

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 272 Session of 2021

INTRODUCED BY CIRESI, THOMAS, HILL-EVANS, McCLINTON, ISAACSON, SNYDER, SANCHEZ, SCHLOSSBERG, McNEILL, D. WILLIAMS, NEILSON, LONGIETTI, DELLOSO, BENHAM, PENNYCUICK, WEBSTER, DEASY, DALEY, A. DAVIS, SHUSTERMAN, ZABEL, O'MARA, STRUZZI, GALLOWAY, PISCIOTTANO, PASHINSKI, FRANKEL, VITALI, MULLINS, MARKOSEK, INNAMORATO, BURNS, BRADFORD, STURLA, ROZZI, DeLUCA, KIM, CARROLL, BRIGGS, HANBIDGE, FREEMAN, N. NELSON, MALAGARI, FRITZ, T. DAVIS, SOLOMON, KULIK, KINKEAD, HARKINS, GAINEY, BIZZARRO, FITZGERALD, POLINCHOCK, BROOKS, HOWARD, YOUNG, KRUEGER AND OTTEN, MARCH 1, 2021

REFERRED TO COMMITTEE ON EDUCATION, MARCH 1, 2021

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 preliminary provisions, providing
 6 for advertising; in terms and courses of study, further
 7 providing for agreements with institutions of higher
 8 education; in opportunities for educational excellence,
 9 further providing for responsibilities of school entities; in
 10 charter schools, further providing for short title, for
 11 legislative intent, for definitions and for powers of charter
 12 schools, providing for powers of authorizers, further
 13 providing for charter school requirements, for powers of
 14 board of trustees, for establishment of charter school, for
 15 regional charter school, for contents of application and for
 16 term and form of charter, providing for charter amendments,
 17 further providing for State Charter School Appeal Board, for
 18 facilities, for enrollment, for school staff and for funding
 19 for charter schools, providing for funding for cyber charter
 20 schools, further providing for transportation, for tort
 21 liability, for annual reports and assessments, for causes for
 22 nonrenewal or termination, for multiple charter school
 23 organizations, for desegregation orders and for charter
 24 school grants, providing for accountability matrix, further
 25 providing for provisions applicable to charter schools, for
 26 powers and duties of department, for assessment and

1 evaluation, for cyber charter school requirements and
2 prohibitions, for school district and intermediate unit
3 responsibilities and for establishment of cyber charter
4 school, providing for cyber charter amendments, further
5 providing for State Charter School Appeal Board review, for
6 cyber charter school application and for enrollment and
7 notification, providing for enrollment parameters, further
8 providing for applicability of other provisions of this act
9 and of other acts and regulations, for effect on certain
10 existing charter schools, and for regulations, and providing
11 for cyber charter school moratorium; and, in reimbursements
12 by Commonwealth and between school districts, further
13 providing for approved reimbursable annual rental for leases
14 of buildings or portions of buildings for charter school use;
15 and providing for applicability.

16 The General Assembly of the Commonwealth of Pennsylvania
17 hereby enacts as follows:

18 Section 1. The act of March 10, 1949 (P.L.30, No.14), known
19 as the Public School Code of 1949, is amended by adding a
20 section to read:

21 Section 129. Advertising.--(a) A paid media advertisement
22 by a public school entity that refers to the cost of tuition,
23 technology, transportation or other expenses shall not advertise
24 those expenses as free, and any reference to tuition,
25 technology, transportation or other expenses must indicate that
26 the cost is covered by taxpayer dollars. A paid media
27 advertisement shall include a television, radio, newspaper,
28 magazine or movie theater advertisement, billboard, bus poster
29 or Internet-based or other commercial method that may promote
30 enrollment in a public school entity.

31 (b) For the purposes of this section, "public school entity"
32 shall mean a public school district, charter school entity,
33 intermediate unit or area career and technical school.

34 Section 2. Section 1525 of the act is amended to read:

35 Section 1525. Agreements with Institutions of Higher
36 Education.--(a) Notwithstanding any other provision of law to
37 the contrary, a school district, charter school, regional

1 charter school, cyber charter school or area career and
2 technical school may enter into an agreement with one or more
3 institutions of higher education approved to operate in this
4 Commonwealth in order to allow [resident] students to attend
5 such institutions of higher education while the [resident]
6 students are enrolled in the school district, charter school,
7 regional charter school, cyber charter school or area career and
8 technical school. The agreement may be structured so that high
9 school students may receive credits toward completion of courses
10 at the school district, charter school, regional charter school,
11 cyber charter school or area career and technical school and at
12 institutions of higher education approved to operate in this
13 Commonwealth.

14 (b) Charter schools, regional charter schools and cyber
15 charter schools that offer students enrollment at an institution
16 of higher education as part of the high school program and pay
17 the costs of the tuition, fees and textbooks on behalf of
18 students shall continue to receive tuition as calculated under
19 section 1725-A or 1725.1-A for the students.

20 (c) If the cost of the higher education tuition, fees and
21 textbooks are paid by the student of any charter school,
22 regional charter school or cyber charter school, the amount paid
23 for the tuition, fees and textbooks shall be deducted from the
24 school district of residence's payment under section 1725-A or
25 1725.1-A to the charter school, regional charter school or cyber
26 charter school.

27 (d) School districts shall make no payment to charter
28 schools, regional charter schools or cyber charter schools if
29 the student pays the cost of full-time enrollment to the
30 institution of higher education.

1 (e) Notwithstanding any provision of law to the contrary, if
2 a school district's payment to a charter school, regional
3 charter school or cyber charter school under section 1725-A or
4 1725.1-A is greater than the cost of tuition, fees and textbooks
5 paid by the charter school, regional charter school or cyber
6 charter school multiplied by the number of higher education
7 courses a student is enrolled in, the school district's payment
8 under section 1725-A or 1725.1-A shall be reduced by the
9 difference.

10 Section 3. Section 1611-B of the act is amended by adding a
11 subsection to read:

12 Section 1611-B. Responsibilities of school entities.

13 * * *

14 (g) Revenue received by school district.--Notwithstanding
15 any provision of law to the contrary, the expenditures of
16 revenues received by a school district under section 1603-B
17 shall not be included in the school district's total expenditure
18 per average daily membership used to calculate the amount to be
19 paid to a charter school entity under section 1725-A or 1725.1-
20 A.

21 Section 4. Sections 1701-A and 1702-A of the act are amended
22 to read:

23 Section 1701-A. Short Title.--This article shall be known
24 and may be cited as the "Charter School Law."

25 Section 1702-A. Legislative Intent.--It is the intent of the
26 General Assembly, in enacting this article, to provide pupils
27 and community members to establish and maintain schools that
28 operate independently from the existing school district
29 structure as a method to accomplish all of the following:

30 (1) Improve pupil learning.

1 (2) Increase learning opportunities for all pupils.

2 (3) Encourage the use of different and innovative teaching
3 methods.

4 (4) Create new professional opportunities for teachers,
5 including the opportunity to be responsible for the learning
6 program at the school site.

7 (5) Provide parents and pupils with expanded choices in the
8 types of educational opportunities that are available within the
9 public school system.

10 (6) Hold the schools established under this act accountable
11 for meeting measurable academic standards and provide the school
12 with a method to establish accountability systems.

13 Section 5. Section 1703-A of the act, amended October 30,
14 2019 (P.L.460, No.76), is amended to read:

15 Section 1703-A. Definitions.--[As] Unless the context
16 clearly indicates otherwise, as used in this article,

17 "Accountability matrix" shall mean an annual report by the
18 department to evaluate the academic performance, operations,
19 governance and financial management of charter school entities.

20 "Aid ratio" and "market value/income aid ratio" shall be:

21 (1) the aid ratio and market value/income aid ratio for the
22 school district that granted a charter to the charter school;

23 (2) for a regional charter school, the aid ratio and market
24 value/income aid ratio shall be a composite, as determined by
25 the department, based on the school districts that granted the
26 charter; or

27 (3) for a cyber charter school, the aid ratio and market
28 value/income aid ratio shall be that of the school district in
29 which the administrative offices of the cyber charter school are
30 located.

1 "Appeal board" shall mean the State Charter School Appeal
2 Board established by this article.

3 "At-risk student" shall mean a student at risk of educational
4 failure because of limited English proficiency, poverty,
5 community factors, truancy, academic difficulties or economic
6 disadvantage.

7 "Authorizer" shall mean one of the following with the powers
8 under section 1714.1-A:

9 (1) A board of school directors.

10 (2) A board of education of a school district.

11 (3) The department, for a cyber charter school.

12 "Charter school" shall mean an independent public school
13 established and operated under a charter from the local board of
14 school directors or board of education and in which students are
15 enrolled or attend. A charter school must be organized as a
16 public, nonprofit corporation. Charters may not be granted to
17 any for-profit entity.

18 "Charter school entity" shall mean a charter school, regional
19 charter school, cyber charter school or multiple charter school
20 organization.

21 "Charter school foundation" shall mean a nonprofit
22 organization qualified as Federally tax exempt under section
23 501(c) (3) of the Internal Revenue Code of 1986 (Public Law 99-
24 514, 26 U.S.C. § 501(c) (3)), that provides funding or resources
25 or otherwise serves to support a charter school entity, either
26 directly or through an affiliated entity.

27 "Chief executive officer" shall mean an individual appointed
28 by the board of trustees to oversee and manage the operation of
29 the charter school, but who shall not be deemed a professional
30 staff member under this article.

1 "Cyber charter school" shall mean an independent public
2 school established and operated under a charter from the
3 Department of Education and in which the school uses technology
4 in order to provide a significant portion of its curriculum and
5 to deliver a significant portion of instruction to its students
6 through the Internet or other electronic means. A cyber charter
7 school must be organized as a public, nonprofit corporation. A
8 charter may not be granted to a for-profit entity.

9 "Compensation" shall include money or other remuneration
10 received from a charter school entity.

11 "Department" shall mean the Department of Education of the
12 Commonwealth.

13 "Educational management service provider" shall mean a
14 nonprofit or for-profit charter management organization,
15 education management organization, school design provider,
16 business manager or any other entity or individual that enters
17 into a contract or agreement with a charter school entity to
18 provide educational design, business services, comprehensive
19 management or personnel functions or to implement the charter.
20 The term shall not include a charter school foundation.

21 "Emergency" shall mean a fire, flood, environmental hazard or
22 other major disruption that impacts or could impact the health
23 or safety of students or staff or renders all or part of a
24 charter school facility unfit for use or occupation.

25 "Family member" shall mean a parent, guardian, stepparent,
26 child, stepchild, spouse, domestic partner, brother, sister,
27 stepbrother, stepsister, grandparent, grandchild, parent-in-law,
28 brother-in-law, sister-in-law, aunt, uncle, or first cousin.

29 "Local board of school directors" shall mean the board of
30 directors of a school district in which a proposed or an

1 approved charter school is located.

2 "Material term" for purposes of amendments to a charter,
3 shall mean the following:

4 (1) Name change of a charter school or cyber charter school.

5 (2) Change in building location or addition of a new
6 facility.

7 (3) Change in charter management organization or education
8 management service provider.

9 (4) Change to curriculum provider.

10 (5) Change to mission or educational plan.

11 (6) Change to grade levels served.

12 (7) Enrollment expansion based on the maximum authorized
13 enrollment for the term of the charter.

14 (8) Any information as required by sections 1717-A, 1719-A
15 or 1747-A from an applicant, as specifically relevant to the
16 component of the charter that the school seeks to amend.

17 "Multiple charter school organization" shall mean a public,
18 nonprofit corporation under the oversight of a single board of
19 trustees and a chief administrator that operates two (2) or more
20 charter schools under section 1729.1-A.

21 "Regional charter school" shall mean an independent public
22 school established and operated under a charter from more than
23 one local board of school directors and in which students are
24 enrolled or attend. A regional charter school must be organized
25 as a public, nonprofit corporation. Charters may not be granted
26 to any for-profit entity.

27 "School district of residence" shall mean the school district
28 in this Commonwealth in which the parents or guardians of a
29 child reside.

30 "School entity" shall mean a school district, intermediate

1 unit, joint school or area career and technical school.

2 "Secretary" shall mean the Secretary of Education of the
3 Commonwealth.

4 "State board" shall mean the State Board of Education of the
5 Commonwealth.

6 Section 6. Section 1714-A of the act is amended to read:

7 Section 1714-A. Powers of Charter [Schools] School

8 Entities.--(a) A charter school entity established under this
9 act is a body corporate and shall have all powers necessary or
10 desirable for carrying out its charter, including, but not
11 limited to, the power to:

12 (1) Adopt a name and corporate seal; however, any name
13 selected shall include the words "charter school."

14 (2) Sue and be sued, but only to the same extent and upon
15 the same condition that political subdivisions and local
16 agencies can be sued.

17 (3) Acquire real property from public or private sources by
18 purchase, lease, lease with an option to purchase or gift for
19 use as a charter school facility.

20 (4) Receive and disburse funds for charter school purposes
21 only.

22 (5) Make contracts and leases for the procurement of
23 services, equipment and supplies.

24 (6) Incur temporary debts in anticipation of the receipt of
25 funds.

26 (6.1) Incur debt for the construction of school facilities.

27 (7) Solicit and accept any gifts or grants for charter
28 school purposes.

29 (8) Establish plans, policies and practices consistent with
30 its charter, this article and Federal and State laws.

1 (b) A charter school entity shall have such other powers as
2 are necessary to fulfill its charter and which are not
3 inconsistent with this article.

4 (c) Any indebtedness incurred by a charter school entity in
5 the exercise of the powers specified in this section shall not
6 impose any liability or legal obligation upon a school entity or
7 upon the Commonwealth.

8 Section 7. The act is amended by adding a section to read:

9 Section 1714.1-A. Powers of Authorizers.--(a) An authorizer
10 of a charter school shall have all powers necessary for granting
11 or denying new charter applications; for executing, amending,
12 renewing, revoking or nonrenewing charter agreements; and for
13 overseeing and monitoring charter schools that the authorizer or
14 the State Charter School Appeal Board has authorized, including,
15 but not limited to, the following powers:

16 (1) Annually assess and evaluate the academic performance,
17 accepted standards of fiscal management and audit requirements,
18 governance and operations of a charter school to determine if
19 the charter school is meeting the requirements of its charter
20 and all applicable Federal, State and local laws.

21 (2) Conduct a comprehensive review and evaluation of the
22 academic performance, accepted standards of fiscal management
23 and audit requirements, governance and operations of a charter
24 school for purposes of renewal or nonrenewal or revocation to
25 determine if the charter school is meeting the requirements of
26 its charter and all applicable Federal, State and local laws.

27 (3) Access documents, systems and facilities of the charter
28 school and any related charter school foundation or education
29 management service provider promptly after requests concerning
30 documents, systems and facilities are submitted to the charter

1 school, charter school foundation or education management
2 service provider.

3 (4) Develop or supplement model charter school application
4 forms and model charter school renewal application forms to
5 address local concerns specific to the authorizer, such as
6 student populations, current charter school entity performance
7 and facility locations.

8 (b) An authorizer of a cyber charter school shall have all
9 of the following powers:

10 (1) Grant or deny new charter applications.

11 (2) Execute, amend, renew, revoke or nonrenew charter
12 agreements.

13 (3) Oversee and monitor cyber charter schools as set forth
14 in subsection (a).

15 Section 8. Sections 1715-A and 1716-A of the act are amended
16 to read:

17 Section 1715-A. Charter School Entity Requirements.--Charter
18 [schools] school entities shall be required to comply with the
19 following provisions:

20 (1) Except as otherwise provided in this article, a charter
21 school entity is exempt from statutory requirements established
22 in this act, from regulations of the State board and the
23 standards of the secretary not specifically applicable to
24 charter [schools] school entities. Charter [schools] school
25 entities are not exempt from statutes applicable to public
26 schools other than this act.

27 (2) A charter school entity shall be accountable to the
28 parents, guardians, families, the public, the authorizer of the
29 charter school and the Commonwealth, with the delineation of
30 that accountability reflected in the [charter] charters.

1 Strategies for meaningful parent, guardian, family and community
2 involvement shall be developed and implemented by each [school]
3 charter school or cyber charter school.

4 (3) A charter school entity shall not unlawfully
5 discriminate in admissions, hiring or operation.

6 (4) A charter school entity shall be nonsectarian in all
7 operations.

8 (5) A charter school entity shall not provide any religious
9 instruction, nor shall it display religious objects and symbols
10 on the premises of the charter school entity.

11 (6) A charter school entity shall not advocate unlawful
12 behavior.

13 [(7) A charter school shall only be subject to the laws and
14 regulations as provided for in section 1732-A, or as otherwise
15 provided for in this article.]

16 (8) A charter school entity shall participate in the
17 Pennsylvania State Assessment System as provided for in 22 Pa.
18 Code Ch. [5 (relating to curriculum)] 4 (relating to academic
19 standards and assessment), or subsequent regulations promulgated
20 to replace 22 Pa. Code Ch. [5] 4, in the manner in which the
21 school district in which [the] each charter school is located is
22 scheduled to participate.

23 (9) A charter school entity shall provide a minimum of one
24 hundred eighty (180) days of instruction or nine hundred (900)
25 hours per year of instruction at the elementary level, or nine
26 hundred ninety (990) hours per year of instruction at the
27 secondary level. Nothing in this clause shall preclude the use
28 of computer and satellite linkages for delivering instruction to
29 students.

30 (10) Boards of trustees and contractors of charter [schools]

1 school entities shall be subject to the following statutory
2 requirements governing construction projects and construction-
3 related work:

4 (i) The following provisions of this act:

5 (A) Sections 751 and 751.1.

6 (B) Sections 756 and 757 insofar as they are consistent with
7 the act of December 20, 1967 (P.L.869, No.385), known as the
8 "Public Works Contractors' Bond Law of 1967."

9 (ii) Section 1 of the act of May 1, 1913 (P.L.155, No.104),
10 entitled "An act regulating the letting of certain contracts for
11 the erection, construction, and alteration of public buildings."

12 (iii) The act of August 11, 1961 (P.L.987, No.442), known as
13 the "Pennsylvania Prevailing Wage Act."

14 (iv) The "Public Works Contractors' Bond Law of 1967."

15 (v) The act of March 3, 1978 (P.L.6, No.3), known as the
16 "Steel Products Procurement Act."

17 (11) Trustees of a charter school entity shall be public
18 officials[.] for the purposes of 65 Pa.C.S. Ch. 11 (relating to
19 ethics standards and financial disclosure), and each trustee
20 shall file a statement of financial interests for the preceding
21 calendar year with the board of trustees of the charter school
22 entity, the State Ethics Commission and the authorizer of the
23 charter school or cyber charter school not later than May 1 of
24 each year that members hold the position and of the year after a
25 member leaves the position. In the event that the trustee was
26 appointed or selected after May 1, the trustee shall file a
27 statement of financial interests in accordance with this clause
28 within thirty (30) days of appointment or selection. All members
29 of the board of trustees of a charter school entity shall take
30 the oath of office as required under section 321 before entering

1 upon the duties of their office.

2 (12) (i) A person who serves as an administrator for a
3 charter school entity shall be an employe of the charter school
4 entity and shall not receive compensation from another charter
5 school entity, from an educational management service provider,
6 from a charter school foundation or from a company that provides
7 management or other services to another charter school entity.

8 The term "administrator" shall include the chief executive
9 officer of a charter school entity and all other employes of a
10 charter school entity who by virtue of their positions exercise
11 management or operational oversight responsibilities.

12 (ii) A person who serves as an administrator for a charter
13 school entity shall be a public official under 65 Pa.C.S. Ch. 11
14 [(relating to ethics standards and financial disclosure).] and
15 shall file a statement of financial interest for the preceding
16 calendar year with the board of trustees of the charter school
17 entity, the State Ethics Commission and the authorizer of the
18 charter school or cyber charter school not later than May 1 of
19 each year that the person holds the position and of the year
20 after the person leaves the position. In the event that the
21 administrator was appointed after May 1, the administrator shall
22 file a statement of financial interest in accordance with this
23 clause within thirty (30) days of appointment. A violation of
24 this clause shall constitute a violation of 65 Pa.C.S. § 1103(a)
25 (relating to restricted activities), and the violator shall be
26 subject to the penalties imposed under the jurisdiction of the
27 State Ethics Commission.

28 Section 1716-A. Powers and Composition of Board of
29 Trustees.--(a) The board of trustees of a charter school entity
30 shall have the authority to decide matters related to the

1 operation of the school, including, but not limited to,
2 budgeting, curriculum and operating procedures, subject to the
3 school's charter. The board shall have the authority to employ,
4 discharge and contract with necessary professional and
5 nonprofessional employes subject to the school's charter and the
6 provisions of this article.

7 (b) No member of a local board of school directors of a
8 school entity shall serve on the board of trustees of a charter
9 school entity that is located in the member's district.

10 (c) The board of trustees shall comply with [the act of July
11 3, 1986 (P.L.388, No.84), known as the "Sunshine Act."] 65
12 Pa.C.S. Ch. 7 (relating to open meetings), and the following
13 shall apply to its meetings:

14 (1) No more than ten (10) days after the minutes of any
15 prior public meeting of the board of trustees are approved,
16 copies of the meeting minutes and agenda for charter school
17 entities shall be:

18 (i) Made available for inspection and copying upon request.

19 (ii) Provided to the charter school entity authorizer or, in
20 the case of a multiple charter school organization, to the
21 authorizer for each charter school.

22 (iii) Posted on its publicly accessible Internet website, if
23 one is maintained.

24 (2) The meeting agendas and the meeting minutes required
25 under clause (1) shall remain posted on the charter school
26 entity's publicly accessible Internet website, if one is
27 maintained, for at least two (2) years after the meeting agendas
28 and the meeting minutes were first posted. Nothing in this
29 section shall be construed to limit the charter school entity's
30 obligations to comply with the act of February 14, 2008 (P.L.6,

1 No.3), known as "the Right-to-Know Law," or any other Federal or
2 State law requiring public disclosure.

3 (3) The requirements of this subsection shall not apply to
4 matters discussed in executive sessions of the board of
5 trustees, provided that the meeting agenda and meeting minutes
6 shall identify that an executive session was planned or held and
7 the general purpose of the executive session, including
8 identification of legal proceedings under 65 Pa.C.S. Ch. 7.

9 (d) (1) An individual shall be prohibited from serving as a
10 voting member of the board of trustees of a charter school
11 entity under any of the following conditions:

12 (i) If the individual or a family member of the individual
13 is employed by or receives money or remuneration from the
14 charter school entity.

15 (ii) If the individual is employed by either:

16 (A) the board of trustees or directors of a charter school
17 foundation that supports the charter school entity; or

18 (B) the board of trustees or directors of an educational
19 management service provider that contracts with the charter
20 school entity.

21 (iii) If the individual is employed by or is a member of the
22 local board of school directors of the authorizer of the charter
23 school.

24 (2) No member of the board of trustees of a charter school
25 entity may participate in the selection, award or administration
26 of any contract if the member has a conflict of interest as that
27 term is defined in 65 Pa.C.S. § 1102 (relating to definitions).
28 Any member of the board of trustees of a charter school entity
29 who in the discharge of the person's official duties would be
30 required to vote on a matter that would result in a conflict of

1 interest shall abstain from voting and follow the procedures
2 required under 65 Pa.C.S. § 1103(j) (relating to restricted
3 activities). A member of the board of trustees of a charter
4 school entity who knowingly violates this subsection commits a
5 violation of 65 Pa.C.S. § 1103(a) and shall be subject to the
6 penalties imposed under the jurisdiction of the State Ethics
7 Commission. A contract made in violation of this subsection
8 shall be voidable by a court of competent jurisdiction.

9 (3) A member of the board of trustees of a charter school
10 entity or family member of a member of a board of trustees of a
11 charter school entity shall not, directly or through any other
12 individual, entity, partnership or corporation in which the
13 member holds stock or has a financial interest or other
14 organization, provide a loan, forbearance or forgiveness of a
15 loan or other debt, service or product or lease property to the
16 charter school entity. A member of the board of trustees of a
17 charter school entity who violates this subsection commits a
18 violation of 65 Pa.C.S. § 1103(a) and shall be subject to the
19 penalties imposed under the jurisdiction of the State Ethics
20 Commission. A contract made in violation of this subsection
21 shall be voidable by a court of competent jurisdiction.

22 (e) No member of the board of trustees of a charter school
23 entity shall be compensated for duties on the board of trustees,
24 except that the charter school entity may reimburse the members
25 for reasonable expenses incurred in the performance of their
26 duties. A report detailing the reasons for and amounts of
27 reimbursements paid to each member of the board of trustees
28 shall be made available upon request of any person, including in
29 response to a request under the "Right-to-Know Law."

30 (f) (1) A majority of the voting members of the board of

1 trustees shall constitute a quorum. If less than a majority is
2 present at any meeting, no business may be transacted at the
3 meeting. Members of the board may participate in a meeting by
4 telephone conference or other electronic technology by means of
5 which all individuals participating in the meeting can hear each
6 other.

7 (2) The affirmative vote of a majority of all the voting
8 members of the board of trustees, duly recorded, shall be
9 required in order to take official action.

10 (g) (1) The board of trustees of a charter school entity
11 shall consist of a minimum of seven (7) nonrelated voting
12 members who are not family members. If a charter school entity
13 has fewer than seven (7) members, who are not family members,
14 serving on its board of trustees on the effective date of this
15 subsection, the charter school entity shall, within sixty (60)
16 days, appoint or select additional members to the board of
17 trustees to meet the minimum requirements of this section.

18 (2) The board of trustees shall include at least one of each
19 of the following:

20 (i) A certified public school educator not employed by the
21 charter school entity.

22 (ii) A parent, guardian or family member of a student
23 enrolled in the charter school entity or an alumnus of the
24 charter school entity.

25 (iii) A member of the community served by the charter school
26 entity.

27 (3) At least half of the members of the board of trustees
28 shall be appointed or selected through a procedure that provides
29 for the appointment and selection of the members by the
30 residents of the community served by the charter school entity.

1 (4) A member of the board of trustees of a charter school
2 entity shall be automatically disqualified and immediately
3 removed from the board of trustees upon conviction or upon a
4 plea of guilty or nolo contendere for an offense graded as a
5 felony, an infamous crime, an offense pertaining to fraud, theft
6 or mismanagement of public funds, any offense pertaining to the
7 member's official capacity as a member of the board of trustees,
8 an offense listed in section 111(e) or any crime involving moral
9 turpitude. A member of the board of trustees may also be removed
10 from the board of trustees for violation of the standards for
11 board of trustees' performance, including compliance with all
12 applicable laws, regulations and terms of the charter.

13 Section 9. The act is amended by adding a section to read:

14 Section 1716.2-A. Agreements or Contracts with Educational
15 Management Service Providers.--(a) A board of trustees of a
16 charter school entity may enter into an agreement or contract
17 with an educational management service provider to provide
18 educational design, business services, comprehensive management
19 or personnel functions or to implement its charter or charters.
20 The following apply:

21 (1) The board of trustees of the charter school entity shall
22 retain ultimate and actual authority for the operation of the
23 charter school, and the charter school shall be independent of
24 the educational management service provider.

25 (2) The educational management service provider may not
26 provide business services to the charter school entity if it is
27 also providing other services to the charter school entity under
28 the agreement or contract unless the board of trustees has
29 established procedures to ensure that all individual payments to
30 the educational management service provider are reviewed and

1 authorized by an administrator of the charter school entity and
2 the board of trustees of the charter school entity.

3 (3) The educational management service provider shall not
4 provide a loan or other funding to a charter school entity
5 unless the loan or other funding is an arms-length transaction
6 that is documented in writing with repayment, term, interest,
7 termination and other customary provisions.

8 (4) No employe of a charter school entity may be supervised
9 by an employe or contractor of the educational management
10 service provider unless the contract or agreement provides that
11 the employe may appeal the terms of supervision to the board of
12 trustees of the charter school entity.

13 (5) The educational management service provider shall not
14 lease property to the charter school entity.

15 (6) Each service provided by the educational management
16 service provider and the cost for the service must be separately
17 identified in the charter school entity's agreement or contract
18 with the educational management service provider and in the
19 associated invoice or billing statement, or the equivalent.

20 (7) Each service provided by the educational management
21 service provider must be severable so that the board of trustees
22 of the charter school entity may terminate or make revisions to
23 one service without termination or revision by the educational
24 management service provider of any other service, except by
25 express agreement of the board of trustees of the charter school
26 entity.

27 (8) An educational management service provider agreement or
28 contract must provide that the educational management service
29 provider may not terminate the agreement or contract without
30 providing at least one (1) year's notice to the charter school

1 entity. The agreement or contract shall provide that the
2 educational management service provider may terminate the
3 agreement or contract earlier only if expressly agreed to by the
4 board of trustees of the charter school entity following the
5 educational management service provider's notice of intent to
6 terminate the agreement or contract.

7 (9) The charter school entity shall be permitted to
8 terminate the agreement or contract with no more than thirty
9 (30) days' notice.

10 (10) If a charter school entity applicant has entered into
11 an agreement or contract before applying for or receiving a
12 charter, the charter school entity's application must include
13 evidence that the board of trustees has reviewed each service to
14 be provided and determined, through competitive bidding or at
15 least three quotes for professional services, that each service
16 to be provided by the educational management service provider is
17 provided at fair market value.

18 (11) The agreement or contract shall terminate upon closure
19 of the charter school entity unless the board of trustees of the
20 charter school entity and the educational management service
21 provider agree in writing that the educational service provider
22 will provide services related to the dissolution of the charter
23 school entity.

24 (12) The educational management service provider shall not
25 charge a percentage or contingency fee for services.

26 (13) Any employe or contractor assigned to the charter
27 school entity by the educational management service provider
28 must be individually identified, along with the employe's or
29 contractor's job functions, in the agreement or contract and in
30 any invoice or billing statement, or the equivalent.

1 (14) The educational management service provider shall
2 provide to the board of trustees of the charter school entity,
3 upon request, a copy of any record relating to the services
4 provided under the agreement or contract.

5 (b) Any educational management service provider that
6 provides any service to a charter school entity:

7 (1) Is a local agency for the purpose of the act of February
8 14, 2008 (P.L.6, No.3), known as the "Right-to-Know Law."

9 (2) Shall maintain a publicly accessible Internet website
10 detailing the salaries and other compensation and titles of its
11 employees, officers and directors.

12 (c) Employees of an educational management service provider
13 that provides any service to a charter school entity are public
14 employees for purpose of 65 Pa.C.S. Ch. 11 (relating to ethics
15 standards and financial disclosure).

16 Section 10. Sections 1717-A, 1718-A, 1719-A and 1720-A of
17 the act are amended to read:

18 Section 1717-A. Establishment of Charter School.--(a) A
19 charter school may be established by an individual; one or more
20 teachers who will teach at the proposed charter school; parents
21 or guardians of students who will attend the charter school; any
22 nonsectarian college, university or museum located in this
23 Commonwealth; any nonsectarian corporation not-for-profit, as
24 defined in 15 Pa.C.S. (relating to corporations and
25 unincorporated associations); any corporation, association or
26 partnership; or any combination thereof. A charter school may be
27 established by creating a new school or by converting an
28 existing public school or a portion of an existing public
29 school. No charter school shall be established or funded by and
30 no charter shall be granted to any sectarian school, institution

1 or other entity. No funds allocated or disbursed under this
2 article shall be used to directly support instruction pursuant
3 to section 1327.1.

4 (b) (1) The conversion of an existing public school or
5 portion of an existing public school to a charter school may be
6 initiated by any individual or entity authorized to establish a
7 charter school under subsection (a).

8 (2) In order to convert an existing public school to a
9 charter school, the applicants must show that:

10 (i) More than fifty per centum of the teaching staff in the
11 public school have signed a petition in support of the public
12 school becoming a charter school; and

13 (ii) More than fifty per centum of the parents or guardians
14 of pupils attending that public school have signed a petition in
15 support of the school becoming a charter school.

16 (3) In no event shall the board of school directors serve as
17 the board of trustees of an existing school which is converted
18 to a charter school pursuant to this subsection.

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

29 (d) Within forty-five (45) days of receipt of an
30 application, the local board of school directors in which the

1 proposed charter school is to be located shall hold at least one
2 public hearing on the provisions of the charter application,
3 under [the act of July 3, 1986 (P.L.388, No.84), known as the
4 "Sunshine Act."] 65 Pa.C.S. Ch. 7 (relating to open meetings).
5 At least forty-five (45) days must transpire between the first
6 public hearing and the final decision of the board on the
7 charter application [except that for a charter school beginning
8 in the 1997-1998 school year, only thirty (30) days must
9 transpire between the first public hearing and the final
10 decision of the board.] .

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

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

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

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

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

1 (iv) The extent to which the charter school may serve as a
2 model for other public schools.

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

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

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

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

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

8 (g) Notwithstanding the provisions of subsection (e) (5),
9 failure by the local board of directors to hold a public hearing
10 and to grant or deny the application for a charter school within
11 the time periods specified in subsections (d), (e) and (f) shall
12 permit the applicant for a charter to file its application as an
13 appeal to the appeal board. In such case, the appeal board shall
14 provide notice of the appeal to the local board of directors and
15 may allow the local board of directors to be heard on the
16 application. If the local board of directors fails to respond
17 within ten (10) days, the appeal board shall review the
18 application and make a decision to grant or deny a charter based
19 on the criteria established in subsection (e) (2).

20 (h) In the case of a review by the appeal board [of an
21 application], a charter that is revoked or is not renewed, the
22 appeal board shall [make its decision based on the criteria
23 established in subsection (e) (2).] determine whether the
24 decision to revoke or not renew the charter by the local board
25 of directors was arbitrary and capricious. If the appeal board
26 finds that the decision was arbitrary and capricious, the appeal
27 board shall reverse the decision of the local board of
28 directors. A decision by the appeal board under this subsection
29 or subsection (g) to grant, to renew or not to revoke a charter
30 shall serve as a requirement for the local board of directors of

1 a school district or school districts, as appropriate, to sign
2 the written charter of the charter school as provided for in
3 section 1720-A. Should the local board of directors fail to
4 grant the application and sign the charter within ten (10) days
5 of notice of reversal of the decision of the local board of
6 directors, the charter shall be deemed to be approved and shall
7 be signed by the [chairman] chairperson of the appeal board.

8 (i) (1) The appeal board shall have the exclusive review of
9 an appeal by a charter school applicant, or by the board of
10 trustees of an existing charter school, of a decision made by a
11 local board of directors not to grant a charter as provided in
12 this section.

13 (2) In order for a charter school applicant to be eligible
14 to appeal the denial of a charter by the local board of
15 directors, the applicant must obtain the signatures of at least
16 two per centum of the residents of the school district or of one
17 thousand (1,000) residents, whichever is less, who are over
18 eighteen (18) years of age. For a regional charter school, the
19 applicant must obtain the signatures of at least two per centum
20 of the residents of each school district granting the charter or
21 of one thousand (1,000) residents from each of the school
22 districts granting the charter, whichever is less, who are over
23 eighteen (18) years of age. The signatures shall be obtained
24 within sixty (60) days of the denial of the application by the
25 local board of directors in accordance with clause (3).

26 (3) Each person signing a petition to appeal denial of a
27 charter under clause (2) shall declare that he or she is a
28 resident of the school district which denied the charter
29 application and shall include his or her printed name;
30 signature; address, including city, borough or township, with

1 street and number, if any; and the date of signing. All pages
2 shall be bound together. Additional pages of the petition shall
3 be numbered consecutively. There shall be appended to the
4 petition a statement that the local board of directors rejected
5 the petition for a charter school, the names of all applicants
6 for the charter, the date of denial by the board and the
7 proposed location of the charter school. No resident may sign
8 more than one petition relating to the charter school
9 application within the sixty (60) days following denial of the
10 application. The department shall develop a form to be used to
11 petition for an appeal.

12 (4) Each petition shall have appended thereto the affidavit
13 of some person, not necessarily a signer, setting forth all of
14 the following:

15 (i) That the affiant is a resident of the school district
16 referred to in the petition.

17 (ii) The affiant's residence, giving city, borough or
18 township, with street and number, if any.

19 (iii) That the signers signed with full knowledge of the
20 purpose of the petition.

21 (iv) That the signers' respective residences are correctly
22 stated in the petition.

23 (v) That the signers all reside in the school district.

24 (vi) That each signer signed on the date set forth opposite
25 the signer's name.

26 (vii) That to the best of the affiant's knowledge and
27 belief, the signers are residents of the school district.

28 (5) If the required number of signatures are obtained within
29 sixty (60) days of the denial of the application, the applicant
30 may present the petition to the court of common pleas of the

1 county in which the charter school would be situated. The court
2 shall hold a hearing only on the sufficiency of the petition.
3 The applicant and local board of school directors shall be given
4 seven (7) days' notice of the hearing. The court shall issue a
5 decree establishing the sufficiency or insufficiency of the
6 petition. If the petition is sufficient, the decree shall be
7 transmitted to the State Charter School Appeal Board for review
8 in accordance with this section. Notification of the decree
9 shall be given to the applicant and the local board of
10 directors.

11 (6) In any appeal, the decision made by the local board of
12 directors shall be reviewed by the appeal board on the record as
13 certified by the local board of directors. The appeal board
14 shall [give due consideration to the findings of the local board
15 of directors] determine whether the decision of the local board
16 of directors was arbitrary and capricious and specifically
17 articulate its reasons for [agreeing or disagreeing with those]
18 its findings in [its] a written decision. The appeal board shall
19 have the discretion to allow the local board of directors and
20 the charter school applicant to supplement the record if the
21 supplemental information was previously unavailable.

22 (7) Not later than thirty (30) days after the date of notice
23 of the acceptance of the appeal, the appeal board shall meet to
24 officially review the certified record.

25 (8) Not later than sixty (60) days following the review
26 conducted pursuant to clause (6), the appeal board shall issue a
27 written decision affirming or denying the appeal. If the appeal
28 board has affirmed the decision of the local board of directors,
29 notice shall be provided to both parties.

30 (9) A decision of the appeal board to reverse the decision

1 of the local board of directors shall serve as a requirement for
2 the local board of directors of a school district or school
3 districts, as appropriate, to grant the application and sign the
4 written charter of the charter school as provided for in section
5 1720-A. Should the local board of directors fail to grant the
6 application and sign the charter within ten (10) days of notice
7 of the reversal of the decision of the local board of directors,
8 the charter shall be deemed to be approved and shall be signed
9 by the [chairman] chairperson of the appeal board.

10 (10) All decisions of the appeal board shall be subject to
11 appellate review by the Commonwealth Court.

12 Section 1718-A. Regional Charter School.--(a) A regional
13 charter school may be established by an individual, one or more
14 teachers who will teach at the proposed charter school; parents
15 or guardians of students who will attend the charter school; any
16 nonsectarian college, university or museum located in this
17 Commonwealth; any nonsectarian corporation not-for-profit, as
18 defined in 15 Pa.C.S. (relating to corporations and
19 unincorporated associations); any corporation, association or
20 partnership; or any combination thereof. A regional charter
21 school may be established by creating a new school or by
22 converting an existing public school or a portion of an existing
23 public school. Conversion of an existing public school to a
24 regional charter school shall be accomplished in accordance with
25 section 1714-A(b). No regional charter school shall be
26 established or funded by and no charter shall be granted to any
27 sectarian school, institution or other entity.

28 (b) The boards of school directors of one or more school
29 districts may act jointly to receive and consider an application
30 for a regional charter school, except that any action to approve

1 an application for a charter or to sign a written charter of an
2 applicant shall require an affirmative vote of a majority of all
3 the directors of each of the school districts involved. The
4 applicant shall apply for a charter to the board of directors of
5 any school district in which the charter school will be located.

6 (c) The provisions of this article as they pertain to
7 charter schools and the powers and duties of the local board of
8 school directors of a school district and the appeal board shall
9 apply to regional charter schools, except as provided in
10 subsections (a) and (b) or as otherwise clearly stated in this
11 article.

12 Section 1719-A. Contents of Application.--[An application]

13 (a) The department shall create and publish a model application
14 form, in paper and electronic formats, that an applicant seeking
15 to establish a charter school shall, at a minimum, complete as
16 part of its application. The forms shall be published in the
17 Pennsylvania Bulletin and posted on the department's publicly
18 accessible Internet website. The forms shall include all of the
19 following information:

- 20 (1) The identification of the charter applicant.
- 21 (2) The name of the proposed charter school.
- 22 (3) The grade or age levels served by the charter school.
- 23 (4) The proposed governance structure of the charter school,
24 including a description and method for the appointment or
25 [election] selection of members of the board of trustees[.]; a
26 copy of the articles of incorporation filed with the Department
27 of State; a copy of the by-laws, operating agreement or
28 equivalent document adopted by the applicant for the general
29 governance of the charter school; and an organization chart
30 clearly presenting the proposed governance structure of the

1 charter school, including lines of authority and reporting
2 between the board of trustees, administrators, staff and any
3 educational management service provider that will provide
4 services to the charter school.

5 (4.1) A description of the roles and responsibilities of the
6 board of trustees, administrators and any other entities,
7 including a charter school foundation and any educational
8 management service provider that will provide educational
9 management services to the charter school, shown in the
10 organization chart.

11 (4.2) Standards for board of trustees' performance,
12 including compliance with all applicable laws, regulations and
13 terms of the charter.

14 (4.3) If the charter school entity intends to contract with
15 an educational management service provider for services, the
16 charter school entity shall provide all of the following:

17 (i) Evidence of the educational management service
18 provider's record, including its record in the schools where the
19 provider provides or has provided services, in serving student
20 populations, including demonstrated academic achievement and
21 growth and demonstrated management of nonacademic school
22 functions, including proficiency with public school-based
23 accounting, if applicable.

24 (ii) The complete proposed contract or agreement between the
25 charter school and the educational management service provider
26 stating all of the following:

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

29 (B) The proposed duration of the service contract or
30 agreement.

1 (C) Roles and responsibilities of the board of trustees, the
2 charter school staff and the educational management service
3 provider.

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

6 (E) Performance evaluation measures and time lines.

7 (F) The compensation structure, including clear
8 identification of all fees to be paid to the educational
9 management service provider.

10 (G) Methods of oversight and enforcement of the contract or
11 agreement.

12 (H) Investment disclosure or the advance of any monies by
13 the educational management service provider on behalf of the
14 charter school entity with clear repayment terms.

15 (I) Conditions for renewal and termination of the contract
16 or agreement.

17 (iii) Disclosure and explanation of any existing or
18 potential conflicts of interest between the members of the board
19 of trustees of the charter school or members of the board of
20 trustees or directors of the charter school foundation and the
21 proposed educational management service provider or any
22 affiliated entities, including a charter school foundation
23 qualified as a support organization under the Internal Revenue
24 Code of 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq.).

25 (5) The mission and education goals of the charter school,
26 the curriculum to be offered and the methods of assessing
27 whether students are meeting educational goals, including any
28 performance targets outlined in the charter.

29 (6) The admission and enrollment policy [and], including
30 criteria for evaluating the admission of students which shall

1 comply with the requirements of section 1723-A.

2 (7) Procedures which will be used regarding the suspension
3 or expulsion of pupils. Said procedures shall comply with
4 section 1318.

5 (8) Information on the manner in which community groups will
6 be involved in the charter school planning process.

7 (9) The financial plan for the charter school, including
8 annual budgets for the first three (3) years of operation of the
9 charter school, and the provisions which will be made for
10 auditing the school under [section 437.] sections 437 and 1728-
11 A, including the role of any charter school foundation. The
12 annual budgets required under this clause shall be prepared on a
13 uniform form made available by the department, which shall
14 require that the applicant provide no more information than that
15 provided by school districts pursuant to section 687.

16 (9.1) A description of funds available to the charter school
17 for planning and operation prior to receipt of funds pursuant to
18 section 1725-A or 1725.1-A.

19 (10) Procedures which shall be established to review
20 complaints of parents and guardians regarding the operation of
21 the charter school.

22 (11) A description [of] and address of the physical facility
23 in which the charter school will be located [and the ownership
24 thereof and any lease arrangements.], including information
25 related to the facility, its size, location, amenities,
26 ownership, availability for lease or purchase, projected
27 improvements and financing.

28 (12) Information on the proposed school calendar for the
29 charter school, including the length of the school day and
30 school year consistent with the provisions of section 1502.

1 (13) The proposed faculty, if already determined, and a
2 professional development and continuing education plan for the
3 faculty and professional staff of [a] the charter school.

4 (14) Whether any agreements have been entered into or plans
5 developed with the local school district regarding participation
6 of the charter [school] school's students in extracurricular
7 activities within the school district. Notwithstanding any
8 provision to the contrary, no school district of residence shall
9 prohibit a student of a charter school from participating in any
10 extracurricular activity of that school district of residence:
11 Provided, That the student is able to fulfill all of the
12 requirements of participation in such activity and the charter
13 school does not provide the same extracurricular activity. The
14 school district of residence may charge the charter school
15 entity a reasonable amount for a charter school student's
16 participation in the school district's extracurricular activity,
17 which amount shall not exceed the actual cost incurred by the
18 school district for participation by its students in the
19 activity. The charter school student shall not be required to
20 pay any costs not also paid by a student enrolled in the school
21 district for participation in the extracurricular activity.

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

30 (16) An official clearance statement regarding child injury

1 or abuse from the Department of [Public Welfare] Human Services
2 as required by 23 Pa.C.S. Ch. 63 Subch. [C.2 (relating to
3 background checks for employment in schools)] C (relating to
4 powers and duties of department) and section 111 for each member
5 of the board of trustees of the charter school, each
6 administrator and all individuals identified in the application
7 who shall have direct contact with students[.] and a plan for
8 satisfying the proper official clearance statement regarding
9 child injury or abuse required for all other staff.

10 [(17) How the charter school will provide adequate liability
11 and other appropriate insurance for the charter school, its
12 employes and the board of trustees of the charter school.]

13 (18) Documentation that a charter school entity possesses
14 and maintains adequate and appropriate insurance, bond or other
15 security for the charter school entity and the charter school's
16 board of trustees and employes to prevent a charter school's
17 outstanding liabilities and obligations from being imposed upon
18 school entities or the Commonwealth, or otherwise affect the
19 rights, benefits or remedies available to the students, parents
20 or employes of a charter school. The department shall promulgate
21 final-omitted regulations setting forth minimum security
22 requirements sufficient to guarantee payment of the charter
23 school entity's liabilities in accordance with this article.

24 (19) Policies regarding truancy, absences and withdrawal of
25 students, including the manner in which the charter school
26 entity will monitor and enforce attendance consistent with
27 section 1715-A(9).

28 (20) Whether or not the charter school entity will seek
29 accreditation by a nationally recognized accreditation agency,
30 including the Middle States Association of Colleges and Schools

1 or another regional institutional accrediting agency recognized
2 by the United States Department of Education or an equivalent
3 Federally recognized body for charter school education.

4 (21) Documentation that the principal and special education
5 teachers will be properly certified educators and evidence to
6 demonstrate the charter school's plan to ensure that other
7 professional staff are properly certified, including any plans
8 to contract with other public school entities for services of
9 professional staff for specialized courses that are not part of
10 the regular course offerings of the charter school.

11 (22) A dissolution plan and policy for the charter school
12 that, at a minimum, specifies all of the following:

13 (i) the procedures for identifying and designating a
14 dissolution manager to handle and oversee the dissolution of the
15 charter school;

16 (ii) a process for identifying and paying off the
17 liabilities and debts of the charter school and establishing an
18 escrow account to handle any future liabilities;

19 (iii) provisions for a final financial audit of the charter
20 school;

21 (iv) plans to provide student records to the school district
22 of residence;

23 (v) plans to maintain business records and employe records
24 of the charter school in an accessible location; and

25 (vi) plans to complete the dissolution of the charter
26 school.

27 (23) For applicants currently operating or managing charter
28 school entities in this Commonwealth or other states,
29 information about the academic performance, accepted standards
30 of fiscal management and audit requirements and governance and

1 operations of the operating charter school entities for the
2 three most recent school years for which information is
3 available as well as academic performance, accepted standards of
4 fiscal management and audit requirements and governance and
5 operations for any closed charter school entities that the
6 applicant had operated or managed in this Commonwealth or
7 another state.

8 (b) The department shall create and publish a model renewal
9 application form, in paper and electronic formats, that a
10 charter school seeking renewal of its charter shall, at a
11 minimum, complete as part of its renewal application. The form
12 shall be published in the Pennsylvania Bulletin and posted on
13 the department's publicly accessible Internet website. The form
14 shall include information from subsection (a), as applicable.

15 (c) The department shall review the model application and
16 renewal application forms at least every three years and revise
17 the application forms as needed.

18 (d) Nothing in this section shall prevent an authorizer from
19 requiring or evaluating additional information as permitted by
20 this act.

21 Section 1720-A. Term and Form of Charter.--(a) Upon
22 approval of a charter application under section 1717-A, a
23 written charter shall be developed which shall contain the
24 provisions of the charter application, the terms and conditions
25 agreed to by the parties, including the maximum authorized grade
26 and enrollment provisions, and which shall be signed by the
27 local board of school directors of a school district, by the
28 local boards of school directors of a school district in the
29 case of a regional charter school or by the [chairman]
30 chairperson of the appeal board pursuant to section 1717-A(i)(5)

1 and the board of trustees of the charter school. This written
2 charter, when duly signed by the local board of school directors
3 of a school district, or by the local boards of school directors
4 of a school district in the case of a regional charter school,
5 and the charter school's board of trustees, shall act as legal
6 authorization for the establishment of a charter school. This
7 written charter shall be legally binding on both the local board
8 of school directors of a school district and the charter
9 school's board of trustees. Except as otherwise provided in
10 [subsection (b)] subsections (b) and (c), the charter shall be
11 for a period of no less than three (3) nor more than five (5)
12 years and may be renewed for five (5) year periods upon
13 reauthorization by the local board of school directors of a
14 school district or the appeal board. A charter will be granted
15 only for a school organized as a public, nonprofit corporation.

16 (b) (1) Notwithstanding subsection (a), a governing board
17 of a school district [of the first class] may renew a charter
18 for a period of at least one (1) year, but less than five years,
19 if the board of school directors determines that:

20 (i) there is insufficient data concerning the charter
21 school's:

22 (A) academic performance to adequately assess that
23 performance [determines that an], including any performance
24 targets as outlined in the charter;

25 (B) governance and operations; and

26 (C) accepted standards of fiscal management and audit
27 requirements; and

28 (ii) additional [year of performance] data would yield
29 sufficient data to assist the governing board in its decision
30 whether to renew the charter for a period of five (5) years.

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

4 (3) A governing board of a school district [of the first
5 class] does not have the authority to renew a charter for
6 successive [one (1) year] periods of at least one (1) year but
7 less than five (5) years.

8 (c) At the discretion of a local board of school directors,
9 a charter may be renewed for a period of ten (10) years if the
10 local board of school directors determines that the charter
11 school primarily serves students residing in a specific
12 geographic area or a defined at-risk student population, which
13 shall be described in the written charter. The decision of the
14 local board of school directors to deny a ten (10) year charter
15 under this subsection may not be appealed.

16 Section 11. The act is amended by adding a section to read:

17 Section 1720.1-A. Charter Amendments.--(a) Except in cases
18 of requests for expedited consideration of a charter amendment
19 request as provided in subsection (h), a charter school desiring
20 to amend a material term of its charter shall first submit a
21 written proposal outlining the proposed amendment to the
22 authorizer. Within sixty (60) days of submission of the written
23 proposal, and at least ten (10) days before November 1 of the
24 school year preceding the school year in which the charter
25 school proposes to operate pursuant to the proposed amendment,
26 the authorizer shall provide a written response to the charter
27 school identifying the form and scope of the information
28 necessary for review of the amendment request. At a minimum, the
29 scope of information to be submitted shall include all that
30 information required when submitting a new charter application

1 as specifically relevant to the component of the charter that
2 the school seeks to amend.

3 (b) A charter school shall submit a request for an amendment
4 to its charter in the form and containing the information
5 identified by the authorizer or the department under subsection
6 (a) no later than November 1 of the school year preceding the
7 school year in which the charter school proposes to operate
8 pursuant to the proposed amendment.

9 (c) The authorizer shall review the charter school's
10 amendment request pursuant to the criteria in section 1717-A(e)
11 (2) and any criteria set forth in a policy adopted by the
12 authorizer.

13 (d) Within sixty (60) days of receipt by the authorizer of a
14 charter school's charter amendment request, the authorizer shall
15 publish a public notice of the requested amendment and accept
16 the submission of public comments for at least thirty (30)
17 days. In addition to publishing a public notice, the authorizer
18 shall hold a public hearing on the provisions of the charter
19 amendment request under 65 Pa.C.S. Ch. 7 (relating to open
20 meetings).

21 (e) Within one-hundred and eighty (180) days of the receipt
22 by the authorizer of the charter amendment request, the
23 authorizer shall grant or deny the request. Written notice of
24 the authorizer's action shall be sent to the charter school and
25 the department.

26 (f) If the amendment request is granted, the charter
27 school's written charter shall be supplemented or amended, as
28 appropriate, to contain the provisions of the amendment request,
29 and the amended charter shall be signed by the authorizer and
30 each member of the charter school's board of trustees. The

1 amended charter, when duly signed, acts as legal authorization
2 of the operation of the charter school in accordance with the
3 amended charter. The amended charter is legally binding on the
4 authorizer and the charter school and its board of trustees. The
5 amended charter shall be effective for the remainder of the term
6 of the charter.

7 (g) If the amendment request is denied, the reasons for the
8 denial, including a description of deficiencies in the amendment
9 request, shall be clearly stated in the written notice sent by
10 the authorizer to the charter school. The denial of an amendment
11 pursuant to this section may not be appealed. The decision to
12 deny the request shall not preclude the charter school from
13 revising and resubmitting a request for a charter amendment in
14 the future in accordance with the procedures specified in this
15 section to address any deficiencies in the previous request as
16 identified by the authorizer in its written notice denying the
17 amendment request.

18 (h) (1) In the event of an emergency as defined in section
19 1703-A, a charter school may submit an expedited amendment
20 request to the authorizer that includes:

21 (i) a statement that the charter school is seeking expedited
22 review of a charter amendment request;

23 (ii) a written proposal outlining the amendment request; and

24 (iii) the reasons justifying the request for an expedited
25 review.

26 (2) The authorizer shall provide a written response to the
27 request for an expedited review that confirms whether an
28 expedited review will be conducted and, if so, the information
29 that must be submitted by the charter school for the
30 authorizer's review of the request. If the authorizer does not

1 agree that an expedited review is necessary, the charter school
2 shall submit its request pursuant to the procedures outlined in
3 subsection (a). The determination to not grant an expedited
4 review of the proposed charter amendment request shall not be
5 appealable.

6 Section 12. Sections 1721-A, 1722-A, 1723-A, 1724-A and
7 1725-A of the act are amended to read:

8 Section 1721-A. State Charter School Appeal Board.--(a) The
9 State Charter School Appeal Board shall consist of the Secretary
10 of Education and six (6) members who shall be appointed by the
11 Governor by and with the consent of a majority of all the
12 members of the Senate. Appointments by the Governor shall not
13 occur prior to January 1, 1999. The Governor shall select the
14 [chairman] chairperson of the appeal board to serve at the
15 pleasure of the Governor. The members shall include:

16 (1) A parent of a school-aged child.

17 (2) A school board member.

18 (3) A certified teacher actively employed in a public
19 school.

20 (4) A faculty member or administrative employe of an
21 institution of higher education.

22 (5) A member of the business community.

23 (6) A member of the State Board of Education.

24 The term of office of members of the appeal board, other than
25 the secretary, shall be for a period of four (4) years or until
26 a successor is appointed and qualified, except that, of the
27 initial appointees, the Governor shall designate two (2) members
28 to serve terms of two (2) years, two (2) members to serve terms
29 of three (3) years and two (2) members to serve terms of four
30 (4) years. Any appointment to fill any vacancy shall be for the

1 period of the unexpired term or until a successor is appointed
2 and qualified.

3 (b) The appeal board shall meet as needed to fulfill the
4 purposes provided in this subsection. A majority of the members
5 of the appeal board shall constitute a quorum, and a majority of
6 the members of the appeal board shall have authority to act upon
7 any matter properly before the appeal board. The appeal board is
8 authorized to establish rules for its operation.

9 (c) The members shall receive no payment for their services.
10 Members who are not employes of State government shall be
11 reimbursed for reasonable expenses incurred in the course of
12 their official duties from funds appropriated for the general
13 government operations of the department.

14 (d) The department shall provide assistance and staffing for
15 the appeal board. The Governor, through the Governor's General
16 Counsel, shall provide such legal advice and assistance as the
17 appeal board may require.

18 (e) Meetings of the appeal board shall be conducted under
19 [the act of July 3, 1986 (P.L.388, No.84), known as the
20 "Sunshine Act."] 65 Pa.C.S. Ch. 7 (relating to open meetings).
21 Documents of the appeal board shall be subject to the [act of
22 June 21, 1957 (P.L.390, No.212), referred to as the Right-to-
23 Know Law] act of February 14, 2008 (P.L.6, No.3), known as the
24 "Right-to-Know Law."

25 (f) If the appeal board determines that a party to an appeal
26 under sections 1717-A(h) or (i), 1729-A(d), 1729.2-A(f) or 1746-
27 A has engaged in arbitrary, dilatory, obdurate or vexatious
28 conduct with respect to any application, revocation or renewal
29 decision, the appeal board is authorized to impose against the
30 party the costs incurred by the appeal board, the department and

1 the Office of General Counsel in hearing the appeal and may also
2 impose reasonable counsel fees and other taxable costs against
3 the party and in favor of the appropriate prevailing party in
4 the appeal.

5 Section 1722-A. Facilities.--(a) A charter school may be
6 located in an existing public school building, in a part of an
7 existing public school building, in space provided on a
8 privately owned site, in a public building or in any other
9 suitable location.

10 (b) The charter school facility shall be exempt from public
11 school facility regulations except those pertaining to the
12 health or safety of the pupils.

13 (d) Notwithstanding any other provision of this act, a
14 school district of the first class may, in its discretion,
15 permit a charter school to operate its school at more than one
16 location.

17 (e) (1) Notwithstanding the provisions of section 204 of
18 the act of May 22, 1933 (P.L.853, No.155), known as The General
19 County Assessment Law, all school property, real and personal,
20 owned by any charter school[, cyber charter school] entity or an
21 associated nonprofit foundation, or owned by a nonprofit
22 corporation or nonprofit foundation and leased to a charter
23 school[, cyber charter school] entity or associated nonprofit
24 foundation at or below fair market value, that is occupied and
25 used by any charter school[or cyber charter school] entity for
26 public school, recreation or any other purposes provided for by
27 this act, shall be made exempt from every kind of State, county,
28 city, borough, township or other real estate tax, including
29 payments in lieu of taxes established through agreement with the
30 Commonwealth or any local taxing authority, as well as from all

1 costs or expenses for paving, curbing, sidewalks, sewers or
2 other municipal improvements, Provided, That any charter school
3 [or cyber charter school] entity or owner of property leased to
4 a charter school [or cyber charter school] entity may make a
5 municipal improvement in a street on which its school property
6 abuts or may contribute a sum toward the cost of the
7 improvement.

8 (2) Any agreement entered into by a charter school[, cyber
9 charter school] entity or associated nonprofit foundation with
10 the Commonwealth or a local taxing authority for payments in
11 lieu of taxes prior to December 31, 2009, shall be null and
12 void.

13 (3) This subsection shall apply retroactively to all charter
14 [schools, cyber charter schools] school entities and associated
15 nonprofit foundations that filed an appeal from an assessment,
16 as provided in Article V of The General County Assessment Law,
17 prior to the effective date of this subsection.

18 (4) For purposes of this subsection, "local taxing
19 authority" shall include, but not be limited to, a county, city,
20 borough, incorporated town, township or school district.

21 Section 1723-A. [Enrollment] Admission and Enrollment
22 Requirements.--(a) (1) All resident children in this
23 Commonwealth who submit a completed enrollment form qualify for
24 admission to a charter school within the provisions of
25 subsection (b). If more students apply to the charter school
26 than the number of attendance slots available in the school,
27 then students must be selected on a random basis [from a pool of
28 qualified] through a public lottery conducted under 65 Pa.C.S.
29 Ch. 7 (relating to open meetings). The lottery from a pool shall
30 be comprised of eligible applicants meeting the established

1 eligibility criteria and submitting an application by the
2 deadline established by the charter school, except that the
3 charter school may give preference in enrollment to a child of a
4 parent who has actively participated in the development of the
5 charter school and to siblings of students presently enrolled in
6 the charter school or selected for enrollment during the public
7 lottery. First preference shall be given to students who reside
8 in the district or districts[.] in which the charter school is
9 physically located or in which the regional charter school is
10 chartered.

11 (2) After a lottery has been conducted, the charter school
12 shall place the names of eligible applicants who did not receive
13 a seat on an ordered waiting list following the charter school's
14 initial selection of eligible applicants under paragraph (1).

15 (3) A charter school shall enroll eligible applicants by
16 taking the next eligible student from the waiting list for an
17 open space in a particular grade. All children shall be assigned
18 to the waiting list on a random basis. When selecting and
19 enrolling eligible applicants from the waiting list, a charter
20 school shall follow the preferences for students as provided
21 under paragraph (1) until the charter school again reaches its
22 maximum authorized enrollment of students under the terms of the
23 charter school's charter.

24 (4) If a charter school has a waiting list, once the charter
25 school has exhausted the waiting list of resident children, it
26 may then enroll children on the waiting list who reside outside
27 of the district. Nonresident children shall also be selected and
28 enrolled on a random basis.

29 (b) (1) A charter school shall not discriminate in its
30 admission policies or practices on the basis of intellectual

1 ability, except as provided in paragraph (2), or athletic
2 ability, measures of achievement or aptitude, status as a person
3 with a disability, proficiency in the English language or any
4 other basis that would be illegal if used by a school district.

5 (2) A charter school may limit admission to a particular
6 grade level, a targeted population group composed of at-risk
7 students, or areas of concentration of the school such as
8 mathematics, science or the arts. A charter school may establish
9 reasonable criteria to evaluate prospective students which shall
10 be outlined in the school's charter.

11 (c) If available classroom space permits, a charter school
12 may enroll nonresident students on a space-available basis, and
13 the student's district of residence shall permit the student to
14 attend the charter school. The terms and conditions of the
15 enrollment shall be outlined in the school's charter.

16 (d) (1) Enrollment of students in a charter school [or
17 cyber charter school] shall not be subject to a cap or otherwise
18 limited by any past or future action of a [board of school
19 directors, a board of control established under Article XVII-B,
20 a special board of control established under section 692 or any
21 other governing authority] local board of school directors,
22 unless agreed to by the charter school [or cyber charter school]
23 as part of a written charter pursuant to section 1720-A.

24 (2) The provisions of this subsection shall apply to a
25 charter school [or cyber charter school] regardless of whether
26 the charter was approved prior to or is approved subsequent to
27 the effective date of this subsection.

28 (e) (1) A school district's obligation to make payments for
29 students enrolled in a charter school entity shall be governed
30 by section 1725-A or 1725.1-A or, in the case of students who

1 are below a school district's age of enrollment, by the terms of
2 any charter or service contract between a school district and a
3 charter school entity.

4 (2) Notwithstanding the requirements of clause (1), absent
5 language to the contrary in a charter or service contract
6 between a school district and a charter school entity, a school
7 district shall not be obligated to fund a four-year-old
8 kindergarten program or full-day kindergarten program if the
9 school district has exercised its discretion to not offer these
10 programs in its own schools.

11 (f) (1) The department shall develop a standard enrollment
12 form in both paper and electronic formats that shall be used by
13 all eligible applicants to apply to a charter school. The
14 standard enrollment form shall only request information
15 necessary to allow the charter school to identify the student,
16 grade level and residency, including:

17 (i) The student's name, address of residence, resident
18 school district, telephone number, age, birth date and current
19 grade level.

20 (ii) The name, address of residence and telephone number or
21 e-mail address of the student's parent or guardian.

22 (iii) The date the student will be enrolled.

23 (iv) A space for the charter school to include the name of
24 the charter school and the name, telephone number and e-mail
25 address of a contact person at the charter school.

26 (v) The signature of the parent or guardian and an
27 authorized representative of the charter school.

28 (2) The standard enrollment form shall be made physically
29 available at each charter school, in a form that complies with
30 Federal and State law, and posted on the publicly accessible

1 Internet website of each charter school entity, if one is
2 maintained. A charter school may accept the enrollment form via
3 paper or electronic means.

4 (3) A charter school shall maintain and make available in
5 paper and electronic format the enrollment forms developed by
6 the department under this subsection in the languages spoken by
7 two per centum or more individuals in the county in which any of
8 its facilities is located. The charter school shall ensure that
9 the forms are translated by a service approved by the
10 department.

11 (4) A charter school shall not require or request
12 information beyond the contents of the standard enrollment form
13 developed by the department, provided that the charter school
14 may request information from a student to establish preference
15 in enrollment to a child of a parent who has actively
16 participated in the development of the charter school and to
17 siblings of students presently enrolled in the charter school or
18 selected for enrollment during the lottery process if the
19 preference is included as part of the charter school's
20 enrollment procedures.

21 (5) Nothing in this section shall be construed to prohibit a
22 charter school from:

23 (i) requesting the submission of additional records and
24 information that public schools are entitled to receive after a
25 student is accepted for admission to, and has indicated an
26 intent to enroll in, the charter school; and

27 (ii) participating in a city-wide or school district-wide
28 charter application process with the approval of the authorizer
29 of the charter school.

30 (g) As used in this section, "eligible applicant" shall mean

1 a student who is seeking to enter a grade level offered by the
2 charter school entity and satisfies student residency
3 requirements.

4 Section 1724-A. School Staff.--(a) The board of trustees of
5 a charter school entity shall determine the level of
6 compensation and all terms and conditions of employment of the
7 staff except as may otherwise be provided in this article. At
8 least seventy-five per centum of the professional staff members
9 of a charter school entity shall hold appropriate State
10 certification. Employees of a charter school entity may organize
11 under the act of July 23, 1970 (P.L.563, No.195), known as the
12 "Public Employe Relations Act." The board of trustees of a
13 charter school entity shall be considered an employer for the
14 purposes of Article XI-A. Upon formation of one or more
15 collective bargaining units at the school, the board of trustees
16 shall bargain with the employes based on the provisions of this
17 article, Article XI-A and the "Public Employe Relations Act."
18 Collective bargaining units at a charter school entity shall be
19 separate from any collective bargaining unit of the school
20 district in which the charter school entity is located and shall
21 be separate from any other collective bargaining unit. A charter
22 school entity shall be considered a school entity as provided
23 for in section 1161-A for the purpose of the secretary seeking
24 an injunction requiring the charter school entity to meet the
25 minimum requirements for instruction as provided for in this
26 article.

27 (b) Each charter application shall list the general
28 qualifications needed to staff any noncertified positions.
29 Professional employes who do not hold appropriate Pennsylvania
30 certification must present evidence that they:

1 (i) Meet the qualifications in sections 1109 and 1209.

2 (ii) Have demonstrated satisfactorily a combination of
3 experience, achievement and qualifications as defined in the
4 charter school application in basic skills, general knowledge,
5 professional knowledge and practice and subject matter knowledge
6 in the subject area where an individual will teach.

7 (c) All employes of a charter school entity shall be
8 enrolled in the Public School Employees' Retirement System in
9 the same manner as set forth in 24 Pa.C.S. § 8301(a) (relating
10 to mandatory and optional membership) unless at the time of the
11 application for the charter school entity the sponsoring
12 district or the board of trustees of the charter school entity
13 has a retirement program which covers the employes or the
14 employe is currently enrolled in another retirement program. The
15 charter school entity shall be considered a public school as
16 defined in 24 Pa.C.S. § 8102 (relating to definitions) and shall
17 make quarterly payments by employers to the Public School
18 Employees' Retirement System and monthly payments on account of
19 Social Security as established under 24 Pa.C.S. Pt. IV (relating
20 to retirement for school employees). Except as otherwise
21 provided, employes of a charter school entity shall make regular
22 member contributions as required for active members under 24
23 Pa.C.S. Pt. IV. If the employes of the charter school entity
24 participate in another retirement plan, then those employes
25 shall have no concurrent claim on the benefits provided to
26 public school employes under 24 Pa.C.S. Pt. IV. Notwithstanding
27 any other provision of law to the contrary, nothing in this
28 article shall be construed to require the Commonwealth to make
29 payments to charter [schools] school entities or contributions
30 on behalf of charter school entity employes from appropriated

1 funds, as provided in 24 Pa.C.S. §§ 8326 (relating to
2 contributions by the Commonwealth) and 8535 (relating to
3 payments to school entities by Commonwealth) on account of
4 charter school entity employes enrolled in the Public School
5 Employees' Retirement System and 24 Pa.C.S. § 8329(a) (relating
6 to payments on account of social security deductions from
7 appropriations) on account of Social Security payments made by a
8 charter school entity.

9 (d) Every employe of a charter school entity shall be
10 provided the same health care benefits as the employe would be
11 provided if he or she were an employe of the local district. The
12 local board of school directors may require the charter school
13 to provide the same terms and conditions with regard to health
14 insurance as the collective bargaining agreement of the school
15 district to include employe contributions to the district's
16 health benefits plan. The charter school entity shall make any
17 required employer's contribution to the district's health plan
18 to an insurer, a local board of school directors or a
19 contractual representative of school employes, whichever is
20 appropriate to provide the required coverage.

21 (e) Any public school employe of a school entity may request
22 a leave of absence for up to five (5) years in order to work in
23 a charter school located in the district of employment or in a
24 regional charter school in which the employing school district
25 is a participant. Approval for a leave shall not be unreasonably
26 withheld.

27 (f) Temporary professional employes on leave from a school
28 district may accrue tenure in the non-charter public school
29 system at the discretion of the local board of school directors,
30 the same as they would under Article XI if they had continued to

1 be employed by that district. Professional employes on leave
2 from a school district shall retain their tenure rights, as
3 defined in Article XI, in the school entity from which they
4 came. No temporary professional employe or professional employe
5 shall have tenure rights as against a charter school. Both
6 temporary professional employes and professional employes shall
7 continue to accrue seniority in the school entity from which
8 they came if they return to that school entity when the leave
9 ends.

10 (g) Professional employes who hold a first level teaching
11 [or administrative certificate may, at their option,]
12 certificate shall have the time completed in satisfactory
13 service in a charter school entity applied to the length of
14 service requirements for the next level of certification.

15 (h) (1) Any temporary professional employe or professional
16 employe who leaves employment at a charter school entity shall
17 have the right to return to a comparable position for which the
18 person is properly certified in the school entity which granted
19 the leave of absence. In the case where a teacher has been
20 dismissed by the charter school, the school entity which granted
21 the leave of absence is to be provided by the charter school
22 with the reasons for such dismissal at the time it occurs, a
23 list of any witnesses who were relied on by the charter school
24 in moving for dismissal, a description of and access to any
25 physical evidence used by the charter school in moving for
26 dismissal and a copy of any record developed at any dismissal
27 proceeding conducted by the charter school. The record of any
28 such hearing may be admissible in a hearing before the school
29 entity which granted the leave of absence. Nothing in this
30 section shall affect the authority of the board of school

1 directors to initiate proceedings under Article XI if the board
2 determines that occurrences at the charter school leading to
3 dismissal of a teacher constitute adequate and independent
4 grounds for discipline under section 1122.

5 (2) No temporary employe or professional employe who is
6 leaving employment at a charter school entity shall be returned
7 to a position in the public school district which granted his
8 leave of absence until such public school district is in receipt
9 of a current criminal history record under section 111 and the
10 official clearance statement regarding child injury or abuse
11 from the Department of [Public Welfare] Human Services as
12 required by 23 Pa.C.S. Ch. 63 [Subch. C.2 (relating to
13 background checks for employment in schools)] Subch. C (relating
14 to powers and duties of department).

15 (i) All individuals who shall have direct contact with
16 students shall be required to submit a report of criminal
17 history record information as provided for in section 111 prior
18 to accepting a position with the charter school entity. This
19 subsection shall also apply to any individual who volunteers to
20 work on a full-time or part-time basis at the charter school
21 entity.

22 (j) All applicants for a position as a school employe shall
23 be required to submit the official clearance statement regarding
24 child injury or abuse from the Department of [Public Welfare]
25 Human Services as required by 23 Pa.C.S. Ch. 63 Subch. [C.2]
26 (C). This section shall also apply to any individual who
27 volunteers to work on a full-time or part-time basis at a
28 charter school entity.

29 (k) Charter school entities shall use the approved rating
30 tool required by section 1123 and published in 22 Pa. Code Ch.

1 19 (relating to educator effectiveness rating tool) or an
2 alternative tool approved by the department under section 1123
3 to evaluate employes serving as principals or school leaders,
4 classroom teachers and nonteaching professionals.

5 (1) As used in this section:

6 "Nonteaching professionals" shall mean education specialists
7 and employes who provide educational or health or mental health
8 services other than classroom instruction.

9 "School leader" shall mean an assistant principal or a vice
10 principal.

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

13 (1) There shall be no tuition charge for a resident or
14 nonresident student attending a charter school.

15 (2) For non-special education students, the charter school
16 shall receive for each student enrolled no less than the
17 [budgeted] total expenditure per average daily membership of the
18 prior school year, as defined in section 2501(20), calculated
19 using the school district's annual financial report filed under
20 section 218, minus the [budgeted] revenues received by a school
21 district under section 2599.6(a)(2) and expenditures of the
22 school district of residence for Federal funds; prekindergarten
23 and early intervention programs or other programs charter
24 schools are ineligible to provide; payments to charter schools
25 under this clause; General Fund revenues for tuition from
26 patrons; and private grants, gifts and donations to the school
27 district; nonpublic school programs; adult education programs;
28 community/junior college programs; student transportation
29 services; [for] special education programs; facilities
30 acquisition, construction and improvement services; and other

1 financing uses, including debt service and fund transfers as
2 provided in the Manual of Accounting and Related Financial
3 Procedures for Pennsylvania School Systems established by the
4 department. This amount shall be calculated by the department
5 pursuant to clause (2.1) and paid by the school district of
6 residence of each student.

7 (2.1) On or before April 30 of each school year, the
8 department shall calculate and post on its publicly accessible
9 Internet website the per-student amounts payable by a student's
10 school district of residence under clause (2) using the school
11 district's annual financial report filed under section 218 and
12 the school district's average daily membership calculated under
13 section 2501(3) and 22 Pa. Code § 329.3 (relating to
14 computations), for the prior school year. The department shall
15 also post on its publicly accessible Internet website each
16 school district's average daily membership and the data from
17 each school district's annual financial report as used to
18 calculate the per-student amounts under this clause. Until the
19 department calculates and posts the per-student amounts under
20 this clause, the per-student amounts payable by a student's
21 school district of residence shall be the per-student amounts
22 calculated and posted by the department for the previous school
23 year. The amounts calculated by the department are not subject
24 to clause (6).

25 (2.2) The average daily membership used in calculating the
26 amount due under clause (2) shall not include the average daily
27 membership of the school district's resident students enrolled
28 in charter schools.

29 (3) For special education students, the charter school shall
30 receive for each student enrolled the same funding as for each

1 non-special education student as provided in clause (2), [plus
2 an additional amount determined by dividing the district of
3 residence's total special education expenditure by the product
4 of multiplying the combined percentage of section 2509.5(k)
5 times the district of residence's total average daily membership
6 for the prior school year. This] adjusted by the multiplier for
7 each category as set forth in section 2509.5 for each special
8 education student for whom the annual expenditure is in Category
9 1 as reported to the department under section 1372(8); for each
10 special education student for whom the annual expenditure is in
11 Category 2 as reported to the department under section 1372(8);
12 and for each special education student for whom the annual
13 expenditure is in Category 3 as reported to the department under
14 section 1372(8). For purposes of this clause, Category 3 shall
15 be the sum of students reported in Categories 3A and 3B under
16 section 1372(8). The per-student amount for each Category 1,
17 Category 2 and Category 3 student shall be calculated by the
18 department and posted on its publicly accessible Internet
19 website and shall be paid by the school district of residence of
20 each student. The amounts calculated by the department are not
21 subject to clause (6).

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

30 (5) (i) Payments shall be made to the charter school in

1 [twelve (12) equal] monthly payments, [by the fifth day of each
2 month, within the operating school year.] using the most
3 currently available per-student amounts calculated and posted by
4 the department pursuant to clauses (2.1) and (3). All payments
5 made during an operating school year shall be adjusted using the
6 most currently available per-student amounts calculated and
7 posted by the department pursuant to clauses (2.1) and (3). A
8 student enrolled in a charter school shall be included in the
9 average daily membership of the student's school district of
10 residence for the purpose of providing basic education funding
11 payments and special education funding pursuant to Article XXV.
12 If a school district fails to make a payment to a charter school
13 as prescribed in this clause, the secretary shall deduct and pay
14 the estimated amount, as documented by the charter school on
15 forms prescribed by the department, from any and all State
16 payments made to the school district after receipt of
17 documentation from the charter school. A charter school may only
18 seek deduction and payment by the secretary under this clause
19 for estimated amounts owed to the charter school for students
20 enrolled in the most current school year and due as of the date
21 the request is submitted to the secretary. The secretary shall
22 not make a deduction unless the charter school provides the
23 secretary with documentation demonstrating that the charter
24 school presented the school district with a request for payment
25 and that the school district did not make a payment as
26 prescribed by this clause within thirty (30) days of the receipt
27 of the information.

28 (ii) No later than [October 1] December 31 of each year, a
29 charter school shall submit to the school district of residence
30 of each student final documentation of payment to be made based

1 on the average daily membership for the nonspecial education
2 students enrolled in the charter school and the information
3 reported to the department under section 1372(8) for the special
4 education students enrolled in the charter school from the
5 school district for the previous school year[.] and the most
6 currently available per-student amounts calculated and posted by
7 the department pursuant to clauses (2.1) and (3). All payments
8 made during the prior school year shall be adjusted using the
9 most currently available per-student amounts calculated and
10 posted by the department pursuant to clauses (2.1) and (3). If a
11 school district fails to make payment to the charter school, the
12 secretary shall deduct and pay the amount as documented by the
13 charter school from any and all State payments made to the
14 school district after receipt of documentation from the charter
15 school from the appropriations for the fiscal year in which the
16 final documentation of payment was submitted to the school
17 district of residence. The secretary shall not make a deduction
18 unless the charter school provides the secretary with
19 documentation demonstrating that the charter school presented
20 the school district with a request for payment, on or before
21 December 31, and that the school district did not make a payment
22 as prescribed by this clause within thirty (30) days of the
23 receipt of the information. If a charter school does not submit
24 final documentation of payment to be made to a school district
25 on or before December 31 as required by this clause, the
26 secretary shall not deduct funds from State payments to the
27 school district and shall proceed to adjudicate the charter
28 school's payment request in a proceeding under the General Rules
29 of Administrative Practice and Procedure, 1 Pa. Code Part II, or
30 other applicable regulations promulgated or adopted by the

1 department, and deduction and payment may be made by the
2 department following issuance of a final order from any and all
3 State payments due to a school district in any school year. All
4 requests for payment under this clause must be submitted to the
5 department no later than April 25 of each year. The secretary
6 shall prioritize payments under this clause before payments
7 under subclause (i).

8 (iii) The secretary shall not process a request unless the
9 student count reflected in any charter school's request is
10 consistent with terms of the charter agreement signed pursuant
11 to section 1720-A(a).

12 (iv) The secretary shall not process a deduction for a
13 closed charter school.

14 (6) Within thirty (30) days after the secretary makes the
15 deduction described in clause (5), a school district may notify
16 the secretary that the deduction made from State payments to the
17 school district under this subsection is inaccurate. The
18 secretary shall provide the school district with an opportunity
19 to be heard concerning whether the charter school documented
20 that its students were enrolled in the charter school, the
21 period of time during which each student was enrolled, the
22 school district of residence of each student and whether the
23 amounts deducted from the school district were accurate. If the
24 secretary determines that a school district or charter school
25 has engaged in arbitrary, dilatory, obdurate or vexatious
26 conduct with respect to any matter heard under this clause, the
27 secretary may impose against the party the costs incurred by the
28 department in hearing the matter and may also impose reasonable
29 counsel fees and other taxable costs against the party and in
30 favor of the appropriate prevailing party in the proceeding.

1 (7) Notwithstanding any provision of law to the contrary,
2 the department may initiate disciplinary action before the
3 Professional Standards and Practices Commission pursuant to the
4 act of December 12, 1973 (P.L.397, No.141), known as the
5 "Educator Discipline Act," against a chief school administrator
6 of a charter school who intentionally fails to submit the
7 information required pursuant to section 218, 1372(8) or 2552.1
8 or who intentionally falsifies a report submitted under section
9 218, 1372(8) or 2552.1. In addition to any other disciplinary
10 actions set forth in the "Educator Discipline Act," a chief
11 school administrator of a charter school who intentionally fails
12 to submit the information required pursuant to section 218,
13 1372(8) or 2552.1 or who intentionally falsifies a report
14 submitted under section 218, 1372(8) or 2552.1 shall be subject
15 to prosecution for violation of 18 Pa.C.S. § 4904 (relating to
16 unsworn falsification to authorities). The following civil
17 penalties may be imposed by the department for violations of
18 this clause:

19 (i) for a first violation, no more than two thousand five
20 hundred dollars (\$2,500);

21 (ii) for a second violation, no more than three thousand
22 five hundred dollars (\$3,500); or

23 (iii) for a third or subsequent violation, no more than five
24 thousand dollars (\$5,000).

25 Any penalty imposed under this clause shall be paid to the
26 department.

27 (b) The Commonwealth shall provide temporary financial
28 assistance to a school district due to the enrollment of
29 students in a charter school who attended a nonpublic school in
30 the prior school year in order to offset the additional costs

1 directly related to the enrollment of those students in a public
2 charter school. The Commonwealth shall pay the school district
3 of residence of a student enrolled in a nonpublic school in the
4 prior school year who is attending a charter school an amount
5 equal to the school district of residence's basic education
6 subsidy for the current school year divided by the district's
7 average daily membership for the prior school year. This payment
8 shall occur only for the first year of the attendance of the
9 student in a charter school, starting with school year 1997-
10 1998. Total payments of temporary financial assistance to school
11 districts on behalf of a student enrolling in a charter school
12 who attended a nonpublic school in the prior school year shall
13 be limited to funds appropriated for this program in a fiscal
14 year. If the total of the amount needed for all students
15 enrolled in a nonpublic school in the prior school year who
16 enroll in a charter school exceeds the appropriation for the
17 temporary financial assistance program, the amount paid to a
18 school district for each qualifying student shall be pro rata
19 reduced. Receipt of funds under this subsection shall not
20 preclude a school district from applying for a grant under
21 subsection (c).

22 (c) The Commonwealth shall create a grant program to provide
23 temporary transitional funding to a school district due to the
24 budgetary impact relating to any student's first-year attendance
25 at a charter school. The department shall develop criteria which
26 shall include, but not be limited to, the overall fiscal impact
27 on the budget of the school district resulting from students of
28 a school district attending a charter school. The criteria shall
29 be published in the Pennsylvania Bulletin. This subsection shall
30 not apply to a public school converted to a charter school under

1 section 1717-A(b). Grants shall be limited to funds appropriated
2 for this purpose.

3 (d) It shall be lawful for any charter school to receive,
4 hold, manage and use, absolutely or in trust, any devise,
5 bequest, grant, endowment, gift or donation of any property,
6 real or personal and/or mixed, which shall be made to the
7 charter school for any of the purposes of this article.

8 (e) It shall be unlawful for any trustee of a charter school
9 or any board of trustees of a charter school or any other person
10 affiliated in any way with a charter school to demand or
11 request, directly or indirectly, any gift, donation or
12 contribution of any kind from any parent, teacher, employe or
13 any other person affiliated with the charter school as a
14 condition for employment or enrollment and/or continued
15 attendance of any pupil. Any donation, gift or contribution
16 received by a charter school shall be given freely and
17 voluntarily.

18 Section 13. The act is amended by adding a section to read:

19 Section 1725.1-A. Funding for Cyber Charter Schools.--(a)
20 Funding for a cyber charter school shall be calculated in the
21 following manner:

22 (1) Cyber charter schools may not charge tuition for a
23 student attending a cyber charter school. Beginning in the 2021-
24 2022 school year, cyber charter schools shall be paid by a
25 student's school district of residence using the Statewide Cyber
26 Charter School Tuition Rate.

27 (2) For the 2021-2022 and 2022-2023 school years, for non-
28 special education students, cyber charter schools shall receive
29 for each student enrolled nine thousand four hundred fifty-seven
30 dollars and fifty-nine cents (\$9,457.59). This amount shall be

1 the Statewide Cyber Charter School Tuition Rate.

2 (3) Beginning in the 2023-2024 school year and every year
3 thereafter, the Statewide Cyber Charter School Tuition Rate
4 shall be calculated using the most recently available annual
5 financial report filed pursuant to section 218 for the five
6 highest-performing cyber charter schools identified by the
7 department pursuant to clauses (4) and (6). For each of the five
8 highest-performing cyber charter schools, the department shall
9 calculate the total expenditure per average daily membership, as
10 defined for school districts in section 2501(20), less the
11 expenditures for special education programs; expenditures for
12 operation and maintenance of plant services; expenditures for
13 facilities acquisition, construction and improvement services;
14 and expenditures for other expenditures and financing uses, as
15 provided for in the Manual of Accounting and Related Financial
16 Procedures for Pennsylvania School Systems established by the
17 Office of the Budget. The lowest of the five per-student amounts
18 shall serve as the Statewide Cyber Charter School Tuition Rate
19 to be paid by the school district of residence of each student.
20 The per-student amounts calculated by the department are not
21 subject to subsection (c).

22 (4) On or before April 30, 2023, and by April 30 each year
23 thereafter, the department shall calculate and post on its
24 publicly accessible Internet website the Statewide Cyber Charter
25 School Tuition Rate payable by a student's school district of
26 residence under clause (3). The department shall also post on
27 its publicly accessible Internet website the average daily
28 membership of and the data from each of the five (5) highest
29 performing cyber charter schools' annual financial reports used
30 to calculate the Statewide Cyber Charter School Tuition Rate.

1 Until the department calculates and posts the Statewide Cyber
2 Charter School Tuition Rate, the per-student amounts payable by
3 a student's school district of residence shall be the Statewide
4 Cyber Charter School Tuition Rate for the previous school year.

5 (5) For each special education student enrolled, cyber
6 charter schools shall receive the Statewide Cyber Charter School
7 Tuition Rate adjusted by the multiplier for each category as set
8 forth in section 2509.5 for each special education student for
9 whom the annual expenditure is in Category 1 as reported to the
10 department under section 1372(8); for each special education
11 student for whom the annual expenditure is in Category 2 as
12 reported to the department under section 1372(8); and for each
13 special education student for whom the annual expenditure is in
14 Category 3 as reported to the department under section 1372(8).
15 For purposes of this clause, Category 3 shall be the sum of
16 students reported in Categories 3A and 3B under section 1372(8).
17 The per-student amount for each Category 1, Category 2 and
18 Category 3 student shall be calculated by the department and
19 posted on its publicly accessible Internet website and shall be
20 paid by the school district of residence of each student. The
21 per-student amounts calculated by the department are not subject
22 to subsection (c).

23 (6) Beginning with the 2023-2024 school year and every three
24 (3) years thereafter, the department shall identify the five
25 highest-performing cyber charter schools, as determined by
26 identification of schools' procedures as required by section
27 6311(c)(4)(D) of the Elementary and Secondary Education Act of
28 1965 (Public Law 89-10, 20 U.S.C. § 6311(c)(4)(D)) or its
29 successor Federal statute.

30 (b) (1) Payments shall be made to a cyber charter school in

1 monthly payments using the most currently available per-student
2 amounts calculated and posted by the department pursuant to
3 subsection (a). All payments made during an operating school
4 year shall be adjusted using the most currently available per-
5 student amounts calculated and posted by the department pursuant
6 to subsection (a). A student enrolled in a cyber charter school
7 shall be included in the average daily membership of the
8 student's school district of residence for the purpose of
9 providing basic education funding payments and special education
10 funding pursuant to Article XXV. If a school district fails to
11 make a payment to a cyber charter school as prescribed in this
12 clause, the secretary shall deduct and pay the estimated amount,
13 as documented by the cyber charter school on forms prescribed by
14 the department, from any and all State payments made to the
15 school district after receipt of documentation from the cyber
16 charter school. A cyber charter school may only seek deduction
17 and payment by the secretary under this clause for estimated
18 amounts owed to the cyber charter school for students enrolled
19 in the most current school year and due as of the date the
20 request is submitted to the secretary. The secretary shall not
21 make a deduction unless the cyber charter school provides the
22 secretary with documentation demonstrating that the cyber
23 charter school presented the school district with a request for
24 payment and that the school district did not make a payment as
25 prescribed by this clause within thirty (30) days of the receipt
26 of the information.

27 (2) No later than December 31 of each year, a cyber charter
28 school shall submit to the school district of residence of each
29 student final documentation of payment to be made based on the
30 average daily membership for the non-special education students

1 enrolled in the cyber charter school and the information
2 reported to the department under section 1372(8) for the special
3 education students enrolled in the cyber charter school from the
4 school district for the previous school year and the most
5 currently available per-student amounts calculated and posted by
6 the department pursuant to subsection (a). All payments made
7 during the prior school year shall be adjusted using the most
8 currently available per-student amounts calculated and posted by
9 the department pursuant to subsection (a). If a school district
10 fails to make payment to the cyber charter school, the secretary
11 shall deduct and pay the amount as documented by the cyber
12 charter school from any and all State payments made to the
13 school district after receipt of documentation from the cyber
14 charter school from the appropriations for the fiscal year in
15 which the final documentation of payment was submitted to the
16 school district of residence. The secretary shall not make a
17 deduction unless the cyber charter school provides the secretary
18 with documentation demonstrating that the cyber charter school
19 presented the school district with a request for payment on or
20 before December 31 and that the school district did not make a
21 payment as prescribed by this clause within thirty (30) days of
22 the receipt of the information. If a cyber charter school does
23 not submit final documentation of payment to be made to a school
24 district on or before December 31 as required by this clause,
25 the secretary shall not deduct funds from State payments to the
26 school district and shall proceed to adjudicate the cyber
27 charter school's payment request in a proceeding under 1 Pa.
28 Code Part II (relating to general rules of administrative
29 practice and procedure), or other applicable regulations
30 promulgated or adopted by the department, and deduction and

1 payment may be made by the department following issuance of a
2 final order from any and all State payments made to a school
3 district in any school year. All requests for payment under this
4 clause must be submitted to the department no later than April
5 25 of each year. The secretary shall prioritize payments under
6 this clause before payments under clause (1).

7 (3) The secretary shall not process a request unless the
8 student count reflected in any cyber charter school's request is
9 consistent with terms of the charter agreement signed pursuant
10 to section 1741-A.

11 (4) The secretary shall not process a request for a closed
12 cyber charter school.

13 (c) Within thirty (30) days after the secretary makes a
14 deduction described in subsection (b), a school district may
15 notify the secretary that the deduction made from State payments
16 to the school district under this subsection is inaccurate. The
17 secretary shall provide the school district with an opportunity
18 to be heard concerning whether the cyber charter school
19 documented that its students were enrolled in the cyber charter
20 school, the period of time during which each student was
21 enrolled, the school district of residence of each student and
22 whether the amounts deducted from the school district were
23 accurate. If the secretary determines that a school district or
24 cyber charter school has engaged in arbitrary, dilatory,
25 obdurate or vexatious conduct with respect to any matter heard
26 under this subsection, the secretary may impose against the
27 party the costs incurred by the department in hearing the matter
28 and may also impose reasonable counsel fees and other taxable
29 costs against the party and in favor of the appropriate
30 prevailing party in the proceeding.

1 (d) Notwithstanding any provision of law to the contrary,
2 the department may initiate disciplinary action before the
3 Professional Standards and Practices Commission pursuant to the
4 act of December 12, 1973 (P.L.397, No.141), known as the
5 "Educator Discipline Act," against a chief school administrator
6 of a cyber charter school who intentionally fails to submit the
7 information required pursuant to section 218, 1372(8) or 2552.1
8 or who intentionally falsifies a report submitted under section
9 218, 1372(8) or 2552.1. In addition to any other disciplinary
10 actions set forth in the "Educator Discipline Act," a chief
11 school administrator of a cyber charter school who intentionally
12 fails to submit the information required pursuant to section
13 218, 1372(8) or 2552.1 or who intentionally falsifies a report
14 submitted under sections 218, 1372(8) or 2552.1 shall be subject
15 to prosecution for violation of 18 Pa.C.S. § 4904 (relating to
16 unsworn falsification to authorities). The following civil
17 penalties may be imposed by the department for violations of
18 this clause:

19 (i) for a first violation, no more than two thousand five
20 hundred dollars (\$2,500);

21 (ii) for a second violation, no more than three thousand
22 five hundred dollars (\$3,500); or

23 (iii) for a third or subsequent violation, no more than five
24 thousand dollars (\$5,000).

25 Any penalty imposed under this clause shall be paid to the
26 department.

27 Section 14. Sections 1726-A, 1727-A, 1728-A, 1729.1-A, 1730-
28 A and 1731-A of the act are amended to read:

29 Section 1726-A. Transportation.--(a) Students who attend a
30 charter school located in their school district of residence, a

1 regional charter school of which the school district is a part
2 or a charter school located outside district boundaries at a
3 distance not exceeding ten (10) miles by the nearest public
4 highway shall be provided free transportation to the charter
5 school by their school district of residence on such dates and
6 periods that the charter school is in regular session whether or
7 not transportation is provided on such dates and periods to
8 students attending schools of the district. Transportation is
9 not required for elementary students, including kindergarten
10 students, residing within one and one-half (1.5) miles or for
11 secondary students residing within two (2) miles of the nearest
12 public highway from the charter school in which the students are
13 enrolled unless the road or traffic conditions are such that
14 walking constitutes a hazard to the safety of the students when
15 so certified by the Department of Transportation, except that if
16 the school district provides transportation to the public
17 schools of the school district for elementary students,
18 including kindergarten students, residing within one and one-
19 half (1.5) miles or for secondary students residing within two
20 (2) miles of the nearest public highway under nonhazardous
21 conditions, transportation shall also be provided to charter
22 schools under the same conditions. Districts providing
23 transportation to a charter school outside the district and, for
24 the 2007-2008 school year and each school year thereafter,
25 districts providing transportation to a charter school within
26 the district shall be eligible for payments under section 2509.3
27 for each public school student transported.

28 (a.1) In addition to any other requirements in this section,
29 school districts of the first class shall provide transportation
30 to students who attend a charter school if they are the same age

1 or are enrolled in the same grade, grades or their grade
2 equivalents as any of the students of the school district for
3 whom transportation is provided under any program or policy to
4 the schools of the school district.

5 (b) In the event that the Secretary of Education determines
6 that a school district is not providing the required
7 transportation to students to the charter school, the Department
8 of Education shall pay directly to the charter school funds for
9 costs incurred in the transportation of its students. Payments
10 to a charter school shall be determined in the following manner:
11 for each eligible student transported, the charter school shall
12 receive a payment equal to the total expenditures for
13 transportation of the school district divided by the total
14 number of school students transported by the school district
15 under any program or policy.

16 (c) The department shall deduct the amount paid to the
17 charter school under subsection (b) from any and all payments
18 made to the district.

19 (d) A school district of the first class shall submit a copy
20 of its current transportation policy to the department no later
21 than August 1 of each year.

22 Section 1727-A. [Tort] Liability and Security.--(a) For
23 purposes of tort liability, employes of the charter school
24 entity shall be considered public employes and the board of
25 trustees of the charter school entity shall be considered the
26 public employer in the same manner as political subdivisions and
27 local agencies. The board of trustees of a charter school entity
28 and the charter school entity shall be solely liable for any and
29 all damages of any kind resulting from any legal challenge
30 involving the operation of a charter school. Notwithstanding

1 this requirement, the local board of directors of a school
2 entity shall not be held liable for any activity or operation
3 related to the program of the charter school entity.

4 (b) (1) A charter school entity shall possess and maintain
5 adequate and appropriate insurance, bond or other security as
6 provided under section 1719-A(a)(18). The insurance, bond or
7 other security shall be continuously maintained and shall
8 provide coverage during the time a charter school entity is in
9 operation and for sufficient time following a charter school's
10 closure to make payment on all claims known or which could have
11 been known to exist at the time of the school's closure.

12 (2) The insurance, bond or other security shall provide
13 coverage for educational services and fees and costs incurred by
14 a charter school entity and prevailing parties under the
15 Individuals with Disabilities Education Act (Public Law 91-230,
16 20 U.S.C. § 1400 et seq.); section 504 of the Rehabilitation Act
17 of 1973 (Public Law 93-112, 29 U.S.C. § 701 et seq.) and related
18 Federal or State laws; and salary and wage payments due to
19 employees, employer and employe contributions for the
20 Pennsylvania School Employees Retirement System and other
21 retirement programs.

22 (3) The insurance, bond or other security shall name as
23 additional insureds, or otherwise provide coverage for, the
24 charter authorizer and the Commonwealth and its agencies and
25 officials.

26 (4) Evidence of adequate and appropriate insurance, bond or
27 other security as required by this subsection shall be made
28 available to the authorizer at the time of initial application
29 and at the time of submission of the charter renewal
30 application. The charter school entity shall also provide

1 evidence of the insurance, bond or other security to parents or
2 guardians or employes of the charter school or to the authorizer
3 upon request. The charter school entity shall provide written
4 notice to the local board of school directors and to the
5 department within thirty (30) days of any change to the
6 insurance, bond or security.

7 (5) The department will promulgate final-omitted regulations
8 setting forth minimum security requirements sufficient to
9 guaranty payment of the charter school entity's liabilities in
10 accordance with this chapter.

11 Section 1728-A. Annual Reports, Public Reporting and
12 Assessments.--(a) The local board of school directors shall
13 annually assess whether each charter school is meeting the goals
14 of its charter and shall conduct a comprehensive review prior to
15 granting a five (5) year renewal of the charter. The local board
16 of school directors shall have ongoing access to the records and
17 facilities of the charter school entity to ensure that the
18 charter school is in compliance with its charter and this act
19 and that requirements for testing, civil rights and student
20 health and safety are being met.

21 (b) In order to facilitate the local board's review [and
22 secretary's report] under subsection (a), each charter school
23 shall submit an annual report no later than August 1 of each
24 year to the local board of school directors and the secretary in
25 the form prescribed by the secretary. A copy of the annual
26 report submitted under this subsection, including all exhibits
27 and attachments to the report, shall also be maintained at each
28 facility of the charter school and be made available for public
29 inspection and copying, and shall be posted on the charter
30 school's publicly accessible Internet website, if one is

1 maintained.

2 (c) [Five (5) years following the effective date of this
3 article, the secretary shall contract with an independent
4 professional consultant with expertise in public and private
5 education. The consultant shall receive input from members of
6 the educational community and the public on the charter school
7 program. The consultant shall submit a report to the secretary,
8 the Governor and the General Assembly and an evaluation of the
9 charter school program, which shall include a recommendation on
10 the advisability of the continuation, modification, expansion or
11 termination of the program and any recommendations for changes
12 in the structure of the program.] Charter schools shall comply
13 fully with the requirements of the Family Educational Rights and
14 Privacy Act of 1974 (Public Law 90-247, 20 U.S.C. § 1232g) and
15 associated regulations.

16 (d) A charter school entity shall form an independent audit
17 committee of its board of trustees members, which shall review
18 at the close of each fiscal year a complete certified audit of
19 the operations of the charter school. The audit shall be
20 conducted by a qualified independent certified public
21 accountant. The audit shall be conducted under generally
22 accepted audit standards of the Governmental Accounting
23 Standards Board and shall at a minimum include the following:

24 (1) An enrollment audit to verify the accuracy of student
25 enrollment, including the enrollment, withdrawal and residency
26 of students and the availability of current and signed
27 individualized educational plans for each special education
28 student, and the reporting of the enrollment information to the
29 department, the authorizer and the school district of residence.

30 (2) Full review of expense reimbursements for board of

1 trustees members and administrators, including sampling of all
2 reimbursements.

3 (3) Review of internal controls, including review of
4 receipts and disbursements.

5 (4) Review of annual Federal and State tax filings,
6 including the Internal Revenue Service Form 990, Return of
7 Organization Exempt from Income Tax and all related schedules
8 and appendices for the charter school entity, the educational
9 management service provider and the charter school foundation,
10 if applicable.

11 (5) Review of the financial statements of any charter school
12 foundation.

13 (6) Review of the selection and acceptance process of all
14 contracts publicly bid pursuant to section 751.

15 (7) Review of all board policies and procedures with regard
16 to internal controls, codes of ethics, conflicts of interest,
17 whistle-blower protections; complaints from parents, guardians
18 or the public; compliance with 65 Pa.C.S. Ch. 7 (relating to
19 open meetings); finances; budgeting; audits; public bidding; and
20 bonding.

21 (e) A charter school may be subject to an annual audit by
22 the Auditor General, in addition to any other audits required by
23 Federal or State law or this act.

24 (f) (1) A charter school shall annually adopt and provide
25 the department and the authorizer with a copy of the annual
26 budget on a form prepared by the department, which shall require
27 that the charter school provide no more information than that
28 provided by school districts pursuant to section 687. At the
29 time of submission of the annual budget form, the charter school
30 shall submit to the authorizer information concerning:

1 (i) The source of funding for all expenditures.

2 (ii) Where funding is provided by a charter school
3 foundation, the amount of funds and a description of the use of
4 the funds.

5 (iii) The salaries of all administrators of the charter
6 school.

7 (iv) An itemized list of all expenditures to an educational
8 management service provider.

9 (2) The charter school shall print or otherwise make
10 available for public inspection a copy of the proposed annual
11 budget to all persons, which shall be made available for
12 duplication to any person, on request, at least twenty (20) days
13 prior to the date set for the adoption of the final budget. A
14 copy of the annual budget shall also be posted on the charter
15 school's publicly accessible Internet website, if one is
16 maintained. Fees for duplication under this clause by
17 photocopying, printing from electronic media, copying onto
18 electronic media, transmission by facsimile or other electronic
19 means and other means of duplication shall not exceed those that
20 may be charged under the act of February 14, 2008 (P.L.6, No.3),
21 known as the "Right-to-Know Law."

22 (3) On the date of adoption of the proposed budget required
23 under this subsection, the president or chair of the charter
24 school's board of trustees shall certify to the department that
25 the proposed budget has been prepared, presented and made
26 available for public inspection using the uniform form prepared
27 and furnished by the department. The certification shall be in a
28 form and manner as required by the department. Final action
29 shall not be taken on any proposed budget that has not been
30 prepared, presented and made available for public inspection

1 using the uniform form prepared and furnished by the department.

2 (4) The annual budget adopted and submitted under this
3 subsection shall not exceed the amount of funds available to the
4 charter school.

5 (g) Notwithstanding any other provision of law, a charter
6 school and any affiliated charter school foundation shall make
7 copies of the following available upon request and on the
8 charter school's or charter school foundation's publicly
9 accessible Internet website, if one is maintained:

10 (1) Annual budgets for the charter school, as provided for
11 in subsection (f), and charter school foundation for the
12 previous five (5) school years.

13 (2) Annual Federal and State tax filings, including Internal
14 Revenue Service Form 990, Return of Organization Exempt from
15 Income Tax and all related schedules and appendices for the
16 charter school and charter school foundation for the previous
17 five (5) school years.

18 (3) Certified audits under subsection (e) and any Federal
19 and State audits for the charter school and charter school
20 foundation for the previous five (5) school years.

21 (4) Annual reports filed by the charter school under
22 subsection (b) for the previous five (5) school years.

23 (5) Annual financial reports filed by the charter school
24 under section 218 for the previous five (5) school years.

25 Section 1729-A. Causes for Nonrenewal, Revocation or
26 Termination.--(a) During the term of the charter or at the end
27 of the term of the charter, the local board of school directors
28 may choose to revoke or not to renew the charter based on any of
29 the following:

30 (1) One or more material violations of any of the

1 conditions, standards or procedures contained in the written
2 charter signed pursuant to section 1720-A.

3 (2) Failure to meet the requirements for student performance
4 set forth in 22 Pa. Code Ch. [5 (relating to curriculum)] 4
5 (relating to academic standards and assessment) or subsequent
6 regulations promulgated to replace 22 Pa. Code Ch. [5] 4 or
7 failure to meet any performance [standard] targets set forth in
8 the written charter signed pursuant to section 1716-A.

9 (2.1) Failure to meet any of the following standards
10 established by the department pursuant to Federal or State law:

11 (i) student attendance;

12 (ii) graduation rate;

13 (iii) academic achievement or growth; or

14 (iv) English learner progress.

15 (3) Failure to meet generally accepted standards of fiscal
16 management or audit requirements.

17 (4) Violation of provisions of this article.

18 (5) Violation of any provision of law from which the charter
19 school has not been exempted, including Federal laws and
20 regulations governing children with disabilities.

21 (6) The charter school has been convicted of fraud.

22 (7) Failure to comply with public disclosure requirements,
23 including 65 Pa.C.S. Chs. 7 (relating to open meetings) and 11
24 (relating to ethics standards and financial disclosure) and the
25 act of February 14, 2008 (P.L.6, No.3), known as the "Right-to-
26 Know Law."

27 (8) Failure of the charter school or an administrator or
28 member of the board of trustees of the charter school to comply
29 with the conflicts of interest prohibitions in this article or
30 65 Pa.C.S. Ch. 11.

1 (9) Failure to timely comply with auditing requirements from
2 which it has not been exempted.

3 (10) Failure to timely comply with reporting requirements
4 from which it has not been exempted, including the submission of
5 an annual budget required by section 1728-A(g), an annual
6 financial report required by section 218 and the annual report
7 required by section 1728-A(b) in the case of a charter school
8 and section 1743-A(f) in the case of a cyber charter school.

9 (11) Failure to provide ongoing access to the records and
10 facilities of the charter school as required by section 1728-
11 A(a) or the cyber charter school as required by section 1742-
12 A(3).

13 (12) Any reason to revoke or not renew a charter as provided
14 in regulations promulgated by the department.

15 (a.1) When a charter school located in a school district of
16 the first class is in corrective action status and seeks renewal
17 of its charter, if the governing body of the school district of
18 the first class renews the charter, it may place specific
19 conditions in the charter that require the charter school to
20 meet specific student performance targets within stated periods
21 of time subject to the following:

22 (i) The performance targets and the periods of time in which
23 the performance targets must be met shall be reasonable.

24 (ii) The placement of conditions in a charter as specified
25 in this subsection shall not be considered an adjudication and
26 may not be appealed to the State Charter School Appeal Board.

27 (iii) If the charter school fails to meet the performance
28 targets within the stated period of time, such failure shall be
29 sufficient cause for revocation of the charter.

30 (b) [A member of the board of trustees who is convicted of a

1 felony or any crime involving moral turpitude shall be
2 immediately disqualified from serving on the board of trustees.]
3 (Reserved).

4 (c) Any notice of revocation or nonrenewal of a charter
5 [given by the local board of school directors of a school
6 district] school shall be in writing and state the grounds for
7 such action with reasonable specificity and give reasonable
8 notice to the governing board of the charter school of the date
9 on which a public hearing concerning the revocation or
10 nonrenewal will be held. The local board of school directors
11 shall conduct such hearing, present evidence in support of the
12 grounds for revocation or nonrenewal stated in its notice and
13 give the charter school reasonable opportunity to offer
14 testimony before taking final action. Formal action revoking or
15 not renewing a charter shall be taken by the local board of
16 school directors at a public meeting pursuant to [the act of
17 July 3, 1986 (P.L.388, No.84), known as the "Sunshine Act,"] 65
18 Pa.C.S. Ch. 7 (relating to open meetings) after the public has
19 had thirty (30) days to provide comments to the board. Within
20 sixty (60) days following the public meeting in which formal
21 action is taken, the decision of the local board of school
22 directors revoking or not renewing a charter shall be provided
23 to the charter school in writing. All proceedings of the local
24 board pursuant to this subsection shall be subject to 2 Pa.C.S.
25 Ch. 5 Subch. B (relating to practice and procedure of local
26 agencies). Except as provided in subsection (d), the decision of
27 the local board shall not be subject to 2 Pa.C.S. Ch. 7 Subch. B
28 (relating to judicial review of local agency action).

29 (d) [Following the appointment and confirmation of the
30 appeal board, but not before July 1, 1999, the] The charter

1 school may appeal the decision of the local board of school
2 directors to revoke or not renew the charter to the appeal
3 board. The appeal must be filed with the appeal board no later
4 than thirty (30) days following issuance by the local board of
5 school directors of its written decision under subsection (c).
6 The appeal board shall have the exclusive review of a decision
7 not to renew or revoke a charter. The appeal board shall review
8 the record and shall have the discretion to supplement the
9 record if the supplemental information was previously
10 unavailable. The appeal board may consider the charter school
11 plan, annual reports, student performance and employe and
12 community support for the charter school in addition to the
13 record. The appeal board shall [give due consideration to the
14 findings of the local board of directors] determine whether the
15 local board of school directors' decision was arbitrary and
16 capricious and specifically articulate its reasons for [agreeing
17 or disagreeing with those] its findings in [its] a written
18 decision.

19 (e) If the appeal board determines that the [charter should
20 not be revoked or should be renewed] local board of school
21 directors' decision was arbitrary and capricious, the appeal
22 board shall [order] reverse the local board of [directors to
23 rescind its revocation or nonrenewal] school directors'
24 decision.

25 (f) Except as provided in subsection (g), the charter shall
26 remain in effect until final disposition by the appeal board. If
27 the appeal board upholds a determination of a local board of
28 school directors that the charter should be revoked or not
29 renewed, the charter shall remain in effect until the end of the
30 school year or such other time as the appeal board directs.

1 (g) In cases where the health or safety of the school's
2 pupils, staff or both is at serious risk, the local board of
3 school directors may take immediate action to revoke a charter.

4 (h) All decisions of the charter school appeal board shall
5 be subject to appellate review by the Commonwealth Court.

6 (i) When a charter is revoked, not renewed, forfeited,
7 surrendered or otherwise ceases to operate, the charter school
8 shall be dissolved. After the disposition of any liabilities and
9 obligations of the charter school, any remaining assets of the
10 charter school, both real and personal, shall be distributed on
11 a proportional basis to the school entities with students
12 enrolled in the charter school for the last full or partial
13 school year of the charter school. In no event shall such school
14 entities or the Commonwealth be liable for any outstanding
15 liabilities or obligations of the charter school.

16 (j) When a charter is revoked or is not renewed, a student
17 who attended the charter school shall apply to another public
18 school in the student's school district of residence. Normal
19 application deadlines will be disregarded under these
20 circumstances. All student records maintained by the charter
21 school shall be forwarded to the student's district of
22 residence.

23 Section 1729.1-A. Multiple Charter School Organizations.--

24 (a) Establishment shall be as follows:

25 (1) Subject to the requirements of this section and 15
26 Pa.C.S. Pt. II Subpt. C (relating to nonprofit corporations),
27 two (2) or more charter schools may consolidate into a multiple
28 charter school organization if both of the following apply:

29 (i) The department approves the consolidation as proposed in
30 the application form submitted to the department pursuant to

1 subsection (c). If the department does not approve or disapprove
2 the proposed consolidation within [~~forty-five (45)~~] ninety (90)
3 days after receipt of the application, the department will be
4 deemed to have approved the consolidation.

5 (ii) Each school district that granted the initial charter
6 of any charter school included in the proposed consolidation
7 approves, by a majority vote of the local board of school
8 directors, a resolution approving the consolidation as proposed
9 in the application submitted to the local board of school
10 directors pursuant to subsection (c). If a local board of school
11 directors does not adopt a resolution under this [~~clause~~]
12 subclause approving or rejecting the proposed consolidation
13 within [~~forty-five (45)~~] ninety (90) days after receipt of the
14 application, the school district will be deemed to have approved
15 the consolidation.

16 (1.1) The application for approval of the consolidation
17 under clause (1) shall first be submitted simultaneously to the
18 local board of school directors of each school district that
19 granted the initial charter of any charter school included in
20 the proposed consolidation, and only after approval of the
21 application by each local board of school directors as set forth
22 in clause (1)(ii) or by the appeal board in an appeal filed
23 under subsection (f) shall the application be submitted to the
24 department for approval pursuant to clause (1)(i).

25 (2) The multiple charter school organization shall be:

26 (i) granted legal authority to operate two (2) or more
27 individual charter schools under the oversight of a single board
28 of trustees and a chief administrator who shall oversee and
29 manage the operation of the individual charter schools under its
30 organization; and

1 (ii) subject to all of the requirements of this article
2 unless otherwise provided for under this section.

3 (3) Nothing under this section shall be construed to affect
4 or change the terms or conditions of any individual charter
5 previously granted that is consolidated under this section,
6 including, but not limited to, any obligation of a school
7 district to provide transportation for students enrolled in an
8 individual charter school within a multiple charter school
9 organization.

10 (b) [(1) A charter school that, within either of the most
11 recent two (2) school years, has failed to meet any of the
12 following shall not be eligible to consolidate with another
13 charter school:

14 (i) Requirements for student performance set forth in 22 Pa.
15 Code Ch. 4 (relating to academic standards and assessment).

16 (ii) Accepted standards of fiscal management or audit
17 requirements.

18 (iii) A school performance profile score that is among the
19 top twenty-fifth percentile of Pennsylvania charter schools as
20 measured by the school performance profile for the most recent
21 year for which a school performance profile score is available.]

22 (Reserved).

23 (1.1) A charter school that, within the most recent three
24 school years, has failed to meet accepted standards of fiscal
25 management or audit requirements shall not be eligible to
26 consolidate with another charter school.

27 (1.2) A charter school designated as a Comprehensive Support
28 and Improvement school under the Every Student Succeeds Act
29 (Public Law 114-95, 129 Stat. 1802) or an equivalent building
30 level designation under its successor Federal statute shall not

1 be eligible to consolidate with another charter school.

2 (1.3) A charter school that does not meet the minimum
3 academic quality benchmark and minimum fiscal management
4 benchmark set pursuant to section 1731.1-A(d) (2) shall not be
5 eligible to consolidate with another charter school.

6 (2) A single charter school that has failed to meet [any of]
7 the requirements of [paragraph (1)] clauses (1.1) and (1.2) may
8 consolidate if every other charter school in the consolidation
9 [includes a charter school demonstrating] demonstrates that it
10 has satisfied such requirements for the most recent [two (2)]
11 three (3) school years.

12 (c) Within ninety (90) days of the effective date of this
13 section, the department shall develop and issue a standard
14 application form that multiple charter school organization
15 applicants must submit to the department and to the local board
16 of school directors of each school district that granted the
17 initial charter of any charter school included in the proposed
18 consolidation. The application form shall contain the following
19 information:

20 (1) The name of the multiple charter school organization.

21 (2) The names of the charter schools seeking consolidation
22 under this section.

23 (3) A copy of the approved charter of each charter school
24 seeking to consolidate under this section.

25 (4) An organizational chart clearly presenting the proposed
26 governance structure of the multiple charter school
27 organization, including lines of authority and reporting between
28 the board of trustees, chief administrator, administrators,
29 staff and any educational management service provider that will
30 play a role in providing management services to the charter

1 schools under its jurisdiction.

2 (5) A clear description of the roles and responsibilities
3 for the board of trustees, chief administrator, administrators
4 and any other entities, including a charter school foundation,
5 shown in the organizational chart.

6 (6) A clear description of the method for the appointment or
7 [election] selection of members of the board of trustees.

8 (7) Standards for board of trustees performance, including
9 compliance with all applicable laws, regulations and terms of
10 the charter.

11 (8) Enrollment procedures for each individual charter school
12 included in its charter.

13 (9) Any other information as deemed necessary by the
14 department.

15 (d) A multiple charter school organization may:

16 (1) Participate in the assessment system in the same manner
17 in which a school district participates, with its individual
18 charter schools participating in the assessment system in the
19 same manner as individual schools within school districts. All
20 data gathered for purposes of evaluation shall be gathered in
21 the same manner in which data is gathered in the case of school
22 districts and individual schools within school districts.

23 Nothing in this [paragraph] clause shall alter the manner in
24 which charter school performance on assessments is measured as
25 required under the Every Student Succeeds Act (Public Law 114-
26 95, 129 Stat. 1802), or its successor Federal statute.

27 (2) Add existing charter schools to its organization by
28 obtaining the approval of the department and of the local board
29 of school directors that granted the initial charter of each
30 charter school proposed to be added under subsection (a)(1) and

1 (1.1).

2 (3) Allow students enrolled in an individual charter school
3 to matriculate to another individual charter school under its
4 oversight so as to complete a course of instruction in an
5 educational institution from kindergarten through grade twelve
6 or otherwise in the best interests of the student[.]; provided a
7 school district shall not be obligated to pay tuition related to
8 the matriculation of a four-year-old kindergarten program or
9 full-day kindergarten program if the school district has
10 exercised its discretion to not offer these programs in the
11 school district's own schools.

12 (e) A multiple charter school organization shall be regarded
13 as the holder of the charter of each individual charter school
14 under its oversight and each previously or subsequently awarded
15 charter shall be subject to nonrenewal or revocation by the
16 local board of school directors that granted the initial charter
17 in accordance with this act. The nonrenewal or revocation of the
18 charter of an individual charter school under the oversight of a
19 multiple charter school organization shall not affect the status
20 of a charter awarded for any other individual charter school
21 under the oversight of the multiple charter school organization.

22 (f) Appeals shall be as follows:

23 (1) The appeal board shall have the exclusive review of an
24 appeal by an applicant for consolidation, with respect to the
25 rejection of a proposed consolidation by either the department
26 or a school district.

27 (2) In considering an appeal under this section, the appeal
28 board shall:

29 (i) Review the decision made by either the department or the
30 school district on the record as certified by the entity that

1 made the decision being appealed, provided that the appeal board
2 may allow the department, a school district or the applicant for
3 consolidation to supplement the record if the supplemental
4 information was previously unavailable.

5 (ii) Meet to officially review the certified record no later
6 than thirty (30) days after the date of filing the appeal.

7 (iii) Issue a written decision affirming or denying the
8 appeal no later than sixty (60) days following its review of the
9 certified record.

10 (iv) Make its decision based on whether [the proposed
11 consolidation satisfies the requirements of subsections (b) and
12 (c)] the department's or the school district's decision to deny
13 the consolidation was arbitrary or capricious. The appeal board
14 shall specify its findings in a written decision.

15 (3) The secretary shall recuse himself from all appeals of
16 decisions by the department and shall not participate in a
17 hearing, deliberation or vote on any appeal of a decision made
18 by the department.

19 (4) All decisions of the appeal board shall be subject to
20 appellate review by the Commonwealth Court. In the event of an
21 appeal of a decision by the appeal board to the Commonwealth
22 Court, the decision of the appeal board shall be stayed only
23 upon order of the appeal board, the Commonwealth Court or the
24 Pennsylvania Supreme Court.

25 (g) For purposes of this section, the term "charter school"
26 shall include a regional charter school.

27 Section 1731-A. Charter School Grants.--(a) The secretary
28 shall allocate grants for planning and start-up funding to
29 eligible applicants under section 1717-A from funds appropriated
30 for the implementation of this act.

1 (1) Planning grant applications shall be filed on a form and
2 by a date determined by the secretary. The amount of a grant may
3 vary depending on the size and scope of the planning needed by
4 the applicant. The application shall address the manner in which
5 the applicant plans to address the criteria established for
6 charter schools in sections 1715-A and 1717-A.

7 (2) Start-up funding grant applications shall be filed on a
8 form and by a date determined by the secretary. The applicant
9 for the charter school shall submit its application for a
10 charter when applying for the grant. A grant for start-up
11 funding may vary depending on the size and special
12 characteristics of the charter school. A start-up grant may be
13 used to meet the expenses of the charter school as established
14 in their charter and as authorized in the provisions of this
15 article.

16 (b) The applicant shall include a copy of a letter informing
17 the local board of school directors of the school district of
18 the application for the planning grant if the location of the
19 proposed charter school is known. An applicant receiving a
20 start-up funding grant shall notify the school district or
21 districts signing the charter of receipt of this grant.

22 Section 15. The act is amended by adding a section to read:

23 Section 1731.1-A. Accountability Matrix.--(a) Within
24 thirty-six (36) months of the effective date of this section,
25 the State board shall develop an accountability matrix to
26 evaluate the academic performance, operations, governance,
27 accepted standards of fiscal management and audit requirements
28 of charter school entities and shall promulgate regulations to
29 implement this section.

30 (b) The accountability matrix shall assess performance by

1 utilizing objective criteria, including, but not limited to, the
2 following:

3 (1) Student performance on State assessments.
4 (2) Growth as measured by the Pennsylvania Value-Added
5 Assessment System or any subsequent growth measure.
6 (3) Admissions and enrollment practices.
7 (4) Attendance, chronic absenteeism, truancy and attrition
8 rates.
9 (5) School climate, health, safety and student discipline
10 indicators.
11 (6) Graduation rates and postsecondary transitions for
12 graduates of charter schools with a grade twelve.
13 (7) Other standardized test scores.
14 (8) Measures of parent, guardian and family engagement.
15 (9) Accreditation by a nationally recognized accreditation
16 agency, including the Middle States Association of Colleges and
17 Schools, or another regional institutional accrediting agency
18 recognized by the United States Department of Education or an
19 equivalent Federally recognized body for charter school
20 education.
21 (10) Organizational governance, viability and compliance
22 with 65 Pa.C.S. Chs. 11 (relating to ethics standards and
23 financial disclosure) 7 (relating to open meetings).
24 (11) Accepted standards of fiscal management or audit
25 requirements.
26 (12) Educator certification and measures for assessing
27 educator effectiveness.
28 (13) Compliance with special education laws, including 22
29 Pa. Code Ch. 711 (relating to charter school services and
30 programs for children with disabilities).

1 (14) Compliance with laws concerning education English
2 learners, including 22 Pa. Code § 4.26 (relating to ESOL).

3 (15) Timely submission of annual report and audited
4 financial statements.

5 (16) Mission and education program components as determined
6 through site visits.

7 (c) The accountability matrix shall be designed to provide
8 parents, guardians, families and educators accurate comparisons
9 of school and student group performance.

10 (d) In developing the accountability matrix, the State board
11 shall:

12 (1) Determine a minimum academic quality benchmark and the
13 minimum fiscal management benchmark required to qualify a
14 charter school to be considered by its authorizer for a ten (10)
15 year renewal term pursuant to section 1720-A(a). An authorizer's
16 determination to not grant a ten (10) year renewal term may not
17 be appealed. The minimum academic quality benchmark and the
18 minimum fiscal management benchmark shall be included in the
19 regulations promulgated under this section.

20 (2) Determine the minimum academic quality benchmark and the
21 minimum fiscal management benchmark required to qualify a
22 charter school to be considered for consolidation in the
23 formation of a multiple charter school organization pursuant to
24 section 1729.1-A. The minimum academic quality benchmark and the
25 minimum fiscal management benchmark shall be included in the
26 regulations promulgated under this section.

27 (3) In addition to the causes for nonrenewal or termination
28 set forth in section 1729-A, determine a profile of academic,
29 fiscal management and other factors, the satisfaction of which
30 will permit authorizers of a charter school or cyber charter

1 school to issue a revocation or nonrenewal of the charter. An
2 authorizer's determination to revoke or nonrenew the charter of
3 a charter school or cyber charter school based upon the profile
4 of academic performance, fiscal management and other factors may
5 not be appealed.

6 (e) In developing the accountability matrix, the State board
7 may:

8 (1) Contract for consulting services with an entity that has
9 experience in developing performance matrices if the services
10 are procured through a competitive bidding process.

11 (2) Utilize an existing database developed by the
12 department, including the Future Ready PA Index and Every
13 Student Succeeds Act State Report Card.

14 (f) The department shall review the accountability matrix
15 every five (5) years to ensure that the accountability matrix
16 properly measures school learning conditions and academic
17 performance and shall submit any recommendations in writing to
18 the State board, the Education Committee of the Senate and the
19 Education Committee of the House of Representatives. Recommended
20 revisions shall not take effect unless the General Assembly
21 enacts the revisions or the State board promulgates regulations
22 to adopt the revisions.

23 (g) The department shall utilize the standard accountability
24 matrix as the primary factor in evaluating renewal cyber charter
25 school applicants in annual monitoring and evaluation of cyber
26 charter schools and in evaluating consolidation applications
27 under section 1729.1-A. Nothing in this section shall prohibit a
28 school district from utilizing its own locally developed
29 accountability system in evaluating renewal charter school
30 applicants and in annual monitoring and evaluation of charter

1 schools and other authorizing activities.

2 (h) (1) In developing the accountability matrix and
3 promulgating the regulations required under this section, the
4 State board shall convene and consult with a Statewide advisory
5 committee which shall consist of representatives of the
6 department and a minimum of ten (10) representatives, including
7 five (5) representatives from charter schools, regional charter
8 schools and cyber charter schools and five (5) representatives
9 from school districts. Members of the committee shall be
10 selected to be representative of the urban, rural and suburban
11 areas of this Commonwealth.

12 (2) The Statewide advisory committee required to be convened
13 under clause (1) shall be convened not later than sixty (60)
14 days after the effective date of this section and shall meet
15 regularly to fulfill requirements of this subsection.

16 (i) The department shall annually publish the matrix data on
17 the department's publicly accessible Internet website.

18 Section 16. Sections 1732-A, 1741-A, 1742-A, 1743-A, 1744-A
19 and 1745-A of the act are amended to read:

20 Section 1732-A. Provisions Applicable to Charter Schools and
21 Multiple Charter School Organizations.--(a) Charter schools and
22 multiple charter school organizations shall be subject to the
23 following:

24 Sections 108, 110, 111, 321, 325, 326, 327, 431, 436, 443,
25 510, 518, 527, 708, [~~736, 737, 738, 739,~~] 740, 741, 752, 753,
26 755, 771, 776, 777, 808, 809, 810, 1109, 1111, 1112(a), 1301,
27 1310, 1317, 1317.1, 1317.2, 1318, 1326, 1327, 1327.2, 1329,
28 1330, 1332, 1333, 1333.1, 1333.2, 1333.3, 1341, 1342, 1343,
29 1344, 1345, 1372(8), 1303-A, 1513, 1517, 1518, 1521, 1523, 1531,
30 1547, 2014-A, 2552, Article XIII-A and Article XIV.

1 Act of July 17, 1961 (P.L.776, No.341), known as the
2 "Pennsylvania Fair Educational Opportunities Act."

3 Act of July 19, 1965 (P.L.215, No.116), entitled "An act
4 providing for the use of eye protective devices by persons
5 engaged in hazardous activities or exposed to known dangers in
6 schools, colleges and universities."

7 Section 4 of the act of January 25, 1966 (1965 P.L.1546,
8 No.541), entitled "An act providing scholarships and providing
9 funds to secure Federal funds for qualified students of the
10 Commonwealth of Pennsylvania who need financial assistance to
11 attend postsecondary institutions of higher learning, making an
12 appropriation, and providing for the administration of this
13 act."

14 Act of July 12, 1972 (P.L.765, No.181), entitled "An act
15 relating to drugs and alcohol and their abuse, providing for
16 projects and programs and grants to educational agencies, other
17 public or private agencies, institutions or organizations."

18 [Act of December 15, 1986 (P.L.1595, No.175), known as the
19 "Antihazing Law."] 18 Pa.C.S. Ch. 28 (relating to antihazing)
20 and 42 Pa.C.S. § 5803(a)(3.1) (relating to asset forfeiture).

21 (b) Charter schools and multiple charter school
22 organizations shall be subject to the following provisions of 22
23 Pa. Code:

24 [Section 5.216 (relating to ESOL).
25 Section 5.4 (relating to general policies).]
26 Section 4.4 (relating to general policies).
27 Section 4.26 (relating to ESOL).
28 Chapter 11 (relating to pupil attendance).
29 Chapter 12 (relating to students).
30 Chapter 16 (relating to special education for gifted

1 students).

2 Chapter 19 (relating to educator effectiveness rating tool).

3 Section 32.3 (relating to assurances).

4 Section 121.3 (relating to discrimination prohibited).

5 Section 235.4 (relating to practices).

6 Section 235.8 (relating to civil rights).

7 Section 339.31 (relating to plan).

8 Section 339.32 (relating to services).

9 Chapter 711 (relating to charter school services and programs
10 for children with disabilities).

11 (c) (1) The secretary may promulgate additional regulations
12 relating to charter schools.

13 (2) The secretary shall have the authority and the
14 responsibility to ensure that charter schools comply with
15 Federal laws and regulations governing children with
16 disabilities. The secretary shall promulgate regulations to
17 implement this provision.

18 Section 1741-A. Powers and duties of department.

19 (a) Powers and duties.--The department shall:

20 (1) Receive, review and act on applications for the
21 creation of a cyber charter school and have the power to
22 request further information from applicants, obtain input
23 from interested persons or entities and hold hearings
24 regarding applications.

25 (2) Renew the charter of cyber charter school and renew
26 the charter of a charter school approved under section 1717-A
27 or 1718-A which provides instruction through the Internet or
28 other electronic means. Upon renewal of a charter of a
29 charter school approved under section 1717-A or 1718-A, the
30 charter school shall qualify as a cyber charter school under

1 this subdivision and shall be subject to the provisions of
2 this subdivision.

3 (3) Revoke or deny renewal of a cyber charter school's
4 charter under the provisions of section 1729-A.

5 (i) Notwithstanding the provisions of section 1729-
6 A(i), when the department has revoked or denied renewal
7 of a charter, the cyber charter school shall be
8 dissolved. After the disposition of the liabilities and
9 obligations of the cyber charter school, any remaining
10 assets of the cyber charter school shall be given over to
11 the intermediate unit in which the cyber charter school's
12 administrative office was located for distribution to the
13 school districts in which the students enrolled in the
14 cyber charter school reside at the time of dissolution.

15 (ii) Notwithstanding any laws to the contrary, the
16 department may, after notice and hearing, take immediate
17 action to revoke a charter if:

18 (A) a material component of the student's
19 education as required under this subdivision is not
20 being provided; or

21 (B) the cyber charter school has failed to
22 maintain the financial ability to provide services as
23 required under this subdivision.

24 (4) Execute charters after approval.

25 (5) Develop forms, including the notification form under
26 section 1748-A(b), necessary to carry out the provisions of
27 this subdivision.

28 (b) Hearings.--Hearings conducted by the department shall be
29 conducted under 65 Pa.C.S. Ch. 7 (relating to open meetings).

30 (c) Documents.--Documents of the appeal board shall be

1 subject to the act of [June 21, 1957 (P.L.390, No.212), referred
2 to as the Right-to-Know Law] February 14, 2008 (P.L.6, No.3),
3 known as the Right-to-Know Law.

4 Section 1742-A. Assessment and evaluation.

5 The department shall:

6 (1) Annually assess whether each cyber charter school is
7 meeting the goals of its charter and is in compliance with
8 the provisions of the charter and conduct a comprehensive
9 review prior to granting a five-year renewal of the charter.

10 (2) Annually review each cyber charter school's
11 performance on the Pennsylvania System of School Assessment
12 test, standardized tests and other performance indicators to
13 ensure compliance with 22 Pa. Code Ch. 4 (relating to
14 academic standards and assessment) or subsequent regulations
15 promulgated to replace 22 Pa. Code Ch. 4.

16 (3) Have ongoing access to all records, instructional
17 materials and student and staff records of each cyber charter
18 school and to every cyber charter school facility to ensure
19 the cyber charter school is in compliance with its charter
20 and this subdivision.

21 Section 1743-A. Cyber charter school requirements and
22 prohibitions.

23 (a) Special financial requirements prohibited.--A cyber
24 charter school shall not:

25 (1) provide discounts to a school district or waive
26 payments under section [1725-A] 1725.1-A for any student;

27 (2) except as provided for in subsection (e), provide
28 payments to parents or guardians for the purchase of
29 instructional materials; or

30 (3) except as compensation for the provision of specific

1 services, enter into agreements to provide funds to a school
2 entity.

3 (b) Enrollment.--A cyber charter school shall report to the
4 department an increase or a decrease of 30% or more in its
5 anticipated enrollment set forth in the application under
6 section 1747-A(11).

7 (c) School district.--A cyber charter school shall [make
8 available upon request] provide, either in writing or
9 electronically, to each student's school district of residence
10 the following:

11 (1) A copy of the charter.

12 (2) A copy of the cyber charter school application.

13 (3) A copy of all annual reports prepared by the cyber
14 charter school.

15 (4) A list of all students from that school district
16 enrolled in the cyber charter school.

17 (d) Parent or guardian.--[Upon request and prior] Prior to
18 the student's first day in a cyber charter school, the cyber
19 charter school shall, either in writing or electronically,
20 provide to the parent or guardian of a student the following:

21 (1) A list and brief description of the courses of
22 instruction the student will receive. The list shall be
23 updated annually for each grade level in which the student is
24 enrolled.

25 (2) A description of the lessons and activities to be
26 offered both online and offline.

27 (3) The manner in which attendance will be reported and
28 work will be authenticated.

29 (4) A list of all standardized tests the student will be
30 required to take during the school year and the place where

1 the test will be administered, if available.

2 (5) The meetings to be held during the school year
3 between a parent or guardian and a teacher and among other
4 school officials or parents or guardians and the manner in
5 which the parent or guardian will be notified of the time and
6 place for the meeting.

7 (6) The address of the cyber charter school and the
8 name, telephone number and e-mail address of the school
9 administrator and other school personnel.

10 (7) A list of any extracurricular activities provided by
11 the cyber charter school.

12 (8) The names of the student's teachers, if available,
13 and the manner in which each teacher can be contacted by the
14 student or the parent or guardian.

15 (9) A list of all services that will be provided to the
16 student by the cyber charter school.

17 (10) Copies of policies relating to computer security
18 and privacy, truancy, absences, discipline and withdrawal or
19 expulsion of students.

20 (11) Information on:

21 (i) The cyber charter school's professional staff,
22 including the number of staff personnel, their education
23 level and experience.

24 (ii) The cyber charter school's performance on the
25 PSSA and other standardized test scores.

26 (12) Information regarding the proper usage of equipment
27 and materials and the process for returning equipment and
28 materials supplied to the students by the cyber charter
29 school. A parent or guardian shall acknowledge, either in
30 writing or electronically, the receipt of this information.

1 (13) A description of the school calendar, including,
2 but not limited to, the time frame that will constitute a
3 school year and a school week, holidays and term breaks.

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

6 (1) provide all instructional materials;

7 (2) provide all equipment, including, but not limited
8 to, a computer, computer monitor and printer; and

9 (3) provide or reimburse for all technology and services
10 necessary for the on-line delivery of the curriculum and
11 instruction.

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

15 (f) Annual report.--A cyber charter school shall submit an
16 annual report no later than August 1 of each year to the
17 department in the form prescribed by the department. A copy of
18 the annual report submitted under this subsection shall also be
19 maintained at each facility of the cyber charter school and
20 shall be posted on the cyber charter school's publicly
21 accessible Internet website.

22 (g) Records and facilities.--A cyber charter school shall
23 provide the department with ongoing access to all records and
24 facilities necessary for the department to assess the cyber
25 charter school in accordance with the provisions of this
26 subdivision.

27 (h) Offices and facilities.--A cyber charter school shall
28 maintain an administrative office within this Commonwealth where
29 all student records shall be maintained at all times and shall
30 provide the department with the addresses of all offices and

1 facilities of the cyber charter school, the ownership thereof
2 and any lease arrangements. The administrative office of the
3 cyber charter school shall be considered as the principal place
4 of business for service of process for any action brought
5 against the cyber charter school or cyber charter school staff
6 members. The cyber charter school shall notify the department of
7 any changes in this information within ten days of the change.

8 (i) Applicable law.--Any action taken against the cyber
9 charter school, its successors or assigns or its employees,
10 including any cyber charter school staff member as defined in
11 the act of December 12, 1973 (P.L.397, No.141), known as the
12 Professional Educator Discipline Act, shall be governed by the
13 laws of this Commonwealth. If the department initiates an
14 investigation or pursues an action pursuant to the Professional
15 Educator Discipline Act involving any current or former charter
16 school staff member outside this Commonwealth, any reasonable
17 expenses incurred by the department in such investigation or
18 action shall be paid by the cyber charter school which employed
19 that staff member at the time of the alleged misconduct.

20 Section 1744-A. School district and intermediate unit
21 responsibilities.

22 An intermediate unit or a school district in which a student
23 enrolled in a cyber charter school resides shall do all of the
24 following:

25 (1) Provide the cyber charter school within [ten] 10
26 days of receipt of the notice of the admission of the student
27 under section 1748-A(a) with all records relating to the
28 student, including transcripts, test scores and a copy of any
29 individualized education program for that student.

30 (2) Provide the cyber charter school with reasonable

1 access to its facilities for the administration of
2 standardized tests required under this subdivision.

3 (3) Upon request, provide assistance to the cyber
4 charter school in the delivery of services to a student with
5 disabilities. The school district or intermediate unit shall
6 not charge the cyber charter school more for a service than
7 it charges a school district.

8 (4) Make payments to the cyber charter school under
9 section [~~1725-A~~] 1725.1-A.

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

11 (a) Establishment.--A cyber charter school may be
12 established by an individual; one or more teachers who will
13 teach at the proposed cyber charter school; parents or guardians
14 of students who will enroll in the cyber charter school; a
15 nonsectarian college, university or museum located in this
16 Commonwealth; a nonsectarian corporation not-for-profit as
17 defined in 15 Pa.C.S. § 5103 (relating to definitions); a
18 corporation, association or partnership; or any combination of
19 the foregoing. Section 1327.1 shall not apply to a cyber charter
20 school established under this subdivision.

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

24 (c) Attendance.--(1) Attendance at a cyber charter school
25 shall satisfy requirements for compulsory attendance.

26 (2) Attendance shall be measured by the number of hours of
27 documented coursework a student completes within a seven-day
28 week. In order to satisfy the requirements for compulsory
29 attendance, as provided in section 1715-A(9), an elementary
30 student shall complete five hours of documented coursework, five

1 days a week and a secondary student shall complete five and one-
2 half hours of documented coursework, five days a week.

3 (3) For the purposes of this section, "documented
4 coursework" shall consist of a combination of login time and
5 independent work offline, the later of which may be self-
6 reported by the student or the student's parent or guardian.

7 (d) Application.--An application to establish a cyber
8 charter school shall be submitted to the department by October 1
9 of the school year preceding the school year in which the cyber
10 charter school proposes to commence operation.

11 (e) Grant or denial.--Within 120 days of receipt of an
12 application, the department shall grant or deny the application.
13 The department shall review the application and shall hold at
14 least one public hearing under 65 Pa.C.S. Ch. 7 (relating to
15 open meetings). At least 30 days prior to the hearing, the
16 department shall publish in the Pennsylvania Bulletin and on the
17 department's [World Wide Web site] publicly accessible Internet
18 website notice of the hearing and the purpose of the
19 application.

20 (f) Evaluation criteria.--

21 (1) A cyber charter school application submitted under
22 this subdivision shall be evaluated by the department based
23 on the following criteria:

24 (i) The demonstrated, sustainable support for the
25 cyber charter school plan by teachers, parents or
26 guardians and students.

27 (ii) The capability of the cyber charter school
28 applicant, in terms of support and planning, to provide
29 comprehensive learning experiences to students under the
30 charter.

1 (iii) The extent to which the programs outlined in
2 the application will enable students to meet the academic
3 standards under 22 Pa. Code Ch. 4 (relating to academic
4 standards and assessment) or subsequent regulations
5 promulgated to replace 22 Pa. Code Ch. 4.

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

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

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

16 (3) Upon approval of a cyber charter school application,
17 a written charter shall be developed which shall contain the
18 provisions of the charter application and be signed by the
19 secretary and each member of the board of trustees of the
20 cyber charter school. The charter, when duly signed, shall
21 act as legal authorization of the establishment of a cyber
22 charter school. The charter shall be legally binding on the
23 department, the cyber charter school and its board of
24 trustees. The charter shall be for a period of no less than
25 one (1) year and no more than three (3) years [nor more than
26 five years] and may be renewed for a period of no less than
27 one (1) year and no more than five (5) years by the
28 department.

29 (4) The decision of the department to deny an
30 application may be appealed to the appeal board.

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 provide notice of the appeal to
9 the department and may allow the department to be heard on the
10 application. If the department fails to respond within 10 days,
11 the appeal board shall review the application and make a
12 decision to approve or disapprove the charter based on the
13 criteria in subsection (f). An appeal must be filed no later
14 than 30 days following the date by which the department was
15 required to act on the application in accordance with subsection
16 (e) or (g), as applicable, or the date of mailing of the written
17 notice issued under subsection (f) (2).

18 Section 17. The act is amended by adding a section to read:
19 Section 1745.1-A. Cyber charter amendments.

20 (a) Written proposal.--Except in cases of requests for
21 expedited consideration of a charter amendment request as
22 provided in subsection (h), a cyber charter school desiring to
23 amend a material term of its charter shall first submit a
24 written proposal outlining the proposed amendment to the
25 department. Within 60 days of submission of the written
26 proposal, the department shall provide a written response to the
27 cyber charter school identifying the form and scope of the
28 information necessary for review of the amendment request. At a
29 minimum, the scope of information to be submitted shall include
30 all that information required when submitting a new cyber

1 charter application as specifically relevant to the component of
2 the charter that the cyber charter school seeks to amend.

3 (b) Due date.--A cyber charter school shall submit a request
4 for an amendment to its charter in the form and containing the
5 information identified by the department under subsection (a) no
6 later than November 1 of the school year preceding the school
7 year in which the cyber charter school proposes to operate
8 pursuant to the proposed amendment.

9 (c) Department review.--The department will review the cyber
10 charter school's amendment request based on the criteria in
11 section 1745-A(f).

12 (d) Notice.--Within 60 days of receipt by the department of
13 a cyber charter school's charter amendment request, the
14 department shall publish public notice of the requested
15 amendment and accept the submission of public comments for at
16 least 30 days. In addition to publishing public notice, the
17 department may hold a public hearing on the provisions of the
18 charter amendment request under 65 Pa.C.S. Ch. 7 (relating to
19 open meetings).

20 (e) Determination.--Within 180 days of the receipt by the
21 department of the charter amendment request, the department
22 shall grant or deny the request. Written notice of the
23 department's action shall be sent to the cyber charter school.

24 (f) Amendment request granted.--If the amendment request is
25 granted, the cyber charter school's written charter shall be
26 supplemented or amended, as appropriate, to contain the
27 provisions of the amendment request, and the amended charter
28 shall be signed by the secretary and each member of the charter
29 school's board of trustees. The amended charter, when duly
30 signed, acts as legal authorization of the operation of the

1 cyber charter school in accordance with the amended charter. The
2 amended charter is legally binding on the department and the
3 cyber charter school and its board of trustees. The amended
4 charter shall be effective for the remainder of the term of the
5 charter as was applicable prior to the amendment.

6 (g) Amendment request denied.--If the amendment request is
7 denied, the reasons for the denial, including a description of
8 deficiencies in the amendment request, shall be clearly stated
9 in the written notice sent by the department to the cyber
10 charter school. An amendment denied pursuant to this section may
11 not be appealed. The decision to deny the request shall not
12 preclude the cyber charter school from revising and resubmitting
13 a request for a charter amendment in the future in accordance
14 with the procedures set forth in this section to address any
15 deficiencies in the previous request as identified by the
16 department in its written notice denying the amendment request.

17 (h) Expedited review.--

18 (1) In the event a cyber charter school requires an
19 expedited review of a charter amendment request, the cyber
20 charter school shall first immediately submit to the
21 department a request for an expedited review that includes:

22 (i) a statement that a cyber charter school is
23 seeking expedited review of a charter amendment request;

24 (ii) a written proposal outlining the amendment
25 request; and

26 (iii) the reasons justifying the request for an
27 expedited review.

28 (2) The department shall provide a written response to
29 the request for an expedited review that confirms whether an
30 expedited review will be conducted and, if so, the

1 information that must be submitted by the cyber charter
2 school for the department's review of the request. If the
3 department does not agree that an expedited review is
4 necessary, the cyber charter school shall submit its request
5 pursuant to the procedures outlined in subsection (a). The
6 determination to not grant an expedited review of the
7 proposed charter amendment request shall not be appealable.

8 Section 18. Sections 1746-A, 1747-A and 1748-A of the act
9 are amended to read:

10 Section 1746-A. State Charter School Appeal Board review.

11 (a) Jurisdiction.--The appeal board shall have the exclusive
12 review of an appeal by a cyber charter school applicant or by
13 the board of trustees of a cyber charter school on the decisions
14 of the department, including:

15 (1) The denial of an application for a charter.

16 (2) The denial of a renewal of a charter.

17 (3) The revocation of a charter.

18 (4) An appeal under section 1745-A(h).

19 (b) Procedure.--The appeal board shall:

20 (1) Review the decision made by the department under
21 subsection (a) on the record as certified by the department.

22 The secretary shall recuse himself from all cyber charter
23 school appeals and shall not participate in a hearing,
24 deliberation or vote on a cyber charter school appeal. The
25 appeal board may allow the department, the cyber charter
26 school applicant or the board of trustees of a cyber charter
27 school to supplement the record if the supplemental
28 information was previously unavailable.

29 (2) Meet to officially review the certified record no
30 later than 30 days after the date of filing the appeal.

1 (3) Issue a written decision affirming or denying the
2 appeal no later than 60 days following its review.

3 (4) In the case of a decision by the department to deny
4 a cyber charter application, make its decision based on
5 [section 1745-A(f)(1). A decision by the appeal board to
6 reverse the decision of the department and grant a charter
7 shall serve as a requirement for the secretary to sign the
8 written charter of the cyber charter school.] whether the
9 department's decision was arbitrary and capricious. If the
10 appeal board finds the department's decision to deny the
11 cyber charter school application to be arbitrary and
12 capricious, the appeal board shall reverse the decision of
13 the department, grant the cyber charter and require the
14 secretary to sign the written charter of the cyber charter
15 school. The appeal board shall specify its findings in a
16 written decision.

17 (5) In the case of a decision by the department to
18 revoke or deny renewal of a cyber school charter in
19 accordance with section 1741-A(a)(3), make its decision based
20 on [section 1729-A(a). A decision of the appeal board to
21 reverse the decision of the department to not revoke or deny
22 renewal of a charter shall serve as a requirement of the
23 department to not revoke or to not deny renewal of the
24 charter of the cyber charter school.] whether the
25 department's decision was arbitrary and capricious. If the
26 appeal board finds the department's decision to revoke or
27 deny renewal of a cyber school charter to arbitrary and
28 capricious, the appeal board shall reverse the decision of
29 the department and require the department to not revoke or
30 deny renewal of the charter of the cyber charter school. The

1 appeal board shall specify its findings in a written
2 decision. If the appeal board determines that the charter
3 should be revoked or not renewed, the charter shall remain in
4 effect until the end of the school year or another time as
5 the appeal board directs.

6 (c) Stay.--If the department appeals the decision of the
7 appeal board, the appeal board's decision shall be stayed only
8 upon order of the appeal board, the Commonwealth Court or the
9 Pennsylvania Supreme Court.

10 (d) Review.--All decisions of the appeal board shall be
11 subject to appellate review by the Commonwealth Court.

12 Section 1747-A. Cyber charter school application.

13 In addition to the provisions of section 1719-A, an
14 application to establish a cyber charter school shall also
15 include the following:

16 (1) The curriculum to be offered and how it meets the
17 requirements of 22 Pa. Code Ch. 4 (relating to academic
18 standards and assessment) or subsequent regulations
19 promulgated to replace 22 Pa. Code Ch. 4.

20 (2) The number of courses required for elementary and
21 secondary students.

22 (3) An explanation of the amount of on-line time
23 required for elementary and secondary students.

24 (4) The manner in which teachers will deliver
25 instruction, assess academic progress and communicate with
26 students to provide assistance.

27 (5) A specific explanation of any cooperative learning
28 opportunities, meetings with students, parents and guardians,
29 field trips or study sessions.

30 (6) The technology, including types of hardware and

1 software, equipment and other materials which will be
2 provided by the cyber charter school to the student.

3 (7) A description of how the cyber charter school will
4 define and monitor a student's school day, including the
5 delineation of [on-line] login time and [off-line time]
6 independent coursework.

7 (8) A description of commercially prepared standardized
8 achievement tests that will be used by the cyber charter
9 school in addition to the Pennsylvania System of School
10 Assessment test, including the grade levels that will be
11 tested and how the data collected from the tests will be used
12 to improve instruction.

13 (9) The technical support that will be available to
14 students and parents or guardians.

15 (10) The privacy and security measures to ensure the
16 confidentiality of data gathered online.

17 (11) The level of anticipated enrollment during each
18 school year of the proposed charter, including expected
19 increases due to the addition of grade levels.

20 (12) The methods to be used to insure the authenticity
21 of student work and adequate proctoring of examinations.

22 (13) The provision of education and related services to
23 students with disabilities, including evaluation and the
24 development and revision of individualized education
25 programs.

26 (14) Policies regarding truancy, absences and withdrawal
27 of students, including the manner in which the cyber charter
28 school will monitor and enforce attendance consistent with
29 the provisions of section 1715-A(9).

30 (15) The types and frequency of communication between

1 the cyber charter school and the student and the manner in
2 which the cyber charter school will communicate with parents
3 and guardians.

4 (16) The addresses of all facilities and offices of the
5 cyber charter school, the ownership thereof and any lease
6 arrangements.

7 Section 1748-A. Enrollment and notification.

8 (a) Notice to school district.--

9 (1) Within 15 days of the enrollment of a student to a
10 cyber charter school, the parent or guardian and the cyber
11 charter school shall notify the student's school district of
12 residence of the enrollment through the use of the
13 notification form under subsection (b).

14 (2) If a school district which has received notice under
15 paragraph (1) determines that a student is not a resident of
16 the school district, the following apply:

17 (i) Within seven days of receipt of the notice under
18 paragraph (1), the school district shall notify the cyber
19 charter school and the department that the student is not
20 a resident of the school district. Notification of
21 nonresidence shall include the basis for the
22 determination.

23 (ii) Within seven days of notification under
24 subparagraph (i), the cyber charter school shall review
25 the notification of nonresidence, respond to the school
26 district and provide a copy of the response to the
27 department. If the cyber charter school agrees that a
28 student is not a resident of the school district, it
29 shall determine the proper district of residence of the
30 student before requesting funds from another school

1 district.

2 (iii) Within seven days of receipt of the response
3 under subparagraph (ii), the school district shall notify
4 the cyber charter school that it agrees with the cyber
5 charter school's determination or does not agree with the
6 cyber charter school's determination.

7 (iv) A school district that has notified the cyber
8 charter school that it does not agree with the cyber
9 charter school's determination under subparagraph (iii)
10 shall appeal to the department for a final determination.

11 (v) All decisions of the department regarding the
12 school district of residence of a student shall be
13 subject to review by the Commonwealth Court.

14 (vi) A school district shall continue to make
15 payments to a cyber charter school under section [1725-A]
16 1725.1-A during the time in which the school district of
17 residence of a student is in dispute.

18 (vii) If a final determination is made that a
19 student is not a resident of an appealing school
20 district, the cyber charter school shall return all funds
21 provided on behalf of that student to the school district
22 within 30 days.

23 [(b) Notification form.--The department shall develop a
24 notification form for use under subsection (a). The notification
25 shall include:

26 (1) The name, home address and mailing address of the
27 student.

28 (2) The grade in which the student is being enrolled.

29 (3) The date the student will be enrolled.

30 (4) The name and address of the cyber charter school and

1 the name and telephone number of a contact person able to
2 provide information regarding the cyber charter school.

3 (5) The signature of the parent or guardian and an
4 authorized representative of the cyber charter school.]

5 (b.1) Enrollment form.--

6 (1) The department shall develop a standard enrollment
7 form that all eligible applicants shall use to apply to a
8 cyber charter school. The standard enrollment form shall only
9 request information necessary to allow the cyber charter
10 school to identify the student, grade level and residency,
11 including:

12 (i) The student's name, address of residence,
13 resident school district, telephone number, age, birth
14 date and current grade level.

15 (ii) The name, address of residence, and telephone
16 number or e-mail address of the student's parent or
17 guardian.

18 (iii) The date the student will be enrolled.

19 (iv) A space for the cyber charter school to include
20 the name of the cyber charter school and the name,
21 telephone number and e-mail address of a contact person
22 at the cyber charter school.

23 (v) The signature of the parent or guardian and an
24 authorized representative of the cyber charter school.

25 (2) The standard enrollment form shall be made
26 physically available at the administrative office of the
27 cyber charter school, in a form that complies with Federal
28 and State law, and posted on the publicly accessible Internet
29 website of the cyber charter school. The cyber charter school
30 may accept the enrollment form via paper or electronic means.

1 (3) A cyber charter school shall maintain and make
2 available in paper and electronic format the enrollment forms
3 developed by the department under this subsection in the
4 languages spoken by 0.005% or more of the Statewide public
5 school enrollment. The cyber charter school shall ensure that
6 the forms are translated by a service approved by the
7 department.

8 (4) A cyber charter school shall not require or request
9 information beyond the contents of the standard enrollment
10 form developed by the department.

11 (5) Nothing in this section shall prohibit a cyber
12 charter school from requesting the submission of additional
13 records and information that public schools are entitled to
14 receive after a student is accepted for admission to, and has
15 indicated an intent to enroll in, the cyber charter school.

16 (6) As used in this subsection, the following words and
17 phrases shall have the meanings given to them in this
18 paragraph unless the context clearly indicates otherwise:

19 "Eligible applicant." A student who is seeking to enter
20 a grade level offered by the cyber charter school and student
21 residency requirements.

22 (c) Withdrawal.--The cyber charter school and the parent or
23 guardian of a student enrolled in a cyber charter school shall
24 provide written notification to the student's school district of
25 residence within 15 days following the withdrawal of a student
26 from the cyber charter school. The cyber charter school shall
27 also notify the department within 15 days of the withdrawal of
28 the student from the cyber charter school.

29 Section 19. The act is amended by adding a section to read:
30 Section 1748.1-A. Enrollment parameters.

1 (a) General rule.--Enrollment of students in a cyber charter
2 school shall not be subject to a cap or enrollment parameter
3 unless agreed to by the cyber charter school as part of a
4 written charter pursuant to section 1745-A.

5 (b) Limitation.--Notwithstanding subsection (a), a cyber
6 charter school designated as a Comprehensive Support and
7 Improvement school under the Every Student Succeeds Act (Public
8 Law 114-95, 129 Stat. 1802) or an equivalent building level
9 designation under its successor Federal statute shall not be
10 eligible to expand its enrollment beyond the enrollment as
11 reported by the cyber charter school on the date on which it was
12 designated unless otherwise agreed to by the department. This
13 limitation shall remain in place until the cyber charter school
14 exits the designation.

15 Section 20. Section 1749-A of the act, amended October 29,
16 2020 (P.L.722, No.84), is amended to read:

17 Section 1749-A. Applicability of other provisions of this act
18 and of other acts and regulations.

19 (a) General requirements.--Cyber charter schools shall be
20 subject to the following:

21 (1) Sections 108, 110, 111, 321, 325, 326, 327, 431,
22 436, 443, 510, 518, 527, 708, 752, 753, 755, 771, 776, 777,
23 808, 809, 810, 1109, 1111, 1112(a), 1205.1, 1205.2, 1301,
24 1302, 1310, 1317.2, 1318, 1326, 1327, 1327.2, 1329, 1330,
25 1332, 1333, 1333.1, 1333.2, 1333.3, 1341, 1342, 1343, 1344,
26 1345, 1372(8), 1303-A, 1518, 1521, 1523, 1531, 1547, 1702-A,
27 1703-A, 1714-A, 1714.1-A, 1715-A, 1716-A, 1716.1-A, 1716.2-A,
28 1719-A, 1721-A, 1722-A, 1723-A(a) and (b), 1724-A, [1725-A,]
29 1725.1-A, 1727-A, 1728-A (d), (e), (f) and (g), 1729-A, 1730-
30 A, 1731-A(a) (1) and (b) [and], 2014-A and 2552 and Articles

1 XII-A, XIII-A and XIV.

2 (2) The act of July 17, 1961 (P.L.776, No.341), known as
3 the Pennsylvania Fair Educational Opportunities Act.

4 (3) The act of July 19, 1965 (P.L.215, No.116), entitled
5 "An act providing for the use of eye protective devices by
6 persons engaged in hazardous activities or exposed to known
7 dangers in schools, colleges and universities."

8 (4) Section 4 of the act of January 25, 1966 (1965
9 P.L.1546, No.541), entitled "An act providing scholarships
10 and providing funds to secure Federal funds for qualified
11 students of the Commonwealth of Pennsylvania who need
12 financial assistance to attend postsecondary institutions of
13 higher learning, making an appropriation, and providing for
14 the administration of this act."

15 (5) The act of July 12, 1972 (P.L.765, No.181) entitled
16 "An act relating to drugs and alcohol and their abuse,
17 providing for projects and programs and grants to educational
18 agencies, other public or private agencies, institutions or
19 organizations."

20 (6) [The act of December 15, 1986 (P.L.1595, No.175),
21 known as the Antihazing Law.] 18 Pa.C.S. Ch. 28 (relating to
22 antihazing) and 42 Pa.C.S. § 5803(a)(3.1) (relating to asset
23 forfeiture).

24 (b) Regulations.--Cyber charter schools shall be subject to
25 the following provisions of 22 Pa. Code (relating to education):

26 (1) Chapter 4 (relating to academic standards and
27 assessment).

28 (2) Chapter 11 (relating to pupil attendance).

29 (3) Chapter 12 (relating to students).

30 (3.1) Chapter 16 (relating to special education for

1 gifted students).

2 (3.2) Chapter 19 (relating to educator effectiveness
3 rating tool).

4 (4) Section 32.3 (relating to assurances).

5 (5) Section 121.3 (relating to discrimination
6 prohibited).

7 (6) Section 235.4 (relating to practices).

8 (7) Section 235.8 (relating to civil rights).

9 (7.1) Section 339.31 (relating to plan).

10 (7.2) Section 339.32 (relating to services).

11 (8) Chapter 711 (relating to charter school services and
12 programs for children with disabilities).

13 (c) Existing charter schools.--

14 (1) The charter of a charter school approved under
15 section 1717-A or 1718-A which provides instruction through
16 the Internet or other electronic means shall remain in effect
17 for the duration of the charter and shall be subject to the
18 provisions of Subdivision (b).

19 (2) In addition to subsections (a) and (b), the
20 following provisions of this subdivision shall apply to a
21 charter school approved under section 1717-A or 1718-A which
22 provides instruction through the Internet or other electronic
23 means:

24 (i) Section 1743-A(c), (d), (e), (h) and (i).

25 (ii) Section 1744-A.

26 (iii) Section 1748-A.

27 Section 21. The act is amended by adding a section to read:

28 Section 1752-A. Cyber charter school moratorium.

29 Beginning July 1, 2021, and continuing for 10 years
30 thereafter, the department shall not accept or act upon any

1 applications for the establishment of a new cyber charter
2 school.

3 Section 22. Section 2574.3 of the act is amended by adding a
4 subsection to read:

5 Section 2574.3. Approved Reimbursable Annual Rental for
6 Leases of Buildings or Portions of Buildings for Charter School
7 Use.--* * *

8 (c) Beginning with school year 2021-2022 and continuing each
9 school year thereafter, a charter school shall not be eligible
10 to receive payments from the Commonwealth under this section
11 under a lease between a charter school entity and a charter
12 school foundation, educational management service provider or
13 another charter school entity. For purposes of this subsection,
14 the terms "charter school" and "charter school entity" shall
15 have the meanings provided in section 1703-A.

16 Section 23. For agreements or contracts between educational
17 management service providers and charter school entities, this
18 act shall apply to any agreement or contract under section
19 1716.2-A entered into or amended on or after the effective date
20 of this section.

21 Section 24. This act shall take effect immediately.