THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 356 Session of 2019

INTRODUCED BY DOWLING, REESE, TOPPER, MARSHALL, HARRIS, KAIL, GROVE AND HICKERNELL, MAY 7, 2019

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 11, 2019

AN ACT

Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," in charter schools, further providing for charter school requirements, for facilities and for school district and intermediate unit responsibilities.

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

Section 1. Section 1715-A of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, is amended to read:

Section 1715-A. Charter School Entity Requirements.--(a)

Charter school entities shall be required to comply with the following provisions:

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

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

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

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

(5) [A] (i) Subject to subparagraph (ii), a charter school entity shall not provide any religious instruction, nor shall it display religious objects and symbols on the premises of the charter school entity.

(ii) It shall not be a violation of this paragraph for a charter school entity to utilize a sectarian facility:

(A) if the charter school entity provides for discrete and separate entrances to buildings utilized for school purposes only;

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

(C) in which the unused portion of the facility or its common areas contain religious symbols and objects.

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

(7) A charter school entity shall only be subject to the laws and regulations as provided for in section 1732-A, or as otherwise provided for in this [article] act.
(8) A charter school entity shall participate in the Pennsylvania State Assessment System as provided for in 22 Pa. Code Ch. 5 (relating to curriculum), or subsequent regulations promulgated to replace 22 Pa. Code Ch. 5, in the manner in which the school district in which the charter school entity is located is scheduled to participate.

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

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

(i) The following provisions of this act:

(A) Sections 751 and 751.1.

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

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

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


(v) The act of March 3, 1978 (P.L.6, No.3), known as the "Steel Products Procurement Act."
(11) Trustees of a charter school entity shall be public officials.

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

(b) As used in this section, "charter school entity" shall mean a charter school, regional charter school or cyber charter school.

Section 2. Section 1722-A(a), (b) and (d) of the act are amended and the section is amended by adding subsections to read:

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

(b) The charter school entity facility shall be exempt from public school facility regulations except those pertaining to
the health or safety of students.

(b.1) (1) A charter school entity shall have the right of first refusal to purchase or lease, for educational purposes only, a public school building or a part of a public school building that is no longer in use by a school entity which is the property titleholder, at the price of one of the following:

(i) The last best offer above fair market value received in the ninety (90) days preceding the charter school entity's offer.

(ii) Fair market value, if no offer has been received in the ninety (90) days preceding the charter school entity's offer.

(iii) Below fair market value, upon the mutual agreement of the school entity and the charter school entity.

(2) A school entity shall accept an offer from a charter school entity that conforms to the provisions of paragraph (1).

(3) The department shall provide a page on its publicly accessible Internet website on which school entities are required to post a notice for each public school building or part of a public school building that is available for purchase or lease. A school entity shall submit a notice to the department on a form developed by the department. The department shall post the notice within five (5) days of receiving the form.

(4) The following shall apply to the sale or lease of a public school building or a part of a public school building by a school entity:

(i) A school entity may not enter into a contract to sell or lease a building or part of a building until at least thirty (30) days after the posting of a notice as required under
paragraph (3).

(ii) If two or more charter school entities make offers on the same building or part of a building that conforms to the provisions of this subsection, the school entity shall:

(A) Accept the first offer, if the offers are equal in dollar amount.

(B) Accept the best offer, if the offers differ in dollar amount.

(d) [Notwithstanding any other provision of this act, a school district of the first class may, in its discretion, permit a charter school to operate its school at more than one location.] * A charter school or regional charter school that does not have in the written charter any limits on student enrollment or caps is permitted to MAY operate the school at more than one location within the district that authorized the charter, AS LONG AS EXPRESSLY PERMITTED BY THE TERMS OF ITS CHARTER.

* * *

(f) School districts, intermediate units, community colleges and institutions under Article XX-A shall provide a cyber charter school with reasonable access to their facilities for the administration of standardized testing as follows:

(1) A cyber charter school shall provide an intermediate unit, school district, community college or institution under Article XX-A with at least sixty (60) days' notice of the need for facilities to be used for the administration of standardized tests.

(2) Within thirty (30) days of the cyber charter school's request, the intermediate unit, school district, community college or institution under Article XX-A shall notify the cyber
charter school of the location of the facilities that will be
provided, which shall be a quiet, separate location in which
cyber charter school students will not be commingled with
students of the intermediate unit, school district, community
college or institution under Article XX-A.

(3) An intermediate unit, school district of residence,
community college or institution under Article XX-A shall not be
required to make facilities available to a cyber charter school
on dates and at times that may cause undue interference with the
educational programs of the intermediate unit, school district,
community college or institution under Article XX-A.

(4) Any facilities rental fee charged to the cyber charter
school and the payment thereof shall be in compliance with the
facility rental policy of the intermediate unit, school
district, community college or institution under Article XX-A
that applies generally to all organizations and community
groups.

(g) As used in this section, "charter school entity" shall
mean a charter school, regional charter school or cyber charter
school.

Section 3. Section 1744-A(2) of the act is amended to read:
Section 1744-A. School district and intermediate unit
responsibilities.

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

* * *

[(2) Provide the cyber charter school with reasonable
access to its facilities for the administration of
standardized tests required under this subdivision.]
Section 4. This act shall take effect in 60 days.