

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 446 Session of
2007

INTRODUCED BY BEYER, O'NEILL, BELFANTI, BOYD, BUXTON, CAPPELLI,
CURRY, GRUCELA, KING, LEVDANSKY, MACKERETH, MANN, McILHATTAN,
R. MILLER, MUNDY, MUSTIO, PICKETT, SANTONI, STAIRS, STERN,
R. STEVENSON, J. TAYLOR, WATSON, MENSCH, FLECK, BAKER, HANNA,
EVERETT, GOODMAN, BROOKS, M. KELLER, HORNAMAN, SIPTROTH,
CAUSER, VITALI, SONNEY, PASHINSKI, J. WHITE, HELM, BRENNAN,
SAYLOR, VULAKOVICH, J. EVANS, SURRA AND MAHONEY,
FEBRUARY 22, 2007

AS REPORTED FROM COMMITTEE ON EDUCATION, HOUSE OF
REPRESENTATIVES, AS AMENDED, DECEMBER 6, 2007

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," ~~amending, adding and deleting~~ <—
6 ~~provisions relating to cyber charter schools.~~ PROVIDING FOR <—
7 THE DEFINITIONS OF "CYBER CHARTER SCHOOL FUND BALANCE LIMIT,"
8 "CYBER EDUCATION REAL COST LEVEL," "CYBER SPECIAL EDUCATION
9 REAL COST LEVEL," "EMPLOYMENT COST INDEX" AND "STATEWIDE
10 AVERAGE WEEKLY WAGE"; AND FURTHER PROVIDING FOR SCHOOL STAFF,
11 FOR FUNDING FOR CHARTER SCHOOLS, FOR CAUSES FOR NONRENEWAL OR
12 TERMINATION, FOR POWERS AND DUTIES OF DEPARTMENT, FOR
13 ASSESSMENT AND EVALUATION, FOR CYBER CHARTER SCHOOL
14 REQUIREMENTS AND PROHIBITIONS, FOR SCHOOL DISTRICT AND
15 INTERMEDIATE UNIT RESPONSIBILITIES, FOR CYBER CHARTER SCHOOL
16 APPLICATION, FOR ENROLLMENT AND NOTIFICATION AND FOR
17 APPLICABILITY.

18 The General Assembly of the Commonwealth of Pennsylvania
19 hereby enacts as follows:

20 ~~Section 1. Section 102 of the act of March 10, 1949 (P.L.30,~~ <—
21 ~~No.14), known as the Public School Code of 1949, amended~~
22 ~~December 23, 2003 (P.L.304, No.48), is amended by adding a~~

1 ~~definition to read:~~

2 ~~Section 102. Definitions. When used in this act the~~
3 ~~following words and phrases shall have the following meanings:~~

4 ~~* * *~~

5 ~~"Beginners." Any child that should enter the lowest grade of~~
6 ~~the primary school or the lowest primary class above the~~
7 ~~kindergarten level.~~

8 ~~* * *~~

9 ~~Section 2. Section 1304 of the act, amended January 14, 1970~~
10 ~~(1969 P.L.468, No.192), is amended to read:~~

11 ~~Section 1304. Admission of Beginners. The admission of~~
12 ~~beginners to the public schools shall be confined to the first~~
13 ~~two weeks of the annual school term in districts operating on an~~
14 ~~annual promotion basis, and to the first two weeks of either the~~
15 ~~first or the second semester of the school term in districts~~
16 ~~operating on a semi-annual promotion basis. Admission shall be~~
17 ~~limited to beginners who have attained the age of five years and~~
18 ~~seven months before the first day of September if they are to be~~
19 ~~admitted in the fall, and to those who have attained the age of~~
20 ~~five years and seven months before the first day of February if~~
21 ~~they are to be admitted at the beginning of the second semester.~~
22 ~~The board of school directors of any school district may admit~~
23 ~~beginners who are less than five years and seven months of age,~~
24 ~~in accordance with standards prescribed by the State Board of~~
25 ~~Education. The board of school directors may refuse to accept or~~
26 ~~retain beginners who have not attained a mental age of five~~
27 ~~years, as determined by the supervisor of special education or a~~
28 ~~properly certificated public school psychologist in accordance~~
29 ~~with standards prescribed by the State Board of Education.~~

30 ~~[The term "beginners," as used in this section, shall mean~~

~~any child that should enter the lowest grade of the primary school or the lowest primary class above the kindergarten level.]~~

~~Section 3. Section 1725 A of the act, amended or added June 19, 1997 (P.L.225, No.22), June 22, 2001 (P.L.530, No.35) and June 29, 2002 (P.L.524, No.88), is amended to read:~~

~~Section 1725 A. Funding for Charter Schools. (a) Funding for a charter school established under this article shall be provided in the following manner:~~

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

~~(2) For non special education students, the charter school shall receive for each student enrolled no less than the budgeted total expenditure per average daily membership of the prior school year, as defined in section 2501(20), minus the budgeted expenditures of the district of residence for nonpublic school programs; adult education programs; community/junior college programs; student transportation services; for special education programs; facilities acquisition, construction and improvement services; and other financing uses, including debt service and fund transfers as provided in the Manual of Accounting and Related Financial Procedures for Pennsylvania School Systems established by the department. This amount shall be paid by the district of residence of each student.~~

~~(3) For special education students, the charter school shall receive for each student enrolled the same funding as for each non special education student as provided in clause (2), plus an additional amount determined by dividing the district of residence's total special education expenditure by the product of multiplying the combined percentage of section 2509.5(k)~~

~~times the district of residence's total average daily membership for the prior school year. This amount shall be paid by the district of residence of each student.~~

~~(4) A charter school may request the intermediate unit in which the charter school is located to provide services to assist the charter school to address the specific needs of exceptional students. The intermediate unit shall assist the charter school and bill the charter school for the services. The intermediate unit may not charge the charter school more for any service than it charges the constituent districts of the intermediate unit.~~

~~(5) Payments shall be made to the charter school in twelve (12) equal monthly payments, by the fifth day of each month, within the operating school year. A student enrolled in a charter school shall be included in the average daily membership of the student's district of residence for the purpose of providing basic education funding payments and special education funding pursuant to Article XXV. If a school district fails to make a payment to a charter school as prescribed in this clause, the secretary shall deduct the estimated amount, as documented by the charter school, from any and all State payments made to the district after receipt of documentation from the charter school.~~

~~(6) Within thirty (30) days after the secretary makes the deduction described in clause (5), a school district may notify the secretary that the deduction made from State payments to the district under this subsection is inaccurate. The secretary shall provide the school district with an opportunity to be heard concerning whether the charter school documented that its students were enrolled in the charter school, the period of time~~

1 ~~during which each student was enrolled, the school district of~~
2 ~~residence of each student and whether the amounts deducted from~~
3 ~~the school district were accurate.~~

4 ~~(7) A school district shall not be required to provide per~~
5 ~~pupil funding to charter schools for any student who does not~~
6 ~~meet the minimum requirement for the age of beginners~~
7 ~~established by the board of school directors in the student's~~
8 ~~school district of residence.~~

9 ~~(b) The Commonwealth shall provide temporary financial~~
10 ~~assistance to a school district due to the enrollment of~~
11 ~~students in a charter school established under this article who~~
12 ~~attended a nonpublic school in the prior school year in order to~~
13 ~~offset the additional costs directly related to the enrollment~~
14 ~~of those students in a public charter school. The Commonwealth~~
15 ~~shall pay the school district of residence of a student enrolled~~
16 ~~in a nonpublic school in the prior school year who is attending~~
17 ~~a charter school an amount equal to the school district of~~
18 ~~residence's basic education subsidy for the current school year~~
19 ~~divided by the district's average daily membership for the prior~~
20 ~~school year. This payment shall occur only for the first year of~~
21 ~~the attendance of the student in a charter school, starting with~~
22 ~~school year 1997-1998. Total payments of temporary financial~~
23 ~~assistance to school districts on behalf of a student enrolling~~
24 ~~in a charter school who attended a nonpublic school in the prior~~
25 ~~school year shall be limited to funds appropriated for this~~
26 ~~program in a fiscal year. If the total of the amount needed for~~
27 ~~all students enrolled in a nonpublic school in the prior school~~
28 ~~year who enroll in a charter school exceeds the appropriation~~
29 ~~for the temporary financial assistance program, the amount paid~~
30 ~~to a school district for each qualifying student shall be pro~~

1 ~~rata reduced. Receipt of funds under this subsection shall not~~
2 ~~preclude a school district from applying for a grant under~~
3 ~~subsection (c).~~

4 ~~(c) The Commonwealth shall create a grant program to provide~~
5 ~~temporary transitional funding to a school district due to the~~
6 ~~budgetary impact relating to any student's first year attendance~~
7 ~~at a charter school established under this article. The~~
8 ~~department shall develop criteria which shall include, but not~~
9 ~~be limited to, the overall fiscal impact on the budget of the~~
10 ~~school district resulting from students of a school district~~
11 ~~attending a charter school. The criteria shall be published in~~
12 ~~the Pennsylvania Bulletin. This subsection shall not apply to a~~
13 ~~public school converted to a charter school under section 1717-~~
14 ~~A(b). Grants shall be limited to funds appropriated for this~~
15 ~~purpose.~~

16 ~~(d) It shall be lawful for any charter school established~~
17 ~~under this article to receive, hold, manage and use, absolutely~~
18 ~~or in trust, any devise, bequest, grant, endowment, gift or~~
19 ~~donation of any property, real or personal and/or mixed, which~~
20 ~~shall be made to the charter school for any of the purposes of~~
21 ~~this article.~~

22 ~~(e) It shall be unlawful for any trustee of a charter school~~
23 ~~or any board of trustees of a charter school or any other person~~
24 ~~affiliated in any way with a charter school to demand or~~
25 ~~request, directly or indirectly, any gift, donation or~~
26 ~~contribution of any kind from any parent, teacher, employe or~~
27 ~~any other person affiliated with the charter school as a~~
28 ~~condition for employment or enrollment and/or continued~~
29 ~~attendance of any pupil. Any donation, gift or contribution~~
30 ~~received by a charter school shall be given freely and~~

1 voluntarily.

2 Section 4. ~~Sections 1741 A, 1742 A, 1743 A, 1744 A, 1745 A,~~
3 ~~1746 A, 1747 A, 1748 A, 1749 A, 1750 A and 1751 A of the act,~~
4 ~~added June 29, 2002 (P.L.524, No.88), are repealed.~~

5 ~~{Section 1741 A. Powers and duties of department.~~

6 ~~(a) Powers and duties. The department shall:~~

7 ~~(1) Receive, review and act on applications for the~~
8 ~~creation of a cyber charter school and have the power to~~
9 ~~request further information from applicants, obtain input~~
10 ~~from interested persons or entities and hold hearings~~
11 ~~regarding applications.~~

12 ~~(2) Renew the charter of cyber charter school and renew~~
13 ~~the charter of a charter school approved under section 1717 A~~
14 ~~or 1718 A which provides instruction through the Internet or~~
15 ~~other electronic means. Upon renewal of a charter of a~~
16 ~~charter school approved under section 1717 A or 1718 A, the~~
17 ~~charter school shall qualify as a cyber charter school under~~
18 ~~this subdivision and shall be subject to the provisions of~~
19 ~~this subdivision.~~

20 ~~(3) Revoke or deny renewal of a cyber charter school's~~
21 ~~charter under the provisions of section 1729 A.~~

22 ~~(i) Notwithstanding the provisions of section 1729-~~
23 ~~A(i), when the department has revoked or denied renewal~~
24 ~~of a charter, the cyber charter school shall be~~
25 ~~dissolved. After the disposition of the liabilities and~~
26 ~~obligations of the cyber charter school, any remaining~~
27 ~~assets of the cyber charter school shall be given over to~~
28 ~~the intermediate unit in which the cyber charter school's~~
29 ~~administrative office was located for distribution to the~~
30 ~~school districts in which the students enrolled in the~~

~~cyber charter school reside at the time of dissolution.~~

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

~~(A) a material component of the student's education as required under this subdivision is not being provided; or~~

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

~~(4) Execute charters after approval.~~

~~(5) Develop forms, including the notification form under section 1748 A(b), necessary to carry out the provisions of this subdivision.~~

~~(b) Hearings. Hearings conducted by the department shall be conducted under 65 Pa.C.S. Ch. 7 (relating to open meetings).~~

~~(c) Documents. Documents of the appeal board shall be subject to the act of June 21, 1957 (P.L.390, No.212), referred to as the Right to Know Law.~~

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

~~The department shall:~~

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

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

~~promulgated to replace 22 Pa. Code Ch. 4.~~

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

~~Section 1743 A. Cyber charter school requirements and prohibitions.~~

~~(a) Special financial requirements prohibited. A cyber charter school shall not:~~

~~(1) provide discounts to a school district or waive payments under section 1725 A for any student;~~

~~(2) except as provided for in subsection (c), provide payments to parents or guardians for the purchase of instructional materials; or~~

~~(3) except as compensation for the provision of specific services, enter into agreements to provide funds to a school entity.~~

~~(b) Enrollment. A cyber charter school shall report to the department an increase or a decrease of 30% or more in its anticipated enrollment set forth in the application under section 1747 A(11).~~

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

~~(1) A copy of the charter.~~

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

~~(3) A copy of all annual reports prepared by the cyber charter school.~~

~~(4) A list of all students from that school district~~

~~enrolled in the cyber charter school.~~

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

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

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

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

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

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

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

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

~~(8) The names of the student's teachers, if available, and the manner in which each teacher can be contacted by the student or the parent or guardian.~~

~~(9) A list of all services that will be provided to the~~

~~student by the cyber charter school.~~

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

~~(11) Information on:~~

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

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

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

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

~~(c) Students. For each student enrolled, a cyber charter school shall:~~

~~(1) provide all instructional materials;~~

~~(2) provide all equipment, including, but not limited to, a computer, computer monitor and printer; and~~

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

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

~~(f) Annual report. A cyber charter school shall submit an~~

~~annual report no later than August 1 of each year to the
department in the form prescribed by the department.~~

~~(g) Records and facilities.— A cyber charter school shall
provide the department with ongoing access to all records and
facilities necessary for the department to assess the cyber
charter school in accordance with the provisions of this
subdivision.~~

~~(h) Offices and facilities.— A cyber charter school shall
maintain an administrative office within this Commonwealth where
all student records shall be maintained at all times and shall
provide the department with the addresses of all offices and
facilities of the cyber charter school, the ownership thereof
and any lease arrangements. The administrative office of the
cyber charter school shall be considered as the principal place
of business for service of process for any action brought
against the cyber charter school or cyber charter school staff
members. The cyber charter school shall notify the department of
any changes in this information within ten days of the change.~~

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

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

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

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

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

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

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

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

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

~~school established under this subdivision.~~

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

~~(c) Attendance. Attendance at a cyber charter school shall satisfy requirements for compulsory attendance.~~

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

~~(e) Grant or denial. Within 120 days of receipt of an application, the department shall grant or deny the application. The department shall review the application and shall hold at least one public hearing under 65 Pa.C.S. Ch. 7 (relating to open meetings). At least 30 days prior to the hearing, the department shall publish in the Pennsylvania Bulletin and on the department's World Wide Web site notice of the hearing and the purpose of the application.~~

~~(f) Evaluation criteria.~~

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

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

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

~~(iii) The extent to which the programs outlined in~~

~~the application will enable students to meet the academic standards under 22 Pa. Code Ch. 4 (relating to academic standards and assessment) or subsequent regulations promulgated to replace 22 Pa. Code Ch. 4.~~

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

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

~~(2) Written notice of the action of the department shall be sent by certified mail to the applicant and published on the department's World Wide Web site. If the application is denied, the reasons for denial, including a description of deficiencies in the application, shall be clearly stated in the notice.~~

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

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

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

~~within 60 days after its receipt.~~

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

~~Section 1746 A. State Charter School Appeal Board review.~~

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

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

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

~~(3) The revocation of a charter.~~

~~(4) An appeal under section 1745 A(h).~~

~~(b) Procedure. The appeal board shall:~~

~~(1) Review the decision made by the department under subsection (a) on the record as certified by the department. The secretary shall recuse himself from all cyber charter school appeals and shall not participate in a hearing, deliberation or vote on a cyber charter school appeal. The appeal board may allow the department, the cyber charter school applicant or the board of trustees of a cyber charter school to supplement the record if the supplemental information was previously unavailable.~~

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

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

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

~~(5) In the case of a decision by the department to revoke or deny renewal of a cyber school charter in accordance with section 1741 A(a)(3), make its decision based on section 1729 A(a). A decision of the appeal board to reverse the decision of the department to not revoke or deny renewal of a charter shall serve as a requirement of the department to not revoke or to not deny renewal of the charter of the cyber charter school.~~

~~(c) Stay. If the department appeals the decision of the appeal board, the appeal board's decision shall be stayed only upon order of the appeal board, the Commonwealth Court or the Pennsylvania Supreme Court.~~

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

~~Section 1747 A. Cyber charter school application.~~

~~In addition to the provisions of section 1719 A, an application to establish a cyber charter school shall also include the following:~~

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

~~(2) The number of courses required for elementary and secondary students.~~

~~(3) An explanation of the amount of on line time required for elementary and secondary students.~~

~~(4) The manner in which teachers will deliver instruction, assess academic progress and communicate with students to provide assistance.~~

~~(5) A specific explanation of any cooperative learning opportunities, meetings with students, parents and guardians, field trips or study sessions.~~

~~(6) The technology, including types of hardware and software, equipment and other materials which will be provided by the cyber charter school to the student.~~

~~(7) A description of how the cyber charter school will define and monitor a student's school day, including the delineation of on line and off line time.~~

~~(8) A description of commercially prepared standardized achievement tests that will be used by the cyber charter school in addition to the Pennsylvania System of School Assessment test, including the grade levels that will be tested and how the data collected from the tests will be used to improve instruction.~~

~~(9) The technical support that will be available to students and parents or guardians.~~

~~(10) The privacy and security measures to ensure the confidentiality of data gathered online.~~

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

~~(12) The methods to be used to insure the authenticity of student work and adequate proctoring of examinations.~~

~~(13) The provision of education and related services to~~

1 ~~students with disabilities, including evaluation and the~~
2 ~~development and revision of individualized education~~
3 ~~programs.~~

4 ~~(14) Policies regarding truancy, absences and withdrawal~~
5 ~~of students, including the manner in which the cyber charter~~
6 ~~school will monitor attendance consistent with the provisions~~
7 ~~of section 1715 A(9).~~

8 ~~(15) The types and frequency of communication between~~
9 ~~the cyber charter school and the student and the manner in~~
10 ~~which the cyber charter school will communicate with parents~~
11 ~~and guardians.~~

12 ~~(16) The addresses of all facilities and offices of the~~
13 ~~cyber charter school, the ownership thereof and any lease~~
14 ~~arrangements.~~

15 ~~Section 1748 A. Enrollment and notification.~~

16 ~~(a) Notice to school district.~~

17 ~~(1) Within 15 days of the enrollment of a student to a~~
18 ~~cyber charter school, the parent or guardian and the cyber~~
19 ~~charter school shall notify the student's school district of~~
20 ~~residence of the enrollment through the use of the~~
21 ~~notification form under subsection (b).~~

22 ~~(2) If a school district which has received notice under~~
23 ~~paragraph (1) determines that a student is not a resident of~~
24 ~~the school district, the following apply:~~

25 ~~(i) Within seven days of receipt of the notice under~~
26 ~~paragraph (1), the school district shall notify the cyber~~
27 ~~charter school and the department that the student is not~~
28 ~~a resident of the school district. Notification of~~
29 ~~nonresidence shall include the basis for the~~
30 ~~determination.~~

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

10 ~~(iii) Within seven days of receipt of the response~~
11 ~~under subparagraph (ii), the school district shall notify~~
12 ~~the cyber charter school that it agrees with the cyber~~
13 ~~charter school's determination or does not agree with the~~
14 ~~cyber charter school's determination.~~

15 ~~(iv) A school district that has notified the cyber~~
16 ~~charter school that it does not agree with the cyber~~
17 ~~charter school's determination under subparagraph (iii)~~
18 ~~shall appeal to the department for a final determination.~~

19 ~~(v) All decisions of the department regarding the~~
20 ~~school district of residence of a student shall be~~
21 ~~subject to review by the Commonwealth Court.~~

22 ~~(vi) A school district shall continue to make~~
23 ~~payments to a cyber charter school under section 1725-A~~
24 ~~during the time in which the school district of residence~~
25 ~~of a student is in dispute.~~

26 ~~(vii) If a final determination is made that a~~
27 ~~student is not a resident of an appealing school~~
28 ~~district, the cyber charter school shall return all funds~~
29 ~~provided on behalf of that student to the school district~~
30 ~~within 30 days.~~

~~(b) Notification form. The department shall develop a notification form for use under subsection (a). The notification shall include:~~

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

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

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

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

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

~~(c) Withdrawal. The cyber charter school and the parent or guardian of a student enrolled in a cyber charter school shall provide written notification to the student's school district of residence within 15 days following the withdrawal of a student from the cyber charter school.~~

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

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

~~(1) Sections 108, 110, 111, 321, 325, 326, 327, 431, 436, 443, 510, 518, 527, 708, 752, 753, 755, 771, 776, 777, 808, 809, 810, 1109, 1111, 1112(a), 1205.1, 1205.2, 1301, 1302, 1310, 1317.2, 1318, 1330, 1332, 1303 A, 1518, 1521, 1523, 1531, 1547, 1702 A, 1703 A, 1714 A, 1715 A, 1716 A, 1719 A, 1721 A, 1722 A, 1723 A(a) and (b), 1724 A, 1725 A, 1727 A, 1729 A, 1730 A, 1731 A(a)(1) and (b) and 2014 A and Articles XII A, XIII A and XIV.~~

~~(2) The act of July 17, 1961 (P.L. 776, No. 341), known as~~

1 ~~the Pennsylvania Fair Educational Opportunities Act.~~

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

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

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

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

20 ~~(b) Regulations. Cyber charter schools shall be subject to~~
21 ~~the following provisions of 22 Pa. Code (relating to education):~~

22 ~~(1) Chapter 4 (relating to academic standards and~~
23 ~~assessment).~~

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

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

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

27 ~~(5) Section 121.3 (relating to discrimination~~
28 ~~prohibited).~~

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

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

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

~~(c) Existing charter schools.~~

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

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

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

~~(ii) Section 1744 A.~~

~~(iii) Section 1748 A.~~

~~Section 1750 A. Effect on certain existing charter schools.~~

~~(a) Determination. For a charter school approved under section 1717 A or 1718 A which provides instruction through the Internet or other electronic means, prior to August 15, 2002, the department shall determine:~~

~~(1) whether the charter school is in compliance with this subdivision;~~

~~(2) whether the charter school has provided notification of the enrollment of each existing student to the school district of residence; and~~

~~(3) how the charter school plans to comply with section 1743 A(d).~~

~~(b) Notification of compliance. Prior to August 15, 2002, the department shall:~~

~~(1) Notify each charter school and the chartering school district of the department's determination under subsection (a). The notification shall include specific requirements with which the charter school has failed to comply.~~

~~(2) Publish a copy of the notification on the department's World Wide Web site.~~

~~(c) Charter school requirement. A charter school subject to the requirements of this section shall, either in writing or electronically, provide the parent or guardian of any student enrolled in the charter school a copy of the department's determination under subsection (b).~~

~~(d) School districts. A school district shall not renew the charter of a charter school approved under section 1717 A or 1718 A which provides instruction through the Internet or other electronic means or approve a charter for a cyber charter school.~~

~~(e) Renewal of charter for certain existing charter schools. Upon the expiration of its charter, a charter school approved under section 1717 A or 1718 A which provides instruction through the Internet or other electronic means shall seek renewal of its charter from the department under this subdivision. The charter shall be amended as needed to reflect the requirements of this subdivision.~~

~~Section 1751 A. Regulations.~~

~~The department may issue regulations to implement this subdivision.]~~

~~Section 5. The act is amended by adding an article to read:~~

~~ARTICLE XVII C~~

~~CHARTER CYBER SCHOOLS~~

~~(a) Preliminary Provisions~~

1 ~~Section 1701 C. Scope.~~

2 ~~This article deals with charter cyber schools.~~

3 ~~Section 1702 C. Definitions.~~

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

7 ~~"Appeal board." The State Charter School Appeal Board~~
8 ~~established by Article XVII A.~~

9 ~~"At risk student." A student at risk of educational failure~~
10 ~~because of limited English proficiency, poverty, community~~
11 ~~factors, truancy, academic difficulties or economic~~
12 ~~disadvantage.~~

13 ~~"Charter cyber school." An independent public school~~
14 ~~established and operated under a charter from the Department of~~
15 ~~Education and in which the school uses technology in order to~~
16 ~~provide a significant portion of its curriculum and to deliver a~~
17 ~~significant portion of instruction to its students through the~~
18 ~~Internet or other electronic means. A charter cyber school must~~
19 ~~be organized as a public, nonprofit corporation. A charter may~~
20 ~~not be granted to a for profit entity.~~

21 ~~"Chief executive officer." An individual appointed by the~~
22 ~~board of trustees to oversee and manage the operation of the~~
23 ~~charter cyber school, but who shall not be deemed a professional~~
24 ~~staff member under this article.~~

25 ~~"Department." The Department of Education of the~~
26 ~~Commonwealth.~~

27 ~~"School district of residence." The school district in this~~
28 ~~Commonwealth in which the parents or guardians of a child~~
29 ~~reside.~~

30 ~~"Secretary." The Secretary of Education of the Commonwealth.~~

1 ~~"State board." The State Board of Education.~~

2 ~~(b) Governance~~

3 ~~Section 1711 C. Powers of charter cyber schools.~~

4 ~~(a) General powers. A charter cyber school established~~
5 ~~under this article is a body corporate and shall have all powers~~
6 ~~necessary or desirable for carrying out its charter, including,~~
7 ~~but not limited to, the power to:~~

8 ~~(1) Adopt a name and corporate seal; however, any name~~
9 ~~selected shall include the words "charter cyber school."~~

10 ~~(2) Sue and be sued, but only to the same extent and~~
11 ~~upon the same condition that political subdivisions and local~~
12 ~~agencies can be sued.~~

13 ~~(3) Acquire real property from public or private sources~~
14 ~~by lease or gift for use as a charter cyber school facility.~~

15 ~~(4) Receive and disburse budgeted funds for charter~~
16 ~~school purposes only. The funds shall not be used for any~~
17 ~~other purpose, or transferred, except by resolution of the~~
18 ~~board of trustees receiving the affirmative vote of two~~
19 ~~thirds of the members thereof. Whenever Federal or State~~
20 ~~funds are made available to charter cyber schools, the funds~~
21 ~~may be expended by the board of trustees for the purposes for~~
22 ~~which they are made available even though the provisions~~
23 ~~therefor were not made in the annual estimates or budget of~~
24 ~~the charter cyber entity.~~

25 ~~(5) Make contracts and leases for the procurement of~~
26 ~~services, equipment and supplies.~~

27 ~~(6) Incur temporary debts in anticipation of the receipt~~
28 ~~of funds.~~

29 ~~(7) Solicit and accept any gifts or grants for charter~~
30 ~~cyber school purposes.~~

~~(b) Additional powers. A charter cyber school shall have such other powers as are necessary to fulfill its charter and which are not inconsistent with this article.~~

~~(c) Indebtedness. Any indebtedness incurred by a charter cyber school in the exercise of the powers specified in this section shall not impose any liability or legal obligation upon the Commonwealth.~~

~~Section 1712 C. Powers of board of trustees.~~

~~(a) General powers. The board of trustees of a charter cyber school shall have the authority to decide matters related to the operation of the school, including, but not limited to, budgeting, except as set forth in sections 2528 and 2529, curriculum and operating procedures, subject to the school's charter. The board shall have the authority to employ, discharge and contract with necessary professional and nonprofessional employees subject to the school's charter and the provisions of this article.~~

~~(b) Compliance with Sunshine Act. The board of trustees shall comply with 65 Pa.C.S. Ch. 7 (relating to open meetings).~~

~~(c) Conflict of interest. No member of the board of trustees or employee of the charter cyber school may do business with the school or the management of the school nor may a person affiliated with the management of the school sit on the board of trustees.~~

~~Section 1713 C. Term and form of charter.~~

~~(a) Written charter. Upon approval of a charter application under section 1727 C, a written charter shall be developed which shall contain the provisions of the charter application and which shall be signed by the department or by the chairman of the appeal board pursuant to section 1727 C(j) and the board of~~

~~trustees of the charter cyber school. This written charter, when
duly signed by the department and the charter cyber school's
board of trustees, shall act as legal authorization for the
establishment of a charter cyber school. This written charter
shall be legally binding on both the department and the charter
cyber school's board of trustees.~~

~~(b) Term. The charter shall be for a period of no less than
three nor more than five years and may be renewed for five year
periods upon reauthorization by the department or the appeal
board.~~

~~(c) Organization. A charter will be granted only for a
school organized as a public, nonprofit corporation.~~

~~Section 1714 C. Facilities.~~

~~(a) Location. A charter cyber school may be located in any
suitable location.~~

~~(b) Exemption from regulation. The charter cyber school
facility shall be exempt from public school facility regulations
except those pertaining to the health or safety of the pupils.~~

~~Section 1715 C. School staff.~~

~~(a) Requirements. The board of trustees shall determine the
level of compensation and all terms and conditions of employment
of the staff except as may otherwise be provided in this
article. At least 75% of the professional staff members of a
charter cyber school shall hold appropriate State certification.~~

~~Employees of a charter cyber school may organize under the act
of July 23, 1970 (P.L.563, No.195), known as the Public Employe
Relations Act. The board of trustees of a charter cyber school
shall be considered an employer for the purposes of Article XI~~

~~A. Upon formation of one or more collective bargaining units at
the school, the board of trustees shall bargain with the~~

~~employees based on the provisions of this article, Article XI A and the Public Employe Relations Act. Collective bargaining units at a charter cyber school shall be separate from any collective bargaining unit of the school district in which the charter cyber school is located and shall be separate from any other collective bargaining unit. A charter cyber school shall be considered a school entity as provided for in section 1161 A for the purpose of the secretary seeking an injunction requiring the charter cyber school to meet the minimum requirements for instruction as provided for in this article.~~

~~(b) Qualifications. Each charter application shall list the general qualifications needed to staff any noncertified positions. Professional employees who do not hold appropriate Pennsylvania certification must present evidence that they:~~

~~(1) Meet the qualifications in sections 1109 and 1209.~~

~~(2) Have demonstrated satisfactorily a combination of experience, achievement and qualifications as defined in the charter cyber school application in basic skills, general knowledge, professional knowledge and practice and subject matter knowledge in the subject area where an individual will teach.~~

~~(c) Retirement and social security. All employees of a charter cyber school shall be enrolled in the Public School Employees' Retirement System in the same manner as set forth in 24 Pa.C.S. § 8301(a) (relating to mandatory and optional membership). The Commonwealth shall make contributions on behalf of charter cyber school employees, and the charter cyber school shall be considered a school district and shall make payments by employers and payments on account of Social Security as established under 24 Pa.C.S. Pt. IV (relating to retirement for~~

~~1 school employees). For purposes of payments by employers, a~~
~~2 charter cyber school shall be considered a school district under~~
~~3 24 Pa.C.S. § 8329(a)(1) (relating to payments on account of~~
~~4 social security deductions from appropriations). The market~~
~~5 value/income aid ratio used in calculating payments as~~
~~6 prescribed in this subsection shall be a composite market~~
~~7 value/income aid ratio for the participating school districts as~~
~~8 determined by the department. Except as otherwise provided,~~
~~9 employees of a charter cyber school shall make regular member~~
~~10 contributions as required for active members under 24 Pa.C.S.~~
~~11 Pt. IV. For purposes of this subsection, a charter cyber school~~
~~12 shall be deemed to be a "public school" as defined in 24 Pa.C.S.~~
~~13 § 8102 (relating to definitions).~~

~~14 (d) Health care benefits. Every employee of a charter cyber~~
~~15 school shall be provided the same health care benefits as the~~
~~16 employee would be provided if the employee were an employee of~~
~~17 the local district. The charter school shall make any required~~
~~18 employer's contribution to the district's health plan to an~~
~~19 insurer, a local board of school directors or a contractual~~
~~20 representative of school employees, whichever is appropriate to~~
~~21 provide the required coverage.~~

~~22 (e) Certification. Professional employees who hold a first~~
~~23 level teaching or administrative certificate may, at their~~
~~24 option, have the time completed in satisfactory service in a~~
~~25 charter cyber school applied to the length of service~~
~~26 requirements for the next level of certification.~~

~~27 (f) Criminal history. All applicants for a position as a~~
~~28 charter cyber school employee who shall have direct contact or~~
~~29 electronic contact via the Internet or e mail with students~~
~~30 shall be required to submit a report of criminal history record~~

~~information as provided for in section 111 prior to accepting a position with the charter cyber school. This subsection shall also apply to any individual who volunteers to work on a full time or part time basis at the charter cyber school.~~

~~(g) Child abuse clearance. All applicants for a position as a school employee shall be required to submit the official clearance statement regarding child injury or abuse from the Department of Public Welfare as required by 23 Pa.C.S. Ch. 63 Subch. C.2 (relating to background checks for employment in schools). This section shall also apply to any individual who volunteers to work on a full time or part time basis at a charter cyber school.~~

~~Section 1716 C. Tort liability.~~

~~For purposes of tort liability, employees of the charter cyber school shall be considered public employees and the board of trustees shall be considered the public employer in the same manner as political subdivisions and local agencies. The board of trustees of a charter cyber school and the charter cyber school shall be solely liable for any and all damages of any kind resulting from any legal challenge involving the operation of a charter cyber school. Notwithstanding this requirement, the local board of directors of a school entity shall not be held liable for any activity or operation related to the program of the charter cyber school.~~

~~Section 1717 C. Causes for nonrenewal or termination.~~

~~(a) Revocation. During the term of the charter or at the end of the term of the charter, the department may choose to revoke or not to renew the charter based on any of the following:~~

~~(1) One or more material violations of any of the~~

~~conditions, standards or procedures contained in the written charter signed pursuant to section 1713-C.~~

~~(2) Failure to meet the requirements for student performance set forth in 22 Pa. Code Ch. 4 (relating to academic standards and assessment) or subsequent regulations promulgated to replace 22 Pa. Code Ch. 4 or failure to meet any performance standard set forth in the written charter signed pursuant to section 1713-C.~~

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

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

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

~~(6) The charter cyber school has been convicted of fraud.~~

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

~~(c) Notice. Any notice of revocation or nonrenewal of a charter given by the department shall state the grounds for the action with reasonable specificity and give reasonable notice to the governing board of the charter cyber school of the date on which a public hearing concerning the revocation or nonrenewal will be held. The department shall conduct the hearing, present evidence in support of the grounds for revocation or nonrenewal stated in its notice and give the charter cyber school reasonable opportunity to offer testimony before taking final action. Formal action revoking or not renewing a charter shall~~

~~be taken by the department at a public meeting pursuant to 65 Pa.C.S. Ch. 7 (relating to open meetings) after the public has had 30 days to provide comments to the department. All proceedings of the department pursuant to this subsection shall be subject to 2 Pa.C.S. Ch. 5 Subch. A (relating to practice and procedure of Commonwealth agencies). Except as provided in subsection (d), the decision of the department shall not be subject to 2 Pa.C.S. Ch. 7 Subch. A (relating to judicial review of Commonwealth agency action).~~

~~(d) Appeal. The charter cyber school may appeal the decision of the department to revoke or not renew the charter to the appeal board. The appeal board shall have the exclusive review of a decision not to renew or revoke a charter. The appeal board shall review the record and shall have the discretion to supplement the record if the supplemental information was previously unavailable. The appeal board may consider the charter cyber school plan, annual reports, student performance and employee and community support for the charter cyber school in addition to the record. The appeal board shall give due consideration to the findings of the department and specifically articulate its reasons for agreeing or disagreeing with those findings in its written decision.~~

~~(e) Determination. If the appeal board determines that the charter should not be revoked or should be renewed, the appeal board shall order the department to rescind its revocation or nonrenewal decision.~~

~~(f) Status of charter. Except as provided in subsection (g), the charter shall remain in effect until final disposition by the appeal board.~~

~~(g) Special circumstances. In cases where the health or~~

~~safety of the school's pupils, staff or both is at serious risk,
the department may take immediate action to revoke a charter.~~

~~(h) Review by Commonwealth Court. All decisions of the
appeal board shall be subject to appellate review by the
Commonwealth Court.~~

~~(i) Dissolution. When a charter is revoked, not renewed,
forfeited, surrendered or otherwise ceases to operate, the
charter cyber school shall be dissolved. After the disposition
of any liabilities and obligations of the charter cyber school,
any remaining assets of the charter cyber school, both real and
personal, shall be distributed on a proportional basis to the
school entities with students enrolled in the charter cyber
school for the last full or partial school year of the charter
cyber school. In no event shall such school entities or the
Commonwealth be liable for any outstanding liabilities or
obligations of the charter cyber school.~~

~~(j) Students. When a charter is revoked or is not renewed,
a student who attended the charter cyber school shall apply to
another public school in the student's school district of
residence. Normal application deadlines will be disregarded
under these circumstances. All student records maintained by the
charter cyber school shall be forwarded within ten days to the
student's district of residence.~~

~~(c) Establishment and Operation
Section 1721 C. Powers and duties of department.~~

~~(a) Powers and duties. The department shall:~~

~~(1) Receive, review and act on applications for the
creation of a charter cyber school and have the power to
request further information from applicants, obtain input
from interested persons or entities and hold hearings~~

1 ~~regarding applications.~~

2 ~~(2) Renew the charter of a charter cyber school and~~
3 ~~renew the charter of a charter school approved under section~~
4 ~~1717 A or 1718 A which provides instruction through the~~
5 ~~Internet or other electronic means. Upon renewal of a charter~~
6 ~~of a charter school approved under section 1717 C or 1718 C,~~
7 ~~the charter school shall qualify as a charter cyber school~~
8 ~~under this article and shall be subject to the provisions of~~
9 ~~this article.~~

10 ~~(3) Revoke or deny renewal of a charter cyber school's~~
11 ~~charter under the provisions of section 1717 C.~~

12 ~~(i) Notwithstanding the provisions of section 1717-~~
13 ~~C(i), when the department has revoked or denied renewal~~
14 ~~of a charter, the charter cyber school shall be~~
15 ~~dissolved. After the disposition of the liabilities and~~
16 ~~obligations of the charter cyber school, any remaining~~
17 ~~assets of the charter cyber school shall be given over to~~
18 ~~the department. Upon the transfer of assets from the~~
19 ~~charter cyber school to the department, the department~~
20 ~~shall equally distribute any remaining funds of the~~
21 ~~charter cyber school to the school entities that enroll~~
22 ~~the former charter cyber school students.~~

23 ~~(ii) Notwithstanding any laws to the contrary, the~~
24 ~~department may, after notice and hearing, take immediate~~
25 ~~action to revoke a charter if:~~

26 ~~(A) a material component of the student's~~
27 ~~education as required under this article is not being~~
28 ~~provided; or~~

29 ~~(B) the charter cyber school has failed to~~
30 ~~maintain the financial ability to provide services as~~

~~required under this article.~~

~~(4) Execute charters after approval.~~

~~(5) Develop forms, including the notification form under section 1731 C(c), necessary to carry out the provisions of this article.~~

~~(6) Provide for funding at charter cyber schools in accordance with section 2527.~~

~~(b) Hearings. Hearings conducted by the department shall be conducted under 65 Pa.C.S. Ch. 7 (relating to open meetings).~~

~~(c) Documents. Documents of the appeal board shall be subject to the act of June 21, 1957 (P.L.390, No.212), referred to as the Right to Know Law.~~

~~Section 1722 C. Assessment and evaluation.~~

~~The department shall:~~

~~(1) Annually assess whether each charter cyber school is meeting the goals of its charter as required under section 1726 C(5) and is in compliance with the provisions of the charter and conduct a comprehensive review prior to granting a five year renewal of the charter.~~

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

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

~~Section 1723 C. Charter cyber school requirements and prohibitions.~~

~~(a) Special financial requirements prohibited. A charter cyber school shall not:~~

~~(1) except as provided for in subsection (c), provide payments to parents or guardians for the purchase of instructional materials; or~~

~~(2) except as compensation for the provision of specific services, enter into agreements to provide funds to a school entity.~~

~~(b) Enrollment. A charter cyber school shall report to the department an increase or a decrease of 15% or more in its anticipated enrollment set forth in the application under section 1729 C(11).~~

~~(c) Department. A charter cyber school shall make available upon request, either in writing or electronically, to the department the following:~~

~~(1) A copy of the charter.~~

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

~~(3) A copy of all annual reports prepared by the charter cyber school.~~

~~(c.1) School district. A charter cyber school shall make available upon request, either in writing or electronically, to each student's school district of residence, a list of all students from that school district enrolled in the charter cyber school.~~

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

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

~~(2) A description of the lessons and activities to be offered both online and off line.~~

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

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

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

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

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

~~(8) The names of the student's teachers, if available, and the manner in which each teacher can be contacted by the student or the parent or guardian.~~

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

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

~~(11) Information on:~~

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

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

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

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

~~(c) Students. For each student enrolled, a charter cyber school shall:~~

~~(1) provide all instructional materials;~~

~~(2) provide all equipment, including, but not limited to, a computer, computer monitor and printer; and~~

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

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

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

~~(g) Records and facilities. A charter cyber school shall provide the department with ongoing access to all records and facilities necessary for the department to assess the charter~~

~~cyber school in accordance with the provisions of this article.~~

~~(h) Offices and facilities. A charter cyber school shall maintain an administrative office within this Commonwealth where all student records shall be maintained at all times and shall provide the department with the addresses of all offices and facilities of the charter cyber school, the ownership thereof and any lease arrangements. The administrative office of the charter cyber school shall be considered as the principal place of business for service of process for any action brought against the charter cyber school or charter cyber school staff members. The charter cyber school shall notify the department of any changes in this information within ten days of the change.~~

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

~~Section 1724 C. Charter cyber school requirements.~~

~~Charter cyber schools shall be required to comply with the following provisions:~~

~~(1) Except as otherwise provided in this article, a charter cyber school is exempt from statutory requirements~~

~~established in this act, from regulations of the State board and the standards of the secretary not specifically applicable to charter cyber schools. Charter cyber schools are not exempt from statutes applicable to public schools other than this act.~~

~~(2) A charter cyber school shall be accountable to the parents, the public and the Commonwealth, with the delineation of that accountability reflected in the charter. Strategies for meaningful parent and community involvement shall be developed and implemented by each school.~~

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

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

~~(5) A charter cyber school shall not provide any religious instruction, nor shall it display religious objects and symbols on the premises of the charter cyber school.~~

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

~~(7) A charter cyber school shall only be subject to the laws and regulations as provided for in this article.~~

~~(8) A charter cyber school shall participate in the Pennsylvania State Assessment System as provided for in 22 Pa. Code Ch. 4 (relating to academic standards and assessment), or subsequent regulations promulgated to replace 22 Pa. Code Ch. 4, in the manner in which the school district in which the charter cyber school is located is scheduled to participate.~~

~~(9) A charter cyber school shall provide a minimum of 180 days of instruction or 900 hours per year of instruction~~

1 ~~at the elementary level, or 990 hours per year of instruction~~
2 ~~at the secondary level. Nothing in this paragraph shall~~
3 ~~preclude the use of computer and satellite linkages for~~
4 ~~delivering instruction to students.~~

5 ~~(10) Boards of trustees and contractors of charter cyber~~
6 ~~schools shall be subject to the following statutory~~
7 ~~requirements governing construction projects and~~
8 ~~construction related work:~~

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

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

11 ~~(B) Sections 756 and 757 insofar as they are~~
12 ~~consistent with the act of December 20, 1967~~
13 ~~(P.L.869, No.385), known as the Public Works~~
14 ~~Contractors' Bond Law of 1967.~~

15 ~~(ii) Section 1 of the act of May 1, 1913 (P.L.155,~~
16 ~~No.104), referred to as the Separations Act.~~

17 ~~(iii) The Public Works Contractors' Bond Law of~~
18 ~~1967.~~

19 ~~(iv) The act of March 3, 1978 (P.L.6, No.3), known~~
20 ~~as the Steel Products Procurement Act.~~

21 ~~(11) Trustees of a charter cyber school shall be public~~
22 ~~officials.~~

23 ~~Section 1725 C. School district and intermediate unit~~
24 ~~responsibilities.~~

25 ~~Subject to agreement between a charter cyber school and an~~
26 ~~intermediate unit or school district, the intermediate unit or a~~
27 ~~school district in which a student enrolled in a charter cyber~~
28 ~~school resides shall do all of the following:~~

29 ~~(1) Provide the charter cyber school within ten days of~~
30 ~~receipt of the notice of the admission of the student under~~

~~section 1731 C(a) with all records relating to the student, including transcripts, test scores and a copy of any individualized education program for that student.~~

~~(2) Enter into written agreements for the use of intermediate units or school facilities for, but not limited to, standardized testing or any program sponsored by the intermediate unit or school district.~~

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

~~Section 1726 C. Contents of application.~~

~~An application to establish a charter cyber school shall include all of the following information:~~

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

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

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

~~(4) The proposed governance structure of the charter cyber school, including a description and method for the appointment or election of members of the board of trustees. The board of trustees must include at least one member appointed by the secretary and two members who represent the intermediate unit serving that charter cyber school's region.~~

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

~~(6) The admission policy and criteria for evaluating the admission of students which shall comply with the requirements of section 1730 C.~~

1 ~~(7) Procedures which will be used regarding the~~
2 ~~suspension or expulsion of pupils. The procedures shall~~
3 ~~comply with section 1318.~~

4 ~~(8) Information on the manner in which community groups~~
5 ~~will be involved in the charter cyber school planning~~
6 ~~process.~~

7 ~~(9) The financial plan for the charter cyber school and~~
8 ~~the provisions which will be made for auditing the school~~
9 ~~under section 437.~~

10 ~~(10) Procedures which shall be established to review~~
11 ~~complaints of parents regarding the operation of the charter~~
12 ~~cyber school.~~

13 ~~(11) A description of and address of the physical~~
14 ~~facility in which the charter cyber school will be located~~
15 ~~and the ownership thereof and any lease arrangements.~~

16 ~~(12) Information on the proposed school calendar for the~~
17 ~~charter cyber school, including the length of the school day~~
18 ~~and school year consistent with the provisions of section~~
19 ~~1502.~~

20 ~~(13) The proposed faculty and a professional development~~
21 ~~plan for the faculty of a charter cyber school.~~

22 ~~(14) Whether any agreements have been entered into or~~
23 ~~plans developed with the local school district regarding~~
24 ~~participation of the charter cyber school students in~~
25 ~~extracurricular activities within the school district.~~

26 ~~(15) A report of criminal history record, pursuant to~~
27 ~~section 111, for all individuals who shall have direct~~
28 ~~contact or electronic contact via the Internet or e mail with~~
29 ~~students.~~

30 ~~(16) An official clearance statement regarding child~~

~~injury or abuse from the Department of Public Welfare as required by 23 Pa.C.S. Ch. 63 Subch. C.2 (relating to background checks for employment in schools) for all individuals who shall have direct contact with students.~~

~~(17) How the charter cyber school will provide adequate liability and other appropriate insurance for the charter cyber school, its employees and the board of trustees of the charter cyber school.~~

~~Section 1727 C. Establishment of charter cyber school.~~

~~(a) Establishment. A charter cyber school may be established by:~~

~~(1) an individual;~~

~~(2) one or more teachers who will teach at the proposed charter cyber school;~~

~~(3) parents or guardians of students who will enroll in the charter cyber school;~~

~~(4) a nonsectarian college, university or museum located in this Commonwealth;~~

~~(5) a nonsectarian corporation not for profit as defined in 15 Pa.C.S. § 5103 (relating to definitions);~~

~~(6) a corporation, association or partnership; or~~

~~(7) any combination of the entities listed in paragraph (1), (2), (3), (4), (5) or (6).~~

~~(b) Home education. Section 1327.1 shall not apply to a charter cyber school established under this article.~~

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

~~(d) Attendance. Attendance at a charter cyber school shall satisfy requirements for compulsory attendance.~~

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

~~(f) Grant or denial. Within 120 days of receipt of an application, the department shall grant or deny the application. The department shall review the application and shall hold at least one public hearing under 65 Pa.C.S. Ch. 7 (relating to open meetings). At least 30 days prior to the hearing, the department shall publish in the Pennsylvania Bulletin and on the department's Internet website notice of the hearing and the purpose of the application.~~

~~(g) Evaluation criteria.~~

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

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

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

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

~~(iv) The extent to which the application meets the requirements of section 1729 C.~~

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

~~(2) Written notice of the action of the department shall be sent by certified mail to the applicant and published on the department's Internet website. If the application is denied, the reasons for denial, including a description of deficiencies in the application, shall be clearly stated in the notice.~~

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

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

~~(h) Funding. Once approved a charter cyber school is eligible for funding by the department pursuant to section 2527.~~

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

~~(j) Appeal. If the department fails to hold the required public hearing or to approve or disapprove the charter, the applicant may file its application as an appeal to the appeal~~

~~board. The appeal board shall review the application and make a decision to approve or disapprove the charter based on the criteria in subsection (g).~~

~~Section 1728 C. Appeal board review.~~

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

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

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

~~(3) The revocation of a charter.~~

~~(4) An appeal under section 1727 C(j).~~

~~(b) Procedure. The appeal board shall:~~

~~(1) Review the decision made by the department under subsection (a) on the record as certified by the department. The secretary shall recuse himself from all charter cyber school appeals and shall not participate in a hearing, deliberation or vote on a charter cyber school appeal. The appeal board may allow the department, the charter cyber school applicant or the board of trustees of a charter cyber school to supplement the record if the supplemental information was previously unavailable.~~

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

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

~~(4) In the case of a decision by the department to deny a charter cyber application, make its decision based on section 1727 C(g)(1). A decision by the appeal board to reverse the decision of the department and grant a charter~~

~~shall serve as a requirement for the secretary to sign the written charter of the charter cyber school.~~

~~(5) In the case of a decision by the department to revoke or deny renewal of charter of a charter cyber school in accordance with section 1721 C(a)(3), make its decision based on section 1717 C(a). A decision of the appeal board to reverse the decision of the department to not revoke or deny renewal of a charter shall serve as a requirement of the department to not revoke or to not deny renewal of the charter of the charter cyber school.~~

~~(c) Stay. If the department appeals the decision of the appeal board, the appeal board's decision shall be stayed only upon order of the appeal board, the Commonwealth Court or the Pennsylvania Supreme Court.~~

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

~~Section 1729 C. Charter cyber school application.~~

~~In addition to the provisions of section 1726 C, an application to establish a charter cyber school shall also include the following:~~

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

~~(2) The number of courses required for elementary and secondary students.~~

~~(3) An explanation of the amount of online time required for elementary and secondary students.~~

~~(4) The manner in which teachers will deliver instruction, assess academic progress and communicate with~~

~~students to provide assistance.~~

~~(5) A specific explanation of any cooperative learning opportunities, meetings with students, parents and guardians, field trips or study sessions.~~

~~(6) The technology, including types of hardware and software, equipment and other materials which will be provided by the charter cyber school to the student.~~

~~(7) A description of how the charter cyber school will define and monitor a student's school day, including the delineation of online and off line time.~~

~~(8) A description of commercially prepared standardized achievement tests that will be used by the charter cyber school in addition to the Pennsylvania System of School Assessment test, including the grade levels that will be tested and how the data collected from the tests will be used to improve instruction.~~

~~(9) The technical support that will be available to students and parents or guardians.~~

~~(10) The privacy and security measures to ensure the confidentiality of data gathered online.~~

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

~~(12) The methods to be used to insure the authenticity of student work and adequate proctoring of examinations.~~

~~(13) The provision of education and related services to students with disabilities, including evaluation and the development and revision of individualized education programs.~~

~~(14) Policies regarding truancy, absences and withdrawal~~

~~of students, including the manner in which the charter cyber school will monitor attendance consistent with the provisions of section 1724 C(9).~~

~~(15) The types and frequency of communication between the charter cyber school and the student and the manner in which the charter cyber school will communicate with parents and guardians.~~

~~(16) The addresses of all facilities and offices of the charter cyber school, the ownership thereof and any lease arrangements.~~

~~Section 1730 C. Enrollment.~~

~~(a) General rule. All resident children in this Commonwealth qualify for admission to a charter cyber school within the provisions of subsection (b). If more students apply to the charter cyber school than the number of attendance slots available in the school, then students must be selected on a random basis from a pool of qualified applicants meeting the established eligibility criteria and submitting an application by the deadline established by the charter cyber school, except that the charter cyber school may give preference in enrollment to a child of a parent who has actively participated in the development of the charter cyber school and to siblings of students presently enrolled in the charter cyber school.~~

~~(b) Admission policy.~~

~~(1) A charter cyber school shall not discriminate in its admission policies or practices on the basis of intellectual ability, except as provided in paragraph (2), or athletic ability, measures of achievement or aptitude, status as a person with a disability, proficiency in the English language or any other basis that would be illegal if used by a school~~

~~district.~~

~~(2) A charter cyber school may limit admission to a particular grade level, a targeted population group composed of at risk students, or areas of concentration of the school such as mathematics, science or the arts. A charter cyber school may establish reasonable criteria to evaluate prospective students which shall be outlined in the school's charter.~~

~~(c) Nonresident students. If available classroom space permits, a charter cyber school may enroll nonresident students on a space available basis, and the student's district of residence shall permit the student to attend the charter school. The terms and conditions of the enrollment shall be outlined in the school's charter.~~

~~Section 1731 C. Enrollment and notification.~~

~~(a) Notice to school district.~~

~~(1) Within 15 days of the enrollment of a student to a charter cyber school, the parent or guardian and the charter cyber school shall notify the student's school district of residence of the enrollment through the use of the notification form under subsection (b).~~

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

~~(i) Within seven days of receipt of the notice under paragraph (1), the school district shall notify the charter cyber school and the department that the student is not a resident of the school district. Notification of nonresidence shall include the basis for the determination.~~

~~(ii) Within seven days of notification under subparagraph (i), the charter cyber school shall review the notification of nonresidence, respond to the school district and provide a copy of the response to the department.~~

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

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

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

~~(vi) If a final determination is made that a student is not a resident of an appealing school district, the charter cyber school shall return all funds provided on behalf of that student to the department within 30 days.~~

~~(b) Notification form. The department shall develop a notification form for use under subsection (a). The notification shall include:~~

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

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

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

~~(4) The name and address of the charter cyber school and the name and telephone number of a contact person able to~~

~~provide information regarding the charter cyber school.~~

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

~~(c) Withdrawal. The charter cyber school and the parent or guardian of a student enrolled in a charter cyber school shall provide written notification to the student's school district of residence within 15 days following the withdrawal of a student from the charter cyber school.~~

~~Section 1732 C. Equipment.~~

~~All computers, software and Internet connections are the property of the charter cyber school, not the parents or the students, and the disposition of the property of the school is left to the school itself. If a student leaves the charter cyber school, the student must return the school's property to it in usable condition or pay a fine in the form of fair market value for it, enforceable in a court of law.~~

~~Section 1733 C. Extracurricular activities.~~

~~(a) Prohibitions. Notwithstanding any provision to the contrary, no school district of residence shall prohibit a student of a charter cyber school from participating in any extracurricular activity of that school district of residence, provided, that the student is able to fulfill all of the requirements of participation in such activity and the charter school does not provide the same extracurricular activity.~~

~~(b) Written agreements. The school districts and charter cyber schools shall enter into a written agreement that includes, but is not limited to, the following provisions:~~

~~(1) Eligibility criteria that apply to charter cyber school students for participation in the activity.~~

~~(2) Tryout criteria that apply to charter cyber school~~

~~students for participation in the activity.~~

~~(3) The method by which charter cyber schools shall inform school districts that the charter cyber school's students meet the eligibility and tryout criteria and also comply with all policies, rules and regulations, or their equivalent, of the governing organization of the activity.~~

~~(4) Any transportation, safety or security issues that the parties desire to address.~~

~~(c) Physical examination or medical testing. Where the activity requires completion of a physical examination or medical test as a condition of participation and the school district of residence offers such physical examination or medical test to students enrolled in the school district, the school district of residence shall permit a child who is enrolled in a charter cyber school to access such physical examination or medical test. The school district shall publish the dates and times of such physical examination or medical test on its publicly accessible Internet website.~~

~~Section 1734 C. Applicability of other provisions of this act and of other acts and regulations.~~

~~(a) General requirements. Charter cyber schools shall be subject to the following:~~

~~(1) Sections 108, 110, 111, 321, 325, 326, 327, 431, 436, 443, 510, 518, 527, 708, 752, 753, 755, 771, 776, 777, 808, 809, 810, 1109, 1111, 1112(a), 1205.1, 1205.2, 1301, 1302, 1310, 1317.2, 1318, 1330, 1332, 1303 A, 1518, 1521, 1523, 1531, 1547, 1721 A, 1730 A, 1731 A(a)(1) and (b) and 2014 A, Articles XIII A and XIV and former Article XII A.~~

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

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

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

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

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

~~(b) Regulations. Charter cyber schools shall be subject to the following provisions of 22 Pa. Code (relating to education):~~

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

~~(2) Chapter 11 (relating to student attendance).~~

~~(3) Chapter 12 (relating to students and student services).~~

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

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

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

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

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

~~(c) Bidding requirements. Charter cyber schools are subject to the same bidding requirements as school districts and other governmental entities in this Commonwealth.~~

~~(d) Existing charter schools.~~

~~(1) The charter of a charter school approved under section 1717 A or 1718 A which provides instruction through the Internet or other electronic means shall remain in effect for the duration of the charter and shall be subject to the provisions of section 1741 C.~~

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

~~(i) Section 1723 C(c), (d), (e), (h) and (i).~~

~~(ii) Section 1725 C.~~

~~(iii) Section 1731 C.~~

~~(d) Miscellaneous Provisions~~

~~Section 1741 C. Effect on certain existing charter schools.~~

~~(a) Determination. For a charter school approved under section 1717 A or 1718 A which provides instruction through the Internet or other electronic means, the department shall determine:~~

~~(1) whether the charter school is in compliance with this article;~~

~~(2) whether the charter school has provided notification of the enrollment of each existing student to the school district of residence; and~~

~~(3) how the charter school plans to comply with section~~

~~1723 C.~~

~~(b) Notification of compliance. The department shall:~~

~~(1) Notify each charter school and the chartering school district of the department's determination under subsection~~

~~(a). The notification shall include specific requirements with which the charter school has failed to comply.~~

~~(2) Publish a copy of the notification on the department's Internet website.~~

~~(c) Charter school requirement. A charter school subject to the requirements of this section shall, either in writing or electronically, provide the parent or guardian of any student enrolled in the charter school a copy of the department's determination under subsection (b).~~

~~(d) School districts. A school district shall not renew the charter of a charter school approved under section 1717 A or 1718 A which provides instruction through the Internet or other electronic means or approve a charter for a charter cyber school.~~

~~(e) Renewal of charter for certain existing charter schools. Upon the expiration of its charter, a charter school approved under section 1717 A or 1718 A which provides instruction through the Internet or other electronic means shall seek renewal of its charter from the department under this article. The charter shall be amended as needed to reflect the requirements of this article.~~

~~Section 1742 C. Regulations.~~

~~The department may issue regulations to implement this article.~~

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

~~Section 2527. Payments to Charter Cyber Schools. (a)~~

~~Notwithstanding any other provision of this article, each charter cyber school shall be paid by the Commonwealth on account of the instruction of pupils an amount as follows:~~

~~(1) For nonspecial education pupils:~~

~~(i) Five thousand dollars (\$5,000) per pupil enrolled in a charter cyber school enrolling one thousand (1,000) or fewer pupils.~~

~~(ii) Four thousand dollars (\$4,000) per pupil enrolled in a charter cyber school enrolling between one thousand one (1,001) pupils and four thousand nine hundred ninety nine (4,999) pupils.~~

~~(iii) Three thousand dollars (\$3,000) per pupil enrolled in a charter cyber school enrolling five thousand (5,000) pupils or more.~~

~~(2) For special education pupils, the amount shall be equivalent to the cost of a nonspecial education pupil as set forth in paragraph (1), plus the actual cost of providing special education services at the charter cyber school in accordance with the pupil's individualized education program.~~

~~(3) Enrollments shall be determined by the number of students enrolled in the charter cyber school as of May 31 of the previous school year or, in the case of a new charter cyber school, the enrollment as of the first day of the current school year.~~

~~(b) A student enrolled in a charter cyber school shall not be included in the average daily membership of the student's district of residence for the purpose of providing basic education funding payments and special education funding pursuant to this article.~~

~~(c) The department shall not be required to provide per~~

~~pupil funding to charter cyber schools for any student who does not meet the minimum requirements for the age of beginners established by the board of school directors in the student's school district of residence.~~

~~(d) Payments to charter cyber schools shall be paid through a separate line item from the department's payments to school districts and shall not be deducted from a school district's basic education subsidy.~~

~~Section 2528. Requirements for Charter Cyber School Budgeting. (a) The board of trustees of each charter cyber school shall, annually, at least thirty (30) days prior to the adoption of the annual budget, prepare a proposed budget of the amount of funds that will be required by the charter cyber school in its departments for the following fiscal year. Such proposed budget shall be prepared on a uniform form, prepared and furnished by the Department of Education. On the date of the adoption of the proposed budget, the board of trustees shall certify to the Department of Education that the proposed budget has been prepared, presented and will be made available for public inspection, upon request, using the uniform form prepared and furnished by the department as follows:~~

~~(1) Upon request, the proposed budget shall be made available for duplication to any person at least twenty (20) days prior to the date set for the adoption of the budget.~~

~~(2) Fees for duplication under this paragraph by photocopying, printing from electronic media, transmission by facsimile or other electronic means and other means for duplication must be reasonable and based on prevailing fees for comparable duplication services provided by local business entities.~~

~~(b) The board of trustees shall adopt a budget by the thirtieth day of June of each year. The budget shall include the State appropriation and any gifts or grants awarded to the charter cyber school. Within fifteen (15) days after the adoption of the budget, the board of trustees shall file a copy of the same with the Department of Education and with the Education Committee of the Senate and the Education Committee of the House of Representatives by the fifteenth day of September each year.~~

~~(c) The board of trustees may, during any fiscal year, make additional appropriations or increase existing appropriations to meet emergencies, such as epidemics, floods, fires or other catastrophes.~~

~~(d) The board of trustees shall have the power to authorize the transfer of any unencumbered balance, or any portion thereof, from one class of expenditure or item to another, but such action shall be taken only during the last nine (9) months of the fiscal year.~~

~~Section 2529. Limitations on Certain Unreserved Fund Balances. (a) For the school year 2007-2008, and each school year thereafter, no charter cyber school shall adopt a budget that includes an estimated ending unreserved, undesignated fund balance that is more than ten per centum (10%) of the charter cyber school's total budgeted expenditures. If a charter cyber school fails to comply with this section, the department shall deduct from the department's next payment to the charter cyber school the amount by which the estimated ending unreserved, undesignated fund balances exceed the ten per centum (10%) threshold of total budgeted expenditures.~~

~~(b) By August 15, 2007, and on the fifteenth day of August~~

~~of each year thereafter, each charter cyber school shall provide the Department of Education with information certifying compliance with this section. Such information shall be provided in a form and manner prescribed by the Department of Education and shall include information on the charter cyber school's estimated unreserved, undesignated fund balance as a dollar amount and as a percentage of the charter cyber school's total budgeted expenditures for that school year.~~

~~(c) As used in this section, "estimated ending unreserved, undesignated fund balance" shall mean that portion of the fund balance which is appropriable for a specific or tentative future use, that is projected to remain in the general fund accounts of the charter cyber school at the close of the school year for which a charter cyber school's budget was adopted.~~

~~Section 2530. Auditing Requirements. (a) The finances of every charter cyber school in every department thereof, together with the account of all charter cyber school treasurers, school depositories, teachers' retirement funds, teachers' institute funds, directors' association funds, sinking funds and other funds belonging to or controlled by the charter cyber school, shall be properly audited by an independent auditor who shall be a certified public accountant who shall be named prior to the end of the fiscal year and shall have all the powers and duties of such other auditors provided for within this act, except that the audit shall be made in accordance with generally accepted auditing standards. The compensation of the independent auditor shall be fixed by the charter cyber school's board of trustees and shall be paid from the funds of the charter cyber school.~~

~~(b) In order that the aforesaid account may be thoroughly and properly audited, it shall be the duty of all charter cyber~~

~~schools' boards of trustees and other proper persons to furnish to such auditors, whenever required by them for auditing purposes, statements and accounts of all finances of the charter cyber school and other funds belonging to or controlled by the charter cyber school, including assets and liabilities, together with access to all books, records, tax duplicates, vouchers, school orders, payrolls, letters and other matters pertaining to the same.~~

~~(c) The auditors, as provided in subsection (a), shall have the power and are hereby authorized to issue subpoenas to compel the attendance of charter cyber school officials or other persons whom they deem necessary to examine as witnesses and to compel the production of all books, records, vouchers, letters and papers relating to any accounts being audited by them. The auditors shall have the power to administer oaths or affirmations to all persons appearing before them as witnesses, and any person guilty of testifying falsely in any such examination shall be guilty of perjury and be liable for and subject to all the penalties provided therefor.~~

~~(d) In every charter cyber school, the proper auditors, pursuant to subsection (a), shall audit the finances of the charter cyber school by beginning their duties on the first day of July of each year, and promptly, within thirty (30) days, audit the accounts of the charter cyber school for which they were appointed. On the completion of the audit, the auditors shall make correct copies thereof, which shall contain an itemized statement of all receipts, expenditures and credits, whatsoever, of charter cyber school officials, and the assets and liabilities of the charter cyber school. One copy shall be filed with the board of trustees of the charter cyber school,~~

~~one copy in the court of common pleas of the county in which the charter cyber school is located, one copy with the board of directors of the intermediate unit in which the charter cyber school is located, one copy with the school board of directors of the school district in which the charter cyber school is located, and one copy with the Department of Education. The copy shall be sent by registered mail with return receipt requested to the Secretary of Education.~~

~~(e) The charter cyber school, upon receipt of a copy of the audit, shall make the audit available for public inspection on the charter cyber school's publicly accessible Internet website.~~

~~(f) The Secretary of Education may investigate the financial records of any charter cyber school in person or by his authorized representative.~~

~~(g) Charter cyber schools shall also be subject to sections 2451, 2452, 2453, 2454 and 2455.~~

~~Section 7. Section 2591.1(c.1) of the act, added July 4, 2004 (P.L.536, No.70), is amended and the section is amended by adding a subsection to read:~~

~~Section 2591.1. Commonwealth Reimbursements for Charter Schools and Cyber Charter Schools. * * *~~

~~(c.1) For the 2003-2004 school year [and each school year thereafter] through the 2006-2007 school year, the Commonwealth shall pay to each school district with resident students enrolled during the immediately preceding school year in a charter school, a charter school approved under section 1717-A or 1718-A which provides instruction through the Internet or other electronic means or a cyber charter school as defined under Article XVII A, an amount equal to thirty percent (30%) of the total funding required under section 1725-A(a).~~

~~(c.2) For the 2007-2008 school year and each school year thereafter, the Commonwealth shall pay to each school district with resident students enrolled during the immediately preceding school year in a charter school, an amount equal to thirty percent (30%) of the total funding required under section 1725-A(a).~~

~~* * *~~

~~Section 8. This act shall apply to the 2007-2008 school year and thereafter.~~

~~Section 9. This act shall take effect immediately.~~

SECTION 1. SECTION 1703-A OF THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949, IS AMENDED BY ADDING DEFINITIONS TO READ:

SECTION 1703-A. DEFINITIONS.--AS USED IN THIS ARTICLE,

* * *

"CYBER CHARTER SCHOOL FUND BALANCE LIMIT" SHALL MEAN THE AMOUNT DETERMINED UNDER SECTION 1725-A.

"CYBER EDUCATION REAL COST LEVEL" SHALL MEAN THE AMOUNT ESTABLISHED BY THE DEPARTMENT UNDER SECTION 1725-A.

"CYBER SPECIAL EDUCATION REAL COST LEVEL" SHALL MEAN THE AMOUNT ESTABLISHED BY THE DEPARTMENT UNDER SECTION 1725-A.

* * *

"EMPLOYMENT COST INDEX" SHALL HAVE THE SAME MEANING AS GIVEN TO IT IN SECTION 302 OF THE ACT OF JUNE 27, 2006 (1ST SP.SESS., P.L.1873, NO.1), KNOWN AS THE TAXPAYER RELIEF ACT.

* * *

"STATEWIDE AVERAGE WEEKLY WAGE" SHALL HAVE THE SAME MEANING AS GIVEN TO IT IN SECTION 302 OF THE ACT OF JUNE 27, 2006 (1ST SP.SESS., P.L.1873, NO.1), KNOWN AS THE TAXPAYER RELIEF ACT.

SECTION 2. SECTION 1724-A(G) AND (I) OF THE ACT, ADDED JUNE

1 19, 1997 (P.L.225, NO.22), ARE AMENDED TO READ:

2 SECTION 1724-A. SCHOOL STAFF.--* * *

3 (G) [PROFESSIONAL] EXCEPT AS PROVIDED UNDER SECTION 1743-
4 A(K), PROFESSIONAL EMPLOYEES WHO HOLD A FIRST LEVEL TEACHING OR
5 ADMINISTRATIVE CERTIFICATE MAY, AT THEIR OPTION, HAVE THE TIME
6 COMPLETED IN SATISFACTORY SERVICE IN A CHARTER SCHOOL APPLIED TO
7 THE LENGTH OF SERVICE REQUIREMENTS FOR THE NEXT LEVEL OF
8 CERTIFICATION.

9 * * *

10 (I) ALL INDIVIDUALS WHO SHALL HAVE DIRECT CONTACT WITH
11 STUDENTS OR CONTACT THROUGH ELECTRONIC MEANS VIA THE INTERNET OR
12 E-MAIL WITH STUDENTS SHALL BE REQUIRED TO SUBMIT A REPORT OF
13 CRIMINAL HISTORY RECORD INFORMATION AS PROVIDED FOR IN SECTION
14 111 PRIOR TO ACCEPTING A POSITION WITH THE CHARTER SCHOOL. THIS
15 SUBSECTION SHALL ALSO APPLY TO ANY INDIVIDUAL WHO VOLUNTEERS TO
16 WORK ON A FULL-TIME OR PART-TIME BASIS AT THE CHARTER SCHOOL.

17 * * *

18 SECTION 3. SECTION 1725-A(A) OF THE ACT, AMENDED JUNE 29,
19 2002 (P.L.524, NO.88), IS AMENDED TO READ:

20 SECTION 1725-A. FUNDING FOR CHARTER SCHOOLS.--(A) FUNDING
21 FOR A CHARTER SCHOOL SHALL BE PROVIDED IN THE FOLLOWING MANNER:

22 (1) THERE SHALL BE NO TUITION CHARGE FOR A RESIDENT OR
23 NONRESIDENT STUDENT ATTENDING A CHARTER SCHOOL.

24 (1.1) FOR THE 2008-2009 SCHOOL YEAR AND EACH SCHOOL YEAR
25 THEREAFTER, THE DEPARTMENT SHALL ESTABLISH A CYBER EDUCATION
26 REAL COST LEVEL AND A CYBER SPECIAL EDUCATION REAL COST LEVEL AS
27 FOLLOWS:

28 (I) THE DEPARTMENT SHALL ESTABLISH THE CYBER EDUCATION REAL
29 COST LEVEL FOR THE 2008-2009 SCHOOL YEAR BY DETERMINING THE
30 LOWEST 2006-2007 TOTAL EXPENDITURES PER AVERAGE DAILY

1 MEMBERSHIP, AFTER HAVING SUBTRACTED ALL EXPENDITURES FOR SPECIAL
2 EDUCATION, OF ALL CYBER CHARTER SCHOOLS THAT ACHIEVED ADEQUATE
3 YEARLY PROGRESS IN THE 2006-2007 SCHOOL YEAR. THE AMOUNT SHALL
4 BE CERTIFIED BY THE DEPARTMENT AND ADJUSTED ANNUALLY BY THE
5 PERCENTAGE INCREASE IN THE AVERAGE OF THE STATEWIDE AVERAGE
6 WEEKLY WAGE AND THE EMPLOYMENT COST INDEX.

7 (II) THE DEPARTMENT SHALL ESTABLISH THE CYBER SPECIAL
8 EDUCATION REAL COST LEVEL FOR THE 2008-2009 SCHOOL YEAR BY
9 CALCULATING THE SUM OF THE AMOUNT DETERMINED UNDER SUBPARAGRAPH
10 (I) AND THE LOWEST 2006-2007 EXPENDITURES FOR SPECIAL EDUCATION
11 PER SPECIAL EDUCATION STUDENT OF ALL CYBER CHARTER SCHOOLS THAT
12 ACHIEVED ADEQUATE YEARLY PROGRESS IN THE 2006-2007 SCHOOL YEAR.
13 THE AMOUNT SHALL BE CERTIFIED BY THE DEPARTMENT AND ADJUSTED
14 ANNUALLY BY THE PERCENTAGE INCREASE IN THE AVERAGE OF THE
15 STATEWIDE AVERAGE WEEKLY WAGE AND THE EMPLOYMENT COST INDEX.

16 (2) (I) FOR NON-SPECIAL EDUCATION STUDENTS ENROLLED IN A
17 CHARTER SCHOOL THAT IS NOT A CYBER CHARTER SCHOOL, THE CHARTER
18 SCHOOL SHALL RECEIVE FOR EACH STUDENT ENROLLED NO LESS THAN THE
19 BUDGETED TOTAL EXPENDITURE PER AVERAGE DAILY MEMBERSHIP OF THE
20 PRIOR SCHOOL YEAR, AS DEFINED IN SECTION 2501(20), MINUS THE
21 BUDGETED EXPENDITURES OF THE DISTRICT OF RESIDENCE FOR NONPUBLIC
22 SCHOOL PROGRAMS; ADULT EDUCATION PROGRAMS; COMMUNITY/JUNIOR
23 COLLEGE PROGRAMS; STUDENT TRANSPORTATION SERVICES; FOR SPECIAL
24 EDUCATION PROGRAMS; FACILITIES ACQUISITION, CONSTRUCTION AND
25 IMPROVEMENT SERVICES; AND OTHER FINANCING USES, INCLUDING DEBT
26 SERVICE AND FUND TRANSFERS AS PROVIDED IN THE MANUAL OF
27 ACCOUNTING AND RELATED FINANCIAL PROCEDURES FOR PENNSYLVANIA
28 SCHOOL SYSTEMS ESTABLISHED BY THE DEPARTMENT. THIS AMOUNT SHALL
29 BE PAID BY THE DISTRICT OF RESIDENCE OF EACH STUDENT.

30 (II) (A) IN THE 2008-2009 SCHOOL YEAR AND EACH SCHOOL YEAR

1 THEREAFTER, FOR NON-SPECIAL EDUCATION STUDENTS ENROLLED IN A
2 CYBER CHARTER SCHOOL, THE CYBER CHARTER SCHOOL SHALL RECEIVE FOR
3 EACH STUDENT ENROLLED THE LESSER OF:

4 (I) AN AMOUNT EQUAL TO THE CYBER EDUCATION REAL COST LEVEL.

5 (II) THE AMOUNT DETERMINED UNDER SUBPARAGRAPH (I).

6 (B) THE AMOUNT UNDER THIS SUBPARAGRAPH SHALL BE PAID BY THE
7 DISTRICT OF RESIDENCE OF EACH STUDENT.

8 (3) (I) FOR SPECIAL EDUCATION STUDENTS ENROLLED IN A
9 CHARTER SCHOOL THAT IS NOT A CYBER CHARTER SCHOOL, THE CHARTER
10 SCHOOL SHALL RECEIVE FOR EACH STUDENT ENROLLED THE SAME FUNDING
11 AS FOR EACH NON-SPECIAL EDUCATION STUDENT AS PROVIDED IN CLAUSE
12 (2), PLUS AN ADDITIONAL AMOUNT DETERMINED BY DIVIDING THE
13 DISTRICT OF RESIDENCE'S TOTAL SPECIAL EDUCATION EXPENDITURE BY
14 THE PRODUCT OF MULTIPLYING THE COMBINED PERCENTAGE OF SECTION
15 2509.5(K) TIMES THE DISTRICT OF RESIDENCE'S TOTAL AVERAGE DAILY
16 MEMBERSHIP FOR THE PRIOR SCHOOL YEAR. THIS AMOUNT SHALL BE PAID
17 BY THE DISTRICT OF RESIDENCE OF EACH STUDENT.

18 (II) (A) IN THE 2008-2009 SCHOOL YEAR AND EACH SCHOOL YEAR
19 THEREAFTER, FOR SPECIAL EDUCATION STUDENTS ENROLLED IN A CYBER
20 CHARTER SCHOOL, THE CYBER CHARTER SCHOOL SHALL RECEIVE FOR EACH
21 STUDENT ENROLLED THE LESSER OF:

22 (I) AN AMOUNT EQUAL TO THE COST OF THE CYBER SPECIAL
23 EDUCATION REAL COST LEVEL.

24 (II) THE AMOUNT DETERMINED UNDER SUBPARAGRAPH (I).

25 (B) THE AMOUNT UNDER THIS SUBPARAGRAPH SHALL BE PAID BY THE
26 DISTRICT OF RESIDENCE OF EACH STUDENT.

27 (4) A CHARTER SCHOOL MAY REQUEST THE INTERMEDIATE UNIT IN
28 WHICH THE CHARTER SCHOOL IS LOCATED TO PROVIDE SERVICES TO
29 ASSIST THE CHARTER SCHOOL TO ADDRESS THE SPECIFIC NEEDS OF
30 EXCEPTIONAL STUDENTS. THE INTERMEDIATE UNIT SHALL ASSIST THE

1 CHARTER SCHOOL AND BILL THE CHARTER SCHOOL FOR THE SERVICES. THE
2 INTERMEDIATE UNIT MAY NOT CHARGE THE CHARTER SCHOOL MORE FOR ANY
3 SERVICE THAN IT CHARGES THE CONSTITUENT DISTRICTS OF THE
4 INTERMEDIATE UNIT.

5 (5) PAYMENTS SHALL BE MADE TO THE CHARTER SCHOOL IN TWELVE
6 (12) EQUAL MONTHLY PAYMENTS, BY THE FIFTH DAY OF EACH MONTH,
7 WITHIN THE OPERATING SCHOOL YEAR. A STUDENT ENROLLED IN A
8 CHARTER SCHOOL SHALL BE INCLUDED IN THE AVERAGE DAILY MEMBERSHIP
9 OF THE STUDENT'S DISTRICT OF RESIDENCE FOR THE PURPOSE OF
10 PROVIDING BASIC EDUCATION FUNDING PAYMENTS AND SPECIAL EDUCATION
11 FUNDING PURSUANT TO ARTICLE XXV. IF A SCHOOL DISTRICT FAILS TO
12 MAKE A PAYMENT TO A CHARTER SCHOOL AS PRESCRIBED IN THIS CLAUSE,
13 THE SECRETARY SHALL DEDUCT THE ESTIMATED AMOUNT, AS DOCUMENTED
14 BY THE CHARTER SCHOOL, FROM ANY AND ALL STATE PAYMENTS MADE TO
15 THE DISTRICT AFTER RECEIPT OF DOCUMENTATION FROM THE CHARTER
16 SCHOOL. IN THE CASE OF PAYMENT OWED TO A CYBER CHARTER SCHOOL, A
17 PENALTY OF THREE PER CENTUM SHALL BE ADDED TO THE AMOUNT AND
18 FORWARDED TO THE CYBER CHARTER SCHOOL.

19 (6) WITHIN THIRTY (30) DAYS AFTER THE SECRETARY MAKES THE
20 DEDUCTION DESCRIBED IN CLAUSE (5), A SCHOOL DISTRICT MAY NOTIFY
21 THE SECRETARY THAT THE DEDUCTION MADE FROM STATE PAYMENTS TO THE
22 DISTRICT UNDER THIS SUBSECTION IS INACCURATE. THE SECRETARY
23 SHALL PROVIDE THE SCHOOL DISTRICT WITH AN OPPORTUNITY TO BE
24 HEARD CONCERNING WHETHER THE CHARTER SCHOOL DOCUMENTED THAT ITS
25 STUDENTS WERE ENROLLED IN THE CHARTER SCHOOL, THE PERIOD OF TIME
26 DURING WHICH EACH STUDENT WAS ENROLLED, THE SCHOOL DISTRICT OF
27 RESIDENCE OF EACH STUDENT AND WHETHER THE AMOUNTS DEDUCTED FROM
28 THE SCHOOL DISTRICT WERE ACCURATE. THE SECRETARY SHALL RESCIND
29 ANY PENALTY PAID TO A CYBER CHARTER SCHOOL UNDER CLAUSE (5) ON
30 BEHALF OF A STUDENT FOR WHOM BILLING WAS INACCURATE AS

1 DETERMINED UNDER THIS CLAUSE.

2 (7) (I) FOR THE 2008-2009 SCHOOL YEAR AND EACH SCHOOL YEAR
3 THEREAFTER, NO CYBER CHARTER SCHOOL SHALL ACCUMULATE AN
4 UNRESERVED, UNDESIGNATED FUND BALANCE GREATER THAN THE CYBER
5 CHARTER FUND BALANCE LIMIT, WHICH SHALL BE DETERMINED AS
6 FOLLOWS:

<u>CYBER CHARTER SCHOOL TOTAL</u>	<u>MAXIMUM UNRESERVED,</u>
<u>BUDGETED EXPENDITURES</u>	<u>UNDESIGNATED FUND</u>
	<u>BALANCE AS PERCENTAGE</u>
	<u>OF TOTAL BUDGETED</u>
	<u>EXPENDITURES</u>
<u>LESS THAN OR EQUAL TO \$11,999,999</u>	<u>12%</u>
<u>BETWEEN \$12,000,000 AND \$12,999,999</u>	<u>11.5%</u>
<u>BETWEEN \$13,000,000 AND \$13,999,999</u>	<u>11%</u>
<u>BETWEEN \$14,000,000 AND \$14,999,999</u>	<u>10.5%</u>
<u>BETWEEN \$15,000,000 AND \$15,999,999</u>	<u>10%</u>
<u>BETWEEN \$16,000,000 AND \$16,999,999</u>	<u>9.5%</u>
<u>BETWEEN \$17,000,000 AND \$17,999,999</u>	<u>9%</u>
<u>BETWEEN \$18,000,000 AND \$18,999,999</u>	<u>8.5%</u>
<u>GREATER THAN OR EQUAL TO \$19,000,000</u>	<u>8%</u>

21 (II) ANY UNRESERVED, UNDESIGNATED FUND BALANCE IN PLACE ON
22 JUNE 30, 2008, THAT EXCEEDS THE CYBER CHARTER FUND BALANCE LIMIT
23 SHALL BE DISTRIBUTED BY THE CYBER CHARTER SCHOOL AS FOLLOWS:

24 (A) THE CYBER CHARTER SCHOOL MAY EXPEND UP TO FORTY PER
25 CENTUM OF THE FUND BALANCE IN EXCESS OF THE LIMIT, BUT NO MORE
26 THAN \$1,000,000, ON PROFESSIONAL DEVELOPMENT, STUDENT SUPPLIES,
27 TECHNOLOGY, INSTRUCTIONAL ACTIVITIES DIRECTLY AFFECTING STUDENT
28 PERFORMANCE, TO PROVIDE A DISCOUNT TO THE CYBER EDUCATION REAL
29 COST LEVEL AND CYBER SPECIAL EDUCATION REAL COST LEVEL TO ALL
30 SCHOOL DISTRICTS ON BEHALF OF ENROLLED STUDENTS OR OTHER

1 ACTIVITIES AS APPROVED BY THE SECRETARY UPON APPLICATION BY THE
2 CYBER CHARTER SCHOOL. THE FUNDS MAY NOT BE USED TO PAY BONUSES
3 TO ANY EMPLOYE OR CONTRACTOR.

4 (B) THE REMAINDER SHALL BE REFUNDED ON A PRO RATA BASIS
5 WITHIN NINETY (90) DAYS TO ALL SCHOOL DISTRICTS THAT PAID
6 TUITION TO THE CYBER CHARTER SCHOOL ON BEHALF OF STUDENTS
7 ENROLLED IN THE 2006-2007 AND 2007-2008 SCHOOL YEARS.

8 (III) FOR THE 2008-2009 SCHOOL YEAR AND EACH SCHOOL YEAR
9 THEREAFTER, ANY UNRESERVED, UNDESIGNATED FUND BALANCE IN EXCESS
10 OF THE CYBER CHARTER FUND BALANCE LIMIT SHALL BE REFUNDED ON A
11 PRO RATA BASIS TO ALL SCHOOL DISTRICTS THAT PAID TUITION TO THE
12 CYBER CHARTER SCHOOL IN THE PRIOR SCHOOL YEAR.

13 (8) EXCEPT IN THE CASE OF ANY STUDENT ENROLLED IN A CYBER
14 CHARTER SCHOOL ON THE EFFECTIVE DATE OF THIS SECTION, A SCHOOL
15 DISTRICT SHALL NOT BE REQUIRED TO PROVIDE PER PUPIL FUNDING TO
16 CYBER CHARTER SCHOOLS FOR A STUDENT WHO DOES NOT MEET THE
17 MINIMUM REQUIREMENT FOR THE AGE OF KINDERGARTEN OR BEGINNER
18 ESTABLISHED BY THE BOARD OF SCHOOL DIRECTORS IN THE STUDENT'S
19 SCHOOL DISTRICT OF RESIDENCE. THE TERM "BEGINNERS," AS USED IN
20 THIS CLAUSE, SHALL MEAN ANY CHILD THAT SHOULD ENTER THE LOWEST
21 GRADE OF THE PRIMARY SCHOOL OR THE LOWEST PRIMARY CLASS ABOVE
22 THE KINDERGARTEN LEVEL.

23 (9) IF A STUDENT'S SCHOOL DISTRICT OF RESIDENCE DOES NOT
24 OFFER FULL-DAY KINDERGARTEN, THE SCHOOL DISTRICT OF RESIDENCE
25 SHALL ONLY BE REQUIRED TO PAY A CYBER CHARTER SCHOOL ONE-HALF OF
26 THE AMOUNT CALCULATED UNDER CLAUSE (2)(II) OR (3)(II) FOR ANY
27 STUDENT WHO IS ENROLLED IN KINDERGARTEN IN A CYBER CHARTER
28 SCHOOL.

29 * * *

30 SECTION 4. SECTION 1729-A(J) OF THE ACT, ADDED JUNE 19, 1997

(P.L.225, NO.22), IS AMENDED TO READ:

SECTION 1729-A. CAUSES FOR NONRENEWAL OR TERMINATION.--* * *

(J) WHEN A CHARTER IS REVOKED OR IS NOT RENEWED, A STUDENT WHO ATTENDED THE CHARTER SCHOOL SHALL APPLY TO ANOTHER PUBLIC SCHOOL IN THE STUDENT'S SCHOOL DISTRICT OF RESIDENCE. NORMAL APPLICATION DEADLINES WILL BE DISREGARDED UNDER THESE CIRCUMSTANCES. ALL STUDENT RECORDS MAINTAINED BY THE CHARTER SCHOOL SHALL BE FORWARDED TO THE STUDENT'S DISTRICT OF RESIDENCE WITHIN TEN (10) DAYS OF THE REVOCATION OR NONRENEWAL OF THE CHARTER.

SECTION 5. SECTION 1741-A(A) OF THE ACT IS AMENDED BY ADDING A CLAUSE TO READ:

SECTION 1741-A. POWERS AND DUTIES OF DEPARTMENT.

(A) POWERS AND DUTIES.--THE DEPARTMENT SHALL:

* * *

(6) PROMULGATE REGULATIONS IN ACCORDANCE WITH THE ACT OF JUNE 25, 1982 (P.L.633, NO.181), KNOWN AS THE "REGULATORY REVIEW ACT," THAT PROVIDE ALL OF THE FOLLOWING WITH REGARD TO CYBER CHARTER SCHOOLS:

(I) THE MINIMUM NUMBER OF HOURS THAT STUDENTS MUST BE ONLINE AND OFFLINE ENGAGED IN EDUCATIONAL ACTIVITIES IN ORDER TO MEET THE ATTENDANCE REQUIREMENTS OF 22 PA. CODE CH. 11 (RELATING TO STUDENT ATTENDANCE).

(II) THE REQUIREMENTS THAT EACH CYBER CHARTER SCHOOL MUST MEET TO BE ABLE TO DEMONSTRATE IN ITS ANNUAL REPORT TO THE DEPARTMENT DUE BY AUGUST 1 OF EACH YEAR UNDER SECTION 1743-A(F) THAT THE MINIMUM NUMBER OF ONLINE AND OFFLINE HOURS HAVE BEEN ATTAINED BY EACH STUDENT.

* * *

SECTION 6. SECTION 1742-A OF THE ACT, ADDED JUNE 29, 2002

(P.L.524, NO.88), IS AMENDED TO READ:

SECTION 1742-A. ASSESSMENT AND EVALUATION.

THE DEPARTMENT SHALL:

(1) [ANNUALLY] NO LATER THAN OCTOBER 1 OF EACH YEAR,
ASSESS WHETHER EACH CYBER CHARTER SCHOOL IS MEETING THE GOALS
OF ITS CHARTER AND IS IN COMPLIANCE WITH THE PROVISIONS OF
THE CHARTER AND CONDUCT A COMPREHENSIVE REVIEW PRIOR TO
GRANTING A FIVE-YEAR RENEWAL OF THE CHARTER. THE DEPARTMENT
SHALL PROVIDE EACH CYBER CHARTER SCHOOL WITH THE RESULTS OF
THAT SCHOOL'S ANNUAL ASSESSMENT IN THE FORM OF A WRITTEN
REPORT TO BE SUBMITTED BOTH THROUGH UNITED STATES MAIL AND
ELECTRONICALLY BY NO LATER THAN NOVEMBER 1 OF EACH YEAR. THE
REPORT SHALL BE POSTED ON THE DEPARTMENT'S INTERNET WEBSITE
FOR NO LESS THAN A FIVE-YEAR PERIOD OR UNTIL THE EXPIRATION
OF THE CYBER CHARTER SCHOOL'S CURRENT CHARTER, WHICHEVER
OCCURS FIRST.

(2) ANNUALLY REVIEW EACH CYBER CHARTER SCHOOL'S
PERFORMANCE ON THE PENNSYLVANIA SYSTEM OF SCHOOL ASSESSMENT
TEST, STANDARDIZED TESTS AND OTHER PERFORMANCE INDICATORS TO
ENSURE COMPLIANCE WITH 22 PA. CODE CH. 4 (RELATING TO
ACADEMIC STANDARDS AND ASSESSMENT) OR SUBSEQUENT REGULATIONS
PROMULGATED TO REPLACE 22 PA. CODE CH. 4.

(3) HAVE ONGOING ACCESS TO ALL RECORDS, INSTRUCTIONAL
MATERIALS AND STUDENT AND STAFF RECORDS OF EACH CYBER CHARTER
SCHOOL AND TO EVERY CYBER CHARTER SCHOOL FACILITY TO ENSURE
THE CYBER CHARTER SCHOOL IS IN COMPLIANCE WITH ITS CHARTER
AND THIS SUBDIVISION.

SECTION 7. SECTION 1743-A(B), (C) AND (E) OF THE ACT, ADDED
JUNE 29, 2002 (P.L.524, NO.88), ARE AMENDED AND THE SECTION IS
AMENDED BY ADDING SUBSECTIONS TO READ:

1 SECTION 1743-A. CYBER CHARTER SCHOOL REQUIREMENTS AND
2 PROHIBITIONS.

3 * * *

4 (B) ENROLLMENT.--A CYBER CHARTER SCHOOL SHALL [REPORT TO THE
5 DEPARTMENT AN INCREASE OR A DECREASE OF 30% OR MORE IN ITS
6 ANTICIPATED ENROLLMENT] REQUEST APPROVAL FROM THE DEPARTMENT IN
7 ORDER TO INCREASE ITS ENROLLMENT BEYOND THAT SET FORTH IN THE
8 APPLICATION UNDER SECTION 1747-A(11).

9 (C) [SCHOOL DISTRICT.--A CYBER CHARTER SCHOOL] DEPARTMENT.--
10 THE DEPARTMENT SHALL MAKE AVAILABLE UPON REQUEST, EITHER IN
11 WRITING OR ELECTRONICALLY, [TO EACH STUDENT'S SCHOOL DISTRICT OF
12 RESIDENCE] THE FOLLOWING:

13 (1) A COPY OF THE CHARTER.

14 (2) A COPY OF THE CYBER CHARTER SCHOOL APPLICATION.

15 (3) A COPY OF ALL ANNUAL REPORTS PREPARED BY THE CYBER
16 CHARTER SCHOOL.

17 [(4) A LIST OF ALL STUDENTS FROM THAT SCHOOL DISTRICT
18 ENROLLED IN THE CYBER CHARTER SCHOOL.]

19 (C.1) SCHOOL DISTRICT.--A CYBER CHARTER SCHOOL SHALL MAKE
20 AVAILABLE UPON REQUEST, EITHER IN WRITING OR ELECTRONICALLY, TO
21 EACH STUDENT'S SCHOOL DISTRICT OF RESIDENCE A LIST OF ALL
22 STUDENTS FROM THAT SCHOOL DISTRICT ENROLLED IN THE CYBER CHARTER
23 SCHOOL.

24 * * *

25 (E) STUDENTS.--FOR EACH STUDENT ENROLLED, A CYBER CHARTER
26 SCHOOL SHALL:

27 (1) PROVIDE ALL INSTRUCTIONAL MATERIALS;

28 (2) PROVIDE ALL EQUIPMENT, INCLUDING, BUT NOT LIMITED
29 TO, A COMPUTER, COMPUTER MONITOR AND PRINTER; AND

30 (3) PROVIDE OR REIMBURSE FOR ALL TECHNOLOGY AND SERVICES

1 NECESSARY FOR THE ON-LINE DELIVERY OF THE CURRICULUM AND
2 INSTRUCTION.

3 THE COMMONWEALTH SHALL NOT BE LIABLE FOR ANY REIMBURSEMENT OWED
4 TO STUDENTS, PARENTS OR GUARDIANS BY A CYBER CHARTER SCHOOL
5 UNDER PARAGRAPH (3). ALL COMPUTERS, SOFTWARE AND INTERNET
6 CONNECTIONS PURCHASED BY THE CYBER CHARTER SCHOOL SHALL BE THE
7 PROPERTY OF THE CYBER CHARTER SCHOOL. IF A STUDENT DISCONTINUES
8 ENROLLMENT IN A CYBER CHARTER SCHOOL, THE STUDENT MUST RETURN
9 THE SCHOOL'S PROPERTY IN USABLE CONDITION OR PAY A CIVIL PENALTY
10 IN THE FORM OF FAIR MARKET VALUE FOR THE PROPERTY.

11 * * *

12 (J) BOARD OF TRUSTEES.--A MEMBER OF THE BOARD OF TRUSTEES
13 SHALL BE CONSIDERED A PUBLIC OFFICIAL UNDER THE ACT OF OCTOBER
14 4, 1978 (P.L.883, NO.170), REFERRED TO AS THE PUBLIC OFFICIAL
15 AND EMPLOYEE ETHICS LAW. NO MEMBER OF THE BOARD OF TRUSTEES MAY
16 DO BUSINESS WITH THE SCHOOL OR THE MANAGEMENT OF THE SCHOOL NOR
17 MAY A PERSON AFFILIATED WITH THE MANAGEMENT OF THE SCHOOL SIT ON
18 THE BOARD OF TRUSTEES.

19 (K) EMPLOYES.--PROFESSIONAL EMPLOYES WHO HOLD A FIRST LEVEL
20 TEACHING OR ADMINISTRATIVE CERTIFICATE MAY PETITION THE
21 DEPARTMENT TO HAVE THE TIME COMPLETED IN SATISFACTORY SERVICE IN
22 A CYBER CHARTER SCHOOL APPLIED TO THE LENGTH OF SERVICE
23 REQUIREMENTS FOR THE NEXT LEVEL OF CERTIFICATION. THE DEPARTMENT
24 SHALL ESTABLISH GUIDELINES GOVERNING ACCEPTABLE CRITERIA FOR
25 APPROVAL OF A PETITION UNDER THIS SUBSECTION.

26 (L) OUT-OF-STATE STUDENTS.--A CYBER CHARTER SCHOOL MAY NOT
27 EXPEND ANY FUNDS, INCLUDING FUNDS PROVIDED BY THE COMMONWEALTH
28 OR BY A SCHOOL DISTRICT, ON THE EDUCATION OF ANY STUDENT WHO IS
29 NOT A RESIDENT OF A PENNSYLVANIA SCHOOL DISTRICT.

30 SECTION 8. SECTIONS 1744-A AND 1747-A(11) OF THE ACT, ADDED

1 JUNE 29, 2002 (P.L.524, NO.88), ARE AMENDED TO READ:

2 SECTION 1744-A. SCHOOL DISTRICT AND INTERMEDIATE UNIT
3 RESPONSIBILITIES.

4 AN INTERMEDIATE UNIT OR A SCHOOL DISTRICT IN WHICH A STUDENT
5 ENROLLED IN A CYBER CHARTER SCHOOL RESIDES SHALL DO ALL OF THE
6 FOLLOWING:

7 (1) PROVIDE THE CYBER CHARTER SCHOOL WITHIN TEN DAYS OF
8 RECEIPT OF THE NOTICE OF THE ADMISSION OF THE STUDENT UNDER
9 SECTION 1748-A(A) WITH ALL RECORDS RELATING TO THE STUDENT,
10 INCLUDING TRANSCRIPTS, TEST SCORES AND A COPY OF ANY
11 INDIVIDUALIZED EDUCATION PROGRAM FOR THAT STUDENT.

12 (2) PROVIDE THE CYBER CHARTER SCHOOL WITH REASONABLE
13 ACCESS TO ITS FACILITIES FOR THE ADMINISTRATION OF
14 STANDARDIZED TESTS REQUIRED UNDER THIS SUBDIVISION.

15 (3) UPON REQUEST AND SUBJECT TO AGREEMENT BETWEEN A
16 CYBER CHARTER SCHOOL AND AN INTERMEDIATE UNIT OR SCHOOL
17 DISTRICT, PROVIDE ASSISTANCE TO THE CYBER CHARTER SCHOOL IN
18 THE DELIVERY OF SERVICES TO A STUDENT WITH DISABILITIES. THE
19 SCHOOL DISTRICT OR INTERMEDIATE UNIT SHALL NOT CHARGE THE
20 CYBER CHARTER SCHOOL MORE FOR A SERVICE THAN IT CHARGES A
21 SCHOOL DISTRICT.

22 (4) MAKE PAYMENTS TO THE CYBER CHARTER SCHOOL UNDER
23 SECTION 1725-A.

24 SECTION 1747-A. CYBER CHARTER SCHOOL APPLICATION.

25 IN ADDITION TO THE PROVISIONS OF SECTION 1719-A, AN
26 APPLICATION TO ESTABLISH A CYBER CHARTER SCHOOL SHALL ALSO
27 INCLUDE THE FOLLOWING:

28 * * *

29 (11) THE MAXIMUM LEVEL OF [ANTICIPATED] ENROLLMENT
30 DURING EACH SCHOOL YEAR OF THE PROPOSED CHARTER, INCLUDING

1 EXPECTED INCREASES DUE TO THE ADDITION OF GRADE LEVELS.

2 * * *

3 SECTION 9. SECTION 1748-A(A) OF THE ACT, ADDED JUNE 29, 2002
4 (P.L.524, NO.88), IS AMENDED AND THE SECTION IS AMENDED BY
5 ADDING A SUBSECTION TO READ:

6 SECTION 1748-A. ENROLLMENT AND NOTIFICATION.

7 (A) NOTICE TO SCHOOL DISTRICT.--

8 (1) WITHIN [15] TEN DAYS OF THE ENROLLMENT OF A STUDENT
9 TO A CYBER CHARTER SCHOOL, THE PARENT OR GUARDIAN AND THE
10 CYBER CHARTER SCHOOL SHALL NOTIFY THE STUDENT'S SCHOOL
11 DISTRICT OF RESIDENCE OF THE ENROLLMENT THROUGH THE USE OF
12 THE NOTIFICATION FORM UNDER SUBSECTION (B).

13 (2) IF A SCHOOL DISTRICT WHICH HAS RECEIVED NOTICE UNDER
14 PARAGRAPH (1) DETERMINES THAT A STUDENT IS NOT A RESIDENT OF
15 THE SCHOOL DISTRICT, THE FOLLOWING APPLY:

16 (I) WITHIN [SEVEN] 20 DAYS OF RECEIPT OF THE NOTICE
17 UNDER PARAGRAPH (1), THE SCHOOL DISTRICT SHALL NOTIFY THE
18 CYBER CHARTER SCHOOL AND THE DEPARTMENT THAT THE STUDENT
19 IS NOT A RESIDENT OF THE SCHOOL DISTRICT. NOTIFICATION OF
20 NONRESIDENCE SHALL INCLUDE THE BASIS FOR THE
21 DETERMINATION.

22 (II) WITHIN SEVEN DAYS OF NOTIFICATION UNDER
23 SUBPARAGRAPH (I), THE CYBER CHARTER SCHOOL SHALL REVIEW
24 THE NOTIFICATION OF NONRESIDENCE, RESPOND TO THE SCHOOL
25 DISTRICT AND PROVIDE A COPY OF THE RESPONSE TO THE
26 DEPARTMENT. IF THE CYBER CHARTER SCHOOL AGREES THAT A
27 STUDENT IS NOT A RESIDENT OF THE SCHOOL DISTRICT, IT
28 SHALL DETERMINE THE PROPER DISTRICT OF RESIDENCE OF THE
29 STUDENT BEFORE REQUESTING FUNDS FROM ANOTHER SCHOOL
30 DISTRICT.

1 (III) WITHIN SEVEN DAYS OF RECEIPT OF THE RESPONSE
2 UNDER SUBPARAGRAPH (II), THE SCHOOL DISTRICT SHALL NOTIFY
3 THE CYBER CHARTER SCHOOL THAT IT AGREES WITH THE CYBER
4 CHARTER SCHOOL'S DETERMINATION OR DOES NOT AGREE WITH THE
5 CYBER CHARTER SCHOOL'S DETERMINATION.

6 (IV) A SCHOOL DISTRICT THAT HAS NOTIFIED THE CYBER
7 CHARTER SCHOOL THAT IT DOES NOT AGREE WITH THE CYBER
8 CHARTER SCHOOL'S DETERMINATION UNDER SUBPARAGRAPH (III)
9 SHALL APPEAL TO THE DEPARTMENT FOR A FINAL DETERMINATION.

10 (V) ALL DECISIONS OF THE DEPARTMENT REGARDING THE
11 SCHOOL DISTRICT OF RESIDENCE OF A STUDENT SHALL BE
12 SUBJECT TO REVIEW BY THE COMMONWEALTH COURT.

13 (VI) A SCHOOL DISTRICT SHALL CONTINUE TO MAKE
14 PAYMENTS TO A CYBER CHARTER SCHOOL UNDER SECTION 1725-A
15 DURING THE TIME IN WHICH THE SCHOOL DISTRICT OF RESIDENCE
16 OF A STUDENT IS IN DISPUTE.

17 (VII) IF A FINAL DETERMINATION IS MADE THAT A
18 STUDENT IS NOT A RESIDENT OF AN APPEALING SCHOOL
19 DISTRICT, THE CYBER CHARTER SCHOOL SHALL RETURN ALL FUNDS
20 PROVIDED ON BEHALF OF THAT STUDENT TO THE SCHOOL DISTRICT
21 WITHIN 30 DAYS.

22 * * *

23 (D) TRUANCY.--IF A SCHOOL DISTRICT RECEIVES A NOTIFICATION
24 OF ENROLLMENT FORM, AS REQUIRED UNDER PARAGRAPH (A)(1), THAT A
25 RESIDENT STUDENT WHO IS A TRUANT FROM THE SCHOOL DISTRICT
26 SCHOOLS HAS ENROLLED IN A CYBER CHARTER SCHOOL, THE SCHOOL
27 DISTRICT SHALL NOTIFY THE CYBER CHARTER SCHOOL IN WRITING ABOUT
28 THE STUDENT'S TRUANCY. THE FOLLOWING SHALL APPLY:

29 (1) UPON RECEIPT OF NOTICE BY THE RESIDENT SCHOOL
30 DISTRICT OF A STUDENT'S TRUANCY AT THE SCHOOL DISTRICT

1 SCHOOLS, THE CYBER CHARTER SCHOOL SHALL PROVIDE TO THE
2 STUDENT'S RESIDENT SCHOOL DISTRICT EVIDENCE DURING THE FIRST
3 THREE MONTHS THAT THE STUDENT IS ENROLLED IN THE CYBER
4 CHARTER SCHOOL, THAT THE STUDENT IS RECEIVING EDUCATIONAL
5 INSTRUCTION AND COMPLETING ASSIGNMENTS AS REQUIRED BY THE
6 CYBER CHARTER SCHOOL. THE EVIDENCE SHALL BE PROVIDED BY THE
7 CYBER CHARTER SCHOOL WHEN IT BILLS THE SCHOOL DISTRICT FOR
8 PAYMENT DURING THE FIRST THREE MONTHS OF THE STUDENT'S
9 ENROLLMENT.

10 (2) IF THE CYBER CHARTER SCHOOL FAILS TO COMPLY WITH THE
11 REQUIREMENTS OF PARAGRAPH (1), THE STUDENT'S RESIDENT SCHOOL
12 DISTRICT SHALL NOT BE REQUIRED TO PAY THE CYBER CHARTER
13 SCHOOL FOR THAT STUDENT DURING THAT TIME.

14 (3) IF ANY STUDENT ENROLLED IN THE CYBER CHARTER SCHOOL
15 ACCRUES THREE OR MORE DAYS OF UNLAWFUL ABSENCES, THE CYBER
16 CHARTER SCHOOL HAS THE AUTHORITY TO AND SHALL BE RESPONSIBLE
17 FOR INSTITUTING TRUANCY PROCEEDINGS UNDER SECTION 1333.

18 SECTION 10. SECTION 1749-A(A) OF THE ACT, ADDED JUNE 29,
19 2002 (P.L.524, NO.88), IS AMENDED TO READ:
20 SECTION 1749-A. APPLICABILITY OF OTHER PROVISIONS OF THIS ACT
21 AND OF OTHER ACTS AND REGULATIONS.

22 (A) GENERAL REQUIREMENTS.--CYBER CHARTER SCHOOLS SHALL BE
23 SUBJECT TO THE FOLLOWING:

24 (1) SECTIONS 108, 110, 111, 321, 325, 326, 327, 431,
25 436, 443, 510, 518, 527, 609, 687(A), (B), (C), (D), (H) AND
26 (J), 708, 752, 753, [755,] 771, 776, 777, 807.1, 808, 809,
27 810, 1109, 1111, 1112(A), 1205.1, 1205.2, 1301, 1302, 1310,
28 1317.2, 1318, 1330, 1332, 1333, 1354, 1355, 1303-A, 1518,
29 1521, 1523, 1531, 1547, 1702-A, 1703-A, 1714-A, 1715-A, 1716-
30 A, 1719-A, 1721-A, 1722-A, 1723-A(A) AND (B), 1724-A, 1725-A,

1 1727-A, 1729-A, 1730-A, 1731-A(A)(1) AND (B) AND 2014-A AND
2 ARTICLES XII-A, XIII-A AND XIV.

3 (2) THE ACT OF JULY 17, 1961 (P.L.776, NO.341), KNOWN AS
4 THE PENNSYLVANIA FAIR EDUCATIONAL OPPORTUNITIES ACT.

5 (3) THE ACT OF JULY 19, 1965 (P.L.215, NO.116), ENTITLED
6 "AN ACT PROVIDING FOR THE USE OF EYE PROTECTIVE DEVICES BY
7 PERSONS ENGAGED IN HAZARDOUS ACTIVITIES OR EXPOSED TO KNOWN
8 DANGERS IN SCHOOLS, COLLEGES AND UNIVERSITIES."

9 (4) SECTION 4 OF THE ACT OF JANUARY 25, 1966 (1965
10 P.L.1546, NO.541), ENTITLED "AN ACT PROVIDING SCHOLARSHIPS
11 AND PROVIDING FUNDS TO SECURE FEDERAL FUNDS FOR QUALIFIED
12 STUDENTS OF THE COMMONWEALTH OF PENNSYLVANIA WHO NEED
13 FINANCIAL ASSISTANCE TO ATTEND POSTSECONDARY INSTITUTIONS OF
14 HIGHER LEARNING, MAKING AN APPROPRIATION, AND PROVIDING FOR
15 THE ADMINISTRATION OF THIS ACT."

16 (5) THE ACT OF JULY 12, 1972 (P.L.765, NO.181) ENTITLED
17 "AN ACT RELATING TO DRUGS AND ALCOHOL AND THEIR ABUSE,
18 PROVIDING FOR PROJECTS AND PROGRAMS AND GRANTS TO EDUCATIONAL
19 AGENCIES, OTHER PUBLIC OR PRIVATE AGENCIES, INSTITUTIONS OR
20 ORGANIZATIONS."

21 (6) THE ACT OF DECEMBER 15, 1986 (P.L.1595, NO.175),
22 KNOWN AS THE ANTIHAZING LAW.

23 * * *

24 SECTION 11. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.