCHOOL, A PRIVATE SCHOOL OR A HOME EDUCATION PROGRAM UNDER
7 SECTION 1327.1 AND WHO TAKES A CONCURRENT COURSE THROUGH A
8 CONCURRENT ENROLLMENT PROGRAM.

9 * * *

10 "SCHOOL ENTITY." A SCHOOL DISTRICT, A CHARTER SCHOOL, A
11 REGIONAL CHARTER SCHOOL, A CYBER CHARTER SCHOOL OR AN AREA
12 VOCATIONAL-TECHNICAL SCHOOL.

13 * * *

14 SECTION 12.2. SECTIONS 1611-B AND 1613-B OF THE ACT ARE
15 AMENDED BY ADDING SUBSECTIONS TO READ:
16 SECTION 1611-B. RESPONSIBILITIES OF SCHOOL ENTITIES.

17 * * *

18 (G) REVENUE RECEIVED BY SCHOOL DISTRICT.--NOTWITHSTANDING
19 ANY PROVISION OF LAW TO THE CONTRARY, THE REVENUES RECEIVED BY A
20 SCHOOL DISTRICT UNDER SECTION 1603-B SHALL NOT BE INCLUDED IN
21 THE SCHOOL DISTRICT'S BUDGETED TOTAL EXPENDITURE PER AVERAGE
22 DAILY MEMBERSHIP USED TO CALCULATE THE AMOUNT TO BE PAID TO A
23 CHARTER SCHOOL ENTITY UNDER SECTION 1725-A(A) (2) AND (3).

24 SECTION 1613-B. CONCURRENT ENROLLMENT AGREEMENTS.

25 * * *

26 (C) CHARTER SCHOOLS, REGIONAL CHARTER SCHOOLS AND CYBER
27 CHARTER SCHOOLS.--CHARTER SCHOOLS, REGIONAL CHARTER SCHOOLS AND
28 CYBER CHARTER SCHOOLS SHALL HAVE THE POWER AND AUTHORITY TO
29 ENTER INTO A CONCURRENT ENROLLMENT AGREEMENT WITH AN INSTITUTION
30 OF HIGHER EDUCATION, AND APPROPRIATE CREDIT SHALL BE AWARDED TO

1 STUDENTS CONCURRENTLY ENROLLED UNDER THE AGREEMENT.

2 SECTION 13. SECTION 1703-A OF THE ACT IS AMENDED TO READ:

3 SECTION 1703-A. DEFINITIONS.--AS USED IN THIS ARTICLE,

4 "ADMINISTRATOR" SHALL INCLUDE AN EMPLOYEE OF A CHARTER SCHOOL

5 ENTITY, INCLUDING THE CHIEF ADMINISTRATOR OF A CHARTER SCHOOL

6 ENTITY AND ANY OTHER EMPLOYEE, WHO BY VIRTUE OF THE EMPLOYEE'S

7 POSITION IS RESPONSIBLE FOR TAKING OFFICIAL ACTION OF A

8 NONMINISTERIAL NATURE WITH REGARD TO CONTRACTING OR PROCUREMENT,

9 ADMINISTERING OR MONITORING GRANTS OR SUBSIDIES, MANAGING OR

10 REGULATING STAFF, STUDENT AND SCHOOL ACTIVITIES OR ANY ACTIVITY

11 WHERE THE OFFICIAL ACTION HAS AN ECONOMIC IMPACT OF GREATER THAN

12 A DE MINIMIS NATURE ON THE INTERESTS OF ANY PERSON.

13 "AID RATIO" AND "MARKET VALUE/INCOME AID RATIO" SHALL BE:

14 (1) THE AID RATIO AND MARKET VALUE/INCOME AID RATIO FOR THE

15 SCHOOL DISTRICT THAT GRANTED A CHARTER TO THE CHARTER SCHOOL;

16 (2) FOR A REGIONAL CHARTER SCHOOL, THE AID RATIO AND MARKET

17 VALUE/INCOME AID RATIO SHALL BE A COMPOSITE, AS DETERMINED BY

18 THE DEPARTMENT, BASED ON THE SCHOOL DISTRICTS THAT GRANTED THE

19 CHARTER; OR

20 (3) FOR A CYBER CHARTER SCHOOL, THE AID RATIO AND MARKET

21 VALUE/INCOME AID RATIO SHALL BE THAT OF THE SCHOOL DISTRICT IN

22 WHICH THE ADMINISTRATIVE OFFICES OF THE CYBER CHARTER SCHOOL ARE

23 LOCATED.

24 "APPEAL BOARD" SHALL MEAN THE STATE CHARTER SCHOOL APPEAL

25 BOARD ESTABLISHED BY THIS ARTICLE.

26 "ASSESSMENT" SHALL MEAN THE PENNSYLVANIA SYSTEM OF SCHOOL

27 ASSESSMENT TEST, THE KEYSTONE EXAM OR ANOTHER TEST ESTABLISHED

28 BY THE STATE BOARD TO MEET THE REQUIREMENTS OF SECTION 2603-

29 B(D) (10) (I) AND REQUIRED UNDER THE NO CHILD LEFT BEHIND ACT OF

30 2001 (PUBLIC LAW 107-110, 115 STAT. 1425) OR ITS SUCCESSOR

1 FEDERAL STATUTE.

2 "AT-RISK STUDENT" SHALL MEAN A STUDENT AT RISK OF EDUCATIONAL
3 FAILURE BECAUSE OF LIMITED ENGLISH PROFICIENCY, POVERTY,
4 COMMUNITY FACTORS, TRUANCY, ACADEMIC DIFFICULTIES OR ECONOMIC
5 DISADVANTAGE.

6 "CHARTER SCHOOL" SHALL MEAN AN INDEPENDENT PUBLIC SCHOOL
7 ESTABLISHED AND OPERATED UNDER A CHARTER FROM THE LOCAL BOARD OF
8 SCHOOL DIRECTORS AND IN WHICH STUDENTS ARE ENROLLED OR ATTEND. A
9 CHARTER SCHOOL MUST BE ORGANIZED AS A PUBLIC, NONPROFIT
10 CORPORATION. CHARTERS MAY NOT BE GRANTED TO ANY FOR-PROFIT
11 ENTITY.

12 "CHARTER SCHOOL ENTITY" SHALL MEAN A CHARTER SCHOOL, REGIONAL
13 CHARTER SCHOOL OR CYBER CHARTER SCHOOL.

14 "CHARTER SCHOOL FOUNDATION" SHALL MEAN A NONPROFIT
15 ORGANIZATION UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE
16 CODE OF 1986 (PUBLIC LAW 99-514, 26 U.S.C. § 501(C)(3)), THAT
17 PROVIDES FUNDING, RESOURCES OR OTHERWISE SERVES TO SUPPORT A
18 CHARTER SCHOOL ENTITY, EITHER DIRECTLY OR THROUGH AN AFFILIATED
19 ENTITY.

20 "CHIEF ADMINISTRATOR" SHALL MEAN AN INDIVIDUAL APPOINTED BY A
21 BOARD OF TRUSTEES TO OVERSEE AND MANAGE THE OPERATION OF A
22 CHARTER SCHOOL ENTITY. THE TERM SHALL NOT INCLUDE A PROFESSIONAL
23 STAFF MEMBER UNDER THIS ARTICLE.

24 ["CHIEF EXECUTIVE OFFICER" SHALL MEAN AN INDIVIDUAL APPOINTED
25 BY THE BOARD OF TRUSTEES TO OVERSEE AND MANAGE THE OPERATION OF
26 THE CHARTER SCHOOL, BUT WHO SHALL NOT BE DEEMED A PROFESSIONAL
27 STAFF MEMBER UNDER THIS ARTICLE.]

28 "COMMUNITY COLLEGE" SHALL MEAN A COMMUNITY COLLEGE
29 ESTABLISHED UNDER ARTICLE XIX-A.

30 "CYBER CHARTER SCHOOL" SHALL MEAN AN INDEPENDENT PUBLIC

1 SCHOOL ESTABLISHED AND OPERATED UNDER A CHARTER FROM THE
2 DEPARTMENT OF EDUCATION AND IN WHICH THE SCHOOL USES TECHNOLOGY,
3 INCLUDING ELECTRONIC OR DIGITAL BOOKS, IN ORDER TO PROVIDE A
4 SIGNIFICANT PORTION OF ITS CURRICULUM AND TO DELIVER A
5 SIGNIFICANT PORTION OF INSTRUCTION TO ITS STUDENTS THROUGH THE
6 INTERNET OR OTHER ELECTRONIC MEANS. A CYBER CHARTER SCHOOL MUST
7 BE ORGANIZED AS A PUBLIC, NONPROFIT CORPORATION. A CHARTER MAY
8 NOT BE GRANTED TO A FOR-PROFIT ENTITY.

9 "DEPARTMENT" SHALL MEAN THE DEPARTMENT OF EDUCATION OF THE
10 COMMONWEALTH.

11 "EDUCATIONAL MANAGEMENT SERVICE PROVIDER" SHALL MEAN A
12 NONPROFIT CHARTER MANAGEMENT ORGANIZATION, FOR-PROFIT EDUCATION
13 MANAGEMENT ORGANIZATION, SCHOOL DESIGN PROVIDER, BUSINESS
14 MANAGER OR ANY OTHER PARTNER ENTITY WITH WHICH A BOARD OF
15 TRUSTEES OF A CHARTER SCHOOL ENTITY CONTRACTS TO PROVIDE
16 EDUCATIONAL DESIGN, BUSINESS SERVICES, COMPREHENSIVE MANAGEMENT
17 OR PERSONNEL FUNCTIONS OR TO IMPLEMENT THE CHARTER. THE TERM
18 SHALL NOT INCLUDE A CHARTER SCHOOL FOUNDATION.

19 "IMMEDIATE FAMILY MEMBER" SHALL MEAN A PARENT, SPOUSE, CHILD,
20 BROTHER, SISTER, GRANDPARENT OR GRANDCHILD.

21 "LOCAL BOARD OF SCHOOL DIRECTORS" SHALL MEAN THE BOARD OF
22 DIRECTORS, SCHOOL REFORM COMMISSION OR OTHER GOVERNING AUTHORITY
23 OF A SCHOOL DISTRICT IN WHICH A PROPOSED OR AN APPROVED CHARTER
24 SCHOOL IS LOCATED.

25 "NONRELATED" SHALL MEAN AN INDIVIDUAL WHO IS NOT AN IMMEDIATE
26 FAMILY MEMBER.

27 "REGIONAL CHARTER SCHOOL" SHALL MEAN AN INDEPENDENT PUBLIC
28 SCHOOL ESTABLISHED AND OPERATED UNDER A CHARTER FROM MORE THAN
29 ONE LOCAL BOARD OF SCHOOL DIRECTORS AND IN WHICH STUDENTS ARE
30 ENROLLED OR ATTEND. A REGIONAL CHARTER SCHOOL MUST BE ORGANIZED

1 AS A PUBLIC, NONPROFIT CORPORATION. CHARTERS MAY NOT BE GRANTED
2 TO ANY FOR-PROFIT ENTITY.

3 "SCHOOL DISTRICT OF RESIDENCE" SHALL MEAN THE SCHOOL DISTRICT
4 IN THIS COMMONWEALTH IN WHICH [THE PARENTS OR GUARDIANS OF A
5 CHILD RESIDE] A CHILD RESIDES AS DETERMINED UNDER SECTION 1302
6 AND 22 PA. CODE § 11.11(A)(1) (RELATING TO ENTITLEMENT OF
7 RESIDENT CHILDREN TO ATTEND PUBLIC SCHOOLS).

8 "SCHOOL ENTITY" SHALL MEAN A SCHOOL DISTRICT, INTERMEDIATE
9 UNIT, JOINT SCHOOL OR AREA VOCATIONAL-TECHNICAL SCHOOL.

10 "SCHOOL PERFORMANCE PROFILE" SHALL MEAN THE PENNSYLVANIA
11 SCHOOL PERFORMANCE PROFILE DEVELOPED BY THE DEPARTMENT UNDER
12 SECTION 1123.

13 "SECRETARY" SHALL MEAN THE SECRETARY OF EDUCATION OF THE
14 COMMONWEALTH.

15 "STATE BOARD" SHALL MEAN THE STATE BOARD OF EDUCATION OF THE
16 COMMONWEALTH.

17 "STATE SYSTEM INSTITUTION" SHALL MEAN A MEMBER INSTITUTION OF
18 THE STATE SYSTEM OF HIGHER EDUCATION ESTABLISHED UNDER ARTICLE
19 XX-A.

20 SECTION 13.1. THE ACT IS AMENDED BY ADDING A SECTION TO
21 READ:

22 SECTION 1704-A. CHARTER SCHOOL FUNDING ADVISORY
23 COMMISSION.--(1) A CHARTER SCHOOL FUNDING ADVISORY COMMISSION
24 IS ESTABLISHED. THE COMMISSION SHALL EXAMINE THE FINANCING OF
25 CHARTER SCHOOL ENTITIES IN THE PUBLIC EDUCATION SYSTEM AND
26 RELATED ISSUES. THE COMMISSION SHALL EXAMINE HOW CHARTER SCHOOL
27 ENTITY FINANCES AFFECT OPPORTUNITIES FOR TEACHERS, PARENTS,
28 PUPILS AND COMMUNITY MEMBERS TO ESTABLISH AND MAINTAIN SCHOOLS
29 THAT OPERATE INDEPENDENTLY FROM THE EXISTING SCHOOL DISTRICT
30 STRUCTURE AS A METHOD TO ACCOMPLISH THE REQUIREMENTS OF SECTION

1 1702-A. THE GENERAL ASSEMBLY SHALL PROVIDE ADMINISTRATIVE
2 SUPPORT, MEETING SPACE AND ANY OTHER ASSISTANCE REQUIRED BY THE
3 COMMISSION TO CARRY OUT ITS DUTIES UNDER THIS SECTION.

4 (2) THE COMMISSION SHALL CONSIST OF THE FOLLOWING MEMBERS:

5 (I) FOUR MEMBERS OF THE SENATE APPOINTED BY THE PRESIDENT
6 PRO TEMPORE OF THE SENATE, IN CONSULTATION WITH THE MAJORITY
7 LEADER OF THE SENATE AND THE MINORITY LEADER OF THE SENATE, WITH
8 TWO APPOINTEES FROM THE MAJORITY PARTY, ONE OF WHOM SHALL BE THE
9 MAJORITY CHAIRMAN OF THE EDUCATION COMMITTEE OF THE SENATE, AND
10 TWO APPOINTEES FROM THE MINORITY PARTY, ONE OF WHOM SHALL BE THE
11 MINORITY CHAIRMAN OF THE EDUCATION COMMITTEE OF THE SENATE.

12 (II) FOUR MEMBERS OF THE HOUSE OF REPRESENTATIVES APPOINTED
13 BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, IN CONSULTATION
14 WITH THE MAJORITY LEADER OF THE HOUSE OF REPRESENTATIVES AND THE
15 MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES, WITH TWO
16 APPOINTEES FROM THE MAJORITY PARTY, ONE OF WHOM SHALL BE THE
17 MAJORITY CHAIRMAN OF THE EDUCATION COMMITTEE OF THE HOUSE OF
18 REPRESENTATIVES, AND TWO APPOINTEES FROM THE MINORITY PARTY, ONE
19 OF WHOM SHALL BE THE MINORITY CHAIRMAN OF THE EDUCATION
20 COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

21 (III) THE SECRETARY OR A DESIGNEE.

22 (IV) AN AT-LARGE MEMBER CHOSEN BY THE GOVERNOR, THE
23 PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE
24 OF REPRESENTATIVES.

25 (V) TO REPRESENT THE INTERESTS OF CHARTER SCHOOL ENTITIES,
26 THE FOLLOWING MEMBERS, WHO SHALL BE APPOINTED BY THE SECRETARY
27 FROM A LIST PROVIDED BY THE PENNSYLVANIA COALITION OF PUBLIC
28 CHARTER SCHOOLS AND THE KEYSTONE ALLIANCE:

29 (A) ONE MEMBER WHO SHALL BE A BUSINESS MANAGER OF A CHARTER
30 SCHOOL.

1 (B) ONE MEMBER WHO SHALL BE A BUSINESS MANAGER OF A CYBER
2 CHARTER SCHOOL.

3 (VI) TO REPRESENT THE INTERESTS OF SCHOOL DISTRICTS, THE
4 FOLLOWING MEMBERS, WHO SHALL BE APPOINTED BY THE SECRETARY FROM
5 A LIST PROVIDED BY THE PENNSYLVANIA ASSOCIATION OF SCHOOL
6 BUSINESS OFFICIALS:

7 (A) ONE MEMBER WHO SHALL BE A BUSINESS MANAGER OF A RURAL
8 SCHOOL DISTRICT.

9 (B) ONE MEMBER WHO SHALL BE A BUSINESS MANAGER OF AN URBAN
10 SCHOOL DISTRICT.

11 (3) MEMBERS OF THE COMMISSION SHALL BE APPOINTED WITHIN
12 TWENTY (20) DAYS OF THE EFFECTIVE DATE OF THIS SECTION. ANY
13 VACANCY ON THE COMMISSION SHALL BE FILLED BY THE ORIGINAL
14 APPOINTING AUTHORITY. THE COMMISSION SHALL BE CO-CHAired BY THE
15 CHAIRMAN OF THE EDUCATION COMMITTEE OF THE SENATE AND CHAIRMAN
16 OF THE EDUCATION COMMITTEE OF THE HOUSE OF REPRESENTATIVES. THE
17 ORGANIZATIONAL MEETING SHALL TAKE PLACE NOT LATER THAN FORTY-
18 FIVE (45) DAYS FOLLOWING THE EFFECTIVE DATE OF THIS SECTION.

19 (4) THE COMMISSION SHALL HOLD MEETINGS AT THE CALL OF THE
20 CHAIRMAN. THE COMMISSION MAY HOLD NO MORE THAN SIX PUBLIC
21 HEARINGS ON THE MATTERS TO BE CONSIDERED BY THE COMMISSION. ALL
22 MEETINGS AND PUBLIC HEARINGS OF THE COMMISSION SHALL BE DEEMED
23 PUBLIC MEETINGS FOR THE PURPOSE OF 65 PA.C.S. CH. 7 (RELATING TO
24 OPEN MEETINGS). EIGHT (8) MEMBERS OF THE COMMISSION SHALL
25 CONSTITUTE A QUORUM AT ANY MEETING. EACH MEMBER OF THE
26 COMMISSION MAY DESIGNATE ANOTHER PERSON TO REPRESENT THAT MEMBER
27 AT MEETINGS OF THE COMMISSION.

28 (5) COMMISSION MEMBERS SHALL RECEIVE NO COMPENSATION FOR
29 THEIR SERVICES BUT SHALL BE REIMBURSED BY THE DEPARTMENT FOR ALL
30 NECESSARY TRAVEL AND OTHER REASONABLE EXPENSES INCURRED IN

1 CONNECTION WITH THE PERFORMANCE OF THEIR DUTIES AS MEMBERS.
2 WHENEVER POSSIBLE, THE COMMISSION SHALL UTILIZE THE SERVICES AND
3 EXPERTISE OF EXISTING PERSONNEL AND STAFF OF STATE GOVERNMENT.

4 (6) THE COMMISSION SHALL HAVE THE FOLLOWING POWERS AND
5 DUTIES:

6 (I) MEET WITH CURRENT CHARTER SCHOOL ENTITY OPERATORS AND
7 SCHOOL DISTRICT PERSONNEL.

8 (II) REVIEW CHARTER SCHOOL ENTITY FINANCING LAWS IN
9 OPERATION THROUGHOUT THE UNITED STATES.

10 (III) EXPLORE THE ACTUAL COST OF EDUCATING A CHILD IN A
11 CYBER CHARTER SCHOOL.

12 (IV) EVALUATE AND MAKE RECOMMENDATIONS ON THE FOLLOWING:

13 (A) CONSIDERATION OF ESTABLISHING AN INDEPENDENT STATE LEVEL
14 BOARD TO AUTHORIZE CHARTER SCHOOL ENTITIES AND SUPPORT CHARTER
15 SCHOOL QUALITY AND ACCOUNTABILITY THROUGH PERFORMANCE MONITORING
16 AND TECHNICAL ASSISTANCE.

17 (B) THE PROCESS BY WHICH CHARTER SCHOOL ENTITIES ARE FUNDED
18 UNDER SECTION 1725-A, INCLUDING ADDRESSING POTENTIAL FUNDING
19 INEQUITIES, TO INCLUDE CONSIDERATION OF DISALLOWING A SCHOOL
20 DISTRICT'S COSTS FOR FOOD SERVICES IN THE CASE OF CYBER CHARTER
21 SCHOOLS THAT PROVIDE FOOD SERVICES TO THEIR STUDENTS, AND
22 CONSIDERATION OF CONTINUING THE SCHOOL DISTRICT DEDUCTION FOR
23 CYBER CHARTER SCHOOL TUITION COSTS.

24 (C) APPROPRIATE FUNDING FOR CHARTER SCHOOL ENTITY
25 FACILITIES.

26 (D) A PROCESS BY WHICH THE PERFORMANCE MATRIX ESTABLISHED
27 UNDER SECTION 1731.2-A SHALL COMPARE THE ACADEMIC PERFORMANCE OF
28 EACH CHARTER SCHOOL ENTITY WITH THE ACADEMIC PERFORMANCE OF THE
29 SCHOOL DISTRICT OF RESIDENCE OF EACH STUDENT ENROLLED IN THE
30 CHARTER SCHOOL ENTITY.

1 (E) SPECIAL EDUCATION TRANSPORTATION.

2 (F) OTHER FUNDING ISSUES RAISED IN THE COURSE OF PUBLIC
3 HEARINGS.

4 (G) CONSIDERATION OF A SCHOOL DISTRICT DEDUCTION FOR
5 PROGRAMS AND SERVICES TO THE EXTENT THEY ARE FUNDED FROM THE
6 PROCEEDS OF COMPETITIVE GRANTS FROM PRIVATE OR PUBLIC RESOURCES
7 OR FROM CONTRIBUTIONS OR DONATIONS FROM PRIVATE SOURCES.

8 (H) THE APPROPRIATE MANNER OF FUNDING A CHARTER SCHOOL THAT
9 PRIMARILY SERVES ADJUDICATED YOUTH.

10 (I) FUNDING AND ALL COSTS ASSOCIATED WITH ATHLETIC PROGRAMS
11 PROVIDED BY CHARTER SCHOOL ENTITIES.

12 (J) CONSIDERATION OF A METHOD BY WHICH A LOCAL BOARD OF
13 SCHOOL DIRECTORS, WHEN CONSIDERING A CHARTER APPLICATION, MAY
14 REVIEW WHETHER CHARTER SCHOOL ENTITIES ARE SUFFICIENTLY
15 DISTRIBUTED THROUGHOUT A SCHOOL DISTRICT WHILE ALSO ENSURING
16 THAT A CHARTER APPLICATION IS NOT DENIED ON THE BASIS OF
17 GEOGRAPHIC LOCATION.

18 (V) ISSUE A REPORT PURSUANT TO PARAGRAPH (7).

19 (7) THE COMMISSION SHALL, NO LATER THAN ONE YEAR FROM THE
20 EFFECTIVE DATE OF THIS SECTION, ISSUE A REPORT OF ITS FINDINGS
21 AND RECOMMENDATIONS TO THE GOVERNOR, THE PRESIDENT PRO TEMPORE
22 OF THE SENATE, THE MAJORITY LEADER OF THE SENATE, THE MINORITY
23 LEADER OF THE SENATE, THE CHAIRMAN AND MINORITY CHAIRMAN OF THE
24 APPROPRIATIONS COMMITTEE OF THE SENATE, THE CHAIRMAN AND
25 MINORITY CHAIRMAN OF THE EDUCATION COMMITTEE OF THE SENATE, THE
26 SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE MAJORITY LEADER OF
27 THE HOUSE OF REPRESENTATIVES, THE MINORITY LEADER OF THE HOUSE
28 OF REPRESENTATIVES, THE CHAIRMAN AND MINORITY CHAIRMAN OF THE
29 APPROPRIATIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE
30 CHAIRMAN AND MINORITY CHAIRMAN OF THE EDUCATION COMMITTEE OF THE

1 HOUSE OF REPRESENTATIVES. THE RECOMMENDATIONS OF THE COMMISSION
2 SHALL NOT TAKE EFFECT UNLESS THE RECOMMENDATIONS ARE APPROVED BY
3 AN ACT OF THE GENERAL ASSEMBLY ENACTED AFTER THE EFFECTIVE DATE
4 OF THIS SECTION.

5 SECTION 13.2. SECTION 1715-A OF THE ACT, AMENDED OR ADDED
6 JUNE 19, 1997 (P.L.225, NO.22) AND JULY 9, 2008 (P.L.846,
7 NO.61), IS AMENDED TO READ:

8 SECTION 1715-A. CHARTER SCHOOL ENTITY REQUIREMENTS.--(A)
9 CHARTER [SCHOOLS] SCHOOL ENTITIES SHALL BE REQUIRED TO COMPLY
10 WITH THE FOLLOWING PROVISIONS:

11 (1) EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, A CHARTER
12 SCHOOL ENTITY IS EXEMPT FROM STATUTORY REQUIREMENTS ESTABLISHED
13 IN THIS ACT, FROM REGULATIONS OF THE STATE BOARD AND THE
14 STANDARDS OF THE SECRETARY NOT SPECIFICALLY APPLICABLE TO
15 CHARTER [SCHOOLS] SCHOOL ENTITIES. CHARTER [SCHOOLS] SCHOOL
16 ENTITIES ARE NOT EXEMPT FROM STATUTES APPLICABLE TO PUBLIC
17 SCHOOLS OTHER THAN THIS ACT.

18 (2) A CHARTER SCHOOL ENTITY SHALL BE ACCOUNTABLE TO THE
19 PARENTS, THE PUBLIC AND THE COMMONWEALTH, WITH THE DELINEATION
20 OF THAT ACCOUNTABILITY REFLECTED IN THE CHARTER. STRATEGIES FOR
21 MEANINGFUL PARENT AND COMMUNITY INVOLVEMENT SHALL BE DEVELOPED
22 AND IMPLEMENTED BY EACH SCHOOL.

23 (3) A CHARTER SCHOOL ENTITY SHALL NOT UNLAWFULLY
24 DISCRIMINATE IN ADMISSIONS, HIRING OR OPERATION.

25 (4) A CHARTER SCHOOL ENTITY SHALL BE NONSECTARIAN IN ALL
26 OPERATIONS.

27 (5) (I) [A] SUBJECT TO SUBPARAGRAPH (II), A CHARTER SCHOOL
28 ENTITY SHALL NOT PROVIDE ANY RELIGIOUS INSTRUCTION, NOR SHALL IT
29 DISPLAY RELIGIOUS OBJECTS AND SYMBOLS ON THE PREMISES OF THE
30 CHARTER SCHOOL ENTITY.

1 (II) IT SHALL NOT BE A VIOLATION OF THIS PARAGRAPH FOR A
2 CHARTER SCHOOL ENTITY TO UTILIZE A SECTARIAN FACILITY:

3 (A) IF THE CHARTER SCHOOL ENTITY PROVIDES FOR DISCRETE AND
4 SEPARATE ENTRANCES TO BUILDINGS UTILIZED FOR SCHOOL PURPOSES
5 ONLY;

6 (B) IF THE RELIGIOUS OBJECTS AND SYMBOLS WITHIN THE PORTIONS
7 OF THE FACILITY UTILIZED BY THE SCHOOL ARE COVERED OR REMOVED TO
8 THE EXTENT REASONABLY FEASIBLE; OR

9 (C) IN WHICH THE UNUSED PORTION OF THE FACILITY OR ITS
10 COMMON AREAS CONTAIN RELIGIOUS SYMBOLS AND OBJECTS.

11 (6) A CHARTER SCHOOL ENTITY SHALL NOT ADVOCATE UNLAWFUL
12 BEHAVIOR.

13 (7) A CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL SHALL ONLY
14 BE SUBJECT TO THE LAWS AND REGULATIONS AS PROVIDED FOR IN
15 SECTION 1732-A, OR AS OTHERWISE PROVIDED FOR IN THIS [ARTICLE]
16 ACT.

17 (7.1) A CYBER CHARTER SCHOOL SHALL ONLY BE SUBJECT TO THE
18 LAWS AND REGULATIONS AS PROVIDED FOR IN SECTION 1749-A, OR AS
19 OTHERWISE PROVIDED FOR IN THIS ACT.

20 (8) A CHARTER SCHOOL ENTITY SHALL PARTICIPATE IN [THE
21 PENNSYLVANIA STATE ASSESSMENT SYSTEM AS PROVIDED FOR IN 22 PA.
22 CODE CH. 5 (RELATING TO CURRICULUM), OR SUBSEQUENT REGULATIONS
23 PROMULGATED TO REPLACE 22 PA. CODE CH. 5,] ASSESSMENTS IN THE
24 MANNER IN WHICH THE SCHOOL DISTRICT IN WHICH THE CHARTER SCHOOL
25 ENTITY IS LOCATED IS SCHEDULED TO PARTICIPATE.

26 (9) A CHARTER SCHOOL ENTITY SHALL PROVIDE A MINIMUM OF ONE
27 HUNDRED EIGHTY (180) DAYS OF INSTRUCTION OR NINE HUNDRED (900)
28 HOURS PER YEAR OF INSTRUCTION AT THE ELEMENTARY LEVEL, OR NINE
29 HUNDRED NINETY (990) HOURS PER YEAR OF INSTRUCTION AT THE
30 SECONDARY LEVEL. NOTHING IN THIS CLAUSE SHALL PRECLUDE THE USE

1 OF COMPUTER AND SATELLITE LINKAGES FOR DELIVERING INSTRUCTION TO
2 STUDENTS.

3 (9.1) A CYBER CHARTER SCHOOL MAY USE IN-PERSON INTERACTION,
4 TESTING OR INSTRUCTION FOR STUDENTS PROTECTED BY THE INDIVIDUALS
5 WITH DISABILITIES EDUCATION ACT (PUBLIC LAW 91-230, 20 U.S.C. §
6 1400 ET SEQ.) OR SECTION 504 OF THE REHABILITATION ACT OF 1973
7 (PUBLIC LAW 93-112, 29 U.S.C. § 794), AND FOR THE AMOUNT OF TIME
8 THAT SUCH SERVICES ARE REQUIRED BY THE STUDENT'S INDIVIDUALIZED
9 EDUCATION PROGRAM OR BY THE PLAN DESCRIBING SERVICES PROVIDED TO
10 THE STUDENT PURSUANT TO SECTION 504 OF THE REHABILITATION ACT OF
11 1973.

12 (10) BOARDS OF TRUSTEES AND CONTRACTORS OF CHARTER [SCHOOLS]
13 SCHOOL ENTITIES SHALL BE SUBJECT TO THE FOLLOWING STATUTORY
14 REQUIREMENTS GOVERNING CONSTRUCTION PROJECTS AND CONSTRUCTION-
15 RELATED WORK:

16 (I) THE FOLLOWING PROVISIONS OF THIS ACT:

17 (A) SECTIONS 751 AND 751.1.

18 (B) SECTIONS 756 AND 757 INSOFAR AS THEY ARE CONSISTENT WITH
19 THE ACT OF DECEMBER 20, 1967 (P.L.869, NO.385), KNOWN AS THE
20 "PUBLIC WORKS CONTRACTORS' BOND LAW OF 1967."

21 (II) SECTION 1 OF THE ACT OF MAY 1, 1913 (P.L.155, NO.104),
22 ENTITLED "AN ACT REGULATING THE LETTING OF CERTAIN CONTRACTS FOR
23 THE ERECTION, CONSTRUCTION, AND ALTERATION OF PUBLIC BUILDINGS."

24 (III) THE ACT OF AUGUST 11, 1961 (P.L.987, NO.442), KNOWN AS
25 THE "PENNSYLVANIA PREVAILING WAGE ACT."

26 (IV) THE "PUBLIC WORKS CONTRACTORS' BOND LAW OF 1967."

27 (V) THE ACT OF MARCH 3, 1978 (P.L.6, NO.3), KNOWN AS THE
28 "STEEL PRODUCTS PROCUREMENT ACT."

29 (11) TRUSTEES OF A CHARTER SCHOOL ENTITY SHALL BE PUBLIC
30 OFFICIALS[.] FOR THE PURPOSES OF 65 PA.C.S. CH. 11 (RELATING TO

1 ETHICS STANDARDS AND FINANCIAL DISCLOSURE) AND SHALL FILE A
2 STATEMENT OF FINANCIAL INTERESTS FOR THE PRECEDING CALENDAR YEAR
3 WITH THE STATE ETHICS COMMISSION AND EITHER THE LOCAL BOARD OF
4 SCHOOL DIRECTORS IN THE CASE OF A CHARTER SCHOOL OR REGIONAL
5 CHARTER SCHOOL, OR THE DEPARTMENT IN THE CASE OF A CYBER CHARTER
6 SCHOOL, NOT LATER THAN MAY 1 OF EACH YEAR THAT MEMBERS HOLD THE
7 POSITION AND OF THE YEAR AFTER A MEMBER LEAVES THE POSITION. ALL
8 MEMBERS OF THE BOARD OF TRUSTEES OF A CHARTER SCHOOL ENTITY
9 SHALL TAKE THE OATH OF OFFICE AS REQUIRED UNDER SECTION 321
10 BEFORE ENTERING UPON THE DUTIES OF THEIR OFFICE.

11 [(12) A PERSON WHO SERVES AS AN ADMINISTRATOR FOR A CHARTER
12 SCHOOL SHALL NOT RECEIVE COMPENSATION FROM ANOTHER CHARTER
13 SCHOOL OR FROM A COMPANY THAT PROVIDES MANAGEMENT OR OTHER
14 SERVICES TO ANOTHER CHARTER SCHOOL. THE TERM "ADMINISTRATOR"
15 SHALL INCLUDE THE CHIEF EXECUTIVE OFFICER OF A CHARTER SCHOOL
16 AND ALL OTHER EMPLOYEES OF A CHARTER SCHOOL WHO BY VIRTUE OF
17 THEIR POSITIONS EXERCISE MANAGEMENT OR OPERATIONAL OVERSIGHT
18 RESPONSIBILITIES. A PERSON WHO SERVES AS AN ADMINISTRATOR FOR A
19 CHARTER SCHOOL SHALL BE A PUBLIC OFFICIAL UNDER 65 PA.C.S. CH.
20 11 (RELATING TO ETHICS STANDARDS AND FINANCIAL DISCLOSURE). A
21 VIOLATION OF THIS CLAUSE SHALL CONSTITUTE A VIOLATION OF 65
22 PA.C.S. § 1103(A) (RELATING TO RESTRICTED ACTIVITIES), AND THE
23 VIOLATOR SHALL BE SUBJECT TO THE PENALTIES IMPOSED UNDER THE
24 JURISDICTION OF THE STATE ETHICS COMMISSION.]

25 (B) AN INDIVIDUAL WHO SERVES AS AN ADMINISTRATOR FOR A
26 CHARTER SCHOOL ENTITY SHALL BE A PUBLIC EMPLOYE FOR THE PURPOSES
27 OF 65 PA.C.S. CH. 11 AND SHALL FILE A STATEMENT OF FINANCIAL
28 INTERESTS FOR THE PRECEDING CALENDAR YEAR WITH THE BOARD OF
29 TRUSTEES NOT LATER THAN MAY 1 OF EACH YEAR THAT THE PERSON HOLDS
30 THE POSITION AND OF THE YEAR AFTER THE PERSON LEAVES THE

1 POSITION.

2 (C) (1) NO INDIVIDUAL WHO SERVES AS AN ADMINISTRATOR FOR A
3 CHARTER SCHOOL ENTITY MAY RECEIVE COMPENSATION FROM ANOTHER
4 CHARTER SCHOOL ENTITY OR FROM AN EDUCATIONAL MANAGEMENT SERVICE
5 PROVIDER, UNLESS:

6 (I) THE ADMINISTRATOR HAS SUBMITTED A SWORN STATEMENT TO THE
7 BOARD OF TRUSTEES OF THE CHARTER SCHOOL ENTITY AND THE SWORN
8 STATEMENT DETAILS THE WORK FOR THE OTHER ENTITY AND INCLUDES THE
9 PROJECTED NUMBER OF HOURS, RATE OF COMPENSATION AND PROJECTED
10 DURATION.

11 (II) THE BOARD OF TRUSTEES OF THE CHARTER SCHOOL ENTITY HAS
12 REVIEWED THE SWORN STATEMENT UNDER SUBCLAUSE (I) AND AGREED, BY
13 RESOLUTION, TO GRANT PERMISSION TO THE ADMINISTRATOR.

14 (2) A COPY OF THE SWORN STATEMENT UNDER CLAUSE (1) (I) AND
15 THE RESOLUTION BY THE BOARD OF TRUSTEES GRANTING THE PERMISSION
16 UNDER CLAUSE (1) (II) SHALL BE PROVIDED TO, AND KEPT ON FILE
17 WITH, THE CHARTER SCHOOL ENTITY AND THE LOCAL BOARD OF SCHOOL
18 DIRECTORS OR, IN THE CASE OF A CYBER CHARTER SCHOOL, THE
19 DEPARTMENT.

20 (3) NO ADMINISTRATOR OF A CHARTER SCHOOL ENTITY OR IMMEDIATE
21 FAMILY MEMBER OF THE ADMINISTRATOR MAY SERVE AS A VOTING MEMBER
22 OF THE BOARD OF TRUSTEES OF THE CHARTER SCHOOL ENTITY THAT
23 EMPLOYS THE ADMINISTRATOR.

24 (4) (I) NO ADMINISTRATOR OF A CHARTER SCHOOL ENTITY MAY
25 PARTICIPATE IN THE SELECTION, AWARD OR ADMINISTRATION OF A
26 CONTRACT IF THE PERSON HAS A CONFLICT OF INTEREST AS THAT TERM
27 IS DEFINED IN 65 PA.C.S. § 1102 (RELATING TO DEFINITIONS).

28 (II) AN ADMINISTRATOR WHO KNOWINGLY VIOLATES THIS CLAUSE
29 COMMITTS A VIOLATION OF 65 PA.C.S. § 1103(A) (RELATING TO
30 RESTRICTED ACTIVITIES) AND SHALL BE SUBJECT TO THE PENALTIES

1 IMPOSED UNDER THE JURISDICTION OF THE STATE ETHICS COMMISSION.

2 (III) ANY CONTRACT MADE IN VIOLATION OF THIS CLAUSE SHALL BE
3 VOIDABLE BY THE BOARD OF TRUSTEES OF THE CHARTER SCHOOL ENTITY.

4 (5) AN ADMINISTRATOR SHALL BE IMMEDIATELY DISMISSED UPON
5 CONVICTION FOR AN OFFENSE GRADED AS A FELONY, AN INFAMOUS CRIME,
6 AN OFFENSE PERTAINING TO FRAUD, THEFT OR MISMANAGEMENT OF PUBLIC
7 FUNDS OR ANY CRIME INVOLVING MORAL TURPITUDE.

8 SECTION 13.3. SECTION 1716-A(C) OF THE ACT, ADDED JUNE 19,
9 1997 (P.L.225, NO.22), IS AMENDED AND THE SECTION IS AMENDED BY
10 ADDING SUBSECTIONS TO READ:

11 SECTION 1716-A. POWERS OF BOARD OF TRUSTEES.--* * *

12 (B.1) (1) FOR A CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL
13 CHARTERED AFTER THE EFFECTIVE DATE OF THIS SUBSECTION, AN
14 INDIVIDUAL SHALL BE PROHIBITED FROM SERVING AS A VOTING MEMBER
15 OF THE BOARD OF TRUSTEES OF THE CHARTER SCHOOL OR REGIONAL
16 CHARTER SCHOOL IF THE INDIVIDUAL OR AN IMMEDIATE FAMILY MEMBER
17 RECEIVES COMPENSATION FROM OR IS EMPLOYED BY OR IS A MEMBER OF
18 THE LOCAL BOARD OF SCHOOL DIRECTORS WHO PARTICIPATED IN THE
19 INITIAL REVIEW, APPROVAL, OVERSIGHT, EVALUATION OR RENEWAL
20 PROCESS OF THE CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL
21 CHARTERED BY THAT BOARD.

22 (2) AN EMPLOYEE OF THE SCHOOL DISTRICT THAT CHARTERED A
23 CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL MAY SERVE AS A MEMBER
24 OF THE BOARD OF TRUSTEES OF THE CHARTER SCHOOL OR REGIONAL
25 CHARTER SCHOOL WITHOUT VOTING PRIVILEGES.

26 (B.2) (1) NO MEMBER OF THE BOARD OF TRUSTEES OF A CHARTER
27 SCHOOL ENTITY MAY PARTICIPATE IN THE SELECTION, AWARD OR
28 ADMINISTRATION OF ANY CONTRACT IF THE MEMBER HAS A CONFLICT OF
29 INTEREST AS THAT TERM IS DEFINED IN 65 PA.C.S. § 1102 (RELATING
30 TO DEFINITIONS).

1 (2) ANY MEMBER OF THE BOARD OF TRUSTEES OF A CHARTER SCHOOL
2 ENTITY WHO IN THE DISCHARGE OF THE PERSON'S OFFICIAL DUTIES
3 WOULD BE REQUIRED TO VOTE ON A MATTER THAT WOULD RESULT IN A
4 CONFLICT OF INTEREST SHALL ABSTAIN FROM VOTING AND FOLLOW THE
5 PROCEDURES REQUIRED UNDER 65 PA.C.S. § 1103(J) (RELATING TO
6 RESTRICTED ACTIVITIES).

7 (3) A MEMBER OF THE BOARD OF TRUSTEES OF A CHARTER SCHOOL
8 ENTITY WHO KNOWINGLY VIOLATES THIS SUBSECTION COMMITS A
9 VIOLATION OF 65 PA.C.S. § 1103(A) AND SHALL BE SUBJECT TO THE
10 PENALTIES IMPOSED UNDER THE JURISDICTION OF THE STATE ETHICS
11 COMMISSION.

12 (4) A CONTRACT MADE IN VIOLATION OF THIS SUBSECTION SHALL BE
13 VOIDABLE BY A COURT OF COMPETENT JURISDICTION, IF THE SUIT IS
14 COMMENCED WITHIN NINETY (90) DAYS OF THE MAKING OF THE CONTRACT.

15 (5) NO MEMBER OF THE BOARD OF TRUSTEES OF A CHARTER SCHOOL
16 ENTITY SHALL BE COMPENSATED FOR DUTIES ON THE BOARD OF TRUSTEES.

17 (B.3) A MEMBER OF THE BOARD OF TRUSTEES OF A CHARTER SCHOOL
18 ENTITY SHALL BE AUTOMATICALLY DISQUALIFIED AND IMMEDIATELY
19 REMOVED FROM THE BOARD OF TRUSTEES UPON CONVICTION FOR AN
20 OFFENSE GRADED AS A FELONY, AN INFAMOUS CRIME, AN OFFENSE
21 PERTAINING TO FRAUD, THEFT OR MISMANAGEMENT OF PUBLIC FUNDS, ANY
22 OFFENSE PERTAINING TO HIS OFFICIAL CAPACITY AS A MEMBER OF THE
23 BOARD OF TRUSTEES OR ANY CRIME INVOLVING MORAL TURPITUDE.

24 (C) THE BOARD OF TRUSTEES SHALL COMPLY WITH [THE ACT OF JULY
25 3, 1986 (P.L.388, NO.84), KNOWN AS THE "SUNSHINE ACT."] 65
26 PA.C.S. CH. 7 (RELATING TO OPEN MEETINGS).

27 (D) (1) (I) THE BOARD OF TRUSTEES OF A CHARTER SCHOOL
28 ENTITY SHALL CONSIST OF A MINIMUM OF FIVE (5) NONRELATED VOTING
29 MEMBERS.

30 (II) IF A CHARTER SCHOOL ENTITY HAS FEWER THAN FIVE (5)

1 NONRELATED VOTING MEMBERS SERVING ON ITS BOARD OF TRUSTEES ON
2 THE EFFECTIVE DATE OF THIS SUBSECTION, THE CHARTER SCHOOL ENTITY
3 SHALL, WITHIN SIXTY (60) DAYS, APPOINT ADDITIONAL MEMBERS TO THE
4 BOARD OF TRUSTEES TO MEET THE MINIMUM REQUIREMENTS OF THIS
5 SECTION.

6 (2) WITHIN ONE (1) YEAR OF THE EFFECTIVE DATE OF THIS
7 SUBSECTION, AT LEAST ONE MEMBER OF THE BOARD OF TRUSTEES OF A
8 CHARTER SCHOOL ENTITY SHALL BE A PARENT OF A CHILD CURRENTLY
9 ATTENDING THE CHARTER SCHOOL ENTITY. THE BOARD OF TRUSTEES
10 MEMBER PROVIDED FOR UNDER THIS PARAGRAPH SHALL BE ELIGIBLE TO
11 SERVE ONLY SO LONG AS THE CHILD ATTENDS THE CHARTER SCHOOL
12 ENTITY. THIS PARAGRAPH SHALL NOT APPLY TO A CHARTER SCHOOL THAT
13 PRIMARILY SERVES ADJUDICATED YOUTH.

14 (E) (1) A MAJORITY OF THE VOTING MEMBERS OF THE BOARD OF
15 TRUSTEES SHALL CONSTITUTE A QUORUM. IF LESS THAN A MAJORITY IS
16 PRESENT AT ANY MEETING, NO BUSINESS MAY BE TRANSACTED AT THE
17 MEETING.

18 (2) THE AFFIRMATIVE VOTE OF A MAJORITY OF ALL THE VOTING
19 MEMBERS OF THE BOARD OF TRUSTEES, DULY RECORDED, SHALL BE
20 REQUIRED IN ORDER TO TAKE OFFICIAL ACTION ON THE SUBJECTS
21 ENUMERATED UNDER SUBSECTION (A).

22 SECTION 13.4. THE ACT IS AMENDED BY ADDING A SECTION TO
23 READ:

24 SECTION 1716.1-A. PAYMENT OF INDEBTEDNESS BY CHARTER SCHOOL
25 ENTITIES.-- (A) THE BOARD OF TRUSTEES OF A CHARTER SCHOOL ENTITY
26 SHALL SUPPLY THE SECRETARY AND, IN THE CASE OF A CHARTER SCHOOL
27 OR REGIONAL CHARTER SCHOOL, THE LOCAL BOARD OF SCHOOL DIRECTORS
28 A LIST OF THE AMOUNT OF RENTAL PAYMENTS WHICH ARE GUARANTEES FOR
29 SCHOOL BUILDING DEBT OR BONDS THAT BECOME DUE DURING THE FISCAL
30 YEAR TOGETHER WITH THE AMOUNT PAID ON EACH ITEM OF INDEBTEDNESS.

1 ANY CHARTER SCHOOL ENTITY THAT ELECTS TO ISSUE NEW SCHOOL
2 BUILDING DEBT OR BONDS SHALL HOLD IN ESCROW AN AMOUNT SUFFICIENT
3 TO PAY THE ANNUAL AMOUNT OF THE SUM OF THE PRINCIPAL MATURING OR
4 SUBJECT TO MANDATORY REDEMPTION AND INTEREST OWING BY THE
5 CHARTER SCHOOL ENTITY OR SINKING FUND DEPOSIT DUE BY THE CHARTER
6 SCHOOL ENTITY.

7 (B) (1) IN ANY CASE WHERE THE BOARD OF TRUSTEES OF A
8 CHARTER SCHOOL ENTITY FAILS TO PAY OR TO PROVIDE FOR THE PAYMENT
9 OF:

10 (I) ANY INDEBTEDNESS AT DATE OF MATURITY OR DATE OF
11 MANDATORY REDEMPTION OR ON ANY SINKING FUND DEPOSIT DATE; OR

12 (II) ANY INTEREST DUE ON SUCH INDEBTEDNESS ON ANY INTEREST
13 PAYMENT DATE OR ON ANY SINKING FUND DEPOSIT DATE IN ACCORDANCE
14 WITH THE SCHEDULE UNDER WHICH THE BONDS WERE ISSUED,
15 THE BANK OR TRUSTEE FOR THE BONDS SHALL NOTIFY THE BOARD OF
16 TRUSTEES OF ITS OBLIGATION AND SHALL IMMEDIATELY NOTIFY THE
17 SECRETARY AND, IN THE CASE OF A CHARTER SCHOOL OR REGIONAL
18 CHARTER SCHOOL, THE LOCAL BOARD OF SCHOOL DIRECTORS.

19 (2) THE SECRETARY SHALL WITHHOLD ANY PAYMENT DUE THE CHARTER
20 SCHOOL ENTITY IN ANY AMOUNT NECESSARY TO FULLY FUND THE AMOUNT
21 HELD IN ESCROW BY THE CHARTER SCHOOL ENTITY WHICH SHALL BE EQUAL
22 TO THE SUM OF THE PRINCIPAL AMOUNT MATURING OR SUBJECT TO
23 MANDATORY REDEMPTION AND INTEREST OWING BY THE CHARTER SCHOOL
24 ENTITY OR SINKING FUND DEPOSIT DUE BY THE CHARTER SCHOOL ENTITY
25 AND SHALL REQUIRE PAYOVER OF THE AMOUNT WITHHELD TO THE BANK OR
26 TRUSTEE ACTING AS THE SINKING FUND DEPOSITARY FOR THE BOND ISSUE
27 FROM THE ESCROW ACCOUNT.

28 SECTION 13.5. SECTIONS 1717-A(C), (D), (E) AND (F) AND 1719-
29 A OF THE ACT, ADDED JUNE 19, 1997 (P.L.225, NO.22), ARE AMENDED
30 TO READ:

1 SECTION 1717-A. ESTABLISHMENT OF CHARTER SCHOOL.--* * *

2 (C) AN APPLICATION TO ESTABLISH A CHARTER SCHOOL SHALL BE
3 SUBMITTED TO THE LOCAL BOARD OF SCHOOL DIRECTORS OF THE DISTRICT
4 WHERE THE CHARTER SCHOOL WILL BE LOCATED BY [NOVEMBER 15]
5 OCTOBER 1 OF THE SCHOOL YEAR PRECEDING THE SCHOOL YEAR IN WHICH
6 THE CHARTER SCHOOL WILL BE ESTABLISHED EXCEPT THAT FOR A CHARTER
7 SCHOOL BEGINNING IN THE 1997-1998 SCHOOL YEAR, AN APPLICATION
8 MUST BE RECEIVED BY JULY 15, 1997. IN THE 1997-1998 SCHOOL YEAR
9 ONLY, APPLICATIONS SHALL BE LIMITED TO RECIPIENTS OF FISCAL YEAR
10 1996-1997 DEPARTMENT OF EDUCATION CHARTER SCHOOL PLANNING
11 GRANTS.

12 (D) WITHIN FORTY-FIVE (45) DAYS OF RECEIPT OF AN
13 APPLICATION, THE LOCAL BOARD OF SCHOOL DIRECTORS IN WHICH THE
14 PROPOSED CHARTER SCHOOL IS TO BE LOCATED SHALL HOLD AT LEAST ONE
15 PUBLIC HEARING ON THE PROVISIONS OF THE CHARTER APPLICATION,
16 UNDER [THE ACT OF JULY 3, 1986 (P.L.388, NO.84), KNOWN AS THE
17 "SUNSHINE ACT."] 65 PA.C.S. CH. 7 (RELATING TO OPEN MEETINGS).
18 AT LEAST FORTY-FIVE (45) DAYS MUST TRANSPIRE BETWEEN THE FIRST
19 PUBLIC HEARING AND THE FINAL DECISION OF THE BOARD ON THE
20 CHARTER APPLICATION EXCEPT THAT FOR A CHARTER SCHOOL BEGINNING
21 IN THE 1997-1998 SCHOOL YEAR, ONLY THIRTY (30) DAYS MUST
22 TRANSPIRE BETWEEN THE FIRST PUBLIC HEARING AND THE FINAL
23 DECISION OF THE BOARD.

24 (E) (1) NOT LATER THAN SEVENTY-FIVE (75) DAYS AFTER THE
25 FIRST PUBLIC HEARING ON THE APPLICATION, THE LOCAL BOARD OF
26 SCHOOL DIRECTORS SHALL GRANT OR DENY THE APPLICATION. FOR A
27 CHARTER SCHOOL BEGINNING IN THE 1997-1998 SCHOOL YEAR, THE LOCAL
28 BOARD OF SCHOOL DIRECTORS SHALL GRANT OR DENY THE APPLICATION NO
29 LATER THAN SIXTY (60) DAYS AFTER THE FIRST PUBLIC HEARING.

30 (2) A CHARTER SCHOOL APPLICATION SUBMITTED UNDER THIS

1 ARTICLE SHALL BE EVALUATED BY THE LOCAL BOARD OF SCHOOL
2 DIRECTORS BASED ON CRITERIA, INCLUDING, BUT NOT LIMITED TO, THE
3 FOLLOWING:

4 (I) THE DEMONSTRATED, SUSTAINABLE SUPPORT FOR THE CHARTER
5 SCHOOL PLAN BY TEACHERS, PARENTS, OTHER COMMUNITY MEMBERS AND
6 STUDENTS, INCLUDING COMMENTS RECEIVED AT THE PUBLIC HEARING HELD
7 UNDER SUBSECTION (D).

8 (II) THE CAPABILITY OF THE CHARTER SCHOOL APPLICANT, IN
9 TERMS OF SUPPORT AND PLANNING, TO PROVIDE COMPREHENSIVE LEARNING
10 EXPERIENCES TO STUDENTS PURSUANT TO THE ADOPTED CHARTER.

11 (III) THE EXTENT TO WHICH THE APPLICATION CONSIDERS THE
12 INFORMATION REQUESTED IN SECTION 1719-A AND CONFORMS TO THE
13 LEGISLATIVE INTENT OUTLINED IN SECTION 1702-A.

14 (IV) THE EXTENT TO WHICH THE CHARTER SCHOOL MAY SERVE AS A
15 MODEL FOR OTHER PUBLIC SCHOOLS AND SHARE BEST PRACTICES.

16 (3) THE LOCAL BOARD OF SCHOOL DIRECTORS, IN THE CASE OF AN
17 EXISTING SCHOOL BEING CONVERTED TO A CHARTER SCHOOL, SHALL
18 ESTABLISH THE ALTERNATIVE ARRANGEMENTS FOR CURRENT STUDENTS WHO
19 CHOOSE NOT TO ATTEND THE CHARTER SCHOOL.

20 (4) A CHARTER APPLICATION SHALL BE DEEMED APPROVED BY THE
21 LOCAL BOARD OF SCHOOL DIRECTORS OF A SCHOOL DISTRICT UPON
22 AFFIRMATIVE VOTE BY A MAJORITY OF ALL THE DIRECTORS. FORMAL
23 ACTION APPROVING OR DENYING THE APPLICATION SHALL BE TAKEN BY
24 THE LOCAL BOARD OF SCHOOL DIRECTORS AT A PUBLIC MEETING, WITH
25 NOTICE OR CONSIDERATION OF THE APPLICATION GIVEN BY THE BOARD,
26 UNDER [THE "SUNSHINE ACT."] 65 PA.C.S. CH. 7.

27 (5) WRITTEN NOTICE OF THE BOARD'S ACTION SHALL BE SENT TO
28 THE APPLICANT, THE DEPARTMENT AND THE APPEAL BOARD. IF THE
29 APPLICATION IS DENIED, THE REASONS FOR THE DENIAL, INCLUDING A
30 DESCRIPTION OF DEFICIENCIES IN THE APPLICATION, SHALL BE CLEARLY

1 STATED IN THE NOTICE SENT BY THE LOCAL BOARD OF SCHOOL DIRECTORS
2 TO THE CHARTER SCHOOL APPLICANT.

3 (F) AT THE OPTION OF THE CHARTER SCHOOL APPLICANT, A DENIED
4 APPLICATION MAY BE REVISED AND RESUBMITTED TO THE LOCAL BOARD OF
5 SCHOOL DIRECTORS. FOLLOWING THE APPOINTMENT AND CONFIRMATION OF
6 THE CHARTER SCHOOL APPEAL BOARD UNDER SECTION 1721-A, THE
7 DECISION OF THE LOCAL BOARD OF SCHOOL DIRECTORS MAY BE APPEALED
8 TO THE APPEAL BOARD. WHEN AN APPLICATION IS REVISED AND
9 RESUBMITTED TO THE LOCAL BOARD OF SCHOOL DIRECTORS, THE BOARD
10 MAY SCHEDULE ADDITIONAL PUBLIC HEARINGS ON THE REVISED
11 APPLICATION. THE BOARD SHALL CONSIDER THE REVISED AND
12 RESUBMITTED APPLICATION AT THE FIRST BOARD MEETING OCCURRING AT
13 LEAST FORTY-FIVE (45) DAYS AFTER RECEIPT OF THE REVISED
14 APPLICATION BY THE BOARD. FOR A REVISED APPLICATION RESUBMITTED
15 FOR THE 1997-1998 SCHOOL YEAR, THE BOARD SHALL CONSIDER THE
16 APPLICATION AT THE FIRST BOARD MEETING OCCURRING AT LEAST THIRTY
17 (30) DAYS AFTER ITS RECEIPT. THE BOARD SHALL PROVIDE NOTICE OF
18 CONSIDERATION OF THE REVISED APPLICATION UNDER [THE "SUNSHINE
19 ACT."] 65 PA.C.S. CH. 7. NO APPEAL FROM A DECISION OF A LOCAL
20 SCHOOL BOARD MAY BE TAKEN UNTIL JULY 1, 1999.

21 * * *

22 SECTION 1719-A. CONTENTS OF APPLICATION.--[AN] (A) THE
23 DEPARTMENT SHALL CREATE A STANDARD APPLICATION FORM FOR CHARTER
24 SCHOOL APPLICANTS SEEKING TO ESTABLISH A CHARTER SCHOOL ENTITY
25 AND A STANDARD FORM FOR EXISTING CHARTER SCHOOL ENTITIES SEEKING
26 RENEWAL OF THEIR CHARTERS. THE FORMS SHALL BE PUBLISHED IN THE
27 PENNSYLVANIA BULLETIN AND POSTED ON THE DEPARTMENT'S PUBLICLY
28 ACCESSIBLE INTERNET WEBSITE. THE FORMS SHALL INCLUDE ALL OF THE
29 FOLLOWING INFORMATION:

30 (1) THE IDENTIFICATION OF THE CHARTER SCHOOL APPLICANT.

1 (2) THE NAME OF THE PROPOSED CHARTER SCHOOL ENTITY.
2 (3) THE GRADE OR AGE LEVELS SERVED BY THE SCHOOL.
3 (4) [THE PROPOSED GOVERNANCE STRUCTURE OF THE CHARTER
4 SCHOOL, INCLUDING A DESCRIPTION AND METHOD FOR THE APPOINTMENT
5 OR ELECTION OF MEMBERS OF THE BOARD OF TRUSTEES.] AN
6 ORGANIZATION CHART CLEARLY PRESENTING THE PROPOSED GOVERNANCE
7 STRUCTURE OF THE SCHOOL, INCLUDING LINES OF AUTHORITY AND
8 REPORTING BETWEEN THE BOARD OF TRUSTEES, ADMINISTRATORS, STAFF
9 AND ANY EDUCATIONAL MANAGEMENT SERVICE PROVIDER THAT WILL
10 PROVIDE MANAGEMENT SERVICES TO THE CHARTER SCHOOL ENTITY.

11 (4.1) A CLEAR DESCRIPTION OF THE ROLES AND RESPONSIBILITIES
12 OF THE BOARD OF TRUSTEES, ADMINISTRATORS AND ANY OTHER ENTITIES,
13 INCLUDING A CHARTER SCHOOL FOUNDATION, SHOWN IN THE ORGANIZATION
14 CHART.

15 (4.2) A CLEAR DESCRIPTION OF THE METHOD FOR THE APPOINTMENT
16 OR ELECTION OF MEMBERS OF THE BOARD OF TRUSTEES.

17 (4.3) STANDARDS FOR BOARD OF TRUSTEES PERFORMANCE, INCLUDING
18 COMPLIANCE WITH ALL APPLICABLE LAWS, REGULATIONS AND TERMS OF
19 THE CHARTER.

20 (4.4) IF THE CHARTER SCHOOL ENTITY INTENDS TO CONTRACT WITH
21 AN EDUCATIONAL MANAGEMENT SERVICE PROVIDER FOR SERVICES, ALL OF
22 THE FOLLOWING:

23 (I) EVIDENCE OF THE EDUCATIONAL MANAGEMENT SERVICE
24 PROVIDER'S RECORD IN SERVING STUDENT POPULATIONS, INCLUDING
25 DEMONSTRATED ACADEMIC ACHIEVEMENT AND DEMONSTRATED MANAGEMENT OF
26 NONACADEMIC SCHOOL FUNCTIONS, INCLUDING PROFICIENCY WITH PUBLIC
27 SCHOOL-BASED ACCOUNTING, IF APPLICABLE.

28 (II) A DRAFT CONTRACT STATING ALL OF THE FOLLOWING:

29 (A) THE OFFICERS, CHIEF ADMINISTRATOR AND ADMINISTRATORS OF
30 THE EDUCATIONAL MANAGEMENT SERVICE PROVIDER.

1 (B) THE PROPOSED DURATION OF THE SERVICE CONTRACT.

2 (C) ROLES AND RESPONSIBILITIES OF THE BOARD OF TRUSTEES, THE
3 SCHOOL STAFF AND THE EDUCATIONAL MANAGEMENT SERVICE PROVIDER.

4 (D) THE SCOPE OF SERVICES, PERSONNEL AND RESOURCES TO BE
5 PROVIDED BY THE EDUCATIONAL MANAGEMENT SERVICE PROVIDER.

6 (E) PERFORMANCE EVALUATION MEASURES AND TIMELINES.

7 (F) THE COMPENSATION STRUCTURE, INCLUDING CLEAR
8 IDENTIFICATION OF ALL FEES TO BE PAID TO THE EDUCATIONAL
9 MANAGEMENT SERVICE PROVIDER.

10 (G) METHODS OF CONTRACT OVERSIGHT AND ENFORCEMENT.

11 (H) INVESTMENT DISCLOSURE OR THE ADVANCE OF MONEYS BY THE
12 EDUCATIONAL MANAGEMENT SERVICE PROVIDER ON BEHALF OF THE CHARTER
13 SCHOOL ENTITY.

14 (I) CONDITIONS FOR RENEWAL AND TERMINATION OF THE CONTRACT.

15 (III) DISCLOSURE AND EXPLANATION OF ANY EXISTING OR
16 POTENTIAL CONFLICTS OF INTEREST BETWEEN THE MEMBERS OF THE BOARD
17 OF TRUSTEES AND THE PROPOSED EDUCATIONAL MANAGEMENT SERVICE
18 PROVIDER OR ANY AFFILIATED BUSINESS ENTITIES, INCLUDING A
19 CHARTER SCHOOL FOUNDATION QUALIFIED AS A SUPPORT ORGANIZATION
20 UNDER THE INTERNAL REVENUE CODE OF 1986 (PUBLIC LAW 99-514, 26
21 U.S.C. § 1 ET SEQ.).

22 (5) THE MISSION AND EDUCATION GOALS OF THE CHARTER SCHOOL
23 ENTITY, THE CURRICULUM TO BE OFFERED AND THE METHODS OF
24 ASSESSING WHETHER STUDENTS ARE MEETING EDUCATIONAL GOALS.

25 (6) THE ADMISSION AND ENROLLMENT POLICY [AND CRITERIA FOR
26 EVALUATING THE ADMISSION OF STUDENTS] WHICH SHALL COMPLY WITH
27 THE REQUIREMENTS OF SECTION 1723-A.

28 (7) PROCEDURES WHICH WILL BE USED REGARDING THE SUSPENSION
29 OR EXPULSION OF PUPILS. SAID PROCEDURES SHALL COMPLY WITH
30 SECTION 1318.

1 (8) INFORMATION ON THE MANNER IN WHICH COMMUNITY GROUPS WILL
2 BE INVOLVED IN THE CHARTER SCHOOL ENTITY PLANNING PROCESS.

3 (9) THE FINANCIAL PLAN FOR THE CHARTER SCHOOL ENTITY AND THE
4 PROVISIONS WHICH WILL BE MADE FOR AUDITING THE SCHOOL UNDER
5 [SECTION 437] SECTIONS 437 AND 1728-A, INCLUDING THE ROLE OF ANY
6 CHARTER SCHOOL FOUNDATION.

7 (10) PROCEDURES WHICH SHALL BE ESTABLISHED TO REVIEW
8 COMPLAINTS OF PARENTS REGARDING THE OPERATION OF THE CHARTER
9 SCHOOL ENTITY.

10 (11) A DESCRIPTION OF AND ADDRESS OF THE PHYSICAL FACILITY
11 IN WHICH THE CHARTER SCHOOL ENTITY WILL BE LOCATED AND THE
12 OWNERSHIP THEREOF AND ANY LEASE ARRANGEMENTS.

13 (12) INFORMATION ON THE PROPOSED SCHOOL CALENDAR FOR THE
14 CHARTER SCHOOL ENTITY, INCLUDING THE LENGTH OF THE SCHOOL DAY
15 AND SCHOOL YEAR CONSISTENT WITH THE PROVISIONS OF SECTION 1502.

16 (13) THE PROPOSED FACULTY, IF ALREADY DETERMINED, AND A
17 PROFESSIONAL DEVELOPMENT AND CONTINUING EDUCATION PLAN FOR THE
18 FACULTY AND PROFESSIONAL STAFF OF [A] THE CHARTER SCHOOL ENTITY.

19 (14) WHETHER ANY AGREEMENTS HAVE BEEN ENTERED INTO OR PLANS
20 DEVELOPED WITH THE LOCAL SCHOOL DISTRICT REGARDING PARTICIPATION
21 OF THE CHARTER SCHOOL ENTITY'S STUDENTS IN EXTRACURRICULAR
22 ACTIVITIES WITHIN THE SCHOOL DISTRICT. NOTWITHSTANDING ANY
23 PROVISION TO THE CONTRARY, NO SCHOOL DISTRICT OF RESIDENCE SHALL
24 PROHIBIT A STUDENT OF A CHARTER SCHOOL ENTITY FROM PARTICIPATING
25 IN ANY EXTRACURRICULAR ACTIVITY OF THAT SCHOOL DISTRICT OF
26 RESIDENCE: PROVIDED, THAT THE STUDENT IS ABLE TO FULFILL ALL OF
27 THE REQUIREMENTS OF PARTICIPATION IN SUCH ACTIVITY AND THE
28 CHARTER SCHOOL ENTITY DOES NOT PROVIDE THE SAME EXTRACURRICULAR
29 ACTIVITY.

30 (15) A REPORT OF CRIMINAL HISTORY RECORD, PURSUANT TO

1 SECTION 111, FOR ALL INDIVIDUALS IDENTIFIED IN THE APPLICATION
2 WHO SHALL HAVE DIRECT CONTACT WITH STUDENTS[.] AND A PLAN FOR
3 SATISFYING THE PROPER CRIMINAL HISTORY RECORD CLEARANCES
4 REQUIRED FOR ALL OTHER STAFF.

5 (16) AN OFFICIAL CLEARANCE STATEMENT REGARDING CHILD INJURY
6 OR ABUSE FROM THE DEPARTMENT OF PUBLIC WELFARE AS REQUIRED BY 23
7 PA.C.S. CH. 63 SUBCH. [C.2 (RELATING TO BACKGROUND CHECKS FOR
8 EMPLOYMENT IN SCHOOLS)] C (RELATING TO POWERS AND DUTIES OF
9 DEPARTMENT) AND SECTION 111 FOR ALL INDIVIDUALS IDENTIFIED IN
10 THE APPLICATION WHO SHALL HAVE DIRECT CONTACT WITH STUDENTS[.]
11 AND A PLAN FOR SATISFYING THE PROPER OFFICIAL CLEARANCE
12 STATEMENT REGARDING CHILD INJURY OR ABUSE REQUIRED FOR ALL OTHER
13 STAFF.

14 (17) HOW THE CHARTER SCHOOL ENTITY WILL PROVIDE ADEQUATE
15 LIABILITY AND OTHER APPROPRIATE INSURANCE FOR THE CHARTER SCHOOL
16 ENTITY, ITS EMPLOYEES AND THE BOARD OF TRUSTEES OF THE CHARTER
17 SCHOOL ENTITY.

18 (18) POLICIES REGARDING TRUANCY, ABSENCES AND WITHDRAWAL OF
19 STUDENTS, INCLUDING THE MANNER IN WHICH THE CHARTER SCHOOL
20 ENTITY WILL MONITOR ATTENDANCE CONSISTENT WITH SECTION 1715-A(A)
21 (9). THE CHARTER SCHOOL ENTITY'S POLICY SHALL ESTABLISH, TO THE
22 SATISFACTION OF THE LOCAL BOARD OF SCHOOL DIRECTORS OR, IN THE
23 CASE OF A CYBER CHARTER SCHOOL, TO THE SATISFACTION OF THE
24 DEPARTMENT, THAT THE CHARTER SCHOOL ENTITY WILL COMPLY WITH
25 SECTIONS 1332 AND 1333, INCLUDING THE INSTITUTION OF TRUANCY
26 PROCEEDINGS WHEN REQUIRED UNDER SECTION 1333.

27 (19) HOW THE CHARTER SCHOOL ENTITY WILL MEET THE STANDARDS
28 INCLUDED IN THE PERFORMANCE MATRIX DEVELOPED BY THE STATE BOARD
29 OF EDUCATION UNDER SECTION 1731.2-A.

30 (20) INDICATE WHETHER OR NOT THE CHARTER SCHOOL ENTITY WILL

1 SEEK ACCREDITATION BY A NATIONALLY RECOGNIZED ACCREDITATION
2 AGENCY, INCLUDING THE MIDDLE STATES ASSOCIATION OF COLLEGES AND
3 SCHOOLS OR ANOTHER REGIONAL INSTITUTIONAL ACCREDITING AGENCY
4 RECOGNIZED BY THE UNITED STATES DEPARTMENT OF EDUCATION OR AN
5 EQUIVALENT FEDERALLY RECOGNIZED BODY FOR CHARTER SCHOOL
6 EDUCATION.

7 (B) A LOCAL BOARD OF SCHOOL DIRECTORS MAY NOT IMPOSE
8 ADDITIONAL TERMS, DEVELOP ITS OWN APPLICATION OR REQUIRE
9 ADDITIONAL INFORMATION OUTSIDE THE STANDARD APPLICATION FORMS
10 REQUIRED UNDER SUBSECTION (A). THE DEPARTMENT SHALL REVIEW THE
11 STANDARD APPLICATION FORMS EVERY THREE (3) YEARS AND SHALL
12 SUBMIT ANY RECOMMENDED REVISIONS IN WRITING TO THE EDUCATION
13 COMMITTEE OF THE SENATE AND THE EDUCATION COMMITTEE OF THE HOUSE
14 OF REPRESENTATIVES.

15 SECTION 13.6. SECTION 1720-A OF THE ACT, AMENDED JULY 9,
16 2008, (P.L.846, NO.61), IS AMENDED TO READ:

17 SECTION 1720-A. TERM AND FORM OF CHARTER.-- (A) (1) UPON
18 APPROVAL OF A CHARTER APPLICATION UNDER SECTION 1717-A, A
19 WRITTEN CHARTER SHALL BE DEVELOPED WHICH SHALL CONTAIN THE
20 PROVISIONS OF THE STANDARDIZED CHARTER APPLICATION UNDER SECTION
21 1719-A AND WHICH SHALL BE SIGNED BY THE LOCAL BOARD OF SCHOOL
22 DIRECTORS OF A SCHOOL DISTRICT, BY THE LOCAL BOARDS OF SCHOOL
23 DIRECTORS OF A SCHOOL DISTRICT IN THE CASE OF A REGIONAL CHARTER
24 SCHOOL OR BY THE CHAIRMAN OF THE APPEAL BOARD PURSUANT TO
25 SECTION [1717-A(I) (5)] 1717-A(I) (9) AND THE BOARD OF TRUSTEES OF
26 THE CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL. THIS WRITTEN
27 CHARTER, WHEN DULY SIGNED BY THE LOCAL BOARD OF SCHOOL DIRECTORS
28 OF A SCHOOL DISTRICT, [OR] BY THE LOCAL BOARDS OF SCHOOL
29 DIRECTORS OF A SCHOOL DISTRICT IN THE CASE OF A REGIONAL CHARTER
30 SCHOOL OR BY THE CHAIRMAN OF THE APPEAL BOARD, AND THE CHARTER

1 SCHOOL OR REGIONAL CHARTER SCHOOL'S BOARD OF TRUSTEES, SHALL ACT
2 AS LEGAL AUTHORIZATION FOR THE ESTABLISHMENT OF A CHARTER SCHOOL
3 OR REGIONAL CHARTER SCHOOL. THIS WRITTEN CHARTER SHALL BE
4 LEGALLY BINDING ON BOTH THE LOCAL BOARD OF SCHOOL DIRECTORS OF A
5 SCHOOL DISTRICT AND THE CHARTER SCHOOL OR REGIONAL CHARTER
6 SCHOOL'S BOARD OF TRUSTEES. [EXCEPT AS OTHERWISE PROVIDED IN
7 SUBSECTION (B), THE CHARTER SHALL BE FOR A PERIOD OF NO LESS
8 THAN THREE (3) NOR MORE THAN FIVE (5) YEARS AND MAY BE RENEWED
9 FOR FIVE (5) YEAR PERIODS UPON REAUTHORIZATION BY THE LOCAL
10 BOARD OF SCHOOL DIRECTORS OF A SCHOOL DISTRICT OR THE APPEAL
11 BOARD.] IF THE CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL
12 CONTRACTS WITH AN EDUCATIONAL MANAGEMENT SERVICE PROVIDER, A
13 CONTRACT SHALL BE EXECUTED ONCE THE CHARTER IS APPROVED. A
14 CHARTER WILL BE GRANTED ONLY FOR A SCHOOL ORGANIZED AS A PUBLIC,
15 NONPROFIT CORPORATION.

16 (2) THE FOLLOWING SHALL APPLY TO ALL CHARTERS GRANTED BY A
17 SCHOOL DISTRICT:

18 (I) AN INITIAL CHARTER EXECUTED PURSUANT TO SECTION
19 1720-A(A) (1) SHALL BE FOR A PERIOD OF FIVE (5) YEARS.

20 (II) PRIOR TO THE EFFECTIVE DATE OF THE REGULATIONS
21 IMPLEMENTING THE PERFORMANCE MATRIX AS REQUIRED PURSUANT TO
22 SECTION 1731.2-A, A CHARTER MAY BE RENEWED FOR FIVE (5) YEAR
23 PERIODS UPON REAUTHORIZATION BY THE LOCAL BOARD OF SCHOOL
24 DIRECTORS OR OTHER GOVERNING BODY OF A SCHOOL DISTRICT OR THE
25 APPEAL BOARD.

26 (III) UPON THE EFFECTIVE DATE OF THE REGULATIONS
27 IMPLEMENTING THE PERFORMANCE MATRIX AS REQUIRED PURSUANT TO
28 SECTION 1731.2-A, THE FOLLOWING SHALL APPLY:

29 (A) FOR CHARTER SCHOOLS AND REGIONAL CHARTER SCHOOLS THAT
30 HAVE SATISFIED THE ACADEMIC QUALITY BENCHMARK ESTABLISHED BY THE

1 STATE BOARD PURSUANT TO SECTION 1731.2-A, A CHARTER MAY BE
2 RENEWED FOR TEN (10) YEAR PERIODS UPON REAUTHORIZATION BY THE
3 LOCAL BOARD OF SCHOOL DIRECTORS OR OTHER GOVERNING BODY OF A
4 SCHOOL DISTRICT OR THE APPEAL BOARD; PROVIDED THAT, BEGINNING IN
5 THE SIXTH YEAR OF ANY TEN (10) YEAR PERIOD OF RENEWAL UNDER THIS
6 SUBCLAUSE, THE CHARTER OF ANY CHARTER SCHOOL OR REGIONAL CHARTER
7 SCHOOL THAT FAILS FOR TWO (2) CONSECUTIVE YEARS TO SATISFY THE
8 ACADEMIC QUALITY BENCHMARK ESTABLISHED BY THE STATE BOARD UNDER
9 SECTION 1731.2-A SHALL BE SUBJECT TO REVIEW BY THE LOCAL BOARD
10 OF SCHOOL DIRECTORS OR OTHER GOVERNING BODY OF A SCHOOL
11 DISTRICT.

12 (B) FOR CHARTER SCHOOLS AND REGIONAL CHARTER SCHOOLS THAT
13 HAVE NOT SATISFIED THE ACADEMIC QUALITY BENCHMARK ESTABLISHED BY
14 THE STATE BOARD PURSUANT TO SECTION 1731.2-A, A CHARTER MAY BE
15 RENEWED FOR FIVE (5) YEAR PERIODS UPON REAUTHORIZATION BY THE
16 LOCAL BOARD OF SCHOOL DIRECTORS OR OTHER GOVERNING BODY OF A
17 SCHOOL DISTRICT OR THE APPEAL BOARD.

18 [(B) (1) NOTWITHSTANDING SUBSECTION (A), A GOVERNING BOARD
19 OF A SCHOOL DISTRICT OF THE FIRST CLASS MAY RENEW A CHARTER FOR
20 A PERIOD OF ONE (1) YEAR IF THE BOARD OF SCHOOL DIRECTORS
21 DETERMINES THAT THERE IS INSUFFICIENT DATA CONCERNING THE
22 CHARTER SCHOOL'S ACADEMIC PERFORMANCE TO ADEQUATELY ASSESS THAT
23 PERFORMANCE AND DETERMINES THAT AN ADDITIONAL YEAR OF
24 PERFORMANCE DATA WOULD YIELD SUFFICIENT DATA TO ASSIST THE
25 GOVERNING BOARD IN ITS DECISION WHETHER TO RENEW THE CHARTER FOR
26 A PERIOD OF FIVE (5) YEARS.

27 (2) A ONE-YEAR RENEWAL PURSUANT TO PARAGRAPH (1) SHALL NOT
28 BE CONSIDERED AN ADJUDICATION AND MAY NOT BE APPEALED TO THE
29 STATE CHARTER SCHOOL APPEAL BOARD.

30 (3) A GOVERNING BOARD OF A SCHOOL DISTRICT OF THE FIRST

1 CLASS DOES NOT HAVE THE AUTHORITY TO RENEW A CHARTER FOR
2 SUCCESSIVE ONE (1) YEAR PERIODS.]

3 (C) (1) A CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL MAY
4 REQUEST AMENDMENTS TO ITS APPROVED WRITTEN CHARTER BY FILING A
5 WRITTEN DOCUMENT DESCRIBING THE REQUESTED AMENDMENT WITH THE
6 LOCAL BOARD OF SCHOOL DIRECTORS.

7 (2) WITHIN SIXTY (60) DAYS OF ITS RECEIPT OF THE REQUEST FOR
8 AN AMENDMENT, THE LOCAL BOARD OF SCHOOL DIRECTORS SHALL HOLD A
9 PUBLIC HEARING ON THE REQUESTED AMENDMENT UNDER 65 PA.C.S. CH. 7
10 (RELATING TO OPEN MEETINGS).

11 (3) WITHIN SIXTY (60) DAYS AFTER THE HEARING, THE LOCAL
12 BOARD OF SCHOOL DIRECTORS SHALL GRANT OR DENY THE REQUESTED
13 AMENDMENT. FAILURE BY THE LOCAL BOARD OF SCHOOL DIRECTORS TO
14 HOLD A PUBLIC HEARING AND TO GRANT OR DENY THE AMENDMENT WITHIN
15 THE TIME PERIOD SPECIFIED IN THIS SUBSECTION SHALL BE DEEMED AN
16 APPROVAL.

17 (4) AN APPLICANT FOR AN AMENDMENT SHALL HAVE THE RIGHT TO
18 APPEAL THE DENIAL OF A REQUESTED AMENDMENT TO THE APPEAL BOARD
19 PROVIDED FOR UNDER SECTION 1721-A.

20 SECTION 13.7. SECTION 1721-A(A) AND (E) OF THE ACT, ADDED
21 JUNE 19, 1997 (P.L.225, NO.22), ARE AMENDED TO READ:

22 SECTION 1721-A. STATE CHARTER SCHOOL APPEAL BOARD.-- (A) THE
23 STATE CHARTER SCHOOL APPEAL BOARD SHALL CONSIST OF THE SECRETARY
24 OF EDUCATION AND [SIX (6)] THE FOLLOWING MEMBERS WHO SHALL BE
25 APPOINTED BY THE GOVERNOR BY AND WITH THE CONSENT OF A MAJORITY
26 OF ALL THE MEMBERS OF THE SENATE. [APPOINTMENTS BY THE GOVERNOR
27 SHALL NOT OCCUR PRIOR TO JANUARY 1, 1999.] THE GOVERNOR SHALL
28 SELECT THE CHAIRMAN OF THE APPEAL BOARD TO SERVE AT THE PLEASURE
29 OF THE GOVERNOR. THE MEMBERS SHALL INCLUDE:

30 (1) A PARENT OF A SCHOOL-AGED CHILD ENROLLED IN A CHARTER

1 SCHOOL ENTITY.

2 (2) A SCHOOL BOARD MEMBER.

3 (3) A CERTIFIED TEACHER ACTIVELY EMPLOYED IN A PUBLIC
4 SCHOOL.

5 (4) A FACULTY MEMBER OR ADMINISTRATIVE EMPLOYEE OF AN
6 INSTITUTION OF HIGHER EDUCATION.

7 (5) A MEMBER OF THE BUSINESS COMMUNITY.

8 (6) A MEMBER OF THE STATE BOARD OF EDUCATION.

9 (7) AN ADMINISTRATOR OF A CHARTER SCHOOL ENTITY.

10 (8) A MEMBER OF THE BOARD OF TRUSTEES OF A CHARTER SCHOOL
11 ENTITY.

12 (9) A PRINCIPAL OF A PUBLIC SCHOOL NOT OPERATED UNDER THIS
13 ARTICLE.

14 THE TERM OF OFFICE OF MEMBERS OF THE APPEAL BOARD, OTHER THAN
15 THE SECRETARY, SHALL BE FOR A PERIOD OF FOUR (4) YEARS OR UNTIL
16 A SUCCESSOR IS APPOINTED AND QUALIFIED, EXCEPT THAT, OF THE
17 INITIAL APPOINTEES, THE GOVERNOR SHALL DESIGNATE TWO (2) MEMBERS
18 TO SERVE TERMS OF TWO (2) YEARS, TWO (2) MEMBERS TO SERVE TERMS
19 OF THREE (3) YEARS AND TWO (2) MEMBERS TO SERVE TERMS OF FOUR
20 (4) YEARS. A PARENT MEMBER APPOINTED UNDER PARAGRAPH (1) SHALL
21 SERVE A TERM OF FOUR (4) YEARS, PROVIDED THE MEMBER'S CHILD
22 REMAINS ENROLLED IN THE CHARTER SCHOOL ENTITY. ANY APPOINTMENT
23 TO FILL ANY VACANCY SHALL BE FOR THE PERIOD OF THE UNEXPIRED
24 TERM OR UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIED.

25 * * *

26 (E) MEETINGS OF THE APPEAL BOARD SHALL BE CONDUCTED UNDER
27 [THE ACT OF JULY 3, 1986 (P.L.388, NO.84), KNOWN AS THE
28 "SUNSHINE ACT."] 65 PA.C.S. CH. 7 (RELATING TO OPEN MEETINGS).
29 DOCUMENTS OF THE APPEAL BOARD SHALL BE SUBJECT TO THE [ACT OF
30 JUNE 21, 1957 (P.L.390, NO.212), REFERRED TO AS THE RIGHT-TO-

1 KNOW LAW] ACT OF FEBRUARY 14, 2008 (P.L.6, NO.3), KNOWN AS THE
2 "RIGHT-TO-KNOW LAW".

3 SECTION 13.8. SECTION 1722-A(A), (B) AND (D) OF THE ACT,
4 AMENDED NOVEMBER 17, 2010 (P.L.996, NO.104), ARE AMENDED AND THE
5 SECTION IS AMENDED BY ADDING SUBSECTIONS TO READ:

6 SECTION 1722-A. FACILITIES.--(A) A CHARTER SCHOOL ENTITY
7 MAY BE LOCATED IN AN EXISTING PUBLIC SCHOOL BUILDING, IN A PART
8 OF AN EXISTING PUBLIC SCHOOL BUILDING, IN SPACE PROVIDED ON A
9 PRIVATELY OWNED SITE, IN A PUBLIC BUILDING OR IN ANY OTHER
10 SUITABLE LOCATION.

11 (B) THE CHARTER SCHOOL ENTITY FACILITY SHALL BE EXEMPT FROM
12 PUBLIC SCHOOL FACILITY REGULATIONS EXCEPT THOSE PERTAINING TO
13 THE HEALTH OR SAFETY OF [THE PUPILS] STUDENTS.

14 (B.1) (1) A CHARTER SCHOOL ENTITY SHALL HAVE THE RIGHT OF
15 FIRST REFUSAL TO PURCHASE OR LEASE, FOR EDUCATIONAL PURPOSES
16 ONLY, A PUBLIC SCHOOL BUILDING OR A PART OF A PUBLIC SCHOOL
17 BUILDING WHICH IS NO LONGER IN USE BY THE PROPERTY TITLEHOLDER,
18 AT THE PRICE OF ONE OF THE FOLLOWING:

19 (I) THE LAST BEST OFFER ABOVE FAIR MARKET VALUE RECEIVED IN
20 THE NINETY (90) DAYS PRECEDING THE CHARTER SCHOOL ENTITY'S
21 OFFER.

22 (II) FAIR MARKET VALUE, IF NO OFFER HAS BEEN RECEIVED IN THE
23 NINETY (90) DAYS PRECEDING THE CHARTER SCHOOL ENTITY'S OFFER.

24 (III) BELOW FAIR MARKET VALUE, UPON THE MUTUAL AGREEMENT OF
25 THE SCHOOL ENTITY AND THE CHARTER SCHOOL ENTITY.

26 (2) A SCHOOL ENTITY SHALL ACCEPT AN OFFER FROM A CHARTER
27 SCHOOL ENTITY THAT CONFORMS TO THE PROVISIONS OF PARAGRAPH (1).

28 (3) THE DEPARTMENT SHALL PROVIDE A PAGE ON ITS PUBLICLY
29 ACCESSIBLE INTERNET WEBSITE ON WHICH SCHOOL ENTITIES ARE
30 REQUIRED TO POST A NOTICE FOR EACH PUBLIC SCHOOL BUILDING OR

1 PART OF A PUBLIC SCHOOL BUILDING THAT IS AVAILABLE FOR PURCHASE
2 OR LEASE. A SCHOOL ENTITY SHALL SUBMIT A NOTICE TO THE
3 DEPARTMENT ON A FORM TO BE DEVELOPED BY THE DEPARTMENT. THE
4 DEPARTMENT SHALL POST THE NOTICE WITHIN FIVE (5) DAYS OF
5 RECEIVING THE FORM.

6 (4) THE FOLLOWING SHALL APPLY TO THE SALE OR LEASE OF A
7 PUBLIC SCHOOL BUILDING OR A PART OF A PUBLIC SCHOOL BUILDING BY
8 A SCHOOL ENTITY:

9 (I) A SCHOOL ENTITY MAY NOT ENTER A CONTRACT TO SELL OR
10 LEASE A BUILDING OR PART OF A BUILDING UNTIL AT LEAST THIRTY
11 (30) DAYS AFTER THE POSTING OF A NOTICE AS REQUIRED UNDER
12 PARAGRAPH (3).

13 (II) WHERE TWO (2) OR MORE CHARTER SCHOOL ENTITIES MAKE
14 OFFERS ON THE SAME BUILDING OR PART OF A BUILDING THAT CONFORM
15 TO THE PROVISIONS OF THIS SUBSECTION, THE SCHOOL ENTITY SHALL:

16 (A) ACCEPT THE FIRST OFFER, IF THE OFFERS ARE EQUAL IN
17 DOLLAR AMOUNT.

18 (B) ACCEPT THE BEST OFFER, IF THE OFFERS DIFFER IN DOLLAR
19 AMOUNT.

20 (D) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, [A
21 SCHOOL DISTRICT OF THE FIRST CLASS MAY, IN ITS DISCRETION,
22 PERMIT A CHARTER SCHOOL TO OPERATE ITS SCHOOL AT MORE THAN ONE
23 LOCATION.] A CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL THAT DOES
24 NOT HAVE ANY LIMITS ON STUDENT ENROLLMENT OR CAPS IS PERMITTED
25 TO OPERATE ITS SCHOOL AT MORE THAN ONE LOCATION AND MAY NOT BE
26 REQUIRED TO OBTAIN PERMISSION TO EXPAND.

27 * * *

28 (F) (1) ALCOHOLIC BEVERAGES SHALL NOT BE AVAILABLE FOR
29 CONSUMPTION, PURCHASE OR SALE IN ANY CHARTER SCHOOL ENTITY
30 FACILITY.

1 (2) IF, IN THE CASE OF A CHARTER SCHOOL OR REGIONAL CHARTER
2 SCHOOL, THE LOCAL BOARD OF SCHOOL DIRECTORS REASONABLY BELIEVES
3 THAT ALCOHOLIC BEVERAGES HAVE BEEN MADE AVAILABLE FOR
4 CONSUMPTION, PURCHASE OR SALE IN THE CHARTER SCHOOL OR REGIONAL
5 CHARTER SCHOOL FACILITY, THE LOCAL BOARD OF SCHOOL DIRECTORS
6 SHALL NOTIFY THE DEPARTMENT.

7 (3) IF ALCOHOLIC BEVERAGES HAVE BEEN MADE AVAILABLE FOR
8 CONSUMPTION, PURCHASE OR SALE IN A CHARTER SCHOOL ENTITY
9 FACILITY, THE SECRETARY SHALL ORDER THE FOLLOWING FORFEITURES
10 AGAINST THE CHARTER SCHOOL ENTITY:

11 (I) A FINE OF ONE THOUSAND DOLLARS (\$1,000) FOR THE FIRST
12 VIOLATION.

13 (II) A FINE OF FIVE THOUSAND DOLLARS (\$5,000) FOR THE SECOND
14 OR SUBSEQUENT VIOLATION.

15 (4) THE CHARTER SCHOOL ENTITY MAY APPEAL THE ORDER OF THE
16 SECRETARY UNDER 2 PA.C.S. CHS. 5 (RELATING TO PRACTICE AND
17 PROCEDURE) AND 7 (RELATING TO JUDICIAL REVIEW).

18 SECTION 13.9. SECTION 1723-A(A), (B) AND (D) OF THE ACT,
19 AMENDED JUNE 26, 1999 (P.L.394, NO.36) AND JULY 9, 2008
20 (P.L.846, NO.61), ARE AMENDED AND THE SECTION IS AMENDED BY
21 ADDING A SUBSECTION TO READ:

22 SECTION 1723-A. [ENROLLMENT] ADMISSION AND ENROLLMENT
23 REQUIREMENTS.--(A) (1) ALL RESIDENT CHILDREN IN THIS
24 COMMONWEALTH WHO SUBMIT A COMPLETED ENROLLMENT FORM IN
25 ACCORDANCE WITH CLAUSE (3) QUALIFY FOR ADMISSION TO A CHARTER
26 SCHOOL ENTITY WITHIN THE PROVISIONS OF SUBSECTION (B). [IF] IN
27 THE CASE OF A CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL, IF MORE
28 STUDENTS APPLY TO THE CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL
29 THAN THE NUMBER OF ATTENDANCE SLOTS AVAILABLE IN THE SCHOOL,
30 THEN STUDENTS MUST BE SELECTED ON A RANDOM BASIS FROM A POOL OF

1 [QUALIFIED APPLICANTS MEETING THE ESTABLISHED ELIGIBILITY
2 CRITERIA AND SUBMITTING AN APPLICATION] ELIGIBLE APPLICANTS WHO
3 HAVE SUBMITTED AN ENROLLMENT FORM IN ACCORDANCE WITH CLAUSES (3)
4 AND (4) BY THE DEADLINE ESTABLISHED BY THE CHARTER SCHOOL OR
5 REGIONAL CHARTER SCHOOL, EXCEPT THAT THE CHARTER SCHOOL OR
6 REGIONAL CHARTER SCHOOL MAY GIVE PREFERENCE IN ENROLLMENT TO A
7 CHILD OF A PARENT WHO HAS ACTIVELY PARTICIPATED IN THE
8 DEVELOPMENT OF THE CHARTER SCHOOL [AND] OR REGIONAL CHARTER
9 SCHOOL, TO SIBLINGS OF STUDENTS PRESENTLY ENROLLED IN THE
10 CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL AND TO SIBLINGS OF
11 STUDENTS SELECTED FOR ENROLLMENT DURING THE LOTTERY PROCESS.
12 FIRST PREFERENCE SHALL BE GIVEN TO STUDENTS WHO RESIDE IN THE
13 DISTRICT OR DISTRICTS[.] IN WHICH THE CHARTER SCHOOL IS
14 PHYSICALLY LOCATED OR IN WHICH THE REGIONAL CHARTER SCHOOL IS
15 CHARTERED.

16 (2) IF A CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL HAS A
17 WAITING LIST FOLLOWING ITS INITIAL SELECTION OF ELIGIBLE
18 APPLICANTS UNDER CLAUSE (1), THE CHARTER SCHOOL OR REGIONAL
19 CHARTER SCHOOL SHALL SELECT AND ENROLL ELIGIBLE APPLICANTS FROM
20 THE WAITING LIST AS SPACES BECOME AVAILABLE. ALL CHILDREN SHALL
21 BE ASSIGNED TO THE WAITING LIST ON A RANDOM BASIS. WHEN
22 SELECTING AND ENROLLING ELIGIBLE APPLICANTS FROM THE WAITING
23 LIST, A CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL SHALL GIVE
24 FIRST PREFERENCE TO STUDENTS AS PROVIDED UNDER CLAUSE (1) AND TO
25 THOSE WHO RESIDE IN THE DISTRICT OR DISTRICTS IN WHICH THE
26 CHARTER SCHOOL IS PHYSICALLY LOCATED OR IN WHICH THE REGIONAL
27 CHARTER SCHOOL IS CHARTERED UNTIL THE CHARTER SCHOOL OR REGIONAL
28 CHARTER SCHOOL AGAIN REACHES ITS MAXIMUM CAPACITY OF STUDENTS.
29 IF A CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL HAS A WAITING
30 LIST, ONCE THE CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL HAS

1 EXHAUSTED THE WAITING LIST OF RESIDENT CHILDREN, IT MAY THEN
2 ENROLL CHILDREN ON THE WAITING LIST WHO RESIDE OUTSIDE OF THE
3 DISTRICT. NONRESIDENT CHILDREN SHALL ALSO BE SELECTED AND
4 ENROLLED ON A RANDOM BASIS. IF A CHARTER SCHOOL OR REGIONAL
5 CHARTER SCHOOL AND THE SCHOOL DISTRICT FROM WHICH IT IS
6 AUTHORIZED HAVE VOLUNTARILY CAPPED ENROLLMENT OR THE DISTRICT
7 ATTEMPTS TO INVOLUNTARILY CAP ENROLLMENT OF RESIDENT STUDENTS
8 AND THE CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL HAS ENROLLED
9 THE MAXIMUM NUMBER OF RESIDENT STUDENTS, THE CHARTER SCHOOL OR
10 REGIONAL CHARTER SCHOOL MAY ENROLL STUDENTS RESIDING OUTSIDE OF
11 THE DISTRICT.

12 (3) THE DEPARTMENT, IN CONSULTATION WITH REPRESENTATIVES OF
13 CHARTER SCHOOL ENTITIES, SHALL DEVELOP A STANDARD ENROLLMENT
14 FORM THAT SHALL BE USED BY ALL ELIGIBLE APPLICANTS TO APPLY TO A
15 CHARTER SCHOOL ENTITY. THE STANDARD ENROLLMENT FORM SHALL ONLY
16 REQUEST INFORMATION NECESSARY TO ALLOW THE CHARTER SCHOOL ENTITY
17 TO IDENTIFY THE STUDENT, GRADE LEVEL AND RESIDENCY, INCLUDING:

18 (I) THE STUDENT'S NAME, PHYSICAL ADDRESS, TELEPHONE NUMBER,
19 AGE, BIRTH DATE AND CURRENT GRADE LEVEL.

20 (II) THE NAME, PHYSICAL ADDRESS, TELEPHONE NUMBER AND E-MAIL
21 ADDRESS OF THE STUDENT'S PARENT OR GUARDIAN.

22 (4) THE STANDARD ENROLLMENT FORM SHALL BE MADE PHYSICALLY
23 AVAILABLE AT EACH CHARTER SCHOOL ENTITY, IN A FORM THAT COMPLIES
24 WITH FEDERAL AND STATE LAW AND POSTED ON THE PUBLICLY ACCESSIBLE
25 INTERNET WEBSITE OF EACH CHARTER SCHOOL ENTITY, IF AVAILABLE. A
26 CHARTER SCHOOL ENTITY MAY ACCEPT THE ENROLLMENT FORM VIA
27 ELECTRONIC MEANS.

28 (5) WHEN A STUDENT APPLIES TO A CHARTER SCHOOL ENTITY, A
29 CHARTER SCHOOL ENTITY SHALL NOT REQUIRE OR REQUEST INFORMATION
30 BEYOND THE CONTENTS OF THE STANDARD ENROLLMENT FORM DEVELOPED BY

1 THE DEPARTMENT.

2 (6) NOTHING IN THIS SECTION SHALL PROHIBIT A CHARTER SCHOOL
3 ENTITY FROM REQUESTING THE SUBMISSION OF ADDITIONAL RECORDS AND
4 INFORMATION THAT PUBLIC SCHOOLS ARE ENTITLED TO RECEIVE AFTER A
5 STUDENT IS ACCEPTED FOR ADMISSION TO, AND HAS INDICATED AN
6 INTENT TO ENROLL IN, A CHARTER SCHOOL ENTITY.

7 (7) AS USED IN THIS SUBSECTION "ELIGIBLE APPLICANT" SHALL
8 MEAN A STUDENT WHO IS SEEKING TO ENTER A GRADE LEVEL OFFERED BY
9 THE CHARTER SCHOOL ENTITY AND MEETS THE REQUIREMENTS OF 22 PA.
10 CODE §§ 11.12 (RELATING TO SCHOOL AGE), 11.13 (RELATING TO
11 COMPULSORY SCHOOL AGE), 11.14 (RELATING TO ADMISSION TO
12 KINDERGARTEN WHEN PROVIDED), 11.15 (RELATING TO ADMISSION OF
13 BEGINNERS), 11.16 (RELATING TO EARLY ADMISSION OF BEGINNERS) AND
14 12.1 (RELATING TO FREE EDUCATION AND ATTENDANCE) AND STUDENT
15 RESIDENCY REQUIREMENTS.

16 (B) (1) A CHARTER SCHOOL ENTITY SHALL NOT DISCRIMINATE IN
17 ITS ADMISSION POLICIES OR PRACTICES ON THE BASIS OF INTELLECTUAL
18 ABILITY, [EXCEPT AS PROVIDED IN PARAGRAPH (2), OR] ATHLETIC
19 ABILITY, MEASURES OF ACHIEVEMENT OR APTITUDE, STATUS AS A PERSON
20 WITH A DISABILITY, PROFICIENCY IN THE ENGLISH LANGUAGE OR ANY
21 OTHER BASIS THAT WOULD BE ILLEGAL IF USED BY A SCHOOL DISTRICT.

22 (2) A CHARTER SCHOOL ENTITY MAY LIMIT [ADMISSION] ITS
23 ACADEMIC FOCUS TO A PARTICULAR GRADE LEVEL, A TARGETED
24 POPULATION GROUP COMPOSED OF AT-RISK STUDENTS[, OR AREAS OF
25 CONCENTRATION OF THE SCHOOL SUCH AS MATHEMATICS, SCIENCE OR THE
26 ARTS. A CHARTER SCHOOL MAY ESTABLISH REASONABLE CRITERIA TO
27 EVALUATE PROSPECTIVE STUDENTS WHICH SHALL BE OUTLINED IN THE
28 SCHOOL'S CHARTER.] OR A SPECIALIZED AREA OR ACCELERATED PROGRAM
29 OF STUDY, SUCH AS MATHEMATICS, SCIENCE OR THE ARTS.

30 * * *

1 (D) (1) ENROLLMENT OF STUDENTS IN A CHARTER SCHOOL [OR
2 CYBER CHARTER SCHOOL] ENTITY, OR EXPANSION OF A CHARTER SCHOOL
3 ENTITY INTO ADDITIONAL GRADE LEVELS, SHALL NOT BE SUBJECT TO A
4 CAP OR OTHERWISE LIMITED BY ANY PAST OR FUTURE ACTION OF A BOARD
5 OF SCHOOL DIRECTORS, A BOARD OF CONTROL ESTABLISHED UNDER
6 ARTICLE XVII-B, A SPECIAL BOARD OF CONTROL ESTABLISHED UNDER
7 SECTION 692 OR ANY OTHER GOVERNING AUTHORITY, UNLESS AGREED TO
8 BY THE CHARTER SCHOOL OR CYBER CHARTER SCHOOL AS PART OF A
9 WRITTEN CHARTER PURSUANT TO SECTION 1720-A.

10 (2) THE PROVISIONS OF THIS SUBSECTION SHALL APPLY TO A
11 CHARTER SCHOOL [OR CYBER CHARTER SCHOOL REGARDLESS OF WHETHER
12 THE CHARTER WAS APPROVED PRIOR TO OR IS APPROVED SUBSEQUENT TO
13 THE EFFECTIVE DATE OF THIS SUBSECTION.] ENTITY UNTIL A NEW
14 FUNDING FORMULA IS ENACTED PURSUANT TO SECTION 1704-A.

15 (E) A SCHOOL DISTRICT'S OBLIGATION TO MAKE PAYMENTS FOR
16 STUDENTS ENROLLED IN A CHARTER SCHOOL ENTITY SHALL BE GOVERNED
17 BY SECTION 1725-A OR, IN THE CASE OF STUDENTS WHO ARE BELOW A
18 SCHOOL DISTRICT'S AGE OF ENROLLMENT, BY THE TERMS OF ANY CHARTER
19 OR SERVICE CONTRACT BETWEEN A SCHOOL DISTRICT AND A CHARTER
20 SCHOOL ENTITY. NOTWITHSTANDING THE ABOVE, ABSENT LANGUAGE TO THE
21 CONTRARY IN A CHARTER OR SERVICE CONTRACT BETWEEN A SCHOOL
22 DISTRICT AND A CHARTER SCHOOL ENTITY, A SCHOOL DISTRICT SHALL
23 NOT BE OBLIGATED TO FUND A FOUR-YEAR-OLD KINDERGARTEN PROGRAM IF
24 THE SCHOOL DISTRICT HAS EXERCISED ITS DISCRETION NOT TO OFFER
25 SUCH A PROGRAM IN ITS OWN SCHOOLS.

26 SECTION 14. SECTION 1724-A(C) OF THE ACT, AMENDED JUNE 30,
27 2011 (P.L.112, NO.24), IS AMENDED TO READ:

28 SECTION 1724-A. SCHOOL STAFF.--* * *

29 (C) ALL EMPLOYEES OF A CHARTER SCHOOL SHALL BE ENROLLED IN
30 THE PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM IN THE SAME

1 MANNER AS SET FORTH IN 24 PA.C.S. § 8301(A) (RELATING TO
2 MANDATORY AND OPTIONAL MEMBERSHIP) UNLESS AT THE TIME OF THE
3 APPLICATION FOR THE CHARTER SCHOOL THE SPONSORING DISTRICT OR
4 THE BOARD OF TRUSTEES OF THE CHARTER SCHOOL HAS A RETIREMENT
5 PROGRAM WHICH COVERS THE EMPLOYES OR THE EMPLOYEE IS CURRENTLY
6 ENROLLED IN ANOTHER RETIREMENT PROGRAM. [THE COMMONWEALTH SHALL
7 MAKE CONTRIBUTIONS ON BEHALF OF CHARTER SCHOOL EMPLOYES ENROLLED
8 IN THE PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM.] THE CHARTER
9 SCHOOL SHALL BE CONSIDERED A PUBLIC SCHOOL [DISTRICT] AS DEFINED
10 IN 24 PA.C.S. § 8102 (RELATING TO DEFINITIONS) AND SHALL MAKE
11 QUARTERLY PAYMENTS BY EMPLOYERS TO THE PUBLIC SCHOOL EMPLOYEES'
12 RETIREMENT SYSTEM AND MONTHLY PAYMENTS ON ACCOUNT OF SOCIAL
13 SECURITY AS ESTABLISHED UNDER 24 PA.C.S. PT. IV (RELATING TO
14 RETIREMENT FOR SCHOOL EMPLOYEES). [THE MARKET VALUE/INCOME AID
15 RATIO USED IN CALCULATING PAYMENTS AS PRESCRIBED IN THIS
16 SUBSECTION SHALL BE THE MARKET VALUE/INCOME AID RATIO FOR THE
17 SCHOOL DISTRICT IN WHICH THE CHARTER SCHOOL IS LOCATED OR, IN
18 THE CASE OF A REGIONAL CHARTER SCHOOL, SHALL BE A COMPOSITE
19 MARKET VALUE/INCOME AID RATIO FOR THE PARTICIPATING SCHOOL
20 DISTRICTS AS DETERMINED BY THE DEPARTMENT.] EXCEPT AS OTHERWISE
21 PROVIDED, EMPLOYES OF A CHARTER SCHOOL SHALL MAKE REGULAR MEMBER
22 CONTRIBUTIONS AS REQUIRED FOR ACTIVE MEMBERS UNDER 24 PA.C.S.
23 PT. IV. IF THE EMPLOYES OF THE CHARTER SCHOOL PARTICIPATE IN
24 ANOTHER RETIREMENT PLAN, THEN THOSE EMPLOYES SHALL HAVE NO
25 CONCURRENT CLAIM ON THE BENEFITS PROVIDED TO PUBLIC SCHOOL
26 EMPLOYES UNDER 24 PA.C.S. PT. IV. [FOR PURPOSES OF THIS
27 SUBSECTION, A CHARTER SCHOOL SHALL BE DEEMED TO BE A "PUBLIC
28 SCHOOL" AS DEFINED IN 24 PA.C.S. § 8102 (RELATING TO
29 DEFINITIONS).] NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE
30 CONTRARY, NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO REQUIRE

1 THE COMMONWEALTH TO MAKE PAYMENTS TO CHARTER SCHOOLS OR
2 CONTRIBUTIONS ON BEHALF OF CHARTER SCHOOL EMPLOYEES FROM
3 APPROPRIATED FUNDS, AS PROVIDED IN 24 PA.C.S. §§ 8326 (RELATING
4 TO CONTRIBUTIONS BY THE COMMONWEALTH) AND 8535 (RELATING TO
5 PAYMENTS TO SCHOOL ENTITIES BY COMMONWEALTH) ON ACCOUNT OF
6 CHARTER SCHOOL EMPLOYEES ENROLLED IN THE PUBLIC SCHOOL EMPLOYEES'
7 RETIREMENT SYSTEM AND 24 PA.C.S. § 8329(A) (RELATING TO PAYMENTS
8 ON ACCOUNT OF SOCIAL SECURITY DEDUCTIONS FROM APPROPRIATIONS) ON
9 ACCOUNT OF SOCIAL SECURITY PAYMENTS MADE BY A CHARTER SCHOOL.

10 * * *

11 SECTION 14.1. SECTION 1725-A OF THE ACT, AMENDED OR ADDED
12 JUNE 19, 1997 (P.L.225, NO.22), JUNE 22, 2001 (P.L.530, NO.35)
13 AND JUNE 29, 2002 (P.L.524, NO.88), IS AMENDED TO READ:

14 SECTION 1725-A. FUNDING FOR CHARTER [SCHOOLS] SCHOOL
15 ENTITIES.--(A) FUNDING FOR A CHARTER SCHOOL ENTITY SHALL BE
16 PROVIDED IN THE FOLLOWING MANNER:

17 (1) THERE SHALL BE NO TUITION CHARGE FOR A RESIDENT OR
18 NONRESIDENT STUDENT ATTENDING A CHARTER SCHOOL ENTITY.

19 (2) FOR NON-SPECIAL EDUCATION STUDENTS[, THE]:

20 (I) A CHARTER SCHOOL AND REGIONAL CHARTER SCHOOL SHALL
21 RECEIVE FOR EACH STUDENT ENROLLED NO LESS THAN THE BUDGETED
22 TOTAL EXPENDITURE PER AVERAGE DAILY MEMBERSHIP OF THE PRIOR
23 SCHOOL YEAR, AS DEFINED IN SECTION 2501(20), MINUS THE BUDGETED
24 EXPENDITURES OF THE DISTRICT OF RESIDENCE FOR NONPUBLIC SCHOOL
25 PROGRAMS; ADULT EDUCATION PROGRAMS; COMMUNITY/JUNIOR COLLEGE
26 PROGRAMS; STUDENT TRANSPORTATION SERVICES; FOR SPECIAL EDUCATION
27 PROGRAMS; FACILITIES ACQUISITION, CONSTRUCTION AND IMPROVEMENT
28 SERVICES; AND OTHER FINANCING USES, INCLUDING DEBT SERVICE AND
29 FUND TRANSFERS AS PROVIDED IN THE MANUAL OF ACCOUNTING AND
30 RELATED FINANCIAL PROCEDURES FOR PENNSYLVANIA SCHOOL SYSTEMS

1 ESTABLISHED BY THE DEPARTMENT. [THIS AMOUNT] THE AMOUNT UNDER
2 THIS SUBPARAGRAPH SHALL BE PAID BY THE DISTRICT OF RESIDENCE OF
3 EACH STUDENT.

4 (II) (A) FOR THE 2015-2016 SCHOOL YEAR, A CYBER CHARTER
5 SCHOOL SHALL RECEIVE FOR EACH STUDENT ENROLLED THE LESSER OF:

6 (I) THE BUDGETED TOTAL EXPENDITURES PER AVERAGE DAILY
7 MEMBERSHIP OF THE PRIOR SCHOOL YEAR, AS DEFINED IN SECTION
8 2501(20), MINUS THE BUDGETED EXPENDITURES OF THE DISTRICT OF
9 RESIDENCE FOR NONPUBLIC SCHOOL PROGRAMS; ADULT EDUCATION
10 PROGRAMS; COMMUNITY/JUNIOR COLLEGE PROGRAMS; SCHOOL LIBRARY
11 SERVICES; NONPUBLIC SUPPORT SERVICES; TAX ASSESSMENT AND
12 COLLECTION SERVICES; NONPUBLIC HEALTH SERVICES; SEVEN AND FIVE-
13 TENTHS PERCENT (7.5%) OF OPERATION AND MAINTENANCE OF PLANT
14 SERVICES; STUDENT TRANSPORTATION SERVICES; COMMUNITY SERVICES;
15 SPECIAL EDUCATION PROGRAMS; FACILITIES ACQUISITION, CONSTRUCTION
16 AND IMPROVEMENT SERVICES; AND OTHER FINANCING USES, INCLUDING
17 DEBT SERVICE AND FUND TRANSFERS AS PROVIDED IN THE MANUAL OF
18 ACCOUNTING AND RELATED FINANCIAL PROCEDURES FOR PENNSYLVANIA
19 SCHOOL SYSTEMS ESTABLISHED BY THE DEPARTMENT; OR

20 (II) THE NINETIETH PERCENTILE OF THE AMOUNTS DETERMINED IN
21 SUBCLAUSE (I) FOR ALL SCHOOL DISTRICTS.

22 (B) FOR THE 2016-2017 SCHOOL YEAR AND EACH YEAR THEREAFTER
23 UNTIL A NEW FORMULA IS ENACTED, A CYBER CHARTER SCHOOL SHALL
24 RECEIVE FOR EACH STUDENT ENROLLED THE LESSER OF:

25 (I) THE BUDGETED TOTAL EXPENDITURES PER AVERAGE DAILY
26 MEMBERSHIP OF THE PRIOR SCHOOL YEAR, AS DEFINED IN SECTION
27 2501(20), MINUS THE BUDGETED EXPENDITURES OF THE DISTRICT OF
28 RESIDENCE FOR NONPUBLIC SCHOOL PROGRAMS; ADULT EDUCATION
29 PROGRAMS; COMMUNITY/JUNIOR COLLEGE PROGRAMS; SCHOOL LIBRARY
30 SERVICES; NONPUBLIC SUPPORT SERVICES; TAX ASSESSMENT AND

1 COLLECTION SERVICES; NONPUBLIC HEALTH SERVICES; FORTY-FIVE
2 PERCENT (45%) OF OPERATION AND MAINTENANCE OF PLANT SERVICES;
3 STUDENT TRANSPORTATION SERVICES; COMMUNITY SERVICES; FOR SPECIAL
4 EDUCATION PROGRAMS; FACILITIES ACQUISITION, CONSTRUCTION AND
5 IMPROVEMENT SERVICES; AND OTHER FINANCING USES, INCLUDING DEBT
6 SERVICE AND FUND TRANSFERS AS PROVIDED IN THE MANUAL OF
7 ACCOUNTING AND RELATED FINANCIAL PROCEDURES FOR PENNSYLVANIA
8 SCHOOL SYSTEMS ESTABLISHED BY THE DEPARTMENT; OR

9 (II) THE SEVENTIETH PERCENTILE OF THE AMOUNTS DETERMINED IN
10 SUBCLAUSE (I) FOR ALL SCHOOL DISTRICTS.

11 THE AMOUNT UNDER THIS SUBPARAGRAPH SHALL BE PAID BY THE DISTRICT
12 OF RESIDENCE OF EACH STUDENT.

13 (2.1) THE AMOUNT UNDER PARAGRAPH (2) SHALL BE CALCULATED BY
14 EACH SCHOOL DISTRICT ON A FORM PRESCRIBED BY THE SECRETARY IN
15 ACCORDANCE WITH THIS SECTION. THE SECRETARY, UPON RECEIPT OF A
16 SCHOOL DISTRICT'S CALCULATION, SHALL REVIEW THE SCHOOL
17 DISTRICT'S CALCULATION AND MAY REQUEST SUPPORTING DOCUMENTATION
18 FROM THE SCHOOL DISTRICT REGARDING ITS CALCULATION. IF THE
19 SECRETARY FINDS AN ERROR OR DISCREPANCY IN A SCHOOL DISTRICT'S
20 CALCULATION, THE SECRETARY SHALL REQUIRE THE SCHOOL DISTRICT TO
21 CORRECT THE CALCULATION AND REQUIRE THE SCHOOL DISTRICT TO
22 NOTIFY AFFECTED CHARTER SCHOOL ENTITIES.

23 (3) FOR SPECIAL EDUCATION STUDENTS[, THE]:

24 (I) A CHARTER SCHOOL AND REGIONAL CHARTER SCHOOL SHALL
25 RECEIVE FOR EACH STUDENT ENROLLED THE SAME FUNDING AS FOR EACH
26 NON-SPECIAL EDUCATION STUDENT AS PROVIDED IN [CLAUSE (2)]
27 PARAGRAPH (2)(I), PLUS AN ADDITIONAL AMOUNT DETERMINED BY
28 DIVIDING THE DISTRICT OF RESIDENCE'S TOTAL SPECIAL EDUCATION
29 EXPENDITURE BY THE PRODUCT OF MULTIPLYING THE COMBINED
30 PERCENTAGE OF SECTION 2509.5(K) TIMES THE DISTRICT OF

1 RESIDENCE'S TOTAL AVERAGE DAILY MEMBERSHIP FOR THE PRIOR SCHOOL
2 YEAR. [THIS] THE AMOUNT UNDER THIS PARAGRAPH SHALL BE PAID BY
3 THE DISTRICT OF RESIDENCE OF EACH STUDENT.

4 (II) (A) FOR THE 2015-2016 SCHOOL YEAR, A CYBER CHARTER
5 SCHOOL SHALL RECEIVE FOR EACH SPECIAL EDUCATION STUDENT ENROLLED
6 THE SAME AMOUNT AS FOR EACH NON-SPECIAL EDUCATION STUDENT AS
7 PROVIDED IN PARAGRAPH (2) (II) (A), PLUS AN ADDITIONAL AMOUNT
8 EQUAL TO THE LESSER OF:

9 (I) THE DISTRICT OF RESIDENCE'S TOTAL SPECIAL EDUCATION
10 EXPENDITURE DIVIDED BY THE PRODUCT OF MULTIPLYING THE COMBINED
11 PERCENTAGE OF SECTION 2509.5(K) MULTIPLIED BY THE DISTRICT OF
12 RESIDENCE'S TOTAL AVERAGE DAILY MEMBERSHIP FOR THE PRIOR SCHOOL
13 YEAR; OR

14 (II) THE NINETIETH PERCENTILE OF THE AMOUNTS DETERMINED IN
15 SUBCLAUSE (I) FOR ALL SCHOOL DISTRICTS.
16 THE AMOUNT UNDER THIS SUBPARAGRAPH SHALL BE PAID BY THE DISTRICT
17 OF RESIDENCE OF EACH STUDENT.

18 (B) FOR THE 2016-2017 SCHOOL YEAR AND EACH SCHOOL YEAR
19 THEREAFTER UNTIL A NEW FORMULA IS ENACTED, A CYBER CHARTER
20 SCHOOL SHALL RECEIVE FOR EACH SPECIAL EDUCATION STUDENT ENROLLED
21 THE SAME AMOUNT AS FOR EACH NON-SPECIAL EDUCATION STUDENT AS
22 PROVIDED IN PARAGRAPH (2) (II) (B), PLUS AN ADDITIONAL AMOUNT
23 EQUAL TO THE LESSER OF:

24 (I) THE DISTRICT OF RESIDENCE'S TOTAL SPECIAL EDUCATION
25 EXPENDITURE DIVIDED BY THE PRODUCT OF MULTIPLYING THE COMBINED
26 PERCENTAGE OF SECTION 2509.5(K) MULTIPLIED BY THE DISTRICT OF
27 RESIDENCE'S TOTAL AVERAGE DAILY MEMBERSHIP FOR THE PRIOR SCHOOL
28 YEAR; OR

29 (II) THE SEVENTIETH PERCENTILE OF THE AMOUNTS DETERMINED IN
30 SUBCLAUSE (I) FOR ALL SCHOOL DISTRICTS.

1 THE AMOUNT UNDER THIS SUBPARAGRAPH SHALL BE PAID BY THE DISTRICT
2 OF RESIDENCE OF EACH STUDENT.

3 (3.1) PER-STUDENT PAYMENTS TO A CYBER CHARTER SCHOOL
4 CALCULATED UNDER PARAGRAPHS (2) (II) (B) AND (3) (II) (B) SHALL BE
5 MADE AS FOLLOWS:

6 (I) THE AMOUNT UNDER PARAGRAPHS (2) (II) (B) AND (3) (II) (B)
7 SHALL BE PAID BY THE SCHOOL DISTRICT OF RESIDENCE OF EACH
8 STUDENT BY DEDUCTION AND TRANSFER FROM ALL STATE PAYMENTS DUE TO
9 THE SCHOOL DISTRICT OF RESIDENCE AS PROVIDED UNDER PARAGRAPH (5)
10 (II).

11 (II) IF A CYBER CHARTER SCHOOL DISPUTES THE ACCURACY OF A
12 SCHOOL DISTRICT'S CALCULATION UNDER PARAGRAPHS (2) (II) (B) AND
13 (3) (II) (B), THE CYBER CHARTER SCHOOL SHALL FILE A NOTICE OF THE
14 DISPUTE WITH THE SECRETARY, WHO SHALL HOLD A HEARING TO
15 DETERMINE THE ACCURACY OF THE SCHOOL DISTRICT'S CALCULATION
16 WITHIN THIRTY (30) DAYS OF THE NOTICE.

17 (III) THE SECRETARY SHALL DETERMINE THE ACCURACY OF THE
18 SCHOOL DISTRICT'S CALCULATION AND MAKE ANY NECESSARY BILLING
19 ADJUSTMENT WITHIN THIRTY (30) DAYS OF THE HEARING.

20 (IV) THE SCHOOL DISTRICT SHALL BEAR THE BURDEN OF PRODUCTION
21 AND PROOF WITH RESPECT TO ITS CALCULATION UNDER THIS PARAGRAPH.

22 (V) THE SCHOOL DISTRICT SHALL BE LIABLE FOR THE REASONABLE
23 LEGAL FEES INCURRED BY A CYBER CHARTER SCHOOL IF THE CYBER
24 CHARTER SCHOOL IS THE SUBSTANTIALLY PREVAILING PARTY AFTER A
25 HEARING UNDER THIS SECTION. THE CYBER CHARTER SCHOOL SHALL BE
26 LIABLE FOR THE REASONABLE LEGAL FEES INCURRED BY THE SCHOOL
27 DISTRICT IF THE SCHOOL DISTRICT IS THE SUBSTANTIALLY PREVAILING
28 PARTY AFTER A HEARING UNDER THIS SECTION.

29 (VI) ALL DECISIONS OF THE SECRETARY UNDER THIS PARAGRAPH
30 SHALL BE SUBJECT TO APPELLATE REVIEW BY COMMONWEALTH COURT.

1 (4) [A CHARTER SCHOOL MAY REQUEST THE INTERMEDIATE UNIT IN
2 WHICH THE CHARTER SCHOOL IS LOCATED TO PROVIDE SERVICES TO
3 ASSIST THE CHARTER SCHOOL TO ADDRESS THE SPECIFIC NEEDS OF
4 EXCEPTIONAL STUDENTS. THE INTERMEDIATE UNIT SHALL ASSIST THE
5 CHARTER SCHOOL AND BILL THE CHARTER SCHOOL FOR THE SERVICES. THE
6 INTERMEDIATE UNIT MAY NOT CHARGE THE CHARTER SCHOOL MORE FOR ANY
7 SERVICE THAN IT CHARGES THE CONSTITUENT DISTRICTS OF THE
8 INTERMEDIATE UNIT.] A CHARTER SCHOOL ENTITY MAY REQUEST THE
9 INTERMEDIATE UNIT OR SCHOOL DISTRICT IN WHICH THE CHARTER SCHOOL
10 ENTITY IS LOCATED OR ANOTHER CHARTER SCHOOL ENTITY TO PROVIDE
11 SERVICES TO ASSIST THE CHARTER SCHOOL ENTITY TO ADDRESS THE
12 SPECIFIC NEEDS OF NON-SPECIAL EDUCATION AND SPECIAL EDUCATION
13 STUDENTS. THE INTERMEDIATE UNIT OR SCHOOL DISTRICT SHALL ASSIST
14 THE CHARTER SCHOOL ENTITY AND BILL THE CHARTER SCHOOL ENTITY FOR
15 THE SERVICES. THE INTERMEDIATE UNIT MAY NOT CHARGE THE CHARTER
16 SCHOOL ENTITY MORE FOR ANY SERVICE THAN IT CHARGES THE
17 CONSTITUENT DISTRICTS OF THE INTERMEDIATE UNIT. NOTHING UNDER
18 THIS PARAGRAPH SHALL PRECLUDE AN INTERMEDIATE UNIT OR SCHOOL
19 DISTRICT FROM CONTRACTING WITH A CHARTER SCHOOL ENTITY TO
20 PROVIDE THE INTERMEDIATE UNIT OR SCHOOL DISTRICT WITH SERVICES
21 TO ASSIST THE INTERMEDIATE UNIT OR SCHOOL DISTRICT TO ADDRESS
22 SPECIFIC NEEDS OF NON-SPECIAL EDUCATION AND SPECIAL EDUCATION
23 STUDENTS.

24 (5) [PAYMENTS] (I) FOR A CHARTER SCHOOL OR REGIONAL CHARTER
25 SCHOOL, PAYMENTS SHALL BE MADE TO THE CHARTER SCHOOL OR REGIONAL
26 CHARTER SCHOOL IN TWELVE (12) EQUAL MONTHLY PAYMENTS, BY THE
27 FIFTH DAY OF EACH MONTH, WITHIN THE OPERATING SCHOOL YEAR. A
28 STUDENT ENROLLED IN A CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL
29 SHALL BE INCLUDED IN THE AVERAGE DAILY MEMBERSHIP OF THE
30 STUDENT'S DISTRICT OF RESIDENCE FOR THE PURPOSE OF PROVIDING

1 BASIC EDUCATION FUNDING PAYMENTS AND SPECIAL EDUCATION FUNDING
2 PURSUANT TO ARTICLE XXV. IF A SCHOOL DISTRICT FAILS TO MAKE A
3 PAYMENT TO A CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL AS
4 PRESCRIBED IN THIS [CLAUSE] SUBPARAGRAPH, THE SECRETARY SHALL
5 DEDUCT THE ESTIMATED AMOUNT, AS DOCUMENTED BY THE CHARTER SCHOOL
6 OR REGIONAL CHARTER SCHOOL, FROM ANY AND ALL STATE PAYMENTS MADE
7 TO THE DISTRICT AFTER RECEIPT OF DOCUMENTATION FROM THE CHARTER
8 SCHOOL OR REGIONAL CHARTER SCHOOL.

9 (II) FOR A CYBER CHARTER SCHOOL, THE FOLLOWING SHALL APPLY
10 BEGINNING IN THE 2016-2017 SCHOOL YEAR:

11 (A) PAYMENTS SHALL BE MADE TO THE CYBER CHARTER SCHOOL IN
12 TWELVE (12) EQUAL MONTHLY PAYMENTS, ACCORDING TO THE ESTABLISHED
13 MONTHLY UNIPAY SCHEDULE WITHIN THE OPERATING SCHOOL YEAR OR ANY
14 SUBSEQUENT SCHOOL YEAR.

15 (B) EXCEPT AS PROVIDED FOR IN SUBPARAGRAPH (V), PAYMENTS
16 SHALL BE MADE DIRECTLY BY THE SECRETARY DEDUCTING AND PAYING TO
17 THE CYBER CHARTER SCHOOL THE ESTIMATED AMOUNT, AS DOCUMENTED BY
18 THE CYBER CHARTER SCHOOL, FROM:

19 (I) ALL STATE PAYMENTS DUE TO THE SCHOOL DISTRICT OF
20 RESIDENCE; OR

21 (II) IF NO PAYMENTS ARE DUE TO THE SCHOOL DISTRICT OF
22 RESIDENCE, FROM ALL STATE PAYMENTS REASONABLY EXPECTED TO BE DUE
23 IN THE NEXT ESTABLISHED MONTHLY UNIPAY SCHEDULE.

24 (C) AT LEAST THIRTY (30) DAYS PRIOR TO THE SCHEDULED PAYMENT
25 DATE EACH MONTH, A CYBER CHARTER SCHOOL SHALL PROVIDE TO THE
26 DEPARTMENT AND TO THE SCHOOL DISTRICT OF RESIDENCE OF EACH
27 STUDENT ENROLLED IN THE CYBER CHARTER SCHOOL DOCUMENTATION OF
28 THE CYBER CHARTER SCHOOL'S ENROLLMENT, ON A FORM TO BE DEVELOPED
29 BY THE SECRETARY WITHIN SIXTY (60) DAYS OF THE EFFECTIVE DATE OF
30 THIS SUBPARAGRAPH. THE FORM, WHICH SHALL BE DEVELOPED IN

1 CONSULTATION WITH REPRESENTATIVES OF CYBER CHARTER SCHOOLS AND
2 SCHOOL DISTRICTS, SHALL REQUIRE THE CYBER CHARTER SCHOOL TO
3 PROVIDE TO THE DEPARTMENT AND TO THE SCHOOL DISTRICT OF
4 RESIDENCE OF EACH STUDENT ENROLLED IN THE CYBER CHARTER SCHOOL,
5 DOCUMENTATION OF EACH STUDENT'S CURRENT ENROLLMENT IN THE CYBER
6 CHARTER SCHOOL AND CURRENT RESIDENCE IN THE SCHOOL DISTRICT,
7 INCLUDING THE FOLLOWING INFORMATION:

8 (I) STUDENT'S NAME.

9 (II) STUDENT'S HOME ADDRESS.

10 (III) NAME AND TELEPHONE NUMBER OF STUDENT'S PARENT OR
11 GUARDIAN.

12 (IV) STUDENT'S DATE OF BIRTH.

13 (V) STUDENT'S GRADE LEVEL.

14 (VI) TYPE OF SCHOOL IN WHICH STUDENT WAS PREVIOUSLY
15 ENROLLED.

16 (VII) STUDENT'S DATE OF ENROLLMENT.

17 (VIII) WHETHER THE STUDENT IS BEING EDUCATED UNDER AN
18 INDIVIDUALIZED EDUCATION PLAN UNDER THE INDIVIDUALS WITH
19 DISABILITIES EDUCATION ACT (PUBLIC LAW 91-230, 20 U.S.C. § 1400
20 ET SEQ.) AND THE DATE OF THE MOST RECENT INDIVIDUALIZED
21 EDUCATION PLAN.

22 (IX) THE TUITION AMOUNT DUE ON ACCOUNT OF EACH STUDENT.

23 (X) THE TOTAL AMOUNT DUE FROM THE SCHOOL DISTRICT FOR THAT
24 MONTH.

25 (XI) COPIES OF THE ACTUAL DOCUMENTS USED BY THE CYBER
26 CHARTER SCHOOL TO VERIFY THE STUDENT'S RESIDENCE IN THE SCHOOL
27 DISTRICT.

28 THE SECRETARY SHALL NOT MAKE PAYMENTS UNDER THIS SECTION UNTIL
29 THE CYBER CHARTER SCHOOL PROVIDES THE DEPARTMENT AND THE SCHOOL
30 DISTRICT OF RESIDENCE WITH A COMPLETED FORM AND ACCOMPANYING

1 DOCUMENTATION AS REQUIRED UNDER THIS CLAUSE. A CYBER CHARTER
2 SCHOOL MAY MAKE ONLY ONE (1) PAYMENT REQUEST PER MONTH UNDER
3 THIS CLAUSE. AFTER A CYBER CHARTER SCHOOL MAKES A PAYMENT
4 REQUEST UNDER THIS CLAUSE, ANY NECESSARY CORRECTIONS OR
5 ADJUSTMENTS MAY BE MADE IN THE NEXT SUBSEQUENT MONTHLY PAYMENT
6 REQUEST.

7 (D) THE SECRETARY'S OBLIGATION TO MAKE PAYMENTS UNDER THIS
8 SECTION IS MANDATORY AND MINISTERIAL, EXCEPT THAT PAYMENTS MADE
9 PURSUANT TO THIS SECTION SHALL NOT BE GIVEN PRIORITY OVER
10 PAYMENTS REQUIRED PURSUANT TO SECTIONS 633 AND 785 AND 53
11 PA.C.S. § 8125(B) (RELATING TO SECURITY FOR TAX ANTICIPATION
12 NOTES AND SINKING FUND), PREFERENTIAL CLAIMS UNDER SECTION 1155,
13 OR AN AGREEMENT PURSUANT TO WHICH THE COMMONWEALTH IS REQUIRED
14 TO MAKE PAYMENT TO A HOLDER OF DEBT ISSUED BY OR ON BEHALF OF A
15 SCHOOL ENTITY. IF PAYMENTS REQUIRED UNDER SECTIONS 633, 785 AND
16 1155 AND 53 PA.C.S. § 8125(B) PRECLUDE THE TIMELY PAYMENT OF
17 FUNDS TO A CYBER CHARTER SCHOOL UNDER SECTION 1725-A OR WILL
18 CAUSE THE BOARD OF SCHOOL DIRECTORS OF A SCHOOL DISTRICT TO FAIL
19 TO PAY OR PROVIDE FOR PAYMENT UNDER THIS SUBSECTION, NOTHING
20 SHALL PRECLUDE THE SECRETARY FROM WITHHOLDING FUNDS FROM ANY AND
21 ALL STATE PAYMENTS MADE TO THE SCHOOL DISTRICT FOR THE OPERATING
22 SCHOOL YEAR OR FOR ANY SUBSEQUENT OPERATING SCHOOL YEAR.

23 (E) IF THERE ARE INSUFFICIENT STATE PAYMENTS DUE TO A SCHOOL
24 DISTRICT IN THE ESTABLISHED MONTHLY UNIPAY SCHEDULE TO COVER ALL
25 CYBER CHARTER SCHOOL DEDUCTIONS AND TRANSFERS, THE SCHOOL
26 DISTRICT SHALL BE RESPONSIBLE FOR PAYING THE UNPAID BALANCE
27 DIRECTLY TO THE CYBER CHARTER SCHOOL NOT MORE THAN TEN (10) DAYS
28 FOLLOWING THE ESTABLISHED MONTHLY UNIPAY SCHEDULE.

29 (F) A STUDENT ENROLLED IN A CYBER CHARTER SCHOOL SHALL BE
30 INCLUDED IN THE AVERAGE DAILY MEMBERSHIP OF THE STUDENT'S SCHOOL

1 DISTRICT OF RESIDENCE FOR THE PURPOSE OF PROVIDING BASIC
2 EDUCATION FUNDING PAYMENTS AND SPECIAL EDUCATION FUNDING UNDER
3 ARTICLE XXV.

4 (6) [WITHIN THIRTY (30) DAYS AFTER THE SECRETARY MAKES THE
5 DEDUCTION DESCRIBED IN CLAUSE (5), A SCHOOL DISTRICT MAY NOTIFY
6 THE SECRETARY THAT THE DEDUCTION MADE FROM STATE PAYMENTS TO THE
7 DISTRICT UNDER THIS SUBSECTION IS INACCURATE. THE SECRETARY
8 SHALL PROVIDE THE SCHOOL DISTRICT WITH AN OPPORTUNITY TO BE
9 HEARD CONCERNING WHETHER THE CHARTER SCHOOL DOCUMENTED THAT ITS
10 STUDENTS WERE ENROLLED IN THE CHARTER SCHOOL, THE PERIOD OF TIME
11 DURING WHICH EACH STUDENT WAS ENROLLED, THE SCHOOL DISTRICT OF
12 RESIDENCE OF EACH STUDENT AND WHETHER THE AMOUNTS DEDUCTED FROM
13 THE SCHOOL DISTRICT WERE ACCURATE.] THE FOLLOWING APPLY:

14 (I) WITHIN THIRTY (30) DAYS AFTER THE PAYMENT IS MADE TO THE
15 CHARTER SCHOOL ENTITY AS DESCRIBED UNDER PARAGRAPH (5), A SCHOOL
16 DISTRICT MAY NOTIFY THE SECRETARY THAT THE ESTIMATED AMOUNT, AS
17 DOCUMENTED BY THE CHARTER SCHOOL ENTITY, IS INACCURATE.

18 (II) WITHIN THIRTY (30) DAYS OF THE NOTICE BY THE SCHOOL
19 DISTRICT UNDER SUBPARAGRAPH (I), THE SECRETARY SHALL PROVIDE THE
20 SCHOOL DISTRICT WITH A HEARING CONCERNING WHETHER THE CHARTER
21 SCHOOL ENTITY DOCUMENTED THAT STUDENTS WERE ENROLLED IN THE
22 CHARTER SCHOOL ENTITY, THE PERIOD OF TIME DURING WHICH EACH
23 STUDENT WAS ENROLLED IN THE CHARTER SCHOOL ENTITY, THE SCHOOL
24 DISTRICT OF RESIDENCE OF EACH STUDENT ENROLLED IN THE CHARTER
25 SCHOOL ENTITY AND WHETHER THE AMOUNTS DEDUCTED FROM OR PAID BY
26 THE SCHOOL DISTRICT WERE ACCURATE.

27 (III) THE BURDEN OF PROOF AND PRODUCTION AT THE HEARING
28 SHALL BE ON THE SCHOOL DISTRICT. A HEARING SHALL NOT BE HELD
29 BEFORE THE AMOUNT ESTIMATED BY THE CHARTER SCHOOL ENTITY IS PAID
30 TO THE CHARTER SCHOOL ENTITY.

1 (IV) THE SECRETARY SHALL DETERMINE THE ACCURACY OF THE
2 AMOUNT DOCUMENTED BY THE CHARTER SCHOOL ENTITY. ANY NECESSARY
3 PAYMENT ADJUSTMENT SHALL BE MADE WITHIN THIRTY (30) DAYS OF THE
4 HEARING.

5 (V) THE SCHOOL DISTRICT SHALL BE LIABLE FOR THE REASONABLE
6 LEGAL FEES INCURRED BY A CHARTER SCHOOL ENTITY IF THE CHARTER
7 SCHOOL ENTITY IS THE SUBSTANTIALLY PREVAILING PARTY AFTER A
8 HEARING UNDER THIS SECTION. THE CHARTER SCHOOL ENTITY SHALL BE
9 LIABLE FOR THE REASONABLE LEGAL FEES INCURRED BY THE SCHOOL
10 DISTRICT IF THE SCHOOL DISTRICT IS THE SUBSTANTIALLY PREVAILING
11 PARTY AFTER A HEARING UNDER THIS SECTION.

12 (VI) ALL DECISIONS OF THE SECRETARY UNDER THIS SECTION SHALL
13 BE SUBJECT TO APPELLATE REVIEW BY COMMONWEALTH COURT.

14 (VII) SUPERSEDEAS SHALL NOT BE GRANTED TO THE SECRETARY OR
15 ANY PARTY TO THE PROCEEDING ON AN APPEAL FROM THE DECISION OF
16 THE SECRETARY UNDER THIS SECTION; AND, ABSENT A COURT ORDER,
17 PAYMENTS SHALL NOT BE HELD IN ESCROW.

18 [(B) THE COMMONWEALTH SHALL PROVIDE TEMPORARY FINANCIAL
19 ASSISTANCE TO A SCHOOL DISTRICT DUE TO THE ENROLLMENT OF
20 STUDENTS IN A CHARTER SCHOOL WHO ATTENDED A NONPUBLIC SCHOOL IN
21 THE PRIOR SCHOOL YEAR IN ORDER TO OFFSET THE ADDITIONAL COSTS
22 DIRECTLY RELATED TO THE ENROLLMENT OF THOSE STUDENTS IN A PUBLIC
23 CHARTER SCHOOL. THE COMMONWEALTH SHALL PAY THE SCHOOL DISTRICT
24 OF RESIDENCE OF A STUDENT ENROLLED IN A NONPUBLIC SCHOOL IN THE
25 PRIOR SCHOOL YEAR WHO IS ATTENDING A CHARTER SCHOOL AN AMOUNT
26 EQUAL TO THE SCHOOL DISTRICT OF RESIDENCE'S BASIC EDUCATION
27 SUBSIDY FOR THE CURRENT SCHOOL YEAR DIVIDED BY THE DISTRICT'S
28 AVERAGE DAILY MEMBERSHIP FOR THE PRIOR SCHOOL YEAR. THIS PAYMENT
29 SHALL OCCUR ONLY FOR THE FIRST YEAR OF THE ATTENDANCE OF THE
30 STUDENT IN A CHARTER SCHOOL, STARTING WITH SCHOOL YEAR 1997-

1 1998. TOTAL PAYMENTS OF TEMPORARY FINANCIAL ASSISTANCE TO SCHOOL
2 DISTRICTS ON BEHALF OF A STUDENT ENROLLING IN A CHARTER SCHOOL
3 WHO ATTENDED A NONPUBLIC SCHOOL IN THE PRIOR SCHOOL YEAR SHALL
4 BE LIMITED TO FUNDS APPROPRIATED FOR THIS PROGRAM IN A FISCAL
5 YEAR. IF THE TOTAL OF THE AMOUNT NEEDED FOR ALL STUDENTS
6 ENROLLED IN A NONPUBLIC SCHOOL IN THE PRIOR SCHOOL YEAR WHO
7 ENROLL IN A CHARTER SCHOOL EXCEEDS THE APPROPRIATION FOR THE
8 TEMPORARY FINANCIAL ASSISTANCE PROGRAM, THE AMOUNT PAID TO A
9 SCHOOL DISTRICT FOR EACH QUALIFYING STUDENT SHALL BE PRO RATA
10 REDUCED. RECEIPT OF FUNDS UNDER THIS SUBSECTION SHALL NOT
11 PRECLUDE A SCHOOL DISTRICT FROM APPLYING FOR A GRANT UNDER
12 SUBSECTION (C).

13 (C) THE COMMONWEALTH SHALL CREATE A GRANT PROGRAM TO PROVIDE
14 TEMPORARY TRANSITIONAL FUNDING TO A SCHOOL DISTRICT DUE TO THE
15 BUDGETARY IMPACT RELATING TO ANY STUDENT'S FIRST-YEAR ATTENDANCE
16 AT A CHARTER SCHOOL. THE DEPARTMENT SHALL DEVELOP CRITERIA WHICH
17 SHALL INCLUDE, BUT NOT BE LIMITED TO, THE OVERALL FISCAL IMPACT
18 ON THE BUDGET OF THE SCHOOL DISTRICT RESULTING FROM STUDENTS OF
19 A SCHOOL DISTRICT ATTENDING A CHARTER SCHOOL. THE CRITERIA SHALL
20 BE PUBLISHED IN THE PENNSYLVANIA BULLETIN. THIS SUBSECTION SHALL
21 NOT APPLY TO A PUBLIC SCHOOL CONVERTED TO A CHARTER SCHOOL UNDER
22 SECTION 1717-A(B). GRANTS SHALL BE LIMITED TO FUNDS APPROPRIATED
23 FOR THIS PURPOSE.]

24 (D) IT SHALL BE LAWFUL FOR ANY CHARTER SCHOOL ENTITY TO
25 RECEIVE, HOLD, MANAGE AND USE, ABSOLUTELY OR IN TRUST, ANY
26 DEVISE, BEQUEST, GRANT, ENDOWMENT, GIFT OR DONATION OF ANY
27 PROPERTY, REAL OR PERSONAL AND/OR MIXED, WHICH SHALL BE MADE TO
28 THE CHARTER SCHOOL ENTITY FOR ANY OF THE PURPOSES OF THIS
29 ARTICLE.

30 (E) IT SHALL BE UNLAWFUL FOR ANY TRUSTEE OF A CHARTER SCHOOL

1 ENTITY OR ANY BOARD OF TRUSTEES OF A CHARTER SCHOOL ENTITY OR
2 ANY OTHER PERSON AFFILIATED IN ANY WAY WITH A CHARTER SCHOOL
3 ENTITY TO DEMAND OR REQUEST, DIRECTLY OR INDIRECTLY, ANY GIFT,
4 DONATION OR CONTRIBUTION OF ANY KIND FROM ANY PARENT, TEACHER,
5 EMPLOYE OR ANY OTHER PERSON AFFILIATED WITH THE CHARTER SCHOOL
6 ENTITY AS A CONDITION FOR EMPLOYMENT OR ENROLLMENT AND/OR
7 CONTINUED ATTENDANCE OF ANY PUPIL. ANY DONATION, GIFT OR
8 CONTRIBUTION RECEIVED BY A CHARTER SCHOOL ENTITY SHALL BE GIVEN
9 FREELY AND VOLUNTARILY.

10 (F) A CHARTER SCHOOL ENTITY MAY NOT PROVIDE DISCOUNTS TO A
11 SCHOOL DISTRICT OR WAIVE PAYMENTS UNDER THIS SECTION FOR ANY
12 STUDENT, EXCEPT IN THE CASE OF A SCHOOL DISTRICT IDENTIFIED FOR
13 FINANCIAL RECOVERY STATUS UNDER ARTICLE VI-A.

14 SECTION 14.2. SECTIONS 1728-A AND 1729-A(A), (B) AND (C) OF
15 THE ACT, ADDED JUNE 19, 1997 (P.L.225, NO.22), ARE AMENDED TO
16 READ:

17 SECTION 1728-A. ANNUAL REPORTS AND ASSESSMENTS.--(A) (1)
18 THE LOCAL BOARD OF SCHOOL DIRECTORS SHALL ANNUALLY ASSESS AND
19 PUBLICLY REPORT WHETHER EACH CHARTER SCHOOL OR REGIONAL CHARTER
20 SCHOOL IS MEETING THE GOALS OF ITS CHARTER AND SHALL CONDUCT A
21 COMPREHENSIVE REVIEW PRIOR TO [GRANTING A FIVE (5) YEAR RENEWAL
22 OF THE CHARTER] RENEWING THE CHARTER PURSUANT TO SECTION 1720-
23 A(A) (2). THE LOCAL BOARD OF SCHOOL DIRECTORS SHALL HAVE ONGOING
24 ACCESS TO THE RECORDS AND FACILITIES OF THE CHARTER SCHOOL OR
25 REGIONAL CHARTER SCHOOL TO ENSURE THAT THE CHARTER SCHOOL OR
26 REGIONAL CHARTER SCHOOL IS IN COMPLIANCE WITH ITS CHARTER AND
27 THIS ACT AND THAT REQUIREMENTS FOR TESTING, CIVIL RIGHTS AND
28 STUDENT HEALTH AND SAFETY ARE BEING MET.

29 (2) ONGOING ACCESS TO A CHARTER SCHOOL'S OR REGIONAL CHARTER
30 SCHOOL'S RECORDS SHALL MEAN THAT THE LOCAL BOARD OF SCHOOL

1 DIRECTORS SHALL HAVE ACCESS TO RECORDS SUCH AS FINANCIAL
2 REPORTS, FINANCIAL AUDITS, TEACHER CERTIFICATION AND PERSONNEL
3 RECORDS, AND AGGREGATE STANDARDIZED TEST SCORES WITHOUT STUDENT-
4 IDENTIFYING INFORMATION.

5 (3) CHARTER SCHOOLS AND REGIONAL CHARTER SCHOOLS SHALL
6 COMPLY FULLY WITH THE REQUIREMENTS OF THE FAMILY EDUCATIONAL
7 RIGHTS AND PRIVACY ACT OF 1974 (PUBLIC LAW 90-247, 20 U.S.C. §
8 1232G) AND ASSOCIATED REGULATIONS. NO PERSONALLY IDENTIFIABLE
9 INFORMATION FROM EDUCATION RECORDS SHALL BE PROVIDED BY THE
10 CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL TO THE SCHOOL DISTRICT
11 EXCEPT IN COMPLIANCE WITH THE FAMILY EDUCATIONAL RIGHTS AND
12 PRIVACY ACT OF 1974.

13 (B) IN ORDER TO FACILITATE THE LOCAL BOARD'S REVIEW AND
14 SECRETARY'S REPORT, EACH CHARTER SCHOOL OR REGIONAL CHARTER
15 SCHOOL SHALL SUBMIT AN ANNUAL REPORT NO LATER THAN AUGUST 1 OF
16 EACH YEAR TO THE LOCAL BOARD OF SCHOOL DIRECTORS AND THE
17 SECRETARY IN THE FORM PRESCRIBED BY THE SECRETARY.

18 [(C) FIVE (5) YEARS FOLLOWING THE EFFECTIVE DATE OF THIS
19 ARTICLE, THE SECRETARY SHALL CONTRACT WITH AN INDEPENDENT
20 PROFESSIONAL CONSULTANT WITH EXPERTISE IN PUBLIC AND PRIVATE
21 EDUCATION. THE CONSULTANT SHALL RECEIVE INPUT FROM MEMBERS OF
22 THE EDUCATIONAL COMMUNITY AND THE PUBLIC ON THE CHARTER SCHOOL
23 PROGRAM. THE CONSULTANT SHALL SUBMIT A REPORT TO THE SECRETARY,
24 THE GOVERNOR AND THE GENERAL ASSEMBLY AND AN EVALUATION OF THE
25 CHARTER SCHOOL PROGRAM, WHICH SHALL INCLUDE A RECOMMENDATION ON
26 THE ADVISABILITY OF THE CONTINUATION, MODIFICATION, EXPANSION OR
27 TERMINATION OF THE PROGRAM AND ANY RECOMMENDATIONS FOR CHANGES
28 IN THE STRUCTURE OF THE PROGRAM.]

29 (D) A CHARTER SCHOOL ENTITY SHALL FORM AN INDEPENDENT AUDIT
30 COMMITTEE OF ITS BOARD OF TRUSTEES MEMBERS WHICH SHALL REVIEW AT

1 THE CLOSE OF EACH FISCAL YEAR A COMPLETE CERTIFIED AUDIT OF THE
2 OPERATIONS OF THE CHARTER SCHOOL ENTITY. THE AUDIT SHALL BE
3 CONDUCTED BY A QUALIFIED INDEPENDENT CERTIFIED PUBLIC
4 ACCOUNTANT. THE AUDIT SHALL BE CONDUCTED UNDER GENERALLY
5 ACCEPTED AUDIT STANDARDS OF THE GOVERNMENTAL ACCOUNTING
6 STANDARDS BOARD AND SHALL INCLUDE THE FOLLOWING:

7 (1) AN ENROLLMENT TEST TO VERIFY THE ACCURACY OF STUDENT
8 ENROLLMENT AND REPORTING TO THE STATE.

9 (2) FULL REVIEW OF EXPENSE REIMBURSEMENTS FOR BOARD OF
10 TRUSTEES MEMBERS AND ADMINISTRATORS, INCLUDING SAMPLING OF ALL
11 REIMBURSEMENTS.

12 (3) REVIEW OF INTERNAL CONTROLS, INCLUDING REVIEW OF
13 RECEIPTS AND DISBURSEMENTS.

14 (4) REVIEW OF ANNUAL FEDERAL AND STATE TAX FILINGS,
15 INCLUDING THE INTERNAL REVENUE SERVICE FORM 990, RETURN OF
16 ORGANIZATION EXEMPT FROM INCOME TAX AND ALL RELATED SCHEDULES
17 AND APPENDICES FOR THE CHARTER SCHOOL ENTITY AND CHARTER SCHOOL
18 FOUNDATION, IF APPLICABLE.

19 (5) REVIEW OF THE FINANCIAL STATEMENTS OF ANY CHARTER SCHOOL
20 FOUNDATION.

21 (6) REVIEW OF THE SELECTION AND ACCEPTANCE PROCESS OF ALL
22 CONTRACTS PUBLICLY BID PURSUANT TO SECTION 751.

23 (7) REVIEW OF ALL BOARD POLICIES AND PROCEDURES WITH REGARD
24 TO INTERNAL CONTROLS, CODE OF ETHICS, CONFLICTS OF INTEREST,
25 WHISTLE-BLOWER PROTECTIONS, COMPLAINTS FROM PARENTS OR THE
26 PUBLIC, COMPLIANCE WITH 65 PA.C.S. CH. 7 (RELATING TO OPEN
27 MEETINGS), FINANCES, BUDGETING, AUDITS, PUBLIC BIDDING AND
28 BONDING.

29 (E) THE CERTIFIED AUDIT UNDER SUBSECTION (D) AND THE ANNUAL
30 BUDGET UNDER SUBSECTION (G) ARE PUBLIC DOCUMENTS AND SHALL BE

1 MADE AVAILABLE ON THE CHARTER SCHOOL ENTITY'S PUBLICLY
2 ACCESSIBLE INTERNET WEBSITE, IF AVAILABLE, AND, IN THE CASE OF A
3 CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL, ON THE SCHOOL
4 DISTRICT'S PUBLICLY ACCESSIBLE INTERNET WEBSITE.

5 (F) A CHARTER SCHOOL ENTITY MAY BE SUBJECT TO AN ANNUAL
6 AUDIT BY THE AUDITOR GENERAL, IN ADDITION TO ANY OTHER AUDITS
7 REQUIRED BY FEDERAL LAW OR THIS ARTICLE.

8 (G) A CHARTER SCHOOL ENTITY SHALL ANNUALLY PROVIDE THE
9 DEPARTMENT AND, IN THE CASE OF A CHARTER SCHOOL OR REGIONAL
10 CHARTER SCHOOL, SHALL ANNUALLY PROVIDE THE SCHOOL DISTRICT, WITH
11 A COPY OF THE ANNUAL BUDGET FOR THE OPERATION OF THE CHARTER
12 SCHOOL ENTITY THAT IDENTIFIES THE FOLLOWING:

13 (1) THE SOURCE OF FUNDING FOR ALL EXPENDITURES.

14 (2) WHERE FUNDING IS PROVIDED BY A CHARTER SCHOOL
15 FOUNDATION, THE AMOUNT OF FUNDS AND A DESCRIPTION OF THE USE OF
16 THE FUNDS.

17 (3) THE SALARIES OF ALL ADMINISTRATORS OF THE CHARTER SCHOOL
18 ENTITY.

19 (4) ALL EXPENDITURES TO AN EDUCATIONAL MANAGEMENT SERVICE
20 PROVIDER.

21 (H) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A
22 CHARTER SCHOOL ENTITY AND ANY AFFILIATED CHARTER SCHOOL
23 FOUNDATION SHALL MAKE COPIES OF ITS ANNUAL FEDERAL AND STATE TAX
24 FILINGS AVAILABLE UPON REQUEST AND ON THE CHARTER SCHOOL
25 ENTITY'S OR FOUNDATION'S PUBLICLY ACCESSIBLE INTERNET WEBSITE,
26 IF AVAILABLE, INCLUDING INTERNAL REVENUE SERVICE FORM 990,
27 RETURN OF ORGANIZATION EXEMPT FROM INCOME TAX AND ALL RELATED
28 SCHEDULES AND APPENDICES.

29 (2) THE CHARTER SCHOOL FOUNDATION SHALL ALSO MAKE COPIES OF
30 ITS ANNUAL BUDGET AVAILABLE UPON REQUEST AND ON THE FOUNDATION'S

1 OR THE CHARTER SCHOOL ENTITY'S PUBLICLY ACCESSIBLE INTERNET
2 WEBSITE WITHIN THIRTY (30) DAYS OF THE CLOSE OF THE FOUNDATION'S
3 FISCAL YEAR.

4 (3) THE ANNUAL BUDGET SHALL INCLUDE THE SALARIES OF ALL
5 EMPLOYES OF THE CHARTER SCHOOL FOUNDATION.

6 SECTION 1729-A. CAUSES FOR NONRENEWAL OR TERMINATION.-- (A)
7 DURING THE TERM OF THE CHARTER OR AT THE END OF THE TERM OF THE
8 CHARTER, THE LOCAL BOARD OF SCHOOL DIRECTORS MAY CHOOSE TO
9 REVOKE OR NOT TO RENEW THE CHARTER BASED ON ANY OF THE
10 FOLLOWING:

11 (1) ONE OR MORE MATERIAL VIOLATIONS OF ANY OF THE
12 CONDITIONS, STANDARDS OR PROCEDURES CONTAINED IN THE WRITTEN
13 CHARTER SIGNED PURSUANT TO SECTION 1720-A.

14 (2) FAILURE TO MEET THE REQUIREMENTS FOR STUDENT PERFORMANCE
15 [SET FORTH IN 22 PA. CODE CH. 5 (RELATING TO CURRICULUM) OR
16 SUBSEQUENT REGULATIONS PROMULGATED TO REPLACE 22 PA. CODE CH. 5]
17 ON ASSESSMENTS OR FAILURE TO MEET ANY PERFORMANCE STANDARD SET
18 FORTH IN THE WRITTEN CHARTER SIGNED PURSUANT TO SECTION [1716-A]
19 1720-A.

20 (3) FAILURE TO MEET GENERALLY ACCEPTED STANDARDS OF FISCAL
21 MANAGEMENT OR AUDIT REQUIREMENTS.

22 (4) VIOLATION OF PROVISIONS OF THIS ARTICLE.

23 (5) VIOLATION OF ANY PROVISION OF LAW FROM WHICH THE CHARTER
24 SCHOOL ENTITY HAS NOT BEEN EXEMPTED, INCLUDING FEDERAL LAWS AND
25 REGULATIONS GOVERNING CHILDREN WITH DISABILITIES.

26 [(6) THE CHARTER SCHOOL HAS BEEN CONVICTED OF FRAUD.]

27 * * *

28 (B) [A MEMBER OF THE BOARD OF TRUSTEES WHO IS CONVICTED OF A
29 FELONY OR ANY CRIME INVOLVING MORAL TURPITUDE SHALL BE
30 IMMEDIATELY DISQUALIFIED FROM SERVING ON THE BOARD OF TRUSTEES.]

1 IF, AFTER A HEARING UNDER THIS SECTION, A LOCAL BOARD OF SCHOOL
2 DIRECTORS OR, IN THE CASE OF A CYBER CHARTER SCHOOL, THE
3 DEPARTMENT, PROVES BY A PREPONDERANCE OF THE EVIDENCE THAT AN
4 ADMINISTRATOR OR BOARD MEMBER OF A CHARTER SCHOOL ENTITY HAS
5 VIOLATED THIS ARTICLE, THE TERMS AND CONDITIONS OF THE CHARTER
6 OR ANY OTHER LAW, THE LOCAL BOARD OF SCHOOL DIRECTORS OR, IN THE
7 CASE OF A CYBER CHARTER SCHOOL, THE DEPARTMENT MAY REQUIRE THE
8 CHARTER SCHOOL ENTITY TO REPLACE AN ADMINISTRATOR OR BOARD OF
9 TRUSTEES MEMBER IN ORDER TO OBTAIN RENEWAL OF THE CHARTER. THE
10 LOCAL BOARD OF SCHOOL DIRECTORS OR, IN THE CASE OF A CYBER
11 CHARTER SCHOOL, THE DEPARTMENT MAY REFER ITS FINDINGS TO THE
12 DISTRICT ATTORNEY WITH JURISDICTION OR TO THE OFFICE OF ATTORNEY
13 GENERAL FOR PROSECUTION IF THE LOCAL BOARD OF SCHOOL DIRECTORS
14 OR, IN THE CASE OF A CYBER CHARTER SCHOOL, THE DEPARTMENT
15 DISCOVERS OR RECEIVES INFORMATION ABOUT POSSIBLE VIOLATIONS OF
16 LAW BY ANY PERSON AFFILIATED WITH OR EMPLOYED BY A CHARTER
17 SCHOOL ENTITY. A MEMBER OF THE BOARD OF TRUSTEES WHO IS
18 CONVICTED OF A FELONY OR ANY CRIME INVOLVING MORAL TURPITUDE
19 SHALL BE IMMEDIATELY DISQUALIFIED FROM SERVING ON THE BOARD OF
20 TRUSTEES.

21 (C) ANY NOTICE OF REVOCATION OR NONRENEWAL OF A CHARTER
22 GIVEN BY THE LOCAL BOARD OF SCHOOL DIRECTORS OF A SCHOOL
23 DISTRICT SHALL STATE THE GROUNDS FOR SUCH ACTION WITH REASONABLE
24 SPECIFICITY AND GIVE REASONABLE NOTICE TO THE [GOVERNING] BOARD
25 OF TRUSTEES OF THE CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL OF
26 THE DATE ON WHICH A PUBLIC HEARING CONCERNING THE REVOCATION OR
27 NONRENEWAL WILL BE HELD. THE LOCAL BOARD OF SCHOOL DIRECTORS
28 SHALL CONDUCT SUCH HEARING, PRESENT EVIDENCE IN SUPPORT OF THE
29 GROUNDS FOR REVOCATION OR NONRENEWAL STATED IN ITS NOTICE AND
30 GIVE THE CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL REASONABLE

1 OPPORTUNITY TO OFFER TESTIMONY BEFORE TAKING FINAL ACTION.
2 FORMAL ACTION REVOKING OR NOT RENEWING A CHARTER SHALL BE TAKEN
3 BY THE LOCAL BOARD OF SCHOOL DIRECTORS AT A PUBLIC MEETING HELD
4 PURSUANT TO [THE ACT OF JULY 3, 1986 (P.L.388, NO.84), KNOWN AS
5 THE "SUNSHINE ACT,"] 65 PA.C.S. CH. 7 (RELATING TO OPEN
6 MEETINGS) AFTER THE PUBLIC HAS HAD THIRTY (30) DAYS TO PROVIDE
7 COMMENTS TO THE BOARD. ALL PROCEEDINGS OF THE LOCAL BOARD
8 PURSUANT TO THIS SUBSECTION SHALL BE SUBJECT TO 2 PA.C.S. CH. 5
9 SUBCH. B (RELATING TO PRACTICE AND PROCEDURE OF LOCAL AGENCIES).
10 EXCEPT AS PROVIDED IN SUBSECTION (D), THE DECISION OF THE LOCAL
11 BOARD SHALL NOT BE SUBJECT TO 2 PA.C.S. CH. 7 SUBCH. B (RELATING
12 TO JUDICIAL REVIEW OF LOCAL AGENCY ACTION).

13 * * *

14 SECTION 14.3. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:

15 SECTION 1729.1-A. EVALUATION OF EDUCATORS.--(A) ALL
16 APPLICATIONS BY A CHARTER SCHOOL ENTITY FOR A CHARTER OR FOR THE
17 RENEWAL OF A CHARTER SHALL INCLUDE A SYSTEM OF EVALUATION FOR
18 EDUCATORS THAT INCLUDES:

19 (1) AT LEAST FOUR (4) RATING CATEGORIES OF EDUCATOR
20 PERFORMANCE.

21 (2) MULTIPLE MEASURES OF STUDENT PERFORMANCE WHICH SHALL
22 INCLUDE, BUT MAY NOT BE LIMITED TO, VALUE-ADDED ASSESSMENT
23 SYSTEM DATA MADE AVAILABLE BY THE DEPARTMENT UNDER SECTION 221
24 AND STUDENT PERFORMANCE ON THE MOST RECENT ASSESSMENTS FOR WHICH
25 RESULTS HAVE BEEN RELEASED BY THE DEPARTMENT AND MAY INCLUDE
26 GOALS SPECIFIC TO THE MISSION OF THE CHARTER SCHOOL ENTITY'S
27 CHARTER.

28 (B) NOTHING IN THIS SECTION SHALL PREEMPT THE POWERS OF A
29 BOARD OF TRUSTEES UNDER SECTION 1716-A(A) NOR AFFECT THE INTENT
30 OF THE GENERAL ASSEMBLY PROVIDED IN SECTION 1702-A(3) AND (4).

1 (C) FOR PURPOSES OF THIS SECTION, THE TERM "EDUCATOR" SHALL
2 INCLUDE ALL PROFESSIONAL EMPLOYES WHO ARE CERTIFIED AS TEACHERS
3 AND NONCERTIFIED STAFF MEMBERS WHO TEACH IN A CHARTER SCHOOL
4 ENTITY.

5 SECTION 1729.2-A. MULTIPLE CHARTER SCHOOL ORGANIZATIONS.--

6 (A) ESTABLISHMENT SHALL BE AS FOLLOWS:

7 (1) SUBJECT TO THE REQUIREMENTS OF THIS SECTION AND 15
8 PA.C.S. PT. II SUBPT. C (RELATING TO NONPROFIT CORPORATIONS),
9 TWO (2) OR MORE CHARTER SCHOOLS MAY CONSOLIDATE INTO A MULTIPLE
10 CHARTER SCHOOL ORGANIZATION IF BOTH OF THE FOLLOWING APPLY:

11 (I) THE DEPARTMENT APPROVES THE CONSOLIDATION AS PROPOSED IN
12 THE APPLICATION FORM SUBMITTED TO THE DEPARTMENT PURSUANT TO
13 SUBSECTION (C). IF THE DEPARTMENT DOES NOT APPROVE OR DISAPPROVE
14 THE PROPOSED CONSOLIDATION WITHIN FORTY-FIVE (45) DAYS AFTER
15 RECEIPT OF THE APPLICATION, THE DEPARTMENT WILL BE DEEMED TO
16 HAVE APPROVED THE CONSOLIDATION.

17 (II) EACH SCHOOL DISTRICT THAT GRANTED THE INITIAL CHARTER
18 OF ANY CHARTER SCHOOL INCLUDED IN THE PROPOSED CONSOLIDATION
19 APPROVES, BY A MAJORITY VOTE OF THE LOCAL BOARD OF SCHOOL
20 DIRECTORS, A RESOLUTION APPROVING THE CONSOLIDATION AS PROPOSED
21 IN THE APPLICATION SUBMITTED TO THE LOCAL BOARD OF SCHOOL
22 DIRECTORS PURSUANT TO SUBSECTION (C). IF A LOCAL BOARD OF SCHOOL
23 DIRECTORS DOES NOT ADOPT A RESOLUTION UNDER THIS CLAUSE
24 APPROVING OR REJECTING THE PROPOSED CONSOLIDATION WITHIN FORTY-
25 FIVE (45) DAYS AFTER RECEIPT OF THE APPLICATION, THE SCHOOL
26 DISTRICT WILL BE DEEMED TO HAVE APPROVED THE CONSOLIDATION.

27 (2) THE MULTIPLE CHARTER SCHOOL ORGANIZATION SHALL BE:

28 (I) GRANTED LEGAL AUTHORITY TO OPERATE TWO (2) OR MORE
29 INDIVIDUAL CHARTER SCHOOLS UNDER THE OVERSIGHT OF A SINGLE BOARD
30 OF TRUSTEES AND A CHIEF ADMINISTRATOR WHO SHALL OVERSEE AND

1 MANAGE THE OPERATION OF THE INDIVIDUAL CHARTER SCHOOLS UNDER ITS
2 ORGANIZATION; AND

3 (II) SUBJECT TO ALL OF THE REQUIREMENTS OF THIS ARTICLE
4 UNLESS OTHERWISE PROVIDED FOR UNDER THIS SECTION.

5 (3) NOTHING UNDER THIS SECTION SHALL BE CONSTRUED TO AFFECT
6 OR CHANGE THE TERMS OR CONDITIONS OF ANY INDIVIDUAL CHARTER
7 PREVIOUSLY GRANTED THAT IS CONSOLIDATED UNDER THIS SECTION,
8 INCLUDING, BUT NOT LIMITED TO, ANY OBLIGATION OF A SCHOOL
9 DISTRICT TO PROVIDE TRANSPORTATION FOR STUDENTS ENROLLED IN AN
10 INDIVIDUAL CHARTER SCHOOL WITHIN A MULTIPLE CHARTER SCHOOL
11 ORGANIZATION.

12 (B) A CHARTER SCHOOL THAT, WITHIN EITHER OF THE MOST RECENT
13 TWO (2) SCHOOL YEARS, HAS FAILED TO MEET ANY OF THE FOLLOWING
14 SHALL NOT BE ELIGIBLE TO CONSOLIDATE WITH ANOTHER CHARTER
15 SCHOOL:

16 (1) REQUIREMENTS FOR STUDENT PERFORMANCE SET FORTH IN 22 PA.
17 CODE CH. 4 (RELATING TO ACADEMIC STANDARDS AND ASSESSMENT).

18 (2) ACCEPTED STANDARDS OF FISCAL MANAGEMENT OR AUDIT
19 REQUIREMENTS.

20 (3) PERFORMANCE STANDARDS SET FORTH BY THE PERFORMANCE
21 MATRIX ESTABLISHED UNDER SECTION 1731.2-A OR, PRIOR TO THE
22 EFFECTIVE DATE OF THE REGULATIONS IMPLEMENTING THE PERFORMANCE
23 MATRIX, A SCHOOL PERFORMANCE PROFILE SCORE THAT IS AMONG THE TOP
24 TWENTY-FIFTH PERCENTILE OF PENNSYLVANIA CHARTER SCHOOLS AS
25 MEASURED BY THE SCHOOL PERFORMANCE PROFILE FOR THE MOST RECENT
26 YEAR FOR WHICH A SCHOOL PERFORMANCE PROFILE SCORE IS AVAILABLE;
27 PROVIDED, THAT A CHARTER SCHOOL THAT HAS FAILED TO MEET ANY OF
28 THESE REQUIREMENTS MAY CONSOLIDATE IF THE CONSOLIDATION INCLUDES
29 A CHARTER SCHOOL DEMONSTRATING THAT IT HAS SATISFIED SUCH
30 REQUIREMENTS FOR THE MOST RECENT TWO (2) SCHOOL YEARS.

1 (C) THE DEPARTMENT SHALL DEVELOP AND ISSUE A STANDARD
2 APPLICATION FORM THAT MULTIPLE CHARTER SCHOOL ORGANIZATION
3 APPLICANTS MUST SUBMIT TO THE DEPARTMENT AND TO THE LOCAL BOARD
4 OF SCHOOL DIRECTORS OF EACH SCHOOL DISTRICT THAT GRANTED THE
5 INITIAL CHARTER OF ANY CHARTER SCHOOL INCLUDED IN THE PROPOSED
6 CONSOLIDATION. THE APPLICATION FORM SHALL CONTAIN THE FOLLOWING
7 INFORMATION:

8 (1) THE NAME OF THE MULTIPLE CHARTER SCHOOL ORGANIZATION.

9 (2) THE NAMES OF THE CHARTER SCHOOLS SEEKING CONSOLIDATION
10 UNDER THIS SECTION.

11 (3) A COPY OF THE APPROVED CHARTER OF EACH CHARTER SCHOOL
12 SEEKING TO CONSOLIDATE UNDER THIS SECTION.

13 (4) AN ORGANIZATIONAL CHART CLEARLY PRESENTING THE PROPOSED
14 GOVERNANCE STRUCTURE OF THE MULTIPLE CHARTER SCHOOL
15 ORGANIZATION, INCLUDING LINES OF AUTHORITY AND REPORTING BETWEEN
16 THE BOARD OF TRUSTEES, CHIEF ADMINISTRATOR, ADMINISTRATORS,
17 STAFF AND ANY EDUCATIONAL MANAGEMENT SERVICE PROVIDER THAT WILL
18 PLAY A ROLE IN PROVIDING MANAGEMENT SERVICES TO THE CHARTER
19 SCHOOLS UNDER ITS JURISDICTION.

20 (5) A CLEAR DESCRIPTION OF THE ROLES AND RESPONSIBILITIES
21 FOR THE BOARD OF TRUSTEES, CHIEF ADMINISTRATOR, ADMINISTRATORS
22 AND ANY OTHER ENTITIES, INCLUDING A CHARTER SCHOOL FOUNDATION,
23 SHOWN IN THE ORGANIZATIONAL CHART.

24 (6) A CLEAR DESCRIPTION OF THE METHOD FOR THE APPOINTMENT OR
25 ELECTION OF MEMBERS OF THE BOARD OF TRUSTEES.

26 (7) STANDARDS FOR BOARD OF TRUSTEES PERFORMANCE, INCLUDING
27 COMPLIANCE WITH ALL APPLICABLE LAWS, REGULATIONS AND TERMS OF
28 THE CHARTER.

29 (8) ENROLLMENT PROCEDURES FOR EACH INDIVIDUAL CHARTER SCHOOL
30 INCLUDED IN ITS CHARTER.

1 (9) ANY OTHER INFORMATION AS DEEMED NECESSARY BY THE STATE
2 BOARD.

3 (D) A MULTIPLE CHARTER SCHOOL ORGANIZATION MAY:

4 (1) PARTICIPATE IN THE ASSESSMENT SYSTEM IN THE SAME MANNER
5 IN WHICH A SCHOOL DISTRICT PARTICIPATES, WITH ITS INDIVIDUAL
6 CHARTER SCHOOLS PARTICIPATING IN THE ASSESSMENT SYSTEM IN THE
7 SAME MANNER AS INDIVIDUAL SCHOOLS WITHIN SCHOOL DISTRICTS. ALL
8 DATA GATHERED FOR PURPOSES OF EVALUATION SHALL BE GATHERED IN
9 THE SAME MANNER IN WHICH DATA IS GATHERED IN THE CASE OF SCHOOL
10 DISTRICTS AND INDIVIDUAL SCHOOLS WITHIN SCHOOL DISTRICTS.
11 NOTHING IN THIS PARAGRAPH SHALL ALTER THE MANNER IN WHICH
12 CHARTER SCHOOL PERFORMANCE ON ASSESSMENTS IS MEASURED AS
13 REQUIRED UNDER THE NO CHILD LEFT BEHIND ACT OF 2001 (PUBLIC LAW
14 107-110, 115 STAT. 1425), OR ITS SUCCESSOR FEDERAL STATUTE.

15 (2) ADD EXISTING CHARTER SCHOOLS TO ITS ORGANIZATION BY
16 OBTAINING THE APPROVAL OF THE DEPARTMENT AND OF THE SCHOOL
17 DISTRICT THAT GRANTED THE INITIAL CHARTER OF EACH CHARTER SCHOOL
18 PROPOSED TO BE ADDED UNDER SUBSECTION (A) (1).

19 (3) ALLOW STUDENTS ENROLLED IN AN INDIVIDUAL CHARTER SCHOOL
20 TO MATRICULATE TO ANOTHER INDIVIDUAL CHARTER SCHOOL UNDER ITS
21 OVERSIGHT SO AS TO COMPLETE A COURSE OF INSTRUCTION IN AN
22 EDUCATIONAL INSTITUTION FROM KINDERGARTEN THROUGH GRADE TWELVE
23 OR OTHERWISE IN THE BEST INTERESTS OF THE STUDENT.

24 (E) A MULTIPLE CHARTER SCHOOL ORGANIZATION SHALL BE REGARDED
25 AS THE HOLDER OF THE CHARTER OF EACH INDIVIDUAL CHARTER SCHOOL
26 UNDER ITS OVERSIGHT AND EACH PREVIOUSLY OR SUBSEQUENTLY AWARDED
27 CHARTER SHALL BE SUBJECT TO NONRENEWAL OR REVOCATION BY THE
28 LOCAL BOARD OF SCHOOL DIRECTORS THAT GRANTED THE INITIAL CHARTER
29 IN ACCORDANCE WITH THIS ACT. THE NONRENEWAL OR REVOCATION OF THE
30 CHARTER OF AN INDIVIDUAL CHARTER SCHOOL UNDER THE OVERSIGHT OF A

1 MULTIPLE CHARTER SCHOOL ORGANIZATION SHALL NOT AFFECT THE STATUS
2 OF A CHARTER AWARDED FOR ANY OTHER INDIVIDUAL CHARTER SCHOOL
3 UNDER THE OVERSIGHT OF THE MULTIPLE CHARTER SCHOOL ORGANIZATION.

4 (F) APPEALS SHALL BE AS FOLLOWS:

5 (1) THE APPEAL BOARD SHALL HAVE THE EXCLUSIVE REVIEW OF AN
6 APPEAL BY AN APPLICANT FOR CONSOLIDATION, WITH RESPECT TO THE
7 REJECTION OF A PROPOSED CONSOLIDATION BY EITHER THE DEPARTMENT
8 OR A SCHOOL DISTRICT.

9 (2) IN CONSIDERING AN APPEAL UNDER THIS SECTION, THE APPEAL
10 BOARD SHALL:

11 (I) REVIEW THE DECISION MADE BY EITHER THE DEPARTMENT OR THE
12 SCHOOL DISTRICT ON THE RECORD AS CERTIFIED BY THE ENTITY THAT
13 MADE THE DECISION BEING APPEALED, PROVIDED THAT THE APPEAL BOARD
14 MAY ALLOW THE DEPARTMENT, A SCHOOL DISTRICT OR THE APPLICANT FOR
15 CONSOLIDATION TO SUPPLEMENT THE RECORD IF THE SUPPLEMENTAL
16 INFORMATION WAS PREVIOUSLY UNAVAILABLE.

17 (II) MEET TO OFFICIALLY REVIEW THE CERTIFIED RECORD NO LATER
18 THAN THIRTY (30) DAYS AFTER THE DATE OF FILING THE APPEAL.

19 (III) ISSUE A WRITTEN DECISION AFFIRMING OR DENYING THE
20 APPEAL NO LATER THAN SIXTY (60) DAYS FOLLOWING ITS REVIEW OF THE
21 CERTIFIED RECORD.

22 (IV) MAKE ITS DECISION BASED ON WHETHER THE PROPOSED
23 CONSOLIDATION SATISFIES THE REQUIREMENTS OF SUBSECTIONS (B) AND
24 (C).

25 (3) THE SECRETARY SHALL RECUSE HIMSELF FROM ALL APPEALS OF
26 DECISIONS BY THE DEPARTMENT AND SHALL NOT PARTICIPATE IN A
27 HEARING, DELIBERATION OR VOTE ON ANY APPEAL OF A DECISION MADE
28 BY THE DEPARTMENT.

29 (4) ALL DECISIONS OF THE APPEAL BOARD SHALL BE SUBJECT TO
30 APPELLATE REVIEW BY THE COMMONWEALTH COURT. IN THE EVENT OF AN

1 APPEAL OF A DECISION BY THE APPEAL BOARD TO THE COMMONWEALTH
2 COURT, THE DECISION OF THE APPEAL BOARD SHALL BE STAYED ONLY
3 UPON ORDER OF THE APPEAL BOARD, THE COMMONWEALTH COURT OR THE
4 PENNSYLVANIA SUPREME COURT.

5 (G) FOR PURPOSES OF THIS SECTION, THE TERM "CHARTER SCHOOL"
6 SHALL INCLUDE A REGIONAL CHARTER SCHOOL.

7 SECTION 1731.1-A. FUND BALANCE LIMITS.--FUND BALANCE LIMITS
8 SHALL BE AS FOLLOWS:

9 (1) FOR THE 2016-2017 SCHOOL YEAR AND EACH SCHOOL YEAR
10 THEREAFTER, A CHARTER SCHOOL ENTITY SHALL NOT ACCUMULATE AN
11 UNASSIGNED FUND BALANCE GREATER THAN THE CHARTER SCHOOL ENTITY
12 UNASSIGNED FUND BALANCE LIMIT, WHICH WILL BE DETERMINED AS
13 FOLLOWS:

<u>CHARTER SCHOOL ENTITY</u>	<u>MAXIMUM UNASSIGNED FUND</u>
<u>TOTAL BUDGETED EXPENDITURES</u>	<u>BALANCE AS PERCENTAGE OF</u>
<u>TOTAL BUDGETED EXPENDITURES</u>	<u>TOTAL BUDGETED EXPENDITURES</u>
<u>LESS THAN OR EQUAL TO \$11,999,999</u>	<u>16%</u>
<u>BETWEEN \$12,000,000 AND \$12,999,999</u>	<u>15.5%</u>
<u>BETWEEN \$13,000,000 AND \$13,999,999</u>	<u>15%</u>
<u>BETWEEN \$14,000,000 AND \$14,999,999</u>	<u>14.5%</u>
<u>BETWEEN \$15,000,000 AND \$15,999,999</u>	<u>14%</u>
<u>BETWEEN \$16,000,000 AND \$16,999,999</u>	<u>13.5%</u>
<u>BETWEEN \$17,000,000 AND \$17,999,999</u>	<u>13%</u>
<u>BETWEEN \$18,000,000 AND \$18,999,999</u>	<u>12.5%</u>
<u>GREATER THAN OR EQUAL TO \$19,000,000</u>	<u>12%</u>

26 (2) FOR THE 2016-2017 SCHOOL YEAR AND EACH SCHOOL YEAR
27 THEREAFTER, ANY UNASSIGNED FUND BALANCE IN PLACE ON JUNE 30,
28 2017, AND ON JUNE 30 OF EACH YEAR THEREAFTER IN EXCESS OF THE
29 CHARTER SCHOOL ENTITY UNASSIGNED FUND BALANCE LIMIT SHALL BE
30 REFUNDED ON A PRO RATA BASIS WITHIN NINETY (90) DAYS TO ALL

1 SCHOOL DISTRICTS THAT PAID TUITION TO THE CHARTER SCHOOL ENTITY
2 IN THE PRIOR SCHOOL YEAR, BASED UPON THE NUMBER OF STUDENTS FOR
3 WHOM EACH SCHOOL DISTRICT PAID TUITION TO THE CHARTER SCHOOL
4 ENTITY MULTIPLIED BY THE SCHOOL DISTRICT'S PER STUDENT PAYMENT
5 UNDER SECTION 1725-A.

6 (3) BY OCTOBER 31, 2017, AND BY OCTOBER 31 OF EACH YEAR
7 THEREAFTER, EACH CHARTER SCHOOL ENTITY SHALL PROVIDE THE
8 DEPARTMENT AND ALL SCHOOL DISTRICTS THAT PAID TUITION TO THE
9 CHARTER SCHOOL ENTITY IN THE PRIOR SCHOOL YEAR WITH INFORMATION
10 CERTIFYING COMPLIANCE WITH THIS SECTION. THE INFORMATION SHALL
11 BE PROVIDED IN A FORM AND MANNER PRESCRIBED BY THE DEPARTMENT
12 AND SHALL INCLUDE INFORMATION ON THE CHARTER SCHOOL ENTITY'S
13 ESTIMATED ENDING UNASSIGNED FUND BALANCE EXPRESSED AS A DOLLAR
14 AMOUNT AND AS A PERCENTAGE OF THE CHARTER SCHOOL ENTITY'S TOTAL
15 BUDGETED EXPENDITURES FOR THAT SCHOOL YEAR.

16 (4) UNASSIGNED FUNDS OF THE CHARTER SCHOOL ENTITY IN EXCESS
17 OF THE UNASSIGNED FUND BALANCE LIMIT MAY NOT BE USED TO PAY
18 BONUSES TO ANY ADMINISTRATOR, BOARD OF TRUSTEES MEMBER, EMPLOYE,
19 STAFF MEMBER OR CONTRACTOR AND MAY NOT BE TRANSFERRED TO A
20 CHARTER SCHOOL FOUNDATION. IF A CHARTER SCHOOL ENTITY USES FUNDS
21 IN EXCESS OF THE UNASSIGNED FUND BALANCE LIMIT TO PAY BONUSES TO
22 ANY ADMINISTRATOR, BOARD OF TRUSTEES MEMBER, EMPLOYE, STAFF
23 MEMBER OR CONTRACTOR OR TRANSFERS SUCH FUNDS TO A CHARTER SCHOOL
24 FOUNDATION, THE VALUE OF THE BONUS PAYMENT OR FUND TRANSFER
25 SHALL BE REFUNDED ON A PRO RATA BASIS TO ALL SCHOOL DISTRICTS
26 THAT PAID TUITION TO THE CHARTER SCHOOL ENTITY IN THE PRIOR
27 SCHOOL YEAR, BASED UPON THE NUMBER OF STUDENTS FOR WHOM EACH
28 SCHOOL DISTRICT PAID TUITION TO THE CHARTER SCHOOL ENTITY
29 MULTIPLIED BY THE SCHOOL DISTRICT'S PER STUDENT PAYMENT UNDER
30 SECTION 1725-A.

1 (5) AS USED IN THIS SECTION, "UNASSIGNED FUND BALANCE" SHALL
2 MEAN THAT PORTION OF THE FUND BALANCE OF A CHARTER SCHOOL ENTITY
3 THAT PROVIDES FUNDING OR RESOURCES OR OTHERWISE SERVES TO
4 SUPPORT THE CHARTER SCHOOL ENTITY THAT IS:

5 (I) AVAILABLE FOR EXPENDITURE OR NOT LEGALLY OR OTHERWISE
6 SEGREGATED FOR A SPECIFIC OR TENTATIVE FUTURE USE; AND

7 (II) HELD IN THE GENERAL FUND ACCOUNTS OF THE CHARTER SCHOOL
8 ENTITY.

9 SECTION 1731.2-A. PERFORMANCE MATRIX.--THE FOLLOWING SHALL
10 APPLY:

11 (1) WITHIN TWENTY-FOUR (24) MONTHS OF THE EFFECTIVE DATE OF
12 THIS SECTION, THE STATE BOARD SHALL DEVELOP A STANDARD
13 PERFORMANCE MATRIX TO EVALUATE CHARTER SCHOOL ENTITY PERFORMANCE
14 AND SHALL PROMULGATE REGULATIONS PURSUANT TO THE ACT OF JUNE 25,
15 1982 (P.L.633, NO.181), KNOWN AS THE "REGULATORY REVIEW ACT," TO
16 IMPLEMENT THIS SECTION.

17 (2) THE PERFORMANCE MATRIX SHALL ASSESS PERFORMANCE BY
18 UTILIZING OBJECTIVE CRITERIA, INCLUDING, BUT NOT LIMITED TO:
19 STUDENT PERFORMANCE ON ASSESSMENTS; ANNUAL GROWTH AS MEASURED BY
20 THE PENNSYLVANIA VALUE-ADDED ASSESSMENT SYSTEM; ATTENDANCE;
21 ATTRITION RATES; GRADUATION RATES; OTHER STANDARDIZED TEST
22 SCORES; SCHOOL SAFETY; PARENT SATISFACTION; ACCREDITATION BY A
23 NATIONALLY RECOGNIZED ACCREDITATION AGENCY, INCLUDING THE MIDDLE
24 STATES ASSOCIATION OF COLLEGES AND SCHOOLS OR ANOTHER REGIONAL
25 INSTITUTIONAL ACCREDITING AGENCY RECOGNIZED BY THE UNITED STATES
26 DEPARTMENT OF EDUCATION OR AN EQUIVALENT FEDERALLY RECOGNIZED
27 BODY FOR CHARTER SCHOOL EDUCATION; AND OTHER MEASURES OF SCHOOL
28 QUALITY, INCLUDING MEASURES FOR ASSESSING TEACHER EFFECTIVENESS.

29 (3) IN DEVELOPING THE PERFORMANCE MATRIX, THE STATE BOARD
30 SHALL DETERMINE AN ACADEMIC QUALITY BENCHMARK THE SATISFACTION

1 OF WHICH SHALL QUALIFY A CHARTER SCHOOL ENTITY FOR A TEN (10)
2 YEAR RENEWAL TERM PURSUANT TO SECTION 1720-A(A) (2) OR 1745-A(F)
3 (3). THE ACADEMIC QUALITY BENCHMARK SHALL BE INCLUDED IN THE
4 REGULATIONS REQUIRED UNDER CLAUSE (1).

5 (4) IN DEVELOPING THE PERFORMANCE MATRIX, THE STATE BOARD
6 MAY:

7 (I) CONTRACT FOR CONSULTING SERVICES WITH AN ENTITY THAT HAS
8 EXPERIENCE IN DEVELOPING PERFORMANCE MATRICES IF THE SERVICES
9 ARE PROCURED THROUGH A COMPETITIVE BIDDING PROCESS.

10 (II) TO THE EXTENT POSSIBLE, UTILIZE AN EXISTING DATABASE
11 DEVELOPED BY THE DEPARTMENT, INCLUDING THE SCHOOL PERFORMANCE
12 PROFILE.

13 (5) NEITHER THE DEPARTMENT NOR ANY LOCAL BOARD OF SCHOOL
14 DIRECTORS OR OTHER SCHOOL DISTRICT GOVERNING AUTHORITY MAY
15 DEVELOP A SEPARATE PERFORMANCE MATRIX FOR THE EVALUATION OF A
16 CHARTER SCHOOL ENTITY. THE DEPARTMENT SHALL REVIEW THE
17 PERFORMANCE MATRIX EVERY THREE (3) YEARS TO ENSURE THE
18 PERFORMANCE MATRIX PROPERLY MEASURES SCHOOL QUALITY AND SHALL
19 SUBMIT ANY RECOMMENDATIONS IN WRITING TO THE STATE BOARD OF
20 EDUCATION, THE EDUCATION COMMITTEE OF THE SENATE AND THE
21 EDUCATION COMMITTEE OF THE HOUSE OF REPRESENTATIVES. SUCH
22 RECOMMENDED REVISIONS SHALL NOT TAKE EFFECT UNLESS THE STATE
23 BOARD OF EDUCATION PROMULGATES REGULATIONS TO ADOPT THE
24 REVISIONS PURSUANT TO THE "REGULATORY REVIEW ACT."

25 (6) (I) A LOCAL BOARD OF SCHOOL DIRECTORS OR OTHER SCHOOL
26 DISTRICT GOVERNING AUTHORITY SHALL UTILIZE THE STANDARD
27 PERFORMANCE MATRIX AS A PRIMARY FACTOR IN EVALUATING RENEWAL
28 CHARTER SCHOOL AND REGIONAL CHARTER SCHOOL APPLICANTS AND IN
29 ANNUAL MONITORING AND EVALUATION OF CHARTER SCHOOLS AND REGIONAL
30 CHARTER SCHOOLS.

1 (II) THE DEPARTMENT SHALL UTILIZE THE STANDARD PERFORMANCE
2 MATRIX AS A PRIMARY FACTOR IN EVALUATING RENEWAL CYBER CHARTER
3 SCHOOL APPLICANTS, IN EVALUATING CONSOLIDATION APPLICATIONS
4 UNDER SECTION 1729.2-A AND IN ANNUAL MONITORING AND EVALUATION
5 OF CYBER CHARTER SCHOOLS.

6 (7) (I) IN DEVELOPING THE PERFORMANCE MATRIX AND
7 PROMULGATING THE REGULATIONS REQUIRED UNDER CLAUSE (1), THE
8 STATE BOARD SHALL CONVENE AND CONSULT WITH A STATEWIDE ADVISORY
9 COMMITTEE WHICH SHALL CONSIST OF REPRESENTATIVES OF THE
10 DEPARTMENT AND A MINIMUM OF SEVEN (7) REPRESENTATIVES FROM
11 CHARTER SCHOOLS, REGIONAL CHARTER SCHOOLS, CYBER CHARTER SCHOOLS
12 AND SCHOOL DISTRICT PERSONNEL. MEMBERS OF THE COMMITTEE SHALL BE
13 SELECTED TO BE REPRESENTATIVE OF THE URBAN, RURAL AND SUBURBAN
14 AREAS OF THIS COMMONWEALTH.

15 (II) THE STATEWIDE ADVISORY COMMITTEE REQUIRED TO BE
16 CONVENED UNDER SUBPARAGRAPH (I) SHALL BE CONVENED NOT LATER THAN
17 THIRTY (30) DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION AND
18 SHALL MEET REGULARLY TO FULFILL REQUIREMENTS OF THIS PARAGRAPH.

19 (8) THE DEPARTMENT SHALL DISTRIBUTE THE PERFORMANCE MATRIX
20 TO ALL SCHOOL DISTRICTS AND SHALL PUBLISH THE MATRIX ON THE
21 DEPARTMENT'S PUBLICLY ACCESSIBLE INTERNET WEBSITE.

22 SECTION 14.4. SECTION 1732-A OF THE ACT, AMENDED OR ADDED
23 JUNE 19, 1997 (P.L.225, NO.22), AND JUNE 29, 2002 (P.L.524,
24 NO.88), IS AMENDED TO READ:

25 SECTION 1732-A. PROVISIONS APPLICABLE TO CHARTER SCHOOLS AND
26 REGIONAL CHARTER SCHOOLS.-- (A) CHARTER SCHOOLS AND REGIONAL
27 CHARTER SCHOOLS SHALL BE SUBJECT TO THE FOLLOWING:

28 (1) SECTIONS 108, 110, 111, 321, 325, 326, 327, 431, 436,
29 443, 510, 518, 527, 708, 736, 737, 738, 739, 740, 741, 752, 753,
30 [755,] 771, 776, 777, 808, 809, 810, 1109, 1111, 1112(A),

1 1205.1, 1205.2, 1205.3, 1205.4, 1205.5, 1301, 1302, 1303, 1310,
2 1317, 1317.1, 1317.2, 1317.3, 1318, 1327, 1330, 1332, 1333,
3 1303-A, 1513, 1517, 1518, 1521, 1523, 1531, 1547, 2014-A,
4 ARTICLE XIII-A AND ARTICLE XIV.

5 (2) ACT OF JULY 19, 1957 (P.L.1017, NO.451), KNOWN AS THE
6 "STATE ADVERSE INTEREST ACT."

7 (3) ACT OF JULY 17, 1961 (P.L.776, NO.341), KNOWN AS THE
8 "PENNSYLVANIA FAIR EDUCATIONAL OPPORTUNITIES ACT."

9 (4) ACT OF JULY 19, 1965 (P.L.215, NO.116), ENTITLED "AN ACT
10 PROVIDING FOR THE USE OF EYE PROTECTIVE DEVICES BY PERSONS
11 ENGAGED IN HAZARDOUS ACTIVITIES OR EXPOSED TO KNOWN DANGERS IN
12 SCHOOLS, COLLEGES AND UNIVERSITIES."

13 (5) SECTION 4 OF THE ACT OF JANUARY 25, 1966 (1965 P.L.1546,
14 NO.541), ENTITLED "AN ACT PROVIDING SCHOLARSHIPS AND PROVIDING
15 FUNDS TO SECURE FEDERAL FUNDS FOR QUALIFIED STUDENTS OF THE
16 COMMONWEALTH OF PENNSYLVANIA WHO NEED FINANCIAL ASSISTANCE TO
17 ATTEND POSTSECONDARY INSTITUTIONS OF HIGHER LEARNING, MAKING AN
18 APPROPRIATION, AND PROVIDING FOR THE ADMINISTRATION OF THIS
19 ACT."

20 (6) ACT OF JULY 12, 1972 (P.L.765, NO.181), ENTITLED "AN ACT
21 RELATING TO DRUGS AND ALCOHOL AND THEIR ABUSE, PROVIDING FOR
22 PROJECTS AND PROGRAMS AND GRANTS TO EDUCATIONAL AGENCIES, OTHER
23 PUBLIC OR PRIVATE AGENCIES, INSTITUTIONS OR ORGANIZATIONS."

24 (7) ACT OF DECEMBER 15, 1986 (P.L.1595, NO.175), KNOWN AS
25 THE "ANTIHAZING LAW."

26 (8) 65 PA.C.S. CH. 7 (RELATING TO OPEN MEETINGS).

27 (9) 65 PA.C.S. CH. 11 (RELATING TO ETHICS STANDARDS AND
28 FINANCIAL DISCLOSURE).

29 (B) CHARTER SCHOOLS AND REGIONAL CHARTER SCHOOLS SHALL BE
30 SUBJECT TO THE FOLLOWING PROVISIONS OF 22 PA. CODE:

1 [SECTION 5.216 (RELATING TO ESOL) .

2 SECTION 5.4 (RELATING TO GENERAL POLICIES) .]

3 (1) CHAPTER 4 (RELATING TO ACADEMIC STANDARDS AND
4 ASSESSMENTS) .

5 (2) CHAPTER 11 (RELATING TO PUPIL ATTENDANCE) .

6 (3) CHAPTER 12 (RELATING TO STUDENTS) .

7 (4) SECTION 32.3 (RELATING TO ASSURANCES) .

8 (5) SECTION 121.3 (RELATING TO DISCRIMINATION PROHIBITED) .

9 (6) SECTION 235.4 (RELATING TO PRACTICES) .

10 (7) SECTION 235.8 (RELATING TO CIVIL RIGHTS) .

11 (8) CHAPTER 711 (RELATING TO CHARTER SCHOOL SERVICES AND
12 PROGRAMS FOR CHILDREN WITH DISABILITIES) .

13 (C) (1) THE SECRETARY MAY PROMULGATE ADDITIONAL REGULATIONS
14 RELATING TO CHARTER SCHOOLS AND REGIONAL CHARTER SCHOOLS .

15 (2) THE SECRETARY SHALL HAVE THE AUTHORITY AND THE
16 RESPONSIBILITY TO ENSURE THAT CHARTER SCHOOLS AND REGIONAL
17 CHARTER SCHOOLS COMPLY WITH FEDERAL LAWS AND REGULATIONS
18 GOVERNING CHILDREN WITH DISABILITIES. THE SECRETARY SHALL
19 PROMULGATE REGULATIONS TO IMPLEMENT THIS PROVISION.

20 SECTION 14.5. THE ACT IS AMENDED BY ADDING A SECTION TO
21 READ:

22 SECTION 1733-A. EFFECT ON EXISTING CHARTER SCHOOL
23 ENTITIES.--(A) WITHIN ONE (1) YEAR OF THE EFFECTIVE DATE OF
24 THIS SECTION, A CHARTER SCHOOL ENTITY ESTABLISHED UNDER SECTION
25 1717-A, 1718-A OR 1745-A PRIOR TO THE EFFECTIVE DATE OF THIS
26 SECTION SHALL AMEND ITS CURRENT CHARTER THROUGH THE AMENDMENT
27 PROCESS UNDER SECTION 1720-A(C) OR 1745-A(F) (5) AS NEEDED TO
28 REFLECT THE REQUIREMENTS OF THIS ARTICLE. ANY RENEWAL THAT TAKES
29 EFFECT AFTER JUNE 30, 2016, SHALL BE FOR THE TERM SPECIFIED
30 UNDER SECTION 1720-A(A) (2) OR 1745-A(F) (3) .

1 (B) A CHARTER SCHOOL ENTITY APPROVED AFTER THE EFFECTIVE
2 DATE OF THIS SECTION SHALL BE IN FULL COMPLIANCE WITH THIS
3 ARTICLE.

4 (C) WITHIN NINETY (90) DAYS OF THE EFFECTIVE DATE OF THIS
5 SECTION, EACH CHARTER SCHOOL ENTITY SHALL DEMONSTRATE, TO THE
6 SATISFACTION OF THE LOCAL BOARD OF SCHOOL DIRECTORS OR, IN THE
7 CASE OF A CYBER CHARTER SCHOOL, TO THE SATISFACTION OF THE
8 DEPARTMENT, THAT THE CHARTER SCHOOL ENTITY IS IN COMPLIANCE WITH
9 SECTIONS 1332 AND 1333, INCLUDING THE INSTITUTION OF TRUANCY
10 PROCEEDINGS WHEN REQUIRED UNDER SECTION 1333.

11 SECTION 14.6. SECTIONS 1741-A(C) AND 1742-A OF THE ACT,
12 ADDED JUNE 29, 2002 (P.L.524, NO.88), ARE AMENDED TO READ:
13 SECTION 1741-A. POWERS AND DUTIES OF DEPARTMENT.

14 * * *

15 (C) DOCUMENTS.--DOCUMENTS OF THE APPEAL BOARD SHALL BE
16 SUBJECT TO THE ACT OF [JUNE 21, 1957 (P.L.390, NO.212), REFERRED
17 TO AS THE RIGHT-TO-KNOW LAW.] ACT OF FEBRUARY 14, 2008 (P.L.6,
18 NO.3), KNOWN AS THE "RIGHT-TO-KNOW LAW."

19 SECTION 1742-A. ASSESSMENT AND EVALUATION.

20 (A) THE DEPARTMENT SHALL:

21 (1) ANNUALLY ASSESS WHETHER EACH CYBER CHARTER SCHOOL IS
22 MEETING THE GOALS OF ITS CHARTER AND IS IN COMPLIANCE WITH
23 THE PROVISIONS OF THE CHARTER AND CONDUCT A COMPREHENSIVE
24 REVIEW PRIOR TO GRANTING A [FIVE-YEAR] RENEWAL OF THE CHARTER
25 FOR THE PERIOD SPECIFIED IN SECTION 1745-A(F)(3).

26 (2) ANNUALLY REVIEW EACH CYBER CHARTER SCHOOL'S
27 PERFORMANCE ON [THE PENNSYLVANIA SYSTEM OF SCHOOL ASSESSMENT
28 TEST, STANDARDIZED TESTS AND OTHER PERFORMANCE INDICATORS TO
29 ENSURE COMPLIANCE WITH 22 PA. CODE CH. 4 (RELATING TO
30 ACADEMIC STANDARDS AND ASSESSMENT) OR SUBSEQUENT REGULATIONS

1 PROMULGATED TO REPLACE 22 PA. CODE CH. 4] ASSESSMENTS.

2 (3) HAVE ONGOING ACCESS TO ALL RECORDS, INSTRUCTIONAL
3 MATERIALS AND STUDENT AND STAFF RECORDS OF EACH CYBER CHARTER
4 SCHOOL AND TO EVERY CYBER CHARTER SCHOOL FACILITY TO ENSURE
5 THE CYBER CHARTER SCHOOL IS IN COMPLIANCE WITH ITS CHARTER
6 AND THIS SUBDIVISION.

7 (B) SCHOOL DISTRICTS, INTERMEDIATE UNITS, COMMUNITY COLLEGES
8 AND STATE SYSTEM INSTITUTIONS SHALL PROVIDE A CYBER CHARTER
9 SCHOOL WITH REASONABLE ACCESS TO ITS FACILITIES FOR THE
10 ADMINISTRATION OF STANDARDIZED TESTING AS FOLLOWS:

11 (1) A CYBER CHARTER SCHOOL SHALL PROVIDE AN INTERMEDIATE
12 UNIT, SCHOOL DISTRICT, COMMUNITY COLLEGE OR STATE SYSTEM
13 INSTITUTION WITH AT LEAST 60 DAYS' NOTICE OF THE NEED FOR
14 FACILITIES TO BE USED FOR THE ADMINISTRATION OF STANDARDIZED
15 TESTS.

16 (2) WITHIN 30 DAYS OF THE CYBER CHARTER SCHOOL'S
17 REQUEST, THE INTERMEDIATE UNIT, SCHOOL DISTRICT, COMMUNITY
18 COLLEGE OR STATE SYSTEM INSTITUTION SHALL NOTIFY THE CYBER
19 CHARTER SCHOOL OF THE LOCATION OF THE FACILITIES THAT WILL BE
20 PROVIDED, WHICH SHALL BE A QUIET, SEPARATE LOCATION IN WHICH
21 CYBER CHARTER SCHOOL STUDENTS WILL NOT BE COMMINGLED WITH
22 STUDENTS OF THE INTERMEDIATE UNIT, SCHOOL DISTRICT, COMMUNITY
23 COLLEGE OR STATE SYSTEM INSTITUTION.

24 (3) AN INTERMEDIATE UNIT, SCHOOL DISTRICT OF RESIDENCE,
25 COMMUNITY COLLEGE OR STATE SYSTEM INSTITUTION SHALL NOT BE
26 REQUIRED TO MAKE FACILITIES AVAILABLE TO A CYBER CHARTER
27 SCHOOL ON DATES AND TIMES THAT MAY CAUSE UNDUE INTERFERENCE
28 WITH THE EDUCATIONAL PROGRAMS OF THE INTERMEDIATE UNIT,
29 SCHOOL DISTRICT, COMMUNITY COLLEGE OR STATE SYSTEM
30 INSTITUTION.

1 (4) ANY FACILITIES RENTAL FEE CHARGED TO THE CYBER
2 CHARTER SCHOOL AND THE PAYMENT THEREOF SHALL BE IN COMPLIANCE
3 WITH THE FACILITY RENTAL POLICY OF THE INTERMEDIATE UNIT,
4 SCHOOL DISTRICT, COMMUNITY COLLEGE OR STATE SYSTEM
5 INSTITUTION THAT APPLIES GENERALLY TO ALL ORGANIZATIONS AND
6 COMMUNITY GROUPS.

7 SECTION 14.7. SECTION 1743-A(E) OF THE ACT, ADDED JUNE 29,
8 2002 (P.L.524, NO.88), IS AMENDED TO READ:

9 SECTION 1743-A. CYBER CHARTER SCHOOL REQUIREMENTS AND
10 PROHIBITIONS.

11 * * *

12 (E) STUDENTS.--FOR EACH STUDENT ENROLLED, A CYBER CHARTER
13 SCHOOL SHALL:

14 (1) PROVIDE ALL INSTRUCTIONAL MATERIALS, WHICH MAY
15 INCLUDE ELECTRONIC OR DIGITAL BOOKS IN PLACE OF TEXTBOOKS;

16 (2) PROVIDE ALL EQUIPMENT, INCLUDING, BUT NOT LIMITED
17 TO, A COMPUTER, COMPUTER MONITOR AND PRINTER; PROVIDED, THAT
18 A PARENT OR GUARDIAN OF MORE THAN ONE CHILD WHO IS ENROLLED
19 IN THE SAME CYBER CHARTER SCHOOL MAY ELECT NOT TO RECEIVE A
20 SEPARATE COMPUTER, COMPUTER MONITOR AND PRINTER FOR EACH
21 ENROLLED CHILD; AND

22 (3) PROVIDE OR REIMBURSE FOR ALL TECHNOLOGY AND SERVICES
23 NECESSARY FOR THE ON-LINE DELIVERY OF THE CURRICULUM AND
24 INSTRUCTION.

25 THE COMMONWEALTH SHALL NOT BE LIABLE FOR ANY REIMBURSEMENT OWED
26 TO STUDENTS, PARENTS OR GUARDIANS BY A CYBER CHARTER SCHOOL
27 UNDER PARAGRAPH (3).

28 * * *

29 SECTION 14.8. SECTIONS 1744-A, 1745-A AND 1749-A(A) AND (C)
30 OF THE ACT, ADDED JUNE 29, 2002 (P.L.524, NO.88), ARE AMENDED TO

1 READ:

2 SECTION 1744-A. SCHOOL DISTRICT AND INTERMEDIATE UNIT
3 RESPONSIBILITIES.

4 AN INTERMEDIATE UNIT OR A SCHOOL DISTRICT IN WHICH A STUDENT
5 ENROLLED IN A CYBER CHARTER SCHOOL RESIDES SHALL DO ALL OF THE
6 FOLLOWING:

7 (1) PROVIDE THE CYBER CHARTER SCHOOL WITHIN TEN DAYS OF
8 RECEIPT OF THE NOTICE OF THE ADMISSION OF THE STUDENT UNDER
9 SECTION 1748-A(A) WITH ALL RECORDS RELATING TO THE STUDENT,
10 INCLUDING TRANSCRIPTS, TEST SCORES AND A COPY OF ANY
11 INDIVIDUALIZED EDUCATION PROGRAM FOR THAT STUDENT.

12 [(2) PROVIDE THE CYBER CHARTER SCHOOL WITH REASONABLE
13 ACCESS TO ITS FACILITIES FOR THE ADMINISTRATION OF
14 STANDARDIZED TESTS REQUIRED UNDER THIS SUBDIVISION.]

15 (3) UPON REQUEST, PROVIDE ASSISTANCE TO THE CYBER
16 CHARTER SCHOOL IN THE DELIVERY OF SERVICES TO A STUDENT WITH
17 DISABILITIES. THE SCHOOL DISTRICT OR INTERMEDIATE UNIT SHALL
18 NOT CHARGE THE CYBER CHARTER SCHOOL MORE FOR A SERVICE THAN
19 IT CHARGES A SCHOOL DISTRICT.

20 (4) MAKE PAYMENTS TO THE CYBER CHARTER SCHOOL UNDER
21 SECTION 1725-A.

22 SECTION 1745-A. ESTABLISHMENT OF CYBER CHARTER SCHOOL.

23 (A) ESTABLISHMENT.--A CYBER CHARTER SCHOOL MAY BE
24 ESTABLISHED BY AN INDIVIDUAL; ONE OR MORE TEACHERS WHO WILL
25 TEACH AT THE PROPOSED CYBER CHARTER SCHOOL; PARENTS OR GUARDIANS
26 OF STUDENTS WHO WILL ENROLL IN THE CYBER CHARTER SCHOOL; A
27 NONSECTARIAN COLLEGE, UNIVERSITY OR MUSEUM LOCATED IN THIS
28 COMMONWEALTH; A NONSECTARIAN CORPORATION NOT-FOR-PROFIT AS
29 DEFINED IN 15 PA.C.S. § 5103 (RELATING TO DEFINITIONS); A
30 CORPORATION, ASSOCIATION OR PARTNERSHIP; OR ANY COMBINATION OF

1 THE FOREGOING. SECTION 1327.1 SHALL NOT APPLY TO A CYBER CHARTER
2 SCHOOL ESTABLISHED UNDER THIS SUBDIVISION.

3 (B) SECTARIAN ENTITIES.--NO CYBER CHARTER SCHOOL SHALL BE
4 ESTABLISHED OR FUNDED BY AND NO CHARTER SHALL BE GRANTED TO A
5 SECTARIAN SCHOOL, INSTITUTION OR OTHER ENTITY.

6 (B.1) LOCAL BOARD OF SCHOOL DIRECTORS OR INTERMEDIATE
7 UNIT.--

8 (1) NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO
9 PRECLUDE A SCHOOL DISTRICT OR AN INTERMEDIATE UNIT FROM
10 OFFERING INSTRUCTION VIA THE INTERNET OR OTHER ELECTRONIC
11 MEANS, EXCEPT THAT THE INSTRUCTION SHALL NOT BE RECOGNIZED AS
12 A CYBER CHARTER SCHOOL UNDER THIS ARTICLE UNLESS THE SCHOOL
13 DISTRICT OR INTERMEDIATE UNIT ESTABLISHES A CYBER CHARTER
14 SCHOOL PURSUANT TO SUBSECTIONS (A) AND (B.1)(1).

15 (2) A CYBER CHARTER SCHOOL MAY BE ESTABLISHED BY A LOCAL
16 BOARD OF SCHOOL DIRECTORS OR AN INTERMEDIATE UNIT IF THE
17 PROCEDURES AND REQUIREMENTS OF THIS ARTICLE ARE SATISFIED.

18 (C) ATTENDANCE.--ATTENDANCE AT A CYBER CHARTER SCHOOL SHALL
19 SATISFY REQUIREMENTS FOR COMPULSORY ATTENDANCE, SUBJECT TO
20 PENALTIES FOR VIOLATION OF COMPULSORY ATTENDANCE REQUIREMENTS
21 UNDER SECTION 1333.

22 (D) APPLICATION.--AN APPLICATION TO ESTABLISH A CYBER
23 CHARTER SCHOOL SHALL BE SUBMITTED TO THE DEPARTMENT BY OCTOBER 1
24 OF THE SCHOOL YEAR PRECEDING THE SCHOOL YEAR IN WHICH THE CYBER
25 CHARTER SCHOOL PROPOSES TO COMMENCE OPERATION.

26 (E) GRANT OR DENIAL.--WITHIN 120 DAYS OF RECEIPT OF AN
27 APPLICATION, THE DEPARTMENT SHALL GRANT OR DENY THE APPLICATION.
28 THE DEPARTMENT SHALL REVIEW THE APPLICATION AND SHALL HOLD AT
29 LEAST ONE PUBLIC HEARING UNDER 65 PA.C.S. CH. 7 (RELATING TO
30 OPEN MEETINGS). AT LEAST 30 DAYS PRIOR TO THE HEARING, THE

1 DEPARTMENT SHALL PUBLISH IN THE PENNSYLVANIA BULLETIN AND ON THE
2 DEPARTMENT'S [WORLD WIDE WEB SITE] PUBLICLY ACCESSIBLE INTERNET
3 WEBSITE NOTICE OF THE HEARING AND THE PURPOSE OF THE
4 APPLICATION.

5 (F) EVALUATION CRITERIA.--

6 (1) A CYBER CHARTER SCHOOL APPLICATION SUBMITTED UNDER
7 THIS SUBDIVISION SHALL BE EVALUATED BY THE DEPARTMENT BASED
8 ON THE FOLLOWING CRITERIA:

9 (I) THE DEMONSTRATED, SUSTAINABLE SUPPORT FOR THE
10 CYBER CHARTER SCHOOL PLAN BY TEACHERS, PARENTS OR
11 GUARDIANS AND STUDENTS.

12 (II) THE CAPABILITY OF THE CYBER CHARTER SCHOOL
13 APPLICANT, IN TERMS OF SUPPORT AND PLANNING, TO PROVIDE
14 COMPREHENSIVE LEARNING EXPERIENCES TO STUDENTS UNDER THE
15 CHARTER.

16 (III) THE EXTENT TO WHICH THE PROGRAMS OUTLINED IN
17 THE APPLICATION WILL ENABLE STUDENTS TO MEET THE ACADEMIC
18 STANDARDS UNDER 22 PA. CODE CH. 4 (RELATING TO ACADEMIC
19 STANDARDS AND ASSESSMENT) OR SUBSEQUENT REGULATIONS
20 PROMULGATED TO REPLACE 22 PA. CODE CH. 4.

21 (IV) THE EXTENT TO WHICH THE APPLICATION MEETS THE
22 REQUIREMENTS OF SECTION 1747-A.

23 (V) THE EXTENT TO WHICH THE CYBER CHARTER SCHOOL MAY
24 SERVE AS A MODEL FOR OTHER PUBLIC SCHOOLS.

25 (2) WRITTEN NOTICE OF THE ACTION OF THE DEPARTMENT SHALL
26 BE SENT BY CERTIFIED MAIL TO THE APPLICANT AND PUBLISHED ON
27 THE DEPARTMENT'S [WORLD WIDE WEB SITE] PUBLICLY ACCESSIBLE
28 INTERNET WEBSITE. IF THE APPLICATION IS DENIED, THE REASONS
29 FOR DENIAL, INCLUDING A DESCRIPTION OF DEFICIENCIES IN THE
30 APPLICATION, SHALL BE CLEARLY STATED IN THE NOTICE.

1 (3) UPON APPROVAL OF A CYBER CHARTER SCHOOL APPLICATION,
2 A WRITTEN CHARTER SHALL BE DEVELOPED WHICH SHALL CONTAIN THE
3 PROVISIONS OF THE CHARTER APPLICATION AND BE SIGNED BY THE
4 SECRETARY AND EACH MEMBER OF THE BOARD OF TRUSTEES OF THE
5 CYBER CHARTER SCHOOL. THE CHARTER, WHEN DULY SIGNED, SHALL
6 ACT AS LEGAL AUTHORIZATION OF THE ESTABLISHMENT OF A CYBER
7 CHARTER SCHOOL. THE CHARTER SHALL BE LEGALLY BINDING ON THE
8 DEPARTMENT, THE CYBER CHARTER SCHOOL AND ITS BOARD OF
9 TRUSTEES. THE CHARTER [SHALL BE FOR A PERIOD OF NO LESS THAN
10 THREE YEARS NOR MORE THAN FIVE YEARS AND MAY BE RENEWED FOR A
11 PERIOD OF FIVE YEARS BY THE DEPARTMENT.] TERM SHALL BE AS
12 FOLLOWS:

13 (I) AN INITIAL CHARTER GRANTED PURSUANT TO THIS
14 SECTION SHALL BE FOR A PERIOD OF FIVE YEARS.

15 (II) PRIOR TO THE EFFECTIVE DATE OF THE REGULATIONS
16 IMPLEMENTING THE PERFORMANCE MATRIX AS REQUIRED PURSUANT
17 TO SECTION 1731.2-A, A CHARTER MAY BE RENEWED FOR FIVE-
18 YEAR PERIODS UPON REAUTHORIZATION BY THE DEPARTMENT.

19 (III) UPON THE EFFECTIVE DATE OF THE REGULATIONS
20 IMPLEMENTING THE PERFORMANCE MATRIX AS REQUIRED PURSUANT
21 TO SECTION 1731.2-A, THE FOLLOWING SHALL APPLY:

22 (A) FOR CYBER CHARTER SCHOOLS THAT HAVE
23 SATISFIED THE ACADEMIC QUALITY BENCHMARK ESTABLISHED
24 BY THE STATE BOARD PURSUANT TO SECTION 1731.2-A, A
25 CHARTER MAY BE RENEWED FOR TEN-YEAR PERIODS UPON
26 REAUTHORIZATION BY THE DEPARTMENT; PROVIDED THAT,
27 BEGINNING IN THE SIXTH YEAR OF ANY TEN-YEAR PERIOD OF
28 RENEWAL UNDER THIS SUBCLAUSE, THE CHARTER OF ANY
29 CYBER CHARTER SCHOOL THAT FAILS FOR TWO CONSECUTIVE
30 YEARS TO SATISFY THE ACADEMIC QUALITY BENCHMARK

1 ESTABLISHED BY THE STATE BOARD UNDER SECTION 1731.2-A
2 SHALL BE SUBJECT TO REVIEW BY THE DEPARTMENT.

3 (B) FOR CYBER CHARTER SCHOOLS THAT HAVE NOT
4 SATISFIED THE ACADEMIC QUALITY BENCHMARK ESTABLISHED
5 BY THE STATE BOARD PURSUANT TO SECTION 1731.2-A, A
6 CHARTER MAY BE RENEWED FOR FIVE-YEAR PERIODS UPON
7 REAUTHORIZATION BY THE DEPARTMENT.

8 (4) THE DECISION OF THE DEPARTMENT TO DENY AN
9 APPLICATION MAY BE APPEALED TO THE APPEAL BOARD.

10 (5) (I) A CYBER CHARTER SCHOOL MAY REQUEST AMENDMENTS
11 TO ITS APPROVED WRITTEN CHARTER BY FILING WITH THE
12 DEPARTMENT A WRITTEN DOCUMENT DESCRIBING THE REQUESTED
13 AMENDMENT.

14 (II) WITHIN 60 DAYS OF ITS RECEIPT OF THE REQUEST
15 FOR AN AMENDMENT, THE DEPARTMENT SHALL HOLD A PUBLIC
16 HEARING ON THE REQUESTED AMENDMENT UNDER 65 PA.C.S. CH. 7
17 (RELATING TO OPEN MEETINGS).

18 (III) WITHIN 20 DAYS AFTER THE HEARING, THE
19 DEPARTMENT SHALL GRANT OR DENY THE REQUESTED AMENDMENT.
20 FAILURE BY THE DEPARTMENT TO HOLD A PUBLIC HEARING AND TO
21 GRANT OR DENY THE AMENDMENT WITHIN THE TIME PERIOD
22 SPECIFIED SHALL BE DEEMED AN APPROVAL.

23 (IV) AN APPLICANT FOR AN AMENDMENT SHALL HAVE THE
24 RIGHT TO APPEAL THE DENIAL OF A REQUESTED AMENDMENT TO
25 THE APPEAL BOARD PROVIDED FOR UNDER SECTION 1721-A.

26 (G) DENIED APPLICATION.--A CYBER CHARTER SCHOOL APPLICANT
27 MAY REVISE AND RESUBMIT A DENIED APPLICATION TO THE DEPARTMENT.
28 THE DEPARTMENT SHALL GRANT OR DENY THE REVISED APPLICATION
29 WITHIN 60 DAYS AFTER ITS RECEIPT.

30 (H) APPEAL.--IF THE DEPARTMENT FAILS TO HOLD THE REQUIRED

1 PUBLIC HEARING OR TO APPROVE OR DISAPPROVE THE CHARTER, THE
2 APPLICANT MAY FILE ITS APPLICATION AS AN APPEAL TO THE APPEAL
3 BOARD. THE APPEAL BOARD SHALL REVIEW THE APPLICATION AND MAKE A
4 DECISION TO APPROVE OR DISAPPROVE THE CHARTER BASED ON THE
5 CRITERIA IN SUBSECTION (F).

6 SECTION 1749-A. APPLICABILITY OF OTHER PROVISIONS OF THIS ACT
7 AND OF OTHER ACTS AND REGULATIONS.

8 (A) GENERAL REQUIREMENTS.--CYBER CHARTER SCHOOLS SHALL BE
9 SUBJECT TO THE FOLLOWING:

10 (1) SECTIONS 108, 110, 111, 321, 325, 326, 327, 431,
11 436, 443, 510, 518, 527, 708, 736, 737, 738, 739, 740, 741,
12 752, 753, [755,] 771, 776, 777, 808, 809, 810, 1109, 1111,
13 1112(A), 1205.1, 1205.2, 1205.3, 1205.5, 1301, 1302, 1303,
14 1310, 1317, 1317.2, 1318, 1327, 1330, 1332, 1333, 1303-A,
15 1513, 1517, 1518, 1521, 1523, 1525, 1531, 1547, 1602-B, 1613-
16 B, 1702-A, 1703-A, 1704-A, 1714-A, 1715-A, 1716-A, 1716.1-A,
17 1719-A, 1721-A, 1722-A, [1723-A(A) AND (B)] 1723-A(A), (B)
18 AND (D), 1724-A, 1725-A, 1727-A, 1728-A(D), (E), (F), (G) AND
19 (H), 1729-A, 1729.1-A, 1730-A, 1731-A(A) (1) AND (B), 1731.1-
20 A, 1731.2-A, 1733-A AND 2014-A AND ARTICLES [XII-A,] XIII-A
21 AND XIV.

22 (1.1) ACT OF JULY 19, 1957 (P.L.1017, NO.451), KNOWN AS
23 THE STATE ADVERSE INTEREST ACT.

24 (2) THE ACT OF JULY 17, 1961 (P.L.776, NO.341), KNOWN AS
25 THE PENNSYLVANIA FAIR EDUCATIONAL OPPORTUNITIES ACT.

26 (3) THE ACT OF JULY 19, 1965 (P.L.215, NO.116), ENTITLED
27 "AN ACT PROVIDING FOR THE USE OF EYE PROTECTIVE DEVICES BY
28 PERSONS ENGAGED IN HAZARDOUS ACTIVITIES OR EXPOSED TO KNOWN
29 DANGERS IN SCHOOLS, COLLEGES AND UNIVERSITIES."

30 (4) SECTION 4 OF THE ACT OF JANUARY 25, 1966 (1965

1 P.L.1546, NO.541), ENTITLED "AN ACT PROVIDING SCHOLARSHIPS
2 AND PROVIDING FUNDS TO SECURE FEDERAL FUNDS FOR QUALIFIED
3 STUDENTS OF THE COMMONWEALTH OF PENNSYLVANIA WHO NEED
4 FINANCIAL ASSISTANCE TO ATTEND POSTSECONDARY INSTITUTIONS OF
5 HIGHER LEARNING, MAKING AN APPROPRIATION, AND PROVIDING FOR
6 THE ADMINISTRATION OF THIS ACT."

7 (5) THE ACT OF JULY 12, 1972 (P.L.765, NO.181) ENTITLED
8 "AN ACT RELATING TO DRUGS AND ALCOHOL AND THEIR ABUSE,
9 PROVIDING FOR PROJECTS AND PROGRAMS AND GRANTS TO EDUCATIONAL
10 AGENCIES, OTHER PUBLIC OR PRIVATE AGENCIES, INSTITUTIONS OR
11 ORGANIZATIONS."

12 (6) THE ACT OF DECEMBER 15, 1986 (P.L.1595, NO.175),
13 KNOWN AS THE ANTIHAZING LAW.

14 (7) 65 PA.C.S. CH. 7 (RELATING TO OPEN MEETINGS).

15 (8) 65 PA.C.S. CH. 11 (RELATING TO ETHICS STANDARDS AND
16 FINANCIAL DISCLOSURE).

17 * * *

18 (C) EXISTING CHARTER SCHOOLS.--

19 (1) THE CHARTER OF A CHARTER SCHOOL APPROVED UNDER
20 SECTION 1717-A OR 1718-A WHICH PROVIDES INSTRUCTION THROUGH
21 THE INTERNET OR OTHER ELECTRONIC MEANS SHALL REMAIN IN EFFECT
22 FOR THE DURATION OF THE CHARTER AND SHALL BE SUBJECT TO THE
23 PROVISIONS OF SUBDIVISION (B).

24 (2) IN ADDITION TO SUBSECTIONS (A) AND (B), THE
25 FOLLOWING PROVISIONS OF THIS SUBDIVISION SHALL APPLY TO A
26 CHARTER SCHOOL APPROVED UNDER SECTION 1717-A OR 1718-A WHICH
27 PROVIDES INSTRUCTION THROUGH THE INTERNET OR OTHER ELECTRONIC
28 MEANS:

29 (I) SECTION 1743-A(C), (D), (E), (F), (G), (H) AND

30 (I).

1 (II) SECTION 1744-A.

2 (III) SECTION 1748-A.

3 SECTION 15. SECTION 1855 OF THE ACT, AMENDED JUNE 22, 2001
4 (P.L.530, NO.35), IS AMENDED TO READ:

5 SECTION 1855. VOCATIONAL EDUCATION EQUIPMENT GRANTS.--(A)
6 FOR THE 2000-2001 FISCAL YEAR AND THE 2001-2002 FISCAL YEAR, THE
7 DEPARTMENT OF EDUCATION SHALL ESTABLISH A GRANT PROGRAM TO
8 ASSIST AREA VOCATIONAL-TECHNICAL SCHOOLS, SCHOOL DISTRICTS
9 OFFERING APPROVED VOCATIONAL-TECHNICAL PROGRAMS AND THE THADDEUS
10 STEVENS STATE COLLEGE OF TECHNOLOGY IN PURCHASING EQUIPMENT THAT
11 MEETS INDUSTRY STANDARDS FOR THE PURPOSE OF PROVIDING TRAINING
12 TO STUDENTS. GRANTS SHALL BE LIMITED TO THE PURCHASE OF
13 EQUIPMENT IN THE FOLLOWING PROGRAM AREAS: AUTOMOTIVE TECHNOLOGY,
14 AUTO BODY, DIESEL TECHNOLOGY, PRECISION MACHINE TECHNOLOGY,
15 HEATING VENTILATION AND AIR CONDITIONING, PRINTING, DENTAL
16 ASSISTING, ELECTRONICS, BUILDING TRADES AND OTHER PROGRAM AREAS
17 APPROVED BY THE SECRETARY OF EDUCATION. GRANTS SHALL BE AWARDED
18 BY THE DEPARTMENT OF EDUCATION ON A MATCHING BASIS, TWO STATE
19 DOLLARS (\$2) FOR EVERY LOCAL DOLLAR (\$1), AND SHALL BE LIMITED
20 TO FUNDS APPROPRIATED FOR THAT PURPOSE.

21 (B) FOR THE 2015-2016 SCHOOL YEAR, THE DEPARTMENT OF
22 EDUCATION SHALL ESTABLISH A GRANT PROGRAM TO ASSIST EACH AREA
23 VOCATIONAL-TECHNICAL SCHOOL AND SCHOOL DISTRICT WITH AN APPROVED
24 VOCATIONAL PROGRAM THAT APPLIES FOR AND IS APPROVED FOR FUNDING
25 BY THE DEPARTMENT OF EDUCATION TO PURCHASE EQUIPMENT THAT MEETS
26 INDUSTRY STANDARDS. GRANTS SHALL BE DISTRIBUTED IN AN AMOUNT TO
27 BE CALCULATED AS FOLLOWS:

28 (1) A BASE AMOUNT OF THREE THOUSAND DOLLARS (\$3,000).

29 (2) A PER-STUDENT AMOUNT CALCULATED AS FOLLOWS:

30 (I) MULTIPLY THE 2014-2015 AVERAGE DAILY MEMBERSHIP IN

1 APPROVED VOCATIONAL EDUCATION PROGRAMS FOR EACH AREA VOCATIONAL-
2 TECHNICAL SCHOOL OR SCHOOL DISTRICT THAT HAS BEEN APPROVED FOR
3 FUNDING BY THE DEPARTMENT BY THE DIFFERENCE BETWEEN THE AMOUNT
4 APPROPRIATED FOR CAREER AND TECHNICAL EDUCATION EQUIPMENT GRANTS
5 AND THE SUM OF THE FUNDING DISTRIBUTED UNDER PARAGRAPH (1) TO
6 ALL AREA VOCATIONAL-TECHNICAL SCHOOLS AND SCHOOL DISTRICTS.

7 (II) DIVIDE THE PRODUCT FROM SUBPARAGRAPH (I) BY THE SUM OF
8 THE 2014-2015 AVERAGE DAILY MEMBERSHIP IN APPROVED VOCATIONAL
9 EDUCATION PROGRAMS FOR ALL AREA VOCATIONAL-TECHNICAL SCHOOLS AND
10 SCHOOL DISTRICTS THAT HAVE BEEN APPROVED FOR FUNDING BY THE
11 DEPARTMENT.

12 (C) THE APPLICATION TO APPLY FOR FUNDING UNDER SUBSECTION
13 (B) SHALL BE DEVELOPED BY THE DEPARTMENT WITHIN THIRTY DAYS OF
14 THE EFFECTIVE DATE OF THIS SECTION AND ONLY REQUIRE THE
15 FOLLOWING, WHICH MAY BE COLLECTED ELECTRONICALLY:

16 (1) NAME, ADDRESS, E-MAIL ADDRESS AND TELEPHONE NUMBER OF
17 THE AREA VOCATIONAL-TECHNICAL SCHOOL OR SCHOOL DISTRICT.

18 (2) NAME, E-MAIL ADDRESS AND TELEPHONE NUMBER OF AN EMPLOYEE
19 OF THE AREA VOCATIONAL-TECHNICAL SCHOOL OR SCHOOL DISTRICT WHO
20 WILL BE AVAILABLE TO ANSWER QUESTIONS REGARDING THE FUNDING
21 APPLICATION.

22 (3) DESCRIPTION OF THE EQUIPMENT FOR WHICH THE REQUESTED
23 FUNDING WILL BE USED; THE CAREER AND TECHNICAL EDUCATION PROGRAM
24 IN WHICH THE EQUIPMENT WILL BE USED; THE DATE ON WHICH THE
25 OCCUPATIONAL ADVISORY COMMITTEE RECOMMENDED THE PURCHASE OF THE
26 EQUIPMENT; AND VERIFICATION THAT THE EQUIPMENT WILL BE USED FOR
27 TECHNICAL CLASSROOM INSTRUCTION.

28 (D) THE DEPARTMENT MAY NOT REQUEST AND CONSIDER ANY
29 INFORMATION OTHER THAN THE INFORMATION PROVIDED IN THE FUNDING
30 APPLICATION.

1 (E) EACH AREA VOCATIONAL-TECHNICAL SCHOOL OR SCHOOL DISTRICT
2 WITH AN APPROVED VOCATIONAL PROGRAM THAT SUBMITS A COMPLETED
3 FUNDING APPLICATION SHALL RECEIVE FUNDING IN THE AMOUNT
4 DETERMINED UNDER SUBSECTION (B).

5 (F) FOR PURPOSES OF THIS SECTION, "OCCUPATIONAL ADVISORY
6 COMMITTEE" SHALL MEAN AN OCCUPATIONAL ADVISORY COMMITTEE
7 ESTABLISHED PURSUANT TO 22 PA. CODE CH. 339 (RELATING TO
8 VOCATIONAL EDUCATION).

9 SECTION 16. SECTION 1904-A(D) OF THE ACT, ADDED JULY 4, 2004
10 (P.L.536, NO.70), IS AMENDED TO READ:

11 SECTION 1904-A. ELECTION OR APPOINTMENT; TERM AND
12 ORGANIZATION OF BOARD OF TRUSTEES.--* * *

13 (D) NOTWITHSTANDING THE PROVISIONS OF SUBSECTIONS (A) AND
14 (B), THE BOARD OF TRUSTEES OF A COMMUNITY COLLEGE MAY APPOINT A
15 TRUSTEE FROM EACH COUNTY WHERE A CAMPUS OR SATELLITE CLASSROOM
16 IS LOCATED FOR WHICH NO LOCAL SPONSOR EXISTS[.] AND, FOR A
17 COMMUNITY COLLEGE THAT IS LOCATED IN A COUNTY OF THE THIRD CLASS
18 WITH A POPULATION BETWEEN 290,000 AND 310,000 AS OF THE 2010
19 CENSUS, MAY APPOINT UP TO TWO TRUSTEES FROM A COUNTY WHERE A
20 CAMPUS IS LOCATED FOR WHICH NO LOCAL SPONSOR EXISTS. THE TRUSTEE
21 SHALL BE SELECTED BY THE BOARD OF TRUSTEES OF THE COMMUNITY
22 COLLEGE. TRUSTEES APPOINTED UNDER THE PROVISIONS OF THIS
23 SUBSECTION SHALL BE APPOINTED FOR TERMS OF TWO YEARS.

24 SECTION 17. SECTION 1913-A(B) (1.6) (V) AND (1.7) (II) OF THE
25 ACT, AMENDED JULY 9, 2008 (P.L.846, NO.61) AND JULY 9, 2013
26 (P.L.408, NO.59), ARE AMENDED AND CLAUSE (1.6) IS AMENDED BY
27 ADDING A SUBCLAUSE TO READ:

28 SECTION 1913-A. FINANCIAL PROGRAM; REIMBURSEMENT OF
29 PAYMENTS.--* * *

30 (B) * * *

1 (1.6) FOR THE 2006-2007 FISCAL YEAR AND EACH FISCAL YEAR
2 THEREAFTER, THE PAYMENT FOR A COMMUNITY COLLEGE SHALL CONSIST OF
3 THE FOLLOWING:

4 * * *

5 (V) SUBCLAUSES (I), (II), (III) AND (IV) SHALL NOT APPLY TO
6 THE 2011-2012, 2012-2013 [AND], 2013-2014 AND 2014-2015 FISCAL
7 YEARS, AND EACH FISCAL YEAR THEREAFTER.

8 * * *

9 (IX) FOR THE 2015-2016 FISCAL YEAR, EACH COMMUNITY COLLEGE
10 SHALL RECEIVE AN AMOUNT EQUAL TO THE SUM OF THE FOLLOWING:

11 (A) AN AMOUNT EQUAL TO THE AMOUNT ALLOCATED TO THE COMMUNITY
12 COLLEGE FOR OPERATING COSTS UNDER SUBCLAUSE (VIII) (A).

13 (B) AN AMOUNT EQUAL TO THE AMOUNT ALLOCATED TO A COMMUNITY
14 COLLEGE FOR THE ECONOMIC DEVELOPMENT STIPEND UNDER SUBCLAUSE
15 (VIII) (B).

16 (C) AN AMOUNT DETERMINED FOR EACH COMMUNITY COLLEGE AS
17 FOLLOWS:

18 (I) DIVIDE THE SUM OF THE AMOUNTS OF FUNDING THE COMMUNITY
19 COLLEGE RECEIVED UNDER PARAGRAPHS (A) AND (B) BY THE TOTAL
20 AMOUNT OF FUNDING PROVIDED UNDER PARAGRAPHS (A) AND (B) FOR ALL
21 COMMUNITY COLLEGES.

22 (II) MULTIPLY THE QUOTIENT IN SUBPARAGRAPH (I) BY THE
23 DIFFERENCE BETWEEN THE APPROPRIATION FOR PAYMENT OF APPROVED
24 OPERATING EXPENSES OF COMMUNITY COLLEGES IN FISCAL YEAR 2014-
25 2015 AND FISCAL YEAR 2013-2014.

26 (D) AN AMOUNT DETERMINED FOR EACH COMMUNITY COLLEGE AS
27 FOLLOWS:

28 (I) MULTIPLY THE AUDITED FULL-TIME EQUIVALENT ENROLLMENT AS
29 VERIFIED UNDER SUBSECTION (K.1) FOR THE MOST RECENT YEAR
30 AVAILABLE FOR THE COMMUNITY COLLEGE BY THE DIFFERENCE BETWEEN

1 THE APPROPRIATION FOR PAYMENT OF APPROVED OPERATING EXPENSES OF
2 COMMUNITY COLLEGES IN FISCAL YEAR 2015-2016 AND FISCAL YEAR
3 2014-2015.

4 (II) DIVIDE THE PRODUCT IN SUBPARAGRAPH (I) BY THE SUM OF
5 THE AUDITED FULL-TIME EQUIVALENT ENROLLMENT AS VERIFIED UNDER
6 SUBSECTION (K.1) FOR THE MOST RECENT YEAR AVAILABLE FOR ALL
7 COMMUNITY COLLEGES.

8 * * *

9 (1.7) THE PAYMENT FOR A COMMUNITY COLLEGE SHALL INCLUDE AN
10 ECONOMIC DEVELOPMENT STIPEND WHICH SHALL CONSIST OF THE
11 FOLLOWING:

12 * * *

13 (II) FOR THE 2006-2007 THROUGH 2008-2009 FISCAL [YEAR AND
14 EACH FISCAL YEAR THEREAFTER] YEARS, EACH COMMUNITY COLLEGE SHALL
15 RECEIVE, SUBJECT TO THE PROVISIONS OF SUBCLAUSE (III), AN AMOUNT
16 DETERMINED BY:

17 (A) ADDING THE FOLLOWING:

18 (I) THE NUMBER OF FULL-TIME EQUIVALENT STUDENTS ENROLLED IN
19 HIGH-PRIORITY AND HIGH-INSTRUCTIONAL-COST OCCUPATION PROGRAMS AT
20 THE COMMUNITY COLLEGE MULTIPLIED BY 1.50;

21 (II) THE NUMBER OF FULL-TIME EQUIVALENT STUDENTS ENROLLED IN
22 HIGH-PRIORITY OCCUPATION PROGRAMS AT THE COMMUNITY COLLEGE
23 MULTIPLIED BY 1.25; AND

24 (III) THE NUMBER OF FULL-TIME EQUIVALENT STUDENTS ENROLLED
25 IN NONCREDIT WORKFORCE DEVELOPMENT COURSES AT THE COMMUNITY
26 COLLEGE.

27 (B) DIVIDING THE TOTAL FROM PARAGRAPH (A) BY THE SUM OF THE
28 TOTALS FROM PARAGRAPH (A) FOR ALL COMMUNITY COLLEGES.

29 (C) MULTIPLYING THE AMOUNT FROM PARAGRAPH (B) BY THE AMOUNT
30 ALLOCATED FOR THE ECONOMIC DEVELOPMENT STIPEND PURSUANT TO

1 CLAUSE (1.6) (II) .

2 (D) APPLYING THE FOLLOWING:

3 (I) FOR THE 2006-2007 FISCAL YEAR, FOR THE FIRST, SECOND AND
4 THIRD QUARTER PAYMENTS MADE IN THE 2007-2008 FISCAL YEAR, AND
5 FOR THE FIRST AND SECOND QUARTER PAYMENTS MADE IN THE 2008-2009
6 FISCAL YEAR AND EACH FISCAL YEAR THEREAFTER, THE NUMBER OF FULL-
7 TIME EQUIVALENT STUDENTS SHALL BE DETERMINED BASED UPON THE
8 FINAL MIDYEAR REBUDGET SUBMITTED BY A COMMUNITY COLLEGE FOR THE
9 PRIOR FISCAL YEAR. SUCH REBUDGET SHALL BE SUBMITTED, AS REQUIRED
10 BY THE DEPARTMENT OF EDUCATION, NO LATER THAN MAY 31, 2006, AND
11 MAY 31 OF EACH YEAR THEREAFTER.

12 (II) FOR THE 2007-2008 FISCAL YEAR, THE DEPARTMENT OF
13 EDUCATION SHALL PROVIDE THE FOURTH QUARTER PAYMENT TO EACH
14 COMMUNITY COLLEGE UNDER THIS SUBCLAUSE BASED UPON THE NUMBER OF
15 FULL-TIME EQUIVALENT STUDENTS ENROLLED IN HIGH-PRIORITY AND
16 HIGH-INSTRUCTIONAL-COST OCCUPATION PROGRAMS, HIGH-PRIORITY
17 OCCUPATION PROGRAMS AND NONCREDIT WORKFORCE DEVELOPMENT COURSES
18 FOR THE 2006-2007 FISCAL YEAR, AS VERIFIED IN THE AUDITED
19 FINANCIAL STATEMENT REQUIRED UNDER SUBSECTION (K.1) .

20 (III) FOR THE 2008-2009 FISCAL YEAR AND EACH FISCAL YEAR
21 THEREAFTER, THE DEPARTMENT OF EDUCATION SHALL PROVIDE THE THIRD
22 AND FOURTH QUARTER PAYMENTS TO EACH COMMUNITY COLLEGE UNDER THIS
23 SUBCLAUSE BASED UPON THE NUMBER OF FULL-TIME EQUIVALENT STUDENTS
24 ENROLLED IN HIGH-PRIORITY AND HIGH-INSTRUCTIONAL-COST OCCUPATION
25 PROGRAMS, HIGH-PRIORITY OCCUPATION PROGRAMS AND NONCREDIT
26 WORKFORCE DEVELOPMENT COURSES FOR THE IMMEDIATELY PRECEDING
27 FISCAL YEAR, AS VERIFIED IN THE AUDITED FINANCIAL STATEMENT
28 REQUIRED UNDER SUBSECTION (K.1) .

29 * * *

30 SECTION 18. SECTION 1902-C INTRODUCTORY PARAGRAPH OF THE

1 ACT, ADDED JUNE 25, 1997 (P.L.297, NO.30), IS AMENDED AND THE
2 SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

3 SECTION 1902-C. APPLICATIONS.--(A) APPLICANTS SHALL SUBMIT
4 APPLICATIONS AT THE TIME, IN THE MANNER AND CONTAINING OR
5 ACCOMPANIED BY SUCH INFORMATION AS THE DEPARTMENT MAY PRESCRIBE
6 BUT, IN ANY CASE, SHALL DOCUMENT THE FOLLOWING:

7 * * *

8 (B) A SCHOOL DISTRICT, COMBINATION OF SCHOOL DISTRICTS OR
9 CHARTER SCHOOL THAT MAKES AN APPLICATION TO ESTABLISH AN
10 ALTERNATIVE EDUCATION PROGRAM SHALL SUBMIT INITIAL AND RENEWAL
11 APPLICATIONS ALONG WITH A FEE OF FOUR HUNDRED DOLLARS (\$400) AS
12 PRESCRIBED BY THE DEPARTMENT. THE MONEY COLLECTED SHALL BE
13 DEPOSITED INTO A RESTRICTED ACCOUNT IN THE GENERAL FUND TO BE
14 KNOWN AS THE ALTERNATIVE EDUCATION PROGRAM ACCOUNT. THE MONEY IN
15 THE RESTRICTED ACCOUNT IS HEREBY APPROPRIATED ON A CONTINUING
16 BASIS TO THE DEPARTMENT.

17 SECTION 19. SECTION 1902-E OF THE ACT, ADDED NOVEMBER 23,
18 1999 (P.L.529, NO.48), IS AMENDED BY ADDING A PARAGRAPH TO READ:

19 SECTION 1902-E. CONTRACTS WITH PRIVATE ALTERNATIVE EDUCATION
20 INSTITUTIONS.--

21 * * *

22 (5) A PRIVATE ALTERNATIVE EDUCATION INSTITUTION THAT MAKES
23 AN APPLICATION FOR APPROVAL TO OPERATE SHALL SUBMIT INITIAL AND
24 RENEWAL APPLICATIONS ALONG WITH A FEE OF ONE THOUSAND DOLLARS
25 (\$1,000) AS PRESCRIBED BY THE DEPARTMENT. THE FUNDS COLLECTED
26 SHALL BE DEPOSITED INTO THE ALTERNATIVE EDUCATION PROGRAM
27 ACCOUNT ESTABLISHED IN SECTION 1902-C(B).

28 SECTION 20. THE ACT IS AMENDED BY ADDING AN ARTICLE TO READ:

29 ARTICLE XIX-G

30 RURAL REGIONAL COLLEGE FOR UNDERSERVED COUNTIES

1 SECTION 1901-G. (RESERVED).

2 SECTION 1901.1-G. LEGISLATIVE INTENT.

3 IT IS THE INTENT OF THE GENERAL ASSEMBLY TO PROVIDE FOR THE
4 CONTINUED EXISTENCE, OPERATION AND ADMINISTRATION OF THE RURAL
5 REGIONAL COLLEGE ESTABLISHED UNDER FORMER ARTICLE XVII-E.1 OF
6 THE ACT OF APRIL 9, 1929 (P.L.343, NO.176), KNOWN AS THE FISCAL
7 CODE.

8 SECTION 1901.2-G. APPROPRIATIONS.

9 APPROPRIATIONS FOR THE OPERATION OF THE RURAL REGIONAL
10 COLLEGE SHALL HAVE PREFERRED STATUS AND BE CONSIDERED ORDINARY
11 EXPENSES OF STATE GOVERNMENT.

12 SECTION 1902-G. SCOPE OF ARTICLE.

13 THIS ARTICLE PROVIDES FOR THE ESTABLISHMENT OF A RURAL
14 REGIONAL COLLEGE IN A MULTICOUNTY RURAL AREA THAT IS UNDERSERVED
15 BY COMPREHENSIVE COMMUNITY COLLEGE EDUCATION AND WORK FORCE
16 DEVELOPMENT.

17 SECTION 1903-G. DEFINITIONS.

18 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ARTICLE
19 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
20 CONTEXT CLEARLY INDICATES OTHERWISE:

21 "ANNUAL." A 12-MONTH PERIOD COTERMINOUS WITH THE
22 COMMONWEALTH'S FISCAL YEAR BEGINNING JULY 1 AND ENDING JUNE 30.

23 "BOARD OF TRUSTEES." THE BOARD OF TRUSTEES OF A RURAL
24 REGIONAL COLLEGE ESTABLISHED UNDER THIS ARTICLE.

25 "CERTIFIED PUBLIC ACCOUNTANT." A MEMBER OF THE AMERICAN
26 INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS WHO HAS A MINIMUM OF
27 FIVE YEARS' VERIFIABLE EXPERIENCE IN PERFORMING AUDITS OF
28 GOVERNMENT FUNDS FOR NONPROFIT ORGANIZATIONS WITH A COMPARABLE
29 OR LARGER ANNUAL BUDGET.

30 "COUNTY." ANY COUNTY IN THIS COMMONWEALTH.

1 "MIDDLE STATES." THE MIDDLE STATES ASSOCIATION OF COLLEGES
2 AND SCHOOLS.

3 "PARTNER INSTITUTION." ONE OR MORE MIDDLE STATES-ACCREDITED
4 INSTITUTIONS OF HIGHER EDUCATION.

5 "RURAL REGIONAL COLLEGE." A PUBLIC INSTITUTION OF HIGHER
6 EDUCATION WHICH IS ESTABLISHED IN A RURAL AREA AND OPERATED IN
7 ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE AS A COLLEGE
8 WHICH PROVIDES UP TO A TWO-YEAR, POSTSECONDARY EDUCATION NOT TO
9 EXCEED THE LEVEL OF AN ASSOCIATE OF ARTS OR SCIENCES DEGREE AND
10 WHICH IS ACTIVE IN WORK FORCE DEVELOPMENT.

11 "RURAL REGIONAL COLLEGE PLAN" OR "PLAN." A PLAN FOR THE
12 ESTABLISHMENT AND OPERATION OF A RURAL REGIONAL COLLEGE UNDER
13 THIS ARTICLE.

14 "SECRETARY." THE SECRETARY OF EDUCATION OF THE COMMONWEALTH
15 OR SUCH PERSON AS THE SECRETARY MAY DESIGNATE TO ACT ON BEHALF
16 OF THE SECRETARY WITH REGARD TO ANY OF THE DUTIES AND
17 PREROGATIVES IMPOSED BY THIS ARTICLE.

18 "STATE BOARD." THE STATE BOARD OF EDUCATION.
19 SECTION 1904-G. DESIGNATIONS BY SECRETARY.

20 (A) DUTIES OF SECRETARY.--

21 (1) THE SECRETARY SHALL DESIGNATE AN ESTABLISHED
22 NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION 501(C)(3) OF
23 THE INTERNAL REVENUE CODE OF 1986 (PUBLIC LAW 99-514, 26
24 U.S.C. § 501(C)(3)), WHICH REPRESENTS A RURAL MULTICOUNTY
25 REGION UNDERSERVED BY A COMPREHENSIVE COMMUNITY COLLEGE
26 PROGRAM, INCLUDING WORK FORCE DEVELOPMENT, TO ASSIST THE
27 SECRETARY WITH THE DESIGNATION UNDER PARAGRAPH (2).

28 (2) WITHIN 30 DAYS OF THE DESIGNATION UNDER PARAGRAPH
29 (1), THE SECRETARY SHALL, IN CONSULTATION WITH THE NONPROFIT
30 ORGANIZATION, DESIGNATE CONTIGUOUS COUNTIES OR PARTS OF

1 CONTIGUOUS COUNTIES TO BE SERVED BY ESTABLISHMENT OF A RURAL
2 REGIONAL COLLEGE.

3 (B) CHANGES.--NO SOONER THAN JULY 10, 2018, THE SECRETARY,
4 WITH APPROVAL OF THE BOARD OF TRUSTEES, MAY ADD COUNTIES OR
5 PARTS OF COUNTIES TO BE SERVED BY THE RURAL REGIONAL COLLEGE.
6 SECTION 1905-G. DESIGNATION AND BOARD OF TRUSTEES.

7 WITHIN 60 DAYS OF THE SECRETARY'S DESIGNATION UNDER SECTION
8 1904-G(A) (2), A BOARD OF TRUSTEES SHALL BE APPOINTED TO
9 ESTABLISH A RURAL REGIONAL COLLEGE. THE BOARD OF TRUSTEES SHALL
10 CONSIST OF NOT FEWER THAN SEVEN MEMBERS NOR MORE THAN 15 MEMBERS
11 APPOINTED BY THE SECRETARY IN CONSULTATION AND JOINTLY WITH THE
12 NONPROFIT ORGANIZATION DESIGNATED UNDER SECTION 1904-G(A) (1).
13 THE FOLLOWING SHALL APPLY TO THE BOARD OF TRUSTEES ESTABLISHED
14 UNDER THIS SECTION:

15 (1) MEMBERS OF THE BOARD OF TRUSTEES SHALL BE
16 REPRESENTATIVE OF THE AREA DESIGNATED UNDER SECTION 1904-G(A)
17 (2) AND MAY INCLUDE SCHOOL ADMINISTRATORS, COMMUNITY
18 EDUCATION COUNCIL OFFICIALS, BUSINESS LEADERS AND GOVERNMENT
19 OFFICIALS.

20 (2) MEMBERS OF THE BOARD OF TRUSTEES SHALL BE APPOINTED
21 FOR TERMS OF THREE YEARS EACH, EXCEPT THAT THOSE PERSONS
22 INITIALLY APPOINTED SHALL DRAW LOTS TO DETERMINE WHICH
23 TRUSTEES SHALL SERVE FOR A TERM OF THREE YEARS, WHICH
24 TRUSTEES SHALL SERVE FOR A TERM OF TWO YEARS AND WHICH
25 TRUSTEES SHALL SERVE FOR A TERM OF ONE YEAR. TO THE EXTENT
26 PRACTICABLE, FROM THOSE TRUSTEES INITIALLY APPOINTED, AN
27 EQUAL NUMBER SHALL DRAW LOTS TO SERVE FOR A TERM OF THREE
28 YEARS, FOR A TERM OF TWO YEARS AND FOR A TERM OF ONE YEAR.
29 THEREAFTER, ALL MEMBERS SHALL BE APPOINTED FOR TERMS OF THREE
30 YEARS EACH.

1 (3) VACANCIES ON THE BOARD SHALL BE FILLED BY THE
2 EXISTING BOARD. A TRUSTEE MAY SUCCEED HIMSELF, PROVIDED THAT
3 NO MEMBER SHALL SERVE FOR LONGER THAN 10 YEARS.

4 (4) THE SECRETARY SHALL CONVENE AN INITIAL MEETING OF
5 THE BOARD OF TRUSTEES WITHIN 30 DAYS OF THE SECRETARY'S
6 APPOINTMENT OF A BOARD OF TRUSTEES UNDER THIS SECTION. AFTER
7 THE INITIAL MEETING, THE BOARD OF TRUSTEES SHALL MEET AT SUCH
8 TIMES EACH YEAR AS THE BOARD OF TRUSTEES DETERMINES TO BE
9 NECESSARY TO SATISFY THE REQUIREMENTS OF THIS ARTICLE.

10 (5) THE BOARD OF TRUSTEES SHALL ADOPT STANDING OPERATING
11 RULES AND PROCEDURES, BYLAWS AND ARTICLES OF INCORPORATION.

12 (6) THE BOARD OF TRUSTEES SHALL ESTABLISH AN ADVISORY
13 COUNCIL OF PRESIDENTS, OR THEIR DESIGNEES, FROM INSTITUTIONS
14 WITH POSTSECONDARY EDUCATION PROGRAMS WITHIN THE REGION
15 DESIGNATED UNDER SECTION 1904-G(A) (2). THE ADVISORY COUNCIL
16 SHALL MEET QUARTERLY TO DISCUSS EMPLOYER AND WORK FORCE
17 NEEDS, NEW EDUCATIONAL OFFERINGS AND GENERAL COORDINATION OF
18 SERVICE AND FACILITIES. ONE ADVISORY COUNCIL MEMBER
19 REPRESENTING A COMMUNITY COLLEGE AND ONE ADVISORY COUNCIL
20 MEMBER THAT IS A PRESIDENT OF A COLLEGE OR UNIVERSITY SHALL
21 SERVE AS COCHAIRMAN. THE COCHAIRMAN OF THE ADVISORY COUNCIL
22 SHALL PROVIDE UPDATES TO THE BOARD OF TRUSTEES AS
23 APPROPRIATE.

24 (7) THE BOARD OF TRUSTEES SHALL CHOOSE FROM AMONG ITS
25 MEMBERS A CHAIRMAN, VICE CHAIRMAN AND SECRETARY.

26 (8) A MAJORITY OF THE MEMBERS OF THE BOARD OF TRUSTEES
27 SHALL CONSTITUTE A QUORUM.

28 (9) TRUSTEES SHALL SERVE WITHOUT COMPENSATION, EXCEPT
29 THAT THEY SHALL BE REIMBURSED BY THE RURAL REGIONAL COLLEGE
30 FOR THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE

1 PERFORMANCE OF THEIR DUTIES.

2 SECTION 1906-G. ESTABLISHMENT.

3 (A) GENERAL RULE.--NO LATER THAN OCTOBER 30, 2016, THE BOARD
4 OF TRUSTEES APPOINTED UNDER SECTION 1905-G SHALL SUBMIT TO THE
5 SECRETARY A PROPOSED RURAL REGIONAL COLLEGE PLAN IN SUCH FORM
6 AND CONTAINING SUCH INFORMATION AS THE SECRETARY MAY REQUIRE. IN
7 ADDITION TO OTHER INFORMATION WHICH MAY BE REQUIRED BY THE
8 SECRETARY, THE PLAN SHALL INCLUDE THE FOLLOWING:

9 (1) A DESIGNATION OF THE NAME OF THE PROPOSED RURAL
10 REGIONAL COLLEGE WHICH SHALL BE THE "RURAL REGIONAL COLLEGE
11 OF " OR " RURAL REGIONAL
12 COLLEGE."

13 (2) A SURVEY OF THE EDUCATIONAL, VOCATIONAL AND
14 OCCUPATIONAL NEEDS OF THE AREA AND THE MEANS BY WHICH THE
15 PROPOSED RURAL REGIONAL COLLEGE WILL MEET THOSE NEEDS,
16 REENGAGE HIGH SCHOOL DROPOUTS TO EARN THEIR SECONDARY
17 CREDENTIALS AND POSTSECONDARY CREDENTIALS OR INDUSTRY
18 CERTIFICATION, REDUCE UNEMPLOYMENT AND IMPROVE THE EMPLOYABLE
19 SKILLS OF RESIDENTS OF THE AREA TO BE SERVED BY THE RURAL
20 REGIONAL COLLEGE.

21 (3) AN OPERATING AND FINANCIAL PLAN FOR THE PROPOSED
22 RURAL REGIONAL COLLEGE, INCLUDING A PLAN FOR THE CAPITAL
23 NEEDS AND EXPENSES OF THE PROPOSED RURAL REGIONAL COLLEGE.

24 (4) A PLAN BY WHICH THE RURAL REGIONAL COLLEGE SHALL
25 SEEK ACCREDITATION BY AN ACCREDITING ASSOCIATION WHICH IS
26 RECOGNIZED BY THE UNITED STATES DEPARTMENT OF EDUCATION.

27 (B) SUBMISSION OF PLAN.--WITHIN 60 DAYS OF THE SUBMISSION OF
28 THE RURAL REGIONAL COLLEGE PLAN TO THE SECRETARY, THE SECRETARY
29 SHALL ISSUE AN APPROVAL OR REJECTION OF THE PLAN. A REJECTION OF
30 THE PLAN SHALL BE ACCOMPANIED BY A WRITTEN STATEMENT OF THE

1 REASONS FOR THE REJECTION OF THE PLAN. IF THE PLAN IS REJECTED,
2 THE BOARD OF TRUSTEES SHALL SUBMIT A REVISED PLAN TO THE
3 SECRETARY WITHIN 60 DAYS OF THE PLAN'S REJECTION.

4 (C) PLAN APPROVAL.--UPON THE APPROVAL OF THE PLAN BY THE
5 SECRETARY, THE RURAL REGIONAL COLLEGE SHALL BE CONSIDERED
6 ESTABLISHED.

7 SECTION 1907-G. POWERS AND DUTIES OF BOARD OF TRUSTEES.

8 (A) GENERAL RULE.--THE BOARD OF TRUSTEES APPOINTED UNDER
9 SECTION 1905-G SHALL ADMINISTER AND SUPERVISE THE AFFAIRS OF THE
10 RURAL REGIONAL COLLEGE ESTABLISHED UNDER THIS ARTICLE. SUBJECT
11 TO ANY OTHER LAW AND TO ANY REGULATIONS PROMULGATED BY THE STATE
12 BOARD PERTAINING TO RURAL REGIONAL COLLEGES, THE BOARD OF
13 TRUSTEES SHALL HAVE THE FOLLOWING POWERS AND DUTIES:

14 (1) TO ADVANCE THE MISSION OF THE RURAL REGIONAL COLLEGE
15 IN SERVICE TO RESIDENTS OF THE REGION DESIGNATED UNDER
16 SECTION 1904-G(A) (2).

17 (2) TO APPOINT AND FIX THE SALARY OF A PRESIDENT OF THE
18 RURAL REGIONAL COLLEGE.

19 (3) TO APPOINT AND FIX THE SALARY OF A CHIEF FINANCIAL
20 OFFICER OF THE RURAL REGIONAL COLLEGE.

21 (4) TO HOLD, RENT, LEASE, SELL, PURCHASE AND IMPROVE
22 LAND, BUILDINGS, FURNISHINGS, EQUIPMENT, MATERIALS, BOOKS AND
23 SUPPLIES.

24 (5) TO ENTER INTO CONTRACTS FOR SERVICES WITH COMMUNITY
25 EDUCATION COUNCILS, SCHOOLS, COLLEGES OR UNIVERSITIES, OR
26 WITH SCHOOL DISTRICTS OR MUNICIPALITIES, AND OTHER APPLICABLE
27 OR APPROPRIATE AGENCIES AND ORGANIZATIONS TO EFFECTUATE THE
28 PURPOSES OF THIS ARTICLE.

29 (6) TO ACCEPT AND RECEIVE GIFTS OF REAL AND PERSONAL
30 PROPERTY AND FEDERAL, STATE AND LOCAL MONEY, LOANS AND GRANTS

1 AND TO EXPEND THE SAME.

2 (7) TO MAKE POLICIES PROVIDING FOR THE ADMISSION AND
3 EXPULSION OF STUDENTS, THE COURSES OF INSTRUCTION, THE
4 TUITION AND FEES TO BE CHARGED AND FOR ALL MATTERS RELATED TO
5 THE GOVERNMENT AND ADMINISTRATION OF THE RURAL REGIONAL
6 COLLEGE, PROVIDED THAT POLICIES RELATED TO ADMISSION, TUITION
7 AND FEES GIVE PREFERENCE TO RESIDENTS OF THE AREA DESIGNATED
8 BY THE SECRETARY UNDER SECTION 1904-G(A)(2).

9 (8) TO SUBMIT TO THE SECRETARY FOR APPROVAL PROPOSED
10 AMENDMENTS TO THE RURAL REGIONAL COLLEGE PLAN.

11 (9) TO ENTER INTO CONTRACTS FOR SERVICES TO HIGH SCHOOLS
12 LOCATED IN THE AREA DESIGNATED BY THE SECRETARY UNDER SECTION
13 1904-G TO PROVIDE SERVICES, INCLUDING AREA VOCATIONAL-
14 TECHNICAL EDUCATION SERVICES.

15 (10) TO APPROVE AN ANNUAL BUDGET TO BE SUBMITTED TO THE
16 SECRETARY FOR FUNDING.

17 (11) TO EXERCISE SUCH OTHER POWERS AND PERFORM SUCH
18 OTHER DUTIES AS ARE NECESSARY TO EFFECTUATE THE PURPOSES OF
19 THIS ARTICLE.

20 (B) DUTIES OF BOARD.--THE BOARD OF TRUSTEES SHALL ENTER INTO
21 CONTRACTS, HOLD PROPERTY AND TAKE OTHER ACTIONS IN THE NAME OF
22 THE RURAL REGIONAL COLLEGE.

23 (C) INITIAL PARTNERSHIP.--

24 (1) THE BOARD OF TRUSTEES SHALL SELECT INITIALLY A
25 PARTNER INSTITUTION TO DEVELOP AND OFFER ACCREDITED COURSES
26 AND PROGRAMS OF STUDY AT THE APPROVED SITES OF OPERATION
27 WHICH HAVE BEEN SELECTED BY THE BOARD OF TRUSTEES.

28 (2) THE PARTNER INSTITUTION SHALL SELECT PROGRAMS ONLY
29 WITH APPROVAL OF THE BOARD OF TRUSTEES AND CONSISTENT WITH
30 THE PARTNER INSTITUTION'S ACCREDITATION AND SHALL BE

1 RESPONSIBLE FOR STAFFING AND EVALUATION AND PROVISION OF
2 OTHER SUPPORT SERVICES AS MAY BE REQUIRED FOR STUDENTS.

3 (3) THE BOARD OF TRUSTEES MAY CONTRACT WITH OTHER
4 COLLEGES TO PROVIDE CURRICULA NOT AVAILABLE THROUGH THE
5 PARTNER INSTITUTION.

6 (4) AS THE RURAL REGIONAL COLLEGE IS ABLE TO OPERATE ON
7 ITS OWN, A TRANSITION PLAN AND BUDGET SHALL BE INCLUDED IN
8 THE CONTRACT BETWEEN THE RURAL REGIONAL COLLEGE AND THE
9 PARTNER INSTITUTION TO EFFICIENTLY EXPEDITE THE TRANSITION.

10 (5) NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO
11 PRECLUDE THE BOARD OF TRUSTEES FROM CONTRACTING FOR SPECIFIC
12 SERVICES OR PROGRAMS FOLLOWING THE TRANSITION FROM THE
13 INITIAL PARTNER INSTITUTION.

14 SECTION 1908-G. OFFICERS OF RURAL REGIONAL COLLEGE.

15 (A) PRESIDENT.--THE PRESIDENT SHALL BE THE CHIEF EXECUTIVE
16 AND ADMINISTRATIVE OFFICER OF THE RURAL REGIONAL COLLEGE AND
17 SHALL PERFORM ALL DUTIES WHICH THE BOARD OF TRUSTEES MAY
18 PRESCRIBE. THE PRESIDENT SHALL HAVE THE RIGHT TO ATTEND MEETINGS
19 OF THE BOARD OF TRUSTEES AND TO BE HEARD ON ALL MATTERS BEFORE
20 IT BUT SHALL HAVE NO RIGHT TO VOTE ON ANY MATTER.

21 (B) CHIEF FINANCIAL OFFICER.--THE CHIEF FINANCIAL OFFICER OF
22 THE RURAL REGIONAL COLLEGE SHALL GIVE A PROPER BOND IN SUCH
23 AMOUNT AND WITH SUCH CORPORATE SURETY AS IS APPROVED BY THE
24 BOARD OF TRUSTEES. THE CHIEF FINANCIAL OFFICER SHALL FILE THE
25 BOND WITH THE BOARD OF TRUSTEES. THE ACCOUNT OF THE CHIEF
26 FINANCIAL OFFICER SHALL BE AUDITED ANNUALLY BY A CERTIFIED
27 PUBLIC ACCOUNTANT OR OTHER QUALIFIED PUBLIC ACCOUNTANT SELECTED
28 BY THE BOARD OF TRUSTEES.

29 SECTION 1909-G. STUDENTS.

30 ANY INDIVIDUAL MAY APPLY FOR ADMISSION TO THE RURAL REGIONAL

1 COLLEGE ESTABLISHED UNDER THIS ARTICLE, PROVIDED THAT PREFERENCE
2 IN ADMISSIONS, TUITION AND FEES MAY BE GIVEN TO RESIDENTS OF THE
3 MULTICOUNTY AREA DESIGNATED BY THE SECRETARY UNDER SECTION 1904-
4 G(A) (2). IN CONSIDERING APPLICANTS FOR ADMISSION, THE RURAL
5 REGIONAL COLLEGE SHALL NOT DISCRIMINATE ON THE BASIS OF RACE,
6 COLOR, GENDER, MARITAL STATUS, ETHNIC GROUP OR RELIGION.
7 SECTION 1910-G. TUITION.

8 THE TUITION AND FEES CHARGED BY THE RURAL REGIONAL COLLEGE
9 SHALL BE AN AMOUNT DETERMINED BY THE BOARD OF TRUSTEES, IN
10 ACCORDANCE WITH THE BUDGET SUBMITTED TO THE SECRETARY. THE BOARD
11 OF TRUSTEES SHALL ANNUALLY ESTABLISH A SEPARATE SCHEDULE OF
12 TUITION AND FEES FOR STUDENTS THAT RESIDE INSIDE THE REGION
13 DESIGNATED UNDER SECTION 1904-G(A) (2) AND STUDENTS THAT RESIDE
14 OUTSIDE THE REGION.

15 SECTION 1911-G. DISSOLUTION AND TRANSITION OF RURAL REGIONAL
16 COLLEGE.

17 THE RURAL REGIONAL COLLEGE ESTABLISHED UNDER THIS ARTICLE MAY
18 NOT BE DISSOLVED WITHOUT THE APPROVAL OF THE SECRETARY. UPON
19 DISSOLUTION OF THE RURAL REGIONAL COLLEGE, THE COMMONWEALTH
20 SHALL ASSUME ALL ASSETS AND LIABILITIES OF THE RURAL REGIONAL
21 COLLEGE, EXCEPT THAT SUCH ASSETS THAT ARE THE PROPERTY OF ANY
22 PARTNER INSTITUTION THAT MAY BE OPERATING FOR AND WITHIN THE
23 RURAL REGIONAL COLLEGE SHALL REMAIN THE PROPERTY OF THE PARTNER
24 INSTITUTION.

25 SECTION 1912-G. DEGREES.

26 THE RURAL REGIONAL COLLEGE ESTABLISHED UNDER THIS ARTICLE MAY
27 AWARD ANY TYPE OF DIPLOMA, TECHNICAL OR CAREER TRAINING
28 CERTIFICATE OR ASSOCIATE DEGREES IN THE ARTS, SCIENCES,
29 TECHNOLOGIES OR GENERAL EDUCATION UPON SUCCESSFUL COMPLETION OF
30 PROGRAMS AUTHORIZED BY THE BOARD OF TRUSTEES. AS LONG AS THE

1 PARTNER INSTITUTION PROVIDES THE ACCREDITED CURRICULA AND
2 COURSES UNDER CONTRACT TO THE RURAL REGIONAL COLLEGE, THE
3 REQUIREMENTS OF THE ACCREDITING AGENCY SHALL PERTAIN TO THE
4 GRANTING OF SUCH AWARDS.

5 SECTION 1913-G. FUNDING.

6 THE RURAL REGIONAL COLLEGE ESTABLISHED UNDER THIS ARTICLE
7 SHALL BE FUNDED BY TUITION AND FEES ESTABLISHED BY THE BOARD OF
8 TRUSTEES AND MAY ACCEPT APPROPRIATIONS FROM THE GENERAL
9 ASSEMBLY, GRANTS FROM THE FEDERAL GOVERNMENT, GRANTS FROM THE
10 COMMONWEALTH, GRANTS FROM PRIVATE FOUNDATIONS OR ANY COMBINATION
11 THEREOF.

12 SECTION 1914-G. FINANCIAL AID.

13 (A) INITIAL PARTNERSHIP PERIOD.--DURING THE RURAL REGIONAL
14 COLLEGE'S INITIAL PARTNERSHIP WITH A PARTNER INSTITUTION, A
15 STUDENT ENROLLED IN THE RURAL REGIONAL COLLEGE SHALL BE ELIGIBLE
16 FOR CONSIDERATION FOR A PENNSYLVANIA STATE GRANT AND OTHER
17 COMMONWEALTH-FUNDED FINANCIAL AID ADMINISTERED BY THE
18 PENNSYLVANIA HIGHER EDUCATION ASSISTANCE AGENCY, PROVIDED THAT
19 THE PARTNER INSTITUTION IS AN INSTITUTION OF HIGHER EDUCATION AS
20 APPROVED BY AND IN ACCORDANCE WITH RULES AND REGULATIONS OF THE
21 PENNSYLVANIA HIGHER EDUCATION ASSISTANCE AGENCY.

22 (B) POSTTRANSITION PERIOD.--UPON THE RURAL REGIONAL COLLEGE
23 OPERATING ON ITS OWN WITHOUT A PARTNER INSTITUTION, A STUDENT
24 SHALL ONLY BE ELIGIBLE FOR CONSIDERATION FOR A PENNSYLVANIA
25 STATE GRANT AND ANY OTHER COMMONWEALTH-FUNDED FINANCIAL AID IF
26 THE RURAL REGIONAL COLLEGE IS APPROVED BY THE DEPARTMENT OF
27 EDUCATION, IS ACCREDITED OR A RECOGNIZED CANDIDATE FOR
28 ACCREDITATION WITH AN ACCREDITING BODY RECOGNIZED UNDER RULES
29 AND REGULATIONS OF THE PENNSYLVANIA HIGHER EDUCATION ASSISTANCE
30 AGENCY AND SATISFIES ANY OTHER INSTITUTIONAL AND ADMINISTRATIVE

1 PROGRAM REQUIREMENTS AS THE PENNSYLVANIA HIGHER EDUCATION
2 ASSISTANCE AGENCY MAY REQUIRE.
3 SECTION 1915-G. REGULATIONS.

4 THE STATE BOARD MAY PROMULGATE REGULATIONS UNDER THE ACT OF
5 JUNE 25, 1982 (P.L.633, NO.181), KNOWN AS THE REGULATORY REVIEW
6 ACT, AS NECESSARY TO IMPLEMENT THIS ARTICLE.

7 SECTION 1916-G. REPORTS.

8 THE LEGISLATIVE BUDGET AND FINANCE COMMITTEE SHALL PREPARE
9 AND SUBMIT TO THE GENERAL ASSEMBLY WRITTEN INTERIM AND FINAL
10 REPORTS EVALUATING THE OPERATION OF THIS ARTICLE. THE INTERIM
11 REPORT SHALL BE SUBMITTED BY JUNE 30, 2018, AND THE FINAL REPORT
12 SHALL BE SUBMITTED BY JUNE 30, 2022. EACH REPORT SHALL INCLUDE,
13 BUT MAY NOT BE LIMITED TO, THE FOLLOWING:

14 (1) A REVIEW OF THE SUCCESS OF THE RURAL REGIONAL
15 COLLEGE ESTABLISHED UNDER THIS ARTICLE IN SATISFYING THE
16 GOALS SET FORTH IN THE RURAL REGIONAL COLLEGE PLAN APPROVED
17 BY THE SECRETARY AND IN SATISFYING THE NEEDS OF THE
18 MULTICOUNTY AREA THE RURAL REGIONAL COLLEGE WAS ESTABLISHED
19 TO SERVE.

20 (2) DEMOGRAPHIC AND PROGRAM DATA, INCLUDING THE
21 FOLLOWING:

22 (I) NUMBERS OF FULL-TIME AND PART-TIME FACULTY AND
23 STUDENT ENROLLMENTS, IN TOTAL AND WITHIN CURRICULAR
24 AREAS.

25 (II) DUAL ENROLLMENT PARTICIPATION.

26 (III) CREDIT HOURS TAUGHT BY FACULTY.

27 (IV) DISTANCE LEARNING COURSES OFFERED.

28 (V) ARTICULATION AGREEMENTS WITH HIGHER EDUCATION
29 INSTITUTIONS.

30 (VI) LISTS OF COURSES WITH FEWER THAN 20 STUDENTS.

1 (VII) LISTS OF COURSES WITH MORE THAN 50 STUDENTS.
2 WHERE AVAILABLE, STUDENT DATA SHALL BE DISAGGREGATED BY
3 CATEGORIES, INCLUDING GENDER, RACE AND AGE.

4 (3) STUDENT PROGRESS AND ACHIEVEMENT MEASURES, INCLUDING
5 THE FOLLOWING:

6 (I) RETENTION RATES RELATED TO STUDENT GOALS.

7 (II) GRADUATION AND COMPLETION RATES AFTER TWO,
8 THREE AND FOUR YEARS.

9 (III) PASSING RATES ON CERTIFICATION AND LICENSURE
10 EXAMINATIONS.

11 (IV) NUMBER OF STUDENTS EMPLOYED WITHIN ONE YEAR OF
12 PROGRAM COMPLETION.

13 (V) PLACEMENT INTO ADDITIONAL EDUCATION OR
14 EMPLOYMENT IN THE STUDENT'S FIELD OF STUDY.

15 WHERE AVAILABLE, DATA SHALL BE DISAGGREGATED BY CATEGORIES,
16 INCLUDING GENDER, RACE AND AGE.

17 (4) ECONOMIC AND WORK FORCE DEVELOPMENT MEASURES,
18 INCLUDING:

19 (I) EMPLOYER SATISFACTION.

20 (II) CUSTOMIZED JOB TRAINING OFFERINGS.

21 (III) EMPLOYMENT STATUS.

22 (IV) NUMBERS OF BUSINESSES AND ORGANIZATIONS SERVED.

23 (5) RECOMMENDATIONS FOR FUTURE LEGISLATION.

24 SECTION 1917-G. TRANSFERS OF CREDITS.

25 FOR PURPOSES OF FACILITATING THE TRANSFER OF CREDITS ATTAINED
26 BY STUDENTS OF THE RURAL REGIONAL COLLEGE, THE RURAL REGIONAL
27 COLLEGE SHALL BE CONSIDERED A PUBLIC INSTITUTION OF HIGHER
28 EDUCATION AS DEFINED IN SECTION 2001-C AND, UPON THE RURAL
29 REGIONAL COLLEGE BEING ABLE TO OPERATE ON ITS OWN, SHALL BE
30 REQUIRED TO FULFILL ALL THE DUTIES AND OBTAIN FOR ITS STUDENTS

1 ALL THE BENEFITS OF ARTICLE XX-C WITHIN TWO YEARS OF OPERATION
2 OF THE ESTABLISHED RURAL REGIONAL COLLEGE.

3 SECTION 21. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:
4 SECTION 2320. STATE AID FOR FISCAL YEAR 2015-2016.

5 NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY,
6 EACH LIBRARY SUBJECT TO 24 PA.C.S. CH. 93 (RELATING TO PUBLIC
7 LIBRARY CODE), SHALL BE ELIGIBLE FOR STATE AID FOR FISCAL YEAR
8 2015-2016, AS FOLLOWS:

9 (1) FUNDS APPROPRIATED FOR LIBRARIES SHALL BE
10 DISTRIBUTED TO EACH LIBRARY UNDER THE FOLLOWING FORMULA:

11 (I) DIVIDE THE AMOUNT OF FUNDING THAT THE LIBRARY
12 RECEIVED IN FISCAL YEAR 2014-2015 UNDER SECTION 1722-
13 J(18) OF THE ACT OF APRIL 9, 1929 (P.L.343, NO.176),
14 KNOWN AS THE FISCAL CODE, BY THE TOTAL STATE-AID SUBSIDY
15 FOR FISCAL YEAR 2014-2015.

16 (II) MULTIPLY THE QUOTIENT UNDER SUBPARAGRAPH (I) BY
17 THE TOTAL STATE-AID SUBSIDY FOR FISCAL YEAR 2015-2016.

18 (2) FOLLOWING DISTRIBUTION OF FUNDS APPROPRIATED FOR
19 STATE AID TO LIBRARIES UNDER PARAGRAPH (1), ANY REMAINING
20 FUNDS MAY BE DISTRIBUTED AT THE DISCRETION OF THE STATE
21 LIBRARIAN.

22 (3) IF FUNDS APPROPRIATED FOR STATE AID TO LIBRARIES IN
23 FISCAL YEAR 2015-2016 ARE LESS THAN FUNDS APPROPRIATED IN
24 FISCAL YEAR 2002-2003, THE STATE LIBRARIAN MAY WAIVE
25 STANDARDS AS PRESCRIBED IN 24 PA.C.S. CH. 93.

26 (4) EACH LIBRARY SYSTEM RECEIVING STATE AID UNDER THIS
27 SECTION MAY DISTRIBUTE THE LOCAL LIBRARY SHARE OF THAT AID IN
28 A MANNER AS DETERMINED BY THE BOARD OF DIRECTORS OF THE
29 LIBRARY SYSTEM.

30 (5) IN THE CASE OF A LIBRARY SYSTEM THAT CONTAINS A

1 LIBRARY OPERATING IN A CITY OF THE SECOND CLASS, CHANGES TO
2 THE DISTRIBUTION OF STATE AID TO THE LIBRARY SHALL BE MADE BY
3 MUTUAL AGREEMENT BETWEEN THE LIBRARY AND THE LIBRARY SYSTEM.

4 (6) IN THE EVENT OF A CHANGE IN DISTRICT LIBRARY CENTER
5 POPULATION PRIOR TO THE EFFECTIVE DATE OF THIS SECTION AS A
6 RESULT OF:

7 (I) A CITY, BOROUGH, TOWN, TOWNSHIP, SCHOOL DISTRICT
8 OR COUNTY MOVING FROM ONE LIBRARY CENTER TO ANOTHER; OR

9 (II) A TRANSFER OF DISTRICT LIBRARY CENTER STATUS TO
10 A COUNTY LIBRARY SYSTEM.

11 FUNDING OF DISTRICT LIBRARY CENTER AID SHALL BE PAID BASED ON
12 THE POPULATION OF THE NEWLY ESTABLISHED OR RECONFIGURED
13 DISTRICT LIBRARY CENTER.

14 (7) IN THE EVENT OF A CHANGE IN DIRECT SERVICE AREA FROM
15 ONE LIBRARY TO ANOTHER, THE STATE LIBRARIAN, UPON AGREEMENT
16 OF THE AFFECTED LIBRARIES, MAY REDISTRIBUTE THE LOCAL LIBRARY
17 SHARE OF AID TO THE LIBRARY CURRENTLY SERVICING THE AREA.

18 SECTION 2502.53. STUDENT-WEIGHTED BASIC EDUCATION FUNDING.--

19 (A) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

20 (1) THE STUDENT-WEIGHTED BASIC EDUCATION FUNDING FORMULA IS
21 THE RESULT OF THE WORK OF THE BASIC EDUCATION FUNDING COMMISSION
22 ESTABLISHED PURSUANT TO SECTION 123.

23 (2) IN THE 2014-2015 SCHOOL YEAR, THE STUDENT-WEIGHTED BASIC
24 EDUCATION FUNDING FORMULA IS ONE PART OF THE ALLOCATION
25 DETERMINED IN SECTION 2502.54.

26 (3) BEGINNING IN THE 2015-2016 SCHOOL YEAR, THE STUDENT-
27 WEIGHTED BASIC EDUCATION FORMULA WILL BE USED TO DISTRIBUTE THE
28 DIFFERENCE BETWEEN THE AMOUNT APPROPRIATED FOR THE SCHOOL YEAR
29 AND THE AMOUNT APPROPRIATED FOR THE DISTRIBUTION UNDER SECTION
30 2502.54.

1 (B) FOR THE 2015-2016 SCHOOL YEAR AND EACH SCHOOL YEAR
2 THEREAFTER, THE COMMONWEALTH SHALL PAY TO EACH SCHOOL DISTRICT A
3 BASIC EDUCATION FUNDING ALLOCATION WHICH SHALL CONSIST OF THE
4 FOLLOWING:

5 (1) AN AMOUNT EQUAL TO THE SCHOOL DISTRICT'S TRANSITION TO
6 STUDENT-WEIGHTED BASIC EDUCATION FUNDING ALLOCATION FOR THE
7 2014-2015 SCHOOL YEAR UNDER SECTION 2502.54.

8 (2) A STUDENT-BASED ALLOCATION TO BE CALCULATED AS FOLLOWS:

9 (I) MULTIPLY THE SCHOOL DISTRICT'S STUDENT-WEIGHTED AVERAGE
10 DAILY MEMBERSHIP BY THE MEDIAN HOUSEHOLD INDEX AND LOCAL EFFORT
11 CAPACITY INDEX.

12 (II) MULTIPLY THE PRODUCT IN SUBPARAGRAPH (I) BY THE
13 DIFFERENCE BETWEEN THE AMOUNT APPROPRIATED FOR THE ALLOCATION OF
14 BASIC EDUCATION FUNDING TO SCHOOL DISTRICTS AND THE AMOUNT
15 APPROPRIATED FOR THE ALLOCATION IN PARAGRAPH (1).

16 (III) DIVIDE THE PRODUCT IN SUBPARAGRAPH (II) BY THE SUM OF
17 THE PRODUCTS IN SUBPARAGRAPH (I) FOR ALL SCHOOL DISTRICTS.

18 (C) FOR THE PURPOSE OF THIS SECTION:

19 (1) STUDENT-WEIGHTED AVERAGE DAILY MEMBERSHIP FOR A SCHOOL
20 DISTRICT SHALL BE THE SUM OF THE FOLLOWING:

21 (I) THE AVERAGE OF THE SCHOOL DISTRICT'S THREE MOST RECENT
22 YEARS' AVERAGE DAILY MEMBERSHIP.

23 (II) THE ACUTE POVERTY AVERAGE DAILY MEMBERSHIP CALCULATED
24 AS FOLLOWS:

25 (A) MULTIPLY THE SCHOOL DISTRICT'S ACUTE POVERTY PERCENTAGE
26 BY ITS AVERAGE DAILY MEMBERSHIP.

27 (B) MULTIPLY THE PRODUCT IN CLAUSE (A) BY SIX-TENTHS (0.6).

28 (III) THE POVERTY AVERAGE DAILY MEMBERSHIP CALCULATED AS
29 FOLLOWS:

30 (A) MULTIPLY THE SCHOOL DISTRICT'S POVERTY PERCENTAGE BY ITS

1 AVERAGE DAILY MEMBERSHIP.

2 (B) MULTIPLY THE PRODUCT IN CLAUSE (A) BY THREE-TENTHS
3 (0.3).

4 (IV) THE CONCENTRATED POVERTY AVERAGE DAILY MEMBERSHIP FOR
5 QUALIFYING SCHOOL DISTRICTS WITH AN ACUTE POVERTY PERCENTAGE
6 EQUAL TO OR GREATER THAN THIRTY PERCENT (30%), TO BE CALCULATED
7 AS FOLLOWS:

8 (A) MULTIPLY THE SCHOOL DISTRICT'S ACUTE POVERTY PERCENTAGE
9 BY ITS AVERAGE DAILY MEMBERSHIP.

10 (B) MULTIPLY THE PRODUCT IN CLAUSE (A) BY THREE-TENTHS
11 (0.3).

12 (V) THE NUMBER OF THE SCHOOL DISTRICT'S LIMITED ENGLISH-
13 PROFICIENT STUDENTS MULTIPLIED BY SIX-TENTHS (0.6).

14 (VI) THE AVERAGE DAILY MEMBERSHIP FOR THE SCHOOL DISTRICT'S
15 STUDENTS ENROLLED IN CHARTER SCHOOLS AND CYBER CHARTER SCHOOLS
16 MULTIPLIED BY TWO-TENTHS (0.2).

17 (VII) THE SPARSITY/SIZE ADJUSTMENT FOR QUALIFYING SCHOOL
18 DISTRICTS WITH A SPARSITY/SIZE RATIO GREATER THAN THE
19 SPARSITY/SIZE RATIO THAT REPRESENTS THE 70TH PERCENTILE
20 SPARSITY/SIZE RATIO FOR ALL SCHOOL DISTRICTS CALCULATED AS
21 FOLLOWS:

22 (A) DIVIDE THE SCHOOL DISTRICT'S SPARSITY/SIZE RATIO BY THE
23 SPARSITY/SIZE RATIO THAT REPRESENTS THE 70TH PERCENTILE FOR ALL
24 SCHOOL DISTRICTS.

25 (B) SUBTRACT ONE (1) FROM THE QUOTIENT IN CLAUSE (A).

26 (C) MULTIPLY THE SUM OF SUBPARAGRAPHS (I), (II), (III),
27 (IV), (V) AND (VI) BY THE AMOUNT IN CLAUSE (B).

28 (D) MULTIPLY THE PRODUCT IN CLAUSE (C) BY SEVEN-TENTHS
29 (0.7).

30 (2) LOCAL EFFORT INDEX FOR A SCHOOL DISTRICT SHALL BE

1 CALCULATED AS FOLLOWS:

2 (I) DETERMINE THE SCHOOL DISTRICT'S LOCAL EFFORT FACTOR

3 CALCULATED AS FOLLOWS:

4 (A) MULTIPLY THE SCHOOL DISTRICT'S MEDIAN HOUSEHOLD INCOME
5 BY ITS NUMBER OF HOUSEHOLDS.

6 (B) DIVIDE THE SCHOOL DISTRICT'S LOCAL TAX-RELATED REVENUE
7 BY THE PRODUCT IN CLAUSE (A).

8 (C) MULTIPLY THE QUOTIENT IN CLAUSE (B) BY ONE THOUSAND
9 (1,000).

10 (D) DIVIDE THE PRODUCT IN CLAUSE (C) BY THE STATEWIDE MEDIAN
11 OF CLAUSE (C).

12 (II) DETERMINE THE SCHOOL DISTRICT'S EXCESS SPENDING FACTOR,
13 TO BE CALCULATED AS FOLLOWS:

14 (A) DIVIDE THE SCHOOL DISTRICT'S CURRENT EXPENDITURES BY THE
15 SUM OF ITS AVERAGE DAILY MEMBERSHIP AND THE AMOUNTS IN PARAGRAPH
16 (1) (II), (III), (IV), (V), (VI) AND (VII).

17 (B) DIVIDE THE QUOTIENT IN CLAUSE (A) BY THE STATEWIDE
18 MEDIAN OF CLAUSE (A).

19 (C) DIVIDE ONE (1) BY THE QUOTIENT IN CLAUSE (B).

20 (III) MULTIPLY THE SCHOOL DISTRICT'S LOCAL EFFORT FACTOR BY
21 THE LESSER OF ONE (1) OR THE SCHOOL DISTRICT'S EXCESS SPENDING
22 FACTOR.

23 (3) LOCAL CAPACITY INDEX FOR A QUALIFYING SCHOOL DISTRICT
24 SHALL BE CALCULATED AS FOLLOWS:

25 (I) DIVIDE THE SCHOOL DISTRICT'S LOCAL TAX-RELATED REVENUE
26 BY THE SUM OF ITS MARKET VALUE AND PERSONAL INCOME VALUATION.

27 (II) MULTIPLY THE SUM OF THE SCHOOL DISTRICT'S MARKET VALUE
28 AND PERSONAL INCOME VALUATION BY THE STATEWIDE MEDIAN OF
29 SUBPARAGRAPH (I).

30 (III) DETERMINE THE SCHOOL DISTRICT'S LOCAL CAPACITY PER

1 STUDENT BY DIVIDING THE PRODUCT IN SUBPARAGRAPH (II) BY THE SUM
2 OF ITS AVERAGE DAILY MEMBERSHIP AND THE AMOUNTS IN PARAGRAPH (1)
3 (II), (III), (IV), (V), (VI) AND (VII).

4 (IV) IF THE SCHOOL DISTRICT'S LOCAL CAPACITY PER STUDENT IS
5 LESS THAN THE STATEWIDE MEDIAN OF SUBPARAGRAPH (III):

6 (A) DIVIDE THE SCHOOL DISTRICT'S LOCAL CAPACITY PER STUDENT
7 BY THE STATEWIDE MEDIAN.

8 (B) SUBTRACT THE QUOTIENT IN CLAUSE (A) FROM ONE (1).

9 (4) LOCAL EFFORT CAPACITY INDEX FOR A SCHOOL DISTRICT SHALL
10 EQUAL THE SUM OF ITS LOCAL EFFORT INDEX AND LOCAL CAPACITY
11 INDEX.

12 (5) THE DATA USED TO CALCULATE THE FACTORS AND INDEXES IN
13 THIS SECTION SHALL BE BASED ON THE MOST RECENT YEARS FOR WHICH
14 DATA IS AVAILABLE AS DETERMINED BY THE DEPARTMENT OF EDUCATION.

15 (D) FOR PURPOSES OF THIS SECTION:

16 (1) "HOUSEHOLDS" SHALL MEAN THE NUMBER OF HOUSEHOLDS IN EACH
17 SCHOOL DISTRICT AS DETERMINED BY THE MOST RECENT FIVE-YEAR
18 ESTIMATE OF THE UNITED STATES CENSUS BUREAU'S AMERICAN COMMUNITY
19 SURVEY.

20 (2) "LOCAL TAX-RELATED REVENUE" SHALL MEAN THE SUM OF SCHOOL
21 DISTRICT REVENUES FOR STATE PROPERTY TAX REDUCTION ALLOCATION,
22 TAXES LEVIED AND ASSESSED, DELINQUENCIES ON TAXES LEVIED AND
23 ASSESSED, REVENUE FROM LOCAL GOVERNMENT UNITS, AND OTHER LOCAL
24 REVENUES NOT SPECIFIED ELSEWHERE, AS DESIGNATED IN THE MANUAL OF
25 ACCOUNTING AND FINANCIAL REPORTING FOR PENNSYLVANIA PUBLIC
26 SCHOOLS.

27 (3) "MEDIAN HOUSEHOLD INCOME" SHALL MEAN THE MEDIAN
28 HOUSEHOLD INCOME FOR SCHOOL DISTRICTS AND THE STATE AS
29 DETERMINED BY THE MOST RECENT FIVE-YEAR ESTIMATE OF THE UNITED
30 STATES CENSUS BUREAU'S AMERICAN COMMUNITY SURVEY.

1 (4) "MEDIAN HOUSEHOLD INCOME INDEX" SHALL MEAN A NUMBER
2 CALCULATED AS FOLLOWS:

3 (I) DIVIDE A SCHOOL DISTRICT'S MEDIAN HOUSEHOLD INCOME BY
4 THE STATE MEDIAN HOUSEHOLD INCOME.

5 (II) DIVIDE ONE (1) BY THE QUOTIENT IN SUBPARAGRAPH (I).

6 (5) "SIZE RATIO" SHALL MEAN A NUMBER CALCULATED AS FOLLOWS:

7 (I) DIVIDE THE AVERAGE OF A SCHOOL DISTRICT'S THREE MOST
8 RECENT YEARS' AVERAGE DAILY MEMBERSHIP BY THE STATEWIDE AVERAGE
9 OF THE THREE MOST RECENT YEARS' AVERAGE DAILY MEMBERSHIP FOR ALL
10 SCHOOL DISTRICTS.

11 (II) MULTIPLY THE AMOUNT IN SUBPARAGRAPH (I) BY FIVE-TENTHS
12 (0.5).

13 (III) SUBTRACT THE AMOUNT IN SUBPARAGRAPH (II) FROM ONE (1).

14 (6) "SPARSITY RATIO" SHALL MEAN A NUMBER CALCULATED AS
15 FOLLOWS:

16 (I) DIVIDE THE AVERAGE OF A SCHOOL DISTRICT'S THREE MOST
17 RECENT YEARS' AVERAGE DAILY MEMBERSHIP BY ITS TOTAL SQUARE MILES
18 AS REPORTED IN THE LATEST DECENNIAL CENSUS AS REPORTED BY UNITED
19 STATES CENSUS BUREAU.

20 (II) DIVIDE THE STATE TOTAL AVERAGE DAILY MEMBERSHIP BY THE
21 STATE TOTAL SQUARE MILES.

22 (III) DIVIDE THE QUOTIENT IN SUBPARAGRAPH (I) BY THE
23 QUOTIENT IN SUBPARAGRAPH (II).

24 (IV) MULTIPLY THE QUOTIENT IN SUBPARAGRAPH (III) BY FIVE-
25 TENTHS (0.5).

26 (V) SUBTRACT THE PRODUCT IN SUBPARAGRAPH (IV) FROM ONE (1).

27 (7) "SPARSITY/SIZE RATIO" SHALL MEAN A NUMBER CALCULATED BY
28 ADDING THE FOLLOWING AMOUNTS:

29 (I) THE SPARSITY RATIO MULTIPLIED BY FOUR-TENTHS (0.4).

30 (II) THE SIZE RATIO MULTIPLIED BY SIX-TENTHS (0.6).

1 (8) "ACUTE POVERTY PERCENTAGE" SHALL MEAN THE NUMBER OF
2 CHILDREN SIX TO SEVENTEEN YEARS OF AGE LIVING IN A HOUSEHOLD
3 WHERE THE RATIO OF INCOME TO POVERTY IS LESS THAN ONE HUNDRED
4 PERCENT (100%) OF THE FEDERAL POVERTY GUIDELINES DIVIDED BY THE
5 TOTAL NUMBER OF CHILDREN SIX TO SEVENTEEN YEARS OF AGE AS
6 DETERMINED BY THE MOST RECENT FIVE-YEAR ESTIMATE OF THE UNITED
7 STATES CENSUS BUREAU'S AMERICAN COMMUNITY SURVEY.

8 (9) "POVERTY PERCENTAGE" SHALL MEAN THE NUMBER OF CHILDREN
9 SIX TO SEVENTEEN YEARS OF AGE LIVING IN A HOUSEHOLD WHERE THE
10 RATIO OF INCOME TO POVERTY IS BETWEEN ONE HUNDRED PERCENT (100%)
11 AND ONE HUNDRED EIGHTY-FOUR PERCENT (184%) OF THE FEDERAL
12 POVERTY GUIDELINES DIVIDED BY THE TOTAL NUMBER OF CHILDREN SIX
13 TO SEVENTEEN YEARS OF AGE AS DETERMINED BY THE MOST RECENT FIVE-
14 YEAR ESTIMATE OF THE UNITED STATES CENSUS BUREAU'S AMERICAN
15 COMMUNITY SURVEY.

16 SECTION 2502.54. TRANSITION TO STUDENT-WEIGHTED BASIC
17 EDUCATION FUNDING FOR 2014-2015 SCHOOL YEAR.-- (A) FOR THE 2014-
18 2015 SCHOOL YEAR, THE COMMONWEALTH SHALL PAY TO EACH SCHOOL
19 DISTRICT A TRANSITION TO STUDENT-WEIGHTED BASIC EDUCATION
20 FUNDING ALLOCATION AS FOLLOWS:

21 (1) AN AMOUNT EQUAL TO THE BASIC EDUCATION FUNDING
22 ALLOCATION FOR THE 2013-2014 SCHOOL YEAR.

23 (2) FOR A THIRD CLASS SCHOOL DISTRICT IDENTIFIED IN
24 FINANCIAL WATCH STATUS UNDER SECTION 611-A FOR TWO OR MORE YEARS
25 THAT HAS CURTAILED ITS EDUCATIONAL PROGRAM BY ELIMINATING ITS
26 HIGH SCHOOL PROGRAM AND HAS ASSIGNED ITS PUPILS TO A NEIGHBORING
27 SCHOOL DISTRICT THROUGH A WRITTEN AGREEMENT WITH THE NEIGHBORING
28 SCHOOL DISTRICT, AN AMOUNT EQUAL TO THREE MILLION DOLLARS
29 (\$3,000,000), TO BE USED AS DESCRIBED IN THE WRITTEN AGREEMENT
30 BETWEEN THE TWO SCHOOL DISTRICTS.

1 (3) FOR A SECOND CLASS SCHOOL DISTRICT DECLARED TO BE IN
2 FINANCIAL RECOVERY STATUS UNDER SECTION 621-A(A)(1)(I)(B), AN
3 AMOUNT EQUAL TO TWELVE MILLION DOLLARS (\$12,000,000), TO BE USED
4 TO REDUCE THE SCHOOL DISTRICT'S STRUCTURAL DEFICIT.

5 (4) AN ALLOCATION INCREASE CALCULATED FOR EACH SCHOOL
6 DISTRICT AS FOLLOWS:

7 (I) DETERMINE THE GREATER OF THE AMOUNT IN SUBSECTION (B)
8 PRORATED TO THREE HUNDRED FIFTY MILLION DOLLARS (\$350,000,000)
9 OR THE AMOUNT IN SECTION 2502.53(B)(2) CALCULATED WITH THREE
10 HUNDRED FIFTY MILLION DOLLARS (\$350,000,000).

11 (II) MULTIPLY THE AMOUNT FROM SUBPARAGRAPH (I) BY THREE
12 HUNDRED FIFTY MILLION DOLLARS (\$350,000,000).

13 (III) DIVIDE THE AMOUNT FROM SUBPARAGRAPH (II) BY THE TOTAL
14 OF THE AMOUNTS IN SUBPARAGRAPH (I) FOR ALL SCHOOL DISTRICTS.

15 (B) AN ALLOCATION INCREASE FOR EACH SCHOOL DISTRICT THAT IS
16 THE SUM OF THE FOLLOWING:

17 (1) AN AMOUNT EQUAL TO THE SCHOOL DISTRICT'S ORIGINAL
18 ACCOUNTABILITY BLOCK GRANT ALLOCATION IN 2010-2011 UNDER SECTION
19 1722-L(A)(10) OF "THE FISCAL CODE" MINUS THE SCHOOL DISTRICT'S
20 ALLOCATION UNDER SECTION 1722-J(21)(I) OF "THE FISCAL CODE."

21 (2) AN AMOUNT EQUAL TO THE SCHOOL DISTRICT'S ORIGINAL
22 EDUCATIONAL ASSISTANCE PROGRAM FUNDING ALLOCATION IN 2010-2011
23 UNDER SECTION 1722-L(A)(9) OF "THE FISCAL CODE."

24 (3) AN AMOUNT ON ACCOUNT OF TUITION COSTS FOR RESIDENT
25 STUDENTS ENROLLED IN A CHARTER SCHOOL APPROVED UNDER SECTION
26 1717-A OR 1718-A OR A CYBER CHARTER SCHOOL APPROVED UNDER
27 SECTION 1741-A CALCULATED AS FOLLOWS:

28 (I) MULTIPLY THE TUITION TO PENNSYLVANIA CHARTER SCHOOLS AND
29 CYBER CHARTER SCHOOLS AS REPORTED ON THE SCHOOL DISTRICT'S 2013-
30 2014 ANNUAL FINANCIAL REPORT BY ONE HUNDRED FIFTY MILLION

1 DOLLARS (\$150,000,000).

2 (II) DIVIDE THE PRODUCT IN CLAUSE (A) BY THE SUM OF THE
3 PRODUCTS IN CLAUSE (A) FOR ALL SCHOOL DISTRICTS.

4 (4) AN AMOUNT TO FURTHER PROVIDE BASIC EDUCATION FUNDING
5 CALCULATED AS FOLLOWS:

6 (I) SUBTRACT THE SCHOOL DISTRICT'S BASIC EDUCATION FUNDING
7 ALLOCATION FOR THE 2009-2010 SCHOOL YEAR UNDER SECTION 1722-L(A)
8 (14) OF "THE FISCAL CODE" FROM THE SCHOOL DISTRICT'S BASIC
9 EDUCATION ALLOCATION FOR THE 2013-2014 SCHOOL YEAR UNDER SECTION
10 1722-J(16) OF "THE FISCAL CODE."

11 (II) IF THE DIFFERENCE IN SUBPARAGRAPH (I) IS LESS THAN ZERO
12 DOLLARS (\$0), MULTIPLY THE DIFFERENCE IN SUBPARAGRAPH (I) BY
13 FIFTY-THREE MILLION THREE HUNDRED EIGHTY-FOUR THOUSAND DOLLARS
14 (\$53,384,000).

15 (III) DIVIDE THE PRODUCT IN SUBPARAGRAPH (II) BY THE SUM OF
16 THE DIFFERENCES IN SUBPARAGRAPH (II) FOR ALL SCHOOL DISTRICTS
17 WHERE THE DIFFERENCE IS LESS THAN ZERO DOLLARS (\$0).

18 SECTION 2508.6. CAREER AND TECHNICAL EDUCATION CAREER
19 PREPARATION.--FOR THE 2015-2016 SCHOOL YEAR, THE SUM OF EIGHT
20 MILLION DOLLARS (\$8,000,000) SHALL BE DISTRIBUTED ON A
21 COMPETITIVE BASIS TO SCHOOL DISTRICTS AND AREA VOCATIONAL-
22 TECHNICAL PROGRAMS TO OFFER COLLEGE AND CAREER COUNSELING IN
23 MIDDLE AND HIGH SCHOOLS IN ORDER TO DEVELOP PATHWAYS FOR
24 STUDENTS TO PURSUE HIGH-SKILL CAREERS.

25 SECTION 22. SECTIONS 2509.1 AND 2509.5 OF THE ACT ARE
26 AMENDED BY ADDING SUBSECTIONS TO READ:

27 SECTION 2509.1. PAYMENTS TO INTERMEDIATE UNITS.--* * *

28 (C.2) (1) FOR THE 2015-2016 SCHOOL YEAR, FIVE AND FOUR
29 TENTHS PERCENT (5.4%) OF THE STATE SPECIAL EDUCATION
30 APPROPRIATION SHALL BE PAID TO INTERMEDIATE UNITS ON ACCOUNT OF

1 SPECIAL EDUCATION SERVICES.

2 (2) THIRTY-FIVE PERCENT (35%) OF THE AMOUNT UNDER PARAGRAPH
3 (1) SHALL BE DISTRIBUTED EQUALLY AMONG ALL INTERMEDIATE UNITS.

4 (3) SIXTY-FIVE PERCENT (65%) OF THE AMOUNT UNDER PARAGRAPH
5 (1) SHALL BE DISTRIBUTED TO EACH INTERMEDIATE UNIT IN PROPORTION
6 TO THE NUMBER OF AVERAGE DAILY MEMBERSHIP OF THE COMPONENT
7 SCHOOL DISTRICTS OF EACH INTERMEDIATE UNIT AS COMPARED TO THE
8 STATEWIDE TOTAL AVERAGE DAILY MEMBERSHIP.

9 * * *

10 SECTION 2509.5. SPECIAL EDUCATION PAYMENTS TO SCHOOL
11 DISTRICTS.--* * *

12 (BBB) (1) DURING THE 2015-2016 SCHOOL YEAR AND EACH SCHOOL
13 YEAR THEREAFTER, EACH SCHOOL DISTRICT SHALL RECEIVE AN AMOUNT
14 EQUAL TO THE AMOUNT IT RECEIVED DURING THE 2013-2014 SCHOOL YEAR
15 UNDER SUBSECTION (AAA) AND A STUDENT-BASED ALLOCATION EQUAL TO
16 THE DIFFERENCE BETWEEN THE AMOUNT ALLOCATED FOR SPECIAL
17 EDUCATION PAYMENTS FOR SCHOOL DISTRICTS AND THE SUM OF THE
18 AMOUNTS PAID UNDER SUBSECTION (AAA) DURING THE 2013-2014 SCHOOL
19 YEAR TO ALL SCHOOL DISTRICTS. THE STUDENT-BASED ALLOCATION FOR
20 EACH SCHOOL DISTRICT SHALL BE CALCULATED AS FOLLOWS:

21 (I) MULTIPLY THE SUM OF THE SCHOOL DISTRICT'S WEIGHTED
22 SPECIAL EDUCATION STUDENT HEADCOUNT AND ITS SPARSITY/SIZE
23 ADJUSTMENT CALCULATED UNDER PARAGRAPH (2) (V) BY ITS MARKET
24 VALUE/INCOME AID RATIO AND ITS EQUALIZED MILLAGE MULTIPLIER
25 CALCULATED UNDER PARAGRAPH (2) (VI).

26 (II) MULTIPLY THE PRODUCT UNDER SUBPARAGRAPH (I) BY THE
27 TOTAL AMOUNT AVAILABLE FOR THE STUDENT-BASED ALLOCATION.

28 (III) DIVIDE THE PRODUCT UNDER SUBPARAGRAPH (II) BY THE SUM
29 OF THE PRODUCTS UNDER SUBPARAGRAPH (I) FOR ALL SCHOOL DISTRICTS.

30 (2) FOR THE PURPOSES OF PARAGRAPH (1) (I):

1 (I) THE WEIGHTED SPECIAL EDUCATION STUDENT HEADCOUNT SHALL
2 BE CALCULATED FOR EACH SCHOOL DISTRICT AS FOLLOWS:

3 (A) MULTIPLY THE NUMBER OF SPECIAL EDUCATION STUDENTS WHO
4 RESIDE IN THE SCHOOL DISTRICT FOR WHICH THE ANNUAL EXPENDITURE
5 IS IN CATEGORY 1 BY ONE AND FIFTY-ONE HUNDREDTHS (1.51).

6 (B) MULTIPLY THE NUMBER OF SPECIAL EDUCATION STUDENTS WHO
7 RESIDE IN THE SCHOOL DISTRICT FOR WHICH THE ANNUAL EXPENDITURE
8 IS IN CATEGORY 2 BY THREE AND SEVENTY-SEVEN HUNDREDTHS (3.77).

9 (C) MULTIPLY THE NUMBER OF SPECIAL EDUCATION STUDENTS WHO
10 RESIDE IN THE SCHOOL DISTRICT FOR WHICH THE ANNUAL EXPENDITURE
11 IS IN CATEGORY 3 BY SEVEN AND FORTY-SIX HUNDREDTHS (7.46).

12 (D) ADD THE PRODUCTS UNDER CLAUSES (A), (B) AND (C).

13 (II) THE SPARSITY RATIO SHALL BE CALCULATED FOR EACH SCHOOL
14 DISTRICT AS FOLLOWS:

15 (A) DIVIDE THE SCHOOL DISTRICT'S AVERAGE DAILY MEMBERSHIP
16 PER SQUARE MILE BY THE COMMONWEALTH'S AVERAGE DAILY MEMBERSHIP
17 PER SQUARE MILE.

18 (B) MULTIPLY THE QUOTIENT UNDER CLAUSE (A) BY ONE-HALF
19 (0.5).

20 (C) SUBTRACT THE PRODUCT UNDER CLAUSE (B) FROM ONE (1).

21 (III) THE SIZE RATIO FOR EACH SCHOOL DISTRICT SHALL BE
22 CALCULATED AS FOLLOWS:

23 (A) DIVIDE THE SCHOOL DISTRICT'S AVERAGE DAILY MEMBERSHIP BY
24 THE AVERAGE OF THE AVERAGE DAILY MEMBERSHIP OF ALL SCHOOL
25 DISTRICTS.

26 (B) MULTIPLY THE QUOTIENT UNDER CLAUSE (A) BY ONE-HALF
27 (0.5).

28 (C) SUBTRACT THE PRODUCT UNDER CLAUSE (B) FROM ONE (1).

29 (IV) THE SPARSITY/SIZE RATIO FOR EACH SCHOOL DISTRICT SHALL
30 BE CALCULATED BY ADDING FORTY PERCENT (40%) OF THE SPARSITY

1 RATIO AND SIXTY PERCENT (60%) OF THE SIZE RATIO.

2 (V) THE SPARSITY/SIZE ADJUSTMENT FOR EACH SCHOOL DISTRICT
3 SHALL BE CALCULATED AS FOLLOWS:

4 (A) FOR A SCHOOL DISTRICT WITH A SPARSITY/SIZE RATIO LESS
5 THAN OR EQUAL TO THE SPARSITY/SIZE RATIO THAT REPRESENTS THE
6 SEVENTIETH PERCENTILE OF THE SPARSITY/SIZE RATIO OF ALL SCHOOL
7 DISTRICTS, THE SCHOOL DISTRICT'S SPARSITY/SIZE ADJUSTMENT SHALL
8 BE ZERO (0).

9 (B) FOR A SCHOOL DISTRICT WITH A SPARSITY/SIZE RATIO GREATER
10 THAN THE SPARSITY/SIZE RATIO THAT REPRESENTS THE SEVENTIETH
11 PERCENTILE OF THE SPARSITY/SIZE RATIO OF ALL SCHOOL DISTRICTS,
12 THE SCHOOL DISTRICT'S SPARSITY/SIZE ADJUSTMENT SHALL BE
13 CALCULATED AS FOLLOWS:

14 (I) DIVIDE THE SCHOOL DISTRICT'S SPARSITY/SIZE RATIO BY THE
15 SPARSITY/SIZE RATIO THAT REPRESENTS THE SEVENTIETH PERCENTILE OF
16 THE SPARSITY/SIZE RATIO OF ALL SCHOOL DISTRICTS.

17 (II) SUBTRACT ONE (1) FROM THE QUOTIENT UNDER SUBCLAUSE (I).

18 (III) MULTIPLY THE REMAINDER UNDER SUBCLAUSE (II) BY ONE-
19 HALF (0.5).

20 (IV) MULTIPLY THE PRODUCT UNDER SUBCLAUSE (III) BY THE
21 SCHOOL DISTRICT'S WEIGHTED SPECIAL EDUCATION STUDENT HEADCOUNT.

22 (VI) THE EQUALIZED MILLAGE MULTIPLIER FOR EACH SCHOOL
23 DISTRICT SHALL BE CALCULATED AS FOLLOWS:

24 (A) FOR A SCHOOL DISTRICT WITH AN EQUALIZED MILLAGE RATE
25 GREATER THAN OR EQUAL TO THE EQUALIZED MILLAGE RATE THAT
26 REPRESENTS THE SEVENTIETH PERCENTILE OF THE EQUALIZED MILLAGE
27 RATE OF ALL SCHOOL DISTRICTS, THE SCHOOL DISTRICT'S EQUALIZED
28 MILLAGE MULTIPLIER SHALL BE ONE (1).

29 (B) FOR A SCHOOL DISTRICT WITH AN EQUALIZED MILLAGE RATE
30 LESS THAN THE EQUALIZED MILLAGE RATE THAT REPRESENTS THE

1 SEVENTIETH PERCENTILE OF THE EQUALIZED MILLAGE RATE OF ALL
2 SCHOOL DISTRICTS, THE SCHOOL DISTRICT'S EQUALIZED MILLAGE
3 MULTIPLIER SHALL BE CALCULATED BY DIVIDING THE SCHOOL DISTRICT'S
4 EQUALIZED MILLAGE RATE BY THE EQUALIZED MILLAGE RATE THAT
5 REPRESENTS THE SEVENTIETH PERCENTILE OF THE EQUALIZED MILLAGE
6 RATE OF ALL SCHOOL DISTRICTS.

7 (VII) THE DOLLAR RANGES FOR THE ANNUAL EXPENDITURE AMOUNTS
8 DESIGNATED AS CATEGORY 1, CATEGORY 2 AND CATEGORY 3 UNDER
9 SUBPARAGRAPH (I) SHALL BE BASED ON THE INFORMATION REPORTED TO
10 THE DEPARTMENT UNDER SECTION 1372(8). FOR THE PURPOSES OF
11 SUBPARAGRAPH (I), CATEGORY 3 SHALL BE THE SUM OF THE STUDENTS
12 REPORTED IN CATEGORIES 3A AND 3B UNDER SECTION 1372(8).

13 (VIII) THE DATA USED TO CALCULATE THE WEIGHTED SPECIAL
14 EDUCATION STUDENT HEADCOUNT UNDER SUBPARAGRAPH (I) SHALL BE
15 BASED ON INFORMATION FROM THE MOST RECENT YEAR FOR WHICH DATA IS
16 AVAILABLE AS DETERMINED BY THE DEPARTMENT OF EDUCATION. THE DATA
17 USED TO CALCULATE THE PROVISIONS UNDER SUBPARAGRAPHS (II),
18 (III), (IV), (V) AND (VI) SHALL BE AVERAGED FOR THE THREE MOST
19 RECENT YEARS FOR WHICH DATA IS AVAILABLE AS DETERMINED BY THE
20 DEPARTMENT OF EDUCATION.

21 SECTION 23. SECTION 2509.8(E) OF THE ACT, ADDED DECEMBER 23,
22 2003 (P.L.304, NO.48), IS AMENDED AND THE SECTION IS AMENDED BY
23 ADDING A SUBSECTION TO READ:

24 SECTION 2509.8. EXTRAORDINARY SPECIAL EDUCATION PROGRAM
25 EXPENSES.--* * *

26 (E) FOR THE 2003-2004 SCHOOL YEAR [AND EACH SCHOOL YEAR
27 THEREAFTER] THROUGH THE 2013-2014 SCHOOL YEAR, THE DEPARTMENT OF
28 EDUCATION SHALL SET ASIDE ONE PERCENT (1%) OF THE SPECIAL
29 EDUCATION APPROPRIATION FOR EXTRAORDINARY EXPENSES INCURRED IN
30 PROVIDING A SPECIAL EDUCATION PROGRAM OR SERVICE TO ONE OR MORE

1 STUDENTS WITH DISABILITIES AS APPROVED BY THE SECRETARY OF
2 EDUCATION. SUCH SPECIAL EDUCATION PROGRAM OR SERVICE SHALL
3 INCLUDE, BUT NOT BE LIMITED TO, THE TRANSPORTATION OF STUDENTS
4 WITH DISABILITIES; SERVICES RELATED TO OCCUPATIONAL THERAPY,
5 PHYSICAL THERAPY, SPEECH AND LANGUAGE, HEARING IMPAIRMENTS OR
6 VISUAL IMPAIRMENTS; OR TRAINING IN ORIENTATION AND MOBILITY FOR
7 CHILDREN WHO ARE VISUALLY IMPAIRED OR BLIND.

8 (F) (I) FOR THE 2015-2016 SCHOOL YEAR AND EACH SCHOOL YEAR
9 THEREAFTER, AN AMOUNT EQUAL TO ONE PERCENT (1%) OF THE SPECIAL
10 EDUCATION APPROPRIATION SHALL BE DISTRIBUTED TO SCHOOL DISTRICTS
11 AND CHARTER SCHOOLS FOR EXTRAORDINARY EXPENSES INCURRED IN
12 PROVIDING A SPECIAL EDUCATION PROGRAM OR SERVICE TO ONE OR MORE
13 STUDENTS WITH DISABILITIES AS APPROVED BY THE SECRETARY OF
14 EDUCATION. SUCH SPECIAL EDUCATION PROGRAM OR SERVICE SHALL
15 INCLUDE, BUT NOT BE LIMITED TO, THE TRANSPORTATION OF STUDENTS
16 WITH DISABILITIES; SERVICES RELATED TO OCCUPATIONAL THERAPY,
17 PHYSICAL THERAPY, SPEECH AND LANGUAGE, HEARING IMPAIRMENTS OR
18 VISUAL IMPAIRMENTS; OR TRAINING IN ORIENTATION AND MOBILITY FOR
19 CHILDREN WHO ARE VISUALLY IMPAIRED OR BLIND.

20 (II) FUNDS DISTRIBUTED TO A SCHOOL DISTRICT OR CHARTER
21 SCHOOL UNDER THIS SUBSECTION SHALL BE ALLOCATED FOR STUDENTS FOR
22 WHICH EXPENSES ARE INCURRED ON AN ANNUAL BASIS THAT ARE EQUAL TO
23 OR GREATER THAN SEVENTY-FIVE THOUSAND DOLLARS (\$75,000) AS
24 FOLLOWS:

25 (A) FOR A STUDENT FOR WHOM EXPENSES ARE EQUAL TO OR GREATER
26 THAN SEVENTY-FIVE THOUSAND DOLLARS (\$75,000) AND LESS THAN OR
27 EQUAL TO ONE HUNDRED THOUSAND DOLLARS (\$100,000), SUBTRACT THE
28 STATE SUBSIDIES PAID ON BEHALF OF THE STUDENT TO THE SCHOOL
29 DISTRICT OR, FOR A STUDENT ENROLLED IN A CHARTER SCHOOL, THE
30 CHARTER SCHOOL PAYMENT RECEIVED BY THE CHARTER SCHOOL WHERE THE

1 CHILD IS ENROLLED FROM THE EXPENSE INCURRED FOR THE STUDENT AND
2 MULTIPLY THE DIFFERENCE BY THE SCHOOL DISTRICT'S OR CHARTER
3 SCHOOL'S MARKET VALUE/PERSONAL INCOME AID RATIO.

4 (B) FOR A STUDENT FOR WHICH EXPENSES ARE GREATER THAN ONE
5 HUNDRED THOUSAND DOLLARS (\$100,000), SUBTRACT THE STATE
6 SUBSIDIES PAID ON BEHALF OF THE STUDENT TO THE SCHOOL DISTRICT
7 OR, FOR A STUDENT ENROLLED IN A CHARTER SCHOOL, THE CHARTER
8 SCHOOL PAYMENT RECEIVED BY THE CHARTER SCHOOL WHERE THE CHILD IS
9 ENROLLED FROM THE EXPENSE INCURRED FOR THE STUDENT.

10 (III) NO SCHOOL DISTRICT OR CHARTER SCHOOL SHALL IN ANY
11 SCHOOL YEAR RECEIVE AN AMOUNT UNDER SUBCLAUSE (I) WHICH EXCEEDS
12 THE TOTAL AMOUNT OF FUNDING AVAILABLE MULTIPLIED BY THE
13 PERCENTAGE EQUAL TO THE GREATEST PERCENTAGE OF THE STATE'S
14 SPECIAL EDUCATION STUDENTS ENROLLED IN A SCHOOL DISTRICT OR
15 CHARTER SCHOOL.

16 SECTION 24. SECTION 2509.14 OF THE ACT IS REPEALED:

17 [SECTION 2509.14. SPECIAL EDUCATION FUNDING FOR ELIGIBLE
18 STUDENTS WITH DISABILITIES IN COST CATEGORY 3.--(A) FOR THE
19 2014-2015 SCHOOL YEAR AND EACH SCHOOL YEAR THEREAFTER, THE
20 DEPARTMENT OF EDUCATION SHALL SET ASIDE AN AMOUNT NOT LESS THAN
21 ONE PERCENT (1%) OF THE STATE SPECIAL EDUCATION APPROPRIATION
22 ABOVE THE LEVEL OF THE APPROPRIATION IN THE BASE YEAR. THE
23 DEPARTMENT OF EDUCATION SHALL DISTRIBUTE THIS AMOUNT AS PROVIDED
24 IN SUBSECTION (B).

25 (B) FOR THE 2014-2015 SCHOOL YEAR AND EACH SCHOOL YEAR
26 THEREAFTER, EACH SCHOOL DISTRICT IN THIS COMMONWEALTH SHALL
27 RECEIVE A PRO RATA SHARE OF THE AMOUNT SET ASIDE UNDER
28 SUBSECTION (A) BASED UPON THE NUMBER OF ELIGIBLE STUDENTS
29 RESIDING OR ENROLLED IN EACH SCHOOL DISTRICT AND CLASSIFIED IN
30 COST CATEGORY 3 DURING THE IMMEDIATELY PRECEDING SCHOOL YEAR.

1 (C) THE FUNDING PROVIDED UNDER THIS SECTION SHALL BE
2 ACCOUNTED FOR AS PART OF ACTUAL SPECIAL EDUCATION SPENDING AND
3 AS PART OF THE SPECIAL EDUCATION ALLOCATION RECEIVED BY A SCHOOL
4 DISTRICT, ACCORDING TO THE DEFINITIONS IN SECTION 2501. SCHOOL
5 DISTRICTS SHALL ALSO ACCOUNT FOR THE FUNDING PROVIDED UNDER THIS
6 SECTION AND THE RESULTING SERVICES AND SUPPORTS FOR ELIGIBLE
7 STUDENTS THROUGH THE SPECIAL EDUCATION PLANS, REVISIONS, UPDATES
8 AND AMENDMENTS REQUIRED BY SECTION 2509.15.]

9 SECTION 25. SECTION 2510.3 OF THE ACT, ADDED JULY 9, 2013
10 (P.L.408, NO.59), IS AMENDED TO READ:

11 SECTION 2510.3. ASSISTANCE TO SCHOOL DISTRICTS DECLARED TO
12 BE IN FINANCIAL RECOVERY STATUS OR IDENTIFIED FOR FINANCIAL
13 WATCH STATUS.--(A) FOR THE 2013-2014 AND 2015-2016 FISCAL YEAR,
14 THE DEPARTMENT OF EDUCATION MAY UTILIZE UP TO FOUR MILLION FIVE
15 HUNDRED THOUSAND DOLLARS (\$4,500,000) OF UNDISTRIBUTED FUNDS NOT
16 EXPENDED, ENCUMBERED OR COMMITTED FROM APPROPRIATIONS FOR GRANTS
17 AND SUBSIDIES MADE TO THE DEPARTMENT OF EDUCATION TO ASSIST
18 SCHOOL DISTRICTS DECLARED TO BE IN FINANCIAL RECOVERY STATUS
19 UNDER SECTION 621-A OR IDENTIFIED FOR FINANCIAL WATCH STATUS
20 UNDER SECTION 611-A. THE FUNDS SHALL BE TRANSFERRED BY THE
21 SECRETARY OF THE BUDGET TO A RESTRICTED ACCOUNT AS NECESSARY TO
22 MAKE PAYMENTS UNDER THIS SECTION AND, WHEN TRANSFERRED, ARE
23 HEREBY APPROPRIATED TO CARRY OUT THE PROVISIONS OF THIS SECTION.

24 (B) FOR THE 2013-2014 FISCAL YEAR, THE AMOUNT OF SEVEN
25 MILLION FIVE HUNDRED THOUSAND DOLLARS (\$7,500,000) OF
26 UNDISTRIBUTED FUNDS NOT EXPENDED, ENCUMBERED OR COMMITTED FROM
27 APPROPRIATIONS FOR GRANTS AND SUBSIDIES MADE TO THE DEPARTMENT
28 OF EDUCATION SHALL BE TRANSFERRED TO THE FINANCIAL RECOVERY
29 SCHOOL DISTRICT TRANSITIONAL LOAN ACCOUNT TO MAKE LOANS AS
30 PROVIDED UNDER SECTION 681-A.

1 SECTION 26. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:

2 SECTION 2581. REIMBURSEMENT FOR SCHOOL DISTRICTS NOT
3 SUBMITTING REQUIRED DOCUMENTATION.-- (A) FOR A SCHOOL DISTRICT
4 THAT HAS RECEIVED DEPARTMENT OF EDUCATION APPROVAL FOR
5 COMMONWEALTH REIMBURSEMENT OF A CONSTRUCTION OR RECONSTRUCTION
6 PROJECT, BUT FAILS TO SUBMIT ALL ADDITIONAL PROJECT
7 DOCUMENTATION REQUESTED BY THE DEPARTMENT WITHIN NINETY (90)
8 DAYS AFTER THE DEPARTMENT'S REQUEST, THE DEPARTMENT SHALL MOVE:

9 (1) THE PROJECT BACK IN THE REIMBURSEMENT ORDER UNTIL SUCH
10 TIME AS THE SCHOOL DISTRICT COMPLIES WITH THE INFORMATION
11 REQUEST; AND

12 (2) OTHER PROJECTS UP IN THE REIMBURSEMENT ORDER.

13 (B) THE SECRETARY OF EDUCATION MAY GRANT WAIVERS TO SCHOOL
14 DISTRICTS THAT FAIL TO SUBMIT REQUESTED DOCUMENTATION UNDER
15 SUBSECTION (A) AND ARE IN THE PROCESS OF RECONCILING FINANCIAL
16 RECORDS OR ARE FACING LITIGATION OR BOND REFINANCING DELAYS.

17 SECTION 2582. PUBLIC SCHOOL BUILDING LEASE AND DEBT SERVICE
18 REIMBURSEMENTS FOR FISCAL YEAR 2015-2016.-- (A) FOR THE 2015-
19 2016 FISCAL YEAR, THE DEPARTMENT OF EDUCATION SHALL UTILIZE
20 UNDISTRIBUTED FUNDS NOT EXPENDED AS OF DECEMBER 20, 2015, FROM
21 APPROPRIATIONS FOR PAYMENT ON ACCOUNT OF ANNUAL RENTAL OR
22 SINKING FUND CHARGES ON SCHOOL BUILDINGS, INCLUDING CHARTER
23 SCHOOLS, TO MAKE REIMBURSEMENTS FOR SCHOOL BUILDING LEASES AND
24 DEBT SERVICE NECESSARY TO MAKE PAYMENTS IN FISCAL YEAR 2015-2016
25 UNDER THIS ARTICLE.

26 (B) THIS SECTION SHALL NOT INCLUDE REIMBURSEMENT FOR DEBT
27 SERVICE MEETING THE CRITERIA FOR BOND ISSUANCE UNDER ARTICLE
28 XXV-B.

29 SECTION 2599.6. READY-TO-LEARN BLOCK GRANTS.-- (A) FOR THE
30 2015-2016 SCHOOL YEAR, THE DEPARTMENT OF EDUCATION SHALL PAY TO

1 EACH SCHOOL ENTITY A READY-TO-LEARN BLOCK GRANT EQUAL TO THE
2 AMOUNT PAID DURING THE 2014-2015 SCHOOL YEAR UNDER SECTION 1722-
3 J OF THE ACT OF APRIL 9, 1929 (P.L.343, NO.176), KNOWN AS "THE
4 FISCAL CODE."

5 (B) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY,
6 THE REVENUES RECEIVED BY A SCHOOL DISTRICT UNDER THIS SECTION IN
7 AN AMOUNT EQUAL TO THE AMOUNT RECEIVED BY THE SCHOOL DISTRICT
8 UNDER SECTION 1722-J(21) (II) OF "THE FISCAL CODE" SHALL NOT BE
9 INCLUDED IN THE SCHOOL DISTRICT'S BUDGETED TOTAL EXPENDITURE PER
10 AVERAGE DAILY MEMBERSHIP USED TO CALCULATE THE AMOUNT TO BE PAID
11 TO A CHARTER SCHOOL ENTITY UNDER SECTION 1725-A(A) (2) AND (3).

12 (C) TO BE ELIGIBLE TO RECEIVE FUNDING UNDER THIS SECTION,
13 EACH SCHOOL ENTITY SHALL SUBMIT A PLAN FOR APPROVAL TO THE
14 DEPARTMENT OUTLINING HOW THE FUNDING WILL BE USED.

15 (D) FUNDS DISTRIBUTED UNDER THIS SECTION SHALL BE USED FOR
16 THE FOLLOWING PURPOSES:

17 (1) ACCORDING TO THE PROVISIONS CONTAINED IN SECTION
18 2599.2(B).

19 (2) PREKINDERGARTEN THROUGH GRADE 3 CURRICULUM ALIGNMENT
20 WITH THE CURRENT ACADEMIC STANDARDS.

21 (3) TEACHER TRAINING AND PROFESSIONAL DEVELOPMENT
22 OPPORTUNITIES ALIGNED WITH THE CURRENT ACADEMIC STANDARDS
23 DESIGNED TO IMPROVE EARLY LITERACY AND STEM EDUCATION IN
24 PREKINDERGARTEN THROUGH GRADE 3 CLASSES.

25 (4) PREKINDERGARTEN THROUGH GRADE 3 EXTENDED LEARNING
26 OPPORTUNITIES THAT ALLOW FOR ADDITIONAL CLASSROOM INSTRUCTION
27 BEFORE, DURING AND AFTER SCHOOL.

28 (5) ESTABLISHING, MAINTAINING OR EXPANDING A QUALITY
29 PREKINDERGARTEN PROGRAM ALIGNED WITH THE CURRENT ACADEMIC
30 STANDARDS.

1 NECESSARY OR APPROPRIATE RESERVES, COSTS OF ISSUANCE AND ANY
2 OTHER FINANCING COSTS RELATED TO A PLANCON PROJECT.

3 "DEPARTMENT." THE DEPARTMENT OF EDUCATION OF THE
4 COMMONWEALTH.

5 "FINANCE." THE LENDING OR PROVIDING OF FUNDS TO A SCHOOL
6 DISTRICT FOR PAYMENT OF THE COST OF A PROJECT AND THE PROVISION
7 OF FUNDS FOR A PLANCON PROJECT.

8 "FINANCING LAW." THE PROVISIONS OF 64 PA.C.S. CH. 15
9 (RELATING TO COMMONWEALTH FINANCING AUTHORITY).

10 "PLANCON PROJECT." THE FUNDING OF APPROVED REIMBURSABLE
11 RENTALS FOR APPROVED LEASES AND APPROVED REIMBURSABLE SINKING
12 FUND CHARGES AUTHORIZED UNDER SECTION 2574 AND CAPITAL GRANTS
13 FOR A PROJECT AUTHORIZED TO BE APPROVED UNDER SECTION 2574.4.

14 "PROJECT." AS DEFINED IN 64 PA.C.S. CH. 15 (RELATING TO
15 COMMONWEALTH FINANCING AUTHORITY) OR ANY PROJECT OF A SCHOOL
16 DISTRICT THAT IS ELIGIBLE FOR REIMBURSEMENT BY THE COMMONWEALTH
17 AS REQUIRED UNDER SUBARTICLE (F) OF ARTICLE XXV FOR APPROVED
18 RENTAL OR SINKING FUND CHARGES.
19 SECTION 2502-B. BOND ISSUANCE.

20 (A) DECLARATION OF POLICY.--THE GENERAL ASSEMBLY FINDS AND
21 DECLARES THAT:

22 (1) FUNDING THE PAYMENT OF REIMBURSEMENTS TO SCHOOL
23 DISTRICTS FOR CONSTRUCTION AND RECONSTRUCTION PROJECTS,
24 THROUGH THE AUTHORITY, IS IN THE BEST INTEREST OF THE
25 COMMONWEALTH.

26 (2) THE FINANCING LAW IS TO BE LIBERALLY CONSTRUED TO
27 EFFECT THE LEGISLATIVE AND PUBLIC PURPOSES.

28 (3) ONE OF THOSE STATED PURPOSES IS THE PROTECTION OF
29 "THE HEALTH, SAFETY AND GENERAL WELFARE OF THE PEOPLE OF THIS
30 COMMONWEALTH" PURSUANT TO 64 PA.C.S. § 1503(6) (RELATING TO

1 FINDINGS AND DECLARATION OF POLICY).

2 (4) IN ORDER TO ACCOMPLISH SUCH A GOAL "IT IS DESIRABLE
3 TO BUILD, IMPROVE AND FINANCE FACILITIES OWNED BY
4 MUNICIPALITIES, MUNICIPAL AUTHORITIES AND OTHER AUTHORITIES
5 AND INSTRUMENTALITIES OF THE COMMONWEALTH," WHICH INCLUDES
6 SCHOOL DISTRICTS, PURSUANT TO 64 PA.C.S. § 1503(7).

7 (B) AUTHORITY.--NOTWITHSTANDING ANY OTHER LAW THE AUTHORITY
8 SHALL ESTABLISH A PROGRAM TO ISSUE BONDS ON BEHALF OF SCHOOL
9 DISTRICTS TO PROVIDE REIMBURSEMENTS FROM THE COMMONWEALTH AS
10 REQUIRED UNDER ARTICLE XXV FOR APPROVED RENTAL OR SINKING FUND
11 CHARGES.

12 (C) DEBT OR LIABILITY.--

13 (1) BONDS ISSUED UNDER THIS ARTICLE SHALL NOT BE A DEBT
14 OR LIABILITY OF THE COMMONWEALTH AND SHALL NOT CREATE OR
15 CONSTITUTE ANY INDEBTEDNESS, LIABILITY OR OBLIGATION OF THE
16 COMMONWEALTH.

17 (2) BOND OBLIGATIONS SHALL BE PAYABLE SOLELY FROM
18 REVENUES OR FUNDS PLEDGED OR AVAILABLE FOR REPAYMENT AS
19 AUTHORIZED UNDER THIS ARTICLE.

20 (3) EACH BOND MUST CONTAIN ON ITS FACE A STATEMENT THAT:

21 (I) THE AUTHORITY IS OBLIGATED TO PAY THE PRINCIPAL
22 OF OR INTEREST ON THE BONDS ONLY FROM THE REVENUES OR
23 FUNDS PLEDGED OR AVAILABLE FOR REPAYMENT AS AUTHORIZED
24 UNDER THIS ARTICLE.

25 (II) NEITHER THE COMMONWEALTH NOR ANY SCHOOL
26 DISTRICT IS OBLIGATED TO PAY THE PRINCIPAL OF OR INTEREST
27 ON THE BONDS.

28 (III) THE FULL FAITH AND CREDIT OF THE COMMONWEALTH
29 OR OF ANY SCHOOL DISTRICT IS NOT PLEDGED TO THE PAYMENT
30 OF THE PRINCIPAL OF OR THE INTEREST ON THE BONDS.

1 SECTION 2503-B. LIMITATIONS ON BOND ISSUANCE.

2 THE AUTHORITY MAY ISSUE BONDS FOR A PLANCON PROJECT IN AN
3 AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$2,500,000,000, UNLESS
4 THE AUTHORITY AND THE DEPARTMENT DETERMINE THIS AMOUNT IS
5 INSUFFICIENT TO CARRY OUT THE PURPOSES OF THIS ARTICLE, THEN THE
6 AUTHORITY SHALL ADOPT A RESOLUTION TO PETITION THE SECRETARY OF
7 THE BUDGET TO INCREASE THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT.
8 THE SECRETARY OF THE BUDGET MAY APPROVE THE PETITION AND, IF
9 APPROVED, SHALL PUBLISH NOTICE OF THE APPROVAL IN THE
10 PENNSYLVANIA BULLETIN. THE AUTHORITY SHALL NOT ISSUE ANY BONDS
11 FOR THE PLANCON PROJECT, EXCEPT REFUNDING BONDS, AFTER JUNE 30,
12 2025. THE AUTHORITY, IN CONSULTATION WITH THE DEPARTMENT AND THE
13 OFFICE OF THE BUDGET, SHALL DETERMINE THE PRINCIPAL AMOUNTS OF
14 TAXABLE AND TAX-EXEMPT BONDS TO BE ISSUED DURING A FISCAL YEAR.
15 NOTWITHSTANDING ANY OTHER LIMITATION, THE AUTHORITY, AT THE
16 REQUEST OF THE DEPARTMENT, MAY ISSUE REFUNDING BONDS AT ANY TIME
17 WHILE BONDS ISSUED FOR THE PLANCON PROJECT ARE OUTSTANDING,
18 PROVIDED THAT THE FINAL MATURITY OF ANY SERIES OF BONDS BEING
19 REFUNDED SHALL NOT BE EXTENDED. INTEREST ON BONDS ISSUED FOR THE
20 PLANCON PROJECT AND REFUNDING BONDS AUTHORIZED UNDER THIS
21 SECTION SHALL BE PAYABLE AT SUCH TIME OR TIMES AS THE AUTHORITY
22 SHALL DETERMINE IN THE RESOLUTION AUTHORIZING SUCH BONDS AND
23 SHALL OTHERWISE BE SUBJECT TO THE OTHER PROVISIONS OF THE
24 FINANCING LAW. THE AGGREGATE PRINCIPAL AMOUNT OF BONDS SET FORTH
25 IN THIS SECTION SHALL NOT BE SUBJECT TO THE DEBT LIMITATIONS SET
26 FORTH IN 64 PA.C.S. § 1543 (RELATING TO INDEBTEDNESS).

27 SECTION 2504-B. SERVICE AGREEMENT AUTHORIZED.

28 THE AUTHORITY AND THE DEPARTMENT MAY ENTER INTO ANY AGREEMENT
29 OR SERVICE AGREEMENT TO EFFECTUATE THE PURPOSES OF THIS ARTICLE,
30 INCLUDING AN AGREEMENT TO SECURE BONDS ISSUED FOR A PLANCON

1 PROJECT, PURSUANT TO WHICH THE DEPARTMENT SHALL AGREE TO PAY
2 SERVICE CHARGES TO THE AUTHORITY IN EACH FISCAL YEAR THAT THE
3 BONDS OR REFUNDING BONDS ARE OUTSTANDING IN AMOUNTS SUFFICIENT
4 TO TIMELY PAY IN FULL THE DEBT SERVICE AND ANY OTHER FINANCING
5 COSTS DUE ON THE BONDS ISSUED FOR THE PLANCON PROJECT. THE
6 DEPARTMENT'S PAYMENT OF SUCH SERVICE CHARGES SHALL BE SUBJECT TO
7 AND DEPENDENT UPON THE APPROPRIATION OF FUNDS BY THE GENERAL
8 ASSEMBLY TO THE DEPARTMENT FOR PAYMENT OF THE SERVICE CHARGES.
9 THE SERVICE AGREEMENT MAY BE AMENDED OR SUPPLEMENTED BY THE
10 AUTHORITY AND THE DEPARTMENT IN CONNECTION WITH THE ISSUANCE OF
11 ANY SERIES OF BONDS OR REFUNDING BONDS AUTHORIZED IN THIS
12 SECTION.

13 SECTION 2505-B. DEPOSIT OF BOND PROCEEDS.

14 THE NET PROCEEDS OF BONDS, OTHER THAN REFUNDING BONDS,
15 EXCLUSIVE OF COSTS OF ISSUANCE, RESERVES AND ANY OTHER FINANCING
16 CHARGES, SHALL BE TRANSFERRED BY THE AUTHORITY TO THE STATE
17 TREASURER FOR DEPOSIT INTO A RESTRICTED ACCOUNT ESTABLISHED IN
18 THE STATE TREASURY AND HELD SOLELY FOR THE PURPOSE OF PAYING
19 COSTS OF A PLANCON PROJECT WHICH ARE DUE TO SCHOOL DISTRICTS.
20 PAYMENT BY THE DEPARTMENT SHALL FOLLOW THE PROCESS REQUIRED BY
21 ARTICLE VII, UNLESS THE DEPARTMENT IS SPECIFICALLY DIRECTED TO
22 FOLLOW A DIFFERENT PROCESS BY THIS ARTICLE. THE DEPARTMENT SHALL
23 REQUISITION PAYMENTS DUE TO SCHOOL DISTRICTS FROM THAT ACCOUNT.
24 TO PAY FOR EXPENSES RELATED TO ITS ADMINISTRATION OF THIS
25 PROGRAM, THE DEPARTMENT, WITH THE APPROVAL OF THE GOVERNOR AND
26 THE AUTHORITY, MAY CHARGE A FEE AGAINST THE PROCEEDS DEPOSITED
27 IN THE RESTRICTED ACCOUNT.

28 SECTION 2506-B. SINKING FUND CHARGES FOR SCHOOL BUILDING
29 PROJECTS.

30 THE FOLLOWING SHALL APPLY:

1 (1) ALL SCHOOL DISTRICTS WHICH SUBMITTED COMPLETED
2 APPLICATIONS TO THE DEPARTMENT PRIOR TO THE EFFECTIVE DATE OF
3 THIS SECTION, AND WHICH VOTE TO PROCEED WITH CONSTRUCTION AND
4 AWARDED BIDS ON THEIR CONSTRUCTION CONTRACTS NO LATER THAN
5 JULY 1, 2019, SHALL, AS PERMITTED BY LAW, EITHER BE AWARDED A
6 ONE-TIME CAPITAL GRANT, IF AVAILABLE, FOR THE APPROVED
7 PROJECT IN LIEU OF APPROVED REIMBURSEMENT PAYMENTS OR, IF NOT
8 AVAILABLE, SHALL RECEIVE PAYMENTS IN THE FORM OF
9 REIMBURSEMENTS.

10 (2) THE DEPARTMENT SHALL ADMINISTER THE PAYMENTS DUE AND
11 PAYABLE UNDER THIS SECTION, AND SHALL DETERMINE THE AMOUNT OF
12 THE CAPITAL GRANT DUE EACH SCHOOL DISTRICT WHICH SHALL NOT
13 EXCEED THE MAXIMUM REIMBURSABLE PROJECT AMOUNT.

14 SECTION 28. SECTION 2603-B OF THE ACT IS AMENDED BY ADDING A
15 SUBSECTION TO READ:

16 SECTION 2603-B. POWERS AND DUTIES OF THE BOARD.--* * *

17 (L) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE
18 CONTRARY, THE BOARD SHALL REQUIRE THAT EACH REGULATION PREPARED
19 BY THE COUNCIL OF BASIC EDUCATION OR THE COUNCIL OF HIGHER
20 EDUCATION UNDER SECTION 2604-B AND PROMULGATED BY THE BOARD
21 UNDER THE ACT OF JUNE 25, 1982 (P.L.633, NO.181), KNOWN AS THE
22 "REGULATORY REVIEW ACT," INCLUDES, IN SO FAR AS THE REGULATION
23 RELATES TO COSTS TO THE COMMONWEALTH, THE FISCAL NOTE PREPARED
24 BY THE OFFICE OF THE BUDGET PURSUANT TO SECTION 612 OF THE ACT
25 OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS "THE ADMINISTRATIVE
26 CODE OF 1929."

27 SECTION 29. REPEALS ARE AS FOLLOWS:

28 (1) THE GENERAL ASSEMBLY FINDS THAT THE REPEAL UNDER
29 PARAGRAPH (2) IS NECESSARY FOR THE ADDITION OF ARTICLE XIX-G
30 OF THE ACT.

1 (2) ARTICLE XVII-E.1 OF THE ACT OF APRIL 9, 1929
2 (P.L.343, NO.176), KNOWN AS THE FISCAL CODE, IS REPEALED.
3 SECTION 30. THE ADDITION OF ARTICLE XIX-G OF THE ACT IS A
4 CONTINUATION OF FORMER ARTICLE XVII-E.1 OF THE ACT OF APRIL 9,
5 1929 (P.L.343, NO.176), KNOWN AS THE FISCAL CODE. THE FOLLOWING
6 APPLY:

7 (1) EXCEPT AS OTHERWISE PROVIDED IN ARTICLE XIX-G OF THE
8 ACT, ALL ACTIVITIES INITIATED UNDER FORMER ARTICLE XVII-E.1
9 OF THE FISCAL CODE SHALL CONTINUE AND REMAIN IN FULL FORCE
10 AND EFFECT AND MAY BE COMPLETED UNDER ARTICLE XIX-G OF THE
11 ACT. ORDERS, REGULATIONS, RULES AND DECISIONS WHICH WERE MADE
12 UNDER FORMER ARTICLE XVII-E.1 OF THE FISCAL CODE AND WHICH
13 ARE IN EFFECT ON THE EFFECTIVE DATE OF THIS SECTION SHALL
14 REMAIN IN FULL FORCE AND EFFECT UNTIL REVOKED, VACATED OR
15 MODIFIED UNDER ARTICLE XIX-G OF THE ACT. CONTRACTS,
16 OBLIGATIONS AND COLLECTIVE BARGAINING AGREEMENTS ENTERED INTO
17 UNDER FORMER ARTICLE XVII-E.1 OF THE FISCAL CODE ARE NOT
18 AFFECTED NOR IMPAIRED BY THE REPEAL OF FORMER ARTICLE XVII-
19 E.1 OF THE FISCAL CODE.

20 (2) EXCEPT AS SET FORTH IN PARAGRAPH (3), ANY DIFFERENCE
21 IN LANGUAGE BETWEEN ARTICLE XIX-G OF THE ACT AND FORMER
22 ARTICLE XVII-E.1 OF THE FISCAL CODE IS INTENDED ONLY TO
23 CONFORM TO THE STYLE OF THE PUBLIC SCHOOL CODE OF 1949 AND IS
24 NOT INTENDED TO CHANGE OR AFFECT THE LEGISLATIVE INTENT,
25 JUDICIAL CONSTRUCTION OR ADMINISTRATION AND IMPLEMENTATION OF
26 FORMER ARTICLE XVII-E.1 OF THE FISCAL CODE.

27 (3) PARAGRAPH (2) DOES NOT APPLY TO THE ADDITION OF THE
28 FOLLOWING PROVISIONS:

29 (I) SECTIONS 1901.1-G AND 1901.2-G OF THE ACT.

30 (II) THE REFERENCE TO JUNE 30, 2016, IN SECTION

1 1906-G(A) OF THE ACT.

2 (4) ANY REFERENCE IN ANY ACT TO FORMER ARTICLE XVII-E.1
3 OF THE ACT OF APRIL 9, 1929 (P.L.343, NO.176), KNOWN AS THE
4 FISCAL CODE, SHALL BE CONSIDERED TO BE A REFERENCE TO ARTICLE
5 XIX-G OF THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN AS
6 THE PUBLIC SCHOOL CODE OF 1949.

7 SECTION 31. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

8 (1) THE AMENDMENT OR ADDITION OF SECTIONS 510.2, 1204,
9 1204.2, 1401(L), 1414.3, 1414.4, 1414.5, 1414.6, 1414.7,
10 1414.8, 1525, 1602-B, 1611-B, 1613-B, 1703-A, 1715-A, 1716-A,
11 1716.1-A, 1717-A, 1719-A, 1720-A, 1721-A, 1722-A, 1723-A,
12 1728-A, 1729-A, 1729.1-A, 1729.2-A, 1733-A, 1741-A, 1742-A,
13 1743-A, 1744-A AND 1745-A OF THE ACT SHALL TAKE EFFECT IN 60
14 DAYS.

15 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT
16 IMMEDIATELY.