

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

WEDNESDAY, JULY 5, 2023

SESSION OF 2023

207TH OF THE GENERAL ASSEMBLY

No. 36

### HOUSE OF REPRESENTATIVES

The House convened at 12 m., e.d.t.

#### THE SPEAKER PRO TEMPORE (JUSTIN C. FLEMING) PRESIDING

#### PRAYER

HON. JOSEPH C. HOHENSTEIN, member of the House of Representatives, offered the following prayer:

Thank you, Mr. Speaker.

Everyone can sit down. We will be doing prayer today in the tradition of our Quaker founders. I know silent worship may be easier for some than for others, but what we will do is just listen in silent worship for the voice of our creator, and hopefully, in listening, we will set the tone for the rest of our week.

I will conclude by shaking the Speaker's hand, and would encourage others to do the same as we end the prayer, prior to the Pledge of Allegiance.

#### PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was recited by members and visitors.)

#### JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, the approval of the Journal of Friday, June 30, 2023, will be postponed until printed.

#### COMMUNICATION

The SPEAKER pro tempore. The Speaker submits the following report for the record, which the clerk will read.

The following communication was read:

The release of the Annual Voter Registration Report for 2022 from the Pennsylvania Department of State.

(Copy of communication is on file with the Journal clerk.)

### COMMUNICATIONS FROM INDEPENDENT FISCAL OFFICE

The SPEAKER pro tempore. The Speaker acknowledges receipt of several letters from the Independent Fiscal Office regarding actuarial notes for the following: HB 1415, PN 1583; HB 1415, PN 1583, as amended by A01743; HB 1415, PN 1583, as amended by A01744; HB 1416, PN 1584; HB 1416, PN 1584, as amended by A01745; and HB 1415, PN 1584, as amended by A01746.

(Copies of communications are on file with the Journal clerk.)

#### SENATE MESSAGE

#### AMENDED HOUSE BILL RETURNED FOR CONCURRENCE AND REFERRED TO COMMITTEE ON RULES

The clerk of the Senate, being introduced, returned **HB 1100, PN 1740**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

The SPEAKER pro tempore. The Chair recognizes the majority caucus chair, Representative Schlossberg for a caucus announcement.

The Chair withdraws.

#### RECESS

The SPEAKER pro tempore. The House stands in recess until 5 p.m., unless sooner recalled by the Speaker.

#### RECESS EXTENDED

The time of recess was extended until 5:15 p.m.; further extended until 6 p.m.; further extended until 7 p.m.

#### AFTER RECESS

The time of recess having expired, the House was called to order.

**THE SPEAKER (JOANNA E. McCLINTON)  
PRESIDING**

**LEAVES OF ABSENCE**

The SPEAKER. The Chair is about to take the master roll call.  
The Chair recognizes the majority whip, who indicates there are none.

The Chair recognizes the minority whip, who indicates there are none.

**MASTER ROLL CALL**

The SPEAKER. The Chair is about to take the master roll. Members will proceed to vote.

The following roll call was recorded:

**PRESENT—203**

Abney	Flick	Krupa	Rapp
Adams	Flood	Kulik	Rigby
Armanini	Frankel	Kutz	Roae
Banta	Freeman	Kuzma	Rossi
Barton	Friel	Labs	Rowe
Bellmon	Fritz	Lawrence	Rozzi
Benham	Gallagher	Leadbeter	Ryncavage
Benninghoff	Galloway	Mackenzie, M.	Salisbury
Bernstine	Gaydos	Mackenzie, R.	Samuelson
Bizzarro	Gergely	Madden	Sanchez
Bonner	Gillen	Madsen	Sappery
Borowicz	Giral	Major	Schemel
Borowski	Gleim	Mako	Scheuren
Boyd	Green	Malagari	Schlegel
Boyle	Gregory	Maloney	Schlossberg
Bradford	Greiner	Marcell	Schmitt
Brennan	Grove	Markosek	Schweyer
Briggs	Guenst	Marshall	Scialabba
Brown, A.	Guzman	Matzie	Scott
Brown, M.	Haddock	Mayes	Shusterman
Bullock	Hamm	McAndrew	Siegel
Burgos	Hanbidge	McNeill	Smith
Burns	Harkins	Mehaffie	Smith-Wade-El
C Freytiz	Harris	Mentzer	Solomon
Cabell	Heffley	Mercuri	Staats
Causar	Hogan	Merski	Stambaugh
Cephas	Hohenstein	Metzgar	Steele
Cerrato	Howard	Mihalek	Stehr
Ciresi	Innamorato	Miller, B.	Stender
Conklin	Irvin	Miller, D.	Struzzi
Cook	Isaacson	Moul	Sturla
Cooper	James	Mullins	Takac
Curry	Jones, M.	Munroe	Tomlinson
Cutler	Jones, T.	Mustello	Topper
D'Orsie	Jozwiak	Neilson	Twardzik
Daley	Kail	Nelson, E.	Venkat
Davanzo	Kaufer	Nelson, N.	Vitali
Davis	Kauffman	O'Mara	Warner
Dawkins	Kazeem	O'Neal	Warren
Deasy	Keefer	Oberlander	Watro
Delloso	Kenyatta	Ortitay	Waxman
Delozier	Kephart	Otten	Webster
Diamond	Kerwin	Owlett	Wentling
Donahue	Khan	Parker	White
Dunbar	Kim	Pashinski	Williams, C.
Ecker	Kinthead	Pickett	Williams, D.
Emrick	Kinsey	Pielli	Young
Evans	Klunk	Pisciottano	Zimmerman
Fee	Kosierowski	Probst	
Fiedler	Krajewski	Rabb	McClinton,
Fink	Krueger	Rader	Speaker
Fleming			

ADDITIONS—0

NOT VOTING—0

EXCUSED—0

The SPEAKER. Two hundred and three people being present for the master roll call, a quorum is present.

**BILL REMOVED FROM TABLE**

The SPEAKER. The majority leader moves that SB 829 be removed from the tabled calendar and placed on the active calendar.

On the question,  
Will the House agree to the motion?  
Motion was agreed to.

**DEMOCRATIC CAUCUS**

The SPEAKER. The Chair recognizes the majority caucus chair for a caucus announcement, Representative Schlossberg.

Mr. SCHLOSSBERG. Thank you, Madam Speaker.

House Democrats will caucus at 7:15. We will be prepared to return to the floor at 8:15.

The SPEAKER. The Chair thanks the gentleman.

**REPUBLICAN CAUCUS**

The SPEAKER. The Chair recognizes the floor leader, Representative Cutler, for a caucus announcement.

Mr. CUTLER. Thank you, Madam Speaker.

Madam Speaker, the Republicans will also caucus at 7:15.

The SPEAKER. The Chair thanks the gentleman.

**RULES COMMITTEE MEETING**

The SPEAKER. The Chair recognizes Representative Schlossberg for a committee announcement.

Mr. SCHLOSSBERG. Thank you, Madam Speaker.

We will have a Rules Committee meeting immediately in the majority caucus room.

The SPEAKER. The Chair thanks the gentleman.

There will be a Rules Committee meeting immediately in the majority caucus room.

**RECESS**

The House will be recessed until 8:15 p.m., unless sooner recalled by the Speaker.

**HUMAN SERVICES  
COMMITTEE MEETING**

Mr. KINSEY. The Human Services Committee will meet at 7:30 in room G-50 to address HB 876 and any other business to come before the committee. Again, the Human Services

Committee will meet in G-50 at 7:30 to vote on HB 876 and any other business that comes before the committee.

Thank you, Madam Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Human Services Committee will meet at 7:30 in room G-50.

### RECESS CONTINUED

The SPEAKER. The House will be in recess until 8:15, unless sooner recalled by the Speaker.

### AFTER RECESS

The time of recess having expired, the House was called to order.

### FILMING PERMISSION

The SPEAKER. The Chair grants permission to Marvin Dunmeyer from Fox43 News to do videotaping on the floor of the House for up to 10 minutes this evening.

### HOUSE BILLS INTRODUCED AND REFERRED

**No. 19** By Representatives MEHAFFIE, SCHLOSSBERG, BURGOS, JAMES and SHUSTERMAN

An Act amending the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, further providing for definitions, for respiratory therapists, for perfusionist, for genetic counselor and for prosthetists, orthotists, pedorthists and orthotic fitters; providing for behavior analysts and assistant behavior analysts; and further providing for licenses and certificates and general qualification.

Referred to Committee on PROFESSIONAL LICENSURE, July 5, 2023.

**No. 1556** By Representatives KLUNK, WARNER, D'ORSIE, STAATS, PICKETT, ROWE, HAMM, MARCELL, M. JONES, BERNSTINE, SCIALABBA, JAMES, ECKER, KUTZ, KERWIN, SMITH, COOK, STEHR, ROSSI, CUTLER, O'NEAL, GAYDOS, GLEIM, MOUL, RIGBY, FINK, KEEFER, E. NELSON and M. MACKENZIE

An Act amending the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law, in State-related institutions, further providing for reporting, for contents of report and for copies and posting and providing for contracts.

Referred to Committee on STATE GOVERNMENT, July 5, 2023.

**No. 1557** By Representatives HOGAN, STEELE, R. MACKENZIE, MARCELL and GILLEN

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for Firefighter and Emergency Medical Service Provider Recruitment and Retention Tax Credit.

Referred to Committee on FINANCE, July 5, 2023.

**No. 1558** By Representatives SCHEMEL, GLEIM, KAUFFMAN, KEEFER and MOUL

An Act amending the act of September 26, 1951 (P.L.1539, No.389), known as The Clinical Laboratory Act, providing for advertisements for laboratory tests.

Referred to Committee on HEALTH, July 5, 2023.

### SENATE BILLS FOR CONCURRENCE

The clerk of the Senate, being introduced, presented the following bills for concurrence:

#### SB 146, PN 120

Referred to Committee on GAME AND FISHERIES, July 5, 2023.

#### SB 765, PN 863

Referred to Committee on LOCAL GOVERNMENT, July 5, 2023.

#### SB 774, PN 873

Referred to Committee on LOCAL GOVERNMENT, July 5, 2023.

#### SB 775, PN 874

Referred to Committee on LOCAL GOVERNMENT, July 5, 2023.

#### SB 784, PN 880

Referred to Committee on LOCAL GOVERNMENT, July 5, 2023.

### BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND RECOMMITTED TO COMMITTEE ON RULES

#### HB 876, PN 852

By Rep. KINSEY

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code, in fraud and abuse control, further providing for definitions, for restrictions on provider charges and payments and for venue and limitations on actions.

HUMAN SERVICES.

### BILL REREPORTED FROM COMMITTEE

#### HB 1422, PN 1704

By Rep. BRADFORD

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in preliminary provisions, providing for advertising and sponsorships; in charter schools, further providing for definitions and for funding for charter schools, providing for funding for cyber charter schools, for cyber charter school requirements, for powers and composition of board of trustees and for educational management service providers, further providing for powers and duties

of department and for assessment and evaluation, providing for annual reports and public reporting and for fund balance limits, further providing for cyber charter school requirements and prohibitions and for school district and intermediate unit responsibilities, providing for access to other schools' facilities, further providing for establishment of cyber charter school, providing for renewals, for charter amendments and for causes for nonrenewal, revocation or termination, further providing for State Charter School Appeal Board review, for cyber charter school application and for enrollment and notification, providing for enrollment parameters and for enrollee wellness checks and further providing for applicability of other provisions of this act and of other acts and regulations.

RULES.

**BILLS ON CONCURRENCE  
REPORTED FROM COMMITTEE**

**HB 611, PN 1811**

By Rep. BRADFORD

An Act to provide appropriations from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and the public schools for the fiscal year July 1, 2023, to June 30, 2024, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2023; to provide appropriations from special funds and accounts to the Executive and Judicial Departments for the fiscal year July 1, 2023, to June 30, 2024, and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2023; to provide for the appropriation of Federal funds to the Executive and Judicial Departments for the fiscal year July 1, 2023, to June 30, 2024, and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2023; and to provide for the additional appropriation of Federal and State funds to the Executive and Legislative Departments for the fiscal year July 1, 2022, to June 30, 2023, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2022.

RULES.

**HB 1100, PN 1740**

By Rep. BRADFORD

An Act amending the act of June 27, 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer Relief Act, in tax relief in cities of the first class, further providing for supplemental senior citizen tax reduction; and, in senior citizens property tax and rent rebate assistance, further providing for property tax and rent rebate and for filing of claim.

RULES.

**SUPPLEMENTAL CALENDAR A**

**BILL ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 1422, PN 1704**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in preliminary provisions, providing for advertising and sponsorships; in charter schools, further providing for definitions and for funding for charter schools, providing for funding for cyber charter schools, for cyber charter school requirements, for powers and composition of board of trustees and for educational management service providers, further providing for powers and duties of department and for assessment and evaluation, providing for annual reports and public reporting and for fund balance limits, further providing for cyber charter school requirements and prohibitions and for school district and intermediate unit responsibilities, providing for access to other schools' facilities, further providing for establishment of cyber charter school, providing for renewals, for charter amendments and for causes for nonrenewal, revocation or termination, further providing for State Charter School Appeal Board review, for cyber

charter school application and for enrollment and notification, providing for enrollment parameters and for enrollee wellness checks and further providing for applicability of other provisions of this act and of other acts and regulations.

On the question,

Will the House agree to the bill on second consideration?

Mr. **OWLETT** offered the following amendment  
No. **A01583**:

Amend Bill, page 33, lines 23 and 24, by striking out all of said lines and inserting

(c) Attendance.—

(1) Attendance at a cyber charter school shall

Amend Bill, page 33, by inserting between lines 24 and 25

(2) On a form developed by the department and beginning in the 2023-2024 school year, a cyber charter school shall report, on a weekly basis, the attendance of each student for the preceding week to the school district of residence.

On the question,

Will the House agree to the amendment?

The **SPEAKER**. On that question, the Chair recognizes Representative Owlett, the maker of the amendment.

Mr. **OWLETT**. Thank you, Madam Speaker.

This amendment would require that a cyber charter school send a report once a week to the school district that is paying for this education, as far as attendance. Thank you.

The **SPEAKER**. The Chair thanks the gentleman.

On that question, the Chair recognizes the maker of the bill, Representative Ciresi.

Mr. **CIRESI**. Thank you, Madam Speaker.

This amendment makes the bill better, and we would like to thank the gentleman. It is an agreed-to amendment. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

**YEAS—202**

Abney	Flick	Krupa	Rapp
Adams	Flood	Kulik	Rigby
Armanini	Frankel	Kutz	Roae
Banta	Freeman	Kuzma	Rossi
Barton	Friel	Labs	Rowe
Bellmon	Fritz	Lawrence	Rozzi
Benham	Gallagher	Leadbeter	Ryncavage
Benninghoff	Galloway	Mackenzie, M.	Salisbury
Bernstine	Gaydos	Mackenzie, R.	Samuelson
Bizzarro	Gergely	Madden	Sanchez
Bonner	Gillen	Madsen	Sappety
Borowicz	Giral	Major	Schemel
Borowski	Gleim	Mako	Scheuren
Boyd	Green	Malagari	Schlegel
Boyle	Gregory	Maloney	Schlossberg
Bradford	Greiner	Marcell	Schmitt
Brennan	Grove	Markosek	Schweyer
Briggs	Guenst	Marshall	Scialabba
Brown, A.	Guzman	Matzie	Scott
Brown, M.	Haddock	Mayes	Shusterman
Bullock	Hamm	McAndrew	Siegel
Burns	Hanbidge	McNeill	Smith
C Freytiz	Harkins	Mehaffie	Smith-Wade-El

Cabell	Harris	Mentzer	Solomon
Causar	Heffley	Mercuri	Staats
Cephas	Hogan	Merski	Stambaugh
Cerrato	Hohenstein	Metzgar	Steele
Ciresi	Howard	Mihalek	Stehr
Conklin	Innamorato	Miller, B.	Stender
Cook	Irvin	Miller, D.	Struzzi
Cooper	Isaacson	Moul	Sturla
Curry	James	Mullins	Takac
Cutler	Jones, M.	Munroe	Tomlinson
D'Orsie	Jones, T.	Mustello	Topper
Daley	Jozwiak	Neilson	Twardzik
Davanzo	Kail	Nelson, E.	Venkat
Davis	Kaufner	Nelson, N.	Vitali
Dawkins	Kauffman	O'Mara	Warner
Deasy	Kazeem	O'Neal	Warren
Delloso	Keefer	Oberlander	Watro
Delozier	Kenyatta	Ortitay	Waxman
Diamond	Kephart	Otten	Webster
Donahue	Kerwin	Owlett	Wentling
Dunbar	Khan	Parker	White
Ecker	Kim	Pashinski	Williams, C.
Emrick	Kinthead	Pickett	Williams, D.
Evans	Kinsey	Pielli	Young
Fee	Klunk	Pisciottano	Zimmerman
Fiedler	Kosierowski	Probst	
Fink	Krajewski	Rabb	McClinton,
Fleming	Krueger	Rader	Speaker

## NAYS—1

Burgos

## NOT VOTING—0

## EXCUSED—0

The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question,

Will the House agree to the bill on second consideration as amended?

Mr. **TOPPER** offered the following amendment No. **A01604**:

Amend Bill, page 1, lines 1 through 25, by striking out all of said lines and inserting

Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," in preliminary provisions, providing for advertising; in pupils and attendance, providing for transfer of attendance records to another school entity or nonpublic school; and, in charter schools, further providing for definitions, for charter school requirements, for powers of board of trustees, for establishment of charter school, for contents of application and for term and form of charter, providing for amendments, further providing for facilities, for enrollment and for tort liability, providing for fund balance limits and further providing for cyber charter school requirements and prohibitions, for school district and intermediate unit responsibilities and for establishment of cyber charter school.

Amend Bill, pages 2 through 61, lines 1 through 30; page 62, lines 1 through 25; by striking out all of said lines on said pages and inserting

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

Section 130. Advertising.—(a) A paid media advertisement by a public school entity that refers to the cost of tuition or transportation shall not advertise those expenses as free, and any reference to tuition or transportation costs must stipulate that the cost is covered by taxpayer dollars. A paid media advertisement shall include a television, radio or movie theater advertisement, billboard, bus poster, newspaper, magazine, publicly accessible Internet website or any other commercial method that may promote enrollment in a public school entity.

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

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

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

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

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

(c) For purposes of this section, the term "school entity" means a public school district, charter school, cyber charter school, regional charter school, intermediate unit or area career and technical school.

Section 2. Sections 1703-A and 1715-A of the act are amended to read:

Section 1703-A. Definitions.—As used in this article, "Administrator" shall include an employe of a charter school entity, including the chief administrator of a charter school entity and any other employe, who by virtue of the employe's position is responsible for taking official action of a nonministerial nature with regard to contracting or procurement, administering or monitoring grants or subsidies, managing or regulating staff, student and school activities or any activity where the official action has an economic impact of greater than a de minimis nature on the interests of any person.

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

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

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

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

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

"Assessment" shall mean the Pennsylvania System of School Assessment test, the Keystone Exam or another test established or approved by the State board or the General Assembly to meet the requirements of section 2603-B or 2604-B or 22 Pa. Code § 4.51 (relating to State assessment system) or required under the Every Student Succeeds Act (Public Law 114-95, 129 Stat. 1802) or its successor Federal statute.

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

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

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

"Charter school entity" shall mean a charter school, regional charter school or cyber charter school.

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

"Chief administrator" shall mean an individual appointed by a board of trustees to oversee and manage the operation of a charter school entity. The term shall not include a professional staff member under this article.

"Community college" shall mean a community college established under Article XIX-A.

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

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

"Educational management service provider" shall mean a nonprofit charter management organization, for-profit education management organization, school design provider, business manager or any other partner entity with which a board of trustees of a charter school entity contracts to provide educational design, business services, comprehensive management or personnel functions or to implement the charter. The term shall not include a charter school foundation.

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

"Local board of school directors" shall mean the board of directors or other governing authority of a school district in which a proposed or an approved charter school is located.

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

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

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

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

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

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

"State System institution" shall mean a member institution of the State System of Higher Education established under Article XX-A.

Section 1715-A. Charter School Entity Requirements.—(a) Charter [schools] school entities shall be required to comply with the following provisions:

(1) Except as otherwise provided in this article, a charter school entity is exempt from statutory requirements established in this act, from regulations of the State board and the standards of the secretary not specifically applicable to charter [schools] school entities. Charter

[schools] school entities are not exempt from statutes applicable to public schools other than this act.

(2) A charter school entity shall be accountable to the parents, the public and the Commonwealth, with the delineation of that accountability reflected in the charter. Strategies for meaningful parent and community involvement shall be developed and implemented by each school.

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

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

(5) [A] (i) Subject to subparagraph (ii), a charter school entity shall not provide any religious instruction, nor shall it display religious objects and symbols on the premises of the charter school entity.

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

(A) if the charter school entity provides for discrete and separate entrances to buildings utilized for school purposes only;

(B) if the religious objects and symbols within the portions of the facility utilized by the school are covered or removed to the extent reasonably feasible; or

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

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

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

(8) A charter school entity shall participate in the Pennsylvania State Assessment System as provided for in 22 Pa. Code Ch. 5 (relating to curriculum), or subsequent regulations promulgated to replace 22 Pa. Code Ch. 5, in the manner in which the school district in which the charter school entity is located is scheduled to participate.

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

(9.1) (i) A cyber charter school shall electronically distribute on a semi-annual basis to administrators, trustees, employees, staff and parents and guardians of students of the cyber charter school, a single-page document provided by the Office of State Inspector General that describes the following:

(A) The powers of the Office of State Inspector General to investigate claims of fraud, waste, misconduct and abuse.

(B) How to contact or file a complaint with the Office of State Inspector General.

(C) The statutory protections that no person may take or threaten to take action against an employee as a reprisal for making a complaint or disclosing information to the Office of State Inspector General, except if the complaint was made or the information was disclosed with the knowledge that the complaint or information was false or with willful disregard for the truth or falsity of the complaint or information.

(ii) For purposes of this paragraph, a cyber charter school shall be considered an executive agency for the purpose of Article V-A of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929."

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

(i) The following provisions of this act:

(A) Sections 751 and 751.1.

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

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

(iii) The act of August 11, 1961 (P.L.987, No.442), known as the

"Pennsylvania Prevailing Wage Act."

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

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

(11) Trustees of a charter school entity shall be public officials[.

(12) A person who serves as an administrator for a charter school shall not receive compensation from another charter school or from a company that provides management or other services to another charter school. The term "administrator" shall include the chief executive officer of a charter school and all other employees of a charter school who by virtue of their positions exercise management or operational oversight responsibilities. A person who serves as an administrator for a charter school shall be a public official under 65 Pa.C.S. Ch. 11 (relating to ethics standards and financial disclosure). A violation of this clause shall constitute a violation of 65 Pa.C.S. § 1103(a) (relating to restricted activities), and the violator shall be subject to the penalties imposed under the jurisdiction of the State Ethics Commission.] for the purposes of 65 Pa.C.S. Ch. 11 (relating to ethics standards and financial disclosure) and shall file a statement of financial interests for the preceding calendar year with the State Ethics Commission and either the local board of school directors in the case of a charter school or regional charter school, or the department in the case of a cyber charter school, not later than May 1 of each year that members hold the position and of the year after a member leaves the position. All members of the board of trustees of a charter school entity shall take the oath of office as required under section 321 before entering upon the duties of their office.

(b) An individual who serves as an administrator for a charter school entity shall be a public employe for the purposes of 65 Pa.C.S. Ch. 11 and shall file a statement of financial interests for the preceding calendar year with the board of trustees not later than May 1 of each year that the person holds the position and of the year after the person leaves the position.

(c) (1) No individual who serves as an administrator for a charter school entity may receive compensation from another charter school entity or from an educational management service provider, unless:

(i) The administrator has submitted a sworn statement to the board of trustees of the charter school entity and the sworn statement details the work for the other entity and includes the projected number of hours, rate of compensation and projected duration.

(ii) The board of trustees of the charter school entity has reviewed the sworn statement under subclause (i) and agreed, by resolution, to grant permission to the administrator.

(2) A copy of the sworn statement under clause (1)(i) and the resolution by the board of trustees granting the permission under clause (1)(ii) shall be provided to, and kept on file with, the charter school entity and the local board of school directors or, in the case of a cyber charter school, the department.

(3) No administrator of a charter school entity or family member of the administrator may serve as a voting member of the board of trustees of the charter school entity that employs the administrator.

(4) (i) No administrator of a charter school entity may participate in the selection, award or administration of a contract if the person has a conflict of interest as that term is defined in 65 Pa.C.S. § 1102 (relating to definitions).

(ii) An administrator who knowingly violates this clause commits a violation of 65 Pa.C.S. § 1103(a) (relating to restricted activities) and shall be subject to the penalties imposed under the jurisdiction of the State Ethics Commission.

(iii) Any contract made in violation of this clause shall be voidable by the board of trustees of the charter school entity.

(5) An administrator shall be immediately dismissed upon conviction for an offense graded as a felony, an infamous crime, an offense pertaining to fraud, theft or mismanagement of public funds or any crime involving moral turpitude.

(d) As used in this section, "charter school entity" shall mean a charter school, regional charter school or cyber charter school.

Section 3. Section 1716-A(c) of the act is amended and the section is amended by adding subsections to read:

Section 1716-A. Powers of Board of Trustees.—\* \* \*

(b.1) (1) For a charter school or regional charter school chartered after the effective date of this subsection, an individual shall be prohibited from serving as a voting member of the board of trustees of the charter school or regional charter school if the individual or a family member receives compensation from or is employed by or is a member of the local board of school directors who participated in the initial review, approval, oversight, evaluation or renewal process of the charter school or regional charter school chartered by that board.

(2) An employe of the school district that chartered a charter school or regional charter school may serve as a member of the board of trustees of the charter school or regional charter school without voting privileges.

(b.2) (1) No member of the board of trustees of a charter school entity may participate in the selection, award or administration of any contract if the member has a conflict of interest as that term is defined in 65 Pa.C.S. § 1102 (relating to definitions).

(2) Any member of the board of trustees of a charter school entity who in the discharge of the person's official duties would be required to vote on a matter that would result in a conflict of interest shall abstain from voting and follow the procedures required under 65 Pa.C.S. § 1103(j) (relating to restricted activities).

(3) A member of the board of trustees of a charter school entity who knowingly violates this subsection commits a violation of 65 Pa.C.S. § 1103(a) and shall be subject to the penalties imposed under the jurisdiction of the State Ethics Commission.

(4) A contract made in violation of this subsection shall be voidable by a court of competent jurisdiction if the suit is commenced within ninety (90) days of the discovery of the violation.

(5) No member of the board of trustees of a charter school entity shall be compensated for duties on the board of trustees.

(b.3) A member of the board of trustees of a charter school entity shall be automatically disqualified and immediately removed from the board of trustees upon conviction for an offense graded as a felony, an infamous crime, an offense pertaining to fraud, theft or mismanagement of public funds, any offense pertaining to the member's official capacity as a member of the board of trustees or any crime involving moral turpitude.

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

(d) (1) (i) The board of trustees of a charter school entity shall consist of a minimum of five (5) nonrelated voting members.

(ii) If a charter school entity has fewer than five (5) nonrelated voting members serving on its board of trustees on the effective date of this subsection, the charter school entity shall, within sixty (60) days, appoint additional members to the board of trustees to meet the minimum requirements of this section.

(2) Within one (1) year of the effective date of this subsection, at least one member of the board of trustees of a charter school entity shall be a parent of a child currently attending the charter school entity. The board of trustees member provided for under this paragraph shall be eligible to serve only so long as the child attends the charter school entity. This paragraph shall not apply to a charter school that primarily serves adjudicated youth.

(e) (1) A majority of the voting members of the board of trustees shall constitute a quorum. If less than a majority is present at any meeting, no business may be transacted at the meeting.

(2) The affirmative vote of a majority of all the voting members of the board of trustees, duly recorded, shall be required in order to take official action on the subjects enumerated under subsection (a).

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

(1) An enrollment test to verify the accuracy of student enrollment and reporting to the Commonwealth.

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

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

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

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

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

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

(g) The certified audit under subsection (f) and the annual budget under subsection (i) are public documents and shall be made available on the charter school entity's publicly accessible Internet website, if available, and, in the case of a charter school or regional charter school, on the school district's publicly accessible Internet website.

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

(i) A charter school entity shall annually provide the department and, in the case of a charter school or regional charter school, shall annually provide the school district with a copy of the annual budget for the operation of the charter school entity that identifies the following:

(1) The source of funding for all expenditures.

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

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

(4) All expenditures to an educational management service provider.

(j) (1) Notwithstanding any other provision of law, a charter school entity and any affiliated charter school foundation shall make copies of its annual Federal and State tax filings available upon request and on the charter school entity's or foundation's publicly accessible Internet website, if available, including Internal Revenue Service Form 990, Return of Organization Exempt from Income Tax and all related schedules and appendices.

(2) The charter school foundation shall also make copies of its annual budget available upon request and on the foundation's or the charter school entity's publicly accessible Internet website within thirty (30) days of the close of the foundation's fiscal year.

(3) The annual budget shall include the salaries of all employees of the charter school foundation.

Section 4. Sections 1717-A(c), (d), (e) and (f), 1719-A and 1720-A of the act are amended to read:

Section 1717-A. Establishment of Charter School.—\* \* \*

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

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

application except that for a charter school beginning in the 1997-1998 school year, only thirty (30) days must transpire between the first public hearing and the final decision of the board.

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

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

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

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

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

(iv) The extent to which the charter school may serve as a model for other public schools and share best practices.

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

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

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

(f) At the option of the charter school applicant, a denied application may be revised and resubmitted to the local board of school directors. Following the appointment and confirmation of the Charter School Appeal Board under section 1721-A, the decision of the local board of school directors may be appealed to the appeal board. When an application is revised and resubmitted to the local board of school directors, the board may schedule additional public hearings on the revised application. The board shall consider the revised and resubmitted application at the first board meeting occurring at least forty-five (45) days after receipt of the revised application by the board. For a revised application resubmitted for the 1997-1998 school year, the board shall consider the application at the first board meeting occurring at least thirty (30) days after its receipt. The board shall provide notice of consideration of the revised application under [the "Sunshine Act."] 65 Pa.C.S. Ch. 7. No appeal from a decision of a local school board may be taken until July 1, 1999.

\* \* \*

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

(1) The identification of the charter school applicant.

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

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

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



including a description and method for the appointment or election of members of the board of trustees.] An organization chart clearly presenting the proposed governance structure of the school, including lines of authority and reporting between the board of trustees, administrators, staff and any educational management service provider that will provide management services to the charter school entity.

(4.1) A clear description of the roles and responsibilities of the board of trustees, administrators and any other entities, including a charter school foundation, shown in the organization chart.

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

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

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

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

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

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

(B) The proposed duration of the service contract.

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

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

(E) Performance evaluation measures and timelines.

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

(G) Methods of contract oversight and enforcement.

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

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

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

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

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

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

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

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

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

(11) A description of and address of the physical facility in which the charter school entity will be located and the ownership thereof and any lease arrangements.

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

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

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

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

(16) An official clearance statement regarding child injury or abuse from the Department of [Public Welfare] Human Services as required by 23 Pa.C.S. Ch. 63 Subch. [C.2 (relating to background checks for employment in schools)] C (relating to powers and duties of department) and section 111 for all individuals identified in the application who shall have direct contact with students[,] and a plan for satisfying the proper official clearance statement regarding child injury or abuse required for all other staff.

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

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

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

(b) A local board of school directors may not impose additional terms, develop its own application or require additional information outside the standard application forms required under subsection (a).

(c) The department shall review the standard application forms every three (3) years and shall submit any recommended revisions in writing to the State board. No such recommended revisions shall be made to the standard application forms unless the revisions are approved by the State board. Revisions under this subsection shall be as follows:

(1) The State board shall transmit notice of the department's proposed revisions to the standard application forms to the Legislative Reference Bureau for publication in the next available issue of the Pennsylvania Bulletin. The State board shall give at least thirty (30) days for the submission of public comment and shall hold at least one public hearing on the proposed revisions.

(2) After the close of the public comment period and the public hearing, the State board shall submit all public comments and the transcript of the public hearing to the Education Committee of the Senate and the Education Committee of the House of Representatives.

(3) Prior to the State board approving any revisions, timely and meaningful consultation with the chair and minority chair of the Education Committee of the Senate and the chair and minority chair of the Education Committee of the House of Representatives, with the opportunity for input, must be given. The department shall present the proposed revisions at a joint hearing of the Education Committee of the Senate and the Education Committee of the House of Representatives, if requested, within 60 days of submission of public comments and the transcript of the public hearing under paragraph (2).

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

of a charter application under section 1717-A, a written charter shall be developed which shall contain the provisions of the standard charter application under section 1719-A and which shall be signed by the local board of school directors [of a school district], by the local boards of school directors [of a school district] in the case of a regional charter school or by the chairman of the appeal board pursuant to section [1717-A(i)(5)] 1717-A(i)(9) and the board of trustees of the charter school or regional charter school. This written charter, when duly signed by the local board of school directors [of a school district, or], by the local boards of school directors [of a school district] in the case of a regional charter school or by the chairman of the appeal board, and the charter school or regional charter school's board of trustees, shall act as legal authorization for the establishment of a charter school or regional charter school. This written charter shall be legally binding on both the local board of school directors [of a school district] and the charter school or regional charter school's board of trustees. [Except as otherwise provided in subsection (b), the charter shall be for a period of no less than three (3) nor more than five (5) years and may be renewed for five (5) year periods upon reauthorization by the local board of school directors of a school district or the appeal board.] If the charter school or regional charter school contracts with an educational management service provider, a contract shall be executed when the charter is approved. A charter will be granted only for a school organized as a public, nonprofit corporation.

(b) (1) Notwithstanding subsection [(a)] (c), a governing board of a school district of the first class may renew a charter for a period of one (1) year if the board of school directors determines that there is insufficient data concerning the charter school's academic performance to adequately assess that performance and determines that an additional year of performance data would yield sufficient data to assist the governing board in its decision whether to renew the charter for a period of five (5) years.

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

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

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

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

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

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

(2) Within one hundred twenty (120) days of the receipt of the complete renewal application, the local board of school directors shall vote to renew or not renew the charter.

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

Section 5. The act is amended by adding a section to read:

Section 1720.1-A. Amendments.—(a) Subject to subsections (a.1) and (a.2), a charter school or regional charter school may request amendments to its approved written charter by filing a written document describing the requested amendment with the local board of school directors no later than October 15 of the school year prior to the school year in which the amendment would take effect.

(a.1) Notwithstanding the notice requirements of subsection (a), in the event of the impossibility of a charter school's or regional charter

school's compliance with the terms of a charter due to its inability to acquire services or products outlined in a charter or facility damage, the charter school or regional charter school shall immediately notify the local board of school directors of the necessity for an emergency amendment, which shall be effective immediately as a temporary amendment pending completion of the processes set forth in subsections (b) and (c).

(a.2) For a five-year charter, a charter school or regional charter school may only request amendments in year two, three or four of the charter term. For a three-year charter, a charter school or regional charter school may only request amendments in year two of the charter term.

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

(c) Within sixty (60) days after the hearing required under subsection (b), the local board of school directors shall grant or deny the requested amendment. Failure by the local board of school directors to hold a public hearing and to grant or deny the requested amendment within the time periods specified in this section shall be deemed an approval, after which the amended charter shall be legally binding on both the local board of school directors and the board of trustees of the charter school or regional charter school.

(d) (Reserved).

(e) An applicant for an amendment may appeal the denial of a requested amendment under this section to the appeal board provided for under section 1721-A except that an applicant may not appeal a denial of an amendment related to enrollment growth or grade expansion.

(f) A charter school or regional charter school which has no restrictions on enrollment expansion shall notify the local board of school directors if it intends to expand enrollment by more than ten per centum no later than December 15 of the school year prior to the school year in which enrollment would be expanded except notice may be given at any time in the case of an emergency which requires increased enrollment. The notification shall include the following:

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

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

(g) A charter school or regional charter school which has no other restrictions in its charter shall notify the local board of school directors if it intends to change the location of a facility or facilities no later than December 15 of the school year prior to the school year in which the facility change would take place except notice may be given at any time in the case of an emergency related to the facility. The notification shall include the following:

(1) A description of the proposed new facility.

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

This subsection shall not apply to a charter school or regional charter school seeking to operate a school at more than one location, which must be requested through the amendment process set forth in section 1720.1-A. A charter school or regional charter school may operate at more than one location within the district or districts that authorized the charter without requesting an amendment if operation in more than one location is permitted by the terms of the charter. For purposes of this section, an "emergency" shall mean a manmade or natural disaster, including, but not limited to, damage to a school building, another circumstance rendering a school building unfit or unsafe for use, a disease epidemic or a hazardous weather condition. If another emergency arises that requires expanded enrollment or a change in facility, the charter school or regional charter school must consult with the authorizing school district or school districts.

Section 6. Section 1722-A(a), (b) and (d) of the act are amended and the section is amended by adding subsections to read:

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

(b) The charter school entity facility shall be exempt from public school facility regulations except those pertaining to the health or safety of [the pupils] students.

(b.1) (1) A charter school entity shall have the right of first refusal to purchase or lease, for educational purposes only, a public school building or a part of a public school building that is for sale or lease by a school entity which is the property titleholder, at the price of one of the following:

(i) The last best offer above fair market value received in the ninety (90) days preceding the charter school entity's offer.

(ii) Fair market value, if no offer has been received in the ninety (90) days preceding the charter school entity's offer.

(iii) Below fair market value, upon the mutual agreement of the school entity and the charter school entity.

(2) A school entity shall accept an offer from a charter school entity that conforms to the provisions of paragraph (1).

(3) The department shall provide a page on its publicly accessible Internet website on which school entities are required to post a notice for each public school building or part of a public school building that is available for purchase or lease. A school entity shall submit a notice to the department on a form developed by the department. The department shall post the notice within five (5) days of receiving the form.

(4) The following shall apply to the sale or lease of a public school building or a part of a public school building by a school entity:

(i) A school entity may not enter into a contract to sell or lease a building or part of a building until at least thirty (30) days after the posting of a notice as required under paragraph (3).

(ii) If two or more charter school entities make offers on the same building or part of a building that conforms to the provisions of this subsection, the school entity shall:

(A) Accept the first offer, if the offers are equal in dollar amount.

(B) Accept the best offer, if the offers differ in dollar amount.

(d) [Notwithstanding any other provision of this act, a school district of the first class may, in its discretion, permit a charter school to operate its school at more than one location.] A charter school or regional charter school may operate the school at more than one location within the district that authorized the charter, as long as expressly permitted by the terms of its charter.

\* \* \*

(f) School districts, intermediate units, community colleges and institutions under Article XX-A shall provide a cyber charter school with reasonable access to their facilities for the administration of standardized testing as follows:

(1) A cyber charter school shall provide an intermediate unit, school district, community college or institution under Article XX-A with at least sixty (60) days' notice of the need for facilities to be used for the administration of standardized tests.

(2) Within thirty (30) days of the cyber charter school's request, the intermediate unit, school district, community college or institution under Article XX-A shall notify the cyber charter school of the location of the facilities that will be provided, which shall be a quiet, separate location in which cyber charter school students will not be commingled with students of the intermediate unit, school district, community college or institution under Article XX-A.

(3) An intermediate unit, school district of residence, community college or institution under Article XX-A shall not be required to make facilities available to a cyber charter school on dates and at times that may cause undue interference with the educational programs of the intermediate unit, school district, community college or institution under Article XX-A.

(4) Any facilities rental fee charged to the cyber charter school and the payment thereof shall be in compliance with the facility rental

policy of the intermediate unit, school district, community college or institution under Article XX-A that applies generally to all organizations and community groups.

(g) As used in this section, "charter school entity" shall mean a charter school, regional charter school or cyber charter school.

Section 7. Section 1723-A(a) and (b) of the act are amended and the section is amended by adding subsections to read:

Section 1723-A. [Enrollment] Admission and Enrollment Requirements.—(a) (1) All resident children in this Commonwealth who submit a completed enrollment form in accordance with clauses (3) and (4) qualify for admission to a charter school entity within the provisions of subsection (b). [If] In the case of a charter school or regional charter school, if more students apply to the charter school or regional charter school than the number of attendance slots available in the school, then students must be selected on a random basis from a pool of [qualified applicants meeting the established eligibility criteria and submitting an application] eligible applicants who have submitted an enrollment form in accordance with clauses (3) and (4) by the deadline established by the charter school or regional charter school, except that the charter school or regional charter school may give preference in enrollment to a child of a parent who has actively participated in the development of the charter school [and] or regional charter school, to siblings of students presently enrolled in the charter school or regional charter school and to siblings of students selected for enrollment during the lottery process. First preference shall be given to students who reside in the district or districts[.] in which the charter school is physically located or in which the regional charter school is chartered.

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

(3) The department, in consultation with representatives of charter school entities, shall develop a standard enrollment form in both paper and electronic formats that shall be used by all eligible applicants to apply to a charter school entity. The standard enrollment form shall only request information necessary to allow the charter school entity to identify the student, grade level and residency, including:

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

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

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

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

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

(7) As used in this subsection, "eligible applicant" shall mean a

student who is seeking to enter a grade level offered by the charter school entity and meets the requirements of 22 Pa. Code §§ 11.12 (relating to school age), 11.13 (relating to compulsory school age), 11.14 (relating to admission to kindergarten when provided), 11.15 (relating to admission of beginners), 11.16 (relating to early admission of beginners) and 12.1 (relating to free education and attendance) and student residency requirements.

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

(2) A charter school entity may limit [admission] its academic focus to a particular grade level, a targeted population group composed of at-risk students[, or areas of concentration of the school such as mathematics, science or the arts. A charter school may establish reasonable criteria to evaluate prospective students which shall be outlined in the school's charter.] or a specialized area or accelerated program of study, such as mathematics, science or the arts. A performing arts charter school entity may establish reasonable artistic criteria for admission for grades nine through twelve, which must be outlined in the school's charter to evaluate prospective students for enrollment.

\* \* \*

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

(f) Upon notification of the nonrenewal or termination of a charter under section 1729-A, a charter school may not enroll new students unless the charter school files an appeal to the Charter School Appeal Board. If the charter school's appeal is denied by the Charter School Appeal Board, the charter school must immediately stop enrolling new students.

Section 8. Section 1727-A of the act is amended to read:

Section 1727-A. [Tort Liability] Liability and Security.—(a) For purposes of tort liability, employees of the charter school shall be considered public employees and the board of trustees shall be considered the public employer in the same manner as political subdivisions and local agencies. The board of trustees of a charter school and the charter school shall be solely liable for any and all damages of any kind resulting from any legal challenge involving the operation of a charter school. Notwithstanding this requirement, the local board of directors of a school entity shall not be held liable for any activity or operation related to the program of the charter school.

(b) (1) A charter school shall possess and maintain adequate and appropriate insurance, bond or other security as provided under section 1719-A(a)(17). The insurance, bond or other security shall be continuously maintained and shall provide coverage during the time the charter school is in operation and for sufficient time following the charter school's closure to make payment on all claims known or which could have been known to exist at the time of the school's closure.

(2) The insurance, bond or other security shall provide coverage for educational services and fees and costs incurred by a charter school and prevailing parties under the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.), section 504 of the Rehabilitation Act of 1973 (Public Law 93-112, 29 U.S.C. § 701 et seq.) and related Federal or State laws, salary and wage payments due to employees, employer and employee contributions for the Pennsylvania School Employees Retirement System and other retirement programs offered to employees, medical and other health insurance benefits offered to employees, workers compensation, unemployment

compensation and taxes and other liabilities to Federal, State and local tax agencies, school district overpayments under section 1725-A and other liabilities reasonably connected to the charter school's operations.

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

(4) Evidence of adequate and appropriate insurance, bond or other security as required by this subsection shall be made available to the local board of school directors and the department at the time of initial application and at the time of submission of the charter renewal application. The charter school shall also provide evidence of the insurance, bond or other security to parents or employees of the charter school or to the local board of school directors or the department upon request. The charter school shall provide written notice to the local board of school directors and to the department within ten (10) days of any change to the insurance, bond or security.

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

Section 1731.1-A. Fund Balance Limits.—Fund balance limits shall be as follows:

(1) For the 2018-2019 school year and each school year thereafter, a charter school entity shall not accumulate an unassigned fund balance greater than the charter school entity unassigned fund balance limit, which will be determined as follows:

<u>Charter School Entity Total Budgeted Expenditures</u>	<u>Maximum Unassigned Fund Balance as Percentage of Total Budgeted Expenditures</u>
<u>Less than or equal to \$11,999,999</u>	<u>12%</u>
<u>Between \$12,000,000 and \$12,999,999</u>	<u>11.5%</u>
<u>Between \$13,000,000 and \$13,999,999</u>	<u>11%</u>
<u>Between \$14,000,000 and \$14,999,999</u>	<u>10.5%</u>
<u>Between \$15,000,000 and \$15,999,999</u>	<u>10%</u>
<u>Between \$16,000,000 and \$16,999,999</u>	<u>9.5%</u>
<u>Between \$17,000,000 and \$17,999,999</u>	<u>9%</u>
<u>Between \$18,000,000 and \$18,999,999</u>	<u>8.5%</u>
<u>Greater than or equal to \$19,000,000</u>	<u>8%</u>

(2) For the 2018-2019 school year and each school year thereafter, any unassigned fund balance in place on June 30, 2019, and on June 30 of each year thereafter in excess of the charter school entity unassigned fund balance limit shall be refunded on a pro rata basis within ninety (90) days to all school districts that paid tuition to the charter school entity in the prior school year, based upon the number of students for whom each school district paid tuition to the charter school entity multiplied by the school district's per student payment under section 1725-A.

(3) By October 31, 2019, and by October 31 of each year thereafter, each charter school entity shall provide the department and all school districts that paid tuition to the charter school entity in the prior school year with information certifying compliance with this section. The information shall be provided in a form and manner prescribed by the department and shall include information on the charter school entity's estimated ending unassigned fund balance expressed as a dollar amount and as a percentage of the charter school entity's total budgeted expenditures for that school year.

(4) Unassigned funds of the charter school entity in excess of the unassigned fund balance limit may not be used to pay bonuses to any administrator, board of trustees member, employee, staff member or contractor and may not be transferred to a charter school foundation. If a charter school entity uses funds in excess of the unassigned fund balance limit to pay bonuses to any administrator, board of trustees member, employee, staff member or contractor or transfers such funds to a charter school foundation, the value of the bonus payment or fund transfer shall be refunded on a pro rata basis to all school districts that paid tuition to the charter school entity in the prior school year, based upon the number of students for whom each school district paid tuition

to the charter school entity multiplied by the school district's per student payment under section 1725-A.

(5) As used in this section, "unassigned fund balance" shall mean that portion of the fund balance of a charter school entity that provides funding that serves to support the charter school entity that is:

(i) available for expenditure or not legally or otherwise segregated for a specific or tentative future use; and

(ii) held in the General Fund accounts of the charter school entity.

Section 10. Sections 1743-A(e), 1744-A(2) and 1745-A of the act are amended to read:

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

\* \* \*

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

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

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

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

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

\* \* \*

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

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

\* \* \*

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

\* \* \*

Section 1745-A. Establishment of cyber charter school.

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

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

(b.1) Local board of school directors or intermediate unit.—

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

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

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

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

(e) Grant or denial.—Within 120 days of receipt of an application,

the department shall grant or deny the application. The department shall review the application and shall hold at least one public hearing under 65 Pa.C.S. Ch. 7 (relating to open meetings). At least 30 days prior to the hearing, the department shall publish in the Pennsylvania Bulletin and on the department's [World Wide Web site] publicly accessible Internet website notice of the hearing and the purpose of the application.

(f) Evaluation criteria.—

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

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

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

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

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

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

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

(3) Upon approval of a cyber charter school application, a written charter shall be developed which shall contain the provisions of the charter application and be signed by the secretary and each member of the board of trustees of the cyber charter school. The charter, when duly signed, shall act as legal authorization of the establishment of a cyber charter school. The charter shall be legally binding on the department, the cyber charter school and its board of trustees. The charter [shall be for a period of no less than three years nor more than five years and may be renewed for a period of five years by the department.] term shall be as follows:

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

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

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

(ii) Within 120 days of its receipt of the renewal application, the department shall renew or not renew the charter.

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

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

(ii) Notwithstanding the notice requirements of subparagraph (i), in the event of the impossibility of a cyber charter school's compliance with the terms of a charter due to its inability to acquire services or products outlined in a charter or facility damage, the cyber charter

school shall immediately notify the department of the necessity for an emergency amendment, which shall be effective immediately as a temporary amendment pending completion of the processes set forth in paragraphs (7) and (8).

(iii) For a five-year charter, a cyber charter school may only request amendments in year two, three or four of the charter term. For a three-year charter, a cyber charter school may only request amendments in year two.

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

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

(9) An applicant for an amendment may appeal the denial of a requested amendment under this section to the appeal board provided for under section 1721-A except that an applicant may not appeal a denial related to enrollment growth or grade expansion.

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

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

Section 11. This act shall take effect as follows:

- (1) The addition of section 130 of the act shall take effect in six months.
- (2) This section shall take effect immediately.
- (3) The remainder of this act shall take effect in 60 days.

On the question,  
Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the maker of the amendment, Representative Topper.

Mr. TOPPER. Thank you, Madam Speaker.

Madam Speaker, I rise to offer this amendment because I believe that the gentleman has put forth a bill that is simply not going to accomplish what many in the chamber would like to accomplish.

There is comprehensive reform that needs to take place over the entirety of our educational system. This House, over the past 10 years that I have been here, has actually led in some of these reform efforts. This amendment encompasses some of those reforms in terms of accountability and transparency to both our charter system as well as the school districts and the department which authorizes them. It was a balanced approach in a three-bill package, that has now combined into this amendment, that passed this chamber during a time when we were engaged in charter reform efforts with the Senate, as well as the Wolf administration. It addresses topics such as advertising with taxpayer dollars; management services and the hierarchy of charter and cyber charter boards and entities; fund balance limits. It also addresses some of the needs in our charter community, both in terms of their facilities, transfer of attendance records, and an application

process for our brick-and-mortar charter schools that is actually something that is universal.

And the reason I offer this amendment, Madam Speaker, is to demonstrate the leadership that this House has shown and the ability to negotiate on this issue, because the underlying bill that we are trying to amend does not represent either. This gut-and-replace amendment takes out the funding component of this bill because, quite frankly, we have been ordered by the courts to look at our funding formula throughout our educational system, through our public educational system, of which cyber charters and charters are included.

During negotiations and an agreement that was reached from this very bill, there was a formulaic change that would result in \$33 million over 3 years of reduction in what school districts were potentially paying to cyber charters. That was an agreement by many parties.

What we are talking about now is a \$485 million cut in 60 days. That is not, that is not reflective of actual reform. That is killing a method of choice, which I think in today's — which I think is very problematic considering where we are at today, at this time.

So I would ask members to support language that has been negotiated, that has been brought out of this chamber before, that brings accountability and transparency to both sides of the charter school equation, and I would ask for support of this amendment so that we can get back to the drawing board and look at the funding when we look at it in total with how we fund our system.

Thank you, Madam Speaker.

The SPEAKER. The Chair thanks the gentleman.

On that question, the Chair recognizes the maker of the bill, Representative Ciresi.

Mr. CIRESI. Thank you, Madam Speaker.

I would like to thank the good gentleman who stands up here today on this amendment, but this is not an agreed-to amendment.

And I want to speak a little bit about this gut-and-replace amendment. Four hundred and seventy school districts across this Commonwealth said that they want change now; 20 years we have been dealing with this issue. This issue did not pop up last year or the year before. We have sat in meeting after meeting after meeting, and the change to this amendment is close to \$1/2 billion that we will be refunding back to the taxpayers of this Commonwealth; \$1/2 billion that our taxpayers will see, also for our school districts, our underfunded school districts, like Norristown, like Pottstown; like the good gentleman's district and other districts across this Commonwealth — \$1/2 billion that will restore educational values in our schools.

Now, while I understand \$33 million is a lot of money, and \$33 million is nothing to balk at, when we look at what this bill stands for, it is the time that we need to change. This bill makes the fundamental change in the way we fund these schools that is equal to the way we fund public education, that we hold these schools accountable just like we do public education.

So with that, I would ask you to vote against this amendment. Thank you, Madam Speaker.

The SPEAKER. On that, the Chair recognizes the maker of the amendment for the second time, Representative Topper.

Mr. TOPPER. Thank you, Madam Speaker.

And it is some of those transparency issues that are being addressed in this amendment. Again, this amendment is not simply a meeting or a discussion; this amendment was actually passed in multiple bill forms out of this chamber. I simply will not be lectured to about what we have sat around and done when

those of us who have been in the room doing it for 8 years have been there, and stakeholder groups that are actually in favor of this bill have helped kill the reform that we passed out of this chamber.

We are about to look at how we comprehensively fund education in this Commonwealth, through a court order. To do it in a bill, a 62-page bill that was run out of committee 4 days later is simply not the process of good governance.

This amendment goes back to reflect something that does help us address those issues, that has been negotiated with. And I agree that many people want change from our system, which is one reason why there are so many families looking for other options. We need to make sure they are quality options and that they are provided, and this amendment does it, and I will ask again for an affirmative vote.

Thank you, Madam Speaker.

On the question recurring,  
Will the House agree to the amendment?

The following roll call was recorded:

#### YEAS—101

Adams	Gaydos	Lawrence	Rigby
Armanini	Gillen	Leadbeter	Roae
Banta	Gleim	Mackenzie, M.	Rossi
Barton	Gregory	Mackenzie, R.	Rowe
Benninghoff	Greiner	Major	Ryncavage
Bernstine	Grove	Mako	Schemel
Bonner	Hamm	Maloney	Scheuren
Borowicz	Heffley	Marcell	Schlegel
Brown, M.	Hogan	Marshall	Schmitt
Cabell	Irvin	Mehaffie	Scialabba
Causser	James	Mentzer	Smith
Cook	Jones, M.	Mercuri	Staats
Cooper	Jones, T.	Metzgar	Stambaugh
Cutler	Jozwiak	Mihalek	Stehr
D'Orsie	Kail	Miller, B.	Stender
Davanzo	Kaufer	Moul	Struzzi
Delozier	Kauffman	Mustello	Tomlinson
Diamond	Keefer	Nelson, E.	Topper
Dunbar	Kephart	O'Neal	Twardzik
Ecker	Kerwin	Oberlander	Warner
Emrick	Klunk	Ortitay	Watro
Fee	Krupa	Owlett	Wentling
Fink	Kutz	Pickett	White
Flick	Kuzma	Rader	Williams, C.
Flood	Labs	Rapp	Zimmerman
Fritz			

#### NAYS—102

Abney	Evans	Kinsey	Rabb
Bellmon	Fiedler	Kosierowski	Rozzi
Benham	Fleming	Krajewski	Salisbury
Bizzarro	Frankel	Krueger	Samuelson
Borowski	Freeman	Kulik	Sanchez
Boyd	Friel	Madden	Sappery
Boyle	Gallagher	Madsen	Schlossberg
Bradford	Galloway	Malagari	Schweyer
Brennan	Gergely	Markosek	Scott
Briggs	Giral	Matzie	Shusterman
Brown, A.	Green	Mayes	Siegel
Bullock	Guenst	McAndrew	Smith-Wade-El
Burgos	Guzman	McNeill	Solomon
Burns	Haddock	Merski	Steele
C Freytiz	Hanbidge	Miller, D.	Sturla
Cephas	Harkins	Mullins	Takat
Cerrato	Harris	Munroe	Venkat
Ciresi	Hohenstein	Neilson	Vitali

Conklin	Howard	Nelson, N.	Warren
Curry	Innamorato	O'Mara	Waxman
Daley	Isaacson	Otten	Webster
Davis	Kazeem	Parker	Williams, D.
Dawkins	Kenyatta	Pashinski	Young
Deasy	Khan	Pielli	
Delloso	Kim	Pisciottano	McClinton,
Donahue	Kinhead	Probst	Speaker

NOT VOTING—0

EXCUSED—0

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

On the question recurring,  
Will the House agree to the bill on second consideration as amended?

Mr. E. NELSON offered the following amendment  
No. A01614:

Amend Bill, page 31, by inserting between lines 29 and 30  
(c) Services.—An intermediate unit in which a student enrolled in a cyber charter school resides may not refuse to provide any service to a cyber charter school that requests services for a student.

On the question,  
Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes Representative Eric Nelson.

Mr. E. NELSON. Thank you, Madam Speaker.

My amendment simply ensures that intermediate units will provide services to all students in the district, and that includes cyber charter students. The majority of IUs currently work with cyber charter students, and this just ensures consistency across the State. I encourage a "yes" vote.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the maker of the bill, Representative Ciresi.

Mr. CIRESI. Thank you, Madam Speaker.

This is a good amendment. This helps all of our children across the Commonwealth, and I would ask everyone to vote for it.

Thank you, Madam Speaker.

On the question recurring,  
Will the House agree to the amendment?

The following roll call was recorded:

#### YEAS—203

Abney	Flick	Krupa	Rapp
Adams	Flood	Kulik	Rigby
Armanini	Frankel	Kutz	Roae
Banta	Freeman	Kuzma	Rossi
Barton	Friel	Labs	Rowe
Bellmon	Fritz	Lawrence	Rozzi
Benham	Gallagher	Leadbeter	Ryncavage
Benninghoff	Galloway	Mackenzie, M.	Salisbury
Bernstine	Gaydos	Mackenzie, R.	Samuelson

Bizzarro	Gergely	Madden	Sanchez
Bonner	Gillen	Madsen	Sappey
Borowicz	Giral	Major	Schemel
Borowski	Gleim	Mako	Scheuren
Boyd	Green	Malagari	Schlegel
Boyle	Gregory	Maloney	Schlossberg
Bradford	Greiner	Marcell	Schmitt
Brennan	Grove	Markosek	Schweyer
Briggs	Guenst	Marshall	Scialabba
Brown, A.	Guzman	Matzie	Scott
Brown, M.	Haddock	Mayes	Shusterman
Bullock	Hamm	McAndrew	Siegel
Burgos	Hanbidge	McNeill	Smith
Burns	Harkins	Mehaffie	Smith-Wade-El
C Freytiz	Harris	Mentzer	Solomon
Cabell	Heffley	Mercuri	Staats
Causser	Hogan	Merski	Stambaugh
Cephas	Hohenstein	Metzgar	Steele
Cerrato	Howard	Mihalek	Stehr
Ciresi	Innamorato	Miller, B.	Stender
Conklin	Irvin	Miller, D.	Struzzi
Cook	Isaacson	Moul	Sturla
Cooper	James	Mullins	Takac
Curry	Jones, M.	Munroe	Tomlinson
Cutler	Jones, T.	Mustello	Topper
D'Orsie	Jozwiak	Neilson	Twardzik
Daley	Kail	Nelson, E.	Venkat
Davanzo	Kaufer	Nelson, N.	Vitali
Davis	Kauffman	O'Mara	Warner
Dawkins	Kazeem	O'Neal	Warren
Deasy	Keefer	Oberlander	Watro
Delloso	Kenyatta	Ortitay	Waxman
Delozier	Kephart	Otten	Webster
Diamond	Kerwin	Owlett	Wentling
Donahue	Khan	Parker	White
Dunbar	Kim	Pashinski	Williams, C.
Ecker	Kinthead	Pickett	Williams, D.
Emrick	Kinsey	Pielli	Young
Evans	Klunk	Pisciottano	Zimmerman
Fee	Kosierowski	Probst	
Fiedler	Krajewski	Rabb	McClinton,
Fink	Krueger	Rader	Speaker
Fleming			

NAYS—0

NOT VOTING—0

EXCUSED—0

The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question recurring,

Will the House agree to the bill on second consideration as amended?

Mr. TOPPER offered the following amendment No. A01634:

Amend Bill, page 1, lines 7 and 8, by striking out "and for funding for charter" in line 7 and all of line 8 and inserting , providing for

Amend Bill, page 5, lines 24 through 29, by striking out "Section 1725-A(a) introductory paragraph of the" in line 24 and all of lines 25 through 29 and inserting

(Reserved).

Amend Bill, pages 6 and 7, lines 1 through 30; page 8, lines 1 through 19; by striking out all of said lines on said pages

Amend Bill, page 25, line 30, by striking out "1725.1-A" and inserting

1725-A

Amend Bill, page 26, line 16, by striking out the bracket before "1725-A"

Amend Bill, page 26, line 16, by striking out "] 1725.1-A"

Amend Bill, page 27, line 2, by striking out the bracket before "1747-A(11)"

Amend Bill, page 27, line 2, by striking out "] 1747-A(3)"

Amend Bill, page 27, line 12, by striking out all of said line

Amend Bill, page 31, line 24, by striking out the bracket before "1725-A"

Amend Bill, page 31, line 24, by striking out "] 1725.1-A"

Amend Bill, page 51, line 30, by striking out "1725.1-A" and inserting

1725-A

Amend Bill, page 57, line 30, by striking out the bracket before "1725-A"

Amend Bill, page 57, line 30; page 58, line 1; by striking out the bracket in line 30 on page 57 and "1725.1-A" in line 1 on page 58

Amend Bill, page 60, line 25, by striking out the bracket before "1725-A"

Amend Bill, page 60, lines 25 and 26, by striking out "] 1725-A(a)(5), (a)(6), (d) and (e), 1725.1-A"

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes Representative Topper.

Mr. TOPPER. Thank you, Madam Speaker.

We will try this another way. This amendment would remove the funding component in the underlying bill, keep the other components. But once again I remind members that the \$485 million number, which represents a 46-percent cut, would be removed from the provision and we would instead vote on the rest of the pieces of the bill, which I do believe still needs work and which we can continue to work on without completely obliterating the cyber charter schools in our areas.

Thank you, Madam Speaker.

The SPEAKER. The Chair thanks the gentleman.

On that question, the Chair recognizes Representative Ciresi, the maker of the bill.

Mr. CIRESI. Thank you, Madam Speaker.

And again I would like to thank the gentleman for supporting the bill language in itself, and I see what he is going through for this funding.

But let us remember, this is not an agreed-to amendment. That \$400 million that we are asking for, the change in this, is not to gut the cyber programs; it is to give it back to the districts and add a playing field that is equal to everyone. That \$400 million goes back to our taxpayers. As a legislative body, we are giving money back. We are not raising one nickel in taxes, and we are supporting public education.

I would ask you all to vote this amendment down. Thank you, Madam Speaker.

The SPEAKER. The Chair thanks the gentleman.

For the second time, the Chair recognizes Representative Topper, the maker of the amendment.

Mr. TOPPER. Thank you, Madam Speaker.

Cyber charter schools represent a portion of our public education system. There are things that we can do, and have in fact advanced, again, out of this chamber, that look at how they are funded, and we can have those conversations. But understand that \$485 million, 46 percent – the gentleman says it is not the intent to close cyber charter schools but to level the playing field. I can tell you, as someone who has been dealing with this issue



for the past 8 years, that number does not level the playing field, it simply levels the ability for kids to be able to go to cyber charter schools. Even local districts, when I tour them, when I talk to superintendents, they say many of the same things that the gentleman from Montgomery says: "We simply want a level playing field. We just need to fix these things, but we're in favor of school choice." This number, this percent, eliminates those options when it comes to school choice. There is no getting around that that number is simply unacceptable. We need to work it into the entirety of the comprehensive reform of the formula, and I would once again ask support for this amendment.

Thank you, Madam Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

#### YEAS—101

Adams	Gaydos	Lawrence	Rigby
Armanini	Gillen	Leadbeter	Roae
Banta	Gleim	Mackenzie, M.	Rossi
Barton	Gregory	Mackenzie, R.	Rowe
Benninghoff	Greiner	Major	Ryncavage
Bernstine	Grove	Mako	Schemel
Bonner	Hamm	Maloney	Scheuren
Borowicz	Heffley	Marcell	Schlegel
Brown, M.	Hogan	Marshall	Schmitt
Cabell	Irvin	Mehaffie	Scialabba
Causar	James	Mentzer	Smith
Cook	Jones, M.	Mercuri	Staats
Cooper	Jones, T.	Metzgar	Stambaugh
Cutler	Jozwiak	Mihalek	Stehr
D'Orsie	Kail	Miller, B.	Stender
Davanzo	Kaufner	Moul	Struzzi
Delozier	Kauffman	Mustello	Tomlinson
Diamond	Keefer	Nelson, E.	Topper
Dunbar	Kephart	O'Neal	Twardzik
Ecker	Kerwin	Oberlander	Warner
Emrick	Klunk	Ortitay	Watro
Fee	Krupa	Owlett	Wentling
Fink	Kutz	Pickett	White
Flick	Kuzma	Rader	Williams, C.
Flood	Labs	Rapp	Zimmerman
Fritz			

#### NAYS—102

Abney	Evans	Kinsey	Rabb
Bellmon	Fiedler	Kosierowski	Rozzi
Benham	Fleming	Krajewski	Salisbury
Bizzarro	Frankel	Krueger	Samuelson
Borowski	Freeman	Kulik	Sanchez
Boyd	Friel	Madden	Sapprey
Boyle	Gallagher	Madsen	Schlossberg
Bradford	Galloway	Malagari	Schweyer
Brennan	Gergely	Markosek	Scott
Briggs	Giral	Matzie	Shusterman
Brown, A.	Green	Mayes	Siegel
Bullock	Guenst	McAndrew	Smith-Wade-El
Burgos	Guzman	McNeill	Solomon
Burns	Haddock	Merski	Steele
C Freytiz	Hanbidge	Miller, D.	Sturla
Cephas	Harkins	Mullins	Takac
Cerrato	Harris	Munroe	Venkat

Ciresi	Hohenstein	Neilson	Vitali
Conklin	Howard	Nelson, N.	Warren
Curry	Innamorato	O'Mara	Waxman
Daley	Isaacson	Otten	Webster
Davis	Kazeem	Parker	Williams, D.
Dawkins	Kenyatta	Pashinski	Young
Deasy	Khan	Pielli	
Delloso	Kim	Pisciottano	McClinton,
Donahue	Kinhead	Probst	Speaker

NOT VOTING—0

EXCUSED—0

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

On the question recurring,

Will the House agree to the bill on second consideration as amended?

Mr. **CIRESI** offered the following amendment No. **A01656**:

Amend Bill, page 3, line 1, by inserting after "exhibitions."  
The term shall not include school-sponsored activities as defined in section 1318.1(j).

Amend Bill, page 6, lines 25 and 26, by striking out "school year" and inserting

three (3) school years

Amend Bill, page 10, lines 3 through 7, by striking out all of said lines and inserting

(8) A cyber charter school shall provide a minimum of 180 days of instruction or 900 hours per year of instruction at the elementary level or 990 hours per year of instruction at the secondary level.

Amend Bill, page 12, line 17, by striking out "Charter school entities" and inserting

Cyber charter schools

Amend Bill, page 19, line 1, by inserting after "grade"

level in which

Amend Bill, page 21, lines 3 through 13, by striking out all of said lines and inserting

(b) Report.—In order to facilitate the department's review under subsection (a), each cyber charter school shall submit an annual report no later than August 1 of each year to the department and all local boards of school directors that have a student enrolled in the cyber charter school in the form prescribed by the department. The following shall apply to the report:

(1) The annual report submitted under this subsection shall include, but not be limited to, the number of students who enroll in the cyber charter school and the number of those students who are identified by the cyber charter school as needing special education as well as the level of services being provided to the student.

(2) A copy of the annual report submitted under this subsection, including all exhibits and attachments to the report, shall also be maintained at each facility of the cyber charter school and be made available for public inspection and copying and shall be posted on the cyber charter school's publicly accessible Internet website.

Amend Bill, page 24, lines 25 and 26, by striking out "greater than 10% of its total budgeted expenditures." and inserting

<u>Cyber Charter School Total Budgeted Expenditures</u>	<u>Estimated Ending Unassigned Fund Balance as Percentage of Total Budgeted Expenditures</u>
<u>Less Than or Equal to \$11,999,999</u>	<u>12%</u>
<u>Between \$12,000,000 and \$12,999,999</u>	<u>11.5%</u>
<u>Between \$13,000,000 and \$13,999,999</u>	<u>11%</u>
<u>Between \$14,000,000 and \$14,999,999</u>	<u>10.5%</u>
<u>Between \$15,000,000 and \$15,999,999</u>	<u>10%</u>
<u>Between \$16,000,000 and \$16,999,999</u>	<u>9.5%</u>
<u>Between \$17,000,000 and \$17,999,999</u>	<u>9%</u>
<u>Between \$18,000,000 and \$18,999,999</u>	<u>8.5%</u>
<u>Greater Than or Equal to \$19,000,000</u>	<u>8%</u>
Amend Bill, page 37, line 9, by striking out " <u>and</u> " and inserting <u>or</u>	
Amend Bill, page 40, line 21, by striking out " <u>(i) failure</u> " and inserting <u>Failure</u>	
Amend Bill, page 40, line 24, by striking out the semicolon after " <u>4</u> " and inserting a period	
Amend Bill, page 40, line 25, by striking out " <u>(ii) failure</u> " and inserting <u>(3) Failure</u>	
Amend Bill, page 40, line 27, by striking out " <u>; or</u> " and inserting a period	
Amend Bill, page 40, lines 28 through 30; page 41, lines 1 through 3; by striking out all of said lines on said pages and inserting <u>(4) Designation by the department as a Comprehensive Support and Improvement school at least two times under the Every Student Succeeds Act (Public Law 114-95, 129 Stat. 1802) or an equivalent building level designation under its successor Federal statute.</u>	
Amend Bill, page 41, line 4, by striking out " <u>(3)</u> " and inserting <u>(5)</u>	
Amend Bill, page 41, line 6, by striking out " <u>(4)</u> " and inserting <u>(6)</u>	
Amend Bill, page 41, line 7, by striking out " <u>(5)</u> " and inserting <u>(7)</u>	
Amend Bill, page 41, line 10, by striking out " <u>(6)</u> " and inserting <u>(8)</u>	
Amend Bill, page 41, line 13, by striking out " <u>(7)</u> " and inserting <u>(9)</u>	
Amend Bill, page 41, line 22, by striking out " <u>(8)</u> " and inserting <u>(10)</u>	
Amend Bill, page 41, line 24, by striking out " <u>(9)</u> " and inserting <u>(11)</u>	
Amend Bill, page 41, line 29, by striking out " <u>(10)</u> " and inserting <u>(12)</u>	
Amend Bill, page 42, line 2, by striking out " <u>(11)</u> " and inserting <u>(13)</u>	
Amend Bill, page 56, line 15, by striking out " <u>standard</u> " and inserting <u>model</u>	
Amend Bill, page 58, line 30, by striking out " <u>five</u> " and inserting <u>10</u>	
Amend Bill, page 60, by inserting between lines 12 and 13	

(c) Disability evaluation.—Should any indication of a disability  
be observed, the cyber charter school may initiate an evaluation to  
determine whether the child is a child with a disability.

(d) Limitation.—The requirements of subsection (a) shall not  
apply when the student is granted an excused absence from school.

On the question,  
Will the House agree to the amendment?

The following roll call was recorded:

YEAS—102

Abney	Evans	Kinsey	Rabb
Bellmon	Fiedler	Kosierowski	Rozzi
Benham	Fleming	Krajewski	Salisbury
Bizzarro	Frankel	Krueger	Samuelson
Borowski	Freeman	Kulik	Sanchez
Boyd	Friel	Madden	Sappery
Boyle	Gallagher	Madsen	Schlossberg
Bradford	Galloway	Malagari	Schweyer
Brennan	Gergely	Markosek	Scott
Briggs	Giral	Matzie	Shusterman
Brown, A.	Green	Mayes	Siegel
Bullock	Guenst	McAndrew	Smith-Wade-El
Burgos	Guzman	McNeill	Solomon
Burns	Haddock	Merski	Steele
C Freytiz	Hanbidge	Miller, D.	Sturla
Cephas	Harkins	Mullins	Takac
Cerrato	Harris	Munroe	Venkat
Ciresi	Hohenstein	Neilson	Vitali
Conklin	Howard	Nelson, N.	Warren
Curry	Innamorato	O'Mara	Waxman
Daley	Isaacson	Otten	Webster
Davis	Kazeem	Parker	Williams, D.
Dawkins	Kenyatta	Pashinski	Young
Deasy	Khan	Pielli	
Delloso	Kim	Pisciottano	McClinton,
Donahue	Kinkead	Probst	Speaker

NAYS—101

Adams	Gaydos	Lawrence	Rigby
Armanini	Gillen	Leadbeter	Roae
Banta	Gleim	Mackenzie, M.	Rossi
Barton	Gregory	Mackenzie, R.	Rowe
Benninghoff	Greiner	Major	Ryncavage
Bernstine	Grove	Mako	Schemel
Bonner	Hamm	Maloney	Scheuren
Borowicz	Heffley	Marcell	Schlegel
Brown, M.	Hogan	Marshall	Schmitt
Cabell	Irvin	Mehaffie	Scialabba
Causar	James	Mentzer	Smith
Cook	Jones, M.	Mercuri	Staats
Cooper	Jones, T.	Metzgar	Stambaugh
Cutler	Jozwiak	Mihalek	Stehr
D'Orsie	Kail	Miller, B.	Stender
Davanzo	Kaufner	Moul	Struzzi
Delozier	Kauffman	Mustello	Tomlinson
Diamond	Keefe	Nelson, E.	Topper
Dunbar	Kephart	O'Neal	Twardzik
Ecker	Kerwin	Oberlander	Warner
Emrick	Klunk	Ortitay	Watro
Fee	Krupa	Owlett	Wentling
Fink	Kutz	Pickett	White
Flick	Kuzma	Rader	Williams, C.
Flood	Labs	Rapp	Zimmerman
Fritz			

NOT VOTING—0

EXCUSED—0

The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question recurring,

Will the House agree to the bill on second consideration as amended?

### MOTION TO SUSPEND RULES

The SPEAKER. It is the Chair's understanding that Representative Cutler withdraws amendment A01697. No?

For what purpose does the gentleman, Representative Cutler, rise?

Mr. CUTLER. Thank you, Madam Speaker.

I would like to suspend the rules for immediate consideration of my amendment.

The SPEAKER. The gentleman, Representative Cutler, requests that we suspend the rules for immediate consideration of the late-filed amendment.

On the question,

Will the House agree to the motion?

The SPEAKER. On the motion.

Mr. CUTLER. Thank you, Madam Speaker.

Madam Speaker, I urge the members to please suspend the rules because this underlying amendment deals with a component that was negotiated previously in the budget. I know we will get to that underlying bill later in the night, but this would give us a straight vote on the underlying idea of lifeline scholarships. I recognize that they have different names – the Senate has called them PASS (Pennsylvania Award for Student Success). But I believe we need to suspend the rules because when you look at the statistics, Madam Speaker – and I applaud the gentleman as he attempts to tackle the issue of leveling the playing field – but let us talk about another piece of the playing field and the reason why we need to suspend the rules.

Over half of all the counties across the Commonwealth have a school ranked in the lowest 15 percent. We must suspend the rules because the lifeline scholarship is a school choice option for families that rescues children stuck in those schools in the bottom 15 percent, and we must suspend the rules because the program does not use any current funds allocated by the General Assembly for public education. Instead, it is a special new fund, allocated separately, that would be used for this.

That is what this amendment would do. In order to achieve all of those things, we would need to suspend the rules, and I urge the members' support.

Thank you, Madam Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the motion, Representative Bradford.

Mr. BRADFORD. I ask all members oppose.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

### YEAS—101

Adams	Gaydos	Lawrence	Rigy
Armanini	Gillen	Leadbeter	Roae
Banta	Gleim	Mackenzie, M.	Rossi
Barton	Gregory	Mackenzie, R.	Rowe
Benninghoff	Greiner	Major	Ryncavage
Bernstine	Grove	Mako	Schemel
Bonner	Hamm	Maloney	Scheuren
Borowicz	Heffley	Marcell	Schlegel
Brown, M.	Hogan	Marshall	Schmitt
Cabell	Irvin	Mehaffie	Scialabba
Causer	James	Mentzer	Smith
Cook	Jones, M.	Mercuri	Staats
Cooper	Jones, T.	Metzgar	Stambaugh
Cutler	Jozwiak	Mihalek	Stehr
D'Orsie	Kail	Miller, B.	Stender
Davanzo	Kaufer	Moul	Struzzi
Delozier	Kauffman	Mustello	Tomlinson
Diamond	Keefer	Nelson, E.	Topper
Dunbar	Kephart	O'Neal	Twardzik
Ecker	Kerwin	Oberlander	Warner
Emrick	Klunk	Ortitay	Watro
Fee	Krupa	Owlett	Wentling
Fink	Kutz	Pickett	White
Flick	Kuzma	Rader	Williams, C.
Flood	Labs	Rapp	Zimmerman
Fritz			

### NAYS—102

Abney	Evans	Kinsey	Rabb
Bellmon	Fiedler	Kosierowski	Rozzi
Benham	Fleming	Krajewski	Salisbury
Bizzarro	Frankel	Krueger	Samuelson
Borowski	Freeman	Kulik	Sanchez
Boyd	Friel	Madden	Sappay
Boyle	Gallagher	Madsen	Schlossberg
Bradford	Galloway	Malagari	Schweyer
Brennan	Gergely	Markosek	Scott
Briggs	Giral	Matzie	Shusterman
Brown, A.	Green	Mayes	Siegel
Bullock	Guenst	McAndrew	Smith-Wade-El
Burgos	Guzman	McNeill	Solomon
Burns	Haddock	Merski	Steele
C Freytiz	Hanbidge	Miller, D.	Sturla
Cephas	Harkins	Mullins	Takac
Cerrato	Harris	Munroe	Venkat
Ciresi	Hohenstein	Neilson	Vitali
Conklin	Howard	Nelson, N.	Warren
Curry	Innamorato	O'Mara	Waxman
Daley	Isaacson	Otten	Webster
Davis	Kazeem	Parker	Williams, D.
Dawkins	Kenyatta	Pashinski	Young
Deasy	Khan	Pielli	
Delloso	Kim	Pisciottano	McClinton,
Donahue	Kinhead	Probst	Speaker

### NOT VOTING—0

### EXCUSED—0

Less than a majority of the members required by the rules having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

On the question recurring,  
Will the House agree to the bill on second consideration as amended?

The SPEAKER. For what purpose does the gentleman, Representative Owlett, rise?  
It is the Chair's understanding the gentleman withdraws the amendment. The Chair thanks the gentleman.

On the question recurring,  
Will the House agree to the bill on second consideration as amended?  
Bill as amended was agreed to.

The SPEAKER. The bill as amended will be reprinted.

**SUPPLEMENTAL CALENDAR D**

**BILL ON CONCURRENCE  
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 1100, PN 1740**, entitled:

An Act amending the act of June 27, 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer Relief Act, in tax relief in cities of the first class, further providing for supplemental senior citizen tax reduction; and, in senior citizens property tax and rent rebate assistance, further providing for property tax and rent rebate and for filing of claim.

On the question,  
Will the House concur in Senate amendments?

The SPEAKER. The Chair recognizes Representative Samuelson for a brief description of the Senate amendments.

Mr. SAMUELSON. Thank you, Madam Speaker.

The Senate made two changes to this legislation, HB 1100. They removed a provision that the House had included requiring the Budget Secretary to provide an additional certification beyond what is required by current law, and the Senate removed a provision allowing the Department of Revenue to send rebates sooner than July 1, as soon as applications are processed.

The main provisions of this bill that the House approved overwhelmingly on June 5 are intact. We are raising income limits on the property tax and rent rebate program for the first time in 16 1/2 years. We are increasing the amounts of the rebates; 170,000 additional people will benefit by our actions tonight. And I ask the House for an affirmative vote on concurrence in Senate amendments.

Thank you, Madam Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,  
Will the House concur in Senate amendments?

The SPEAKER. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

**YEAS—197**

Abney	Flick	Kutz	Roae
Adams	Flood	Kuzma	Rossi
Armanini	Frankel	Labs	Rowe
Banta	Freeman	Lawrence	Rozzi
Barton	Friel	Leadbeter	Ryncavage
Bellmon	Fritz	Mackenzie, M.	Salisbury
Benham	Gallagher	Mackenzie, R.	Samuelson
Benninghoff	Galloway	Madden	Sanchez
Bernstine	Gaydos	Madsen	Sappery
Bizzarro	Gergely	Major	Schemel
Bonner	Gillen	Mako	Schweyer
Borowicz	Giral	Malagari	Schlegel
Borowski	Gleim	Maloney	Schlossberg
Boyd	Green	Marcell	Schmitt
Boyle	Gregory	Markosek	Schweyer
Bradford	Greiner	Marshall	Scialabba
Brennan	Grove	Matzie	Scott
Briggs	Guent	Mayes	Shusterman
Buzman, A.	Guzman	McAndrew	Siegel
Brown, M.	Haddock	McNeill	Smith
Bullock	Hanbidge	Mehaffie	Smith-Wade-El
Burgos	Harkins	Mentzer	Solomon
Burns	Harris	Mercuri	Staats
C Freytiz	Heffley	Merski	Stambaugh
Cabell	Hogan	Metzgar	Steele
Causer	Hohenstein	Mihalek	Stehr
Cephas	Howard	Miller, B.	Stender
Cerrato	Innamorato	Miller, D.	Struzzi
Ciresi	Irvin	Moul	Sturla
Conklin	Isaacson	Mullins	Takac
Cook	James	Munroe	Tomlinson
Cooper	Jones, M.	Mustello	Topper
Curry	Jones, T.	Neilson	Twardzik
Cutler	Jozwiak	Nelson, N.	Venkat
D'Orsie	Kail	O'Mara	Vitali
Daley	Kaufner	O'Neal	Warner
Davis	Kauffman	Oberlander	Warren
Dawkins	Kazeem	Ortitay	Watro
Deasy	Kenyatta	Otten	Waxman
Delloso	Kerwin	Owlett	Webster
Delozier	Khan	Parker	Wentling
Diamond	Kim	Pashinski	White
Donahue	Kinlead	Pickett	Williams, C.
Dunbar	Kinsey	Pielli	Williams, D.
Ecker	Klunk	Pisciottano	Young
Emrick	Kosierowski	Probst	Zimmerman
Evans	Krajewski	Rabb	
Fee	Krueger	Rader	McClinton,
Fiedler	Krupa	Rapp	Speaker
Fleming	Kulik	Rigby	

**NAYS—6**

Davanzo	Hamm	Kephart	Nelson, E.
Fink	Keefe		

**NOT VOTING—0**

**EXCUSED—0**

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

**BILL SIGNED BY SPEAKER**

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

**HB 1100, PN 1740**

An Act amending the act of June 27, 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer Relief Act, in tax relief in cities of the first class, further providing for supplemental senior citizen tax reduction; and, in senior citizens property tax and rent rebate assistance, further providing for property tax and rent rebate and for filing of claim.

Whereupon, the Speaker, in the presence of the House, signed the same.

**GUEST INTRODUCED**

The SPEAKER. Colleagues, if I may have your attention. The House will come to order. Seated to the left of the Speaker's rostrum, we have a very special guest from the 117th Legislative District. The son of one of our colleagues, Representative Cabell, is here all the way from Luzerne County on this 5th day of July. Stand up, Julian. Welcome to the floor of the House.

The House will briefly be at ease.

The House will come to order.

**BILL ON CONCURRENCE  
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 611, PN 1811**, entitled:

An Act to provide appropriations from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and the public schools for the fiscal year July 1, 2023, to June 30, 2024, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2023; to provide appropriations from special funds and accounts to the Executive and Judicial Departments for the fiscal year July 1, 2023, to June 30, 2024, and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2023; to provide for the appropriation of Federal funds to the Executive and Judicial Departments for the fiscal year July 1, 2023, to June 30, 2024, and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2023; and to provide for the additional appropriation of Federal and State funds to the Executive and Legislative Departments for the fiscal year July 1, 2022, to June 30, 2023, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2022.

On the question,  
Will the House concur in Senate amendments?

The SPEAKER. The Chair recognizes Representative Harris for a brief description of the Senate amendments.

Mr. HARRIS. Thank you, Madam Speaker.

Madam Speaker, the Senate sent back HB 611 with numbers largely reflecting expenditures proposed by the Governor. Some key components of this bill: \$567 million increase to basic education subsidies; \$100 million in Level Up funding;

\$50 million for special education funding. This represents the second largest increase for basic education since the 2015-2016 year.

Some other facts, quickly: \$7.5 million for indigent defense, which is the first time for the State putting money into that. Our State System schools will see a 6-percent increase. There will be an investment of \$50 million for whole home repairs, which will be the first time we are investing actual State dollars, since the last time it was Federal funds; this is the first time for us doing that. A \$2 million increase for food bank purchases in a fund; the Black maternal health initiative as well. There are much more and many other initiatives that fund this budget, and therefore, I ask and request the members to vote "yes" and concur in Senate amendments.

Thank you, Madam Speaker.

The SPEAKER. The Chair thanks the gentleman.

On that question, the Chair recognizes Representative Grove.

Mr. GROVE. Will the prime sponsor of the bill stand for quick interrogation?

The SPEAKER. The gentleman indicates that he will.

Mr. GROVE. Thank you, Madam Speaker.

One question. In this bill, how is the \$100 million of Level Up funding distributed?

Mr. HARRIS. Last year's – depends on the code bills, but we are believing it is going to follow the same framework that it did last year, last budget cycle.

Mr. GROVE. So to clarify, we will need a code bill to drive that money out, correct?

Mr. HARRIS. We believe it is going to follow the same process that it did last year, through the code bills.

Mr. GROVE. Okay. Thank you.

Today the Governor has announced he will be vetoing the lifeline scholarships, which were renamed, because that money did not have an appropriate program within a code bill. Today we also have another line item, Level Up funding, which does not have code bill language; thus, the Governor, keeping with his word, should be line-item vetoing that. Similar to the indigent criminal defense fund, \$7.5 million in this budget, legislation was passed, but in this chamber, there is similar legislation sitting in the Senate. There is no legislative authority for that; thus, that line item should be funded. Fresh food financing initiative, \$2 million. There is no line-item provision for that line item in this budget; similarly, that line item should be vetoed. Historically disadvantaged business assistance, under DCED (Department of Community and Economic Development). That is a new program. There is no line item or code bill to direct that funding; that line item should be vetoed by the Governor. Foundations in Industry, a new line item. There is no legislative language in that line item; thus, keeping with the Governor's word that if there is no programmatic language, that program should be line-item vetoed. Safe driving school, \$1.099 million, new line item. There is no legislative direction program funding for that. Parent Pathways, another initiative by the Governor which was included in his budget, something he has talked about, just like lifeline scholarships. There is no program provisions in statute for that program; \$1.661 million should be line item-funded. Health promotion and disease prevention, under the Department of Health, \$2.3 million. Again, a new program under the Department of Health. There is no program guidelines in statute. This has to be driven out by a code bill; thus, keeping to the Governor's word, that line item should also be vetoed.

Madam Speaker, we have one thing in this body, and that is our word. It is as simple as that. We have our word; that is all we have. We have a handshake agreement; that is all we have. That is what this institution is built on in 300 years of its existence. Today we are faced with a budget, negotiated by the Senate Republicans, agreed to by the Governor, but yet a key linchpin of that, a key linchpin of the Governor's campaign promises, a key provision of which he has been out there advocating for, is under threat of veto. Why? Because we do not have, according to the Governor, program language to actually spend those dollars.

There are numerous line items in this budget that have been there previously that do not have a citation, a statute citation, that have been spent by previous Governors. So what is the truth? What is the truth? Is it that you need a program to drive this out in a later code bill, or is it backtracking on a handshake deal? If that is the case, how do we move forward as a Commonwealth? How do we trust anything anybody says in this body? How do we find agreements? How do we find bipartisanship? How do we work together moving forward if we cannot count on the simple handshake agreements?

Today is not a good day for Pennsylvania. I fear for the future of this Commonwealth. I fear for the future of a divided government moving forward. My heart aches for the citizens of this Commonwealth because I do not know what the future entails. But what I do know: If you say you are going to do something, and you have reasons to do it, you better follow through on everything else in this budget that does not have a program attached to it.

With that, Madam Speaker, hopefully the Governor will reconsider his positions and realize that having thousands of trapped kids, resulting in .2 percent of the budget, really is not a big deal; very similar to the OSTC (opportunity scholarship tax credit) program that passes on wide bipartisan support. I hope the Governor comes to the realization that when he ran for office, he promised to deliver kids from failing schools. He is failing on his promises today. He is failing on the foundation of this body, of the General Assembly, in keeping your promises. If you cannot keep your promises, I do not know what the political future for that individual is.

Madam Speaker, I will close my remarks by saying, hopefully, hopefully the Governor finds wisdom in trying to help trapped kids. I am not holding my breath, but hopefully he does.

Thank you, Madam Speaker.

The SPEAKER. The Chair thanks the gentleman.

On that question, the Chair recognizes Representative Owlett.

Mr. OWLETT. Thank you, Madam Speaker.

There are very few times in this building that I am truly inspired by the words of another member. Very few times that I see elected officials stepping away from special interest groups to do what they know is right. Very few times do I see Republicans working together with Democrats to accomplish something that is just downright good for the people of this great State. I was inspired last week when the Senator from the Eighth District spoke in favor of giving our kids who are stuck in failing schools a way out. Sadly, these interest groups have turned this lifeline discussion and helping our kids into the main sticking point of this budget, and right now, the humble majority and the Governor are going to kill it.

You know, true authenticity around this building is not something we see. We often see empty promises and folks not delivering on their promises. We are going to see that again today. Campaign promise, quote: "Josh believes parents deserve

to be empowered to ensure their kids receive a good education and that every child has access to quality learning. That requires boosting funding for education and innovating to ensure children in our most challenged schools receive the..." funding "and care they deserve. Josh favors adding choices for parents and educational opportunity for students and funding lifeline scholarships like those approved in other states and introduced in Pennsylvania."

The Senate, while working with the Governor, aimed to deliver those promises, and they provided a historic investment in choice options for parents and those children of God, as the Governor calls them in a recent interview, that really is aimed to help our kids. Yet what is going to happen, unless we see a moment of true authenticity and statesmanship from the Governor, we are going to see a line-item veto of this initiative. We are going to see broken relationships, lost trust, and most importantly, a Governor walking away from 207,176 students trapped in failing schools. House District 168 has 1,434 students in it. House District 127, 6,625 students in it. House District 104, 4,887 students in it. I could go on, and I will end with this one: House District 191, 3,502 students in 9 schools.

I saw courage from the good Senator from the Eighth District last week. I saw leadership from that Senator, and I saw someone delivering, no matter how painful it got, and delivering for these kids. What we are going to see from this Governor is a line-item veto when he knows what he needs to do, and that is fund this program. We are going to see broken relationships with the Senate and the Governor, and not being able to deliver from here on out, or making it very difficult to do so. The fact of the matter is this, if we pass this bill. The House passed it, we passed this last year with a bipartisan vote, and we took the concerns that were addressed in this new legislation, so we showed that it can be done.

Some in this room have had courage to support these kids. Education is going to look different 10 years from now. It is going to continue to have choice options. States that lean into that are going to see students graduating and contributing to the success of our Commonwealth and their individual success. The Governor needs to lean into this and we need to see options for our kids. These are children of God, as he calls them, and we need to be making sure that we are not leaving them out there.

Maybe next year is the answer, I guess. Maybe, meantime, you know, we are just going to see what happens and these promises are not going to be delivered on today. Stop the excuses and let us get this done and not line-item veto lifeline scholarships.

Thank you, Madam Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair takes a moment to remind the members, the topic of debate is on HB 611 and the substance of that bill, not on the Executive of the Commonwealth of Pennsylvania. The Governor is not up for debate this evening. We are debating HB 611.

On that question, the Chair recognizes Representative Madden.

Ms. MADDEN. Thank you, Madam Speaker.

I want to stand in support of HB 611, and I would like to mention that I have heard from many of our education advocates, and while they acknowledge that the House bill that we sent originally was a much better bill, they are happy with the funding of education in this bill. And because we are trying to achieve equity in our – well, it is not we are trying; we have actually been ordered by a court to achieve equity in our funding – I am going to vote for this bill.

There are other things in this bill that are worth voting for. And while I stand here in support of this bill, I certainly do have to make mention that as we move forward, I would like to see a real effort on our House leadership and with our Governor on getting a bill to support victims and survivors of childhood sexual assault – something we have been working on way before I got here and we have to see over the finish line.

So thank you very much, Madam Speaker.

The SPEAKER. The Chair thanks the gentlelady.

Those voting to concur will be voting "aye"; those voting to nonconcur will be voting "no."

On the question recurring,

Will the House concur in Senate amendments?

The SPEAKER. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

(Members proceeded to vote.)

#### VOTE STRICKEN

The SPEAKER. The clerk will strike the vote.

There were no hands indicated for any other speakers.

On that question, before the Chair goes to the leaders, are there any other members seeking an opportunity to debate HB 611?

Seeing none, the Chair recognizes Representative Cutler on final passage, HB 611 – on concurrence, excuse me.

Mr. CUTLER. Thank you, Madam Speaker.

Madam Speaker, the general appropriations bill before us today in many ways is a walking contradiction. On one hand, there are positive things one could point to in this spending plan. It increases funding for career and technical education, workforce development programs, public safety, and property tax relief – all things that we have worked on in a bipartisan way through many of the prior sessions. It keeps our commitment to supporting public education. It funds the PASSHE (Pennsylvania State System of Higher Education) system, which, I might add, has recently instituted a tuition freeze. It increases funding for EITC (educational improvement tax credit) and OSTC programs. It also adds funding to our Rainy Day Fund, spends less than what the Governor originally proposed, and it is considerably more reasonable than the unilateral budget passed out of the House about a month ago along straight party lines.

On the other hand, this budget has a lot of concerning elements. For instance, it does little to address our structural deficit and runaway – and many times, unaccountable – welfare programs, which if not addressed properly, will threaten the long-term ability of our State to genuinely prosper, and more importantly, provide the safety net to those who actually need it. Fraud steals from people who need help.

Most unsettling, this budget uses smoke and mirrors to create more unfulfilled promises to students in our worst schools. As we reported earlier today in the news, the lifeline scholarship proposal – a proposal negotiated in good faith between Republicans in the Senate and the Governor – will be line-item vetoed because our friends across the aisle seem to struggle with the idea of systemic change in our education system. In fact, it was in the Rules Committee where the leader indicated that such a proposal would never pass this General Assembly.

So let us not be fooled as to what is really going on today. This is nothing more than an escape hatch for those who wish to avoid a protracted impasse over a politically inconvenient issue that divides their own party. It is an escape hatch that is built on empty promises to people who have had promises made and then broken time and time again by government too many times. There is a way out for people who want to do what they normally do: say they support children getting a better education, changing the system without actually doing anything that is needed in order to achieve it. It is a way for people to vote "yes" on a school choice idea today with the knowledge that they created nothing more than a hollow decoy that continues to leave students and families out in the cold and trapped in failing schools. Let me repeat that. Today's vote will leave students and families who desire choice, who want nothing more than the opportunity for a better education and a better future, out in the cold for what some outside of this institution might call simple political convenience.

What a shame, shame that we are voting on this today, but many people who are casting a "yes" vote do not actually believe in it. Shame on those who came up with a plan that put the desires of this institution and the inability to debate an issue ahead of the children that are trapped in failing schools.

We will go home tomorrow and say how much some people here in the chamber support school choice or public education, knowing that what they voted for did not actually help a single student. Today's vote from our friends in favor of the budget is a way to alleviate a political pressure and nothing more. I understand the desire to not want to be engaged in a protracted impasse. I have been through several of them myself. They are difficult, they are draining, and they can oftentimes be divisive. But so is being in a failing school; so is wanting to achieve more out of life but being let down time and time again by people who say at dinners that they support students and that they support change, but on the House, they vote to carry on the status quo.

While members will vote their districts today, and we very well may have a budget at the conclusion of this vote, I think that we all know that we can do better. We can do better communicating on the issues in the budget, we can do better communicating on the schedule, but most importantly, Madam Speaker, we can do better in terms of our children.

Thank you, Madam Speaker. I recognize that many people will be where they believe is best for their district, but for me, I am a "no" because it is not the best for the Commonwealth.

The SPEAKER. The Chair thanks the gentleman.

On that question, the Chair recognizes Representative Bradford.

Mr. BRADFORD. Madam Speaker, as the hour is late and much has already been said, I will be brief and really not speak to more than just what I believe the good minority leader has mentioned as the basis for his opposition. Initially he talks about the structural deficit, and frankly, the human services cost by the challenges faced by Pennsylvania's aging demographics I believe that this budget is actually quite responsible in terms of dealing with that, in terms of the spending levels, frankly, are lower than many of us would have liked, but they are actually right in the middle, and they almost by dollar match what the Governor originally proposed.

But here is the point I would make, because I think there are still code bills ahead and opportunities to deal with these challenges. The good gentleman talks about the need for bipartisanship, and I think when you talk about workforce and

business climate, there is bipartisan consensus in this chamber, not just outside this building, on the need to look at our corporate tax rates. Last year this caucus came forward and put ideas to cut the CNIT (corporate net income tax). The Governor said he was open to an acceleration. We look forward to what our Republican friends have in store.

I would also say that many members of our caucus who are on the 202 corridor in southeastern Pennsylvania, who are in University City or in parts of Allegheny County, where life sciences and biotech continue to take hold but our tax climate around NOL (net operating loss) is not conducive, we look to having a bipartisan conversation about how we can talk about a Tax Code that will deal with the structural deficit and the amount of money we are paying because of our old demographic here in the Commonwealth. There is an opportunity to do real bipartisan reforms and get outside of the usual Democrat-Republican divide.

And on the issue of building consensus – not just one-offs, but consensus – I have pledged myself to speak with the good leader in the Senate on things that are outside of our comfort level, but they must be within the framework of our most important constitutional obligation, affirmed by our Commonwealth Court, that we are missing the mark by billions in terms of providing resources to our public education system. Hearings will be held, conversations will be had, and bipartisanship will be required. No one caucus or chamber will be able to drive that conversation. Similarly, it will not be able to on the issues of tax reform or our overarching challenge of demographics in this Commonwealth.

This budget today moves Pennsylvania forward. I appreciate the vast majority of members who I know support this budget for getting us to a place where we can sit down and say we have funded government, we have avoided an impasse, and we have shown that bipartisanship is possible with a little bit of compromise that is out of the comfort level of each and every one of us.

Thank you, Madam Speaker.

The SPEAKER. The Chair thanks the gentleman.

Those voting to concur will vote "aye"; those voting to nonconcur will vote "no."

On the question recurring,

Will the House concur in Senate amendments?

The SPEAKER. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

(Members proceeded to vote.)

The SPEAKER. The Chair is about to lock the board. Members, please vote on HB 611, concurrence.

The following roll call was recorded:

YEAS—117

Abney	Fleming	Krueger	Salisbury
Adams	Frankel	Kulik	Samuelson
Bellmon	Freeman	Kuzma	Sanchez
Benham	Friel	Labs	Sappey
Bizzarro	Fritz	Madden	Scheuren
Borowski	Gallagher	Madsen	Schlossberg
Boyd	Galloway	Malagari	Schweyer
Boyle	Gergely	Markosek	Scott
Bradford	Giral	Marshall	Shusterman

Brennan	Green	Matzie	Siegel
Briggs	Guenst	Mayes	Smith-Wade-El
Brown, A.	Guzman	McAndrew	Solomon
Bullock	Haddock	McNeill	Steele
Burgos	Hanbidge	Mehaffie	Struzzi
Burns	Harkins	Merski	Sturla
C Freytiz	Harris	Miller, D.	Takac
Cephas	Hogan	Mullins	Tomlinson
Cerrato	Hohenstein	Munroe	Venkat
Ciresi	Howard	Neilson	Vitali
Conklin	Innamorato	Nelson, N.	Warren
Curry	Isaacson	O'Mara	Watro
Daley	Kaufner	Otten	Waxman
Davis	Kazeem	Parker	Webster
Dawkins	Kenyatta	Pashinski	White
Deasy	Khan	Pielli	Williams, D.
Delloso	Kim	Pisciottano	Young
Donahue	Kinthead	Probst	
Emrick	Kinsey	Rabb	McClinton,
Evans	Kosierowski	Rozzi	Speaker
Fiedler	Krajewski	Ryncavage	

NAYS—86

Armanini	Flood	Lawrence	Rader
Banta	Gaydos	Leadbeter	Rapp
Barton	Gillen	Mackenzie, M.	Rigby
Benninghoff	Gleim	Mackenzie, R.	Roae
Bernstine	Gregory	Major	Rossi
Bonner	Greiner	Mako	Rowe
Borowicz	Grove	Maloney	Schemel
Brown, M.	Hamm	Marcell	Schlegel
Cabell	Heffley	Mentzer	Schmitt
Causar	Irvin	Mercuri	Scialabba
Cook	James	Metzgar	Smith
Cooper	Jones, M.	Mihalek	Staats
Cutler	Jones, T.	Miller, B.	Stambaugh
D'Orsie	Jozwiak	Moul	Stehr
Davanzo	Kail	Mustello	Stender
Delozier	Kauffman	Nelson, E.	Topper
Diamond	Keefer	O'Neal	Twardzik
Dunbar	Kephart	Oberlander	Warner
Ecker	Kerwin	Ortitay	Wentling
Fee	Klunk	Owlett	Williams, C.
Fink	Krupa	Pickett	Zimmerman
Flick	Kutz		

NOT VOTING—0

EXCUSED—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

**ANNOUNCEMENT BY SPEAKER**

The SPEAKER. The Chair is in receipt of information that for a few more hours, the gentleman from Dauphin County will be celebrating his birthday. Happy birthday, Representative Fleming.

**BILL SIGNED BY SPEAKER**

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:



**HB 611, PN 1811**

An Act to provide appropriations from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and the public schools for the fiscal year July 1, 2023, to June 30, 2024, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2023; to provide appropriations from special funds and accounts to the Executive and Judicial Departments for the fiscal year July 1, 2023, to June 30, 2024, and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2023; to provide for the appropriation of Federal funds to the Executive and Judicial Departments for the fiscal year July 1, 2023, to June 30, 2024, and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2023; and to provide for the additional appropriation of Federal and State funds to the Executive and Legislative Departments for the fiscal year July 1, 2022, to June 30, 2023, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2022.

Whereupon, the Speaker, in the presence of the House, signed the same.

The SPEAKER. There will be no further votes, for the information of the members.

**POINT OF ORDER**

Mr. CUTLER. Madam Speaker?

The SPEAKER. The Chair is in receipt of a motion from the gentleman from Dauphin County—

Mr. CUTLER. Madam Speaker, point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. CUTLER. Madam Speaker, point of order regarding when we will be returning to session. I have yet to see an official notice and would like to interrogate the majority leader on the calendar in terms of time for tomorrow, if he would be so obliging.

The SPEAKER. That is not a point of order. It is out of order. The Chair will let the members know very momentarily, if the Chair is given the opportunity to do her job, to remind the members as to when—

Mr. CUTLER. Point of order, Madam Speaker?

The SPEAKER. —we will return.

**BILL RECOMMENDED**

The SPEAKER. The majority leader moves that HB 1422 be recommitted to the Committee on Appropriations.

On the question,  
Will the House agree to the motion?  
Motion was agreed to.

**PARLIAMENTARY INQUIRY**

The SPEAKER. The gentleman is in order and may state his parliamentary inquiry or point of order.

Mr. CUTLER. Parliamentary inquiry in regards to the schedule, Madam Speaker. How is not providing public notice to us as members, but more importantly, the public, regarding the upcoming schedule not an appropriate parliamentary inquiry?

The SPEAKER. That is not a question before this body.

Mr. CUTLER. Madam Speaker?

The SPEAKER. Sunshine notices will be given, as they always are, in accordance with State law.

**POINT OF ORDER**

Mr. CUTLER. Point of order, Madam Speaker?

The SPEAKER. The gentleman will state his point of order.

Mr. CUTLER. Madam Speaker, as a point of past precedent, they typically were released prior to 4:30 on each day. I realize that previously you had indicated that you were obligated to follow precedents, and the inquiry is, why that was not the case today, given that it is 9:30?

The SPEAKER. There is no established precedent on the floor of the House for when notice must be given, for the information of all of the members of this august body.

**BILLS AND RESOLUTIONS PASSED OVER**

The SPEAKER. Without objection, all remaining bills and resolutions on today's calendar will be passed over. The Chair hears no objection.

**ADJOURNMENT**

The SPEAKER. The Chair is in receipt of a motion from the gentleman from Berks County, Representative Guzman, that the House now adjourn until Thursday, July 6, 2023, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,  
Will the House agree to the motion?  
Motion was agreed to, and at 9:35 p.m., e.d.t., the House adjourned.