

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1422 Session of 2023

INTRODUCED BY CIRESI, MADDEN, ISAACSON, SMITH-WADE-EL, SCHLOSSBERG, HANBIDGE, WEBSTER, GUENST, SANCHEZ, D. WILLIAMS, HOHENSTEIN, HADDOCK, PROBST, HOWARD, DELLOSO, ADAMS, HILL-EVANS, KAZEEM, MALAGARI, PIELLI, SALISBURY, BURNS, SHUSTERMAN, OTTEN, VITALI, RABB, FRIEL, CURRY, KENYATTA, STURLA, BOROWSKI, O'MARA, BENHAM, FIEDLER, CEPEDA-FREYTIZ, VENKAT, DONAHUE, CERRATO, BRIGGS, KRUEGER, BOYD, SAPPEY, TAKAC AND T. DAVIS, JUNE 22, 2023

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, AS AMENDED, JULY 7, 2023

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 preliminary provisions, providing
6 for advertising and sponsorships; in charter schools, further
7 providing for definitions and for funding for charter
8 schools, providing for funding for cyber charter schools, for
9 cyber charter school requirements, for powers and composition
10 of board of trustees and for educational management service
11 providers, further providing for powers and duties of
12 department and for assessment and evaluation, providing for
13 annual reports and public reporting and for fund balance
14 limits, further providing for cyber charter school
15 requirements and prohibitions and for school district and
16 intermediate unit responsibilities, providing for access to
17 other schools' facilities, further providing for
18 establishment of cyber charter school, providing for
19 renewals, for charter amendments and for causes for
20 nonrenewal, revocation or termination, further providing for
21 State Charter School Appeal Board review, for cyber charter
22 school application and for enrollment and notification,
23 providing for enrollment parameters and for enrollee wellness
24 checks and further providing for applicability of other
25 provisions of this act and of other acts and regulations.

26 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 Section 1. The act of March 10, 1949 (P.L.30, No.14), known
3 as the Public School Code of 1949, is amended by adding a
4 section to read:

5 Section 130. Advertising and Sponsorships.--(a) A paid
6 media advertisement by a public school entity that refers to the
7 cost of tuition, technology, transportation or other expenses
8 shall not advertise those expenses as free, and any reference to
9 tuition, technology, transportation or other expenses must
10 indicate that the cost is covered by taxpayer dollars.

11 (b) A public school entity shall be prohibited from paying
12 for or utilizing any other form of consideration to sponsor a
13 public event.

14 (c) No later than August 1, 2024, each public school entity
15 shall report to the department of education the entity's total
16 expenditures for paid media advertisements and sponsorships of
17 public events for the 2022-2023 school year. The department
18 shall compile the results of the reporting and make the results
19 available on the department's publicly accessible Internet
20 website by December 1, 2024.

21 (d) For purposes of this section, the following words and
22 phrases shall have the following meanings:

23 "Paid media advertisement." The term includes a television,
24 radio, newspaper, magazine or movie theater advertisement,
25 billboard, bus poster or Internet-based or other commercial
26 method that may promote enrollment in a public school entity.

27 "Public event." An activity, event or gathering that members
28 of the public may attend, has been publicly announced or
29 publicized in advance, and for which an admission fee or cost
30 may be required. The term includes concerts, performances,

1 sporting events, fairs, festivals, parades, performances and
2 other exhibitions. The term shall not include school-sponsored
3 activities as defined in section 1318.1(j).

4 "Public school entity." A public school district, charter
5 school entity as defined in section 1703-A, intermediate unit or
6 area career and technical school.

7 Section 2. Section 1703-A introductory paragraph and the
8 definitions of "appeal board," "chief executive officer" and
9 "school district of residence" of the act are amended and the
10 section is amended by adding definitions to read:

11 Section 1703-A. Definitions.--[As used in this article,] The
12 following words and phrases when used in this article shall have
13 the meanings given to them in this section unless the context
14 clearly indicates otherwise:

15 "Administrator" shall include the chief administrator of a
16 charter school entity and all other employes of a charter school
17 entity who by virtue of their positions exercise management or
18 operational oversight responsibilities.

19 * * *

20 "Appeal board" shall mean the State Charter School Appeal
21 Board established [by this article] under section 1721-A.

22 * * *

23 "Charter school entity" shall mean a charter school, regional
24 charter school, cyber charter school or multiple charter school
25 organization.

26 "Charter school foundation" shall mean a nonprofit
27 organization qualified as Federally tax exempt under section
28 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-
29 514, 26 U.S.C. § 501(c)(3)), that provides funding or resources
30 or otherwise serves to support a charter school entity.

1 "Chief [executive officer] administrator" shall mean an
2 individual appointed by the board of trustees to oversee and
3 manage the operation of [the] a charter school entity, but who
4 shall not be deemed a professional staff member under this
5 article.

6 * * *

7 "Compensation" shall include money or other remuneration
8 received from a charter school entity.

9 * * *

10 "Educational management service provider" shall mean a
11 nonprofit or for-profit charter management organization,
12 education management organization, school design provider,
13 business manager or any other entity or individual that enters
14 into a contract or agreement with a charter school entity to
15 provide instructional, curricular or educational design,
16 administrative or business services, comprehensive management or
17 personnel functions or to implement the charter. The term shall
18 include the subsidiaries or subcontractors of an individual or
19 entity. The term shall not include a charter school foundation.

20 "Eligible applicant" shall mean a student who is seeking to
21 enter a grade level offered by the charter school entity and
22 meets the requirements of 22 Pa. Code §§ 11.12 (relating to
23 school age), 11.13 (relating to compulsory school age), 11.14
24 (relating to admission to kindergarten when provided), 11.15
25 (relating to admission of beginners), 11.16 (relating to early
26 admission of beginners) and 12.1 (relating to free education and
27 attendance) and student residency requirements.

28 "Emergency" shall mean a manmade or natural disaster. The
29 term includes a fire, flood, environmental hazard, damage to a
30 school building or other circumstance that impacts or could

1 impact the health or safety of students or staff or renders all
2 or part of a charter school facility unfit for use or
3 occupation.

4 "Family member" shall mean a parent, stepparent, child,
5 stepchild, spouse, domestic partner, brother, sister,
6 stepbrother, stepsister, grandparent, grandchild, parent-in-law,
7 brother-in-law, sister-in-law, aunt, uncle, or first cousin.

8 * * *

9 "Multiple charter school organization" shall mean a public,
10 nonprofit corporation under the oversight of a single board of
11 trustees and a chief administrator that operates two (2) or more
12 charter schools under section 1729.1-A.

13 "Nonrelated" shall mean an individual who is not a family
14 member.

15 "Public hearing" shall mean a meeting held pursuant to 65
16 Pa.C.S. Ch. 7 (relating to open meetings) where the contemplated
17 action is considered and opportunities for the public to comment
18 on the contemplated action are provided during the meeting.

19 * * *

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

25 * * *

26 Section 3. Section 1725-A(a) introductory paragraph of the
27 act is amended to read:

28 Section 1725-A. Funding for Charter Schools.--(a) [Funding]
29 Except as provided in section 1725.1-A, funding for a charter
30 school shall be provided in the following manner:

1 * * *

2 Section 4. The act is amended by adding sections to read:

3 Section 1725.1-A. Funding for Cyber Charter Schools.--(a)
4 Notwithstanding section 1725-A(a)(2) and (3), per-student
5 funding amounts for students attending a cyber charter school
6 shall be calculated in accordance with this section.

7 (b) A cyber charter school may not charge tuition for a
8 student attending a cyber charter school. Beginning in the 2024-
9 2025 school year, a cyber charter school shall be paid by a
10 student's school district of residence using the Statewide Cyber
11 Charter School Tuition Rate.

12 (c) For the 2024-2025, 2025-2026 and 2026-2027 school years,
13 for non-special education students, a cyber charter school shall
14 receive for each student enrolled eight thousand dollars
15 (\$8,000). This amount shall be the Statewide Cyber Charter
16 School Tuition Rate.

17 (d) Beginning in the 2027-2028 school year and every three
18 (3) years thereafter, the Statewide Cyber Charter School Tuition
19 Rate shall be adjusted by the average annual property tax rate
20 increase for all school districts for the most recent three (3)
21 years. The department shall develop guidelines for determining
22 the average annual property tax rate increase.

23 (e) On or before April 30, 2027, and by April 30 of each
24 third year thereafter, the department shall calculate and post
25 on its publicly accessible Internet website the Statewide Cyber
26 Charter School Tuition Rate payable by a student's school
27 district of residence under subsection (d) for the next three
28 (3) school years.

29 (f) For special education students, a cyber charter school
30 shall receive the Statewide Cyber Charter School Tuition Rate

1 adjusted as follows:

2 (1) For each special education student enrolled in the cyber
3 charter school, multiply the Statewide Cyber Charter School
4 Tuition Rate by one and sixty-four hundredths (1.64).

5 (2) If the cyber charter school determines that the annual
6 expenditure for providing special education specific services
7 and programs to an enrolled student is likely to meet or exceed
8 the amount specified under section 1372(8) for Category 2, the
9 cyber charter school may apply to the department for an increase
10 in the Statewide Cyber Charter School Tuition Rate for the
11 student.

12 (3) If the department determines that the annual expenditure
13 for providing special education specific services and programs
14 to an enrolled student is likely to meet or exceed the amount
15 specified in section 1372(8) for Category 2, the department
16 shall direct the school district to pay the Statewide Cyber
17 Charter School Tuition Rate for the student adjusted as follows:

18 (i) for each special education student enrolled in the cyber
19 charter school for which the annual expenditure is in Category
20 2, multiply the Statewide Cyber Charter School Tuition Rate by
21 three and eight hundredths (3.08); or

22 (ii) for each special education student enrolled in the
23 cyber charter school for which the annual expenditure is in
24 Category 3, multiply the Statewide Cyber Charter School Tuition
25 Rate by six and thirty-four hundredths (6.34). For purposes of
26 this subparagraph, Category 3 shall include students in
27 Categories 3A and 3B under section 1372(8).

28 (g) The per-student amounts required under subsection (f)
29 shall be calculated by the department and posted on its publicly
30 accessible Internet website and shall be paid by the school

1 district of residence of each student.

2 (h) In accordance with guidelines developed by the
3 department, to be eligible to receive funding for special
4 education students under subsection (f)(2) and (3), the cyber
5 charter school shall provide the department with appropriate
6 documentation on the likely annual expenditure for providing an
7 education to the student.

8 (i) The weights provided under subsection (f) shall be
9 updated whenever the weights under section 2509.5(bbb)(2) for
10 the respective categories are adjusted for school districts.

11 (j) The calculation made under subsection (f) may not result
12 in a payment that exceeds the maximum amount within the
13 category's dollar range and the calculation under subsection (f)
14 (3)(ii) may not result in a payment that exceeds the actual
15 annual expenditure of providing an education to the student. If
16 the actual annual expenditure of providing special education
17 specific services and programs to a student in Category 3 is
18 less than the amount the cyber charter school received for the
19 student, the cyber charter school shall return to the school
20 district of residence any overage the cyber charter school
21 received for the student no later than August 1 of each year.

22 Section 1740-A. Cyber Charter School Requirements.

23 (a) General rule.--Cyber charter schools shall be required
24 to comply with the following provisions:

25 (1) Except as otherwise provided in this article, a
26 cyber charter school is exempt from statutory requirements
27 established in this act, from regulations of the State board
28 and the standards of the secretary not specifically
29 applicable to cyber charter schools. Cyber charter schools
30 are not exempt from statutes applicable to public schools

1 other than this act.

2 (2) A cyber charter school shall be accountable to the
3 parents, guardians, families, the public, the department and
4 the Commonwealth, with the delineation of that accountability
5 reflected in the charter. Strategies for meaningful parent,
6 guardian, family and community involvement shall be developed
7 and implemented by each cyber charter school.

8 (3) A cyber charter school shall not unlawfully
9 discriminate in admissions, hiring or operation.

10 (4) A cyber charter school shall be nonsectarian in all
11 operations.

12 (5) (i) Subject to subparagraph (ii), a cyber charter
13 school shall not provide any religious instruction, nor
14 shall it display religious objects and symbols on the
15 premises of the cyber charter school.

16 (ii) It shall not be a violation of this paragraph
17 for a cyber charter school to utilize a sectarian
18 facility:

19 (A) if the cyber charter school provides for
20 discrete separate entrances to buildings utilized for
21 school purposes only;

22 (B) if the religious objects and symbols within
23 the portions of the facility utilized by the cyber
24 charter school are covered or removed; or

25 (C) in which the unused portion of the facility
26 or its common areas contain religious symbols and
27 objects.

28 (6) A cyber charter school shall not advocate unlawful
29 behavior.

30 (7) A cyber charter school shall participate in the

1 Pennsylvania State Assessment System as provided for in 22
2 Pa. Code Ch. 4 (relating to academic standards and
3 assessment), or subsequent regulations promulgated to replace
4 22 Pa. Code Ch. 4, in the same manner as school districts.

5 (8) A cyber charter school shall provide a minimum of
6 180 days of instruction or 900 hours per year of instruction
7 at the elementary level or 990 hours per year of instruction
8 at the secondary level.

9 (9) Boards of trustees and contractors of cyber charter
10 schools shall be subject to the following statutory
11 requirements governing construction projects and
12 construction-related work:

13 (i) The following provisions of this act:

14 (A) Sections 751 and 751.1.

15 (B) Sections 756 and 757 insofar as they are
16 consistent with the act of December 20, 1967
17 (P.L.869, No.385), known as the Public Works
18 Contractors' Bond Law of 1967.

19 (ii) Section 1 of the act of May 1, 1913 (P.L.155,
20 No.104), entitled "An act regulating the letting of
21 certain contracts for the erection, construction, and
22 alteration of public buildings."

23 (iii) The act of August 11, 1961 (P.L.987, No.442),
24 known as the Pennsylvania Prevailing Wage Act.

25 (iv) The Public Works Contractors' Bond Law of 1967.

26 (v) The act of March 3, 1978 (P.L.6, No.3), known as
27 the Steel Products Procurement Act.

28 (10) Trustees of a cyber charter school shall be public
29 officials for the purposes of 65 Pa.C.S. Ch. 11 (relating
30 to ethics standards and financial disclosure), and each

1 trustee shall file a statement of financial interests for
2 the preceding calendar year with the secretary of the
3 board of trustees of the cyber charter school, the State
4 Ethics Commission and the department not later than May 1
5 of each year that members hold the position and of the
6 year after a member leaves the position. In the event
7 that the trustee was appointed or selected after May 1,
8 the trustee shall file a statement of financial interests
9 in accordance with this clause within 30 days of
10 appointment or selection. All members of the board of
11 trustees of a cyber charter school shall take the oath of
12 office as required under section 321 before entering upon
13 the duties of their office.

14 (b) Employees.--

15 (1) An administrator for a cyber charter school shall be
16 an employee of the cyber charter school and shall not receive
17 compensation from another charter school entity, from an
18 educational management service provider, from a charter
19 school foundation or from a company that provides management
20 or other services to another charter school entity.

21 (2) An administrator for a cyber charter school shall be
22 a public employee under 65 Pa.C.S. Ch. 11 and shall file a
23 statement of financial interest for the preceding calendar
24 year with the secretary of the board of trustees of the cyber
25 charter school not later than May 1 of each year that the
26 person holds the position and of the year after the person
27 leaves the position. In the event that the administrator was
28 appointed after May 1, the administrator shall file a
29 statement of financial interest in accordance with this
30 clause within 30 days of appointment.

1 (3) An administrator of a cyber charter school or family
2 member of an administrator may not serve as a voting member
3 of the board of trustees of the cyber charter school that
4 employs the administrator or of a charter school foundation
5 that supports the cyber charter school.

6 (4) An administrator of a cyber charter school may not
7 participate in the selection, award or administration of a
8 contract if the administrator has a conflict of interest as
9 the term is defined in 65 Pa.C.S. § 1102 (relating to
10 definitions). A contract made in violation of this paragraph
11 shall be voidable by the board of trustees of the cyber
12 charter school.

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

18 (6) Cyber charter schools shall use the revised rating
19 system specified in Article XI Subarticle (c.1) to evaluate
20 employees serving as principals or school leaders, classroom
21 teachers and nonteaching professional employees.

22 Section 1740.1-A. Powers and Composition of Board of Trustees.

23 (a) General rule.--The board of trustees of a cyber charter
24 school shall have the authority to decide matters related to the
25 operation of the school, including, but not limited to,
26 budgeting, curriculum and operating procedures, subject to the
27 school's charter. The board shall have the authority to employ,
28 discharge and contract with necessary professional and
29 nonprofessional employees subject to the school's charter and
30 the provisions of this article.

1 (b) Prohibition.--No member of a local board of school
2 directors of a school entity shall serve on the board of
3 trustees of a cyber charter school.

4 (c) Open meetings.--The board of trustees shall comply with
5 65 Pa.C.S. Ch. 7 (relating to open meetings).

6 (d) Board.--

7 (1) An individual shall be prohibited from serving as a
8 voting member of the board of trustees of a cyber charter
9 school under any of the following conditions:

10 (i) If the individual or a family member of the
11 individual is employed by or receives compensation from
12 the cyber charter school.

13 (ii) If the individual is employed by either:

14 (A) the board of trustees or directors of a
15 charter school foundation that supports the cyber
16 charter school; or

17 (B) the board of trustees or directors of an
18 educational management service provider that
19 contracts with the cyber charter school.

20 (iii) The individual serves as a voting member of
21 the board of trustees of another charter school entity.

22 (2) A member of the board of trustees of a cyber charter
23 school may not participate in the selection, award or
24 administration of any contract if the member has a conflict
25 of interest as the term is defined in 65 Pa.C.S. § 1102
26 (relating to definitions).

27 (3) A member of the board of trustees of a cyber charter
28 school who in the discharge of the member's official duties
29 would be required to vote on a matter that would result in a
30 conflict of interest must abstain from voting and follow the

1 procedures required under 65 Pa.C.S. § 1103(j) (relating to
2 restricted activities).

3 (4) A member of the board of trustees of a cyber charter
4 school or family member of a member of a board of trustees of
5 a cyber charter school shall not, directly or through any
6 other individual, entity, partnership or corporation in which
7 the member holds stock or has a financial interest or other
8 organization, provide a loan, forbearance or forgiveness of a
9 loan or other debt, service or product or lease property to
10 the cyber charter school.

11 (5) A member of the board of trustees of a cyber charter
12 school who violates the provisions of this subsection commits
13 a violation of 65 Pa.C.S. § 1103(a) and shall be subject to
14 the penalties imposed under the jurisdiction of the State
15 Ethics Commission.

16 (6) A contract made in violation of this subsection
17 shall be voidable by a court of competent jurisdiction.

18 (e) Compensation.--A member of the board of trustees of a
19 cyber charter school shall not be compensated for duties on the
20 board of trustees, except that the cyber charter school may
21 reimburse the members for reasonable expenses incurred in the
22 performance of their duties. A report detailing the reasons for
23 and amounts of reimbursements paid to each member of the board
24 of trustees shall be made available upon request of any person,
25 including in response to a request under the act of February 14,
26 2008 (P.L.6, No.3), known as the Right-to-Know Law.

27 (f) Action.--

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

1 the meeting but the members present may adjourn to some
2 stated time.

3 (2) The affirmative vote of a majority of all the voting
4 members of the board of trustees, duly recorded, showing how
5 each member voted, shall be required in order to take
6 official action.

7 (g) Composition.--

8 (1) The board of trustees of a cyber charter school
9 shall consist of a minimum of seven nonrelated voting
10 members. If a cyber charter school has fewer than seven
11 members serving on its board of trustees on the effective
12 date of this subsection, the cyber charter school shall,
13 within 60 days, appoint or select additional members to the
14 board of trustees to meet the minimum requirements of this
15 section.

16 (2) Within one year of the effective date of this
17 subsection, the board of trustees shall include at least one
18 parent or guardian of a student enrolled in the cyber charter
19 school. The trustee appointed under this paragraph shall be
20 eligible to serve only so long as they have at least one
21 child enrolled in the cyber charter school. This subparagraph
22 shall not apply to a cyber charter school that serves
23 primarily adjudicated youth.

24 (3) A member of the board of trustees of a cyber charter
25 school shall be automatically disqualified and immediately
26 removed from the board of trustees upon conviction or upon a
27 plea of guilty or nolo contendere for an offense graded as a
28 felony, an infamous crime, an offense pertaining to fraud,
29 theft or mismanagement of public funds, any offense
30 pertaining to the member's official capacity as a member of

1 the board of trustees, an offense listed in section 111(e) or
2 any crime involving moral turpitude. A member of the board of
3 trustees may also be removed from the board of trustees for
4 violation of applicable laws, regulations and terms of the
5 charter as well as any standards for board of trustees'
6 performance established by the board of trustees.

7 (4) In case any vacancy shall occur in any board of
8 trustees by reason of death, resignation or otherwise, the
9 vacancy shall be filled within 60 days following the vacancy.
10 Section 1740.2-A. Educational Management Service Providers.

11 (a) General rule.--An educational management service
12 provider that provides a service to a cyber charter school:

13 (1) Is a local agency for the purpose of the act of
14 February 14, 2008 (P.L.6, No.3), known as the Right-to-Know
15 Law.

16 (2) Shall maintain a publicly accessible Internet
17 website detailing the salaries and other compensation and
18 titles of its employees, officers and directors.

19 (b) Employees.--Employees of an educational management
20 service provider that provides a service to a cyber charter
21 school are public employees for the purpose of 65 Pa.C.S. Ch. 11
22 (relating to ethics standards and financial disclosure).

23 Section 5. Sections 1741-A and 1742-A of the act are amended
24 to read:

25 Section 1741-A. Powers and duties of department.

26 (a) Powers and duties.--The department shall have all powers
27 necessary to:

28 (1) Receive, review and act on applications for the
29 creation of a cyber charter school [**and have**] including, but
30 not limited to, the power to request further information from

1 applicants, obtain input from interested persons or entities
2 and hold public hearings regarding applications. At least one
3 public hearing shall be held prior to granting or denying an
4 application.

5 (2) [Renew] Receive, review and act on applications to
6 amend and renew the charter of a cyber charter school. [and
7 renew the charter of a charter school approved under section
8 1717-A or 1718-A which provides instruction through the
9 Internet or other electronic means. Upon renewal of a charter
10 of a charter school approved under section 1717-A or 1718-A,
11 the charter school shall qualify as a cyber charter school
12 under this subdivision and shall be subject to the provisions
13 of this subdivision.]

14 (3) Revoke or deny renewal of a cyber charter school's
15 charter under the provisions of section [1729-A] 1745.3-A.

16 [(i) Notwithstanding the provisions of section 1729-
17 A(i), when the department has revoked or denied renewal
18 of a charter, the cyber charter school shall be
19 dissolved. After the disposition of the liabilities and
20 obligations of the cyber charter school, any remaining
21 assets of the cyber charter school shall be given over to
22 the intermediate unit in which the cyber charter school's
23 administrative office was located for distribution to the
24 school districts in which the students enrolled in the
25 cyber charter school reside at the time of dissolution.

26 (ii) Notwithstanding any laws to the contrary, the
27 department may, after notice and hearing, take immediate
28 action to revoke a charter if:

29 (A) a material component of the student's
30 education as required under this subdivision is not

1 being provided; or

2 (B) the cyber charter school has failed to
3 maintain the financial ability to provide services as
4 required under this subdivision.]

5 (4) Execute charters after approval.

6 [(5) Develop forms, including the notification form
7 under section 1748-A(b), necessary to carry out the
8 provisions of this subdivision.]

9 (b) Hearings.--[Hearings] Public hearings conducted by the
10 department shall be conducted under 65 Pa.C.S. Ch. 7 (relating
11 to open meetings).

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

16 (d) Form.--

17 (1) The department shall develop a standard enrollment
18 form in both paper and electronic formats that shall be used
19 by all eligible applicants to apply to a cyber charter
20 school. The standard enrollment form shall only request
21 information necessary to allow the cyber charter school to
22 identify the student, grade level and residency, including:

23 (i) The student's name, address of residence,
24 resident school district, telephone number, age, birth
25 date, current grade level and the grade level in which
26 the student is being enrolled. The cyber charter school
27 shall be required to verify the student's residency
28 within the school district of residence.

29 (ii) The name, address of residence and telephone
30 number or e-mail address of the student's parent or

1 guardian.

2 (iii) The date and grade level in which the student
3 will be enrolled.

4 (iv) A space for the cyber charter school to include
5 the name of the cyber charter school and the name,
6 telephone number and email address of a contact person at
7 the cyber charter school.

8 (v) The signature of the parent or guardian and an
9 authorized representative of the cyber charter school.

10 (2) The standard enrollment form shall be made
11 physically available at each cyber charter school location,
12 in a form that complies with Federal and State law, and
13 posted on the publicly accessible Internet website of the
14 cyber charter school. A cyber charter school may accept the
15 enrollment form via paper or electronic means.

16 (3) A cyber charter school shall not require or request
17 information beyond the contents of the standard enrollment
18 form developed by the department.

19 (4) Nothing in this subsection shall be construed to
20 prohibit a cyber charter school from requesting the
21 submission of additional records and information that public
22 schools are entitled to receive after a student is accepted
23 for admission to, and has indicated an intent to enroll in,
24 the cyber charter school.

25 [Section 1742-A. Assessment and evaluation.

26 The department shall:

27 (1) Annually assess whether each cyber charter school is
28 meeting the goals of its charter and is in compliance with
29 the provisions of the charter and conduct a comprehensive
30 review prior to granting a five-year renewal of the charter.

1 (2) Annually review each cyber charter school's
2 performance on the Pennsylvania System of School Assessment
3 test, standardized tests and other performance indicators to
4 ensure compliance with 22 Pa. Code Ch. 4 (relating to
5 academic standards and assessment) or subsequent regulations
6 promulgated to replace 22 Pa. Code Ch. 4.

7 (3) Have ongoing access to all records, instructional
8 materials and student and staff records of each cyber charter
9 school and to every cyber charter school facility to ensure
10 the cyber charter school is in compliance with its charter
11 and this subdivision.]

12 Section 6. The act is amended by adding sections to read:

13 Section 1742.1-A. Annual Reports and Public Reporting.

14 (a) Department duties.--The department shall:

15 (1) Annually assess and evaluate whether each cyber
16 charter school is meeting the goals of its charter. This may
17 include, but not be limited to, a review of academic
18 performance, financial management, audit results, governance
19 and operation, and compliance with state and federal laws and
20 regulations.

21 (2) Conduct a comprehensive review prior to granting a
22 renewal of the charter. This may include, but not be limited
23 to, a review of academic performance, financial management,
24 audit results, governance and operation, and compliance with
25 state and federal laws and regulations.

26 (3) Have ongoing access to the records, systems and
27 facilities of the cyber charter school and any related
28 charter school foundation or educational management service
29 provider to facilitate the annual and comprehensive reviews
30 required in this subsection and to ensure that the cyber

1 charter school is in compliance with its charter and this
2 article and that requirements for testing, civil rights and
3 student health and safety are being met.

4 (b) Report.--In order to facilitate the department's review
5 under subsection (a), each cyber charter school shall submit an
6 annual report no later than August 1 of each year to the
7 department and all local boards of school directors that have a
8 student enrolled in the cyber charter school in the form
9 prescribed by the department. The following shall apply to the
10 report:

11 (1) The annual report submitted under this subsection
12 shall include, but not be limited to, the number of students
13 who enroll in the cyber charter school and the number of
14 those students who are identified by the cyber charter school
15 as needing special education as well as the level of services
16 being provided to the student.

17 (2) A copy of the annual report submitted under this
18 subsection, including all exhibits and attachments to the
19 report, shall also be maintained at each facility of the
20 cyber charter school and be made available for public
21 inspection and copying and shall be posted on the cyber
22 charter school's publicly accessible Internet website.

23 (c) Compliance.--Cyber charter schools shall comply fully
24 with the requirements of the Family Educational Rights and
25 Privacy Act of 1974 (Public Law 90-247, 20 U.S.C. § 1232g) and
26 associated regulations in all public reporting.

27 (d) Annual audit.--A cyber charter school shall form an
28 independent audit committee of its board of trustees members,
29 which shall review at the close of each fiscal year a complete
30 certified audit of the operations of the cyber charter school.

1 The audit shall be conducted by a qualified independent
2 certified public accountant. The audit shall be presented at a
3 public meeting of the board of trustees. The audit shall be
4 conducted under generally accepted audit standards of the
5 Governmental Accounting Standards Board and shall at a minimum
6 include the following:

7 (1) An enrollment audit to verify the accuracy of
8 student enrollment, including the enrollment, withdrawal and
9 residency of students and the reporting of the enrollment
10 information to the department and the school district of
11 residence.

12 (2) Full review of expense reimbursements for board of
13 trustees members and administrators, including sampling of
14 all reimbursements.

15 (3) Review of internal controls, including review of
16 receipts and disbursements.

17 (4) Review of annual Federal and State tax filings,
18 including the Internal Revenue Service Form 990, Return of
19 Organization Exempt from Income Tax and all related schedules
20 and appendices for the cyber charter school, the educational
21 management service provider and the charter school
22 foundation, if applicable.

23 (5) Review of the financial statements of any charter
24 school foundation.

25 (6) Review of the selection and acceptance process of
26 all contracts publicly bid pursuant to sections 751 and
27 807.1.

28 (7) Review of all board policies and procedures with
29 regard to internal controls, codes of ethics, conflicts of
30 interest, whistle-blower protections; complaints from

1 parents, guardians or the public; compliance with 65 Pa.C.S.
2 Ch. 7 (relating to open meetings); finances; budgeting;
3 audits; public bidding; and bonding.

4 (e) Audit.--A cyber charter school may be subject to an
5 annual audit by the Auditor General, the department, or any
6 other entity granted authority to audit cyber charter schools in
7 addition to any other audits required by Federal or State law or
8 this act.

9 (f) Budget.--

10 (1) A cyber charter school shall annually, not later
11 than June 30 of each year, adopt and provide the department
12 and any school district which has a student enrolled with a
13 copy of the annual budget on a form prepared by the
14 department, which shall require that the cyber charter school
15 provide no more information than that provided by school
16 districts pursuant to section 687.

17 (2) The cyber charter school shall print or otherwise
18 make available for public inspection a copy of the proposed
19 annual budget to all persons at least 20 days prior to the
20 date set for the adoption of the final budget. A copy of the
21 annual budget shall also be posted on the cyber charter
22 school's publicly accessible Internet website.

23 (3) On the date of adoption of the proposed budget
24 required under this subsection, the president or chair of the
25 cyber charter school's board of trustees shall certify to the
26 department that the proposed budget has been prepared,
27 presented and made available for public inspection using the
28 uniform form prepared and furnished by the department. The
29 certification shall be in a form and manner as required by
30 the department. Final action shall not be taken on a proposed

1 budget that has not been prepared, presented and made
2 available for public inspection using the uniform form
3 prepared and furnished by the department.

4 (4) The annual budget adopted and submitted under this
5 subsection shall not exceed the amount of funds available to
6 the cyber charter school.

7 (g) Accessibility.--Notwithstanding any other provision of
8 law, a cyber charter school and an affiliated charter school
9 foundation shall make copies of the following available upon
10 request and on the cyber charter school's or charter school
11 foundation's publicly accessible Internet website, if one is
12 maintained:

13 (1) Annual budgets for the cyber charter school, as
14 provided for in subsection (f), and charter school foundation
15 for the most recent five school years, as available. A
16 charter school foundation shall include in its annual budget
17 the salaries of all employees of the charter school
18 foundation.

19 (2) Annual Federal and State tax filings, including
20 Internal Revenue Service Form 990, Return of Organization
21 Exempt from Income Tax and all related schedules and
22 appendices for the cyber charter school and charter school
23 foundation for the previous five school years.

24 (3) Certified audits under subsection (d) and any
25 Federal and State audits provided under subsection (e) for
26 the cyber charter school and charter school foundation for
27 the previous five school years, as available.

28 (4) Annual reports filed by the cyber charter school
29 under subsection (b) for the previous five school years, as
30 available.

1 Section 1742.2-A. Fund Balance Limits.

2 (a) Limitation.--For the 2024-2025 school year and each
3 school year thereafter a cyber charter school shall not
4 accumulate an unassigned fund balance that exceeds the
5 following:

6 <u>Cyber Charter School</u>	7 <u>Estimated Ending Unassigned Fund</u>
8 <u>Total Budgeted</u>	9 <u>Balance as Percentage of Total</u>
10 <u>Expenditures</u>	11 <u>Budgeted Expenditures</u>
12 <u>Less Than or Equal to \$11,999,999</u>	13 <u>12%</u>
14 <u>Between \$12,000,000 and \$12,999,999</u>	15 <u>11.5%</u>
16 <u>Between \$13,000,000 and \$13,999,999</u>	17 <u>11%</u>
18 <u>Between \$14,000,000 and \$14,999,999</u>	19 <u>10.5%</u>
20 <u>Between \$15,000,000 and \$15,999,999</u>	21 <u>10%</u>
22 <u>Between \$16,000,000 and \$16,999,999</u>	23 <u>9.5%</u>
24 <u>Between \$17,000,000 and \$17,999,999</u>	25 <u>9%</u>
26 <u>Between \$18,000,000 and \$18,999,999</u>	27 <u>8.5%</u>
28 <u>Greater Than or Equal to \$19,000,000</u>	29 <u>8%</u>

30 (b) Refund.--Any unassigned fund balance in place on June
31 30, 2024, and on June 30 of each year thereafter in excess of
32 the fund balance limit established in subsection (a) shall be
33 refunded on a pro rata basis within 90 days to all school
34 districts that paid tuition to the cyber charter school in the
35 prior school year, based upon the number of students for whom
36 each school district paid tuition to the cyber charter school
37 multiplied by the Statewide Cyber Charter School Tuition Rate
38 under section 1725.1-A.

39 (c) Information.--By October 31, 2024, and by October 31 of
40 each year thereafter, each cyber charter school shall provide
41 the department and all school districts that paid tuition to the
42 cyber charter school in the prior school year with information

1 certifying compliance with this section. The information shall
2 be provided in a form and manner prescribed by the department
3 and shall include information on the cyber charter school's
4 estimated ending unassigned fund balance expressed as a dollar
5 amount and as a percentage of the cyber charter school's total
6 budgeted expenditures for that school year.

7 (d) Prohibition.--Unassigned funds of the cyber charter
8 school in excess of the unassigned fund balance limit may not be
9 used to pay bonuses to an administrator, a board of trustees
10 member, an employee, a staff member or a contractor and may not
11 be transferred to a charter school foundation. If a cyber
12 charter school uses funds in excess of the unassigned fund
13 balance limit to pay bonuses to an administrator, a board of
14 trustees member, an employee, a staff member or a contractor or
15 transfers the funds to a charter school foundation, the value of
16 the bonus payment or fund transfer shall be refunded on a pro
17 rata basis to all school districts that paid tuition to the
18 cyber charter school in the prior school year, based upon the
19 number of students for whom each school district paid tuition to
20 the cyber charter school multiplied by the Statewide Cyber
21 Charter School Tuition Rate under section 1725.1-A.

22 (e) Definition.--As used in this section, the term
23 "unassigned fund balance" shall mean that portion of the fund
24 balance of a cyber charter school that is appropriable for
25 expenditure or not legally or otherwise segregated for a
26 specific or tentative future use, projected for the close of the
27 school year for which a cyber charter school's budget was
28 adopted and held in the General Fund accounts of the cyber
29 charter school.

30 Section 7. Sections 1743-A and 1744-A of the act are amended

1 to read:

2 Section 1743-A. Cyber charter school requirements and
3 prohibitions.

4 (a) Special financial requirements prohibited.--A cyber
5 charter school shall not:

6 (1) provide discounts to a school district or waive
7 payments under section [1725-A] 1725.1-A for any student;

8 (2) [except as provided for in subsection (e),] provide
9 payments or reimbursements to parents or guardians for the
10 purchase of instructional materials[; or], for educational or
11 field trips or for any other reason not expressly provided
12 for in subsection (e);

13 (3) offer or provide parents or guardians or students
14 cash, gifts or other incentives having more than a de minimus
15 value for enrolling in, attending or considering enrollment
16 or attendance in the school; or

17 (4) except as compensation for the provision of specific
18 services, enter into agreements to provide funds to a school
19 entity.

20 (b) Enrollment.--A cyber charter school shall report to the
21 department an increase or a decrease of 30% or more in its
22 anticipated enrollment set forth in the application under
23 section [1747-A(11)] 1747-A(3).

24 (c) School district.--A cyber charter school shall make
25 available upon request, either in writing or electronically, to
26 each student's school district of residence the following:

27 (1) A copy of the charter.

28 (2) A copy of the cyber charter school application.

29 (3) A copy of all annual reports prepared by the cyber
30 charter school under this article.

1 (4) A list of all students from that school district
2 enrolled in the cyber charter school.

3 (5) Information required under section 1725.1-A.

4 (d) Parent or guardian.--Upon request and prior to the
5 student's first day in a cyber charter school, the cyber charter
6 school shall, either in writing or electronically, provide to
7 the parent or guardian of a student the following:

8 (1) A current list and brief description of the courses
9 of instruction the student will receive. The list shall be
10 updated annually for each grade level in which the student is
11 enrolled.

12 (2) A description of the lessons and activities to be
13 offered both online and offline.

14 (3) The manner in which attendance will be reported and
15 work will be authenticated.

16 (4) A list of all standardized tests the student will be
17 required to take during the school year and the place where
18 the test will be administered, if available.

19 (5) The meetings to be held during the school year
20 between a parent or guardian and a teacher and among other
21 school officials or parents or guardians and the manner in
22 which the parent or guardian will be notified of the time and
23 place for the meeting.

24 (6) The address of the cyber charter school and the
25 name, telephone number and e-mail address of the school
26 administrator and other school personnel.

27 (7) A list of any extracurricular activities provided by
28 the cyber charter school.

29 (8) The names of the student's teachers, if available,
30 and the manner in which each teacher can be contacted by the

1 student or the parent or guardian.

2 (9) A list of all services that will be provided to the
3 student by the cyber charter school.

4 (10) Copies of policies relating to computer security
5 and privacy, truancy, absences, discipline and withdrawal or
6 expulsion of students.

7 (11) Information on:

8 (i) The cyber charter school's professional staff,
9 including the number of staff personnel, their education
10 level and experience.

11 (ii) The cyber charter school's performance on the
12 PSSA and other standardized test scores.

13 (iii) The cyber charter school's graduation rate, if
14 applicable.

15 (iv) The cyber charter school's designation as a
16 Comprehensive Support and Improvement school, Targeted
17 Support and Improvement School or an Additional Targeted
18 Support and Improvement School under the Every Student
19 Succeeds Act (Public Law 114-95, 129 Stat.1802) or an
20 equivalent building level designation under its successor
21 Federal statute along with a description of the
22 designation, if applicable.

23 (12) Information regarding the proper usage of equipment
24 and materials and the process for returning equipment and
25 materials supplied to the students by the cyber charter
26 school. A parent or guardian shall acknowledge, either in
27 writing or electronically, the receipt of this information.

28 (13) A description of the school calendar, including,
29 but not limited to, the time frame that will constitute a
30 school year and a school week, holidays and term breaks.

1 (e) Students.--For each student enrolled, a cyber charter
2 school shall:

3 (1) provide all instructional materials, which may
4 include electronic or digital books in place of paper books;

5 (2) provide all equipment, including, but not limited
6 to, a computer, computer monitor and printer, provided that a
7 parent or guardian of an enrolled child may elect not to
8 receive a computer monitor and printer; and

9 (3) provide or reimburse for [all] technology and
10 services necessary for the [on-line] online delivery of the
11 curriculum and instruction. The department shall establish a
12 maximum allowable reimbursement rate for the technology and
13 services required under this paragraph.

14 (e.1) The Commonwealth and school district of residence
15 shall not be liable for any reimbursement owed to students,
16 parents or guardians by a cyber charter school under [paragraph
17 (3)] subsection (e) (3).

18 [(f) Annual report.--A cyber charter school shall submit an
19 annual report no later than August 1 of each year to the
20 department in the form prescribed by the department.]

21 (g) Records and facilities.--A cyber charter school shall
22 provide the department with ongoing access to all records and
23 facilities necessary for the department to assess the cyber
24 charter school in accordance with the provisions of this
25 subdivision.]

26 (h) Offices and facilities.--A cyber charter school shall
27 maintain an administrative office within this Commonwealth where
28 all student records shall be maintained at all times and shall
29 provide the department with the addresses of all offices and
30 facilities of the cyber charter school, the ownership thereof

1 and any lease arrangements. The administrative office of the
2 cyber charter school shall be considered as the principal place
3 of business for service of process for any action brought
4 against the cyber charter school or cyber charter school staff
5 members. The cyber charter school shall notify the department of
6 any changes in this information within [ten] 10 days of the
7 change.

8 (i) Applicable law.--Any action taken against the cyber
9 charter school, its successors or assigns or its employees,
10 including any cyber charter school staff member as defined in
11 the act of December 12, 1973 (P.L.397, No.141), known as the
12 Professional Educator Discipline Act, shall be governed by the
13 laws of this Commonwealth. If the department initiates an
14 investigation or pursues an action pursuant to the Professional
15 Educator Discipline Act involving any current or former charter
16 school staff member outside this Commonwealth, any reasonable
17 expenses incurred by the department in such investigation or
18 action shall be paid by the cyber charter school which employed
19 that staff member at the time of the alleged misconduct.

20 (j) Agreements.--Notwithstanding any other provision of law,
21 a cyber charter school may enter into agreements with school
22 districts, intermediate units, career and technical centers or
23 any other public or private school entities located within this
24 Commonwealth for the provision of programs, courses or other
25 educational services.

26 Section 1744-A. School district and intermediate unit
27 responsibilities.

28 (a) General rule.--An intermediate unit or a school district
29 in which a student enrolled in a cyber charter school resides
30 shall do all of the following:

1 (1) Provide the cyber charter school within [ten] 10
2 days of receipt of the notice of the admission of the student
3 under section 1748-A(a) with all records relating to the
4 student, including transcripts, test scores and a copy of any
5 individualized education program for that student.

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

9 (3) Upon request, provide assistance to the cyber
10 charter school in the delivery of services to a student with
11 disabilities. The school district or intermediate unit shall
12 not charge the cyber charter school more for a service than
13 it charges a school district.

14 (4) Make payments to the cyber charter school under
15 section [1725-A] 1725.1-A.

16 (b) Transportation.--A school district in which a student
17 enrolled in a cyber charter school resides shall provide
18 transportation to students with an individualized education
19 program to the extent required by the individualized education
20 program.

21 (c) Services.--An intermediate unit in which a student
22 enrolled in a cyber charter school resides may not refuse to
23 provide any service to a cyber charter school that requests
24 services for a student.

25 Section 8. The act is amended by adding a section to read:
26 Section 1744.1-A. Access to other schools' facilities.

27 (a) Access.--A school district, intermediate unit, community
28 college under Article XIX-A or institution under Article XX-A
29 shall provide a cyber charter school with reasonable access to
30 facilities of the school district, intermediate unit, community

1 college or institution for the administration of standardized
2 testing. The following shall apply:

3 (1) The cyber charter school shall provide the school
4 district, intermediate unit, community college or institution
5 with at least 60 days notice of the need for facilities to be
6 used for the administration of standardized tests.

7 (2) Within 30 days of the cyber charter school's
8 request, the school district, intermediate unit, community
9 college or institution shall notify the cyber charter school
10 of the location of the facilities that will be provided,
11 which shall be a quiet, separate location in which cyber
12 charter school students will not be commingled with students
13 of the school district, intermediate unit, community college
14 or institution.

15 (3) The school district, intermediate unit, community
16 college or institution shall not be required to make
17 facilities available to a cyber charter school on dates and
18 at times that may cause undue interference with the
19 educational programs or assessment schedule of the school
20 district, intermediate unit, community college or
21 institution.

22 (4) Any rental fee for the facilities charged to the
23 cyber charter school and the payment of the fee shall be in
24 compliance with the rental policy of the school district,
25 intermediate unit, community college or institution that
26 applies generally to other organizations and community
27 groups.

28 (b) Computers or other devices.--Nothing in this section
29 shall require a school district, intermediate unit, community
30 college or institution to provide a cyber charter school with

1 computers or any other devices which will be used by students to
2 take standardized tests.

3 Section 9. Section 1745-A of the act is amended to read:
4 Section 1745-A. Establishment of cyber charter school.

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

15 (b) Sectarian entities.--No cyber charter school shall be
16 established or funded by and no charter shall be granted to a
17 sectarian school, institution or other entity.

18 (c) Attendance.--

19 (1) Attendance at a cyber charter school shall satisfy
20 requirements for compulsory attendance.

21 (2) On a form developed by the department and beginning
22 in the 2023-2024 school year, a cyber charter school shall
23 report, on a weekly basis, the attendance of each student for
24 the preceding week to the school district of residence.

25 (d) Application.--An application to establish a cyber
26 charter school shall be submitted to the department by October 1
27 of the school year preceding the school year in which the cyber
28 charter school proposes to commence operation.

29 (e) Grant or denial.--Within 120 days of receipt of an
30 application, the department shall grant or deny the application.

1 The department shall review the application and shall hold at
2 least one public hearing [under 65 Pa.C.S. Ch. 7 (relating to
3 open meetings)]. At least 30 days prior to the hearing, the
4 department shall publish in the Pennsylvania Bulletin and on the
5 department's [World Wide Web site] publicly accessible Internet
6 website notice of the hearing and the purpose of the
7 application.

8 (f) Evaluation criteria.--

9 (1) A cyber charter school application submitted under
10 this subdivision shall be evaluated by the department based
11 on the following criteria:

12 (i) The demonstrated, sustainable support for the
13 cyber charter school plan by teachers, parents or
14 guardians and students.

15 (ii) The capability of the cyber charter school
16 applicant, in terms of support and planning, to provide
17 comprehensive learning experiences to students under the
18 charter.

19 (iii) The extent to which the programs outlined in
20 the application will enable students to meet the academic
21 standards under 22 Pa. Code Ch. 4 (relating to academic
22 standards and assessment) or subsequent regulations
23 promulgated to replace 22 Pa. Code Ch. 4.

24 (iv) The extent to which the application meets the
25 requirements of section 1747-A.

26 (v) The extent to which the cyber charter school may
27 serve as a model for other public schools, including
28 other cyber charter schools.

29 (2) Written notice of the action of the department shall
30 be sent by certified mail to the applicant and published on

1 the department's [World Wide Web site] publicly accessible
2 Internet website. If the application is denied, the reasons
3 for denial, including a description of deficiencies in the
4 application, shall be clearly stated in the notice.

5 (3) Upon approval of a cyber charter school application,
6 a written charter shall be developed which shall contain the
7 provisions of the charter application and be signed by the
8 secretary and each member of the board of trustees of the
9 cyber charter school. The charter, when duly signed, shall
10 act as legal authorization of the establishment of a cyber
11 charter school. The charter shall be legally binding on the
12 department, the cyber charter school and its board of
13 trustees. The charter shall be for a period of no less than
14 three years nor more than five years and may be renewed for a
15 period of five years by the department.

16 (4) The decision of the department to deny an
17 application may be appealed to the appeal board.

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

22 (h) Appeal.--If the department fails to hold the required
23 public hearing or [to approve or disapprove] denies the
24 [charter] application, the applicant may file its application as
25 an appeal to the appeal board pursuant to section 1746-A. The
26 appeal board shall provide notice of the appeal to the
27 department and may allow the department to be heard on the
28 application. If the department fails to respond within 30 days,
29 the appeal board shall review the application and make a
30 decision to approve or disapprove the charter based on the

1 criteria in subsection (f). An appeal must be filed no later
2 than 30 days following the date by which the department was
3 required to act on the application in accordance with subsection
4 (e) or (g), as applicable, or the date of mailing of the written
5 notice issued under subsection (f)(2).

6 Section 10. The act is amended by adding sections to read:
7 Section 1745.1-A. Renewals.

8 (a) General rule.--A cyber charter school shall submit a
9 renewal application as provided under section 1747-A(b) with the
10 department by October 1 of the final year of the charter.

11 (b) Action.--The department shall, no later than 120 days
12 after receipt of a complete renewal application, act to renew or
13 not renew the charter. The department may, in its sole
14 discretion, hold a public hearing to discuss the renewal.

15 (c) Extension.--A renewal shall serve as a requirement for
16 the department to extend the charter pursuant to 1745-A(f)(3).

17 (d) Renewal.--Failure to adhere to subsection (b) shall
18 result in the charter being renewed in accordance with section
19 1745-A(f)(3).

20 (e) Appeal.--Unless otherwise provided in this article, a
21 cyber charter school that appeals a nonrenewal may continue
22 operating based on the terms and conditions contained in the
23 most recent charter pending the decision of the appeal board.

24 Section 1745.2-A. Charter amendments.

25 (a) Filing.--Subject to subsections (b) and (c), a cyber
26 charter school may request amendments to its charter by filing
27 an amendment application describing the requested amendment with
28 the department no later than October 15 of the school year prior
29 to the school year in which the amendment would take effect.

30 Approval from the department shall only be required for changes

1 to one or more material terms of a written charter.

2 (b) Emergency.--Notwithstanding the notice requirements of
3 subsection (a), in the event of an emergency, the cyber charter
4 school shall immediately notify the department of the necessity
5 for an emergency amendment, which shall be effective immediately
6 as a temporary amendment pending completion of the processes set
7 forth in this section.

8 (c) Time.--A cyber charter school may not seek an amendment
9 during the first or final year of the charter term. A cyber
10 charter school seeking an amendment during the final year of the
11 charter term shall submit the amendment application along with
12 the renewal application under section 1745.1.

13 (d) Form.--The department shall create a model amendment
14 application form for a cyber charter school seeking to amend its
15 approved written charter agreement. The form shall be
16 transmitted to the Legislative Reference Bureau for publication
17 in the next available issue of the Pennsylvania Bulletin.
18 published in the Pennsylvania Bulletin and posted on the
19 department's publicly accessible Internet website.

20 (1) The model amendment application shall include the
21 following information:

22 (i) The name of the cyber charter school.

23 (ii) The name and contact information for the chief
24 administrator and board of trustees president or
25 chairperson.

26 (iii) The physical location of the cyber charter
27 school, the ownership of the cyber charter school and any
28 lease arrangements.

29 (iv) The amendments being requested to the approved
30 written charter agreement and the reason for requesting

1 the amendments.

2 (v) Evidence of the board of trustees vote to
3 approve seeking an amendment.

4 (2) The department shall review the model application
5 and renewal application forms at least every three years with
6 feedback and input from stakeholders and revise the
7 application forms as needed.

8 (e) Changes.--Nothing in this section shall prevent the
9 department from supplementing the established model applications
10 or requiring additional information as permitted by this act
11 necessary to evaluate the application.

12 (f) Posting.--Pursuant to subsection (d), the department
13 shall post the model application and renewal application on its
14 publicly accessible Internet website no later than August 1,
15 2023.

16 (g) Use.--The model application forms developed under this
17 section shall be used by charter school entities beginning in
18 the 2024-2025 school year.

19 (h) Hearing.--Within 60 days of receipt by the department of
20 an amendment application, the department shall hold a public
21 hearing on the provisions of the charter amendment request.

22 (i) Action.--Within 180 days of the receipt by the
23 department of the charter amendment request, the department
24 shall grant or deny the request. Written notice of the
25 department's action shall be sent to the cyber charter school.

26 (j) Approval.--If the amendment request is granted, the
27 cyber charter school's written charter shall be supplemented or
28 amended, as appropriate, to contain the provisions of the
29 amendment request, and the amended charter shall be signed by
30 the department and the president or chairperson of the cyber

1 charter school's board of trustees. The amended charter, when
2 duly signed, shall act as legal authorization of the operation
3 of the cyber charter school in accordance with the amended
4 charter. The amended charter shall be legally binding on the
5 department and the cyber charter school and its board of
6 trustees and shall be effective for the remainder of the term of
7 the charter.

8 (k) Denial.--If the amendment request is denied, the reasons
9 for the denial, including a description of deficiencies in the
10 amendment request, shall be clearly stated in the written notice
11 sent by the department to the cyber charter school. The denial
12 of an amendment pursuant to this section may be appealed to the
13 appeal board in accordance with section 1746-A. The decision to
14 deny the request shall not preclude the cyber charter school
15 from revising and resubmitting a request for a charter amendment
16 in the future in accordance with the procedures specified in
17 this section to address any deficiencies in the previous request
18 as identified by the department in its written notice denying
19 the amendment request.

20 (l) Request.--Notwithstanding subsection (a), a cyber
21 charter school may request amendments to its approved written
22 charter at the time of renewal. Charter amendment requests made
23 at the time of renewal shall be considered distinct requests
24 that shall be subject to independent approval or denial by the
25 department, in accordance with the provisions of this section.

26 (m) Definitions.--As used in this section, the following
27 words and phrases shall have the meanings given to them in this
28 subsection unless the context clearly indicates otherwise:

29 "Material term." The following:

30 (1) Changing the name of the cyber charter school.

1 (2) Change in building location or addition of a new
2 facility.

3 (3) Change in educational management service provider.

4 (4) Change to curriculum provider.

5 (5) Change to mission or educational goals of the cyber
6 charter school.

7 (6) Change to grade levels served other than those
8 included in the approved charter application even if those
9 grades are not currently implemented.

10 (7) Enrollment expansion based on the maximum authorized
11 enrollment for the term of the charter.

12 Section 1745.3-A. Causes for Nonrenewal, Revocation or
13 Termination.

14 (a) Revocation or nonrenewal.--During the term of the
15 charter or at the end of the term of the charter, the department
16 may choose to revoke or not to renew the charter based on any of
17 the following:

18 (1) One or more material violations of any of the
19 conditions, standards or procedures contained in the written
20 charter signed pursuant to section 1745-A.

21 (2) Failure to meet the requirements for student
22 performance set forth in 22 Pa. Code Ch. 4 (relating to
23 academic standards and assessment) or subsequent regulations
24 promulgated to replace 22 Pa. Code Ch. 4.

25 (3) Failure to meet any performance targets set forth in
26 the written charter signed pursuant to section 1745-A.

27 (4) Designation by the department as a Comprehensive
28 Support and Improvement school at least two times under the
29 Every Student Succeeds Act (Public Law 114-95, 129 Stat.
30 1802) or an equivalent building level designation under its

1 successor Federal statute.

2 (5) Failure to meet generally accepted standards of
3 fiscal management or audit requirements.

4 (6) Violation of a provision of this article.

5 (7) Violation of a provision of law from which the
6 charter school has not been exempted, including Federal laws
7 and regulations governing children with disabilities.

8 (8) The cyber charter school has been convicted of or
9 entered a plea of guilty or nolo contendere to a charge
10 involving fraud.

11 (9) Failure of the cyber charter school or an
12 administrator or member of the board of trustees of the cyber
13 charter school to comply with:

14 (i) 65 Pa.C.S. Ch. 7 (relating to open meetings);

15 (ii) 65 Pa.C.S. Ch. 11 (relating to ethics standards
16 and financial disclosure) or any other conflict of
17 interest prohibition in this article; or

18 (iii) the act of February 14, 2008 (P.L.6, No.3),
19 known as the Right-to-Know Law.

20 (10) Failure to timely comply with auditing requirements
21 from which the cyber charter school has not been exempted.

22 (11) Failure to timely comply with reporting
23 requirements from which it has not been exempted, including
24 the submission of an annual budget required by section
25 1742.1-A(g), an annual financial report required by section
26 218 and the annual report required by section 1742.1-A(b).

27 (12) Failure to provide ongoing access to the records
28 and facilities of the cyber charter school as required by
29 section 1742.1-A(a) (3).

30 (13) A reason to revoke or not renew a charter as

1 provided in regulations promulgated by the department.

2 (b) Notice.--A notice of revocation or nonrenewal of a
3 charter shall be in writing and state the grounds for the action
4 with reasonable specificity and give reasonable notice to the
5 board of trustees of the cyber charter school of the date on
6 which a public hearing concerning the revocation or nonrenewal
7 will be held. The department shall conduct the hearing, present
8 evidence in support of the grounds for revocation or nonrenewal
9 stated in its notice and give the cyber charter school
10 reasonable opportunity to offer testimony before taking final
11 action. Formal action revoking or not renewing a charter shall
12 be taken by the department at a public meeting pursuant to 65
13 Pa.C.S. Ch. 7 (relating to open meetings) after the public has
14 had 30 days to provide comments to the board. Within 60 days
15 following the public meeting in which formal action is taken,
16 the decision of the department revoking or not renewing a
17 charter shall be provided to the cyber charter school in
18 writing. Proceedings of the department pursuant to this
19 subsection shall be subject to 2 Pa.C.S. Ch. 5 Subch. A
20 (relating to practice and procedure of Commonwealth agencies).
21 Except as provided in subsection (c), the decision of the
22 department shall not be subject to 2 Pa.C.S. Ch. 7 Subch. A
23 (relating to judicial review of Commonwealth agency action).

24 (c) Appeal.--A cyber charter school may appeal the decision
25 of the department to revoke or not renew the charter to the
26 appeal board. The appeal must be filed with the appeal board no
27 later than 60 days following issuance by the department of its
28 written decision under subsection (b). The appeal board shall
29 have the exclusive review of a decision not to renew or revoke a
30 charter. The appeal board shall review the record and shall have

1 the discretion to supplement the record if the supplemental
2 information was previously unavailable. The appeal board may
3 consider the charter school plan, annual reports, and student
4 performance in addition to the record. The appeal board shall
5 determine whether the department's decision was arbitrary and
6 capricious and specifically articulate its reasons for its
7 findings in a written decision.

8 (d) Effect.--Except as provided in subsection (e), the
9 charter shall remain in effect until final disposition by the
10 appeal board. If the appeal board upholds a determination of the
11 department that the charter should be revoked or not renewed,
12 the charter shall remain in effect until the end of the school
13 year or such other time as the appeal board directs.

14 (e) Immediate action.--Notwithstanding any other law, the
15 department may, after notice and hearing, take immediate action
16 to revoke a charter if any of the following apply:

17 (1) A material component of the student's education as
18 required under this subdivision is not being provided.

19 (2) The cyber charter school has failed to maintain the
20 financial ability to provide services as required under this
21 subdivision.

22 (3) The health or safety of the cyber charter school's
23 pupils, staff or both is at serious risk.

24 (f) Dissolution.--If a charter is revoked, not renewed,
25 forfeited, surrendered or otherwise ceases to operate, the cyber
26 charter school shall be dissolved. After the disposition of any
27 liabilities and obligations of the cyber charter school, any
28 remaining assets of the cyber charter school, both real and
29 personal, shall be distributed on a proportional basis to the
30 school entities with students enrolled in the cyber charter

1 school for the last full or partial school year of the cyber
2 charter school. A school entity or the Commonwealth may not be
3 liable for any outstanding liabilities or obligations of the
4 cyber charter school.

5 (g) Enrollment.--If a charter is revoked or is not renewed,
6 a student who attended the cyber charter school shall be
7 enrolled in another public school or another school or program
8 which legally fulfills the compulsory school attendance
9 requirements of this act. The normal application deadlines for
10 the school or program shall not apply if a charter is revoked or
11 is not renewed. Student records maintained by the cyber charter
12 school shall be forwarded to the student's new school within 10
13 days.

14 Section 11. Sections 1746-A, 1747-A and 1748-A of the act
15 are amended to read:

16 Section 1746-A. State Charter School Appeal Board review.

17 (a) Jurisdiction.--The appeal board shall have the exclusive
18 review of an appeal by a cyber charter school applicant or by
19 the board of trustees of a cyber charter school on the decisions
20 of the department, including:

21 (1) The denial of an application for a charter.

22 (2) The denial of a renewal of a charter.

23 (3) The revocation of a charter.

24 (4) An appeal under section 1745-A(h).

25 (5) The denial of an amendment application.

26 (b) Procedure.--The appeal board shall:

27 (1) Review the decision made by the department under
28 subsection (a) on the record as certified by the department.

29 The secretary shall recuse himself from all cyber charter
30 school appeals and shall not participate in a hearing,

1 deliberation or vote on a cyber charter school appeal. The
2 appeal board may allow the department, the cyber charter
3 school applicant or the board of trustees of a cyber charter
4 school to supplement the record if the supplemental
5 information was previously unavailable.

6 (2) Meet to officially review the certified record no
7 later than 30 days after the date of filing the appeal.

8 (3) Issue a written decision affirming or denying the
9 appeal no later than 60 days following its review.

10 (4) In the case of a decision by the department to deny
11 a cyber charter application, make its decision based on
12 section 1745-A(f)(1). A decision by the appeal board to
13 reverse the decision of the department and grant a charter
14 shall serve as a requirement for the secretary to sign the
15 written charter of the cyber charter school.

16 (5) In the case of a decision by the department to
17 revoke or deny renewal of a cyber school charter in
18 accordance with section 1741-A(a)(3), make its decision based
19 on section [1729-A(a)] 1745.3(a). A decision of the appeal
20 board to reverse the decision of the department to not revoke
21 or deny renewal of a charter shall serve as a requirement of
22 the department to not revoke or to not deny renewal of the
23 charter of the cyber charter school. The appeal board shall
24 specify its findings in a written decision. If the appeal
25 board determines that the charter should be revoked or not
26 renewed, the charter shall remain in effect until the end of
27 the school year or another time as the appeal board directs.

28 (c) Stay.--If the department appeals the decision of the
29 appeal board, the appeal board's decision shall be stayed only
30 upon order of the appeal board, the Commonwealth Court or the

1 Pennsylvania Supreme Court.

2 (d) Review.--All decisions of the appeal board shall be
3 subject to appellate review by the Commonwealth Court.

4 Section 1747-A. Cyber charter school application.

5 [In addition to the provisions of section 1719-A, an
6 application to establish a cyber charter school shall also
7 include the following:

8 (1) The curriculum to be offered and how it meets the
9 requirements of 22 Pa. Code Ch. 4 (relating to academic
10 standards and assessment) or subsequent regulations
11 promulgated to replace 22 Pa. Code Ch. 4.

12 (2) The number of courses required for elementary and
13 secondary students.]

14 (a) Application form.--The department shall create and
15 publish a model application form, in electronic format, that an
16 applicant seeking to establish a cyber charter school shall, at
17 a minimum, complete as part of its application. The model
18 application form shall be transmitted to the Legislative
19 Reference Bureau for publication in the next available issue of
20 the Pennsylvania Bulletin and posted on the department's
21 publicly accessible Internet website. The model application form
22 shall include all of the following information:

23 (1) The identification of and contact information for
24 the applicant.

25 (2) The name of the proposed charter school entity which
26 must include the words "cyber charter school" in the name.

27 (3) The grade or age levels served by the cyber charter
28 school and the anticipated enrollment levels during each
29 school year of the proposed charter, including expected
30 increases due to the addition of grade levels.

1 (4) The proposed governance structure of the cyber
2 charter school, including a clear description of the method
3 for the appointment or selection of members of the board of
4 trustees, a copy of the articles of incorporation filed with
5 the Department of State, a copy of the by-laws, operating
6 agreement or equivalent document adopted by the applicant for
7 the general governance of the cyber charter school; and an
8 organization chart clearly presenting the proposed governance
9 structure of the cyber charter school, including lines of
10 authority and reporting between the board of trustees,
11 administrators, staff and any educational management service
12 provider that will provide services to the cyber charter
13 school.

14 (5) A clear description of the roles and
15 responsibilities of the board of trustees, administrators and
16 any other entities, including a charter school foundation and
17 any educational management service provider that will provide
18 educational management services to the cyber charter school,
19 shown in the organization chart.

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

23 (7) If the cyber charter school intends to contract with
24 an educational management service provider for services, the
25 cyber charter school shall provide all of the following:

26 (i) Evidence of the educational management service
27 provider's record, including its record in the schools
28 where the provider provides or has provided services, in
29 serving student populations, including demonstrated
30 academic achievement and growth and demonstrated

1 management of nonacademic school functions, including
2 proficiency with public school-based accounting, if
3 applicable.

4 (ii) Evidence that that the board of trustees has
5 reviewed each service to be provided and determined,
6 through competitive bidding or at least three (3) quotes
7 for professional services, that each service to be
8 provided by the educational management service provider
9 is provided at fair market value.

10 (iii) The complete proposed contract or agreement
11 between the cyber charter school and the educational
12 management service provider stating all of the following:

13 (A) The officers, chief administrator and
14 administrators of the educational management service
15 provider.

16 (B) The proposed duration of the service
17 contract or agreement. The service contract or
18 agreement shall provide for the following:

19 (I) An educational management service
20 provider may not terminate the contract or
21 agreement without providing at least six (6)
22 months' notice to the cyber charter school unless
23 expressly agreed to by the board of trustees of
24 the cyber charter school.

25 (II) An agreement or contract shall
26 terminate upon closure of the cyber charter
27 school unless the board of trustees of the cyber
28 charter school and the educational management
29 service provider agree in writing that the
30 educational service provider will provide

1 services related to the dissolution of the cyber
2 charter school.

3 (C) Roles and responsibilities of the board of
4 trustees, the cyber charter school staff and the
5 educational management service provider. The board of
6 trustees shall retain ultimate and actual authority
7 for the operation of the school, and the school shall
8 be independent of the educational management service
9 provider.

10 (D) The scope of services, personnel and
11 resources to be provided by the educational
12 management service provider, which shall meet the
13 following requirements:

14 (I) Each service provided by the educational
15 management service provider and the cost for the
16 service shall be separately identified and
17 invoiced or billed separately.

18 (II) Each service provided by the
19 educational management service provider shall be
20 severable so that the board of trustees of the
21 cyber charter school may terminate or make
22 revisions to one service without termination or
23 revision by the educational management service
24 provider of any other service, except by express
25 agreement of the board of trustees of the cyber
26 charter school.

27 (III) An educational management service
28 provider may not provide business services to the
29 cyber charter school if it is also providing
30 other services to the cyber charter school under

1 the contract or agreement unless the board of
2 trustees has established procedures to ensure
3 that individual payments to the educational
4 management service provider are reviewed and
5 authorized by an administrator of the cyber
6 charter school and the board of trustees of the
7 cyber charter school.

8 (E) Performance evaluation measures and
9 timelines.

10 (F) The compensation structure, including clear
11 identification of fees to be paid to the educational
12 management service provider. The educational
13 management service provider shall not charge a
14 percentage or contingency fee for services.

15 (G) Methods of oversight and enforcement of the
16 contract or agreement.

17 (H) Investment disclosure or the advance of any
18 monies by the educational management service provider
19 on behalf of the cyber charter school with clear
20 repayment terms.

21 (I) Conditions for renewal and termination of
22 the contract or agreement.

23 (iv) Disclosure and explanation of any existing or
24 potential conflicts of interest between the members of
25 the board of trustees of the cyber charter school or
26 members of the board of trustees or directors of the
27 charter school foundation and the proposed educational
28 management service provider or any affiliated entities,
29 including a charter school foundation qualified as a
30 support organization under the Internal Revenue Code of

1 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq.).

2 (v) A contract with an educational management
3 service provider may not be executed until the charter
4 agreement is signed pursuant to section 1745-A(f)(3).

5 (8) The mission and education goals of the cyber charter
6 school, the curriculum to be offered that complies with 22
7 Pa. Code Ch. 4 (relating to academic standards and
8 assessments) and the methods of assessing whether students
9 are meeting educational goals, including performance targets.

10 (9) The admission and enrollment policy, including
11 criteria for evaluating the admission of students which shall
12 comply with the requirements of section 1723-A.

13 (10) Policies and procedures which will be used
14 regarding the suspension or expulsion of pupils. Said
15 procedures shall comply with section 1318 and 22 Pa. Code Ch.
16 12 (relating to students and student services).

17 (11) Information on the manner in which community groups
18 will be involved in the cyber charter school planning
19 process.

20 (12) The financial plan for the cyber charter school,
21 including annual budgets for the first three years of
22 operation of the cyber charter school, and the provisions
23 which will be made for auditing the school under sections 437
24 and 1742.1-A, including the role of any charter school
25 foundation.

26 (13) A description of funds available to the cyber
27 charter school for planning and operation prior to receipt of
28 funds pursuant to section 1725.1-A.

29 (14) Procedures which shall be established to review
30 complaints of parents and guardians regarding the operation

1 of the cyber charter school.

2 (15) A description and address of any physical
3 facilities in which the cyber charter school will be located
4 or operating, including information related to each facility,
5 its size, location, amenities, ownership, availability for
6 lease or purchase, projected improvements and financing.

7 (16) Information on the proposed school calendar for the
8 cyber charter school, including the length of the school day
9 and school year consistent with the provisions of sections
10 1501 and 1502.

11 (17) The proposed faculty, if already determined, and a
12 professional development and continuing education plan for
13 the faculty and professional staff of the cyber charter
14 school.

15 (18) Whether any agreements have been entered into or
16 plans developed with the local school district regarding
17 participation of the cyber charter school's students in
18 extracurricular activities within the school district.

19 (19) A plan for satisfying the criminal history and
20 child abuse clearance requirements and employment history
21 reviews required by law.

22 (20) Documentation that the cyber charter school
23 possesses and maintains adequate and appropriate insurance,
24 bond or other security for the cyber charter school and the
25 cyber charter school's board of trustees and employees to
26 prevent a cyber charter school's outstanding liabilities and
27 obligations from being imposed upon school entities or the
28 Commonwealth, or otherwise affect the rights, benefits or
29 remedies available to the students, parents or employees of
30 the cyber charter school. The department shall promulgate

1 final-omitted regulations setting forth minimum security
2 requirements sufficient to guarantee payment of the cyber
3 charter school's liabilities in accordance with this article.

4 (21) Policies regarding truancy, absences and withdrawal
5 of students, including the manner in which the cyber charter
6 school will monitor and enforce attendance and will comply
7 with the truancy provisions under Article XIII.

8 (22) Whether or not the cyber charter school will seek
9 accreditation by a nationally recognized accreditation
10 agency, including the Middle States Association of Colleges
11 and Schools or another regional institutional accrediting
12 agency recognized by the United States Department of
13 Education or an equivalent federally recognized body for
14 charter school education.

15 [(3)] (23) An explanation of the amount of [on-line]
16 online time required for elementary and secondary students.

17 [(4)] (24) The manner in which teachers will deliver
18 instruction, assess academic progress and communicate with
19 students to provide assistance.

20 [(5)] (25) A specific explanation of any cooperative
21 learning opportunities, meetings with students, parents and
22 guardians, field trips or study sessions.

23 [(6)] (26) The technology, including types of hardware
24 and software, equipment and other materials which will be
25 provided by the cyber charter school to the student.

26 [(7)] (27) A description of how the cyber charter school
27 will define and monitor a student's school day, including the
28 delineation of [on-line] online time and [off-line time] for
29 independent coursework.

30 [(8)] (28) A description of commercially prepared

1 standardized achievement tests that will be used by the cyber
2 charter school in addition to the Pennsylvania System of
3 School Assessment test and Keystone Exams, including the
4 grade levels that will be tested and how the data collected
5 from the tests will be used to improve instruction.

6 [(9)] (29) The technical support that will be available
7 to students and parents or guardians.

8 [(10)] (30) The privacy and security measures to ensure
9 the confidentiality of data gathered online.

10 [(11) The level of anticipated enrollment during each
11 school year of the proposed charter, including expected
12 increases due to the addition of grade levels.]

13 [(12)] (31) The methods to be used to [insure] ensure the
14 authenticity of student work and adequate proctoring of
15 examinations.

16 [(13)] (32) The provision of education and related
17 services to students with disabilities, including evaluation
18 and the development and revision of individualized education
19 programs.

20 [(14) Policies regarding truancy, absences and
21 withdrawal of students, including the manner in which the
22 cyber charter school will monitor attendance consistent with
23 the provisions of section 1715-A(9).]

24 [(15)] (33) The types and frequency of communication
25 between the cyber charter school and the student and the
26 manner in which the cyber charter school will communicate
27 with parents and guardians.

28 [(16) The addresses of all facilities and offices of the
29 cyber charter school, the ownership thereof and any lease
30 arrangements.]

1 (34) Any other information required by the department.

2 (a.1) Lease prohibition.--A cyber charter school may not
3 enter into a lease for a facility with an educational management
4 service provider or charter school foundation.

5 (a.2) Extracurricular activity.--Notwithstanding any
6 provision to the contrary, a school district of residence may
7 not prohibit a student of a cyber charter school from
8 participating in any extracurricular activity of the school
9 district of residence if the student is able to fulfill the
10 requirements of participation in the activity and the charter
11 school does not provide the same extracurricular activity. The
12 school district of residence may charge the cyber charter school
13 a reasonable amount for a cyber charter school student's
14 participation in the school district's extracurricular activity,
15 which may not exceed the actual cost incurred by the school
16 district for participation by its students in the activity. A
17 cyber charter school student may not be required to pay any
18 costs not also paid by a student enrolled in the school district
19 for participation in the extracurricular activity.

20 (b) General form.--The department shall create and publish a
21 model renewal application form, in electronic format, that a
22 cyber charter school seeking renewal of its charter shall, at a
23 minimum, complete as part of its renewal application. The form
24 shall be submitted to the Legislative Reference Bureau for
25 publication in the next available issue of the Pennsylvania
26 Bulletin and posted on the department's publicly accessible
27 Internet website. The form shall include:

28 (1) Name and contact information for the chief
29 administrator and board of trustees president or chairperson.

30 (2) Whether the cyber charter school is seeking an

1 amendment to their current charter.

2 (3) Other information deemed necessary by the
3 department.

4 (c) Review.--The department shall review the model
5 application and renewal application forms at least every three
6 years with feedback and input from stakeholders and revise the
7 application forms as needed.

8 (d) Changes.--Nothing in this section shall prevent the
9 department from supplementing the established model application
10 or requiring additional information as permitted by this act
11 necessary to evaluate the application for renewal.

12 (e) Posting.--Pursuant to subsections (a) and (b), the
13 department shall post the model application and renewal
14 application on its publicly accessible Internet website no later
15 than October 1, 2023.

16 (f) Use.--The model applications developed under this
17 section shall be used by cyber charter school applicants and
18 cyber charter school operators beginning in the 2024-2025 school
19 year.

20 Section 1748-A. Enrollment and notification.

21 (a) Notice to school district.--

22 (1) Within [15] 10 days of the enrollment of a student
23 to a cyber charter school, the [parent or guardian and the]
24 cyber charter school shall notify the student's school
25 district of residence of the enrollment [through the use of
26 the notification form] under subsection (b).

27 (2) If a school district which has received notice under
28 paragraph (1) determines that a student is not a resident of
29 the school district, the following apply:

30 (i) Within seven days of receipt of the notice under

1 paragraph (1), the school district shall notify the cyber
2 charter school and the department that the student is not
3 a resident of the school district. Notification of
4 nonresidence shall include the basis for the
5 determination.

6 (ii) Within seven days of notification under
7 subparagraph (i), the cyber charter school shall review
8 the notification of nonresidence, respond to the school
9 district and provide a copy of the response to the
10 department. If the cyber charter school agrees that a
11 student is not a resident of the school district, it
12 shall determine the proper district of residence of the
13 student before requesting funds from another school
14 district.

15 (iii) Within seven days of receipt of the response
16 under subparagraph (ii), the school district shall notify
17 the cyber charter school that it agrees with the cyber
18 charter school's determination or does not agree with the
19 cyber charter school's determination.

20 (iv) A school district that has notified the cyber
21 charter school that it does not agree with the cyber
22 charter school's determination under subparagraph (iii)
23 shall appeal to the department for a final determination.

24 (v) All decisions of the department regarding the
25 school district of residence of a student shall be
26 subject to review by the Commonwealth Court.

27 (vi) A school district shall continue to make
28 payments to a cyber charter school under section [1725-A]
29 1725.1-A during the time in which the school district of
30 residence of a student is in dispute.

1 (vii) If a final determination is made that a
2 student is not a resident of an appealing school
3 district, the cyber charter school shall return all funds
4 provided on behalf of that student to the school district
5 within 30 days and seek payment from the school district
6 of residence.

7 [(b) Notification form.--The department shall develop a
8 notification form for use under subsection (a). The notification
9 shall include:

10 (1) The name, home address and mailing address of the
11 student.

12 (2) The grade in which the student is being enrolled.

13 (3) The date the student will be enrolled.

14 (4) The name and address of the cyber charter school and
15 the name and telephone number of a contact person able to
16 provide information regarding the cyber charter school.

17 (5) The signature of the parent or guardian and an
18 authorized representative of the cyber charter school.]

19 (b) Notification.--The notification required under
20 subsection (a) shall include:

21 (1) The enrollment form filed with the cyber charter
22 school by the student or the parents or guardians.

23 (2) A certification that the cyber charter verified the
24 residency of the student.

25 (c) Withdrawal.--The cyber charter school [and the parent or
26 guardian of a student enrolled in a cyber charter school] shall
27 provide written notification to the student's school district of
28 residence and the department within [15] 10 days following the
29 withdrawal of a student from the cyber charter school.

30 (d) Nonrenewal or termination.--Upon notification of the

1 nonrenewal or termination of a charter under section 1745.3-A, a
2 cyber charter school may not enroll new students unless the
3 cyber charter school files an appeal to the appeal board under
4 section 1746-A. Upon a vote by a cyber charter school's board of
5 trustees to close the school, the cyber charter school may not
6 enroll new students and shall provide notice to the parents and
7 guardians of students enrolled of the decision, a timeframe for
8 the school's closure and information on enrolling in another
9 public school.

10 Section 12. The act is amended by adding sections to read:

11 Section 1748.1-A. Enrollment parameters.

12 ~~(a) General rule.~~ Enrollment of students in a cyber charter <--
13 school shall not be subject to a cap or enrollment parameter
14 unless agreed to by the cyber charter school as part of a
15 written charter pursuant to section 1745-A.

16 ~~(b) Limitation.~~ Notwithstanding subsection (a), a cyber <--
17 charter school designated as a Comprehensive Support and
18 Improvement school under the Every Student Succeeds Act (Public
19 Law 114-95, 129 Stat. 1802) or an equivalent building level
20 designation under its successor Federal statute shall not be
21 eligible to expand the cyber charter school's enrollment by more
22 than 10% of the enrollment as reported by the cyber charter
23 school on the date on which the cyber charter school was
24 designated. The limitation under this subsection shall remain in
25 place until the cyber charter school exits the designation.

26 Section 1748.2-A. Enrollee Wellness Checks.

27 (a) Requirements.--A cyber charter school shall at least
28 once during any week consisting of at least three full or
29 partial days of academic instruction, ensure that each enrolled
30 student is able to be visibly seen and communicated with in real

1 time by a teacher, administrator or other representative of the
2 cyber charter school either in person or via electronic means in
3 order to ensure the well-being of the student and verify
4 participation in the educational program. The requirement under
5 this subsection may be satisfied by students turning on a webcam
6 during synchronous online instruction.

7 (b) Report.--If any indication of abuse, neglect or harm to
8 a child is observed, the cyber charter school administrator,
9 employee or representative shall report the concerns pursuant to
10 23 Pa.C.S. Ch. 63 (relating to child protective services).

11 (c) Disability evaluation.--Should any indication of a
12 disability be observed, the cyber charter school may initiate an
13 evaluation to determine whether the child is a child with a
14 disability.

15 (d) Limitation.--The requirements of subsection (a) shall
16 not apply when the student is granted an excused absence from
17 school.

18 Section 13. Section 1749-A of the act is amended to read:
19 Section 1749-A. Applicability of other provisions of this act
20 and of other acts and regulations.

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

23 (1) Sections 108, 110, 111, 321, 325, 326, 327, 431,
24 436, 443, 510, 518, 527, 708, 752, 753, 755, 771, 776, 777,
25 807.1, 808, 809, 810, 1109, 1111, 1112(a), 1205.1, 1205.2,
26 1301, 1302, 1310, 1317.2, 1318, 1326, 1327, 1327.2, 1329,
27 1330, 1332, 1333, 1333.1, 1333.2, 1333.3, 1341, 1342, 1343,
28 1344, 1345, 1372(8), 1303-A, 1518, 1521, 1523, 1531, 1547,
29 1702-A, 1703-A, 1714-A, [1715-A, 1716-A,] 1716.1-A, [1719-A,]
30 1721-A, 1722-A, 1723-A(a) and (b), 1724-A, [1725-A] 1725-A(a)

1 (5), (a) (6), (d) and (e), 1725.1-A, 1727-A, 1729-A, 1730-A,
2 1731-A(a) (1) and (b) [and], 2014-A and 2552 and Articles
3 XI (c.1), XII-A, XIII-A and XIV. ((1) amended Oct. 29, 2020, <--
4 P.L.722, No.84)

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

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

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

18 (5) The act of July 12, 1972 (P.L.765, No.181) entitled
19 "An act relating to drugs and alcohol and their abuse,
20 providing for projects and programs and grants to educational
21 agencies, other public or private agencies, institutions or
22 organizations."

23 (6) [The act of December 15, 1986 (P.L.1595, No.175),
24 known as the Antihazing Law.] 18 Pa.C.S. Ch. 28 (relating to
25 antihazing) and 42 Pa.C.S. § 5803(a) (3.1) (relating to asset
26 forfeiture.

27 (b) Regulations.--Cyber charter schools shall be subject to
28 the following provisions of 22 Pa. Code (relating to education):

29 (1) Chapter 4 (relating to academic standards and
30 assessment).

1 (2) Chapter 11 (relating to pupil attendance).

2 (3) Chapter 12 (relating to students).

3 (3.1) Chapter 16 (relating to special education for
4 gifted students).

5 (3.2) Chapter 19 (relating to educator effectiveness
6 rating tool).

7 (4) Section 32.3 (relating to assurances).

8 (5) Section 121.3 (relating to discrimination
9 prohibited).

10 (6) Section 235.4 (relating to practices).

11 (7) Section 235.8 (relating to civil rights).

12 (7.1) Section 339.31 (relating to plan).

13 (7.2) Section 339.32 (relating to services).

14 (8) Chapter 711 (relating to charter school services and
15 programs for children with disabilities).

16 [(c) Existing charter schools.--

17 (1) The charter of a charter school approved under
18 section 1717-A or 1718-A which provides instruction through
19 the Internet or other electronic means shall remain in effect
20 for the duration of the charter and shall be subject to the
21 provisions of Subdivision (b).

22 (2) In addition to subsections (a) and (b), the
23 following provisions of this subdivision shall apply to a
24 charter school approved under section 1717-A or 1718-A which
25 provides instruction through the Internet or other electronic
26 means:

27 (i) Section 1743-A(c), (d), (e), (h) and (i).

28 (ii) Section 1744-A.

29 (iii) Section 1748-A.]

30 Section 14. This act shall take effect immediately.