

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 1407 Session of  
2007

INTRODUCED BY PALLONE, BENNINGHOFF, CALTAGIRONE, CARROLL, CURRY,  
EVERETT, FABRIZIO, FAIRCHILD, GRUCELA, HORNAMAN, JOSEPHS,  
M. KELLER, KORTZ, KOTIK, KULA, McILVAINE SMITH, MURT,  
O'NEILL, PETRONE, READSHAW, SABATINA, K. SMITH, SOLOBAY,  
SURRA, SWANGER, J. WHITE AND SIPTROTH, JUNE 5, 2007

AS REPORTED FROM COMMITTEE ON EDUCATION, HOUSE OF  
REPRESENTATIVES, AS AMENDED, OCTOBER 15, 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," further providing for cyber charter  
6 school requirements and prohibitions ~~and~~, for cyber charter <—  
7 school enrollment and notification AND FOR APPLICABILITY. <—

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

10 Section 1. Section 1743-A of the act of March 10, 1949  
11 (P.L.30, No.14), known as the Public School Code of 1949, is  
12 amended by adding a subsection to read:

13 Section 1743-A. Cyber charter school requirements and  
14 prohibitions.

15 \* \* \*

16 (a.1) Truancy.--In order to enroll a student, the school  
17 district in which the student is a resident must certify to the  
18 cyber charter school that the student is in compliance with

1 section 1327.

2 \* \* \*

3 Section 2. Section 1748-A(a) of the act, added June 29, 2002  
4 (P.L.524, No.88), is amended AND THE SECTION IS AMENDED BY <—  
5 ADDING A SUBSECTION to read:

6 Section 1748-A. Enrollment and notification.

7 (a) Notice to school district.--

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

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

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

22 (ii) Within seven days of notification under  
23 subparagraph (i), the cyber charter school shall review  
24 the notification of nonresidence, respond to the school  
25 district and provide a copy of the response to the  
26 department. If the cyber charter school agrees that a  
27 student is not a resident of the school district, it  
28 shall determine the proper district of residence of the  
29 student before requesting funds from another school  
30 district.

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

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

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

13 (vi) A school district shall continue to make  
14 payments to a cyber charter school under section 1725-A  
15 during the time in which the school district of residence  
16 of a student is in dispute.

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

22 (3) When a school district has received notice under  
23 paragraph (1), the school district shall certify to the cyber  
24 charter school whether the student is in compliance with  
25 section 1327.

26 \* \* \*

27 (D) TRUANCY.--

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28 (1) WHEN A SCHOOL DISTRICT RECEIVES A NOTIFICATION FORM,  
29 AS REQUIRED BY SUBSECTION (A)(1), THAT A RESIDENT STUDENT WHO  
30 IS TRUANT FROM THE SCHOOL DISTRICT SCHOOLS HAS ENROLLED IN A

1 CYBER CHARTER SCHOOL, THE SCHOOL DISTRICT SHALL NOTIFY THE  
2 CYBER CHARTER SCHOOL IN WRITING ABOUT THE STUDENT'S TRUANCY.

3 (2) UPON RECEIPT OF NOTICE FROM THE RESIDENT SCHOOL  
4 DISTRICT OF A STUDENT'S TRUANCY AT THE SCHOOL DISTRICT  
5 SCHOOLS, THE CYBER CHARTER SCHOOL MUST PROVIDE TO THE  
6 STUDENT'S RESIDENT SCHOOL DISTRICT EVIDENCE DURING THE FIRST  
7 THREE MONTHS THAT THE STUDENT IS ENROLLED IN THE CYBER  
8 CHARTER SCHOOL THAT THE STUDENT IS RECEIVING EDUCATIONAL  
9 INSTRUCTION AND COMPLETING ASSIGNMENTS AS REQUIRED BY THE  
10 CYBER CHARTER SCHOOL. THIS EVIDENCE SHALL BE PROVIDED BY THE  
11 CYBER CHARTER SCHOOL MONTHLY, WHEN IT BILLS THE SCHOOL  
12 DISTRICT FOR PAYMENT DURING THE FIRST THREE MONTHS OF THE  
13 STUDENT'S ENROLLMENT.

14 (3) IF THE CYBER CHARTER SCHOOL FAILS TO COMPLY WITH THE  
15 REQUIREMENTS OF THIS SUBSECTION, THE STUDENT'S RESIDENT  
16 SCHOOL DISTRICT SHALL NOT BE REQUIRED TO PAY THE CYBER  
17 CHARTER SCHOOL FOR THAT STUDENT DURING THAT TIME.

18 (4) IF ANY STUDENT ENROLLED IN THE CYBER CHARTER SCHOOL  
19 ACCRUES THREE OR MORE DAYS OF UNLAWFUL ABSENCES, THE CYBER  
20 CHARTER SCHOOL HAS THE AUTHORITY TO, AND SHALL BE RESPONSIBLE  
21 FOR, INSTITUTING TRUANCY PROCEEDINGS AS SET FORTH IN SECTION  
22 1333.

23 SECTION 3. SECTION 1749-A(A)(1) OF THE ACT, ADDED JUNE 29,  
24 2002 (P.L.524, NO.88), IS AMENDED TO READ:

25 SECTION 1749-A. APPLICABILITY OF OTHER PROVISIONS OF THIS ACT  
26 AND OF OTHER ACTS AND REGULATIONS.

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

29 (1) SECTIONS 108, 110, 111, 321, 325, 326, 327, 431,  
30 436, 443, 510, 518, 527, 708, 752, 753, 755, 771, 776, 777,

1 808, 809, 810, 1109, 1111, 1112(A), 1205.1, 1205.2, 1301,  
2 1302, 1310, 1317.2, 1318, 1330, 1332, 1333, 1303-A, 1518,  
3 1521, 1523, 1531, 1547, 1702-A, 1703-A, 1714-A, 1715-A, 1716-  
4 A, 1719-A, 1721-A, 1722-A, 1723-A(A) AND (B), 1724-A, 1725-A,  
5 1727-A, 1729-A, 1730-A, 1731-A(A)(1) AND (B) AND 2014-A AND  
6 ARTICLES XII-A, XIII-A AND XIV.

7 \* \* \*

8 Section 3 4. This act shall take effect in 60 days.

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