

THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE BILL

No. 1674 Session of  
2005

INTRODUCED BY DeLUCA, BELFANTI, BISHOP, CALTAGIRONE, CRAHALLA,  
FABRIZIO, FRANKEL, GEORGE, GERGELY, GOOD, GRUCELA, JOSEPHS,  
KOTIK, LEVDANSKY, MUNDY, PRESTON, ROEBUCK, RUBLEY, SHANER,  
STABACK, STETLER, STURLA, SURRA, TANGRETTI, THOMAS, TIGUE,  
WALKO AND COSTA, JUNE 8, 2005

REFERRED TO COMMITTEE ON EDUCATION, JUNE 8, 2005

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An  
2 act relating to the public school system, including certain  
3 provisions applicable as well to private and parochial  
4 schools; amending, revising, consolidating and changing the  
5 laws relating thereto," further providing for funding for  
6 charter schools.

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

9 Section 1. Section 1725-A(a) of the act of March 10, 1949  
10 (P.L.30, No.14), known as the Public School Code of 1949,  
11 amended June 29, 2002 (P.L.524, No.88), is amended to read:

12 Section 1725-A. Funding for Charter Schools.--(a) Funding  
13 for a charter school shall be provided in the following manner:

14 (1) There shall be no tuition charge for a resident or  
15 nonresident student attending a charter school except for  
16 students at cyber charter schools who do not meet the residency  
17 requirements of clause (2).

18 (2) For non-special education students, the charter school

1 shall receive for each student enrolled no less than the  
2 budgeted total expenditure per average daily membership of the  
3 prior school year, as defined in section 2501(20), minus the  
4 budgeted expenditures of the district of residence for nonpublic  
5 school programs; adult education programs; community/junior  
6 college programs; student transportation services; for special  
7 education programs; facilities acquisition, construction and  
8 improvement services; and other financing uses, including debt  
9 service and fund transfers as provided in the Manual of  
10 Accounting and Related Financial Procedures for Pennsylvania  
11 School Systems established by the department. This amount shall  
12 be paid by the district of residence of each student.

13 Notwithstanding any other provision of law to the contrary, in  
14 the case of cyber charter schools, for the purposes of this  
15 clause a student is a resident of a school district only if both  
16 of the following criteria are met:

17 (i) it is the school district in which his parents or the  
18 guardian of his person resides; and

19 (ii) it is the school district in which the student sleeps  
20 at least one hundred eighty-three (183) nights of the year  
21 during which payment is made.

22 (3) For special education students, the charter school shall  
23 receive for each student enrolled the same funding as for each  
24 non-special education student as provided in clause (2), plus an  
25 additional amount determined by dividing the district of  
26 residence's total special education expenditure by the product  
27 of multiplying the combined percentage of section 2509.5(k)  
28 times the district of residence's total average daily membership  
29 for the prior school year. This amount shall be paid by the  
30 district of residence of each student.

1 (4) A charter school may request the intermediate unit in  
2 which the charter school is located to provide services to  
3 assist the charter school to address the specific needs of  
4 exceptional students. The intermediate unit shall assist the  
5 charter school and bill the charter school for the services. The  
6 intermediate unit may not charge the charter school more for any  
7 service than it charges the constituent districts of the  
8 intermediate unit.

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

21 (6) Within thirty (30) days after the secretary makes the  
22 deduction described in clause (5), a school district may notify  
23 the secretary that the deduction made from State payments to the  
24 district under this subsection is inaccurate. The secretary  
25 shall provide the school district with an opportunity to be  
26 heard concerning whether the charter school documented that its  
27 students were enrolled in the charter school, the period of time  
28 during which each student was enrolled, the school district of  
29 residence of each student and whether the amounts deducted from  
30 the school district were accurate.

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2       Section 2.   This act shall take effect in 60 days.