

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

SENATE BILL

No. 1256 Session of  
2015

---

INTRODUCED BY HUGHES, COSTA, FONTANA AND TARTAGLIONE,  
AUGUST 18, 2016

---

REFERRED TO EDUCATION, AUGUST 18, 2016

---

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An  
2 act relating to the public school system, including certain  
3 provisions applicable as well to private and parochial  
4 schools; amending, revising, consolidating and changing the  
5 laws relating thereto," in charter schools, further providing  
6 for establishment of charter school, for enrollment, for  
7 funding for charter schools and for causes for nonrenewal or  
8 termination.

9 The General Assembly of the Commonwealth of Pennsylvania

10 hereby enacts as follows:

11 Section 1. Section 1717-A(e) (2) of the act of March 10, 1949  
12 (P.L.30, No.14), known as the Public School Code of 1949, added  
13 June 19, 1997 (P.L.225, No.22), is amended to read:

14 Section 1717-A. Establishment of Charter School.--\* \* \*

15 (e) \* \* \*

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

20 (i) The demonstrated, sustainable support for the charter  
21 school plan by teachers, parents, other community members and

1 students, including comments received at the public hearing held  
2 under subsection (d).

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

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

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

11 (v) The financial impact the charter school will have on the  
12 school district.

13 \* \* \*

14 Section 2. Section 1723-A(a) and (d) of the act, amended or  
15 added June 26, 1999 (P.L.394, No.36) and July 9, 2008 (P.L.846,  
16 No.61), are amended to read:

17 Section 1723-A. Enrollment.--(a) All resident children in  
18 this Commonwealth qualify for admission to a charter school  
19 within the provisions of subsection (b). If more students apply  
20 to the charter school than the number of attendance slots  
21 available in the school, then students must be selected on a  
22 random basis from a pool of qualified applicants meeting the  
23 established eligibility criteria and submitting an application  
24 by the deadline established by the charter school, except that  
25 the charter school may give preference in enrollment to a child  
26 of a parent who has actively participated in the development of  
27 the charter school and to siblings of students presently  
28 enrolled in the charter school. First preference shall be given  
29 to students who reside in the district or districts. At any time  
30 during a school year, when an attendance slot becomes available

1 at a charter school, the charter school must enroll students  
2 from the existing pool of qualified applicants.

3 \* \* \*

4 (d) (1) Enrollment of students in a charter school or cyber  
5 charter school shall [not] be subject to a cap or otherwise  
6 limited by any [past or future] action of a board of school  
7 directors, a board of control established under Article XVII-B,  
8 [a special board of control established under section 692] a  
9 School Reform Commission established under section 696, a chief  
10 recovery officer or a receiver authorized under Article VI-A or  
11 any other governing authority[, unless agreed to by the charter  
12 school or cyber charter school as part of a written charter  
13 pursuant to section 1720-A].

14 (2) The provisions of this subsection shall apply to a  
15 charter school or cyber charter school regardless of whether the  
16 charter was approved prior to or is approved subsequent to the  
17 effective date of this subsection.

18 Section 3. Section 1725-A(a)(3) of the act, amended June 29,  
19 2002 (P.L.524, No.88), is amended and the subsection is amended  
20 by adding clauses to read:

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

23 \* \* \*

24 (3) For the 1997-1998 school year through the 2016-2017  
25 school year, for special education students, the charter school  
26 shall receive for each student enrolled the same funding as for  
27 each non-special education student as provided in clause (2),  
28 plus an additional amount determined by dividing the district of  
29 residence's total special education expenditure by the product  
30 of multiplying the combined percentage of section 2509.5(k)

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

4 (3.1) (i) For the 2017-2018 school year and each school  
5 year thereafter, subject to the provisions in clauses (3.2) and  
6 (3.3) which provide for the transition to the new student-based  
7 funding methodology established in this clause, for special  
8 education students, the charter school shall receive for each  
9 student enrolled an amount which shall be paid by the district  
10 of residence of each student to be determined as follows:

11 (A) For each student enrolled in the charter school for  
12 which the annual expenditure for special education programs and  
13 services is less than twenty-five thousand dollars (\$25,000),  
14 which shall be known as Category 1, multiply the same funding as  
15 for each nonspecial education student as provided in clause (2)  
16 by one and fifty-one hundredths (1.51).

17 (B) For a student enrolled in the charter school for which  
18 the annual expenditure for special education programs and  
19 services is equal to or greater than twenty-five thousand  
20 dollars (\$25,000) and less than fifty thousand dollars  
21 (\$50,000), which shall be known as Category 2, multiply the same  
22 funding as for each nonspecial education student as provided in  
23 clause (2) by three and seventy-seven hundredths (3.77).

24 (C) For each student enrolled in the charter school for  
25 which the annual expenditure for special education programs and  
26 services is equal to or greater than fifty thousand dollars  
27 (\$50,000), which shall be known as Category 3, multiply the same  
28 funding as for each nonspecial education student as provided in  
29 clause (2) by seven and forty-six hundredths (7.46).

30 (ii) Pursuant to regulations developed by the department, to

1 be eligible to receive funding for special education students  
2 under subclause (i)(B) and (C), the charter school must document  
3 the cost of providing special education programs and services to  
4 the student and provide the documentation to the school district  
5 of residence and the department.

6 (iii) The department shall annually adjust the weights  
7 provided in subclause (i)(A), (B) and (C) for each school  
8 district based on the percentage difference in the school  
9 district's annual expenditure for special education programs and  
10 services per student when compared to the Statewide average  
11 annual expenditure for special education programs and services  
12 per student.

13 (iv) The department shall annually adjust the dollar ranges  
14 in subclause (i)(A), (B) and (C) by the Consumer Price Index for  
15 All Urban Consumers for the Pennsylvania, New Jersey, Delaware  
16 and Maryland areas.

17 (3.2) Notwithstanding the provisions of clause (3.1), for  
18 the 2017-2018 school year, for special education students, the  
19 charter school shall receive for each student enrolled an amount  
20 which shall be paid by the district of residence as follows:

21 (i) If the funding for each special education student in  
22 clause (3) for the 2016-2017 school year is equal to or greater  
23 than the funding for the same special education student in  
24 clause (3.1) for the 2017-2018 school year, the amount shall be  
25 determined as follows:

26 (A) Subtract the amount of funding for each special  
27 education student in clause (3.1) for the 2017-2018 school year  
28 from the amount of funding for the same special education  
29 student in clause (3) for the 2016-2017 school year.

30 (B) Multiply the difference in paragraph (A) by three

1 hundred thirty-three thousandths (0.333).

2 (C) Subtract the product in paragraph (B) from the amount of  
3 funding for the same special education student in clause (3) for  
4 the 2016-2017 school year.

5 (ii) If the funding for each special education student in  
6 clause (3) for the 2016-2017 school year is less than the amount  
7 of funding for the same special education student in clause  
8 (3.1) for the 2017-2018 school year, the amount shall be  
9 determined as follows:

10 (A) Subtract the amount of funding for each special  
11 education student in clause (3) for the 2016-2017 school year  
12 from the amount of funding for the same special education  
13 student in clause (3.1) for the 2017-2018 school year.

14 (B) Multiply the difference in paragraph (A) by three  
15 hundred thirty-three thousandths (0.333).

16 (C) Add the product in paragraph (B) to the amount of  
17 funding for the same special education student in clause (3) for  
18 the 2017-2018 school year.

19 (3.3) Notwithstanding the provisions of clause (3.1), for  
20 the 2018-2019 school year, for special education students, the  
21 charter school shall receive for each student enrolled an amount  
22 which shall be paid by the district of residence as follows:

23 (i) If the funding for each special education student in  
24 clause (3) for the 2016-2017 school year is equal to or greater  
25 than the funding for the same special education student in  
26 clause (3.1) for the 2018-2019 school year, the amount shall be  
27 determined as follows:

28 (A) Subtract the amount of funding for each special  
29 education student in clause (3.1) for the 2018-2019 school year  
30 from the amount of funding for the same special education

1 student in clause (3) for the 2016-2017 school year.

2 (B) Multiply the difference in paragraph (A) by six hundred  
3 sixty-six thousandths (0.666).

4 (C) Subtract the product in paragraph (B) from the amount of  
5 funding for the same special education student in clause (3) for  
6 the 2016-2017 school year.

7 (ii) If the funding for each special education student in  
8 clause (3) for the 2016-2017 school year is less than the  
9 funding for the same special education student in clause (3.1)  
10 for the 2018-2019 school year, the amount shall be determined as  
11 follows:

12 (A) Subtract the amount of funding for each special  
13 education student in clause (3) for the 2016-2017 school year  
14 from the amount of funding for the same special education  
15 student in clause (3.1) for the 2018-2019 school year.

16 (B) Multiply the difference in paragraph (A) by six hundred  
17 sixty-six thousandths (0.666).

18 (C) Add the product in paragraph (B) to the amount of  
19 funding for the same special education student in clause (3) for  
20 the 2016-2017 school year.

21 \* \* \*

22 Section 4. Section 1729-A(d) of the act, added June 19, 1997  
23 (P.L.225, No.22), is amended to read:

24 Section 1729-A. Causes for Nonrenewal or Termination.--\* \* \*

25 (d) Following the appointment and confirmation of the appeal  
26 board, but not before July 1, 1999, the charter school may  
27 appeal the decision of the local board of school directors to  
28 revoke or not renew the charter to the appeal board. The appeal  
29 board shall have the exclusive review of a decision not to renew  
30 or revoke a charter[.] based solely on whether or not the

1 decision of the local school board is supported by substantial  
2 evidence or whether or not the local school board committed an  
3 error of law. The appeal board shall review the record and shall  
4 have the discretion to supplement the record if the supplemental  
5 information was previously unavailable. The appeal board may  
6 consider the charter school plan, annual reports, student  
7 performance and employe and community support for the charter  
8 school in addition to the record. The appeal board shall give  
9 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 \* \* \*

13 Section 5. This act shall take effect immediately.