THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No.   2320   Session of 2010

INTRODUCED BY PALLONE, BELFANTI, BRIGGS, CALTAGIRONE, EVERETT,
FLECK, GOODMAN, GRUCELA, HALUSKA, HARHAI, KORTZ, KULA,
LONGIETTI, MOUL, SOLOBAY, THOMAS, WHITE AND McILVAINE SMITH,
MARCH 12, 2010

AS REPORTED FROM COMMITTEE ON EDUCATION, HOUSE OF
REPRESENTATIVES, AS AMENDED, MARCH 24, 2010

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," PROVIDING FOR TRANSFER OF RECORDS TO   ←
6   ANOTHER SCHOOL ENTITY OR NONPUBLIC SCHOOL; AND further
7   providing for cyber charter school requirements and
8   prohibitions, for cyber charter school enrollment and
9   notification and for applicability.

10   The General Assembly of the Commonwealth of Pennsylvania

11 hereby enacts as follows:

12   ~~Section 1. Section 1743-A of the act of March 10, 1949~~   ←

13 ~~(P.L.30, No.14), known as the Public School Code of 1949, is~~

14 ~~amended by adding a subsection to read:~~

15   SECTION 1. THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN   ←

16 AS THE PUBLIC SCHOOL CODE OF 1949, IS AMENDED BY ADDING A

17 SECTION TO READ:

18   SECTION 1313.1. TRANSFER OF RECORDS TO ANOTHER SCHOOL ENTITY

19 OR NONPUBLIC SCHOOL.--(A) WHENEVER A STUDENT TRANSFERS TO

20 ANOTHER SCHOOL ENTITY OR NONPUBLIC SCHOOL WITHIN THIS

1 COMMONWEALTH, A CERTIFIED COPY OF THE STUDENT'S ATTENDANCE

2 RECORD SHALL BE TRANSMITTED TO THE SCHOOL ENTITY OR NONPUBLIC

3 SCHOOL TO WHICH THE STUDENT HAS TRANSFERRED. THE SCHOOL ENTITY

4 OR NONPUBLIC SCHOOL TO WHICH THE STUDENT HAS TRANSFERRED SHOULD

5 REQUEST THE RECORD. THE SENDING SCHOOL ENTITY OR NONPUBLIC

6 SCHOOL SHALL HAVE TEN (10) DAYS FROM THE RECEIPT OF THE REQUEST

7 TO SUPPLY A CERTIFIED COPY OF THE STUDENT'S ATTENDANCE RECORD.

8   (B) IN THE CASE OF A STUDENT TRANSFERRING DURING THE COURSE

9 OF A SCHOOL TERM, THE STUDENT'S UNEXCUSED ABSENCES SHALL BE

10 INCLUDED IN THE STUDENT'S ATTENDANCE RECORD AT THE SCHOOL ENTITY

11 OR NONPUBLIC SCHOOL TO WHICH THE STUDENT HAS TRANSFERRED FOR

12 THAT SCHOOL TERM.

13   (C) FOR PURPOSES OF THIS SECTION, THE TERM "SCHOOL ENTITY"

14 SHALL MEAN A PUBLIC SCHOOL DISTRICT, CHARTER SCHOOL, CYBER

15 CHARTER SCHOOL, INTERMEDIATE UNIT OR AREA VOCATIONAL-TECHNICAL

16 SCHOOL.

17   SECTION 2. SECTION 1743-A OF THE ACT IS AMENDED BY ADDING A

18 SUBSECTION TO READ:

19 Section 1743-A. Cyber charter school requirements and

20   prohibitions.

21   * * *

22   (a.1) Truancy.--In order to enroll a student, the school

23 district in which the student is a resident must certify to the

24 cyber charter school ~~that~~ WHETHER the student is in compliance   ←

25 with section 1327.

26   * * *

27   Section ~~2~~ 3. Section 1748-A(a) of the act, added June 29,   ←

28 2002 (P.L.524, No.88), is amended and the section is amended by

29 adding a subsection to read:

30 Section 1748-A. Enrollment and notification.

1   (a) Notice to school district.--

2   (1) Within 15 days of the enrollment of a student to a

3   cyber charter school, the parent or guardian and the cyber

4   charter school shall notify the student's school district of

5   residence of the enrollment through the use of the

6   notification form under subsection (b).

7   (2) If a school district which has received notice under

8   paragraph (1) determines that a student is not a resident of

9   the school district, the following apply:

10   (i) Within seven days of receipt of the notice under

11   paragraph (1), the school district shall notify the cyber

12   charter school and the department that the student is not

13   a resident of the school district. Notification of

14   nonresidence shall include the basis for the

15   determination.

16   (ii) Within seven days of notification under

17   subparagraph (i), the cyber charter school shall review

18   the notification of nonresidence, respond to the school

19   district and provide a copy of the response to the

20   department. If the cyber charter school agrees that a

21   student is not a resident of the school district, it

22   shall determine the proper district of residence of the

23   student before requesting funds from another school

24   district.

25   (iii) Within seven days of receipt of the response

26   under subparagraph (ii), the school district shall notify

27   the cyber charter school that it agrees with the cyber

28   charter school's determination or does not agree with the

29   cyber charter school's determination.

30   (iv) A school district that has notified the cyber

1 charter school that it does not agree with the cyber

2 charter school's determination under subparagraph (iii)

3 shall appeal to the department for a final determination.

4   (v) All decisions of the department regarding the

5 school district of residence of a student shall be

6 subject to review by the Commonwealth Court.

7   (vi) A school district shall continue to make

8 payments to a cyber charter school under section 1725-A

9 during the time in which the school district of residence

10 of a student is in dispute.

11   (vii) If a final determination is made that a

12 student is not a resident of an appealing school

13 district, the cyber charter school shall return all funds

14 provided on behalf of that student to the school district

15 within 30 days.

16 (3) When a school district has received notice under

17 paragraph (1), the school district shall certify to the cyber

18 charter school whether the student is in compliance with

19 section 1327.

20 * * *

21 (d) Truancy.--

22 (1) When a school district receives a notification form,

23 as required by subsection (a)(1), that a resident student who

24 is truant from the school district schools has enrolled in a

25 cyber charter school, the school district shall notify the

26 cyber charter school in writing about the student's truancy.

27 (2) Upon receipt of notice from the resident school

28 district of a student's truancy at the school district

29 schools, the cyber charter school must provide to the

30 student's resident school district evidence during the first

1   three months that the student is enrolled in the cyber

2   charter school that the student is receiving educational

3   instruction and completing assignments as required by the

4   cyber charter school. This evidence shall be provided by the

5   cyber charter school monthly, when it bills the school

6   district for payment during the first three months of the

7   student's enrollment.

8   (3) If the cyber charter school fails to comply with the

9   requirements of this subsection, the student's resident

10 school district shall not be required to pay the cyber

11 charter school for that student during that time.

12   (4) If any student enrolled in the cyber charter school

13 accrues three or more days of unlawful absences, the cyber

14 charter school has the authority to, and shall be responsible

15 for, instituting truancy proceedings as set forth in section

16 1333.

17   (5) Truancy proceedings shall be held in the

18 jurisdiction wherein the truant student resides.

19   Section 3 4. Section 1749-A(a)(1) of the act, added June 29,   ←

20 2002 (P.L.524, No.88), is amended to read:

21 Section 1749-A. Applicability of other provisions of this act

22   and of other acts and regulations.

23 (a) General requirements.--Cyber charter schools shall be

24 subject to the following:

25   (1) Sections 108, 110, 111, 321, 325, 326, 327, 431,

26 436, 443, 510, 518, 527, 708, 752, 753, [755,] 771, 776, 777,

27 808, 809, 810, 1109, 1111, 1112(a), 1205.1, 1205.2, 1301,

28 1302, 1310, 1317.2, 1318, 1330, 1332, 1333, 1354, 1303-A,   ←

29 1518, 1521, 1523, 1531, 1547, 1702-A, 1703-A, 1714-A, 1715-A,

30 1716-A, 1719-A, 1721-A, 1722-A, 1723-A(a) and (b), 1724-A,

1   1725-A, 1727-A, 1729-A, 1730-A, 1731-A(a)(1) and (b) and

2   2014-A and Articles [XII-A,] XIII-A and XIV.

3   * * *

4   Section 4 5. This act shall take effect in 60 days.   ←