

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1422 Session of 2023

INTRODUCED BY CIRESI, MADDEN, ISAACSON, SMITH-WADE-EL, SCHLOSSBERG, HANBIDGE, WEBSTER, GUENST, SANCHEZ, D. WILLIAMS, HOHENSTEIN, HADDOCK, PROBST, HOWARD, DELLOSO, ADAMS, HILL-EVANS, KAZEEM, MALAGARI, PIELLI, SALISBURY, BURNS, SHUSTERMAN, OTTEN, VITALI, RABB, FRIEL, CURRY, KENYATTA, STURLA, BOROWSKI, O'MARA, BENHAM, FIEDLER, CEPEDA-FREYTIZ, VENKAT, DONAHUE, CERRATO, BRIGGS, KRUEGER, BOYD, SAPPEY, TAKAC AND T. DAVIS, JUNE 22, 2023

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JULY 5, 2023

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 and sponsorships; in charter schools, further  
7 providing for definitions and for funding for charter  
8 schools, providing for funding for cyber charter schools, for  
9 cyber charter school requirements, for powers and composition  
10 of board of trustees and for educational management service  
11 providers, further providing for powers and duties of  
12 department and for assessment and evaluation, providing for  
13 annual reports and public reporting and for fund balance  
14 limits, further providing for cyber charter school  
15 requirements and prohibitions and for school district and  
16 intermediate unit responsibilities, providing for access to  
17 other schools' facilities, further providing for  
18 establishment of cyber charter school, providing for  
19 renewals, for charter amendments and for causes for  
20 nonrenewal, revocation or termination, further providing for  
21 State Charter School Appeal Board review, for cyber charter  
22 school application and for enrollment and notification,  
23 providing for enrollment parameters and for enrollee wellness  
24 checks and further providing for applicability of other  
25 provisions of this act and of other acts and regulations.

26 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

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

5 Section 130. Advertising and Sponsorships.--(a) A paid  
6 media advertisement by a public school entity that refers to the  
7 cost of tuition, technology, transportation or other expenses  
8 shall not advertise those expenses as free, and any reference to  
9 tuition, technology, transportation or other expenses must  
10 indicate that the cost is covered by taxpayer dollars.

11 (b) A public school entity shall be prohibited from paying  
12 for or utilizing any other form of consideration to sponsor a  
13 public event.

14 (c) No later than August 1, 2024, each public school entity  
15 shall report to the department of education the entity's total  
16 expenditures for paid media advertisements and sponsorships of  
17 public events for the 2022-2023 school year. The department  
18 shall compile the results of the reporting and make the results  
19 available on the department's publicly accessible Internet  
20 website by December 1, 2024.

21 (d) For purposes of this section, the following words and  
22 phrases shall have the following meanings:

23 "Paid media advertisement." The term includes a television,  
24 radio, newspaper, magazine or movie theater advertisement,  
25 billboard, bus poster or Internet-based or other commercial  
26 method that may promote enrollment in a public school entity.

27 "Public event." An activity, event or gathering that members  
28 of the public may attend, has been publicly announced or  
29 publicized in advance, and for which an admission fee or cost  
30 may be required. The term includes concerts, performances,

1 sporting events, fairs, festivals, parades, performances and  
2 other exhibitions. THE TERM SHALL NOT INCLUDE SCHOOL-SPONSORED <--  
3 ACTIVITIES AS DEFINED IN SECTION 1318.1(J).

4 "Public school entity." A public school district, charter  
5 school entity as defined in section 1703-A, intermediate unit or  
6 area career and technical school.

7 Section 2. Section 1703-A introductory paragraph and the  
8 definitions of "appeal board," "chief executive officer" and  
9 "school district of residence" of the act are amended and the  
10 section is amended by adding definitions to read:

11 Section 1703-A. Definitions.--[As used in this article,] The  
12 following words and phrases when used in this article shall have  
13 the meanings given to them in this section unless the context  
14 clearly indicates otherwise:

15 "Administrator" shall include the chief administrator of a  
16 charter school entity and all other employes of a charter school  
17 entity who by virtue of their positions exercise management or  
18 operational oversight responsibilities.

19 \* \* \*

20 "Appeal board" shall mean the State Charter School Appeal  
21 Board established [by this article] under section 1721-A.

22 \* \* \*

23 "Charter school entity" shall mean a charter school, regional  
24 charter school, cyber charter school or multiple charter school  
25 organization.

26 "Charter school foundation" shall mean a nonprofit  
27 organization qualified as Federally tax exempt under section  
28 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-  
29 514, 26 U.S.C. § 501(c)(3)), that provides funding or resources  
30 or otherwise serves to support a charter school entity.

1 "Chief [executive officer] administrator" shall mean an  
2 individual appointed by the board of trustees to oversee and  
3 manage the operation of [the] a charter school entity, but who  
4 shall not be deemed a professional staff member under this  
5 article.

6 \* \* \*

7 "Compensation" shall include money or other remuneration  
8 received from a charter school entity.

9 \* \* \*

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

20 "Eligible applicant" shall mean a student who is seeking to  
21 enter a grade level offered by the charter school entity and  
22 meets the requirements of 22 Pa. Code §§ 11.12 (relating to  
23 school age), 11.13 (relating to compulsory school age), 11.14  
24 (relating to admission to kindergarten when provided), 11.15  
25 (relating to admission of beginners), 11.16 (relating to early  
26 admission of beginners) and 12.1 (relating to free education and  
27 attendance) and student residency requirements.

28 "Emergency" shall mean a manmade or natural disaster. The  
29 term includes a fire, flood, environmental hazard, damage to a  
30 school building or other circumstance that impacts or could

1 impact the health or safety of students or staff or renders all  
2 or part of a charter school facility unfit for use or  
3 occupation.

4 "Family member" shall mean a parent, stepparent, child,  
5 stepchild, spouse, domestic partner, brother, sister,  
6 stepbrother, stepsister, grandparent, grandchild, parent-in-law,  
7 brother-in-law, sister-in-law, aunt, uncle, or first cousin.

8 \* \* \*

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

13 "Nonrelated" shall mean an individual who is not a family  
14 member.

15 "Public hearing" shall mean a meeting held pursuant to 65  
16 Pa.C.S. Ch. 7 (relating to open meetings) where the contemplated  
17 action is considered and opportunities for the public to comment  
18 on the contemplated action are provided during the meeting.

19 \* \* \*

20 "School district of residence" shall mean the school district  
21 in this Commonwealth in which [the parents or guardians of a  
22 child reside.] a child resides as determined under section 1302  
23 and 22 Pa. Code § 11.11(a)(1) (relating to entitlement of  
24 resident children to attend public schools).

25 \* \* \*

26 Section 3. Section 1725-A(a) introductory paragraph of the  
27 act is amended to read:

28 Section 1725-A. Funding for Charter Schools.--(a) [Funding]  
29 Except as provided in section 1725.1-A, funding for a charter  
30 school shall be provided in the following manner:

1 \* \* \*

2 Section 4. The act is amended by adding sections to read:

3 Section 1725.1-A. Funding for Cyber Charter Schools.--(a)  
4 Notwithstanding section 1725-A(a)(2) and (3), per-student  
5 funding amounts for students attending a cyber charter school  
6 shall be calculated in accordance with this section.

7 (b) A cyber charter school may not charge tuition for a  
8 student attending a cyber charter school. Beginning in the 2024-  
9 2025 school year, a cyber charter school shall be paid by a  
10 student's school district of residence using the Statewide Cyber  
11 Charter School Tuition Rate.

12 (c) For the 2024-2025, 2025-2026 and 2026-2027 school years,  
13 for non-special education students, a cyber charter school shall  
14 receive for each student enrolled eight thousand dollars  
15 (\$8,000). This amount shall be the Statewide Cyber Charter  
16 School Tuition Rate.

17 (d) Beginning in the 2027-2028 school year and every three  
18 (3) years thereafter, the Statewide Cyber Charter School Tuition  
19 Rate shall be adjusted by the average annual property tax rate  
20 increase for all school districts for the most recent three (3)  
21 years. The department shall develop guidelines for determining  
22 the average annual property tax rate increase.

23 (e) On or before April 30, 2027, and by April 30 of each  
24 third year thereafter, the department shall calculate and post  
25 on its publicly accessible Internet website the Statewide Cyber  
26 Charter School Tuition Rate payable by a student's school  
27 district of residence under subsection (d) for the next school <--  
28 year THREE (3) SCHOOL YEARS. <--

29 (f) For special education students, a cyber charter school  
30 shall receive the Statewide Cyber Charter School Tuition Rate

1 adjusted as follows:

2 (1) For each special education student enrolled in the cyber  
3 charter school, multiply the Statewide Cyber Charter School  
4 Tuition Rate by one and sixty-four hundredths (1.64).

5 (2) If the cyber charter school determines that the annual  
6 expenditure for providing special education specific services  
7 and programs to an enrolled student is likely to meet or exceed  
8 the amount specified under section 1372(8) for Category 2, the  
9 cyber charter school may apply to the department for an increase  
10 in the Statewide Cyber Charter School Tuition Rate for the  
11 student.

12 (3) If the department determines that the annual expenditure  
13 for providing special education specific services and programs  
14 to an enrolled student is likely to meet or exceed the amount  
15 specified in section 1372(8) for Category 2, the department  
16 shall direct the school district to pay the Statewide Cyber  
17 Charter School Tuition Rate for the student adjusted as follows:

18 (i) for each special education student enrolled in the cyber  
19 charter school for which the annual expenditure is in Category  
20 2, multiply the Statewide Cyber Charter School Tuition Rate by  
21 three and eight hundredths (3.08); or

22 (ii) for each special education student enrolled in the  
23 cyber charter school for which the annual expenditure is in  
24 Category 3, multiply the Statewide Cyber Charter School Tuition  
25 Rate by six and thirty-four hundredths (6.34). For purposes of  
26 this subparagraph, Category 3 shall include students in  
27 Categories 3A and 3B under section 1372(8).

28 (g) The per-student amounts required under subsection (f)  
29 shall be calculated by the department and posted on its publicly  
30 accessible Internet website and shall be paid by the school

1 district of residence of each student.

2 (h) In accordance with guidelines developed by the  
3 department, to be eligible to receive funding for special  
4 education students under subsection (f)(2) and (3), the cyber  
5 charter school shall provide the department with appropriate  
6 documentation on the likely annual expenditure for providing an  
7 education to the student.

8 (i) The weights provided under subsection (f) shall be  
9 updated whenever the weights under section 2509.5(bbb)(2) for  
10 the respective categories are adjusted for school districts.

11 (j) The calculation made under subsection (f) may not result  
12 in a payment that exceeds the maximum amount within the  
13 category's dollar range and the calculation under subsection (f)  
14 (3)(ii) may not result in a payment that exceeds the actual  
15 annual expenditure of providing an education to the student. If  
16 the actual annual expenditure of providing special education  
17 specific services and programs to a student in Category 3 is  
18 less than the amount the cyber charter school received for the  
19 student, the cyber charter school shall return to the school  
20 district of residence any overage the cyber charter school  
21 received for the student no later than August 1 of each year.

22 Section 1740-A. Cyber Charter School Requirements.

23 (a) General rule.--Cyber charter schools shall be required  
24 to comply with the following provisions:

25 (1) Except as otherwise provided in this article, a  
26 cyber charter school is exempt from statutory requirements  
27 established in this act, from regulations of the State board  
28 and the standards of the secretary not specifically  
29 applicable to cyber charter schools. Cyber charter schools  
30 are not exempt from statutes applicable to public schools

1 other than this act.

2 (2) A cyber charter school shall be accountable to the  
3 parents, guardians, families, the public, the department and  
4 the Commonwealth, with the delineation of that accountability  
5 reflected in the charter. Strategies for meaningful parent,  
6 guardian, family and community involvement shall be developed  
7 and implemented by each cyber charter school.

8 (3) A cyber charter school shall not unlawfully  
9 discriminate in admissions, hiring or operation.

10 (4) A cyber charter school shall be nonsectarian in all  
11 operations.

12 (5) (i) Subject to subparagraph (ii), a cyber charter  
13 school shall not provide any religious instruction, nor  
14 shall it display religious objects and symbols on the  
15 premises of the cyber charter school.

16 (ii) It shall not be a violation of this paragraph  
17 for a cyber charter school to utilize a sectarian  
18 facility:

19 (A) if the cyber charter school provides for  
20 discrete separate entrances to buildings utilized for  
21 school purposes only;

22 (B) if the religious objects and symbols within  
23 the portions of the facility utilized by the cyber  
24 charter school are covered or removed; or

25 (C) in which the unused portion of the facility  
26 or its common areas contain religious symbols and  
27 objects.

28 (6) A cyber charter school shall not advocate unlawful  
29 behavior.

30 (7) A cyber charter school shall participate in the

1 Pennsylvania State Assessment System as provided for in 22  
2 Pa. Code Ch. 4 (relating to academic standards and  
3 assessment), or subsequent regulations promulgated to replace  
4 22 Pa. Code Ch. 4, in the same manner as school districts.

5 ~~(8) At the elementary level, a cyber charter school~~ <--  
6 ~~shall provide a minimum of 180 days of instruction or 900~~  
7 ~~hours per year of instruction. At the secondary level, a~~  
8 ~~cyber charter school shall provide a minimum of 990 hours per~~  
9 ~~year of instruction.~~

10 (8) A CYBER CHARTER SCHOOL SHALL PROVIDE A MINIMUM OF <--  
11 180 DAYS OF INSTRUCTION OR 900 HOURS PER YEAR OF INSTRUCTION  
12 AT THE ELEMENTARY LEVEL OR 990 HOURS PER YEAR OF INSTRUCTION  
13 AT THE SECONDARY LEVEL.

14 (9) Boards of trustees and contractors of cyber charter  
15 schools shall be subject to the following statutory  
16 requirements governing construction projects and  
17 construction-related work:

18 (i) The following provisions of this act:

19 (A) Sections 751 and 751.1.

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

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

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

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

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

3           (10) Trustees of a cyber charter school shall be public  
4           officials for the purposes of 65 Pa.C.S. Ch. 11 (relating  
5           to ethics standards and financial disclosure), and each  
6           trustee shall file a statement of financial interests for  
7           the preceding calendar year with the secretary of the  
8           board of trustees of the cyber charter school, the State  
9           Ethics Commission and the department not later than May 1  
10           of each year that members hold the position and of the  
11           year after a member leaves the position. In the event  
12           that the trustee was appointed or selected after May 1,  
13           the trustee shall file a statement of financial interests  
14           in accordance with this clause within 30 days of  
15           appointment or selection. All members of the board of  
16           trustees of a cyber charter school shall take the oath of  
17           office as required under section 321 before entering upon  
18           the duties of their office.

19           (b) Employees.--

20           (1) An administrator for a cyber charter school shall be  
21           an employee of the cyber charter school and shall not receive  
22           compensation from another charter school entity, from an  
23           educational management service provider, from a charter  
24           school foundation or from a company that provides management  
25           or other services to another charter school entity.

26           (2) An administrator for a cyber charter school shall be  
27           a public employee under 65 Pa.C.S. Ch. 11 and shall file a  
28           statement of financial interest for the preceding calendar  
29           year with the secretary of the board of trustees of the cyber  
30           charter school not later than May 1 of each year that the

1 person holds the position and of the year after the person  
2 leaves the position. In the event that the administrator was  
3 appointed after May 1, the administrator shall file a  
4 statement of financial interest in accordance with this  
5 clause within 30 days of appointment.

6 (3) An administrator of a cyber charter school or family  
7 member of an administrator may not serve as a voting member  
8 of the board of trustees of the cyber charter school that  
9 employs the administrator or of a charter school foundation  
10 that supports the cyber charter school.

11 (4) An administrator of a cyber charter school may not  
12 participate in the selection, award or administration of a  
13 contract if the administrator has a conflict of interest as  
14 the term is defined in 65 Pa.C.S. § 1102 (relating to  
15 definitions). A contract made in violation of this paragraph  
16 shall be voidable by the board of trustees of the cyber  
17 charter school.

18 (5) An administrator shall be immediately dismissed upon  
19 conviction or upon a plea of guilty or nolo contendere for an  
20 offense graded as a felony, an infamous crime, an offense  
21 pertaining to fraud, theft or mismanagement of public funds  
22 or any crime involving moral turpitude.

23 (6) ~~Charter school entities~~ CYBER CHARTER SCHOOLS shall <--  
24 use the revised rating system specified in Article XI  
25 Subarticle (c.1) to evaluate employees serving as principals  
26 or school leaders, classroom teachers and nonteaching  
27 professional employees.

28 Section 1740.1-A. Powers and Composition of Board of Trustees.

29 (a) General rule.--The board of trustees of a cyber charter  
30 school 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 employees subject to the school's charter and  
6 the provisions of this article.

7 (b) Prohibition.--No member of a local board of school  
8 directors of a school entity shall serve on the board of  
9 trustees of a cyber charter school.

10 (c) Open meetings.--The board of trustees shall comply with  
11 65 Pa.C.S. Ch. 7 (relating to open meetings).

12 (d) Board.--

13 (1) An individual shall be prohibited from serving as a  
14 voting member of the board of trustees of a cyber charter  
15 school under any of the following conditions:

16 (i) If the individual or a family member of the  
17 individual is employed by or receives compensation from  
18 the cyber charter school.

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

20 (A) the board of trustees or directors of a  
21 charter school foundation that supports the cyber  
22 charter school; or

23 (B) the board of trustees or directors of an  
24 educational management service provider that  
25 contracts with the cyber charter school.

26 (iii) The individual serves as a voting member of  
27 the board of trustees of another charter school entity.

28 (2) A member of the board of trustees of a cyber charter  
29 school may not participate in the selection, award or  
30 administration of any contract if the member has a conflict

1 of interest as the term is defined in 65 Pa.C.S. § 1102  
2 (relating to definitions).

3 (3) A member of the board of trustees of a cyber charter  
4 school who in the discharge of the member's official duties  
5 would be required to vote on a matter that would result in a  
6 conflict of interest must abstain from voting and follow the  
7 procedures required under 65 Pa.C.S. § 1103(j) (relating to  
8 restricted activities).

9 (4) A member of the board of trustees of a cyber charter  
10 school or family member of a member of a board of trustees of  
11 a cyber charter school shall not, directly or through any  
12 other individual, entity, partnership or corporation in which  
13 the 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  
16 the cyber charter school.

17 (5) A member of the board of trustees of a cyber charter  
18 school who violates the provisions of this subsection commits  
19 a violation of 65 Pa.C.S. § 1103(a) and shall be subject to  
20 the penalties imposed under the jurisdiction of the State  
21 Ethics Commission.

22 (6) A contract made in violation of this subsection  
23 shall be voidable by a court of competent jurisdiction.

24 (e) Compensation.--A member of the board of trustees of a  
25 cyber charter school shall not be compensated for duties on the  
26 board of trustees, except that the cyber charter school may  
27 reimburse the members for reasonable expenses incurred in the  
28 performance of their duties. A report detailing the reasons for  
29 and amounts of reimbursements paid to each member of the board  
30 of trustees shall be made available upon request of any person,

1 including in response to a request under the act of February 14,  
2 2008 (P.L.6, No.3), known as the Right-to-Know Law.

3 (f) Action.--

4 (1) A majority of the voting members of the board of  
5 trustees shall constitute a quorum. If less than a majority  
6 is present at any meeting, no business may be transacted at  
7 the meeting but the members present may adjourn to some  
8 stated time.

9 (2) The affirmative vote of a majority of all the voting  
10 members of the board of trustees, duly recorded, showing how  
11 each member voted, shall be required in order to take  
12 official action.

13 (g) Composition.--

14 (1) The board of trustees of a cyber charter school  
15 shall consist of a minimum of seven nonrelated voting  
16 members. If a cyber charter school has fewer than seven  
17 members serving on its board of trustees on the effective  
18 date of this subsection, the cyber charter school shall,  
19 within 60 days, appoint or select additional members to the  
20 board of trustees to meet the minimum requirements of this  
21 section.

22 (2) Within one year of the effective date of this  
23 subsection, the board of trustees shall include at least one  
24 parent or guardian of a student enrolled in the cyber charter  
25 school. The trustee appointed under this paragraph shall be  
26 eligible to serve only so long as they have at least one  
27 child enrolled in the cyber charter school. This subparagraph  
28 shall not apply to a cyber charter school that serves  
29 primarily adjudicated youth.

30 (3) A member of the board of trustees of a cyber charter

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

13 (4) In case any vacancy shall occur in any board of  
14 trustees by reason of death, resignation or otherwise, the  
15 vacancy shall be filled within 60 days following the vacancy.  
16 Section 1740.2-A. Educational Management Service Providers.

17 (a) General rule.--An educational management service  
18 provider that provides a service to a cyber charter school:

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

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

25 (b) Employees.--Employees of an educational management  
26 service provider that provides a service to a cyber charter  
27 school are public employees for the purpose of 65 Pa.C.S. Ch. 11  
28 (relating to ethics standards and financial disclosure).

29 Section 5. Sections 1741-A and 1742-A of the act are amended  
30 to read:

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

2 (a) Powers and duties.--The department shall have all powers  
3 necessary to:

4 (1) Receive, review and act on applications for the  
5 creation of a cyber charter school [~~and have~~] including, but  
6 not limited to, the power to request further information from  
7 applicants, obtain input from interested persons or entities  
8 and hold public hearings regarding applications. At least one  
9 public hearing shall be held prior to granting or denying an  
10 application.

11 (2) [~~Renew~~] Receive, review and act on applications to  
12 amend and renew the charter of a cyber charter school. [~~and~~  
13 ~~renew the charter of a charter school approved under section~~  
14 ~~1717-A or 1718-A which provides instruction through the~~  
15 ~~Internet or other electronic means. Upon renewal of a charter~~  
16 ~~of a charter school approved under section 1717-A or 1718-A,~~  
17 ~~the charter school shall qualify as a cyber charter school~~  
18 ~~under this subdivision and shall be subject to the provisions~~  
19 ~~of this subdivision.]~~

20 (3) Revoke or deny renewal of a cyber charter school's  
21 charter under the provisions of section [~~1729-A~~] 1745.3-A.

22 [(i) ~~Notwithstanding the provisions of section 1729-~~  
23 ~~A(i), when the department has revoked or denied renewal~~  
24 ~~of a charter, the cyber charter school shall be~~  
25 ~~dissolved. After the disposition of the liabilities and~~  
26 ~~obligations of the cyber charter school, any remaining~~  
27 ~~assets of the cyber charter school shall be given over to~~  
28 ~~the intermediate unit in which the cyber charter school's~~  
29 ~~administrative office was located for distribution to the~~  
30 ~~school districts in which the students enrolled in the~~

1 cyber charter school reside at the time of dissolution.

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

5 (A) a material component of the student's  
6 education as required under this subdivision is not  
7 being provided; or

8 (B) the cyber charter school has failed to  
9 maintain the financial ability to provide services as  
10 required under this subdivision.]

11 (4) Execute charters after approval.

12 [(5) Develop forms, including the notification form  
13 under section 1748-A(b), necessary to carry out the  
14 provisions of this subdivision.]

15 (b) Hearings.--[Hearings] Public hearings conducted by the  
16 department shall be conducted under 65 Pa.C.S. Ch. 7 (relating  
17 to open meetings).

18 (c) Documents.--Documents of the appeal board shall be  
19 subject to the act of [June 21, 1957 (P.L.390, No.212), referred  
20 to as the Right-to-Know Law.] February 14, 2008 (P.L.6, No.3),  
21 known as the Right-to-Know Law.

22 (d) Form.--

23 (1) The department shall develop a standard enrollment  
24 form in both paper and electronic formats that shall be used  
25 by all eligible applicants to apply to a cyber charter  
26 school. The standard enrollment form shall only request  
27 information necessary to allow the cyber charter school to  
28 identify the student, grade level and residency, including:

29 (i) The student's name, address of residence,  
30 resident school district, telephone number, age, birth

1 date, current grade level and the grade level in which  
2 the student is being enrolled. The cyber charter school  
3 shall be required to verify the student's residency  
4 within the school district of residence.

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

8 (iii) The date and grade LEVEL IN WHICH the student <--  
9 will be enrolled.

10 (iv) A space for the cyber charter school to include  
11 the name of the cyber charter school and the name,  
12 telephone number and email address of a contact person at  
13 the cyber charter school.

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

16 (2) The standard enrollment form shall be made  
17 physically available at each cyber charter school location,  
18 in a form that complies with Federal and State law, and  
19 posted on the publicly accessible Internet website of the  
20 cyber charter school. A cyber charter school may accept the  
21 enrollment form via paper or electronic means.

22 (3) A cyber charter school shall not require or request  
23 information beyond the contents of the standard enrollment  
24 form developed by the department.

25 (4) Nothing in this subsection shall be construed to  
26 prohibit a cyber charter school from requesting the  
27 submission of additional records and information that public  
28 schools are entitled to receive after a student is accepted  
29 for admission to, and has indicated an intent to enroll in,  
30 the cyber charter school.

1 [Section 1742-A. Assessment and evaluation.

2 The department shall:

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

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

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

18 Section 6. The act is amended by adding sections to read:

19 Section 1742.1-A. Annual Reports and Public Reporting.

20 (a) Department duties.--The department shall:

21 (1) Annually assess and evaluate whether each cyber  
22 charter school is meeting the goals of its charter. This may  
23 include, but not be limited to, a review of academic  
24 performance, financial management, audit results, governance  
25 and operation, and compliance with state and federal laws and  
26 regulations.

27 (2) Conduct a comprehensive review prior to granting a  
28 renewal of the charter. This may include, but not be limited  
29 to, a review of academic performance, financial management,  
30 audit results, governance and operation, and compliance with

1 state and federal laws and regulations.

2 (3) Have ongoing access to the records, systems and  
3 facilities of the cyber charter school and any related  
4 charter school foundation or educational management service  
5 provider to facilitate the annual and comprehensive reviews  
6 required in this subsection and to ensure that the cyber  
7 charter school is in compliance with its charter and this  
8 article and that requirements for testing, civil rights and  
9 student health and safety are being met.

10 ~~(b) Report. In order to facilitate the department's review~~ <--  
11 ~~under subsection (a), each cyber charter school shall submit an~~  
12 ~~annual report no later than August 1 of each year to the~~  
13 ~~department and all local boards of school directors that have a~~  
14 ~~student enrolled in the cyber charter school in the form~~  
15 ~~prescribed by the department. A copy of the annual report~~  
16 ~~submitted under this subsection, including all exhibits and~~  
17 ~~attachments to the report, shall also be maintained at each~~  
18 ~~facility of the cyber charter school and be made available for~~  
19 ~~public inspection and copying, and shall be posted on the cyber~~  
20 ~~charter school's publicly accessible Internet website.~~

21 ~~(B) REPORT.--IN ORDER TO FACILITATE THE DEPARTMENT'S REVIEW~~ <--  
22 ~~UNDER SUBSECTION (A), EACH CYBER CHARTER SCHOOL SHALL SUBMIT AN~~  
23 ~~ANNUAL REPORT NO LATER THAN AUGUST 1 OF EACH YEAR TO THE~~  
24 ~~DEPARTMENT AND ALL LOCAL BOARDS OF SCHOOL DIRECTORS THAT HAVE A~~  
25 ~~STUDENT ENROLLED IN THE CYBER CHARTER SCHOOL IN THE FORM~~  
26 ~~PRESCRIBED BY THE DEPARTMENT. THE FOLLOWING SHALL APPLY TO THE~~  
27 ~~REPORT:~~

28 ~~(1) THE ANNUAL REPORT SUBMITTED UNDER THIS SUBSECTION~~  
29 ~~SHALL INCLUDE, BUT NOT BE LIMITED TO, THE NUMBER OF STUDENTS~~  
30 ~~WHO ENROLL IN THE CYBER CHARTER SCHOOL AND THE NUMBER OF~~

1 THOSE STUDENTS WHO ARE IDENTIFIED BY THE CYBER CHARTER SCHOOL  
2 AS NEEDING SPECIAL EDUCATION AS WELL AS THE LEVEL OF SERVICES  
3 BEING PROVIDED TO THE STUDENT.

4 (2) A COPY OF THE ANNUAL REPORT SUBMITTED UNDER THIS  
5 SUBSECTION, INCLUDING ALL EXHIBITS AND ATTACHMENTS TO THE  
6 REPORT, SHALL ALSO BE MAINTAINED AT EACH FACILITY OF THE  
7 CYBER CHARTER SCHOOL AND BE MADE AVAILABLE FOR PUBLIC  
8 INSPECTION AND COPYING AND SHALL BE POSTED ON THE CYBER  
9 CHARTER SCHOOL'S PUBLICLY ACCESSIBLE INTERNET WEBSITE.

10 (c) Compliance.--Cyber charter schools shall comply fully  
11 with the requirements of the Family Educational Rights and  
12 Privacy Act of 1974 (Public Law 90-247, 20 U.S.C. § 1232g) and  
13 associated regulations in all public reporting.

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

24 (1) An enrollment audit to verify the accuracy of  
25 student enrollment, including the enrollment, withdrawal and  
26 residency of students and the reporting of the enrollment  
27 information to the department and the school district of  
28 residence.

29 (2) Full review of expense reimbursements for board of  
30 trustees members and administrators, including sampling of

1 all reimbursements.

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

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

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

12 (6) Review of the selection and acceptance process of  
13 all contracts publicly bid pursuant to sections 751 and  
14 807.1.

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

21 (e) Audit.--A cyber charter school may be subject to an  
22 annual audit by the Auditor General, the department, or any  
23 other entity granted authority to audit cyber charter schools in  
24 addition to any other audits required by Federal or State law or  
25 this act.

26 (f) Budget.--

27 (1) A cyber charter school shall annually, not later  
28 than June 30 of each year, adopt and provide the department  
29 and any school district which has a student enrolled with a  
30 copy of the annual budget on a form prepared by the

1 department, which shall require that the cyber charter school  
2 provide no more information than that provided by school  
3 districts pursuant to section 687.

4 (2) The cyber charter school shall print or otherwise  
5 make available for public inspection a copy of the proposed  
6 annual budget to all persons at least 20 days prior to the  
7 date set for the adoption of the final budget. A copy of the  
8 annual budget shall also be posted on the cyber charter  
9 school's publicly accessible Internet website.

10 (3) On the date of adoption of the proposed budget  
11 required under this subsection, the president or chair of the  
12 cyber charter school's board of trustees shall certify to the  
13 department that the proposed budget has been prepared,  
14 presented and made available for public inspection using the  
15 uniform form prepared and furnished by the department. The  
16 certification shall be in a form and manner as required by  
17 the department. Final action shall not be taken on a proposed  
18 budget that has not been prepared, presented and made  
19 available for public inspection using the uniform form  
20 prepared and furnished by the department.

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

24 (g) Accessibility.--Notwithstanding any other provision of  
25 law, a cyber charter school and an affiliated charter school  
26 foundation shall make copies of the following available upon  
27 request and on the cyber charter school's or charter school  
28 foundation's publicly accessible Internet website, if one is  
29 maintained:

30 (1) Annual budgets for the cyber charter school, as

1 provided for in subsection (f), and charter school foundation  
2 for the most recent five school years, as available. A  
3 charter school foundation shall include in its annual budget  
4 the salaries of all employees of the charter school  
5 foundation.

6 (2) Annual Federal and State tax filings, including  
7 Internal Revenue Service Form 990, Return of Organization  
8 Exempt from Income Tax and all related schedules and  
9 appendices for the cyber charter school and charter school  
10 foundation for the previous five school years.

11 (3) Certified audits under subsection (d) and any  
12 Federal and State audits provided under subsection (e) for  
13 the cyber charter school and charter school foundation for  
14 the previous five school years, as available.

15 (4) Annual reports filed by the cyber charter school  
16 under subsection (b) for the previous five school years, as  
17 available.

18 Section 1742.2-A. Fund Balance Limits.

19 (a) Limitation.--For the 2024-2025 school year and each  
20 school year thereafter a cyber charter school shall not  
21 accumulate an unassigned fund balance greater than 10% of its <--  
22 total budgeted expenditures. THAT EXCEEDS THE FOLLOWING: <--

<u>CYBER CHARTER SCHOOL</u>	<u>ESTIMATED ENDING UNASSIGNED FUND</u>
<u>TOTAL BUDGETED</u>	<u>BALANCE AS PERCENTAGE OF TOTAL</u>
<u>EXPENDITURES</u>	<u>BUDGETED EXPENDITURES</u>
<u>LESS THAN OR EQUAL TO \$11,999,999</u>	<u>12%</u>
<u>BETWEEN \$12,000,000 AND \$12,999,999</u>	<u>11.5%</u>
<u>BETWEEN \$13,000,000 AND \$13,999,999</u>	<u>11%</u>
<u>BETWEEN \$14,000,000 AND \$14,999,999</u>	<u>10.5%</u>
<u>BETWEEN \$15,000,000 AND \$15,999,999</u>	<u>10%</u>

1	<u>BETWEEN \$16,000,000 AND \$16,999,999</u>	<u>9.5%</u>
2	<u>BETWEEN \$17,000,000 AND \$17,999,999</u>	<u>9%</u>
3	<u>BETWEEN \$18,000,000 AND \$18,999,999</u>	<u>8.5%</u>
4	<u>GREATER THAN OR EQUAL TO \$19,000,000</u>	<u>8%</u>

5     (b) Refund.--Any unassigned fund balance in place on June  
6 30, 2024, and on June 30 of each year thereafter in excess of  
7 the fund balance limit established in subsection (a) shall be  
8 refunded on a pro rata basis within 90 days to all school  
9 districts that paid tuition to the cyber charter school in the  
10 prior school year, based upon the number of students for whom  
11 each school district paid tuition to the cyber charter school  
12 multiplied by the Statewide Cyber Charter School Tuition Rate  
13 under section 1725.1-A.

14     (c) Information.--By October 31, 2024, and by October 31 of  
15 each year thereafter, each cyber charter school shall provide  
16 the department and all school districts that paid tuition to the  
17 cyber charter school in the prior school year with information  
18 certifying compliance with this section. The information shall  
19 be provided in a form and manner prescribed by the department  
20 and shall include information on the cyber charter school's  
21 estimated ending unassigned fund balance expressed as a dollar  
22 amount and as a percentage of the cyber charter school's total  
23 budgeted expenditures for that school year.

24     (d) Prohibition.--Unassigned funds of the cyber charter  
25 school in excess of the unassigned fund balance limit may not be  
26 used to pay bonuses to an administrator, a board of trustees  
27 member, an employee, a staff member or a contractor and may not  
28 be transferred to a charter school foundation. If a cyber  
29 charter school uses funds in excess of the unassigned fund  
30 balance limit to pay bonuses to an administrator, a board of

1 trustees member, an employee, a staff member or a contractor or  
2 transfers the funds to a charter school foundation, the value of  
3 the bonus payment or fund transfer shall be refunded on a pro  
4 rata basis to all school districts that paid tuition to the  
5 cyber charter school in the prior school year, based upon the  
6 number of students for whom each school district paid tuition to  
7 the cyber charter school multiplied by the Statewide Cyber  
8 Charter School Tuition Rate under section 1725.1-A.

9 (e) Definition.--As used in this section, the term  
10 "unassigned fund balance" shall mean that portion of the fund  
11 balance of a cyber charter school that is appropriable for  
12 expenditure or not legally or otherwise segregated for a  
13 specific or tentative future use, projected for the close of the  
14 school year for which a cyber charter school's budget was  
15 adopted and held in the General Fund accounts of the cyber  
16 charter school.

17 Section 7. Sections 1743-A and 1744-A of the act are amended  
18 to read:

19 Section 1743-A. Cyber charter school requirements and  
20 prohibitions.

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

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

25 (2) [except as provided for in subsection (e),] provide  
26 payments or reimbursements to parents or guardians for the  
27 purchase of instructional materials[; or], for educational or  
28 field trips or for any other reason not expressly provided  
29 for in subsection (e);

30 (3) offer or provide parents or guardians or students

1 cash, gifts or other incentives having more than a de minimus  
2 value for enrolling in, attending or considering enrollment  
3 or attendance in the school; or

4 (4) except as compensation for the provision of specific  
5 services, enter into agreements to provide funds to a school  
6 entity.

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

11 (c) School district.--A cyber charter school shall make  
12 available upon request, either in writing or electronically, to  
13 each student's school district of residence the following:

14 (1) A copy of the charter.

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

16 (3) A copy of all annual reports prepared by the cyber  
17 charter school under this article.

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

20 (5) Information required under section 1725.1-A.

21 (d) Parent or guardian.--Upon request and prior to the  
22 student's first day in a cyber charter school, the cyber charter  
23 school shall, either in writing or electronically, provide to  
24 the parent or guardian of a student the following:

25 (1) A current list and brief description of the courses  
26 of instruction the student will receive. The list shall be  
27 updated annually for each grade level in which the student is  
28 enrolled.

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

1           (3) The manner in which attendance will be reported and  
2 work will be authenticated.

3           (4) A list of all standardized tests the student will be  
4 required to take during the school year and the place where  
5 the test will be administered, if available.

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

11           (6) The address of the cyber charter school and the  
12 name, telephone number and e-mail address of the school  
13 administrator and other school personnel.

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

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

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

21           (10) Copies of policies relating to computer security  
22 and privacy, truancy, absences, discipline and withdrawal or  
23 expulsion of students.

24           (11) Information on:

25               (i) The cyber charter school's professional staff,  
26 including the number of staff personnel, their education  
27 level and experience.

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

30               (iii) The cyber charter school's graduation rate, if

1           applicable.

2           (iv) The cyber charter school's designation as a  
3           Comprehensive Support and Improvement school, Targeted  
4           Support and Improvement School or an Additional Targeted  
5           Support and Improvement School under the Every Student  
6           Succeeds Act (Public Law 114-95, 129 Stat.1802) or an  
7           equivalent building level designation under its successor  
8           Federal statute along with a description of the  
9           designation, if applicable.

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

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

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

20               (1) provide all instructional materials, which may  
21               include electronic or digital books in place of paper books;

22               (2) provide all equipment, including, but not limited  
23               to, a computer, computer monitor and printer, provided that a  
24               parent or guardian of an enrolled child may elect not to  
25               receive a computer monitor and printer; and

26               (3) provide or reimburse for [all] technology and  
27               services necessary for the [on-line] online delivery of the  
28               curriculum and instruction. The department shall establish a  
29               maximum allowable reimbursement rate for the technology and  
30               services required under this paragraph.

1     (e.1) The Commonwealth and school district of residence  
2 shall not be liable for any reimbursement owed to students,  
3 parents or guardians by a cyber charter school under [paragraph  
4 (3)] subsection (e) (3).

5     [(f) Annual report.--A cyber charter school shall submit an  
6 annual report no later than August 1 of each year to the  
7 department in the form prescribed by the department.]

8     (g) Records and facilities.--A cyber charter school shall  
9 provide the department with ongoing access to all records and  
10 facilities necessary for the department to assess the cyber  
11 charter school in accordance with the provisions of this  
12 subdivision.]

13     (h) Offices and facilities.--A cyber charter school shall  
14 maintain an administrative office within this Commonwealth where  
15 all student records shall be maintained at all times and shall  
16 provide the department with the addresses of all offices and  
17 facilities of the cyber charter school, the ownership thereof  
18 and any lease arrangements. The administrative office of the  
19 cyber charter school shall be considered as the principal place  
20 of business for service of process for any action brought  
21 against the cyber charter school or cyber charter school staff  
22 members. The cyber charter school shall notify the department of  
23 any changes in this information within [ten] 10 days of the  
24 change.

25     (i) Applicable law.--Any action taken against the cyber  
26 charter school, its successors or assigns or its employees,  
27 including any cyber charter school staff member as defined in  
28 the act of December 12, 1973 (P.L.397, No.141), known as the  
29 Professional Educator Discipline Act, shall be governed by the  
30 laws of this Commonwealth. If the department initiates an

1 investigation or pursues an action pursuant to the Professional  
2 Educator Discipline Act involving any current or former charter  
3 school staff member outside this Commonwealth, any reasonable  
4 expenses incurred by the department in such investigation or  
5 action shall be paid by the cyber charter school which employed  
6 that staff member at the time of the alleged misconduct.

7 (j) Agreements.--Notwithstanding any other provision of law,  
8 a cyber charter school may enter into agreements with school  
9 districts, intermediate units, career and technical centers or  
10 any other public or private school entities located within this  
11 Commonwealth for the provision of programs, courses or other  
12 educational services.

13 Section 1744-A. School district and intermediate unit  
14 responsibilities.

15 (a) General rule.--An intermediate unit or a school district  
16 in which a student enrolled in a cyber charter school resides  
17 shall do all of the following:

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

23 [(2) Provide the cyber charter school with reasonable  
24 access to its facilities for the administration of  
25 standardized tests required under this subdivision.]

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

1 (4) Make payments to the cyber charter school under  
2 section [1725-A] 1725.1-A.

3 (b) Transportation.--A school district in which a student  
4 enrolled in a cyber charter school resides shall provide  
5 transportation to students with an individualized education  
6 program to the extent required by the individualized education  
7 program.

8 (C) SERVICES.--AN INTERMEDIATE UNIT IN WHICH A STUDENT <--  
9 ENROLLED IN A CYBER CHARTER SCHOOL RESIDES MAY NOT REFUSE TO  
10 PROVIDE ANY SERVICE TO A CYBER CHARTER SCHOOL THAT REQUESTS  
11 SERVICES FOR A STUDENT.

12 Section 8. The act is amended by adding a section to read:  
13 Section 1744.1-A. Access to other schools' facilities.

14 (a) Access.--A school district, intermediate unit, community  
15 college under Article XIX-A or institution under Article XX-A  
16 shall provide a cyber charter school with reasonable access to  
17 facilities of the school district, intermediate unit, community  
18 college or institution for the administration of standardized  
19 testing. The following shall apply:

20 (1) The cyber charter school shall provide the school  
21 district, intermediate unit, community college or institution  
22 with at least 60 days notice of the need for facilities to be  
23 used for the administration of standardized tests.

24 (2) Within 30 days of the cyber charter school's  
25 request, the school district, intermediate unit, community  
26 college or institution shall notify the cyber charter school  
27 of the location of the facilities that will be provided,  
28 which shall be a quiet, separate location in which cyber  
29 charter school students will not be commingled with students  
30 of the school district, intermediate unit, community college

1 or institution.

2 (3) The school district, intermediate unit, community  
3 college or institution shall not be required to make  
4 facilities available to a cyber charter school on dates and  
5 at times that may cause undue interference with the  
6 educational programs or assessment schedule of the school  
7 district, intermediate unit, community college or  
8 institution.

9 (4) Any rental fee for the facilities charged to the  
10 cyber charter school and the payment of the fee shall be in  
11 compliance with the rental policy of the school district,  
12 intermediate unit, community college or institution that  
13 applies generally to other organizations and community  
14 groups.

15 (b) Computers or other devices.--Nothing in this section  
16 shall require a school district, intermediate unit, community  
17 college or institution to provide a cyber charter school with  
18 computers or any other devices which will be used by students to  
19 take standardized tests.

20 Section 9. Section 1745-A of the act is amended to read:  
21 Section 1745-A. Establishment of cyber charter school.

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

1 school established under this subdivision.

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

5 ~~(c) Attendance. Attendance at a cyber charter school shall~~ <--

6 (C) ATTENDANCE.-- <--

7 (1) ATTENDANCE AT A CYBER CHARTER SCHOOL SHALL satisfy  
8 requirements for compulsory attendance.

9 (2) ON A FORM DEVELOPED BY THE DEPARTMENT AND BEGINNING <--  
10 IN THE 2023-2024 SCHOOL YEAR, A CYBER CHARTER SCHOOL SHALL  
11 REPORT, ON A WEEKLY BASIS, THE ATTENDANCE OF EACH STUDENT FOR  
12 THE PRECEDING WEEK TO THE SCHOOL DISTRICT OF RESIDENCE.

13 (d) Application.--An application to establish a cyber  
14 charter school shall be submitted to the department by October 1  
15 of the school year preceding the school year in which the cyber  
16 charter school proposes to commence operation.

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

26 (f) Evaluation criteria.--

27 (1) A cyber charter school application submitted under  
28 this subdivision shall be evaluated by the department based  
29 on the following criteria:

30 (i) The demonstrated, sustainable support for the

1 cyber charter school plan by teachers, parents or  
2 guardians and students.

3 (ii) The capability of the cyber charter school  
4 applicant, in terms of support and planning, to provide  
5 comprehensive learning experiences to students under the  
6 charter.

7 (iii) The extent to which the programs outlined in  
8 the application will enable students to meet the academic  
9 standards under 22 Pa. Code Ch. 4 (relating to academic  
10 standards and assessment) or subsequent regulations  
11 promulgated to replace 22 Pa. Code Ch. 4.

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

14 (v) The extent to which the cyber charter school may  
15 serve as a model for other public schools, including  
16 other cyber charter schools.

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

23 (3) Upon approval of a cyber charter school application,  
24 a written charter shall be developed which shall contain the  
25 provisions of the charter application and be signed by the  
26 secretary and each member of the board of trustees of the  
27 cyber charter school. The charter, when duly signed, shall  
28 act as legal authorization of the establishment of a cyber  
29 charter school. The charter shall be legally binding on the  
30 department, the cyber charter school and its board of

1 trustees. The charter shall be for a period of no less than  
2 three years nor more than five years and may be renewed for a  
3 period of five years by the department.

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

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

10 (h) Appeal.--If the department fails to hold the required  
11 public hearing or [to approve or disapprove] denies the  
12 [charter] application, the applicant may file its application as  
13 an appeal to the appeal board pursuant to section 1746-A. The  
14 appeal board shall provide notice of the appeal to the  
15 department and may allow the department to be heard on the  
16 application. If the department fails to respond within 30 days,  
17 the appeal board shall review the application and make a  
18 decision to approve or disapprove the charter based on the  
19 criteria in subsection (f). An appeal must be filed no later  
20 than 30 days following the date by which the department was  
21 required to act on the application in accordance with subsection  
22 (e) or (g), as applicable, or the date of mailing of the written  
23 notice issued under subsection (f) (2).

24 Section 10. The act is amended by adding sections to read:  
25 Section 1745.1-A. Renewals.

26 (a) General rule.--A cyber charter school shall submit a  
27 renewal application as provided under section 1747-A(b) with the  
28 department by October 1 of the final year of the charter.

29 (b) Action.--The department shall, no later than 120 days  
30 after receipt of a complete renewal application, act to renew or

1 not renew the charter. The department may, in its sole  
2 discretion, hold a public hearing to discuss the renewal.

3 (c) Extension.--A renewal shall serve as a requirement for  
4 the department to extend the charter pursuant to 1745-A(f)(3).

5 (d) Renewal.--Failure to adhere to subsection (b) shall  
6 result in the charter being renewed in accordance with section  
7 1745-A(f)(3).

8 (e) Appeal.--Unless otherwise provided in this article, a  
9 cyber charter school that appeals a nonrenewal may continue  
10 operating based on the terms and conditions contained in the  
11 most recent charter pending the decision of the appeal board.  
12 Section 1745.2-A. Charter amendments.

13 (a) Filing.--Subject to subsections (b) and (c), a cyber  
14 charter school may request amendments to its charter by filing  
15 an amendment application describing the requested amendment with  
16 the department no later than October 15 of the school year prior  
17 to the school year in which the amendment would take effect.  
18 Approval from the department shall only be required for changes  
19 to one or more material terms of a written charter.

20 (b) Emergency.--Notwithstanding the notice requirements of  
21 subsection (a), in the event of an emergency, the cyber charter  
22 school shall immediately notify the department of the necessity  
23 for an emergency amendment, which shall be effective immediately  
24 as a temporary amendment pending completion of the processes set  
25 forth in this section.

26 (c) Time.--A cyber charter school may not seek an amendment  
27 during the first ~~and~~ OR final year of the charter term. A cyber <--  
28 charter school seeking an amendment during the final year of the  
29 charter term shall submit the amendment application along with  
30 the renewal application under section 1745.1.

1 (d) Form.--The department shall create a model amendment  
2 application form for a cyber charter school seeking to amend its  
3 approved written charter agreement. The form shall be  
4 transmitted to the Legislative Reference Bureau for publication  
5 in the next available issue of the Pennsylvania Bulletin.  
6 published in the Pennsylvania Bulletin and posted on the  
7 department's publicly accessible Internet website.

8 (1) The model amendment application shall include the  
9 following information:

10 (i) The name of the cyber charter school.

11 (ii) The name and contact information for the chief  
12 administrator and board of trustees president or  
13 chairperson.

14 (iii) The physical location of the cyber charter  
15 school, the ownership of the cyber charter school and any  
16 lease arrangements.

17 (iv) The amendments being requested to the approved  
18 written charter agreement and the reason for requesting  
19 the amendments.

20 (v) Evidence of the board of trustees vote to  
21 approve seeking an amendment.

22 (2) The department shall review the model application  
23 and renewal application forms at least every three years with  
24 feedback and input from stakeholders and revise the  
25 application forms as needed.

26 (e) Changes.--Nothing in this section shall prevent the  
27 department from supplementing the established model applications  
28 or requiring additional information as permitted by this act  
29 necessary to evaluate the application.

30 (f) Posting.--Pursuant to subsection (d), the department

1 shall post the model application and renewal application on its  
2 publicly accessible Internet website no later than August 1,  
3 2023.

4 (g) Use.--The model application forms developed under this  
5 section shall be used by charter school entities beginning in  
6 the 2024-2025 school year.

7 (h) Hearing.--Within 60 days of receipt by the department of  
8 an amendment application, the department shall hold a public  
9 hearing on the provisions of the charter amendment request.

10 (i) Action.--Within 180 days of the receipt by the  
11 department of the charter amendment request, the department  
12 shall grant or deny the request. Written notice of the  
13 department's action shall be sent to the cyber charter school.

14 (j) Approval.--If the amendment request is granted, the  
15 cyber charter school's written charter shall be supplemented or  
16 amended, as appropriate, to contain the provisions of the  
17 amendment request, and the amended charter shall be signed by  
18 the department and the president or chairperson of the cyber  
19 charter school's board of trustees. The amended charter, when  
20 duly signed, shall act as legal authorization of the operation  
21 of the cyber charter school in accordance with the amended  
22 charter. The amended charter shall be legally binding on the  
23 department and the cyber charter school and its board of  
24 trustees and shall be effective for the remainder of the term of  
25 the charter.

26 (k) Denial.--If the amendment request is denied, the reasons  
27 for the denial, including a description of deficiencies in the  
28 amendment request, shall be clearly stated in the written notice  
29 sent by the department to the cyber charter school. The denial  
30 of an amendment pursuant to this section may be appealed to the

1 appeal board in accordance with section 1746-A. The decision to  
2 deny the request shall not preclude the cyber charter school  
3 from revising and resubmitting a request for a charter amendment  
4 in the future in accordance with the procedures specified in  
5 this section to address any deficiencies in the previous request  
6 as identified by the department in its written notice denying  
7 the amendment request.

8 (l) Request.--Notwithstanding subsection (a), a cyber  
9 charter school may request amendments to its approved written  
10 charter at the time of renewal. Charter amendment requests made  
11 at the time of renewal shall be considered distinct requests  
12 that shall be subject to independent approval or denial by the  
13 department, in accordance with the provisions of this section.

14 (m) Definitions.--As used in this section, the following  
15 words and phrases shall have the meanings given to them in this  
16 subsection unless the context clearly indicates otherwise:

17 "Material term." The following:

18 (1) Changing the name of the cyber charter school.

19 (2) Change in building location or addition of a new  
20 facility.

21 (3) Change in educational management service provider.

22 (4) Change to curriculum provider.

23 (5) Change to mission or educational goals of the cyber  
24 charter school.

25 (6) Change to grade levels served other than those  
26 included in the approved charter application even if those  
27 grades are not currently implemented.

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

30 Section 1745.3-A. Causes for Nonrenewal, Revocation or

1           Termination.

2       (a) Revocation or nonrenewal.--During the term of the  
3 charter or at the end of the term of the charter, the department  
4 may choose to revoke or not to renew the charter based on any of  
5 the following:

6           (1) One or more material violations of any of the  
7 conditions, standards or procedures contained in the written  
8 charter signed pursuant to section 1745-A.

9           (2) ~~(i) failure~~ FAILURE to meet the requirements for <--  
10 student performance set forth in 22 Pa. Code Ch. 4 (relating  
11 to academic standards and assessment) or subsequent  
12 regulations promulgated to replace 22 Pa. Code Ch. 4. <--

13           ~~(ii) failure~~ (3) FAILURE to meet any performance <--  
14 targets set forth in the written charter signed pursuant to  
15 section 1745-A; or. <--

16           ~~(iii) designation as a Comprehensive Support and~~ <--  
17 Improvement, Targeted Support and Improvement, or  
18 Additional Targeted Support and Improvement school under  
19 the Every Student Succeeds Act (Public Law 114-95, 129  
20 Stat. 1802) or an equivalent building level designation  
21 under its successor Federal statute.

22           (4) DESIGNATION BY THE DEPARTMENT AS A COMPREHENSIVE <--  
23 SUPPORT AND IMPROVEMENT SCHOOL AT LEAST TWO TIMES UNDER THE  
24 EVERY STUDENT SUCCEEDS ACT (PUBLIC LAW 114-95, 129 STAT.  
25 1802) OR AN EQUIVALENT BUILDING LEVEL DESIGNATION UNDER ITS  
26 SUCCESSOR FEDERAL STATUTE.

27           ~~(3)~~ (5) Failure to meet generally accepted standards of <--  
28 fiscal management or audit requirements.

29           ~~(4)~~ (6) Violation of a provision of this article. <--

30           ~~(5)~~ (7) Violation of a provision of law from which the <--

1 charter school has not been exempted, including Federal laws  
2 and regulations governing children with disabilities.

3 ~~(6)~~ (8) The cyber charter school has been convicted of <--  
4 or entered a plea of guilty or nolo contendere to a charge  
5 involving fraud.

6 ~~(7)~~ (9) Failure of the cyber charter school or an <--  
7 administrator or member of the board of trustees of the cyber  
8 charter school to comply with:

9 (i) 65 Pa.C.S. Ch. 7 (relating to open meetings);

10 (ii) 65 Pa.C.S. Ch. 11 (relating to ethics standards  
11 and financial disclosure) or any other conflict of  
12 interest prohibition in this article; or

13 (iii) the act of February 14, 2008 (P.L.6, No.3),  
14 known as the Right-to-Know Law.

15 ~~(8)~~ (10) Failure to timely comply with auditing <--  
16 requirements from which the cyber charter school has not been  
17 exempted.

18 ~~(9)~~ (11) Failure to timely comply with reporting <--  
19 requirements from which it has not been exempted, including  
20 the submission of an annual budget required by section  
21 1742.1-A(g), an annual financial report required by section  
22 218 and the annual report required by section 1742.1-A(b).

23 ~~(10)~~ (12) Failure to provide ongoing access to the <--  
24 records and facilities of the cyber charter school as  
25 required by section 1742.1-A(a) (3).

26 ~~(11)~~ (13) A reason to revoke or not renew a charter as <--  
27 provided in regulations promulgated by the department.

28 (b) Notice.--A notice of revocation or nonrenewal of a  
29 charter shall be in writing and state the grounds for the action  
30 with reasonable specificity and give reasonable notice to the

1 board of trustees of the cyber charter school of the date on  
2 which a public hearing concerning the revocation or nonrenewal  
3 will be held. The department shall conduct the hearing, present  
4 evidence in support of the grounds for revocation or nonrenewal  
5 stated in its notice and give the cyber charter school  
6 reasonable opportunity to offer testimony before taking final  
7 action. Formal action revoking or not renewing a charter shall  
8 be taken by the department at a public meeting pursuant to 65  
9 Pa.C.S. Ch. 7 (relating to open meetings) after the public has  
10 had 30 days to provide comments to the board. Within 60 days  
11 following the public meeting in which formal action is taken,  
12 the decision of the department revoking or not renewing a  
13 charter shall be provided to the cyber charter school in  
14 writing. Proceedings of the department pursuant to this  
15 subsection shall be subject to 2 Pa.C.S. Ch. 5 Subch. A  
16 (relating to practice and procedure of Commonwealth agencies).  
17 Except as provided in subsection (c), the decision of the  
18 department shall not be subject to 2 Pa.C.S. Ch. 7 Subch. A  
19 (relating to judicial review of Commonwealth agency action).

20 (c) Appeal.--A cyber charter school may appeal the decision  
21 of the department to revoke or not renew the charter to the  
22 appeal board. The appeal must be filed with the appeal board no  
23 later than 60 days following issuance by the department of its  
24 written decision under subsection (b). The appeal board shall  
25 have the exclusive review of a decision not to renew or revoke a  
26 charter. The appeal board shall review the record and shall have  
27 the discretion to supplement the record if the supplemental  
28 information was previously unavailable. The appeal board may  
29 consider the charter school plan, annual reports, and student  
30 performance in addition to the record. The appeal board shall

1 determine whether the department's decision was arbitrary and  
2 capricious and specifically articulate its reasons for its  
3 findings in a written decision.

4 (d) Effect.--Except as provided in subsection (e), the  
5 charter shall remain in effect until final disposition by the  
6 appeal board. If the appeal board upholds a determination of the  
7 department that the charter should be revoked or not renewed,  
8 the charter shall remain in effect until the end of the school  
9 year or such other time as the appeal board directs.

10 (e) Immediate action.--Notwithstanding any other law, the  
11 department may, after notice and hearing, take immediate action  
12 to revoke a charter if any of the following apply:

13 (1) A material component of the student's education as  
14 required under this subdivision is not being provided.

15 (2) The cyber charter school has failed to maintain the  
16 financial ability to provide services as required under this  
17 subdivision.

18 (3) The health or safety of the cyber charter school's  
19 pupils, staff or both is at serious risk.

20 (f) Dissolution.--If a charter is revoked, not renewed,  
21 forfeited, surrendered or otherwise ceases to operate, the cyber  
22 charter school shall be dissolved. After the disposition of any  
23 liabilities and obligations of the cyber charter school, any  
24 remaining assets of the cyber charter school, both real and  
25 personal, shall be distributed on a proportional basis to the  
26 school entities with students enrolled in the cyber charter  
27 school for the last full or partial school year of the cyber  
28 charter school. A school entity or the Commonwealth may not be  
29 liable for any outstanding liabilities or obligations of the  
30 cyber charter school.

1 (g) Enrollment.--If a charter is revoked or is not renewed,  
2 a student who attended the cyber charter school shall be  
3 enrolled in another public school or another school or program  
4 which legally fulfills the compulsory school attendance  
5 requirements of this act. The normal application deadlines for  
6 the school or program shall not apply if a charter is revoked or  
7 is not renewed. Student records maintained by the cyber charter  
8 school shall be forwarded to the student's new school within 10  
9 days.

10 Section 11. Sections 1746-A, 1747-A and 1748-A of the act  
11 are amended to read:

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

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

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

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

19 (3) The revocation of a charter.

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

21 (5) The denial of an amendment application.

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

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

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

1 information was previously unavailable.

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

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

6 (4) In the case of a decision by the department to deny  
7 a cyber charter application, make its decision based on  
8 section 1745-A(f)(1). A decision by the appeal board to  
9 reverse the decision of the department and grant a charter  
10 shall serve as a requirement for the secretary to sign the  
11 written charter of the cyber charter school.

12 (5) In the case of a decision by the department to  
13 revoke or deny renewal of a cyber school charter in  
14 accordance with section 1741-A(a)(3), make its decision based  
15 on section [1729-A(a)] 1745.3(a). A decision of the appeal  
16 board to reverse the decision of the department to not revoke  
17 or deny renewal of a charter shall serve as a requirement of  
18 the department to not revoke or to not deny renewal of the  
19 charter of the cyber charter school. The appeal board shall  
20 specify its findings in a written decision. If the appeal  
21 board determines that the charter should be revoked or not  
22 renewed, the charter shall remain in effect until the end of  
23 the school year or another time as the appeal board directs.

24 (c) Stay.--If the department appeals the decision of the  
25 appeal board, the appeal board's decision shall be stayed only  
26 upon order of the appeal board, the Commonwealth Court or the  
27 Pennsylvania Supreme Court.

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

30 Section 1747-A. Cyber charter school application.

1 [In addition to the provisions of section 1719-A, an  
2 application to establish a cyber charter school shall also  
3 include the following:

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

8 (2) The number of courses required for elementary and  
9 secondary students.]

10 (a) Application form.--The department shall create and  
11 publish a model application form, in electronic format, that an  
12 applicant seeking to establish a cyber charter school shall, at  
13 a minimum, complete as part of its application. The model  
14 application form shall be transmitted to the Legislative  
15 Reference Bureau for publication in the next available issue of  
16 the Pennsylvania Bulletin and posted on the department's  
17 publicly accessible Internet website. The model application form  
18 shall include all of the following information:

19 (1) The identification of and contact information for  
20 the applicant.

21 (2) The name of the proposed charter school entity which  
22 must include the words "cyber charter school" in the name.

23 (3) The grade or age levels served by the cyber charter  
24 school and the anticipated enrollment levels during each  
25 school year of the proposed charter, including expected  
26 increases due to the addition of grade levels.

27 (4) The proposed governance structure of the cyber  
28 charter school, including a clear description of the method  
29 for the appointment or selection of members of the board of  
30 trustees, a copy of the articles of incorporation filed with

1 the Department of State, a copy of the by-laws, operating  
2 agreement or equivalent document adopted by the applicant for  
3 the general governance of the cyber charter school; and an  
4 organization chart clearly presenting the proposed governance  
5 structure of the cyber charter school, including lines of  
6 authority and reporting between the board of trustees,  
7 administrators, staff and any educational management service  
8 provider that will provide services to the cyber charter  
9 school.

10 (5) A clear description of the roles and  
11 responsibilities of the board of trustees, administrators and  
12 any other entities, including a charter school foundation and  
13 any educational management service provider that will provide  
14 educational management services to the cyber charter school,  
15 shown in the organization chart.

16 (6) Standards for board of trustees' performance,  
17 including compliance with applicable laws, regulations and  
18 terms of the charter.

19 (7) If the cyber charter school intends to contract with  
20 an educational management service provider for services, the  
21 cyber charter school shall provide all of the following:

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

30 (ii) Evidence that that the board of trustees has

1 reviewed each service to be provided and determined,  
2 through competitive bidding or at least three (3) quotes  
3 for professional services, that each service to be  
4 provided by the educational management service provider  
5 is provided at fair market value.

6 (iii) The complete proposed contract or agreement  
7 between the cyber charter school and the educational  
8 management service provider stating all of the following:

9 (A) The officers, chief administrator and  
10 administrators of the educational management service  
11 provider.

12 (B) The proposed duration of the service  
13 contract or agreement. The service contract or  
14 agreement shall provide for the following:

15 (I) An educational management service  
16 provider may not terminate the contract or  
17 agreement without providing at least six (6)  
18 months' notice to the cyber charter school unless  
19 expressly agreed to by the board of trustees of  
20 the cyber charter school.

21 (II) An agreement or contract shall  
22 terminate upon closure of the cyber charter  
23 school unless the board of trustees of the cyber  
24 charter school and the educational management  
25 service provider agree in writing that the  
26 educational service provider will provide  
27 services related to the dissolution of the cyber  
28 charter school.

29 (C) Roles and responsibilities of the board of  
30 trustees, the cyber charter school staff and the

1 educational management service provider. The board of  
2 trustees shall retain ultimate and actual authority  
3 for the operation of the school, and the school shall  
4 be independent of the educational management service  
5 provider.

6 (D) The scope of services, personnel and  
7 resources to be provided by the educational  
8 management service provider, which shall meet the  
9 following requirements:

10 (I) Each service provided by the educational  
11 management service provider and the cost for the  
12 service shall be separately identified and  
13 invoiced or billed separately.

14 (II) Each service provided by the  
15 educational management service provider shall be  
16 severable so that the board of trustees of the  
17 cyber charter school may terminate or make  
18 revisions to one service without termination or  
19 revision by the educational management service  
20 provider of any other service, except by express  
21 agreement of the board of trustees of the cyber  
22 charter school.

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

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

4 (E) Performance evaluation measures and  
5 timelines.

6 (F) The compensation structure, including clear  
7 identification of fees to be paid to the educational  
8 management service provider. The educational  
9 management service provider shall not charge a  
10 percentage or contingency fee for services.

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

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

17 (I) Conditions for renewal and termination of  
18 the contract or agreement.

19 (iv) Disclosure and explanation of any existing or  
20 potential conflicts of interest between the members of  
21 the board of trustees of the cyber charter school or  
22 members of the board of trustees or directors of the  
23 charter school foundation and the proposed educational  
24 management service provider or any affiliated entities,  
25 including a charter school foundation qualified as a  
26 support organization under the Internal Revenue Code of  
27 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq.).

28 (v) A contract with an educational management  
29 service provider may not be executed until the charter  
30 agreement is signed pursuant to section 1745-A(f) (3).

1       (8) The mission and education goals of the cyber charter  
2 school, the curriculum to be offered that complies with 22  
3 Pa. Code Ch. 4 (relating to academic standards and  
4 assessments) and the methods of assessing whether students  
5 are meeting educational goals, including performance targets.

6       (9) The admission and enrollment policy, including  
7 criteria for evaluating the admission of students which shall  
8 comply with the requirements of section 1723-A.

9       (10) Policies and procedures which will be used  
10 regarding the suspension or expulsion of pupils. Said  
11 procedures shall comply with section 1318 and 22 Pa. Code Ch.  
12 12 (relating to students and student services).

13       (11) Information on the manner in which community groups  
14 will be involved in the cyber charter school planning  
15 process.

16       (12) The financial plan for the cyber charter school,  
17 including annual budgets for the first three years of  
18 operation of the cyber charter school, and the provisions  
19 which will be made for auditing the school under sections 437  
20 and 1742.1-A, including the role of any charter school  
21 foundation.

22       (13) A description of funds available to the cyber  
23 charter school for planning and operation prior to receipt of  
24 funds pursuant to section 1725.1-A.

25       (14) Procedures which shall be established to review  
26 complaints of parents and guardians regarding the operation  
27 of the cyber charter school.

28       (15) A description and address of any physical  
29 facilities in which the cyber charter school will be located  
30 or operating, including information related to each facility,

1 its size, location, amenities, ownership, availability for  
2 lease or purchase, projected improvements and financing.

3 (16) Information on the proposed school calendar for the  
4 cyber charter school, including the length of the school day  
5 and school year consistent with the provisions of sections  
6 1501 and 1502.

7 (17) The proposed faculty, if already determined, and a  
8 professional development and continuing education plan for  
9 the faculty and professional staff of the cyber charter  
10 school.

11 (18) Whether any agreements have been entered into or  
12 plans developed with the local school district regarding  
13 participation of the cyber charter school's students in  
14 extracurricular activities within the school district.

15 (19) A plan for satisfying the criminal history and  
16 child abuse clearance requirements and employment history  
17 reviews required by law.

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

30 (21) Policies regarding truancy, absences and withdrawal

1 of students, including the manner in which the cyber charter  
2 school will monitor and enforce attendance and will comply  
3 with the truancy provisions under Article XIII.

4 (22) Whether or not the cyber charter school will seek  
5 accreditation by a nationally recognized accreditation  
6 agency, including the Middle States Association of Colleges  
7 and Schools or another regional institutional accrediting  
8 agency recognized by the United States Department of  
9 Education or an equivalent federally recognized body for  
10 charter school education.

11 [(3)] (23) An explanation of the amount of [on-line]  
12 online time required for elementary and secondary students.

13 [(4)] (24) The manner in which teachers will deliver  
14 instruction, assess academic progress and communicate with  
15 students to provide assistance.

16 [(5)] (25) A specific explanation of any cooperative  
17 learning opportunities, meetings with students, parents and  
18 guardians, field trips or study sessions.

19 [(6)] (26) The technology, including types of hardware  
20 and software, equipment and other materials which will be  
21 provided by the cyber charter school to the student.

22 [(7)] (27) A description of how the cyber charter school  
23 will define and monitor a student's school day, including the  
24 delineation of [on-line] online time and [off-line time] for  
25 independent coursework.

26 [(8)] (28) A description of commercially prepared  
27 standardized achievement tests that will be used by the cyber  
28 charter school in addition to the Pennsylvania System of  
29 School Assessment test and Keystone Exams, including the  
30 grade levels that will be tested and how the data collected

1 from the tests will be used to improve instruction.

2 [(9)] (29) The technical support that will be available  
3 to students and parents or guardians.

4 [(10)] (30) The privacy and security measures to ensure  
5 the confidentiality of data gathered online.

6 [(11) The level of anticipated enrollment during each  
7 school year of the proposed charter, including expected  
8 increases due to the addition of grade levels.]

9 [(12)] (31) The methods to be used to [insure] ensure the  
10 authenticity of student work and adequate proctoring of  
11 examinations.

12 [(13)] (32) The provision of education and related  
13 services to students with disabilities, including evaluation  
14 and the development and revision of individualized education  
15 programs.

16 [(14) Policies regarding truancy, absences and  
17 withdrawal of students, including the manner in which the  
18 cyber charter school will monitor attendance consistent with  
19 the provisions of section 1715-A(9).]

20 [(15)] (33) The types and frequency of communication  
21 between the cyber charter school and the student and the  
22 manner in which the cyber charter school will communicate  
23 with parents and guardians.

24 [(16) The addresses of all facilities and offices of the  
25 cyber charter school, the ownership thereof and any lease  
26 arrangements.]

27 (34) Any other information required by the department.

28 (a.1) Lease prohibition.--A cyber charter school may not  
29 enter into a lease for a facility with an educational management  
30 service provider or charter school foundation.

1 (a.2) Extracurricular activity.--Notwithstanding any  
2 provision to the contrary, a school district of residence may  
3 not prohibit a student of a cyber charter school from  
4 participating in any extracurricular activity of the school  
5 district of residence if the student is able to fulfill the  
6 requirements of participation in the activity and the charter  
7 school does not provide the same extracurricular activity. The  
8 school district of residence may charge the cyber charter school  
9 a reasonable amount for a cyber charter school student's  
10 participation in the school district's extracurricular activity,  
11 which may not exceed the actual cost incurred by the school  
12 district for participation by its students in the activity. A  
13 cyber charter school student may not be required to pay any  
14 costs not also paid by a student enrolled in the school district  
15 for participation in the extracurricular activity.

16 (b) General form.--The department shall create and publish a  
17 model renewal application form, in electronic format, that a  
18 cyber charter school seeking renewal of its charter shall, at a  
19 minimum, complete as part of its renewal application. The form  
20 shall be submitted to the Legislative Reference Bureau for  
21 publication in the next available issue of the Pennsylvania  
22 Bulletin and posted on the department's publicly accessible  
23 Internet website. The form shall include:

24 (1) Name and contact information for the chief  
25 administrator and board of trustees president or chairperson.

26 (2) Whether the cyber charter school is seeking an  
27 amendment to their current charter.

28 (3) Other information deemed necessary by the  
29 department.

30 (c) Review.--The department shall review the model

1 application and renewal application forms at least every three  
2 years with feedback and input from stakeholders and revise the  
3 application forms as needed.

4 (d) Changes.--Nothing in this section shall prevent the  
5 department from supplementing the established model application  
6 or requiring additional information as permitted by this act  
7 necessary to evaluate the application for renewal.

8 (e) Posting.--Pursuant to subsections (a) and (b), the  
9 department shall post the ~~standard~~ MODEL application and renewal <--  
10 application on its publicly accessible Internet website no later  
11 than October 1, 2023.

12 (f) Use.--The model applications developed under this  
13 section shall be used by cyber charter school applicants and  
14 cyber charter school operators beginning in the 2024-2025 school  
15 year.

16 Section 1748-A. Enrollment and notification.

17 (a) Notice to school district.--

18 (1) Within [15] 10 days of the enrollment of a student  
19 to a cyber charter school, the [parent or guardian and the]  
20 cyber charter school shall notify the student's school  
21 district of residence of the enrollment [through the use of  
22 the notification form] under subsection (b).

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

26 (i) Within seven days of receipt of the notice under  
27 paragraph (1), the school district shall notify the cyber  
28 charter school and the department that the student is not  
29 a resident of the school district. Notification of  
30 nonresidence shall include the basis for the

1 determination.

2 (ii) Within seven days of notification under  
3 subparagraph (i), the cyber charter school shall review  
4 the notification of nonresidence, respond to the school  
5 district and provide a copy of the response to the  
6 department. If the cyber charter school agrees that a  
7 student is not a resident of the school district, it  
8 shall determine the proper district of residence of the  
9 student before requesting funds from another school  
10 district.

11 (iii) Within seven days of receipt of the response  
12 under subparagraph (ii), the school district shall notify  
13 the cyber charter school that it agrees with the cyber  
14 charter school's determination or does not agree with the  
15 cyber charter school's determination.

16 (iv) A school district that has notified the cyber  
17 charter school that it does not agree with the cyber  
18 charter school's determination under subparagraph (iii)  
19 shall appeal to the department for a final determination.

20 (v) All decisions of the department regarding the  
21 school district of residence of a student shall be  
22 subject to review by the Commonwealth Court.

23 (vi) A school district shall continue to make  
24 payments to a cyber charter school under section [1725-A]  
25 1725.1-A during the time in which the school district of  
26 residence of a student is in dispute.

27 (vii) If a final determination is made that a  
28 student is not a resident of an appealing school  
29 district, the cyber charter school shall return all funds  
30 provided on behalf of that student to the school district

1           within 30 days and seek payment from the school district  
2           of residence.

3           [(b) Notification form.--The department shall develop a  
4 notification form for use under subsection (a). The notification  
5 shall include:

6           (1) The name, home address and mailing address of the  
7 student.

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

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

10          (4) The name and address of the cyber charter school and  
11 the name and telephone number of a contact person able to  
12 provide information regarding the cyber charter school.

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

15          (b) Notification.--The notification required under  
16 subsection (a) shall include:

17           (1) The enrollment form filed with the cyber charter  
18 school by the student or the parents or guardians.

19           (2) A certification that the cyber charter verified the  
20 residency of the student.

21          (c) Withdrawal.--The cyber charter school [and the parent or  
22 guardian of a student enrolled in a cyber charter school] shall  
23 provide written notification to the student's school district of  
24 residence and the department within [15] ~~five~~ 10 days following <--  
25 the withdrawal of a student from the cyber charter school.

26          (d) Nonrenewal or termination.--Upon notification of the  
27 nonrenewal or termination of a charter under section 1745.3-A, a  
28 cyber charter school may not enroll new students unless the  
29 cyber charter school files an appeal to the appeal board under  
30 section 1746-A. Upon a vote by a cyber charter school's board of

1 trustees to close the school, the cyber charter school may not  
2 enroll new students and shall provide notice to the parents and  
3 guardians of students enrolled of the decision, a timeframe for  
4 the school's closure and information on enrolling in another  
5 public school.

6 Section 12. The act is amended by adding sections to read:  
7 Section 1748.1-A. Enrollment parameters.

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

12 (b) Limitation.--Notwithstanding subsection (a), a cyber  
13 charter school designated as a Comprehensive Support and  
14 Improvement school under the Every Student Succeeds Act (Public  
15 Law 114-95, 129 Stat. 1802) or an equivalent building level  
16 designation under its successor Federal statute shall not be  
17 eligible to expand the cyber charter school's enrollment by more  
18 than 10% of the enrollment as reported by the cyber charter  
19 school on the date on which the cyber charter school was  
20 designated. The limitation under this subsection shall remain in  
21 place until the cyber charter school exits the designation.

22 Section 1748.2-A. Enrollee Wellness Checks.

23 (a) Requirements.--A cyber charter school shall at least  
24 once during any week consisting of at least three full or  
25 partial days of academic instruction, ensure that each enrolled  
26 student is able to be visibly seen and communicated with in real  
27 time by a teacher, administrator or other representative of the  
28 cyber charter school either in person or via electronic means in  
29 order to ensure the well-being of the student and verify  
30 participation in the educational program. The requirement under

1 this subsection may be satisfied by students turning on a webcam  
2 during synchronous online instruction.

3 (b) Report.--If any indication of abuse, neglect or harm to  
4 a child is observed, the cyber charter school administrator,  
5 employee or representative shall report the concerns pursuant to  
6 23 Pa.C.S. Ch. 63 (relating to child protective services).

7 (C) DISABILITY EVALUATION.--SHOULD ANY INDICATION OF A <--  
8 DISABILITY BE OBSERVED, THE CYBER CHARTER SCHOOL MAY INITIATE AN  
9 EVALUATION TO DETERMINE WHETHER THE CHILD IS A CHILD WITH A  
10 DISABILITY.

11 (D) LIMITATION.--THE REQUIREMENTS OF SUBSECTION (A) SHALL  
12 NOT APPLY WHEN THE STUDENT IS GRANTED AN EXCUSED ABSENCE FROM  
13 SCHOOL.

14 Section 13. Section 1749-A of the act is amended to read:  
15 Section 1749-A. Applicability of other provisions of this act  
16 and of other acts and regulations.

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

19 (1) Sections 108, 110, 111, 321, 325, 326, 327, 431,  
20 436, 443, 510, 518, 527, 708, 752, 753, 755, 771, 776, 777,  
21 807.1, 808, 809, 810, 1109, 1111, 1112(a), 1205.1, 1205.2,  
22 1301, 1302, 1310, 1317.2, 1318, 1326, 1327, 1327.2, 1329,  
23 1330, 1332, 1333, 1333.1, 1333.2, 1333.3, 1341, 1342, 1343,  
24 1344, 1345, 1372(8), 1303-A, 1518, 1521, 1523, 1531, 1547,  
25 1702-A, 1703-A, 1714-A, [1715-A, 1716-A,] 1716.1-A, [1719-A,]  
26 1721-A, 1722-A, 1723-A(a) and (b), 1724-A, [1725-A] 1725-A(a)  
27 (5), (a) (6), (d) and (e), 1725.1-A, 1727-A, 1729-A, 1730-A,  
28 1731-A(a) (1) and (b) [and], 2014-A and 2552 and Articles  
29 XI(c.1), XII-A, XIII-A and XIV. ((1) amended Oct. 29, 2020,  
30 P.L.722, No.84)

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

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

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

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

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

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

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

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

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

29 (3.1) Chapter 16 (relating to special education for  
30 gifted students).

1           (3.2) Chapter 19 (relating to educator effectiveness  
2 rating tool).

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

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

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

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

8           (7.1) Section 339.31 (relating to plan).

9           (7.2) Section 339.32 (relating to services).

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

12        ~~[(c) Existing charter schools.--~~

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

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

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

24           ~~(ii) Section 1744-A.~~

25           ~~(iii) Section 1748-A.]~~

26        Section 14. This act shall take effect immediately.