
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 357 Session of
2019

INTRODUCED BY TOPPER, DOWLING, HICKERNELL, KAIL, MARSHALL,
MASSER, MILLARD, REESE, ROTHMAN AND SAYLOR, MAY 7, 2019

REFERRED TO COMMITTEE ON EDUCATION, MAY 7, 2019

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 pupils and attendance, providing
6 for transfer of attendance records to another school entity
7 or nonpublic school; in charter schools, further providing
8 for establishment of charter school, for contents of
9 application and for term and form of charter, providing for
10 amendments and further providing for enrollment, for cyber
11 charter school requirements and prohibitions and for
12 establishment of cyber charter school.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

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 1313.2. Transfer of Attendance Records to Another
19 School Entity or Nonpublic School.--(a) (1) Whenever a student
20 transfers to another school entity or nonpublic school within
21 this Commonwealth, a copy of the student's attendance record
22 shall be transmitted to the school entity or nonpublic school to
23 which the student has transferred.

1 (2) The school entity or nonpublic school to which the
2 student has transferred shall request the attendance record.

3 (3) The sending school entity or nonpublic school shall have
4 ten (10) days from the receipt of the request to provide a copy
5 of the student's attendance record.

6 (b) In the case of a student transferring during the course
7 of a school term, the student's unexcused absences shall be
8 included in the student's attendance record at the school entity
9 or nonpublic school to which the student has transferred for
10 that school term.

11 (c) For purposes of this section, the term "school entity"
12 means a public school district, charter school, cyber charter
13 school, regional charter school, intermediate unit or area
14 vocational-technical school.

15 Section 2. Sections 1717-A(c), (d), (e) and (f), 1719-A and
16 1720-A of the act are amended to read:

17 Section 1717-A. Establishment of Charter School.--* * *

18 (c) An application to establish a charter school shall be
19 submitted to the local board of school directors of the district
20 where the charter school will be located by [November 15]
21 October 1 of the school year preceding the school year in which
22 the charter school will be established except that for a charter
23 school beginning in the 1997-1998 school year, an application
24 must be received by July 15, 1997. In the 1997-1998 school year
25 only, applications shall be limited to recipients of fiscal year
26 1996-1997 Department of Education charter school planning
27 grants.

28 (d) Within forty-five (45) days of receipt of an
29 application, the local board of school directors in which the
30 proposed charter school is to be located shall hold at least one

1 public hearing on the provisions of the charter application,
2 under [the act of July 3, 1986 (P.L.388, No.84), known as the
3 "Sunshine Act."] 65 Pa.C.S. Ch. 7 (relating to open meetings).

4 At least forty-five (45) days must transpire between the first
5 public hearing and the final decision of the board on the
6 charter application except that for a charter school beginning
7 in the 1997-1998 school year, only thirty (30) days must
8 transpire between the first public hearing and the final
9 decision of the board.

10 (e) (1) Not later than seventy-five (75) days after the
11 first public hearing on the application, the local board of
12 school directors shall grant or deny the application. For a
13 charter school beginning in the 1997-1998 school year, the local
14 board of school directors shall grant or deny the application no
15 later than sixty (60) days after the first public hearing.

16 (2) A charter school application submitted under this
17 article shall be evaluated by the local board of school
18 directors based on criteria, including, but not limited to, the
19 following:

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

24 (ii) The capability of the charter school applicant, in
25 terms of support and planning, to provide comprehensive learning
26 experiences to students pursuant to the adopted charter.

27 (iii) The extent to which the application considers the
28 information requested in section 1719-A and conforms to the
29 legislative intent outlined in section 1702-A.

30 (iv) The extent to which the charter school may serve as a

1 model for other public schools and share best practices.

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

6 (4) A charter application shall be deemed approved by the
7 local board of school directors [of a school district] upon
8 affirmative vote by a majority of all the directors. Formal
9 action approving or denying the application shall be taken by
10 the local board of school directors at a public meeting, with
11 notice or consideration of the application given by the board,
12 under [the "Sunshine Act."] 65 Pa.C.S. Ch. 7.

13 (5) Written notice of the board's action shall be sent to
14 the applicant, the department and the appeal board. If the
15 application is denied, the reasons for the denial, including a
16 description of deficiencies in the application, shall be clearly
17 stated in the notice sent by the local board of school directors
18 to the charter school applicant.

19 (f) At the option of the charter school applicant, a denied
20 application may be revised and resubmitted to the local board of
21 school directors. Following the appointment and confirmation of
22 the Charter School Appeal Board under section 1721-A, the
23 decision of the local board of school directors may be appealed
24 to the appeal board. When an application is revised and
25 resubmitted to the local board of school directors, the board
26 may schedule additional public hearings on the revised
27 application. The board shall consider the revised and
28 resubmitted application at the first board meeting occurring at
29 least forty-five (45) days after receipt of the revised
30 application by the board. For a revised application resubmitted

1 for the 1997-1998 school year, the board shall consider the
2 application at the first board meeting occurring at least thirty
3 (30) days after its receipt. The board shall provide notice of
4 consideration of the revised application under [the "Sunshine
5 Act."] 65 Pa.C.S. Ch. 7. No appeal from a decision of a local
6 school board may be taken until July 1, 1999.

7 * * *

8 Section 1719-A. Contents of Application.--[An] (a) The
9 department shall create a standard application form for charter
10 school applicants seeking to establish a charter school entity
11 and a standard application form for existing charter school
12 entities seeking renewal of their charters. The department shall
13 transmit notice of the forms to the Legislative Reference Bureau
14 for publication in the Pennsylvania Bulletin, and the forms
15 shall be posted on the department's publicly accessible Internet
16 website. The forms shall include all of the following
17 information:

18 (1) The identification of the charter school applicant.

19 (2) The name of the proposed charter school entity.

20 (3) The grade or age levels served by the school.

21 (4) [The proposed governance structure of the charter
22 school, including a description and method for the appointment
23 or election of members of the board of trustees.] An

24 organization chart clearly presenting the proposed governance
25 structure of the school, including lines of authority and
26 reporting between the board of trustees, administrators, staff
27 and any educational management service provider that will
28 provide management services to the charter school entity.

29 (4.1) A clear description of the roles and responsibilities
30 of the board of trustees, administrators and any other entities,

1 including a charter school foundation, shown in the organization
2 chart.

3 (4.2) A clear description of the method for the appointment
4 or election of members of the board of trustees.

5 (4.3) Standards for board of trustees' performance,
6 including compliance with all applicable laws, regulations and
7 terms of the charter.

8 (4.4) If the charter school entity intends to contract with
9 an educational management service provider for services, all of
10 the following shall apply:

11 (i) Evidence of the educational management service
12 provider's record in serving student populations, including
13 demonstrated academic achievement and demonstrated management of
14 nonacademic school functions, including proficiency with public-
15 school-based accounting, if applicable.

16 (ii) A draft contract, if the educational management service
17 provider has been engaged by the charter school entity, stating
18 all of the following:

19 (A) The officers, chief administrator and administrators of
20 the educational management service provider.

21 (B) The proposed duration of the service contract.

22 (C) Roles and responsibilities of the board of trustees, the
23 school staff and the educational management service provider.

24 (D) The scope of services, personnel and resources to be
25 provided by the educational management service provider.

26 (E) Performance evaluation measures and timelines.

27 (F) The compensation structure, including clear
28 identification of all fees to be paid to the educational
29 management service provider.

30 (G) Methods of contract oversight and enforcement.

1 (H) Investment disclosure or the advance of moneys by the
2 educational management service provider on behalf of the charter
3 school entity.

4 (I) Conditions for renewal and termination of the contract.

5 (iii) Disclosure and explanation of any existing or
6 potential conflicts of interest between the members of the board
7 of trustees and the proposed educational management service
8 provider or any affiliated business entities, including a
9 charter school foundation qualified as a support organization
10 under the Internal Revenue Code of 1986 (Public Law 99-514, 26
11 U.S.C. § 1 et seq.).

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

15 (6) The admission and enrollment policy [and criteria for
16 evaluating the admission of students] which shall comply with
17 the requirements of section 1723-A.

18 (7) Procedures which will be used regarding the suspension
19 or expulsion of pupils. Said procedures shall comply with
20 section 1318.

21 (8) Information on the manner in which community groups will
22 be involved in the charter school entity planning process.

23 (9) The financial plan for the charter school entity and the
24 provisions which will be made for auditing the school under
25 [section 437] sections 437 and 1728-A, including the role of any
26 charter school foundation.

27 (10) Procedures which shall be established to review
28 complaints of parents regarding the operation of the charter
29 school entity.

30 (11) A description of and address of the physical facility

1 in which the charter school entity will be located and the
2 ownership thereof and any lease arrangements.

3 (12) Information on the proposed school calendar for the
4 charter school entity, including the length of the school day
5 and school year consistent with the provisions of section 1502.

6 (13) The proposed faculty, if already determined, and a
7 professional development and continuing education plan for the
8 faculty and professional staff of [a] the charter school entity.

9 (14) Whether any agreements have been entered into or plans
10 developed with the local school district regarding participation
11 of the charter school entity students in extracurricular
12 activities within the school district. Notwithstanding any
13 provision to the contrary, no school district of residence shall
14 prohibit a student of a charter school entity from participating
15 in any extracurricular activity of that school district of
16 residence: Provided, That the student is able to fulfill all of
17 the requirements of participation in such activity and the
18 charter school entity does not provide the same extracurricular
19 activity.

20 (15) [A report] Reports of criminal history [record] records
21 and employment history reviews, pursuant to [section 111]
22 sections 111 and 111.1, for all individuals identified in the
23 application who shall have direct contact with students[.] and a
24 plan for satisfying the proper criminal history record
25 clearances and employment history reviews required for all other
26 staff.

27 (16) An official clearance statement regarding child injury
28 or abuse from the Department of [Public Welfare] Human Services
29 as required by 23 Pa.C.S. Ch. 63 Subch. [C.2 (relating to
30 background checks for employment in schools)] C (relating to

1 powers and duties of department) and section 111 for all
2 individuals identified in the application who shall have direct
3 contact with students[.] and a plan for satisfying the proper
4 official clearance statement regarding child injury or abuse
5 required for all other staff.

6 (17) How the charter school entity will provide adequate
7 liability and other appropriate insurance for the charter school
8 entity, its employes and the board of trustees of the charter
9 school entity.

10 (18) Policies regarding truancy, absences and withdrawal of
11 students, including the manner in which the charter school
12 entity will monitor attendance consistent with section 1715-A(9)
13 and the truancy provisions under Article XIII.

14 (19) Indicate whether the charter school entity will seek
15 accreditation by a nationally recognized accreditation agency,
16 including the Middle States Association of Colleges and Schools
17 or another regional institutional accrediting agency recognized
18 by the United States Department of Education or an equivalent
19 federally recognized body for charter school education.

20 (b) A local board of school directors may not impose
21 additional terms, develop its own application or require
22 additional information outside the standard application forms
23 required under subsection (a). The department shall review the
24 standard application forms every three (3) years and shall
25 submit any recommended revisions in writing to the Education
26 Committee of the Senate and the Education Committee of the House
27 of Representatives. No such recommended revisions shall be made
28 to the standard application forms unless the revisions are
29 enacted by the General Assembly.

30 Section 1720-A. Term and Form of Charter.--(a) Upon

1 approval of a charter application under section 1717-A, a
2 written charter shall be developed which shall contain the
3 provisions of the standard charter application under section
4 1719-A and which shall be signed by the local board of school
5 directors [of a school district], by the local boards of school
6 directors [of a school district] in the case of a regional
7 charter school or by the chairman of the appeal board pursuant
8 to section [1717-A(i)(5)] 1717-A(i)(9) and the board of trustees
9 of the charter school or regional charter school. This written
10 charter, when duly signed by the local board of school directors
11 [of a school district, or], by the local boards of school
12 directors [of a school district] in the case of a regional
13 charter school or by the chairman of the appeal board, and the
14 charter school or regional charter school's board of trustees,
15 shall act as legal authorization for the establishment of a
16 charter school or regional charter school. This written charter
17 shall be legally binding on both the local board of school
18 directors [of a school district] and the charter school or
19 regional charter school's board of trustees. [Except as
20 otherwise provided in subsection (b), the charter shall be for a
21 period of no less than three (3) nor more than five (5) years
22 and may be renewed for five (5) year periods upon
23 reauthorization by the local board of school directors of a
24 school district or the appeal board.] If the charter school or
25 regional charter school contracts with an educational management
26 service provider, a contract shall be executed when the charter
27 is approved. A charter will be granted only for a school
28 organized as a public, nonprofit corporation.

29 (b) (1) Notwithstanding subsection [(a)] (c), a governing
30 board of a school district of the first class may renew a

1 charter for a period of one (1) year if the board of school
2 directors determines that there is insufficient data concerning
3 the charter school's academic performance to adequately assess
4 that performance and determines that an additional year of
5 performance data would yield sufficient data to assist the
6 governing board in its decision whether to renew the charter for
7 a period of five (5) years.

8 (2) A one-year renewal pursuant to paragraph (1) shall not
9 be considered an adjudication and may not be appealed to the
10 State Charter School Appeal Board.

11 (3) A governing board of a school district of the first
12 class does not have the authority to renew a charter for
13 successive one (1) year periods.

14 (c) The following shall apply to all charters granted by a
15 local board of school directors:

16 (1) An initial charter executed pursuant to subsection (a)
17 shall be for a period of no less than three (3) years and no
18 more than five (5) years.

19 (2) For charter schools and regional charter schools, a
20 charter may be renewed for five (5) year periods upon
21 reauthorization by the local board of school directors or the
22 appeal board.

23 (d) (1) A charter school or regional charter school shall
24 submit a renewal application as provided under section 1719-A(a)
25 with the local board of school directors by December 1 of the
26 final year of the charter.

27 (2) Within ninety (90) days of receipt of the renewal
28 application, the local board of school directors shall vote to
29 renew or not renew the charter.

30 (3) A decision by the appeal board under this subsection to

1 renew a charter shall serve as a requirement for the local board
2 of school directors of a school district or school districts, as
3 appropriate, to sign the renewal of the charter for a charter
4 school or regional charter school as provided for in subsection
5 (a)(2). If the local board of school directors fails to sign the
6 renewal within ten (10) days of notice, the charter shall be
7 signed by the chairman of the appeal board.

8 Section 3. The act is amended by adding a section to read:

9 Section 1720.1-A. Amendments.--(a) Subject to subsection
10 (a.1), a charter school or regional charter school may request
11 amendments to its approved written charter by filing a written
12 document describing the requested amendment with the local board
13 of school directors no later than December 15 of the school year
14 prior to the school year in which the amendment would take
15 effect.

16 (a.1) Notwithstanding the notice requirements of subsection
17 (a), in the event of the impossibility of a charter school's or
18 regional charter school's compliance with the terms of a charter
19 due to its inability to acquire services or products outlined in
20 a charter or facility damage, the charter school or regional
21 charter school shall immediately notify the local board of
22 school directors of the necessity for an emergency amendment,
23 which shall be effective immediately as a temporary amendment
24 pending completion of the processes set forth in subsections (b)
25 and (c).

26 (b) Within sixty (60) days of receipt of the charter
27 amendment request, the local board of school directors shall
28 hold a public hearing on the requested amendment pursuant to 65
29 Pa.C.S. Ch. 7 (relating to open meetings).

30 (c) Within sixty (60) days after the hearing required under

1 subsection (b), the local board of school directors shall grant
2 or deny the requested amendment. Failure by the local board of
3 school directors to hold a public hearing and to grant or deny
4 the requested amendment within the time periods specified in
5 this section shall be deemed an approval, after which the
6 amended charter shall be legally binding on both the local board
7 of school directors and the board of trustees of the charter
8 school or regional charter school.

9 (d) Notwithstanding subsection (a), a charter school or
10 regional charter school also may request amendments to its
11 approved written charter at the time of renewal. Charter
12 amendment requests made at the time of renewal shall be
13 considered distinct requests that shall be subject to
14 independent approval or denial by the local board of school
15 directors, in accordance with the provisions of this section.

16 (e) An applicant for an amendment may appeal the denial of a
17 requested amendment under this section to the appeal board
18 provided for under section 1721-A.

19 (f) Except in the case of an emergency, a charter school or
20 regional charter school which has no restrictions on enrollment
21 expansion shall notify the local board of school directors if it
22 intends to expand enrollment by more than ten per centum no
23 later than December 15 of the school year prior to the school
24 year in which enrollment would be expanded. The notification
25 shall include the following:

26 (1) The planned enrollment levels for each grade for the
27 following school year.

28 (2) If applicable, a description of any facility changes
29 needed to accommodate the planned enrollment levels.

30 (g) Except in the case of an emergency, a charter school or

1 regional charter school which has no restrictions on enrollment
2 expansion shall notify the local board of school directors if it
3 intends to change the location of a facility or facilities no
4 later than December 15 of the school year prior to the school
5 year in which the facility change would take place. The
6 notification shall include the following:

7 (1) A description of the proposed new facility.

8 (2) Information showing that the proposed new facility is
9 suitable in accordance with the applicable school facility
10 requirements, including zoning, license and certification of
11 occupancy requirements.

12 Section 4. Section 1723-A(a) and (b) of the act are amended
13 and the section is amended by adding a subsection to read:

14 Section 1723-A. [Enrollment] Admission and Enrollment

15 Requirements.--(a) (1) All resident children in this
16 Commonwealth who submit a completed enrollment form in
17 accordance with clauses (3) and (4) qualify for admission to a
18 charter school entity within the provisions of subsection (b).

19 [If] In the case of a charter school or regional charter school,
20 if more students apply to the charter school or regional charter
21 school than the number of attendance slots available in the
22 school, then students must be selected on a random basis from a
23 pool of [qualified applicants meeting the established
24 eligibility criteria and submitting an application] eligible
25 applicants who have submitted an enrollment form in accordance
26 with clauses (3) and (4) by the deadline established by the
27 charter school or regional charter school, except that the
28 charter school or regional charter school may give preference in
29 enrollment to a child of a parent who has actively participated
30 in the development of the charter school [and] or regional

1 charter school, to siblings of students presently enrolled in
2 the charter school or regional charter school and to siblings of
3 students selected for enrollment during the lottery process.
4 First preference shall be given to students who reside in the
5 district or districts[.] in which the charter school is
6 physically located or in which the regional charter school is
7 chartered.

8 (2) If a charter school or regional charter school has a
9 waiting list following its initial selection of eligible
10 applicants under clause (1), the charter school or regional
11 charter school shall select and enroll eligible applicants from
12 the waiting list as spaces become available. All children shall
13 be assigned to the waiting list on a random basis. When
14 selecting and enrolling eligible applicants from the waiting
15 list, a charter school or regional charter school shall give
16 first preference to students as provided under clause (1) and to
17 those who reside in the district or districts in which the
18 charter school is physically located or in which the regional
19 charter school is chartered until the charter school or regional
20 charter school again reaches its maximum capacity of students.
21 If a charter school or regional charter school has a waiting
22 list, once the charter school or regional charter school has
23 exhausted the waiting list of resident children, it may then
24 enroll children on the waiting list who reside outside of the
25 district. Nonresident children shall also be selected and
26 enrolled on a random basis.

27 (3) The department, in consultation with representatives of
28 charter school entities, shall develop a standard enrollment
29 form in both paper and electronic formats that shall be used by
30 all eligible applicants to apply to a charter school entity. The

1 standard enrollment form shall only request information
2 necessary to allow the charter school entity to identify the
3 student, grade level and residency, including:

4 (i) The student's name, physical address, telephone number,
5 age, birth date and current grade level.

6 (ii) The name, physical address, telephone number and e-mail
7 address of the student's parent or guardian.

8 (4) The standard enrollment form shall be made physically
9 available at each charter school entity, in a form that complies
10 with Federal and State law, and posted on the publicly
11 accessible Internet website of each charter school entity, if
12 available. A charter school entity may accept the enrollment
13 form via paper or electronic means.

14 (5) When a student applies to a charter school entity, a
15 charter school entity shall not require or request information
16 beyond the contents of the standard enrollment form developed by
17 the department.

18 (6) Nothing in this section shall prohibit a charter school
19 entity from requesting the submission of additional records and
20 information that public schools are entitled to receive after a
21 student is accepted for admission to, and has indicated an
22 intent to enroll in, the charter school entity.

23 (7) As used in this subsection, "eligible applicant" shall
24 mean a student who is seeking to enter a grade level offered by
25 the charter school entity and meets the requirements of 22 Pa.
26 Code §§ 11.12 (relating to school age), 11.13 (relating to
27 compulsory school age), 11.14 (relating to admission to
28 kindergarten when provided), 11.15 (relating to admission of
29 beginners), 11.16 (relating to early admission of beginners) and
30 12.1 (relating to free education and attendance) and student

1 residency requirements.

2 (b) (1) A charter school entity shall not discriminate in
3 its admission policies or practices on the basis of intellectual
4 ability, [except as provided in paragraph (2), or] athletic
5 ability, measures of achievement or aptitude, status as a person
6 with a disability, proficiency in the English language or any
7 other basis that would be illegal if used by a school district.

8 (2) A charter school entity may limit [admission] its
9 academic focus to a particular grade level, a targeted
10 population group composed of at-risk students[, or areas of
11 concentration of the school such as mathematics, science or the
12 arts. A charter school may establish reasonable criteria to
13 evaluate prospective students which shall be outlined in the
14 school's charter.] or a specialized area or accelerated program
15 of study, such as mathematics, science or the arts.

16 * * *

17 (e) A school district's obligation to make payments for
18 students enrolled in a charter school entity shall be governed
19 by section 1725-A or, in the case of students who are below a
20 school district's age of enrollment, by the terms of any charter
21 or service contract between a school district and a charter
22 school entity. Notwithstanding the above, absent language to the
23 contrary in a charter or service contract between a school
24 district and a charter school entity, a school district shall
25 not be obligated to fund a four-year-old kindergarten program if
26 the school district has exercised its discretion not to offer
27 such a program in its own schools.

28 Section 5. Sections 1743-A(e) and 1745-A of the act are
29 amended to read:

30 Section 1743-A. Cyber charter school requirements and

1 prohibitions.

2 * * *

3 (e) Students.--For each student enrolled, a cyber charter
4 school shall:

5 (1) provide all instructional materials, which may
6 include electronic or digital books in place of textbooks;

7 (2) provide all equipment, including, but not limited
8 to, a computer, computer monitor and printer, provided that a
9 parent or guardian of more than one child who is enrolled in
10 the same cyber charter school may elect not to receive a
11 separate computer, computer monitor and printer for each
12 enrolled child; and

13 (3) provide or reimburse for all technology and services
14 necessary for the on-line delivery of the curriculum and
15 instruction.

16 The Commonwealth shall not be liable for any reimbursement owed
17 to students, parents or guardians by a cyber charter school
18 under paragraph (3).

19 * * *

20 Section 1745-A. Establishment of cyber charter school.

21 (a) Establishment.--A cyber charter school may be
22 established by an individual; one or more teachers who will
23 teach at the proposed cyber charter school; parents or guardians
24 of students who will enroll in the cyber charter school; a
25 nonsectarian college, university or museum located in this
26 Commonwealth; a nonsectarian corporation not-for-profit as
27 defined in 15 Pa.C.S. § 5103 (relating to definitions); a
28 corporation, association or partnership; or any combination of
29 the foregoing. Section 1327.1 shall not apply to a cyber charter
30 school established under this subdivision.

1 (b) Sectarian entities.--No cyber charter school shall be
2 established or funded by and no charter shall be granted to a
3 sectarian school, institution or other entity.

4 (b.1) Local board of school directors or intermediate
5 unit.--

6 (1) Nothing in this article shall be construed to
7 preclude a school district or an intermediate unit from
8 offering instruction via the Internet or other electronic
9 means, except that the instruction shall not be recognized as
10 a cyber charter school under this article unless the school
11 district or intermediate unit establishes a cyber charter
12 school under subsection (a) and paragraph (2).

13 (2) A cyber charter school may be established by a local
14 board of school directors or an intermediate unit if the
15 procedures and requirements of this article are satisfied.

16 (c) Attendance.--Attendance at a cyber charter school shall
17 satisfy requirements for compulsory attendance.

18 (d) Application.--An application to establish a cyber
19 charter school shall be submitted to the department by October 1
20 of the school year preceding the school year in which the cyber
21 charter school proposes to commence operation.

22 (e) Grant or denial.--Within 120 days of receipt of an
23 application, the department shall grant or deny the application.
24 The department shall review the application and shall hold at
25 least one public hearing under 65 Pa.C.S. Ch. 7 (relating to
26 open meetings). At least 30 days prior to the hearing, the
27 department shall publish in the Pennsylvania Bulletin and on the
28 department's [World Wide Web site] publicly accessible Internet
29 website notice of the hearing and the purpose of the
30 application.

1 (f) Evaluation criteria.--

2 (1) A cyber charter school application pursuant to
3 section 1719-A submitted under this subdivision shall be
4 evaluated by the department based on the following criteria:

5 (i) The demonstrated, sustainable support for the
6 cyber charter school plan by teachers, parents or
7 guardians and students.

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

12 (iii) The extent to which the programs outlined in
13 the application will enable students to meet the academic
14 standards under 22 Pa. Code Ch. 4 (relating to academic
15 standards and assessment) or subsequent regulations
16 promulgated to replace 22 Pa. Code Ch. 4.

17 (iv) The extent to which the application meets the
18 requirements of section 1747-A.

19 (v) The extent to which the cyber charter school may
20 serve as a model for other public schools.

21 (2) Written notice of the action of the department shall
22 be sent by certified mail to the applicant and published on
23 the department's [World Wide Web site] publicly accessible
24 Internet website. If the application is denied, the reasons
25 for denial, including a description of deficiencies in the
26 application, shall be clearly stated in the notice.

27 (3) Upon approval of a cyber charter school application,
28 a written charter shall be developed which shall contain the
29 provisions of the charter application and be signed by the
30 secretary and each member of the board of trustees of the

1 cyber charter school. The charter, when duly signed, shall
2 act as legal authorization of the establishment of a cyber
3 charter school. The charter shall be legally binding on the
4 department, the cyber charter school and its board of
5 trustees. The charter [shall be for a period of no less than
6 three years nor more than five years and may be renewed for a
7 period of five years by the department.] term shall be as
8 follows:

9 (i) An initial charter granted under this section
10 shall be for a period of no less than three years and no
11 more than five years.

12 (ii) For cyber charter schools, a charter may be
13 renewed for five-year periods upon reauthorization by the
14 department.

15 (4) (i) A cyber charter school shall submit a renewal
16 application as provided under section 1719-A with the
17 department by December 1 of the final year of the
18 charter.

19 (ii) Within 90 days of its receipt of the renewal
20 application, the department shall renew or not renew the
21 charter.

22 [(4)] (5) The decision of the department to deny an
23 application may be appealed to the appeal board.

24 (6) (i) Subject to subparagraph (ii), a cyber charter
25 school may request amendments to its approved written
26 charter by filing with the department a written document
27 describing the requested amendment no later than December
28 15 of the school year prior to the school year in which
29 the amendment would take effect.

30 (ii) Notwithstanding the notice requirements of

1 subparagraph (i), in the event of the impossibility of a
2 cyber charter school's compliance with the terms of a
3 charter due to its inability to acquire services or
4 products outlined in a charter or facility damage, the
5 cyber charter school shall immediately notify the
6 department of the necessity for an emergency amendment,
7 which shall be effective immediately as a temporary
8 amendment pending completion of the processes set forth
9 in paragraphs (7) and (8).

10 (7) Within 60 days of its receipt of the charter
11 amendment request, the department shall hold a public hearing
12 on the requested amendment under 65 Pa.C.S. Ch. 7.

13 (8) Within 60 days after the hearing required under
14 paragraph (7), the department shall grant or deny the
15 requested amendment. Failure by the department to hold a
16 public hearing and to grant or deny the requested amendment
17 within the time periods specified in this section shall be
18 deemed an approval, after which the amended charter shall be
19 legally binding on both the department and the board of
20 trustees of the cyber charter school.

21 (9) Notwithstanding paragraph (6), a cyber charter
22 school also may request amendments to its approved written
23 charter at the time of renewal. Charter amendment requests
24 made at the time of renewal shall be considered as distinct
25 requests that shall be subject to independent approval or
26 denial by the department, in accordance with the provisions
27 of this section.

28 (10) An applicant for an amendment may appeal the denial
29 of a requested amendment under this section to the appeal
30 board provided for under section 1721-A.

1 (g) Denied application.--A cyber charter school applicant
2 may revise and resubmit a denied application to the department.
3 The department shall grant or deny the revised application
4 within 60 days after its receipt.

5 (h) Appeal.--If the department fails to hold the required
6 public hearing or to approve or disapprove the charter, the
7 applicant may file its application as an appeal to the appeal
8 board. The appeal board shall review the application and make a
9 decision to approve or disapprove the charter based on the
10 criteria in subsection (f).

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