

## AMENDMENTS TO HOUSE BILL NO. 357

Sponsor: REPRESENTATIVE TOPPER

Printer's No. 1746

1 Amend Bill, page 1, line 7, by inserting after "providing"  
2 for definitions,

3 Amend Bill, page 1, line 11, by inserting after  
4 "prohibitions"  
5 , for tort liability

6 Amend Bill, page 2, line 15, by inserting after "Sections"  
7 1703-A,

8 Amend Bill, page 2, by inserting between lines 16 and 17

9 Section 1703-A. Definitions.--As used in this article,  
10 "Administrator" shall include an employe of a charter school  
11 entity, including the chief administrator of a charter school  
12 entity and any other employe, who by virtue of the employe's  
13 position is responsible for taking official action of a  
14 nonministerial nature with regard to contracting or procurement,  
15 administering or monitoring grants or subsidies, managing or  
16 regulating staff, student and school activities or any activity  
17 where the official action has an economic impact of greater than  
18 a de minimis nature on the interests of any person.

19 "Aid ratio" and "market value/income aid ratio" shall be:

20 (1) the aid ratio and market value/income aid ratio for the  
21 school district that granted a charter to the charter school;

22 (2) for a regional charter school, the aid ratio and market  
23 value/income aid ratio shall be a composite, as determined by  
24 the department, based on the school districts that granted the  
25 charter; or

26 (3) for a cyber charter school, the aid ratio and market  
27 value/income aid ratio shall be that of the school district in  
28 which the administrative offices of the cyber charter school are  
29 located.

30 "Appeal board" shall mean the State Charter School Appeal  
31 Board established by this article.

32 "At-risk student" shall mean a student at risk of educational  
33 failure because of limited English proficiency, poverty,  
34 community factors, truancy, academic difficulties or economic

1 disadvantage.

2 "Charter school" shall mean an independent public school  
3 established and operated under a charter from the local board of  
4 school directors and in which students are enrolled or attend. A  
5 charter school must be organized as a public, nonprofit  
6 corporation. Charters may not be granted to any for-profit  
7 entity.

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

12 "Charter school entity" shall mean a charter school, regional  
13 charter school or cyber charter school.

14 "Charter school foundation" shall mean a nonprofit  
15 organization under section 501(c)(3) of the Internal Revenue  
16 Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)), that  
17 provides funding, resources or otherwise serves to support a  
18 charter school entity, either directly or through an affiliated  
19 entity.

20 "Chief administrator" shall mean an individual appointed by a  
21 board of trustees to oversee and manage the operation of a  
22 charter school entity. The term shall not include a professional  
23 staff member under this article.

24 "Cyber charter school" shall mean an independent public  
25 school established and operated under a charter from the  
26 Department of Education and in which the school uses technology,  
27 including electronic or digital books, in order to provide a  
28 significant portion of its curriculum and to deliver a  
29 significant portion of instruction to its students through the  
30 Internet or other electronic means. A cyber charter school must  
31 be organized as a public, nonprofit corporation. A charter may  
32 not be granted to a for-profit entity.

33 "Department" shall mean the Department of Education of the  
34 Commonwealth.

35 "Educational management service provider" shall mean a  
36 nonprofit charter management organization, for-profit education  
37 management organization, school design provider, business  
38 manager or any other partner entity with which a board of  
39 trustees of a charter school entity contracts to provide  
40 educational design, business services, comprehensive management  
41 or personnel functions or to implement the charter. The term  
42 shall not include a charter school foundation.

43 "Local board of school directors" shall mean the board of  
44 directors or other governing authority of a school district in  
45 which a proposed or an approved charter school is located.

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

1 "School district of residence" shall mean the school district  
2 in this Commonwealth in which [the parents or guardians of a  
3 child reside.] a child resides as determined under section 1302  
4 and 22 Pa. Code § 11.11(a)(1) (relating to entitlement of  
5 resident children to attend public schools).

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

8 "Secretary" shall mean the Secretary of Education of the  
9 Commonwealth.

10 "State board" shall mean the State Board of Education of the  
11 Commonwealth.

12 Amend Bill, page 9, line 23, by striking out all of said line  
13 and inserting

14 required under subsection (a).

15 (c) The department shall review the

16 Amend Bill, page 9, lines 25 through 27, by striking out  
17 "Education" in line 25, all of line 26 and "of Representatives"  
18 in line 27 and inserting

19 State board

20 Amend Bill, page 9, line 29, by striking out "enacted" and  
21 inserting

22 approved

23 Amend Bill, page 9, line 29, by striking out "General  
24 Assembly." and inserting

25 State board. Revisions under this subsection shall be as  
26 follows:

27 (1) The State board shall transmit notice of the  
28 department's proposed revisions to the standard application  
29 forms to the Legislative Reference Bureau for publication in the  
30 Pennsylvania Bulletin. The State board shall give at least  
31 thirty (30) days for the submission of public comment and shall  
32 hold at least one public hearing on the proposed revisions.

33 (2) After the close of the public comment period and the  
34 public hearing, the State board shall submit all public comments  
35 and the transcript of the public hearing to the Education  
36 Committee of the Senate and the Education Committee of the House  
37 of Representatives.

38 (3) Prior to the State board approving any revisions, timely  
39 and meaningful consultation with the chair and minority chair of  
40 the Education Committee of the Senate and the chair and minority  
41 chair of the Education Committee of the House of  
42 Representatives, with the opportunity for input, must be given.

1 The department shall present the proposed revisions at a joint  
2 hearing of the Education Committee of the Senate and the  
3 Education Committee of the House of Representatives, if  
4 requested, within 60 days of submission of public comments and  
5 the transcript of the public hearing under paragraph (2).

6 Amend Bill, page 11, line 25, by striking out "December" and  
7 inserting

8 October

9 Amend Bill, page 11, line 27, by striking out "ninety (90)  
10 days of receipt of the" and inserting

11 one hundred twenty (120) days of the receipt of the complete

12 Amend Bill, page 12, lines 9 and 10, by striking out

13 "subsection (a.1)" and inserting

14 subsections (a.1) and (a.2)

15 Amend Bill, page 12, line 13, by striking out "December" and  
16 inserting

17 October

18 Amend Bill, page 12, by inserting between lines 25 and 26

19 (a.2) For a five-year charter, a charter school or regional  
20 charter school may only request amendments in year two, three or  
21 four of the charter term. For a three-year charter, a charter  
22 school or regional charter school may only request amendments in  
23 year two of the charter term.

24 Amend Bill, page 13, lines 9 through 15, by striking out  
25 "Notwithstanding subsection (a), a charter school or" in line 9  
26 and all of lines 10 through 15 and inserting

27 (Reserved).

28 Amend Bill, page 13, line 18, by striking out the period  
29 after "1721-A" and inserting

30 except that an applicant may not appeal a denial of an  
31 amendment related to enrollment growth or grade expansion.

32 Amend Bill, page 13, line 19, by striking out "Except in the  
33 case of an emergency, a" and inserting

34 A

35 Amend Bill, page 13, line 24, by striking out the period

1 after "expanded" and inserting

2 except notice may be given at any time in the case of an  
3 emergency which requires increased enrollment.

4 Amend Bill, page 13, line 28, by inserting after "any"  
5 changes to an existing

6 Amend Bill, page 13, line 28, by striking out "changes"

7 Amend Bill, page 13, line 30, by striking out "Except in the  
8 case of an emergency, a" and inserting

9 A

10 Amend Bill, page 14, line 1, by inserting after "no"  
11 other

12 Amend Bill, page 14, lines 1 and 2, by striking out "on  
13 enrollment expansion" and inserting  
14 in its charter

15 Amend Bill, page 14, line 5, by inserting after "place"  
16 except notice may be given at any time in the case of an  
17 emergency related to the facility

18 Amend Bill, page 14, by inserting between lines 11 and 12

19 This subsection shall not apply to a charter school or  
20 regional charter school seeking to operate a school at more than  
21 one location, which must be requested through the amendment  
22 process set forth in section 1720.1-A. A charter school or  
23 regional charter school may operate at more than one location  
24 within the district or districts that authorized the charter  
25 without requesting an amendment if operation in more than one  
26 location is permitted by the terms of the charter.  
27 For purposes of this section, an "emergency" shall mean a  
28 manmade or natural disaster, including, but not limited to,  
29 damage to a school building, another circumstance rendering a  
30 school building unfit or unsafe for use, a disease epidemic or a  
31 hazardous weather condition. If another emergency arises that  
32 requires expanded enrollment or a change in facility, the  
33 charter school or regional charter school must consult with the  
34 authorizing school district or school districts.

35 Amend Bill, page 17, line 15, by inserting after "arts."

36 A performing arts charter school entity may establish  
37 reasonable artistic criteria for admission for grades nine  
38 through twelve, which must be outlined in the school's charter

1 to evaluate prospective students for enrollment.

2 Amend Bill, page 17, line 28, by inserting after "Sections"  
3 1727-A,

4 Amend Bill, page 17, by inserting between lines 29 and 30

5 Section 1727-A. [Tort Liability] Liability and Security.--

6 (a) For purposes of tort liability, employees of the charter  
7 school shall be considered public employees and the board of  
8 trustees shall be considered the public employer in the same  
9 manner as political subdivisions and local agencies. The board  
10 of trustees of a charter school and the charter school shall be  
11 solely liable for any and all damages of any kind resulting from  
12 any legal challenge involving the operation of a charter school.  
13 Notwithstanding this requirement, the local board of directors  
14 of a school entity shall not be held liable for any activity or  
15 operation related to the program of the charter school.

16 (b) (1) A charter school shall possess and maintain  
17 adequate and appropriate insurance, bond or other security as  
18 provided under section 1719-A(a)(17). The insurance, bond or  
19 other security shall be continuously maintained and shall  
20 provide coverage during the time the charter school is in  
21 operation and for sufficient time following the charter school's  
22 closure to make payment on all claims known or which could have  
23 been known to exist at the time of the school's closure.

24 (2) The insurance, bond or other security shall provide  
25 coverage for educational services and fees and costs incurred by  
26 a charter school and prevailing parties under the Individuals  
27 with Disabilities Education Act (Public Law 91-230, 20 U.S.C. §  
28 1400 et seq.), section 504 of the Rehabilitation Act of 1973  
29 (Public Law 93-112, 29 U.S.C. § 701 et seq.) and related Federal  
30 or State laws, salary and wage payments due to employees,  
31 employer and employee contributions for the Pennsylvania School  
32 Employees Retirement System and other retirement programs  
33 offered to employees, medical and other health insurance benefits  
34 offered to employees, workers compensation, unemployment  
35 compensation and taxes and other liabilities to Federal, State  
36 and local tax agencies, school district overpayments under  
37 section 1725-A and other liabilities reasonably connected to the  
38 charter school's operations.

39 (3) The insurance, bond or other security shall name as  
40 additional insureds, or otherwise provide coverage for, the  
41 charter authorizer and the Commonwealth and its agencies and  
42 officials.

43 (4) Evidence of adequate and appropriate insurance, bond or  
44 other security as required by this subsection shall be made  
45 available to the local board of school directors and the  
46 department at the time of initial application and at the time of  
47 submission of the charter renewal application. The charter  
48 school shall also provide evidence of the insurance, bond or

1 other security to parents or employees of the charter school or  
2 to the local board of school directors or the department upon  
3 request. The charter school shall provide written notice to the  
4 local board of school directors and to the department within ten  
5 (10) days of any change to the insurance, bond or security.

6 Amend Bill, page 21, line 17, by striking out "December" and  
7 inserting

8 October

9 Amend Bill, page 21, line 19, by striking out "90" and  
10 inserting

11 120

12 Amend Bill, page 21, line 27, by striking out "December" and  
13 inserting

14 October

15 Amend Bill, page 22, by inserting between lines 9 and 10

16 (iii) For a five-year charter, a cyber charter  
17 school may only request amendments in year two, three or  
18 four of the charter term. For a three-year charter, a  
19 cyber charter school may only request amendments in year  
20 two.

21 Amend Bill, page 22, lines 21 through 28, by striking out all  
22 of lines 21 through 27 and "(10)" in line 28 and inserting

23 (9)

24 Amend Bill, page 22, line 30, by striking out the period  
25 after "1721-A" and inserting

26 except that an applicant may not appeal a denial  
27 related to enrollment growth or grade expansion.