

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 738 Session of
2007

INTRODUCED BY DeLUCA, BELFANTI, BOYD, BUXTON, CALTAGIRONE,
CARROLL, DALEY, EVERETT, FABRIZIO, FRANKEL, GERGELY, GRUCELA,
HENNESSEY, HERSHEY, KOTIK, McILHATTAN, MUNDY, PETRONE,
PRESTON, RUBLEY, SIPTROTH, SONNEY, TRUE, WALKO, WANSACZ,
WATSON AND YOUNGBLOOD, MARCH 19, 2007

REFERRED TO COMMITTEE ON EDUCATION, MARCH 19, 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.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Section 1725-A of the act of March 10, 1949
10 (P.L.30, No.14), known as the Public School Code of 1949,
11 amended or added June 19, 1997 (P.L.225, No.22), June 22, 2001
12 (P.L.530, No.35) and June 29, 2002 (P.L.524, No.88), is amended
13 to read:

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

17 (1) There shall be no tuition charge for a resident or
18 nonresident student attending a charter school except for

1 students at cyber charter schools who do not meet the residency
2 requirements of clause (2).

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

16 Notwithstanding any other provision of law to the contrary, in
17 the case of cyber charter schools, for the purposes of this
18 clause a student is a resident of a school district only if both
19 of the following criteria are met:

20 (i) it is the school district in which his parents or the
21 guardian of his person resides; and

22 (ii) it is the school district in which the student sleeps
23 at least one hundred eighty-three (183) nights of the year
24 during which payment is made.

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

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

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

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

24 (6) Within thirty (30) days after the secretary makes the
25 deduction described in clause (5), a school district may notify
26 the secretary that the deduction made from State payments to the
27 district under this subsection is inaccurate. The secretary
28 shall provide the school district with an opportunity to be
29 heard concerning whether the charter school documented that its
30 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 (b) The Commonwealth shall provide temporary financial
5 assistance to a school district due to the enrollment of
6 students in a charter school established under this article who
7 attended a nonpublic school in the prior school year in order to
8 offset the additional costs directly related to the enrollment
9 of those students in a public charter school. The Commonwealth
10 shall pay the school district of residence of a student enrolled
11 in a nonpublic school in the prior school year who is attending
12 a charter school an amount equal to the school district of
13 residence's basic education subsidy for the current school year
14 divided by the district's average daily membership for the prior
15 school year. This payment shall occur only for the first year of
16 the attendance of the student in a charter school, starting with
17 school year 1997-1998. Total payments of temporary financial
18 assistance to school districts on behalf of a student enrolling
19 in a charter school who attended a nonpublic school in the prior
20 school year shall be limited to funds appropriated for this
21 program in a fiscal year. If the total of the amount needed for
22 all students enrolled in a nonpublic school in the prior school
23 year who enroll in a charter school exceeds the appropriation
24 for the temporary financial assistance program, the amount paid
25 to a school district for each qualifying student shall be pro
26 rata reduced. Receipt of funds under this subsection shall not
27 preclude a school district from applying for a grant under
28 subsection (c).

29 (c) The Commonwealth shall create a grant program to provide
30 temporary transitional funding to a school district due to the

1 budgetary impact relating to any student's first-year attendance
2 at a charter school established under this article. The
3 department shall develop criteria which shall include, but not
4 be limited to, the overall fiscal impact on the budget of the
5 school district resulting from students of a school district
6 attending a charter school. The criteria shall be published in
7 the Pennsylvania Bulletin. This subsection shall not apply to a
8 public school converted to a charter school under section 1717-
9 A(b). Grants shall be limited to funds appropriated for this
10 purpose.

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

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

27 Section 2. Sections 1741-A, 1742-A, 1743-A, 1744-A, 1745-A,
28 1746-A, 1747-A, 1748-A, 1749-A, 1750-A and 1751-A of the act,
29 added June 29, 2002 (P.L.524, No.88), are repealed:
30 [Section 1741-A. Powers and duties of department.

1 (a) Powers and duties.--The department shall:

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

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

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

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

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

30 (A) a material component of the student's

1 education as required under this subdivision is not
2 being provided; or

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

6 (4) Execute charters after approval.

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

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

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

15 Section 1742-A. Assessment and evaluation.

16 The department shall:

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

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

27 (3) Have ongoing access to all records, instructional
28 materials and student and staff records of each cyber charter
29 school and to every cyber charter school facility to ensure
30 the cyber charter school is in compliance with its charter

1 and this subdivision.

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

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

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

8 (2) except as provided for in subsection (e), provide
9 payments to parents or guardians for the purchase of
10 instructional materials; or

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

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

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

21 (1) A copy of the charter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (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.

(e) 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

1 charter school in accordance with the provisions of this
2 subdivision.

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

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

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

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

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

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

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

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

16 Section 1745-A. Establishment of cyber charter school.

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

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

30 (c) Attendance.--Attendance at a cyber charter school shall

1 satisfy requirements for compulsory attendance.

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

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

14 (f) Evaluation criteria.--

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

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

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

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

30 (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

1 decision to approve or disapprove the charter based on the
2 criteria in subsection (f).

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

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

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

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

10 (3) The revocation of a charter.

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

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

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

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

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

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

1 written charter of the cyber charter school.

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

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

14 (d) Review.--All decisions of the appeal board shall be
15 subject to appellate review by the Commonwealth Court.
16 Section 1747-A. Cyber charter school application.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (14) Policies regarding truancy, absences and withdrawal
30 of students, including the manner in which the cyber charter

1 school will monitor attendance consistent with the provisions
2 of section 1715-A(9).

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

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

10 Section 1748-A. Enrollment and notification.

11 (a) Notice to school district.--

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

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

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

26 (ii) Within seven days of notification under
27 subparagraph (i), the cyber charter school shall review
28 the notification of nonresidence, respond to the school
29 district and provide a copy of the response to the
30 department. If the cyber charter school agrees that a

1 student is not a resident of the school district, it
2 shall determine the proper district of residence of the
3 student before requesting funds from another school
4 district.

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

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

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

17 (vi) A school district shall continue to make
18 payments to a cyber charter school under section 1725-A
19 during the time in which the school district of residence
20 of a student is in dispute.

21 (vii) If a final determination is made that a
22 student is not a resident of an appealing school
23 district, the cyber charter school shall return all funds
24 provided on behalf of that student to the school district
25 within 30 days.

26 (b) Notification form.--The department shall develop a
27 notification form for use under subsection (a). The notification
28 shall include:

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

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

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

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

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

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

13 Section 1749-A. Applicability of other provisions of this act
14 and of other acts and regulations.

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

17 (1) Sections 108, 110, 111, 321, 325, 326, 327, 431,
18 436, 443, 510, 518, 527, 708, 752, 753, 755, 771, 776, 777,
19 808, 809, 810, 1109, 1111, 1112(a), 1205.1, 1205.2, 1301,
20 1302, 1310, 1317.2, 1318, 1330, 1332, 1303-A, 1518, 1521,
21 1523, 1531, 1547, 1702-A, 1703-A, 1714-A, 1715-A, 1716-A,
22 1719-A, 1721-A, 1722-A, 1723-A(a) and (b), 1724-A, 1725-A,
23 1727-A, 1729-A, 1730-A, 1731-A(a)(1) and (b) and 2014-A and
24 Articles XII-A, XIII-A and XIV.

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

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

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

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

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

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

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

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

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

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

22 (5) Section 121.3 (relating to discrimination
23 prohibited).

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

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

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

28 (c) Existing charter schools.--

29 (1) The charter of a charter school approved under
30 section 1717-A or 1718-A which provides instruction through

1 the Internet or other electronic means shall remain in effect
2 for the duration of the charter and shall be subject to the
3 provisions of Subdivision (b).

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

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

10 (ii) Section 1744-A.

11 (iii) Section 1748-A.

12 Section 1750-A. Effect on certain existing charter schools.

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

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

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

22 (3) how the charter school plans to comply with section
23 1743-A(d).

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

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

30 (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 3. The act is amended by adding an article to read:

ARTICLE XVII-C

CYBER CHARTER SCHOOLS

(a) Preliminary Provisions

Section 1701-C. Scope.

This article deals with cyber charter schools.

Section 1702-C. Definitions.

The following words and phrases when used in this article shall have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 "Appeal board." The State Charter School Appeal Board
3 established by Article XVII-A.

4 "At-risk student." A student at risk of educational failure
5 because of limited English proficiency, poverty, community
6 factors, truancy, academic difficulties or economic
7 disadvantage.

8 "Chief executive officer." An individual appointed by the
9 board of trustees to oversee and manage the operation of the
10 cyber charter school, but who shall not be deemed a professional
11 staff member under this article.

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

20 "Department." The Department of Education of the
21 Commonwealth.

22 "School district of residence." The school district in this
23 Commonwealth in which the parents or guardians of a child
24 reside.

25 "Secretary." The Secretary of Education of the Commonwealth.

26 "State board." The State Board of Education.

27 (b) Governance

28 Section 1711-C. Powers of cyber charter schools.

29 (a) General powers.--A cyber charter school established
30 under this article is a body corporate and shall have all powers

necessary or desirable for carrying out its charter, including,
but not limited to, the power to:

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

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

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

(4) Receive and disburse funds for cyber charter school
purposes only.

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

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

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

(b) Additional powers.--A cyber charter 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 cyber
charter 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 cyber
charter school shall have the authority to decide matters
related to the operation of the school, including, but not
limited to, budgeting, 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 cyber charter 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 cyber charter school. This written charter, when duly signed by the department and the cyber charter school's board of trustees, shall act as legal authorization for the establishment of a cyber charter school. This written charter shall be legally binding on both the department and the cyber charter 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 cyber charter school may be located in any

1 suitable location.

2 (b) Exemption from regulation.--The cyber charter school
3 facility shall be exempt from public school facility regulations
4 except those pertaining to the health or safety of the pupils.
5 Section 1715-C. School staff.

6 (a) Requirements.--The board of trustees shall determine the
7 level of compensation and all terms and conditions of employment
8 of the staff except as may otherwise be provided in this
9 article. At least 75% of the professional staff members of a
10 cyber charter school shall hold appropriate State certification.
11 Employees of a cyber charter school may organize under the act
12 of July 23, 1970 (P.L.563, No.195), known as the Public Employe
13 Relations Act. The board of trustees of a cyber charter school
14 shall be considered an employer for the purposes of Article XI-
15 A. Upon formation of one or more collective bargaining units at
16 the school, the board of trustees shall bargain with the
17 employees based on the provisions of this article, Article XI-A
18 and the Public Employe Relations Act. Collective bargaining
19 units at a cyber charter school shall be separate from any
20 collective bargaining unit of the school district in which the
21 cyber charter school is located and shall be separate from any
22 other collective bargaining unit. A cyber charter school shall
23 be considered a school entity as provided for in section 1161-A
24 for the purpose of the secretary seeking an injunction requiring
25 the cyber charter school to meet the minimum requirements for
26 instruction as provided for in this article.

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

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

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

8 (c) Retirement and social security.--All employees of a
9 cyber charter school shall be enrolled in the Public School
10 Employee's Retirement System in the same manner as set forth in
11 24 Pa.C.S. § 8301(a) (relating to mandatory and optional
12 membership). The Commonwealth shall make contributions on behalf
13 of cyber charter school employees, and the cyber charter school
14 shall be considered a school district and shall make payments by
15 employers and payments on account of Social Security as
16 established under 24 Pa.C.S. Pt. IV (relating to retirement for
17 school employees). For purposes of payments by employers, a
18 cyber charter school shall be considered a school district under
19 24 Pa.C.S. § 8329(a)(1) (relating to payments on account of
20 social security deductions from appropriations). The market
21 value/income aid ratio used in calculating payments as
22 prescribed in this subsection shall be a composite market
23 value/income aid ratio for the participating school districts as
24 determined by the department. Except as otherwise provided,
25 employees of a cyber charter school shall make regular member
26 contributions as required for active members under 24 Pa.C.S.
27 Pt. IV. For purposes of this subsection, a cyber charter school
28 shall be deemed to be a "public school" as defined in 24 Pa.C.S.
29 § 8102 (relating to definitions).

30 (d) Health care benefits.--Every employee of a cyber charter

1 school shall be provided the same health care benefits as the
2 employee would be provided if the employee were an employee of
3 the local district. The charter school shall make any required
4 employer's contribution to the district's health plan to an
5 insurer, a local board of school directors or a contractual
6 representative of school employees, whichever is appropriate to
7 provide the required coverage.

8 (e) Certification.--Professional employees who hold a first
9 level teaching or administrative certificate may, at their
10 option, have the time completed in satisfactory service in a
11 cyber charter school applied to the length of service
12 requirements for the next level of certification.

13 (f) Criminal history.--All applicants for a position as a
14 cyber charter school employee who shall have direct contact with
15 students shall be required to submit a report of criminal
16 history record information as provided for in section 111 prior
17 to accepting a position with the cyber charter school. This
18 subsection shall also apply to any individual who volunteers to
19 work on a full-time or part-time basis at the cyber charter
20 school.

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

29 Section 1716-C. Tort liability.

30 For purposes of tort liability, employees of the cyber

charter 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 cyber charter school and the cyber charter school shall be solely liable for any and all damages of any kind resulting from any legal challenge involving the operation of a cyber charter 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 cyber charter 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 cyber charter school has not been exempted, including Federal laws and regulations governing children with disabilities.

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

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

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

26 (d) Appeal.--The cyber charter school may appeal the
27 decision of the department to revoke or not renew the charter to
28 the appeal board. The appeal board shall have the exclusive
29 review of a decision not to renew or revoke a charter. The
30 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 cyber charter school plan, annual reports, student performance and employee and community support for the cyber charter 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 cyber charter school shall be dissolved. After the disposition of any liabilities and obligations of the cyber charter school, any remaining assets of the cyber charter school, both real and personal, shall be distributed on a proportional basis to the school entities with students enrolled in the cyber charter school for the last full or partial school year of the cyber charter school. In no event shall such school entities or the

Commonwealth be liable for any outstanding liabilities or obligations of the cyber charter school.

(j) Students.--When a charter is revoked or is not renewed, a student who attended the cyber 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 cyber charter 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 cyber charter school and have the power to request further information from applicants, obtain input from interested persons or entities and hold hearings regarding applications.

(2) Renew the charter of a cyber charter school and 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. Upon renewal of a charter of a charter school approved under section 1717-C or 1718-C, the charter school shall qualify as a cyber charter school under this article and shall be subject to the provisions of this article.

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

(i) Notwithstanding the provisions of section 1717-C(i), when the department has revoked or denied renewal of a charter, the cyber charter school shall be

1 dissolved. After the disposition of the liabilities and
2 obligations of the cyber charter school, any remaining
3 assets of the cyber charter school shall be given over to
4 the department.

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

8 (A) a material component of the student's
9 education as required under this article is not being
10 provided; or

11 (B) the cyber charter school has failed to
12 maintain the financial ability to provide services as
13 required under this article.

14 (4) Execute charters after approval.

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

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

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

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

25 Section 1722-C. Assessment and evaluation.

26 The department shall:

27 (1) Annually assess whether each cyber charter school is
28 meeting the goals of its charter as required under section
29 1726-C(5) and is in compliance with the provisions of the
30 charter and conduct a comprehensive review prior to granting

1 a five-year renewal of the charter.

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

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

13 Section 1723-C. Cyber charter school requirements and
14 prohibitions.

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

17 (1) except as provided for in subsection (e), provide
18 payments to parents or guardians for the purchase of
19 instructional materials; or

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

23 (b) Enrollment.--A cyber charter school shall report to the
24 department an increase or a decrease of 30% or more in its
25 anticipated enrollment set forth in the application under
26 section 1729-C(11).

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

30 (1) A copy of the charter.

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

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

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

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

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

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

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

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

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

29 (6) The address of the cyber charter school and the
30 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.

(e) 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

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

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

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

10 (g) Records and facilities.--A cyber charter school shall
11 provide the department with ongoing access to all records and
12 facilities necessary for the department to assess the cyber
13 charter school in accordance with the provisions of this
14 article.

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

26 (i) Applicable law.--Any action taken against the cyber
27 charter school, its successors or assigns or its employees,
28 including any cyber charter school staff member as defined in
29 the act of December 12, 1973 (P.L.397, No.141), known as the
30 Professional Educator Discipline Act, shall be governed by the

1 laws of this Commonwealth. If the department initiates an
2 investigation or pursues an action pursuant to the Professional
3 Educator Discipline Act involving any current or former cyber
4 charter school staff member outside this Commonwealth, any
5 reasonable expenses incurred by the department in such
6 investigation or action shall be paid by the cyber charter
7 school which employed that staff member at the time of the
8 alleged misconduct.

9 Section 1724-C. Cyber charter school requirements.

10 Cyber charter schools shall be required to comply with the
11 following provisions:

12 (1) Except as otherwise provided in this article, a
13 cyber charter school is exempt from statutory requirements
14 established in this act, from regulations of the State board
15 and the standards of the secretary not specifically
16 applicable to cyber charter schools. Cyber charter schools
17 are not exempt from statutes applicable to public schools
18 other than this act.

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

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

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

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

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

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

5 (8) A cyber charter school shall participate in the
6 Pennsylvania State Assessment System as provided for in 22
7 Pa. Code Ch. 4 (relating to academic standards and
8 assessment), or subsequent regulations promulgated to replace
9 22 Pa. Code Ch. 4, in the manner in which the school district
10 in which the cyber charter school is located is scheduled to
11 participate.

12 (9) A cyber charter school shall provide a minimum of
13 180 days of instruction or 900 hours per year of instruction
14 at the elementary level, or 990 hours per year of instruction
15 at the secondary level. Nothing in this paragraph shall
16 preclude the use of computer and satellite linkages for
17 delivering instruction to students.

18 (10) Boards of trustees and contractors of cyber charter
19 schools shall be subject to the following statutory
20 requirements governing construction projects and
21 construction-related work:

22 (i) The following provisions of this act:

23 (A) Sections 751 and 751.1.

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

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

30 (iii) The Public Works Contractors' Bond Law of

1 1967.

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

4 (11) Trustees of a cyber charter school shall be public
5 officials.

6 Section 1725-C. School district and intermediate unit
7 responsibilities.

8 Subject to agreement between a cyber charter school and an
9 intermediate unit or school district, the intermediate unit or a
10 school district in which a student enrolled in a cyber charter
11 school resides shall do all of the following:

12 (1) Provide the cyber charter school within ten days of
13 receipt of the notice of the admission of the student under
14 section 1731-C(a) with all records relating to the student,
15 including transcripts, test scores and a copy of any
16 individualized education program for that student.

17 (2) Upon request provide the cyber charter school with
18 reasonable access to its facilities for the administration of
19 standardized tests required under this article.

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

25 Section 1726-C. Contents of application.

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

28 (1) The identification of the charter applicant.

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

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

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

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

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

13 (7) Procedures which will be used regarding the
14 suspension or expulsion of pupils. The procedures shall
15 comply with section 1318.

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

19 (9) The financial plan for the cyber charter school and
20 the provisions which will be made for auditing the school
21 under section 437.

22 (10) Procedures which shall be established to review
23 complaints of parents regarding the operation of the cyber
24 charter school.

25 (11) A description of and address of the physical
26 facility in which the cyber charter school will be located
27 and the ownership thereof and any lease arrangements.

28 (12) Information on the proposed school calendar for the
29 cyber charter school, including the length of the school day
30 and school year consistent with the provisions of section

1 1502.

2 (13) The proposed faculty and a professional development
3 plan for the faculty of a cyber charter school.

4 (14) Whether any agreements have been entered into or
5 plans developed with the local school district regarding
6 participation of the cyber charter school students in
7 extracurricular activities within the school district.

8 (15) A report of criminal history record, pursuant to
9 section 111, for all individuals who shall have direct
10 contact with students.

11 (16) An official clearance statement regarding child
12 injury or abuse from the Department of Public Welfare as
13 required by 23 Pa.C.S. Ch. 63 Subch. C.2 (relating to
14 background checks for employment in schools) for all
15 individuals who shall have direct contact with students.

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

20 Section 1727-C. Establishment of cyber charter school.

21 (a) Establishment.--A cyber charter school may be
22 established by:

23 (1) an individual;

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

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

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

30 (5) a nonsectarian corporation not-for-profit as defined

1 in 15 Pa.C.S. § 5103 (relating to definitions);

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

3 (7) any combination of the entities listed in paragraph

4 (1), (2), (3), (4), (5) or (6).

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

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

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

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

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

24 (g) Evaluation criteria.--

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

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

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

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

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

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

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

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

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

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

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

9 (j) Appeal.--If the department fails to hold the required
10 public hearing or to approve or disapprove the charter, the
11 applicant may file its application as an appeal to the appeal
12 board. The appeal board shall review the application and make a
13 decision to approve or disapprove the charter based on the
14 criteria in subsection (g).

15 Section 1728-C. Appeal board review.

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

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

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

22 (3) The revocation of a charter.

23 (4) An appeal under section 1727-C(j).

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

25 (1) Review the decision made by the department under
26 subsection (a) on the record as certified by the department.
27 The secretary shall recuse himself from all cyber charter
28 school appeals and shall not participate in a hearing,
29 deliberation or vote on a cyber charter school appeal. The
30 appeal board may allow the department, the cyber charter

1 school applicant or the board of trustees of a cyber charter
2 school to supplement the record if the supplemental
3 information was previously unavailable.

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

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

8 (4) In the case of a decision by the department to deny
9 a cyber charter application, make its decision based on
10 section 1727-C(g)(1). A decision by the appeal board to
11 reverse the decision of the department and grant a charter
12 shall serve as a requirement for the secretary to sign the
13 written charter of the cyber charter school.

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

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

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

28 Section 1729-C. Cyber charter school application.

29 In addition to the provisions of section 1726-C, an
30 application to establish a cyber charter school shall also

1 include the following:

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

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

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

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

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

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

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

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

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

30 (10) The privacy and security measures to ensure the

1 confidentiality of data gathered online.

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

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

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

11 (14) Policies regarding truancy, absences and withdrawal
12 of students, including the manner in which the cyber charter
13 school will monitor attendance consistent with the provisions
14 of section 1724-C(9).

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

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

22 Section 1730-C. Enrollment.

23 (a) General rule.--All resident children in this
24 Commonwealth qualify for admission to a cyber charter school
25 within the provisions of subsection (b). If more students apply
26 to the cyber charter school than the number of attendance slots
27 available in the school, then students must be selected on a
28 random basis from a pool of qualified applicants meeting the
29 established eligibility criteria and submitting an application
30 by the deadline established by the cyber charter school, except

1 that the cyber charter school may give preference in enrollment
2 to a child of a parent who has actively participated in the
3 development of the cyber charter school and to siblings of
4 students presently enrolled in the cyber charter school.

5 (b) Admission policy.--

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

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

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

26 Section 1731-C. Enrollment and notification.

27 (a) Notice to school district.--

28 (1) Within 15 days of the enrollment of a student to a
29 cyber charter school, the parent or guardian and the cyber
30 charter 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 30 days of receipt of the notice under
paragraph (1), the school district shall notify the cyber
charter 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 cyber charter 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 cyber charter school that it agrees with the cyber
charter school's determination or does not agree with the
cyber charter school's determination.

(iv) A school district that has notified the cyber
charter school that it does not agree with the cyber
charter 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

1 cyber charter school shall return all funds provided on
2 behalf of that student to the department within 30 days.

3 (b) Notification form.--The department shall develop a
4 notification form for use under subsection (a). The notification
5 shall include:

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

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

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

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

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

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

20 Section 1732-C. Equipment.

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

28 Section 1733-C. Extracurricular activities.

29 Notwithstanding any provision to the contrary, no school
30 district of residence shall prohibit a student of a cyber

charter 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.

Section 1734-C. 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, 1721-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 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,

1 providing for projects and programs and grants to educational
2 agencies, other public or private agencies, institutions or
3 organizations."

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

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

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

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

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

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

14 (5) Section 121.3 (relating to discrimination
15 prohibited).

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

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

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

20 (c) Bidding requirements.--Cyber charter schools are subject
21 to the same bidding requirements as school districts and other
22 governmental entities in this Commonwealth.

23 (d) Existing charter schools.--

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

29 (2) In addition to subsections (a) and (b), the
30 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).

1 (d) School districts.--A school district shall not renew the
2 charter of a charter school approved under section 1717-A or
3 1718-A which provides instruction through the Internet or other
4 electronic means or approve a charter for a cyber charter
5 school.

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

13 Section 1742-C. Regulations.

14 The department may issue regulations to implement this
15 article.

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

17 Section 2527. Payments to cyber charter schools.--(a)
18 Notwithstanding any other provision of this article, each cyber
19 charter school shall be paid by the Commonwealth on account of
20 the instruction of pupils an amount as follows:

21 (1) For nonspecial education pupils:

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

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

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

1 more.

2 (2) For special education pupils, the amount shall be
3 equivalent to the cost of a nonspecial education pupil as set
4 forth in paragraph (1), plus the actual cost of providing
5 special education services at the cyber charter school in
6 accordance with the pupil's Individualized Education Program.

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

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

17 Section 5. Section 2591.1(c.1) of the act, added July 4,
18 2004 (P.L.536, No.70), is amended and the section is amended by
19 adding a subsection to read:

20 Section 2591.1. Commonwealth Reimbursements for Charter
21 Schools and Cyber Charter Schools.--* * *

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

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

7 * * *

8 Section 6. This act shall apply to the 2007-2008 school year
9 and thereafter.

10 Section 7. This act shall take effect immediately.