

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 1422 Session of  
2023

INTRODUCED BY CIRESI, MADDEN, ISAACSON, SMITH-WADE-EL,  
SCHLOSSBERG, HANBIDGE, WEBSTER, GUENST, SANCHEZ, D. WILLIAMS,  
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SHUSTERMAN, OTTEN, VITALI, RABB, FRIEL, CURRY, KENYATTA,  
STURLA, BOROWSKI AND O'MARA, JUNE 22, 2023

REFERRED TO COMMITTEE ON EDUCATION, JUNE 22, 2023

## AN ACT

~~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 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.~~  
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



1 | for advertising; in pupils and attendance, providing for  
2 | transfer of attendance records to another school entity or  
3 | nonpublic school; and, in charter schools, further providing  
4 | for definitions, for charter school requirements, for powers  
5 | of board of trustees, for establishment of charter school,  
6 | for contents of application and for term and form of charter,  
7 | providing for amendments, further providing for facilities,  
8 | for enrollment and for tort liability, providing for fund  
9 | balance limits and further providing for cyber charter school  
10 | requirements and prohibitions, for school district and  
11 | intermediate unit responsibilities and for establishment of  
12 | cyber charter school.

13 | The General Assembly of the Commonwealth of Pennsylvania  
14 | hereby enacts as follows:

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

18 | ~~Section 130. Advertising and Sponsorships. (a) A paid~~  
19 | ~~media advertisement by a public school entity that refers to the~~  
20 | ~~cost of tuition, technology, transportation or other expenses~~  
21 | ~~shall not advertise those expenses as free, and any reference to~~  
22 | ~~tuition, technology, transportation or other expenses must~~  
23 | ~~indicate that the cost is covered by taxpayer dollars.~~

24 | ~~(b) A public school entity shall be prohibited from paying~~  
25 | ~~for or utilizing any other form of consideration to sponsor a~~  
26 | ~~public event.~~

27 | ~~(c) No later than August 1, 2024, each public school entity~~  
28 | ~~shall report to the department of education the entity's total~~  
29 | ~~expenditures for paid media advertisements and sponsorships of~~  
30 | ~~public events for the 2022-2023 school year. The department~~  
31 | ~~shall compile the results of the reporting and make the results~~  
32 | ~~available on the department's publicly accessible Internet~~  
33 | ~~website by December 1, 2024.~~

34 | ~~(d) For purposes of this section, the following words and~~  
35 | ~~phrases shall have the following meanings:~~

36 | ~~"Paid media advertisement." The term includes a television,~~



~~radio, newspaper, magazine or movie theater advertisement,  
billboard, bus poster or Internet based or other commercial  
method that may promote enrollment in a public school entity.~~

~~"Public event." An activity, event or gathering that members  
of the public may attend, has been publicly announced or  
publicized in advance, and for which an admission fee or cost  
may be required. The term includes concerts, performances,  
sporting events, fairs, festivals, parades, performances and  
other exhibitions.~~

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

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

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

~~"Administrator" shall include the chief administrator of a  
charter school entity and all other employees of a charter school  
entity who by virtue of their positions exercise management or  
operational oversight responsibilities.~~

~~\* \* \*~~

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

~~\* \* \*~~

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



~~organization.~~

~~"Charter school foundation" shall mean a nonprofit organization qualified as Federally tax exempt 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 or resources or otherwise serves to support a charter school entity.~~

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

~~\* \* \*~~

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

~~\* \* \*~~

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

~~"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.~~

~~"Emergency" shall mean a manmade or natural disaster. The term includes a fire, flood, environmental hazard, damage to a school building or other circumstance that impacts or could impact the health or safety of students or staff or renders all or part of a charter school facility unfit for use or occupation.~~

~~"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.~~

~~\* \* \*~~

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

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

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

~~\* \* \*~~

~~"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).~~



~~\*\*\*~~

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

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

~~\*\*\*~~

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

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

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

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

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

~~(e) On or before April 30, 2027, and by April 30 of each third year thereafter, the department shall calculate and post~~



~~on its publicly accessible Internet website the Statewide Cyber Charter School Tuition Rate payable by a student's school district of residence under subsection (d) for the next school year.~~

~~(f) For special education students, a cyber charter school shall receive the Statewide Cyber Charter School Tuition Rate adjusted as follows:~~

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

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

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

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

~~(ii) for each special education student enrolled in the cyber charter school for which the annual expenditure is in Category 3, multiply the Statewide Cyber Charter School Tuition~~



~~Rate by six and thirty four hundredths (6.34). For purposes of this subparagraph, Category 3 shall include students in Categories 3A and 3B under section 1372(8).~~

~~(g) The per student amounts required under subsection (f) shall be calculated by the department and posted on its publicly accessible Internet website and shall be paid by the school district of residence of each student.~~

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

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

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

#### ~~Section 1740 A. Cyber Charter School Requirements.~~

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





1       ~~(1) Except as otherwise provided in this article, a~~  
2       ~~cyber charter school is exempt from statutory requirements~~  
3       ~~established in this act, from regulations of the State board~~  
4       ~~and the standards of the secretary not specifically~~  
5       ~~applicable to cyber charter schools. Cyber charter schools~~  
6       ~~are not exempt from statutes applicable to public schools~~  
7       ~~other than this act.~~

8       ~~(2) A cyber charter school shall be accountable to the~~  
9       ~~parents, guardians, families, the public, the department and~~  
10       ~~the Commonwealth, with the delineation of that accountability~~  
11       ~~reflected in the charter. Strategies for meaningful parent,~~  
12       ~~guardian, family and community involvement shall be developed~~  
13       ~~and implemented by each cyber charter school.~~

14       ~~(3) A cyber charter school shall not unlawfully~~  
15       ~~discriminate in admissions, hiring or operation.~~

16       ~~(4) A cyber charter school shall be nonsectarian in all~~  
17       ~~operations.~~

18       ~~(5) (i) Subject to subparagraph (ii), a cyber charter~~  
19       ~~school shall not provide any religious instruction, nor~~  
20       ~~shall it display religious objects and symbols on the~~  
21       ~~premises of the cyber charter school.~~

22       ~~(ii) It shall not be a violation of this paragraph~~  
23       ~~for a cyber charter school to utilize a sectarian~~  
24       ~~facility:~~

25               ~~(A) if the cyber charter school provides for~~  
26               ~~discrete separate entrances to buildings utilized for~~  
27               ~~school purposes only;~~

28               ~~(B) if the religious objects and symbols within~~  
29               ~~the portions of the facility utilized by the cyber~~  
30               ~~charter school are covered or removed; or~~



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

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

~~(7) A cyber charter school shall participate in the Pennsylvania State Assessment System as provided for in 22 Pa. Code Ch. 4 (relating to academic standards and assessment), or subsequent regulations promulgated to replace 22 Pa. Code Ch. 4, in the same manner as school districts.~~

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

~~(9) Boards of trustees and contractors of cyber charter schools 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.~~

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

~~(b) Employees.~~

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

~~(2) An administrator for a cyber charter school shall be a public employee under 65 Pa.C.S. Ch. 11 and shall file a statement of financial interest for the preceding calendar~~



~~year with the secretary of the board of trustees of the cyber charter school not later than May 1 of each year that the person holds the position and of the year after the person leaves the position. In the event that the administrator was appointed after May 1, the administrator shall file a statement of financial interest in accordance with this clause within 30 days of appointment.~~

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

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

~~(5) An administrator shall be immediately dismissed upon conviction or upon a plea of guilty or nolo contendere 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.~~

~~(6) Charter school entities shall use the revised rating system specified in Article XI Subarticle (c.1) to evaluate employees serving as principals or school leaders, classroom teachers and nonteaching professional employees.~~

~~Section 1740.1 A. Powers and Composition of Board of Trustees.~~

~~(a) General rule. The board of trustees of a cyber charter~~



~~school shall have the authority to decide matters related to the operation of the school, including, but not limited to, budgeting, curriculum and operating procedures, subject to the school's charter. The board shall have the authority to employ, discharge and contract with necessary professional and nonprofessional employees subject to the school's charter and the provisions of this article.~~

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

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

~~(d) Board.~~

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

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

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

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

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

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

~~(2) A member of the board of trustees of a cyber charter school may not participate in the selection, award or~~



~~administration of any contract if the member has a conflict of interest as the term is defined in 65 Pa.C.S. § 1102 (relating to definitions).~~

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

~~(4) A member of the board of trustees of a cyber charter school or family member of a member of a board of trustees of a cyber charter school shall not, directly or through any other individual, entity, partnership or corporation in which the member holds stock or has a financial interest or other organization, provide a loan, forbearance or forgiveness of a loan or other debt, service or product or lease property to the cyber charter school.~~

~~(5) A member of the board of trustees of a cyber charter school who violates the provisions of 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.~~

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

~~(e) Compensation.— A member of the board of trustees of a cyber charter school shall not be compensated for duties on the board of trustees, except that the cyber charter school may reimburse the members for reasonable expenses incurred in the performance of their duties. A report detailing the reasons for and amounts of reimbursements paid to each member of the board~~



~~of trustees shall be made available upon request of any person,  
including in response to a request under the act of February 14,  
2008 (P.L.6, No.3), known as the Right to Know Law.~~

~~(f) Action.~~

~~(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 but the members present may adjourn to some  
stated time.~~

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

~~(g) Composition.~~

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

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



~~(3) A member of the board of trustees of a cyber charter school shall be automatically disqualified and immediately removed from the board of trustees upon conviction or upon a plea of guilty or nolo contendere 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, an offense listed in section 111(e) or any crime involving moral turpitude. A member of the board of trustees may also be removed from the board of trustees for violation of applicable laws, regulations and terms of the charter as well as any standards for board of trustees' performance established by the board of trustees.~~

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

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

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

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

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

~~Section 5. Sections 1741 A and 1742 A of the act are amended~~





1 ~~to read:~~

2 ~~Section 1741 A. Powers and duties of department.~~

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

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

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

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

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



~~school districts in which the students enrolled in the  
cyber charter school reside at the time of dissolution.~~

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

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

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

~~(4) Execute charters after approval.~~

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

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

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

~~(d) Form.~~

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

~~(i) The student's name, address of residence,~~



~~resident school district, telephone number, age, birth date, current grade level and the grade level in which the student is being enrolled. The cyber charter school shall be required to verify the student's residency within the school district of residence.~~

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

~~(iii) The date and grade the student will be enrolled.~~

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

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

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

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

~~(4) Nothing in this subsection shall be construed to prohibit a cyber charter school 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 cyber charter school.~~

~~Section 1742 A. Assessment and evaluation.~~

~~The department shall:~~

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

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

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

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

~~Section 1742.1 A. Annual Reports and Public Reporting.~~

~~(a) Department duties. The department shall:~~

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

~~(2) Conduct a comprehensive review prior to granting a renewal of the charter. This may include, but not be limited to, a review of academic performance, financial management,~~



~~audit results, governance and operation, and compliance with state and federal laws and regulations.~~

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

~~(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. 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.~~

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

~~(d) Annual audit. A cyber charter school 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 cyber charter school. The audit shall be conducted by a qualified independent~~



~~certified public accountant. The audit shall be presented at a public meeting of the board of trustees. The audit shall be conducted under generally accepted audit standards of the Governmental Accounting Standards Board and shall at a minimum include the following:~~

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

~~(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 cyber charter school, the educational management service provider and the 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 sections 751 and 807.1.~~

~~(7) Review of all board policies and procedures with regard to internal controls, codes of ethics, conflicts of interest, whistle blower protections; complaints from parents, guardians or the public; compliance with 65 Pa.C.S.~~



~~Ch. 7 (relating to open meetings); finances; budgeting; audits; public bidding; and bonding.~~

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

~~(f) Budget.~~

~~(1) A cyber charter school shall annually, not later than June 30 of each year, adopt and provide the department and any school district which has a student enrolled with a copy of the annual budget on a form prepared by the department, which shall require that the cyber charter school provide no more information than that provided by school districts pursuant to section 687.~~

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

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



~~available for public inspection using the uniform form prepared and furnished by the department.~~

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

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

~~(1) Annual budgets for the cyber charter school, as provided for in subsection (f), and charter school foundation for the most recent five school years, as available. A charter school foundation shall include in its annual budget the salaries of all employees of the charter school foundation.~~

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

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

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

~~Section 1742.2 A. Fund Balance Limits.~~





~~(a) Limitation. For the 2024-2025 school year and each school year thereafter a cyber charter school shall not accumulate an unassigned fund balance greater than 10% of its total budgeted expenditures.~~

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

~~(c) Information. By October 31, 2024, and by October 31 of each year thereafter, each cyber charter school shall provide the department and all school districts that paid tuition to the cyber charter school 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 cyber charter school's estimated ending unassigned fund balance expressed as a dollar amount and as a percentage of the cyber charter school's total budgeted expenditures for that school year.~~

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



~~trustees member, an employee, a staff member or a contractor or transfers the 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 cyber charter school in the prior school year, based upon the number of students for whom each school district paid tuition to the cyber charter school multiplied by the Statewide Cyber Charter School Tuition Rate under section 1725.1 A.~~

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

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

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

~~(a) Special financial requirements prohibited. A cyber charter school shall not:~~

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

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

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



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

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

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

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

~~(1) A copy of the charter.~~

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

24      ~~(11) Information on:~~

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

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

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



~~applicable.~~

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

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

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

~~(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 paper books;~~

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

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



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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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

~~(2) Within 30 days of the cyber charter school's request, the school district, intermediate unit, community college or institution 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 school district, intermediate unit, community college or institution.~~

~~(3) The school district, intermediate unit, community college or institution 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 or assessment schedule of the school district, intermediate unit, community college or institution.~~

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

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

~~Section 9. Section 1745-A of the act is amended to read: 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.~~



~~(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 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~~



1 ~~promulgated to replace 22 Pa. Code Ch. 4.~~

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

4 ~~(v) The extent to which the cyber charter school may~~  
5 ~~serve as a model for other public schools, including~~  
6 ~~other cyber charter schools.~~

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

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

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

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

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



1 ~~public hearing or [to approve or disapprove] denies the~~  
2 ~~[charter] application, the applicant may file its application as~~  
3 ~~an appeal to the appeal board pursuant to section 1746 A. The~~  
4 ~~appeal board shall provide notice of the appeal to the~~  
5 ~~department and may allow the department to be heard on the~~  
6 ~~application. If the department fails to respond within 30 days,~~  
7 ~~the appeal board shall review the application and make a~~  
8 ~~decision to approve or disapprove the charter based on the~~  
9 ~~criteria in subsection (f). An appeal must be filed no later~~  
10 ~~than 30 days following the date by which the department was~~  
11 ~~required to act on the application in accordance with subsection~~  
12 ~~(e) or (g), as applicable, or the date of mailing of the written~~  
13 ~~notice issued under subsection (f) (2).~~

14 ~~Section 10. The act is amended by adding sections to read:~~  
15 ~~Section 1745.1 A. Renewals.~~

16 ~~(a) General rule. A cyber charter school shall submit a~~  
17 ~~renewal application as provided under section 1747 A(b) with the~~  
18 ~~department by October 1 of the final year of the charter.~~

19 ~~(b) Action. The department shall, no later than 120 days~~  
20 ~~after receipt of a complete renewal application, act to renew or~~  
21 ~~not renew the charter. The department may, in its sole~~  
22 ~~discretion, hold a public hearing to discuss the renewal.~~

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

25 ~~(d) Renewal. Failure to adhere to subsection (b) shall~~  
26 ~~result in the charter being renewed in accordance with section~~  
27 ~~1745 A(f) (3).~~

28 ~~(e) Appeal. Unless otherwise provided in this article, a~~  
29 ~~cyber charter school that appeals a nonrenewal may continue~~  
30 ~~operating based on the terms and conditions contained in the~~



~~most recent charter pending the decision of the appeal board.~~

~~Section 1745.2 A. Charter amendments.~~

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

~~(b) Emergency. Notwithstanding the notice requirements of subsection (a), in the event of an emergency, 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 this section.~~

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

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

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

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



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

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

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

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

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

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

~~(f) Posting. Pursuant to subsection (d), the department shall post the model application and renewal application on its publicly accessible Internet website no later than August 1, 2023.~~

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

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

~~(i) Action. Within 180 days of the receipt by the~~



~~department of the charter amendment request, the department shall grant or deny the request. Written notice of the department's action shall be sent to the cyber charter school.~~

~~(j) Approval. If the amendment request is granted, the cyber charter school's written charter shall be supplemented or amended, as appropriate, to contain the provisions of the amendment request, and the amended charter shall be signed by the department and the president or chairperson of the cyber charter school's board of trustees. The amended charter, when duly signed, shall act as legal authorization of the operation of the cyber charter school in accordance with the amended charter. The amended charter shall be legally binding on the department and the cyber charter school and its board of trustees and shall be effective for the remainder of the term of the charter.~~

~~(k) Denial. If the amendment request is denied, the reasons for the denial, including a description of deficiencies in the amendment request, shall be clearly stated in the written notice sent by the department to the cyber charter school. The denial of an amendment pursuant to this section may be appealed to the appeal board in accordance with section 1746 A. The decision to deny the request shall not preclude the cyber charter school from revising and resubmitting a request for a charter amendment in the future in accordance with the procedures specified in this section to address any deficiencies in the previous request as identified by the department in its written notice denying the amendment request.~~

~~(l) Request. Notwithstanding subsection (a), a cyber charter school may request amendments to its approved written charter at the time of renewal. Charter amendment requests made~~



~~at the time of renewal shall be considered distinct requests that shall be subject to independent approval or denial by the department, in accordance with the provisions of this section.~~

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

~~"Material term." The following:~~

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

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

~~(3) Change in educational management service provider.~~

~~(4) Change to curriculum provider.~~

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

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

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

~~Section 1745.3 A. Causes for Nonrenewal, Revocation or Termination.~~

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

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

~~(2) (i) failure to meet the requirements for student performance set forth in 22 Pa. Code Ch. 4 (relating to~~





~~academic standards and assessment) or subsequent regulations promulgated to replace 22 Pa. Code Ch. 4;~~

~~(ii) failure to meet any performance targets set forth in the written charter signed pursuant to section 1745-A; or~~

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

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

~~(4) Violation of a provision of this article.~~

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

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

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

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

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

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

~~(8) Failure to timely comply with auditing requirements.~~



~~from which the cyber charter school has not been exempted.~~

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

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

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

~~(b) Notice. A notice of revocation or nonrenewal of a charter shall be in writing and state the grounds for the action with reasonable specificity and give reasonable notice to the board of trustees of the cyber charter school of the date on which a public hearing concerning the revocation or nonrenewal will be held. The department shall conduct the hearing, present evidence in support of the grounds for revocation or nonrenewal stated in its notice and give the cyber charter school reasonable opportunity to offer testimony before taking final action. Formal action revoking or not renewing a charter shall be taken by the department at a public meeting pursuant to 65 Pa.C.S. Ch. 7 (relating to open meetings) after the public has had 30 days to provide comments to the board. Within 60 days following the public meeting in which formal action is taken, the decision of the department revoking or not renewing a charter shall be provided to the cyber charter school in writing. Proceedings of the department pursuant to this subsection shall be subject to 2 Pa.C.S. Ch. 5 Subch. A (relating to practice and procedure of Commonwealth agencies).~~



~~Except as provided in subsection (c), the decision of the department shall not be subject to 2 Pa.C.S. Ch. 7 Subch. A (relating to judicial review of Commonwealth agency action).~~

~~(c) Appeal. A cyber charter school may appeal the decision of the department to revoke or not renew the charter to the appeal board. The appeal must be filed with the appeal board no later than 60 days following issuance by the department of its written decision under subsection (b). The appeal board shall have the exclusive review of a decision not to renew or revoke a charter. The appeal board shall review the record and shall have the discretion to supplement the record if the supplemental information was previously unavailable. The appeal board may consider the charter school plan, annual reports, and student performance in addition to the record. The appeal board shall determine whether the department's decision was arbitrary and capricious and specifically articulate its reasons for its findings in a written decision.~~

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

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

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

~~(2) The cyber charter school has failed to maintain the financial ability to provide services as required under this~~



subdivision.

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

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

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

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

~~Section 1746 A. State Charter School Appeal Board review.~~

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



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

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

~~(3) The revocation of a charter.~~

~~(4) An appeal under section 1745 A(h).~~

~~(5) The denial of an amendment application.~~

~~(b) Procedure. The appeal board shall:~~

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

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

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

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

~~(5) In the case of a decision by the department to revoke or deny renewal of a cyber school charter in accordance with section 1741 A(a)(3), make its decision based on section [1729 A(a)] 1745.3(a). A decision of the appeal board to reverse the decision of the department to not revoke~~



1 ~~or deny renewal of a charter shall serve as a requirement of~~  
2 ~~the department to not revoke or to not deny renewal of the~~  
3 ~~charter of the cyber charter school. The appeal board shall~~  
4 ~~specify its findings in a written decision. If the appeal~~  
5 ~~board determines that the charter should be revoked or not~~  
6 ~~renewed, the charter shall remain in effect until the end of~~  
7 ~~the school year or another time as the appeal board directs.~~

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

12 ~~(d) Review. All decisions of the appeal board shall be~~  
13 ~~subject to appellate review by the Commonwealth Court.~~

14 ~~Section 1747 A. Cyber charter school application.~~

15 ~~{In addition to the provisions of section 1719 A, an~~  
16 ~~application to establish a cyber charter school shall also~~  
17 ~~include the following:~~

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

22 ~~(2) The number of courses required for elementary and~~  
23 ~~secondary students.}~~

24 ~~(a) Application form. The department shall create and~~  
25 ~~publish a model application form, in electronic format, that an~~  
26 ~~applicant seeking to establish a cyber charter school shall, at~~  
27 ~~a minimum, complete as part of its application. The model~~  
28 ~~application form shall be transmitted to the Legislative~~  
29 ~~Reference Bureau for publication in the next available issue of~~  
30 ~~the Pennsylvania Bulletin and posted on the department's~~



~~publicly accessible Internet website. The model application form shall include all of the following information:~~

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

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

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

~~(4) The proposed governance structure of the cyber charter school, including a clear description of the method for the appointment or selection of members of the board of trustees, a copy of the articles of incorporation filed with the Department of State, a copy of the by laws, operating agreement or equivalent document adopted by the applicant for the general governance of the cyber charter school; and an organization chart clearly presenting the proposed governance structure of the cyber charter school, including lines of authority and reporting between the board of trustees, administrators, staff and any educational management service provider that will provide services to the cyber charter school.~~

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

~~(6) Standards for board of trustees' performance,~~



~~including compliance with applicable laws, regulations and terms of the charter.~~

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

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

~~(ii) Evidence that that the board of trustees has reviewed each service to be provided and determined, through competitive bidding or at least three (3) quotes for professional services, that each service to be provided by the educational management service provider is provided at fair market value.~~

~~(iii) The complete proposed contract or agreement between the cyber charter school and the educational management service provider 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 or agreement. The service contract or agreement shall provide for the following:~~

~~(I) An educational management service provider may not terminate the contract or~~





~~agreement without providing at least six (6) months' notice to the cyber charter school unless expressly agreed to by the board of trustees of the cyber charter school.~~

~~(II) An agreement or contract shall terminate upon closure of the cyber charter school unless the board of trustees of the cyber charter school and the educational management service provider agree in writing that the educational service provider will provide services related to the dissolution of the cyber charter school.~~

~~(C) Roles and responsibilities of the board of trustees, the cyber charter school staff and the educational management service provider. The board of trustees shall retain ultimate and actual authority for the operation of the school, and the school shall be independent of the educational management service provider.~~

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

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

~~(II) Each service provided by the educational management service provider shall be severable so that the board of trustees of the~~



~~cyber charter school may terminate or make  
revisions to one service without termination or  
revision by the educational management service  
provider of any other service, except by express  
agreement of the board of trustees of the cyber  
charter school.~~

~~(III) An educational management service  
provider may not provide business services to the  
cyber charter school if it is also providing  
other services to the cyber charter school under  
the contract or agreement unless the board of  
trustees has established procedures to ensure  
that individual payments to the educational  
management service provider are reviewed and  
authorized by an administrator of the cyber  
charter school and the board of trustees of the  
cyber charter school.~~

~~(E) Performance evaluation measures and  
timelines.~~

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

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

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



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

~~(iv) Disclosure and explanation of any existing or potential conflicts of interest between the members of the board of trustees of the cyber charter school or members of the board of trustees or directors of the charter school foundation and the proposed educational management service provider or any affiliated 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.).~~

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

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

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

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

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

~~(12) The financial plan for the cyber charter school,~~



~~including annual budgets for the first three years of operation of the cyber charter school, and the provisions which will be made for auditing the school under sections 437 and 1742.1 A, including the role of any charter school foundation.~~

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

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

~~(15) A description and address of any physical facilities in which the cyber charter school will be located or operating, including information related to each facility, its size, location, amenities, ownership, availability for lease or purchase, projected improvements and financing.~~

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

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

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

~~(19) A plan for satisfying the criminal history and child abuse clearance requirements and employment history~~



1 ~~reviews required by law.~~

2 ~~(20) Documentation that the cyber charter school~~  
3 ~~possesses and maintains adequate and appropriate insurance,~~  
4 ~~bond or other security for the cyber charter school and the~~  
5 ~~cyber charter school's board of trustees and employees to~~  
6 ~~prevent a cyber charter school's outstanding liabilities and~~  
7 ~~obligations from being imposed upon school entities or the~~  
8 ~~Commonwealth, or otherwise affect the rights, benefits or~~  
9 ~~remedies available to the students, parents or employees of~~  
10 ~~the cyber charter school. The department shall promulgate~~  
11 ~~final omitted regulations setting forth minimum security~~  
12 ~~requirements sufficient to guarantee payment of the cyber~~  
13 ~~charter school's liabilities in accordance with this article.~~

14 ~~(21) Policies regarding truancy, absences and withdrawal~~  
15 ~~of students, including the manner in which the cyber charter~~  
16 ~~school will monitor and enforce attendance and will comply~~  
17 ~~with the truancy provisions under Article XIII.~~

18 ~~(22) Whether or not the cyber charter school will seek~~  
19 ~~accreditation by a nationally recognized accreditation~~  
20 ~~agency, including the Middle States Association of Colleges~~  
21 ~~and Schools or another regional institutional accrediting~~  
22 ~~agency recognized by the United States Department of~~  
23 ~~Education or an equivalent federally recognized body for~~  
24 ~~charter school education.~~

25 ~~[(3)] (23) An explanation of the amount of [on-line]~~  
26 ~~online time required for elementary and secondary students.~~

27 ~~[(4)] (24) The manner in which teachers will deliver~~  
28 ~~instruction, assess academic progress and communicate with~~  
29 ~~students to provide assistance.~~

30 ~~[(5)] (25) A specific explanation of any cooperative~~



1 ~~learning opportunities, meetings with students, parents and~~  
2 ~~guardians, field trips or study sessions.~~

3 ~~[(6)] (26) The technology, including types of hardware~~  
4 ~~and software, equipment and other materials which will be~~  
5 ~~provided by the cyber charter school to the student.~~

6 ~~[(7)] (27) A description of how the cyber charter school~~  
7 ~~will define and monitor a student's school day, including the~~  
8 ~~delineation of [on line] online time and [off line time] for~~  
9 ~~independent coursework.~~

10 ~~[(8)] (28) A description of commercially prepared~~  
11 ~~standardized achievement tests that will be used by the cyber~~  
12 ~~charter school in addition to the Pennsylvania System of~~  
13 ~~School Assessment test and Keystone Exams, including the~~  
14 ~~grade levels that will be tested and how the data collected~~  
15 ~~from the tests will be used to improve instruction.~~

16 ~~[(9)] (29) The technical support that will be available~~  
17 ~~to students and parents or guardians.~~

18 ~~[(10)] (30) The privacy and security measures to ensure~~  
19 ~~the confidentiality of data gathered online.~~

20 ~~[(11)] The level of anticipated enrollment during each~~  
21 ~~school year of the proposed charter, including expected~~  
22 ~~increases due to the addition of grade levels.~~

23 ~~[(12)] (31) The methods to be used to [insure] ensure the~~  
24 ~~authenticity of student work and adequate proctoring of~~  
25 ~~examinations.~~

26 ~~[(13)] (32) The provision of education and related~~  
27 ~~services to students with disabilities, including evaluation~~  
28 ~~and the development and revision of individualized education~~  
29 ~~programs.~~

30 ~~[(14)] Policies regarding truancy, absences and~~



~~withdrawal of students, including the manner in which the  
cyber charter school will monitor attendance consistent with  
the provisions of section 1715-A(9).~~

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

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

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

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

~~(a.2) Extracurricular activity. Notwithstanding any  
provision to the contrary, a school district of residence may  
not prohibit a student of a cyber charter school from  
participating in any extracurricular activity of the school  
district of residence if the student is able to fulfill the  
requirements of participation in the activity and the charter  
school does not provide the same extracurricular activity. The  
school district of residence may charge the cyber charter school  
a reasonable amount for a cyber charter school student's  
participation in the school district's extracurricular activity,  
which may not exceed the actual cost incurred by the school  
district for participation by its students in the activity. A  
cyber charter school student may not be required to pay any  
costs not also paid by a student enrolled in the school district  
for participation in the extracurricular activity.~~

~~(b) General form. The department shall create and publish a~~



~~model renewal application form, in electronic format, that a  
cyber charter school seeking renewal of its charter shall, at a  
minimum, complete as part of its renewal application. The form  
shall be submitted to the Legislative Reference Bureau for  
publication in the next available issue of the Pennsylvania  
Bulletin and posted on the department's publicly accessible  
Internet website. The form shall include:~~

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

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

~~(3) Other information deemed necessary by the  
department.~~

~~(c) Review. The department shall review the model  
application and renewal application forms at least every three  
years with feedback and input from stakeholders and revise the  
application forms as needed.~~

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

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

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

~~Section 1748 A. Enrollment and notification.~~





~~(a) Notice to school district.~~

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

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

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

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

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

~~(iv) A school district that has notified the cyber~~



1 ~~charter school that it does not agree with the cyber~~  
2 ~~charter school's determination under subparagraph (iii)~~  
3 ~~shall appeal to the department for a final determination.~~

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

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

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

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

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

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

23 ~~(3) The date the student will be enrolled.~~

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

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

29 ~~(b) Notification. The notification required under~~  
30 ~~subsection (a) shall include:~~



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

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

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

~~(d) Nonrenewal or termination. Upon notification of the nonrenewal or termination of a charter under section 1745.3 A, a cyber charter school may not enroll new students unless the cyber charter school files an appeal to the appeal board under section 1746 A. Upon a vote by a cyber charter school's board of trustees to close the school, the cyber charter school may not enroll new students and shall provide notice to the parents and guardians of students enrolled of the decision, a timeframe for the school's closure and information on enrolling in another public school.~~

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

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

~~(b) Limitation. Notwithstanding subsection (a), a cyber charter school designated as a Comprehensive Support and Improvement school under the Every Student Succeeds Act (Public Law 114-95, 129 Stat. 1802) or an equivalent building level designation under its successor Federal statute shall not be~~



~~eligible to expand the cyber charter school's enrollment by more than 10% of the enrollment as reported by the cyber charter school on the date on which the cyber charter school was designated. The limitation under this subsection shall remain in place until the cyber charter school exits the designation.~~

~~Section 1748.2 A. Enrollee Wellness Checks.~~

~~(a) Requirements. A cyber charter school shall at least once during any week consisting of at least three full or partial days of academic instruction, ensure that each enrolled student is able to be visibly seen and communicated with in real time by a teacher, administrator or other representative of the cyber charter school either in person or via electronic means in order to ensure the well being of the student and verify participation in the educational program. The requirement under this subsection may be satisfied by students turning on a webcam during synchronous online instruction.~~

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

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

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

~~(1) Sections 108, 110, 111, 321, 325, 326, 327, 431, 436, 443, 510, 518, 527, 708, 752, 753, 755, 771, 776, 777, 807.1, 808, 809, 810, 1109, 1111, 1112(a), 1205.1, 1205.2, 1301, 1302, 1310, 1317.2, 1318, 1326, 1327, 1327.2, 1329, 1330, 1332, 1333, 1333.1, 1333.2, 1333.3, 1341, 1342, 1343,~~



~~1344, 1345, 1372(8), 1303 A, 1518, 1521, 1523, 1531, 1547,  
1702 A, 1703 A, 1714 A, [1715 A, 1716 A,] 1716.1 A, [1719 A,]  
1721 A, 1722 A, 1723 A(a) and (b), 1724 A, [1725 A] 1725 A(a)  
(5), (a)(6), (d) and (e), 1725.1 A, 1727 A, 1729 A, 1730 A,  
1731 A(a)(1) and (b) [and], 2014 A and 2552 and Articles  
XI(c.1), XII A, XIII A and XIV. ((1) amended Oct. 29, 2020,  
P.L.722, No.84)~~

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

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

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

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

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

~~(b) Regulations. Cyber charter schools shall be subject to~~



1 ~~the following provisions of 22 Pa. Code (relating to education):~~

2 ~~(1) Chapter 4 (relating to academic standards and~~  
3 ~~assessment).~~

4 ~~(2) Chapter 11 (relating to pupil attendance).~~

5 ~~(3) Chapter 12 (relating to students).~~

6 ~~(3.1) Chapter 16 (relating to special education for~~  
7 ~~gifted students).~~

8 ~~(3.2) Chapter 19 (relating to educator effectiveness~~  
9 ~~rating tool).~~

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

11 ~~(5) Section 121.3 (relating to discrimination~~  
12 ~~prohibited).~~

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

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

15 ~~(7.1) Section 339.31 (relating to plan).~~

16 ~~(7.2) Section 339.32 (relating to services).~~

17 ~~(8) Chapter 711 (relating to charter school services and~~  
18 ~~programs for children with disabilities).~~

19 ~~[(c) Existing charter schools.~~

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

25 ~~(2) In addition to subsections (a) and (b), the~~  
26 ~~following provisions of this subdivision shall apply to a~~  
27 ~~charter school approved under section 1717-A or 1718-A which~~  
28 ~~provides instruction through the Internet or other electronic~~  
29 ~~means:~~

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



~~(ii) Section 1744 A.~~

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

~~Section 14. This act shall take effect immediately.~~

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.



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

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

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

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

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

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

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

29 (3) for a cyber charter school, the aid ratio and market  
30 value/income aid ratio shall be that of the school district in





1 which the administrative offices of the cyber charter school are  
2 located.

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

5 "Assessment" shall mean the Pennsylvania System of School  
6 Assessment test, the Keystone Exam or another test established  
7 or approved by the State board or the General Assembly to meet  
8 the requirements of section 2603-B or 2604-B or 22 Pa. Code §  
9 4.51 (relating to State assessment system) or required under the  
10 Every Student Succeeds Act (Public Law 114-95, 129 Stat. 1802)  
11 or its successor Federal statute.

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

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

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

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

28 "Charter school foundation" shall mean a nonprofit  
29 organization under section 501(c)(3) of the Internal Revenue  
30 Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)), that



1 provides funding, resources or otherwise serves to support a  
2 charter school entity, either directly or through an affiliated  
3 entity.

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

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

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

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

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

29 "Family member" shall mean a parent, stepparent, child,  
30 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.



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

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

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

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

19 (9.1) (i) A cyber charter school shall electronically  
20 distribute on a semi-annual basis to administrators, trustees,  
21 employees, staff and parents and guardians of students of the  
22 cyber charter school, a single-page document provided by the  
23 Office of State Inspector General that describes the following:

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

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

28 (C) The statutory protections that no person may take or  
29 threaten to take action against an employee as a reprisal for  
30 making a complaint or disclosing information to the Office of



1 State Inspector General, except if the complaint was made or the  
2 information was disclosed with the knowledge that the complaint  
3 or information was false or with willful disregard for the truth  
4 or falsity of the complaint or information.

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

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

13 (i) The following provisions of this act:

14 (A) Sections 751 and 751.1.

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

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

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

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

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

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

28 (12) A person who serves as an administrator for a charter  
29 school shall not receive compensation from another charter  
30 school or from a company that provides management or other



1 services to another charter school. The term "administrator"  
2 shall include the chief executive officer of a charter school  
3 and all other employees of a charter school who by virtue of  
4 their positions exercise management or operational oversight  
5 responsibilities. A person who serves as an administrator for a  
6 charter school shall be a public official under 65 Pa.C.S. Ch.  
7 11 (relating to ethics standards and financial disclosure). A  
8 violation of this clause shall constitute a violation of 65  
9 Pa.C.S. § 1103(a) (relating to restricted activities), and the  
10 violator shall be subject to the penalties imposed under the  
11 jurisdiction of the State Ethics Commission.] for the purposes  
12 of 65 Pa.C.S. Ch. 11 (relating to ethics standards and financial  
13 disclosure) and shall file a statement of financial interests  
14 for the preceding calendar year with the State Ethics Commission  
15 and either the local board of school directors in the case of a  
16 charter school or regional charter school, or the department in  
17 the case of a cyber charter school, not later than May 1 of each  
18 year that members hold the position and of the year after a  
19 member leaves the position. All members of the board of trustees  
20 of a charter school entity shall take the oath of office as  
21 required under section 321 before entering upon the duties of  
22 their office.

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

30 (c) (1) No individual who serves as an administrator for a



1 charter school entity may receive compensation from another  
2 charter school entity or from an educational management service  
3 provider, unless:

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

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

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

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

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

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

30 (iii) Any contract made in violation of this clause shall be





1 voidable by the board of trustees of the charter school entity.

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

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

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

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

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

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

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



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

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

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

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

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

25     (c) The board of trustees shall comply with [the act of July  
26 3, 1986 (P.L.388, No.84), known as the "Sunshine Act."] 65  
27 Pa.C.S. Ch. 7 (relating to open meetings).

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



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

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

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

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

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



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

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

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

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

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

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

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

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

29     (h) A charter school entity may be subject to an annual  
30 audit by the Auditor General, in addition to any other audits



1 required by Federal law or this act.

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

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

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

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

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

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

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

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

30 Section 4. Sections 1717-A(c), (d), (e) and (f), 1719-A and



1 1720-A of the act are amended to read:

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

3 (c) An application to establish a charter school shall be  
4 submitted to the local board of school directors of the district  
5 where the charter school will be located by [November 15]  
6 October 1 of the school year preceding the school year in which  
7 the charter school will be established except that for a charter  
8 school beginning in the 1997-1998 school year, an application  
9 must be received by July 15, 1997. In the 1997-1998 school year  
10 only, applications shall be limited to recipients of fiscal year  
11 1996-1997 Department of Education charter school planning  
12 grants.

13 (d) Within forty-five (45) days of receipt of an  
14 application, the local board of school directors in which the  
15 proposed charter school is to be located shall hold at least one  
16 public hearing on the provisions of the charter application,  
17 under [the act of July 3, 1986 (P.L.388, No.84), known as the  
18 "Sunshine Act." ] 65 Pa.C.S. Ch. 7 (relating to open meetings).  
19 At least forty-five (45) days must transpire between the first  
20 public hearing and the final decision of the board on the  
21 charter application except that for a charter school beginning  
22 in the 1997-1998 school year, only thirty (30) days must  
23 transpire between the first public hearing and the final  
24 decision of the board.

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



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

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

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

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

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

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

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

28 (5) Written notice of the board's action shall be sent to  
29 the applicant, the department and the appeal board. If the  
30 application is denied, the reasons for the denial, including a



1 description of deficiencies in the application, shall be clearly  
2 stated in the notice sent by the local board of school directors  
3 to the charter school applicant.

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

22 \* \* \*

23 Section 1719-A. Contents of Application.--[An] (a) The  
24 department shall create a standard application form for charter  
25 school applicants seeking to establish a charter school entity  
26 and a standard application form for existing charter school  
27 entities seeking renewal of their charters. The department shall  
28 transmit notice of the forms to the Legislative Reference Bureau  
29 for publication in the next available issue of the Pennsylvania  
30 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.



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

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

6 (B) The proposed duration of the service contract.

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

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

11 (E) Performance evaluation measures and timelines.

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

15 (G) Methods of contract oversight and enforcement.

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

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

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

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

30 (6) The admission and enrollment policy [and criteria for



1 evaluating the admission of students] which shall comply with  
2 the requirements of section 1723-A.

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

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

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

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

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

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

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

24 (14) Whether any agreements have been entered into or plans  
25 developed with the local school district regarding participation  
26 of the charter school entity students in extracurricular  
27 activities within the school district. Notwithstanding any  
28 provision to the contrary, no school district of residence shall  
29 prohibit a student of a charter school entity from participating  
30 in any extracurricular activity of that school district of



1 residence: Provided, That the student is able to fulfill all of  
2 the requirements of participation in such activity and the  
3 charter school entity does not provide the same extracurricular  
4 activity.

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

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

21 (17) How the charter school entity will provide adequate  
22 liability and other appropriate insurance for the charter school  
23 entity, its employees and the board of trustees of the charter  
24 school entity.

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

29 (19) Indicate whether the charter school entity will seek  
30 accreditation by a nationally recognized accreditation agency,



1 including the Middle States Association of Colleges and Schools  
2 or another regional institutional accrediting agency recognized  
3 by the United States Department of Education or an equivalent  
4 federally recognized body for charter school education.

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

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

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

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

27 (3) Prior to the State board approving any revisions, timely  
28 and meaningful consultation with the chair and minority chair of  
29 the Education Committee of the Senate and the chair and minority  
30 chair of the Education Committee of the House of



1 Representatives, with the opportunity for input, must be given.  
2 The department shall present the proposed revisions at a joint  
3 hearing of the Education Committee of the Senate and the  
4 Education Committee of the House of Representatives, if  
5 requested, within 60 days of submission of public comments and  
6 the transcript of the public hearing under paragraph (2).

7 Section 1720-A. Term and Form of Charter.--(a) Upon  
8 approval of a charter application under section 1717-A, a  
9 written charter shall be developed which shall contain the  
10 provisions of the standard charter application under section  
11 1719-A and which shall be signed by the local board of school  
12 directors [of a school district], by the local boards of school  
13 directors [of a school district] in the case of a regional  
14 charter school or by the chairman of the appeal board pursuant  
15 to section [1717-A(i)(5)] 1717-A(i)(9) and the board of trustees  
16 of the charter school or regional charter school. This written  
17 charter, when duly signed by the local board of school directors  
18 [of a school district, or], by the local boards of school  
19 directors [of a school district] in the case of a regional  
20 charter school or by the chairman of the appeal board, and the  
21 charter school or regional charter school's board of trustees,  
22 shall act as legal authorization for the establishment of a  
23 charter school or regional charter school. This written charter  
24 shall be legally binding on both the local board of school  
25 directors [of a school district] and the charter school or  
26 regional charter school's board of trustees. [Except as  
27 otherwise provided in subsection (b), the charter shall be for a  
28 period of no less than three (3) nor more than five (5) years  
29 and may be renewed for five (5) year periods upon  
30 reauthorization by the local board of school directors of a



1 school district or the appeal board.] If the charter school or  
2 regional charter school contracts with an educational management  
3 service provider, a contract shall be executed when the charter  
4 is approved. A charter will be granted only for a school  
5 organized as a public, nonprofit corporation.

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

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

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

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

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

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

30 (d) (1) A charter school or regional charter school shall



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

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

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

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

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

23 (a.1) Notwithstanding the notice requirements of subsection  
24 (a), in the event of the impossibility of a charter school's or  
25 regional charter school's compliance with the terms of a charter  
26 due to its inability to acquire services or products outlined in  
27 a charter or facility damage, the charter school or regional  
28 charter school shall immediately notify the local board of  
29 school directors of the necessity for an emergency amendment,  
30 which shall be effective immediately as a temporary amendment





1 pending completion of the processes set forth in subsections (b)  
2 and (c).

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

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

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

21 (d) (Reserved).

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

27 (f) A charter school or regional charter school which has no  
28 restrictions on enrollment expansion shall notify the local  
29 board of school directors if it intends to expand enrollment by  
30 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.



1 For purposes of this section, an "emergency" shall mean a  
2 manmade or natural disaster, including, but not limited to,  
3 damage to a school building, another circumstance rendering a  
4 school building unfit or unsafe for use, a disease epidemic or a  
5 hazardous weather condition. If another emergency arises that  
6 requires expanded enrollment or a change in facility, the  
7 charter school or regional charter school must consult with the  
8 authorizing school district or school districts.

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

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

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

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

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

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

30 (iii) Below fair market value, upon the mutual agreement of



1 the school entity and the charter school entity.

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

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

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

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

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

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

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

26 (d) [Notwithstanding any other provision of this act, a  
27 school district of the first class may, in its discretion,  
28 permit a charter school to operate its school at more than one  
29 location.] A charter school or regional charter school may  
30 operate the school at more than one location within the district.



1 that authorized the charter, as long as expressly permitted by  
2 the terms of its charter.

3 \* \* \*

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

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

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

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

27 (4) Any facilities rental fee charged to the cyber charter  
28 school and the payment thereof shall be in compliance with the  
29 facility rental policy of the intermediate unit, school  
30 district, community college or institution under Article XX-A



1 that applies generally to all organizations and community  
2 groups.

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

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

8 Section 1723-A. [Enrollment] Admission and Enrollment  
9 Requirements.--(a) (1) All resident children in this

10 Commonwealth who submit a completed enrollment form in  
11 accordance with clauses (3) and (4) qualify for admission to a  
12 charter school entity within the provisions of subsection (b).

13 [If] In the case of a charter school or regional charter school,  
14 if more students apply to the charter school or regional charter  
15 school than the number of attendance slots available in the  
16 school, then students must be selected on a random basis from a  
17 pool of [qualified applicants meeting the established

18 eligibility criteria and submitting an application] eligible  
19 applicants who have submitted an enrollment form in accordance

20 with clauses (3) and (4) by the deadline established by the  
21 charter school or regional charter school, except that the  
22 charter school or regional charter school may give preference in  
23 enrollment to a child of a parent who has actively participated  
24 in the development of the charter school [and] or regional  
25 charter school, to siblings of students presently enrolled in  
26 the charter school or regional charter school and to siblings of  
27 students selected for enrollment during the lottery process.

28 First preference shall be given to students who reside in the  
29 district or districts[.] in which the charter school is  
30 physically located or in which the regional charter school is



1 chartered.

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

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

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

30 (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





1 other basis that would be illegal if used by a school district.

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

14 \* \* \*

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

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



1 must immediately stop enrolling new students.

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

3 Section 1727-A. [Tort Liability] Liability and Security.--

4 (a) For purposes of tort liability, employes of the charter  
5 school shall be considered public employes and the board of  
6 trustees shall be considered the public employer in the same  
7 manner as political subdivisions and local agencies. The board  
8 of trustees of a charter school and the charter school shall be  
9 solely liable for any and all damages of any kind resulting from  
10 any legal challenge involving the operation of a charter school.  
11 Notwithstanding this requirement, the local board of directors  
12 of a school entity shall not be held liable for any activity or  
13 operation related to the program of the charter school.

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

22 (2) The insurance, bond or other security shall provide  
23 coverage for educational services and fees and costs incurred by  
24 a charter school and prevailing parties under the Individuals  
25 with Disabilities Education Act (Public Law 91-230, 20 U.S.C. §  
26 1400 et seq.), section 504 of the Rehabilitation Act of 1973  
27 (Public Law 93-112, 29 U.S.C. § 701 et seq.) and related Federal  
28 or State laws, salary and wage payments due to employes,  
29 employer and employe contributions for the Pennsylvania School  
30 Employees Retirement System and other retirement programs



1 offered to employees, medical and other health insurance benefits  
2 offered to employees, workers compensation, unemployment  
3 compensation and taxes and other liabilities to Federal, State  
4 and local tax agencies, school district overpayments under  
5 section 1725-A and other liabilities reasonably connected to the  
6 charter school's operations.

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

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

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

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

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

30 Maximum Unassigned Fund



<u>Charter School Entity</u>	<u>Balance as Percentage of</u>
<u>Total Budgeted Expenditures</u>	<u>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



1 budgeted expenditures for that school year.

2 (4) Unassigned funds of the charter school entity in excess  
3 of the unassigned fund balance limit may not be used to pay  
4 bonuses to any administrator, board of trustees member, employe,  
5 staff member or contractor and may not be transferred to a  
6 charter school foundation. If a charter school entity uses funds  
7 in excess of the unassigned fund balance limit to pay bonuses to  
8 any administrator, board of trustees member, employe, staff  
9 member or contractor or transfers such funds to a charter school  
10 foundation, the value of the bonus payment or fund transfer  
11 shall be refunded on a pro rata basis to all school districts  
12 that paid tuition to the charter school entity in the prior  
13 school year, based upon the number of students for whom each  
14 school district paid tuition to the charter school entity  
15 multiplied by the school district's per student payment under  
16 section 1725-A.

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

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

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

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

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

29 \* \* \*

30 (e) Students.--For each student enrolled, a cyber charter



1 school shall:

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

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

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

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

16 \* \* \*

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

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

22 \* \* \*

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

26 \* \* \*

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

28 (a) Establishment.--A cyber charter school may be  
29 established by an individual; one or more teachers who will  
30 teach at the proposed cyber charter school; parents or guardians



1 of students who will enroll in the cyber charter school; a  
2 nonsectarian college, university or museum located in this  
3 Commonwealth; a nonsectarian corporation not-for-profit as  
4 defined in 15 Pa.C.S. § 5103 (relating to definitions); a  
5 corporation, association or partnership; or any combination of  
6 the foregoing. Section 1327.1 shall not apply to a cyber charter  
7 school established under this subdivision.

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

11 (b.1) Local board of school directors or intermediate  
12 unit.--

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

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

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

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

29 (e) Grant or denial.--Within 120 days of receipt of an  
30 application, the department shall grant or deny the application.



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

8 (f) Evaluation criteria.--

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

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

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

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

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

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

28 (2) Written notice of the action of the department shall  
29 be sent by certified mail to the applicant and published on  
30 the department's [World Wide Web site] publicly accessible





1 Internet website. If the application is denied, the reasons  
2 for denial, including a description of deficiencies in the  
3 application, shall be clearly stated in the notice.

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

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

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

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

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

28 [(4)] (5) The decision of the department to deny an  
29 application may be appealed to the appeal board.

30 (6) (i) Subject to subparagraph (ii), a cyber charter



1 school may request amendments to its approved written  
2 charter by filing with the department a written document  
3 describing the requested amendment no later than October  
4 15 of the school year prior to the school year in which  
5 the amendment would take effect.

6 (ii) Notwithstanding the notice requirements of  
7 subparagraph (i), in the event of the impossibility of a  
8 cyber charter school's compliance with the terms of a  
9 charter due to its inability to acquire services or  
10 products outlined in a charter or facility damage, the  
11 cyber charter school shall immediately notify the  
12 department of the necessity for an emergency amendment,  
13 which shall be effective immediately as a temporary  
14 amendment pending completion of the processes set forth  
15 in paragraphs (7) and (8).

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

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

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



1 trustees of the cyber charter school.

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

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

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

17 Section 11. This act shall take effect as follows:

18 (1) The addition of section 130 of the act shall take  
19 effect in six months.

20 (2) This section shall take effect immediately.

21 (3) The remainder of this act shall take effect in 60  
22 days.

