
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1749 Session of
2021

INTRODUCED BY R. BROWN, HILL-EVANS, ZABEL, STEPHENS, MILLARD,
LONGIETTI, STURLA, SCHLEGEL CULVER, PENNYCUICK, THOMAS,
CIRESI, STRUZZI, T. DAVIS, McNEILL, BROOKS, SCHROEDER,
VITALI, DAVIDSON, FRITZ AND FLOOD, JULY 30, 2021

REFERRED TO COMMITTEE ON EDUCATION, JULY 30, 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 charter schools, further providing
6 for funding for charter schools, for provisions applicable to
7 charter schools and for applicability of other provisions of
8 this act and of other acts and regulations.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. Section 1725-A(a)(3) of the act of March 10, 1949
12 (P.L.30, No.14), known as the Public School Code of 1949, is
13 amended and the subsection is amended by adding a clause to
14 read:

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

17 * * *

18 (3) For the 1997-1998 school year through the 2020-2021
19 school year, for special education students, the charter school
20 shall receive for each student enrolled the same funding as for

1 each non-special education student as provided in clause (2),
2 plus 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 amount shall be paid by the
7 district of residence of each student.

8 (3.1) (i) For the 2021-2022 school year and each school
9 year thereafter, for special education students, the charter
10 school shall receive for each student enrolled an amount which
11 shall be paid by the district of residence of each student to be
12 determined as follows:

13 (A) For each special education student enrolled in the
14 charter school for which the annual expenditure is in Category 1
15 as reported to the department under section 1372(8) multiply the
16 same funding as for each non-special education student as
17 provided in clause (2) by one and fifty-one hundredths (1.51).

18 (B) For each special education student enrolled in the
19 charter school for which the annual expenditure is in Category 2
20 as reported to the department under section 1372(8) multiply the
21 same funding as for each non-special education student as
22 provided in clause (2) by three and seventy-seven hundredths
23 (3.77).

24 (C) For each special education student enrolled in the
25 charter school for which the annual expenditure is in Category 3
26 as reported to the department under section 1372(8) multiply the
27 same funding as for each non-special education student as
28 provided in clause (2) by seven and forty-six hundredths (7.46).
29 For purposes of this paragraph, Category 3 shall be the sum of
30 students reported in Categories 3A and 3B under section 1372(8).

1 (ii) Pursuant to guidelines developed by the department, to
2 be eligible to receive funding for special education students
3 under subclause (i), the charter school must document the cost
4 of providing an education to the student and provide the
5 documentation to the department and the school district of
6 residence.

7 (iii) Each weight provided in subclause (i) (A), (B) and (C)
8 shall be updated whenever the weights in section 2509.5(bbb) (2)
9 (i) are adjusted for school districts.

10 (iv) In no case shall the calculation made in subclause (i)
11 (A) and (B) result in a payment that exceeds the maximum amount
12 within the category's dollar range and in no case shall the
13 calculation in subclause (i) (C) result in a payment that exceeds
14 the actual cost of providing an education to the student as
15 determined under subclause (ii). Should the actual cost of
16 providing an education to a student in category 3 be less than
17 the amount the charter school received for the student, the
18 charter school shall return to the district of residence any
19 overage it received for that student by no later than February 1
20 of each year.

21 (v) Upon submission of the report required under section
22 1372(8), the charter school shall calculate the difference
23 between the amount received for special education from school
24 districts and the amount expended to provide special education
25 programs and services. In the event the charter school's
26 expenses for special education are less than the total amount it
27 received from school districts for special education, the
28 overpayment shall be returned to the school districts on a pro
29 rata basis by no later than February 1, 2023, and February 1 of
30 each year thereafter pursuant to guidelines developed by the

1 department.

2 * * *

3 Section 2. Sections 1732-A(a) and 1749-A(a) (1) of the act
4 are amended to read:

5 Section 1732-A. Provisions Applicable to Charter Schools.--

6 (a) Charter schools shall be subject to the following:

7 Sections 108, 110, 111, 321, 325, 326, 327, 431, 436, 443,
8 510, 518, 527, 708, 736, 737, 738, 739, 740, 741, 752, 753, 755,
9 771, 776, 777, 808, 809, 810, 1109, 1111, 1112(a), 1301, 1310,
10 1317, 1317.1, 1317.2, 1318, 1326, 1327, 1327.2, 1329, 1330,
11 1332, 1333, 1333.1, 1333.2, 1333.3, 1372, 1303-A, 1513, 1517,
12 1518, 1521, 1523, 1531, 1547, 2014-A, Article XIII-A and Article
13 XIV.

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

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

20 Section 4 of the act of January 25, 1966 (1965 P.L.1546,
21 No.541), entitled "An act providing scholarships and providing
22 funds to secure Federal funds for qualified students of the
23 Commonwealth of Pennsylvania who need financial assistance to
24 attend postsecondary institutions of higher learning, making an
25 appropriation, and providing for the administration of this
26 act."

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

1 Act of December 15, 1986 (P.L.1595, No.175), known as the
2 "Antihazing Law."

3 * * *

4 Section 1749-A. Applicability of other provisions of this act
5 and of other acts and regulations.

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

8 (1) Sections 108, 110, 111, 321, 325, 326, 327, 431,
9 436, 443, 510, 518, 527, 708, 752, 753, 755, 771, 776, 777,
10 808, 809, 810, 1109, 1111, 1112(a), 1205.1, 1205.2, 1301,
11 1302, 1310, 1317.2, 1318, 1326, 1327, 1327.2, 1329, 1330,
12 1332, 1333, 1333.1, 1333.2, 1333.3, 1372, 1303-A, 1518, 1521,
13 1523, 1531, 1547, 1702-A, 1703-A, 1714-A, 1715-A, 1716-A,
14 1716.1-A, 1719-A, 1721-A, 1722-A, 1723-A(a) and (b), 1724-A,
15 1725-A, 1727-A, 1729-A, 1730-A, 1731-A(a) (1) and (b) and
16 2014-A and Articles XII-A, XIII-A and XIV.

17 * * *

18 Section 3. This act shall take effect in 60 days.