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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL**

**No. 123**      Session of  
1997

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INTRODUCED BY MOWERY, SALVATORE, HART, TOMLINSON, JUBELIRER,  
AFFLERBACH, THOMPSON, MUSTO, KASUNIC, RHOADES, HELFRICK, DELP  
AND PICCOLA, JANUARY 21, 1997

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SENATE AMENDMENTS TO HOUSE AMENDMENTS, JUNE 11, 1997

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AN ACT

1 ~~Providing for a feasibility study relating to the establishment~~ <—  
2 ~~of a Pennsylvania Science Partnership Program; providing for~~  
3 ~~a program of residential education for at risk secondary~~  
4 ~~students; establishing the Pennsylvania Residential Education~~  
5 ~~Board and the Residential Education Support Fund; and making~~  
6 ~~appropriations.~~

7 ~~The General Assembly finds and declares as follows:~~

8       ~~(1) A well trained and well educated work force is~~  
9 ~~essential to the economic well being of this Commonwealth.~~

10       ~~(2) Many of the fastest growing sectors of the economy~~  
11 ~~are in areas which require technical competence and an~~  
12 ~~educational background that includes a solid foundation in~~  
13 ~~the chemical, physical, biological and earth sciences.~~

14       ~~(3) Sharing resources is a cost effective and proven~~  
15 ~~method of ensuring that all of this Commonwealth's school~~  
16 ~~children have access to a high quality science curriculum~~  
17 ~~that provides hand on experience with modern and~~  
18 ~~sophisticated scientific and technical equipment to prepare~~  
19 ~~students for the high technology demands of the 21st century.~~

1           ~~(4) Significant opportunities exist for collaboration~~  
2           ~~between the basic education and higher education systems of~~  
3           ~~this Commonwealth to enhance the education of this~~  
4           ~~Commonwealth's school children.~~

5           ~~(5) Students need the opportunity to learn science by~~  
6           ~~practicing science. This Commonwealth must graduate students~~  
7           ~~who are more scientifically literate and who are better able~~  
8           ~~to pursue careers and jobs in fields that require such~~  
9           ~~literacy.~~

10          ~~(6) Teachers who are the only physics or chemistry~~  
11          ~~teacher in their school need not work in isolation.~~

12          ~~(7) Teachers require greater opportunities for~~  
13          ~~professional development in science, including training to~~  
14          ~~incorporate new science equipment into the teaching~~  
15          ~~curricula.~~

16          ~~(8) It is therefore the intent of the General Assembly~~  
17          ~~and a purpose of this act to direct the Department of~~  
18          ~~Education to examine the feasibility of establishing the~~  
19          ~~Pennsylvania Science Partnership Program to provide enhanced~~  
20          ~~educational opportunities in the fields of science to this~~  
21          ~~Commonwealth's school children, especially children attending~~  
22          ~~schools that do not have the financial resources to provide~~  
23          ~~an enriched science curriculum.~~

24          ~~(9) A substantial proportion of the children of this~~  
25          ~~Commonwealth in low income families are growing up under the~~  
26          ~~threat of having their futures blighted by the scourges of~~  
27          ~~drugs and violent crime, particularly in our urban school~~  
28          ~~districts.~~

29          ~~(10) At risk children may stand a better chance of~~  
30          ~~becoming productive and well adjusted citizens if they have~~

1 ~~the opportunity to be educated at an alternative facility~~  
2 ~~that offers a residential program, since such a program will~~  
3 ~~provide a secure and nurturing environment that promotes~~  
4 ~~learning.~~

5 ~~(11) A residential school program can succeed only with~~  
6 ~~the cooperation and support of the child's parents.~~

7 ~~(12) Public funding may encourage private providers to~~  
8 ~~create new residential education or open up existing~~  
9 ~~residential education to at risk children.~~

10 AMENDING THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), ENTITLED "AN <—  
11 ACT RELATING TO THE PUBLIC SCHOOL SYSTEM, INCLUDING CERTAIN  
12 PROVISIONS APPLICABLE AS WELL TO PRIVATE AND PAROCHIAL  
13 SCHOOLS; AMENDING, REVISING, CONSOLIDATING AND CHANGING THE  
14 LAWS RELATING THERETO," PROVIDING FOR THE ESTABLISHMENT OF  
15 CHARTER SCHOOLS; PROVIDING FOR POWERS AND DUTIES OF THE  
16 SECRETARY OF EDUCATION; ESTABLISHING AN APPEALS PROCESS AND A  
17 STATE CHARTER SCHOOL APPEAL BOARD; PROVIDING FOR PAYMENTS TO  
18 CHARTER SCHOOLS; REQUIRING CERTAIN REPORTS AND  
19 RECOMMENDATIONS; PROVIDING FOR A FEASIBILITY STUDY RELATING  
20 TO THE ESTABLISHMENT OF A PENNSYLVANIA SCIENCE PARTNERSHIP  
21 PROGRAM; AND MAKING APPROPRIATIONS.

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

24 ~~CHAPTER 1~~ <—  
25 ~~FEASIBILITY STUDY OF PENNSYLVANIA~~  
26 ~~SCIENCE PARTNERSHIP PROGRAM~~

27 ~~Section 1. Definitions.~~

28 ~~Section 2. Reports.~~

29 ~~Section 1. Definitions.~~

30 ~~The following words and phrases when used in this chapter~~  
31 ~~shall have the meanings given to them in this section unless the~~  
32 ~~context clearly indicates otherwise:~~

33 ~~"Department." The Department of Education of the~~  
34 ~~Commonwealth.~~

35 ~~"Higher education institution." Any public or private two-~~

~~1 year or four year or higher postsecondary institution in this  
2 Commonwealth that has been accredited at the college level by an  
3 accrediting agency recognized by the United States Secretary of  
4 Education, or equivalent.~~

~~5 Section 2. Reports.~~

~~6 The department shall file a report with the Governor and with  
7 the chairman and minority chairman of the Education Committee of  
8 the Senate and the chairman and minority chairman of the  
9 Education Committee of the House of Representatives on the  
10 feasibility of establishing a Pennsylvania Science Partnership  
11 Program by January 1, 1998. The report shall describe the types  
12 of science partnerships created in selected communities of this  
13 Commonwealth, to be determined by the Secretary of Education. At  
14 a minimum, programs of this type in Philadelphia, Pittsburgh and  
15 at Juniata College and Lebanon Valley College shall be examined.  
16 The department shall consider the benefits of the partnership  
17 and the involvement of school districts, higher education  
18 institutions and science museums. The department shall survey  
19 school districts to determine the number of elementary and  
20 secondary education students participating in various science  
21 programs, a detailed breakdown of the costs of these programs  
22 and the impact of the programs on the level of scientific  
23 knowledge of school children.~~

## ~~24 CHAPTER 2~~

### ~~25 RESIDENTIAL EDUCATION~~

~~26 Section 11. Short title of chapter.~~

~~27 Section 12. Definitions.~~

~~28 Section 13. Legislative purpose.~~

~~29 Section 14. Pennsylvania Residential Education Board.~~

~~30 Section 15. Powers and duties.~~

1 ~~Section 16.— Eligibility and applications.~~  
2 ~~Section 17.— Residential education programs.~~  
3 ~~Section 18.— Award of contracts.~~  
4 ~~Section 19.— Residential Education Support Fund.~~  
5 ~~Section 20.— Tuition charges.~~  
6 ~~Section 21.— Reports.~~  
7 ~~Section 22.— Appointments.~~  
8 ~~Section 23.— Appropriation.~~  
9 ~~Section 24.— Effective date.~~  
10 ~~Section 11.— Short title of chapter.~~

11 ~~This chapter shall be known and may be cited as the~~  
12 ~~Residential Education Act.~~

13 ~~Section 12.— Definitions.~~

14 ~~The following words and phrases when used in this chapter~~  
15 ~~shall have the meanings given to them in this section unless the~~  
16 ~~context clearly indicates otherwise:~~

17 ~~"AFDC."— The aid to families with dependent children~~  
18 ~~provisions of Title IV of the Social Security Act (49 Stat. 620,~~  
19 ~~42 U.S.C. § 601 et seq.).~~

20 ~~"Board."— The Pennsylvania Residential Education Board~~  
21 ~~established by this chapter.~~

22 ~~"Disruptive student."— A student who poses a clear threat to~~  
23 ~~the safety and welfare of other students or the school staff,~~  
24 ~~who creates an unsafe school environment or whose behavior~~  
25 ~~materially interferes with the learning of other students or~~  
26 ~~disrupts the overall education process. The disruptive student~~  
27 ~~exhibits to a marked degree any or all of the following~~  
28 ~~conditions:~~

29 ~~(1) Disregard of school authority, including persistent~~  
30 ~~violation of school policy and rules.~~

1           ~~(2) Display of or use of controlled substances on school~~  
2 ~~property or during school affiliated activities.~~

3           ~~(3) Violent or threatening behavior.~~

4           ~~(4) Possession of a weapon on school property, as~~  
5 ~~defined under 18 Pa.C.S. § 912 (relating to possession of~~  
6 ~~weapon on school property).~~

7           ~~(5) Commission of a criminal act on school property.~~

8           ~~(6) Misconduct that would merit suspension or expulsion~~  
9 ~~under school policy.~~

10          ~~(7) Habitual truancy.~~

11 ~~No student who is eligible for special education services~~  
12 ~~pursuant to the Individuals with Disabilities Education Act~~  
13 ~~(Public Law 91-230, 20 U.S.C. § 1400 et seq.) shall be deemed a~~  
14 ~~disruptive student for the purposes of this chapter, except as~~  
15 ~~provided for by the Department of Education by applicable~~  
16 ~~regulations.~~

17          ~~"Eligible student." A student accepted into the program~~  
18 ~~established by this chapter pursuant to section 16.~~

19          ~~"Fund." The Residential Education Support Fund established~~  
20 ~~by section 19.~~

21          ~~"High school tuition charge." The amount computed under~~  
22 ~~section 2561(3) of the Public School Code, applicable to pupils~~  
23 ~~attending junior and senior high school.~~

24          ~~"Independent agency." As defined in 42 Pa.C.S. § 102~~  
25 ~~(relating to definitions).~~

26          ~~"Parent." Includes a guardian or person in loco parentis.~~

27          ~~"Public School Code." The provisions of the act of March 10,~~  
28 ~~1949 (P.L.30, No.14), known as the Public School Code of 1949.~~

29          ~~"Residential school." A school that offers a program of~~  
30 ~~secondary education to students who reside on school property.~~

1 ~~The term does not include a home education program provided~~  
2 ~~pursuant to section 1327.1 of the Public School Code.~~

3 ~~"School." Any public or nonpublic secondary school located~~  
4 ~~within this Commonwealth where a Commonwealth resident may~~  
5 ~~legally fulfill the compulsory school attendance requirements~~  
6 ~~and which meets the applicable requirements of Title VI of the~~  
7 ~~Civil Rights Act of 1964 (Public Law 88 352, 78 Stat. 241).~~

8 ~~"Secretary." The Secretary of Education of the Commonwealth.~~  
9 ~~Section 13. Legislative purpose.~~

10 ~~The purpose of this chapter is to facilitate the~~  
11 ~~establishment of residential secondary schools in which at risk~~  
12 ~~children may obtain their education in a safe, healthy and~~  
13 ~~nurturing environment.~~

14 ~~Section 14. Pennsylvania Residential Education Board.~~

15 ~~(a) Establishment. There is hereby established an~~  
16 ~~independent agency which shall be known as the Pennsylvania~~  
17 ~~Residential Education Board.~~

18 ~~(b) Purpose. The purpose of the board shall be to provide~~  
19 ~~for the education of the eligible students.~~

20 ~~(c) Board of directors. The board shall be governed and its~~  
21 ~~corporate powers shall be exercised by a board of directors,~~  
22 ~~which shall consist of 15 members, including the secretary and~~  
23 ~~the Secretary of Public Welfare, five members appointed by the~~  
24 ~~Governor, two members appointed by the President pro tempore of~~  
25 ~~the Senate, two members appointed by the Minority Leader of the~~  
26 ~~Senate, two members appointed by the Speaker of the House of~~  
27 ~~Representatives and two members appointed by the Minority Leader~~  
28 ~~of the House of Representatives. The term of office for each~~  
29 ~~member other than the secretary and the Secretary of Public~~  
30 ~~Welfare shall be four years from his or her appointment or until~~

1 ~~a successor has been duly appointed and qualified, but no longer~~  
2 ~~than six months beyond the four year period. Three of the~~  
3 ~~members appointed by the Governor and one of the members~~  
4 ~~appointed by each of the officers of the General Assembly shall~~  
5 ~~serve initial terms of two years. No member may serve more than~~  
6 ~~two consecutive terms, except that members appointed for an~~  
7 ~~initial term of two years may serve two consecutive four year~~  
8 ~~terms immediately after the initial term. The board shall elect~~  
9 ~~from its own members each year a chair and vice chair who shall~~  
10 ~~serve for terms of one year and who shall be eligible for~~  
11 ~~reelection for successive terms. Vacancies shall be filled for~~  
12 ~~the unexpired terms in the same manner as the original~~  
13 ~~appointments.~~

14 ~~(d) Expenses. Directors shall receive no compensation for~~  
15 ~~their services, but shall be reimbursed for their expenses~~  
16 ~~actually and reasonably incurred by them in the performance of~~  
17 ~~their duties.~~

18 ~~(e) Meetings. The board of directors shall provide for~~  
19 ~~general and special meetings. Seven directors attending shall~~  
20 ~~constitute a quorum for the transaction of any business and,~~  
21 ~~unless a greater number is required by the bylaws of the board,~~  
22 ~~the act of a majority of the members present at any meeting~~  
23 ~~shall be deemed the act of the board. The board shall adopt~~  
24 ~~bylaws for the board and may appoint such officers and employees~~  
25 ~~as it deems advisable and may fix their compensation and~~  
26 ~~prescribe their duties.~~

27 ~~(f) Administrative support of board. Administrative support~~  
28 ~~for the board shall be provided by the department. The~~  
29 ~~department shall periodically consult with the board regarding~~  
30 ~~the administrative needs of the board.~~



1       ~~(g) Absences. An appointed member who fails to attend three~~  
2 ~~consecutive board meetings shall forfeit membership on the board~~  
3 ~~unless the chair, upon written request of the member, determines~~  
4 ~~that the member shall be excused from a meeting or meetings for~~  
5 ~~reasonable cause.~~

6 ~~Section 15. Powers and duties.~~

7       ~~The board shall have the following powers and duties, in~~  
8 ~~addition to any others provided by this chapter:~~

9           ~~(1) To select, fund and supervise providers of~~  
10 ~~residential education programs in accordance with the~~  
11 ~~provisions of this chapter.~~

12           ~~(2) To enter into contracts with the providers in~~  
13 ~~accordance with section 18 with respect to residential~~  
14 ~~education programs.~~

15           ~~(3) To select the students eligible to participate in~~  
16 ~~the residential education program pursuant to section 16.~~

17           ~~(4) To place eligible students in residential schools~~  
18 ~~that agree to accept them.~~

19           ~~(5) To provide technical and financial assistance to~~  
20 ~~public and nonpublic schools that wish to establish~~  
21 ~~residential schools for at risk children.~~

22           ~~(6) To solicit and accept gifts, grants, loans and other~~  
23 ~~aid from any person or from Federal, State or local~~  
24 ~~government.~~

25           ~~(7) To promulgate rules and regulations and adopt~~  
26 ~~administrative guidelines relating to its activities,~~  
27 ~~including rules regarding the selection of providers and of~~  
28 ~~eligible students and verification of performance by~~  
29 ~~providers.~~

30           ~~(8) To develop a research design that will enable the~~

~~public to evaluate the results of residential education of at risk children and to collect data from residential schools in accordance with that design. The research design must provide for the collection of data concerning the socioeconomic characteristics of the students, the instruction given and follow up study of graduates of the program, including their educational attainment, employment history, income, marital status and criminal record.~~

~~(9) To perform such other acts as may be necessary or appropriate to carry out effectively the objectives and purposes of the board as specified in this chapter.~~

~~Section 16.— Eligibility and applications.~~

~~(a) Eligible students.— A student is eligible to participate in the residential education program if all of the following criteria are met:~~

~~(1) The student must have been a resident of this Commonwealth for at least two years before application.~~

~~(2) The family of the student must be eligible to receive assistance under either AFDC or the Food Stamp Act of 1977 (Public Law 88-525, 7 U.S.C. § 2011 et seq.), or both, or the annual family income must meet Federal poverty income guidelines.~~

~~(3) The student must reside in one of the 167 school districts identified by the department as having the highest percentage of children of families eligible to receive assistance under AFDC when measured as a percentage of the district's average daily membership.~~

~~(4) The student must reside in a municipal corporation that has a rate of violent crime more than twice the Statewide average rate as reported to the department under~~

1 ~~section 21(b).~~

2 ~~(5) The student must be of an age such that he or she~~  
3 ~~would be eligible to enter grade seven, eight, nine or ten in~~  
4 ~~the school district of residence, but in no event older than~~  
5 ~~17 years of age.~~

6 ~~(6) The student must not be brain damaged, mentally~~  
7 ~~retarded, socially and emotionally disturbed, learning~~  
8 ~~disabled, speech and language impaired, visually impaired,~~  
9 ~~deaf or hearing impaired or a disruptive student.~~

10 ~~(7) An application must be submitted to the board under~~  
11 ~~subsection (b).~~

12 ~~(8) The student must be accepted into the program under~~  
13 ~~subsection (c).~~

14 ~~(b) Submission of application. The parents of the student~~  
15 ~~must submit an application to the board on a form prescribed by~~  
16 ~~the board by the deadline set by the board. The application must~~  
17 ~~include all of the following:~~

18 ~~(1) Information showing that the student is eligible~~  
19 ~~under subsection (a)(1), (2), (3), (4), (5) and (6).~~

20 ~~(2) The school grade that the student intends to enter.~~

21 ~~(3) A release allowing the board to verify the~~  
22 ~~information provided on the application.~~

23 ~~(4) Such other information as the board may require by~~  
24 ~~regulation.~~

25 ~~(c) Approval of applications. The board shall approve~~  
26 ~~applications in a number that is within the number of placements~~  
27 ~~in residential schools under contract with or otherwise~~  
28 ~~available to the board. No more than 3% of the average daily~~  
29 ~~membership in grades seven through ten of a school district may~~  
30 ~~be selected from the applicants residing in that district,~~

1 ~~unless the number of eligible students would otherwise be fewer~~  
2 ~~than the number of available placements. If the applications~~  
3 ~~from a school district exceed the limitations of this~~  
4 ~~subsection, the board shall select the eligible students from~~  
5 ~~among the applicants by random selection. However, if the~~  
6 ~~applications from all the school districts exceed the number of~~  
7 ~~available placements, the board shall approve applicants by~~  
8 ~~random selection from each school district in the proportion~~  
9 ~~that the number of placements bears to the total applications.~~  
10 ~~The board shall determine the assignment of the students to the~~  
11 ~~residential schools and shall so notify the parents of the~~  
12 ~~student.~~

13 ~~(d) Loss of eligibility. A student shall no longer be~~  
14 ~~eligible for the program established by this chapter if the~~  
15 ~~student has:~~

16 ~~(1) voluntarily withdrawn from the residential school~~  
17 ~~program; or~~

18 ~~(2) violated behavioral standards as promulgated by the~~  
19 ~~board.~~

20 ~~An eligible student may not be dismissed from the program on the~~  
21 ~~grounds that the student's municipal corporation or school~~  
22 ~~district of residence does not qualify under subsection (a)(3)~~  
23 ~~or (4).~~

24 ~~Section 17. Residential education programs.~~

25 ~~(a) Contracts. The board shall award contracts pursuant to~~  
26 ~~this chapter to providers who demonstrate the ability to operate~~  
27 ~~and administer a residential school program that provides a~~  
28 ~~suitable secondary education program for eligible students.~~

29 ~~(b) Proposals for contracts. The proposal submitted by the~~  
30 ~~prospective provider must include the following:~~

1           ~~(1) The title or name and the address or location of the~~  
2 ~~school or classes, together with the name of the owners and~~  
3 ~~controlling officers.~~

4           ~~(2) The general and specific fields of instruction that~~  
5 ~~will be offered and the purposes of such instruction.~~

6           ~~(3) The place or places where instruction will be given.~~

7           ~~(4) The place or places where the students will reside.~~

8           ~~(5) A specific listing of the equipment and staff~~  
9 ~~available for instruction and residential supervision.~~

10          ~~(6) The maximum enrollment that can be accommodated by~~  
11 ~~the educational and residential facilities available.~~

12          ~~(7) The qualifications of instructors, administrators~~  
13 ~~and supervisors.~~

14          ~~(8) Financial resources available to equip and maintain~~  
15 ~~the school and the residence.~~

16          ~~(9) An agreement to abide by reasonable service and~~  
17 ~~business ethics prescribed by the board.~~

18          ~~(10) A research and performance verification plan~~  
19 ~~consistent with the research design prescribed under section~~  
20 ~~15(8).~~

21          ~~(11) Any additional information the board may deem~~  
22 ~~necessary to enable it to determine the adequacy of the~~  
23 ~~program of instruction, the business integrity, the social~~  
24 ~~support services and related matters.~~

25          ~~(c) Certain exemptions. The board may exempt residential~~  
26 ~~schools under contract with the board from the Public School~~  
27 ~~Code except for the provisions of the Public School Code~~  
28 ~~applicable to nonpublic nonlicensed schools. This subsection~~  
29 ~~shall not exempt residential schools from requirements otherwise~~  
30 ~~applicable under the act of December 15, 1986 (P.L.1585,~~

1 ~~No.174), known as the Private Licensed Schools Act, or the act~~  
2 ~~of January 28, 1988 (P.L.24, No.11), known as the Private~~  
3 ~~Academic Schools Act.~~

4 ~~(d) Awards to nonpublic schools. No contract may be awarded~~  
5 ~~to a nonpublic school unless the proposal includes adequate~~  
6 ~~assurances that the residential school will not be pervasively~~  
7 ~~sectarian and that its secular character can be maintained~~  
8 ~~without excessive entanglement between the provider and the~~  
9 ~~Commonwealth.~~

10 ~~Section 18. Award of contracts.~~

11 ~~(a) General rule. Contracts for the operation,~~  
12 ~~administration and funding of residential schools shall be~~  
13 ~~awarded through a process of competitive sealed proposals, which~~  
14 ~~the board shall solicit through a request for proposals. The~~  
15 ~~contract relating to each residential school shall be let~~  
16 ~~pursuant to a separate request for proposals.~~

17 ~~(b) Public notice. Adequate public notice of the request~~  
18 ~~for proposals shall be given a reasonable time prior to the date~~  
19 ~~set for the opening of proposals. Notice in the Pennsylvania~~  
20 ~~Bulletin is sufficient for all purposes under this section.~~

21 ~~(c) Pre award discussions and negotiations. Discussions and~~  
22 ~~negotiations may be conducted with responsible offerors who~~  
23 ~~submit proposals determined to be reasonably susceptible of~~  
24 ~~being selected for award. Offerors shall be accorded fair and~~  
25 ~~equal treatment with respect to any opportunity for discussion,~~  
26 ~~negotiation and revision of proposals. Revision may be permitted~~  
27 ~~after submissions and prior to award for the purpose of~~  
28 ~~obtaining best and final offers. Discussions shall not disclose~~  
29 ~~any information derived from proposals submitted by other~~  
30 ~~offerors.~~

1       ~~(d) Award. Award shall be made to the offeror whose~~  
2 ~~proposal is determined in writing by the board to be the most~~  
3 ~~advantageous to the Commonwealth based on the criteria~~  
4 ~~determined by the board.~~

5 ~~Section 19. Residential Education Support Fund.~~

6       ~~(a) Establishment. There is hereby established a special~~  
7 ~~nonlapsing fund in the State Treasury to be known as the~~  
8 ~~Residential Education Support Fund. Moneys received by the board~~  
9 ~~shall be paid into the State Treasury and shall be credited to~~  
10 ~~the fund and are hereby appropriated to the board on a~~  
11 ~~continuing basis to assist in funding activities necessary to~~  
12 ~~meet the requirements of this chapter. The fund shall consist of~~  
13 ~~the following:~~

14           ~~(1) Any moneys appropriated to the fund by general~~  
15 ~~appropriations.~~

16           ~~(2) Contributions to the fund.~~

17           ~~(3) The tuition charges required by section 710.~~

18       ~~(b) Tax credits.—~~

19           ~~(1) Any business firm which contributes to the fund may~~  
20 ~~receive a tax credit against any tax due under Article IV,~~  
21 ~~VI, VII, VII A, VIII, VIII A, IX, X or XV of the act of March~~  
22 ~~4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971,~~  
23 ~~or any tax substituted in lieu thereof. The credit shall not~~  
24 ~~exceed \$250,000 annually. Any tax credit not used in the~~  
25 ~~calendar or fiscal year the donation is made may be carried~~  
26 ~~over for the next five succeeding calendar or fiscal years~~  
27 ~~until the full credit has been allowed.~~

28           ~~(2) The total amount of all tax credits allowed pursuant~~  
29 ~~to this section shall not exceed \$10,000,000 in any one~~  
30 ~~fiscal year of the Commonwealth, unless a greater amount is~~

1 ~~provided for in the general appropriation act. If the total~~  
2 ~~amount of tax credits claimed under this section exceeds the~~  
3 ~~amount permitted under this paragraph, the tax credit allowed~~  
4 ~~each business firm shall be ratably reduced under regulations~~  
5 ~~promulgated by the Department of Revenue.~~

6 ~~(c) Charitable donations. Any charitable donations made by~~  
7 ~~persons to the board shall also be deposited in the fund.~~

8 ~~(d) Definition. As used in this section, the term "business~~  
9 ~~firm" means any business entity authorized to do business in~~  
10 ~~this Commonwealth and subject to taxes imposed by Article IV,~~  
11 ~~VI, VII, VII A, VIII, VIII A, IX, X or XV of the Tax Reform Code~~  
12 ~~of 1971.~~

13 ~~Section 20. Tuition charges.~~

14 ~~(a) General rule. For each eligible student who attends a~~  
15 ~~residential school that is not administered and operated by the~~  
16 ~~school district of residence, the department shall pay to the~~  
17 ~~fund the high school tuition charge attributable to the district~~  
18 ~~and shall continue to pay the fund so long as the eligible~~  
19 ~~student attends a residential school. Payments shall be deducted~~  
20 ~~from the reimbursements otherwise due the school district of~~  
21 ~~residence under Article XXV of the Public School Code.~~

22 ~~(b) Definition. As used in this section, the term "school~~  
23 ~~district of residence" means the school district in which the~~  
24 ~~eligible student resided immediately before his or her~~  
25 ~~attendance in a residential school.~~

26 ~~Section 21. Reports.~~

27 ~~(a) Board report. No later than January 31 of each year,~~  
28 ~~the board shall submit a report to the Governor, the~~  
29 ~~Appropriations Committee and the Education Committee of the~~  
30 ~~Senate and the Appropriations Committee and the Education~~



1 ~~Committee of the House of Representatives, which shall include~~  
2 ~~the following:~~

3 ~~(1) The names of the providers, the names and addresses~~  
4 ~~of the residential schools operated pursuant to this chapter~~  
5 ~~and the number of eligible students enrolled in each school,~~  
6 ~~analyzed by grade level and gender.~~

7 ~~(2) The socioeconomic characteristics of the eligible~~  
8 ~~students, with a separate analysis of those most recently~~  
9 ~~enrolled.~~

10 ~~(3) The number of students who have withdrawn from the~~  
11 ~~residential schools and the number who have graduated from~~  
12 ~~the program.~~

13 ~~(4) The amount of financial support provided under this~~  
14 ~~chapter to the residential schools, broken down by contract~~  
15 ~~payments, amounts paid from the fund and amounts paid from~~  
16 ~~Commonwealth appropriations.~~

17 ~~(5) Evaluation of the program and suggestions for~~  
18 ~~improvement, including suggestions for legislative action.~~

19 ~~In no case shall the names of eligible students or their parents~~  
20 ~~be furnished as part of this report.~~

21 ~~(b) Report by Pennsylvania State Police. The Pennsylvania~~  
22 ~~State Police shall annually submit to the board a list of all~~  
23 ~~municipal corporations that have a rate of violent crime equal~~  
24 ~~to or greater than twice the Statewide average rate of violent~~  
25 ~~crime.~~

26 ~~Section 22. Appointments.~~

27 ~~The respective appointing authorities set forth in section~~  
28 ~~4(c) shall appoint the members of the Pennsylvania Residential~~  
29 ~~Education Board within 120 days of the effective date of this~~  
30 ~~act.~~

1 ~~Section 23. Appropriation.~~

2 ~~The sum of \$3,000,000, or as much thereof as may be~~  
3 ~~necessary, is hereby appropriated to the Pennsylvania~~  
4 ~~Residential Education Board for the fiscal year July 1, 1997, to~~  
5 ~~June 30, 1998, to administer the provisions of Chapter 2.~~

6 ~~Section 24. Effective date.~~

7 ~~This act shall take effect immediately.~~

8 SECTION 1. THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN <—  
9 AS THE PUBLIC SCHOOL CODE OF 1949, IS AMENDED BY ADDING AN  
10 ARTICLE TO READ:

11 ARTICLE XVII-A.

12 CHARTER SCHOOLS.

13 (A) PRELIMINARY PROVISIONS.

14 SECTION 1701-A. SHORT TITLE.--THIS ARTICLE SHALL BE KNOWN  
15 AND MAY BE CITED AS THE "CHARTER SCHOOL LAW."

16 SECTION 1702-A. LEGISLATIVE INTENT.--IT IS THE INTENT OF THE  
17 GENERAL ASSEMBLY, IN ENACTING THIS ARTICLE, TO PROVIDE PUPILS  
18 AND COMMUNITY MEMBERS TO ESTABLISH AND MAINTAIN SCHOOLS THAT  
19 OPERATE INDEPENDENTLY FROM THE EXISTING SCHOOL DISTRICT  
20 STRUCTURE, AS A METHOD TO ACCOMPLISH ALL OF THE FOLLOWING:

21 (1) IMPROVE PUPIL LEARNING.

22 (2) INCREASE LEARNING OPPORTUNITIES FOR ALL PUPILS.

23 (3) ENCOURAGE THE USE OF DIFFERENT AND INNOVATIVE TEACHING  
24 METHODS.

25 (4) CREATE NEW PROFESSIONAL OPPORTUNITIES FOR TEACHERS,  
26 INCLUDING THE OPPORTUNITY TO BE RESPONSIBLE FOR THE LEARNING  
27 PROGRAM AT THE SCHOOL SITE.

28 (5) PROVIDE PARENTS AND PUPILS WITH EXPANDED CHOICES IN THE  
29 TYPES OF EDUCATIONAL OPPORTUNITIES THAT ARE AVAILABLE WITHIN THE  
30 PUBLIC SCHOOL SYSTEM.

1       (6) HOLD THE SCHOOLS ESTABLISHED UNDER THIS ACT ACCOUNTABLE  
2 FOR MEETING MEASURABLE ACADEMIC STANDARDS AND PROVIDE THE SCHOOL  
3 WITH A METHOD TO ESTABLISH ACCOUNTABILITY SYSTEMS.

4       SECTION 1703-A. DEFINITIONS.--AS USED IN THIS ARTICLE,  
5 "APPEAL BOARD" SHALL MEAN THE STATE CHARTER SCHOOL APPEAL  
6 BOARD ESTABLISHED BY THIS ARTICLE.

7       "CHARTER SCHOOL" SHALL MEAN AN INDEPENDENT PUBLIC SCHOOL  
8 ESTABLISHED AND OPERATED UNDER A CHARTER FROM THE LOCAL BOARD OF  
9 SCHOOL DIRECTORS AND IN WHICH STUDENTS ARE ENROLLED OR ATTEND. A  
10 CHARTER SCHOOL MUST BE ORGANIZED AS A PUBLIC, NONPROFIT  
11 CORPORATION. CHARTERS MAY NOT BE GRANTED TO ANY FOR-PROFIT  
12 ENTITY.

13       "DEPARTMENT" SHALL MEAN THE DEPARTMENT OF EDUCATION OF THE  
14 COMMONWEALTH.

15       "LOCAL BOARD OF SCHOOL DIRECTORS" SHALL MEAN THE BOARD OF  
16 DIRECTORS OF A SCHOOL DISTRICT IN WHICH A PROPOSED OR AN  
17 APPROVED CHARTER SCHOOL IS LOCATED.

18       "REGIONAL CHARTER SCHOOL" SHALL MEAN AN INDEPENDENT PUBLIC  
19 SCHOOL ESTABLISHED AND OPERATED UNDER A CHARTER FROM MORE THAN  
20 ONE LOCAL BOARD OF SCHOOL DIRECTORS AND IN WHICH STUDENTS ARE  
21 ENROLLED OR ATTEND. A REGIONAL CHARTER SCHOOL MUST BE ORGANIZED  
22 AS A PUBLIC, NONPROFIT CORPORATION. CHARTERS MAY NOT BE GRANTED  
23 TO ANY FOR-PROFIT ENTITY.

24       "SCHOOL ENTITY" SHALL MEAN A SCHOOL DISTRICT, INTERMEDIATE  
25 UNIT, JOINT SCHOOL OR AREA VOCATIONAL-TECHNICAL SCHOOL.

26       "SECRETARY" SHALL MEAN THE SECRETARY OF EDUCATION OF THE  
27 COMMONWEALTH.

28       "STATE BOARD" SHALL MEAN THE STATE BOARD OF EDUCATION OF THE  
29 COMMONWEALTH.

30                               (B) CHARTER SCHOOLS.

1       SECTION 1714-A. POWERS OF CHARTER SCHOOLS.--(A) A CHARTER  
2 SCHOOL ESTABLISHED UNDER THIS ACT IS A BODY CORPORATE AND SHALL  
3 HAVE ALL POWERS NECESSARY OR DESIRABLE FOR CARRYING OUT ITS  
4 CHARTER, INCLUDING, BUT NOT LIMITED TO, THE POWER TO:

5       (1) ADOPT A NAME AND CORPORATE SEAL; HOWEVER, ANY NAME  
6 SELECTED SHALL INCLUDE THE WORDS "CHARTER SCHOOL."

7       (2) SUE AND BE SUED, BUT ONLY TO THE SAME EXTENT AND UPON  
8 THE SAME CONDITION THAT POLITICAL SUBDIVISIONS AND LOCAL  
9 AGENCIES CAN BE SUED.

10       (3) ACQUIRE REAL PROPERTY FROM PUBLIC OR PRIVATE SOURCES BY  
11 PURCHASE, LEASE, LEASE WITH AN OPTION TO PURCHASE OR GIFT FOR  
12 USE AS A CHARTER SCHOOL FACILITY.

13       (4) RECEIVE AND DISBURSE FUNDS FOR CHARTER SCHOOL PURPOSES  
14 ONLY.

15       (5) MAKE CONTRACTS AND LEASES FOR THE PROCUREMENT OF  
16 SERVICES, EQUIPMENT AND SUPPLIES.

17       (6) INCUR TEMPORARY DEBTS IN ANTICIPATION OF THE RECEIPT OF  
18 FUNDS.

19       (7) SOLICIT AND ACCEPT ANY GIFTS OR GRANTS FOR CHARTER  
20 SCHOOL PURPOSES.

21       (B) A CHARTER SCHOOL SHALL HAVE SUCH OTHER POWERS AS ARE  
22 NECESSARY TO FULFILL ITS CHARTER AND WHICH ARE NOT INCONSISTENT  
23 WITH THIS ARTICLE.

24       SECTION 1715-A. CHARTER SCHOOL REQUIREMENTS.--CHARTER  
25 SCHOOLS SHALL BE REQUIRED TO COMPLY WITH THE FOLLOWING  
26 PROVISIONS:

27       (1) EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, A CHARTER  
28 SCHOOL IS EXEMPT FROM STATUTORY REQUIREMENTS ESTABLISHED IN THIS  
29 ACT, FROM REGULATIONS OF THE STATE BOARD AND THE STANDARDS OF  
30 THE SECRETARY NOT SPECIFICALLY APPLICABLE TO CHARTER SCHOOLS.

1 CHARTER SCHOOLS ARE NOT EXEMPT FROM STATUTES APPLICABLE TO  
2 PUBLIC SCHOOLS OTHER THAN THIS ACT.

3 (2) A CHARTER SCHOOL SHALL BE ACCOUNTABLE TO THE PARENTS,  
4 THE PUBLIC AND THE COMMONWEALTH, WITH THE DELINEATION OF THAT  
5 ACCOUNTABILITY REFLECTED IN THE CHARTER. STRATEGIES FOR  
6 MEANINGFUL PARENT AND COMMUNITY INVOLVEMENT SHALL BE DEVELOPED  
7 AND IMPLEMENTED BY EACH SCHOOL.

8 (3) A CHARTER SCHOOL SHALL NOT UNLAWFULLY DISCRIMINATE IN  
9 ADMISSIONS, HIRING OR OPERATION.

10 (4) A CHARTER SCHOOL SHALL BE NONSECTARIAN IN ALL  
11 OPERATIONS.

12 (5) A CHARTER SCHOOL SHALL NOT PROVIDE ANY RELIGIOUS  
13 INSTRUCTION, NOR SHALL IT DISPLAY RELIGIOUS OBJECTS AND SYMBOLS  
14 ON THE PREMISES OF THE CHARTER SCHOOL.

15 (6) A CHARTER SCHOOL SHALL NOT ADVOCATE UNLAWFUL BEHAVIOR.

16 (7) A CHARTER SCHOOL SHALL ONLY BE SUBJECT TO THE LAWS AND  
17 REGULATIONS AS PROVIDED FOR IN SECTION 1732-A, AS OTHERWISE  
18 PROVIDED FOR IN THIS ARTICLE.

19 (8) A CHARTER SCHOOL SHALL PARTICIPATE IN THE PENNSYLVANIA  
20 STATE ASSESSMENT SYSTEM AS PROVIDED FOR IN 22 PA. CODE CH. 5  
21 (RELATING TO CURRICULUM), OR SUBSEQUENT REGULATIONS PROMULGATED  
22 TO REPLACE 22 PA.CODE CH. 5, IN THE MANNER IN WHICH THE SCHOOL  
23 DISTRICT IN WHICH THE CHARTER SCHOOL IS LOCATED IS SCHEDULED TO  
24 PARTICIPATE.

25 (9) A CHARTER SCHOOL SHALL PROVIDE A MINIMUM OF ONE HUNDRED  
26 EIGHTY (180) DAYS OF INSTRUCTION OR NINE HUNDRED (900) HOURS PER  
27 YEAR OF INSTRUCTION AT THE ELEMENTARY LEVEL, OR NINE HUNDRED  
28 NINETY (990) HOURS PER YEAR OF INSTRUCTION AT THE SECONDARY  
29 LEVEL. NOTHING IN THIS CLAUSE SHALL PRECLUDE THE USE OF COMPUTER  
30 AND SATELLITE LINKAGES FOR DELIVERING INSTRUCTION TO STUDENTS.

1       (10) BOARDS OF TRUSTEES AND CONTRACTORS OF CHARTER SCHOOLS  
2 SHALL BE SUBJECT TO THE FOLLOWING STATUTORY REQUIREMENTS  
3 GOVERNING CONSTRUCTION PROJECTS AND CONSTRUCTION-RELATED WORK:

4       (I) THE FOLLOWING PROVISIONS OF THIS ACT:

5       (A) SECTIONS 751 AND 751.1.

6       (B) SECTIONS 756 AND 757 INSOFAR AS THEY ARE CONSISTENT WITH  
7 THE ACT OF DECEMBER 20, 1967 (P.L.869, NO.385), KNOWN AS THE  
8 "PUBLIC WORKS CONTRACTORS' BOND LAW OF 1967."

9       (II) SECTION 1 OF THE ACT OF MAY 1, 1913 (P.L.155, NO.104)  
10 ENTITLED "AN ACT REGULATING THE LETTING OF CERTAIN CONTRACTS FOR  
11 THE ERECTION, CONSTRUCTION, AND ALTERATION OF PUBLIC BUILDINGS."

12       (III) THE ACT OF AUGUST 11, 1961 (P.L.987, NO.442), KNOWN AS  
13 THE "PENNSYLVANIA PREVAILING WAGE ACT."

14       (IV) THE "PUBLIC WORKS CONTRACTORS' BOND LAW OF 1967."

15       (V) THE ACT OF MARCH 3, 1978 (P.L.6, NO.3), KNOWN AS THE  
16 "STEEL PRODUCTS PROCUREMENT ACT".

17       (11) TRUSTEES OF A CHARTER SCHOOL SHALL BE PUBLIC OFFICIALS.

18       SECTION 1716-A. POWERS OF BOARD OF TRUSTEES.--(A) THE BOARD  
19 OF TRUSTEES OF A CHARTER SCHOOL SHALL HAVE THE AUTHORITY TO  
20 DECIDE MATTERS RELATED TO THE OPERATION OF THE SCHOOL,  
21 INCLUDING, BUT NOT LIMITED TO, BUDGETING, CURRICULUM AND  
22 OPERATING PROCEDURES, SUBJECT TO THE SCHOOL'S CHARTER. THE BOARD  
23 SHALL HAVE THE AUTHORITY TO EMPLOY, DISCHARGE AND CONTRACT WITH  
24 NECESSARY PROFESSIONAL AND NONPROFESSIONAL EMPLOYEES SUBJECT TO  
25 THE SCHOOL'S CHARTER AND THE PROVISIONS OF THIS ARTICLE.

26       (B) NO MEMBER OF A LOCAL BOARD OF SCHOOL DIRECTORS OF A  
27 SCHOOL ENTITY SHALL SERVE ON THE BOARD OF TRUSTEES OF A CHARTER  
28 SCHOOL THAT IS LOCATED IN THE MEMBER'S DISTRICT.

29       (C) THE BOARD OF TRUSTEES SHALL COMPLY WITH THE ACT OF JULY  
30 3, 1986 (P.L.388, NO.84), KNOWN AS THE "SUNSHINE ACT."

1       SECTION 1717-A. ESTABLISHMENT OF CHARTER SCHOOL.--(A) A  
2 CHARTER SCHOOL MAY BE ESTABLISHED BY AN INDIVIDUAL; ONE OR MORE  
3 TEACHERS WHO WILL TEACH AT THE PROPOSED CHARTER SCHOOL; PARENTS  
4 OR GUARDIANS OF STUDENTS WHO WILL ATTEND THE CHARTER SCHOOL; ANY  
5 NONSECTARIAN COLLEGE, UNIVERSITY OR MUSEUM LOCATED IN THIS  
6 COMMONWEALTH; ANY NONSECTARIAN CORPORATION NOT-FOR-PROFIT, AS  
7 DEFINED IN 15 PA.C.S. (RELATING TO CORPORATIONS AND  
8 UNINCORPORATED ASSOCIATIONS); ANY CORPORATION; ASSOCIATION;  
9 PARTNERSHIP; OR ANY COMBINATION THEREOF. A CHARTER SCHOOL MAY BE  
10 ESTABLISHED BY CREATING A NEW SCHOOL OR BY CONVERTING AN  
11 EXISTING PUBLIC SCHOOL OR A PORTION OF AN EXISTING PUBLIC  
12 SCHOOL. NO CHARTER SCHOOL SHALL BE ESTABLISHED OR FUNDED BY AND  
13 NO CHARTER SHALL BE GRANTED TO ANY SECTARIAN SCHOOL, INSTITUTION  
14 OR OTHER ENTITY. NO FUNDS ALLOCATED OR DISBURSED UNDER THIS  
15 ARTICLE SHALL BE USED TO DIRECTLY SUPPORT INSTRUCTION PURSUANT  
16 TO SECTION 1327.1.

17       (B) (1) THE CONVERSION OF AN EXISTING PUBLIC SCHOOL OR  
18 PORTION OF AN EXISTING PUBLIC SCHOOL TO A CHARTER SCHOOL MAY BE  
19 INITIATED BY ANY INDIVIDUAL OR ENTITY AUTHORIZED TO ESTABLISH A  
20 CHARTER SCHOOL UNDER SUBSECTION (A).

21       (2) IN ORDER TO CONVERT AN EXISTING PUBLIC SCHOOL TO A  
22 CHARTER SCHOOL, THE APPLICANTS MUST SHOW THAT:

23       (I) MORE THAN FIFTY PER CENTUM OF THE TEACHING STAFF IN THE  
24 PUBLIC SCHOOL HAVE SIGNED A PETITION IN SUPPORT OF THE PUBLIC  
25 SCHOOL BECOMING A CHARTER SCHOOL; AND

26       (II) MORE THAN FIFTY PER CENTUM OF THE PARENTS OR GUARDIANS  
27 OF PUPILS ATTENDING THAT PUBLIC SCHOOL HAVE SIGNED A PETITION IN  
28 SUPPORT OF THE SCHOOL BECOMING A CHARTER SCHOOL.

29       (3) IN NO EVENT SHALL THE BOARD OF SCHOOL DIRECTORS SERVE AS  
30 THE BOARD OF TRUSTEES OF AN EXISTING SCHOOL WHICH IS CONVERTED

1 TO A CHARTER SCHOOL PURSUANT TO THIS SUBSECTION.

2 (C) AN APPLICATION TO ESTABLISH A CHARTER SCHOOL SHALL BE  
3 SUBMITTED TO THE LOCAL BOARD OF SCHOOL DIRECTORS OF THE DISTRICT  
4 WHERE THE CHARTER SCHOOL WILL BE LOCATED BY NOVEMBER 15 OF THE  
5 SCHOOL YEAR PRECEDING THE SCHOOL YEAR IN WHICH THE CHARTER  
6 SCHOOL WILL BE ESTABLISHED EXCEPT THAT FOR A CHARTER SCHOOL  
7 BEGINNING IN THE 1997-1998 SCHOOL YEAR, AN APPLICATION MUST BE  
8 RECEIVED BY JULY 15, 1997. IN THE 1997-1998 SCHOOL YEAR ONLY,  
9 APPLICATIONS SHALL BE LIMITED TO RECIPIENTS OF FISCAL YEAR 1996-  
10 1997 DEPARTMENT OF EDUCATION CHARTER SCHOOL PLANNING GRANTS.

11 (D) WITHIN FORTY-FIVE (45) DAYS OF RECEIPT OF AN  
12 APPLICATION, THE LOCAL BOARD OF SCHOOL DIRECTORS IN WHICH THE  
13 PROPOSED CHARTER SCHOOL IS TO BE LOCATED SHALL HOLD AT LEAST ONE  
14 PUBLIC HEARING ON THE PROVISIONS OF THE CHARTER APPLICATION,  
15 UNDER THE ACT OF JULY 3, 1986 (P.L.388, NO.84), KNOWN AS THE  
16 "SUNSHINE ACT." AT LEAST FORTY-FIVE (45) DAYS MUST TRANSPIRE  
17 BETWEEN THE FIRST PUBLIC HEARING AND THE FINAL DECISION OF THE  
18 BOARD ON THE CHARTER APPLICATION EXCEPT THAT FOR A CHARTER  
19 SCHOOL BEGINNING IN THE 1997-1998 SCHOOL YEAR, ONLY THIRTY (30)  
20 DAYS MUST TRANSPIRE BETWEEN THE FIRST PUBLIC HEARING AND THE  
21 FINAL DECISION OF THE BOARD.

22 (E) (1) NOT LATER THAN SEVENTY-FIVE (75) DAYS AFTER THE  
23 FIRST PUBLIC HEARING ON THE APPLICATION, THE LOCAL BOARD OF  
24 SCHOOL DIRECTORS SHALL GRANT OR DENY THE APPLICATION. FOR A  
25 CHARTER SCHOOL BEGINNING IN THE 1997-1998 SCHOOL YEAR, THE LOCAL  
26 BOARD OF SCHOOL DIRECTORS SHALL GRANT OR DENY THE APPLICATION NO  
27 LATER THAN SIXTY (60) DAYS AFTER THE FIRST PUBLIC HEARING.

28 (2) A CHARTER SCHOOL APPLICATION SUBMITTED UNDER THIS  
29 ARTICLE SHALL BE EVALUATED BY THE LOCAL BOARD OF SCHOOL  
30 DIRECTORS BASED ON CRITERIA, INCLUDING, BUT NOT LIMITED TO, THE



1 FOLLOWING:

2 (I) THE DEMONSTRATED, SUSTAINABLE SUPPORT FOR THE CHARTER  
3 SCHOOL PLAN BY TEACHERS, PARENTS, OTHER COMMUNITY MEMBERS AND  
4 STUDENTS, INCLUDING COMMENTS RECEIVED AT THE PUBLIC HEARING HELD  
5 UNDER SUBSECTION (D).

6 (II) THE CAPABILITY OF THE CHARTER SCHOOL APPLICANT, IN  
7 TERMS OF SUPPORT AND PLANNING, TO PROVIDE COMPREHENSIVE LEARNING  
8 EXPERIENCES TO STUDENTS PURSUANT TO THE ADOPTED CHARTER.

9 (III) THE EXTENT TO WHICH THE APPLICATION CONSIDERS THE  
10 INFORMATION REQUESTED IN SECTION 1719-A AND CONFORMS TO THE  
11 LEGISLATIVE INTENT OUTLINED IN SECTION 1702-A.

12 (IV) THE EXTENT TO WHICH THE CHARTER SCHOOL MAY SERVE AS A  
13 MODEL FOR OTHER PUBLIC SCHOOLS.

14 (3) THE LOCAL BOARD OF SCHOOL DIRECTORS, IN THE CASE OF AN  
15 EXISTING SCHOOL BEING CONVERTED TO A CHARTER SCHOOL, SHALL  
16 ESTABLISH THE ALTERNATIVE ARRANGEMENTS FOR CURRENT STUDENTS WHO  
17 CHOOSE NOT TO ATTEND THE CHARTER SCHOOL.

18 (4) A CHARTER APPLICATION SHALL BE DEEMED APPROVED BY THE  
19 LOCAL BOARD OF SCHOOL DIRECTORS OF A SCHOOL DISTRICT UPON  
20 AFFIRMATIVE VOTE BY A MAJORITY OF ALL THE DIRECTORS. FORMAL  
21 ACTION APPROVING OR DENYING THE APPLICATION SHALL BE TAKEN BY  
22 THE LOCAL BOARD OF SCHOOL DIRECTORS AT A PUBLIC MEETING, WITH  
23 NOTICE OR CONSIDERATION OF THE APPLICATION GIVEN BY THE BOARD,  
24 UNDER THE "SUNSHINE ACT."

25 (5) WRITTEN NOTICE OF THE BOARD'S ACTION SHALL BE SENT TO  
26 THE APPLICANT, THE DEPARTMENT AND THE APPEAL BOARD. IF THE  
27 APPLICATION IS DENIED, THE REASONS FOR THE DENIAL INCLUDING A  
28 DESCRIPTION OF DEFICIENCIES IN THE APPLICATION SHALL BE CLEARLY  
29 STATED IN THE NOTICE SENT BY THE LOCAL BOARD OF SCHOOL DIRECTORS  
30 TO THE CHARTER SCHOOL APPLICANT.

1       (F) AT THE OPTION OF THE CHARTER SCHOOL APPLICANT A DENIED  
2 APPLICATION MAY BE REVISED AND RESUBMITTED TO THE LOCAL BOARD OF  
3 SCHOOL DIRECTORS. FOLLOWING THE APPOINTMENT AND CONFIRMATION OF  
4 THE CHARTER SCHOOL APPEAL BOARD UNDER SECTION 1721-A, THE  
5 DECISION OF THE LOCAL BOARD OF SCHOOL DIRECTORS MAY BE APPEALED  
6 TO THE APPEAL BOARD. WHEN AN APPLICATION IS REVISED AND  
7 RESUBMITTED TO THE LOCAL BOARD OF SCHOOL DIRECTORS, THE BOARD  
8 MAY SCHEDULE ADDITIONAL PUBLIC HEARINGS ON THE REVISED  
9 APPLICATION. THE BOARD SHALL CONSIDER THE REVISED AND  
10 RESUBMITTED APPLICATION AT THE FIRST BOARD MEETING OCCURRING AT  
11 LEAST FORTY-FIVE (45) DAYS AFTER RECEIPT OF THE REVISED  
12 APPLICATION BY THE BOARD. FOR A REVISED APPLICATION RESUBMITTED  
13 FOR THE 1997-1998 SCHOOL YEAR, THE BOARD SHALL CONSIDER THE  
14 APPLICATION AT THE FIRST BOARD MEETING OCCURRING AT LEAST THIRTY  
15 (30) DAYS AFTER ITS RECEIPT. THE BOARD SHALL PROVIDE NOTICE OF  
16 CONSIDERATION OF THE REVISED APPLICATION UNDER THE "SUNSHINE  
17 ACT." NO APPEAL FROM A DECISION OF A LOCAL SCHOOL BOARD MAY BE  
18 TAKEN UNTIL JULY 1, 1999.

19       (G) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (E)(5),  
20 FAILURE BY THE LOCAL BOARD OF DIRECTORS TO HOLD A PUBLIC HEARING  
21 AND TO GRANT OR DENY THE APPLICATION FOR A CHARTER SCHOOL WITHIN  
22 THE TIME PERIODS SPECIFIED IN SUBSECTIONS (D), (E) AND (F) SHALL  
23 PERMIT THE APPLICANT FOR A CHARTER TO FILE ITS APPLICATION AS AN  
24 APPEAL TO THE APPEAL BOARD. IN SUCH CASE, THE APPEAL BOARD SHALL  
25 REVIEW THE APPLICATION AND MAKE A DECISION TO GRANT OR DENY A  
26 CHARTER BASED ON THE CRITERIA ESTABLISHED IN SUBSECTION (E)(2).

27       (H) IN THE CASE OF A REVIEW BY THE APPEAL BOARD OF AN  
28 APPLICATION THAT IS REVOKED OR IS NOT RENEWED THE APPEAL BOARD  
29 SHALL MAKE ITS DECISION BASED ON THE CRITERIA ESTABLISHED IN  
30 SUBSECTION (E)(2). A DECISION BY THE APPEAL BOARD UNDER THIS

1 SUBSECTION OR SUBSECTION (G) TO GRANT, TO RENEW OR NOT TO REVOKE  
2 A CHARTER SHALL SERVE AS A REQUIREMENT FOR THE LOCAL BOARD OF  
3 DIRECTORS OF A SCHOOL DISTRICT OR SCHOOL DISTRICTS, AS  
4 APPROPRIATE, TO SIGN THE WRITTEN CHARTER OF THE CHARTER SCHOOL  
5 AS PROVIDED FOR IN SECTION 1720-A. SHOULD THE LOCAL BOARD OF  
6 DIRECTORS FAIL TO GRANT THE APPLICATION AND SIGN THE CHARTER  
7 WITHIN TEN (10) DAYS OF NOTICE OF REVERSAL OF THE DECISION OF  
8 THE LOCAL BOARD OF DIRECTORS, THE CHARTER SHALL BE DEEMED TO BE  
9 APPROVED AND SHALL BE SIGNED BY THE CHAIRMAN OF THE APPEAL  
10 BOARD.

11 (I) (1) THE APPEAL BOARD SHALL HAVE THE EXCLUSIVE REVIEW OF  
12 AN APPEAL BY A CHARTER SCHOOL APPLICANT, OR BY THE BOARD OF  
13 TRUSTEES OF AN EXISTING CHARTER SCHOOL, OF A DECISION MADE BY A  
14 LOCAL BOARD OF DIRECTORS NOT TO GRANT A CHARTER AS PROVIDED IN  
15 THIS SECTION.

16 (2) IN ORDER FOR A CHARTER SCHOOL APPLICANT TO BE ELIGIBLE  
17 TO APPEAL THE DENIAL OF A CHARTER BY THE LOCAL BOARD OF  
18 DIRECTORS, THE APPLICANT MUST OBTAIN THE SIGNATURES OF AT LEAST  
19 TWO PER CENTUM OF THE RESIDENTS OF THE SCHOOL DISTRICT OR OF ONE  
20 THOUSAND (1,000) RESIDENTS, WHICHEVER IS LESS, WHO ARE OVER  
21 EIGHTEEN (18) YEARS OF AGE. FOR A REGIONAL CHARTER SCHOOL, THE  
22 APPLICANT MUST OBTAIN THE SIGNATURES OF AT LEAST TWO PER CENTUM  
23 OF THE RESIDENTS OF EACH SCHOOL DISTRICT GRANTING THE CHARTER OR  
24 OF ONE THOUSAND (1,000) RESIDENTS FROM EACH OF THE SCHOOL  
25 DISTRICTS GRANTING THE CHARTER, WHICHEVER IS LESS, WHO ARE OVER  
26 EIGHTEEN (18) YEARS OF AGE. THE SIGNATURES SHALL BE OBTAINED  
27 WITHIN SIXTY (60) DAYS OF THE DENIAL OF THE APPLICATION BY THE  
28 LOCAL BOARD OF DIRECTORS IN ACCORDANCE WITH CLAUSE (3).

29 (3) EACH PERSON SIGNING A PETITION TO APPEAL DENIAL OF A  
30 CHARTER UNDER CLAUSE (2) SHALL DECLARE THAT HE OR SHE IS A

1 RESIDENT OF THE SCHOOL DISTRICT WHICH DENIED THE CHARTER  
2 APPLICATION AND SHALL INCLUDE HIS OR HER PRINTED NAME;  
3 SIGNATURE; ADDRESS, INCLUDING CITY, BOROUGH OR TOWNSHIP, WITH  
4 STREET AND NUMBER, IF ANY; AND THE DATE OF SIGNING. ALL PAGES  
5 SHALL BE BOUND TOGETHER. ADDITIONAL PAGES OF THE PETITION SHALL  
6 BE NUMBERED CONSECUTIVELY. THERE SHALL BE APPENDED TO THE  
7 PETITION A STATEMENT THAT THE LOCAL BOARD OF DIRECTORS REJECTED  
8 THE PETITION FOR A CHARTER SCHOOL, THE NAMES OF ALL APPLICANTS  
9 FOR THE CHARTER, THE DATE OF DENIAL BY THE BOARD AND THE  
10 PROPOSED LOCATION OF THE CHARTER SCHOOL. NO RESIDENT MAY SIGN  
11 MORE THAN ONE PETITION RELATING TO THE CHARTER SCHOOL  
12 APPLICATION WITHIN THE SIXTY (60) DAYS FOLLOWING DENIAL OF THE  
13 APPLICATION. THE DEPARTMENT SHALL DEVELOP A FORM TO BE USED TO  
14 PETITION FOR AN APPEAL.

15 (4) EACH PETITION SHALL HAVE APPENDED THERETO THE AFFIDAVIT  
16 OF SOME PERSON, NOT NECESSARILY A SIGNER, SETTING FORTH ALL OF  
17 THE FOLLOWING:

18 (I) THAT THE AFFIANT IS A RESIDENT OF THE SCHOOL DISTRICT  
19 REFERRED TO IN THE PETITION.

20 (II) THE AFFIANT'S RESIDENCE, GIVING CITY, BOROUGH OR  
21 TOWNSHIP, WITH STREET AND NUMBER, IF ANY.

22 (III) THAT THE SIGNERS SIGNED WITH FULL KNOWLEDGE OF THE  
23 PURPOSE OF THE PETITION.

24 (IV) THAT THE SIGNERS' RESPECTIVE RESIDENCES ARE CORRECTLY  
25 STATED IN THE PETITION.

26 (V) THAT THE SIGNERS ALL RESIDE IN THE SCHOOL DISTRICT.

27 (VI) THAT EACH SIGNER SIGNED ON THE DATE SET FORTH OPPOSITE  
28 THE SIGNER'S NAME.

29 (VII) THAT, TO THE BEST OF THE AFFIANT'S KNOWLEDGE AND  
30 BELIEF, THE SIGNERS ARE RESIDENTS OF THE SCHOOL DISTRICT.

1       (5) IF THE REQUIRED NUMBER OF SIGNATURES ARE OBTAINED WITHIN  
2 SIXTY (60) DAYS OF THE DENIAL OF THE APPLICATION, THE APPLICANT  
3 MAY PRESENT THE PETITION TO THE COURT OF COMMON PLEAS OF THE  
4 COUNTY IN WHICH THE CHARTER SCHOOL WOULD BE SITUATED. THE COURT  
5 SHALL HOLD A HEARING ONLY ON THE SUFFICIENCY OF THE PETITION.  
6 THE APPLICANT AND LOCAL BOARD OF SCHOOL DIRECTORS SHALL BE GIVEN  
7 SEVEN (7) DAYS' NOTICE OF THE HEARING. THE COURT SHALL ISSUE A  
8 DECREE ESTABLISHING THE SUFFICIENCY OR INSUFFICIENCY OF THE  
9 PETITION. IF THE PETITION IS SUFFICIENT, THE DECREE SHALL BE  
10 TRANSMITTED TO THE STATE CHARTER SCHOOL APPEAL BOARD FOR REVIEW  
11 IN ACCORDANCE WITH THIS SECTION. NOTIFICATION OF THE DECREE  
12 SHALL BE GIVEN TO THE APPLICANT AND THE LOCAL BOARD OF  
13 DIRECTORS.

14       (6) IN ANY APPEAL, THE DECISION MADE BY THE LOCAL BOARD OF  
15 DIRECTORS SHALL BE REVIEWED BY THE APPEAL BOARD ON THE RECORD AS  
16 CERTIFIED BY THE LOCAL BOARD OF DIRECTORS. THE APPEAL BOARD  
17 SHALL GIVE DUE CONSIDERATION TO THE FINDINGS OF THE LOCAL BOARD  
18 OF DIRECTORS AND SPECIFICALLY ARTICULATE ITS REASONS FOR  
19 AGREEING OR DISAGREEING WITH THOSE FINDINGS IN ITS WRITTEN  
20 DECISION. THE APPEAL BOARD SHALL HAVE THE DISCRETION TO ALLOW  
21 THE LOCAL BOARD OF DIRECTORS AND THE CHARTER SCHOOL APPLICANT TO  
22 SUPPLEMENT THE RECORD IF THE SUPPLEMENTAL INFORMATION WAS  
23 PREVIOUSLY UNAVAILABLE.

24       (7) NOT LATER THAN THIRTY (30) DAYS AFTER THE DATE OF NOTICE  
25 OF THE ACCEPTANCE OF THE APPEAL, THE APPEAL BOARD SHALL MEET TO  
26 OFFICIALLY REVIEW THE CERTIFIED RECORD.

27       (8) NOT LATER THAN SIXTY (60) DAYS FOLLOWING THE REVIEW  
28 CONDUCTED PURSUANT TO CLAUSE (6), THE APPEAL BOARD SHALL ISSUE A  
29 WRITTEN DECISION AFFIRMING OR DENYING THE APPEAL. IF THE APPEAL  
30 BOARD HAS AFFIRMED THE DECISION OF THE LOCAL BOARD OF DIRECTORS,

1 NOTICE SHALL BE PROVIDED TO BOTH PARTIES.

2 (9) A DECISION OF THE APPEAL BOARD TO REVERSE THE DECISION  
3 OF THE LOCAL BOARD OF DIRECTORS SHALL SERVE AS A REQUIREMENT FOR  
4 THE LOCAL BOARD OF DIRECTORS OF A SCHOOL DISTRICT OR SCHOOL  
5 DISTRICTS, AS APPROPRIATE, TO GRANT THE APPLICATION AND SIGN THE  
6 WRITTEN CHARTER OF THE CHARTER SCHOOL AS PROVIDED FOR IN SECTION  
7 1720-A. SHOULD THE LOCAL BOARD OF DIRECTORS FAIL TO GRANT THE  
8 APPLICATION AND SIGN THE CHARTER WITHIN TEN (10) DAYS OF NOTICE  
9 OF THE REVERSAL OF THE DECISION OF THE LOCAL BOARD OF DIRECTORS,  
10 THE CHARTER SHALL BE DEEMED TO BE APPROVED AND SHALL BE SIGNED  
11 BY THE CHAIRMAN OF THE APPEAL BOARD.

12 (10) ALL DECISIONS OF THE APPEAL BOARD SHALL BE SUBJECT TO  
13 APPELLATE REVIEW BY THE COMMONWEALTH COURT.

14 SECTION 1718-A. REGIONAL CHARTER SCHOOL.--(A) A REGIONAL  
15 CHARTER SCHOOL MAY BE ESTABLISHED BY AN INDIVIDUAL, ONE OR MORE  
16 TEACHERS WHO WILL TEACH AT THE PROPOSED CHARTER SCHOOL; PARENTS  
17 OR GUARDIANS OF STUDENTS WHO WILL ATTEND THE CHARTER SCHOOL; ANY  
18 NONSECTARIAN COLLEGE, UNIVERSITY OR MUSEUM LOCATED IN THIS  
19 COMMONWEALTH; ANY NONSECTARIAN CORPORATION NOT-FOR-PROFIT, AS  
20 DEFINED IN 15 PA.C.S. (RELATING TO CORPORATIONS AND  
21 UNINCORPORATED ASSOCIATIONS); ANY CORPORATION; ASSOCIATION;  
22 PARTNERSHIP; OR ANY COMBINATION THEREOF. A REGIONAL CHARTER  
23 SCHOOL MAY BE ESTABLISHED BY CREATING A NEW SCHOOL OR BY  
24 CONVERTING AN EXISTING PUBLIC SCHOOL OR A PORTION OF AN EXISTING  
25 PUBLIC SCHOOL. CONVERSION OF AN EXISTING PUBLIC SCHOOL TO A  
26 REGIONAL CHARTER SCHOOL SHALL BE ACCOMPLISHED IN ACCORDANCE WITH  
27 SECTION 1714-A(B). NO REGIONAL CHARTER SCHOOL SHALL BE  
28 ESTABLISHED OR FUNDED BY AND NO CHARTER SHALL BE GRANTED TO ANY  
29 SECTARIAN SCHOOL, INSTITUTION OR OTHER ENTITY.

30 (B) THE BOARDS OF SCHOOL DIRECTORS OF ONE OR MORE SCHOOL

1 DISTRICTS MAY ACT JOINTLY TO RECEIVE AND CONSIDER AN APPLICATION  
2 FOR A REGIONAL CHARTER SCHOOL, EXCEPT THAT ANY ACTION TO APPROVE  
3 AN APPLICATION FOR A CHARTER OR TO SIGN A WRITTEN CHARTER OF AN  
4 APPLICANT SHALL REQUIRE AN AFFIRMATIVE VOTE OF A MAJORITY OF ALL  
5 THE DIRECTORS OF EACH OF THE SCHOOL DISTRICTS INVOLVED. THE  
6 APPLICANT SHALL APPLY FOR A CHARTER TO THE BOARD OF DIRECTORS OF  
7 ANY SCHOOL DISTRICT IN WHICH THE CHARTER SCHOOL WILL BE LOCATED.

8 (C) THE PROVISIONS OF THIS ARTICLE AS THEY PERTAIN TO  
9 CHARTER SCHOOLS AND THE POWERS AND DUTIES OF THE LOCAL BOARD OF  
10 SCHOOL DIRECTORS OF A SCHOOL DISTRICT AND THE APPEAL BOARD SHALL  
11 APPLY TO REGIONAL CHARTER SCHOOLS, EXCEPT AS PROVIDED IN  
12 SUBSECTIONS (A) AND (B) OR AS OTHERWISE CLEARLY STATED IN THIS  
13 ARTICLE.

14 SECTION 1719-A. CONTENTS OF APPLICATION.--AN APPLICATION TO  
15 ESTABLISH A CHARTER SCHOOL SHALL INCLUDE ALL OF THE FOLLOWING  
16 INFORMATION:

17 (1) THE IDENTIFICATION OF THE CHARTER APPLICANT.

18 (2) THE NAME OF THE PROPOSED CHARTER SCHOOL.

19 (3) THE GRADE OR AGE LEVELS SERVED BY THE SCHOOL.

20 (4) THE PROPOSED GOVERNANCE STRUCTURE OF THE CHARTER SCHOOL,  
21 INCLUDING A DESCRIPTION AND METHOD FOR THE APPOINTMENT OR  
22 ELECTION OF MEMBERS OF THE BOARD OF TRUSTEES.

23 (5) THE MISSION AND EDUCATION GOALS OF THE CHARTER SCHOOL,  
24 THE CURRICULUM TO BE OFFERED AND THE METHODS OF ASSESSING  
25 WHETHER STUDENTS ARE MEETING EDUCATIONAL GOALS.

26 (6) THE ADMISSION POLICY AND CRITERIA FOR EVALUATING THE  
27 ADMISSION OF STUDENTS WHICH SHALL COMPLY WITH THE REQUIREMENTS  
28 OF SECTION 1723-A.

29 (7) PROCEDURES WHICH WILL BE USED REGARDING THE SUSPENSION  
30 OR EXPULSION OF PUPILS. SAID PROCEDURES SHALL COMPLY WITH

1 SECTION 1318.

2 (8) INFORMATION ON THE MANNER IN WHICH COMMUNITY GROUPS WILL  
3 BE INVOLVED IN THE CHARTER SCHOOL PLANNING PROCESS.

4 (9) THE FINANCIAL PLAN FOR THE CHARTER SCHOOL AND THE  
5 PROVISIONS WHICH WILL BE MADE FOR AUDITING THE SCHOOL UNDER  
6 SECTION 437.

7 (10) PROCEDURES WHICH SHALL BE ESTABLISHED TO REVIEW  
8 COMPLAINTS OF PARENTS REGARDING THE OPERATION OF THE CHARTER  
9 SCHOOL.

10 (11) A DESCRIPTION OF AND ADDRESS OF THE PHYSICAL FACILITY  
11 IN WHICH THE CHARTER SCHOOL WILL BE LOCATED AND THE OWNERSHIP  
12 THEREOF AND ANY LEASE ARRANGEMENTS.

13 (12) INFORMATION ON THE PROPOSED SCHOOL CALENDAR FOR THE  
14 CHARTER SCHOOL, INCLUDING THE LENGTH OF THE SCHOOL DAY AND  
15 SCHOOL YEAR CONSISTENT WITH THE PROVISIONS OF SECTION 1502.

16 (13) THE PROPOSED FACULTY AND A PROFESSIONAL DEVELOPMENT  
17 PLAN FOR THE FACULTY OF A CHARTER SCHOOL.

18 (14) WHETHER ANY AGREEMENTS HAVE BEEN ENTERED INTO OR PLANS  
19 DEVELOPED WITH THE LOCAL SCHOOL DISTRICT REGARDING PARTICIPATION  
20 OF THE CHARTER SCHOOL STUDENTS IN EXTRACURRICULAR ACTIVITIES  
21 WITHIN THE SCHOOL DISTRICT. NOTWITHSTANDING ANY PROVISION TO THE  
22 CONTRARY, NO SCHOOL DISTRICT OF RESIDENCE SHALL PROHIBIT A  
23 STUDENT OF A CHARTER SCHOOL FROM PARTICIPATING IN ANY  
24 EXTRACURRICULAR ACTIVITY OF THAT SCHOOL DISTRICT OF RESIDENCE:  
25 PROVIDED, THAT THE STUDENT IS ABLE TO FULFILL ALL OF THE  
26 REQUIREMENTS OF PARTICIPATION IN SUCH ACTIVITY AND THE CHARTER  
27 SCHOOL DOES NOT PROVIDE THE SAME EXTRACURRICULAR ACTIVITY.

28 (15) A REPORT OF CRIMINAL HISTORY RECORD, PURSUANT TO  
29 SECTION 111, FOR ALL INDIVIDUALS WHO SHALL HAVE DIRECT CONTACT  
30 WITH STUDENTS.



1       (16) AN OFFICIAL CLEARANCE STATEMENT REGARDING CHILD INJURY  
2 OR ABUSE FROM THE DEPARTMENT OF PUBLIC WELFARE AS REQUIRED BY 23  
3 PA.C.S. CH. 63 SUBCH. C.2 (RELATING TO BACKGROUND CHECKS FOR  
4 EMPLOYMENT IN SCHOOLS) FOR ALL INDIVIDUALS WHO SHALL HAVE DIRECT  
5 CONTACT WITH STUDENTS.

6       (17) HOW THE CHARTER SCHOOL WILL PROVIDE ADEQUATE LIABILITY  
7 AND OTHER APPROPRIATE INSURANCE FOR THE CHARTER SCHOOL, ITS  
8 EMPLOYEES AND THE BOARD OF TRUSTEES OF THE CHARTER SCHOOL.

9       SECTION 1720-A. TERM AND FORM OF CHARTER.--UPON APPROVAL OF  
10 A CHARTER APPLICATION UNDER SECTION 1717-A, A WRITTEN CHARTER  
11 SHALL BE DEVELOPED WHICH SHALL CONTAIN THE PROVISIONS OF THE  
12 CHARTER APPLICATION AND WHICH SHALL BE SIGNED BY THE LOCAL BOARD  
13 OF SCHOOL DIRECTORS OF A SCHOOL DISTRICT, BY THE LOCAL BOARDS OF  
14 SCHOOL DIRECTORS OF A SCHOOL DISTRICT IN THE CASE OF A REGIONAL  
15 CHARTER SCHOOL, OR BY THE CHAIRMAN OF THE APPEAL BOARD PURSUANT  
16 TO SECTION 1717-A(1)(5) AND THE BOARD OF TRUSTEES OF THE CHARTER  
17 SCHOOL. THIS WRITTEN CHARTER, WHEN DULY SIGNED BY THE LOCAL  
18 BOARD OF SCHOOL DIRECTORS OF A SCHOOL DISTRICT, OR BY THE LOCAL  
19 BOARDS OF SCHOOL DIRECTORS OF A SCHOOL DISTRICT IN THE CASE OF A  
20 REGIONAL CHARTER SCHOOL, AND THE CHARTER SCHOOL'S BOARD OF  
21 TRUSTEES SHALL ACT AS LEGAL AUTHORIZATION FOR THE ESTABLISHMENT  
22 OF A CHARTER SCHOOL. THIS WRITTEN CHARTER SHALL BE LEGALLY  
23 BINDING ON BOTH THE LOCAL BOARD OF SCHOOL DIRECTORS OF A SCHOOL  
24 DISTRICT AND THE CHARTER SCHOOL'S BOARD OF TRUSTEES. THE CHARTER  
25 SHALL BE FOR A PERIOD OF NO LESS THAN THREE (3), NOR MORE THAN  
26 FIVE (5) YEARS, AND MAY BE RENEWED FOR FIVE (5) YEAR PERIODS  
27 UPON REAUTHORIZATION BY THE LOCAL BOARD OF SCHOOL DIRECTORS OF A  
28 SCHOOL DISTRICT OR THE APPEAL BOARD. A CHARTER WILL BE GRANTED  
29 ONLY FOR A SCHOOL ORGANIZED AS A PUBLIC, NONPROFIT CORPORATION.

30       SECTION 1721-A. STATE CHARTER SCHOOL APPEAL BOARD.--(A) THE

1 STATE CHARTER SCHOOL APPEAL BOARD SHALL CONSIST OF THE SECRETARY  
2 OF EDUCATION AND SIX (6) MEMBERS WHO SHALL BE APPOINTED BY THE  
3 GOVERNOR BY AND WITH THE CONSENT OF A MAJORITY OF ALL THE  
4 MEMBERS OF THE SENATE. APPOINTMENTS BY THE GOVERNOR SHALL NOT  
5 OCCUR PRIOR TO JANUARY 1, 1999. THE GOVERNOR SHALL SELECT THE  
6 CHAIRMAN OF THE APPEAL BOARD TO SERVE AT THE PLEASURE OF THE  
7 GOVERNOR. THE MEMBERS SHALL INCLUDE:

8 (1) A PARENT OF A SCHOOL-AGED CHILD.

9 (2) A SCHOOL BOARD MEMBER.

10 (3) A CERTIFIED TEACHER ACTIVELY EMPLOYED IN A PUBLIC  
11 SCHOOL.

12 (4) A FACULTY MEMBER OR ADMINISTRATIVE EMPLOYEE OF AN  
13 INSTITUTION OF HIGHER EDUCATION.

14 (5) A MEMBER OF THE BUSINESS COMMUNITY.

15 (6) A MEMBER OF THE STATE BOARD OF EDUCATION.

16 THE TERM OF OFFICE OF MEMBERS OF THE APPEAL BOARD, OTHER THAN  
17 THE SECRETARY, SHALL BE FOR A PERIOD OF FOUR (4) YEARS OR UNTIL  
18 A SUCCESSOR IS APPOINTED AND QUALIFIED EXCEPT THAT OF THE  
19 INITIAL APPOINTEES, THE GOVERNOR SHALL DESIGNATE TWO (2) MEMBERS  
20 TO SERVE TERMS OF TWO (2) YEARS, TWO (2) MEMBERS TO SERVE TERMS  
21 OF THREE (3) YEARS AND TWO (2) MEMBERS TO SERVE TERMS OF FOUR  
22 (4) YEARS. ANY APPOINTMENT TO FILL ANY VACANCY SHALL BE FOR THE  
23 PERIOD OF THE UNEXPIRED TERM OR UNTIL A SUCCESSOR IS APPOINTED  
24 AND QUALIFIED.

25 (B) THE APPEAL BOARD SHALL MEET AS NEEDED TO FULFILL THE  
26 PURPOSES PROVIDED IN THIS SUBSECTION. A MAJORITY OF THE MEMBERS  
27 OF THE APPEAL BOARD SHALL CONSTITUTE A QUORUM, AND A MAJORITY OF  
28 THE MEMBERS OF THE APPEAL BOARD SHALL HAVE AUTHORITY TO ACT UPON  
29 ANY MATTER PROPERLY BEFORE THE APPEAL BOARD. THE APPEAL BOARD IS  
30 AUTHORIZED TO ESTABLISH RULES FOR ITS OPERATION.

1       (C) THE MEMBERS SHALL RECEIVE NO PAYMENT FOR THEIR SERVICES.  
2 MEMBERS WHO ARE NOT EMPLOYES OF STATE GOVERNMENT SHALL BE  
3 REIMBURSED FOR EXPENSES INCURRED IN THE COURSE OF THEIR OFFICIAL  
4 DUTIES FROM FUNDS APPROPRIATED FOR THE GENERAL GOVERNMENT  
5 OPERATIONS OF THE DEPARTMENT.

6       (D) THE DEPARTMENT SHALL PROVIDE ASSISTANCE AND STAFFING FOR  
7 THE APPEAL BOARD. THE GOVERNOR, THROUGH THE GOVERNOR'S GENERAL  
8 COUNSEL, SHALL PROVIDE SUCH LEGAL ADVICE AND ASSISTANCE AS THE  
9 APPEAL BOARD MAY REQUIRE.

10       (E) MEETINGS OF THE APPEAL BOARD SHALL BE CONDUCTED UNDER  
11 THE ACT OF JULY 3, 1986 (P.L.388, NO.84), KNOWN AS THE "SUNSHINE  
12 ACT." DOCUMENTS OF THE APPEAL BOARD SHALL BE SUBJECT TO THE ACT  
13 OF JUNE 21, 1957 (P.L.390, NO.212), REFERRED TO AS THE RIGHT-TO-  
14 KNOW LAW.

15       SECTION 1722-A. FACILITIES.--(A) A CHARTER SCHOOL MAY BE  
16 LOCATED IN AN EXISTING PUBLIC SCHOOL BUILDING, IN A PART OF AN  
17 EXISTING PUBLIC SCHOOL BUILDING, IN SPACE PROVIDED ON A  
18 PRIVATELY OWNED SITE, IN A PUBLIC BUILDING OR IN ANY OTHER  
19 SUITABLE LOCATION.

20       (B) THE CHARTER SCHOOL FACILITY SHALL BE EXEMPT FROM PUBLIC  
21 SCHOOL FACILITY REGULATIONS, EXCEPT THOSE PERTAINING TO THE  
22 HEALTH OR SAFETY OF THE PUPILS.

23       (C) A CHARTER SCHOOL SHALL NOT CONSTRUCT A FACILITY WITH  
24 PUBLIC FUNDS RECEIVED FROM THE DEPARTMENT OR A LOCAL SCHOOL  
25 DISTRICT.

26       SECTION 1723-A. ENROLLMENT.--(A) ALL RESIDENT CHILDREN IN  
27 THIS COMMONWEALTH QUALIFY FOR ADMISSION TO A CHARTER SCHOOL  
28 WITHIN THE PROVISIONS OF SUBSECTION (B). IF MORE STUDENTS APPLY  
29 TO THE CHARTER SCHOOL THAN THE NUMBER OF ATTENDANCE SLOTS  
30 AVAILABLE IN THE SCHOOL, THEN STUDENTS MUST BE SELECTED ON A

1 RANDOM BASIS FROM A POOL OF QUALIFIED APPLICANTS MEETING THE  
2 ESTABLISHED ELIGIBILITY CRITERIA AND SUBMITTING AN APPLICATION  
3 BY THE DEADLINE ESTABLISHED BY THE CHARTER SCHOOL, EXCEPT THAT  
4 THE CHARTER SCHOOL MAY GIVE PREFERENCE IN ENROLLMENT TO A CHILD  
5 OF A PARENT WHO HAS ACTIVELY PARTICIPATED IN THE DEVELOPMENT OF  
6 THE CHARTER SCHOOL AND TO SIBLINGS OF STUDENTS PRESENTLY  
7 ENROLLED IN THE CHARTER SCHOOL. FIRST PREFERENCE SHALL BE GIVEN  
8 TO STUDENTS WHO RESIDE IN THE DISTRICT OR DISTRICTS.

9 (B) (1) A CHARTER SCHOOL SHALL NOT DISCRIMINATE IN ITS  
10 ADMISSION POLICIES OR PRACTICES ON THE BASIS OF INTELLECTUAL  
11 ABILITY, EXCEPT AS PROVIDED IN PARAGRAPH (2), OR ATHLETIC  
12 ABILITY, MEASURES OF ACHIEVEMENT OR APTITUDE, STATUS AS A PERSON  
13 WITH A DISABILITY, PROFICIENCY IN THE ENGLISH LANGUAGE OR ANY  
14 OTHER BASIS THAT WOULD BE ILLEGAL IF USED BY A SCHOOL DISTRICT.

15 (2) A CHARTER SCHOOL MAY LIMIT ADMISSION TO A PARTICULAR  
16 GRADE LEVEL OR AREAS OF CONCENTRATION OF THE SCHOOL SUCH AS  
17 MATHEMATICS, SCIENCE OR THE ARTS. A CHARTER SCHOOL MAY ESTABLISH  
18 REASONABLE CRITERIA TO EVALUATE PROSPECTIVE STUDENTS WHICH SHALL  
19 BE OUTLINED IN THE SCHOOL'S CHARTER.

20 (C) IF AVAILABLE CLASSROOM SPACE PERMITS, A CHARTER SCHOOL  
21 MAY ENROLL NONRESIDENT STUDENTS ON A SPACE-AVAILABLE BASIS, AND  
22 THE STUDENT'S DISTRICT OF RESIDENCE SHALL PERMIT THE STUDENT TO  
23 ATTEND THE CHARTER SCHOOL. THE TERMS AND CONDITIONS OF THE  
24 ENROLLMENT SHALL BE OUTLINED IN THE SCHOOL'S CHARTER.

25 SECTION 1724-A. SCHOOL STAFF.--(A) THE BOARD OF TRUSTEES  
26 SHALL DETERMINE THE LEVEL OF COMPENSATION AND ALL TERMS AND  
27 CONDITIONS OF EMPLOYMENT OF THE STAFF, EXCEPT AS MAY OTHERWISE  
28 BE PROVIDED IN THIS ARTICLE. AT LEAST SEVENTY-FIVE PER CENTUM OF  
29 THE PROFESSIONAL STAFF MEMBERS OF A CHARTER SCHOOL SHALL HOLD  
30 APPROPRIATE STATE CERTIFICATION. EMPLOYES OF A CHARTER SCHOOL

1 MAY ORGANIZE UNDER THE ACT OF JULY 23, 1970 (P.L.563, NO.195),  
2 KNOWN AS THE "PUBLIC EMPLOYE RELATIONS ACT." THE BOARD OF  
3 TRUSTEES OF A CHARTER SCHOOL SHALL BE CONSIDERED AN EMPLOYER FOR  
4 THE PURPOSES OF ARTICLE XI-A. UPON FORMATION OF ONE OR MORE  
5 COLLECTIVE BARGAINING UNITS AT THE SCHOOL, THE BOARD OF TRUSTEES  
6 SHALL BARGAIN WITH THE EMPLOYES BASED ON THE PROVISIONS OF THIS  
7 ARTICLE, ARTICLE XI-A AND THE "PUBLIC EMPLOYE RELATIONS ACT."  
8 COLLECTIVE BARGAINING UNITS AT A CHARTER SCHOOL SHALL BE  
9 SEPARATE FROM ANY COLLECTIVE BARGAINING UNIT OF THE SCHOOL  
10 DISTRICT IN WHICH THE CHARTER SCHOOL IS LOCATED AND SHALL BE  
11 SEPARATE FROM ANY OTHER COLLECTIVE BARGAINING UNIT. A CHARTER  
12 SCHOOL SHALL BE CONSIDERED A SCHOOL ENTITY AS PROVIDED FOR IN  
13 SECTION 1161-A FOR PURPOSE OF THE SECRETARY SEEKING AN  
14 INJUNCTION REQUIRING THE CHARTER SCHOOL TO MEET THE MINIMUM  
15 REQUIREMENTS FOR INSTRUCTION AS PROVIDED FOR IN THIS ARTICLE.

16 (B) EACH CHARTER APPLICATION SHALL LIST THE GENERAL  
17 QUALIFICATIONS NEEDED TO STAFF ANY NONCERTIFIED POSITIONS.  
18 PROFESSIONAL EMPLOYEES WHO DO NOT HOLD APPROPRIATE PENNSYLVANIA  
19 CERTIFICATION MUST PRESENT EVIDENCE THAT THEY:

20 (I) MEET THE QUALIFICATIONS IN SECTIONS 1109 AND 1209 OF THE  
21 PUBLIC SCHOOL CODE.

22 (II) HAVE DEMONSTRATED SATISFACTORILY A COMBINATION OF  
23 EXPERIENCE, ACHIEVEMENT AND QUALIFICATIONS AS DEFINED IN THE  
24 CHARTER SCHOOL APPLICATION IN BASIC SKILLS, GENERAL KNOWLEDGE,  
25 PROFESSIONAL KNOWLEDGE AND PRACTICE AND SUBJECT MATTER KNOWLEDGE  
26 IN THE SUBJECT AREA WHERE AN INDIVIDUAL WILL TEACH.

27 (C) ALL EMPLOYES OF A CHARTER SCHOOL SHALL BE ENROLLED IN  
28 THE PUBLIC SCHOOL EMPLOYEE'S RETIREMENT SYSTEM IN THE SAME  
29 MANNER AS SET FORTH IN 24 PA.C.S. § 8301(A) (RELATING TO  
30 MANDATORY AND OPTIONAL MEMBERSHIP) UNLESS AT THE TIME OF THE

1 APPLICATION FOR THE CHARTER SCHOOL THE SPONSORING DISTRICT OR  
2 THE BOARD OF TRUSTEES OF THE CHARTER SCHOOL HAS A RETIREMENT  
3 PROGRAM WHICH COVERS THE EMPLOYES OR THE EMPLOYEE IS CURRENTLY  
4 ENROLLED IN ANOTHER RETIREMENT PROGRAM. THE COMMONWEALTH SHALL  
5 MAKE CONTRIBUTIONS ON BEHALF OF CHARTER SCHOOL EMPLOYES AND THE  
6 CHARTER SCHOOL SHALL BE CONSIDERED A SCHOOL DISTRICT AND SHALL  
7 MAKE PAYMENTS BY EMPLOYERS AND PAYMENTS ON ACCOUNT OF SOCIAL  
8 SECURITY AS ESTABLISHED UNDER 24 PA.C.S. PT. IV (RELATING TO  
9 RETIREMENT FOR SCHOOL EMPLOYEES). FOR PURPOSES OF PAYMENTS BY  
10 EMPLOYERS A CHARTER SCHOOL SHALL BE CONSIDERED A SCHOOL DISTRICT  
11 UNDER 24 PA.C.S. § 8329(A)(1) (RELATING TO PAYMENTS ON ACCOUNT  
12 OF SOCIAL SECURITY DEDUCTIONS FROM APPROPRIATIONS). THE MARKET  
13 VALUE/INCOME AID RATIO USED IN CALCULATING PAYMENTS AS  
14 PRESCRIBED IN THIS SUBSECTION SHALL BE THE MARKET VALUE/INCOME  
15 AID RATIO FOR THE SCHOOL DISTRICT IN WHICH THE CHARTER SCHOOL IS  
16 LOCATED OR, IN THE CASE OF A REGIONAL CHARTER SCHOOL, SHALL BE A  
17 COMPOSITE MARKET VALUE/INCOME AID RATIO FOR THE PARTICIPATING  
18 SCHOOL DISTRICTS AS DETERMINED BY THE DEPARTMENT. EXCEPT AS  
19 OTHERWISE PROVIDED, EMPLOYES OF A CHARTER SCHOOL SHALL MAKE  
20 REGULAR MEMBER CONTRIBUTIONS AS REQUIRED FOR ACTIVE MEMBERS  
21 UNDER 24 PA.C.S. PT. IV. IF THE EMPLOYES OF THE CHARTER SCHOOL  
22 PARTICIPATE IN ANOTHER RETIREMENT PLAN, THEN THOSE EMPLOYES  
23 SHALL HAVE NO CONCURRENT CLAIM ON THE BENEFITS PROVIDED TO  
24 PUBLIC SCHOOL EMPLOYES UNDER 24 PA.C.S. PT. IV. FOR PURPOSES OF  
25 THIS SUBSECTION, A CHARTER SCHOOL SHALL BE DEEMED TO BE A  
26 "PUBLIC SCHOOL" AS DEFINED IN 24 PA.C.S. § 8102 (RELATING TO  
27 DEFINITIONS).

28 (D) EVERY EMPLOYEE OF A CHARTER SCHOOL SHALL BE PROVIDED THE  
29 SAME HEALTH CARE BENEFITS AS THE EMPLOYEE WOULD BE PROVIDED IF HE  
30 OR SHE WERE AN EMPLOYEE OF THE LOCAL DISTRICT. THE LOCAL BOARD OF

1 SCHOOL DIRECTORS MAY REQUIRE THE CHARTER SCHOOL TO PROVIDE THE  
2 SAME TERMS AND CONDITIONS WITH REGARD TO HEALTH INSURANCE AS THE  
3 COLLECTIVE BARGAINING AGREEMENT OF THE SCHOOL DISTRICT TO  
4 INCLUDE EMPLOYE CONTRIBUTIONS TO THE DISTRICT'S HEALTH BENEFITS  
5 PLAN. THE CHARTER SCHOOL SHALL MAKE ANY REQUIRED EMPLOYER'S  
6 CONTRIBUTION TO THE DISTRICT'S HEALTH PLAN TO AN INSURER, A  
7 LOCAL BOARD OF SCHOOL DIRECTORS OR A CONTRACTUAL REPRESENTATIVE  
8 OF SCHOOL EMPLOYES, WHICHEVER IS APPROPRIATE TO PROVIDE THE  
9 REQUIRED COVERAGE.

10 (E) ANY PUBLIC SCHOOL EMPLOYE OF A SCHOOL ENTITY MAY REQUEST  
11 A LEAVE OF ABSENCE FOR UP TO FIVE (5) YEARS IN ORDER TO WORK IN  
12 A CHARTER SCHOOL LOCATED IN THE DISTRICT OF EMPLOYMENT OR IN A  
13 REGIONAL CHARTER SCHOOL IN WHICH THE EMPLOYING SCHOOL DISTRICT  
14 IS A PARTICIPANT. APPROVAL FOR A LEAVE SHALL NOT BE UNREASONABLY  
15 WITHHELD.

16 (F) TEMPORARY PROFESSIONAL EMPLOYES ON LEAVE FROM A SCHOOL  
17 DISTRICT MAY ACCRUE TENURE IN THE NON-CHARTER PUBLIC SCHOOL  
18 SYSTEM AT THE DISCRETION OF THE LOCAL BOARD OF SCHOOL DIRECTORS,  
19 THE SAME AS THEY WOULD UNDER ARTICLE XI IF THEY HAD CONTINUED TO  
20 BE EMPLOYED BY THAT DISTRICT. PROFESSIONAL EMPLOYES ON LEAVE  
21 FROM A SCHOOL DISTRICT SHALL RETAIN THEIR TENURE RIGHTS, AS  
22 DEFINED IN ARTICLE XI, IN THE SCHOOL ENTITY FROM WHICH THEY  
23 CAME. NO TEMPORARY PROFESSIONAL EMPLOYE OR PROFESSIONAL EMPLOYE  
24 SHALL HAVE TENURE RIGHTS AS AGAINST A CHARTER SCHOOL. BOTH  
25 TEMPORARY PROFESSIONAL EMPLOYES AND PROFESSIONAL EMPLOYES SHALL  
26 CONTINUE TO ACCRUE SENIORITY IN THE SCHOOL ENTITY FROM WHICH  
27 THEY CAME IF THEY RETURN TO THAT SCHOOL ENTITY WHEN THE LEAVE  
28 ENDS.

29 (G) PROFESSIONAL EMPLOYES WHO HOLD A FIRST LEVEL TEACHING OR  
30 ADMINISTRATIVE CERTIFICATE MAY, AT THEIR OPTION, HAVE THE TIME

1 COMPLETED IN SATISFACTORY SERVICE IN A CHARTER SCHOOL APPLIED TO  
2 THE LENGTH OF SERVICE REQUIREMENTS FOR THE NEXT LEVEL OF  
3 CERTIFICATION.

4 (H) (1) ANY TEMPORARY PROFESSIONAL EMPLOYE OR PROFESSIONAL  
5 EMPLOYE WHO LEAVES EMPLOYMENT AT A CHARTER SCHOOL SHALL HAVE THE  
6 RIGHT TO RETURN TO A COMPARABLE POSITION FOR WHICH THE PERSON IS  
7 PROPERLY CERTIFIED IN THE SCHOOL ENTITY WHICH GRANTED THE LEAVE  
8 OF ABSENCE. IN THE CASE WHERE A TEACHER HAS BEEN DISMISSED BY  
9 THE CHARTER SCHOOL, THE SCHOOL ENTITY WHICH GRANTED THE LEAVE OF  
10 ABSENCE IS TO BE PROVIDED BY THE CHARTER SCHOOL WITH THE REASONS  
11 FOR SUCH DISMISSAL AT THE TIME IT OCCURS, A LIST OF ANY  
12 WITNESSES WHO WERE RELIED ON BY THE CHARTER SCHOOL IN MOVING FOR  
13 DISMISSAL, A DESCRIPTION OF AND ACCESS TO ANY PHYSICAL EVIDENCE  
14 USED BY THE CHARTER SCHOOL IN MOVING FOR DISMISSAL AND A COPY OF  
15 ANY RECORD DEVELOPED AT ANY DISMISSAL PROCEEDING CONDUCTED BY  
16 THE CHARTER SCHOOL. THE RECORD OF ANY SUCH HEARING MAY BE  
17 ADMISSIBLE IN A HEARING BEFORE THE SCHOOL ENTITY WHICH GRANTED  
18 THE LEAVE OF ABSENCE. NOTHING IN THIS SECTION SHALL AFFECT THE  
19 AUTHORITY OF THE BOARD OF SCHOOL DIRECTORS TO INITIATE  
20 PROCEEDINGS UNDER ARTICLE XI IF THE BOARD DETERMINES THAT  
21 OCCURRENCES AT THE CHARTER SCHOOL LEADING TO DISMISSAL OF A  
22 TEACHER CONSTITUTE ADEQUATE AND INDEPENDENT GROUNDS FOR  
23 DISCIPLINE UNDER SECTION 1122.

24 (2) NO TEMPORARY EMPLOYE OR PROFESSIONAL EMPLOYE WHO IS  
25 LEAVING EMPLOYMENT AT A CHARTER SCHOOL SHALL BE RETURNED TO A  
26 POSITION IN THE PUBLIC SCHOOL DISTRICT WHICH GRANTED HIS LEAVE  
27 OF ABSENCE, UNTIL SUCH PUBLIC SCHOOL DISTRICT IS IN RECEIPT OF A  
28 CURRENT CRIMINAL HISTORY RECORD UNDER SECTION 111 AND THE  
29 OFFICIAL CLEARANCE STATEMENT REGARDING CHILD INJURY OR ABUSE  
30 FROM THE DEPARTMENT OF PUBLIC WELFARE AS REQUIRED BY 23 PA.C.S.



1 CH. 63 SUBCH. C.2 (RELATING TO BACKGROUND CHECKS FOR EMPLOYMENT  
2 IN SCHOOLS).

3 (I) ALL INDIVIDUALS WHO SHALL HAVE DIRECT CONTACT WITH  
4 STUDENTS SHALL BE REQUIRED TO SUBMIT A REPORT OF CRIMINAL  
5 HISTORY RECORD INFORMATION AS PROVIDED FOR IN SECTION 111 PRIOR  
6 TO ACCEPTING A POSITION WITH THE CHARTER SCHOOL. THIS SUBSECTION  
7 SHALL ALSO APPLY TO ANY INDIVIDUAL WHO VOLUNTEERS TO WORK ON A  
8 FULL-TIME OR PART-TIME BASIS AT THE CHARTER SCHOOL.

9 (J) ALL APPLICANTS FOR A POSITION AS A SCHOOL EMPLOYEE SHALL  
10 BE REQUIRED TO SUBMIT THE OFFICIAL CLEARANCE STATEMENT REGARDING  
11 CHILD INJURY OR ABUSE FROM THE DEPARTMENT OF PUBLIC WELFARE AS  
12 REQUIRED BY 23 PA.C.S. CH. 63 SUBCH. C.2. THIS SECTION SHALL  
13 ALSO APPLY TO ANY INDIVIDUAL WHO VOLUNTEERS TO WORK ON A FULL-  
14 TIME OR PART-TIME BASIS AT A CHARTER SCHOOL.

15 SECTION 1725-A. FUNDING FOR CHARTER SCHOOLS.--(A) FUNDING  
16 FOR A CHARTER SCHOOL SHALL BE PROVIDED IN THE FOLLOWING MANNER:

17 (1) THERE SHALL BE NO TUITION CHARGE FOR A RESIDENT OR  
18 NONRESIDENT STUDENT ATTENDING A CHARTER SCHOOL.

19 (2) FOR NON-SPECIAL EDUCATION STUDENTS, THE CHARTER SCHOOL  
20 SHALL RECEIVE FOR EACH STUDENT ENROLLED NO LESS THAN THE  
21 BUDGETED TOTAL EXPENDITURE PER AVERAGE DAILY MEMBERSHIP OF THE  
22 PRIOR SCHOOL YEAR, AS DEFINED IN SECTION 2501(20) MINUS THE  
23 BUDGETED EXPENDITURES OF THE DISTRICT OF RESIDENCE FOR NONPUBLIC  
24 SCHOOL PROGRAMS; ADULT EDUCATION PROGRAMS; COMMUNITY/JUNIOR  
25 COLLEGE PROGRAMS; STUDENT TRANSPORTATION SERVICES; FOR SPECIAL  
26 EDUCATION PROGRAMS; FACILITIES ACQUISITION, CONSTRUCTION AND  
27 IMPROVEMENT SERVICES AND OTHER FINANCING USES, INCLUDING DEBT  
28 SERVICE AND FUND TRANSFERS AS PROVIDED IN THE MANUAL OF  
29 ACCOUNTING AND RELATED FINANCIAL PROCEDURES FOR PENNSYLVANIA  
30 SCHOOL SYSTEMS ESTABLISHED BY THE DEPARTMENT. THIS AMOUNT SHALL

1 BE PAID BY THE DISTRICT OF RESIDENCE OF EACH STUDENT.

2 (3) FOR SPECIAL EDUCATION STUDENTS, THE CHARTER SCHOOL SHALL  
3 RECEIVE FOR EACH STUDENT ENROLLED THE SAME FUNDING AS FOR EACH  
4 NON-SPECIAL EDUCATION STUDENT AS PROVIDED IN CLAUSE (2) PLUS AN  
5 ADDITIONAL AMOUNT DETERMINED BY DIVIDING THE DISTRICT OF  
6 RESIDENCE'S TOTAL SPECIAL EDUCATION EXPENDITURE BY THE PRODUCT  
7 OF MULTIPLYING THE COMBINED PERCENTAGE OF SECTION 2509.5(K)  
8 TIMES THE DISTRICT OF RESIDENCE'S TOTAL AVERAGE DAILY MEMBERSHIP  
9 FOR THE PRIOR SCHOOL YEAR. THIS AMOUNT SHALL BE PAID BY THE  
10 DISTRICT OF RESIDENCE OF EACH STUDENT.

11 (4) A CHARTER SCHOOL MAY REQUEST THE INTERMEDIATE UNIT IN  
12 WHICH THE CHARTER SCHOOL IS LOCATED TO PROVIDE SERVICES TO  
13 ASSIST THE CHARTER SCHOOL TO ADDRESS THE SPECIFIC NEEDS OF  
14 EXCEPTIONAL STUDENTS. THE INTERMEDIATE UNIT SHALL ASSIST THE  
15 CHARTER SCHOOL AND BILL THE CHARTER SCHOOL FOR THE SERVICES. THE  
16 INTERMEDIATE UNIT MAY NOT CHARGE THE CHARTER SCHOOL MORE FOR ANY  
17 SERVICE THAN IT CHARGES THE CONSTITUENT DISTRICTS OF THE  
18 INTERMEDIATE UNIT.

19 (5) PAYMENTS SHALL BE MADE TO THE CHARTER SCHOOL IN TWELVE  
20 (12) EQUAL MONTHLY PAYMENTS, BY THE FIFTH DAY OF EACH MONTH,  
21 WITHIN THE OPERATING SCHOOL YEAR. A STUDENT ENROLLED IN A  
22 CHARTER SCHOOL SHALL BE INCLUDED IN THE AVERAGE DAILY MEMBERSHIP  
23 OF THE STUDENT'S DISTRICT OF RESIDENCE FOR THE PURPOSE OF  
24 PROVIDING BASIC EDUCATION FUNDING PAYMENTS AND SPECIAL EDUCATION  
25 FUNDING PURSUANT TO ARTICLE XXV. IF A SCHOOL DISTRICT FAILS TO  
26 MAKE A PAYMENT TO A CHARTER SCHOOL AS PRESCRIBED IN THIS CLAUSE  
27 THE SECRETARY SHALL DEDUCT THE AMOUNT, AS DOCUMENTED BY THE  
28 CHARTER SCHOOL, FROM ANY AND ALL STATE PAYMENTS MADE TO THE  
29 DISTRICT AFTER RECEIPT OF DOCUMENTATION FROM THE CHARTER SCHOOL.

30 (B) THE COMMONWEALTH SHALL PROVIDE TEMPORARY FINANCIAL

1 ASSISTANCE TO A SCHOOL DISTRICT DUE TO THE ENROLLMENT OF  
2 STUDENTS IN A CHARTER SCHOOL WHO ATTENDED A NONPUBLIC SCHOOL IN  
3 THE PRIOR SCHOOL YEAR IN ORDER TO OFFSET THE ADDITIONAL COSTS  
4 DIRECTLY RELATED TO THE ENROLLMENT OF THOSE STUDENTS IN A PUBLIC  
5 CHARTER SCHOOL. THE COMMONWEALTH SHALL PAY THE SCHOOL DISTRICT  
6 OF RESIDENCE OF A STUDENT ENROLLED IN A NONPUBLIC SCHOOL IN THE  
7 PRIOR SCHOOL YEAR WHO IS ATTENDING A CHARTER SCHOOL AN AMOUNT  
8 EQUAL TO THE SCHOOL DISTRICT OF RESIDENCE'S BASIC EDUCATION  
9 SUBSIDY FOR THE CURRENT SCHOOL YEAR DIVIDED BY THE DISTRICT'S  
10 AVERAGE DAILY MEMBERSHIP FOR THE PRIOR SCHOOL YEAR. THIS PAYMENT  
11 SHALL OCCUR ONLY FOR THE FIRST YEAR OF THE ATTENDANCE OF THE  
12 STUDENT IN A CHARTER SCHOOL STARTING WITH SCHOOL YEAR 1997-1998.  
13 TOTAL PAYMENTS OF TEMPORARY FINANCIAL ASSISTANCE TO SCHOOL  
14 DISTRICTS ON BEHALF OF A STUDENT ENROLLING IN A CHARTER SCHOOL  
15 WHO ATTENDED A NONPUBLIC SCHOOL IN THE PRIOR SCHOOL YEAR SHALL  
16 BE LIMITED TO FUNDS APPROPRIATED FOR THIS PROGRAM IN A FISCAL  
17 YEAR. IF THE TOTAL OF THE AMOUNT NEEDED FOR ALL STUDENTS  
18 ENROLLED IN A NONPUBLIC SCHOOL IN THE PRIOR SCHOOL YEAR WHO  
19 ENROLL IN A CHARTER SCHOOL EXCEEDS THE APPROPRIATION FOR THE  
20 TEMPORARY FINANCIAL ASSISTANCE PROGRAM, THE AMOUNT PAID TO A  
21 SCHOOL DISTRICT FOR EACH QUALIFYING STUDENT SHALL BE PRO RATA  
22 REDUCED. RECEIPT OF FUNDS UNDER THIS SUBSECTION SHALL NOT  
23 PRECLUDE A SCHOOL DISTRICT FROM APPLYING FOR A GRANT UNDER  
24 SUBSECTION (C).

25 (C) THE COMMONWEALTH SHALL CREATE A GRANT PROGRAM TO PROVIDE  
26 TEMPORARY TRANSITIONAL FUNDING TO A SCHOOL DISTRICT DUE TO THE  
27 BUDGETARY IMPACT RELATING TO ANY STUDENT ATTENDING A CHARTER  
28 SCHOOL. A SCHOOL DISTRICT THAT APPROVES ONE OR MORE CHARTER  
29 SCHOOLS MAY APPLY FOR A GRANT UNDER THIS SUBSECTION. THE  
30 DEPARTMENT SHALL DEVELOP CRITERIA WHICH SHALL INCLUDE, BUT NOT

1 BE LIMITED TO, THE OVERALL FISCAL IMPACT ON THE BUDGET OF THE  
2 SCHOOL DISTRICT RESULTING FROM STUDENTS OF A SCHOOL DISTRICT  
3 ATTENDING A CHARTER SCHOOL. THE CRITERIA SHALL BE PUBLISHED IN  
4 THE PENNSYLVANIA BULLETIN. PAYMENTS UNDER THIS SUBSECTION SHALL  
5 BE MADE FOR THE FIRST YEAR OF OPERATION OF THE CHARTER SCHOOL.  
6 THE AUTHORITY TO MAKE GRANTS UNDER THIS SUBSECTION SHALL EXPIRE  
7 ON JUNE 30, 1999. THIS SUBSECTION SHALL NOT APPLY TO A PUBLIC  
8 SCHOOL CONVERTED TO A CHARTER SCHOOL UNDER SECTION 1717-A(B).

9 (D) IT SHALL BE LAWFUL FOR ANY CHARTER SCHOOL TO RECEIVE,  
10 HOLD, MANAGE AND USE, ABSOLUTELY OR IN TRUST, ANY DEVISE,  
11 BEQUEST, GRANT, ENDOWMENT, GIFT OR DONATION OF ANY PROPERTY,  
12 REAL OR PERSONAL AND/OR MIXED, WHICH SHALL BE MADE TO THE  
13 CHARTER SCHOOL FOR ANY OF THE PURPOSES OF THIS ARTICLE.

14 (E) IT SHALL BE UNLAWFUL FOR ANY TRUSTEE OF A CHARTER  
15 SCHOOL, OR ANY BOARD OF TRUSTEES OF A CHARTER SCHOOL, OR ANY  
16 OTHER PERSON AFFILIATED IN ANY WAY WITH A CHARTER SCHOOL TO  
17 DEMAND OR REQUEST, DIRECTLY OR INDIRECTLY, ANY GIFT, DONATION OR  
18 CONTRIBUTION OF ANY KIND FROM ANY PARENT, TEACHER, EMPLOYE OR  
19 ANY OTHER PERSON AFFILIATED WITH THE CHARTER SCHOOL AS A  
20 CONDITION FOR EMPLOYMENT OR ENROLLMENT AND/OR CONTINUED  
21 ATTENDANCE OF ANY PUPIL. ANY DONATION, GIFT OR CONTRIBUTION  
22 RECEIVED BY A CHARTER SCHOOL SHALL BE GIVEN FREELY AND  
23 VOLUNTARILY.

24 SECTION 1726-A. TRANSPORTATION.--STUDENTS WHO RESIDE IN THE  
25 SCHOOL DISTRICT IN WHICH THE CHARTER SCHOOL IS LOCATED, OR WHO  
26 ARE RESIDENTS OF A SCHOOL DISTRICT WHICH IS PART OF A REGIONAL  
27 CHARTER SCHOOL, SHALL BE PROVIDED TRANSPORTATION TO THE CHARTER  
28 SCHOOL ON THE SAME TERMS AND CONDITIONS AS TRANSPORTATION IS  
29 PROVIDED TO STUDENTS ATTENDING THE SCHOOLS OF THE DISTRICT.  
30 NONRESIDENT STUDENTS SHALL BE PROVIDED TRANSPORTATION UNDER

1 SECTION 1361. DISTRICTS PROVIDING TRANSPORTATION TO A CHARTER  
2 SCHOOL OUTSIDE THE DISTRICT SHALL BE ELIGIBLE FOR PAYMENTS UNDER  
3 SECTION 2509.3 FOR EACH PUBLIC SCHOOL STUDENT TRANSPORTED.

4 SECTION 1727-A. TORT LIABILITY.--FOR PURPOSES OF TORT  
5 LIABILITY, EMPLOYES OF THE CHARTER SCHOOL SHALL BE CONSIDERED  
6 PUBLIC EMPLOYES AND THE BOARD OF TRUSTEES SHALL BE CONSIDERED  
7 THE PUBLIC EMPLOYER IN THE SAME MANNER AS POLITICAL SUBDIVISIONS  
8 AND LOCAL AGENCIES. THE BOARD OF TRUSTEES OF A CHARTER SCHOOL  
9 AND THE CHARTER SCHOOL SHALL BE SOLELY LIABLE FOR ANY AND ALL  
10 DAMAGES OF ANY KIND RESULTING FROM ANY LEGAL CHALLENGE INVOLVING  
11 THE OPERATION OF A CHARTER SCHOOL. NOTWITHSTANDING THIS  
12 REQUIREMENT, THE LOCAL BOARD OF DIRECTORS OF A SCHOOL ENTITY  
13 SHALL NOT BE HELD LIABLE FOR ANY ACTIVITY OR OPERATION RELATED  
14 TO THE PROGRAM OF THE CHARTER SCHOOL.

15 SECTION 1728-A. ANNUAL REPORTS AND ASSESSMENTS.--(A) THE  
16 LOCAL BOARD OF SCHOOL DIRECTORS SHALL ANNUALLY ASSESS WHETHER  
17 EACH CHARTER SCHOOL IS MEETING THE GOALS OF ITS CHARTER AND  
18 SHALL CONDUCT A COMPREHENSIVE REVIEW PRIOR TO GRANTING A FIVE  
19 (5) YEAR RENEWAL OF THE CHARTER. THE LOCAL BOARD OF SCHOOL  
20 DIRECTORS SHALL HAVE ONGOING ACCESS TO THE RECORDS AND  
21 FACILITIES OF THE CHARTER SCHOOL TO ENSURE THAT THE CHARTER  
22 SCHOOL IS IN COMPLIANCE WITH ITS CHARTER AND THIS ACT AND THAT  
23 REQUIREMENTS FOR TESTING, CIVIL RIGHTS AND STUDENT HEALTH AND  
24 SAFETY ARE BEING MET.

25 (B) IN ORDER TO FACILITATE THE LOCAL BOARD'S REVIEW AND  
26 SECRETARY'S REPORT, EACH CHARTER SCHOOL SHALL SUBMIT AN ANNUAL  
27 REPORT NO LATER THAN AUGUST 1 OF EACH YEAR TO THE LOCAL BOARD OF  
28 SCHOOL DIRECTORS AND THE SECRETARY IN THE FORM PRESCRIBED BY THE  
29 SECRETARY.

30 (C) FIVE (5) YEARS FOLLOWING THE EFFECTIVE DATE OF THIS

1 ARTICLE, THE SECRETARY SHALL CONTRACT WITH AN INDEPENDENT  
2 PROFESSIONAL CONSULTANT WITH EXPERTISE IN PUBLIC AND PRIVATE  
3 EDUCATION. THE CONSULTANT SHALL RECEIVE INPUT FROM MEMBERS OF  
4 THE EDUCATIONAL COMMUNITY AND THE PUBLIC ON THE CHARTER SCHOOL  
5 PROGRAM. THE CONSULTANT SHALL SUBMIT A REPORT TO THE SECRETARY,  
6 THE GOVERNOR AND THE GENERAL ASSEMBLY AND AN EVALUATION OF THE  
7 CHARTER SCHOOL PROGRAM, WHICH SHALL INCLUDE A RECOMMENDATION ON  
8 THE ADVISABILITY OF THE CONTINUATION, MODIFICATION, EXPANSION OR  
9 TERMINATION OF THE PROGRAM AND ANY RECOMMENDATIONS FOR CHANGES  
10 IN THE STRUCTURE OF THE PROGRAM.

11 SECTION 1729-A. CAUSES FOR NONRENEWAL OR TERMINATION.--(A)  
12 DURING THE TERM OF THE CHARTER OR AT THE END OF THE TERM OF THE  
13 CHARTER, THE LOCAL BOARD OF SCHOOL DIRECTORS MAY CHOOSE TO  
14 REVOKE OR NOT TO RENEW THE CHARTER BASED ON ANY OF THE  
15 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 1720-A.

19 (2) FAILURE TO MEET THE REQUIREMENTS FOR STUDENT PERFORMANCE  
20 SET FORTH IN 22 PA.CODE CH. 5 (RELATING TO CURRICULUM) OR  
21 SUBSEQUENT REGULATIONS PROMULGATED TO REPLACE 22 PA.CODE CH. 5  
22 OR FAILURE TO MEET ANY PERFORMANCE STANDARD SET FORTH IN THE  
23 WRITTEN CHARTER SIGNED PURSUANT TO SECTION 1716-A.

24 (3) FAILURE TO MEET GENERALLY ACCEPTED STANDARDS OF FISCAL  
25 MANAGEMENT OR AUDIT REQUIREMENTS.

26 (4) VIOLATION OF PROVISIONS OF THIS ARTICLE.

27 (5) VIOLATION OF ANY PROVISION OF LAW FROM WHICH THE CHARTER  
28 SCHOOL HAS NOT BEEN EXEMPTED, INCLUDING FEDERAL LAWS AND  
29 REGULATIONS GOVERNING CHILDREN WITH DISABILITIES.

30 (6) THE CHARTER SCHOOL HAS BEEN CONVICTED OF FRAUD.

1       (B) A MEMBER OF THE BOARD OF TRUSTEES WHO IS CONVICTED OF A  
2 FELONY OR ANY CRIME INVOLVING MORAL TURPITUDE SHALL BE  
3 IMMEDIATELY DISQUALIFIED FROM SERVING ON THE BOARD OF TRUSTEES.

4       (C) ANY NOTICE OF REVOCATION OR NONRENEWAL OF A CHARTER  
5 GIVEN BY THE LOCAL BOARD OF SCHOOL DIRECTORS OF A SCHOOL  
6 DISTRICT SHALL STATE THE GROUNDS FOR SUCH ACTION WITH REASONABLE  
7 SPECIFICITY AND GIVE REASONABLE NOTICE TO THE GOVERNING BOARD OF  
8 THE CHARTER SCHOOL OF THE DATE ON WHICH A PUBLIC HEARING  
9 CONCERNING THE REVOCATION OR NONRENEWAL WILL BE HELD. THE LOCAL  
10 BOARD OF SCHOOL DIRECTORS SHALL CONDUCT SUCH HEARING, PRESENT  
11 EVIDENCE IN SUPPORT OF THE GROUNDS FOR REVOCATION OR NONRENEWAL  
12 STATED IN ITS NOTICE AND GIVE THE CHARTER SCHOOL REASONABLE  
13 OPPORTUNITY TO OFFER TESTIMONY BEFORE TAKING FINAL ACTION.  
14 FORMAL ACTION REVOKING OR NOT RENEWING A CHARTER SHALL BE TAKEN  
15 BY THE LOCAL BOARD OF SCHOOL DIRECTORS AT A PUBLIC MEETING  
16 PURSUANT TO THE ACT OF JULY 3, 1986 (P.L.388, NO.84), KNOWN AS  
17 THE "SUNSHINE ACT," AFTER THE PUBLIC HAS HAD THIRTY (30) DAYS TO  
18 PROVIDE COMMENTS TO THE BOARD. ALL PROCEEDINGS OF THE LOCAL  
19 BOARD PURSUANT TO THIS SUBSECTION SHALL BE SUBJECT TO 2 PA.C.S.  
20 CH. 5 SUBCH. B (RELATING TO PRACTICE AND PROCEDURE OF LOCAL  
21 AGENCIES). EXCEPT AS PROVIDED IN SUBSECTION (D), THE DECISION OF  
22 THE LOCAL BOARD SHALL NOT BE SUBJECT TO 2 PA.C.S. CH. 7 SUBCH. B  
23 (RELATING TO JUDICIAL REVIEW OF LOCAL AGENCY ACTION).

24       (D) FOLLOWING THE APPOINTMENT AND CONFIRMATION OF THE APPEAL  
25 BOARD, BUT NOT BEFORE JULY 1, 1999, THE CHARTER SCHOOL MAY  
26 APPEAL THE DECISION OF THE LOCAL BOARD OF SCHOOL DIRECTORS TO  
27 REVOKE OR NOT RENEW THE CHARTER TO THE APPEAL BOARD. THE APPEAL  
28 BOARD SHALL HAVE THE EXCLUSIVE REVIEW OF A DECISION NOT TO RENEW  
29 OR REVOKE A CHARTER. THE APPEAL BOARD SHALL REVIEW THE RECORD  
30 AND SHALL HAVE THE DISCRETION TO SUPPLEMENT THE RECORD IF THE

1 SUPPLEMENTAL INFORMATION WAS PREVIOUSLY UNAVAILABLE. THE APPEAL  
2 BOARD MAY CONSIDER THE CHARTER SCHOOL PLAN, ANNUAL REPORTS,  
3 STUDENT PERFORMANCE AND EMPLOYE AND COMMUNITY SUPPORT FOR THE  
4 CHARTER SCHOOL IN ADDITION TO THE RECORD. THE APPEAL BOARD SHALL  
5 GIVE DUE CONSIDERATION TO THE FINDINGS OF THE LOCAL BOARD OF  
6 DIRECTORS AND SPECIFICALLY ARTICULATE ITS REASONS FOR AGREEING  
7 OR DISAGREEING WITH THOSE FINDINGS IN ITS WRITTEN DECISION

8 (E) IF THE APPEAL BOARD DETERMINES THAT THE CHARTER SHOULD  
9 NOT BE REVOKED OR SHOULD BE RENEWED, THE APPEAL BOARD SHALL  
10 ORDER THE LOCAL BOARD OF DIRECTORS TO RESCIND ITS REVOCATION OR  
11 NONRENEWAL DECISION.

12 (F) EXCEPT AS PROVIDED IN SUBSECTION (G), THE CHARTER SHALL  
13 REMAIN IN EFFECT UNTIL FINAL DISPOSITION BY THE APPEAL BOARD.

14 (G) IN CASES WHERE THE HEALTH OR SAFETY OF THE SCHOOL'S  
15 PUPILS, STAFF OR BOTH IS AT SERIOUS RISK, THE LOCAL BOARD OF  
16 SCHOOL DIRECTORS MAY TAKE IMMEDIATE ACTION TO REVOKE A CHARTER.

17 (H) ALL DECISIONS OF THE CHARTER SCHOOL APPEAL BOARD SHALL  
18 BE SUBJECT TO APPELLATE REVIEW BY THE COMMONWEALTH COURT.

19 (I) WHEN A CHARTER IS REVOKED OR IS NOT RENEWED, THE CHARTER  
20 SCHOOL SHALL BE DISSOLVED. AFTER THE DISPOSITION OF ANY  
21 LIABILITIES AND OBLIGATIONS OF THE CHARTER SCHOOL, ANY REMAINING  
22 ASSETS OF THE CHARTER SCHOOL SHALL BE DISTRIBUTED ON A  
23 PROPORTIONAL BASIS TO THE SCHOOL ENTITIES WITH STUDENTS ENROLLED  
24 IN THE CHARTER SCHOOL FOR THE LAST FULL OR PARTIAL SCHOOL YEAR  
25 OF THE CHARTER SCHOOL.

26 (J) WHEN A CHARTER IS REVOKED OR IS NOT RENEWED, A STUDENT  
27 WHO ATTENDED THE CHARTER SCHOOL SHALL APPLY TO ANOTHER PUBLIC  
28 SCHOOL IN THE STUDENT'S SCHOOL DISTRICT OF RESIDENCE. NORMAL  
29 APPLICATION DEADLINES WILL BE DISREGARDED UNDER THESE  
30 CIRCUMSTANCES. ALL STUDENT RECORDS MAINTAINED BY THE CHARTER



1 SCHOOL SHALL BE FORWARDED TO THE STUDENT'S DISTRICT OF  
2 RESIDENCE.

3 SECTION 1730-A. DESEGREGATION ORDERS.--THE LOCAL BOARD OF  
4 SCHOOL DIRECTORS OF A SCHOOL DISTRICT WHICH IS OPERATING UNDER A  
5 DESEGREGATION PLAN APPROVED BY THE PENNSYLVANIA HUMAN RELATIONS  
6 COMMISSION OR A DESEGREGATION ORDER BY A FEDERAL OR STATE COURT  
7 SHALL NOT APPROVE A CHARTER SCHOOL APPLICATION IF SUCH CHARTER  
8 SCHOOL WOULD PLACE THE SCHOOL DISTRICT IN NONCOMPLIANCE WITH ITS  
9 DESEGREGATION ORDER.

10 SECTION 1731-A. CHARTER SCHOOL GRANTS.--(A) THE SECRETARY  
11 SHALL ALLOCATE GRANTS FOR PLANNING AND START-UP FUNDING TO  
12 ELIGIBLE APPLICANTS UNDER SECTION 1717-A FROM FUNDS APPROPRIATED  
13 FOR THE IMPLEMENTATION OF THIS ACT.

14 (1) PLANNING GRANT APPLICATIONS SHALL BE FILED ON A FORM AND  
15 BY A DATE DETERMINED BY THE SECRETARY. THE AMOUNT OF A GRANT MAY  
16 VARY DEPENDING ON THE SIZE AND SCOPE OF THE PLANNING NEEDED BY  
17 THE APPLICANT. THE APPLICATION SHALL ADDRESS THE MANNER IN WHICH  
18 THE APPLICANT PLANS TO ADDRESS THE CRITERIA ESTABLISHED FOR  
19 CHARTER SCHOOLS IN SECTIONS 1715-A AND 1717-A.

20 (2) START-UP FUNDING GRANT APPLICATIONS SHALL BE FILED ON A  
21 FORM AND BY A DATE DETERMINED BY THE SECRETARY. THE APPLICANT  
22 FOR THE CHARTER SCHOOL SHALL SUBMIT ITS APPLICATION FOR A  
23 CHARTER WHEN APPLYING FOR THE GRANT. A GRANT FOR START-UP  
24 FUNDING MAY VARY DEPENDING ON THE SIZE AND SPECIAL  
25 CHARACTERISTICS OF THE CHARTER SCHOOL. A START-UP GRANT MAY BE  
26 USED TO MEET THE EXPENSES OF THE CHARTER SCHOOL AS ESTABLISHED  
27 IN THEIR CHARTER AND AS AUTHORIZED IN THE PROVISION OF THIS  
28 ARTICLE.

29 (B) THE APPLICANT SHALL INCLUDE A COPY OF A LETTER INFORMING  
30 THE LOCAL BOARD OF SCHOOL DIRECTORS OF THE SCHOOL DISTRICT OF

1 THE APPLICATION FOR THE PLANNING GRANT IF THE LOCATION OF THE  
2 PROPOSED CHARTER SCHOOL IS KNOWN. AN APPLICANT RECEIVING A  
3 START-UP FUNDING GRANT SHALL NOTIFY THE SCHOOL DISTRICT OR  
4 DISTRICTS SIGNING THE CHARTER OF RECEIPT OF THIS GRANT.

5 SECTION 1732-A. PROVISIONS APPLICABLE TO CHARTER SCHOOLS.--

6 (A) CHARTER SCHOOLS SHALL BE SUBJECT TO THE FOLLOWING:

7 SECTIONS 108, 110, 111, 321, 325, 326, 327, 431, 436, 443,  
8 510, 518, 527, 708, 736, 737, 738, 739, 740, 741, 752, 753, 755,  
9 771, 776, 777, 808, 809, 810, 1109, 1111, 1112(A), 1310, 1317,  
10 1317.1, 1317.2, 1318, 1327, 1330, 1332, 1303-A, 1513, 1517,  
11 1518, 1521, 1523, 1547, 2014-A, ARTICLE XIII-A AND ARTICLE XIV.

12 ACT OF JULY 17, 1961 (P.L.776, NO.341), KNOWN AS THE  
13 "PENNSYLVANIA FAIR EDUCATIONAL OPPORTUNITIES ACT."

14 ACT OF JULY 19, 1965 (P.L.215, NO.116), ENTITLED "AN ACT  
15 PROVIDING FOR THE USE OF EYE PROTECTIVE DEVICES BY PERSONS  
16 ENGAGED IN HAZARDOUS ACTIVITIES OR EXPOSED TO KNOWN DANGERS IN  
17 SCHOOLS, COLLEGES AND UNIVERSITIES."

18 SECTION 4 OF THE ACT OF JANUARY 25, 1966 (1965 P.L.1546,  
19 NO.541), ENTITLED "AN ACT PROVIDING SCHOLARSHIPS AND PROVIDING  
20 FUNDS TO SECURE FEDERAL FUNDS FOR QUALIFIED STUDENTS OF THE  
21 COMMONWEALTH OF PENNSYLVANIA WHO NEED FINANCIAL ASSISTANCE TO  
22 ATTEND POSTSECONDARY INSTITUTIONS OF HIGHER LEARNING, MAKING AN  
23 APPROPRIATION, AND PROVIDING FOR THE ADMINISTRATION OF THIS  
24 ACT."

25 ACT OF JULY 12, 1972 (P.L.765, NO.181), ENTITLED "AN ACT  
26 RELATING TO DRUGS AND ALCOHOL AND THEIR ABUSE, PROVIDING FOR  
27 PROJECTS AND PROGRAMS AND GRANTS TO EDUCATIONAL AGENCIES, OTHER  
28 PUBLIC OR PRIVATE AGENCIES, INSTITUTIONS OR ORGANIZATIONS."

29 ACT OF DECEMBER 15, 1986 (P.L.1595, NO.175), KNOWN AS THE  
30 "ANTIHAZING LAW."

1       (B) CHARTER SCHOOLS SHALL BE SUBJECT TO THE FOLLOWING  
2 PROVISIONS OF 22 PA. CODE:

3       SECTION 5.216 (RELATING TO ESOL)

4       SECTION 5.4 (RELATING TO GENERAL POLICIES)

5       CHAPTER 11 (RELATING TO PUPIL ATTENDANCE)

6       CHAPTER 12 (RELATING TO STUDENTS)

7       SECTION 32.3 (RELATING TO ASSURANCES)

8       SECTION 121.3 (RELATING TO DISCRIMINATION PROHIBITED)

9       SECTION 235.4 (RELATING TO PRACTICES)

10       SECTION 235.8 (RELATING TO CIVIL RIGHTS)

11       (C) (1) THE SECRETARY MAY PROMULGATE ADDITIONAL REGULATIONS  
12 RELATING TO CHARTER SCHOOLS.

13       (2) THE SECRETARY SHALL HAVE THE AUTHORITY AND THE  
14 RESPONSIBILITY TO ENSURE THAT CHARTER SCHOOLS COMPLY WITH  
15 FEDERAL LAWS AND REGULATIONS GOVERNING CHILDREN WITH  
16 DISABILITIES. THE SECRETARY SHALL PROMULGATE REGULATIONS TO  
17 IMPLEMENT THIS PROVISION.

18       SECTION 2. (A) THE GENERAL ASSEMBLY FINDS AND DECLARES AS  
19 FOLLOWS:

20           (1) A WELL-TRAINED AND WELL-EDUCATED WORK FORCE IS  
21 ESSENTIAL TO THE ECONOMIC WELL-BEING OF THIS COMMONWEALTH.

22           (2) MANY OF THE FASTEST GROWING SECTORS OF THE ECONOMY  
23 ARE IN AREAS WHICH REQUIRE TECHNICAL COMPETENCE AND AN  
24 EDUCATIONAL BACKGROUND THAT INCLUDES A SOLID FOUNDATION IN  
25 THE CHEMICAL, PHYSICAL, BIOLOGICAL AND EARTH SCIENCES.

26           (3) SHARING RESOURCES IS A COST-EFFECTIVE AND PROVEN  
27 METHOD OF ENSURING THAT ALL OF THIS COMMONWEALTH'S SCHOOL  
28 CHILDREN HAVE ACCESS TO A HIGH-QUALITY SCIENCE CURRICULUM  
29 THAT PROVIDES HAND-ON EXPERIENCE WITH MODERN AND  
30 SOPHISTICATED SCIENTIFIC AND TECHNICAL EQUIPMENT TO PREPARE

1 STUDENTS FOR THE HIGH TECHNOLOGY DEMANDS OF THE 21ST CENTURY.

2 (4) SIGNIFICANT OPPORTUNITIES EXIST FOR COLLABORATION  
3 BETWEEN THE BASIC EDUCATION AND HIGHER EDUCATION SYSTEMS OF  
4 THIS COMMONWEALTH TO ENHANCE THE EDUCATION OF THIS  
5 COMMONWEALTH'S SCHOOL CHILDREN.

6 (5) STUDENTS NEED THE OPPORTUNITY TO LEARN SCIENCE BY  
7 PRACTICING SCIENCE. THIS COMMONWEALTH MUST GRADUATE STUDENTS  
8 WHO ARE MORE SCIENTIFICALLY LITERATE AND WHO ARE BETTER ABLE  
9 TO PURSUE CAREERS AND JOBS IN FIELDS THAT REQUIRE SUCH  
10 LITERACY.

11 (6) TEACHERS WHO ARE THE ONLY PHYSICS OR CHEMISTRY  
12 TEACHER IN THEIR SCHOOL NEED NOT WORK IN ISOLATION.

13 (7) TEACHERS REQUIRE GREATER OPPORTUNITIES FOR  
14 PROFESSIONAL DEVELOPMENT IN SCIENCE, INCLUDING TRAINING TO  
15 INCORPORATE NEW SCIENCE EQUIPMENT INTO THE TEACHING  
16 CURRICULA.

17 (8) IT IS THEREFORE THE INTENT OF THE GENERAL ASSEMBLY  
18 AND A PURPOSE OF THIS ACT TO DIRECT THE DEPARTMENT OF  
19 EDUCATION TO EXAMINE THE FEASIBILITY OF ESTABLISHING THE  
20 PENNSYLVANIA SCIENCE PARTNERSHIP PROGRAM TO PROVIDE ENHANCED  
21 EDUCATIONAL OPPORTUNITIES IN THE FIELDS OF SCIENCE TO THIS  
22 COMMONWEALTH'S SCHOOL CHILDREN, ESPECIALLY CHILDREN ATTENDING  
23 SCHOOLS THAT DO NOT HAVE THE FINANCIAL RESOURCES TO PROVIDE  
24 AN ENRICHED SCIENCE CURRICULUM.

25 (B) THE DEPARTMENT SHALL FILE A REPORT WITH THE GOVERNOR AND  
26 WITH THE CHAIRMAN AND MINORITY CHAIRMAN OF THE EDUCATION  
27 COMMITTEE OF THE SENATE AND THE CHAIRMAN AND MINORITY CHAIRMAN  
28 OF THE EDUCATION COMMITTEE OF THE HOUSE OF REPRESENTATIVES ON  
29 THE FEASIBILITY OF ESTABLISHING A PENNSYLVANIA SCIENCE  
30 PARTNERSHIP PROGRAM BY JANUARY 1, 1998. THE REPORT SHALL

1 DESCRIBE THE TYPES OF SCIENCE PARTNERSHIPS CREATED IN SELECTED  
2 COMMUNITIES OF THIS COMMONWEALTH, TO BE DETERMINED BY THE  
3 SECRETARY OF EDUCATION. AT A MINIMUM, PROGRAMS OF THIS TYPE IN  
4 PHILADELPHIA, PITTSBURGH AND AT JUNIATA COLLEGE AND LEBANON  
5 VALLEY COLLEGE SHALL BE EXAMINED. THE DEPARTMENT SHALL CONSIDER  
6 THE BENEFITS OF THE PARTNERSHIP AND THE INVOLVEMENT OF SCHOOL  
7 DISTRICTS, HIGHER EDUCATION INSTITUTIONS AND SCIENCE MUSEUMS.  
8 THE DEPARTMENT SHALL SURVEY SCHOOL DISTRICTS TO DETERMINE THE  
9 NUMBER OF ELEMENTARY AND SECONDARY EDUCATION STUDENTS  
10 PARTICIPATING IN VARIOUS SCIENCE PROGRAMS, A DETAILED BREAKDOWN  
11 OF THE COSTS OF THESE PROGRAMS AND THE IMPACT OF THE PROGRAMS ON  
12 THE LEVEL OF SCIENTIFIC KNOWLEDGE OF SCHOOL CHILDREN.

13 (C) THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS  
14 SECTION SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SUBSECTION  
15 UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

16 "DEPARTMENT." THE DEPARTMENT OF EDUCATION OF THE  
17 COMMONWEALTH.

18 "HIGHER EDUCATION INSTITUTION." ANY INSTITUTION OF HIGHER  
19 EDUCATION IN THIS COMMONWEALTH AUTHORIZED TO GRANT COLLEGIATE  
20 LEVEL DEGREES AND WHICH HAS RECEIVED TOTAL INSTITUTIONAL  
21 ACCREDITATION BY AN ACCREDITING AGENCY RECOGNIZED BY THE FEDERAL  
22 GOVERNMENT, THE DEPARTMENT OF EDUCATION AND THE STATE BOARD OF  
23 EDUCATION.

24 SECTION 3. (A) THE SUM OF \$1,000,000, OR AS MUCH THEREOF AS  
25 MAY BE NECESSARY, IS HEREBY APPROPRIATED FOR THE FISCAL YEAR  
26 JULY 1, 1997, TO JUNE 30, 1998, FROM THE GENERAL FUND TO THE  
27 DEPARTMENT OF EDUCATION TO PAY FOR TEMPORARY FINANCIAL  
28 ASSISTANCE UNDER SECTION 1725-A(B) TO SCHOOL DISTRICTS ON BEHALF  
29 OF STUDENTS ENROLLED IN CHARTER SCHOOLS WHO ATTENDED A NONPUBLIC  
30 SCHOOL IN THE PRIOR FISCAL YEAR.

1 (B) THE SUM OF \$7,500,000, OR AS MUCH THERE OF AS MAY BE  
2 NECESSARY, IS HEREBY APPROPRIATED FROM THE GENERAL FUND TO THE  
3 DEPARTMENT OF EDUCATION TO PAY FOR TRANSITIONAL FUNDING GRANTS  
4 UNDER SECTION 1725-A(C) TO SCHOOL DISTRICTS. THESE FUNDS SHALL  
5 LAPSE JUNE 30, 1999.

6 (C) THE SUM OF \$4,000,000 OF FEDERAL FUNDS AVAILABLE UNDER  
7 THE IMPROVING AMERICA'S SCHOOLS ACT OF 1994 (PUBLIC LAW 103-382,  
8 108 STAT. 3518) IS HEREBY APPROPRIATED TO THE DEPARTMENT OF  
9 EDUCATION FOR PURPOSES OF IMPLEMENTING THE PROVISIONS OF THIS  
10 ACT. THESE FUNDS SHALL LAPSE JUNE 30, 1998.

11 SECTION 4. ALL ACTS AND PARTS OF ACTS ARE REPEALED INsofar  
12 AS THEY ARE INCONSISTENT WITH THIS ACT.

13 SECTION 5. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.