

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

# HOUSE BILL

## No. 1834

Session of  
1995

---

INTRODUCED BY STAIRS, SEMMEL, FARGO, HERMAN, STISH, FLICK,  
DEMPSEY, ROBINSON, FLEAGLE, CLARK, PETTIT, ARMSTRONG, NICKOL,  
VAN HORNE, HUTCHINSON, GEIST, BAKER, MELIO, STEIL, RAYMOND,  
STEELMAN, BROWN, BUNT, MANDERINO, MUNDY, SAYLOR, CORNELL,  
CURRY, BROWNE, HERSHEY, RAMOS, BOSCOLA, BATTISTO, COWELL AND  
STURLA, JUNE 21, 1995

---

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
MARCH 13, 1996

---

AN ACT

1 Providing for the establishment of charter schools; providing  
2 for powers and duties of the Secretary of Education and the  
3 State Board of Education; providing for payments to charter  
4 schools; and requiring certain reports and recommendations.

5 TABLE OF CONTENTS

- 6 Section 1. Short title.
- 7 Section 2. Legislative intent.
- 8 Section 3. Definitions.
- 9 Section 4. Establishment of charter school.
- 10 Section 5. Regional charter school.
- 11 Section 6. Contents of application.
- 12 Section 7. Term and form of charter.
- 13 Section 8. Powers of charter schools.
- 14 Section 9. Charter school requirements.
- 15 Section 10. Facilities.
- 16 Section 11. Enrollment.

1 Section 12. Powers of board of trustees.  
2 Section 13. School staff.  
3 Section 14. Waiver of laws and regulations.  
4 Section 15. Services to students with disabilities.  
5 Section 16. Payments to charter schools.  
6 Section 17. Transportation.  
7 Section 18. Review committees.  
8 Section 19. Tort liability.  
9 Section 20. Annual reports and assessments.  
10 Section 21. Causes for nonrenewal or termination.  
11 Section 22. Promulgation of regulations.  
12 Section 23. Desegregation orders.  
13 Section 24. Planning grants.  
14 Section 25. Effective date.

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

17 Section 1. Short title.

18 This act shall be known and may be cited as the Charter  
19 School Act.

20 Section 2. Legislative intent.

21 It is the intent of the General Assembly, in enacting this  
22 act, to provide opportunities for teachers, parents, pupils and  
23 community members to establish and maintain schools that  
24 operate independently from the existing school district  
25 structure, as a method to accomplish all of the following:

26 (1) Improve pupil learning.

27 (2) Increase learning opportunities for all pupils.

28 (3) Encourage the use of different and innovative  
29 teaching methods.

30 (4) Create new professional opportunities for teachers,

1 including the opportunity to be responsible for the learning  
2 program at the school site.

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

6 (6) Hold the schools established under this act  
7 accountable for meeting measurable academic standards  
8 approved by the State Board of Education and provide the  
9 school with a method to change from rule-based to  
10 performance-based accountability systems.

### 11 Section 3. Definitions.

12 The following words and phrases when used in this act shall  
13 have the meanings given to them in this section unless the  
14 context clearly indicates otherwise:

15 "Charter school." An independent public school established  
16 and operated under a charter from the local board of school  
17 directors and in which students are enrolled or attend. A  
18 charter school must be a public, nonprofit corporation. Charters  
19 may not be granted to any for-profit entity.

20 "Local board of school directors." The board of directors of  
21 a school district in which a proposed or an approved charter  
22 school is located.

23 ~~"Program." The Charter School Program established by this~~ <—  
24 ~~act.~~

25 "Regional charter school." An independent public school  
26 established and operated under a charter from two or more local  
27 boards of school directors and in which students are enrolled or  
28 attend. A regional charter school must be a public, nonprofit  
29 corporation. Charters may not be granted to any for-profit  
30 entity.

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

2 "State board." The State Board of Education of the

3 Commonwealth.

4 Section 4. Establishment of charter school.

5 (a) Establishment by teachers and parents.--A charter school  
6 may be established by three or more teachers certified by the  
7 Commonwealth who will teach at the proposed charter school; ten  
8 or more parents or guardians of public school students who  
9 reside within the public school district from which the charter  
10 is being sought; any nonsectarian college, university or museum  
11 located in this Commonwealth; other corporation not-for-profit,  
12 as defined in 15 Pa.C.S. (relating to corporations and  
13 unincorporated associations) and which is nonsectarian; or any  
14 combination thereof.

15 (b) Conversion of existing public school.--

16 (1) The conversion of an existing public school to a  
17 charter school may also be initiated by three or more  
18 teachers certificated by the Commonwealth who will teach at  
19 the proposed charter school; ten or more parents or guardians  
20 of public school students who reside within the attendance  
21 boundaries of the public school proposed for conversion; any  
22 nonsectarian college, university or museum located in this  
23 Commonwealth; other corporation not-for-profit, as defined in  
24 15 Pa.C.S. and which is nonsectarian; or any combination  
25 thereof.

26 (2) Those seeking to convert an existing public school  
27 to a charter school must also include in their application  
28 evidence that:

29 (i) not less than 50% of the teaching staff in the  
30 school have signed a petition in support of the public

1 school becoming a charter school; and

2 (ii) not less than 50% of the parents or guardians  
3 of pupils attending that public school have signed a  
4 petition in support of the school becoming a charter  
5 school.

6 (c) Submission of application.--An application to establish  
7 a charter school shall be submitted to the local board of school  
8 directors by October 15 of the school year preceding the school  
9 year in which the charter school will be established.

10 (d) Public hearing.--Within 30 days of receipt of an  
11 application, the local board of school directors in which the  
12 proposed charter school is to be located shall hold ~~a~~ AT LEAST <—  
13 ONE public hearing on the provisions of the charter application,  
14 under the act of July 3, 1986 (P.L.388, No.84), known as the  
15 Sunshine Act. AT LEAST 30 DAYS MUST TRANSPIRE BETWEEN THE FIRST <—  
16 PUBLIC HEARING AND THE FINAL DECISION OF THE BOARD ON THE  
17 CHARTER APPLICATION.

18 (e) Approval by local board of school directors.--

19 (1) Not later than ~~30~~ 60 days after the FIRST public <—  
20 hearing on the application, the local board of school  
21 directors shall grant or deny the application.

22 (2) A charter school application submitted under this  
23 act shall be evaluated in good faith by the local board of  
24 school directors based on criteria, including, but not  
25 limited to, the following:

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

30 (ii) The capability of the charter school applicant,

1 in terms of support and planning, to provide  
2 comprehensive learning experiences to students pursuant  
3 to the adopted charter.

4 (iii) The extent to which the application considers  
5 the information requested in section 6 and conforms to  
6 the legislative intent outlined in section 2.

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

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

13 (4) The local board of school directors and the board of  
14 trustees of the charter school shall establish a payment  
15 schedule for the school district funding, which shall provide  
16 for the school district to make an initial payment by the  
17 first day of classes of the charter school's school year.

18 (5) A charter application shall be deemed approved by  
19 the local board of school directors upon affirmative vote by  
20 at least five of the directors. Formal action approving or  
21 denying the application shall be taken by the local board of  
22 school directors at a public meeting, with notice or  
23 consideration of the application given by the board, under  
24 the Sunshine Act.

25 (6) Written notice of the board's action shall be sent  
26 to the applicant and the secretary. If the application is  
27 denied, the reasons for the denial and suggested remedial  
28 measures, if any, shall be clearly stated in the notice sent  
29 by the local board of school directors to the charter school  
30 applicant.

1 (f) Appeal of a denied application.--At the option of the  
2 charter school applicant a denied application may be revised and  
3 resubmitted to the local board of school directors, or the  
4 decision of the local board of school directors may be appealed  
5 to the secretary. When an application is revised and resubmitted  
6 to the local board of school directors, the board shall schedule  
7 ~~another~~ AT LEAST ONE ADDITIONAL public hearing on the revised <—  
8 application. The board shall consider the revised and  
9 resubmitted application at the first board meeting occurring at  
10 least ~~15~~ 30 days after receipt of the revised application by the <—  
11 board. The board shall provide notice of consideration of the  
12 revised application under the Sunshine Act.

13 (g) Appeal to secretary.--The secretary shall review an  
14 appeal by a charter school applicant, or by the board of  
15 trustees of an existing charter school, of a decision made by a  
16 local board of school directors not to grant, not to renew or to  
17 revoke a charter as provided in this section. The secretary in  
18 reviewing the appeal shall be required to consider the board's  
19 reasons for taking the action and shall be limited to upholding  
20 the board's decision or calling a referendum on the question to  
21 be submitted to the voters of the school district.

22 (h) Referendum called by secretary.--

23 (1) In the event the secretary decides to submit the  
24 question of the approval of charter school application, or is  
25 required to submit the question of renewal or revocation of a  
26 charter school, to the voters of the school district, he  
27 shall file a petition with the county board of elections of  
28 the county or counties wherein the school district is located  
29 to place the question submitted in the petition on the  
30 ballot. The county board of elections shall cause the

1 question submitted by the secretary to appear on the ballot  
2 at the next primary, municipal or general election occurring  
3 not less than 30 days after the submission of the petition to  
4 the county board. The secretary shall frame the question to  
5 appear on the ballot in plain English and in such form that a  
6 yes vote is to approve the application for the establishment  
7 of a charter school and a no vote is to reject the  
8 establishment of a charter school. A copy of the petition and  
9 question shall be transmitted to the local board of school  
10 directors and the charter applicants contemporaneously with  
11 the filing with the county board of elections.

12 (2) If a majority of the electors voting on the question  
13 vote yes, then a charter school shall be established by the  
14 local board of school directors under the terms and  
15 conditions set out in this act. If a majority of the electors  
16 voting on such question vote no, then the local board of  
17 school directors shall not establish a charter school based  
18 upon the application that was the subject of the referendum.

19 (3) Proceedings under this subsection shall be in  
20 accordance with the provisions of the act of June 3, 1937  
21 (P.L.1333, No.320), known as the Pennsylvania Election Code.

22 (4) The secretary shall prepare a brief summary of the  
23 charter school issue to be voted upon which shall be  
24 available at the administrative offices of the local school  
25 district and at each polling place on election day. The  
26 entire application for the establishment of a charter school  
27 shall be made available for review by all residents of the  
28 school district at the administrative offices of the school  
29 district during normal business hours each day up to and  
30 including the day on which the referendum is conducted.



Copies of the application may be obtained under rules established by the school district with all reasonable costs associated with such copying being borne by the recipient.

Section 5. Regional charter school.

(a) Establishment.--A regional charter school may be established by any nonsectarian college, university or museum located in this Commonwealth or other not-for-profit corporation, as defined in 15 Pa.C.S. (relating to corporations and unincorporated associations) and which is nonsectarian.

(b) Consideration and review.--The boards of school directors of two or more school districts may act jointly to receive and consider an application for a regional charter school, except that any action to approve an application for a charter or to enter into a written charter with an applicant shall require an affirmative vote of at least five of the directors of each of the districts acting jointly to approve an application or to sign a written charter for a regional charter school.

(c) Application of act.--The provisions of this act as it pertains to charter schools and a local board of school directors' powers and duties shall apply to regional charter schools, except as provided in subsections (a) and (b) or as otherwise clearly stated in this act.

Section 6. Contents of application.

An application to establish a charter school shall include all of the following information:

- (1) The identification of the charter applicant.
- (2) The name of the proposed charter school.
- (3) The grade or age levels served by the school.
- (4) The proposed governance structure of the charter

1 school, including a description and method for the  
2 appointment or election of members of the board of trustees.

3 (5) The mission and education goals of the charter  
4 school, the curriculum to be offered and the methods of  
5 assessing whether students are meeting educational goals.  
6 Charter school students shall be required to meet the same  
7 testing and academic performance standards established by law  
8 and regulations for public school students.

9 (6) The admission policy and criteria for evaluating the  
10 admission of students which shall comply with the  
11 requirements of section 11.

12 (7) Procedures which will be used regarding the  
13 suspension or expulsion of pupils.

14 (8) The plans which the school will use to achieve  
15 racial and ethnic diversity within the student body.

16 (9) Information on the manner in which community groups  
17 will be involved in the charter school planning process.

18 (10) The financial plan for the charter school and the  
19 provisions which will be made for auditing the school under  
20 the provisions of section 437 of the act of March 10, 1949  
21 (P.L.30, No.14), known as the Public School Code of 1949.

22 (11) A description of and justification for any waivers  
23 of regulations which the charter school requests.

24 (12) A description of and address for the physical  
25 facility in which the charter school will be located.

26 (13) Information on the proposed school calendar for the  
27 charter school, including the length of the school day and  
28 school year.

29 (14) The proposed faculty.

30 (15) A report of criminal history record, pursuant to

1 section 111 of the Public School Code of 1949, for all  
2 individuals seeking the charter who shall have direct contact  
3 with students.

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

9 (17) Such other information as the local school board of  
10 directors may require.

11 Section 7. Term and form of charter.

12 Upon approval of a charter application under section 4, a  
13 written charter shall be developed which shall contain the  
14 provisions of the charter application and which shall be duly  
15 approved by the local board of school directors, or by the local  
16 boards of school directors in the case of a regional charter  
17 school, and the board of trustees of the charter school. This  
18 written charter, when duly signed by the local board of school  
19 directors, or by the local boards of school directors in the  
20 case of a regional charter school, and the charter school's  
21 board of trustees shall act as legal authorization for the  
22 establishment of a charter school. This written charter shall be  
23 legally binding on both the local board of school directors and  
24 the charter school's board of trustees. The charter shall be for  
25 a period of no less than three, nor more than five years, and  
26 may be renewed for five-year periods upon reauthorization by the  
27 local board of school directors.

28 Section 8. Powers of charter schools.

29 (a) Specific powers.--A charter school established under  
30 this act is a body corporate and shall have all powers necessary

1 or desirable for carrying out its charter ~~program~~, including,  
2 but not limited to, the power to:

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

5 (2) Sue and be sued, but only to the same extent and  
6 upon the same condition that a public entity can be sued.

7 (3) Acquire real property from public or private sources  
8 by purchase, lease, lease with an option to purchase or gift  
9 for use as a school facility.

10 (4) Receive and disburse funds for school purposes.

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

13 (6) Incur temporary debts in anticipation of the receipt  
14 of funds.

15 (7) Solicit and accept any gifts or grants for school  
16 purposes.

17 (b) General powers.--A charter school shall have such other  
18 powers as are necessary to fulfill its charter and which are not  
19 inconsistent with this act or regulations of the State Board of  
20 Education.

21 Section 9. Charter school requirements.

22 Charter schools shall be required to comply with the  
23 following requirements:

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

29 (2) A charter school shall not unlawfully discriminate  
30 in admissions, hiring or operation.

1           (3) A charter school shall comply with all Federal and  
2       State laws, rules and regulations pertaining to public  
3       schools, except where the charter school has received a  
4       waiver of State regulations under this act.

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

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

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

12   Section 10. Facilities.

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

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

20       (c) Construction with public funds prohibited.--A charter  
21       school shall not construct a facility with public funds.

22   Section 11. Enrollment.

23       (a) Residents of school district.--

24           (1) The charter school shall enroll any pupil who is a  
25       resident of the school district in which the charter school  
26       is located and who submits a timely application unless the  
27       number of applications exceeds the capacity of a program,  
28       class, grade level or building. If the number of applications  
29       exceeds capacity, pupils shall be accepted by lot. A charter  
30       school shall not charge tuition to students who reside in the

1 district.

2 (2) A regional charter school shall enroll any pupil who  
3 is a resident of a school district which is a signatory to  
4 its written charter and who submits a timely application  
5 unless the number of applications exceeds the capacity of a  
6 program, class, grade level or building. If the number of  
7 applications exceeds capacity, pupils shall be accepted by  
8 lot. A regional charter school shall not charge tuition to  
9 students who reside in such a school district.

10 (b) Discrimination prohibited.--

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

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

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

28 Section 12. Powers of board of trustees.

29 (a) Enumeration of powers.--The board of trustees of a  
30 charter school shall have the authority to decide matters

1 related to the operation of the school, including, but not  
2 limited to, budgeting, curriculum and operating procedures,  
3 subject to the school's charter. The board shall have the  
4 authority to employ, discharge and contract with necessary  
5 professional and nonlicensed employees subject to the school's  
6 charter and the provisions of this act.

7 (B) MEMBERS OF LOCAL SCHOOL BOARDS.--NO MEMBER OF A LOCAL <—  
8 BOARD OF SCHOOL DIRECTORS SHALL SERVE ON THE BOARD OF TRUSTEES  
9 OF A CHARTER SCHOOL THAT IS LOCATED IN THE MEMBER'S DISTRICT.

10 ~~(b)~~ (C) Open meeting requirement.--The board of trustees <—  
11 shall comply with the provisions of the act of July 3, 1986  
12 (P.L.388, No.84), known as the Sunshine Act.

13 Section 13. School staff.

14 (a) Professional staff.-- At least 75% of the professional  
15 staff members of a charter school shall hold appropriate  
16 Pennsylvania certification. At the discretion of its board of  
17 trustees, up to 25% of the professional staff members of a  
18 charter school may be employed who do not hold appropriate  
19 Pennsylvania certification. Employees of a charter school may  
20 organize under the act of July 23, 1970 (P.L.563, No.195), known  
21 as the Public Employe Relations Act. The board of trustees of a  
22 charter school shall be considered an employer for the purposes  
23 of Article XI-A of the act of March 10, 1949 (P.L.30, No.14),  
24 known as the Public School Code of 1949, upon formation of one  
25 or more collective bargaining units at the school. Collective  
26 bargaining units at a charter school shall be separate from any  
27 collective bargaining unit of the school district in which the  
28 charter school is located and shall be separate from any other  
29 collective bargaining unit.

30 (b) Retirement and health benefits.--All employees of a

1 charter school shall be enrolled in the Public School Employees'  
2 Retirement System and the health benefits plan of the district  
3 in which the charter school is located. The Commonwealth shall  
4 make contributions on behalf of charter school employees and the  
5 charter school shall make any required employer's contributions  
6 on behalf of charter school employees in the manner provided for  
7 in 24 Pa.C.S. (relating to education). The charter school shall  
8 also make any required employer's contribution to the district's  
9 health benefits plan.

10 (c) Leave of absence for public school employees.--Any  
11 public school professional or temporary professional employee of  
12 a school district, intermediate unit or vocational-technical  
13 school may request a leave of absence for up to five years in  
14 order to work in a charter school. Approval for a leave shall  
15 not be unreasonably withheld. Professional or temporary  
16 professional employees on a leave of absence shall remain in and  
17 continue to make contributions to their retirement plan during  
18 the time of the leave and shall be enrolled in the health  
19 benefits plan of the district in which the charter school is  
20 located. The charter school shall make any required employer's  
21 contribution to the district's health benefit plan.

22 (d) Tenure.--Temporary professional employees on a leave  
23 shall not accrue tenure in the public school system.  
24 Professional employees shall retain tenure in the school entity  
25 from which they came. Both temporary professional employees and  
26 professional employees shall continue to accrue seniority in the  
27 school entity from which they came if they return to that school  
28 entity when the leave ends.

29 (e) Return to public school employment.--

30 (1) Any temporary professional employee or professional



1 employee who leaves or is dismissed from employment at a  
2 charter school shall have the right to return to a comparable  
3 position for which the person is properly certified in the  
4 public school district which granted the leave of absence. In  
5 the case where a teacher has been dismissed by the charter  
6 school, the district which granted the leave of absence is to  
7 be provided by the charter school with the reasons for such  
8 dismissal at the time it occurs.

9 (2) No temporary employee or professional employee who  
10 is leaving employment at a charter school shall be returned  
11 to a position in the public school district which granted  
12 their leave of absence, until such public school district is  
13 in receipt of a current criminal history record under section  
14 111 of the Public School Code of 1949, and the official  
15 clearance statement regarding child injury or abuse from the  
16 Department of Public Welfare as required by 23 Pa.C.S. Ch.  
17 63, Subch. C.2 (relating to background checks for employment  
18 in schools).

19 (f) Report of criminal history records.--All individuals who  
20 shall have direct contact with students shall be required to  
21 submit a report of criminal history record information as  
22 provided for in section 111 of the Public School Code of 1949,  
23 prior to accepting a position with the charter school. This  
24 subsection shall also apply to any individual who volunteers to  
25 work on a full-time or part-time basis at the charter school.

26 (g) Child abuse clearance statement.--All applicants for a  
27 position as a school employee shall be required to submit the  
28 official clearance statement regarding child injury or abuse  
29 from the Department of Public Welfare as required by 23 Pa.C.S.  
30 Ch. 63 Subch. C.2 (~~relating to background checks for employment~~

<—

1 ~~in schools~~).

2 Section 14. Waiver of regulations.

3 (a) General rule.--

4 (1) A charter school shall operate in accordance with  
5 its charter and the laws and regulations which govern other  
6 public schools.

7 (2) Notwithstanding paragraph (1), the secretary may  
8 exempt a charter school from State board regulations  
9 concerning public schools, except those pertaining to  
10 assessment, testing, civil rights and student health and  
11 safety, as contained in the signed, written charter developed  
12 under section 7.

13 (b) Procedures for granting waivers.--The State board shall  
14 approve procedures for the granting of these waivers.

15 Section 15. Services to students with disabilities.

16 A charter school shall comply with all statutes and  
17 regulations of the Commonwealth concerning the provision of  
18 services to students with disabilities.

19 Section 16. Payments to charter schools.

20 (a) Initial pupil payments.--During the first year of  
21 operations, the school district in which the charter school is  
22 located shall pay directly to the charter school for each  
23 resident pupil enrolled a tuition charge calculated as set forth  
24 in section 2561 of the act of March 10, 1949 (P.L.30, No.14),  
25 known as the Public School Code of 1949. The school district  
26 shall be charged for elementary pupils at a rate equal to the  
27 tuition charge for elementary pupils and for secondary pupils at  
28 a rate equal to the tuition charge for the district's secondary  
29 pupils, as defined in section 2501 of the Public School Code of  
30 1949. The district of each nonresident pupil shall pay an amount

1 equal to the tuition charge calculated for resident pupils.

2 (b) Calculation.--At the conclusion of its first year of  
3 operations, the charter school shall calculate its tuition. For  
4 the second and subsequent years of operations, the school  
5 district in which the charter school is located shall pay  
6 directly to the charter SCHOOL the lesser of either its tuition <—  
7 charge or that calculated by the charter school as its tuition.  
8 The district of each nonresident pupil shall pay the lesser of  
9 either the tuition charge calculated for resident pupils or the  
10 charter school's tuition.

11 (c) Accounting for students.--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 under section 2509.5 of the Public School Code of 1949.

16 (d) Other payments.--In addition to the payments provided  
17 for in subsections (a) and (b), the school district of residence  
18 shall make payments for each student enrolled in a charter  
19 school on whose behalf the district received payments, as  
20 provided in section 2509.5 of the Public School Code of 1949, an  
21 amount equal to the proportionate share of such payments. A  
22 charter school shall also receive a proportionate share of any  
23 Federal funding for special education services for each  
24 exceptional child enrolled from the school district of  
25 residence. Payments shall be made under the schedule adopted  
26 under section 4(e)(4).

27 (e) Property rights.--It shall be lawful for any charter  
28 school to receive, hold, manage and use, absolutely or in trust,  
29 any devise, bequest, grant, endowment, gift or donation of any  
30 property, real or personal and/or mixed, which shall be made to

1 the charter school for any of the purposes of this act.

2 (f) Solicitation of gifts prohibited.--It shall be unlawful  
3 for any trustee of a charter school, or any board of trustees of  
4 a charter school, or any other person affiliated in any way with  
5 a charter school to demand or request, directly or indirectly,  
6 any gift, donation or contribution of any kind from any parent,  
7 teacher or any other person affiliated with the charter school  
8 as a condition for enrollment and/or continued attendance of any  
9 pupil. Any donation, gift or contribution received by a charter  
10 school shall be given freely and voluntarily.

11 Section 17. Transportation.

12 Students who reside in the school district in which the  
13 charter school is located, or who are residents of a school  
14 district which is part of a regional charter school, shall be  
15 provided transportation to the charter school on the same terms  
16 and conditions as transportation is provided to students  
17 attending the schools of the district. Nonresident students  
18 shall be provided transportation under section 1361 of the act  
19 of March 10, 1949 (P.L.30, No.14), known as the Public School  
20 Code of 1949. Districts providing transportation to a charter  
21 school outside the district shall be eligible for payments under  
22 section 2509.3 of the Public School Code of 1949 for each public  
23 school student transported.

24 Section 18. Review committees.

25 In order to facilitate the consideration of complaints from  
26 individuals or groups concerning an alleged violation of the  
27 school's charter, a review committee shall be established for  
28 each charter school. The committee shall be comprised of eight  
29 members. Six members shall be appointed by the local board of  
30 school directors in which the charter school is located as

1 follows: two charter school teachers, two charter school  
2 administrators and two parents of students enrolled in the  
3 charter school.~~The~~; THE remaining members of the review <—  
4 committee shall be ~~a representative of the secretary and a~~ <—  
5 ~~representative~~ TWO MEMBERS of the local board of school <—  
6 directors. The review committee shall make a recommendation to  
7 the board of trustees concerning the disposition of a complaint.  
8 If the individual or group which filed the complaint feels that  
9 the board of trustees has not adequately responded, the  
10 individual or group may petition the secretary for relief.

11 Section 19. Tort liability.

12 For purposes of tort liability, employees of the charter  
13 school shall be considered public employees and the board of  
14 trustees shall be considered the public employer.

15 Section 20. Annual reports and assessments.

16 (a) Annual assessment.--The local board of school directors  
17 shall annually assess whether each charter school is meeting the  
18 goals of its charter and shall conduct a comprehensive review  
19 prior to granting a five-year renewal of the charter. The local  
20 board of school directors shall have ongoing access to the  
21 records and facilities of the charter school to ensure that the  
22 charter school is in compliance with its charter and that State  
23 board regulations concerning assessment, testing, civil rights  
24 and student health and safety are being met.

25 (b) Annual report by charter school.--In order to facilitate  
26 the local board's review and secretary's report, each charter  
27 school shall submit an annual report no later than August 1 of  
28 each year to the local board of school directors and the  
29 secretary in the form prescribed by the secretary.

30 (c) Report and evaluation.--Six years following the

1 effective date of this act, the secretary shall hold public  
2 hearings in various regions of this Commonwealth to receive  
3 input from members of the educational community and the public  
4 on the charter school program. The secretary shall submit to the  
5 Governor and the General Assembly a report on and an evaluation  
6 of the charter school program which shall include a  
7 recommendation on the advisability of the continuation,  
8 modification, expansion or termination of the program and any  
9 recommendations for changes in the structure of the program  
10 which the secretary deems advisable.

11 Section 21. Causes for nonrenewal or termination.

12 (a) General.--During the term of the charter or at the end  
13 of the term of the charter, the local board of school directors  
14 may choose to revoke or not to renew the charter based on any of  
15 the following:

16 (1) One or more material violations of any of the  
17 conditions, standards or procedures contained in the written  
18 charter signed pursuant to section 7.

19 (2) Failure to meet the requirements for student  
20 performance stated in the written charter signed pursuant to  
21 section 7.

22 (3) Failure to meet generally accepted standards of  
23 fiscal management.

24 (4) Violation of provisions of this act.

25 (5) Violation of any provision of law from which the  
26 charter school has not been specifically exempted.

27 (6) The charter school or its board of trustees has  
28 committed fraud on the local board of school directors.

29 (b) Notice of revocation or nonrenewal.--Any notice of  
30 revocation or nonrenewal of a charter given by the local board

1 of school directors shall state the grounds for such action with  
2 reasonable specificity and give reasonable notice to the  
3 governing board of the charter school of the date on which a  
4 public hearing concerning the revocation or nonrenewal will be  
5 held. The local board of school directors shall conduct such  
6 hearing, present evidence in support of the grounds for  
7 revocation or nonrenewal stated in its notice and give the  
8 charter school reasonable opportunity to offer testimony before  
9 taking final action. Formal action revoking or not renewing a  
10 charter shall be taken by the local board of school directors at  
11 a public meeting pursuant to the act of July 3, 1986 (P.L.388,  
12 No.84), known as the Sunshine Act, AFTER THE PUBLIC HAS HAD 30 <—  
13 DAYS TO PROVIDE COMMENTS TO THE BOARD.

14 (c) Appeal.--The charter school may appeal the decision of  
15 the local board of school directors to revoke or not renew the  
16 charter to the secretary pursuant to the provisions of section  
17 4. In the event the charter school subject to nonrenewal or  
18 revocation of its charter was established pursuant to the voter  
19 referendum provisions of section 4(h), the secretary shall  
20 submit the question of renewal or revocation to the voters and  
21 shall frame the question in such form that a "yes" vote will  
22 allow for the continuation of the charter school and a "no" vote  
23 will abolish it. A majority voting "no" shall be required to  
24 abolish the charter school.

25 (d) Emergencies.--In cases where the health or safety of the  
26 school's pupils and/or staff is at serious risk, the local board  
27 of school directors may take immediate action to revoke a  
28 charter.

29 (e) Dissolution.--When a charter is revoked or is not  
30 renewed, the charter school shall be dissolved.

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

8 Section 22. Promulgation of regulations.

9 The State board shall promulgate rules and regulations which  
10 are necessary to effectuate the provisions of this act.

11 Section 23. Desegregation orders.

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

18 Section 24. Planning grants.

19 (a) Allocation.--The secretary shall allocate planning  
20 grants to eligible applicants under section 4 from funds  
21 appropriated for this purpose. Grant applications shall be filed  
22 by a date determined by the secretary. The amount of a grant may  
23 vary depending on the size and scope of the planning needed by  
24 the applicant.

25 (b) Contents of application.--The application shall address  
26 the manner in which the applicant plans to address the criteria  
27 established for charter schools in section 4.

28 (c) Support of application.--The application shall include a  
29 copy of a resolution passed by a majority of the members of the  
30 local board of school directors of the school district in which



1 the proposed charter school would be located, at a public  
2 meeting, indicating its support for the planning grant  
3 application.

4 Section 25. Effective date.

5 This act shall take effect immediately.