

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," in preliminary provisions, providing
6 for advertising; in terms and courses of study, further
7 providing for agreements with institutions of higher
8 education; in opportunities for educational excellence,
9 further providing for responsibilities of school entities; in
10 charter schools, further providing for short title, for
11 legislative intent, for definitions and for powers of charter
12 schools, providing for powers of authorizers, further
13 providing for charter school requirements, for powers of
14 board of trustees, for establishment of charter school, for
15 regional charter school, for contents of application and for
16 term and form of charter, providing for charter amendments,
17 further providing for State Charter School Appeal Board, for
18 facilities, for enrollment, for school staff and for funding
19 for charter schools, providing for funding for cyber charter
20 schools, further providing for transportation, for tort
21 liability, for annual reports and assessments, for causes for
22 nonrenewal or termination, for multiple charter school
23 organizations, for desegregation orders and for charter
24 school grants, providing for accountability matrix, further
25 providing for provisions applicable to charter schools, for
26 powers and duties of department, for assessment and
27 evaluation, for cyber charter school requirements and
28 prohibitions, for school district and intermediate unit
29 responsibilities and for establishment of cyber charter
30 school, providing for cyber charter amendments, further
31 providing for State Charter School Appeal Board review, for
32 cyber charter school application and for enrollment and
33 notification, providing for enrollment parameters, further

1 providing for applicability of other provisions of this act
2 and of other acts and regulations, for effect on certain
3 existing charter schools, and for regulations, and providing
4 for cyber charter school moratorium; and, in reimbursements
5 by Commonwealth and between school districts, further
6 providing for approved reimbursable annual rental for leases
7 of buildings or portions of buildings for charter school use;
8 and providing for applicability.

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

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

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

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

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

28 Section 1525. Agreements with Institutions of Higher
29 Education.--(a) Notwithstanding any other provision of law to
30 the contrary, a school district, charter school, regional
31 charter school, cyber charter school or area career and
32 technical school may enter into an agreement with one or more
33 institutions of higher education approved to operate in this
34 Commonwealth in order to allow [resident] students to attend

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

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

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

23 (d) School districts shall make no payment to charter
24 schools, regional charter schools or cyber charter schools if
25 the student pays the cost of full-time enrollment to the
26 institution of higher education.

27 (e) Notwithstanding any provision of law to the contrary, if
28 a school district's payment to a charter school, regional
29 charter school or cyber charter school under section 1725-A or
30 1725.1-A is greater than the cost of tuition, fees and textbooks

1 paid by the charter school, regional charter school or cyber
2 charter school multiplied by the number of higher education
3 courses a student is enrolled in, the school district's payment
4 under section 1725-A or 1725.1-A shall be reduced by the
5 difference.

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

8 Section 1611-B. Responsibilities of school entities.

9 * * *

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

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

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

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

26 (1) Improve pupil learning.

27 (2) Increase learning opportunities for all pupils.

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

30 (4) Create new professional opportunities for teachers,

1 including the opportunity to be responsible for the learning
2 program at the school site.

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

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

9 Section 5. Section 1703-A of the act, amended October 30,
10 2019 (P.L.460, No.76), is amended to read:

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

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

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

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

19 (2) for a regional charter school, the aid ratio and market
20 value/income aid ratio shall be a composite, as determined by
21 the department, based on the school districts that granted the
22 charter; or

23 (3) for a cyber charter school, the aid ratio and market
24 value/income aid ratio shall be that of the school district in
25 which the administrative offices of the cyber charter school are
26 located.

27 "Appeal board" shall mean the State Charter School Appeal
28 Board established by this article.

29 "At-risk student" shall mean a student at risk of educational
30 failure because of limited English proficiency, poverty,

1 community factors, truancy, academic difficulties or economic
2 disadvantage.

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

5 (1) A board of school directors.

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

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

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

14 "Charter school entity" shall mean a charter school, regional
15 charter school, cyber charter school or multiple charter school
16 organization.

17 "Charter school foundation" shall mean a nonprofit
18 organization qualified as Federally tax exempt under section
19 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-
20 514, 26 U.S.C. § 501(c)(3)), that provides funding or resources
21 or otherwise serves to support a charter school entity, either
22 directly or through an affiliated entity.

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

27 "Cyber charter school" shall mean an independent public
28 school established and operated under a charter from the
29 Department of Education and in which the school uses technology
30 in order to provide a significant portion of its curriculum and

1 to deliver a significant portion of instruction to its students
2 through the Internet or other electronic means. A cyber charter
3 school must be organized as a public, nonprofit corporation. A
4 charter may not be granted to a for-profit entity.

5 "Compensation" shall include money or other remuneration
6 received from a charter school entity.

7 "Department" shall mean the Department of Education of the
8 Commonwealth.

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

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

21 "Family member" shall mean a parent, guardian, stepparent,
22 child, stepchild, spouse, domestic partner, brother, sister,
23 stepbrother, stepsister, grandparent, grandchild, parent-in-law,
24 brother-in-law, sister-in-law, aunt, uncle, or first cousin.

25 "Local board of school directors" shall mean the board of
26 directors of a school district in which a proposed or an
27 approved charter school is located.

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

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

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

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

5 (4) Change to curriculum provider.

6 (5) Change to mission or educational plan.

7 (6) Change to grade levels served.

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

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

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

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

23 "School district of residence" shall mean the school district
24 in this Commonwealth in which the parents or guardians of a
25 child reside.

26 "School entity" shall mean a school district, intermediate
27 unit, joint school or area career and technical school.

28 "Secretary" shall mean the Secretary of Education of the
29 Commonwealth.

30 "State board" shall mean the State Board of Education of the

1 Commonwealth.

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

3 Section 1714-A. Powers of Charter [~~Schools~~] School
4 Entities.--(a) A charter school entity established under this
5 act is a body corporate and shall have all powers necessary or
6 desirable for carrying out its charter, including, but not
7 limited to, the power to:

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

10 (2) Sue and be sued, but only to the same extent and upon
11 the same condition that political subdivisions and local
12 agencies can be sued.

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

16 (4) Receive and disburse funds for charter school purposes
17 only.

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

20 (6) Incur temporary debts in anticipation of the receipt of
21 funds.

22 (6.1) Incur debt for the construction of school facilities.

23 (7) Solicit and accept any gifts or grants for charter
24 school purposes.

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

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

30 (c) Any indebtedness incurred by a charter school entity in

1 the exercise of the powers specified in this section shall not
2 impose any liability or legal obligation upon a school entity or
3 upon the Commonwealth.

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

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

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

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

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

29 (4) Develop or supplement model charter school application
30 forms and model charter school renewal application forms to

1 address local concerns specific to the authorizer, such as
2 student populations, current charter school entity performance
3 and facility locations.

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

6 (1) Grant or deny new charter applications.

7 (2) Execute, amend, renew, revoke or nonrenew charter
8 agreements.

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

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

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

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

23 (2) A charter school entity shall be accountable to the
24 parents, guardians, families, the public, the authorizer of the
25 charter school and the Commonwealth, with the delineation of
26 that accountability reflected in the [charter] charters.
27 Strategies for meaningful parent, guardian, family and community
28 involvement shall be developed and implemented by each [school]
29 charter school or cyber charter school.

30 (3) A charter school entity shall not unlawfully

1 discriminate in admissions, hiring or operation.

2 (4) A charter school entity shall be nonsectarian in all
3 operations.

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

7 (6) A charter school entity shall not advocate unlawful
8 behavior.

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

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

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

26 (10) Boards of trustees and contractors of charter [schools]
27 school entities shall be subject to the following statutory
28 requirements governing construction projects and construction-
29 related work:

30 (i) The following provisions of this act:

1 (A) Sections 751 and 751.1.

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

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

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

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

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

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

28 (12) (i) A person who serves as an administrator for a
29 charter school entity shall be an employe of the charter school
30 entity and shall not receive compensation from another charter

1 school entity, from an educational management service provider,
2 from a charter school foundation or from a company that provides
3 management or other services to another charter school entity.

4 The term "administrator" shall include the chief executive
5 officer of a charter school entity and all other employes of a
6 charter school entity who by virtue of their positions exercise
7 management or operational oversight responsibilities.

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

24 Section 1716-A. Powers and Composition of Board of
25 Trustees.--(a) The board of trustees of a charter school entity
26 shall have the authority to decide matters related to the
27 operation of the school, including, but not limited to,
28 budgeting, curriculum and operating procedures, subject to the
29 school's charter. The board shall have the authority to employ,
30 discharge and contract with necessary professional and

1 nonprofessional employes subject to the school's charter and the
2 provisions of this article.

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

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

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

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

15 (ii) Provided to the charter school entity authorizer or, in
16 the case of a multiple charter school organization, to the
17 authorizer for each charter school.

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

20 (2) The meeting agendas and the meeting minutes required
21 under clause (1) shall remain posted on the charter school
22 entity's publicly accessible Internet website, if one is
23 maintained, for at least two (2) years after the meeting agendas
24 and the meeting minutes were first posted. Nothing in this
25 section shall be construed to limit the charter school entity's
26 obligations to comply with the act of February 14, 2008 (P.L.6,
27 No.3), known as "the Right-to-Know Law," or any other Federal or
28 State law requiring public disclosure.

29 (3) The requirements of this subsection shall not apply to
30 matters discussed in executive sessions of the board of

1 trustees, provided that the meeting agenda and meeting minutes
2 shall identify that an executive session was planned or held and
3 the general purpose of the executive session, including
4 identification of legal proceedings under 65 Pa.C.S. Ch. 7.

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

8 (i) If the individual or a family member of the individual
9 is employed by or receives money or remuneration from the
10 charter school entity.

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

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

14 (B) the board of trustees or directors of an educational
15 management service provider that contracts with the charter
16 school entity.

17 (iii) If the individual is employed by or is a member of the
18 local board of school directors of the authorizer of the charter
19 school.

20 (2) No member of the board of trustees of a charter school
21 entity may participate in the selection, award or administration
22 of any contract if the member has a conflict of interest as that
23 term is defined in 65 Pa.C.S. § 1102 (relating to definitions).
24 Any member of the board of trustees of a charter school entity
25 who in the discharge of the person's official duties would be
26 required to vote on a matter that would result in a conflict of
27 interest shall abstain from voting and follow the procedures
28 required under 65 Pa.C.S. § 1103(j) (relating to restricted
29 activities). A member of the board of trustees of a charter
30 school entity who knowingly violates this subsection commits a

1 violation of 65 Pa.C.S. § 1103(a) and shall be subject to the
2 penalties imposed under the jurisdiction of the State Ethics
3 Commission. A contract made in violation of this subsection
4 shall be voidable by a court of competent jurisdiction.

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

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

26 (f) (1) A majority of the voting members of the board of
27 trustees shall constitute a quorum. If less than a majority is
28 present at any meeting, no business may be transacted at the
29 meeting. Members of the board may participate in a meeting by
30 telephone conference or other electronic technology by means of

1 which all individuals participating in the meeting can hear each
2 other.

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

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

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

16 (i) A certified public school educator not employed by the
17 charter school entity.

18 (ii) A parent, guardian or family member of a student
19 enrolled in the charter school entity or an alumnus of the
20 charter school entity.

21 (iii) A member of the community served by the charter school
22 entity.

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

27 (4) A member of the board of trustees of a charter school
28 entity shall be automatically disqualified and immediately
29 removed from the board of trustees upon conviction or upon a
30 plea of guilty or nolo contendere for an offense graded as a

1 felony, an infamous crime, an offense pertaining to fraud, theft
2 or mismanagement of public funds, any offense pertaining to the
3 member's official capacity as a member of the board of trustees,
4 an offense listed in section 111(e) or any crime involving moral
5 turpitude. A member of the board of trustees may also be removed
6 from the board of trustees for violation of the standards for
7 board of trustees' performance, including compliance with all
8 applicable laws, regulations and terms of the charter.

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

10 Section 1716.1-A. Agreements or Contracts with Educational
11 Management Service Providers.--(a) A board of trustees of a
12 charter school entity may enter into an agreement or contract
13 with an educational management service provider to provide
14 educational design, business services, comprehensive management
15 or personnel functions or to implement its charter or charters.

16 The following apply:

17 (1) The board of trustees of the charter school entity shall
18 retain ultimate and actual authority for the operation of the
19 charter school, and the charter school shall be independent of
20 the educational management service provider.

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

29 (3) The educational management service provider shall not
30 provide a loan or other funding to a charter school entity

1 unless the loan or other funding is an arms-length transaction
2 that is documented in writing with repayment, term, interest,
3 termination and other customary provisions.

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

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

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

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

23 (8) An educational management service provider agreement or
24 contract must provide that the educational management service
25 provider may not terminate the agreement or contract without
26 providing at least one (1) year's notice to the charter school
27 entity. The agreement or contract shall provide that the
28 educational management service provider may terminate the
29 agreement or contract earlier only if expressly agreed to by the
30 board of trustees of the charter school entity following the

1 educational management service provider's notice of intent to
2 terminate the agreement or contract.

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

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

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

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

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

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

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

3 (1) Is a local agency for the purpose of the act of February
4 14, 2008 (P.L.6, No.3), known as the "Right-to-Know Law."

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

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

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

14 Section 1717-A. Establishment of Charter School.--(a) A
15 charter school may be established by an individual; one or more
16 teachers who will teach at the proposed charter school; parents
17 or guardians of students who will attend the charter school; any
18 nonsectarian college, university or museum located in this
19 Commonwealth; any nonsectarian corporation not-for-profit, as
20 defined in 15 Pa.C.S. (relating to corporations and
21 unincorporated associations); any corporation, association or
22 partnership; or any combination thereof. A charter school may be
23 established by creating a new school or by converting an
24 existing public school or a portion of an existing public
25 school. No charter school shall be established or funded by and
26 no charter shall be granted to any sectarian school, institution
27 or other entity. No funds allocated or disbursed under this
28 article shall be used to directly support instruction pursuant
29 to section 1327.1.

30 (b) (1) The conversion of an existing public school or

1 portion of an existing public school to a charter school may be
2 initiated by any individual or entity authorized to establish a
3 charter school under subsection (a).

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

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

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

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

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

25 (d) Within forty-five (45) days of receipt of an
26 application, the local board of school directors in which the
27 proposed charter school is to be located shall hold at least one
28 public hearing on the provisions of the charter application,
29 under [the act of July 3, 1986 (P.L.388, No.84), known as the
30 "Sunshine Act."] 65 Pa.C.S. Ch. 7 (relating to open meetings).

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

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

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

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

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

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

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

29 (3) The local board of school directors, in the case of an
30 existing school being converted to a charter school, shall

1 establish the alternative arrangements for current students who
2 choose not to attend the charter school.

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

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

16 (f) At the option of the charter school applicant, a denied
17 application may be revised and resubmitted to the local board of
18 school directors. [Following the appointment and confirmation of
19 the Charter School Appeal Board under section 1721-A, the] The
20 decision of the local board of school directors may be appealed
21 to the appeal board. When an application is revised and
22 resubmitted to the local board of school directors, the board
23 may schedule additional public hearings on the revised
24 application. The board shall consider the revised and
25 resubmitted application at the first board meeting occurring at
26 least forty-five (45) days after receipt of the revised
27 application by the board. For a revised application resubmitted
28 for the 1997-1998 school year, the board shall consider the
29 application at the first board meeting occurring at least thirty
30 (30) days after its receipt. The board shall provide notice of

1 consideration of the revised application under [the "Sunshine
2 Act." No appeal from a decision of a local school board may be
3 taken until July 1, 1999] 65 Pa.C.S. Ch. 7.

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

16 (h) In the case of a review by the appeal board [of an
17 application], a charter that is revoked or is not renewed, the
18 appeal board shall [make its decision based on the criteria
19 established in subsection (e)(2).] determine whether the
20 decision to revoke or not renew the charter by the local board
21 of directors was arbitrary and capricious. If the appeal board
22 finds that the decision was arbitrary and capricious, the appeal
23 board shall reverse the decision of the local board of
24 directors. A decision by the appeal board under this subsection
25 or subsection (g) to grant, to renew or not to revoke a charter
26 shall serve as a requirement for the local board of directors of
27 a school district or school districts, as appropriate, to sign
28 the written charter of the charter school as provided for in
29 section 1720-A. Should the local board of directors fail to
30 grant the application and sign the charter within ten (10) days

1 of notice of reversal of the decision of the local board of
2 directors, the charter shall be deemed to be approved and shall
3 be signed by the [chairman] chairperson of the appeal board.

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

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

22 (3) Each person signing a petition to appeal denial of a
23 charter under clause (2) shall declare that he or she is a
24 resident of the school district which denied the charter
25 application and shall include his or her printed name;
26 signature; address, including city, borough or township, with
27 street and number, if any; and the date of signing. All pages
28 shall be bound together. Additional pages of the petition shall
29 be numbered consecutively. There shall be appended to the
30 petition a statement that the local board of directors rejected

1 the petition for a charter school, the names of all applicants
2 for the charter, the date of denial by the board and the
3 proposed location of the charter school. No resident may sign
4 more than one petition relating to the charter school
5 application within the sixty (60) days following denial of the
6 application. The department shall develop a form to be used to
7 petition for an appeal.

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

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

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

15 (iii) That the signers signed with full knowledge of the
16 purpose of the petition.

17 (iv) That the signers' respective residences are correctly
18 stated in the petition.

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

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

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

24 (5) If the required number of signatures are obtained within
25 sixty (60) days of the denial of the application, the applicant
26 may present the petition to the court of common pleas of the
27 county in which the charter school would be situated. The court
28 shall hold a hearing only on the sufficiency of the petition.
29 The applicant and local board of school directors shall be given
30 seven (7) days' notice of the hearing. The court shall issue a

1 decree establishing the sufficiency or insufficiency of the
2 petition. If the petition is sufficient, the decree shall be
3 transmitted to the State Charter School Appeal Board for review
4 in accordance with this section. Notification of the decree
5 shall be given to the applicant and the local board of
6 directors.

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

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

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

26 (9) A decision of the appeal board to reverse the decision
27 of the local board of directors shall serve as a requirement for
28 the local board of directors of a school district or school
29 districts, as appropriate, to grant the application and sign the
30 written charter of the charter school as provided for in section

1 1720-A. Should the local board of directors fail to grant the
2 application and sign the charter within ten (10) days of notice
3 of the reversal of the decision of the local board of directors,
4 the charter shall be deemed to be approved and shall be signed
5 by the [chairman] chairperson of the appeal board.

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

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

24 (b) The boards of school directors of one or more school
25 districts may act jointly to receive and consider an application
26 for a regional charter school, except that any action to approve
27 an application for a charter or to sign a written charter of an
28 applicant shall require an affirmative vote of a majority of all
29 the directors of each of the school districts involved. The
30 applicant shall apply for a charter to the board of directors of

1 any school district in which the charter school will be located.

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

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

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

16 (1) The identification of the charter applicant.

17 (2) The name of the proposed charter school.

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

19 (4) The proposed governance structure of the charter school,

20 including a description and method for the appointment or

21 [election] selection of members of the board of trustees[.]; a

22 copy of the articles of incorporation filed with the Department

23 of State; a copy of the by-laws, operating agreement or

24 equivalent document adopted by the applicant for the general

25 governance of the charter school; and an organization chart

26 clearly presenting the proposed governance structure of the

27 charter school, including lines of authority and reporting

28 between the board of trustees, administrators, staff and any

29 educational management service provider that will provide

30 services to the charter school.

1 (4.1) A description of the roles and responsibilities of the
2 board of trustees, administrators and any other entities,
3 including a charter school foundation and any educational
4 management service provider that will provide educational
5 management services to the charter school, shown in the
6 organization chart.

7 (4.2) Standards for board of trustees' performance,
8 including compliance with all applicable laws, regulations and
9 terms of the charter.

10 (4.3) If the charter school entity intends to contract with
11 an educational management service provider for services, the
12 charter school entity shall provide all of the following:

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

20 (ii) The complete proposed contract or agreement between the
21 charter school and the educational management service provider
22 stating all of the following:

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

25 (B) The proposed duration of the service contract or
26 agreement.

27 (C) Roles and responsibilities of the board of trustees, the
28 charter school staff and the educational management service
29 provider.

30 (D) The scope of services, personnel and resources to be

1 provided by the educational management service provider.

2 (E) Performance evaluation measures and time lines.

3 (F) The compensation structure, including clear
4 identification of all fees to be paid to the educational
5 management service provider.

6 (G) Methods of oversight and enforcement of the contract or
7 agreement.

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

11 (I) Conditions for renewal and termination of the contract
12 or agreement.

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

21 (5) The mission and education goals of the charter school,
22 the curriculum to be offered and the methods of assessing
23 whether students are meeting educational goals, including any
24 performance targets outlined in the charter.

25 (6) The admission and enrollment policy [and], including
26 criteria for evaluating the admission of students which shall
27 comply with the requirements of section 1723-A.

28 (7) Procedures which will be used regarding the suspension
29 or expulsion of pupils. Said procedures shall comply with
30 section 1318.

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

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

12 (9.1) A description of funds available to the charter school
13 for planning and operation prior to receipt of funds pursuant to
14 section 1725-A or 1725.1-A.

15 (10) Procedures which shall be established to review
16 complaints of parents and guardians regarding the operation of
17 the charter school.

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

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

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

30 (14) Whether any agreements have been entered into or plans

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

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

26 (16) An official clearance statement regarding child injury
27 or abuse from the Department of [Public Welfare] Human Services
28 as required by 23 Pa.C.S. Ch. 63 Subch. [C.2 (relating to
29 background checks for employment in schools)] C (relating to
30 powers and duties of department) and section 111 for each member

1 of the board of trustees of the charter school, each
2 administrator and all individuals identified in the application
3 who shall have direct contact with students[.] and a plan for
4 satisfying the proper official clearance statement regarding
5 child injury or abuse required for all other staff.

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

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

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

24 (20) Whether or not the charter school entity will seek
25 accreditation by a nationally recognized accreditation agency,
26 including the Middle States Association of Colleges and Schools
27 or another regional institutional accrediting agency recognized
28 by the United States Department of Education or an equivalent
29 Federally recognized body for charter school education.

30 (21) Documentation that the principal and special education

1 teachers will be properly certified educators and evidence to
2 demonstrate the charter school's plan to ensure that other
3 professional staff are properly certified, including any plans
4 to contract with other public school entities for services of
5 professional staff for specialized courses that are not part of
6 the regular course offerings of the charter school.

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

9 (i) the procedures for identifying and designating a
10 dissolution manager to handle and oversee the dissolution of the
11 charter school;

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

15 (iii) provisions for a final financial audit of the charter
16 school;

17 (iv) plans to provide student records to the school district
18 of residence;

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

21 (vi) plans to complete the dissolution of the charter
22 school.

23 (23) For applicants currently operating or managing charter
24 school entities in this Commonwealth or other states,
25 information about the academic performance, accepted standards
26 of fiscal management and audit requirements and governance and
27 operations of the operating charter school entities for the
28 three most recent school years for which information is
29 available as well as academic performance, accepted standards of
30 fiscal management and audit requirements and governance and

1 operations for any closed charter school entities that the
2 applicant had operated or managed in this Commonwealth or
3 another state.

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

11 (c) The department shall review the model application and
12 renewal application forms at least every three years and revise
13 the application forms as needed.

14 (d) Nothing in this section shall prevent an authorizer from
15 requiring or evaluating additional information as permitted by
16 this act.

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

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

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

16 (i) there is insufficient data concerning the charter
17 school's:

18 (A) academic performance to adequately assess that
19 performance [determines that an], including any performance
20 targets as outlined in the charter;

21 (B) governance and operations; and

22 (C) accepted standards of fiscal management and audit
23 requirements; and

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

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

30 (3) A governing board of a school district [of the first

1 class] does not have the authority to renew a charter for
2 successive [one (1) year] periods of at least one (1) year but
3 less than five (5) years.

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

12 Section 11. The act is amended by adding a section to read:
13 Section 1720.1-A. Charter Amendments.--(a) Except in cases
14 of requests for expedited consideration of a charter amendment
15 request as provided in subsection (h), a charter school desiring
16 to amend a material term of its charter shall first submit a
17 written proposal outlining the proposed amendment to the
18 authorizer. Within sixty (60) days of submission of the written
19 proposal, and at least ten (10) days before November 1 of the
20 school year preceding the school year in which the charter
21 school proposes to operate pursuant to the proposed amendment,
22 the authorizer shall provide a written response to the charter
23 school identifying the form and scope of the information
24 necessary for review of the amendment request. At a minimum, the
25 scope of information to be submitted shall include all that
26 information required when submitting a new charter application
27 as specifically relevant to the component of the charter that
28 the school seeks to amend.

29 (b) A charter school shall submit a request for an amendment
30 to its charter in the form and containing the information

1 identified by the authorizer or the department under subsection
2 (a) no later than November 1 of the school year preceding the
3 school year in which the charter school proposes to operate
4 pursuant to the proposed amendment.

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

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

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

22 (f) If the amendment request is granted, the charter
23 school's written charter shall be supplemented or amended, as
24 appropriate, to contain the provisions of the amendment request,
25 and the amended charter shall be signed by the authorizer and
26 each member of the charter school's board of trustees. The
27 amended charter, when duly signed, acts as legal authorization
28 of the operation of the charter school in accordance with the
29 amended charter. The amended charter is legally binding on the
30 authorizer and the charter school and its board of trustees. The

1 amended charter shall be effective for the remainder of the term
2 of the charter.

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

14 (h) (1) In the event of an emergency as defined in section
15 1703-A, a charter school may submit an expedited amendment
16 request to the authorizer that includes:

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

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

20 (iii) the reasons justifying the request for an expedited
21 review.

22 (2) The authorizer shall provide a written response to the
23 request for an expedited review that confirms whether an
24 expedited review will be conducted and, if so, the information
25 that must be submitted by the charter school for the
26 authorizer's review of the request. If the authorizer does not
27 agree that an expedited review is necessary, the charter school
28 shall submit its request pursuant to the procedures outlined in
29 subsection (a). The determination to not grant an expedited
30 review of the proposed charter amendment request shall not be

1 appealable.

2 Section 12. Sections 1721-A, 1722-A, 1723-A, 1724-A and
3 1725-A of the act are amended to read:

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

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

13 (2) A school board member.

14 (3) A certified teacher actively employed in a public
15 school.

16 (4) A faculty member or administrative employe of an
17 institution of higher education.

18 (5) A member of the business community.

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

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

29 (b) The appeal board shall meet as needed to fulfill the
30 purposes provided in this subsection. A majority of the members

1 of the appeal board shall constitute a quorum, and a majority of
2 the members of the appeal board shall have authority to act upon
3 any matter properly before the appeal board. The appeal board is
4 authorized to establish rules for its operation.

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

10 (d) The department shall provide assistance and staffing for
11 the appeal board. The Governor, through the Governor's General
12 Counsel, shall provide such legal advice and assistance as the
13 appeal board may require.

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

21 (f) If the appeal board determines that a party to an appeal
22 under sections 1717-A(h) or (i), 1729-A(d), 1729.2-A(f) or 1746-
23 A has engaged in arbitrary, dilatory, obdurate or vexatious
24 conduct with respect to any application, revocation or renewal
25 decision, the appeal board is authorized to impose against the
26 party the costs incurred by the appeal board, the department and
27 the Office of General Counsel in hearing the appeal and may also
28 impose reasonable counsel fees and other taxable costs against
29 the party and in favor of the appropriate prevailing party in
30 the appeal.

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

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

9 (d) Notwithstanding any other provision of this act, a
10 school district of the first class may, in its discretion,
11 permit a charter school to operate its school at more than one
12 location.

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

1 municipal improvement in a street on which its school property
2 abuts or may contribute a sum toward the cost of the
3 improvement.

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

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

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

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

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

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

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

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

25 (b) (1) A charter school shall not discriminate in its
26 admission policies or practices on the basis of intellectual
27 ability, except as provided in paragraph (2), or athletic
28 ability, measures of achievement or aptitude, status as a person
29 with a disability, proficiency in the English language or any
30 other basis that would be illegal if used by a school district.

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

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

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

20 (2) The provisions of this subsection shall apply to a
21 charter school [or cyber charter school] regardless of whether
22 the charter was approved prior to or is approved subsequent to
23 the effective date of this subsection.

24 (e) (1) A school district's obligation to make payments for
25 students enrolled in a charter school entity shall be governed
26 by section 1725-A or 1725.1-A or, in the case of students who
27 are below a school district's age of enrollment, by the terms of
28 any charter or service contract between a school district and a
29 charter school entity.

30 (2) Notwithstanding the requirements of clause (1), absent

1 language to the contrary in a charter or service contract
2 between a school district and a charter school entity, a school
3 district shall not be obligated to fund a four-year-old
4 kindergarten program or full-day kindergarten program if the
5 school district has exercised its discretion to not offer these
6 programs in its own schools.

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

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

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

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

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

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

24 (2) The standard enrollment form shall be made physically
25 available at each charter school, in a form that complies with
26 Federal and State law, and posted on the publicly accessible
27 Internet website of each charter school entity, if one is
28 maintained. A charter school may accept the enrollment form via
29 paper or electronic means.

30 (3) A charter school shall maintain and make available in

1 paper and electronic format the enrollment forms developed by
2 the department under this subsection in the languages spoken by
3 two per centum or more individuals in the county in which any of
4 its facilities is located. The charter school shall ensure that
5 the forms are translated by a service approved by the
6 department.

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

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

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

23 (ii) participating in a city-wide or school district-wide
24 charter application process with the approval of the authorizer
25 of the charter school.

26 (g) As used in this section, "eligible applicant" shall mean
27 a student who is seeking to enter a grade level offered by the
28 charter school entity and satisfies student residency
29 requirements.

30 Section 1724-A. School Staff.--(a) The board of trustees of

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

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

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

28 (ii) Have demonstrated satisfactorily a combination of
29 experience, achievement and qualifications as defined in the
30 charter school application in basic skills, general knowledge,

1 professional knowledge and practice and subject matter knowledge
2 in the subject area where an individual will teach.

3 (c) All employes of a charter school entity shall be
4 enrolled in the Public School Employees' Retirement System in
5 the same manner as set forth in 24 Pa.C.S. § 8301(a) (relating
6 to mandatory and optional membership) unless at the time of the
7 application for the charter school entity the sponsoring
8 district or the board of trustees of the charter school entity
9 has a retirement program which covers the employes or the
10 employe is currently enrolled in another retirement program. The
11 charter school entity shall be considered a public school as
12 defined in 24 Pa.C.S. § 8102 (relating to definitions) and shall
13 make quarterly payments by employers to the Public School
14 Employees' Retirement System and monthly payments on account of
15 Social Security as established under 24 Pa.C.S. Pt. IV (relating
16 to retirement for school employees). Except as otherwise
17 provided, employes of a charter school entity shall make regular
18 member contributions as required for active members under 24
19 Pa.C.S. Pt. IV. If the employes of the charter school entity
20 participate in another retirement plan, then those employes
21 shall have no concurrent claim on the benefits provided to
22 public school employes under 24 Pa.C.S. Pt. IV. Notwithstanding
23 any other provision of law to the contrary, nothing in this
24 article shall be construed to require the Commonwealth to make
25 payments to charter [schools] school entities or contributions
26 on behalf of charter school entity employes from appropriated
27 funds, as provided in 24 Pa.C.S. §§ 8326 (relating to
28 contributions by the Commonwealth) and 8535 (relating to
29 payments to school entities by Commonwealth) on account of
30 charter school entity employes enrolled in the Public School

1 Employees' Retirement System and 24 Pa.C.S. § 8329(a) (relating
2 to payments on account of social security deductions from
3 appropriations) on account of Social Security payments made by a
4 charter school entity.

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

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

23 (f) Temporary professional employes on leave from a school
24 district may accrue tenure in the non-charter public school
25 system at the discretion of the local board of school directors,
26 the same as they would under Article XI if they had continued to
27 be employed by that district. Professional employes on leave
28 from a school district shall retain their tenure rights, as
29 defined in Article XI, in the school entity from which they
30 came. No temporary professional employe or professional employe

1 shall have tenure rights as against a charter school. Both
2 temporary professional employes and professional employes shall
3 continue to accrue seniority in the school entity from which
4 they came if they return to that school entity when the leave
5 ends.

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

11 (h) (1) Any temporary professional employe or professional
12 employe who leaves employment at a charter school entity shall
13 have the right to return to a comparable position for which the
14 person is properly certified in the school entity which granted
15 the leave of absence. In the case where a teacher has been
16 dismissed by the charter school, the school entity which granted
17 the leave of absence is to be provided by the charter school
18 with the reasons for such dismissal at the time it occurs, a
19 list of any witnesses who were relied on by the charter school
20 in moving for dismissal, a description of and access to any
21 physical evidence used by the charter school in moving for
22 dismissal and a copy of any record developed at any dismissal
23 proceeding conducted by the charter school. The record of any
24 such hearing may be admissible in a hearing before the school
25 entity which granted the leave of absence. Nothing in this
26 section shall affect the authority of the board of school
27 directors to initiate proceedings under Article XI if the board
28 determines that occurrences at the charter school leading to
29 dismissal of a teacher constitute adequate and independent
30 grounds for discipline under section 1122.

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

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

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

25 (k) Charter school entities shall use the approved rating
26 tool required by section 1123 and published in 22 Pa. Code Ch.
27 19 (relating to educator effectiveness rating tool) or an
28 alternative tool approved by the department under section 1123
29 to evaluate employes serving as principals or school leaders,
30 classroom teachers and nonteaching professionals.

1 (1) As used in this section:

2 "Nonteaching professionals" shall mean education specialists
3 and employes who provide educational or health or mental health
4 services other than classroom instruction.

5 "School leader" shall mean an assistant principal or a vice
6 principal.

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

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

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

1 pursuant to clause (2.1) and paid by the school district of
2 residence of each student.

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

21 (2.2) The average daily membership used in calculating the
22 amount due under clause (2) shall not include the average daily
23 membership of the school district's resident students enrolled
24 in charter schools.

25 (3) For special education students, the charter school shall
26 receive for each student enrolled the same funding as for each
27 non-special education student as provided in clause (2), [plus
28 an additional amount determined by dividing the district of
29 residence's total special education expenditure by the product
30 of multiplying the combined percentage of section 2509.5(k)

1 times the district of residence's total average daily membership
2 for the prior school year. This] multiplied by one and fifty-one
3 hundredths (1.51) for each special education student for whom
4 the annual expenditure is in Category 1 as reported to the
5 department under section 1372(8); multiplied by three and
6 seventy-seven hundredths (3.77) for each special education
7 student for whom the annual expenditure is in Category 2 as
8 reported to the department under section 1372(8); or multiplied
9 by seven and forty-six hundredths (7.46) for each special
10 education student for whom the annual expenditure is in Category
11 3 as reported to the department under section 1372(8). For
12 purposes of this clause, Category 3 shall be the sum of students
13 reported in Categories 3A and 3B under section 1372(8). The per-
14 student amount for each Category 1, Category 2 and Category 3
15 student shall be calculated by the department and posted on its
16 publicly accessible Internet website and shall be paid by the
17 school district of residence of each student. The amounts
18 calculated by the department are not subject to clause (6).

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

27 (5) (i) Payments shall be made to the charter school in
28 [twelve (12) equal] monthly payments, [by the fifth day of each
29 month, within the operating school year.] using the most
30 currently available per-student amounts calculated and posted by

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

25 (ii) No later than [~~October 1~~] December 31 of each year, a
26 charter school shall submit to the school district of residence
27 of each student final documentation of payment to be made based
28 on the average daily membership for the nonspecial education
29 students enrolled in the charter school and the information
30 reported to the department under section 1372(8) for the special

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

1 requests for payment under this clause must be submitted to the
2 department no later than April 25 of each year. The secretary
3 shall prioritize payments under this clause before payments
4 under subclause (i).

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

9 (iv) The secretary shall not process a deduction for a
10 closed charter school.

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

28 (7) Notwithstanding any provision of law to the contrary,
29 the department may initiate disciplinary action before the
30 Professional Standards and Practices Commission pursuant to the

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

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

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

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

22 Any penalty imposed under this clause shall be paid to the
23 department.

24 (b) The Commonwealth shall provide temporary financial
25 assistance to a school district due to the enrollment of
26 students in a charter school who attended a nonpublic school in
27 the prior school year in order to offset the additional costs
28 directly related to the enrollment of those students in a public
29 charter school. The Commonwealth shall pay the school district
30 of residence of a student enrolled in a nonpublic school in the

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

19 (c) The Commonwealth shall create a grant program to provide
20 temporary transitional funding to a school district due to the
21 budgetary impact relating to any student's first-year attendance
22 at a charter school. The department shall develop criteria which
23 shall include, but not be limited to, the overall fiscal impact
24 on the budget of the school district resulting from students of
25 a school district attending a charter school. The criteria shall
26 be published in the Pennsylvania Bulletin. This subsection shall
27 not apply to a public school converted to a charter school under
28 section 1717-A(b). Grants shall be limited to funds appropriated
29 for this purpose.

30 (d) It shall be lawful for any charter school to receive,

1 hold, manage and use, absolutely or in trust, any devise,
2 bequest, grant, endowment, gift or donation of any property,
3 real or personal and/or mixed, which shall be made to the
4 charter school for any of the purposes of this article.

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

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

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

19 (1) Cyber charter schools may not charge tuition for a
20 student attending a cyber charter school. Beginning in the 2020-
21 2021 school year, cyber charter schools shall be paid by a
22 student's school district of residence using the Statewide Cyber
23 Charter School Tuition Rate.

24 (2) For the 2020-2021 school year, for nonspecial education
25 students, cyber charter schools shall receive for each student
26 enrolled nine thousand five hundred four dollars and forty-five
27 cents (\$9,504.45). This amount shall be the Statewide Cyber
28 Charter School Tuition Rate.

29 (3) Beginning in the 2021-2022 school year and every year
30 thereafter, the Statewide Cyber Charter School Tuition Rate

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

19 (4) On or before April 30, 2021, and by April 30 each year
20 thereafter, the department shall calculate and post on its
21 publicly accessible Internet website the Statewide Cyber Charter
22 School Tuition Rate payable by a student's school district of
23 residence under clause (3). The department shall also post on
24 its publicly accessible Internet website the average daily
25 membership of and the data from each of the five (5) highest
26 performing cyber charter schools' annual financial reports used
27 to calculate the Statewide Cyber Charter School Tuition Rate.
28 Until the department calculates and posts the Statewide Cyber
29 Charter School Tuition Rate, the per-student amounts payable by
30 a student's school district of residence shall be the Statewide

1 Cyber Charter School Tuition Rate for the previous school year.

2 (5) For each special education student enrolled, cyber
3 charter schools shall receive the Statewide Cyber Charter School
4 Tuition Rate multiplied by one and fifty-one hundredths (1.51)
5 for each special education student for whom the annual
6 expenditure is in Category 1 as reported to the department under
7 section 1372(8); multiplied by three and seventy-seven
8 hundredths (3.77) for each special education student for whom
9 the annual expenditure is in Category 2 as reported to the
10 department under section 1372(8); or multiplied by seven and
11 forty-six hundredths (7.46) for each special education student
12 for whom the annual expenditure is in Category 3 as reported to
13 the department under section 1372(8). For purposes of this
14 clause, Category 3 shall be the sum of students reported in
15 Categories 3A and 3B under section 1372(8). The per-student
16 amount for each Category 1, Category 2 and Category 3 student
17 shall be calculated by the department and posted on its publicly
18 accessible Internet website and shall be paid by the school
19 district of residence of each student. The per-student amounts
20 calculated by the department are not subject to subsection (c).

21 (6) Beginning with the 2021-2022 school year and every three
22 (3) years thereafter, the department shall identify the five
23 highest-performing cyber charter schools, as determined by
24 identification of schools' procedures as required by section
25 6311(c)(4)(D) of the Elementary and Secondary Education Act of
26 1965 (Public Law 89-10, 20 U.S.C. § 6311(c)(4)(D)) or its
27 successor Federal statute.

28 (b) (1) Payments shall be made to a cyber charter school in
29 monthly payments using the most currently available per-student
30 amounts calculated and posted by the department pursuant to

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

25 (2) No later than December 31 of each year, a cyber charter
26 school shall submit to the school district of residence of each
27 student final documentation of payment to be made based on the
28 average daily membership for the nonspecial education students
29 enrolled in the cyber charter school and the information
30 reported to the department under section 1372(8) for the special

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

1 district in any school year. All requests for payment under this
2 clause must be submitted to the department no later than April
3 25 of each year. The secretary shall prioritize payments under
4 this clause before payments under clause (1).

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

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

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

29 (d) Notwithstanding any provision of law to the contrary,
30 the department may initiate disciplinary action before the

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

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

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

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

23 Any penalty imposed under this clause shall be paid to the
24 department.

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

27 Section 1726-A. Transportation.--(a) Students who attend a
28 charter school located in their school district of residence, a
29 regional charter school of which the school district is a part
30 or a charter school located outside district boundaries at a

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

26 (a.1) In addition to any other requirements in this section,
27 school districts of the first class shall provide transportation
28 to students who attend a charter school if they are the same age
29 or are enrolled in the same grade, grades or their grade
30 equivalents as any of the students of the school district for

1 whom transportation is provided under any program or policy to
2 the schools of the school district.

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

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

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

20 Section 1727-A. ~~[Tort]~~ Liability and Security.--(a) For
21 purposes of tort liability, employees of the charter school
22 entity shall be considered public employees and the board of
23 trustees of the charter school entity shall be considered the
24 public employer in the same manner as political subdivisions and
25 local agencies. The board of trustees of a charter school entity
26 and the charter school entity shall be solely liable for any and
27 all damages of any kind resulting from any legal challenge
28 involving the operation of a charter school. Notwithstanding
29 this requirement, the local board of directors of a school
30 entity shall not be held liable for any activity or operation

1 related to the program of the charter school entity.

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

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

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

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

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

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

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

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

30 (c) [Five (5) years following the effective date of this

1 article, the secretary shall contract with an independent
2 professional consultant with expertise in public and private
3 education. The consultant shall receive input from members of
4 the educational community and the public on the charter school
5 program. The consultant shall submit a report to the secretary,
6 the Governor and the General Assembly and an evaluation of the
7 charter school program, which shall include a recommendation on
8 the advisability of the continuation, modification, expansion or
9 termination of the program and any recommendations for changes
10 in the structure of the program.] Charter schools shall comply
11 fully 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.

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

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

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

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

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

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

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

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

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

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

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

30 (ii) Where funding is provided by a charter school

1 foundation, the amount of funds and a description of the use of
2 the funds.

3 (iii) The salaries of all administrators of the charter
4 school.

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

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

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

30 (4) The annual budget adopted and submitted under this

1 subsection shall not exceed the amount of funds available to the
2 charter school.

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

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

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

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

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

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

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

28 (1) One or more material violations of any of the
29 conditions, standards or procedures contained in the written
30 charter signed pursuant to section 1720-A.

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

7 (2.1) Failure to meet any of the following standards
8 established by the department pursuant to Federal or State law:

9 (i) student attendance;

10 (ii) graduation rate;

11 (iii) academic achievement or growth; or

12 (iv) English learner progress.

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

15 (4) Violation of provisions of this article.

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

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

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

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

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

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

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

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

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

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

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

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

28 (b) [A member of the board of trustees who is convicted of a
29 felony or any crime involving moral turpitude shall be
30 immediately disqualified from serving on the board of trustees.]

1 (Reserved).

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

27 (d) [Following the appointment and confirmation of the
28 appeal board, but not before July 1, 1999, the] The charter
29 school may appeal the decision of the local board of school
30 directors to revoke or not renew the charter to the appeal

1 board. The appeal must be filed with the appeal board no later
2 than thirty (30) days following issuance by the local board of
3 school directors of its written decision under subsection (c).

4 The appeal board shall have the exclusive review of a decision
5 not to renew or revoke a charter. The appeal board shall review
6 the record and shall have the discretion to supplement the
7 record if the supplemental information was previously
8 unavailable. The appeal board may consider the charter school
9 plan, annual reports, student performance and employe and
10 community support for the charter school in addition to the
11 record. The appeal board shall [give due consideration to the
12 findings of the local board of directors] determine whether the
13 local board of school directors' decision was arbitrary and
14 capricious and specifically articulate its reasons for [agreeing
15 or disagreeing with those] its findings in [its] a written
16 decision.

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

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

29 (g) In cases where the health or safety of the school's
30 pupils, staff or both is at serious risk, the local board of

1 school directors may take immediate action to revoke a charter.

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

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

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

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

22 (a) Establishment shall be as follows:

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

27 (i) The department approves the consolidation as proposed in
28 the application form submitted to the department pursuant to
29 subsection (c). If the department does not approve or disapprove
30 the proposed consolidation within [~~forty-five (45)] ninety (90)~~

1 days after receipt of the application, the department will be
2 deemed to have approved the consolidation.

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

14 (1.1) The application for approval of the consolidation
15 under clause (1) shall first be submitted simultaneously to the
16 local board of school directors of each school district that
17 granted the initial charter of any charter school included in
18 the proposed consolidation, and only after approval of the
19 application by each local board of school directors as set forth
20 in clause (1)(ii) or by the appeal board in an appeal filed
21 under subsection (f) shall the application be submitted to the
22 department for approval pursuant to clause (1)(i).

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

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

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

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

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

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

14 (ii) Accepted standards of fiscal management or audit
15 requirements.

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

20 (Reserved).

21 (1.1) A charter school that, within the most recent three
22 school years, has failed to meet accepted standards of fiscal
23 management or audit requirements shall not be eligible to
24 consolidate with another charter school.

25 (1.2) A charter school designated as a Comprehensive Support
26 and Improvement school under the Every Student Succeeds Act
27 (Public Law 114-95, 129 Stat. 1802) or an equivalent building
28 level designation under its successor Federal statute shall not
29 be eligible to consolidate with another charter school.

30 (1.3) A charter school that does not meet the minimum

1 academic quality benchmark and minimum fiscal management
2 benchmark set pursuant to section 1731.1-A(d)(2) shall not be
3 eligible to consolidate with another charter school.

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

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

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

19 (2) The names of the charter schools seeking consolidation
20 under this section.

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

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

30 (5) A clear description of the roles and responsibilities

1 for the board of trustees, chief administrator, administrators
2 and any other entities, including a charter school foundation,
3 shown in the organizational chart.

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

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

9 (8) Enrollment procedures for each individual charter school
10 included in its charter.

11 (9) Any other information as deemed necessary by the
12 department.

13 (d) A multiple charter school organization may:

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

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

25 (2) Add existing charter schools to its organization by
26 obtaining the approval of the department and of the local board
27 of school directors that granted the initial charter of each
28 charter school proposed to be added under subsection (a)(1) and
29 (1.1).

30 (3) Allow students enrolled in an individual charter school

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

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

20 (f) Appeals shall be as follows:

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

25 (2) In considering an appeal under this section, the appeal
26 board shall:

27 (i) Review the decision made by either the department or the
28 school district on the record as certified by the entity that
29 made the decision being appealed, provided that the appeal board
30 may allow the department, a school district or the applicant for

1 consolidation to supplement the record if the supplemental
2 information was previously unavailable.

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

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

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

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

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

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

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

29 (1) Planning grant applications shall be filed on a form and
30 by a date determined by the secretary. The amount of a grant may

1 vary depending on the size and scope of the planning needed by
2 the applicant. The application shall address the manner in which
3 the applicant plans to address the criteria established for
4 charter schools in sections 1715-A and 1717-A.

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

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

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

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

28 (b) The accountability matrix shall assess performance by
29 utilizing objective criteria, including, but not limited to, the
30 following:

- 1 (1) Student performance on State assessments.
- 2 (2) Growth as measured by the Pennsylvania Value-Added
3 Assessment System or any subsequent growth measure.
- 4 (3) Admissions and enrollment practices.
- 5 (4) Attendance, chronic absenteeism, truancy and attrition
6 rates.
- 7 (5) School climate, safety and student discipline
8 indicators.
- 9 (6) Graduation rates and postsecondary transitions for
10 graduates of charter schools with a grade twelve.
- 11 (7) Other standardized test scores.
- 12 (8) Measures of parent, guardian and family engagement.
- 13 (9) Accreditation by a nationally recognized accreditation
14 agency, including the Middle States Association of Colleges and
15 Schools, or another regional institutional accrediting agency
16 recognized by the United States Department of Education or an
17 equivalent Federally recognized body for charter school
18 education.
- 19 (10) Organizational governance, viability and compliance
20 with 65 Pa.C.S. Chs. 11 (relating to ethics standards and
21 financial disclosure) 7 (relating to open meetings).
- 22 (11) Accepted standards of fiscal management or audit
23 requirements.
- 24 (12) Educator certification and measures for assessing
25 educator effectiveness.
- 26 (13) Compliance with special education laws, including 22
27 Pa. Code Ch. 711 (relating to charter school services and
28 programs for children with disabilities).
- 29 (14) Compliance with laws concerning education English
30 learners, including 22 Pa Code § 4.26 (relating to ESOL).

1 (15) Timely submission of annual report and audited
2 financial statements.

3 (16) Mission and education program components as determined
4 through site visits.

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

8 (d) In developing the accountability matrix, the State board
9 shall:

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

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

25 (3) In addition to the causes for nonrenewal or termination
26 set forth in section 1729-A, determine a profile of academic,
27 fiscal management and other factors, the satisfaction of which
28 will permit authorizers of a charter school or cyber charter
29 school to issue a revocation or nonrenewal of the charter. An
30 authorizer's determination to revoke or nonrenew the charter of

1 a charter school or cyber charter school based upon the profile
2 of academic performance, fiscal management and other factors may
3 not be appealed.

4 (e) In developing the accountability matrix, the State board
5 may:

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

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

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

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

30 (h) (1) In developing the accountability matrix and

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

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

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

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

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

22 Sections 108, 110, 111, 321, 325, 326, 327, 431, 436, 443,
23 510, 518, 527, 708, 736, 737, 738, 739, 740, 741, 752, 753, 755,
24 771, 776, 777, 808, 809, 810, 1109, 1111, 1112(a), 1301, 1310,
25 1317, 1317.1, 1317.2, 1318, 1326, 1327, 1327.2, 1329, 1330,
26 1332, 1333, 1333.1, 1333.2, 1333.3, 1341, 1342, 1343, 1344,
27 1345, 1303-A, 1513, 1517, 1518, 1521, 1523, 1531, 1547, 2014-A,
28 2552, Article XIII-A and Article XIV.

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

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

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

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

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

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

21 Chapter 4 (relating to academic standards and assessment).

22 Section 5.216 (relating to ESOL).

23 Section 5.4 (relating to general policies).

24 Chapter 11 (relating to pupil attendance).

25 Chapter 12 (relating to students).

26 Chapter 16 (relating to special education for gifted
27 students).

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

29 Section 32.3 (relating to assurances).

30 Section 121.3 (relating to discrimination prohibited).

1 Section 235.4 (relating to practices).

2 Section 235.8 (relating to civil rights).

3 Section 339.31 (relating to plan).

4 Section 339.32 (relating to services).

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

7 (c) (1) The secretary may promulgate additional regulations
8 relating to charter schools.

9 (2) The secretary shall have the authority and the
10 responsibility to ensure that charter schools comply with
11 Federal laws and regulations governing children with
12 disabilities. The secretary shall promulgate regulations to
13 implement this provision.

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

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

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

21 (2) Renew the charter of cyber charter school and renew
22 the charter of a charter school approved under section 1717-A
23 or 1718-A which provides instruction through the Internet or
24 other electronic means. Upon renewal of a charter of a
25 charter school approved under section 1717-A or 1718-A, the
26 charter school shall qualify as a cyber charter school under
27 this subdivision and shall be subject to the provisions of
28 this subdivision.

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

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

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

14 (A) a material component of the student's
15 education as required under this subdivision is not
16 being provided; or

17 (B) the cyber charter school has failed to
18 maintain the financial ability to provide services as
19 required under this subdivision.

20 (4) Execute charters after approval.

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

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

26 (c) Documents.--Documents of the appeal board shall be
27 subject to the act of June 21, 1957 (P.L.390, No.212), referred
28 to as the Right-to-Know Law.

29 Section 1742-A. Assessment and evaluation.

30 The department shall:

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

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

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

16 Section 1743-A. Cyber charter school requirements and
17 prohibitions.

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

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

22 (2) except as provided for in subsection (e), provide
23 payments to parents or guardians for the purchase of
24 instructional materials; or

25 (3) except as compensation for the provision of specific
26 services, enter into agreements to provide funds to a school
27 entity.

28 (b) Enrollment.--A cyber charter school shall report to the
29 department an increase or a decrease of 30% or more in its
30 anticipated enrollment set forth in the application under

1 section 1747-A(11).

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

6 (1) A copy of the charter.

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

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

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

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

16 (1) A list and brief description of the courses of
17 instruction the student will receive. The list shall be
18 updated annually for each grade level in which the student is
19 enrolled.

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

22 (3) The manner in which attendance will be reported and
23 work will be authenticated.

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

27 (5) The meetings to be held during the school year
28 between a parent or guardian and a teacher and among other
29 school officials or parents or guardians and the manner in
30 which the parent or guardian will be notified of the time and

1 place for the meeting.

2 (6) The address of the cyber charter school and the
3 name, telephone number and e-mail address of the school
4 administrator and other school personnel.

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

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

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

12 (10) Copies of policies relating to computer security
13 and privacy, truancy, absences, discipline and withdrawal or
14 expulsion of students.

15 (11) Information on:

16 (i) The cyber charter school's professional staff,
17 including the number of staff personnel, their education
18 level and experience.

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

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

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

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

- 1 (1) provide all instructional materials;
- 2 (2) provide all equipment, including, but not limited
- 3 to, a computer, computer monitor and printer; and
- 4 (3) provide or reimburse for all technology and services
- 5 necessary for the on-line delivery of the curriculum and
- 6 instruction.

7 The Commonwealth shall not be liable for any reimbursement owed

8 to students, parents or guardians by a cyber charter school

9 under paragraph (3).

10 (f) Annual report.--A cyber charter school shall submit an

11 annual report no later than August 1 of each year to the

12 department in the form prescribed by the department. A copy of

13 the annual report submitted under this subsection shall also be

14 maintained at each facility of the cyber charter school and

15 shall be posted on the cyber charter school's publicly

16 accessible Internet website.

17 (g) Records and facilities.--A cyber charter school shall

18 provide the department with ongoing access to all records and

19 facilities necessary for the department to assess the cyber

20 charter school in accordance with the provisions of this

21 subdivision.

22 (h) Offices and facilities.--A cyber charter school shall

23 maintain an administrative office within this Commonwealth where

24 all student records shall be maintained at all times and shall

25 provide the department with the addresses of all offices and

26 facilities of the cyber charter school, the ownership thereof

27 and any lease arrangements. The administrative office of the

28 cyber charter school shall be considered as the principal place

29 of business for service of process for any action brought

30 against the cyber charter school or cyber charter school staff

1 members. The cyber charter school shall notify the department of
2 any changes in this information within ten days of the change.

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

15 Section 1744-A. School district and intermediate unit
16 responsibilities.

17 An intermediate unit or a school district in which a student
18 enrolled in a cyber charter school resides shall do all of the
19 following:

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

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

28 (3) Upon request, provide assistance to the cyber
29 charter school in the delivery of services to a student with
30 disabilities. The school district or intermediate unit shall

1 not charge the cyber charter school more for a service than
2 it charges a school district.

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

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

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

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

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

21 (2) Attendance shall be measured by the number of hours of
22 documented coursework a student completes within a seven-day
23 week. In order to satisfy the requirements for compulsory
24 attendance, as provided in section 1715-A(9), an elementary
25 student shall complete five hours of documented coursework, five
26 days a week and a secondary student shall complete five and one-
27 half hours of documented coursework, five days a week.

28 (3) For the purposes of this section, "documented
29 coursework" shall consist of a combination of login time and
30 independent work offline, the later of which may be self-

1 reported by the student or the student's parent or guardian.

2 (d) Application.--An application to establish a cyber
3 charter school shall be submitted to the department by October 1
4 of the school year preceding the school year in which the cyber
5 charter school proposes to commence operation.

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

15 (f) Evaluation criteria.--

16 (1) A cyber charter school application submitted under
17 this subdivision shall be evaluated by the department based
18 on the following criteria:

19 (i) The demonstrated, sustainable support for the
20 cyber charter school plan by teachers, parents or
21 guardians and students.

22 (ii) The capability of the cyber charter school
23 applicant, in terms of support and planning, to provide
24 comprehensive learning experiences to students under the
25 charter.

26 (iii) The extent to which the programs outlined in
27 the application will enable students to meet the academic
28 standards under 22 Pa. Code Ch. 4 (relating to academic
29 standards and assessment) or subsequent regulations
30 promulgated to replace 22 Pa. Code Ch. 4.

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

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

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

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

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

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

30 (h) Appeal.--If the department fails to hold the required

1 public hearing or to approve or disapprove the charter, the
2 applicant may file its application as an appeal to the appeal
3 board. The appeal board shall provide notice of the appeal to
4 the department and may allow the department to be heard on the
5 application. If the department fails to respond within 10 days,
6 the appeal board shall review the application and make a
7 decision to approve or disapprove the charter based on the
8 criteria in subsection (f). An appeal must be filed no later
9 than 30 days following the date by which the department was
10 required to act on the application in accordance with subsection
11 (e) or (g), as applicable, or the date of mailing of the written
12 notice issued under subsection (f)(2).

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

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

28 (b) Due date.--A cyber charter school shall submit a request
29 for an amendment to its charter in the form and containing the
30 information identified by the department under subsection (a) no

1 later than November 1 of the school year preceding the school
2 year in which the cyber charter school proposes to operate
3 pursuant to the proposed amendment.

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

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

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

19 (f) Amendment request granted.--If the amendment request is
20 granted, the cyber charter school's written charter shall be
21 supplemented or amended, as appropriate, to contain the
22 provisions of the amendment request, and the amended charter
23 shall be signed by the secretary and each member of the charter
24 school's board of trustees. The amended charter, when duly
25 signed, acts as legal authorization of the operation of the
26 cyber charter school in accordance with the amended charter. The
27 amended charter is legally binding on the department and the
28 cyber charter school and its board of trustees. The amended
29 charter shall be effective for the remainder of the term of the
30 charter as was applicable prior to the amendment.

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

12 (h) Expedited review.--

13 (1) In the event a cyber charter school requires an
14 expedited review of a charter amendment request, the cyber
15 charter school shall first immediately submit to the
16 department a request for an expedited review that includes:

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

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

21 (iii) the reasons justifying the request for an
22 expedited review.

23 (2) The department shall provide a written response to
24 the request for an expedited review that confirms whether an
25 expedited review will be conducted and, if so, the
26 information that must be submitted by the cyber charter
27 school for the department's review of the request. If the
28 department does not agree that an expedited review is
29 necessary, the cyber charter school shall submit its request
30 pursuant to the procedures outlined in subsection (a). The

1 determination to not grant an expedited review of the
2 proposed charter amendment request shall not be appealable.

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

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

6 (a) Jurisdiction.--The appeal board shall have the exclusive
7 review of an appeal by a cyber charter school applicant or by
8 the board of trustees of a cyber charter school on the decisions
9 of the department, including:

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

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

12 (3) The revocation of a charter.

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

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

15 (1) Review the decision made by the department under
16 subsection (a) on the record as certified by the department.
17 The secretary shall recuse himself from all cyber charter
18 school appeals and shall not participate in a hearing,
19 deliberation or vote on a cyber charter school appeal. The
20 appeal board may allow the department, the cyber charter
21 school applicant or the board of trustees of a cyber charter
22 school to supplement the record if the supplemental
23 information was previously unavailable.

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

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

28 (4) In the case of a decision by the department to deny
29 a cyber charter application, make its decision based on
30 [section 1745-A(f)(1)]. A decision by the appeal board to

1 reverse the decision of the department and grant a charter
2 shall serve as a requirement for the secretary to sign the
3 written charter of the cyber charter school.] whether the
4 department's decision was arbitrary and capricious. If the
5 appeal board finds the department's decision to deny the
6 cyber charter school application to be arbitrary and
7 capricious, the appeal board shall reverse the decision of
8 the department, grant the cyber charter and require the
9 secretary to sign the written charter of the cyber charter
10 school. The appeal board shall specify its findings in a
11 written decision.

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). A decision of the appeal board to
16 reverse the decision of the department to not revoke or deny
17 renewal of a charter shall serve as a requirement of the
18 department to not revoke or to not deny renewal of the
19 charter of the cyber charter school.] whether the
20 department's decision was arbitrary and capricious. If the
21 appeal board finds the department's decision to revoke or
22 deny renewal of a cyber school charter to arbitrary and
23 capricious, the appeal board shall reverse the decision of
24 the department and require the department to not revoke or
25 deny renewal of the charter of the cyber charter school. The
26 appeal board shall specify its findings in a written
27 decision. If the appeal board determines that the charter
28 should be revoked or not renewed, the charter shall remain in
29 effect until the end of the school year or another time as
30 the appeal board directs.

1 (c) Stay.--If the department appeals the decision of the
2 appeal board, the appeal board's decision shall be stayed only
3 upon order of the appeal board, the Commonwealth Court or the
4 Pennsylvania Supreme Court.

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

7 Section 1747-A. Cyber charter school application.

8 In addition to the provisions of section 1719-A, an
9 application to establish a cyber charter school shall also
10 include the following:

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

15 (2) The number of courses required for elementary and
16 secondary students.

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

19 (4) The manner in which teachers will deliver
20 instruction, assess academic progress and communicate with
21 students to provide assistance.

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

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

28 (7) A description of how the cyber charter school will
29 define and monitor a student's school day, including the
30 delineation of [on-line] login time and [off-line time]

1 independent coursework.

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

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

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

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

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

17 (13) The provision of education and related services to
18 students with disabilities, including evaluation and the
19 development and revision of individualized education
20 programs.

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

25 (15) The types and frequency of communication between
26 the cyber charter school and the student and the manner in
27 which the cyber charter school will communicate with parents
28 and guardians.

29 (16) The addresses of all facilities and offices of the
30 cyber charter school, the ownership thereof and any lease

1 arrangements.

2 Section 1748-A. Enrollment and notification.

3 (a) Notice to school district.--

4 (1) Within 15 days of the enrollment of a student to a
5 cyber charter school, the parent or guardian and the cyber
6 charter school shall notify the student's school district of
7 residence of the enrollment through the use of the
8 notification form under subsection (b).

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

12 (i) Within seven days of receipt of the notice under
13 paragraph (1), the school district shall notify the cyber
14 charter school and the department that the student is not
15 a resident of the school district. Notification of
16 nonresidence shall include the basis for the
17 determination.

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

27 (iii) Within seven days of receipt of the response
28 under subparagraph (ii), the school district shall notify
29 the cyber charter school that it agrees with the cyber
30 charter school's determination or does not agree with the

1 cyber charter school's determination.

2 (iv) A school district that has notified the cyber
3 charter school that it does not agree with the cyber
4 charter school's determination under subparagraph (iii)
5 shall appeal to the department for a final determination.

6 (v) All decisions of the department regarding the
7 school district of residence of a student shall be
8 subject to review by the Commonwealth Court.

9 (vi) A school district shall continue to make
10 payments to a cyber charter school under section [1725-A]
11 1725.1-A during the time in which the school district of
12 residence of a student is in dispute.

13 (vii) If a final determination is made that a
14 student is not a resident of an appealing school
15 district, the cyber charter school shall return all funds
16 provided on behalf of that student to the school district
17 within 30 days.

18 [(b) Notification form.--The department shall develop a
19 notification form for use under subsection (a). The notification
20 shall include:

21 (1) The name, home address and mailing address of the
22 student.

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

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

25 (4) The name and address of the cyber charter school and
26 the name and telephone number of a contact person able to
27 provide information regarding the cyber charter school.

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

30 (b.1) Enrollment form.--

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

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

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

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

14 (iv) A space for the cyber charter school to include
15 the name of the cyber charter school and the name,
16 telephone number and e-mail address of a contact person
17 at the cyber charter school.

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

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

26 (3) A cyber charter school shall maintain and make
27 available in paper and electronic format the enrollment forms
28 developed by the department under this subsection in the
29 languages spoken by 0.005% or more of the Statewide public
30 school enrollment. The cyber charter school shall ensure that

1 the forms are translated by a service approved by the
2 department.

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

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

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

14 "Eligible applicant." A student who is seeking to enter
15 a grade level offered by the cyber charter school and student
16 residency requirements.

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

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

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

30 (b) Limitation.--Notwithstanding subsection (a), a cyber

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

10 Section 20. Section 1749-A of the act is amended to read:
11 Section 1749-A. Applicability of other provisions of this act
12 and of other acts and regulations.

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

15 (1) Sections 108, 110, 111, 321, 325, 326, 327, 431,
16 436, 443, 510, 518, 527, 708, 752, 753, 755, 771, 776, 777,
17 808, 809, 810, 1109, 1111, 1112(a), 1205.1, 1205.2, 1301,
18 1302, 1310, 1317.2, 1318, 1326, 1327, 1327.2, 1329, 1330,
19 1332, 1333, 1333.1, 1333.2, 1333.3, 1341, 1342, 1343, 1344,
20 1345, 1303-A, 1518, 1521, 1523, 1531, 1547, 1702-A, 1703-A,
21 1714-A, 1714.1-A 1715-A, 1716-A, 1716.1-A, 1719-A, 1721-A,
22 1722-A, 1723-A(a) and (b), 1724-A, [~~1725-A,~~] 1725.1-A, 1727-
23 A, 1728-A (d), (e), (f) and (g), 1729-A, 1730-A, 1731-A(a) (1)
24 and (b) [~~and~~], 2014-A and 2552 and Articles XII-A, XIII-A and
25 XIV.

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

28 (3) The act of July 19, 1965 (P.L.215, No.116), entitled
29 "An act providing for the use of eye protective devices by
30 persons engaged in hazardous activities or exposed to known

1 dangers in schools, colleges and universities."

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

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

14 (6) The act of December 15, 1986 (P.L.1595, No.175),
15 known as the Antihazing Law.

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

18 (1) Chapter 4 (relating to academic standards and
19 assessment).

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

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

22 (3.1) Chapter 16 (relating to special education for
23 gifted students).

24 (3.2) Chapter 19 (relating to educator effectiveness
25 rating tool).

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

27 (5) Section 121.3 (relating to discrimination
28 prohibited).

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

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

1 (7.1) Section 339.31 (relating to plan).

2 (7.2) Section 339.32 (relating to services).

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

5 (c) Existing charter schools.--

6 (1) The charter of a charter school approved under
7 section 1717-A or 1718-A which provides instruction through
8 the Internet or other electronic means shall remain in effect
9 for the duration of the charter and shall be subject to the
10 provisions of Subdivision (b).

11 (2) In addition to subsections (a) and (b), the
12 following provisions of this subdivision shall apply to a
13 charter school approved under section 1717-A or 1718-A which
14 provides instruction through the Internet or other electronic
15 means:

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

17 (ii) Section 1744-A.

18 (iii) Section 1748-A.

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

20 Section 1752-A. Cyber charter school moratorium.

21 Beginning July 1, 2020, and continuing for 10 years

22 thereafter, the department shall not accept or act upon any

23 applications for the establishment of a new cyber charter

24 school.

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

27 Section 2574.3. Approved Reimbursable Annual Rental for
28 Leases of Buildings or Portions of Buildings for Charter School
29 Use.--* * *

30 (c) Beginning with school year 2020-2021 and continuing each

1 school year thereafter, a charter school shall not be eligible
2 to receive payments from the Commonwealth under this section
3 under a lease between a charter school entity and a charter
4 school foundation, educational management service provider or
5 another charter school entity. For purposes of this subsection,
6 the terms "charter school" and "charter school entity" shall
7 have the meanings provided in section 1703-A.

8 Section 23. For agreements or contracts between educational
9 management service providers and charter school entities, this
10 act shall apply to any agreement or contract under section
11 1716.1-A entered into or amended on or after the effective date
12 of this section.

13 Section 24. This act shall take effect immediately.