

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1094 Session of 2011

INTRODUCED BY LONGIETTI, BRIGGS, CALTAGIRONE, CARROLL, D. COSTA, DALEY, FLECK, GOODMAN, HALUSKA, HARKINS, KAVULICH, KULA, MILLER, MOUL, MURPHY, O'NEILL, QUINN, SANTONI AND WHITE, MARCH 17, 2011

REFERRED TO COMMITTEE ON EDUCATION, MARCH 17, 2011

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.

16 (2) For non-special education students, the charter school
17 shall receive for each student enrolled no less than the
18 budgeted total expenditure per average daily membership of the
19 prior school year, as defined in section 2501(20), minus the

1 budgeted expenditures of the district of residence for nonpublic
2 school programs; adult education programs; community/junior
3 college programs; student transportation services; for special
4 education programs; facilities acquisition, construction and
5 improvement services; and other financing uses, including debt
6 service and fund transfers as provided in the Manual of
7 Accounting and Related Financial Procedures for Pennsylvania
8 School Systems established by the department. This amount shall
9 be paid by the district of residence of each student.

10 (3) For special education students, the charter school shall
11 receive for each student enrolled the same funding as for each
12 non-special education student as provided in clause (2), plus an
13 additional amount determined by dividing the district of
14 residence's total special education expenditure by the product
15 of multiplying the combined percentage of section 2509.5(k)
16 times the district of residence's total average daily membership
17 for the prior school year. This amount shall be paid by the
18 district of residence of each student.

19 (4) A charter school may request the intermediate unit in
20 which the charter school is located to provide services to
21 assist the charter school to address the specific needs of
22 exceptional students. The intermediate unit shall assist the
23 charter school and bill the charter school for the services. The
24 intermediate unit may not charge the charter school more for any
25 service than it charges the constituent districts of the
26 intermediate unit.

27 (5) Payments shall be made to the charter school in twelve
28 (12) equal monthly payments, by the fifth day of each month,
29 within the operating school year. A student enrolled in a
30 charter school shall be included in the average daily membership

1 of the student's district of residence for the purpose of
2 providing basic education funding payments and special education
3 funding pursuant to Article XXV. If a school district fails to
4 make a payment to a charter school as prescribed in this clause,
5 the secretary shall deduct the estimated amount, as documented
6 by the charter school, from any and all State payments made to
7 the district after receipt of documentation from the charter
8 school.

9 (6) Within thirty (30) days after the secretary makes the
10 deduction described in clause (5), a school district may notify
11 the secretary that the deduction made from State payments to the
12 district under this subsection is inaccurate. The secretary
13 shall provide the school district with an opportunity to be
14 heard concerning whether the charter school documented that its
15 students were enrolled in the charter school, the period of time
16 during which each student was enrolled, the school district of
17 residence of each student and whether the amounts deducted from
18 the school district were accurate.

19 (7) Except in the case of any student enrolled in a charter
20 or cyber charter school on the effective date of this section, a
21 school district which offers a kindergarten program shall not be
22 required to provide per pupil funding to a charter or cyber
23 charter school for a student who does not meet the minimum
24 requirement for the age of kindergarten established by the board
25 of school directors in the student's school district of
26 residence.

27 (8) Except in the case of any student enrolled in a charter
28 or cyber charter school on the effective date of this clause, a
29 school district which does not offer a kindergarten program
30 shall not be required to provide per pupil funding to a charter

1 or cyber charter school for a student who does not meet the
2 minimum requirement for the age of beginner established by the
3 board of school directors in the student's school district of
4 residence.

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