
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2352 Session of
2012

INTRODUCED BY KILLION, CHRISTIANA, AUMENT, BOYD, EVERETT,
GINGRICH, KAUFFMAN, MILLER, PAYTON, QUIGLEY, TOEPEL AND
HARRIS, MAY 8, 2012

REFERRED TO COMMITTEE ON EDUCATION, MAY 8, 2012

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 definitions and
6 for concurrent enrollment agreements; repealing provisions
7 relating to charter schools; providing for charter school
8 entities; and establishing the State Charter School Entity
9 Assessment Fund.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. The definitions of "concurrent student" and
13 "school entity" in section 1602-B of the act of March 10, 1949
14 (P.L.30, No.14), known as the Public School Code of 1949, added
15 July 13, 2005 (P.L.226, No.46), are amended and the section is
16 amended by adding a definition to read:

17 Section 1602-B. Definitions.

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

21 * * *

1 "Charter school entity." As defined in section 1703-C.

2 * * *

3 "Concurrent student." A student who is enrolled in a school
4 district, a charter school entity, an area vocational-technical
5 school, a nonpublic school, a private school or a home education
6 program under section 1327.1 and who takes a concurrent course
7 through a concurrent enrollment program.

8 * * *

9 "School entity." A school district, a charter school entity
10 or an area vocational-technical school.

11 * * *

12 Section 2. Section 1613-B of the act is amended by adding a
13 subsection to read:

14 Section 1613-B. Concurrent enrollment agreements.

15 * * *

16 (c) Charter school entities.--Charter school entities shall
17 have the power and authority to enter into a concurrent
18 enrollment agreement with an institution of higher education,
19 and appropriate credit shall be awarded to students concurrently
20 enrolled under the agreement.

21 Section 3. Article XVII-A heading, Subdivision heading (a)
22 and sections 1701-A and 1702-A of the act, added June 19, 1997
23 (P.L.225, No.22), are repealed:

24 [ARTICLE XVII-A.

25 CHARTER SCHOOLS.

26 (a) Preliminary Provisions.

27 Section 1701-A. Short Title.--This article shall be known
28 and may be cited as the "Charter School Law."

29 Section 1702-A. Legislative Intent.--It is the intent of the
30 General Assembly, in enacting this article, to provide pupils

1 and community members to establish and maintain schools that
2 operate independently from the existing school district
3 structure as a method to accomplish all of the following:

4 (1) Improve pupil learning.

5 (2) Increase learning opportunities for all pupils.

6 (3) Encourage the use of different and innovative teaching
7 methods.

8 (4) Create new professional opportunities for teachers,
9 including the opportunity to be responsible for the learning
10 program at the school site.

11 (5) Provide parents and pupils with expanded choices in the
12 types of educational opportunities that are available within the
13 public school system.

14 (6) Hold the schools established under this act accountable
15 for meeting measurable academic standards and provide the school
16 with a method to establish accountability systems.]

17 Section 4. Section 1703-A of the act, amended June 29, 2002
18 (P.L.524, No.88), is repealed:

19 [Section 1703-A. Definitions.--As used in this article,

20 "Appeal board" shall mean the State Charter School Appeal
21 Board established by this article.

22 "At-risk student" shall mean a student at risk of educational
23 failure because of limited English proficiency, poverty,
24 community factors, truancy, academic difficulties or economic
25 disadvantage.

26 "Charter school" shall mean an independent public school
27 established and operated under a charter from the local board of
28 school directors and in which students are enrolled or attend. A
29 charter school must be organized as a public, nonprofit
30 corporation. Charters may not be granted to any for-profit

1 entity.

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

6 "Cyber charter school" shall mean an independent public
7 school established and operated under a charter from the
8 Department of Education and in which the school uses technology
9 in order to provide a significant portion of its curriculum and
10 to deliver a significant portion of instruction to its students
11 through the Internet or other electronic means. A cyber charter
12 school must be organized as a public, nonprofit corporation. A
13 charter may not be granted to a for-profit entity.

14 "Department" shall mean the Department of Education of the
15 Commonwealth.

16 "Local board of school directors" shall mean the board of
17 directors of a school district in which a proposed or an
18 approved charter school is located.

19 "Regional charter school" shall mean an independent public
20 school established and operated under a charter from more than
21 one local board of school directors and in which students are
22 enrolled or attend. A regional charter school must be organized
23 as a public, nonprofit corporation. Charters may not be granted
24 to any for-profit entity.

25 "School district of residence" shall mean the school district
26 in this Commonwealth in which the parents or guardians of a
27 child reside.

28 "School entity" shall mean a school district, intermediate
29 unit, joint school or area vocational-technical school.

30 "Secretary" shall mean the Secretary of Education of the

1 Commonwealth.

2 "State board" shall mean the State Board of Education of the
3 Commonwealth.]

4 Section 5. Subdivision heading (b) of Article XVII-A of the
5 act, added June 19, 1997 (P.L.225, No.22), is repealed:

6 [(b) Charter Schools.]

7 Section 5.1. Section 1714-A of the act, amended July 4, 2004
8 (P.L.536, No.70), is repealed:

9 [Section 1714-A. Powers of Charter Schools.--(a) A charter
10 school established under this act is a body corporate and shall
11 have all powers necessary or desirable for carrying out its
12 charter, including, but not limited to, the power to:

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

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

18 (3) Acquire real property from public or private sources by
19 purchase, lease, lease with an option to purchase or gift for
20 use as a charter school facility.

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

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

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

27 (6.1) Incur debt for the construction of school facilities.

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

30 (b) A charter school shall have such other powers as are

1 necessary to fulfill its charter and which are not inconsistent
2 with this article.

3 (c) Any indebtedness incurred by a charter school in the
4 exercise of the powers specified in this section shall not
5 impose any liability or legal obligation upon a school entity or
6 upon the Commonwealth.]

7 Section 5.2. Section 1715-A of the act, amended or added
8 June 19, 1997 (P.L.225, No.22) and July 9, 2008 (P.L.846,
9 No.61), is repealed:

10 [Section 1715-A. Charter School Requirements.--Charter
11 schools shall be required to comply with the following
12 provisions:

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

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

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

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

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

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

2 (7) A charter school shall only be subject to the laws and
3 regulations as provided for in section 1732-A, or as otherwise
4 provided for in this article.

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

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

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

20 (i) The following provisions of this act:

21 (A) Sections 751 and 751.1.

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

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

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

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

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

3 (11) Trustees of a charter school shall be public officials.

4 (12) A person who serves as an administrator for a charter
5 school shall not receive compensation from another charter
6 school or from a company that provides management or other
7 services to another charter school. The term "administrator"
8 shall include the chief executive officer of a charter school
9 and all other employees of a charter school who by virtue of
10 their positions exercise management or operational oversight
11 responsibilities. A person who serves as an administrator for a
12 charter school shall be a public official under 65 Pa.C.S. Ch.
13 11 (relating to ethics standards and financial disclosure). A
14 violation of this clause shall constitute a violation of 65
15 Pa.C.S. § 1103(a) (relating to restricted activities), and the
16 violator shall be subject to the penalties imposed under the
17 jurisdiction of the State Ethics Commission.]

18 Section 5.3. Sections 1716-A, 1717-A, 1718-A and 1719-A of
19 the act, added June 19, 1997 (P.L.225, No.22), are repealed:

20 [Section 1716-A. Powers of Board of Trustees.--(a) The
21 board of trustees of a charter school shall have the authority
22 to decide matters related to the operation of the school,
23 including, but not limited to, budgeting, curriculum and
24 operating procedures, subject to the school's charter. The board
25 shall have the authority to employ, discharge and contract with
26 necessary professional and nonprofessional employees subject to
27 the school's charter and the provisions of this article.

28 (b) No member of a local board of school directors of a
29 school entity shall serve on the board of trustees of a charter
30 school that is located in the member's district.

1 (c) The board of trustees shall comply with the act of July
2 3, 1986 (P.L.388, No.84), known as the "Sunshine Act."

3 Section 1717-A. Establishment of Charter School.--(a) A
4 charter school may be established by an individual; one or more
5 teachers who will teach at the proposed charter school; parents
6 or guardians of students who will attend the charter school; any
7 nonsectarian college, university or museum located in this
8 Commonwealth; any nonsectarian corporation not-for-profit, as
9 defined in 15 Pa.C.S. (relating to corporations and
10 unincorporated associations); any corporation, association or
11 partnership; or any combination thereof. A charter school may be
12 established by creating a new school or by converting an
13 existing public school or a portion of an existing public
14 school. No charter school shall be established or funded by and
15 no charter shall be granted to any sectarian school, institution
16 or other entity. No funds allocated or disbursed under this
17 article shall be used to directly support instruction pursuant
18 to section 1327.1.

19 (b) (1) The conversion of an existing public school or
20 portion of an existing public school to a charter school may be
21 initiated by any individual or entity authorized to establish a
22 charter school under subsection (a).

23 (2) In order to convert an existing public school to a
24 charter school, the applicants must show that:

25 (i) More than fifty per centum of the teaching staff in the
26 public school have signed a petition in support of the public
27 school becoming a charter school; and

28 (ii) More than fifty per centum of the parents or guardians
29 of pupils attending that public school have signed a petition in
30 support of the school becoming a charter school.

1 (3) In no event shall the board of school directors serve as
2 the board of trustees of an existing school which is converted
3 to a charter school pursuant to this subsection.

4 (c) An application to establish a charter school shall be
5 submitted to the local board of school directors of the district
6 where the charter school will be located by November 15 of the
7 school year preceding the school year in which the charter
8 school will be established except that for a charter school
9 beginning in the 1997-1998 school year, an application must be
10 received by July 15, 1997. In the 1997-1998 school year only,
11 applications shall be limited to recipients of fiscal year
12 1996-1997 Department of Education charter school planning
13 grants.

14 (d) Within forty-five (45) days of receipt of an
15 application, the local board of school directors in which the
16 proposed charter school is to be located shall hold at least one
17 public hearing on the provisions of the charter application,
18 under the act of July 3, 1986 (P.L.388, No.84), known as the
19 "Sunshine Act." At least forty-five (45) days must transpire
20 between the first public hearing and the final decision of the
21 board on the charter application except that for a charter
22 school beginning in the 1997-1998 school year, only thirty (30)
23 days must transpire between the first public hearing and the
24 final decision of the board.

25 (e) (1) Not later than seventy-five (75) days after the
26 first public hearing on the application, the local board of
27 school directors shall grant or deny the application. For a
28 charter school beginning in the 1997-1998 school year, the local
29 board of school directors shall grant or deny the application no
30 later than sixty (60) days after the first public hearing.

1 (2) A charter school application submitted under this
2 article shall be evaluated by the local board of school
3 directors based on criteria, including, but not limited to, the
4 following:

5 (i) The demonstrated, sustainable support for the charter
6 school plan by teachers, parents, other community members and
7 students, including comments received at the public hearing held
8 under subsection (d).

9 (ii) The capability of the charter school applicant, in
10 terms of support and planning, to provide comprehensive learning
11 experiences to students pursuant to the adopted charter.

12 (iii) The extent to which the application considers the
13 information requested in section 1719-A and conforms to the
14 legislative intent outlined in section 1702-A.

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

17 (3) The local board of school directors, in the case of an
18 existing school being converted to a charter school, shall
19 establish the alternative arrangements for current students who
20 choose not to attend the charter school.

21 (4) A charter application shall be deemed approved by the
22 local board of school directors of a school district upon
23 affirmative vote by a majority of all the directors. Formal
24 action approving or denying the application shall be taken by
25 the local board of school directors at a public meeting, with
26 notice or consideration of the application given by the board,
27 under the "Sunshine Act."

28 (5) Written notice of the board's action shall be sent to
29 the applicant, the department and the appeal board. If the
30 application is denied, the reasons for the denial, including a

1 description of deficiencies in the application, shall be clearly
2 stated in the notice sent by the local board of school directors
3 to the charter school applicant.

4 (f) At the option of the charter school applicant, a denied
5 application may be revised and resubmitted to the local board of
6 school directors. Following the appointment and confirmation of
7 the Charter School Appeal Board under section 1721-A, the
8 decision of the local board of school directors may be appealed
9 to the appeal board. When an application is revised and
10 resubmitted to the local board of school directors, the board
11 may schedule additional public hearings on the revised
12 application. The board shall consider the revised and
13 resubmitted application at the first board meeting occurring at
14 least forty-five (45) days after receipt of the revised
15 application by the board. For a revised application resubmitted
16 for the 1997-1998 school year, the board shall consider the
17 application at the first board meeting occurring at least thirty
18 (30) days after its receipt. The board shall provide notice of
19 consideration of the revised application under the "Sunshine
20 Act." No appeal from a decision of a local school board may be
21 taken until July 1, 1999.

22 (g) Notwithstanding the provisions of subsection (e) (5),
23 failure by the local board of directors to hold a public hearing
24 and to grant or deny the application for a charter school within
25 the time periods specified in subsections (d), (e) and (f) shall
26 permit the applicant for a charter to file its application as an
27 appeal to the appeal board. In such case, the appeal board shall
28 review the application and make a decision to grant or deny a
29 charter based on the criteria established in subsection (e) (2).

30 (h) In the case of a review by the appeal board of an

1 application that is revoked or is not renewed, the appeal board
2 shall make its decision based on the criteria established in
3 subsection (e)(2). A decision by the appeal board under this
4 subsection or subsection (g) to grant, to renew or not to revoke
5 a charter shall serve as a requirement for the local board of
6 directors of a school district or school districts, as
7 appropriate, to sign the written charter of the charter school
8 as provided for in section 1720-A. Should the local board of
9 directors fail to grant the application and sign the charter
10 within ten (10) days of notice of reversal of the decision of
11 the local board of directors, the charter shall be deemed to be
12 approved and shall be signed by the chairman of the appeal
13 board.

14 (i) (1) The appeal board shall have the exclusive review of
15 an appeal by a charter school applicant, or by the board of
16 trustees of an existing charter school, of a decision made by a
17 local board of directors not to grant a charter as provided in
18 this section.

19 (2) In order for a charter school applicant to be eligible
20 to appeal the denial of a charter by the local board of
21 directors, the applicant must obtain the signatures of at least
22 two per centum of the residents of the school district or of one
23 thousand (1,000) residents, whichever is less, who are over
24 eighteen (18) years of age. For a regional charter school, the
25 applicant must obtain the signatures of at least two per centum
26 of the residents of each school district granting the charter or
27 of one thousand (1,000) residents from each of the school
28 districts granting the charter, whichever is less, who are over
29 eighteen (18) years of age. The signatures shall be obtained
30 within sixty (60) days of the denial of the application by the

1 local board of directors in accordance with clause (3).

2 (3) Each person signing a petition to appeal denial of a
3 charter under clause (2) shall declare that he or she is a
4 resident of the school district which denied the charter
5 application and shall include his or her printed name;
6 signature; address, including city, borough or township, with
7 street and number, if any; and the date of signing. All pages
8 shall be bound together. Additional pages of the petition shall
9 be numbered consecutively. There shall be appended to the
10 petition a statement that the local board of directors rejected
11 the petition for a charter school, the names of all applicants
12 for the charter, the date of denial by the board and the
13 proposed location of the charter school. No resident may sign
14 more than one petition relating to the charter school
15 application within the sixty (60) days following denial of the
16 application. The department shall develop a form to be used to
17 petition for an appeal.

18 (4) Each petition shall have appended thereto the affidavit
19 of some person, not necessarily a signer, setting forth all of
20 the following:

21 (i) That the affiant is a resident of the school district
22 referred to in the petition.

23 (ii) The affiant's residence, giving city, borough or
24 township, with street and number, if any.

25 (iii) That the signers signed with full knowledge of the
26 purpose of the petition.

27 (iv) That the signers' respective residences are correctly
28 stated in the petition.

29 (v) That the signers all reside in the school district.

30 (vi) That each signer signed on the date set forth opposite

1 the signer's name.

2 (vii) That to the best of the affiant's knowledge and
3 belief, the signers are residents of the school district.

4 (5) If the required number of signatures are obtained within
5 sixty (60) days of the denial of the application, the applicant
6 may present the petition to the court of common pleas of the
7 county in which the charter school would be situated. The court
8 shall hold a hearing only on the sufficiency of the petition.
9 The applicant and local board of school directors shall be given
10 seven (7) days' notice of the hearing. The court shall issue a
11 decree establishing the sufficiency or insufficiency of the
12 petition. If the petition is sufficient, the decree shall be
13 transmitted to the State Charter School Appeal Board for review
14 in accordance with this section. Notification of the decree
15 shall be given to the applicant and the local board of
16 directors.

17 (6) In any appeal, the decision made by the local board of
18 directors shall be reviewed by the appeal board on the record as
19 certified by the local board of directors. The appeal board
20 shall give due consideration to the findings of the local board
21 of directors and specifically articulate its reasons for
22 agreeing or disagreeing with those findings in its written
23 decision. The appeal board shall have the discretion to allow
24 the local board of directors and the charter school applicant to
25 supplement the record if the supplemental information was
26 previously unavailable.

27 (7) Not later than thirty (30) days after the date of notice
28 of the acceptance of the appeal, the appeal board shall meet to
29 officially review the certified record.

30 (8) Not later than sixty (60) days following the review

1 conducted pursuant to clause (6), the appeal board shall issue a
2 written decision affirming or denying the appeal. If the appeal
3 board has affirmed the decision of the local board of directors,
4 notice shall be provided to both parties.

5 (9) A decision of the appeal board to reverse the decision
6 of the local board of directors shall serve as a requirement for
7 the local board of directors of a school district or school
8 districts, as appropriate, to grant the application and sign the
9 written charter of the charter school as provided for in section
10 1720-A. Should the local board of directors fail to grant the
11 application and sign the charter within ten (10) days of notice
12 of the reversal of the decision of the local board of directors,
13 the charter shall be deemed to be approved and shall be signed
14 by the chairman of the appeal board.

15 (10) All decisions of the appeal board shall be subject to
16 appellate review by the Commonwealth Court.

17 Section 1718-A. Regional Charter School.--(a) A regional
18 charter school may be established by an individual, one or more
19 teachers who will teach at the proposed charter school; parents
20 or guardians of students who will attend the charter school; any
21 nonsectarian college, university or museum located in this
22 Commonwealth; any nonsectarian corporation not-for-profit, as
23 defined in 15 Pa.C.S. (relating to corporations and
24 unincorporated associations); any corporation, association or
25 partnership; or any combination thereof. A regional charter
26 school may be established by creating a new school or by
27 converting an existing public school or a portion of an existing
28 public school. Conversion of an existing public school to a
29 regional charter school shall be accomplished in accordance with
30 section 1714-A(b). No regional charter school shall be

1 established or funded by and no charter shall be granted to any
2 sectarian school, institution or other entity.

3 (b) The boards of school directors of one or more school
4 districts may act jointly to receive and consider an application
5 for a regional charter school, except that any action to approve
6 an application for a charter or to sign a written charter of an
7 applicant shall require an affirmative vote of a majority of all
8 the directors of each of the school districts involved. The
9 applicant shall apply for a charter to the board of directors of
10 any school district in which the charter school will be located.

11 (c) The provisions of this article as they pertain to
12 charter schools and the powers and duties of the local board of
13 school directors of a school district and the appeal board shall
14 apply to regional charter schools, except as provided in
15 subsections (a) and (b) or as otherwise clearly stated in this
16 article.

17 Section 1719-A. Contents of Application.--An application to
18 establish a charter school shall include all of the following
19 information:

20 (1) The identification of the charter applicant.

21 (2) The name of the proposed charter school.

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

23 (4) The proposed governance structure of the charter school,
24 including a description and method for the appointment or
25 election of members of the board of trustees.

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

29 (6) The admission policy and criteria for evaluating the
30 admission of students which shall comply with the requirements

1 of section 1723-A.

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

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

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

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

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

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

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

21 (14) Whether any agreements have been entered into or plans
22 developed with the local school district regarding participation
23 of the charter school students in extracurricular activities
24 within the school district. Notwithstanding any provision to the
25 contrary, no school district of residence shall prohibit a
26 student of a charter school from participating in any
27 extracurricular activity of that school district of residence:
28 Provided, That the student is able to fulfill all of the
29 requirements of participation in such activity and the charter
30 school does not provide the same extracurricular activity.

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

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

9 (17) How the charter school will provide adequate liability
10 and other appropriate insurance for the charter school, its
11 employes and the board of trustees of the charter school.]

12 Section 5.4. Section 1720-A of the act, amended July 9, 2008
13 (P.L.846, No.61), is repealed:

14 [Section 1720-A. Term and Form of Charter.--(a) Upon
15 approval of a charter application under section 1717-A, a
16 written charter shall be developed which shall contain the
17 provisions of the charter application and which shall be signed
18 by the local board of school directors of a school district, by
19 the local boards of school directors of a school district in the
20 case of a regional charter school or by the chairman of the
21 appeal board pursuant to section 1717-A(i)(5) and the board of
22 trustees of the charter school. This written charter, when duly
23 signed by the local board of school directors of a school
24 district, or by the local boards of school directors of a school
25 district in the case of a regional charter school, and the
26 charter school's board of trustees, shall act as legal
27 authorization for the establishment of a charter school. This
28 written charter shall be legally binding on both the local board
29 of school directors of a school district and the charter
30 school's board of trustees. Except as otherwise provided in

1 subsection (b), the charter shall be for a period of no less
2 than three (3) nor more than five (5) years and may be renewed
3 for five (5) year periods upon reauthorization by the local
4 board of school directors of a school district or the appeal
5 board. A charter will be granted only for a school organized as
6 a public, nonprofit corporation.

7 (b) (1) Notwithstanding subsection (a), a governing board
8 of a school district of the first class may renew a charter for
9 a period of one (1) year if the board of school directors
10 determines that there is insufficient data concerning the
11 charter school's academic performance to adequately assess that
12 performance and determines that an additional year of
13 performance data would yield sufficient data to assist the
14 governing board in its decision whether to renew the charter for
15 a period of five (5) years.

16 (2) A one-year renewal pursuant to paragraph (1) shall not
17 be considered an adjudication and may not be appealed to the
18 State Charter School Appeal Board.

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

22 Section 5.5. Section 1721-A of the act, added June 19, 1997
23 (P.L.225, No.22), is repealed:

24 [Section 1721-A. State Charter School Appeal Board.--(a)
25 The State Charter School Appeal Board shall consist of the
26 Secretary of Education and six (6) members who shall be
27 appointed by the Governor by and with the consent of a majority
28 of all the members of the Senate. Appointments by the Governor
29 shall not occur prior to January 1, 1999. The Governor shall
30 select the chairman of the appeal board to serve at the pleasure

1 of the Governor. The members shall include:

2 (1) A parent of a school-aged child.

3 (2) A school board member.

4 (3) A certified teacher actively employed in a public
5 school.

6 (4) A faculty member or administrative employe of an
7 institution of higher education.

8 (5) A member of the business community.

9 (6) A member of the State Board of Education.

10 The term of office of members of the appeal board, other than
11 the secretary, shall be for a period of four (4) years or until
12 a successor is appointed and qualified, except that, of the
13 initial appointees, the Governor shall designate two (2) members
14 to serve terms of two (2) years, two (2) members to serve terms
15 of three (3) years and two (2) members to serve terms of four
16 (4) years. Any appointment to fill any vacancy shall be for the
17 period of the unexpired term or until a successor is appointed
18 and qualified.

19 (b) The appeal board shall meet as needed to fulfill the
20 purposes provided in this subsection. A majority of the members
21 of the appeal board shall constitute a quorum, and a majority of
22 the members of the appeal board shall have authority to act upon
23 any matter properly before the appeal board. The appeal board is
24 authorized to establish rules for its operation.

25 (c) The members shall receive no payment for their services.
26 Members who are not employes of State government shall be
27 reimbursed for expenses incurred in the course of their official
28 duties from funds appropriated for the general government
29 operations of the department.

30 (d) The department shall provide assistance and staffing for

1 the appeal board. The Governor, through the Governor's General
2 Counsel, shall provide such legal advice and assistance as the
3 appeal board may require.

4 (e) Meetings of the appeal board shall be conducted under
5 the act of July 3, 1986 (P.L.388, No.84), known as the "Sunshine
6 Act." Documents of the appeal board shall be subject to the act
7 of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-
8 Know Law.]

9 Section 5.6. Section 1722-A of the act, amended November 17,
10 2010 (P.L.996, No.104), is repealed:

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

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

19 (d) Notwithstanding any other provision of this act, a
20 school district of the first class may, in its discretion,
21 permit a charter school to operate its school at more than one
22 location.

23 (e) (1) Notwithstanding the provisions of section 204 of
24 the act of May 22, 1933 (P.L.853, No.155), known as The General
25 County Assessment Law, all school property, real and personal,
26 owned by any charter school, cyber charter school or an
27 associated nonprofit foundation, or owned by a nonprofit
28 corporation or nonprofit foundation and leased to a charter
29 school, cyber charter school or associated nonprofit foundation
30 at or below fair market value, that is occupied and used by any

1 charter school or cyber charter school for public school,
2 recreation or any other purposes provided for by this act, shall
3 be made exempt from every kind of State, county, city, borough,
4 township or other real estate tax, including payments in lieu of
5 taxes established through agreement with the Commonwealth or any
6 local taxing authority, as well as from all costs or expenses
7 for paving, curbing, sidewalks, sewers or other municipal
8 improvements, Provided, That any charter school or cyber charter
9 school or owner of property leased to a charter school or cyber
10 charter school may make a municipal improvement in a street on
11 which its school property abuts or may contribute a sum toward
12 the cost of the improvement.

13 (2) Any agreement entered into by a charter school, cyber
14 charter school or associated nonprofit foundation with the
15 Commonwealth or a local taxing authority for payments in lieu of
16 taxes prior to December 31, 2009, shall be null and void.

17 (3) This subsection shall apply retroactively to all charter
18 schools, cyber charter schools and associated nonprofit
19 foundations that filed an appeal from an assessment, as provided
20 in Article V of The General County Assessment Law, prior to the
21 effective date of this subsection.

22 (4) For purposes of this subsection, "local taxing
23 authority" shall include, but not be limited to, a county, city,
24 borough, incorporated town, township or school district.]

25 Section 5.7. Section 1723-A of the act, amended or added
26 June 26, 1999 (P.L.394, No.36) and July 9, 2008 (P.L.846,
27 No.61), is repealed:

28 [Section 1723-A. Enrollment.--(a) All resident children in
29 this Commonwealth qualify for admission to a charter school
30 within the provisions of subsection (b). If more students apply

1 to the charter school than the number of attendance slots
2 available in the school, then students must be selected on a
3 random basis from a pool of qualified applicants meeting the
4 established eligibility criteria and submitting an application
5 by the deadline established by the charter school, except that
6 the charter school may give preference in enrollment to a child
7 of a parent who has actively participated in the development of
8 the charter school and to siblings of students presently
9 enrolled in the charter school. First preference shall be given
10 to students who reside in the district or districts.

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

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

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

28 (d) (1) Enrollment of students in a charter school or cyber
29 charter school shall not be subject to a cap or otherwise
30 limited by any past or future action of a board of school

1 directors, a board of control established under Article XVII-B,
2 a special board of control established under section 692 or any
3 other governing authority, unless agreed to by the charter
4 school or cyber charter school as part of a written charter
5 pursuant to section 1720-A.

6 (2) The provisions of this subsection shall apply to a
7 charter school or cyber charter school regardless of whether the
8 charter was approved prior to or is approved subsequent to the
9 effective date of this subsection.]

10 Section 5.8. Section 1724-A of the act, amended or added
11 June 29, 1997 (P.L.225, No.22) and June 30, 2011 (P.L.112,
12 No.24), is repealed:

13 [Section 1724-A. School Staff.--(a) The board of trustees
14 shall determine the level of compensation and all terms and
15 conditions of employment of the staff except as may otherwise be
16 provided in this article. At least seventy-five per centum of
17 the professional staff members of a charter school shall hold
18 appropriate State certification. Employes of a charter school
19 may organize under the act of July 23, 1970 (P.L.563, No.195),
20 known as the "Public Employe Relations Act." The board of
21 trustees of a charter school shall be considered an employer for
22 the purposes of Article XI-A. Upon formation of one or more
23 collective bargaining units at the school, the board of trustees
24 shall bargain with the employes based on the provisions of this
25 article, Article XI-A and the "Public Employe Relations Act."
26 Collective bargaining units at a charter school shall be
27 separate from any collective bargaining unit of the school
28 district in which the charter school is located and shall be
29 separate from any other collective bargaining unit. A charter
30 school shall be considered a school entity as provided for in

1 section 1161-A for the purpose of the secretary seeking an
2 injunction requiring the charter school to meet the minimum
3 requirements for instruction as provided for in this article.

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

8 (i) Meet the qualifications in sections 1109 and 1209.

9 (ii) Have demonstrated satisfactorily a combination of
10 experience, achievement and qualifications as defined in the
11 charter school application in basic skills, general knowledge,
12 professional knowledge and practice and subject matter knowledge
13 in the subject area where an individual will teach.

14 (c) All employees of a charter school shall be enrolled in
15 the Public School Employee's Retirement System in the same
16 manner as set forth in 24 Pa.C.S. § 8301(a) (relating to
17 mandatory and optional membership) unless at the time of the
18 application for the charter school the sponsoring district or
19 the board of trustees of the charter school has a retirement
20 program which covers the employees or the employee is currently
21 enrolled in another retirement program. The Commonwealth shall
22 make contributions on behalf of charter school employees, and the
23 charter school shall be considered a school district and shall
24 make payments by employers and payments on account of Social
25 Security as established under 24 Pa.C.S. Pt. IV (relating to
26 retirement for school employees). For purposes of payments by
27 employers, a charter school shall be considered a school
28 district under 24 Pa.C.S. § 8329(a)(1) (relating to payments on
29 account of social security deductions from appropriations). The
30 market value/income aid ratio used in calculating payments as

1 prescribed in this subsection shall be the market value/income
2 aid ratio for the school district in which the charter school is
3 located or, in the case of a regional charter school, shall be a
4 composite market value/income aid ratio for the participating
5 school districts as determined by the department. Except as
6 otherwise provided, employes of a charter school shall make
7 regular member contributions as required for active members
8 under 24 Pa.C.S. Pt. IV. If the employes of the charter school
9 participate in another retirement plan, then those employes
10 shall have no concurrent claim on the benefits provided to
11 public school employes under 24 Pa.C.S. Pt. IV. For purposes of
12 this subsection, a charter school shall be deemed to be a
13 "public school" as defined in 24 Pa.C.S. § 8102 (relating to
14 definitions).

15 (d) Every employe of a charter school shall be provided the
16 same health care benefits as the employe would be provided if he
17 or she were an employe of the local district. The local board of
18 school directors may require the charter school to provide the
19 same terms and conditions with regard to health insurance as the
20 collective bargaining agreement of the school district to
21 include employe contributions to the district's health benefits
22 plan. The charter school shall make any required employer's
23 contribution to the district's health plan to an insurer, a
24 local board of school directors or a contractual representative
25 of school employes, whichever is appropriate to provide the
26 required coverage.

27 (e) Any public school employe of a school entity may request
28 a leave of absence for up to five (5) years in order to work in
29 a charter school located in the district of employment or in a
30 regional charter school in which the employing school district

1 is a participant. Approval for a leave shall not be unreasonably
2 withheld.

3 (f) Temporary professional employes on leave from a school
4 district may accrue tenure in the non-charter public school
5 system at the discretion of the local board of school directors,
6 the same as they would under Article XI if they had continued to
7 be employed by that district. Professional employes on leave
8 from a school district shall retain their tenure rights, as
9 defined in Article XI, in the school entity from which they
10 came. No temporary professional employe or professional employe
11 shall have tenure rights as against a charter school. Both
12 temporary professional employes and professional employes shall
13 continue to accrue seniority in the school entity from which
14 they came if they return to that school entity when the leave
15 ends.

16 (g) Professional employes who hold a first level teaching or
17 administrative certificate may, at their option, have the time
18 completed in satisfactory service in a charter school applied to
19 the length of service requirements for the next level of
20 certification.

21 (h) (1) Any temporary professional employe or professional
22 employe who leaves employment at a charter school shall have the
23 right to return to a comparable position for which the person is
24 properly certified in the school entity which granted the leave
25 of absence. In the case where a teacher has been dismissed by
26 the charter school, the school entity which granted the leave of
27 absence is to be provided by the charter school with the reasons
28 for such dismissal at the time it occurs, a list of any
29 witnesses who were relied on by the charter school in moving for
30 dismissal, a description of and access to any physical evidence

1 used by the charter school in moving for dismissal and a copy of
2 any record developed at any dismissal proceeding conducted by
3 the charter school. The record of any such hearing may be
4 admissible in a hearing before the school entity which granted
5 the leave of absence. Nothing in this section shall affect the
6 authority of the board of school directors to initiate
7 proceedings under Article XI if the board determines that
8 occurrences at the charter school leading to dismissal of a
9 teacher constitute adequate and independent grounds for
10 discipline under section 1122.

11 (2) No temporary employe or professional employe who is
12 leaving employment at a charter school shall be returned to a
13 position in the public school district which granted his leave
14 of absence until such public school district is in receipt of a
15 current criminal history record under section 111 and the
16 official clearance statement regarding child injury or abuse
17 from the Department of Public Welfare as required by 23 Pa.C.S.
18 Ch. 63 Subch. C.2 (relating to background checks for employment
19 in schools).

20 (i) All individuals who shall have direct contact with
21 students shall be required to submit a report of criminal
22 history record information as provided for in section 111 prior
23 to accepting a position with the charter school. This subsection
24 shall also apply to any individual who volunteers to work on a
25 full-time or part-time basis at the charter school.

26 (j) All applicants for a position as a school employe shall
27 be required to submit the official clearance statement regarding
28 child injury or abuse from the Department of Public Welfare as
29 required by 23 Pa.C.S. Ch. 63 Subch. C.2. This section shall
30 also apply to any individual who volunteers to work on a full-

1 time or part-time basis at a charter school.]

2 Section 5.9. Section 1725-A of the act, amended or added
3 June 19, 1997 (P.L.225, No.22), June 22, 2001 (P.L.530, No.35)
4 and June 29, 2002 (P.L.524, No.88), is repealed:

5 [Section 1725-A. Funding for Charter Schools.--(a) Funding
6 for a charter school shall be provided in the following manner:

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

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

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

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

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

21 (6) Within thirty (30) days after the secretary makes the
22 deduction described in clause (5), a school district may notify
23 the secretary that the deduction made from State payments to the
24 district under this subsection is inaccurate. The secretary
25 shall provide the school district with an opportunity to be
26 heard concerning whether the charter school documented that its
27 students were enrolled in the charter school, the period of time
28 during which each student was enrolled, the school district of
29 residence of each student and whether the amounts deducted from
30 the school district were accurate.

1 (b) The Commonwealth shall provide temporary financial
2 assistance to a school district due to the enrollment of
3 students in a charter school who attended a nonpublic school in
4 the prior school year in order to offset the additional costs
5 directly related to the enrollment of those students in a public
6 charter school. The Commonwealth shall pay the school district
7 of residence of a student enrolled in a nonpublic school in the
8 prior school year who is attending a charter school an amount
9 equal to the school district of residence's basic education
10 subsidy for the current school year divided by the district's
11 average daily membership for the prior school year. This payment
12 shall occur only for the first year of the attendance of the
13 student in a charter school, starting with school year
14 1997-1998. Total payments of temporary financial assistance to
15 school districts on behalf of a student enrolling in a charter
16 school who attended a nonpublic school in the prior school year
17 shall be limited to funds appropriated for this program in a
18 fiscal year. If the total of the amount needed for all students
19 enrolled in a nonpublic school in the prior school year who
20 enroll in a charter school exceeds the appropriation for the
21 temporary financial assistance program, the amount paid to a
22 school district for each qualifying student shall be pro rata
23 reduced. Receipt of funds under this subsection shall not
24 preclude a school district from applying for a grant under
25 subsection (c).

26 (c) The Commonwealth shall create a grant program to provide
27 temporary transitional funding to a school district due to the
28 budgetary impact relating to any student's first-year attendance
29 at a charter school. The department shall develop criteria which
30 shall include, but not be limited to, the overall fiscal impact

1 on the budget of the school district resulting from students of
2 a school district attending a charter school. The criteria shall
3 be published in the Pennsylvania Bulletin. This subsection shall
4 not apply to a public school converted to a charter school under
5 section 1717-A(b). Grants shall be limited to funds appropriated
6 for this purpose.

7 (d) It shall be lawful for any charter school to receive,
8 hold, manage and use, absolutely or in trust, any devise,
9 bequest, grant, endowment, gift or donation of any property,
10 real or personal and/or mixed, which shall be made to the
11 charter school for any of the purposes of this article.

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

22 Section 5.10. Section 1726-A of the act, amended July 11,
23 2006 (P.L.1092, No.114) and July 9, 2008 (P.L.846, No.61), is
24 repealed:

25 [Section 1726-A. Transportation.--(a) Students who attend a
26 charter school located in their school district of residence, a
27 regional charter school of which the school district is a part
28 or a charter school located outside district boundaries at a
29 distance not exceeding ten (10) miles by the nearest public
30 highway shall be provided free transportation to the charter

1 school by their school district of residence on such dates and
2 periods that the charter school is in regular session whether or
3 not transportation is provided on such dates and periods to
4 students attending schools of the district. Transportation is
5 not required for elementary students, including kindergarten
6 students, residing within one and one-half (1.5) miles or for
7 secondary students residing within two (2) miles of the nearest
8 public highway from the charter school in which the students are
9 enrolled unless the road or traffic conditions are such that
10 walking constitutes a hazard to the safety of the students when
11 so certified by the Department of Transportation, except that if
12 the school district provides transportation to the public
13 schools of the school district for elementary students,
14 including kindergarten students, residing within one and one-
15 half (1.5) miles or for secondary students residing within two
16 (2) miles of the nearest public highway under nonhazardous
17 conditions, transportation shall also be provided to charter
18 schools under the same conditions. Districts providing
19 transportation to a charter school outside the district and, for
20 the 2007-2008 school year and each school year thereafter,
21 districts providing transportation to a charter school within
22 the district shall be eligible for payments under section 2509.3
23 for each public school student transported.

24 (a.1) In addition to any other requirements in this section,
25 school districts of the first class shall provide transportation
26 to students who attend a charter school if they are the same age
27 or are enrolled in the same grade, grades or their grade
28 equivalents as any of the students of the school district for
29 whom transportation is provided under any program or policy to
30 the schools of the school district.

1 (b) In the event that the Secretary of Education determines
2 that a school district is not providing the required
3 transportation to students to the charter school, the Department
4 of Education shall pay directly to the charter school funds for
5 costs incurred in the transportation of its students. Payments
6 to a charter school shall be determined in the following manner:
7 for each eligible student transported, the charter school shall
8 receive a payment equal to the total expenditures for
9 transportation of the school district divided by the total
10 number of school students transported by the school district
11 under any program or policy.

12 (c) The department shall deduct the amount paid to the
13 charter school under subsection (b) from any and all payments
14 made to the district.

15 (d) A school district of the first class shall submit a copy
16 of its current transportation policy to the department no later
17 than August 1 of each year.]

18 Section 5.11. Sections 1727-A and 1728-A of the act, added
19 June 19, 1997 (P.L.225, No.22), are repealed:

20 [Section 1727-A. Tort Liability.--For purposes of tort
21 liability, employes of the charter school shall be considered
22 public employes and the board of trustees shall be considered
23 the public employer in the same manner as political subdivisions
24 and local agencies. The board of trustees of a charter school
25 and the charter school shall be solely liable for any and all
26 damages of any kind resulting from any legal challenge involving
27 the operation of a charter school. Notwithstanding this
28 requirement, the local board of directors of a school entity
29 shall not be held liable for any activity or operation related
30 to the program of the charter school.

1 Section 1728-A. Annual Reports and Assessments.--(a) The
2 local board of school directors shall annually assess whether
3 each charter school is meeting the goals of its charter and
4 shall conduct a comprehensive review prior to granting a five
5 (5) year renewal of the charter. The local board of school
6 directors shall have ongoing access to the records and
7 facilities of the charter school to ensure that the charter
8 school is in compliance with its charter and this act and that
9 requirements for testing, civil rights and student health and
10 safety are being met.

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

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

27 Section 5.12. Section 1729-A of the act, amended or added
28 June 19, 1997 (P.L.225, No.22), July 4, 2004 (P.L.536, No.70)
29 and July 9, 2008 (P.L.846, No.61), is repealed:

30 [Section 1729-A. Causes for Nonrenewal or Termination.--(a)

1 During the term of the charter or at the end of the term of the
2 charter, the local board of school directors may choose to
3 revoke or not to renew the charter based on any of the
4 following:

5 (1) One or more material violations of any of the
6 conditions, standards or procedures contained in the written
7 charter signed pursuant to section 1720-A.

8 (2) Failure to meet the requirements for student performance
9 set forth in 22 Pa. Code Ch. 5 (relating to curriculum) or
10 subsequent regulations promulgated to replace 22 Pa. Code Ch. 5
11 or failure to meet any performance standard set forth in the
12 written charter signed pursuant to section 1716-A.

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

15 (4) Violation of provisions of this article.

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

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

20 (a.1) When a charter school located in a school district of
21 the first class is in corrective action status and seeks renewal
22 of its charter, if the governing body of the school district of
23 the first class renews the charter, it may place specific
24 conditions in the charter that require the charter school to
25 meet specific student performance targets within stated periods
26 of time subject to the following:

27 (i) The performance targets and the periods of time in which
28 the performance targets must be met shall be reasonable.

29 (ii) The placement of conditions in a charter as specified
30 in this subsection shall not be considered an adjudication and

1 may not be appealed to the State Charter School Appeal Board.

2 (iii) If the charter school fails to meet the performance
3 targets within the stated period of time, such failure shall be
4 sufficient cause for revocation of the charter.

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

8 (c) Any notice of revocation or nonrenewal of a charter
9 given by the local board of school directors of a school
10 district shall state the grounds for such action with reasonable
11 specificity and give reasonable notice to the governing board of
12 the charter school of the date on which a public hearing
13 concerning the revocation or nonrenewal will be held. The local
14 board of school directors shall conduct such hearing, present
15 evidence in support of the grounds for revocation or nonrenewal
16 stated in its notice and give the charter school reasonable
17 opportunity to offer testimony before taking final action.
18 Formal action revoking or not renewing a charter shall be taken
19 by the local board of school directors at a public meeting
20 pursuant to the act of July 3, 1986 (P.L.388, No.84), known as
21 the "Sunshine Act," after the public has had thirty (30) days to
22 provide comments to the board. All proceedings of the local
23 board pursuant to this subsection shall be subject to 2 Pa.C.S.
24 Ch. 5 Subch. B (relating to practice and procedure of local
25 agencies). Except as provided in subsection (d), the decision of
26 the local board shall not be subject to 2 Pa.C.S. Ch. 7 Subch. B
27 (relating to judicial review of local agency action).

28 (d) Following the appointment and confirmation of the appeal
29 board, but not before July 1, 1999, the charter school may
30 appeal the decision of the local board of school directors to

1 revoke or not renew the charter to the appeal board. The appeal
2 board shall have the exclusive review of a decision not to renew
3 or revoke a charter. The appeal board shall review the record
4 and shall have the discretion to supplement the record if the
5 supplemental information was previously unavailable. The appeal
6 board may consider the charter school plan, annual reports,
7 student performance and employe and community support for the
8 charter school in addition to the record. The appeal board shall
9 give due consideration to the findings of the local board of
10 directors and specifically articulate its reasons for agreeing
11 or disagreeing with those findings in its written decision.

12 (e) If the appeal board determines that the charter should
13 not be revoked or should be renewed, the appeal board shall
14 order the local board of directors to rescind its revocation or
15 nonrenewal decision.

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

18 (g) In cases where the health or safety of the school's
19 pupils, staff or both is at serious risk, the local board of
20 school directors may take immediate action to revoke a charter.

21 (h) All decisions of the charter school appeal board shall
22 be subject to appellate review by the Commonwealth Court.

23 (i) When a charter is revoked, not renewed, forfeited,
24 surrendered or otherwise ceases to operate, the charter school
25 shall be dissolved. After the disposition of any liabilities and
26 obligations of the charter school, any remaining assets of the
27 charter school, both real and personal, shall be distributed on
28 a proportional basis to the school entities with students
29 enrolled in the charter school for the last full or partial
30 school year of the charter school. In no event shall such school

1 entities or the Commonwealth be liable for any outstanding
2 liabilities or obligations of the charter school.

3 (j) When a charter is revoked or is not renewed, a student
4 who attended the charter school shall apply to another public
5 school in the student's school district of residence. Normal
6 application deadlines will be disregarded under these
7 circumstances. All student records maintained by the charter
8 school shall be forwarded to the student's district of
9 residence.]

10 Section 5.13. Sections 1730-A and 1731-A of the act, added
11 June 19, 1997 (P.L.225, No.22), are repealed:

12 [Section 1730-A. Desegregation Orders.--The local board of
13 school directors of a school district which is operating under a
14 desegregation plan approved by the Pennsylvania Human Relations
15 Commission or a desegregation order by a Federal or State court
16 shall not approve a charter school application if such charter
17 school would place the school district in noncompliance with its
18 desegregation order.

19 Section 1731-A. Charter School Grants.--(a) The secretary
20 shall allocate grants for planning and start-up funding to
21 eligible applicants under section 1717-A from funds appropriated
22 for the implementation of this act.

23 (1) Planning grant applications shall be filed on a form and
24 by a date determined by the secretary. The amount of a grant may
25 vary depending on the size and scope of the planning needed by
26 the applicant. The application shall address the manner in which
27 the applicant plans to address the criteria established for
28 charter schools in sections 1715-A and 1717-A.

29 (2) Start-up funding grant applications shall be filed on a
30 form and by a date determined by the secretary. The applicant

1 for the charter school shall submit its application for a
2 charter when applying for the grant. A grant for start-up
3 funding may vary depending on the size and special
4 characteristics of the charter school. A start-up grant may be
5 used to meet the expenses of the charter school as established
6 in their charter and as authorized in the provisions of this
7 article.

8 (b) The applicant shall include a copy of a letter informing
9 the local board of school directors of the school district of
10 the application for the planning grant if the location of the
11 proposed charter school is known. An applicant receiving a
12 start-up funding grant shall notify the school district or
13 districts signing the charter of receipt of this grant.]

14 Section 5.14. Section 1732-A, Subdivision (c) heading and
15 sections 1741-A, 1742-A, 1743-A, 1744-A, 1745-A, 1746-A, 1747-A,
16 1748-A, 1749-A, 1750-A and 1751-A of the act, amended or added
17 June 29, 2002 (P.L.524, No.88), are repealed:

18 [Section 1732-A. Provisions Applicable to Charter Schools.--

19 (a) Charter schools shall be subject to the following:

20 Sections 108, 110, 111, 321, 325, 326, 327, 431, 436, 443,
21 510, 518, 527, 708, 736, 737, 738, 739, 740, 741, 752, 753, 755,
22 771, 776, 777, 808, 809, 810, 1109, 1111, 1112(a), 1301, 1310,
23 1317, 1317.1, 1317.2, 1318, 1327, 1330, 1332, 1303-A, 1513,
24 1517, 1518, 1521, 1523, 1531, 1547, 2014-A, Article XIII-A and
25 Article XIV.

26 Act of July 17, 1961 (P.L.776, No.341), known as the
27 "Pennsylvania Fair Educational Opportunities Act."

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

1 schools, colleges and universities."

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

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

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

15 (b) Charter schools shall be subject to the following
16 provisions of 22 Pa. Code:

17 Section 5.216 (relating to ESOL).

18 Section 5.4 (relating to general policies).

19 Chapter 11 (relating to pupil attendance).

20 Chapter 12 (relating to students).

21 Section 32.3 (relating to assurances).

22 Section 121.3 (relating to discrimination prohibited).

23 Section 235.4 (relating to practices).

24 Section 235.8 (relating to civil rights).

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

27 (c) (1) The secretary may promulgate additional regulations
28 relating to charter schools.

29 (2) The secretary shall have the authority and the
30 responsibility to ensure that charter schools comply with

1 Federal laws and regulations governing children with
2 disabilities. The secretary shall promulgate regulations to
3 implement this provision.

4 (c) Cyber Charter Schools.

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

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

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

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

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

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

1 cyber charter school reside at the time of dissolution.

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

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

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

11 (4) Execute charters after approval.

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

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

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

20 Section 1742-A. Assessment and evaluation.

21 The department shall:

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

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

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

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

7 Section 1743-A. Cyber charter school requirements and
8 prohibitions.

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

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

13 (2) except as provided for in subsection (e), provide
14 payments to parents or guardians for the purchase of
15 instructional materials; or

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

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

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

26 (1) A copy of the charter.

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

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

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

1 enrolled in the cyber charter school.

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

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

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

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

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

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

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

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

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

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

1 student by the cyber charter school.

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

5 (11) Information on:

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

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

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

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

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

21 (1) provide all instructional materials;

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

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

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

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

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

3 (g) Records and facilities.--A cyber charter school shall
4 provide the department with ongoing access to all records and
5 facilities necessary for the department to assess the cyber
6 charter school in accordance with the provisions of this
7 subdivision.

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

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

1 Section 1744-A. School district and intermediate unit
2 responsibilities.

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

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

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

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

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

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

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

1 school established under this subdivision.

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

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

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

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

19 (f) Evaluation criteria.--

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

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

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

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

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

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

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

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

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

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

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

1 within 60 days after its receipt.

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

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

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

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

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

15 (3) The revocation of a charter.

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

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

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

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

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

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

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

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

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

21 Section 1747-A. Cyber charter school application.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 Section 1748-A. Enrollment and notification.

16 (a) Notice to school district.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 Section 1749-A. Applicability of other provisions of this act
19 and of other acts and regulations.

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

22 (1) Sections 108, 110, 111, 321, 325, 326, 327, 431,
23 436, 443, 510, 518, 527, 708, 752, 753, 755, 771, 776, 777,
24 808, 809, 810, 1109, 1111, 1112(a), 1205.1, 1205.2, 1301,
25 1302, 1310, 1317.2, 1318, 1330, 1332, 1303-A, 1518, 1521,
26 1523, 1531, 1547, 1702-A, 1703-A, 1714-A, 1715-A, 1716-A,
27 1719-A, 1721-A, 1722-A, 1723-A(a) and (b), 1724-A, 1725-A,
28 1727-A, 1729-A, 1730-A, 1731-A(a) (1) and (b) and 2014-A and
29 Articles XII-A, XIII-A and XIV.

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

1 the Pennsylvania Fair Educational Opportunities Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (c) Existing charter schools.--

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

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

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

15 (ii) Section 1744-A.

16 (iii) Section 1748-A.

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

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

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

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

27 (3) how the charter school plans to comply with section
28 1743-A(d).

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

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

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

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

12 (d) School districts.--A school district shall not renew the
13 charter of a charter school approved under section 1717-A or
14 1718-A which provides instruction through the Internet or other
15 electronic means or approve a charter for a cyber charter
16 school.

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

24 Section 1751-A. Regulations.

25 The department may issue regulations to implement this
26 subdivision.]

27 Section 6. The act is amended by adding an article to read:

28 ARTICLE XVII-C

29 CHARTER SCHOOL ENTITIES

30 SUBARTICLE A

1 PRELIMINARY PROVISIONS

2 Section 1701-C. Scope of article.

3 This article relates to charter school entities.

4 Section 1702-C. Legislative intent.

5 It is the intent of the General Assembly to provide pupils
6 and community members the ability to establish and maintain
7 schools that operate independently from the existing school
8 district structure as a method to accomplish all of the
9 following:

10 (1) Improve pupil learning.

11 (2) Increase learning opportunities for all pupils.

12 (3) Encourage the use of different and innovative
13 teaching methods.

14 (4) Create new professional opportunities for teachers,
15 including the opportunity to be responsible for the learning
16 program at the school site.

17 (5) Provide parents and pupils with expanded choices in
18 the types of educational opportunities that are available
19 within the public school system.

20 (6) Hold the schools established under this article
21 accountable for meeting measurable academic standards and
22 provide the school with a method to establish accountability
23 systems.

24 Section 1703-C. Definitions.

25 The following words and phrases when used in this article
26 shall have the meanings given to them in this section unless the
27 context clearly indicates otherwise:

28 "Administrator." The term includes those employees of a
29 charter school entity, including the chief administrator of a
30 charter school entity and all other employees, who by virtue of

1 their positions are responsible for taking or recommending
2 official action of a nonministerial nature with regard to
3 contracting or procurement, administering or monitoring grants
4 or subsidies, managing or regulating staff, student and school
5 activities or any activity where the official action has an
6 economic impact of greater than a de minimis nature on the
7 interests of any person.

8 "Appeal board." The State Charter School Appeal Board.

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

13 "Authorizer." The State Commission on Charter Schools or a
14 local board of school directors.

15 "Charter school." An independent public school other than a
16 cyber charter school or regional charter school established and
17 operated under a charter from an authorizer and in which
18 students are enrolled or attend.

19 "Charter school entity." A charter school, regional charter
20 school or cyber charter school.

21 "Charter school foundation." A nonprofit organization, as
22 defined under section 501(c)(3) of the Internal Revenue Code of
23 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)), that provides
24 funding, resources or otherwise serves to support a charter
25 school entity, either directly or through an affiliated entity.

26 "Chief administrator." An individual appointed by the board
27 of trustees to oversee and manage the operation of the charter
28 school entity. The term shall not include a professional staff
29 member.

30 "Circulator." A parent or legal guardian of a student

1 attending an existing public school building who asks other
2 parents or legal guardians of students attending the same public
3 school building to sign a petition to convert the existing
4 public school building, or portion thereof, to a charter school.

5 "Commission." The State Commission on Charter Schools.

6 "Committee." The Charter School Funding Advisory Committee.

7 "Cyber charter school." An independent public school
8 established and operated under a charter from the State
9 Commission on Charter Schools and which uses technology in order
10 to provide a significant portion of its curriculum and to
11 deliver a significant portion of instruction to its students
12 through the Internet or other electronic means.

13 "Department." The Department of Education of the
14 Commonwealth.

15 "Educational management service provider." A for-profit
16 education management organization, nonprofit charter or
17 education management organization, school design provider,
18 business manager or any other partner entity with which a board
19 of trustees of a charter school entity contracts to provide
20 educational design, business services, comprehensive management,
21 personnel functions or implementation of the charter.

22 "Employment cost index." The term shall have the same
23 meaning as given to it in section 302 of the act of June 27,
24 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer
25 Relief Act.

26 "Fund." The State Charter School Assessment Fund.

27 "Governing board." The council of trustees of an institution
28 of higher education.

29 "Growth plan." A plan adopted by a majority vote of a local
30 board of school directors in an open meeting, as defined in 65

1 Pa.C.S. Ch. 7 (relating to open meetings), that projects the
2 future growth in school district enrollments as it pertains to
3 building needs and usage.

4 "Immediate family member." A parent, spouse, child, brother
5 or sister.

6 "Institution of higher education." An institution as defined
7 in section 2001-A(10).

8 "Local board of school directors." The board of directors of
9 a school district in which a proposed or an approved charter
10 school is located. The term shall include a special board of
11 control or a School Reform Commission.

12 "Local taxing authority." A county, city, borough,
13 incorporated town, township or school district.

14 "Lowest performing school districts." The 10% of school
15 districts identified as having the highest percentage of
16 students performing below basic in mathematics and the 10% of
17 school districts having the highest percentage of students
18 performing below basic in reading using the results of any of
19 the preceding three school years' Pennsylvania System of School
20 Assessment tests, the Keystone Exam or another test established
21 by the State Board of Education to meet the requirements of
22 section 2603-B(d)(10)(i) and required under the No Child Left
23 Behind Act of 2001 (Public Law 107-110, 115 Stat. 1425).

24 "Nonrelated." An individual who is not an immediate family
25 member.

26 "PSSA test." The Pennsylvania System of School Assessment
27 test as defined in section 102.

28 "Regional charter school." An independent public school that
29 is established and operated under a charter from more than one
30 authorizer and in which students are enrolled or attend.

1 "Right-to-Know Law." The act of February 14, 2008 (P.L.6,
2 No.3), known as the Right-to-Know Law.

3 "School district of residence." The school district in this
4 Commonwealth in which a child resides as determined under
5 section 1302.

6 "School entity." A school district, intermediate unit, joint
7 school or area vocational-technical school.

8 "School Reform Commission." The School Reform Commission
9 established under section 696.

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

11 "Special board of control." A special board of control
12 established under section 692.

13 "State board." The State Board of Education of the
14 Commonwealth.

15 "Unused facility." Any building owned by a school district
16 or the Commonwealth that is not used by the school district or
17 the Commonwealth for its own programs or that is leased to a
18 third party for consideration.

19 Section 1704-C. State Commission on Charter Schools.

20 (a) Establishment.--The State Commission on Charter Schools
21 is established as an independent administrative commission.

22 (b) Composition.--

23 (1) The commission shall consist of citizens of this
24 Commonwealth who possess strong experience and expertise in
25 one of the following areas:

26 (i) Public nonprofit governance.

27 (ii) Business and administration.

28 (iii) Social services.

29 (iv) Management.

30 (v) Finance.

1 (vi) Public school leadership.

2 (vii) Assessment.

3 (viii) Curriculum and instruction.

4 (ix) Public education law.

5 (2) All members of the commission shall have a
6 demonstrated understanding of and commitment to charter
7 schooling as a strategy for strengthening public education.

8 (3) No current State public official or appointee shall
9 be appointed to serve as a member of the commission.

10 (4) Members of the commission shall be appointed as
11 follows:

12 (i) Three individuals who shall be appointed by the
13 Governor.

14 (ii) Four individuals who shall be appointed by the
15 General Assembly as follows:

16 (A) The President pro tempore of the Senate
17 shall appoint one individual.

18 (B) The Minority Leader of the Senate shall
19 appoint one individual.

20 (C) The Speaker of the House of Representatives
21 shall appoint one individual.

22 (D) The Minority Leader of the House of
23 Representatives shall appoint one individual.

24 (c) Terms.--

25 (1) The members initially appointed by the Governor
26 shall serve for terms of two, three and four years,
27 respectively, the particular term of each to be designated by
28 the Governor at the time of appointment.

29 (2) (i) Except as provided under subparagraph (ii), the
30 members initially appointed by the General Assembly under

1 subsection (b) (4) (ii) shall serve for terms of four years
2 and the terms of those members' successors shall be four
3 years each.

4 (ii) Any person appointed to fill a vacancy for a
5 member appointed under subsection (b) (4) (ii) shall serve
6 only for the unexpired term or until a successor is
7 appointed and qualified.

8 (3) An appointed member of the commission shall be
9 eligible for reappointment.

10 (4) The Governor shall select one of the members to
11 serve as chairperson of the commission.

12 (d) Meetings.--The commission shall meet at least monthly to
13 fulfill the purposes provided under this section. A majority of
14 the members of the commission shall constitute a quorum and a
15 majority of the members of the commission shall have authority
16 to act upon any matter properly before the commission. The
17 commission is authorized to establish rules for its operation.

18 (e) Compensation.--The members shall receive no payment for
19 their services. Members who are not employees of State
20 government shall be reimbursed from the fund for expenses
21 incurred in the course of their official duties.

22 (f) Executive director.--An executive director shall be
23 appointed by the members of the commission. The executive
24 director shall be paid compensation as the commission may
25 determine. The executive director may employ personnel and
26 contract for consulting services as may be necessary and is
27 authorized to carry out the purposes of this article if the
28 services are procured through a competitive request for proposal
29 process.

30 (g) Open meetings and documents.--Meetings of the commission

1 shall be conducted under 65 Pa.C.S. Ch. 7 (relating to open
2 meetings) and all hearings shall be conducted in accordance with
3 2 Pa.C.S. Ch. 5 Subch. A (relating to practice and procedure of
4 Commonwealth agencies). Documents of the commission shall be
5 subject to the Right-to-Know Law.

6 (h) Powers and duties.--The commission shall have the
7 following powers and duties:

8 (1) Implement the provisions of this article and
9 promulgate regulations.

10 (2) Serve as an authorizer for cyber charter schools.

11 (3) Serve as an authorizer of charter schools, other
12 than cyber charter schools, in the lowest performing school
13 districts in this Commonwealth. Any charter school authorized
14 by the State Commission on Charter Schools shall be eligible
15 for renewal of its charter regardless of the performance of
16 the school district in which it was organized at the time of
17 its renewal. Within existing school districts, such charter
18 schools shall not be limited to existing attendance
19 boundaries, geographic areas or location of school buildings.
20 School districts in which the charter schools are created
21 shall have the authority and power set forth in section
22 696(i)(5), (6), (7), (8), (9), (10), (11), (12), (13) and
23 (14), (k)(2), (3), (4) and (6) and (1). This paragraph shall
24 not apply if there has been a conversion of an existing
25 public school or portion of an existing public school
26 pursuant to section 1718-C(b).

27 (4) Develop and issue standardized forms that shall be
28 used by all applicants, authorizers and charter school
29 entities as required under sections 1718-C, 1721-C, 1726-C,
30 1731-C and 1735-C. The commission shall receive input from

1 the department, authorizers and charter school entity
2 operators to develop the standardized forms.

3 (5) Receive, review and act on applications for the
4 creation of a charter school entity in accordance with
5 section 1704-C(h)(3), obtain input from interested persons or
6 entities and hold hearings regarding applications.

7 (6) Monitor and evaluate the operation of each charter
8 school entity the commission has authorized on an annual
9 basis in order to determine whether the school is in
10 compliance with the terms of its charter and applicable
11 statutes and regulations.

12 (7) Renew, revoke or deny renewal of a charter school
13 entity's charter that the commission has chartered under
14 section 1723-C.

15 (8) Provide a list of approved qualified independent
16 certified public accountants to conduct independent audits as
17 required under section 1731-C.

18 (9) Receive, review and act on charter school transfers
19 under section 1734-C(c).

20 (10) Accept applications under section 1718-C.

21 (11) Receive, review and act on multiple charter school
22 organization requests under section 1735-C.

23 (12) (i) Develop a standard performance matrix for use
24 by the commission and authorizers to evaluate charter
25 school entity performance. The performance matrix shall
26 assess performance by utilizing objective criteria,
27 including:

28 (A) Student performance on the Pennsylvania
29 System of School Assessment test, the Keystone Exam
30 or another test established by the State board to

1 meet the requirements of section 2603-B(d)(10)(i) and
2 required under the No Child Left Behind Act of 2001.

3 (B) Annual growth as measured by the
4 Pennsylvania Value-Added Assessment System.

5 (C) Attendance.

6 (D) Attrition rates.

7 (E) Graduation rates.

8 (F) Except for clauses (A) and (B), other
9 assessment instruments or measures of student
10 achievement.

11 (G) School safety.

12 (H) Parent satisfaction.

13 (I) Other measures of school quality.

14 (ii) The commission shall develop the matrix under
15 subparagraph (i) within one year of the effective date of
16 this section with input from the department and charter
17 school entity operators. The commission may contract for
18 consulting services with an entity that has experience in
19 developing these matrices if the services are procured
20 through a competitive bidding process.

21 (iii) Authorizers may not develop a separate matrix
22 for the evaluation of charter school entities.

23 (iv) The standard performance matrix shall be
24 distributed by the commission to all known authorizers
25 and shall be published on the commission's publicly
26 accessible Internet website.

27 (v) Beginning July 1, 2013, authorizers shall
28 utilize the standard performance matrix as a primary
29 factor in evaluating new and renewal charter school
30 entity applicants.

1 (13) Provide a list of nationally recognized
2 accreditation agencies, including the Middle States
3 Association of Colleges and Schools or other regional
4 institutional accrediting agencies recognized by the United
5 States Department of Education or an equivalent federally
6 recognized body for charter school or cyber charter school
7 education, that a charter school entity may use to seek
8 accreditation.

9 (14) Develop policies, procedures and regulations
10 pertaining to cyber charter school student truancy.

11 (15) The commission may employ personnel and contract
12 for consulting services as may be necessary and is authorized
13 to carry out the purposes of this article if the services are
14 procured through a competitive bidding process.

15 (16) Refer to the district attorney with jurisdiction or
16 to the Office of Attorney General for prosecution if the
17 commission discovers or receives information about possible
18 violations of law by any person affiliated with or employed
19 by an authorizer, charter school, regional charter school, or
20 cyber charter school.

21 Section 1705-C. State Charter School Entity Assessment Fund.

22 (a) Establishment.--The State Charter School Entity
23 Assessment Fund is established within the State Treasury.

24 (b) Funding.--

25 (1) Funding for the commission shall be sought each year
26 through Federal and nonprofit grants. To the extent that
27 additional revenues to fund the commission are necessary,
28 each charter school entity shall be assessed an annual fee
29 for the purposes of financing the commission. The fee shall
30 be assessed based on the charter school entity's student

1 population not to exceed the following:
2 1 to 399 students..... \$5,000.
3 400 to 999 students.....\$10,000.
4 1,000 to 2,499 students.....\$20,000.
5 2,500 to 4,999 students.....\$30,000.
6 More than 4,999 students.....\$40,000.

7 (2) The commission shall file a proposed budget annually
8 with the Appropriations Committee of the Senate and the
9 Appropriations Committee of the House of Representatives and
10 the Education Committee of the Senate and the Education
11 Committee of the House of Representatives. If the revenues
12 generated by fees in accordance with this article are
13 insufficient to match expenditures over a two-year period or
14 are inadequate to meet the minimum enforcement efforts
15 required, the commission may set additional fees by
16 regulation in accordance with the index provided for under
17 the act of June 27, 2006 (1st Sp.Sess., P.L.1873, No.1),
18 known as the Taxpayer Relief Act, and subject to review in
19 accordance with the act of June 25, 1982 (P.L.633, No.181),
20 known as the Regulatory Review Act, so that projected
21 revenues will meet or exceed projected expenditures.

22 (c) Fees.--Fees shall be collected annually and deposited
23 within the fund. Money in the fund is appropriated to the
24 commission on a continuing basis for the purposes of fulfilling
25 the requirements of this article.

26 Section 1706-C. Charter School Funding Advisory Committee.

27 (a) Convention.--

28 (1) The department shall, after the effective date of
29 this section, convene a Statewide advisory committee to
30 examine the financing of charter school entities in the

1 public education system. The committee shall examine how
2 charter school entity finances affect opportunities for
3 teachers, parents, pupils and community members to establish
4 and maintain schools that operate independently from the
5 existing school district structure as a method to accomplish
6 the requirements of section 1702-C. The department shall
7 provide administrative support, meeting space and any other
8 assistance required by the committee to carry out its duties
9 under this section.

10 (2) The committee shall consist of the following
11 members:

12 (i) The chairman and minority chairman of the
13 Education Committee of the Senate and the chairman and
14 the minority chairman of the Education Committee of the
15 House of Representatives, or their designees.

16 (ii) The secretary or a designee.

17 (iii) The chairman of the State board or a designee.

18 (iv) The following members, who shall be appointed
19 by the secretary:

20 (A) One member who shall represent charter
21 schools.

22 (B) One member who shall represent regional
23 charter schools.

24 (C) One member who shall represent cyber charter
25 schools.

26 (D) One member who shall represent teachers. The
27 member may be a public school teacher, a charter
28 school teacher, a regional charter school teacher, a
29 cyber charter school teacher or a nonpublic school
30 teacher.

1 (E) One member who shall represent school
2 administrators.

3 (F) One member who shall represent school board
4 members.

5 (G) One member who shall represent a business
6 manager of a school district.

7 (H) One member who shall represent a parent of a
8 child attending a charter school entity.

9 (I) One member who shall represent an
10 institution of higher education.

11 (3) Members of the committee shall be appointed within
12 45 days of the effective date of this section. Any vacancy on
13 the committee shall be filled by the original appointing
14 officer or agency. The committee shall select a chairman and
15 vice chairman from among its membership at an organizational
16 meeting. The organizational meeting shall take place no later
17 than 90 days following the effective date of this section.

18 (4) The committee shall hold meetings at the call of the
19 chairman. The committee may hold public hearings on the
20 matters to be considered by the committee at locations
21 throughout this Commonwealth. All meetings and public
22 hearings of the committee shall be subject to 65 Pa.C.S. Ch.
23 7 (relating to open meetings). Nine members of the committee
24 shall constitute a quorum at any meeting. Each member of the
25 committee may designate another person to represent that
26 member at meetings of the committee.

27 (5) Committee members shall receive no compensation for
28 their services but shall be reimbursed for all necessary
29 travel and other reasonable expenses incurred in connection
30 with the performance of their duties as members. If possible,

1 the committee shall utilize the services and expertise of
2 existing personnel and staff of State government.

3 (6) The committee shall have the following powers and
4 duties:

5 (i) Meet with current charter school entity
6 operators within this Commonwealth, including cyber
7 charter schools with blended programs.

8 (ii) Review charter school entity financing laws in
9 operation throughout the United States.

10 (iii) Evaluate and make recommendations on the
11 following:

12 (A) Powers and duties extended to charter school
13 entities as they relate to financing.

14 (B) Funding formulas for charter school
15 entities, including reimbursement procedures and
16 funding under Title I of the Elementary and Secondary
17 Education Act of 1965 (Public Law 89-10, 20 U.S.C. §
18 6301 et seq.).

19 (C) The process by which charter school entities
20 are funded under section 1728-C.

21 (D) Student residency as it relates to funding.

22 (E) Special education and other special program
23 funding.

24 (F) Charter school entity transportation.

25 (G) Charter school entity eligibility to receive
26 grants and funding.

27 (H) Appropriate assessment fees on charter
28 school entities.

29 (I) Consideration of recognizing a charter
30 school entity for additional designations as a local

1 education agency.

2 (iv) The committee shall, no later than March 30,
3 2013, issue a report of its findings and recommendations
4 to the Governor, the President pro tempore of the Senate,
5 the Minority Leader of the Senate, the chairman and
6 minority chairman of the Education Committee of the
7 Senate, the Speaker of the House of Representatives, the
8 Minority Leader of the House of Representatives and the
9 chairman and minority chairman of the Education Committee
10 of the House of Representatives.

11 (b) (Reserved).

12 SUBARTICLE B

13 CHARTER SCHOOL ENTITIES

14 Section 1714-C. Powers.

15 (a) Body corporate.--A charter school entity established
16 under this article is a body corporate and shall have all powers
17 necessary or desirable for carrying out its charter, including
18 the power to:

19 (1) Adopt a name and corporate seal, except that any
20 name selected shall include the words "charter school,"
21 "regional charter school" or "cyber charter school."

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

25 (3) Acquire real property from public or private sources
26 by purchase, lease, lease with an option to purchase or gift
27 for use as a charter school entity facility.

28 (4) Receive and disburse funds for charter school entity
29 purposes only.

30 (5) Make contracts and leases for the procurement of

1 services, including services to fulfill the duties of the
2 administrators and chief administrator for the charter school
3 entity, equipment and supplies.

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

6 (7) Incur debt for the construction of school
7 facilities.

8 (8) Solicit and accept any gifts or grants for charter
9 school entity purposes.

10 (9) Enter into a concurrent enrollment agreement under
11 Article XVI-B with an institution of higher education.

12 (10) Seek accreditation by an accreditation agency
13 recognized by the Commission pursuant to Section 1704-C(h)
14 (13).

15 (b) Necessary powers.--A charter school entity shall have
16 other powers as are necessary to fulfill its charter and which
17 are not inconsistent with this article.

18 (c) Liability for indebtedness.--Any indebtedness incurred
19 by a charter school entity in the exercise of the powers
20 specified under this section shall not impose any liability or
21 legal obligation upon a school entity or upon the Commonwealth.
22 Section 1715-C. Requirements.

23 (a) Compliance.--Charter school entities shall be required
24 to comply with the following:

25 (1) Except as provided under this article, a charter
26 school entity shall be exempt from statutory requirements
27 established under this act, from regulations of the State
28 board and from standards of the secretary not specifically
29 applicable to charter school entities. Charter school
30 entities shall not be exempt from statutes applicable to

1 public schools other than under this article.

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

7 (3) A charter school entity may not unlawfully
8 discriminate in admissions, hiring or operation.

9 (4) A charter school entity shall be nonsectarian in all
10 operations.

11 (5) A charter school entity may not provide any
12 religious instruction or display religious objects and
13 symbols on the premises of the school with the intention of
14 advancing or endorsing religion. It shall not be a violation
15 of this paragraph for a charter school entity to utilize a
16 sectarian facility:

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

20 (ii) the charter school entity provides for discrete
21 and separate entrances to buildings utilized for school
22 purposes only.

23 (6) A charter school entity may not advocate unlawful
24 behavior.

25 (7) Subject to section 220, a charter school entity
26 shall participate in the Pennsylvania State Assessment System
27 as provided for in 22 Pa. Code Ch. 4 (relating to academic
28 standards and assessment). A charter school entity shall be
29 treated in the same manner as a school district for the
30 purposes of measuring the charter school entity's adequate

1 yearly progress under the No Child Left Behind Act of 2001.

2 (8) A charter school entity shall provide a minimum of
3 180 days of instruction or 900 hours per year of instruction
4 at the elementary level or 990 hours per year of instruction
5 at the secondary level. Attendance at a cyber charter school
6 shall satisfy requirements for compulsory attendance. Nothing
7 in this section shall preclude the use of computer and
8 satellite linkages for delivering instruction to students.

9 (9) The board of trustees of a charter school shall
10 supply the authorizer of the charter school and the secretary
11 a list of the amount of rental payments, which are guarantees
12 for school building debt or bonds that become due during the
13 fiscal year together with the amount paid on each item of
14 indebtedness. Any charter school that elects to issue debt
15 shall hold in escrow an amount sufficient to pay the annual
16 amount of the sum of the principal maturing or subject to
17 mandatory redemption and interest owing by the charter school
18 or sinking fund deposit due by the charter school.

19 (b) Charter school entity fund balance limit.--

20 (1) For the 2013-2014 school year and each school year
21 thereafter, a charter school entity shall not accumulate an
22 unreserved, undesignated fund balance greater than the
23 charter school fund balance limit, which will be determined
24 as follows:

| <u>Charter School Total</u> | <u>Maximum Unreserved,</u> |
|--|-------------------------------------|
| <u>Budgeted Expenditures</u> | <u>Undesignated Fund Balance as</u> |
| | <u>Percentage of Total</u> |
| | <u>Budgeted Expenditures</u> |
| <u>Less than or equal to \$11,999,999</u> | <u>12%</u> |
| <u>Between \$12,000,000 and \$12,999,999</u> | <u>11.5%</u> |

| | | |
|---|--|--------------|
| 1 | <u>Between \$13,000,000 and \$13,999,999</u> | <u>11%</u> |
| 2 | <u>Between \$14,000,000 and \$14,999,999</u> | <u>10.5%</u> |
| 3 | <u>Between \$15,000,000 and \$15,999,999</u> | <u>10%</u> |
| 4 | <u>Between \$16,000,000 and \$16,999,999</u> | <u>9.5%</u> |
| 5 | <u>Between \$17,000,000 and \$17,999,999</u> | <u>9%</u> |
| 6 | <u>Between \$18,000,000 and \$18,999,999</u> | <u>8.5%</u> |
| 7 | <u>Greater Than or Equal to \$19,000,000</u> | <u>8%</u> |

8 (2) Any unreserved, undesignated fund balance in place
9 on June 30, 2013, that exceeds the charter school entity fund
10 balance limit shall be refunded on a pro rata basis within 90
11 days to all school districts that paid tuition to the charter
12 school entity on behalf of students enrolled in the 2011-2012
13 and 2012-2013 school years. The funds may not be used to pay
14 bonuses to any administrator, board of trustee member,
15 employee, staff or contractor and may not be transferred to a
16 charter school foundation.

17 (3) For the 2013-2014 school year and each school year
18 thereafter, any unreserved, undesignated fund balance in
19 excess of the charter school entity fund balance limit shall
20 be refunded on a pro rata basis to all school districts that
21 paid tuition to the charter school entity in the prior school
22 year.

23 (4) By August 15, 2013, and August 15 of each year
24 thereafter, each charter school entity shall provide the
25 commission with information certifying compliance with this
26 section. The information shall be provided in a form and
27 manner prescribed by the commission and shall include
28 information on the charter school entity's estimated ending
29 unreserved, undesignated fund balance expressed as a dollar
30 amount and as a percentage of the charter school entity's

1 total budgeted expenditures for that school year.

2 Section 1716-C. Board of trustees.

3 (a) Public officials.--

4 (1) All members of the board of trustees of a charter
5 school entity shall be public officials for the purposes of
6 65 Pa.C.S. Ch. 11 (relating to ethics standards and financial
7 disclosure) and shall file a statement of financial interests
8 for the preceding calendar year with the State Ethics
9 Commission and the authorizer no later than May 1 of each
10 year that members hold the position and of the year after a
11 member leaves the position.

12 (2) All members of the board of trustees of a charter
13 school entity shall take the oath of office as required under
14 section 321 before entering upon the duties of their office.

15 (b) Powers.--The board of trustees of a charter school
16 entity shall have the authority to decide matters related to the
17 operation of the school, including budgeting, curriculum and
18 operating procedures, subject to the school's charter. The board
19 shall have the authority to employ, discharge and contract with
20 necessary professional and nonprofessional employees, subject to
21 the school's charter and this article.

22 (c) Restrictions.--The following shall apply to all members
23 of the board of trustees of a charter school entity:

24 (1) No member of the local board of school directors of
25 a school entity shall serve on the board of trustees of a
26 charter school entity that is located in the member's
27 district.

28 (2) For all charter school entities chartered after the
29 effective date of this section, an individual shall be
30 prohibited from serving as a voting member of the board of

1 trustees of a charter school entity if the individual or an
2 immediate family member receives compensation from or is
3 employed by or is a board member of an authorizer who
4 participates in the initial review, approval, oversight,
5 evaluation or renewal process of a charter school entity
6 chartered by that authorizer with the exception of all
7 current board members. An employee of the authorizer that
8 chartered the charter school entity may serve as a member of
9 the board of trustees without voting privileges.

10 (3) No member of the board of trustees of a charter
11 school entity shall participate in the selection, award or
12 administration of any contract if the member has a conflict
13 of interest as defined in 65 Pa.C.S. § 1102 (relating to
14 definitions). Any member of the board of trustees who in the
15 discharge of his official duties would be required to vote on
16 a matter that would result in a conflict of interest shall
17 abstain from voting and follow the procedures required under
18 65 Pa.C.S. § 1103(j) (relating to restricted activities). A
19 member of the board of trustees who knowingly violates this
20 section commits a violation of 65 Pa.C.S. § 1103(a) and shall
21 be subject to the penalties imposed under the jurisdiction of
22 the State Ethics Commission. Any contract made in violation
23 of this paragraph shall be voidable by a court of competent
24 jurisdiction if the suit is commenced within 90 days of the
25 making of the contract.

26 (4) A member of the board of trustees of a charter
27 school entity shall be automatically disqualified and
28 immediately removed from the board upon conviction for an
29 offense graded as a felony, an infamous crime, an offense
30 pertaining to fraud, theft or mismanagement of public funds,

1 any offense pertaining to his official capacity as a board
2 member or any crime involving moral turpitude.

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

5 (d) Structure.--

6 (1) The board of trustees of a charter school entity
7 shall have a minimum of five nonrelated voting members. If a
8 charter school entity has fewer than five nonrelated voting
9 members serving on its board on the effective date of this
10 section, the charter school entity shall, within 60 days of
11 the effective date of this section, appoint additional
12 members to the board to meet the minimum requirements of this
13 section.

14 (2) Within one year of the effective date of this
15 section, at least one member of the board of trustees of a
16 charter school entity shall be a parent of a child currently
17 attending that charter school entity. The board member shall
18 be eligible to serve only so long as the child is attending
19 the charter school entity.

20 (e) Organization of meetings of boards of trustees.--

21 (1) A majority of the voting members of the board of
22 trustees shall be a quorum. If less than a majority is
23 present at any meeting, no business shall be transacted at
24 the meeting.

25 (2) The affirmative vote of a majority of all the voting
26 members of the board of trustees, duly recorded, shall be
27 required in order to take action on the subjects enumerated
28 under subsection (b).

29 (3) All meetings shall be subject to 65 Pa.C.S. Ch. 7
30 (relating to open meetings).

1 (f) Refusal or neglect of duty.--

2 (1) If a member of the board of trustees refuses or
3 neglects to perform any duty imposed upon it under this
4 article, 25 individuals who are parents or guardians of
5 students of the charter school entity may present a petition
6 in writing of the refusal or neglect, verified by oath or
7 affirmation, to the court of common pleas in the county in
8 which the charter school or regional charter school building
9 is located or, in the case of a cyber charter school, to
10 Commonwealth Court. The petition shall set forth the facts
11 regarding the board member.

12 (2) (i) The court shall grant a rule upon the member of
13 the board of trustees, returnable in not less than ten
14 days nor more than 20 days from the date of issue, to
15 show cause why the member should not be removed from the
16 board. The member shall have at least five days' notice
17 of the granting of the rule.

18 (ii) On or before the return day of the rule, the
19 member or members, individually or jointly, shall file in
20 writing their answer or answers to the petition, under
21 oath.

22 (iii) If the facts set forth in the petition or any
23 material part of the petition, are denied, the court
24 shall conduct a hearing on the petition.

25 (iv) If, after the hearing under subparagraph (iii)
26 or if no answer is timely filed denying the facts set
27 forth in the petition, the court finds that any duty
28 imposed on the members required under this article has
29 not been done or has been neglected by them, the court
30 shall have power to remove the member or members and

1 shall direct the authorizer to appoint other qualified
2 persons to serve for the duration of the removed members'
3 unexpired terms, subject to this article.

4 (v) The court shall impose the cost of the
5 proceedings upon the petitioners, the members of the
6 board of trustees, the authorizer or may apportion the
7 cost among them.

8 (vi) Any person removed as a member of the board of
9 trustees of a charter school entity under this subsection
10 shall not be eligible again as a board member for a
11 period of five years from the removal.

12 (g) Effect of nonpayment.--

13 (1) In any case where the board of trustees of a charter
14 school fails to pay or to provide for the payment of:

15 (i) any indebtedness at date of maturity or date of
16 mandatory redemption or on any sinking fund deposit date;
17 or

18 (ii) any interest due on such indebtedness on any
19 interest payment date or on any sinking fund deposit date
20 in accordance with the schedule under which the bonds
21 were issued.

22 The bank or trustee for the bonds shall notify the board of
23 charter school trustees of its obligation and shall
24 immediately notify the authorizer of the charter school and
25 the secretary.

26 (2) The secretary shall withhold any appropriation due
27 such charter school any amount necessary to fully fund the
28 amount held in escrow by the charter school which shall be
29 equal to the sum of the principal amount maturing or subject
30 to mandatory redemption and interest owing by the charter

1 school or sinking fund deposit due by such charter school and
2 shall require payover of the amount withheld to the bank or
3 trustee acting as the sinking fund depository for the bond
4 issue from the escrow account.

5 Section 1717-C. Administrators.

6 (a) Public employee.--A person who serves as an
7 administrator for a charter school entity shall be a public
8 employee for the purposes of 65 Pa.C.S. Ch. 11 (relating to
9 ethics standards and financial disclosure) and shall file a
10 statement of financial interests for the preceding calendar year
11 with the authorizer and the board of trustees no later than May
12 1 of each year that he holds the position and of the year after
13 he leaves the position.

14 (b) Duties of chief administrator.--The chief administrator
15 shall exercise the duties designated by the board of trustees,
16 including the following:

17 (1) In accordance with established board policy and
18 bylaws, upon action by the board of trustees to approve any
19 bill or account for payment of money and to prepare and sign
20 an order for the payment of money.

21 (2) To comply with all reporting requirements of this
22 article.

23 (3) Notwithstanding any other provision of this article
24 and other law, to serve as custodian of all records,
25 commissions and property of the charter school entity.

26 (4) To perform other duties pertaining to the business
27 of the charter school entity as required under this article.

28 (c) Restrictions.--

29 (1) A person who serves as an administrator for a
30 charter school entity shall not receive compensation from

1 another charter school entity or from an educational
2 management service provider except if the following apply:

3 (i) The administrator has submitted a sworn
4 statement to each charter school entity board of
5 trustees. The sworn statement shall detail the work for
6 the other entity and include the projected number of
7 hours, rate of compensation and projected duration.

8 (ii) The board of trustees has reviewed a statement
9 under subparagraph (i) and has agreed to grant permission
10 to the administrator by resolution.

11 (2) A copy of the sworn statement under paragraph (1)(i)
12 and the resolution by the board of trustees approving the
13 request shall be kept on file with the charter school entity
14 and the authorizer.

15 (3) No administrator of a charter school entity or
16 immediate family member shall be permitted to serve as a
17 voting member of the board of trustees of their charter
18 school entity.

19 (4) No administrator of a charter school entity shall
20 participate in the selection, award or administration of a
21 contract if he has a conflict of interest as that term is
22 defined in 65 Pa.C.S. § 1102 (relating to definitions). An
23 administrator who knowingly violates this subsection commits
24 a violation of 65 Pa.C.S. § 1103(a) (relating to restricted
25 activities) and shall be subject to the penalties imposed
26 under the jurisdiction of the State Ethics Commission. Any
27 contract made in violation of this subsection shall be
28 voidable by the board of trustees of the charter school
29 entity.

30 (5) An administrator shall be immediately dismissed upon

1 conviction for an offense graded as a felony, an infamous
2 crime, an offense pertaining to fraud, theft or mismanagement
3 of public funds or any crime involving moral turpitude.

4 Section 1718-C. Establishment.

5 (a) Entities who may establish.--

6 (1) A charter school entity may be established by any of
7 the following:

8 (i) An individual.

9 (ii) One or more teachers who will teach at the
10 proposed school.

11 (iii) Parents or guardians of students who will
12 enroll at the school.

13 (iv) A nonsectarian college, university or museum
14 located in this Commonwealth.

15 (v) A nonsectarian corporation not-for-profit, as
16 defined in 15 Pa.C.S. (relating to corporations and
17 unincorporated associations).

18 (vi) A corporation, association or partnership.

19 (vii) A combination of any of the entities listed
20 under this subsection.

21 (2) No charter school entity shall be established or
22 funded by and no charter shall be granted to any sectarian
23 school, institution or other entity. No funds allocated or
24 disbursed under this article shall be used to directly
25 support instruction under section 1327.1.

26 (3) A charter school must be organized as a public,
27 nonprofit corporation. A charter may not be granted to any
28 for-profit entity.

29 (b) Establishment by conversion.--

30 (1) A charter school may be established by converting an

1 existing public school building or a portion of an existing
2 public school building. The conversion of an existing public
3 school building or portion of an existing public school
4 building to a charter school may be initiated by the school
5 district where the existing public school is located or by
6 the parent petition process under paragraph (3). There shall
7 be no limit on the number of public schools in a school
8 district that can be converted to a charter school.

9 (2) The local board of school directors, the special
10 board of control or the School Reform Commission that desires
11 to convert an existing public school building or a portion of
12 an existing public school building to a charter school may
13 designate and approve the existing public school building or
14 portion of an existing public school building that it seeks
15 to convert to a charter school by accepting applications in
16 accordance with paragraph (4).

17 (3) (i) For the purposes of improving academic
18 achievement or student safety, the parents or legal
19 guardians of at least 51% of students attending an
20 existing public school building may petition the local
21 board of school directors, the special board of control
22 or the School Reform Commission to convert the existing
23 public school building or a portion of the existing
24 public school building to a charter school.

25 (ii) The commission shall develop and issue a
26 standard petition form that shall be used by all parents
27 or legal guardians seeking conversion. The standard
28 petition shall include an affidavit of the circulator
29 affirming that:

30 (A) he or she is a parent or legal guardian of a

1 student attending the public school building;

2 (B) that all signers to the petition signed with
3 the full knowledge of the contents of the petition;
4 and

5 (C) the circulator did not receive compensation
6 for collection of the petition, nor offer
7 compensation to any signer in exchange for signing
8 the petition.

9 (iii) (A) Any petition submitted by a circulator
10 who has been found by a court to have submitted a
11 false affidavit shall be void.

12 (B) Any entity, or affiliate thereof, found to
13 have provided compensation to a circulator or parent
14 or legal guardian of an existing student in order to
15 obtain a signature of that parent or legal guardian
16 as required by subparagraph (i) is prohibited from
17 submitting a response to requests for proposal under
18 paragraph (4) within the Commonwealth for a period of
19 two years.

20 (iv) Upon certified receipt of the petition and
21 verification of the signatures, the local board of school
22 directors, the special board of control established under
23 section 692 or the School Reform Commission shall convert
24 the existing public school building or a portion of an
25 existing public school building to a charter school
26 building by accepting applications in accordance with
27 paragraph (4). Notwithstanding any other provision of
28 law, the local board of school directors shall not be
29 required to negotiate or agree to any provision that
30 prevents, impedes or prohibits a school district's

1 ability to convert to a charter school under this article
2 after the effective date of this section. A term in a
3 collective bargaining agreement in place on the effective
4 date of this section that operates to prevent, impede or
5 prohibit a school district from converting to a charter
6 school under this article shall not continue past the
7 expiration date of the collective bargaining agreement.

8 (4) (i) Applications for the charter school shall be
9 solicited through a competitive request for proposal
10 process initiated by the local board of school directors,
11 the special board of control or the School Reform
12 Commission. The content and dissemination of the request
13 for proposal must be consistent with the purpose and the
14 requirements of this article. The local board of school
15 directors, the special board of control or the School
16 Reform Commission may accept applications by any
17 individual or entity authorized to establish a charter
18 school under subsection (a) to operate the converted
19 charter school.

20 (ii) The local board of directors, the special board
21 of control or the School Reform Commission shall evaluate
22 each submitted proposal in a public manner. Once
23 selected, the local board of school directors, the
24 special board or the School Reform Commission shall do
25 all of the following:

26 (A) Explain how and why the proposal was
27 selected.

28 (B) Provide evidence, if available, of the
29 provider's success in serving student populations
30 similar to the targeted population, including

1 demonstrated academic achievement as well as
2 successful management of nonacademic school functions
3 if applicable.

4 (5) The authorizer may not serve as the board of
5 trustees of an existing school which is converted to a
6 charter school under this subsection.

7 (6) This article shall apply to an existing public
8 school building or a portion of an existing public school
9 building converted to a charter school.

10 (7) In the case of an existing school being converted to
11 a charter school, the local board of school directors, the
12 special board of control or the School Reform Commission
13 shall establish the alternative arrangements for current
14 students who choose not to attend the charter school.

15 (8) In the case of an existing school being converted to
16 a charter school, preference for enrollment shall be given to
17 students residing within the former attendance boundary of
18 that school.

19 (c) Establishment of a cyber charter school by a local board
20 of school directors or intermediate unit.--A cyber charter
21 school may be established by a local board of school directors
22 or an intermediate unit if they follow the procedures and
23 requirements of this article. Nothing under this article shall
24 preclude a school district or an intermediate unit from offering
25 instruction via the Internet or other electronic means, except
26 that the instruction shall not be recognized as a cyber charter
27 school under this article. A cyber charter school must be
28 organized as a public, nonprofit corporation. A charter may not
29 be granted to any for-profit entity.

30 (d) Authorizers.--

1 (1) The following entities shall be authorizers of
2 charter schools and regional charter schools:

3 (i) The commission in accordance with section 1704-
4 C(h) (3).

5 (ii) A local board of school directors.

6 (2) The commission shall be the authorizer of cyber
7 charter schools.

8 (e) Authorizer powers and duties.--

9 (1) The commission shall have the following powers and
10 duties:

11 (i) Receive, review and act on applications for the
12 creation of a charter school entity, obtain input from
13 interested persons or entities and hold hearings
14 regarding applications.

15 (ii) Execute charter contracts with an approved
16 charter school entity applicant.

17 (iii) Monitor and evaluate the operation of each
18 charter school entity authorized by the commission on an
19 annual basis in order to determine whether the charter
20 school entity is in compliance with the terms of its
21 charter and all applicable laws and regulations.

22 (iv) Renew, revoke or deny renewal of a charter
23 school entity's charter under section 1723-C.

24 (2) The local board of school directors shall have the
25 following powers and duties:

26 (i) Receive, review and act on applications for the
27 creation of a charter school or regional charter school,
28 obtain input from interested persons or entities and hold
29 hearings regarding applications.

30 (ii) Execute charter contracts with an approved

1 charter school or regional charter school applicant.

2 (iii) Monitor and evaluate the operation of each
3 charter school or regional charter school authorized by
4 the local board of school directors on an annual basis in
5 order to determine whether the charter school or regional
6 charter school is in compliance with the terms of its
7 charter and all applicable laws and regulations.

8 (iv) Renew, revoke or deny renewal of a charter
9 school or regional charter school's charter under section
10 1723-C.

11 (v) Assess and receive administrative fees when
12 authorized under section 1705-C.

13 (f) Special conditions.--Authorizers may not exercise the
14 power and duties of the department as set forth under Federal or
15 State laws or regulations.

16 (g) Initial application procedure.--

17 (1) An application to establish a charter school entity
18 shall be submitted to a authorizer under subsection (d) by
19 October 1 of the school year preceding the school year in
20 which the charter school entity proposes to commence
21 operation.

22 (2) (i) Within 45 days of receipt of an application,
23 the authorizer shall hold at least one public hearing on
24 the charter application under section 1720-C and 65
25 Pa.C.S. Ch. 7 (relating to open meetings). The authorizer
26 shall give the applicant at least 48 hours written or
27 electronic notice of the public hearing.

28 (ii) A school district directly impacted by the
29 potential charter school entity may provide testimony at
30 the public hearing, except that testimony with regard to

1 the economic impact of an applicant on a school district
2 may not be the sole basis for denial of the application.

3 (iii) At least 45 days must transpire between the
4 first public hearing and the final decision of the
5 authorizer on the charter application, during which time
6 public comment shall be received and made part of the
7 record. Nothing in this article shall prohibit a school
8 district or any other interested party from providing
9 public comment.

10 (3) An application submitted under this article shall be
11 evaluated by the authorizer based on established criteria,
12 including the following:

13 (i) The demonstrated, sustainable support for the
14 charter school plan by teachers, parents, other community
15 members and students, including comments received at the
16 public hearing held under subsection (g)(2).

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

20 (4) Not later than 75 days after the first public
21 hearing on the application, the authorizer that received the
22 application shall grant or deny the application.

23 (5) An application shall be deemed approved by the
24 authorizer upon affirmative vote by a majority of all members
25 of the authorizer. Formal action approving or denying the
26 application shall be taken at a public meeting, with notice
27 or consideration of the application given by the authorizer
28 under 65 Pa.C.S. Ch. 7. The authorizer shall give the
29 applicant at least 48 hours written or electronic notice of
30 the meeting at which the authorizer will be considering the

1 application.

2 (6) Written notice of the action of the authorizer shall
3 be sent to the applicant, the department and the commission.
4 If the application is denied, the reasons for the denial,
5 including a description of deficiencies in the application,
6 shall be clearly stated in the notice to the applicant. The
7 written notice shall be issued by the authorizer within 30
8 days of the denial of the application.

9 (7) At the option of the applicant, a denied application
10 may be revised and resubmitted to the authorizer that denied
11 the application. If an application is revised and resubmitted
12 to the authorizer that denied the application, the authorizer
13 shall follow the procedures listed under paragraphs (2), (3),
14 (4), (5) and (6).

15 (8) The decision of the authorizer to deny a resubmitted
16 application after following the procedures under paragraph
17 (7) may be appealed to the appeal board as provided under
18 section 1724-C. Failure by the authorizer to hold a public
19 hearing and to grant or deny the application for a charter
20 school within the time periods specified under paragraphs
21 (2), (4), (5) and (6) shall permit the applicant for a
22 charter to file its application with the appeal board as
23 provided for under section 1724-C.

24 Section 1719-C. Regional charter school.

25 (a) Establishment.--

26 (1) A regional charter school may be established by any
27 individual or entity allowed under section 1718-C (a).

28 (2) A regional charter school may be established by
29 creating a new school or by converting an existing public
30 school building or a portion of an existing public school

1 building. Conversion of an existing public school building or
2 a portion of an existing public school building to a regional
3 charter school shall be accomplished in accordance with
4 section 1718-C(b).

5 (3) No regional charter school may be established or
6 funded by and no charter shall be granted to any sectarian
7 school, institution or other entity.

8 (4) A regional charter school must be organized as a
9 public, nonprofit corporation. A charter may not be granted
10 to any for-profit entity.

11 (b) Application.--The boards of school directors of one or
12 more school districts or the governing board of any combination
13 of one or more authorizers, may act jointly to receive and
14 consider an application for a regional charter school. Any
15 action to approve an application for a charter or to sign a
16 written charter of an applicant shall require an affirmative
17 vote of a majority of all the directors of each of the school
18 districts or a majority of the members of the governing board of
19 each of the initial approving authorities involved.

20 (c) Special conditions.--The provisions of this article
21 relating to charter schools and the powers and duties of
22 authorizers and the commission shall apply to regional charter
23 schools, except as provided under this article.

24 Section 1720-C. Hearings.

25 All hearings held by authorizers under this article shall be
26 conducted as follows:

27 (1) If the hearing is conducted by a local board of
28 school directors, the hearing shall be conducted in
29 accordance with 2 Pa.C.S. Ch. 5 Subch. B (relating to
30 practice and procedure of local agencies).

1 (2) If the hearing is conducted by the commission, the
2 hearing shall be conducted in accordance with 2 Pa.C.S. Ch. 5
3 Subch. A (relating to practice and procedure of Commonwealth
4 agencies).

5 Section 1721-C. Application.

6 (a) Contents and form.--The commission shall develop and
7 issue a standard application form that shall be used by all
8 applicants to establish a charter school entity. The application
9 to establish a charter school entity shall include all of the
10 following information:

11 (1) The identification of the charter applicant.

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

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

14 (4) An organizational chart clearly presenting the
15 proposed governance structure of the school, including lines
16 of authority and reporting between the board of trustees,
17 administrators, staff and any educational management service
18 provider that will play a role in providing management
19 services to the charter school entity.

20 (5) A clear description of the roles and
21 responsibilities for the board of trustees, administrators
22 and any other entities, including a charter school
23 foundation, shown in the organizational chart.

24 (6) A clear description and method for the appointment
25 or election of members of the board of trustees.

26 (7) Standards for board performance, including
27 compliance with all applicable laws, regulations and terms of
28 the charter.

29 (8) If the charter school entity intends to contract
30 with an educational management service provider for services,

1 all of the following:

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

8 (ii) A term sheet setting forth all of the
9 following:

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

13 (B) The proposed duration of the service
14 contract.

15 (C) Roles and responsibilities of the governing
16 board, the school staff and the educational
17 management service provider.

18 (D) The scope of services, personnel and
19 resources to be provided by the educational
20 management service provider.

21 (E) Performance evaluation measures and time
22 lines.

23 (F) The compensation structure, including clear
24 identification of all fees to be paid to the
25 educational management service provider.

26 (G) Methods of contract oversight and
27 enforcement.

28 (H) Investment disclosure or the advance of
29 moneys by the educational management service provider
30 on behalf of the charter school entity.

1 (I) Conditions for renewal and termination of
2 the contract.

3 (iii) Disclosure and explanation of any existing or
4 potential conflicts of interest between the members of
5 the board of trustees and the proposed educational
6 management service provider or any affiliated business
7 entities, including a charter school foundation qualified
8 as a support organization under the Internal Revenue Code
9 of 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq.).

10 (9) The mission and educational goals of the charter
11 school entity, the curriculum to be offered and the methods
12 of assessing whether students are meeting educational goals.

13 (10) The admission policy and criteria for evaluating
14 the admission of students, which shall comply with section
15 1726-C.

16 (11) Procedures which will be used regarding the
17 suspension or expulsion of pupils, which shall comply with
18 section 1318.

19 (12) Information on the manner in which community groups
20 will be involved in the charter school planning process.

21 (13) The financial plan for the charter school entity
22 and the provisions which will be made for auditing the school
23 under section 437, including the role of any charter school
24 foundation.

25 (14) Procedures which shall be established to review
26 complaints of parents regarding the operation of the charter
27 school entity.

28 (15) A description and address of the physical facility,
29 if already determined, in which the charter school entity
30 will be located, the ownership of the physical facility and

1 any lease arrangements.

2 (16) Information on the proposed school calendar for the
3 charter school entity including the length of the school day
4 and school year, consistent with section 1502.

5 (17) The proposed faculty, if already determined and a
6 professional development and continuing education plan for
7 the faculty and professional staff of a charter school
8 entity.

9 (18) Whether any agreements have been entered into or
10 plans developed with the local school district regarding
11 participation of the charter school entity students in
12 extracurricular activities within the school district.
13 Notwithstanding any other provision of law, no school
14 district of residence shall prohibit a student of a charter
15 school entity from participating in any extracurricular
16 activity of that school district of residence if the student
17 is able to fulfill all of the requirements of participation
18 in the activity and the charter school entity does not
19 provide the same extracurricular activity.

20 (19) A report of criminal history record under section
21 111 for all board members, employees and volunteers
22 identified in the application who shall have direct contact
23 with students and a plan for satisfying the proper criminal
24 history record clearances required for all other staff.

25 (20) An official clearance statement regarding child
26 injury or abuse from the Department of Public Welfare as
27 required under 23 Pa.C.S. Ch. 63 Subch. C.2 (relating to
28 background checks for employment in schools) for all board
29 members, employees and volunteers identified in the
30 application who shall have direct contact with students and a

1 plan for satisfying the proper official clearance statement
2 regarding child injury or abuse required for all other staff.

3 (21) How the charter school entity will provide adequate
4 liability and other appropriate insurance for the charter
5 school, its employees and the board of trustees of the
6 charter school.

7 (22) Policies regarding truancy, absences and withdrawal
8 of students, including the manner in which the charter school
9 or regional charter school will monitor attendance consistent
10 with section 1715-C(a) (8).

11 (23) How the charter school will meet the standards
12 included in the performance matrix developed by the
13 commission under section 1704-C(h) (12).

14 (24) An indication on whether or not the charter school
15 entity will seek accreditation by a body recognized by the
16 commission under section 1704-C(h) (13).

17 (b) Cyber charter school application.--The commission shall
18 develop a standard application form for cyber charter school
19 applicants. In addition to the requirements of subsection (a),
20 an application to establish a cyber charter school shall also
21 include the following:

22 (1) An explanation of the amount of online time required
23 for elementary and secondary students.

24 (2) The manner in which teachers will deliver
25 instruction, assess academic progress and communicate with
26 students to provide assistance.

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

30 (4) The technology, including types of hardware and

1 software, equipment and other materials which will be
2 provided by the cyber charter school to the student.

3 (5) A description of how the cyber charter school will
4 define and monitor a student's school day, including the
5 delineation of online and offline time.

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

12 (7) The technical support that will be available to
13 students and parents or guardians.

14 (8) The privacy and security measures to ensure the
15 confidentiality of data gathered online.

16 (9) The methods to be used to ensure the authenticity of
17 student work and adequate proctoring of examinations.

18 (10) The provision of education and related services to
19 students with disabilities, including evaluation and the
20 development and revision of individualized educational
21 programs.

22 (11) Policies regarding truancy, absences and withdrawal
23 of students, including the manner in which the cyber charter
24 school will monitor attendance consistent with commission
25 policies, procedures and regulations established under
26 section 1704-C(h) (14) and as required under section
27 1715-C(a).

28 (12) The types and frequency of communication between
29 the cyber charter school and the student and the manner in
30 which the cyber charter school will communicate with parents

1 and guardians.

2 (13) The addresses and ownership of all facilities and
3 offices of the cyber charter school and any lease
4 arrangements.

5 (c) Additional terms.--An authorizer may not impose
6 additional terms, develop its own application or require
7 additional information in contradiction of the standard
8 application form required under subsection (a).

9 (d) Limitation.--

10 (1) A charter school applicant shall be prohibited from
11 submitting an application for a charter school at a single
12 location to more than one authorizer at one time. Nothing in
13 this section shall prohibit a regional charter school from
14 applying to multiple authorizers as provided for under
15 section 1719-C.

16 (2) An applicant for a charter school that fails to
17 comply with this section may be subject to a denial of the
18 charter application or revocation of an approved charter.

19 (3) Nothing under this subsection shall prohibit an
20 applicant for a charter school at a single location from
21 submitting the same or a similar application to another
22 authorizer after the completion of the application process
23 required under section 1718-C, upon formal withdrawal of
24 their application with the authorizer during the application
25 process or the completion of the appeal process under section
26 1724-C.

27 Section 1722-C. Charter.

28 (a) Development.--Upon approval of an application under
29 section 1718-C, a written charter shall be developed which shall
30 contain the provisions of the application required under section

1 1721-C. The charter shall be signed by the authorizer and the
2 board of trustees of the charter school entity. The written
3 charter, when duly signed by the authorizer and the school's
4 board of trustees, shall act as legal authorization for the
5 establishment and operation of a charter school entity and shall
6 be legally binding on both the board of trustees and on the
7 authorizer. A charter may be granted only for a school organized
8 as a public, nonprofit corporation.

9 (b) Amendments.--A charter school entity shall have the
10 ability to request amendments to its approved written charter by
11 filing a written document describing the requested amendment to
12 the authorizer. Within 30 days of its receipt of the request for
13 an amendment, the authorizer shall hold a public hearing on the
14 requested amendment under section 1720-C and 65 Pa.C.S. Ch. 7
15 (relating to open meetings). Within 30 days after the hearing,
16 the authorizer must grant or deny the requested amendment.
17 Failure by the authorizer to hold a public hearing and to grant
18 or deny the amendments within the time period specified shall be
19 deemed an approval. An applicant for an amendment shall have the
20 right to appeal the denial of a requested amendment to the
21 appeal board provided for under section 1724-C.

22 Section 1723-C. Renewal, nonrenewal and termination.

23 (a) Terms.--An initial written charter shall be valid for a
24 period of five years and shall be renewed for a period of ten
25 years upon reauthorization by an authorizer.

26 (b) Renewal process.--A charter school entity seeking
27 renewal shall send an intent to renew letter to the original
28 authorizer no later than October 1 of the final school year of
29 the charter school's current charter, except that an intent to
30 renew letter for a charter that was transferred or consolidated

1 under section 1734-C must be submitted to the commission. The
2 authorizer shall conduct a comprehensive review of the annual
3 reports and assessments required under section 1731-C and, if
4 appropriate, renew the charter for a period of ten years. If an
5 authorizer fails to act upon the expiration of initial or
6 renewed charter, the charter shall be deemed to be renewed for a
7 period of ten years.

8 (c) Authorizer review.--

9 (1) During the term of the charter or at the end of the
10 term of the charter, the authorizer may choose to revoke or
11 not to renew the charter based on any of the following:

12 (i) One or more material violations of any of the
13 conditions, standards or procedures contained in the
14 written charter signed under section 1722-C.

15 (ii) Failure to meet the requirements for student
16 performance or failure to meet any performance standard
17 set forth in the written charter signed under section
18 1722-C.

19 (iii) Failure to meet generally accepted standards
20 of fiscal management or audit requirements.

21 (iv) Failure to maintain the financial ability to
22 continue as an ongoing concern according to generally
23 accepted accounting principles.

24 (v) Violation of any of the provisions of this
25 article.

26 (vi) Violation of any provision of law from which
27 the charter school entity has not been exempted,
28 including Federal laws and regulations governing children
29 with disabilities.

30 (vii) Failure to satisfactorily meet the performance

1 standards set forth in the performance matrix developed
2 by the commission under section 1704-C(h) (12).

3 (2) If the health or safety of the school's pupils,
4 staff or both is at serious risk, the authorizer may take
5 immediate action to revoke a charter.

6 (d) Removal of board member or administrator.--If, after a
7 hearing under this section, an authorizer proves by a
8 preponderance of the evidence that an administrator or board
9 member has violated this article, the terms and conditions of
10 the charter or any other law, the authorizer shall have the
11 authority to require the charter school entity to replace the
12 administrator or board member in order to obtain renewal of the
13 charter. The authorizer may refer its findings to the district
14 attorney with jurisdiction or to the Office of Attorney General
15 for prosecution if the authorizer discovers or receives
16 information about possible violations of law by any person
17 affiliated with or employed by a charter school entity.

18 (e) Notice of revocation or nonrenewal.--Any notice of
19 revocation or nonrenewal of a charter shall state the grounds
20 for the action with reasonable specificity and give reasonable
21 notice to the board of trustees of the charter school entity of
22 the date on which a public hearing concerning the revocation or
23 nonrenewal will be held. The authorizer shall conduct the
24 hearing under section 1720-C and present evidence in support of
25 the grounds for revocation or nonrenewal stated in its notice
26 and give the charter school entity reasonable opportunity to
27 offer testimony and amendments under section 1722-C(b) before
28 taking final action. Formal action revoking or not renewing a
29 charter shall be taken by the authorizer at a public meeting
30 under section 1720-C and 65 Pa.C.S. Ch. 7 (relating to open

1 meetings) and after the public has had 30 days to provide
2 comments to the members of the commission or the local board of
3 school directors.

4 (f) Dissolution.--

5 (1) If a charter is revoked, not renewed, forfeited,
6 surrendered or otherwise ceases to operate, the charter
7 school entity shall be dissolved. The charter school entity
8 shall provide its authorizer with a resolution passed by the
9 board of trustees identifying the name, address, e-mail
10 address, fax number and telephone number of the person who
11 has been authorized to proceed with the dissolution of the
12 charter school entity. The authorized person shall be
13 responsible for marshaling the assets of the school,
14 disposing of the school's liabilities and obligations and
15 ensuring that student records are forwarded to each student's
16 school district of residence as required under subsection
17 (g).

18 (2) After the disposition of any liabilities and
19 obligations of the charter school or regional charter school,
20 the person authorized under paragraph (1) shall distribute
21 any remaining assets of the school, both real and personal,
22 on a proportional basis to the school entities with students
23 enrolled in the charter school or regional charter school for
24 the last full or partial school year of the charter school or
25 regional charter school.

26 (3) After the disposition of any liabilities and
27 obligations of a cyber charter school, the person authorized
28 under paragraph (1) shall provide any remaining assets of the
29 cyber charter school to the department for distribution to
30 the school districts in which the students enrolled in cyber

1 charter school reside at the time of dissolution.

2 (4) School entities, authorizers or the Commonwealth
3 shall not be liable for any outstanding liabilities or
4 obligations of the charter school entity.

5 (g) Student application.--If a charter is revoked or is not
6 renewed, a student who attended the charter school entity shall
7 be eligible to enroll in another public school in the student's
8 school district of residence. Normal application deadlines shall
9 not apply to the enrollment. All student records maintained by
10 the charter school entity shall be forwarded to the student's
11 school district of residence.

12 Section 1724-C. Appeal process.

13 (a) Establishment.--The State Charter School Appeal Board is
14 established and shall consist of the Secretary of Education and
15 the following members who shall be appointed by the Governor by
16 and with the consent of a majority of all the members of the
17 Senate:

18 (1) A parent of a school-aged child enrolled at a
19 charter school entity.

20 (2) A school board member.

21 (3) A certified teacher actively employed in a public
22 school.

23 (4) A faculty member or administrative employee of an
24 institution of higher education.

25 (5) A member of the business community.

26 (6) A member of the State board.

27 (7) An administrator of a charter school entity.

28 (8) A member of the board of trustees of a charter
29 school entity.

30 (b) Chairman.--The Governor shall select the chairman of the

1 appeal board, who shall serve at the pleasure of the Governor.

2 (c) Terms.--The term of office of members of the appeal
3 board, other than the secretary and the parent member appointed
4 under subsection (a)(1), shall be for a period of four years or
5 until a successor is appointed and qualified, except that, of
6 the initial appointees, the Governor shall designate two
7 members to serve terms of two years, two members to serve terms
8 of three years and two members to serve terms of four years. A
9 parent member appointed under subsection (a)(1) shall serve a
10 term of four years as long as the member's child remains
11 enrolled in the charter school entity. Any appointment to fill a
12 vacancy shall be for the period of the unexpired term or until a
13 successor is appointed and qualified.

14 (d) Operation.--The appeal board shall meet as needed to
15 fulfill the purposes provided under this section. A majority of
16 the members of the appeal board shall constitute a quorum, and a
17 majority of the members of the appeal board shall have authority
18 to act upon any matter properly before the appeal board.
19 Meetings of the appeal board shall be conducted under 65 Pa.C.S.
20 Ch. 7 (relating to open meetings). Documents of the appeal board
21 shall be subject to the Right-to-Know Law. The appeal board is
22 authorized to establish rules for its operation.

23 (e) Compensation.--The members shall receive no payment for
24 their services. Members who are not employees of State
25 government shall be reimbursed for expenses incurred in the
26 course of their official duties from funds appropriated for the
27 general government operations of the department.

28 (f) Assistance.--The department shall provide assistance and
29 staffing for the appeal board. The Office of General Counsel
30 shall provide legal advice and assistance as the appeal board

1 may require.

2 (g) Review by appeal board.--The following shall apply:

3 (1) The appeal board shall have the exclusive review of
4 an appeal by a charter school entity applicant or by the
5 board of trustees of an existing charter school entity of a
6 decision made by an authorizer to:

7 (i) Deny a charter under section 1718-C.

8 (ii) Deny amendments to a charter under section
9 1722-C.

10 (iii) Revoke or refuse to renew a charter under
11 section 1723-C.

12 (2) In an appeal under this subsection, the decision
13 made by the authorizer shall be reviewed by the appeal board.
14 The appeal board shall accept all appeals within 30 days of
15 receipt of the appeal. The appeal board shall give due
16 consideration to the findings of the authorizer and
17 specifically articulate its reasons for agreeing or
18 disagreeing with those findings in its written decision. The
19 appeal board shall have discretion to allow the authorizer
20 and the charter school entity applicant to supplement the
21 record if the supplemental information was previously
22 unavailable.

23 (3) Not later than 30 days after the date of notice of
24 acceptance of the appeal, the appeal board shall meet to
25 officially review the certified record.

26 (4) Not later than 60 days after the review conducted
27 under paragraph (2), the appeal board shall issue a written
28 decision affirming or denying the appeal. If the appeal board
29 has affirmed the decision of the authorizer, notice shall be
30 provided to both parties.

1 (5) In the case of a review by the appeal board of an
2 initial application denied by an authorizer, the decision of
3 the appeal board to reverse the decision of the authorizer
4 shall serve as a requirement for the authorizer to grant the
5 application and sign the written charter of the charter
6 school under section 1722-C. If the authorizer fails to grant
7 the application and sign the charter within ten days of
8 notice of the reversal of the decision of the authorizer, the
9 charter shall be deemed to be approved and shall be signed by
10 the chairman of the appeal board.

11 (6) In the case of a review by the appeal board of an
12 amendment to a written charter denied by an authorizer, the
13 decision of the appeal board to reverse the decision of the
14 authorizer shall serve as a requirement for the authorizer to
15 grant the amendment and sign the revised charter of the
16 charter school entity under section 1722-C. If the authorizer
17 fails to grant the amendment and sign the revised charter
18 within ten days of notice of the reversal of the decision of
19 the authorizer, the charter shall be deemed to be approved
20 and shall be signed by the chairman of the appeal board.

21 (7) (i) In the case of a review by the appeal board of
22 an application that is revoked or not renewed, the appeal
23 board shall review the record and shall have the
24 discretion to supplement the record if the supplemental
25 information was previously unavailable.

26 (ii) The appeal board may consider the charter
27 school entity plan, annual reports, student performance
28 and employee and community support for the charter school
29 entity in addition to the record.

30 (iii) The appeal board shall give due consideration

1 to the findings of the authorizer and specifically
2 articulate its reasons for agreeing or disagreeing with
3 those findings in its written decision.

4 (iv) If the appeal board determines that the charter
5 should not be revoked or should be renewed, the appeal
6 board shall order the authorizer to rescind its
7 revocation or nonrenewal decision.

8 (v) If the authorizer fails to rescind its
9 revocation or nonrenewal decision and sign the notice
10 within ten days of notice of the reversal of the decision
11 of the authorizer, the renewed charter shall be deemed to
12 be approved and shall be signed by the chairman of the
13 appeal board.

14 (8) Decisions of the appeal board shall be subject to
15 appellate review by Commonwealth Court.

16 (h) Effect of appeal.--The charter shall remain in effect
17 until final disposition by the court.

18 Section 1725-C. Facilities.

19 (a) Location.--A charter school entity may be located in an
20 existing public school building, in a part of an existing public
21 school building, in space provided on a privately owned site, in
22 a public building or in any other suitable location.

23 (b) Report.--The following shall apply:

24 (1) All school districts must submit an annual report of
25 the unused facilities that are owned by the school district
26 that may be suitable for the operation of a charter school
27 entity to the department no later than July 1 of each year.

28 (2) The department, in conjunction with the Department
29 of General Services, shall compile a list of unused
30 facilities, including unused facilities owned by the

1 Commonwealth, and publish it on its Internet website by
2 September 1 of each year. The department shall make the list
3 of unused facilities available to existing charter school
4 entities and applicants. The list shall include the address
5 of each building, the name of the owner of the building and
6 short description of the building.

7 (3) Each school district shall make any unused facility
8 not identified in an approved district growth plan available
9 for lease or for sale to charter school entities operating
10 within that school district. The terms of the use of the
11 facility by the charter school entity shall be subject to
12 negotiation between the school district and the school and
13 shall be memorialized as a separate agreement between all
14 parties. The agreement shall outline which party is
15 responsible for actual costs related to the facility,
16 including maintenance, insurance and other factors. No school
17 district may charge a charter school entity greater than fair
18 market value price for the sale, lease or rental of the
19 existing facility or for property formerly used by the school
20 district.

21 (4) A charter school entity allowed to use a facility
22 under an agreement under this subsection may not sell or
23 dispose of any interest in the property without written
24 permission of the school district.

25 (5) A school district shall give a charter school entity
26 using a school district's unused facility at least 180 days'
27 notice before selling, leasing or otherwise disposing of the
28 unused facility to a third party. A school district which
29 elects to sell an unused facility to a charter school entity
30 shall be exempt from section 707(1), (2) and (3).

1 (c) Exemption from regulations.--Except for public school
2 facility regulations pertaining to health or safety of students,
3 a charter school entity facility shall be exempt from public
4 school facility regulations.

5 (d) Multiple locations.--Notwithstanding any other provision
6 of this article, an authorizer, in its discretion, may permit a
7 charter school entity to operate at more than one location.

8 (e) Exemption from taxation.--The following shall apply:

9 (1) Notwithstanding section 204 of the act of May 22,
10 1933 (P.L.853, No.155), known as The General County
11 Assessment Law, all school property, real and personal, owned
12 by a charter school entity, an associated nonprofit
13 foundation or owned by a nonprofit corporation or associated
14 nonprofit corporation or nonprofit foundation and leased to a
15 charter school entity or associated nonprofit foundation or
16 associated nonprofit corporation at or below fair market
17 value, that is occupied and used by any charter school entity
18 for public school, recreation or any other purposes provided
19 for under this article shall be made exempt from every type
20 of State, county, city, borough, township or other real
21 estate tax, including payments in lieu of taxes established
22 through agreement with the Commonwealth or any local taxing
23 authority, as well as from all costs or expenses for paving,
24 curbing, sidewalks, sewers or other municipal improvements,
25 except that a charter school entity or owner of property
26 leased to a charter school entity may make a municipal
27 improvement in a street on which its school property abuts or
28 may contribute a sum toward the cost of the improvement.

29 (2) Any agreement entered into by a charter school
30 entity or associated nonprofit foundation or associated

1 nonprofit corporation with the Commonwealth or a local taxing
2 authority for payments in lieu of taxes prior to December 31,
3 2009, shall be null and void.

4 (3) This subsection shall apply retroactively to all
5 charter school entities and associated nonprofit foundations
6 and associated nonprofit corporations that filed an appeal
7 from an assessment, as provided under Article V of The
8 General County Assessment Law prior to the effective date of
9 this subsection and until the time as a final order has been
10 entered after due process of law.

11 (f) Alcoholic beverages.--The following shall apply:

12 (1) Alcoholic beverages shall not be available for
13 consumption, purchase or sale in any charter school entity
14 facility.

15 (2) If the authorizer reasonably believes that alcoholic
16 beverages have been made available for consumption, purchase
17 or sale in any charter school entity facility, the authorizer
18 shall notify the department, which shall order the following
19 forfeitures against the charter school entity:

20 (i) \$1,000 for the first violation.

21 (ii) \$5,000 for the second or subsequent violation.

22 (3) The charter school entity may appeal the order of
23 the secretary under 2 Pa.C.S. Chs. 5 (relating to practice
24 and procedure) and 7 (relating to judicial review).

25 Section 1726-C. Enrollment and notification.

26 (a) Enrollment.--The following shall apply:

27 (1) Enrollment of students in a charter school entity
28 shall not be subject to a cap or otherwise limited by any
29 past or future action of a local board of school directors, a
30 special board of control, a School Reform Commission or any

1 other governing authority of an authorizer.

2 (2) This subsection shall apply to a charter school
3 entity regardless of whether the charter was approved prior
4 to or is approved subsequent to the effective date of this
5 section.

6 (3) (i) All resident children in this Commonwealth
7 shall qualify for admission to a charter school entity
8 under paragraph (4).

9 (ii) If more students apply to the charter school
10 entity than the number of attendance slots available in
11 the school, students shall be selected on a random basis
12 from a pool of qualified applicants meeting the
13 established eligibility criteria and submitting an
14 application by the deadline set by the school, except
15 that the school may give preference in enrollment to a
16 child of a parent who actively participated in
17 development of the school, siblings of students presently
18 enrolled in the school and siblings of students selected
19 for enrollment during the lottery process. For charter
20 schools and regional charter schools, first preference
21 shall be given to students who reside in the district or
22 districts where the school is located.

23 (4) (i) A charter school entity shall not discriminate
24 in its admission policies or practices on the basis of
25 any of the following:

26 (A) Except as provided under subparagraph (ii),
27 intellectual ability.

28 (B) Athletic ability.

29 (C) Measures of achievement or aptitude.

30 (D) Status as a person with a disability.

1 (E) Proficiency in the English language.

2 (F) Any other basis that would be illegal if
3 utilized by a school district.

4 (ii) A charter school entity may limit admission to
5 a particular grade level, a targeted population group
6 composed of at-risk students or one or more areas of
7 concentration such as mathematics, language, science or
8 the arts.

9 (iii) A charter school entity may establish
10 reasonable criteria to evaluate prospective students
11 which shall be outlined in the school's charter.

12 (5) If there is available classroom space, a charter
13 school or regional charter school may enroll nonresident
14 students on a space-available basis and the student's school
15 district of residence shall permit the student to attend the
16 charter school. Terms and conditions of enrollment shall be
17 outlined in the school's charter.

18 (6) The commission shall develop and issue a standard
19 enrollment form that shall be used by all charter school
20 entities. A charter school entity may not impose additional
21 terms or require additional information outside the standard
22 enrollment form.

23 (b) Notification.--The following shall apply:

24 (1) Within ten days of enrollment of a student to a
25 charter school entity, the school shall notify the student's
26 school district of residence of the enrollment through the
27 use of a notification form developed by the commission. The
28 notification shall include:

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

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

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

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

7 (v) The signature of the parent or legal guardian of
8 the student and an authorized representative of the
9 charter school entity.

10 (2) If a school district which has received notice under
11 paragraph (1) determines that it is not the school district
12 of residence for the student, the following shall apply:

13 (i) Within ten days of receipt of the notice under
14 paragraph (1), the school district shall notify the
15 charter school entity and the department that the school
16 district is not the school district of residence for the
17 student. Notification of nonresidence shall include the
18 basis for the determination.

19 (ii) Within seven days of notification under
20 subparagraph (i), the charter school entity shall review
21 the notification of nonresidence, respond to the school
22 district and provide a copy of the response to the
23 department. If the charter school entity agrees that the
24 school district is not the school district of residence
25 for the student, it shall determine the proper school
26 district of residence for the student.

27 (iii) Within seven days of receipt of a response
28 under subparagraph (ii), the school district shall notify
29 the charter school entity that it agrees or does not
30 agree with the school's determination.

1 (iv) A school district that has notified the charter
2 school entity that it does not agree shall appeal to the
3 department for a final determination.

4 (v) Decisions of the department regarding the school
5 district of residence of a student shall be subject to
6 review by Commonwealth Court.

7 (vi) The secretary shall continue to make payments
8 to a charter school entity under section 1728-C during
9 the time in which the school district of residence of a
10 student is in dispute.

11 (vii) If a final determination is made that a
12 student is not a resident of an appealing school
13 district, the charter school entity shall return all
14 funds provided on behalf of that student to the school
15 district of residence within 30 days.

16 (3) (i) Within ten days of receipt of the notification
17 form under paragraph (1), the school district of
18 residence shall provide the charter school entity with
19 all records relating to the student, including
20 transcripts, test scores and a copy of any individualized
21 educational program for that student.

22 (ii) If a school district of residence fails to
23 provide the student's record within 30 days after
24 receiving the documentation from the charter school
25 entity, the secretary shall deduct and pay to the charter
26 school entity the estimated amount, as documented by the
27 charter school entity, from all State payments made to
28 the district or, if no payments have been made to the
29 district, from all State payments reasonably expected to
30 be made, after receipt of documentation from the charter

1 school entity.

2 (iii) The district from which the estimated payment
3 has been deducted under subparagraph (ii) may request a
4 hearing from the department which the secretary shall
5 hold within 30 days of the request. The secretary shall
6 render a decision after the hearing and shall not
7 delegate this duty unless there is a conflict from which
8 the secretary must recuse himself after full disclosure.

9 (iv) The district shall be liable for reasonable
10 legal fees incurred by a charter school entity in
11 attempting to obtain student records.

12 (v) Supersedeas may not be granted to the department
13 or the school district and, absent a court order, the
14 department may not hold any payments to a charter school
15 entity in escrow.

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

21 Section 1727-C. School staff.

22 (a) Terms of employment.--

23 (1) The board of trustees of a charter school entity
24 shall determine the level of compensation and all terms and
25 conditions of employment of the staff except as otherwise
26 provided under this article.

27 (2) At least 75% of the professional staff members of a
28 charter school entity shall hold appropriate State
29 certification.

30 (3) Employees of a charter school entity may organize

1 under the act of July 23, 1970 (P.L.563, No.195), known as
2 the Public Employe Relations Act.

3 (4) The board of trustees of a charter school entity
4 shall be considered an employer for purposes of Article XI-A.
5 Upon formation of one or more collective bargaining units at
6 the school, the board of trustees shall bargain with the
7 employees based on this article, Article XI-A and the Public
8 Employe Relations Act.

9 (5) Collective bargaining units at a charter school
10 entity shall be separate from any collective bargaining unit
11 of the school district in which the school is located from
12 any other collective bargaining unit.

13 (6) A charter school entity organized as a collective
14 bargaining unit shall be considered a school entity as
15 provided for under section 1161-A for the purpose of the
16 secretary's seeking an injunction requiring the charter
17 school entity to meet the minimum requirements for
18 instruction as provided for under this article.

19 (b) Charter applications.--Each charter application shall
20 list the general qualifications needed to staff any noncertified
21 positions. Professional employees who do not hold appropriate
22 State certification must present evidence that they:

23 (1) meet the qualifications under sections 1109 and
24 1209; and

25 (2) have demonstrated satisfactorily a combination of
26 experience, achievement and qualifications as defined in the
27 charter school application in basic skills, general
28 knowledge, professional knowledge and practice and subject
29 matter knowledge in the subject area which an individual will
30 teach.

1 (c) Employees.--

2 (1) All employees of a charter school entity shall be
3 enrolled in the Public School Employees' Retirement System in
4 the same manner as set forth under 24 Pa.C.S. § 8301(a)
5 (relating to mandatory and optional membership) unless at the
6 time of the application for the charter school entity the
7 sponsoring district or the board of trustees of the charter
8 school entity has a retirement program which covers the
9 employees or the employee is currently enrolled in another
10 retirement program.

11 (2) The Commonwealth shall make contributions on behalf
12 of charter school entity employees enrolled in the Public
13 School Employees' Retirement System. The charter school
14 entity shall be considered a school district and shall make
15 payments by employers to the Public School Employees'
16 Retirement System and payments on account of Social Security
17 as established under 24 Pa.C.S. Pt. IV (relating to
18 retirement for school employees).

19 (3) The market value/income aid ratio used in
20 calculating payments as prescribed under this subsection
21 shall be the market value/income aid ratio for the school
22 district in which the charter school is located or, in the
23 case of a regional charter school or cyber charter school,
24 shall be a composite market value/income aid ratio for the
25 participating school districts as determined by the
26 department.

27 (4) Except as otherwise provided, employees of a charter
28 school entity shall make regular member contributions as
29 required for active members under 24 Pa.C.S. Pt. IV.

30 (5) If the employees of the charter school entity

1 participate in another retirement plan, those employees shall
2 have no concurrent claim on the benefits provided to public
3 school employees under 24 Pa.C.S. Pt. IV.

4 (6) For purposes of this subsection, a charter school
5 entity shall be deemed to be a "public school" as defined in
6 24 Pa.C.S. § 8102 (relating to definitions).

7 (d) Benefits.--

8 (1) Every employee of a charter school shall be provided
9 similar health care benefits as the employee would be
10 provided if he or she were an employee of the local district.

11 (2) The local board of school directors may require the
12 charter school to provide similar terms and conditions with
13 regard to health insurance as the collective bargaining
14 agreement of the school district to include employee
15 contributions to the district's health benefits plan.

16 (3) The charter school shall make any required
17 employer's contribution to the district's health plan to an
18 insurer, an authorizer or a contractual representative of
19 school employees, whichever is appropriate to provide the
20 required coverage.

21 (e) Leave of absence.--A public school employee of a school
22 entity may request a leave of absence for up to five years in
23 order to work in a charter school located in the district of
24 employment, in a cyber charter school or in a regional charter
25 school in which the employing school district is a participant.
26 Approval for a leave shall not be unreasonably withheld.

27 (f) Temporary employees.--

28 (1) Temporary professional employees on leave from a
29 school district may accrue tenure in the noncharter public
30 school system at the discretion of the local board of school

1 directors in the same manner as they would under Article XI
2 if they had continued to be employed by that district.

3 (2) Professional employees on leave from a school
4 district shall retain their tenure rights, as provided for in
5 Article XI, in the school entity from which they came. No
6 temporary professional employee or professional employee
7 shall have tenure rights against a charter school entity.

8 (3) Both temporary professional employees and
9 professional employees shall continue to accrue seniority in
10 the school entity from which they came if they return to that
11 school entity when the leave ends.

12 (g) Professional employees.--Professional employees who hold
13 a first-level teaching or administrative certificate may, at
14 their option, have the time completed in satisfactory service in
15 a charter school entity applied to the length of service
16 requirements for the next level of certification.

17 (h) Right to return.--The following shall apply:

18 (1) (i) A temporary professional employee or
19 professional employee who leaves employment at a charter
20 school entity shall have the right to return to a
21 comparable position for which the person is properly
22 certified in the school entity which granted the leave of
23 absence.

24 (ii) If a teacher has been dismissed by the charter
25 school entity, the school entity that granted the leave
26 of absence shall be provided by the charter school entity
27 with the reasons for the dismissal at the time it occurs,
28 a list of any witnesses who were relied on by the charter
29 school entity in moving for dismissal, a description of
30 and access to any physical evidence used by the charter

1 school entity in moving for dismissal and a copy of any
2 record developed at any dismissal proceeding conducted by
3 the charter school entity.

4 (iii) The record of the hearing may be admissible in
5 a hearing before the school entity which granted the
6 leave of absence.

7 (iv) Nothing under this section shall affect the
8 authority of the board of school directors to initiate
9 proceedings under Article XI if the board determines that
10 occurrences at the charter school entity leading to
11 dismissal of a teacher constitute adequate and
12 independent grounds for discipline under section 1122.

13 (2) No temporary employee or professional employee who
14 is leaving employment at a charter school entity shall be
15 returned to a position in the public school district that
16 granted his leave of absence until the public school district
17 is in receipt of a current criminal history record under
18 section 111 and the official clearance statement regarding
19 child injury or abuse from the Department of Public Welfare
20 as required under 23 Pa.C.S. Ch. 63 Subch. C.2 (relating to
21 background checks for employment in schools).

22 (i) Criminal history.--All individuals who have direct
23 contact with students shall be required to submit a report of
24 criminal history record information required under section 111
25 prior to accepting a position with the charter school entity.
26 This subsection shall apply to all individuals who have direct
27 contact with students, including volunteers who work on a full-
28 time or part-time basis at the charter school entity.

29 (j) Official clearance statement.--All applicants for a
30 position as a school employee and any individual who volunteers

1 to work on a full-time or part-time basis at a charter school
2 entity shall be required to submit the official clearance
3 statement regarding child injury or abuse from the Department of
4 Public Welfare as required under 23 Pa.C.S. Ch. 63 Subch. C.2.
5 Section 1728-C. Funding.

6 (a) General rule.--Funding for a charter school entity shall
7 be provided in the following manner:

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

10 (2) (i) For nonspecial education students, the charter
11 school entity shall receive for each student enrolled no
12 less than the budgeted total expenditure per average
13 daily membership of the prior school year, as defined in
14 section 2501(20), minus the budgeted expenditures of the
15 district of residence for all of the following:

16 (A) Nonpublic school programs.

17 (B) Adult education programs.

18 (C) Community and junior college programs.

19 (D) Student transportation services when
20 provided to the charter school entity.

21 (E) Programs and services to the extent they are
22 funded from the proceeds of competitive grants from
23 private or public sources or from contributions or
24 donations from private sources.

25 (F) Special education programs.

26 (G) Facilities acquisition, construction and
27 improvement services.

28 (H) Other financing uses, including debt service
29 and fund transfers as provided in the Manual of
30 Accounting and Related Financial Procedures for

1 Pennsylvania School Systems established by the
2 department. The amount shall be calculated by each
3 school district on a form prescribed by the secretary
4 in accordance with this section. The secretary, upon
5 receipt of a district's calculation, shall review the
6 district's calculation and may request supporting
7 documentation from the district regarding its
8 calculation. If the secretary finds an error or
9 discrepancy in a district's calculation, the
10 secretary shall require the district to correct the
11 calculation and require the school district to notify
12 affected charter schools.

13 (ii) (A) The amount under subparagraph (i) shall be
14 paid by the school district of residence of each
15 student by deduction and transfer from all State
16 payments to the district as provided under paragraph
17 (5).

18 (B) If a charter school entity disputes the
19 accuracy of a district's calculation under this
20 paragraph, the charter school entity shall file a
21 notice of the dispute with the secretary who shall
22 hold a hearing to determine the accuracy of the
23 district's calculation within 30 days of the notice.

24 (C) The secretary shall determine the accuracy
25 of the district's calculation within 30 days of the
26 hearing.

27 (D) The district shall bear the burden of
28 production and proof with respect to its calculation
29 under this paragraph.

30 (E) The district shall be liable for the

1 reasonable legal fees incurred by a charter school
2 entity if the charter school entity is the
3 substantially prevailing party after a hearing under
4 this section. The charter school entity shall be
5 liable for the reasonable legal fees incurred by the
6 district if the district is the substantially
7 prevailing party after a hearing under this section.

8 (F) All decisions of the secretary under this
9 paragraph shall be subject to appellate review by
10 Commonwealth Court.

11 (3) (i) For special education students, the charter
12 school entity shall receive for each student enrolled the
13 same funding as for each nonspecial education student as
14 provided under paragraph (2), plus an additional amount
15 determined by dividing the school district of residence's
16 total special education expenditure by the product of
17 multiplying the combined percentage of section 2509.5(k)
18 applicable to the school year times the school district
19 of residence's total average daily membership for the
20 prior school year.

21 (ii) The amount under subparagraph (i) shall be paid
22 by the school district of residence of each student by
23 deduction and transfer from all State payments to the
24 district as provided under paragraph (5).

25 (iii) If a charter school entity disputes the
26 accuracy of a district's calculation under this
27 paragraph, the charter school entity shall file a notice
28 of the dispute with the secretary, who shall hold a
29 hearing to determine the accuracy of the district's
30 calculation within 30 days of the notice.

1 (iv) The secretary shall determine the accuracy of
2 the district's calculation within 30 days of the hearing.

3 (v) The district shall bear the burden of production
4 and proof with respect to its calculation under this
5 paragraph.

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

14 (vii) All decisions of the secretary under this
15 section shall be subject to appellate review by
16 Commonwealth Court.

17 (4) A charter school entity may request the intermediate
18 unit or school district in which the school is located to
19 provide services to assist the school to address the specific
20 needs of nonspecial education and exceptional students. The
21 intermediate unit or school district shall assist the charter
22 school entity and bill the school for the services. The
23 intermediate unit may not charge the charter school entity
24 more for any service than it charges the constituent
25 districts of the intermediate unit. Nothing under this
26 section shall preclude an intermediate unit or school
27 district from contracting with a charter school entity to
28 provide the intermediate unit or school district with
29 services to assist the intermediate unit or school district
30 to address specific needs of nonspecial education and special

1 education students.

2 (5) (i) Payments shall be made to the charter school
3 entity in 12 equal monthly payments, by the fifth day of
4 each month, within the operating school year.

5 (ii) Payments shall be made by the secretary
6 deducting and paying to the charter school entity the
7 estimated amount, as documented by the charter school
8 entity, from all State payments made to the district or
9 if no payments have been made to the district, from all
10 State payments reasonably expected to be made, after
11 receipt of documentation from the charter school entity
12 as to its enrollment.

13 (iii) If there are insufficient State payments being
14 made to a district to cover all charter school entity
15 deductions and transfers, the district shall be
16 responsible for paying the unpaid balance directly to the
17 charter school entity by the 15th day of each month.

18 (iv) A student enrolled in a charter school entity
19 shall be included in the average daily membership of the
20 student's school district of residence for the purpose of
21 providing basic education funding payments and special
22 education funding under Article XXV.

23 (6) (i) Within 30 days after the secretary transfers
24 the funds described under paragraph (5), a school
25 district may notify the secretary that the deduction made
26 from State payments to the district under this subsection
27 is inaccurate.

28 (ii) The secretary shall provide the school district
29 with an opportunity to be heard concerning whether the
30 charter school entity documented that its students were

1 enrolled in the charter school entity, the period of time
2 during which each student was enrolled, the school
3 district of residence of each student and whether the
4 amounts deducted from the school district were accurate.

5 (iii) The burden of proof and production at the
6 hearing shall be on the school district. A hearing shall
7 not be held before the secretary deducts and transfers to
8 the charter school entity the amount estimated by the
9 charter school entity.

10 (iv) The district shall be liable for the reasonable
11 legal fees incurred by a charter school entity if the
12 charter school entity is the substantially prevailing
13 party after a hearing under this section. The charter
14 school entity shall be liable for the reasonable legal
15 fees incurred by the district if the district is the
16 substantially prevailing party after a hearing under this
17 section.

18 (v) All decisions of the secretary under this
19 section shall be subject to appellate review by
20 Commonwealth Court.

21 (vi) Supersedeas shall not be granted to the
22 secretary or any party to the proceeding on an appeal
23 from the decision of the secretary under this section
24 and, absent a court order, the secretary shall not hold
25 any payments in escrow.

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

1 (c) Requests or demands for gifts.--It shall be unlawful for
2 any trustee of a charter school entity or any board of trustees
3 of a charter school entity or any other person affiliated in any
4 way with a charter school entity to demand or request, directly
5 or indirectly, any gift, donation or contribution of any kind
6 from any parent, teacher, employee or any other person
7 affiliated with the school as a condition for employment or
8 enrollment and continued attendance of any pupil. Any donation,
9 gift or contribution received by a charter school entity must be
10 given freely and voluntarily.

11 (d) Discounts.--A cyber charter school shall not provide
12 discounts to a school district or waive payments under this
13 section for any student.

14 Section 1729-C. Transportation.

15 (a) General rules.--

16 (1) Except as provided under paragraph (2), students who
17 attend any of the following shall be provided free
18 transportation to the charter school or regional charter
19 school by their school district of residence on the dates and
20 periods that the charter school or regional charter school is
21 in session whether or not transportation is provided on the
22 dates and periods to students attending schools of the
23 district:

24 (i) A charter school located in their school
25 district of residence.

26 (ii) A regional charter school of which the school
27 district is a part.

28 (iii) A charter school located outside district
29 boundaries at a distance not exceeding ten miles by the
30 nearest public highway.

1 (2) (i) Except as provided under subparagraph (ii),
2 transportation shall not be required for elementary
3 students, including kindergarten students, residing
4 within one and one-half miles or for secondary students
5 residing within two miles of the nearest public highway
6 from the charter school or regional charter school in
7 which the students are enrolled unless the road or
8 traffic conditions are such that walking constitutes a
9 hazard to the safety of the students when certified by
10 the Department of Transportation.

11 (ii) If the school district provides transportation
12 to the public schools of the school district for
13 elementary students, including kindergarten students,
14 residing within one and one-half miles or for secondary
15 students residing within two miles of the nearest public
16 highway under nonhazardous conditions, transportation
17 shall be provided to charter schools and regional charter
18 schools under the same conditions.

19 (3) Districts providing transportation to a charter
20 school or regional charter school outside the district and,
21 for the 2007-2008 school year and each school year
22 thereafter, districts providing transportation to a charter
23 school or regional charter school within the district shall
24 be eligible for payments under section 2509.3 for each public
25 school student transported. A school district shall not be
26 responsible for providing transportation to a charter school
27 or regional charter school located outside the borders of
28 this Commonwealth.

29 (4) If a school district does not provide transportation
30 to a charter school or regional charter school student

1 because the student's placement is outside the district
2 boundaries at a distance of more than ten miles by the
3 nearest public highway, when determining the per pupil
4 subsidy to be paid under section 1728-C by the school
5 district to the charter school or regional charter school for
6 that student, the district shall not be entitled to subtract
7 its student transportation services expenses.

8 (b) School districts of the first class.--In addition to any
9 other requirements under this section, school districts of the
10 first class shall provide transportation to students who attend
11 a charter school or regional charter school if they are the same
12 age or are enrolled in the same grade, grades or their grade
13 equivalents as any of the students of the school district for
14 whom transportation is provided under any program or policy to
15 the schools of the school district.

16 (c) Students with disabilities.--

17 (1) In addition to any other requirements under this
18 section, the school district of residence of a student who is
19 eligible under the Individuals with Disabilities Education
20 Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.) or is a
21 protected student with disabilities under section 504 of the
22 Rehabilitation Act of 1973 (Public Law 93-112, 29 U.S.C. §
23 701 et seq.) who is enrolled in a charter school entity shall
24 be responsible for providing free transportation to the
25 charter school entity student to any alternative location,
26 school or building in which the charter school entity student
27 has been alternatively placed, provided that the alternative
28 locations, schools or buildings are located within the
29 district boundaries or outside the district boundaries at a
30 distance not exceeding ten miles by the nearest public

1 highway.

2 (2) The transportation under paragraph (1) shall be
3 provided on the dates and periods as required by the
4 student's individualized educational program or section 504
5 of the Rehabilitation Act of 1973 service agreement whether
6 or not transportation is provided on the dates and periods to
7 students attending schools of the district.

8 (3) If a school district does not provide transportation
9 to an alternatively placed student because the student's
10 alternative placement is outside the district boundaries at a
11 distance of more than ten miles by the nearest public
12 highway, when determining the per pupil subsidy to be paid
13 under section 1728-C by the school district to the charter
14 school entity for that student, the district shall not be
15 entitled to subtract its student transportation services
16 expenses.

17 (d) Payment.--

18 (1) If the secretary determines that a school district
19 is not providing the required transportation to students to
20 the charter school entity the department shall pay directly
21 to the charter school entity funds for costs incurred in the
22 transportation of its students.

23 (2) For each eligible student transported, the charter
24 school entity shall receive a payment equal to the total
25 expenditures for transportation of the school district
26 divided by the total number of school students transported by
27 the school district under any program or policy.

28 (3) Within 30 days after receipt of the documentation
29 from the charter school entity, the secretary shall deduct
30 and pay the charter school entity the estimated amount, as

1 documented by the charter school entity from the State
2 payment made to the district for transportation.

3 (4) The district from which the estimated transportation
4 payment has been deducted may request a hearing from the
5 department which the secretary shall hold within 30 days of
6 the request.

7 (5) The secretary shall render a decision after the
8 hearing and shall not delegate this duty unless there is a
9 conflict from which he must recuse himself after full
10 disclosure.

11 (6) The district shall be liable for the reasonable
12 legal fees incurred by a charter school entity in attempting
13 to obtain payment by the district.

14 (7) The charter school entity shall be liable for the
15 reasonable legal fees incurred by the district if the
16 district is the substantially prevailing party after a
17 hearing under this section.

18 (8) Supersedeas shall not be granted to the department
19 or the school district and, absent a court order, the
20 department shall not hold any payments in escrow.

21 (e) Current transportation policy.--A school district of the
22 first class shall submit a copy of its current transportation
23 policy to the department no later than August 1 of each year.

24 Section 1730-C. Tort liability.

25 For purposes of tort liability, employees of the charter
26 school entity shall be considered public employees and the board
27 of trustees shall be considered the public employer in the same
28 manner as political subdivisions and local agencies. The board
29 of trustees of a charter school entity and the charter school
30 entity shall be solely liable for all damages of any kind

1 resulting from any legal challenge involving the operation of a
2 charter school entity. Notwithstanding this section, the local
3 board of directors of a school entity or an authorizer may not
4 be held liable for any activity or operation related to the
5 program of the charter school entity.

6 Section 1731-C. Annual reports and assessments.

7 (a) Duty.--

8 (1) The authorizer shall annually assess on a standard
9 form developed by the commission whether each charter school
10 entity is meeting the goals of its charter and shall conduct
11 a comprehensive review prior to the renewal process as
12 outlined in section 1723-C.

13 (2) The authorizer shall have ongoing reasonable access
14 to the records and facilities of the charter school entity to
15 ensure that the school is in compliance with its charter,
16 this article and that the requirements for testing, civil
17 rights and student health and safety are being met. Ongoing
18 reasonable access to a charter school entity's records shall
19 mean that the authorizer shall have access to records such as
20 financial reports, financial audits, aggregate standardized
21 test scores without student identifying information and
22 teacher certification and personnel records.

23 (3) Schools and their authorizers shall comply fully
24 with the requirements of the Family Educational Rights and
25 Privacy Act of 1974 (Public Law 90-247, 20 U.S.C. § 1232g)
26 and associated regulations.

27 (4) No personally identifiable information from
28 education records shall be provided by the charter school
29 entity to its authorizer except in compliance with the Family
30 Educational Rights and Privacy Act of 1974.

1 (b) Annual report.--

2 (1) In order to facilitate the authorizer's review, each
3 charter school entity shall submit an annual report on a
4 standard form developed by the commission no later than
5 September 1 of each year to the authorizer. Within ten days
6 of receipt of the annual report, the authorizer shall certify
7 to the charter school entity that the annual report has been
8 received with an indication of the date of receipt. Within 30
9 days of the date of receipt, the authorizer shall certify to
10 the charter school entity that the annual report has been
11 reviewed and is complete or alternatively, has been reviewed
12 and is missing specific information referenced in the
13 certification.

14 (2) For fiscal year 2013-2014 and each fiscal year
15 thereafter, all authorizers shall submit an annual financial
16 report on a standard form developed by the commission to the
17 Governor's Office of the Budget, the Appropriations Committee
18 of the Senate, the Appropriation Committee of the House of
19 Representatives, the Education Committee of the Senate and
20 the Education Committee of the House of Representatives no
21 later than October 1 of each year. The financial report shall
22 list all oversight activities performed by the authorizer in
23 the previous year, as well as a financial accounting of all
24 staff and resources used for oversight activities for each
25 charter school entity chartered by the authorizer. The annual
26 financial report under this paragraph shall be a public
27 document under the Right-to-Know Law and shall be made
28 available on the authorizer's Internet website.

29 (c) Independent audit committee.--Every charter school
30 entity shall form an independent audit committee of its board

1 members that shall review at the close of each fiscal year a
2 complete certified audit of the operations of the charter school
3 entity. The audit shall be conducted by a qualified independent
4 certified public accountant as selected from a list of approved
5 providers established by the commission. The audit shall be
6 conducted under generally accepted audit standards of the
7 Governmental Accounting Standards Board (GASB) and shall include
8 the following:

9 (1) An enrollment test to verify the accuracy of student
10 enrollment and reporting to the Commonwealth.

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

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

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

21 (5) Review of the financial statements of any charter
22 school foundation which shall be included in the independent
23 audit.

24 (6) Review of the selection and acceptance process of
25 all contracts publicly bid under section 751.

26 (7) Review of all board policies and procedures with
27 regard to internal controls, code of ethics, conflicts of
28 interest, whistle-blower protections, complaints from parents
29 or the public, compliance with 65 Pa.C.S. Ch. 7 (relating to
30 open meetings), compliance with the Right-to-Know Law,

1 finances, budgeting, audits, public bidding and bonding.

2 (8) Any other test the commission deems appropriate.

3 (d) Public document.--The certified audit under subsection
4 (c) and the annual budget under subsection (f) shall be public
5 documents under the Right-to-Know Law and shall be made
6 available on the authorizer's Internet website and the charter
7 school entity's Internet website, if applicable.

8 (e) Annual audit.--Charter school entities may be subject to
9 an annual audit by the Auditor General, in addition to any other
10 audits required by Federal law or this article.

11 (f) Annual budget.--Charter school entities shall annually
12 provide the authorizer and the department with a copy of the
13 annual budget for the operation of the school that identifies
14 the following:

15 (1) The source of funding for all expenditures as part
16 of its reporting under subsection (a).

17 (2) If funding is provided by a charter school
18 foundation, the amount of funds and a description of the use
19 of the funds.

20 (3) The salaries of all administrators of the charter
21 school entity.

22 (4) All expenditures to an educational management
23 service provider.

24 (g) Tax filings.--Notwithstanding any other provision of
25 law, the charter school entity and any affiliated charter school
26 foundations shall make copies of its annual Federal and State
27 tax filings available upon request and on the foundation's or
28 school's Internet website, if applicable, including Internal
29 Revenue Service Code Form 990, Return of Organization Exempt
30 from Income Tax, and all related schedules and appendices. The

1 charter school foundation shall make copies of its annual budget
2 available upon request and on the foundation's or the school's
3 Internet website within 30 days of the close of the foundation's
4 fiscal year. The annual budget shall include the salaries of all
5 employees of the charter school foundation.

6 Section 1732-C. Desegregation orders.

7 If a school district is operating under a desegregation plan
8 approved by the Pennsylvania Human Relations Commission or a
9 desegregation order by a Federal or State court, an authorizer
10 shall not approve a charter school entity application if the
11 school would place the school district in noncompliance with its
12 desegregation order.

13 Section 1733-C. Applicable provisions.

14 (a) Charter school entities.--Charter school entities shall
15 be subject to the following:

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

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

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

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

30 (5) Section 4 of the act of January 25, 1966 (1965

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

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

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

14 (8) The Right-to-Know Law.

15 (9) 65 Pa.C.S. Ch. 7 (relating to open meetings).

16 (10) 65 Pa.C.S. Ch. 11 (relating to ethics standards and
17 financial disclosure).

18 (b) Construction projects and related work.--Boards of
19 trustees and contractors of charter school entities shall be
20 subject to the following statutory requirements governing
21 construction projects and construction-related work:

22 (1) Sections 751 and 751.1.

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

26 (c) Charter schools.--Charter schools and regional charter
27 schools shall be subject to sections 1205.4, 1303 and 1317.3.

28 (d) Regulations.--Charter school entities shall be subject
29 to the following provisions of 22 Pa. Code (relating to
30 education):

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

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

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

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

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

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

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

11 (8) Chapter 711 (relating to charter school and cyber
12 charter school services and programs for children with
13 disabilities).

14 Section 1734-C. Effect on certain existing charter school
15 entities.

16 (a) General rule.--A charter school or regional charter
17 school approved by a local board of school directors, a special
18 board of control or a School Reform Commission prior to the
19 effective date of this section shall continue to operate under
20 the current charter. All charter schools or regional charter
21 schools approved after the effective date of this section shall
22 be in full compliance with this article.

23 (b) Expiration of charters approved under this article.--
24 Upon expiration of its charter, a charter school or regional
25 charter school approved under section 1718-C or 1719-C shall
26 seek renewal of its charter from the original authorizer. The
27 charter shall be amended as needed to reflect the requirements
28 of this article. Any renewal that takes effect after June 30,
29 2013, shall be for the term specified under section 1723-C(b).

30 (c) Transfer of charter.--

1 (1) A charter school or regional charter school approved
2 by a local board of school directors, a special board of
3 control or a School Reform Commission prior to the effective
4 date of this section may transfer its charter to the
5 oversight of the commission at any time after June 30, 2013.

6 (2) The board of trustees of the charter school or
7 regional charter school shall submit the school's current
8 charter and annual reports to the commission and request that
9 the commission become the authorizer of the charter school or
10 regional charter school.

11 (3) Upon receipt of a transfer request and all necessary
12 documentation as required by the commission, the request
13 shall be deemed approved unless, within 30 days of that date,
14 the commission schedules a public hearing concerning the
15 transfer request.

16 (4) The transfer under paragraph (3) shall be presumed
17 approved and be denied only if the commission determines that
18 the charter school or regional charter school would otherwise
19 be subject to revocation or nonrenewal pursuant to the
20 criteria in section 1723-C(c).

21 (5) The commission shall conduct the hearing under
22 section 1720-C, present evidence in support of the transfer
23 denial stated in its notice and give the charter school or
24 regional charter school reasonable opportunity to offer
25 testimony before taking final action.

26 (6) If a hearing does occur relating to a school's
27 transfer request, formal action approving or denying the
28 transfer shall be taken by the commission at a public meeting
29 under section 1720-C and 65 Pa.C.S. Ch. 7 (relating to open
30 meetings) after the public has had 30 days to provide

1 comments to the members of the commission.

2 (7) If the commission denies the transfer, the decision
3 shall not act as revocation or nonrenewal of the current
4 charter, nor shall the proceedings and commission decision
5 related to the transfer be used as evidence in any revocation
6 or nonrenewal proceedings conducted by an authorizer.

7 (8) If the commission approves the transfer, the
8 commission shall provide notification by certified board
9 resolution to the local board of school directors, the
10 special board of control or the School Reform Commission
11 which initially approved the charter.

12 (9) No later than 30 days after receipt of the certified
13 board resolution under paragraph (8), the local board of
14 school directors, the special board of control or the School
15 Reform Commission which initially approved the charter shall
16 transfer to the commission all records regarding oversight of
17 the charter school or regional charter school.

18 (10) The school's charter term shall remain in effect
19 until the time of expiration, at which time the commission
20 shall undertake a comprehensive review under section 1731-
21 C(a).

22 (11) The appeal board shall have exclusive review of an
23 appeal by a charter school or regional charter school of a
24 decision made by the commission to deny a charter transfer.

25 (d) Existing cyber charter schools.--A cyber charter school
26 approved by the department prior to the effective date of this
27 section shall continue to operate under the current charter,
28 except that all oversight shall be transferred to the commission
29 beginning July 1, 2013.

30 (e) Expiration of existing charters.--Upon expiration of its

1 charter, a cyber charter school approved prior to the effective
2 date of this section shall seek renewal of its charter from the
3 commission under this article. The charter shall be amended as
4 needed to reflect the requirements of this article. All cyber
5 charter schools approved or renewed after the effective date of
6 this section shall be in full compliance with this article.

7 (f) Merger.--

8 (1) A charter school that was approved by a local board
9 of school directors, a special board of control or a School
10 Reform Commission prior to the effective date of this
11 section, which chooses to merge into a multiple charter
12 school organization under section 1735-C, may apply to the
13 commission to consolidate all affiliated school charters into
14 a single charter.

15 (2) A charter school that within either of the most
16 recent two school years has failed to meet the requirements
17 for student performance set forth in the 22 Pa. Code Ch. 4
18 (relating to academic standards and assessment) or which has
19 failed to meet accepted standards of fiscal management or
20 audit requirements or does not meet the standards set forth
21 by the Matrix established under section 1704-C(h)(12), shall
22 not be eligible to consolidate or merge with another charter
23 school unless the merger or consolidation includes a charter
24 school demonstrating such requirements of academic and fiscal
25 performance over the most recent two school years.

26 (3) The board of trustees of each charter school shall
27 jointly submit their charter school's current charter and
28 annual report to the commission and request that the
29 commission become the authorizer of the multiple charter
30 school organization.

1 (4) Upon receipt of the consolidation and transfer
2 request and all necessary documentation as required by the
3 commission, the commission shall have 30 days to approve or
4 deny the consolidation and transfer request by a majority
5 vote. If the commission approves the consolidation and
6 transfer, the commission shall provide notification by
7 certified board resolution to the local board of school
8 directors, the special board of control or the School Reform
9 Commission which initially approved the charter.

10 (5) No later than 30 days after the receipt of the
11 certified board resolution, the local board of school
12 directors, the special board of control or the School Reform
13 Commission which initially approved the charter shall
14 transfer to the commission all records regarding oversight of
15 the charter school.

16 (6) The school's charter term shall remain in effect
17 until the time of expiration, at which time the commission
18 will undertake a comprehensive review prior to granting a
19 ten-year charter renewal.

20 Section 1735-C. Multiple charter school organization.

21 (a) Establishment.--

22 (1) Subject to the requirements of section 1734-C(f),
23 two or more charter schools may merge or consolidate under 15
24 Pa.C.S. Pt. II Subpt. C (relating to nonprofit corporations)
25 into a multiple charter school organization. Nothing under
26 this article shall preclude a single charter school with an
27 existing charter and with a demonstrated rate of success in
28 the areas of academics, operations, finances and governance
29 from simultaneously filing an application with the commission
30 to operate an additional charter school and an application to

1 operate as a multiple charter school organization.

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

3 (i) granted a single charter to operate two or more
4 individual charter schools under the oversight of a
5 single board of trustees and a chief administrator who
6 shall oversee and manage the operation of the individual
7 charter schools under its organization;

8 (ii) considered a charter school; and

9 (iii) subject to all of the requirements of this
10 article unless otherwise provided for under this section.

11 (3) Nothing under this subsection shall be construed to
12 affect or change the terms or conditions of any individual
13 charter previously granted that is consolidated under this
14 section.

15 (b) Application.--The commission shall develop and issue a
16 standard application form for multiple charter school
17 organization applicants, which shall contain the following
18 information:

19 (1) The identification of the multiple charter school
20 organization.

21 (2) The names of the charter schools seeking merger or
22 consolidation under subsection (a).

23 (3) A copy of the approved charters of each charter
24 school agreeing to merge or consolidate administrative
25 functions with the commission under subsection (a).

26 (4) An organizational chart clearly presenting the
27 proposed governance structure of the multiple charter school
28 organization, including lines of authority and reporting
29 between the board of trustees, chief administrator,
30 administrators, staff and any educational management service

1 provider that will play a role in providing management
2 services to the charter schools under its jurisdiction.

3 (5) A clear description of the roles and
4 responsibilities for the board of trustees, chief
5 administrator, administrators and any other entities,
6 including a charter school foundation, shown in the
7 organizational chart.

8 (6) A clear description and method for the appointment
9 or election of members of the board of trustees.

10 (7) Standards for board performance, including
11 compliance with all applicable laws, regulations and terms of
12 the charter.

13 (8) Enrollment procedures for each individual charter
14 school included in its charter.

15 (9) Any other information as deemed necessary by the
16 commission.

17 (c) Authorization.--The commission shall serve as the
18 authorizer of a multiple charter school organization.

19 (d) Special conditions.--A multiple charter school
20 organization may:

21 (1) Participate in the assessment systems in the same
22 manner in which a school district participates and its
23 individual charter schools shall participate in the
24 assessment systems in the same manner as individual schools
25 in school districts. All data gathered for purposes of
26 evaluation shall be gathered in a like manner.

27 (2) Add new charter schools to its organization via the
28 application process included under section 1721-C.

29 (3) Add existing charter schools to its organization or
30 amend the individual charters of each charter school under

1 its organization via the amendment process included under
2 section 1722-C.

3 (4) Allow students enrolled in an individual charter
4 school to matriculate to another individual charter school
5 under its oversight so as to complete a course of instruction
6 in an educational institution from kindergarten through grade
7 12.

8 (e) Annual reports.--The annual report required under
9 section 1731-C shall be provided by the board of trustees and
10 chief administrator of the multiple charter school organization
11 and shall include all information required to provide a basis
12 for evaluation for renewal of each individual charter school
13 under the organization's oversight.

14 (f) Renewal.--A multiple charter school organization shall
15 be regarded as the holder of the charter of each individual
16 charter school under its oversight and each such previously or
17 subsequently awarded charter shall be subject to nonrenewal or
18 revocation in accordance with this act. The nonrenewal or
19 revocation shall not affect the status of a charter awarded for
20 any other individual charter school under its oversight.

21 Section 1736-C. Special cyber charter school requirements.

22 (a) Special financial requirements.--A cyber charter school
23 may not:

24 (1) Except as provided for under subsection (b), provide
25 payments to parents or guardians for the purchase of
26 instructional materials.

27 (2) Except as compensation for the provision of specific
28 services, enter into agreements to provide funds to a school
29 entity.

30 (b) Materials.--For each student enrolled, a cyber charter

1 school shall provide all instructional materials and equipment,
2 such as a computer, computer monitor and printer and shall
3 provide or provide reimbursement for, technology and services
4 necessary for online delivery of the curriculum and instruction.
5 The Commonwealth shall not be liable for reimbursement owed to
6 students, parents or guardians by a cyber charter school.

7 (c) Information to school districts.--Upon request, a cyber
8 charter school shall make available in writing or electronically
9 to each student's school district of residence the following:

10 (1) A copy of the charter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (11) Information concerning all of the following:

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

23 (ii) The cyber charter school's performance on the
24 Pennsylvania System of School Assessment and other
25 standardized test scores.

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

1 (13) A description of the school calendar, including,
2 the time frame that will constitute a school year and a
3 school week, holidays and term breaks.

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

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

27 (g) School district and intermediate unit access for
28 testing.--The intermediate unit or school district in which a
29 student enrolled in a cyber charter school resides shall provide
30 the cyber charter school with reasonable access to its

1 facilities for administration of all required standardized
2 tests.

3 Section 7. The following provisions of the act shall apply
4 to charter school entities applying for or renewing a charter on
5 or after the effective date of this section:

6 (1) The amendment of the definitions of "concurrent
7 student" and "school entity" in section 1602-B of the act.

8 (2) The addition of the definition of "charter school
9 entity" in section 1602-B of the act.

10 (3) The addition of section 1613-B(c) of the act.

11 (4) The addition of Article XVII-C of the act.

12 Section 8. This act shall take effect as follows:

13 (1) The following provisions shall take effect
14 immediately:

15 (i) Section 1706-C of the act.

16 (ii) This section.

17 (2) The following provisions shall take effect in 60
18 days:

19 (i) Section 1704-C of the act.

20 (ii) Section 1705-C of the act.

21 (3) Section 7 of this act shall take effect October 1,
22 2012.

23 (4) The remainder of this act shall take effect in 90
24 days.