

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 999 Session of
1997INTRODUCED BY MOWERY, RHOADES, JUBELIRER, PICCOLA, HELFRICK,
EARLL, THOMPSON, HART AND GERLACH, MAY 7, 1997SENATOR TILGHMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED,
JUNE 3, 1997

AN ACT

1 Providing for the establishment of charter schools AND CHARTER <—
2 SCHOOL CLUSTERS; providing for powers and duties of the
3 Secretary of Education; establishing a State Charter School
4 Appeal Board; providing for payments to charter schools; and <—
5 requiring certain reports and recommendations; AND MAKING AN <—
6 APPROPRIATION.

TABLE OF CONTENTS

7
8 Chapter 1. Preliminary Provisions
9 Section 101. Short title.
10 Section 102. Legislative intent.
11 Section 103. Definitions.
12 Chapter 3. Charter Schools
13 Section 301. Powers of charter schools.
14 Section 302. Charter school requirements.
15 Section 303. Powers of board of trustees.
16 Section 304. Establishment of charter school.
17 Section 305. Regional charter school.
18 Section 306. Contents of application.
19 Section 307. Term and form of charter.

1 Section 308. State Charter School Appeal Board.
2 Section 309. Facilities.
3 Section 310. Enrollment.
4 Section 311. School staff.
5 Section 312. Funding for charter schools.
6 Section 313. Transportation.
7 Section 314. Tort liability.
8 Section 315. Annual reports and assessments.
9 Section 316. Causes for nonrenewal or termination.
10 Section 317. Desegregation orders.
11 Section 318. Charter school grants.
12 Section 319. Provisions applicable to charter schools.
13 Section 320. Federal funding.
14 CHAPTER 5. CHARTER SCHOOL CLUSTERS
15 SECTION 501. LEGISLATIVE INTENT.
16 SECTION 502. ESTABLISHMENT OF CHARTER SCHOOL CLUSTERS.
17 SECTION 503. GEOGRAPHIC BOUNDARIES OF CLUSTERS.
18 SECTION 504. INITIATION OF PROCEDURE TO ESTABLISH CHARTER
19 SCHOOL CLUSTERS.
20 SECTION 505. ELECTION OF BOARD OF TRUSTEES.
21 SECTION 506. POWERS OF BOARD OF TRUSTEES.
22 SECTION 507. SCHOOL STAFF.
23 SECTION 508. FUNDING FOR CHARTER SCHOOL CLUSTER.
24 SECTION 509. APPLICATION OF CHAPTER 3.
25 SECTION 510. CONSTRUCTION OF CHAPTER.
26 Chapter 9. Miscellaneous Provisions
27 ~~Section 901. Repeals.~~
28 ~~Section 902. Effective date.~~
29 SECTION 901. APPROPRIATION.
30 SECTION 902. REPEALS.

<—

<—

<—

1 SECTION 903. EFFECTIVE DATE.

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

4 CHAPTER 1

5 PRELIMINARY PROVISIONS

6 Section 101. Short title.

7 This act shall be known and may be cited as the Charter
8 School Law.

9 Section 102. Legislative intent.

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

15 (1) Improve pupil learning.

16 (2) Increase learning opportunities for all pupils.

17 (3) Encourage the use of different and innovative
18 teaching methods.

19 (4) Create new professional opportunities for teachers,
20 including the opportunity to be responsible for the learning
21 program at the school site.

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

25 (6) Hold the schools established under this act
26 accountable for meeting measurable academic standards and
27 provide the school with a method to establish accountability
28 systems.

29 Section 103. Definitions.

30 The following words and phrases when used in this act shall

1 have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

3 "Appeal board." The State Charter School Appeal Board
4 established by this act.

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

11 "CHARTER SCHOOL CLUSTER." A CHARTER SCHOOL CONSISTING OF
12 SEVERAL SITES IN A DISTINCT GEOGRAPHIC AREA SHARING A COMMON
13 THEME AND REPRESENTING THE CONTINUUM OF LEARNING EXPERIENCES
14 FROM KINDERGARTEN THROUGH POSTSECONDARY EDUCATION ESTABLISHED
15 AND OPERATED UNDER A CHARTER FROM THE LOCAL BOARD OF SCHOOL
16 DIRECTORS AND IN WHICH STUDENTS ARE ENROLLED OR ATTEND. A
17 CHARTER SCHOOL CLUSTER MUST BE ORGANIZED AS A PUBLIC, NONPROFIT
18 CORPORATION. CHARTERS MAY NOT BE GRANTED TO ANY FOR-PROFIT
19 ENTITY.

20 "CLUSTER." A KINDERGARTEN THROUGH GRADE 12 ORGANIZATION OF
21 SCHOOLS BY FEEDER PATTERN OF SIX TO TEN ELEMENTARY SCHOOLS, TWO
22 TO FOUR MIDDLE SCHOOLS AND A COMPREHENSIVE HIGH SCHOOL TO ALLOW
23 FOR PLANNING AND DECISION MAKING AROUND THE ENTIRE PERIOD OF A
24 STUDENT'S EDUCATION.

25 "Department." The Department of Education of the
26 Commonwealth.

27 "Local board of school directors." The board of directors of
28 a school entity in which a proposed or an approved charter
29 school is located.

30 "Public School Code." The act of March 10, 1949 (P.L.30,

1 No.14), known as the Public School Code of 1949.

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

8 "SCHOOL DISTRICT OF THE FIRST CLASS." ANY SCHOOL DISTRICT OF <—
9 THE FIRST CLASS COTERMINOUS WITH A CITY OF THE FIRST CLASS.

10 "School entity." A school district, intermediate unit, joint
11 school or area vocational-technical school.

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

13 "State board." The State Board of Education of the
14 Commonwealth.

15 CHAPTER 3

16 CHARTER SCHOOLS

17 Section 301. Powers of charter schools.

18 (a) Specific powers.--A charter school established under
19 this act is a body corporate and shall have all powers necessary
20 or desirable for carrying out its charter, including, but not
21 limited to, the power to:

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

24 (2) Sue and be sued, but only to the same extent and
25 upon the same condition that political subdivisions and local
26 agencies can be sued.

27 (3) Acquire real property from public or private sources
28 by purchase, lease, lease with an option to purchase or gift
29 for use as a charter school facility.

30 (4) Receive and disburse funds for charter school

1 purposes only.

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

4 (6) Incur temporary debts in anticipation of the receipt
5 of funds.

6 (7) Solicit and accept any gifts or grants for charter
7 school purposes.

8 (b) General powers.--A charter school shall have such other
9 powers as are necessary to fulfill its charter and which are not
10 inconsistent with this act.

11 Section 302. Charter school requirements.

12 Charter schools shall be required to comply with the
13 following provisions:

14 (1) Except as otherwise provided in this act, a charter
15 school is exempt from statutory requirements established in
16 the Public School Code, from regulations of the State board
17 and the standards of the secretary not specifically
18 applicable to charter schools. Charter schools are not exempt
19 from statutes applicable to public schools other than the
20 Public School Code.

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

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

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

30 (5) A charter school shall not provide any religious

1 instruction, nor shall it display religious objects and
2 symbols on the premises of the charter school.

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

5 (7) A charter school shall only be subject to the laws
6 and regulations as provided for in section 319, as otherwise
7 provided for in this act.

8 (8) A charter school shall participate in the
9 Pennsylvania State Assessment System as provided for in 22
10 Pa. Code Ch. 5 (relating to curriculum), or subsequent
11 regulations promulgated to replace 22 Pa.Code Ch. 5, in the
12 manner in which the school district in which the charter
13 school is located is scheduled to participate.

14 (9) A charter school shall provide a minimum of 180 days
15 of instruction or 900 hours per year of instruction at the
16 elementary level, or 990 hours per year of instruction at the
17 secondary level. Nothing in this paragraph shall preclude the
18 use of computer and satellite linkages for delivering
19 instruction to students.

20 (10) Boards of trustees and contractors of charter
21 schools shall be subject to the following statutory
22 requirements governing construction projects and
23 construction-related work:

24 (i) The following provisions of the Public School
25 Code:

26 (A) Sections 751 and 751.1.

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

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

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

(iv) The Public Works Contractors' Bond Law of 1967.

(v) The act of March 3, 1978 (P.L.6, No.3), known as the Steel Products Procurement Act.

(11) Trustees of a charter school shall be public officials.

Section 303. Powers of board of trustees.

(a) Enumeration of powers.--The board of trustees of a charter school shall have the authority to decide matters related to the operation of the school, including, but not limited to, budgeting, curriculum and operating procedures, subject to the school's charter. The board shall have the authority to employ, discharge and contract with necessary professional and nonprofessional employees subject to the school's charter and the provisions of this act.

(b) Members of local school boards.--No member of a local board of school directors of a school entity shall serve on the board of trustees of a charter school that is located in the member's district.

(c) Open meeting requirement.--The board of trustees shall comply with the act of July 3, 1986 (P.L.388, No.84), known as the Sunshine Act.

Section 304. Establishment of charter school.

(a) Establishment by teachers, parents and other entities.--A charter school may be established by an individual; one or

1 more teachers who will teach at the proposed charter school;
2 parents or guardians of students who will attend the charter
3 school; any nonsectarian college, university or museum located
4 in this Commonwealth; any nonsectarian corporation not-for-
5 profit, as defined in 15 Pa.C.S. (relating to corporations and
6 unincorporated associations); any corporation; association;
7 partnership; or any combination thereof. A charter school may be
8 established by creating a new school or by converting an
9 existing public school or a portion of an existing public
10 school. No charter school shall be established or funded by and
11 no charter shall be granted to any sectarian school, institution
12 or other entity. No funds allocated or disbursed under this act
13 shall be used to directly support instruction pursuant to
14 section 1327.1 of the Public School Code.

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

16 (1) The conversion of an existing public school or
17 portion of an existing public school to a charter school may
18 be initiated by any individual or entity authorized to
19 establish a charter school under subsection (a).

20 (2) In order to convert an existing public school to a
21 charter school, the applicants must show that:

22 (i) more than 50% of the teaching staff in the
23 public school have signed a petition in support of the
24 public school becoming a charter school; and

25 (ii) more than 50% of the parents or guardians of
26 pupils attending that public school have signed a
27 petition in support of the school becoming a charter
28 school.

29 (3) In no event shall the board of school directors
30 serve as the board of trustees of an existing school which is

converted to a charter school pursuant to this subsection.

(c) Submission of application.--An application to establish a charter school shall be submitted to the local board of school directors of the district where the charter school will be located by November 15 of the school year preceding the school year in which the charter school will be established except that for a charter school beginning in the 1997-1998 school year, an application must be received by ~~June 1, 1997~~ JULY 15, 1997. In the 1997-1998 school year only, applications shall be limited to recipients of fiscal year 1996-1997 Department of Education charter school planning grants.

(d) Public hearing.--Within 45 days of receipt of an application, the local board of school directors in which the proposed charter school is to be located shall hold at least one public hearing on the provisions of the charter application, under the act of July 3, 1986 (P.L.388, No.84), known as the Sunshine Act. At least 45 days must transpire between the first public hearing and the final decision of the board on the charter application except that for a charter school beginning in the 1997-1998 school year, only 30 days must transpire between the first public hearing and the final decision of the board.

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

(1) Not later than 75 days after the first public hearing on the application, the local board of school directors shall grant or deny the application. For a charter school beginning in the 1997-1998 school year, the local board of school directors shall grant or deny the application no later than 60 days after the first public hearing.

(2) A charter school application submitted under this

1 act shall be evaluated by the local board of school directors
2 based on criteria, including, but not limited to, the
3 following:

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

8 (ii) The capability of the charter school applicant,
9 in terms of support and planning, to provide
10 comprehensive learning experiences to students pursuant
11 to the adopted charter.

12 (iii) The extent to which the application considers
13 the information requested in section 306 and conforms to
14 the legislative intent outlined in section 102.

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

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

21 (4) A charter application shall be deemed approved by
22 the local board of school directors of a school entity upon
23 affirmative vote by a majority of all the directors. Formal
24 action approving or denying the application shall be taken by
25 the local board of school directors at a public meeting, with
26 notice or consideration of the application given by the
27 board, under the Sunshine Act.

28 (5) Written notice of the board's action shall be sent
29 to the applicant, the Department of Education and the appeal
30 board. If the application is denied, the reasons for the

1 denial including a description of deficiencies in the
2 application shall be clearly stated in the notice sent by the
3 local board of school directors to the charter school
4 applicant.

5 (f) Appeal of a denied application.--At the option of the
6 charter school applicant a denied application may be revised and
7 resubmitted to the local board of school directors, or the
8 decision of the local board of school directors may be appealed
9 to the appeal board. When an application is revised and
10 resubmitted to the local board of school directors, the board
11 may schedule additional public hearings on the revised
12 application. The board shall consider the revised and
13 resubmitted application at the first board meeting occurring at
14 least 45 days after receipt of the revised application by the
15 board. For a revised application resubmitted for the 1997-1998
16 school year, the board shall consider the application at the
17 first board meeting occurring at least 30 days after its
18 receipt. The board shall provide notice of consideration of the
19 revised application under the Sunshine Act.

20 (g) Effect of inaction.--Notwithstanding the provisions of
21 subsection (e)(5), failure by the local board of directors to
22 hold a public hearing and to grant or deny the application for a
23 charter school within the time periods specified in subsections
24 (d), (e) and (f) shall permit the applicant for a charter to
25 file its application as an appeal to the State Charter School
26 Appeal Board. In such case, the appeal board shall review the
27 application and make a decision to grant or deny a charter based
28 on the criteria established in subsection (e)(2).

29 (h) Review of revocation or nonrenewal.--In the case of a
30 review by the appeal board of an application that is revoked or

1 is not renewed the appeal board shall make its decision based on
2 the criteria established in subsection (e)(2). A decision by the
3 appeal board under this subsection or subsection (g) to grant,
4 to renew or not to revoke a charter shall serve as a requirement
5 for the local board of directors of a school entity or school
6 entities, as appropriate, to sign the written charter of the
7 charter school as provided for in section 307. Should the local
8 board of directors fail to grant the application and sign the
9 charter within ten days of notice of reversal of the decision of
10 the local board of directors, the charter shall be deemed to be
11 approved and shall be signed by the chairman of the appeal
12 board.

13 (i) Appeal to State Charter School Appeal Board.--

14 (1) The appeal board shall have the exclusive review of
15 an appeal by a charter school applicant, or by the board of
16 trustees of an existing charter school, of a decision made by
17 a local board of directors not to grant, not to renew or to
18 revoke a charter as provided in this section. In any appeal
19 the decision made by the local board of directors shall be
20 reviewed by the appeal board on a record certified by the
21 local board of directors. The appeal board shall have the
22 discretion to allow the local board of directors and the
23 charter school applicant to supplement the record if the
24 supplemental information was previously unavailable. The
25 appeal shall be filed within 30 days of the receipt of the
26 decision of the local board of directors.

27 (2) Not later than 30 days after receipt of the appeal,
28 the appeal board shall provide reasonable written notice of
29 and meet to officially review the certified record.

30 (3) Not later than 60 days following the review

1 conducted pursuant to paragraph (2), the appeal board shall
2 issue a written decision affirming or denying the appeal. If
3 the appeal board has affirmed the decision of the local board
4 of directors, notice shall be provided to both parties.

5 (4) If the appeal board determines that the charter
6 should not be revoked or should be renewed, the appeal board
7 shall order the local board of directors to rescind its
8 revocation or nonrenewal decision.

9 (5) A decision of the appeal board to reverse the
10 decision of the local board of directors shall serve as a
11 requirement for the local board of directors of a school
12 entity or school entities, as appropriate, to grant the
13 application and sign the written charter of the charter
14 school as provided for in section 303. Should the local board
15 of directors fail to grant the application and sign the
16 charter within ten days of notice of the reversal of the
17 decision of the local board of directors, the charter shall
18 be deemed to be approved and shall be signed by the chairman
19 of the appeal board.

20 (6) All decisions of the appeal board shall be subject
21 to appellate review by the Commonwealth Court.

22 Section 305. Regional charter school.

23 (a) Establishment.--A regional charter school may be
24 established by an individual, one or more teachers who will
25 teach at the proposed charter school; parents or guardians of
26 students who will attend the charter school; any nonsectarian
27 college, university or museum located in this Commonwealth; any
28 nonsectarian corporation not-for-profit, as defined in 15
29 Pa.C.S. (relating to corporations and unincorporated
30 associations); any corporation; association; partnership; or any

1 combination thereof. A regional charter school may be
2 established by creating a new school or by converting an
3 existing public school or a portion of an existing public
4 school. Conversion of an existing public school to a regional
5 charter school shall be accomplished in accordance with section
6 301(b). No regional charter school shall be established or
7 funded by and no charter shall be granted to any sectarian
8 school, institution or other entity.

9 (b) Consideration and review.--The boards of school
10 directors of one or more school entities may act jointly to
11 receive and consider an application for a regional charter
12 school, except that any action to approve an application for a
13 charter or to sign a written charter of an applicant shall
14 require an affirmative vote of a majority of all the directors
15 of each of the school entities involved. The applicant shall
16 apply for a charter to the board of directors of any school
17 entity in which the charter school will be located.

18 (c) Application of act.--The provisions of this act as it
19 pertains to charter schools and the powers and duties of the
20 local board of school directors of a school entity and the
21 appeal board shall apply to regional charter schools, except as
22 provided in subsections (a) and (b) or as otherwise clearly
23 stated in this act.

24 Section 306. Contents of application.

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

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

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

3 (5) The mission and education goals of the charter
4 school, the curriculum to be offered and the methods of
5 assessing whether students are meeting educational goals.

6 (6) The admission policy and criteria for evaluating the
7 admission of students which shall comply with the
8 requirements of section 310.

9 (7) Procedures which will be used regarding the
10 suspension or expulsion of pupils. Said procedures shall
11 comply with section 1318 of the Public School Code.

12 (8) Information on the manner in which community groups
13 will be involved in the charter school planning process.

14 (9) The financial plan for the charter school and the
15 provisions which will be made for auditing the school under
16 section 437 of the Public School Code.

17 (10) Procedures which shall be established to review
18 complaints of parents regarding the operation of the charter
19 school.

20 (11) A description of and address of the physical
21 facility in which the charter school will be located and the
22 ownership thereof and any lease arrangements.

23 (12) Information on the proposed school calendar for the
24 charter school, including the length of the school day and
25 school year consistent with the provisions of section 1502 of
26 the Public School Code.

27 (13) The proposed faculty and a professional development
28 plan for the faculty of a charter school.

29 (14) Whether any agreements have been entered into or
30 plans developed with the local school district regarding

1 participation of the charter school students in
2 extracurricular activities within the school district.

3 (15) A report of criminal history record, pursuant to
4 section 111 of the Public School Code, for all individuals
5 seeking the charter who shall have direct contact with
6 students.

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

12 (17) How the charter school will provide adequate
13 liability and other appropriate insurance for the charter
14 school, its employees and the board of trustees of the
15 charter school.

16 Section 307. Term and form of charter.

17 Upon approval of a charter application under section 304, a
18 written charter shall be developed which shall contain the
19 provisions of the charter application and which shall be signed
20 by the local board of school directors of a school entity, by
21 the local boards of school directors of a school entity in the
22 case of a regional charter school, or by the chairman of the
23 State Charter School Appeal Board pursuant to section 304(i)(5)
24 and the board of trustees of the charter school. This written
25 charter, when duly signed by the local board of school directors
26 of a school entity, or by the local boards of school directors
27 of a school entity in the case of a regional charter school, and
28 the charter school's board of trustees shall act as legal
29 authorization for the establishment of a charter school. This
30 written charter shall be legally binding on both the local board

1 of school directors of a school entity and the charter school's
2 board of trustees. The charter shall be for a period of no less
3 than three, nor more than five years, and may be renewed for
4 five-year periods upon reauthorization by the local board of
5 school directors of a school entity or the appeal board. A
6 charter will be granted only for a school organized as a public,
7 nonprofit corporation.

8 Section 308. State Charter School Appeal Board.

9 (a) Appointment and composition.--The State Charter School
10 Appeal Board shall consist of the Secretary of Education and six
11 members who shall be appointed by the Governor by and with the
12 consent of a majority of all the members of the Senate. The
13 Governor shall select the chairman of the appeal board to serve
14 at the pleasure of the Governor. The members shall include:

15 (1) A parent of a school-aged child.

16 (2) A school board member.

17 (3) A certified teacher actively employed in a public
18 school.

19 (4) A faculty member or administrative employee of an
20 institution of higher education.

21 (5) A member of the business community.

22 (6) A member of the State Board of Education.

23 The term of office of members of the appeal board, other than
24 the secretary, shall be for a period of four years or until a
25 successor is appointed and qualified except that of the initial
26 appointees, the Governor shall designate two members to serve
27 terms of two years, two members to serve terms of three years
28 and two members to serve terms of four years. Any appointment to
29 fill any vacancy shall be for the period of the unexpired term
30 or until a successor is appointed and qualified.

1 (b) Meetings, quorum, etc.--The appeal board shall meet as
2 needed to fulfill the purposes provided in this subsection. A
3 majority of the members of the appeal board shall constitute a
4 quorum, and a majority of the members of the appeal board shall
5 have authority to act upon any matter properly before the appeal
6 board. The appeal board is authorized to establish rules for its
7 operation.

8 (c) Expenses.--The members shall receive no payment for
9 their services. Members who are not employees of State
10 government shall be reimbursed for expenses incurred in the
11 course of their official duties. A member who is employed by a
12 private employer shall be reimbursed by the Department of
13 Education, from funds appropriated for the general government
14 operations of the department, for any income lost as a result of
15 attendance at appeal board meetings or performance of other
16 official appeal board duties upon appropriate documentation as
17 required by the department.

18 (d) Assistance.--The department shall provide assistance and
19 staffing for the appeal board. The Governor, through his General
20 Counsel, shall provide such legal advice and assistance as the
21 appeal board may require.

22 (e) Sunshine provisions.--Meetings of the appeal board shall
23 be conducted under the act of July 3, 1986 (P.L.388, No.84),
24 known as the Sunshine Act. Documents of the appeal board shall
25 be subject to the act of June 21, 1957 (P.L.390, No.212),
26 referred to as the Right-to-Know Law.

27 Section 309. Facilities.

28 (a) Location.--A charter school may be located in an
29 existing public school building, in a part of an existing public
30 school building, in space provided on a privately owned site, in

1 a public building or in any other suitable location.

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

5 (c) Construction with public funds prohibited.--A charter
6 school shall not construct a facility with public funds received
7 from the department or a local school district.

8 Section 310. Enrollment.

9 (a) Admission.--All resident children in this Commonwealth
10 qualify for admission to a charter school within the provisions
11 of subsection (b). If more students apply to the charter school
12 than the number of attendance slots available in the school,
13 then students must be selected on a random basis from a pool of
14 qualified applicants meeting the established eligibility
15 criteria and submitting an application by the deadline
16 established by the charter school, except that the charter
17 school may give preference in enrollment to a child of a parent
18 who has actively participated in the development of the charter
19 school and to siblings of students presently enrolled in the
20 charter school. First preference shall be given to students who
21 reside in the entity or entities.

22 (b) Discrimination prohibited.--

23 (1) A charter school shall not discriminate in its
24 admission policies or practices on the basis of intellectual
25 ability, except as provided in paragraph (2), or athletic
26 ability, measures of achievement or aptitude, status as a
27 person with a disability, proficiency in the English language
28 or any other basis that would be illegal if used by a school
29 district.

30 (2) A charter school may limit admission to a particular

1 grade level or areas of concentration of the school such as
2 mathematics, science or the arts. A charter school may
3 establish reasonable criteria to evaluate prospective
4 students which shall be outlined in the school's charter.

5 (c) Nonresident students.--If available classroom space
6 permits, a charter school may enroll nonresident students on a
7 space-available basis, and the student's district of residence
8 shall permit the student to attend the charter school. The terms
9 and conditions of the enrollment shall be outlined in the
10 school's charter.

11 Section 311. School staff.

12 (a) Staff.--The board of trustees shall determine the level
13 of compensation and all terms and conditions of employment of
14 the staff, except as may otherwise be provided in this act. At
15 least 75% of the professional staff members of a charter school
16 shall hold appropriate State certification. Employees of a
17 charter school may organize under the act of July 23, 1970
18 (P.L.563, No.195), known as the Public Employee Relations Act.
19 The board of trustees of a charter school shall be considered an
20 employer for the purposes of Article XI-A of the Public School
21 Code. Upon formation of one or more collective bargaining units
22 at the school, the board of trustees shall bargain with the
23 employees based on the provisions of this act, the Public
24 Employee Relations Act and Article XI-A of the Public School
25 Code. Collective bargaining units at a charter school shall be
26 separate from any collective bargaining unit of the school
27 district in which the charter school is located and shall be
28 separate from any other collective bargaining unit. A charter
29 school shall be considered a school entity as provided for in
30 section 1161-A of the Public School Code for purpose of the

1 secretary seeking an injunction requiring the charter school to
2 meet the minimum requirements for instruction as provided for in
3 this act.

4 (b) Retirement benefits.--All employees of a charter school
5 shall be enrolled in the Public School Employee's Retirement
6 System in the same manner as set forth in 24 Pa.C.S. § 8301(a)
7 (relating to mandatory and optional membership) unless at the
8 time of the application for the charter school the sponsoring
9 entity or the board of trustees of the charter school has a
10 retirement program which covers the employees or the employee is
11 currently enrolled in another retirement program. The
12 Commonwealth shall make contributions on behalf of charter
13 school employees and the charter school shall be considered a
14 school entity and shall make payments by employers and payments
15 on account of Social Security as established under 24 Pa.C.S.
16 Pt. IV (relating to retirement for school employees). For
17 purposes of payments by employers a charter school shall be
18 considered a school entity under 24 Pa.C.S. § 8329(a)(1)
19 (relating to payments on account of social security deductions
20 from appropriations). The market value/income aid ratio used in
21 calculating payments as prescribed in this subsection shall be
22 the market value/income aid ratio for the school district in
23 which the charter school is located or, in the case of a
24 regional charter school, shall be a composite market
25 value/income aid ratio for the participating school entities as
26 determined by the department. Except as otherwise provided,
27 employees of a charter school shall make regular member
28 contributions as required for active members under 24 Pa.C.S.
29 Pt. IV. If the employees of the charter school participate in
30 another retirement plan, then those employees shall have no

1 concurrent claim on the benefits provided to public school
2 employees under 24 Pa.C.S. Pt. IV. For purposes of this
3 subsection, a charter school shall be deemed to be a "public
4 school" as defined in 24 Pa.C.S. § 8102 (relating to
5 definitions).

6 (c) Health benefits.--Every employee of a charter school
7 shall be provided the same health care benefits as the employee
8 would be provided if he or she were an employee of the local
9 district or school entity. The local board of school directors
10 may require the charter school to provide the same terms and
11 conditions with regard to health insurance as the collective
12 bargaining agreement of the school district to include employee
13 contributions to the district's health benefits plan. The
14 charter school shall make any required employer's contribution
15 to the district's health plan to an insurer, a local board of
16 school directors or a contractual representative of school
17 employees, whichever is appropriate to provide the required
18 coverage.

19 (d) Leave of absence for public school employees.--Any
20 public school employee of a school entity may request a leave of
21 absence for up to five years in order to work in a charter
22 school located in the district of employment or in a regional
23 charter school in which the employing school district is a
24 participant. Approval for a leave shall not be unreasonably
25 withheld.

26 (e) Tenure.--Temporary professional employees on leave from
27 a school district may accrue tenure in the noncharter public
28 school system at the discretion of the local board of school
29 directors, the same as they would under Article XI of the Public
30 School Code if they had continued to be employed by that

1 district. Professional employees on leave from a school district
2 shall retain their tenure rights, as defined in Article XI of
3 the Public School Code, in the school entity from which they
4 came. No temporary professional employee or professional
5 employee shall have tenure rights as against a charter school.
6 Both temporary professional employees and professional employees
7 shall continue to accrue seniority in the school entity from
8 which they came if they return to that school entity when the
9 leave ends.

10 (f) Certification.--A professional employee who holds a
11 first level teaching or administrative certificate may, at his
12 or her option, have the time completed in satisfactory service
13 in a charter school applied to the length of service
14 requirements for the next level of certification.

15 (g) Return to public school employment.--

16 (1) Any temporary professional employee or professional
17 employee who leaves employment at a charter school shall have
18 the right to return to a comparable position for which the
19 person is properly certified in the school entity which
20 granted the leave of absence. In the case where a teacher has
21 been dismissed by the charter school, the school entity which
22 granted the leave of absence is to be provided by the charter
23 school with the reasons for such dismissal at the time it
24 occurs, a list of any witnesses who were relied on by the
25 charter school in moving for dismissal, a description of and
26 access to any physical evidence used by the charter school in
27 moving for dismissal and a copy of any record developed at
28 any dismissal proceeding conducted by the charter school. The
29 record of any such hearing may be admissible in a hearing
30 before the school entity which granted the leave of absence.

1 Nothing in this section shall affect the authority of the
2 board of school directors to initiate proceedings under
3 ~~Chapter 11~~ ARTICLE XI of the Public School Code if the board <—
4 determines that occurrences at the charter school leading to
5 dismissal of a teacher constitute adequate and independent
6 grounds for discipline under section 1122 of the Public
7 School Code.

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

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

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

29 Section 312. Funding for charter schools.

30 (a) Calculation.--Funding for a charter school shall be

1 provided in the following manner:

2 (1) There shall be no tuition charge for a resident or
3 nonresident student attending a charter school.

4 (2) For nonspecial education students, the charter
5 school shall receive for each student enrolled no less than
6 the budgeted total expenditure per average daily membership
7 of the prior school year, as defined in section 2501(20) of
8 the Public School Code, minus the budgeted expenditures of
9 the district of residence for nonpublic school programs;
10 adult education programs; community/junior college programs;
11 student transportation services; for special education
12 pursuant to Article XV of the Public School Code; facilities
13 acquisition, construction and improvement services and other
14 financing uses, including debt service and fund transfers as
15 provided in the Manual of Accounting and Related Financial
16 Procedures for Pennsylvania School Systems established by the
17 department.

18 (3) For special education students, the charter school
19 shall receive for each student enrolled the same funding as
20 for each nonspecial education student as provided in
21 paragraph (2) plus an additional amount determined by
22 dividing the district of residence's total special education
23 expenditure by the product of multiplying the combined
24 percentage of section 2509.5(k) of the Public School Code
25 times the district of residence's total average daily
26 membership for the prior school year.

27 (4) A charter school may request the intermediate unit
28 in which the charter school is located to provide services to
29 assist the charter school to address the specific needs of
30 exceptional students. The intermediate unit shall assist the

1 charter school and bill the charter school for the services.
2 The intermediate unit may not charge the charter school more
3 for any service than it charges the constituent districts of
4 the intermediate unit.

5 (5) Payments shall be made to the charter school in 12
6 equal monthly payments, by the fifth day of each month,
7 within the operating school year. A student enrolled in a
8 charter school shall be included in the average daily
9 membership of the student's district of residence for the
10 purpose of providing basic education funding payments and
11 special education funding pursuant to Article XXV of the
12 Public School Code. If a school district fails to make a
13 payment to a charter school as prescribed in this paragraph
14 the secretary shall deduct the amount, as documented by the
15 charter school, from any and all State payments made to the
16 district after receipt of documentation from the charter
17 school.

18 ~~(b) Temporary financial assistance. The Commonwealth shall~~ <—
19 ~~provide temporary financial assistance to a school district~~
20 ~~which experiences an increase of 2% or more in its enrollment~~
21 ~~for the current school year due to the transfer of students~~
22 ~~formerly enrolled in a nonpublic school to a charter school in~~
23 ~~order to offset the additional costs directly related to the~~
24 ~~transfer of said students from a private school to a charter~~
25 ~~school who otherwise would have remained enrolled in a private~~
26 ~~school. The department shall calculate the additional costs to~~
27 ~~the school district, taking into consideration any savings~~
28 ~~realized by the school district due to the establishment of the~~
29 ~~charter school. The department shall determine the amount of~~
30 ~~temporary financial assistance so as to hold the school district~~

1 ~~harmless from costs incurred due to the transfer of students~~
2 ~~from a private school to a charter school who would have~~
3 ~~otherwise remained enrolled in a private school. This subsection~~
4 ~~shall expire in five years. In no event shall the assistance be~~
5 ~~greater than 90% of the additional costs.~~

6 (B) TEMPORARY FINANCIAL ASSISTANCE.--THE COMMONWEALTH SHALL <—
7 PROVIDE TEMPORARY FINANCIAL ASSISTANCE TO A SCHOOL DISTRICT DUE
8 TO THE ENROLLMENT OF STUDENTS IN A CHARTER SCHOOL WHO ATTENDED A
9 NONPUBLIC SCHOOL IN THE PRIOR SCHOOL YEAR IN ORDER TO OFFSET THE
10 ADDITIONAL COSTS DIRECTLY RELATED TO THE ENROLLMENT OF THOSE
11 STUDENTS IN A PUBLIC CHARTER SCHOOL. THE COMMONWEALTH SHALL PAY
12 THE SCHOOL DISTRICT OF RESIDENCE OF A STUDENT ENROLLED IN A
13 NONPUBLIC SCHOOL IN THE PRIOR SCHOOL YEAR WHO IS ATTENDING A
14 CHARTER SCHOOL AN AMOUNT EQUAL TO THE SCHOOL DISTRICT OF
15 RESIDENCE'S BASIC EDUCATION SUBSIDY FOR THE CURRENT SCHOOL YEAR
16 DIVIDED BY THE DISTRICT'S AVERAGE DAILY MEMBERSHIP FOR THE PRIOR
17 SCHOOL YEAR. THIS PAYMENT SHALL OCCUR ONLY FOR THE FIRST YEAR OF
18 THE ATTENDANCE OF THE STUDENT IN A CHARTER SCHOOL STARTING WITH
19 SCHOOL YEAR 1997-1998. TOTAL PAYMENTS OF TEMPORARY FINANCIAL
20 ASSISTANCE TO SCHOOL DISTRICTS ON BEHALF OF A STUDENT ENROLLING
21 IN A CHARTER SCHOOL WHO ATTENDED A NONPUBLIC SCHOOL IN THE PRIOR
22 SCHOOL YEAR SHALL BE LIMITED TO FUNDS APPROPRIATED FOR THIS
23 PROGRAM IN A FISCAL YEAR. IF THE TOTAL OF THE AMOUNT NEEDED FOR
24 ALL STUDENTS ENROLLED IN A NONPUBLIC SCHOOL IN THE PRIOR SCHOOL
25 YEAR WHO ENROLL IN A CHARTER SCHOOL EXCEEDS THE APPROPRIATION
26 FOR THE TEMPORARY FINANCIAL ASSISTANCE PROGRAM, THE AMOUNT PAID
27 TO A SCHOOL DISTRICT FOR EACH QUALIFYING STUDENT SHALL BE PRO
28 RATA REDUCED.

29 (c) Property rights.--It shall be lawful for any charter
30 school to receive, hold, manage and use, absolutely or in trust,

1 any devise, bequest, grant, endowment, gift or donation of any
2 property, real or personal and/or mixed, which shall be made to
3 the charter school for any of the purposes of this act.

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

14 Section 313. Transportation.

15 Students who reside in the school district in which the
16 charter school is located, or who are residents of a school
17 district which is part of a regional charter school, shall be
18 provided transportation to the charter school on the same terms
19 and conditions as transportation is provided to students
20 attending the schools of the district. Nonresident students
21 shall be provided transportation under section 1361 of the
22 Public School Code. Districts providing transportation to a
23 charter school outside the district shall be eligible for
24 payments under section 2509.3 of the Public School Code for each
25 public school student transported.

26 Section 314. Tort liability.

27 For purposes of tort liability, employees of the charter
28 school shall be considered public employees and the board of
29 trustees shall be considered the public employer in the same
30 manner as political subdivisions and local agencies. The board

1 of trustees of a charter school and the charter school shall be
2 solely liable for any and all damages of any kind resulting from
3 any legal challenge involving the operation of a charter school.
4 Notwithstanding this requirement, the local board of directors
5 of a school entity shall not be held liable for any activity or
6 operation related to the program of the charter school.

7 Section 315. Annual reports and assessments.

8 (a) Annual assessment.--The local board of school directors
9 shall annually assess whether each charter school is meeting the
10 goals of its charter and shall conduct a comprehensive review
11 prior to granting a five-year renewal of the charter. The local
12 board of school directors shall have ongoing access to the
13 records and facilities of the charter school to ensure that the
14 charter school is in compliance with its charter and this act
15 and that requirements for testing, civil rights and student
16 health and safety are being met.

17 (b) Annual report by charter school.--In order to facilitate
18 the local board's review and secretary's report, each charter
19 school shall submit an annual report no later than August 1 of
20 each year to the local board of school directors and the
21 secretary in the form prescribed by the secretary.

22 (c) Report and evaluation.--Five years following the
23 effective date of this act, the secretary shall contract with an
24 independent professional consultant with expertise in public and
25 private education. The consultant shall receive input from
26 members of the educational community and the public on the
27 charter school program. The consultant shall submit a report to
28 the secretary, the Governor and the General Assembly and an
29 evaluation of the charter school program which shall include a
30 recommendation on the advisability of the continuation,

1 modification, expansion or termination of the program and any
2 recommendations for changes in the structure of the program.

3 Section 316. Causes for nonrenewal or termination.

4 (a) General.--During the term of the charter or at the end
5 of the term of the charter, the local board of school directors
6 may choose to revoke or not to renew the charter based on any of
7 the following:

8 (1) One or more material violations of any of the
9 conditions, standards or procedures contained in the written
10 charter signed pursuant to section 307.

11 (2) Failure to meet the requirements for student
12 performance set forth in 22 Pa.Code Ch. 5 (relating to
13 curriculum) or subsequent regulations promulgated to replace
14 22 Pa.Code Ch. 5 or failure to meet any performance standard
15 set forth in the written charter signed pursuant to section
16 303.

17 (3) Failure to meet generally accepted standards of
18 fiscal management or audit requirements.

19 (4) Violation of provisions of this act.

20 (5) Violation of any provision of law from which the
21 charter school has not been exempted, including Federal laws
22 and regulations governing children with disabilities.

23 (6) The charter school has been convicted of fraud.

24 (b) Board members.--A member of the board of trustees who is
25 convicted of a felony or any crime involving moral turpitude
26 shall be immediately disqualified from serving on the board of
27 trustees.

28 (c) Notice of revocation or nonrenewal.--Any notice of
29 revocation or nonrenewal of a charter given by the local board
30 of school directors of a school entity shall state the grounds

1 for such action with reasonable specificity and give reasonable
2 notice to the governing board of the charter school of the date
3 on which a public hearing concerning the revocation or
4 nonrenewal will be held. The local board of school directors
5 shall conduct such hearing, present evidence in support of the
6 grounds for revocation or nonrenewal stated in its notice and
7 give the charter school reasonable opportunity to offer
8 testimony before taking final action. Formal action revoking or
9 not renewing a charter shall be taken by the local board of
10 school directors at a public meeting pursuant to the act of July
11 3, 1986 (P.L.388, No.84), known as the Sunshine Act, after the
12 public has had 30 days to provide comments to the board. All
13 proceedings of the local board pursuant to this subsection shall
14 be subject to 2 Pa.C.S. Ch. 5 Subch. B (relating to practice and
15 procedure of local agencies). Except as provided in subsection
16 (d), the decision of the local board shall not be subject to 2
17 Pa.C.S. Ch. 7 Subch. B (relating to judicial review of local
18 agency action).

19 (d) Appeal.--The charter school may appeal the decision of
20 the local board of school directors to revoke or not renew the
21 charter to the State charter school appeal board. The charter
22 school's appeal board shall review the record and shall have the
23 discretion to supplement the record. The proceedings of the
24 appeal board shall be conducted pursuant to the procedures and
25 standards set forth in 2 Pa.C.S. § 754 (relating to disposition
26 of appeal). The appeal board may consider the charter school
27 plan, annual reports, student performance and employee and
28 community support for the charter school in addition to the
29 record.

30 (e) Exception.--Except as provided in subsection (f), the

1 charter shall remain in effect until final disposition by the
2 appeal board.

3 (f) Emergencies.--In cases where the health or safety of the
4 school's pupils and/or staff is at serious risk, the local board
5 of school directors may take immediate action to revoke a
6 charter.

7 (g) Court.--All decisions of the charter school appeal board
8 shall be subject to appellate review by the Commonwealth Court.

9 (h) Dissolution.--When a charter is revoked or is not
10 renewed, the charter school shall be dissolved. After the
11 disposition of any liabilities and obligations of the charter
12 school, any remaining assets of the charter school shall be
13 distributed on a proportional basis to the school entities with
14 students enrolled in the charter school for the last full or
15 partial school year of the charter school.

16 (i) Disposition of pupils.--When a charter is revoked or is
17 not renewed, a student who attended the charter school shall
18 apply to another public school in the student's school district
19 of residence. Normal application deadlines will be disregarded
20 under these circumstances. All student records maintained by the
21 charter school shall be forwarded to the student's district of
22 residence.

23 Section 317. Desegregation orders.

24 The local board of school directors of a school district
25 which is operating under a desegregation plan approved by the
26 Pennsylvania Human Relations Commission or a desegregation order
27 by a Federal or State court shall not approve a charter school
28 application if such charter school would place the school
29 district in noncompliance with its desegregation order.

30 Section 318. Charter school grants.

1 (a) Allocation.--The secretary shall allocate grants for
2 planning and start-up funding to eligible applicants under
3 section 304 from funds appropriated for this purpose.

4 (1) Planning grant applications shall be filed on a form
5 and by a date determined by the secretary. The amount of a
6 grant may vary depending on the size and scope of the
7 planning needed by the applicant. The application shall
8 address the manner in which the applicant plans to address
9 the criteria established for charter schools in sections 302
10 and 304.

11 (2) Start-up funding grant applications shall be filed
12 on a form and by a date determined by the secretary. The
13 applicant for the charter school shall submit its application
14 for a charter when applying for the grant. A grant for start-
15 up funding may vary depending on the size and special
16 characteristics of the charter school. A start-up grant may
17 be used to meet the expenses of the charter school as
18 established in their charter and as authorized in the
19 provision of this act.

20 (b) Informing local board of school directors.--The
21 applicant shall include a copy of a letter informing the local
22 board of school directors of the school entity of the
23 application for the planning grant if the location of the
24 proposed charter school is known. An applicant receiving a
25 start-up funding grant shall notify the school entity or
26 entities signing the charter of receipt of this grant.
27 Section 319. Provisions applicable to charter schools.

28 (a) Statutory provisions.--Charter schools shall be subject
29 to the following:

30 Sections 108, 110, 111, 321, 325, 326, 327, 431, 436, 443,

1 510, 518, 527, 708, 736, 737, 738, 739, 740, 741, 752, 753, 755,
2 771, 776, 777, 808, 809, 810, 1109, 1111, 1112(a), 1310, 1317,
3 1317.1, 1317.2, 1318, 1327, 1330, 1332, 1303-A, 1513, 1517,
4 1518, 1521, 1523, 1547, 2014-A, Article XIII-A and Article XIV
5 of the act of March 10, 1949 (P.L.30, No.14), known as the
6 Public School Code of 1949.

7 Act of July 17, 1961 (P.L.776, No.341), known as the
8 Pennsylvania Fair Educational Opportunities Act.

9 Act of July 19, 1965 (P.L.215, No.116), entitled "An act
10 providing for the use of eye protective devices by persons
11 engaged in hazardous activities or exposed to known dangers in
12 schools, colleges and universities."

13 Section 4 of the act of January 25, 1966 (1965 P.L.1546,
14 No.541), entitled "An act providing scholarships and providing
15 funds to secure Federal funds for qualified students of the
16 Commonwealth of Pennsylvania who need financial assistance to
17 attend postsecondary institutions of higher learning, making an
18 appropriation, and providing for the administration of this
19 act."

20 Act of July 12, 1972 (P.L.765, No.181), entitled "An act
21 relating to drugs and alcohol and their abuse, providing for
22 projects and programs and grants to educational agencies, other
23 public or private agencies, institutions or organizations."

24 Act of December 15, 1986 (P.L.1595, No.175), known as the
25 Antihazing Law.

26 (b) Regulations.--Charter schools shall be subject to the
27 following provisions of 22 Pa. Code:

28 Section 5.216 (relating to ESOL)

29 Section 5.4 (relating to general policies)

30 Chapter 11 (relating to pupil attendance)

Chapter 12 (relating to students)

Section 32.3 (relating to assurances)

Section 121.3 (relating to discrimination prohibited)

Section 235.4 (relating to practices)

Section 235.8 (relating to civil rights)

(c) Duties and authority of secretary.--

(1) The secretary may promulgate additional regulations relating to charter schools.

(2) The secretary shall have the authority and the responsibility to ensure that charter schools comply with Federal laws and regulations governing children with disabilities. The secretary shall promulgate regulations to implement this provision.

Section 320. Federal funding.

This act authorizes the department to apply for, receive and disburse funds for charter school grants under the act of October 20, 1994 (P.L.103-382, 108 Stat. 3518), known as the Improving America's Schools Act of 1994.

CHAPTER 5

←

CHARTER SCHOOL CLUSTERS

SECTION 501. LEGISLATIVE INTENT.

IT IS THE INTENT OF THE GENERAL ASSEMBLY TO AUTHORIZE THE RESIDENTS OF SCHOOL DISTRICTS OF THE FIRST CLASS TO FORM CHARTER SCHOOL CLUSTERS, WITHIN ESTABLISHED CLUSTERS TO PROVIDE AN ALTERNATIVE MEANS OF PUBLIC EDUCATION.

SECTION 502. ESTABLISHMENT OF CHARTER SCHOOL CLUSTERS.

CHARTER SCHOOL CLUSTERS SHALL ONLY BE ESTABLISHED IN SCHOOL DISTRICTS OF THE FIRST CLASS PURSUANT TO THE PROCEDURES SET FORTH IN THIS CHAPTER.

SECTION 503. GEOGRAPHIC BOUNDARIES OF CLUSTERS.

1 (A) ESTABLISHMENT.--THERE IS HEREBY ESTABLISHED IN EACH
2 SCHOOL DISTRICT OF THE FIRST CLASS 22 SEPARATE AND DISTINCT
3 CLUSTERS CONSISTENT WITH THE GEOGRAPHIC BOUNDARIES AS
4 ESTABLISHED BY THE BOARD OF DIRECTORS OF THE SCHOOL DISTRICT OF
5 THE FIRST CLASS AND EXISTING AT THE TIME OF THE ENACTMENT OF
6 THIS CHAPTER AND SUBJECT TO ADJUSTMENT UNDER SUBSECTION (B).

7 (B) ADJUSTMENT OF CLUSTER BOUNDARIES.--THE BOARD OF EACH
8 SCHOOL DISTRICT OF THE FIRST CLASS SHALL ADJUST THE GEOGRAPHIC
9 BOUNDARIES OF ANY OF THE 22 CLUSTERS UNDER SUBSECTION (A) TO
10 ENSURE THAT NO WARD OR A PRECINCT OF A WARD IS LOCATED IN MORE
11 THAN ONE CLUSTER. ANY ADJUSTMENT OF CLUSTER BOUNDARIES SHALL BE
12 MADE WITHIN 120 DAYS OF THE EFFECTIVE DATE OF THIS SECTION.

13 SECTION 504. INITIATION OF PROCEDURE TO ESTABLISH CHARTER
14 SCHOOL CLUSTERS.

15 (A) PETITION.--THE INITIATION OF THE PROCEDURE TO ESTABLISH
16 A CHARTER SCHOOL CLUSTER UNDER THE PROVISIONS OF THIS CHAPTER
17 SHALL BEGIN WITH THE FILING OF A PETITION WITH THE BOARD OF
18 SCHOOL DIRECTORS OF A SCHOOL DISTRICT OF THE FIRST CLASS
19 REQUESTING THE FORMATION OF A CHARTER SCHOOL CLUSTER. THE
20 PETITION SHALL BE SIGNED BY AT LEAST 1,000 REGISTERED ELECTORS
21 WHO ARE RESIDENTS OF THE CLUSTER IN WHICH THE CHARTER SCHOOL
22 CLUSTER WILL BE ESTABLISHED.

23 (B) APPROVAL OF ELECTORATE.--THE ELECTORATE OF EACH CLUSTER
24 ESTABLISHED UNDER SECTION 503 SHALL DETERMINE AT THE NEXT
25 PRIMARY OR GENERAL ELECTION OCCURRING AT LEAST 90 DAYS AFTER
26 RECEIPT OF THE PETITION FILED WITH THE BOARD OF SCHOOL DIRECTORS
27 OF A SCHOOL DISTRICT OF THE FIRST CLASS WHETHER OR NOT A CHARTER
28 SCHOOL CLUSTER WILL BE ESTABLISHED WITHIN THE CLUSTER.

29 (C) PRESENTATION OF QUESTION.--THE BOARD OF SCHOOL DIRECTORS
30 OF A SCHOOL DISTRICT OF THE FIRST CLASS IN COOPERATION WITH THE

1 BOARD OF ELECTIONS SHALL CAUSE TO BE PLACED ON THE BALLOT IN THE
2 NEXT PRIMARY OR GENERAL ELECTION OCCURRING AT LEAST 90 DAYS
3 FOLLOWING RECEIPT OF THE PETITION IN THAT CLUSTER THE FOLLOWING
4 QUESTION:

5 SHALL A CHARTER SCHOOL CLUSTER BE ESTABLISHED IN CLUSTER
6 NO. ?

7 (D) CONDUCT OF ELECTION.--THE ELECTION UNDER THIS SECTION
8 SHALL BE CONDUCTED PURSUANT TO THE ACT OF JUNE 3, 1937
9 (P.L.1333, NO.320), KNOWN AS THE PENNSYLVANIA ELECTION CODE.
10 RESULTS OF THE ELECTION IN EACH CLUSTER SHALL BE CERTIFIED BY
11 THE BOARD OF ELECTIONS TO THE BOARD OF SCHOOL DIRECTORS OF A
12 SCHOOL DISTRICT OF THE FIRST CLASS.

13 SECTION 505. ELECTION OF BOARD OF TRUSTEES.

14 (A) GENERAL RULE.--WHENEVER THE ELECTORS OF A CLUSTER VOTE
15 IN FAVOR OF THE ESTABLISHMENT OF A CHARTER SCHOOL CLUSTER, THAT
16 ELECTORATE SHALL IN THE SPRING PRIMARY ELECTION OF THE NEXT ODD-
17 NUMBERED YEAR NOMINATE FOR, AND IN THE GENERAL ELECTION OF THAT
18 YEAR ELECT A FIVE-MEMBER BOARD OF TRUSTEES FOR AN INITIAL TERM
19 OF OFFICE OF NOT LESS THAN FIVE YEARS BEGINNING JANUARY 1 OF THE
20 YEAR FOLLOWING THE ELECTION AND ENDING DECEMBER 31 OF THE YEAR
21 IN WHICH THE TERM OF THE ELECTED DISTRICT ATTORNEY EXPIRES.

22 THEREAFTER THE TERM OF OFFICE OF MEMBERS OF THE BOARD OF
23 TRUSTEES SHALL BE FOUR YEARS CONCURRENT WITH THE TERM OF OFFICE
24 OF THE ELECTED DISTRICT ATTORNEY TO SEEK APPROVAL OF, IMPLEMENT
25 AND ADMINISTER THE CLUSTER FOR THE CHARTER SCHOOL CLUSTER.

26 (B) NOMINATION OF CANDIDATES.--CANDIDATES FOR THE BOARD OF
27 TRUSTEES SHALL BE NOMINATED AT THE SPRING ELECTION. CANDIDATES
28 FOR NOMINATION TO THE BOARD OF TRUSTEES SHALL PRESENT NOMINATING
29 PETITIONS CONTAINING AT LEAST 250 VALID SIGNATURES OF THE
30 REGISTERED AND ENROLLED MEMBERS OF THE PROPER PARTY WHO RESIDE

1 IN THE CLUSTER. ALL NOMINATION PROCEDURES SHALL COMPLY WITH THE
2 PROVISIONS OF THE ACT OF JUNE 3, 1937 (P.L.1333, NO.320), KNOWN
3 AS THE PENNSYLVANIA ELECTION CODE, INCLUDING SECTIONS 952 AND
4 953. THE FIVE CANDIDATES FROM EACH PARTY RECEIVING THE HIGHEST
5 NUMBER OF VOTES SHALL BE PLACED ON THE BALLOT AS CANDIDATES FOR
6 ELECTION TO THE BOARD OF TRUSTEES IN THE GENERAL ELECTION IN
7 NOVEMBER.

8 (C) ELECTION.--AT THE ELECTION IN NOVEMBER THERE SHALL BE
9 ELECTED A BOARD OF TRUSTEES CONSISTING OF THE FIVE CANDIDATES
10 WHO RECEIVE THE HIGHEST NUMBER OF VOTES.

11 SECTION 506. POWERS OF BOARD OF TRUSTEES.

12 IN ADDITION TO ANY POWERS AND DUTIES UNDER SECTION 303 AND
13 THE CHARTER, THE BOARD OF TRUSTEES OF EACH CHARTER SCHOOL
14 CLUSTER SHALL:

15 (1) FORMULATE AND SEEK APPROVAL OF A CHARTER FOR THE
16 CHARTER SCHOOL CLUSTER WHICH CONFORMS WITH THE PROVISIONS OF
17 SECTION 306 FROM THE BOARD OF SCHOOL DIRECTORS OF THE FIRST
18 CLASS SCHOOL DISTRICT.

19 (2) APPROVE OR DISAPPROVE THE ESTABLISHMENT OF ANY
20 CHARTER SCHOOL UNDER CHAPTER 3 WITHIN THE BOUNDARIES OF THE
21 CHARTER SCHOOL CLUSTER. ALL ACTIONS OF THE BOARD OF TRUSTEES
22 SHALL BE BY A MAJORITY VOTE OF THE CURRENT MEMBERS OF THE
23 BOARD OF TRUSTEES.

24 SECTION 507. SCHOOL STAFF.

25 (A) STAFF.--THE INITIAL PROFESSIONAL STAFF OF A CHARTER
26 SCHOOL CLUSTER SHALL CONSIST OF TEACHERS OF A SCHOOL DISTRICT OF
27 THE FIRST CLASS WHO TRANSFER TO THE CHARTER SCHOOL CLUSTER. THE
28 TERMS OF ANY COLLECTIVE BARGAINING AGREEMENT IN FORCE UPON
29 ENACTMENT OF THIS CHAPTER SHALL CONTINUE IN FULL FORCE AND
30 EFFECT UNTIL THE EXPIRATION OF THE COLLECTIVE BARGAINING

1 AGREEMENT, AT WHICH TIME A NEW COLLECTIVE BARGAINING AGREEMENT
2 SHALL BE NEGOTIATED BY THE BOARD OF TRUSTEES. PROFESSIONAL
3 EMPLOYEES EMPLOYED BY CHARTER SCHOOL CLUSTERS SHALL BE
4 REPRESENTED BY THE SAME COLLECTIVE BARGAINING AGENT AS THE
5 EMPLOYEES OF THE SCHOOL DISTRICT, PROVIDED, HOWEVER, THAT
6 COLLECTIVE BARGAINING UNITS IN A CHARTER CLUSTER SHALL BE
7 SEPARATE FROM ANY COLLECTIVE BARGAINING UNIT OF THE SCHOOL
8 DISTRICT IN WHICH THE CHARTER CLUSTER IS LOCATED. AFTER THE
9 EXPIRATION OF THE CURRENT COLLECTIVE BARGAINING AGREEMENT, THE
10 CLUSTER BOARD OF TRUSTEES SHALL DETERMINE THE LEVEL OF
11 COMPENSATION AND ALL TERMS AND CONDITIONS OF EMPLOYMENT OF THE
12 STAFF, EXCEPT AS MAY OTHERWISE BE PROVIDED IN THIS ACT. AT LEAST
13 75% OF THE PROFESSIONAL STAFF MEMBERS OF A CHARTER SCHOOL SHALL
14 HOLD APPROPRIATE STATE CERTIFICATION. EMPLOYEES OF A CHARTER
15 SCHOOL CLUSTER MAY ORGANIZE UNDER THE ACT OF JULY 23, 1970
16 (P.L.563, NO.195), KNOWN AS THE PUBLIC EMPLOYE RELATIONS ACT.
17 THE BOARD OF TRUSTEES OF A CHARTER SCHOOL CLUSTER SHALL BE
18 CONSIDERED AN EMPLOYER FOR THE PURPOSES OF ARTICLE XI-A OF THE
19 PUBLIC SCHOOL CODE. UPON FORMATION OF ONE OR MORE COLLECTIVE
20 BARGAINING UNITS AT THE SCHOOL, THE BOARD OF TRUSTEES SHALL
21 BARGAIN WITH THE EMPLOYEES BASED ON THE PROVISIONS OF THIS ACT,
22 THE PUBLIC EMPLOYE RELATIONS ACT AND ARTICLE XI-A OF THE PUBLIC
23 SCHOOL CODE. COLLECTIVE BARGAINING UNITS AT A CHARTER SCHOOL
24 CLUSTER SHALL BE SEPARATE FROM ANY COLLECTIVE BARGAINING UNIT OF
25 THE SCHOOL DISTRICT IN WHICH THE CHARTER SCHOOL CLUSTER IS
26 LOCATED AND SHALL BE SEPARATE FROM ANY OTHER COLLECTIVE
27 BARGAINING UNIT. A CHARTER SCHOOL CLUSTER SHALL BE CONSIDERED A
28 SCHOOL ENTITY AS PROVIDED FOR IN SECTION 1161-A OF THE PUBLIC
29 SCHOOL CODE FOR PURPOSE OF THE SECRETARY SEEKING AN INJUNCTION
30 REQUIRING THE CHARTER SCHOOL CLUSTER TO MEET THE MINIMUM

1 REQUIREMENTS FOR INSTRUCTION AS PROVIDED FOR IN THIS ACT.

2 (B) RETIREMENT BENEFITS.--ALL EMPLOYEES OF A CHARTER SCHOOL

3 CLUSTER SHALL BE ENROLLED IN THE PUBLIC SCHOOL EMPLOYEE'S

4 RETIREMENT SYSTEM IN THE SAME MANNER AS SET FORTH IN 24 PA.C.S.

5 § 8301(A) (RELATING TO MANDATORY AND OPTIONAL MEMBERSHIP) UNLESS

6 AT THE TIME OF THE APPLICATION FOR THE CHARTER SCHOOL CLUSTER

7 THE SPONSORING ENTITY OR THE BOARD OF TRUSTEES OF THE CHARTER

8 SCHOOL CLUSTER HAS A RETIREMENT PROGRAM WHICH COVERS THE

9 EMPLOYEES OR THE EMPLOYEE IS CURRENTLY ENROLLED IN ANOTHER

10 RETIREMENT PROGRAM. THE COMMONWEALTH SHALL MAKE CONTRIBUTIONS ON

11 BEHALF OF CHARTER SCHOOL CLUSTER EMPLOYEES AND THE CHARTER

12 SCHOOL CLUSTER SHALL BE CONSIDERED A SCHOOL ENTITY AND SHALL

13 MAKE PAYMENTS BY EMPLOYERS AND PAYMENTS ON ACCOUNT OF SOCIAL

14 SECURITY AS ESTABLISHED UNDER 24 PA.C.S. PT. IV (RELATING TO

15 RETIREMENT FOR SCHOOL EMPLOYEES). FOR PURPOSES OF PAYMENTS BY

16 EMPLOYERS A CHARTER SCHOOL CLUSTER SHALL BE CONSIDERED A SCHOOL

17 ENTITY UNDER 24 PA.C.S. § 8329(A)(1) (RELATING TO PAYMENTS ON

18 ACCOUNT OF SOCIAL SECURITY DEDUCTIONS FROM APPROPRIATIONS). THE

19 MARKET VALUE/INCOME AID RATIO USED IN CALCULATING PAYMENTS AS

20 PRESCRIBED IN THIS SUBSECTION SHALL BE THE MARKET VALUE/INCOME

21 AID RATIO FOR THE SCHOOL DISTRICT IN WHICH THE CHARTER SCHOOL

22 CLUSTER IS LOCATED. EXCEPT AS OTHERWISE PROVIDED, EMPLOYEES OF A

23 CHARTER SCHOOL CLUSTER SHALL MAKE REGULAR MEMBER CONTRIBUTIONS

24 AS REQUIRED FOR ACTIVE MEMBERS UNDER 24 PA.C.S. PT. IV. IF THE

25 EMPLOYEES OF THE CHARTER SCHOOL CLUSTER PARTICIPATE IN ANOTHER

26 RETIREMENT PLAN, THEN THOSE EMPLOYEES SHALL HAVE NO CONCURRENT

27 CLAIM ON THE BENEFITS PROVIDED TO PUBLIC SCHOOL EMPLOYEES UNDER

28 24 PA.C.S. PT. IV. FOR PURPOSES OF THIS SUBSECTION, A CHARTER

29 SCHOOL CLUSTER SHALL BE DEEMED TO BE A "PUBLIC SCHOOL" AS

30 DEFINED IN 24 PA.C.S. § 8102 (RELATING TO DEFINITIONS).

1 (C) HEALTH BENEFITS.--EVERY EMPLOYEE OF A CHARTER SCHOOL
2 CLUSTER SHALL BE PROVIDED THE SAME HEALTH CARE BENEFITS AS THE
3 EMPLOYEE WOULD BE PROVIDED IF HE OR SHE WERE AN EMPLOYEE OF THE
4 LOCAL DISTRICT OR SCHOOL ENTITY. THE LOCAL BOARD OF SCHOOL
5 DIRECTORS MAY REQUIRE THE CHARTER SCHOOL CLUSTER TO PROVIDE THE
6 SAME TERMS AND CONDITIONS WITH REGARD TO HEALTH INSURANCE AS THE
7 COLLECTIVE BARGAINING AGREEMENT OF THE SCHOOL DISTRICT TO
8 INCLUDE EMPLOYEE CONTRIBUTIONS TO THE DISTRICT'S HEALTH BENEFITS
9 PLAN. THE CHARTER SCHOOL CLUSTER SHALL MAKE ANY REQUIRED
10 EMPLOYER'S CONTRIBUTION TO THE DISTRICT'S HEALTH PLAN TO AN
11 INSURER, A LOCAL BOARD OF SCHOOL DIRECTORS OR A CONTRACTUAL
12 REPRESENTATIVE OF SCHOOL EMPLOYEES, WHICHEVER IS APPROPRIATE TO
13 PROVIDE THE REQUIRED COVERAGE.

14 (D) LEAVE OF ABSENCE FOR PUBLIC SCHOOL EMPLOYEES.--ANY
15 PUBLIC SCHOOL EMPLOYEE OF A SCHOOL ENTITY MAY REQUEST A LEAVE OF
16 ABSENCE FOR UP TO FIVE YEARS IN ORDER TO WORK IN A CHARTER
17 SCHOOL CLUSTER LOCATED IN THE DISTRICT OF EMPLOYMENT. APPROVAL
18 FOR A LEAVE SHALL NOT BE UNREASONABLY WITHHELD.

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

1 WHICH THEY CAME IF THEY RETURN TO THAT SCHOOL ENTITY WHEN THE
2 LEAVE ENDS.

3 (F) CERTIFICATION.--A PROFESSIONAL EMPLOYEE WHO HOLDS A
4 FIRST LEVEL TEACHING OR ADMINISTRATIVE CERTIFICATE MAY, AT HIS
5 OR HER OPTION, HAVE THE TIME COMPLETED IN SATISFACTORY SERVICE
6 IN A CHARTER SCHOOL CLUSTER APPLIED TO THE LENGTH OF SERVICE
7 REQUIREMENTS FOR THE NEXT LEVEL OF CERTIFICATION.

8 (G) RETURN TO PUBLIC SCHOOL EMPLOYMENT.--

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

SCHOOL CODE.

(2) NO TEMPORARY EMPLOYEE OR PROFESSIONAL EMPLOYEE WHO IS LEAVING EMPLOYMENT AT A CHARTER SCHOOL CLUSTER SHALL BE RETURNED TO A POSITION IN THE PUBLIC SCHOOL DISTRICT WHICH GRANTED HIS LEAVE OF ABSENCE, UNTIL SUCH PUBLIC SCHOOL DISTRICT IS IN RECEIPT OF A CURRENT CRIMINAL HISTORY RECORD UNDER SECTION 111 OF THE PUBLIC SCHOOL CODE, AND THE OFFICIAL CLEARANCE STATEMENT REGARDING CHILD INJURY OR ABUSE FROM THE DEPARTMENT OF PUBLIC WELFARE AS REQUIRED BY 23 PA.C.S. CH. 63 SUBCH. C.2 (RELATING TO BACKGROUND CHECKS FOR EMPLOYMENT IN SCHOOLS).

(H) REPORT OF CRIMINAL HISTORY RECORDS.--ALL INDIVIDUALS WHO SHALL HAVE DIRECT CONTACT WITH STUDENTS SHALL BE REQUIRED TO SUBMIT A REPORT OF CRIMINAL HISTORY RECORD INFORMATION AS PROVIDED FOR IN SECTION 111 OF THE PUBLIC SCHOOL CODE, PRIOR TO ACCEPTING A POSITION WITH THE CHARTER SCHOOL CLUSTER. THIS SUBSECTION SHALL ALSO APPLY TO ANY INDIVIDUAL WHO VOLUNTEERS TO WORK ON A FULL-TIME OR PART-TIME BASIS AT THE CHARTER SCHOOL CLUSTER.

(I) CHILD ABUSE CLEARANCE STATEMENT.--ALL APPLICANTS FOR A POSITION AS A SCHOOL EMPLOYEE SHALL BE REQUIRED TO SUBMIT THE OFFICIAL CLEARANCE STATEMENT REGARDING CHILD INJURY OR ABUSE FROM THE DEPARTMENT OF PUBLIC WELFARE AS REQUIRED BY 23 PA.C.S. CH. 63 SUBCH. C.2.

SECTION 508. FUNDING FOR CHARTER SCHOOL CLUSTER.

(A) CALCULATION.--FUNDING FOR A CHARTER SCHOOL SHALL BE PROVIDED IN THE FOLLOWING MANNER:

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

(2) FOR NONSPECIAL EDUCATION STUDENTS, THE CHARTER

1 SCHOOL CLUSTER SHALL RECEIVE FOR EACH STUDENT ENROLLED NO
2 LESS THAN THE BUDGETED TOTAL EXPENDITURE PER AVERAGE DAILY
3 MEMBERSHIP OF THE PRIOR SCHOOL YEAR, AS DEFINED IN SECTION
4 2501(20) OF THE PUBLIC SCHOOL CODE, MINUS THE BUDGETED
5 EXPENDITURES OF THE DISTRICT OF RESIDENCE FOR STUDENT
6 TRANSPORTATION SERVICES AND FACILITIES ACQUISITION AND
7 CONSTRUCTION SERVICES, INCLUDING DEBT SERVICE AND FUND
8 TRANSFERS AS PROVIDED IN THE MANUAL OF ACCOUNTING AND RELATED
9 FINANCIAL PROCEDURES FOR PENNSYLVANIA SCHOOL SYSTEMS
10 ESTABLISHED BY THE DEPARTMENT.

11 (3) FOR SPECIAL EDUCATION STUDENTS, THE CHARTER SCHOOL
12 SHALL RECEIVE FOR EACH STUDENT ENROLLED THE SAME FUNDING AS
13 FOR EACH NONSPECIAL EDUCATION STUDENT AS PROVIDED IN
14 PARAGRAPH (2) PLUS AN ADDITIONAL AMOUNT DETERMINED BY
15 DIVIDING THE DISTRICT OF RESIDENCE'S TOTAL SPECIAL EDUCATION
16 EXPENDITURE BY THE PRODUCT OF MULTIPLYING THE COMBINED
17 PERCENTAGE OF SECTION 2509.5(K) OF THE PUBLIC SCHOOL CODE
18 TIMES THE DISTRICT OF RESIDENCE'S TOTAL AVERAGE DAILY
19 MEMBERSHIP FOR THE PRIOR SCHOOL YEAR.

20 (4) A CHARTER SCHOOL MAY REQUEST THE INTERMEDIATE UNIT
21 IN WHICH THE CHARTER SCHOOL IS LOCATED TO PROVIDE SERVICES TO
22 ASSIST THE CHARTER SCHOOL TO ADDRESS THE SPECIFIC NEEDS OF
23 EXCEPTIONAL STUDENTS. THE INTERMEDIATE UNIT SHALL ASSIST THE
24 CHARTER SCHOOL AND BILL THE CHARTER SCHOOL FOR THE SERVICES.
25 THE INTERMEDIATE UNIT MAY NOT CHARGE THE CHARTER SCHOOL MORE
26 FOR ANY SERVICE THAN IT CHARGES THE CONSTITUENT DISTRICTS OF
27 THE INTERMEDIATE UNIT.

28 (5) PAYMENTS SHALL BE MADE TO THE CHARTER SCHOOL IN 12
29 EQUAL MONTHLY PAYMENTS, BY THE FIFTH DAY OF EACH MONTH,
30 WITHIN THE OPERATING SCHOOL YEAR. A STUDENT ENROLLED IN A

1 CHARTER SCHOOL SHALL BE INCLUDED IN THE AVERAGE DAILY
2 MEMBERSHIP OF THE STUDENT'S DISTRICT OF RESIDENCE FOR THE
3 PURPOSE OF PROVIDING BASIC EDUCATION FUNDING PAYMENTS AND
4 SPECIAL EDUCATION FUNDING PURSUANT TO ARTICLE XXV OF THE
5 PUBLIC SCHOOL CODE. IF A SCHOOL DISTRICT FAILS TO MAKE A
6 PAYMENT TO A CHARTER SCHOOL AS PRESCRIBED IN THIS PARAGRAPH,
7 THE SECRETARY SHALL DEDUCT THE AMOUNT, AS DOCUMENTED BY THE
8 CHARTER SCHOOL, FROM ANY AND ALL STATE PAYMENTS MADE TO THE
9 DISTRICT AFTER RECEIPT OF DOCUMENTATION FROM THE CHARTER
10 SCHOOL.

11 (B) TEMPORARY FINANCIAL ASSISTANCE.--THE COMMONWEALTH SHALL
12 PROVIDE TEMPORARY FINANCIAL ASSISTANCE TO A SCHOOL DISTRICT DUE
13 TO THE ENROLLMENT OF STUDENTS IN A CHARTER SCHOOL WHO ATTENDED A
14 NONPUBLIC SCHOOL IN THE PRIOR SCHOOL YEAR IN ORDER TO OFFSET THE
15 ADDITIONAL COSTS DIRECTLY RELATED TO THE ENROLLMENT OF THOSE
16 STUDENTS IN A PUBLIC CHARTER SCHOOL. THE COMMONWEALTH SHALL PAY
17 THE SCHOOL DISTRICT OF RESIDENCE OF A STUDENT ENROLLED IN A
18 NONPUBLIC SCHOOL IN THE PRIOR SCHOOL YEAR WHO IS ATTENDING A
19 CHARTER SCHOOL AN AMOUNT EQUAL TO THE SCHOOL DISTRICT OF
20 RESIDENCE'S BASIC EDUCATION SUBSIDY FOR THE CURRENT SCHOOL YEAR
21 DIVIDED BY THE DISTRICT'S AVERAGE DAILY MEMBERSHIP FOR THE PRIOR
22 SCHOOL YEAR. THIS PAYMENT SHALL OCCUR ONLY FOR THE FIRST YEAR OF
23 THE ATTENDANCE OF THE STUDENT IN A CHARTER SCHOOL STARTING WITH
24 SCHOOL YEAR 1997-1998. TOTAL PAYMENTS OF TEMPORARY FINANCIAL
25 ASSISTANCE TO SCHOOL DISTRICTS ON BEHALF OF A STUDENT ENROLLING
26 IN A CHARTER SCHOOL WHO ATTENDED A NONPUBLIC SCHOOL IN THE PRIOR
27 SCHOOL YEAR SHALL BE LIMITED TO FUNDS APPROPRIATED FOR THIS
28 PROGRAM IN A FISCAL YEAR. IF THE TOTAL OF THE AMOUNT NEEDED FOR
29 ALL STUDENTS ENROLLED IN A NONPUBLIC SCHOOL IN THE PRIOR SCHOOL
30 YEAR WHO ENROLL IN A CHARTER SCHOOL EXCEEDS THE APPROPRIATION

1 FOR THE TEMPORARY FINANCIAL ASSISTANCE PROGRAM, THE AMOUNT PAID
2 TO A SCHOOL DISTRICT FOR EACH QUALIFYING STUDENT SHALL BE PRO
3 RATA REDUCED.

4 (C) PROPERTY RIGHTS.--IT SHALL BE LAWFUL FOR ANY CHARTER
5 SCHOOL TO RECEIVE, HOLD, MANAGE AND USE, ABSOLUTELY OR IN TRUST,
6 ANY DEVICE, BEQUEST, GRANT, ENDOWMENT, GIFT OR DONATION OF ANY
7 PROPERTY, REAL OR PERSONAL AND/OR MIXED, WHICH SHALL BE MADE TO
8 THE CHARTER SCHOOL FOR ANY OF THE PURPOSES OF THIS ACT.

9 (D) SOLICITATION OF GIFTS PROHIBITED.--IT SHALL BE UNLAWFUL
10 FOR ANY TRUSTEE OF A CHARTER SCHOOL, OR ANY BOARD OF TRUSTEES OF
11 A CHARTER SCHOOL OR ANY OTHER PERSON AFFILIATED IN ANY WAY WITH
12 A CHARTER SCHOOL TO DEMAND OR REQUEST, DIRECTLY OR INDIRECTLY,
13 ANY GIFT, DONATION OR CONTRIBUTION OF ANY KIND FROM ANY PARENT,
14 TEACHER, EMPLOYEE OR ANY OTHER PERSON AFFILIATED WITH THE
15 CHARTER SCHOOL AS A CONDITION FOR EMPLOYMENT OR ENROLLMENT
16 AND/OR CONTINUED ATTENDANCE OF ANY PUPIL. ANY DONATION, GIFT OR
17 CONTRIBUTION RECEIVED BY A CHARTER SCHOOL SHALL BE GIVEN FREELY
18 AND VOLUNTARILY.

19 SECTION 509. APPLICATION OF CHAPTER 3.

20 EXCEPT AS SPECIFICALLY PROVIDED OTHERWISE IN THIS CHAPTER,
21 THE PROVISIONS OF CHAPTER 3 SHALL APPLY TO CHARTER SCHOOL
22 CLUSTERS.

23 SECTION 510. CONSTRUCTION OF CHAPTER.

24 THE PROVISIONS OF THIS CHAPTER SHALL SUPERCEDE ANY PROVISION
25 OF THE ACT OF AUGUST 9, 1963 (P.L.643, NO.341), KNOWN AS THE
26 FIRST CLASS CITY PUBLIC EDUCATION HOME RULE ACT, WHENEVER THE
27 PROVISIONS OF THE ACT CONFLICT WITH THE PROVISIONS OF THIS
28 CHAPTER.

29 CHAPTER 9

30 MISCELLANEOUS PROVISIONS

1 SECTION 901. APPROPRIATION.

<—

2 THE SUM OF \$1,000,000, OR AS MUCH THEREOF AS MAY BE
3 NECESSARY, IS HEREBY APPROPRIATED FOR THE FISCAL YEAR JULY 1,
4 1997, TO JUNE 30, 1998, FROM THE GENERAL FUND TO THE DEPARTMENT
5 OF EDUCATION TO PAY FOR TEMPORARY FINANCIAL ASSISTANCE TO SCHOOL
6 DISTRICTS ON BEHALF OF STUDENTS ENROLLED IN CHARTER SCHOOLS WHO
7 ATTENDED A NONPUBLIC SCHOOL IN THE PRIOR FISCAL YEAR.

8 Section ~~901~~ 902. Repeals.

<—

9 All acts and parts of acts are repealed insofar as they are
10 inconsistent with this act.

11 Section ~~902~~ 903. Effective date.

<—

12 This act shall take effect immediately.