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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1200 Session of  
2017

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INTRODUCED BY D. MILLER, ROEBUCK, SIMS, LONGIETTI, SCHLOSSBERG,  
MILLARD, DeLUCA, STURLA, McCARTER, DONATUCCI AND GAINNEY,  
APRIL 19, 2017

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REFERRED TO COMMITTEE ON EDUCATION, APRIL 19, 2017

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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," in charter schools, further providing  
6 for funding for charter schools.

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

9 Section 1. Section 1725-A(a)(3) of the act of March 10, 1949  
10 (P.L.30, No.14), known as the Public School Code of 1949, is  
11 amended and subsection (a) is amended by adding clauses 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 \* \* \*

15 (3) For the 1997-1998 school year through the 2015-2016  
16 school year, for special education students, the charter school  
17 shall receive for each student enrolled the same funding as for  
18 each non-special education student as provided in clause (2),  
19 plus an additional amount determined by dividing the district of

1 residence's total special education expenditure by the product  
2 of multiplying the combined percentage of section 2509.5(k)  
3 times the district of residence's total average daily membership  
4 for the prior school year. This amount shall be paid by the  
5 district of residence of each student.

6 (3.1) (i) For the 2016-2017 school year and each school  
7 year thereafter, subject to the provisions of clause (3.2), for  
8 special education students, the charter school shall receive for  
9 each student enrolled an amount which shall be paid by the  
10 district of residence of each student as follows:

11 (A) For each special education student enrolled in the  
12 charter school for which the annual expenditure is less than  
13 twenty-five thousand dollars (\$25,000), which shall be known as  
14 Category 1, multiply the same funding as for each non-special  
15 education student as provided in clause (2) by one and fifty-one  
16 hundredths (1.51).

17 (B) For each special education student enrolled in the  
18 charter school for which the annual expenditure is equal to or  
19 greater than twenty-five thousand dollars (\$25,000) and less  
20 than fifty thousand dollars (\$50,000), which shall be known as  
21 Category 2, multiply the same funding as for each non-special  
22 education student as provided in clause (2) by three and  
23 seventy-seven hundredths (3.77).

24 (C) For each special education student enrolled in the  
25 charter school for which the annual expenditure is equal to or  
26 greater than fifty thousand dollars (\$50,000), which shall be  
27 known as Category 3, multiply the same funding as for each non-  
28 special education student as provided in clause (2) by seven and  
29 forty-six hundredths (7.46).

30 (ii) To be eligible to receive funding for special education

1 students under subparagraph (i)(B) and (C), the charter school  
2 must document the cost of providing an education to the special  
3 education student and provide the documentation to the  
4 department.

5 (iii) For each weight provided in subparagraph (i)(A), (B)  
6 and (C) for each school district, the department shall annually  
7 make the following adjustment:

8 (A) Divide the school district's total expenditure for  
9 special education programs and services, excluding gifted  
10 education, by the number of special education students who  
11 reside in the school district.

12 (B) Divide the total expenditure for special education  
13 programs and services, excluding gifted education, for all  
14 school districts by the total number of special education  
15 students residing in all school districts.

16 (C) Divide the quotient in clause (A) by the quotient in  
17 clause (B).

18 (D) If the quotient in clause (C) is greater than one (1),  
19 multiply the quotient by the weight to determine the school  
20 district adjustment.

21 (E) In no case shall the adjustment made in subparagraph (i)  
22 (A) and (B) result in a payment that exceeds the maximum amount  
23 within the category's dollar range and in no case shall the  
24 adjustment in subparagraph (i)(C) result in a payment that  
25 exceeds the actual cost of providing an education to the special  
26 education student as determined under subparagraph (ii).

27 (iv) The department shall annually adjust the dollar ranges  
28 in subparagraph (i)(A), (B) and (C) by the Consumer Price Index  
29 for All Urban Consumers for the Pennsylvania, New Jersey,  
30 Delaware and Maryland area.

1 (v) The annual expenditure amounts used to calculate funding  
2 under subparagraph (i) (A), (B) and (C) shall be based on the  
3 amounts used in making reports to the department under section  
4 1372(8).

5 (3.2) To transition to the new student-based funding  
6 methodology for special education students under clause (3.1), a  
7 charter school shall receive for each student enrolled an amount  
8 to be paid by the district of residence as follows:

9 (i) For each special education student under clause (3.1) (i)  
10 (A) in Category 1, the following shall apply:

11 (A) Determine the number of special education students under  
12 clause (3.1) (i) (A) from the school district who were enrolled in  
13 a charter school with individualized education plans as required  
14 under the Individuals with Disabilities Education Act (Public  
15 Law 91-230, 20 U.S.C. § 1400 et seq.) as of May 31, 2016.

16 (B) Divide the number determined in clause (A) by the total  
17 number of students enrolled in a charter school from the school  
18 district under clause (3.1) (i) (A) as of October 1 of that year.

19 (C) Multiply the lesser of the quotient in clause (B) or one  
20 (1) by the amount for the same special education student  
21 determined in clause (3) for the 2015-2016 school year.

22 (D) Subtract the lesser of the quotient in clause (B) or one  
23 (1) from one (1) and multiply the difference by the amount for  
24 the same special education student in clause (3.1) (i) (A).

25 (E) Add the amounts in clauses (C) and (D) to determine the  
26 amount paid by the school district.

27 (ii) For each special education student under clause (3.1)  
28 (i) (B) in Category 2, the following shall apply:

29 (A) Determine the number of special education students under  
30 clause (3.1) (i) (B) from the school district who were enrolled in

1 a charter school with individualized education plans as required  
2 by the Individuals with Disabilities Education Act as of May 31,  
3 2016.

4 (B) Divide the number determined in clause (A) by the total  
5 number of students enrolled in a charter school from the school  
6 district under clause (3.1)(i)(B) as of October 1 of that year.

7 (C) Multiply the lesser of the quotient in clause (B) or one  
8 (1) by the amount for the same special education student  
9 determined in clause (3) for the 2015-2016 school year.

10 (D) Subtract the lesser of the quotient in clause (B) or one  
11 (1) from one (1) and multiply the difference by the amount for  
12 the same special education student in clause (3.1)(i)(B).

13 (E) Add the amounts in clauses (C) and (D) to determine the  
14 amount paid by the school district.

15 (iii) For each special education student under clause (3.1)  
16 (i)(C) in Category 3, the following shall apply:

17 (A) Determine the number of special education students under  
18 clause (3.1)(i)(C) from the school district who were enrolled in  
19 a charter school with individualized education plans as required  
20 by the Individuals with Disabilities Education Act as of May 31,  
21 2016.

22 (B) Divide the number determined in clause (A) by the total  
23 number of students enrolled in a charter school from the school  
24 district under clause (3.1)(i)(C) as of October 1 of that year.

25 (C) Multiply the lesser of the quotient in clause (B) or one  
26 (1) by the amount for the same special education student  
27 determined in clause (3) for the 2015-2016 school year.

28 (D) Subtract the lesser of the quotient in clause (B) or one  
29 (1) from one (1) and multiply the difference by the amount for  
30 the same special education student in clause (3.1)(i)(C).

1 (E) Add the amounts in clauses (C) and (D) to determine the  
2 amount paid by the school district.

3 (iv) In no case shall a payment made under subparagraph  
4 (iii) exceed the amount allowed for the same student under  
5 clause (3.1).

6 (v) If the amount determined under subparagraph (i) for a  
7 student in Category 1 is greater than the amount determined for  
8 a student under clause (3) for the 2015-2016 school year,  
9 payment made by the school district of residence shall be based  
10 on the provisions under clause (3.1), and the transition under  
11 this clause shall expire.

12 (vi) The department shall develop guidelines to collect the  
13 enrollment data required under this clause and calculate  
14 estimated payments until actual enrollments are determined.

15 \* \* \*

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