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 terms and courses of study, further providing for agreements with institutions of higher education; in opportunities for educational excellence, further providing for definitions and for concurrent enrollment agreements; and extensively revising and adding charter school provisions. IN PRELIMINARY PROVISIONS, FURTHER PROVIDING FOR CRIMINAL HISTORY OF EMPLOYEES AND PROSPECTIVE EMPLOYEES AND CONVICTION OF CERTAIN OFFENSES AND FOR KEYSTONE EXAMS; PROVIDING FOR POWERS AND DUTIES OF THE SECRETARY OF EDUCATION; IN DUTIES AND POWERS OF BOARDS OF SCHOOL DIRECTORS, PROVIDING FOR PUBLICATION OF POLICIES; PROVIDING FOR POWERS AND DUTIES OF THE SECRETARY OF EDUCATION; PROVIDING FOR SCHOOL WATCH, AND FOR STATE OPPORTUNITY SCHOOLS; IN GROUNDS AND BUILDINGS, PROVIDING FOR POSTING OF INFORMATION AND FURTHER PROVIDING FOR LIMITATIONS ON APPROVAL OF PUBLIC SCHOOL BUILDING PROJECTS; AND ESTABLISHING THE PUBLIC SCHOOL BUILDING CONSTRUCTION AND RECONSTRUCTION ADVISORY COMMITTEE; IN PROFESSIONAL EMPLOYEES; FURTHER PROVIDING FOR PAYMENT OF SALARIES IN CASES OF SICKNESS, INJURY OR DEATH; IN CERTIFICATION OF TEACHERS, FURTHER PROVIDING FOR GRANTING PROVISIONAL COLLEGE CERTIFICATES AND PROVIDING FOR PROVISIONAL VOCATIONAL EDUCATION; IN PUPILS AND ATTENDANCE, FURTHER PROVIDING FOR EDUCATION AND TRAINING OF EXCEPTIONAL CHILDREN; AND FOR COST OF TUITION AND MAINTENANCE OF CERTAIN EXPECTATIONAL CHILDREN IN APPROVED INSTITUTIONS; IN SCHOOL HEALTH SERVICES, FURTHER PROVIDING FOR DEFINITIONS; PROVIDING FOR EDUCATION OF SCHOOL EMPLOYEES IN DIABETES CARE AND MANAGEMENT, FOR DIABETES CARE IN SCHOOLS, FOR POSSESSION
AND USE OF DIABETES MEDICATION AND MONITORING EQUIPMENT, FOR LIABILITY, FOR COORDINATING, SUPERVISING OR EDUCATING NOT CONSIDERED DELEGATION AND FOR DIABETES CARE IN NONPUBLIC SCHOOLS; IN TERMS AND COURSES OF STUDY, FURTHER PROVIDING FOR AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION; IN EDUCATION SUPPORT SERVICES AND EDUCATIONAL ASSISTANCE PROGRAMS, PROVIDING FOR SUPPLEMENTAL ONLINE MATHEMATICS SUPPORT; IN OPPORTUNITIES FOR EDUCATIONAL EXCELLENCE, FURTHER PROVIDING FOR DEFINITIONS, FOR RESPONSIBILITIES OF SCHOOL ENTITIES AND FOR CONCURRENT ENROLLMENT AGREEMENTS; IN CHARTER SCHOOLS, EXTENSIVELY REVISING AND ADDING CHARTER SCHOOL PROVISIONS; IN VOCATIONAL EDUCATION, FURTHER PROVIDING FOR VOCATIONAL EDUCATION EQUIPMENT GRANTS; IN COMMUNITY COLLEGES, FURTHER PROVIDING FOR ELECTION OR APPOINTMENT AND TERM AND ORGANIZATION OF BOARD OF TRUSTEES, FINANCIAL PROGRAM AND PAYMENT REIMBURSEMENT; IN DISRUPTIVE STUDENT PROGRAMS, FURTHER PROVIDING FOR APPLICATIONS; IN PRIVATE ALTERNATIVE EDUCATION INSTITUTIONS FOR DISRUPTIVE STUDENTS, FURTHER PROVIDING FOR CONTRACTS WITH PRIVATE ALTERNATIVE EDUCATION INSTITUTIONS; PROVIDING FOR RURAL REGIONAL COLLEGE FOR UNDERSERVED COUNTIES; IN FUNDING FOR PUBLIC LIBRARIES, PROVIDING FOR STATE AID FOR FISCAL YEAR 2015-2016; IN REIMBURSEMENTS BY COMMONWEALTH AND BETWEEN SCHOOL DISTRICTS, PROVIDING FOR STUDENT-WEIGHTED BASIC EDUCATION FUNDING, FOR TRANSITION TO STUDENT-WEIGHTED BASIC EDUCATION FUNDING FOR 2014-2015 SCHOOL YEAR AND FOR CAREER AND TECHNICAL EDUCATION CAREER PREPARATION; FURTHER PROVIDING FOR PAYMENTS TO INTERMEDIATE UNITS, FOR SPECIAL EDUCATION PAYMENTS TO SCHOOL DISTRICTS AND FOR EXTRAORDINARY SPECIAL EDUCATION PROGRAM EXPENSES; REPEALING PROVISIONS RELATING TO SPECIAL EDUCATION FUNDING FOR ELIGIBLE STUDENTS WITH DISABILITIES IN COST CATEGORY 3; FURTHER PROVIDING FOR ASSISTANCE TO SCHOOL DISTRICTS DECLARED TO BE IN FINANCIAL RECOVERY STATUS OR IDENTIFIED FOR FINANCIAL WATCH STATUS; PROVIDING FOR REIMBURSEMENT FOR SCHOOL DISTRICTS NOT SUBMITTING REQUIRED DOCUMENTATION, FOR PUBLIC SCHOOL BUILDING LEASE AND DEBT SERVICE REIMBURSEMENTS FOR FISCAL YEAR 2015-2016 AND FOR READY-TO-LEARN BLOCK GRANTS; PROVIDING FOR SCHOOL DISTRICT DEBT REFINANCING BONDS; IN THE STATE BOARD OF EDUCATION, FURTHER PROVIDING FOR POWERS AND DUTIES OF THE BOARD; AND REPEALING PROVISIONS OF THE FISCAL CODE RELATING TO RURAL REGIONAL COLLEGE FOR UNDERSERVED COUNTIES.

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

Section 1. Section 1525 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, added July 4, 2004 (P.L.536, No.70), is amended to read:

Section 1525. Agreements with Institutions of Higher Education. Notwithstanding any other provision of law to the contrary, a school district, charter school, regional charter school, cyber charter school or area vocational technical school...
may enter into an agreement with one or more institutions of
higher education approved to operate in this Commonwealth in
order to allow [resident] students to attend such institutions
of higher education while the [resident] students are enrolled
in the school district, charter school, regional charter school,
cyber charter school or area vocational technical school. The
agreement may be structured so that high school students may
receive credits toward completion of courses at the school-
district, charter school, regional charter school, cyber charter
school or area vocational technical school and at institutions
of higher education approved to operate in this Commonwealth.

Section 2. The definitions of "concurrent student" and
"school entity" in section 1602-B of the act, added July 13,
2005 (P.L.226, No.46), are amended to read:

Section 1602-B. Definitions.
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:

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"Concurrent student." A student who is enrolled in a school-
district, a charter school, a regional charter school, a cyber-
charter school, an area vocational-technical school, a nonpublic-
school, a private school or a home education program under
section 1327.1 and who takes a concurrent course through a
concurrent enrollment program.

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"School entity." A school district, a charter school, a
regional charter school, a cyber charter school or an area-
vocational-technical school.

***
Section 3. Section 1613-B of the act is amended by adding a subsection to read:

Section 1613-B. Concurrent enrollment agreements.

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(c) Charter schools, regional charter schools and cyber charter schools. Charter schools, regional charter schools and cyber charter schools shall have the power and authority to enter into a concurrent enrollment agreement with an institution of higher education, and appropriate credit shall be awarded to students concurrently enrolled under the agreement.

Section 4. Section 1703-A of the act, amended June 29, 2002 (P.L.524, No.88), is amended to read:

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

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

"Assessment" shall mean the Pennsylvania System of School Assessment test, the Keystone Exam or another test established by the State board to meet the requirements of section 2603-B(d)(10)(i) and required under the No Child Left Behind Act of 2001 (Public Law 107-110, 115 Stat. 1425) or its successor Federal statute.
"At-risk student" shall mean a student at risk of educational failure because of limited English proficiency, poverty, community factors, truancy, academic difficulties or economic disadvantage.

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

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

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

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

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

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

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

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

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

"Immediate family member" shall mean a parent, spouse, child, brother or sister.

"Local board of school directors" shall mean the board of directors, School Reform Commission 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 an immediate 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 vocational technical school.

"School performance profile" shall mean the Pennsylvania School Performance Profile developed by the department under section 1123.

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

Section 1704-A. Charter School Funding Advisory Commission.--(1) The chairman of the State board shall immediately convene a Statewide advisory commission, to be known as the Charter A CHARTER School Funding Advisory Commission, to ES ESTABLISHED. THE COMMISSION SHALL examine the financing of charter school entities in the public education system and related issues. The commission shall examine how charter school entity finances affect opportunities for teachers, parents, pupils and community members to establish and maintain schools that operate independently from the existing school district structure as a method to accomplish the requirements of section...
1702-A. The department GENERAL ASSEMBLY shall provide administrative support, meeting space and any other assistance required by the commission to carry out its duties under this section.

(2) The commission shall consist of the following members:

(i) Four members of the Senate appointed by the President pro tempore of the Senate, in consultation with the Majority Leader of the Senate and the Minority Leader of the Senate, with two appointees from the majority party, ONE OF WHOM SHALL BE THE MAJORITY CHAIRMAN OF THE EDUCATION COMMITTEE OF THE SENATE, and two appointees from the minority party.

(ii) Four members of the House of Representatives appointed by the Speaker of the House of Representatives, in consultation with the Majority Leader of the House of Representatives and the Minority Leader of the House of Representatives, with two appointees from the majority party, ONE OF WHOM SHALL BE THE MAJORITY CHAIRMAN OF THE EDUCATION COMMITTEE OF THE HOUSE OF REPRESENTATIVES, and two appointees from the minority party.

(iii) The secretary or a designee.

(iv) The chairman of the State board or a designee. AN AT-LARGE MEMBER CHOSEN BY THE GOVERNOR, THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

(v) To represent the interests of charter school entities, the following members, who shall be appointed by the chairman of the State board, subject to the approval of a majority of the members of the State board SECRETARY FROM A LIST PROVIDED BY THE PENNSYLVANIA COALITION OF PUBLIC CHARTER SCHOOLS AND THE KEYSTONE ALLIANCE:

(A) One member who shall represent charter schools BE A BUSINESS MANAGER OF A CHARTER SCHOOL.
(B) One member who shall represent regional charter schools.

(C) One member who shall represent cyber charter schools.

BE A BUSINESS MANAGER OF A CYBER CHARTER SCHOOL.

(D) One member who shall be a teacher in a charter school entity.

(E) One member who shall be a parent of a child attending a charter school entity.

(vi) To represent the interests of school districts, the following members, who shall be appointed by the chairman of the State board, subject to the approval of a majority of the members of the State board SECRETARY FROM A LIST PROVIDED BY THE PENNSYLVANIA ASSOCIATION OF SCHOOL BUSINESS OFFICIALS:

(A) One member who shall be a teacher in a public school that is not a charter school entity BUSINESS MANAGER OF A RURAL SCHOOL DISTRICT.

(B) One member who shall represent school administrators.

(C) Two members who shall represent school board members.

(D) One member who shall be a business manager of an URBAN school district.

(3) Members of the commission shall be appointed within twenty (20) days of the effective date of this section. Any vacancy on the commission shall be filled by the original appointing authority. The commission shall select a chairman and vice chairman from among its membership at an organizational meeting BE CO-CHAIED BY THE CHAIRMAN OF THE EDUCATION COMMITTEE OF THE SENATE AND CHAIRMAN OF THE EDUCATION COMMITTEE OF THE HOUSE OF REPRESENTATIVES. The organizational meeting shall take place not later than forty-five (45) days following the effective date of this section.

(4) The commission shall hold meetings at the call of the
chairman. The commission may also hold NO MORE THAN SIX public hearings on the matters to be considered by the commission at locations throughout this Commonwealth. All meetings and public hearings of the commission shall be deemed public meetings for the purpose of 65 Pa.C.S. Ch. 7 (relating to open meetings). Ten (10) EIGHT (8) members of the commission shall constitute a quorum at any meeting. Each member of the commission may designate another person to represent that member at meetings of the commission.

(5) Commission members shall receive no compensation for their services but shall be reimbursed by the department for all necessary travel and other reasonable expenses incurred in connection with the performance of their duties as members. Whenever possible, the commission shall utilize the services and expertise of existing personnel and staff of State government. The department may utilize undistributed funds not expended, encumbered or committed from appropriations for grants and subsidies made to the department, not to exceed three hundred thousand dollars ($300,000), to carry out this section.

(6) The commission shall have the following powers and duties:

(i) Meet with current charter school entity operators and school district personnel.

(ii) Review charter school entity financing laws in operation throughout the United States.

(iii) Explore the actual cost of educating a child in a cyber charter school.

(iv) Evaluate and make recommendations on the following:

(A) Consideration of establishing an independent State level board to authorize charter school entities and support charter
school quality and accountability through performance monitoring and technical assistance.

(B) The process by which charter school entities are funded under section 1725-A, including addressing potential funding inequities, to include consideration of disallowing a school district food services deduction in the case of cyber charter schools that provide food services to their students, and consideration of continuing the school district deduction for cyber charter school tuition costs.

(C) Appropriate funding for charter school entity facilities.

(D) A process by which the performance matrix established under section 1731.2-A may compare the academic performance of each charter school entity with the academic performance of the school district of residence of each student enrolled in the charter school entity.

(E) SPECIAL EDUCATION TRANSPORTATION.

(F) OTHER FUNDING ISSUES RAISED IN THE COURSE OF PUBLIC HEARINGS.

(G) CONSIDERATION OF A SCHOOL DISTRICT DEDUCTION FOR PROGRAMS AND SERVICES TO THE EXTENT THEY ARE FUNDED FROM THE PROCEEDS OF COMPETITIVE GRANTS FROM PRIVATE OR PUBLIC RESOURCES OR FROM CONTRIBUTIONS OR DONATIONS FROM PRIVATE SOURCES.

(H) THE APPROPRIATE MANNER OF FUNDING A CHARTER SCHOOL THAT PRIMARILY SERVES ADJUDICATED YOUTH.

(I) FUNDING AND ALL COSTS ASSOCIATED WITH ATHLETIC PROGRAMS PROVIDED BY CHARTER SCHOOL ENTITIES.

(v) Issue a report pursuant to paragraph (7).

(7) The commission shall, no later than one year from the effective date of this section, issue a report of its findings.
and recommendations to the Governor, the President pro tempore of the Senate, the Majority Leader of the Senate, the Minority Leader of the Senate, the chairman and minority chairman of the Appropriations Committee of the Senate, the chairman and minority chairman of the Education Committee of the Senate, the Speaker of the House of Representatives, the Majority Leader of the House of Representatives, the Minority Leader of the House of Representatives, the chairman and minority chairman of the Appropriations Committee of the House of Representatives and the chairman and minority chairman of the Education Committee of the House of Representatives. The recommendations of the commission shall not take effect unless the recommendations are approved by an act of the General Assembly enacted after the effective date of this section.

Section 6. Section 1715-A of the act, amended or added June 19, 1997 (P.L.225, No.22) and July 9, 2008 (P.L.846, No.61), is amended to read:

Section 1715-A. Charter School Entity Requirements.-(a)
Charter 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 school entities. Charter 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) (i) [A] Subject to subparagraph (ii), a charter school entity shall not provide any religious instruction, nor shall it display religious objects and symbols on the premises of the charter school entity.

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

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

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

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

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

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

(7.1) A cyber charter school shall only be subject to the laws and regulations as provided for in section 1749-A, or as otherwise provided for in this act.

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

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


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

(i) The following provisions of this act:

(A) Sections 751 and 751.1.

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

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

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


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

(ii) Trustees of a charter school entity shall be public officials[. .] for the purposes of 65 Pa.C.S. Ch. 11 (relating to ethics standards and financial disclosure) and shall file a statement of financial interests for the preceding calendar year with the State Ethics Commission and either the local board of school directors in the case of a charter school or regional charter school, or the department in the case of a cyber charter school, not later than May 1 of each year that members hold the position and of the year after a member leaves the position. All members of the board of trustees of a charter school entity shall take the oath of office as required under section 321 before entering upon the duties of their office.

{(12) A person who serves as an administrator for a charter school shall not receive compensation from another charter school or from a company that provides management or other services to another charter school. The term "administrator" shall include the chief executive officer of a charter school and all other employees of a charter school who by virtue of their positions exercise management or operational oversight responsibilities. A person who serves as an administrator for a charter school shall be a public official under 65 Pa.C.S. Ch.
(b) An individual who serves as an administrator for a charter school entity shall be a public employe for the purposes of 65 Pa.C.S. Ch. 11 and shall file a statement of financial interests for the preceding calendar year with the board of trustees not later than May 1 of each year that the person holds the position and of the year after the person leaves the position.

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

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

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

(2) A copy of the sworn statement under clause (1)(i) and the resolution by the board of trustees granting the permission under clause (1)(ii) shall be provided to, and kept on file with, the charter school entity and the local board of school directors or, in the case of a cyber charter school, the department.
(3) No administrator of a charter school entity or immediate
family member of the administrator may serve as a voting member
of the board of trustees of the charter school entity that
employs the administrator.

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

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

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

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

Section 7. Section 1716-A(c) of the act, added June 19, 1997
(P.L.225, No.22), is amended and the section is amended by
adding subsections to read:

Section 1716-A. Powers of Board of Trustees.

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

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

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

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

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

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

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

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

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

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

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

(2) Within one (1) year of the effective date of this subsection, at least one member of the board of trustees of a charter school entity shall be a parent of a child currently attending the charter school entity OR, IN THE CASE OF A CHARTER SCHOOL THAT PRIMARILY SERVES ADJUDICATED YOUTH, A MEMBER OF THE JUVENILE COURT JUDGES' COMMISSION. The board of trustees member required by PROVIDED FOR UNDER this paragraph shall be eligible to serve only so long as the child attends the charter school entity.

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

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

Section 8. The act is amended by adding a section to read:

Section 1716.1 A. Payment of Indebtedness by Charter School
Entities. (a) The board of trustees of a charter school entity
shall supply the secretary and, in the case of a charter school
or regional charter school, the local board of school directors
a list of the amount of rental payments which are guarantees for
school building debt or bonds that become due during the fiscal-
year together with the amount paid on each item of indebtedness.
Any charter school entity that elects to issue debt shall hold
in escrow an amount sufficient to pay the annual amount of the
sum of the principal maturing or subject to mandatory redemption
and interest owing by the charter school entity or sinking fund
deposit due by the charter school entity.

(b) (1) In any case where the board of trustees of a
charter school entity fails to pay or to provide for the payment
of:

(i) any indebtedness at date of maturity or date of
mandatory redemption or on any sinking fund deposit date, or

(ii) any interest due on such indebtedness on any interest-
payment date or on any sinking fund deposit date in accordance
with the schedule under which the bonds were issued,
the bank or trustee for the bonds shall notify the board of
trustees of its obligation and shall immediately notify the
secretary and, in the case of a charter school or regional-
charter school, the local board of school directors.

(2) The secretary shall withhold any payment due the charter-
school entity in any amount necessary to fully fund the amount-
held in escrow by the charter school entity which shall be equal to the sum of the principal amount maturing or subject to mandatory redemption and interest owing by the charter school entity or sinking fund deposit due by the charter school entity and shall require payover of the amount withheld to the bank or trustee acting as the sinking fund depositary for the bond issue from the escrow account.

Section 9. Sections 1717-A(c), (d), (e) and (f) and 1719-A of the act, added June 19, 1997 (P.L.225, No.22), are amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

(f) At the option of the charter school applicant, a denied application may be revised and resubmitted to the local board of school directors. Following the appointment and confirmation of the Charter School Appeal Board under section 1721-A, the decision of the local board of school directors may be appealed to the appeal board. When an application is revised and resubmitted to the local board of school directors, the board may schedule additional public hearings on the revised application. The board shall consider the revised and resubmitted application at the first board meeting occurring at least forty-five (45) days after receipt of the revised application by the board. For a revised application resubmitted for the 1997-1998 school year, the board shall consider the application at the first board meeting occurring at least thirty (30) days after its receipt. The board shall provide notice of consideration of the revised application under [the "Sunshine Act." ] 65 Pa.C.S. Ch. 7. No appeal from a decision of a local school board may be taken until July 1, 1999.
Section 1719-A. Contents of Application.—[Am] (a) The State board, in consultation with the department, shall create a standard application form for charter school applicants seeking to establish a charter school entity and a standard form for existing charter school entities seeking renewal of their charters. The form shall be published in the Pennsylvania Bulletin and posted on the State board's publicly accessible Internet website. The form 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:

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

(ii) A draft contract stating all of the following:
(A) The officers, chief administrator and administrators of
the educational management service provider.
(B) The proposed duration of the service contract.
(C) Roles and responsibilities of the board of trustees, the
school staff and the educational management service provider.
(D) The scope of services, personnel and resources to be
provided by the educational management service provider.
(E) Performance evaluation measures and timelines.
(F) The compensation structure, including clear
identification of all fees to be paid to the educational
management service provider.
(G) Methods of contract oversight and enforcement.
(H) Investment disclosure or the advance of moneys by the
educational management service provider on behalf of the charter
school entity.
(I) Conditions for renewal and termination of the contract.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(18) Policies regarding truancy, absences and withdrawal of students, including the manner in which the charter school
The charter school entity's policy shall establish, to the satisfaction of the local board of school directors or, in the case of a cyber charter school, to the satisfaction of the department, that the charter school entity will comply with sections 1332 and 1333, including the institution of truancy proceedings when required under section 1333.

(19) How the charter school entity will meet the standards included in the performance matrix developed by the State Board of Education under section 1731.2-A.

(20) Indicate whether or not the charter school entity will seek accreditation by a nationally recognized accreditation agency, including the Middle States Association of Colleges and Schools or another regional institutional accrediting agency recognized by the United States Department of Education or an equivalent federally recognized body for charter school education.

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

Section 10. Section 1720-A of the act, amended July 9, 2008, (P.L.846, No.61), is amended to read:

Section 1720 A. Term and Form of Charter. (a) (1) Upon approval of a charter application under section 1717-A, a written charter shall be developed which shall contain the provisions of the standardized charter application under section 1719-A and which shall be signed by the local board of school directors of a school district, by the local boards of school directors of a school district in the case of a regional charter...
school or by the chairman of the appeal board pursuant to
section [1717-A(i)(5)] 1717-A(i)(9) and the board of trustees of
the charter school or regional charter school. This written
charter, when duly signed by the local board of school directors
of a school district, [or] by the local boards of school
directors of a school district in the case of a regional charter
school or by the chairman of the appeal board, and the charter
school or regional charter school's board of trustees, shall act
as legal authorization for the establishment of a charter school
or regional charter school. This written charter shall be
legally binding on both the local board of school directors of a
school district and the charter school or regional charter
school's board of trustees. [Except as otherwise provided in
subsection (b), the charter shall be for a period of no less
than three (3) nor more than five (5) years and may be renewed
for five (5) year periods upon reauthorization by the local
board of school directors of a school district or the appeal
board.] If the charter school or regional charter school
contracts with an educational management service provider, a
contract shall be executed once the charter is approved. A
charter will be granted only for a school organized as a public,
nonprofit corporation.

(2) The following shall apply to all charters granted by a
school district:

(i) An initial charter executed pursuant to section
1720-A(a)(1) shall be for a period of five (5) years.

(ii) Prior to the effective date of the regulations
implementing the performance matrix as required pursuant to
section 1731.2-A, a charter may be renewed for five (5) year
periods upon reauthorization by the local board of school
directors or other governing body of a school district or the appeal board.

(iii) Upon the effective date of the regulations implementing the performance matrix as required pursuant to section 1731.2 A, the following shall apply:

(A) For charter schools and regional charter schools that have satisfied the academic quality benchmark established by the State board pursuant to section 1731.2 A, a charter may be renewed for ten (10) year periods upon reauthorization by the local board of school directors or other governing body of a school district or the appeal board; PROVIDED THAT, BEGINNING IN THE SIXTH YEAR OF ANY TEN (10) YEAR PERIOD OF RENEWAL UNDER THIS SUBCLAUSE, THE CHARTER OF ANY CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL THAT FAILS FOR TWO (2) CONSECUTIVE YEARS TO SATISFY THE ACADEMIC QUALITY BENCHMARK ESTABLISHED BY THE STATE BOARD UNDER SECTION 1731.2 A SHALL BE SUBJECT TO REVIEW BY THE LOCAL BOARD OF SCHOOL DIRECTORS OR OTHER GOVERNING BODY OF A SCHOOL DISTRICT.

(B) For charter schools and regional charter schools that have not satisfied the academic quality benchmark established by the State board pursuant to section 1731.2 A, a charter may be renewed for five (5) year periods upon reauthorization by the local board of school directors or other governing body of a school district or the appeal board.

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

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

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

(c) (1) A charter school or regional charter school may
request amendments to its approved written charter by filing a
written document describing the requested amendment with the
local board of school directors.

(2) Within twenty (20) THIRTY-FIVE (35) days of its receipt
of the request for an amendment, the local board of school
directors shall hold a public hearing on the requested amendment
under 65 Pa.C.S. Ch. 7 (relating to open meetings).

(3) Within twenty (20) THIRTY-FIVE (35) days after the
hearing, the local board of school directors shall grant or deny
the requested amendment. Failure by the local board of school
directors to hold a public hearing and to grant or deny the
amendment within the time period specified in this subsection
shall be deemed an approval.

(4) An applicant for an amendment shall have the right to
appeal the denial of a requested amendment to the appeal board
provided for under section 1721-A.

Section 11. Section 1721-A(a) and (e) of the act, added June-
19, 1997 (P.L.225, No.22), are amended to read:

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

(1) A parent of a school aged child enrolled in a charter school entity.

(2) A school board member.

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

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

(5) A member of the business community.

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

(7) An administrator of a charter school entity.

(8) A member of the board of trustees of a charter school entity.

The term of office of members of the appeal board, other than the secretary, shall be for a period of four (4) years or until a successor is appointed and qualified, except that, of the initial appointees, the Governor shall designate two (2) members to serve terms of two (2) years, two (2) members to serve terms of three (3) years and two (2) members to serve terms of four (4) years. A parent member appointed under paragraph (1) shall serve a term of four (4) years, provided the member's child remains enrolled in the charter school entity. Any appointment to fill any vacancy shall be for the period of the unexpired term or until a successor is appointed and qualified.

***
Meetings of the appeal board shall be conducted under the act of July 3, 1986 (P.L.388, No.84), known as the "Sunshine Act." 65 Pa.C.S. Ch. 7 (relating to open meetings). 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] act of February 14, 2008 (P.L.6, No.3), known as the "Right to Know Law".

Section 12. Section 1722 A(a), (b) and (d) of the act, amended November 17, 2010 (P.L.996, No.104), are amended and the section is amended by adding subsections to read:

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

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

(b.1) (1) A charter school entity shall have the right of first refusal to purchase or lease, for educational purposes only, a public school building or a part of a public school building which is no longer in active use by the property titleholder, at the price of one of the following:

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

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

(iii) Below fair market value, upon the mutual agreement of the school entity and the charter school entity.
(2) A school entity shall accept an offer from a charter school entity that conforms to the provisions of paragraph (1).

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

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

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

(ii) Where two (2) or more charter school entities make offers on the same building or part of a building that conform to the provisions of this subsection, the school entity shall:

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

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

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

* * *

(f) (1) Alcoholic beverages shall not be available for
consumption, purchase or sale in any charter school entity
facility.

(2) If, in the case of a charter school or regional charter
school, the local board of school directors reasonably believes
that alcoholic beverages have been made available for
consumption, purchase or sale in the charter school or regional
charter school facility, the local board of school directors
shall notify the department.

(3) If alcoholic beverages have been made available for
consumption, purchase or sale in a charter school entity
facility, the secretary shall order the following forfeitures
against the charter school entity:

(i) A fine of one thousand dollars ($1,000) for the first
violation.

(ii) A fine of five thousand dollars ($5,000) for the second
or subsequent violation.

(4) The charter school entity may appeal the order of the
secretary under 2 Pa.C.S. Chs. 5 (relating to practice and
procedure) and 7 (relating to judicial review).

Section 13. Section 1723-A(a), (b) and (d) of the act,
amended June 26, 1999 (P.L.394, No.36) and July 9, 2008
(P.L.846, No.61), are amended and the section is amended by
adding a subsection to read:

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

(2) If a charter school or regional charter school has a waiting list following its initial selection of eligible applicants under clause (1), the charter school or regional charter school shall select eligible applicants from the waiting list as spaces become available. All children shall be assigned to the waiting list on a random basis. When selecting eligible applicants from the waiting list, a charter school or regional charter school shall give first preference to students as provided under clause (1) and to those who reside in the district or districts in which the charter school is physically located OR IN WHICH THE REGIONAL CHARTER SCHOOL IS CHARTERED until the charter school again reaches its maximum capacity of students.
If a charter school or regional charter school has a waiting list, once the charter school or regional charter school has exhausted the waiting list of resident children, it may then enroll children on the waiting list who reside outside of the district. Nonresident children shall also be selected on a random basis. If a charter school or regional charter school and the school district from which it is authorized have voluntarily capped enrollment or the district attempts to involuntarily cap enrollment of resident students and the charter school or regional charter school has enrolled the maximum number of resident students, the charter school or regional charter school may enroll students residing outside of the district.

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

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

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

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

(5) When a student applies to a charter school entity, a
(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 a charter school entity.

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

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

(2) A charter school entity may limit its academic focus to a particular grade level, a targeted population group composed of at-risk students[, or areas of concentration of the school such as mathematics, science or the arts. A charter school may establish reasonable criteria to evaluate prospective students which shall be outlined in the school's charter.] or a specialized area or accelerated program of study, such as mathematics, science or the arts.
(d) (1) Enrollment of students in a charter school [or cyber charter school] entity, or expansion of a charter school entity into additional grade levels, shall not be subject to a cap or otherwise limited by any past or future action of a board of school directors, a board of control established under Article XVII-B, a special board of control established under section 692 or any other governing authority[, unless agreed to by the charter school or cyber charter school as part of a written charter pursuant to section 1720-A].

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

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

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

(2) [For non-special education students, the charter school shall receive for each student enrolled no less than the budgeted total expenditure per average daily membership of the prior school year, as defined in section 2501(20), minus the budgeted expenditures of the district of residence for nonpublic school programs; adult education programs; community/junior college programs; student transportation services; for special education programs; facilities acquisition, construction and improvement services; and other financing uses, including debt service and fund transfers as provided in the Manual of Accounting and Related Financial Procedures for Pennsylvania School Systems established by the department. This amount shall be paid by the district of residence of each student.] For non-special education students, the charter school entity shall receive for each student enrolled the following, which shall be paid by the school district of residence of each student by deduction and transfer from all State payments due to the school district of residence as provided for under clause (5):

   (i) Subject to clause (ii), no less than the budgeted total expenditure per average daily membership of the prior school year, as defined in section 2501(20), minus the budgeted expenditures of the district of residence for nonpublic school programs; adult education programs; community/junior college programs; student transportation services; for special education programs; facilities acquisition, construction and improvement services; and other financing uses, including debt service and fund transfers as provided in the Manual of Accounting and Related Financial Procedures for Pennsylvania School Systems established by the department. This amount shall be paid by the district of residence of each student.] For non-special education students, the charter school entity shall receive for each student enrolled the following, which shall be paid by the school district of residence of each student by deduction and transfer from all State payments due to the school district of residence as provided for under clause (5):

   (i) Subject to clause (ii), no less than the budgeted total expenditure per average daily membership of the prior school year, as defined in section 2501(20), minus the budgeted expenditures of the district of residence for nonpublic school programs; adult education programs; community/junior college programs; student transportation services; for special education programs; facilities acquisition, construction and improvement services; and other financing uses, including debt service and fund transfers as provided in the Manual of Accounting and Related Financial Procedures for Pennsylvania School Systems established by the department. This amount shall be paid by the district of residence of each student.]
(ii) Beginning in the 2015-2016 school year, AND CONTINUING THROUGH THE 2018-2019 SCHOOL YEAR, the following:

(A) For each student enrolled in a charter school or regional charter school, no less than the budgeted total expenditure per average daily membership of the prior school year, as defined in section 2501(20), minus the budgeted expenditures of the district of residence for nonpublic school programs; adult education programs; community/junior college programs; student transportation services; special education programs; facilities acquisition, construction and improvement services; and other financing uses, including debt service and fund transfers as provided in the Manual of Accounting and Related Financial Procedures for Pennsylvania School Systems established by the department.

(B) For each student enrolled in a cyber charter school, no less than the budgeted total expenditure per average daily membership of the prior school year, as defined in section 2501(20), minus the following:

(I) the budgeted expenditures of the district of residence for nonpublic school programs; adult education programs; community/junior college programs; student transportation services; special education programs; facilities acquisition, construction and improvement services; other financing uses; including debt service and fund transfers as provided in the Manual of Accounting and Related Financial Procedures for Pennsylvania School Systems established by the department; and food services; and

(II) during the 2015-2016 and 2016-2017 school years only,
the actual total amount the district of residence paid to cyber
charter schools under this section for the prior school year.

(III) BEGINNING IN THE 2019-2020 SCHOOL YEAR, THE FOLLOWING:

(A) FOR EACH STUDENT ENROLLED IN A CHARTER SCHOOL OR
REGIONAL CHARTER SCHOOL, NO LESS THAN THE BUDGETED TOTAL
EXPENDITURE PER AVERAGE DAILY MEMBERSHIP OF THE PRIOR SCHOOL
YEAR, AS DEFINED IN SECTION 2501(20), MINUS THE BUDGETED-
EXPENDITURES OF THE DISTRICT OF RESIDENCE FOR NONPUBLIC SCHOOL-
PROGRAMS; ADULT EDUCATION PROGRAMS; COMMUNITY/JUNIOR COLLEGE-
PROGRAMS; STUDENT TRANSPORTATION SERVICES; SPECIAL EDUCATION-
PROGRAMS; FACILITIES ACQUISITION, CONSTRUCTION AND IMPROVEMENT-
SERVICES; AND OTHER FINANCING USES, INCLUDING DEBT SERVICE AND-
FUND TRANSFERS AS PROVIDED IN THE MANUAL OF ACCOUNTING AND-
RELATED FINANCIAL PROCEDURES FOR PENNSYLVANIA SCHOOL SYSTEMS-
ESTABLISHED BY THE DEPARTMENT.

(B) FOR EACH STUDENT ENROLLED IN A CYBER CHARTER SCHOOL, THE-
LESser OF THE FOLLOWING:

(I) THE PER STUDENT PAYMENT AMOUNT FOR THE IMMEDIATELY-
PRECEDING SCHOOL YEAR AS WOULD BE CALCULATED UNDER SUBPARAGRAPH-
(II)(B); OR

(II) THE MEDIAN PER STUDENT CYBER CHARTER SCHOOL PAYMENT FOR-
NON-SPECIAL EDUCATION STUDENTS PAID BY ALL SCHOOL DISTRICTS FOR-
THE IMMEDIATELY PRECEDING SCHOOL YEAR, PLUS TEN PER CENTUM.

(2.1) The amount under clause (2) shall be calculated by-
each school district on a form prescribed by the secretary in-
accordance with this section. The secretary, upon receipt of a-
school district's calculation, shall review the school-
district's calculation and may request supporting documentation-
from the school district regarding its calculation. If the-
secretary finds an error or discrepancy in a school district's-
calculation, the secretary shall require the school district to
correct the calculation and require the school district to
notify affected charter school entities.

(3) [For special education students, the charter school
shall receive for each student enrolled the same funding as for
each non-special education student as provided in clause (2),
plus an additional amount determined by dividing the district of
residence's total special education expenditure by the product
of multiplying the combined percentage of section 2509.5(k)
times the district of residence's total average daily membership
for the prior school year. This amount shall be paid by the
district of residence of each student.] For special education
students, the charter school entity shall receive for each
student enrolled the same funding as for each non-special
education student as provided under clause (2), plus an
additional amount determined by dividing the total special
education expenditure of the school district of residence by the
product of:

(i) the combined percentage of section 2509.5(k) applicable
to the school year; and

(ii) the total average daily membership of the school
district of residence for the prior school year.

(3.1) The following apply: PER STUDENT PAYMENTS TO A CYBER-CHARTER SCHOOL CALCULATED UNDER CLAUSES (2) AND (3) SHALL BE
MADE AS FOLLOWS:

(i) The amount under clauses (2) and (3) shall be paid by
the school district of residence of each student by deduction
and transfer from all State payments due to the school district
of residence as provided under clause (5) (5)(II).

(ii) If a charter school entity CYBER-CHARTER SCHOOL
disputes the accuracy of a school district's calculation under clauses (2) and (3), the charter school entity CYBER CHARTER SCHOOL shall file a notice of the dispute with the secretary, who shall hold a hearing to determine the accuracy of the school district's calculation within thirty (30) days of the notice.

(iii) The secretary shall determine the accuracy of the school district's calculation and make any necessary billing adjustment within thirty (30) days of the hearing.

(iv) The school district shall bear the burden of production and proof with respect to its calculation under this clause.

(v) The school district shall be liable for the reasonable legal fees incurred by a charter school entity CYBER CHARTER SCHOOL if the charter school entity CYBER CHARTER SCHOOL is the substantially prevailing party after a hearing under this section. The charter school entity CYBER CHARTER SCHOOL shall be liable for the reasonable legal fees incurred by the school district if the school district is the substantially prevailing party after a hearing under this section.

(vi) All decisions of the secretary under this clause shall be subject to appellate review by Commonwealth Court.

(4) [A charter school may request the intermediate unit in which the charter school is located to provide services to assist the charter school to address the specific needs of exceptional students. The intermediate unit shall assist the charter school and bill the charter school for the services. The intermediate unit may not charge the charter school more for any service than it charges the constituent districts of the intermediate unit.] A charter school entity may request the intermediate unit or school district in which the charter school entity is located to provide services to assist the charter school.
school entity to address the specific needs of non-special education and special education students. The intermediate unit or school district shall assist the charter school entity and bill the charter school entity for the services. The intermediate unit may not charge the charter school entity more for any service than it charges the constituent districts of the intermediate unit. Nothing under this clause shall preclude an intermediate unit or school district from contracting with a charter school entity to provide the intermediate unit or school district with services to assist the intermediate unit or school district to address specific needs of non-special education and special education students.

(5) [Payments] (I) FOR A CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL, PAYMENTS shall be made to the charter school OR REGIONAL CHARTER SCHOOL in twelve (12) equal monthly payments, by the fifth day of each month, within the operating school year. A student enrolled in a charter school OR REGIONAL CHARTER SCHOOL shall be included in the average daily membership of the student's district of residence for the purpose of providing basic education funding payments and special education funding pursuant to Article XXV. If a school district fails to make a payment to a charter school OR REGIONAL CHARTER SCHOOL as prescribed in this clause, the secretary shall deduct the estimated amount, as documented by the charter school OR REGIONAL CHARTER SCHOOL, from any and all State payments made to the district after receipt of documentation from the charter school OR REGIONAL CHARTER SCHOOL.]

Beginning in the 2015-2016 school year, the following apply:

(II) FOR A CYBER CHARTER SCHOOL, THE FOLLOWING SHALL APPLY

BEGINNING IN THE 2015-2016 SCHOOL YEAR:
(i) (A) Payments shall be made to the charter school entity CYBER CHARTER SCHOOL in twelve (12) equal monthly payments, according to the established monthly unipay schedule within the operating school year or any subsequent school year.

(ii) (B) Except as provided for in subclause (v), payments shall be made directly by the secretary deducting and paying to the charter school entity CYBER CHARTER SCHOOL the estimated amount, as documented by the charter school entity CYBER CHARTER SCHOOL, from:

(A) (I) all State payments due to the school district of residence; or

(B) (II) if no payments are due to the school district of residence, from all State payments reasonably expected to be due in the next established monthly unipay schedule, after receipt of documentation from the charter school entity CYBER CHARTER SCHOOL as to its enrollment.

(iii) (C) At least thirty (30) days prior to the scheduled payment date each month, a charter school entity CYBER CHARTER SCHOOL shall provide to the department and to the school district of residence of each student enrolled in the charter school entity CYBER CHARTER SCHOOL documentation of the charter school entity's CYBER CHARTER SCHOOL'S enrollment, on a form to be developed by the secretary within sixty (60) days of the effective date of this section. The form, which shall be developed in consultation with representatives of charter school entities CYBER CHARTER SCHOOLS and school districts, shall require the charter school entity CYBER CHARTER SCHOOL to provide to the department and to the school district of residence of each student enrolled in the charter school entity CYBER CHARTER SCHOOL, documentation of each student's current enrollment.
enrollment in the charter school entity CYBER CHARTER SCHOOL and current residence in the school district, including the following information:

(A) (I) Student's name.
(B) (II) Student's home address.
(C) (III) Name and telephone number of student's parent or guardian.
(D) (IV) Student's date of birth.
(E) (V) Student's grade level.
(F) (VI) Type of school in which student was previously enrolled.
(G) (VII) Student's date of enrollment.
(H) (VIII) Whether each student is being educated under an individualized education plan under the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.).
(I) (IX) The tuition amount due on account of each student.
(J) (X) The total amount due from the school district for that month.
(K) (XI) Copies of the actual documents used by the charter school entity CYBER CHARTER SCHOOL to verify each student's residence in the school district.

The secretary shall not make payments under this section until the charter school entity CYBER CHARTER SCHOOL provides the department and the school district of residence with a completed form and accompanying documentation as required under this clause SUBCLAUSE. A charter school entity CYBER CHARTER SCHOOL may make only one (1) payment request per month under this clause SUBCLAUSE. After a charter school entity CYBER CHARTER SCHOOL makes a payment request under this clause SUBCLAUSE, any...
necessary corrections or adjustments may be made in the next
subsequent monthly payment request.

(iv) (D) The secretary's obligation to make payments under this section is mandatory and ministerial, except that payments made pursuant to this section shall not be given priority over payments required pursuant to sections 633 and 785 and 53 Pa.C.S. § 8125(b) (relating to security for tax anticipation notes and sinking fund), PREFERENTIAL CLAIMS UNDER SECTION 1155, or an agreement pursuant to which the Commonwealth is required to make payment to a holder of debt issued by or on behalf of a school entity. If payments required under sections 633 and, 785 AND 1155 and 53 Pa.C.S. § 8125(b) preclude the timely payment of funds to a charter school entity CYBER CHARTER SCHOOL under section 1725-A or will cause the board of school directors of a school district to fail to pay or provide for payment under this subsection, nothing shall preclude the secretary from withholding funds from any and all State payments made to the school district for the operating school year or for any subsequent operating school year.

(v) (E) If there are insufficient State payments due to a school district in the established monthly unipay schedule to cover all charter school entity CYBER CHARTER SCHOOL deductions and transfers, the school district shall be responsible for paying the unpaid balance directly to the charter school entity CYBER CHARTER SCHOOL not more than ten (10) days following the established monthly unipay schedule.

(vi) (F) A student enrolled in a charter school entity CYBER CHARTER SCHOOL shall be included in the average daily membership of the student's school district of residence for the purpose of providing basic education funding payments and special education...
funding under Article XXV.

(6) [Within thirty (30) days after the secretary makes the deduction described in clause (5), a school district may notify the secretary that the deduction made from State payments to the district under this subsection is inaccurate. The secretary shall provide the school district with an opportunity to be heard concerning whether the charter school documented that its students were enrolled in the charter school, the period of time during which each student was enrolled, the school district of residence of each student and whether the amounts deducted from the school district were accurate.] The following apply:

(i) Within thirty (30) days after the payment is made to the charter school entity as described under clause (5), a school district may notify the secretary that the estimated amount, as documented by the charter school entity, is inaccurate.

(ii) Within thirty (30) days of the notice by the school district under subclause (i), the secretary shall provide the school district with a hearing concerning whether the charter school entity documented that students were enrolled in the charter school entity, the period of time during which each student was enrolled in the charter school entity, the school district of residence of each student enrolled in the charter school entity and whether the amounts deducted from or paid by the school district were accurate.

(iii) The burden of proof and production at the hearing shall be on the school district. A hearing shall not be held before the secretary deducts and transfers to the charter school entity the amount estimated by the charter school entity is PAID TO THE CHARTER SCHOOL ENTITY.

(iv) The secretary shall determine the accuracy of the
amount documented by the charter school entity and make any. ANY
necessary payment adjustment SHALL BE MADE within thirty (30)
days of the hearing.

(v) The school district shall be liable for the reasonable
legal fees incurred by a charter school entity if the charter
school entity is the substantially prevailing party after a
hearing under this section. The charter school entity shall be
liable for the reasonable legal fees incurred by the school
district if the school district is the substantially prevailing
party after a hearing under this section.

(vi) All decisions of the secretary under this section shall
be subject to appellate review by Commonwealth Court.

(vii) Supersedeas shall not be granted to the secretary or
any party to the proceeding on an appeal from the decision of
the secretary under this section; and, absent a court order, the
secretary shall not hold any payments PAYMENTS SHALL NOT BE HELD
in escrow.

{ (b) The Commonwealth shall provide temporary financial
assistance to a school district due to the enrollment of
students in a charter school who attended a nonpublic school in
the prior school year in order to offset the additional costs
directly related to the enrollment of those students in a public-
charter school. The Commonwealth shall pay the school district
of residence of a student enrolled in a nonpublic school in the
prior school year who is attending a charter school an amount
equal to the school district of residence's basic education
subsidy for the current school year divided by the district's-
average daily membership for the prior school year. This payment-
shall occur only for the first year of the attendance of the
student in a charter school, starting with school year 1997-
Total payments of temporary financial assistance to school districts on behalf of a student enrolling in a charter school who attended a nonpublic school in the prior school year shall be limited to funds appropriated for this program in a fiscal year. If the total of the amount needed for all students enrolled in a nonpublic school in the prior school year who enroll in a charter school exceeds the appropriation for the temporary financial assistance program, the amount paid to a school district for each qualifying student shall be proportionally reduced. Receipt of funds under this subsection shall not preclude a school district from applying for a grant under subsection (c).

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

(d) It shall be lawful for any charter school entity to receive, hold, manage and use, absolutely or in trust, any devise, bequest, grant, endowment, gift or donation of any property, real or personal and/or mixed, which shall be made to the charter school entity for any of the purposes of this article.

(e) It shall be unlawful for any trustee of a charter school—
entity or any board of trustees of a charter school entity or any other person affiliated in any way with a charter school entity to demand or request, directly or indirectly, any gift, donation or contribution of any kind from any parent, teacher, employee or any other person affiliated with the charter school entity as a condition for employment or enrollment and/or continued attendance of any pupil. Any donation, gift or contribution received by a charter school entity shall be given freely and voluntarily.

(f) A charter school entity may not provide discounts to a school district or waive payments under this section for any student, except in the case of a school district identified for financial recovery status under Article VI-A.

Section 15. Sections 1728-A and 1729-A(a), (b) and (c) of the act, added June 19, 1997 (P.L.225, No.22), are amended to read:

Section 1728-A. Annual Reports and Assessments.--(a) (1) The local board of school directors shall annually assess AND PUBLICLY REPORT whether each charter school or regional charter school is meeting the goals of its charter and shall conduct a comprehensive review prior to [granting a five (5) year renewal of the charter] renewing the charter pursuant to section 1720-A(a)(2). The local board of school directors shall have ongoing access to the records and facilities of the charter school or regional charter school to ensure that the charter school or regional charter school is in compliance with its charter and this act and that requirements for testing, civil rights and student health and safety are being met.

(2) Ongoing access to a charter school's or regional charter school's records shall mean that the local board of school
directors shall have access to records such as financial
reports, financial audits, aggregate standardized test scores
without student-identifying information and teacher
certification and personnel records.
(3) Charter schools and regional charter schools shall
comply fully with the requirements of the Family Educational
1232g) and associated regulations. No personally identifiable
information from education records shall be provided by the
charter school or regional charter school to the school district
except in compliance with the Family Educational Rights and
(b) In order to facilitate the local board's review and
secretary's report, each charter school or regional charter
school shall submit an annual report no later than August 1 of
each year to the local board of school directors and the
secretary in the form prescribed by the secretary.
[(c) Five (5) years following the effective date of this
article, the secretary shall contract with an independent
professional consultant with expertise in public and private
education. The consultant shall receive input from members of
the educational community and the public on the charter school
program. The consultant shall submit a report to the secretary,
the Governor and the General Assembly and an evaluation of the
charter school program, which shall include a recommendation on
the advisability of the continuation, modification, expansion or
termination of the program and any recommendations for changes
in the structure of the program.]
(d) A charter school entity shall form an independent audit
committee of its board of trustees members which shall review at

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the close of each fiscal year a complete certified audit of the
operations of the charter school entity. The audit shall be
conducted by a qualified independent certified public
accountant. The audit shall be conducted under generally
accepted audit standards of the Governmental Accounting
Standards Board and shall include the following:

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

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

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

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

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

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

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

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

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

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

   (1) The source of funding for all expenditures.
   (2) Where funding is provided by a charter school foundation, the amount of funds and a description of the use of the funds.
   (3) The salaries of all administrators of the charter school entity.
   (4) All expenditures to an educational management service provider.

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

   (2) The charter school foundation shall also make copies of its annual budget available upon request and on the foundation's
Section 1729-A. Causes for Nonrenewal or Termination. (a)

During the term of the charter or at the end of the term of the charter, the local board of school directors 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 1720-A.

(2) Failure to meet the requirements for student performance set forth in 22 Pa. Code Ch. 5 (relating to curriculum) or subsequent regulations promulgated to replace 22 Pa. Code Ch. 5 on assessments as measured by the academic performance matrix or failure to meet any performance standard set forth in the written charter signed pursuant to section 1716-A, 1720-A.

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

(4) Violation of provisions of this article.

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

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

* * *

(b) [A member of the board of trustees who is convicted of a felony or any crime involving moral turpitude shall be immediately disqualified from serving on the board of trustees.]
If, after a hearing under this section, a local board of school directors or, in the case of a cyber charter school, the department, proves by a preponderance of the evidence that an administrator or board member of a charter school entity has violated this article, the terms and conditions of the charter or any other law, the local board of school directors or, in the case of a cyber charter school, the department may require the charter school entity to replace an administrator or board of trustees member in order to obtain renewal of the charter. The local board of school directors or, in the case of a cyber charter school, the department may refer its findings to the district attorney with jurisdiction or to the Office of Attorney General for prosecution if the local board of school directors or, in the case of a cyber charter school, the department discovers or receives information about possible violations of law by any person affiliated with or employed by a charter school entity.

(c) Any notice of revocation or nonrenewal of a charter given by the local board of school directors of a school district shall state the grounds for such action with reasonable specificity and give reasonable notice to the [governing] board of trustees of the charter school or regional charter school of the date on which a public hearing concerning the revocation or nonrenewal will be held. The local board of school directors shall conduct such hearing, present evidence in support of the grounds for revocation or nonrenewal stated in its notice and give the charter school or regional charter school reasonable opportunity to offer testimony before taking final action. Formal action revoking or not renewing a charter shall be taken by the local board of school directors at a public meeting held.
pursuant to [the act of July 3, 1986 (P.L.388, No.84), known as the "Sunshine Act,"] 65 Pa.C.S. Ch. 7 (relating to open meetings) after the public has had thirty (30) days to provide comments to the board. All proceedings of the local board pursuant to this subsection shall be subject to 2 Pa.C.S. Ch. 5 Subch. B (relating to practice and procedure of local agencies). Except as provided in subsection (d), the decision of the local board shall not be subject to 2 Pa.C.S. Ch. 7 Subch. B (relating to judicial review of local agency action).

***

Section 16. The act is amended by adding sections to read:

Section 1729.1-A. Evaluation of Educators.—(a) All applications by a charter school entity for a charter or for the renewal of a charter shall include a system of evaluation for educators that includes:

(1) At least four (4) rating categories of educator performance.

(2) Multiple measures of student performance which shall include, but may not be limited to, value-added assessment system data made available by the department under section 221 and student performance on the most recent assessments for which results have been released by the department and may include goals specific to the mission of the charter school entity's charter.

(b) Nothing in this section shall preempt the powers of a board of trustees under section 1716 A(a) nor affect the intent of the General Assembly provided in section 1702-A(3) and (4).

(c) For purposes of this section, the term "educator" shall include all professional employees who are certified as teachers and noncertified staff members who teach in a charter school.
Section 1729.2-A. Multiple Charter School Organizations.—
(a) Establishment shall be as follows:
(1) Subject to the requirements of this section and 15 Pa.C.S. Pt. II Subpt. C (relating to nonprofit corporations), two (2) or more charter schools may consolidate into a multiple charter school organization if both of the following apply:
(i) The department approves the consolidation as proposed in the application form submitted to the department pursuant to subsection (c). If the department does not approve the proposed consolidation within forty-five (45) days after receipt of the application, the department will be deemed to have approved the consolidation.
(ii) Each school district that granted the initial charter of any charter school included in the proposed consolidation approves, by a majority vote of the local board of school directors, a resolution approving the consolidation as proposed in the application submitted to the local board of school directors pursuant to subsection (c). If a local board of school directors does not adopt a resolution under this clause approving or rejecting the proposed consolidation within forty-five (45) days after receipt of the application, the school district will be deemed to have approved the consolidation.
(2) The multiple charter school organization shall be:
(i) granted legal authority to operate two (2) or more individual charter schools under the oversight of a single board of trustees and a chief administrator who shall oversee and manage the operation of the individual charter schools under its organization; and
(ii) subject to all of the requirements of this article.
unless otherwise provided for under this section.

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

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

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

(2) Accepted standards of fiscal management or audit requirements.

(3) Performance standards set forth by the performance matrix established under section 1731.2-A or, prior to the effective date of the regulations implementing the performance matrix, a School Performance Profile score of at least 80.0; Provided, that a charter school that has failed to meet any of these requirements may consolidate if the consolidation includes a charter school demonstrating that it has satisfied such requirements for the most recent two (2) school years.

(c) The State board, in consultation with the department, shall develop and issue a standard application form that multiple charter school organization applicants must submit to the department and to the local board of school directors of each school district that granted the initial charter of any charter school included in the proposed consolidation.
application form shall contain the following information:

(1) The name of the multiple charter school organization.
(2) The names of the charter schools seeking consolidation under this section.
(3) A copy of the approved charter of each charter school seeking to consolidate under this section.
(4) An organizational chart clearly presenting the proposed governance structure of the multiple charter school organization, including lines of authority and reporting between the board of trustees, chief administrator, administrators, staff and any educational management service provider that will play a role in providing management services to the charter schools under its jurisdiction.
(5) A clear description of the roles and responsibilities for the board of trustees, chief administrator, administrators and any other entities, including a charter school foundation, shown in the organizational chart.
(6) A clear description of the method for the appointment or election of members of the board of trustees.
(7) Standards for board of trustees performance, including compliance with all applicable laws, regulations and terms of the charter.
(8) Enrollment procedures for each individual charter school included in its charter.
(9) Any other information as deemed necessary by the State board.
(d) A multiple charter school organization may:
(1) Participate in the assessment system in the same manner in which a school district participates, with its individual charter schools participating in the assessment system in the
same manner as individual schools within school districts. All data gathered for purposes of evaluation shall be gathered in the same manner in which data is gathered in the case of school districts and individual schools within school districts. Nothing in this paragraph shall alter the manner in which charter school performance on assessments is measured as required under the No Child Left Behind Act of 2001 (Public Law 107-110, 115 Stat. 1425), or its successor Federal statute.

(2) Add existing charter schools to its organization by obtaining the approval of the department and of the school district that granted the initial charter of each charter school proposed to be added under subsection (a)(1).

(3) Allow students enrolled in an individual charter school to matriculate to another individual charter school under its oversight so as to complete a course of instruction in an educational institution from kindergarten through grade twelve or otherwise in the best interests of the student.

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

(f) Appeals shall be as follows:

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

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

(i) Review the decision made by either the department or the school district on the record as certified by the entity that made the decision being appealed, provided that the appeal board may allow the department, a school district or the applicant for consolidation to supplement the record if the supplemental information was previously unavailable.

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

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

(iv) Make its decision based on whether the proposed consolidation satisfies the requirements of subsections (b) and (c).

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

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

(g) For purposes of this section, the term "charter school" shall include a regional charter school.
Section 1731.1-A. Fund Balance Limits.—Fund balance limits shall be as follows:

(1) For the 2015-2016 school year and each school year thereafter, a charter school entity shall not accumulate an unassigned fund balance greater than the charter school entity unassigned fund balance limit, which will be determined as follows:

<table>
<thead>
<tr>
<th>Charter School Entity Total Budgeted Expenditures</th>
<th>Maximum Unassigned Fund Balance as Percentage of Total Budgeted Expenditures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than or equal to $11,999,999</td>
<td>12% 16%</td>
</tr>
<tr>
<td>Between $12,000,000 and $12,999,999</td>
<td>11.5% 15.5%</td>
</tr>
<tr>
<td>Between $13,000,000 and $13,999,999</td>
<td>11% 15%</td>
</tr>
<tr>
<td>Between $14,000,000 and $14,999,999</td>
<td>10.5% 14.5%</td>
</tr>
<tr>
<td>Between $15,000,000 and $15,999,999</td>
<td>10% 14%</td>
</tr>
<tr>
<td>Between $16,000,000 and $16,999,999</td>
<td>9.5% 13.5%</td>
</tr>
<tr>
<td>Between $17,000,000 and $17,999,999</td>
<td>9% 13%</td>
</tr>
<tr>
<td>Between $18,000,000 and $18,999,999</td>
<td>8.5% 12.5%</td>
</tr>
<tr>
<td>Greater Than or Equal to $19,000,000</td>
<td>8% 12%</td>
</tr>
</tbody>
</table>

(2) For the 2015-2016 school year and each school year thereafter, any unassigned fund balance in place on June 30, 2016, 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 September 30, 2016, and by September 30 of each year thereafter.
thereafter, each charter school entity shall provide the
department and all school districts that paid tuition to the
charter school entity in the prior school year with information
certifying compliance with this section. The information shall
be provided in a form and manner prescribed by the department
and shall include information on the charter school entity's
estimated ending unassigned fund balance expressed as a dollar
amount and as a percentage of the charter school entity's total
budgeted expenditures for that school year.

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

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

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

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

Section 1731.2-A. Performance Matrix.--The following shall apply:
(1) Within eighteen (18) months of the effective date of this section, the State board shall develop a standard performance matrix to evaluate charter school entity performance and shall promulgate regulations pursuant to the act of June 25, 1982 (P.L.633, No.181), known as the "Regulatory Review Act," to implement this section.

(2) The performance matrix may SHALL assess performance by utilizing objective criteria, including, but not limited to:

- student performance on assessments;
- annual growth as measured by the Pennsylvania Value-Added Assessment System;
- attendance;
- attrition rates;
- graduation rates;
- other standardized test scores;
- school safety;
- parent satisfaction;
- accreditation by a nationally recognized accreditation agency, including the Middle States Association of Colleges and Schools or another regional institutional accrediting agency recognized by the United States Department of Education or an equivalent federally recognized body for charter school education; and
- other measures of school quality, including measures for assessing teacher effectiveness.

(3) In developing the performance matrix, the State board shall determine an academic quality benchmark the satisfaction of which shall qualify a charter school entity for a ten (10) year renewal term pursuant to section 1720-A(a)(2) or 1745-A(f).

(4) In developing the performance matrix, the State board—
may:

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

(ii) To the extent possible, utilize an existing database developed by the department, including the School Performance Profile.

(5) Neither the department nor any local board of school directors or other school district governing authority may develop a separate performance matrix for the evaluation of a charter school entity.

(6) (i) A local board of school directors or other school district governing authority shall utilize the standard performance matrix as a primary factor in evaluating new and renewal charter school and regional charter school applicants and in annual monitoring and evaluation of charter schools and regional charter schools.

(ii) The department shall utilize the standard performance matrix as a primary factor in evaluating new and renewal cyber charter school applicants, in evaluating consolidation applications under section 1729.2-A and in annual monitoring and evaluation of cyber charter schools.

(7) (i) In developing the performance matrix and promulgating the regulations required under clause (1), the State board shall convene and consult with a Statewide advisory committee which shall consist of representatives of the department and a minimum of seven (7) representatives from charter schools, regional charter schools, cyber charter schools and school district personnel. Members of the committee shall be selected to be representative of the urban, rural and suburban
areas of this Commonwealth.

(ii) The Statewide advisory committee required to be
convened under subparagraph (i) shall be convened not later than
thirty (30) days after the effective date of this section and
shall meet regularly to fulfill requirements of this paragraph.

(8) The department shall distribute the performance matrix
to all school districts and shall publish the matrix on the
department's publicly accessible Internet website.

Section 17. Section 1732-A of the act, amended or added June
19, 1997 (P.L.225, No.22), and June 29, 2002 (P.L.524, No.88),
is amended to read:

Section 1732-A. Provisions Applicable to Charter Schools and
Regional Charter Schools.—(a) Charter schools and regional
charter schools shall be subject to the following:

(1) Sections 108, 110, 111, 321, 325, 326, 327, 431, 436,
443, 510, 518, 527, 708, 736, 737, 738, 739, 740, 741, 752, 753,
771, 776, 777, 808, 809, 810, 1109, 1111, 1112(a),
1205.1, 1205.2, 1205.3, 1205.4, 1205.5, 1301, 1302, 1303, 1310,
1317, 1317.1, 1317.2, 1317.3, 1318, 1327, 1330, 1332, 1333,
1303-A, 1513, 1517, 1518, 1521, 1523, 1531, 1547, 2014-A,
Article XIII-A and Article XIV.

(2) Act of July 19, 1957 (P.L.1017, No.451), known as the
"State Adverse Interest Act."

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

(5) Section 4 of the act of January 25, 1966 (1965 P.L.1546,
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."

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."

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

65 Pa.C.S. Ch. 7 (relating to open meetings).
65 Pa.C.S. Ch. 11 (relating to ethics standards and financial disclosure).

(b) Charter schools and regional charter schools shall be subject to the following provisions of 22 Pa. Code:

Section 5.216 (relating to ESOL).
Section 5.4 (relating to general policies).

(1) Chapter 4 (relating to academic standards and assessments).

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

(3) Chapter 12 (relating to students).

(4) Section 32.3 (relating to assurances).

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

(6) Section 235.4 (relating to practices).

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

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

(e) (1) The secretary may promulgate additional regulations...
relating to charter schools and regional charter schools.

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

Section 10. The act is amended by adding a section to read:

Section 1733-A. Effect on Existing Charter School Entities. (a) Within one (1) year of the effective date of this section, a charter school entity established under section 1717-A, 1718-A or 1745-A prior to the effective date of this section shall amend its current charter through the amendment process under section 1720-A(e) or 1745-A(f)(5) as needed to reflect the requirements of this article. Any renewal that takes effect after June 30, 2015, shall be for the term specified under section 1720-A(a)(2) or 1745-A(f)(3).

(b) A charter school entity approved after the effective date of this section shall be in full compliance with this article.

(c) Within sixty (60) NINETY (90) days of the effective date of this section, each charter school entity shall demonstrate, to the satisfaction of the local board of school directors or, in the case of a cyber charter school, to the satisfaction of the department, that the charter school entity is in compliance with sections 1332 and 1333, including the institution of truancy proceedings when required under section 1333.

Section 19. Sections 1741-A(e) and 1742-A of the act, added June 29, 2002 (P.L.524, No.88), are amended to read:

***

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

Section 1742-A. Assessment and evaluation.

(a) 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
for the period specified in section 1745-A(f)(3).

(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

(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.

(b) School districts, intermediate units, community colleges
and State system institutions shall provide a cyber charter
school with reasonable access to its facilities for the
administration of standardized testing as follows:

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

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

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

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

Section 20. Section 1743-A(e) of the act, added June 29, 2002 (P.L.524, No.88), is amended to read:

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

* * *

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

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

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

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

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

* * *

Section 21. Sections 1744-A, 1745-A and 1749-A(a) and (c) of the act, added June 29, 2002 (P.L.524, No.88), are amended to read:

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

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

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

[(2) Provide the cyber charter school with reasonable access to its facilities for the administration of standardized tests required under this subdivision.]
(3) Upon request, provide assistance to the cyber
charter school in the delivery of services to a student with
disabilities. The school district or intermediate unit shall
not charge the cyber charter school more for a service than
it charges a school district.

(4) Make payments to the cyber charter school under
section 1725-A.

Section 1745-A. Establishment of cyber charter school.

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

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

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

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

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

(c) Attendance. -- Attendance at a cyber charter school shall
satisfy requirements for compulsory attendance, subject to
penalties for violation of compulsory attendance requirements
under section 1332.

(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. --

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

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

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

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

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

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

(i) An initial charter granted pursuant to this section shall be for a period of five years.
(ii) Prior to the effective date of the regulations implementing the performance matrix as required pursuant to section 1731.2-A, a charter may be renewed for five-year periods upon reauthorization by the department.

(iii) Upon the effective date of the regulations implementing the performance matrix as required pursuant to section 1731.2-A, the following shall apply:

(A) For cyber charter schools that have satisfied the academic quality benchmark established by the State board pursuant to section 1731.2-A, a charter may be renewed for ten-year periods upon reauthorization by the department; PROVIDED THAT, BEGINNING IN THE SIXTH YEAR OF ANY TEN-YEAR PERIOD OF RENEWAL UNDER THIS SUBCLAUSE, THE CHARTER OF ANY CYBER CHARTER SCHOOL THAT FAILS FOR TWO CONSECUTIVE YEARS TO SATISFY THE ACADEMIC QUALITY BENCHMARK ESTABLISHED BY THE STATE BOARD UNDER SECTION 1731.2-A SHALL BE SUBJECT TO REVIEW BY THE DEPARTMENT.

(B) For cyber charter schools that have not satisfied the academic quality benchmark established by the State board pursuant to section 1731.2-A, a charter may be renewed for five-year periods upon reauthorization by the department.

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

(5) (i) A cyber charter school may request amendments to its approved written charter by filing with the department a written document describing the requested amendment.

(ii) Within twenty (20) 35 days of its receipt of
the request for an amendment, the department shall hold a
public hearing on the requested amendment under 65-
Pa.C.S. Ch. 7 (relating to open meetings).

(iii) Within twenty (20) 35 days after the hearing, the department shall grant or deny the requested
amendment. Failure by the department to hold a public
hearing and to grant or deny the amendment within the
time period specified shall be deemed an approval.

(iv) An applicant for an amendment shall have the
right to appeal the denial of a requested amendment to
the appeal board provided for under section 1721-A.

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

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

Section 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, 736, 737, 738, 739, 740, 741,
752, 753, [755,] 771, 776, 777, 808, 809, 810, 1109, 1111,
1112(a), 1205.1, 1205.2, 1205.3, 1205.5, 1301, 1302, 1303,
1310, 1317, 1317.2, 1318, 1327, 1330, 1332, 1333, 1303-A,
1513, 1517, 1518, 1521, 1523, 1525, 1531, 1547, 1602-B, 1613-B, 1702-A, 1703-A, 1704-A, 1714-A, 1715-A, 1716-A, 1716.1-A, 1719-A, 1721-A, 1722-A, [1723-A(a) and (b)] 1723-A(a), (b) and (d), 1724-A, 1725-A, 1727-A, 1729-A(d), (e), (f), (g) and (h), 1729-A, 1729.1-A, 1730-A, 1731-A(a)(1) and (b), 1731.1-A, 1731.2-A, 1733-A and 2014-A and Articles [XII A,] XIII A and XIV.

(1.1) Act of July 19, 1957 (P.L.1017, No.451), known as the State Adverse Interest Act.
(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."
(7) 65 Pa.C.S. Ch. 7 (relating to open meetings).
(c) Existing charter schools.—

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

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

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

   (ii) Section 1744-A.

   (iii) Section 1748-A.


Section 23. This act shall take effect as follows:

(1) The amendment or addition of the following provisions of the act shall take effect immediately:

   (i) Section 1704-A.

   (ii) Section 1725-A(a)(1), (2), (2.1), (3) and (4), (b), (c), (d), (e) and (f).

   (II) SECTION 1725-A.

   (iii) Sections 1731.1-A.

   (iv) Section 1731.2-A.

   (v) Section 1732-A.
Section 1749-A.

(2) The amendment of section 1725-A(a)(5) and (6) of the act shall take effect in 90 days.

(3) This section shall take effect immediately.

(4) The remainder of this act shall take effect in 60 days.

SECTION 1. SECTION 111(B), (C.1) AND (J)(2) OF THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949, AMENDED OR ADDED JULY 9, 2008 (P.L.846, NO.61) AND JUNE 30, 2012 (P.L.684, NO.82), ARE AMENDED AND THE SECTION IS AMENDED BY ADDING SUBSECTIONS TO READ:

SECTION 111. CRIMINAL HISTORY OF EMPLOYEES AND PROSPECTIVE EMPLOYEES; CONVICTION OF CERTAIN OFFENSES.--

* * *

(B) ADMINISTRATORS OF PUBLIC AND PRIVATE SCHOOLS, INTERMEDIATE UNITS AND AREA VOCATIONAL-TECHNICAL SCHOOLS SHALL REQUIRE PROSPECTIVE EMPLOYEES TO SUBMIT WITH THEIR EMPLOYMENT APPLICATION, PURSUANT TO 18 PA.C.S. CH.91 (RELATING TO CRIMINAL HISTORY RECORD INFORMATION), A REPORT OF CRIMINAL HISTORY RECORD INFORMATION FROM THE PENNSYLVANIA STATE POLICE OR A STATEMENT FROM THE PENNSYLVANIA STATE POLICE THAT THE STATE POLICE CENTRAL REPOSITORY CONTAINS NO SUCH INFORMATION RELATING TO THAT PERSON. SUCH REPORT OF CRIMINAL HISTORY RECORD INFORMATION SHALL BE NO MORE THAN [ONE (1) YEAR] FIVE (5) YEARS OLD. AN APPLICANT MAY SUBMIT A COPY OF THE REQUIRED INFORMATION WITH THE APPLICATION FOR EMPLOYMENT. ADMINISTRATORS SHALL MAINTAIN A COPY OF THE REQUIRED INFORMATION. ADMINISTRATORS SHALL REQUIRE CONTRACTORS TO PRODUCE A REPORT OF CRIMINAL HISTORY RECORD INFORMATION FOR EACH PROSPECTIVE EMPLOYEE OF SUCH CONTRACTOR PRIOR TO EMPLOYMENT. A COPY OF THE REPORT OF CRIMINAL HISTORY RECORD INFORMATION FROM 20150HB0530PN2658
THE PENNSYLVANIA STATE POLICE SHALL BE MADE AVAILABLE TO THE
APPLICANT IN A MANNER PRESCRIBED BY THE DEPARTMENT OF EDUCATION.
(C.1) BEGINNING APRIL 1, 2007, ADMINISTRATORS SHALL MAINTAIN
ON FILE WITH THE APPLICATION FOR EMPLOYMENT A COPY OF THE
FEDERAL CRIMINAL HISTORY RECORD IN A MANNER PRESCRIBED BY THE
DEPARTMENT OF EDUCATION. AT A MINIMUM, THE DEPARTMENT OF
EDUCATION SHALL PRESCRIBE A METHOD FOR APPLICANTS TO SUBMIT A
SET OF FINGERPRINTS TO BE TRANSMITTED TO THE FEDERAL BUREAU OF
INVESTIGATION FOR FEDERAL CRIMINAL HISTORY RECORD INFORMATION
Pursuant to the applicable federal law. The federal criminal
history record information report shall be no more than [ONE (1)
YEAR] FIVE (5) YEARS OLD. Administrators shall maintain a copy
of the required information and shall require each applicant to
secure a federal criminal history record information report that
may not be more than [ONE (1) YEAR] FIVE (5) YEARS OLD at the
time of employment. A copy of the federal criminal history
record information report shall be made available to the
applicant in a manner prescribed by the department of education.

* * *

(C.3) IN ACCORDANCE WITH 23 PA.C.S. § 6344.4 (RELATING TO
CERTIFICATION COMPLIANCE), ADMINISTRATORS SHALL REQUIRE THE
PERSONS SUBJECT TO THIS SECTION TO OBTAIN THE REPORTS DESCRIBED
IN SUBSECTIONS (B) AND (C.1) AND UNDER 23 PA.C.S. § 6344(B)(2)
(RELATING TO EMPLOYEES HAVING CONTACT WITH CHILDREN; ADOPTIVE
AND FOSTER PARENTS) ON A RENEWED BASIS EVERY SIXTY (60) MONTHS.
ANY PERSON SUBJECT TO THIS SECTION WHO HAS PREVIOUSLY NOT BEEN
REQUIRED TO OBTAIN THE REPORTS REQUIRED BY SUBSECTIONS (B) AND
(C.1) AND UNDER 23 PA.C.S. § 6344(B)(2) ON ACCOUNT OF SERVICE
PRIOR TO APRIL 1, 2007, SHALL BE REQUIRED TO OBTAIN SUCH REPORTS
NO LATER THAN DECEMBER 31, 2015. THE ADMINISTRATOR SHALL REVIEW
THE REPORTS AND DETERMINE IF THE REPORTS DISCLOSE INFORMATION
THAT MAY REQUIRE FURTHER ACTION. THE ADMINISTRATOR SHALL
MAINTAIN A COPY OF THE REQUIRED REPORTS.

(C.4) TO THE EXTENT PERMITTED BY 23 PA.C.S. § 6344.3(F)
(RELATING TO CONTINUED EMPLOYMENT OR PARTICIPATION IN PROGRAM,
ACTIVITY OR SERVICE), AN ADMINISTRATOR MAY ACCEPT THE REPORTS
IDENTIFIED IN 23 PA.C.S. § 6344(B)(1) AND (3) OBTAINED FOR
EMPLOYMENT OR VOLUNTEER REQUIREMENTS PURSUANT TO 23 PA.C.S. §
6344 IN SATISFACTION OF THE REQUIREMENTS OF SUBSECTIONS (B) AND
(C.1), PROVIDED THE REPORTS ARE NOT MORE THAN SIXTY (60) MONTHS
OLD AND THE APPLICANT PROVIDES THE ADMINISTRATOR WITH THE REPORT
DESCRIBED IN SUBSECTION (J)(1) INDICATING THAT THE INDIVIDUAL
HAS NOT BEEN DISQUALIFIED FROM EMPLOYMENT PURSUANT TO SUBSECTION
(E) OR (F.1). THE APPLICANT SHALL ALSO PROVIDE AN ATTESTATION
THAT THE APPLICANT HAS NOT BEEN DISQUALIFIED FOR EMPLOYMENT
UNDER 23 PA.C.S. § 6344(C)(1). THE ADMINISTRATOR SHALL REVIEW
THE REPORTS AND DETERMINE IF THE REPORTS DISCLOSE INFORMATION
THAT MAY REQUIRE FURTHER ACTION AND SHALL MAINTAIN A COPY OF THE
REQUIRED REPORTS.

* * *

(J) * * *

(2) ALL CURRENT AND PROSPECTIVE EMPLOYEES OF A PUBLIC OR
PRIVATE SCHOOL, INTERMEDIATE UNIT OR AREA VOCATIONAL-TECHNICAL
SCHOOL SHALL COMPLETE THE FORM DESCRIBED IN CLAUSE (1),
INDICATING WHETHER OR NOT THEY HAVE BEEN ARRESTED FOR OR
CONVICTED OF AN OFFENSE ENUMERATED UNDER SUBSECTIONS (E) AND
(F.1), PROVIDED THAT ANY CURRENT EMPLOYEE WHO COMPLETED THE FORM
ON OR BEFORE DECEMBER 27, 2011, IN COMPLIANCE WITH CLAUSES (1)
AND (2) ON THAT DATE AND WHO HAS NOT BEEN ARRESTED FOR OR
CONVICTED OF AN OFFENSE ENUMERATED UNDER SUBSECTIONS (E) AND
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(F.1) SHALL NOT BE REQUIRED TO COMPLETE AN ADDITIONAL FORM UNDER THIS SUBSECTION EVERY SIXTY (60) MONTHS AS REQUIRED IN SUBSECTION (C.3).

* * *

SECTION 2. SECTION 121 OF THE ACT, ADDED JUNE 30, 2012 (P.L.684, NO.82), IS AMENDED TO READ:


(B) IN ADDITION TO ANY REQUIREMENTS ON THE STATE BOARD OF EDUCATION UNDER THE "REGULATORY REVIEW ACT", ON THE SAME DATE THAT PURSUANT TO THE "REGULATORY REVIEW ACT" THE STATE BOARD OF EDUCATION SUBMITS A PROPOSED REGULATION FOR OR RELATED TO THE IMPLEMENTATION OF KEYSTONE EXAMS UNDER THIS SECTION TO THE LEGISLATIVE REFERENCE BUREAU FOR PUBLICATION OF NOTICE OF PROPOSED RULEMAKING IN THE PENNSYLVANIA BULLETIN AS REQUIRED BY THE ACT OF JULY 31, 1968 (P.L.769, NO.240), REFERRED TO AS THE COMMONWEALTH DOCUMENTS LAW, AND THEREAFTER ON THE SAME DATE IT SUBMITS THE TEXT OF THE FINAL-FORM REGULATION TO THE INDEPENDENT REGULATORY REVIEW COMMISSION, IT SHALL SUBMIT TO THE CHAIRMAN AND MINORITY CHAIRMAN OF THE EDUCATION COMMITTEE OF THE SENATE AND THE CHAIRMAN AND MINORITY CHAIRMAN OF THE EDUCATION COMMITTEE OF THE HOUSE OF REPRESENTATIVES A DETAILED FISCAL IMPACT STATEMENT THAT THE PROPOSED OR FINAL-FORM REGULATION WILL
HAVE ON THE COMMONWEALTH, THE COMMUNITIES, THE SCHOOL DISTRICTS
AND, IF APPLICABLE, PRIVATE AND PRIVATE RELIGIOUS SCHOOLS. THE
DETAILED FISCAL IMPACT STATEMENT SHALL INCLUDE A COMPREHENSIVE
FISCAL NOTE OF ALL DIRECT AND INDIRECT COSTS WHETHER INCURRED IN
PREPARATION OF THE PROPOSED OR FINAL-FORM REGULATION OR WHICH
WILL BE REQUIRED AS A RESULT OF THE PROMULGATION OF THE
REGULATION TO ITS BEST DOLLAR ESTIMATE. THE STATE BOARD OF
EDUCATION MAY INCLUDE NARRATIVE STATEMENTS TO ACCOMPANY ITS BEST
DOLLAR ESTIMATE, BUT MAY NOT DO SO IN LIEU OF DETAILED BEST
ESTIMATED DOLLAR AMOUNTS.
(C) THE FOLLOWING SHALL APPLY:
(1) NOTWITHSTANDING SECTION 2604-B(B)(2)(V), 22 PA. CODE §
4.24 (RELATING TO HIGH SCHOOL GRADUATION REQUIREMENTS), 4.51
(RELATING TO STATE ASSESSMENT SYSTEM) OR 4.51C (RELATING TO
PROJECT-BASED ASSESSMENT) OR ANY STATUTE OR REGULATION TO THE
CONTRARY, THE USE OF THE KEYSTONE EXAM AS A GRADUATION
REQUIREMENT OR AS A BENCHMARK FOR THE NEED FOR PARTICIPATION IN
A PROJECT-BASED ASSESSMENT SHALL BE DELAYED UNTIL THE 2018-2019
SCHOOL YEAR.
(2) THE DEPARTMENT OF EDUCATION SHALL INVESTIGATE AND
DEVELOP ALTERNATIVES IN ADDITION TO THE USE OF THE KEYSTONE
EXAMS AS A REQUIREMENT FOR GRADUATION AND SHALL, WITHIN SIX (6)
MONTHS OF THE EFFECTIVE DATE OF THIS PARAGRAPH, ISSUE A REPORT
OF THE DEPARTMENT OF EDUCATION'S FINDINGS AND RECOMMENDATIONS,
INCLUDING PROPOSED LEGISLATION, TO THE CHAIRMAN AND MINORITY
CHAIRMAN OF THE EDUCATION COMMITTEE OF THE SENATE AND THE
CHAIRMAN AND MINORITY CHAIRMAN OF THE EDUCATION COMMITTEE OF THE
HOUSE OF REPRESENTATIVES. THE REPORT SHALL, AT A MINIMUM,
CONTAIN A DETAILED PLAN AND TIMELINE WITHIN WHICH THE DEPARTMENT
OF EDUCATION SHALL ACCOMPLISH ALL OF THE FOLLOWING:

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(I) Implement alternative methods for students to demonstrate proficiency for graduation in addition to the Keystone Exams, project-based assessment and other alternative assessments provided for in 22 Pa. Code § 4.24.

(II) Improve and expedite the evaluation of project-based assessments.

(III) Ensure that no student is prohibited from participation in vocational-technical education or elective courses or programs as a result of supplemental instruction required in 22 Pa. Code §§ 4.24(k) and 4.51b(f) (relating to Keystone Exams).

Section 3. The Act is amended by adding sections to read:

Section 124. Powers and duties of the secretary of education.—(A) On behalf of the commonwealth, the secretary of education shall have the authority and duty to enter into and administer membership in a regional compact and an interstate reciprocity agreement for the provision of postsecondary distance education by the following:

(1) Institutions of higher education to students in other states, territories and districts party to such agreement.

(2) Postsecondary institutions in other states, territories or districts that are a party to such agreement to students in this commonwealth.

(B) The department of education may charge administrative fees to institutions of higher education that choose to participate in the agreement, not to exceed the department's costs to implement and administer the agreement. The department may promulgate final-omitted regulations pursuant to the Act of June 25, 1982 (P.L.633, No.181), known as the "Regulatory Review Act," necessary to implement this subsection, provided that such
FINAL-OMITTED REGULATIONS SHALL EXPIRE ON JUNE 30, 2018. AFTER
JUNE 30, 2018, ANY REVISIONS TO THE ADMINISTRATIVE FEES CHARGED
UNDER THIS SUBSECTION SHALL BE MADE THROUGH REGULATIONS
PROMULGATED UNDER THE REGULATORY REVIEW ACT.

(C) THE POSTSECONDARY DISTANCE EDUCATION INTERSTATE
RECIROCITY AGREEMENT RESTRICTED RECEIPTS ACCOUNT IS ESTABLISHED
AS A SPECIAL RESTRICTED RECEIPTS ACCOUNT WITHIN THE GENERAL FUND
OF THE STATE TREASURY, FROM WHICH THE DEPARTMENT MAY DRAW MONEYS
FOR THE PURPOSE OF AGREEMENT EXPENSES, THE COSTS OF
ADMINISTERING AND IMPLEMENTING THE AGREEMENT AND ALL OTHER COSTS
ASSOCIATED WITH THE ACTIVITIES OF THE DEPARTMENT RELATED TO
IMPLEMENTATION OF THIS SECTION. THIS ACCOUNT SHALL CONSIST OF
ALL ADMINISTRATIVE FEES DEPOSITED UNDER SUBSECTION (B) AND STATE
FUNDS APPROPRIATED FOR USE UNDER THIS SECTION. THE RESTRICTED
RECEIPTS ACCOUNT SHALL BE SUBJECT TO AUDIT BY THE AUDITOR
GENERAL.

(D) FOR PURPOSES OF THIS SECTION, "INSTITUTION OF HIGHER
EDUCATION" SHALL HAVE THE MEANING GIVEN IN SECTION 118 AND
ARTICLE XIX-B.

SECTION 510.2. PUBLICATION OF POLICIES.—BEGINNING WITH THE
2016-2017 SCHOOL YEAR, THE BOARD OF SCHOOL DIRECTORS OF A SCHOOL
DISTRICT SHALL POST ON ITS PUBLICLY ACCESSIBLE INTERNET WEBSITE
THE FOLLOWING POLICIES TO THE EXTENT SUCH POLICIES ARE REQUIRED
TO BE ADOPTED BY THE SCHOOL DISTRICT UNDER FEDERAL OR STATE LAW:
(1) THE FOLLOWING RELATING TO STUDENTS:
   (I) ADMISSION OF BEGINNERS.
   (II) ATTENDANCE, EXCUSALS AND TRUANCY.
   (III) WITHDRAWAL FROM SCHOOL.
   (IV) STUDENT DISCIPLINE.
   (V) SUSPENSION AND EXPULSION OF STUDENTS.
(VI) SEARCHES.

(VII) AUDIO INTERCEPTION ON SCHOOL BUSES OR SCHOOL VEHICLES FOR DISCIPLINARY OR SECURITY PURPOSES.

(VIII) RETENTION, MAINTENANCE AND ACCESS TO STUDENT RECORDS.

(IX) USE OF PERSONAL ELECTRONIC DEVICES.

(X) DRESS AND GROOMING.

(XI) STUDENT COMPLAINT PROCESS.

(XII) PARENT APPEAL OF A SCHOOL DISTRICT'S PLACEMENT OF TWINS OR MULTIPLE BIRTH SIBLINGS.

(XIII) PARTICIPATION BY HOME SCHOOL STUDENTS IN SCHOOL DISTRICT EXTRACURRICULAR ACTIVITIES.

(2) THE FOLLOWING RELATING TO EDUCATIONAL PROGRAMS:

(I) CURRICULUM REVIEW BY PARENTS AND STUDENTS.

(II) PROMOTION AND RETENTION.

(III) GRADUATION REQUIREMENTS.

(3) THE FOLLOWING RELATING TO STUDENT HEALTH:

(I) COMMUNICABLE DISEASES AND IMMUNIZATION.

(II) HEALTH EXAMINATIONS AND SCREENINGS.

(III) STUDENT USE OF MEDICATIONS.

(IV) THE SCHOOL DISTRICT'S WELLNESS POLICY.

(4) THE FOLLOWING RELATING TO SCHOOL PROPERTY:

(I) USE OF SCHOOL PROPERTY AND FACILITIES.

(II) SCHOOL VISITATION POLICIES.

(III) INTEGRATED PEST MANAGEMENT PLAN.

(5) THE FOLLOWING RELATING TO COMMUNITY:

(I) PUBLIC PARTICIPATION IN SCHOOL BOARD MEETINGS.

(II) PUBLIC ATTENDANCE AT SCHOOL EVENTS.

(III) PARENTAL INVOLVEMENT POLICY FOR PARENTS AND GUARDIANS OF STUDENTS PARTICIPATING PURSUANT TO SECTION 1118 OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 (PUBLIC LAW 89-20150HB0530PN2658 - 88 -
10, 20 U.S.C § 6318).

(IV) PUBLIC ACCESS TO AND USE OF SCHOOL DISTRICT BUILDINGS, FACILITIES AND GROUNDS.

(V) PUBLIC COMPLAINT PROCESS.

SECTION 4. THE ACT IS AMENDED BY ADDING ARTICLES TO READ:

ARTICLE VI-B

SCHOOL WATCH

SECTION 601-B. SCOPE.

THIS ARTICLE RELATES TO PUBLIC SCHOOL WEB ACCOUNTABILITY AND TRANSPARENCY (SCHOOLWATCH).

SECTION 602-B. DEFINITIONS.

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:

"ADMINISTRATIVE STAFF." EMPLOYEES OF A PUBLIC SCHOOL ENTITY THAT INCLUDE, BUT ARE NOT LIMITED TO, SUPERINTENDENTS, ASSISTANT SUPERINTENDENTS, DEPUTY SUPERINTENDENTS, PRINCIPALS, ASSISTANT PRINCIPALS, SUPERVISORS, MANAGERS, DIRECTORS AND COORDINATORS.

"AREA VOCATIONAL-TECHNICAL SCHOOL." AS DEFINED IN SECTION 1841.

"AVERAGE DAILY MEMBERSHIP." AS DEFINED IN SECTION 2501.

"CHARTER SCHOOL." AS DEFINED IN SECTION 1703-A.

"CHARTER SCHOOL ENTITY." A CHARTER SCHOOL, CYBER CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL AS DEFINED IN SECTION 1703-A.

"CYBER CHARTER SCHOOL." AS DEFINED IN SECTION 1703-A.

"DEPARTMENT." THE DEPARTMENT OF EDUCATION OF THE COMMONWEALTH.

"FACILITIES ACQUISITION AND CONSTRUCTION EXPENDITURES." EXPENDITURES RELATED TO THE PURCHASE OR IMPROVEMENT OF LAND, BUILDINGS, SERVICE SYSTEMS AND BUILT-IN EQUIPMENT.
"GENERAL FUND BALANCE." THE BALANCE IN A PUBLIC SCHOOL ENTITY'S GENERAL FUND, WHICH SHALL NOT INCLUDE NONSPENDABLE AND RESTRICTED FUND BALANCES.

"INSTRUCTIONAL EXPENDITURES." EXPENDITURES RELATED TO ALL THOSE ACTIVITIES DEALING DIRECTLY WITH THE INTERACTION BETWEEN TEACHERS AND STUDENTS AND RELATED COSTS, WHICH CAN BE DIRECTLY ATTRIBUTED TO A PROGRAM OF INSTRUCTION.

"MARKET VALUE/PERSONAL INCOME AID RATIO." AS DEFINED IN SECTIONS 1703-A AND 2501.

"NONINSTRUCTIONAL EXPENDITURES." EXPENDITURES RELATED TO ACTIVITIES CONCERNED WITH PROVIDING NONINSTRUCTIONAL SERVICES TO STUDENTS, STAFF OR THE COMMUNITY.

"OTHER FINANCING USES." CURRENT DEBT SERVICE EXPENDITURES AND OTHER EXPENSES SUCH AS THE REFUNDING OF DEBT AND TRANSFERS OF MONEY FROM ONE FUND TO ANOTHER.

"PUBLIC SCHOOL ENTITY." ANY OF THE FOLLOWING:

(1) AN AREA VOCATIONAL-TECHNICAL SCHOOL.
(2) A SCHOOL DISTRICT.
(3) A CHARTER SCHOOL ENTITY.

"REGIONAL CHARTER SCHOOL." AS DEFINED IN SECTION 1703-A.
"SCHOOL DISTRICT." AS DEFINED IN SECTION 102.
"SCHOOL PERFORMANCE PROFILE." A COMPREHENSIVE OVERVIEW OF STUDENT ACADEMIC PERFORMANCE IN A PUBLIC SCHOOL ENTITY COMPILED ANNUALLY BY THE DEPARTMENT.

"SUPPORT SERVICES EXPENDITURES." EXPENDITURES RELATED TO THOSE SERVICES THAT PROVIDE ADMINISTRATIVE SUPPORT, TECHNICAL SUPPORT, INCLUDING, BUT NOT LIMITED TO, GUIDANCE AND HEALTH, AND LOGISTICAL SUPPORT TO FACILITATE AND ENHANCE INSTRUCTION.

SECTION 603-B. FINANCIAL INFORMATION TO BE POSTED.
(A) INFORMATION.--BEGINNING MAY 31, 2016, AND BY MAY 31 EACH
YEAR THEREAFTER, THE DEPARTMENT SHALL POST ALL OF THE FOLLOWING
FOR EACH PUBLIC SCHOOL ENTITY ON ITS PUBLICLY ACCESSIBLE
INTERNET WEBSITE, TO THE EXTENT THE INFORMATION IS AVAILABLE TO
THE DEPARTMENT:

(1) THE FOLLOWING FINANCIAL INFORMATION FOR THE PUBLIC
SCHOOL ENTITY FOR THE MOST RECENT FISCAL YEAR FOR WHICH THE
PUBLIC SCHOOL ENTITY REPORTED SUCH INFORMATION TO THE
DEPARTMENT:

   (I) TOTAL EXPENDITURES IN THE FOLLOWING CATEGORIES:

       (A) INSTRUCTIONAL.

       (B) SUPPORT SERVICES.

       (C) NONINSTRUCTIONAL.

       (D) FACILITIES ACQUISITION AND CONSTRUCTION.

       (E) OTHER FINANCING USES.

   (II) THE PUBLIC SCHOOL ENTITY'S PER-STUDENT
EXPENDITURES, ON EACH OF THE FOLLOWING BASES:

       (A) BASED ON THE PUBLIC SCHOOL ENTITY'S
INSTRUCTIONAL EXPENDITURES.

       (B) BASED ON THE PUBLIC SCHOOL ENTITY'S TOTAL
EXPENDITURES.

   (III) THE PUBLIC SCHOOL ENTITY'S PER-STUDENT CHARTER
SCHOOL TUITION RATES IN EACH OF THE FOLLOWING CATEGORIES:

       (A) FOR REGULAR EDUCATION STUDENTS.

       (B) FOR SPECIAL EDUCATION STUDENTS.

   (IV) THE PUBLIC SCHOOL ENTITY'S AVERAGE DAILY
MEMBERSHIP.

   (V) THE PUBLIC SCHOOL ENTITY'S MARKET VALUE/PERSONAL
INCOME AID RATIO.

   (VI) THE AVERAGE TEACHER SALARY IN THE PUBLIC SCHOOL
ENTITY.
(VII) TOTAL REVENUES FROM THE FOLLOWING SOURCES:
(A) FEDERAL.
(B) STATE.
(C) LOCAL.
(D) OTHER.

(VIII) THE PUBLIC SCHOOL ENTITY'S GENERAL FUND BALANCE.

(2) A LINK TO THE MOST RECENT OF EACH OF THE FOLLOWING REPORTS FILED BY THE PUBLIC SCHOOL ENTITY WITH THE DEPARTMENT:
(I) SUMMARIES OF FINANCIAL REPORT DATA.
(II) NONADMINISTRATIVE STAFF COMPENSATION REPORT.
(III) ADMINISTRATIVE STAFF COMPENSATION REPORT.

(3) A LINK TO THE PUBLIC SCHOOL ENTITY'S PUBLICLY ACCESSIBLE INTERNET WEBSITE, WHERE AVAILABLE.

(4) A STATEMENT INSTRUCTING THE PUBLIC TO CONTACT THE PUBLIC SCHOOL ENTITY FOR ACCESS TO ANY UNION CONTRACT.

(B) POSTING.--IN POSTING FINANCIAL INFORMATION AS REQUIRED UNDER THIS SECTION, THE DEPARTMENT SHALL:
(1) POST AND COMPILE ANNUALLY ALL INFORMATION AS A "VIEW FISCAL INFORMATION" ICON LOCATED ON A SCHOOL PERFORMANCE PROFILE FOR EACH PUBLIC SCHOOL ENTITY.
(2) POST ALL INFORMATION IN A LOCATION AND MANNER THAT IS EASILY ACCESSIBLE TO THE PUBLIC.
(3) INCLUDE ALL DEFINITIONS AND OTHER EXPLANATORY REFERENCES THAT MAY BE NECESSARY TO ASSIST INTERNET WEBSITE USERS IN UNDERSTANDING THE POSTED INFORMATION.
(4) USE EXISTING DATABASES AND ELECTRONIC REPORTING SYSTEMS TO THE EXTENT POSSIBLE.
(5) PROVIDE FOR AN ELECTRONIC FEATURE THAT WILL ALLOW
THE PUBLIC TO COMPARE FINANCIAL INFORMATION FOR A MINIMUM OF FOUR PUBLIC SCHOOL ENTITIES.

(6) BEGINNING WITH INFORMATION PERTAINING TO THE 2012-2013 FISCAL YEAR, POST THE INFORMATION REQUIRED UNDER SUBSECTION (A)(1) FOR AT LEAST THE MOST RECENT THREE FISCAL YEARS FOR WHICH SUCH INFORMATION IS AVAILABLE TO THE DEPARTMENT, INCLUDING A TREND GRAPH DISPLAYING THE CHANGE IN THE AMOUNT REPORTED EACH YEAR FROM THE AMOUNT REPORTED IN THE PREVIOUS YEAR.

(C) LIMITATION.--THE DEPARTMENT'S POSTING OF FINANCIAL INFORMATION UNDER THIS SECTION SHALL NOT BE CONSTRUED TO:

(1) REQUIRE A PUBLIC SCHOOL ENTITY TO PROVIDE THE DEPARTMENT WITH ANY ADDITIONAL INFORMATION, DATA OR REPORTS THAT THE PUBLIC SCHOOL ENTITY IS NOT ALREADY REQUIRED TO PROVIDE TO THE DEPARTMENT AS OF THE EFFECTIVE DATE OF THIS ACT.

(2) REQUIRE ANY PUBLIC SCHOOL ENTITY TO PROVIDE THE DEPARTMENT WITH ADDITIONAL INFORMATION BEYOND THE INFORMATION REQUIRED TO BE PROVIDED TO THE DEPARTMENT BY ANY OTHER PUBLIC SCHOOL ENTITY.

ARTICLE VI-C
STATE OPPORTUNITY SCHOOLS

SECTION 601-C. SCOPE.
THIS ARTICLE RELATES TO THE TRANSFER OF UNDERPERFORMING SCHOOLS TO THE DEPARTMENT OF EDUCATION.

SECTION 602-C. DEFINITIONS.
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:
"COMMISSION." THE SCHOOL REFORM COMMISSION ESTABLISHED UNDER 20150HB0530PN2658
SECTION 696.

"DEPARTMENT." THE DEPARTMENT OF EDUCATION OF THE COMMONWEALTH.

"DIAGNOSTIC AUDIT." A COMPREHENSIVE REVIEW OF A SCHOOL'S ORGANIZATIONAL STRUCTURE, SCHOOL MANAGEMENT, OPERATIONS, ACADEMICS, USE OF DATA AND CLIMATE COMPLETED TO IDENTIFY THE WEAKNESSES AND STRENGTHS OF THE SCHOOL AND AREAS FOR GROWTH AND IMPROVEMENT WITHIN THE SCHOOL.

"EDUCATION MANAGEMENT SERVICE PROVIDER." A FOR-PROFIT OR NONPROFIT MANAGEMENT ORGANIZATION, NONPROFIT CHARTER MANAGEMENT ORGANIZATION, SCHOOL DESIGN PROVIDER, BUSINESS MANAGER OR ANY OTHER PARTNER ENTITY WITH WHICH A SCHOOL DISTRICT CONTRACTS TO PROVIDE EDUCATIONAL DESIGN, BUSINESS SERVICES, COMPREHENSIVE MANAGEMENT OR PERSONNEL FUNCTIONS. THE TERM DOES NOT INCLUDE A CHARTER SCHOOL FOUNDATION.

"ELIGIBLE SCHOOL." A SCHOOL WITHIN A SCHOOL DISTRICT DESIGNATED BY THE SCHOOL DISTRICT UNDER ITS PERFORMANCE METRIC AS AN INTERVENTION SCHOOL.

"INTERVENTION SCHOOL." A SCHOOL DESIGNATED IN THE LOWEST PERFORMANCE TIER OF A SCHOOL DISTRICT'S PERFORMANCE METRIC.

"PERFORMANCE METRIC." THE SYSTEM CREATED AND UTILIZED BY A SCHOOL DISTRICT TO MEASURE A SCHOOL'S ACADEMIC PERFORMANCE.

"PERSISTENTLY LOW-ACHIEVING SCHOOL." AN ELIGIBLE SCHOOL DESIGNATED BY THE SECRETARY UNDER SECTION 603-C.

"SCHOOL DISTRICT." A SCHOOL DISTRICT OF THE FIRST CLASS.

"SCHOOL IMPROVEMENT PROCESS." A SCHOOL IMPROVEMENT PLAN DEVELOPED AND IMPLEMENTED BY THE SECRETARY.

"SECRETARY." THE SECRETARY OF EDUCATION OF THE COMMONWEALTH.

SECTION 603-C. PERSISTENTLY LOW-ACHIEVING SCHOOLS.

(A) DESIGNATION.--
(1) WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS SECTION AND BY SEPTEMBER 30 OF EACH SUCCEEDING YEAR, THE SECRETARY SHALL IDENTIFY ELIGIBLE SCHOOLS AND DESIGNATE Persistently Low-Achieving Schools.

(2) THE SECRETARY SHALL HAVE DISCRETION TO DESIGNATE Persistently Low-Achieving Schools FROM THE LIST OF ELIGIBLE SCHOOLS CREATED BY THE PERFORMANCE METRICS.

(3) THE SECRETARY SHALL NOTIFY Persistently Low-Achieving Schools AND THE SCHOOL DISTRICT OF THEIR DESIGNATION IN WRITING WITHIN 30 DAYS OF THEIR DESIGNATION.

(4) THE SECRETARY SHALL DESIGNATE FIVE SCHOOLS PER YEAR AS Persistently Low Achieving.

(B) LIMITATIONS.--THE SECRETARY SHALL NOT IDENTIFY A SCHOOL AS Persistently Low Achieving IF THE SCHOOL:

(1) HAS BEEN CONVERTED TO A CHARTER SCHOOL OR RENAISSANCE MODEL WITHIN THE PAST THREE YEARS.

(2) INITIALLY OPENED WITHIN THE PAST THREE YEARS.

(3) EXCLUSIVELY SERVES A HISTORICALLY UNDERSERVED POPULATION, INCLUDING, BUT NOT LIMITED TO, RETURNING TRUANTS, HOMELESS STUDENTS, STUDENTS WITH DISABILITIES OR ADJUDICATED MINORS.

(4) HAS A COLLEGE MATRICULATION RATE THAT MEETS OR EXCEEDS THE LOCAL SCHOOL DISTRICT AVERAGE.

(5) IS A CHARTER SCHOOL WHOSE ACADEMIC PERFORMANCE AS MEASURED BY THE MOST RECENT PENNSYLVANIA SCHOOL PERFORMANCE PROFILE EXCEEDS THE AVERAGE PENNSYLVANIA SCHOOL PERFORMANCE PROFILE FOR SCHOOLS IN THE AUTHORIZING SCHOOL DISTRICT.

(C) DESIGNATION.--ONCE DESIGNATED, A Persistently Low-Achieving School SHALL ENTER THE SCHOOL IMPROVEMENT PROCESS AS SET FORTH IN SECTION 604-C.
SECTION 604-C. SCHOOL IMPROVEMENT PROCESS.

(A) DIAGNOSTIC AUDIT.--DURING THE FIRST ACADEMIC YEAR IN WHICH A SCHOOL HAS BEEN DESIGNATED A PERSISTENTLY LOW-ACHIEVING SCHOOL, A DIAGNOSTIC AUDIT OF THE SCHOOL SHALL BE COMPLETED NO LATER THAN JUNE 30. THE AUDIT SHALL BE PROVIDED BY THE DEPARTMENT.

(B) DEPARTMENT ACTION.--UPON COMPLETION OF THE DIAGNOSTIC AUDIT, THE DEPARTMENT SHALL TAKE ONE OR MORE OF THE FOLLOWING ACTIONS:

(1) CONTRACT WITH AN EDUCATION MANAGEMENT SERVICE PROVIDER TO OPERATE THE PERSISTENTLY LOW-ACHIEVING SCHOOL AND GUARANTEE ADMISSION TO STUDENTS WHO WERE ENROLLED IN THE SCHOOL IN THE PRIOR SCHOOL YEAR.

(2) CONVERT THE PERSISTENTLY LOW-ACHIEVING SCHOOL TO A CHARTER SCHOOL AND GUARANTEE ADMISSION TO STUDENTS WHO WERE ENROLLED IN THE SCHOOL IN THE PRIOR SCHOOL YEAR.

(3) CLOSE THE PERSISTENTLY LOW-ACHIEVING SCHOOL AND FACILITATE THE TRANSFER OF STUDENTS TO HIGHER PERFORMING SCHOOLS.

(4) AUTHORIZE A NEW CHARTER SCHOOL AND, NOTWITHSTANDING THE PROVISIONS OF ARTICLE XVII-A, GUARANTEE ADMISSION PREFERENCE TO ANY STUDENTS WHO RESIDE IN THE AREA BEING SERVED BY THE PERSISTENTLY LOW-ACHIEVING SCHOOL. THE DEPARTMENT SHALL ADOPT CRITERIA FOR THE AUTHORIZATION OF CHARTER SCHOOLS THAT IS CONSISTENT WITH THE CRITERIA SET FORTH BY THE NATIONAL ASSOCIATION OF CHARTER SCHOOL AUTHORIZERS.

(5) REPLACE THE PRINCIPAL AND AT LEAST 50% OF THE PROFESSIONAL STAFF AT THE PERSISTENTLY LOW-ACHIEVING SCHOOL.

(6) OPERATE UNDER ONE OF THE POWERS ENUMERATED UNDER

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SECTION 606-C.

SECTION 605-C. POWERS AND DUTIES OF DEPARTMENT.

(A) GENERAL RULE.--EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED IN THIS ARTICLE, THE DEPARTMENT SHALL HAVE THE POWERS AND DUTIES OF A SCHOOL DISTRICT UNDER THIS ACT.

(B) CHARTER SCHOOLS.--THE AUTHORITY OF THE DEPARTMENT TO AUTHORIZE THE GRANT OF A CHARTER TO AN APPLICANT FOR A CHARTER SCHOOL AND THE AUTHORITY TO CONVERT A CHARTER SCHOOL SHALL BE LIMITED AS SET FORTH IN THIS SECTION.

(C) CRITERIA FOR CONVERSION.--NOTWITHSTANDING THE PROVISIONS OF ARTICLE XVII-A, THE DEPARTMENT MAY CONVERT A SCHOOL UNDER ITS JURISDICTION TO A CHARTER SCHOOL.


(E) CHARTER SCHOOLS.--NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, IN ACCORDANCE WITH SECTION 1720-A, THE DEPARTMENT MAY REVOKE OR OPT NOT TO RENEW A CHARTER SCHOOL WITHIN ITS JURISDICTION PROVIDED THE DEPARTMENT CONTINUES TO MEET THE REQUIREMENTS OF SECTION 605-C(D). THE NONRENEWAL OR REVOCATION MAY NOT BE APPEALED TO THE STATE CHARTER SCHOOL APPEAL BOARD. ANY APPEAL OF THE NONRENEWAL OR REVOCATION SHALL BE TO COMMONWEALTH COURT.

(F) AUTHORITY TO OPERATE.--THE DEPARTMENT MAY DIRECTLY
OPERA A SCHOOL OR CONTRACT WITH INDIVIDUALS OR EDUCATION MANAGEMENT SERVICE PROVIDERS TO MANAGE THE DAY-TO-DAY OPERATIONS OF A PERSISTENTLY LOW-ACHIEVING SCHOOL, INCLUDING, BUT NOT LIMITED TO, PROVIDING DIRECT SERVICES TO STUDENTS.

(G) INTERMEDIATE UNIT SERVICES.--THE DEPARTMENT MAY REQUIRE AN INTERMEDIATE UNIT TO PROVIDE SCHOOL SUPPORT OR STUDENT SUPPORT SERVICES FOR A SCHOOL TRANSFERRED FROM THE INTERMEDIATE UNIT'S JURISDICTION, INCLUDING, BUT NOT LIMITED TO, STUDENT TRANSPORTATION, SCHOOL FOOD SERVICE, ALTERNATIVE SCHOOLS AND SPECIAL EDUCATION SERVICES, IN COMPLIANCE WITH LAWS AND REGULATIONS GOVERNING SUCH SERVICES. THE DEPARTMENT SHALL REIMBURSE ACTUAL COSTS INCURRED BY THE INTERMEDIATE UNIT IN PROVIDING THE SERVICES FROM FUNDS RECEIVED UNDER SECTION 610-C.

(H) PROCUREMENT.--NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE DEPARTMENT HAS THE SAME AUTHORITY AND AUTONOMY AFFORDED TO A SCHOOL DISTRICT UNDER STATE LAW REGARDING THE PROCUREMENT OF PROPERTY, GOODS AND SERVICES, INCLUDING, BUT NOT LIMITED TO, PERSONAL, PROFESSIONAL, CONSULTING AND SOCIAL SERVICES.

(I) WAIVER.--ANY ENTITY THE DEPARTMENT CONTRACTS WITH TO OPERATE OR MANAGE A SCHOOL UNDER THE JURISDICTION OF THE DEPARTMENT MAY APPLY TO THE SECRETARY FOR A WAIVER OF ANY REGULATION OR STATUTORY PROVISION THAT INHIBITS THE ABILITY OF THE SCHOOL TO INCREASE STUDENT ACHIEVEMENT. THE SECRETARY MAY WAIVE ANY REGULATION OR STATUTORY PROVISION THAT INHIBITS THE ABILITY OF THE SCHOOL TO INCREASE STUDENT ACHIEVEMENT. NOTWITHSTANDING THIS SUBSECTION, THE SECRETARY MAY NOT WAIVE RULES RELATED TO THE FOLLOWING:

1. FEDERAL AND STATE CIVIL RIGHTS.
2. FEDERAL, STATE AND LOCAL HEALTH AND SAFETY.
3. FEDERAL AND STATE PUBLIC RECORDS.
(4) POSSESSION OF WEAPONS ON SCHOOL GROUNDS.

(5) BACKGROUND CHECKS AND FINGERPRINTS OF PERSONNEL.

(6) FEDERAL AND STATE SPECIAL EDUCATION REQUIREMENTS.

(7) STUDENT DUE PROCESS.

(8) PARENTAL RIGHTS.

(9) FEDERAL AND STATE STUDENT ASSESSMENT AND ACCOUNTABILITY.

(10) OPEN MEETINGS.

(J) FUNDING.--THE DEPARTMENT MAY SEEK, MANAGE AND EXPEND FEDERAL MONEY AND GRANTS AND OTHER FUNDING WITH THE SAME AUTHORITY AS A SCHOOL DISTRICT.

(K) TAXING POWER.--THE DEPARTMENT HAS NO AUTHORITY TO LEVY ANY TAX.

SECTION 606-C. DEPARTMENT-OPERATED PERSISTENTLY LOW-ACHIEVING SCHOOLS.

(A) POWERS OF DEPARTMENT.--IN ADDITION TO THE POWERS GRANTED BY LAW TO SCHOOL DISTRICTS, AND NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY, THE DEPARTMENT SHALL HAVE THE FOLLOWING POWERS AS TO PERSISTENTLY LOW-ACHIEVING SCHOOLS OPERATED BY THE DEPARTMENT:

(1) TO ENTER INTO AGREEMENTS WITH PERSONS OR EDUCATION MANAGEMENT SERVICE PROVIDERS TO OPERATE THE SCHOOL. A SCHOOL OPERATED UNDER THIS PARAGRAPH SHALL BE FUNDED IN ACCORDANCE WITH THE TERMS OF THE AGREEMENT.

(2) TO EMPLOY PROFESSIONAL AND SENIOR MANAGEMENT EMPLOYEES WHO DO NOT HOLD STATE CERTIFICATION IF THE DEPARTMENT HAS APPROVED THE QUALIFICATIONS OF THE PERSON AT A SALARY ESTABLISHED BY THE DEPARTMENT.

(3) TO ENTER INTO AGREEMENTS WITH PERSONS OR EDUCATION MANAGEMENT SERVICE PROVIDERS PROVIDING EDUCATIONAL OR OTHER
SERVICES TO THE SCHOOL. SERVICES PROVIDED UNDER THIS
PARAGRAPH SHALL BE FUNDED IN ACCORDANCE WITH THE TERMS OF THE
AGREEMENT.

(4) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE,
TO CLOSE OR RECONSTITUTE A SCHOOL, INCLUDING THE
REASSIGNMENT, SUSPENSION OR DISMISSAL OF PROFESSIONAL
EMPLOYEES.

(5) TO APPOINT MANAGERS, ADMINISTRATORS OR EDUCATION
MANAGEMENT SERVICE PROVIDERS TO OVERSEE THE OPERATIONS OF THE
SCHOOL.

(6) TO DELEGATE TO A PERSON, INCLUDING AN EMPLOYEE OF
THE SCHOOL DISTRICT OR AN EDUCATION MANAGEMENT SERVICE
PROVIDER, POWERS IT DEEMS NECESSARY TO CARRY OUT THE PURPOSES
OF THIS ARTICLE, SUBJECT TO THE SUPERVISION AND DIRECTION OF
THE DEPARTMENT.

SECTION 607-C. TRANSFER TO DEPARTMENT.

(A) GENERAL RULE.--THE DEPARTMENT MAY TRANSFER AN ELIGIBLE
SCHOOL TO ITS JURISDICTION AFTER PROVIDING NOTICE TO THE
TRANSFERRING DISTRICT OR TRANSFERRING CHARTER SCHOOL.

(B) OBJECTION BY SCHOOL DISTRICT.--THE SCHOOL DISTRICT OF
THE ELIGIBLE SCHOOL SUBJECT TO TRANSFER MAY OBJECT TO A TRANSFER
BASED ON THE CRITERIA SET FORTH IN SECTION 603-C(B). AN
OBJECTION AND REASONS FOR THE OBJECTION MUST BE FILED WITH THE
DEPARTMENT WITHIN 30 DAYS OF THE NOTICE IN SUBSECTION (A).

(C) OBJECTION BY CHARTER SCHOOL.--IF THE ELIGIBLE SCHOOL
SUBJECT TO TRANSFER IS A CHARTER SCHOOL, THE CHARTER SCHOOL MAY
OBJECT TO THE TRANSFER BASED ON THE CRITERIA SET FORTH IN
SECTION 603-C(B). AN OBJECTION AND REASONS FOR THE OBJECTION
MUST BE FILED WITH THE DEPARTMENT WITHIN 30 DAYS OF THE NOTICE
IN SUBSECTION (A).
(D) **PUBLIC HEARING.**—WITHIN 30 DAYS OF RECEIPT OF AN
OBJECTION BY A SCHOOL DISTRICT OR CHARTER SCHOOL, THE DEPARTMENT
SHALL HOLD A PUBLIC HEARING ON THE OBJECTION AND SHALL RECEIVE
PUBLIC TESTIMONY DURING THE HEARING.

(E) **DECISION BY DEPARTMENT.**—WITHIN 60 DAYS OF THE PUBLIC
HEARING, THE DEPARTMENT SHALL MAKE A FINAL DECISION IN
ACCORDANCE WITH THE CRITERIA SET FORTH IN SECTION 603-C(B).

(F) **APPEAL.**—WITHIN 60 DAYS OF THE FINAL DECISION UNDER
SUBSECTION (E), AN OBJECTING PARTY UNDER THIS SECTION SHALL HAVE
A RIGHT OF APPEAL TO COMMONWEALTH COURT.

(G) **DECISION FINAL.**—IF NO OBJECTION UNDER THIS SECTION IS
FILED WITHIN THE REQUIRED PERIOD, THE DECISION TO TRANSFER UNDER
THIS SECTION SHALL BE FINAL.

SECTION 608-C. TRANSFER FROM DEPARTMENT.

(A) **LENGTH OF TRANSFER.**—A PERSISTENTLY LOW-ACHIEVING SCHOOL
SHALL REMAIN UNDER THE JURISDICTION OF THE DEPARTMENT FOR A
MINIMUM OF THREE YEARS.

(B) **RETURN TO JURISDICTION OF SCHOOL DISTRICT.**—AFTER THE
MINIMUM TIME SET FORTH IN SUBSECTION (A), THE DEPARTMENT MAY
TRANSFER A PERSISTENTLY LOW-ACHIEVING SCHOOL TO THE JURISDICTION
OF ITS SCHOOL DISTRICT OF ORIGIN IF, FOR TWO CONSECUTIVE YEARS,
THE SCHOOL DOES NOT MEET THE CRITERIA NECESSARY TO BE DEEMED A
PERSISTENTLY LOW-ACHIEVING SCHOOL.

(C) **CHARTER SCHOOLS.**—UPON APPROVAL OF THE SECRETARY, A
CHARTER SCHOOL UNDER THE JURISDICTION OF THE DEPARTMENT MAY
RETAIN THE DEPARTMENT AS ITS AUTHORIZER UNDER ARTICLE XVII-A.

SECTION 609-C. EVALUATION.

FOR THE SCHOOL YEAR 2020-2021, AN ELIGIBLE SCHOOL MAY NOT BE
TRANSFERRED TO THE JURISDICTION OF THE DEPARTMENT UNLESS THE

DEPARTMENT:
(1) Demonstrates, in a report and based on criteria established by the secretary, that eligible schools within the jurisdiction of the department for at least three years have outperformed eligible schools not transferred to the department in the 2017-2018 school year; and

(2) submits the report to the chairman and minority chairman of the education committee of the senate, the chairman and minority chairman of the education committee of the house of representatives and the governor.

Section 610-c. Payments and funding.

(A) Tuition.--Tuition may not be charged for a resident or nonresident student attending a persistently low-achieving school.

(B) Funding.--Funding shall be provided as follows:

(1) For nonspecial education students, the department shall receive for each student enrolled no less than the budgeted total expenditure per average daily membership of the prior school year, as defined in section 2501(20), minus the budgeted expenditures of the district of residence for nonpublic school programs; adult education programs; community/junior college programs; student transportation services; special education programs; facilities acquisition, construction and improvement services; and other financing uses, including debt service and fund transfers as provided in the manual of accounting and related financial procedures for Pennsylvania school systems established by the department. This amount shall be paid by the district of residence of each student.

(2) For special education students, the department shall receive for each student enrolled the same funding as for
EACH NONSPECIAL EDUCATION STUDENT AS PROVIDED IN PARAGRAPH (1), PLUS AN ADDITIONAL AMOUNT DETERMINED BY DIVIDING THE DISTRICT OF RESIDENCE'S TOTAL SPECIAL EDUCATION EXPENDITURE BY THE PRODUCT OF MULTIPLYING THE COMBINED PERCENTAGE OF SECTION 2509.5(K) TIMES THE DISTRICT OF RESIDENCE'S TOTAL AVERAGE DAILY MEMBERSHIP FOR THE PRIOR SCHOOL YEAR. THIS AMOUNT SHALL BE PAID BY THE DISTRICT OF RESIDENCE OF EACH STUDENT.

(3) THE DEPARTMENT MAY REQUEST THE INTERMEDIATE UNIT IN WHICH THE PERSISTENTLY LOW-ACHIEVING SCHOOL IS LOCATED TO PROVIDE SERVICES TO ASSIST THE DEPARTMENT TO ADDRESS THE SPECIFIC NEEDS OF EXCEPTIONAL STUDENTS. THE INTERMEDIATE UNIT SHALL ASSIST THE DEPARTMENT AND BILL THE DEPARTMENT FOR THE SERVICES. THE INTERMEDIATE UNIT MAY NOT CHARGE THE DEPARTMENT MORE FOR ANY SERVICE THAN IT CHARGES THE CONSTITUENT DISTRICTS OF THE INTERMEDIATE UNIT.

(4) PAYMENTS SHALL BE MADE TO THE DEPARTMENT IN 12 EQUAL MONTHLY PAYMENTS, BY THE FIFTH DAY OF EACH MONTH, WITHIN THE OPERATING SCHOOL YEAR. A STUDENT ENROLLED IN A PERSISTENTLY LOW-ACHIEVING SCHOOL SHALL BE INCLUDED IN THE AVERAGE DAILY MEMBERSHIP OF THE STUDENT'S DISTRICT OF RESIDENCE FOR THE PURPOSE OF PROVIDING BASIC EDUCATION FUNDING PAYMENTS AND SPECIAL EDUCATION FUNDING UNDER ARTICLE XXV. IF A SCHOOL DISTRICT FAILS TO MAKE A PAYMENT TO THE DEPARTMENT AS PRESCRIBED IN THIS PARAGRAPH, THE SECRETARY SHALL DEDUCT THE ESTIMATED AMOUNT, AS DOCUMENTED BY THE DEPARTMENT, FROM ANY AND ALL STATE PAYMENTS MADE TO THE DISTRICT AFTER RECEIPT OF DOCUMENTATION FROM THE DEPARTMENT.

(5) WITHIN 30 DAYS AFTER THE SECRETARY MAKES THE DEDUCTION DESCRIBED IN PARAGRAPH (4), A SCHOOL DISTRICT MAY
NOTIFY THE SECRETARY THAT THE DEDUCTION MADE FROM STATE PAYMENTS TO THE DISTRICT UNDER THIS SUBSECTION IS INACCURATE. THE SECRETARY SHALL PROVIDE THE SCHOOL DISTRICT WITH AN OPPORTUNITY TO BE HEARD CONCERNING:

(I) WHETHER THE DEPARTMENT DOCUMENTED THAT ITS STUDENTS WERE ENROLLED WITH THE DEPARTMENT;

(II) THE PERIOD OF TIME DURING WHICH EACH STUDENT WAS ENROLLED;

(III) THE SCHOOL DISTRICT OF RESIDENCE OF EACH STUDENT; AND

(IV) WHETHER THE AMOUNTS DEDUCTED FROM THE SCHOOL DISTRICT WERE ACCURATE.

(C) DONATIONS.--THE DEPARTMENT MAY ACCEPT DONATIONS OF MONEY, PROPERTY OR SECURITIES FROM ANY SOURCE FOR THE BENEFIT OF THE PERSISTENTLY LOW-ACHIEVING SCHOOLS. A DONATION SHALL, IN GOOD FAITH, BE DISBURSED IN ACCORDANCE WITH THE CONDITIONS OF THE DONATION.

(D) APPROPRIATIONS.--THE GENERAL ASSEMBLY SHALL APPROPRIATE FUNDS AS IT DEEMS NECESSARY TO PAY THE COSTS FOR THE IMPLEMENTATION AND ADMINISTRATION OF THIS ARTICLE.

SECTION 611-C. FACILITIES.

SUBJECT TO A LEASE OR LICENSE AT NO MORE THAN FAIR MARKET RATES, THE DEPARTMENT SHALL HAVE THE RIGHT TO USE ANY SCHOOL BUILDING AND ALL FACILITIES AND PROPERTY OTHERWISE PART OF THE PERSISTENTLY LOW-ACHIEVING SCHOOL AND RECOGNIZED AS PART OF THE FACILITIES OR ASSETS OF THE SCHOOL PRIOR TO ITS TRANSFER TO THE DEPARTMENT AND SHALL HAVE ACCESS TO ADDITIONAL FACILITIES AS WERE TYPICALLY AVAILABLE TO THE SCHOOL, ITS STUDENTS, FACULTY AND STAFF PRIOR TO ITS TRANSFER TO THE DEPARTMENT. EXTENSIVE REPAIRS TO BUILDINGS OR FACILITIES CONSIDERED CAPITAL EXPENSES.
SHALL BE THE RESPONSIBILITY OF THE TRANSFERRING SCHOOL DISTRICT AND NOT THE DEPARTMENT. ANY FIXTURES, IMPROVEMENTS OR TANGIBLE ASSETS ADDED TO A SCHOOL BUILDING OR FACILITY BY THE DEPARTMENT SHALL REMAIN AT THE SCHOOL BUILDING OR FACILITY UPON THE SCHOOL BEING RETURNED TO THE JURISDICTION OF THE TRANSFERRING SCHOOL DISTRICT.

SECTION 612-C. EMPLOYEES.


(B) EMPLOYEE TRANSFERS.--THE DEPARTMENT, OR AN ENTITY UNDER CONTRACT TO OPERATE A PERSISTENTLY LOW-ACHIEVING SCHOOL, MAY DETERMINE WHETHER AN EMPLOYEE WHO IS ASSIGNED TO A SCHOOL PRIOR TO THE SCHOOL'S TRANSFER TO THE DEPARTMENT MAY OPT TO CONTINUE AS AN EMPLOYEE OF THE DEPARTMENT OR THE OPERATING ENTITY. IF AN EMPLOYEE IS NOT PROVIDED THE OPTION, THE EMPLOYEE SHALL BE RETAINED AS AN EMPLOYEE OF THE TRANSFERRING SCHOOL DISTRICT. IF AN EMPLOYEE ACCEPTS THE OPTION, THE EMPLOYEE MAY, AT THE DISCRETION OF THE TRANSFERRING SCHOOL DISTRICT, RETURN TO THE EMPLOY OF THE SCHOOL DISTRICT, IF THE DEPARTMENT OR OPERATING
ENTITY LATER DETERMINES NOT TO CONTINUE EMPLOYMENT.

(C) CERTIFICATION.--AT LEAST 75% OF THE PROFESSIONAL STAFF MEMBERS OF A PERSISTENTLY LOW-ACHIEVING SCHOOL SHALL HOLD APPROPRIATE STATE CERTIFICATION.


(F) HEALTH CARE BENEFITS.--EVERY EMPLOYEE OF THE DEPARTMENT SHALL BE PROVIDED THE SAME OR COMPARABLE HEALTH CARE BENEFITS AS THE EMPLOYEE WOULD BE PROVIDED IF HE WERE AN EMPLOYEE OF THE TRANSFERRING DISTRICT.

(G) SICK LEAVE.--ANY EMPLOYEE OF A PUBLIC SCHOOL WHO IS GIVEN AND ACCEPTS THE OFFER OF EMPLOYMENT WITH THE DEPARTMENT SHALL RETAIN ANY ACCUMULATED SICK LEAVE IN THE POSITION WITH THE DEPARTMENT.

(H) LEAVE OF ABSENCE.--A PUBLIC SCHOOL EMPLOYEE OF A SCHOOL ENTITY MAY REQUEST A LEAVE OF ABSENCE FOR UP TO FIVE YEARS IN ORDER TO WORK FOR THE DEPARTMENT AT A PERSISTENTLY LOW-ACHIEVING SCHOOL. APPROVAL OF A LEAVE OF ABSENCE SHALL NOT BE UNREASONABLY WITHHELD.

(I) TENURE.--A TEMPORARY PROFESSIONAL EMPLOYEE ON LEAVE FROM A SCHOOL DISTRICT MAY ACCRUE TENURE IN THE TRANSFERRING SCHOOL SYSTEM AT THE DISCRETION OF THE TRANSFERRING SCHOOL DISTRICT IN THE SAME MANNER AS THE EMPLOYEE WOULD UNDER ARTICLE XI IF THE EMPLOYEE HAD CONTINUED TO BE EMPLOYED BY THE SCHOOL DISTRICT. A PROFESSIONAL EMPLOYEE ON LEAVE FROM A SCHOOL DISTRICT SHALL RETAIN TENURE RIGHTS, AS DEFINED IN ARTICLE XI, IN THE SCHOOL ENTITY FROM WHICH THE EMPLOYEE TRANSFERRED. NO TEMPORARY
PROFESSIONAL EMPLOYEE OR PROFESSIONAL EMPLOYEE SHALL HAVE TENURE RIGHTS AS AGAINST THE DEPARTMENT. A TEMPORARY PROFESSIONAL EMPLOYEE AND PROFESSIONAL EMPLOYEE SHALL CONTINUE TO ACCRUE SENIORITY IN THE SCHOOL DISTRICT FROM WHICH THE EMPLOYEE TRANSFERRED IF THE EMPLOYEE RETURNS TO THE SCHOOL DISTRICT UPON TERMINATION OF THE LEAVE.

(J) SERVICE REQUIREMENTS FOR CERTIFICATES.--PROFESSIONAL EMPLOYEES WHO HOLD A FIRST LEVEL TEACHING OR ADMINISTRATIVE CERTIFICATE MAY, AT THEIR OPTION, HAVE THE TIME COMPLETED IN SATISFACTORY SERVICE IN THE DEPARTMENT APPLIED TO THE LENGTH OF SERVICE REQUIREMENTS FOR THE NEXT LEVEL OF CERTIFICATION.

(K) RETURN TO SCHOOL DISTRICT.--A TEMPORARY PROFESSIONAL EMPLOYEE OR PROFESSIONAL EMPLOYEE WHO LEAVES THE EMPLOY OF THE DEPARTMENT SHALL HAVE THE RIGHT TO RETURN TO A COMPARABLE POSITION FOR WHICH THE PERSON IS PROPERLY CERTIFIED IN THE SCHOOL DISTRICT WHICH GRANTED THE LEAVE OF ABSENCE. IN THE CASE WHERE A TEACHER HAS BEEN DISMISSED BY THE DEPARTMENT, THE DEPARTMENT SHALL PROVIDE TO THE SCHOOL DISTRICT WHICH GRANTED THE LEAVE OF ABSENCE THE FOLLOWING INFORMATION:

(1) THE REASON FOR THE DISMISSAL AT THE TIME IT OCCURRED.

(2) A LIST OF ANY WITNESSES WHO WERE RELIED UPON BY THE DEPARTMENT IN MOVING FOR DISMISSAL.

(3) A DESCRIPTION OF AND ACCESS TO ANY PHYSICAL EVIDENCE USED BY THE DEPARTMENT IN MOVING FOR DISMISSAL.

(4) A COPY OF ANY RECORD DEVELOPED AT ANY DISMISSAL PROCEEDING CONDUCTED BY THE DEPARTMENT. THE RECORD OF ANY HEARING MAY BE ADMISSIBLE IN A HEARING BEFORE THE SCHOOL DISTRICT WHICH GRANTED THE LEAVE OF ABSENCE.

(L) AUTHORITY OF COMMISSION.--NOTHING IN THIS SECTION SHALL

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AFFECT THE AUTHORITY OF THE COMMISSION TO INITIATE PROCEEDINGS UNDER ARTICLE XI IF THE COMMISSION DETERMINES THAT OCCURRENCES AT THE DEPARTMENT LEADING TO DISMISSAL OF A PROFESSIONAL EMPLOYEE CONSTITUTE ADEQUATE AND INDEPENDENT GROUNDS FOR DISCIPLINE UNDER SECTION 1122.

(M) CRIMINAL HISTORY RECORD AND CHILD ABUSE CLEARANCE.--NO TEMPORARY EMPLOYEE OR PROFESSIONAL EMPLOYEE WHO LEAVES THE EMPLOY OF THE DEPARTMENT SHALL BE RETURNED TO A POSITION IN THE SCHOOL DISTRICT WHICH GRANTED A LEAVE OF ABSENCE UNTIL THE SCHOOL DISTRICT IS IN RECEIPT OF A CURRENT CRIMINAL HISTORY RECORD UNDER SECTION 111 AND THE OFFICIAL STATEMENT REGARDING CHILD INJURY OR ABUSE FROM THE DEPARTMENT OF HUMAN SERVICES AS REQUIRED BY 23 PA.C.S. CH. 63 (RELATING TO CHILD PROTECTIVE SERVICES).

(N) CRIMINAL HISTORY RECORD INFORMATION.--PRIOR TO BEGINNING EMPLOYMENT WITH THE DEPARTMENT, AN INDIVIDUAL WHO HAS DIRECT CONTACT WITH CHILDREN SHALL BE REQUIRED TO SUBMIT A REPORT OF CRIMINAL HISTORY RECORD INFORMATION AS PROVIDED FOR IN SECTION 111. THIS SUBSECTION SHALL ALSO APPLY TO AN INDIVIDUAL WHO VOLUNTEERS TO WORK ON A FULL-TIME OR PART-TIME BASIS AT A PERSISTENTLY LOW-ACHIEVING SCHOOL.

(O) CHILD ABUSE CLEARANCE.--AN APPLICANT FOR A POSITION AS A SCHOOL EMPLOYEE WITH THE DEPARTMENT SHALL BE REQUIRED TO SUBMIT THE OFFICIAL STATEMENT REGARDING CHILD INJURY OR ABUSE FROM THE DEPARTMENT OF HUMAN SERVICES AS PROVIDED IN 23 PA.C.S. CH. 63. THIS SUBSECTION SHALL ALSO APPLY TO ANY INDIVIDUAL WHO VOLUNTEERS TO WORK ON A FULL-TIME OR PART-TIME BASIS AT THE PERSISTENTLY LOW-ACHIEVING SCHOOL.

SECTION 613-C. STUDENT ENROLLMENT.

ANY STUDENT ELIGIBLE UNDER THIS SECTION HAS THE RIGHT TO
ATTEND THE SCHOOL DESIGNATED UNDER SECTION 603-C FOR WHICH THE 
STUDENT IS ELIGIBLE, NOTWITHSTANDING ANY OTHER PROVISION OF LAW 
TO THE CONTRARY.

SECTION 614-C. OVERSIGHT.

(A) REPORT.--ANNUALLY, THE DEPARTMENT SHALL SUBMIT A WRITTEN 
REPORT TO THE GOVERNOR AND THE PRESIDING OFFICERS OF THE SENATE 
AND THE HOUSE OF REPRESENTATIVES. THE REPORT SHALL INCLUDE:

(1) A LISTING AND DESCRIPTION OF THE STATUS, INCLUDING 
ACADEMIC PERFORMANCE, OF EACH SCHOOL WHOSE JURISDICTION HAS 
BEEN TRANSFERRED TO THE DEPARTMENT SINCE THE SUBMITTAL OF THE 
PRECEDING REPORT.

(2) A JUSTIFICATION FOR EACH SCHOOL DETERMINED TO BE AN 
ELIGIBLE SCHOOL THAT IS NOT TRANSFERRED TO THE DEPARTMENT.

(B) LIMITATION.--THE DEPARTMENT MAY NOT EXPAND THE TOTAL 
NUMBER OF SCHOOLS PERMITTED UNDER ITS JURISDICTION IN SECTION 
605-C(B) WITHOUT LEGISLATIVE AUTHORIZATION.

SECTION 4.1. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

SECTION 731.2. POSTING OF INFORMATION BY DEPARTMENT.--NO 
LATER THAN FEBRUARY 1, 2016, AND EVERY NINETY (90) DAYS 
THEREAFTER, THE DEPARTMENT OF EDUCATION SHALL POST AND UPDATE ON 
ITS PUBLICLY ACCESSIBLE INTERNET WEBSITE IN A SEARCHABLE AND 
SORTABLE FORMAT THE FOLLOWING INFORMATION RELATED TO PUBLIC 
SCHOOL CONSTRUCTION AND RECONSTRUCTION PROJECTS, BUILDING 
PURCHASES AND LEASE REIMBURSEMENTS SUBMITTED FOR THE APPROVAL 
OF, OR APPROVED BY, THE DEPARTMENT:

(1) THE TYPE OF PROJECT, ELEMENTARY SCHOOL, MIDDLE SCHOOL, 
INTERMEDIATE SCHOOL, HIGH SCHOOL, CHARTER SCHOOL OR VOCATIONAL 
TECHNICAL SCHOOL BY SCHOOL ENTITY.

(2) THE SCOPE OF PROJECT, NEW CONSTRUCTION, RENOVATION, 
ADDITION, PURCHASE OR LEASE.
(3) THE DATE OF RECEIPT OF EACH APPLICATION.
(4) THE DATE OF DEPARTMENT APPROVAL OF EACH APPLICATION.
(5) THE DATE OF APPROVAL OR DENIAL OF ANY WAIVER OR
EXCEPTION GRANTED BY THE DEPARTMENT.
(6) THE REASON FOR APPROVAL OR DENIAL OF ANY WAIVER OR
EXCEPTION GRANTED BY THE DEPARTMENT.
(7) THE DATE OF SUBMISSION OF THE APPLICATION FOR EACH STEP
OF THE REIMBURSEMENT PROCESS.
(8) THE DATE OF APPROVAL OF THE APPLICATION FOR EACH STEP OF
THE REIMBURSEMENT PROCESS.
(9) THE ANTICIPATED TOTAL PROJECT COST.
(10) WHETHER THE PROJECT REACHED THE MAXIMUM REIMBURSABLE
PROJECT AMOUNT.
(11) THE ANTICIPATED TERM OF STATE REIMBURSEMENT.
(12) THE ANTICIPATED TOTAL REIMBURSEMENT AMOUNT.
(13) THE TEMPORARY REIMBURSABLE PERCENTAGE.
(14) THE PERMANENT REIMBURSABLE PERCENTAGE.
(15) THE DATES OF EXPECTED STATE PAYMENTS.
(16) THE DATES OF EXPECTED SCHOOL DISTRICT PAYMENTS.
(17) WHETHER THE PROJECT WAS FINANCED BY CASH.
(18) THE DATE A PROJECT WAS VOIDED, IF APPLICABLE.
(19) A SUMMARY OF THE TERMS OF THE PROJECT'S DEBT SERVICE OR
LEASE.
(20) AN ANALYSIS OF THE CALLABILITY OF THE PROJECT'S DEBT
SERVICE.

SECTION 5. SECTION 732.1 OF THE ACT IS AMENDED BY ADDING A
SUBSECTION TO READ:
SECTION 732.1. LIMITATION ON NEW APPLICATIONS FOR DEPARTMENT
OF EDUCATION APPROVAL OF PUBLIC SCHOOL BUILDING PROJECTS.--* * *
(C) FOR THE 2015-2016 AND 2016-2017 SCHOOL YEARS, THE
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DEPARTMENT OF EDUCATION SHALL NOT ACCEPT OR APPROVE NEW BUILDING
CONSTRUCTION OR RECONSTRUCTION PROJECT APPLICATIONS. COMPLETED
SCHOOL BUILDING CONSTRUCTION OR RECONSTRUCTION PROJECT
APPLICATIONS RECEIVED BY THE DEPARTMENT OF EDUCATION BY JANUARY
15, 2016, ARE NOT SUBJECT TO THIS SUBSECTION.

SECTION 6. THE ACT IS AMENDED BY ADDING A SECTION TO READ:
SECTION 732.3. PUBLIC SCHOOL BUILDING CONSTRUCTION AND
RECONSTRUCTION ADVISORY COMMITTEE.--(A) THERE IS HEREBY
ESTABLISHED AN ADVISORY COMMITTEE.

(B) THE COMMITTEE SHALL REVIEW AND MAKE FINDINGS AND
RECOMMENDATIONS RELATED TO THE PROGRAM FOR STATE REIMBURSEMENT
FOR CONSTRUCTION AND RECONSTRUCTION AND LEASE OF PUBLIC SCHOOL
BUILDINGS.

(C) THE ADVISORY COMMITTEE SHALL CONSIST OF THE FOLLOWING:
(1) THE SECRETARY OF EDUCATION OR A DESIGNEE.
(2) (RESERVED).
(3) A REPRESENTATIVE FROM THE FOLLOWING:
(I) THE PENNSYLVANIA ASSOCIATION OF SCHOOL BUSINESS
OFFICIALS.
(II) THE PENNSYLVANIA SCHOOL BOARDS ASSOCIATION.
(4) THE CHAIRMAN AND MINORITY CHAIRMAN OF THE APPROPRIATIONS
COMMITTEE AND EDUCATION COMMITTEE OF THE SENATE AND THE CHAIRMAN
AND MINORITY CHAIRMAN OF THE APPROPRIATIONS COMMITTEE AND
EDUCATION COMMITTEE OF THE HOUSE OF REPRESENTATIVES.
(5) ONE MEMBER APPOINTED BY THE PRESIDENT PRO TEMPORE OF THE
SENATE.
(6) ONE MEMBER APPOINTED BY THE MINORITY LEADER OF THE
SENATE.
(7) ONE MEMBER APPOINTED BY THE SPEAKER OF THE HOUSE OF
REPRESENTATIVES.

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(8) One member appointed by the minority leader of the House of Representatives.

(D) The committee shall hold its first meeting within thirty (30) days of the effective date of this section regardless of whether all of the committee members have been appointed to the committee. At the first meeting, the Department of Education shall present its report relating to the statewide analysis of school facilities and capital needs as required under section 732.1.

(E) The committee shall appoint a member to serve as chairman of the committee.

(F) The committee shall hold meetings at the call of the chairman.

(G) The members may not receive compensation for their services, but shall be reimbursed for all necessary travel and other reasonable expenses incurred in connection with the performance of their duties as members of the committee.

(H) The general assembly shall provide administrative support, meeting space and any other assistance required by the committee to carry out its duties under this section in cooperation with the Department. The Department shall provide the committee with data, research and other information upon request.

(I) The committee shall issue a report not later than November 1, 2016, of the committee's findings to the Governor, the President Pro Tempore of the Senate, the Majority Leader and Minority Leader of the Senate, the Appropriations Committee and Education Committee of the Senate, the Speaker of the House of Representatives, the Majority Leader and Minority Leader of the House of Representatives, the Appropriations Committee and
EDUCATION COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE
SECRETARY OF EDUCATION.

SECTION 7. SECTION 1154(C) OF THE ACT, AMENDED DECEMBER 22,
1965 (P.L.1180, NO.467), IS AMENDED TO READ:

SECTION 1154. PAYMENT OF SALARIES IN CASES OF SICKNESS,
INJURY OR DEATH.--* * *

(C) WHENEVER A PROFESSIONAL OR TEMPORARY PROFESSIONAL
EMPLOYE IS ABSENT BECAUSE OF THE DEATH OF A NEAR RELATIVE, THERE
SHALL BE NO DEDUCTION IN THE SALARY OF SAID EMPLOYE FOR ABSENCE
ON THE DAY OF THE FUNERAL. THE BOARD OF SCHOOL DIRECTORS MAY
EXTEND THE PERIOD OF ABSENCE WITH PAY IN ITS DISCRETION AS THE
EXIGENCIES OF THE CASE MAY WARRANT. A NEAR RELATIVE SHALL BE
DEFINED AS A FIRST COUSIN, GRANDFATHER, GRANDMOTHER, GRANDCHILD,
AUNT, UNCLE, NIECE, NEPHEW, SON-IN-LAW, DAUGHTER-IN-LAW,
BROTHER-IN-LAW OR SISTER-IN-LAW.

* * *

SECTION 7.1. SECTION 1204 OF THE ACT, AMENDED OCTOBER 21,
1965 (P.L.601, NO.312), IS AMENDED TO READ:

SECTION 1204. GRANTING PROVISIONAL COLLEGE CERTIFICATES.--
THE [SUPERINTENDENT OF PUBLIC INSTRUCTION] SECRETARY OF
EDUCATION MAY GRANT A PROVISIONAL COLLEGE CERTIFICATE TO EVERY
PERSON WHO PRESENTS TO [HIM] THE DEPARTMENT OF EDUCATION
SATISFACTORY EVIDENCE OF GOOD MORAL CHARACTER, AND OF BEING A
GRADUATE OF AN APPROVED COLLEGE OR UNIVERSITY, WHO HAS COMPLETED
SUCH WORK IN EDUCATION AS MAY BE REQUIRED BY THE STANDARDS OF
THE STATE BOARD OF EDUCATION, AND TO EVERY PERSON WHO PRESENTS
TO [HIM] THE DEPARTMENT OF EDUCATION SATISFACTORY EVIDENCE OF
GOOD MORAL CHARACTER, AND OF BEING A GRADUATE OF MUSIC, WITH THE
DEGREE OF BACHELOR OF MUSIC OF AN APPROVED COLLEGE OR
UNIVERSITY, WHO HAS DURING SUCH MUSICAL COURSE COMPLETED THE
PRESCRIBED NUMBER OF HOURS OF PROFESSIONAL STUDIES, WHICH
CERTIFICATE SHALL ENTITLE [HIM] THE INDIVIDUAL TO TEACH FOR
THREE ANNUAL SCHOOL TERMS, AND MAY BE RENEWED FOR ONE ADDITIONAL
THREE-YEAR PERIOD IN ACCORDANCE WITH STANDARDS TO BE ESTABLISHED
BY THE STATE BOARD OF EDUCATION.

SECTION 7.2. THE ACT IS AMENDED BY ADDING A SECTION TO READ:
SECTION 1204.2. PROVISIONAL VOCATIONAL EDUCATION
CERTIFICATE.—THE SECRETARY OF EDUCATION MAY GRANT A PROVISIONAL
VOCATIONAL EDUCATION CERTIFICATE TO EVERY PERSON WHO PRESENTS TO
THE DEPARTMENT OF EDUCATION SATISFACTORY EVIDENCE OF GOOD MORAL
CHARACTER, AND WHO HAS COMPLETED SUCH WORK IN VOCATIONAL
EDUCATION AS MAY BE REQUIRED BY THE STANDARDS OF THE STATE BOARD
OF EDUCATION, WHICH CERTIFICATE SHALL ENTITLE THE INDIVIDUAL TO
TEACH FOR EIGHT ANNUAL SCHOOL TERMS.

SECTION 8. SECTION 1372(8) OF THE ACT, ADDED MAY 10, 2000
(P.L.44, NO.16), IS AMENDED TO READ:
SECTION 1372. EXCEPTIONAL CHILDREN; EDUCATION AND
TRAINING.—*

(8) REPORTING OF EXPENDITURES RELATING TO EXCEPTIONAL
STUDENTS.

(I) BY DECEMBER 31, 2000, AND EACH YEAR THEREAFTER, EACH
SCHOOL DISTRICT SHALL COMPILE INFORMATION LISTING THE NUMBER OF
STUDENTS WITH DISABILITIES FOR WHICH EXPENDITURES ARE BETWEEN
TWENTY-FIVE THOUSAND DOLLARS ($25,000) AND FIFTY THOUSAND
DOLLARS ($50,000), WHICH SHALL BE KNOWN AS CATEGORY 2; BETWEEN
FIFTY THOUSAND DOLLARS ($50,000) AND SEVENTY-FIVE THOUSAND
DOLLARS ($75,000), WHICH SHALL BE KNOWN AS CATEGORY 3A; AND OVER
SEVENTY-FIVE THOUSAND DOLLARS ($75,000), WHICH SHALL BE KNOWN AS
CATEGORY 3B, FOR THE PRIOR SCHOOL YEAR. THE INFORMATION SHALL BE
SUBMITTED TO THE DEPARTMENT IN A FORM PRESCRIBED BY THE
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DEPARTMENT. BY FEBRUARY 1, 2001, AND EACH YEAR THEREAFTER, THE
DEPARTMENT SHALL SUBMIT TO THE CHAIRMAN AND MINORITY CHAIRMAN OF
THE EDUCATION AND APPROPRIATIONS COMMITTEES OF THE SENATE AND
THE CHAIRMAN AND MINORITY CHAIRMAN OF THE EDUCATION AND
APPROPRIATIONS COMMITTEES OF THE HOUSE OF REPRESENTATIVES A
REPORT LISTING THIS INFORMATION BY SCHOOL DISTRICT.

(ii) BY DECEMBER 31, 2015, AND EACH YEAR THEREAFTER, EACH
SCHOOL DISTRICT SHALL COMPILE INFORMATION LISTING THE NUMBER OF
STUDENTS WITH DISABILITIES FOR WHICH EXPENDITURES ARE UNDER
TWENTY-FIVE THOUSAND DOLLARS ($25,000), WHICH SHALL BE KNOWN AS
CATEGORY 1. THE INFORMATION SHALL BE SUBMITTED TO THE DEPARTMENT
IN A FORM PRESCRIBED BY THE DEPARTMENT.

(iii) BEGINNING WITH THE 2015-2016 SCHOOL YEAR, THE
DEPARTMENT SHALL ANNUALLY ADJUST THE DOLLAR RANGES FOR WHICH THE
INFORMATION IS COLLECTED UNDER THIS SECTION BY THE PERCENT
CHANGE IN THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS FOR
THE PENNSYLVANIA, NEW JERSEY, DELAWARE AND MARYLAND AREA
REPORTED BY THE BUREAU OF LABOR STATISTICS FOR THE TWELVE (12)
MONTH PERIOD ENDING IN DECEMBER OF THE SCHOOL YEAR FOR WHICH THE
DATA IS BEING COLLECTED.

SECTION 9. SECTION 1376 OF THE ACT IS AMENDED BY ADDING A
SUBSECTION TO READ:

SECTION 1376. COST OF TUITION AND MAINTENANCE OF CERTAIN
EXCEPTIONAL CHILDREN IN APPROVED INSTITUTIONS.—* * *

(c.9) FOR THE 2015-2016 SCHOOL YEAR, THE AMOUNT AVAILABLE IN
THE APPROPRIATION AFTER SUBTRACTING THE AMOUNT DETERMINED TO BE
THE COMMONWEALTH'S SHARE UNDER SUBSECTION (A) AND ANY AMOUNTS
PROVIDED TO A NEW APPROVED PRIVATE SCHOOL SHALL BE DISTRIBUTED
ON A PRO RATA BASIS BASED ON THE ALLOCATION DETERMINED IN
SUBSECTION (A.2) AND SHALL BE CONSIDERED PART OF THE BASE
ALLOCATION IN SUBSECTION (A.2).

* * *

SECTION 10. SECTION 1401 OF THE ACT IS AMENDED BY ADDING CLAUSES TO READ:

SECTION 1401. DEFINITIONS.--AS USED IN THIS ARTICLE--

* * *

(13) "DIABETES MEDICAL MANAGEMENT PLAN" MEANS A DOCUMENT DESCRIBING THE MEDICAL ORDERS OR DIABETES REGIMEN DEVELOPED AND SIGNED BY THE STUDENT'S HEALTH CARE PRACTITIONER AND PARENT OR GUARDIAN.


(15) "HEALTH CARE PRACTITIONER" MEANS THE TERM AS DEFINED UNDER SECTION 103 OF THE ACT OF JULY 19, 1979 (P.L.130, NO.48), KNOWN AS THE HEALTH CARE FACILITIES ACT.

SECTION 11. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:

SECTION 1414.3. EDUCATION OF SCHOOL EMPLOYEES IN DIABETES CARE AND MANAGEMENT.--(A) WITHIN ONE HUNDRED TWENTY (120) DAYS OF THE EFFECTIVE DATE OF THIS SECTION, THE DEPARTMENT OF HEALTH, IN COORDINATION WITH THE DEPARTMENT OF EDUCATION, SHALL ESTABLISH EDUCATIONAL MODULES AND GUIDELINES FOR THE INSTRUCTION OF SCHOOL EMPLOYEES IN DIABETES CARE AND TREATMENT AND MAKE THEM AVAILABLE ON ITS PUBLICLY ACCESSIBLE INTERNET WEBSITE. THE EDUCATIONAL MODULES SHALL INCLUDE, BUT NOT BE LIMITED TO,

(1) AN OVERVIEW OF ALL TYPES OF DIABETES.
(2) MEANS OF MONITORING BLOOD GLUCOSE.
(3) THE SYMPTOMS AND TREATMENT FOR BLOOD GLUCOSE LEVELS OUTSIDE OF TARGET RANGES AS WELL AS HYPOGLYCEMIA, HYPERGLYCEMIA AND OTHER POTENTIAL EMERGENCIES.
(4) TECHNIQUES ON ADMINISTERING GLUCAGON IN A HYPOGLYCEMIC EMERGENCY.

(B) THE SCHOOL NURSE, IN CONSULTATION WITH THE CHIEF SCHOOL ADMINISTRATOR OR DESIGNEE, MAY IDENTIFY AT LEAST ONE SCHOOL EMPLOYEE IN THE SCHOOL BUILDING WHO IS NOT THE SCHOOL NURSE AND WHO DOES NOT NEED TO BE A LICENSED HEALTH CARE PRACTITIONER, TO ASSUME RESPONSIBILITY FOR THE CARE AND TREATMENT OF STUDENTS WITH DIABETES WHEN A SCHOOL NURSE IS NOT AVAILABLE TO PERFORM THIS FUNCTION. AN IDENTIFIED EMPLOYEE SHALL COMPLETE THE ANNUAL EDUCATIONAL MODULES OUTLINED IN SUBSECTION (A) OR ANNUAL EDUCATION OFFERED BY A LICENSED HEALTH CARE PRACTITIONER WITH EXPERTISE IN THE CARE AND TREATMENT OF DIABETES THAT INCLUDES SUBSTANTIALLY THE SAME INFORMATION AS OUTLINED IN SUBSECTION (A). THE STUDENT'S PARENT OR GUARDIAN SHALL BE A RESOURCE FOR THAT STUDENT'S CARE AND TREATMENT. AN EMPLOYEE IDENTIFIED AS THE INDIVIDUAL RESPONSIBLE FOR CARE AND TREATMENT OF A STUDENT WITH DIABETES IN THE ABSENCE OF THE SCHOOL NURSE SHALL HAVE THE RIGHT
TO DECLINE SUCH RESPONSIBILITY AND ANY DIRECTIVES RELATING
THERETO.

(C) A SCHOOL EMPLOYEE WHO IS NOT A LICENSED HEALTH CARE
PRACTITIONER AND WHO HAS SUCCESSFULLY COMPLETED THE EDUCATION
MODULES UNDER SUBSECTION (A) OR ANNUAL EDUCATION OFFERED BY A
LICENSED HEALTH CARE PRACTITIONER WITH EXPERTISE IN THE CARE AND
TREATMENT OF DIABETES THAT INCLUDES SUBSTANTIALLY THE SAME
INFORMATION AS OUTLINED IN SUBSECTION (A) MAY BE DESIGNATED IN A
STUDENT'S SERVICE AGREEMENT TO ADMINISTER GLUCAGON AND OPERATE
MONITORING EQUIPMENT AND PROVIDE OTHER DIABETES CARE. A SCHOOL
ENTITY MAY REQUIRE THE DESIGNATED EMPLOYEE WHO HAS NOT DECLINED
THE ASSIGNMENT TO COMPLETE THE ANNUAL EDUCATIONAL MODULES OR
ANNUAL EDUCATION FROM A LICENSED HEALTH CARE PRACTITIONER, OR
BOTH, IN THE ADMINISTRATION OF GLUCAGON AND THE OPERATION OF
MONITORING EQUIPMENT AND PROVISION OF OTHER DIABETES CARE.
EDUCATION PROVIDED TO SCHOOL EMPLOYEES SHALL BE COORDINATED BY
THE CHIEF SCHOOL ADMINISTRATOR OR A DESIGNEE. SCHOOL ENTITIES
MAY INCLUDE THE EDUCATION IN THE PROFESSIONAL EDUCATION PLAN
SUBMITTED BY THE SCHOOL ENTITY TO THE DEPARTMENT OF EDUCATION
UNDER SECTION 1205.1.

(D) NOTWITHSTANDING ANY OTHER STATUTE OR REGULATION
RESTRICTING THE FUNCTIONS THAT MAY BE PERFORMED BY PERSONS OTHER
 THAN LICENSED HEALTH CARE PRACTITIONERS, SCHOOL EMPLOYEES WHO
HAVE COMPLETED THE EDUCATION REQUIREMENTS UNDER THIS SECTION MAY
PERFORM DIABETES CARE AND TREATMENT FOR STUDENTS. SCHOOL
EMPLOYEES WHO ARE NOT LICENSED HEALTH CARE PRACTITIONERS SHALL
ONLY BE AUTHORIZED TO ADMINISTER GLUCAGON FOLLOWING ANNUAL
EDUCATION BY A LICENSED HEALTH CARE PRACTITIONER WITH EXPERTISE
IN THE CARE OF DIABETES, AND FOLLOWING THE SCHOOL'S RECEIPT OF
WRITTEN AUTHORIZATION FROM BOTH THE STUDENT'S HEALTH CARE
PRACTITIONER AND PARENT OR GUARDIAN THAT AN EDUCATED SCHOOL
EMPLOYE, WHO IS NOT A LICENSED HEALTH CARE PRACTITIONER, MAY
ADMINISTER GLUCAGON.

(E) FOR PURPOSES OF THIS SECTION, "SCHOOL ENTITY" MEANS A
SCHOOL DISTRICT, INTERMEDIATE UNIT, AREA VOCATIONAL-TECHNICAL
SCHOOL, CHARTER SCHOOL OR CYBER CHARTER SCHOOL.

SECTION 1414.4. DIABETES CARE IN SCHOOLS.--(A) A PARENT OR
GUARDIAN OF A STUDENT WITH DIABETES WHO DESIRES THAT THE STUDENT
RECEIVE DIABETES-RELATED CARE AND TREATMENT IN A SCHOOL SETTING
shall provide the school entity with written authorization for
the care and instructions from the student's health care
practitioner, consistent with the school entity's policies
regarding the provision of school health services. The required
authorizations may be submitted as part of a diabetes medical
management plan.

(B) All diabetes-related care provided to students shall be
consistent with the school health program established by the
governing body of the school entity and any accommodations
outlined in a student's service agreement.

(C) A student's service agreement may require a school
entity to provide the driver of a school bus or school vehicle,
who provides transportation to a student with diabetes, with an
information sheet that:

(1) Identifies the student with diabetes.

(2) Identifies potential emergencies that may occur as a
result of the student's diabetes and the appropriate responses
to such emergencies.

(3) Provides the telephone number of a contact person in
case of an emergency involving the student with diabetes.

(D) For purposes of this section:
"SCHOOL BUS" MEANS A SCHOOL BUS AS DEFINED IN 75 PA.C.S. § 102 (RELATING TO DEFINITIONS).

"SCHOOL ENTITY" MEANS A SCHOOL DISTRICT, INTERMEDIATE UNIT, AREA VOCATIONAL-TECHNICAL SCHOOL, CHARTER SCHOOL OR CYBER CHARTER SCHOOL.

"SCHOOL VEHICLE" MEANS A SCHOOL VEHICLE AS DEFINED IN 75 PA.C.S. § 102.

SECTION 1414.5. POSSESSION AND USE OF DIABETES MEDICATION AND MONITORING EQUIPMENT.--(A) A SCHOOL ENTITY SHALL REQUIRE THE PARENT OR GUARDIAN OF A STUDENT WITH DIABETES WHO REQUESTS THAT THE STUDENT POSSESS AND SELF-ADMINISTER DIABETES MEDICATION AND OPERATE MONITORING EQUIPMENT IN A SCHOOL SETTING TO PROVIDE THE FOLLOWING:


(2) A WRITTEN REQUEST FROM THE PARENT OR GUARDIAN THAT THE SCHOOL ENTITY COMPLY WITH THE INSTRUCTIONS OF THE STUDENT'S HEALTH CARE PRACTITIONER. THE PARENT'S REQUEST SHALL INCLUDE A
STATEMENT RELIEVING THE SCHOOL ENTITY AND ANY SCHOOL EMPLOYEE OF ANY RESPONSIBILITY FOR THE PRESCRIBED MEDICATION OR MONITORING EQUIPMENT AND ACKNOWLEDGING THAT THE SCHOOL ENTITY BEARS NO RESPONSIBILITY FOR ENSURING THAT THE MEDICATION IS TAKEN BY THE STUDENT AND THE MONITORING EQUIPMENT IS USED.

(3) A WRITTEN ACKNOWLEDGMENT BY THE STUDENT THAT THE STUDENT HAS RECEIVED INSTRUCTION FROM THE STUDENT’S HEALTH CARE PRACTITIONER ON PROPER SAFETY PRECAUTIONS FOR THE HANDLING AND DISPOSAL OF THE MEDICATIONS AND MONITORING EQUIPMENT. THE WRITTEN ACKNOWLEDGMENT SHALL ALSO CONTAIN A PROVISION STATING THAT THE STUDENT WILL NOT ALLOW OTHER STUDENTS TO HAVE ACCESS TO THE MEDICATION AND MONITORING EQUIPMENT AND THAT THE STUDENT UNDERSTANDS APPROPRIATE SAFEGUARDS.

(B) AFTER THE WRITTEN ACKNOWLEDGMENT IN SUBSECTION (A) IS COMPLETED, THE STUDENT SHALL DEMONSTRATE COMPETENCY TO THE SCHOOL NURSE THAT THE STUDENT IS CAPABLE OF SELF-ADMINISTRATION OF THE MEDICATION AND USE OF THE MONITORING EQUIPMENT.

(C) A SCHOOL ENTITY MAY REVOKE OR RESTRICT A STUDENT'S PRIVILEGES TO POSSESS AND SELF-ADMINISTER DIABETES MEDICATION AND MONITORING EQUIPMENT DUE TO NONCOMPLIANCE WITH SCHOOL RULES AND PROVISIONS OF A STUDENT'S SERVICE AGREEMENT OR DUE TO DEMONSTRATED UNWILLINGNESS OR INABILITY OF THE STUDENT TO SAFEGUARD THE MEDICATION AND MONITORING EQUIPMENT FROM ACCESS BY OTHER STUDENTS.

(D) A SCHOOL ENTITY THAT PROHIBITS A STUDENT FROM POSSESSING AND SELF-ADMINISTERING DIABETES MEDICATION AND OPERATING MONITORING EQUIPMENT PURSUANT TO SUBSECTION (B) SHALL ENSURE THAT THE DIABETES MEDICATION OR MONITORING EQUIPMENT IS APPROPRIATELY STORED IN A READILY ACCESSIBLE PLACE IN THE SCHOOL BUILDING ATTENDED BY THE STUDENT. THE SCHOOL ENTITY SHALL NOTIFY
THE SCHOOL NURSE AND OTHER IDENTIFIED APPROPRIATE SCHOOL
EMPLOYEES REGARDING THE LOCATION OF THE DIABETES MEDICATION AND
MONITORING EQUIPMENT AND MEANS TO ACCESS THEM.

(E) FOR PURPOSES OF THIS SECTION, "SCHOOL ENTITY" MEANS A
SCHOOL DISTRICT, INTERMEDIATE UNIT, AREA VOCATIONAL-TECHNICAL
SCHOOL, CHARTER SCHOOL OR CYBER CHARTER SCHOOL.

SECTION 1414.6. LIABILITY.--NOTHING IN SECTIONS 1414.3,
1414.4 OR 1414.5 SHALL BE CONSTRUED TO CREATE, ESTABLISH OR
EXPAND ANY CIVIL LIABILITY ON THE PART OF ANY SCHOOL ENTITY OR
SCHOOL EMPLOYEE.

SECTION 1414.7. COORDINATING, SUPERVISING OR EDUCATING NOT
considered delegation.--(A) NOTWITHSTANDING ANY OTHER LAW TO
THE CONTRARY, COORDINATING OR SUPERVISING THE PROVISION OF
DIABETES CARE BY SCHOOL EMPLOYEES AUTHORIZED IN SECTIONS 1414.3
AND 1414.4 AND PROVIDING EDUCATION IN ACCORDANCE WITH SECTION
1414.3 SHALL NOT BE CONSTRUED AS A DELEGATION BY A LICENSED
HEALTH CARE PRACTITIONER.

(B) A LICENSED HEALTH CARE PRACTITIONER WHO, ACTING IN
COMPLIANCE WITH SECTIONS 1414.3 AND 1414.4, COORDINATES OR
SUPERVISES CARE FOR A STUDENT OR PROVIDES EDUCATION TO A SCHOOL
EMPLOYEE SHALL NOT BE SUBJECT TO ANY CRIMINAL OR CIVIL LIABILITY
OR ANY PROFESSIONAL DISCIPLINARY ACTION FOR SUCH COORDINATION,
SUPERVISION OR EDUCATION.

SECTION 1414.8. DIABETES CARE IN NONPUBLIC SCHOOLS.--(A) A
NONPUBLIC SCHOOL MAY COMPLY WITH THE EDUCATION OF SCHOOL
EMPLOYEES AND PROVISION OF DIABETES-RELATED CARE TO A STUDENT
WITH DIABETES REQUIRED UNDER SECTIONS 1414.3, 1414.4 AND 1414.5.
A WRITTEN EDUCATION PLAN THAT OUTLINES THE AIDS AND RELATED
SERVICES REQUIRED TO MEET THE ACADEMIC NEEDS OF THE STUDENT WITH
DIABETES MAY TAKE THE PLACE OF A SERVICE AGREEMENT FOR A STUDENT
WITH DIABETES ATTENDING A NONPUBLIC SCHOOL UNLESS A SERVICE AGREEMENT IS OTHERWISE REQUIRED UNDER LAW OR REGULATION.

(B) NOTHING IN SECTION 1414.3, 1414.4, 1414.5, 1414.6 OR THIS SECTION SHALL BE CONSTRUED TO DO ANY OF THE FOLLOWING:


(2) CREATE, ESTABLISH, RESULT IN OR EXPAND ANY CONTRACTUAL OBLIGATIONS ON THE PART OF ANY NONPUBLIC SCHOOL.

(C) NO NONPUBLIC SCHOOL EMPLOYEE OR NONPUBLIC SCHOOL SHALL BE LIABLE FOR CIVIL DAMAGES AS A RESULT OF THE ACTIVITIES AUTHORIZED BY SECTIONS 1414.3, 1414.4 AND 1414.5, EXCEPT THAT AN EMPLOYEE MAY BE LIABLE FOR WILLFUL MISCONDUCT.

SECTION 11.1. SECTION 1525 OF THE ACT, ADDED JULY 4, 2004 (P.L.536, NO.70), IS AMENDED TO READ:

SECTION 1525. AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION.—NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, A SCHOOL DISTRICT, CHARTER SCHOOL, REGIONAL CHARTER SCHOOL, CYBER CHARTER SCHOOL OR AREA VOCATIONAL-TECHNICAL SCHOOL MAY ENTER INTO AN AGREEMENT WITH ONE OR MORE INSTITUTIONS OF HIGHER EDUCATION APPROVED TO OPERATE IN THIS COMMONWEALTH IN ORDER TO ALLOW [RESIDENT] STUDENTS TO ATTEND SUCH INSTITUTIONS OF HIGHER EDUCATION WHILE THE [RESIDENT] STUDENTS ARE ENROLLED IN THE SCHOOL DISTRICT, CHARTER SCHOOL, REGIONAL CHARTER SCHOOL, CYBER CHARTER SCHOOL OR AREA VOCATIONAL-TECHNICAL SCHOOL. THE AGREEMENT MAY BE STRUCTURED SO THAT HIGH SCHOOL STUDENTS MAY RECEIVE CREDITS TOWARD COMPLETION OF COURSES AT THE SCHOOL DISTRICT, CHARTER SCHOOL, REGIONAL CHARTER SCHOOL, CYBER CHARTER SCHOOL OR AREA VOCATIONAL-TECHNICAL SCHOOL AND AT INSTITUTIONS OF HIGHER EDUCATION APPROVED TO OPERATE IN THIS COMMONWEALTH.
SECTION 12. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

SECTION 1513-C. SUPPLEMENTAL ONLINE MATHEMATICS SUPPORT.

(A) GENERAL RULE.--FOR THE 2015-2016 SCHOOL YEAR, THE
DEPARTMENT SHALL MAKE ONLINE MATHEMATICS SUPPORT AVAILABLE TO
ALL STUDENTS ENROLLED IN SCHOOL ENTITIES IN GRADES THREE THROUGH
EIGHT AND PROVIDE TRAINING AND SUPPORT FOR SCHOOL ENTITY
PERSONNEL TO EFFECTIVELY PROMOTE STUDENT USE OF THE ONLINE
MATHEMATICS SUPPORT.

(B) CONTENTS.--ONLINE MATHEMATICS SUPPORT SHALL INCLUDE
TUTORING, STUDENT MOTIVATION PROGRAMMING AND ADAPTIVE ONLINE
INSTRUCTION PROVIDED BY INSTRUCTORS CERTIFIED TO TEACH
MATHEMATICS UNDER ARTICLE XII.

(C) CONTRACT.--IN CARRYING OUT ITS DUTY UNDER THIS SECTION,
THE DEPARTMENT MAY ENTER INTO A CONTRACT WITH A SERVICE
PROVIDER. IN AWARDING A CONTRACT UNDER THIS SECTION, THE
DEPARTMENT SHALL GIVE PREFERENCE TO SERVICE PROVIDERS BASED IN
THIS COMMONWEALTH THAT HAVE DEMONSTRATED SUCCESS IN PROVIDING
STATEWIDE ONLINE MATHEMATICS SUPPORT.

(D) FUNDING CONTINGENCY.--THE POWERS AND DUTIES ESTABLISHED
IN THIS SECTION SHALL BE CONTINGENT ON APPROPRIATIONS MADE BY
THE GENERAL ASSEMBLY.

(E) DEFINITION.--FOR THE PURPOSE OF THIS SECTION, THE TERM
"SCHOOL ENTITY" SHALL INCLUDE A SCHOOL DISTRICT, CHARTER SCHOOL,
REGIONAL CHARTER SCHOOL OR CYBER CHARTER SCHOOL.

SECTION 12.1. THE DEFINITIONS OF "CONCURRENT STUDENT" AND
"SCHOOL ENTITY" IN SECTION 1602-B OF THE ACT, ADDED JULY 13,
2005 (P.L.226, NO.46), ARE AMENDED TO READ:

THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ARTICLE
SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
CONCURRENT STUDENT." A STUDENT WHO IS ENROLLED IN A SCHOOL
DISTRICT, A CHARTER SCHOOL, A REGIONAL CHARTER SCHOOL, A CYBER
CHARTER SCHOOL, AN AREA VOCATIONAL-TECHNICAL SCHOOL, A NONPUBLIC
SCHOOL, A PRIVATE SCHOOL OR A HOME EDUCATION PROGRAM UNDER
SECTION 1327.1 AND WHO TAKES A CONCURRENT COURSE THROUGH A
CONCURRENT ENROLLMENT PROGRAM.

"SCHOOL ENTITY." A SCHOOL DISTRICT, A CHARTER SCHOOL, A
REGIONAL CHARTER SCHOOL, A CYBER CHARTER SCHOOL OR AN AREA
VOCATIONAL-TECHNICAL SCHOOL.

SECTION 12.2. SECTIONS 1611-B AND 1613-B OF THE ACT ARE
AMENDED BY ADDING SUBSECTIONS TO READ:

SECTION 1611-B. RESPONSIBILITIES OF SCHOOL ENTITIES.

(G) REVENUE RECEIVED BY SCHOOL DISTRICT.--NOTWITHSTANDING
ANY PROVISION OF LAW TO THE CONTRARY, THE REVENUES RECEIVED BY A
SCHOOL DISTRICT UNDER SECTION 1603-B SHALL NOT BE INCLUDED IN
THE SCHOOL DISTRICT'S BUDGETED TOTAL EXPENDITURE PER AVERAGE
DAILY MEMBERSHIP USED TO CALCULATE THE AMOUNT TO BE PAID TO A
CHARTER SCHOOL ENTITY UNDER SECTION 1725-A(A)(2) AND (3).

SECTION 1613-B. CONCURRENT ENROLLMENT AGREEMENTS.

(C) CHARTER SCHOOLS, REGIONAL CHARTER SCHOOLS AND CYBER
CHARTER SCHOOLS.--CHARTER SCHOOLS, REGIONAL CHARTER SCHOOLS AND
CYBER CHARTER SCHOOLS SHALL HAVE THE POWER AND AUTHORITY TO
ENTER INTO A CONCURRENT ENROLLMENT AGREEMENT WITH AN INSTITUTION
OF HIGHER EDUCATION, AND APPROPRIATE CREDIT SHALL BE AWARDED TO
STUDENTS CONCURRENTLY ENROLLED UNDER THE AGREEMENT.

SECTION 13. SECTION 1703-A OF THE ACT IS AMENDED TO READ:

SECTION 1703-A. DEFINITIONS.--AS USED IN THIS ARTICLE,

"ADMINISTRATOR" SHALL INCLUDE AN EMPLOYEE OF A CHARTER SCHOOL ENTITY, INCLUDING THE CHIEF ADMINISTRATOR OF A CHARTER SCHOOL ENTITY AND ANY OTHER EMPLOYEE, WHO BY VIRTUE OF THE EMPLOYEE'S POSITION IS RESPONSIBLE FOR TAKING OFFICIAL ACTION OF A NONMINISTERIAL NATURE WITH REGARD TO CONTRACTING OR PROCUREMENT, ADMINISTERING OR MONITORING GRANTS OR SUBSIDIES, MANAGING OR REGULATING STAFF, STUDENT AND SCHOOL ACTIVITIES OR ANY ACTIVITY WHERE THE OFFICIAL ACTION HAS AN ECONOMIC IMPACT OF GREATER THAN A DE MINIMIS NATURE ON THE INTERESTS OF ANY PERSON.

"AID RATIO" AND "MARKET VALUE/INCOME AID RATIO" SHALL BE:

(1) THE AID RATIO AND MARKET VALUE/INCOME AID RATIO FOR THE SCHOOL DISTRICT THAT GRANTED A CHARTER TO THE CHARTER SCHOOL;

(2) FOR A REGIONAL CHARTER SCHOOL, THE AID RATIO AND MARKET VALUE/INCOME AID RATIO SHALL BE A COMPOSITE, AS DETERMINED BY THE DEPARTMENT, BASED ON THE SCHOOL DISTRICTS THAT GRANTED THE CHARTER; OR

(3) FOR A CYBER CHARTER SCHOOL, THE AID RATIO AND MARKET VALUE/INCOME AID RATIO SHALL BE THAT OF THE SCHOOL DISTRICT IN WHICH THE ADMINISTRATIVE OFFICES OF THE CYBER CHARTER SCHOOL ARE LOCATED.

"APPEAL BOARD" SHALL MEAN THE STATE CHARTER SCHOOL APPEAL BOARD ESTABLISHED BY THIS ARTICLE.

"ASSESSMENT" SHALL MEAN THE PENNSYLVANIA SYSTEM OF SCHOOL ASSESSMENT TEST, THE KEYSTONE EXAM OR ANOTHER TEST ESTABLISHED BY THE STATE BOARD TO MEET THE REQUIREMENTS OF SECTION 2603-B(D)(10)(I) AND REQUIRED UNDER THE NO CHILD LEFT BEHIND ACT OF 2001 (PUBLIC LAW 107-110, 115 STAT. 1425) OR ITS SUCCESSOR.
FEDERAL STATUTE.

"AT-RISK STUDENT" SHALL MEAN A STUDENT AT RISK OF EDUCATIONAL FAILURE BECAUSE OF LIMITED ENGLISH PROFICIENCY, POVERTY, COMMUNITY FACTORS, TRUANCY, ACADEMIC DIFFICULTIES OR ECONOMIC DISADVANTAGE.

"CHARTER SCHOOL" SHALL MEAN AN INDEPENDENT PUBLIC SCHOOL ESTABLISHED AND OPERATED UNDER A CHARTER FROM THE LOCAL BOARD OF SCHOOL DIRECTORS AND IN WHICH STUDENTS ARE ENROLLED OR ATTEND. A CHARTER SCHOOL MUST BE ORGANIZED AS A PUBLIC, NONPROFIT CORPORATION. CHARTERS MAY NOT BE GRANTED TO ANY FOR-PROFIT ENTITY.

"CHARTER SCHOOL ENTITY" SHALL MEAN A CHARTER SCHOOL, REGIONAL CHARTER SCHOOL OR CYBER CHARTER SCHOOL.

"CHARTER SCHOOL FOUNDATION" SHALL MEAN A NONPROFIT ORGANIZATION UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE OF 1986 (PUBLIC LAW 99-514, 26 U.S.C. § 501(C)(3)), THAT PROVIDES FUNDING, RESOURCES OR OTHERWISE SERVES TO SUPPORT A CHARTER SCHOOL ENTITY, EITHER DIRECTLY OR THROUGH AN AFFILIATED ENTITY.

"CHIEF ADMINISTRATOR" SHALL MEAN AN INDIVIDUAL APPOINTED BY A BOARD OF TRUSTEES TO OVERSEE AND MANAGE THE OPERATION OF A CHARTER SCHOOL ENTITY. THE TERM SHALL NOT INCLUDE A PROFESSIONAL STAFF MEMBER UNDER THIS ARTICLE.

["CHIEF EXECUTIVE OFFICER" SHALL MEAN AN INDIVIDUAL APPOINTED BY THE BOARD OF TRUSTEES TO OVERSEE AND MANAGE THE OPERATION OF THE CHARTER SCHOOL, BUT WHO SHALL NOT BE DEEMED A PROFESSIONAL STAFF MEMBER UNDER THIS ARTICLE.]

"COMMUNITY COLLEGE" SHALL MEAN A COMMUNITY COLLEGE ESTABLISHED UNDER ARTICLE XIX-A.

"CYBER CHARTER SCHOOL" SHALL MEAN AN INDEPENDENT PUBLIC
SCHOOL ESTABLISHED AND OPERATED UNDER A CHARTER FROM THE DEPARTMENT OF EDUCATION AND IN WHICH THE SCHOOL USES TECHNOLOGY, INCLUDING ELECTRONIC OR DIGITAL BOOKS, IN ORDER TO PROVIDE A SIGNIFICANT PORTION OF ITS CURRICULUM AND TO DELIVER A SIGNIFICANT PORTION OF INSTRUCTION TO ITS STUDENTS THROUGH THE INTERNET OR OTHER ELECTRONIC MEANS. A CYBER CHARTER SCHOOL MUST BE ORGANIZED AS A PUBLIC, NONPROFIT CORPORATION. A CHARTER MAY NOT BE GRANTED TO A FOR-PROFIT ENTITY.

"DEPARTMENT" SHALL MEAN THE DEPARTMENT OF EDUCATION OF THE COMMONWEALTH.

"EDUCATIONAL MANAGEMENT SERVICE PROVIDER" SHALL MEAN A NONPROFIT CHARTER MANAGEMENT ORGANIZATION, FOR-PROFIT EDUCATION MANAGEMENT ORGANIZATION, SCHOOL DESIGN PROVIDER, BUSINESS MANAGER OR ANY OTHER PARTNER ENTITY WITH WHICH A BOARD OF TRUSTEES OF A CHARTER SCHOOL ENTITY CONTRACTS TO PROVIDE EDUCATIONAL DESIGN, BUSINESS SERVICES, COMPREHENSIVE MANAGEMENT OR PERSONNEL FUNCTIONS OR TO IMPLEMENT THE CHARTER. THE TERM SHALL NOT INCLUDE A CHARTER SCHOOL FOUNDATION.

"IMMEDIATE FAMILY MEMBER" SHALL MEAN A PARENT, SPOUSE, CHILD, BROTHER, SISTER, GRANDPARENT OR GRANDCHILD.

"LOCAL BOARD OF SCHOOL DIRECTORS" SHALL MEAN THE BOARD OF DIRECTORS, SCHOOL REFORM COMMISSION 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 AN IMMEDIATE 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 VOCATIONAL-TECHNICAL SCHOOL.

"SCHOOL PERFORMANCE PROFILE" SHALL MEAN THE PENNSYLVANIA SCHOOL PERFORMANCE PROFILE DEVELOPED BY THE DEPARTMENT UNDER SECTION 1123.

"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 13.1. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

SECTION 1704-A. CHARTER SCHOOL FUNDING ADVISORY COMMISSION.--(1) A CHARTER SCHOOL FUNDING ADVISORY COMMISSION IS ESTABLISHED. THE COMMISSION SHALL EXAMINE THE FINANCING OF CHARTER SCHOOL ENTITIES IN THE PUBLIC EDUCATION SYSTEM AND RELATED ISSUES. THE COMMISSION SHALL EXAMINE HOW CHARTER SCHOOL ENTITY FINANCES AFFECT OPPORTUNITIES FOR TEACHERS, PARENTS, PUPILS AND COMMUNITY MEMBERS TO ESTABLISH AND MAINTAIN SCHOOLS THAT OPERATE INDEPENDENTLY FROM THE EXISTING SCHOOL DISTRICT STRUCTURE AS A METHOD TO ACCOMPLISH THE REQUIREMENTS OF SECTION 20150HB0530PN2658 - 130 -
1702-A. THE GENERAL ASSEMBLY SHALL PROVIDE ADMINISTRATIVE
SUPPORT, MEETING SPACE AND ANY OTHER ASSISTANCE REQUIRED BY THE
COMMISSION TO CARRY OUT ITS DUTIES UNDER THIS SECTION.

(2) THE COMMISSION SHALL CONSIST OF THE FOLLOWING MEMBERS:

(I) FOUR MEMBERS OF THE SENATE APPOINTED BY THE PRESIDENT
PRO TEMPORE OF THE SENATE, IN CONSULTATION WITH THE MAJORITY
LEADER OF THE SENATE AND THE MINORITY LEADER OF THE SENATE, WITH
TWO APPOINTEES FROM THE MAJORITY PARTY, ONE OF WHOM SHALL BE THE
MAJORITY CHAIRMAN OF THE EDUCATION COMMITTEE OF THE SENATE, AND
TWO APPOINTEES FROM THE MINORITY PARTY, ONE OF WHOM SHALL BE THE
MINORITY CHAIRMAN OF THE EDUCATION COMMITTEE OF THE SENATE.

(II) FOUR MEMBERS OF THE HOUSE OF REPRESENTATIVES APPOINTED
BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, IN CONSULTATION
WITH THE MAJORITY LEADER OF THE HOUSE OF REPRESENTATIVES AND THE
MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES, WITH TWO
APPOINTEES FROM THE MAJORITY PARTY, ONE OF WHOM SHALL BE THE
MAJORITY CHAIRMAN OF THE EDUCATION COMMITTEE OF THE HOUSE OF
REPRESENTATIVES, AND TWO APPOINTEES FROM THE MINORITY PARTY, ONE
OF WHOM SHALL BE THE MINORITY CHAIRMAN OF THE EDUCATION
COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

(III) THE SECRETARY OR A DESIGNEE.

(IV) AN AT-LARGE MEMBER CHOSEN BY THE GOVERNOR, THE
PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE
OF REPRESENTATIVES.

(V) TO REPRESENT THE INTERESTS OF CHARTER SCHOOL ENTITIES,
THE FOLLOWING MEMBERS, WHO SHALL BE APPOINTED BY THE SECRETARY
FROM A LIST PROVIDED BY THE PENNSYLVANIA COALITION OF PUBLIC
CHARTER SCHOOLS AND THE KEYSTONE ALLIANCE:

(A) ONE MEMBER WHO SHALL BE A BUSINESS MANAGER OF A CHARTER
SCHOOL.
(B) ONE MEMBER WHO SHALL BE A BUSINESS MANAGER OF A CYBER
CHARTER SCHOOL.

(VI) TO REPRESENT THE INTERESTS OF SCHOOL DISTRICTS, THE
FOLLOWING MEMBERS, WHO SHALL BE APPOINTED BY THE SECRETARY FROM
A LIST PROVIDED BY THE PENNSYLVANIA ASSOCIATION OF SCHOOL
BUSINESS OFFICIALS:

(A) ONE MEMBER WHO SHALL BE A BUSINESS MANAGER OF A RURAL
SCHOOL DISTRICT.

(B) ONE MEMBER WHO SHALL BE A BUSINESS MANAGER OF AN URBAN
SCHOOL DISTRICT.

(3) MEMBERS OF THE COMMISSION SHALL BE APPOINTED WITHIN
TWENTY (20) DAYS OF THE EFFECTIVE DATE OF THIS SECTION. ANY
VACANCY ON THE COMMISSION SHALL BE FILLED BY THE ORIGINAL
APPOINTING AUTHORITY. THE COMMISSION SHALL BE CO-CHAIRVED BY THE
CHAIRMAN OF THE EDUCATION COMMITTEE OF THE SENATE AND CHAIRMAN
OF THE EDUCATION COMMITTEE OF THE HOUSE OF REPRESENTATIVES. THE
ORGANIZATIONAL MEETING SHALL TAKE PLACE NOT LATER THAN FORTY-
FIVE (45) DAYS FOLLOWING THE EFFECTIVE DATE OF THIS SECTION.

(4) THE COMMISSION SHALL HOLD MEETINGS AT THE CALL OF THE
CHAIRMAN. THE COMMISSION MAY HOLD NO MORE THAN SIX PUBLIC
HEARINGS ON THE MATTERS TO BE CONSIDERED BY THE COMMISSION. ALL
MEETINGS AND PUBLIC HEARINGS OF THE COMMISSION SHALL BE DEEMED
PUBLIC MEETINGS FOR THE PURPOSE OF 65 PA.C.S. CH. 7 (RELATING TO
OPEN MEETINGS). EIGHT (8) MEMBERS OF THE COMMISSION SHALL
CONSTITUTE A QUORUM AT ANY MEETING. EACH MEMBER OF THE
COMMISSION MAY DESIGNATE ANOTHER PERSON TO REPRESENT THAT MEMBER
AT MEETINGS OF THE COMMISSION.

(5) COMMISSION MEMBERS SHALL RECEIVE NO COMPENSATION FOR
THEIR SERVICES BUT SHALL BE REIMBURSED BY THE DEPARTMENT FOR ALL
NECESSARY TRAVEL AND OTHER REASONABLE EXPENSES INCURRED IN
(6) The commission shall have the following powers and duties:

(I) Meet with current charter school entity operators and school district personnel.

(II) Review charter school entity financing laws in operation throughout the United States.

(III) Explore the actual cost of educating a child in a cyber charter school.

(IV) Evaluate and make recommendations on the following:

(A) Consideration of establishing an independent state level board to authorize charter school entities and support charter school quality and accountability through performance monitoring and technical assistance.

(B) The process by which charter school entities are funded under section 1725-a, including addressing potential funding inequities, to include consideration of disallowing a school district’s costs for food services in the case of cyber charter schools that provide food services to their students, and consideration of continuing the school district deduction for cyber charter school tuition costs.

(C) Appropriate funding for charter school entity facilities.

(D) A process by which the performance matrix established under section 1731.2-a shall compare the academic performance of each charter school entity with the academic performance of the school district of residence of each student enrolled in the charter school entity.
(E) SPECIAL EDUCATION TRANSPORTATION.

(F) OTHER FUNDING ISSUES RAISED IN THE COURSE OF PUBLIC
HEARINGS.

(G) CONSIDERATION OF A SCHOOL DISTRICT DEDUCTION FOR
PROGRAMS AND SERVICES TO THE EXTENT THEY ARE FUNDED FROM THE
PROCEEDS OF COMPETITIVE GRANTS FROM PRIVATE OR PUBLIC RESOURCES
OR FROM CONTRIBUTIONS OR DONATIONS FROM PRIVATE SOURCES.

(H) THE APPROPRIATE MANNER OF FUNDING A CHARTER SCHOOL THAT
PRIMARILY SERVES ADJUDICATED YOUTH.

(I) FUNDING AND ALL COSTS ASSOCIATED WITH ATHLETIC PROGRAMS
PROVIDED BY CHARTER SCHOOL ENTITIES.

(J) CONSIDERATION OF A METHOD BY WHICH A LOCAL BOARD OF
SCHOOL DIRECTORS, WHEN CONSIDERING A CHARTER APPLICATION, MAY
REVIEW WHETHER CHARTER SCHOOL ENTITIES ARE SUFFICIENTLY
DISTRIBUTED THROUGHOUT A SCHOOL DISTRICT WHILE ALSO ENSURING
THAT A CHARTER APPLICATION IS NOT DENIED ON THE BASIS OF
GEOGRAPHIC LOCATION.

(V) ISSUE A REPORT PURSUANT TO PARAGRAPH (7).

(7) THE COMMISSION SHALL, NO LATER THAN ONE YEAR FROM THE
EFFECTIVE DATE OF THIS SECTION, ISSUE A REPORT OF ITS FINDINGS
AND RECOMMENDATIONS TO THE GOVERNOR, THE PRESIDENT PRO TEMPORE
LEADER OF THE SENATE, THE CHAIRMAN AND MINORITY CHAIRMAN OF THE
APPROPRIATIONS COMMITTEE OF THE SENATE, THE CHAIRMAN AND
MINORITY CHAIRMAN OF THE EDUCATION COMMITTEE OF THE SENATE, THE
SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE MAJORITY LEADER OF
THE HOUSE OF REPRESENTATIVES, THE MINORITY LEADER OF THE HOUSE
OF REPRESENTATIVES, THE CHAIRMAN AND MINORITY CHAIRMAN OF THE
APPROPRIATIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE
CHAIRMAN AND MINORITY CHAIRMAN OF THE EDUCATION COMMITTEE OF THE
HOUSE OF REPRESENTATIVES. THE RECOMMENDATIONS OF THE COMMISSION
SHALL NOT TAKE EFFECT UNLESS THE RECOMMENDATIONS ARE APPROVED BY
AN ACT OF THE GENERAL ASSEMBLY ENACTED AFTER THE EFFECTIVE DATE
OF THIS SECTION.

SECTION 13.2. SECTION 1715-A OF THE ACT, AMENDED OR ADDED
JUNE 19, 1997 (P.L.225, NO.22) AND JULY 9, 2008 (P.L.846,
NO.61), IS AMENDED TO READ:

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) (I) [A] SUBJECT TO SUBPARAGRAPH (II), A CHARTER SCHOOL
ENTITY SHALL NOT PROVIDE ANY RELIGIOUS INSTRUCTION, NOR SHALL IT
DISPLAY RELIGIOUS OBJECTS AND SYMBOLS ON THE PREMISES OF THE
CHARTER SCHOOL ENTITY.
(II) It shall not be a violation of this paragraph for a charter school entity to utilize a sectarian facility:

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

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

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

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

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

(7.1) A cyber charter school shall only be subject to the laws and regulations as provided for in section 1749-A, or as otherwise provided for in this act.

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

(9) A charter school entity shall provide a minimum of one hundred eighty (180) days of instruction or nine hundred (900) hours per year of instruction at the elementary level, or nine hundred ninety (990) hours per year of instruction at the secondary level. Nothing in this clause shall preclude the use
OF COMPUTER AND SATELLITE LINKAGES FOR DELIVERING INSTRUCTION TO STUDENTS.


(10) BOARDS OF TRUSTEES AND CONTRACTORS OF CHARTER [SCHOOLS] SCHOOL ENTITIES SHALL BE SUBJECT TO THE FOLLOWING STATUTORY REQUIREMENTS GOVERNING CONSTRUCTION PROJECTS AND CONSTRUCTION-RELATED WORK:

(I) THE FOLLOWING PROVISIONS OF THIS ACT:

(A) SECTIONS 751 AND 751.1.

(B) SECTIONS 756 AND 757 INSO FAR AS THEY ARE CONSISTENT WITH THE ACT OF DECEMBER 20, 1967 (P.L.869, NO.385), KNOWN AS THE "PUBLIC WORKS CONTRACTORS' BOND LAW OF 1967."

(II) SECTION 1 OF THE ACT OF MAY 1, 1913 (P.L.155, NO.104), ENTITLED "AN ACT REGULATING THE LETTING OF CERTAIN CONTRACTS FOR THE ERECTION, CONSTRUCTION, AND ALTERATION OF PUBLIC BUILDINGS."

(III) THE ACT OF AUGUST 11, 1961 (P.L.987, NO.442), KNOWN AS THE "PENNSYLVANIA PREVAILING WAGE ACT."

(IV) THE "PUBLIC WORKS CONTRACTORS' BOND LAW OF 1967."

(V) THE ACT OF MARCH 3, 1978 (P.L.6, NO.3), KNOWN AS THE "STEEL PRODUCTS PROCUREMENT ACT."

(11) TRUSTEES OF A CHARTER SCHOOL ENTITY SHALL BE PUBLIC OFFICIALS[.] FOR THE PURPOSES OF 65 PA.C.S. CH. 11 (RELATING TO 20150HB0530PN2658 - 137 -

(12) A PERSON WHO SERVES AS AN ADMINISTRATOR FOR A CHARTER SCHOOL SHALL NOT RECEIVE COMPENSATION FROM ANOTHER CHARTER SCHOOL OR FROM A COMPANY THAT PROVIDES MANAGEMENT OR OTHER SERVICES TO ANOTHER CHARTER SCHOOL. THE TERM "ADMINISTRATOR" SHALL INCLUDE THE CHIEF EXECUTIVE OFFICER OF A CHARTER SCHOOL AND ALL OTHER EMPLOYEES OF A CHARTER SCHOOL WHO BY VIRTUE OF THEIR POSITIONS EXERCISE MANAGEMENT OR OPERATIONAL OVERSIGHT RESPONSIBILITIES. A PERSON WHO SERVES AS AN ADMINISTRATOR FOR A CHARTER SCHOOL SHALL BE A PUBLIC OFFICIAL UNDER 65 PA.C.S. CH. 11 (RELATING TO ETHICS STANDARDS AND FINANCIAL DISCLOSURE). A VIOLATION OF THIS CLAUSE SHALL CONSTITUTE A VIOLATION OF 65 PA.C.S. § 1103(A) (RELATING TO RESTRICTED ACTIVITIES), AND THE VIOLATOR SHALL BE SUBJECT TO THE PENALTIES IMPOSED UNDER THE JURISDICTION OF THE STATE ETHICS COMMISSION.

(B) AN INDIVIDUAL WHO SERVES AS AN ADMINISTRATOR FOR A CHARTER SCHOOL ENTITY SHALL BE A PUBLIC EMPLOYEE FOR THE PURPOSES OF 65 PA.C.S. CH. 11 AND SHALL FILE A STATEMENT OF FINANCIAL INTERESTS FOR THE PRECEDING CALENDAR YEAR WITH THE BOARD OF TRUSTEES NOT LATER THAN MAY 1 OF EACH YEAR THAT THE PERSON HOLDS THE POSITION AND OF THE YEAR AFTER THE PERSON LEAVES THE
(C) (1) No individual who serves as an administrator for a charter school entity may receive compensation from another charter school entity or from an educational management service provider, unless:

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

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

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

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

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

(II) An administrator who knowingly violates this clause commits a violation of 65 Pa.C.S. § 1103(a) (relating to restricted activities) and shall be subject to the penalties.

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IMPOSED UNDER THE JURISDICTION OF THE STATE ETHICS COMMISSION.

(III) ANY CONTRACT MADE IN VIOLATION OF THIS CLAUSE SHALL BE VOIDABLE BY THE BOARD OF TRUSTEES OF THE CHARTER SCHOOL ENTITY.

(5) AN ADMINISTRATOR SHALL BE IMMEDIATELY DISMISSED UPON CONVICTION FOR AN OFFENSE GRADED AS A FELONY, AN INFAMOUS CRIME, AN OFFENSE PERTAINING TO FRAUD, THEFT OR MISMANAGEMENT OF PUBLIC FUNDS OR ANY CRIME INVOLVING MORAL TURPITUDE.

SECTION 13.3. SECTION 1716-A(C) OF THE ACT, ADDED JUNE 19, 1997 (P.L.225, NO.22), IS AMENDED AND THE SECTION IS AMENDED BY ADDING SUBSECTIONS TO READ:

SECTION 1716-A. POWERS OF BOARD OF TRUSTEES.--* * *

(B.1) (1) FOR A CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL CHARTERED AFTER THE EFFECTIVE DATE OF THIS SUBSECTION, AN INDIVIDUAL SHALL BE PROHIBITED FROM SERVING AS A VOTING MEMBER OF THE BOARD OF TRUSTEES OF THE CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL IF THE INDIVIDUAL OR AN IMMEDIATE FAMILY MEMBER RECEIVES COMPENSATION FROM OR IS EMPLOYED BY OR IS A MEMBER OF THE LOCAL BOARD OF SCHOOL DIRECTORS WHO PARTICIPATED IN THE INITIAL REVIEW, APPROVAL, OVERSIGHT, EVALUATION OR RENEWAL PROCESS OF THE CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL CHARTERED BY THAT BOARD.

(2) AN EMPLOYE OF THE SCHOOL DISTRICT THAT CHARTERED A CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL MAY SERVE AS A MEMBER OF THE BOARD OF TRUSTEES OF THE CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL WITHOUT VOTING PRIVILEGES.

(B.2) (1) NO MEMBER OF THE BOARD OF TRUSTEES OF A CHARTER SCHOOL ENTITY MAY PARTICIPATE IN THE SELECTION, AWARD OR ADMINISTRATION OF ANY CONTRACT IF THE MEMBER HAS A CONFLICT OF INTEREST AS THAT TERM IS DEFINED IN 65 PA.C.S. § 1102 (RELATING TO DEFINITIONS).
(2) Any member of the Board of Trustees of a charter school entity who in the discharge of the person's official duties would be required to vote on a matter that would result in a conflict of interest shall abstain from voting and follow the procedures required under 65 Pa.C.S. § 1103(J) (relating to restricted activities).

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

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

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

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

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

(D) (1) (I) The Board of Trustees of a charter school entity shall consist of a minimum of five (5) nonrelated voting members.

(II) If a charter school entity has fewer than five (5)
NONRELATED VOTING MEMBERS SERVING ON ITS BOARD OF TRUSTEES ON THE EFFECTIVE DATE OF THIS SUBSECTION, THE CHARTER SCHOOL ENTITY SHALL, WITHIN SIXTY (60) DAYS, APPOINT ADDITIONAL MEMBERS TO THE BOARD OF TRUSTEES TO MEET THE MINIMUM REQUIREMENTS OF THIS SECTION.

(2) WITHIN ONE (1) YEAR OF THE EFFECTIVE DATE OF THIS SUBSECTION, AT LEAST ONE MEMBER OF THE BOARD OF TRUSTEES OF A CHARTER SCHOOL ENTITY SHALL BE A PARENT OF A CHILD CURRENTLY ATTENDING THE CHARTER SCHOOL ENTITY. THE BOARD OF TRUSTEES MEMBER PROVIDED FOR UNDER THIS PARAGRAPH SHALL BE ELIGIBLE TO SERVE ONLY SO LONG AS THE CHILD ATTENDS THE CHARTER SCHOOL ENTITY. THIS PARAGRAPH SHALL NOT APPLY TO A CHARTER SCHOOL THAT PRIMARILY SERVES ADJUDICATED YOUTH.

(E) (1) A MAJORITY OF THE VOTING MEMBERS OF THE BOARD OF TRUSTEES SHALL CONSTITUTE A QUORUM. IF LESS THAN A MAJORITY IS PRESENT AT ANY MEETING, NO BUSINESS MAY BE TRANSACTED AT THE MEETING.

(2) THE AFFIRMATIVE VOTE OF A MAJORITY OF ALL THE VOTING MEMBERS OF THE BOARD OF TRUSTEES, DULY RECORDED, SHALL BE REQUIRED IN ORDER TO TAKE OFFICIAL ACTION ON THE SUBJECTS ENUMERATED UNDER SUBSECTION (A).

SECTION 13.4. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

SECTION 1716.1-A. PAYMENT OF INDEBTEDNESS BY CHARTER SCHOOL ENTITIES.—(A) THE BOARD OF TRUSTEES OF A CHARTER SCHOOL ENTITY SHALL SUPPLY THE SECRETARY AND, IN THE CASE OF A CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL, THE LOCAL BOARD OF SCHOOL DIRECTORS A LIST OF THE AMOUNT OF RENTAL PAYMENTS WHICH ARE GUARANTEES FOR SCHOOL BUILDING DEBT OR BONDS THAT BECOME DUE DURING THE FISCAL YEAR TOGETHER WITH THE AMOUNT PAID ON EACH ITEM OF INDEBTEDNESS.

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ANY CHARTER SCHOOL ENTITY THAT ELECTS TO ISSUE NEW SCHOOL BUILDING DEBT OR BONDS SHALL HOLD IN ESCROW AN AMOUNT SUFFICIENT TO PAY THE ANNUAL AMOUNT OF THE SUM OF THE PRINCIPAL MATURING OR SUBJECT TO MANDATORY REDEMPTION AND INTEREST OWING BY THE CHARTER SCHOOL ENTITY OR SINKING FUND DEPOSIT DUE BY THE CHARTER SCHOOL ENTITY.

(B) (1) IN ANY CASE WHERE THE BOARD OF TRUSTEES OF A CHARTER SCHOOL ENTITY FAILS TO PAY OR TO PROVIDE FOR THE PAYMENT OF:

(I) ANY INDEBTEDNESS AT DATE OF MATURITY OR DATE OF MANDATORY REDEMPTION OR ON ANY SINKING FUND DEPOSIT DATE; OR

(II) ANY INTEREST DUE ON SUCH INDEBTEDNESS ON ANY INTEREST PAYMENT DATE OR ON ANY SINKING FUND DEPOSIT DATE IN ACCORDANCE WITH THE SCHEDULE UNDER WHICH THE BONDS WERE ISSUED,

THE BANK OR TRUSTEE FOR THE BONDS SHALL NOTIFY THE BOARD OF TRUSTEES OF ITS OBLIGATION AND SHALL IMMEDIATELY NOTIFY THE SECRETARY AND, IN THE CASE OF A CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL, THE LOCAL BOARD OF SCHOOL DIRECTORS.

(2) THE SECRETARY SHALL WITHHOLD ANY PAYMENT DUE THE CHARTER SCHOOL ENTITY IN ANY AMOUNT NECESSARY TO FULLY FUND THE AMOUNT HELD IN ESCROW BY THE CHARTER SCHOOL ENTITY WHICH SHALL BE EQUAL TO THE SUM OF THE PRINCIPAL AMOUNT MATURING OR SUBJECT TO MANDATORY REDEMPTION AND INTEREST OWING BY THE CHARTER SCHOOL ENTITY OR SINKING FUND DEPOSIT DUE BY THE CHARTER SCHOOL ENTITY AND SHALL REQUIRE PAYOVER OF THE AMOUNT WITHHELD TO THE BANK OR TRUSTEE ACTING AS THE SINKING FUND DEPOSITARY FOR THE BOND ISSUE FROM THE ESCROW ACCOUNT.

SECTION 13.5. SECTIONS 1717-A(C), (D), (E) AND (F) AND 1719-A OF THE ACT, ADDED JUNE 19, 1997 (P.L.225, NO.22), ARE AMENDED TO READ:
SECTION 1717-A. ESTABLISHMENT OF CHARTER SCHOOL.--* * *


(E) (1) NOT LATER THAN SEVENTY-FIVE (75) DAYS AFTER THE FIRST PUBLIC HEARING ON THE APPLICATION, THE LOCAL BOARD OF SCHOOL DIRECTORS SHALL GRANT OR DENY THE APPLICATION. FOR A CHARTER SCHOOL BEGINNING IN THE 1997-1998 SCHOOL YEAR, THE LOCAL BOARD OF SCHOOL DIRECTORS SHALL GRANT OR DENY THE APPLICATION NO LATER THAN SIXTY (60) DAYS AFTER THE FIRST PUBLIC HEARING.

(2) A CHARTER SCHOOL APPLICATION SUBMITTED UNDER THIS
ARTICLE SHALL BE EVALUATED BY THE LOCAL BOARD OF SCHOOL DIRECTORS BASED ON CRITERIA, INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING:

(I) THE DEMONSTRATED, SUSTAINABLE SUPPORT FOR THE CHARTER SCHOOL PLAN BY TEACHERS, PARENTS, OTHER COMMUNITY MEMBERS AND STUDENTS, INCLUDING COMMENTS RECEIVED AT THE PUBLIC HEARING HELD UNDER SUBSECTION (D).

(II) THE CAPABILITY OF THE CHARTER SCHOOL APPLICANT, IN TERMS OF SUPPORT AND PLANNING, TO PROVIDE COMPREHENSIVE LEARNING EXPERIENCES TO STUDENTS PURSUANT TO THE ADOPTED CHARTER.

(III) THE EXTENT TO WHICH THE APPLICATION CONSIDERS THE INFORMATION REQUESTED IN SECTION 1719-A AND CONFORMS TO THE LEGISLATIVE INTENT OUTLINED IN SECTION 1702-A.

(IV) THE EXTENT TO WHICH THE CHARTER SCHOOL MAY SERVE AS A MODEL FOR OTHER PUBLIC SCHOOLS AND SHARE BEST PRACTICES.

(3) THE LOCAL BOARD OF SCHOOL DIRECTORS, IN THE CASE OF AN EXISTING SCHOOL BEING CONVERTED TO A CHARTER SCHOOL, SHALL ESTABLISH THE ALTERNATIVE ARRANGEMENTS FOR CURRENT STUDENTS WHO CHOOSE NOT TO ATTEND THE CHARTER SCHOOL.


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STATED IN THE NOTICE SENT BY THE LOCAL BOARD OF SCHOOL DIRECTORS TO THE CHARTER SCHOOL APPLICANT.


* * *

SECTION 1719-A. CONTENTS OF APPLICATION.--[AN] (A) THE DEPARTMENT SHALL CREATE A STANDARD APPLICATION FORM FOR CHARTER SCHOOL APPLICANTS SEEKING TO ESTABLISH A CHARTER SCHOOL ENTITY AND A STANDARD FORM FOR EXISTING CHARTER SCHOOL ENTITIES SEEKING RENEWAL OF THEIR CHARTERS. THE FORMS SHALL BE PUBLISHED IN THE PENNSYLVANIA BULLETIN AND 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:

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

(II) A draft contract stating all of the following:

(A) The officers, chief administrator and administrators of the educational management service provider.
(B) THE PROPOSED DURATION OF THE SERVICE CONTRACT.
(C) ROLES AND RESPONSIBILITIES OF THE BOARD OF TRUSTEES, THE SCHOOL STAFF AND THE EDUCATIONAL MANAGEMENT SERVICE PROVIDER.
(D) THE SCOPE OF SERVICES, PERSONNEL AND RESOURCES TO BE PROVIDED BY THE EDUCATIONAL MANAGEMENT SERVICE PROVIDER.
(E) PERFORMANCE EVALUATION MEASURES AND TIMELINES.
(F) THE COMPENSATION STRUCTURE, INCLUDING CLEAR IDENTIFICATION OF ALL FEES TO BE PAID TO THE EDUCATIONAL MANAGEMENT SERVICE PROVIDER.
(G) METHODS OF CONTRACT OVERSIGHT AND ENFORCEMENT.
(H) INVESTMENT DISCLOSURE OR THE ADVANCE OF MONEYS BY THE EDUCATIONAL MANAGEMENT SERVICE PROVIDER ON BEHALF OF THE CHARTER SCHOOL ENTITY.
(I) CONDITIONS FOR RENEWAL AND TERMINATION OF THE CONTRACT.
(5) THE MISSION AND EDUCATION GOALS OF THE CHARTER SCHOOL ENTITY, THE CURRICULUM TO BE OFFERED AND THE METHODS OF ASSESSING WHETHER STUDENTS ARE MEETING EDUCATIONAL GOALS.
(6) THE ADMISSION AND ENROLLMENT POLICY [AND CRITERIA FOR EVALUATING THE ADMISSION OF STUDENTS] WHICH SHALL COMPLY WITH THE REQUIREMENTS OF SECTION 1723-A.
(7) PROCEDURES WHICH WILL BE USED REGARDING THE SUSPENSION OR EXPULSION OF PUPILS. SAID PROCEDURES SHALL COMPLY WITH SECTION 1318.
(8) Information on the manner in which community groups will be involved in the charter school entity planning process.

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

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

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

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

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

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

(15) A report of criminal history record, pursuant to 20150HB0530PN2658
SECTION 111, FOR ALL INDIVIDUALS IDENTIFIED IN THE APPLICATION WHO SHALL HAVE DIRECT CONTACT WITH STUDENTS[,] AND A PLAN FOR SATISFYING THE PROPER CRIMINAL HISTORY RECORD CLEARANCES REQUIRED FOR ALL OTHER STAFF.

(16) AN OFFICIAL CLEARANCE STATEMENT REGARDING CHILD INJURY OR ABUSE FROM THE DEPARTMENT OF PUBLIC WELFARE AS REQUIRED BY 23 PA.C.S. CH. 63 SUBCH. [C.2 (RELATING TO BACKGROUND CHECKS FOR EMPLOYMENT IN SCHOOLS)] C (RELATING TO POWERS AND DUTIES OF DEPARTMENT) AND SECTION 111 FOR ALL INDIVIDUALS IDENTIFIED IN THE APPLICATION WHO SHALL HAVE DIRECT CONTACT WITH STUDENTS[,] AND A PLAN FOR SATISFYING THE PROPER OFFICIAL CLEARANCE STATEMENT REGARDING CHILD INJURY OR ABUSE REQUIRED FOR ALL OTHER STAFF.

(17) HOW THE CHARTER SCHOOL ENTITY WILL PROVIDE ADEQUATE LIABILITY AND OTHER APPROPRIATE INSURANCE FOR THE CHARTER SCHOOL ENTITY, ITS EMPLOYEES AND THE BOARD OF TRUSTEES OF THE CHARTER SCHOOL ENTITY.

(18) POLICIES REGARDING TRUANCY, ABSENCES AND WITHDRAWAL OF STUDENTS, INCLUDING THE MANNER IN WHICH THE CHARTER SCHOOL ENTITY WILL MONITOR ATTENDANCE CONSISTENT WITH SECTION 1715-A(9). THE CHARTER SCHOOL ENTITY'S POLICY SHALL ESTABLISH, TO THE SATISFACTION OF THE LOCAL BOARD OF SCHOOL DIRECTORS OR, IN THE CASE OF A CYBER CHARTER SCHOOL, TO THE SATISFACTION OF THE DEPARTMENT, THAT THE CHARTER SCHOOL ENTITY WILL COMPLY WITH SECTIONS 1332 AND 1333, INCLUDING THE INSTITUTION OF TRUANCY PROCEEDINGS WHEN REQUIRED UNDER SECTION 1333.

(19) HOW THE CHARTER SCHOOL ENTITY WILL MEET THE STANDARDS INCLUDED IN THE PERFORMANCE MATRIX DEVELOPED BY THE STATE BOARD OF EDUCATION UNDER SECTION 1731.2-A.

(20) INDICATE WHETHER OR NOT THE CHARTER SCHOOL ENTITY WILL
SEEK ACCREDITATION BY A NATIONALLY RECOGNIZED ACCREDITATION AGENCY, INCLUDING THE MIDDLE STATES ASSOCIATION OF COLLEGES AND SCHOOLS OR ANOTHER REGIONAL INSTITUTIONAL ACCREDITING AGENCY RECOGNIZED BY THE UNITED STATES DEPARTMENT OF EDUCATION OR AN EQUIVALENT FEDERALLY RECOGNIZED BODY FOR CHARTER SCHOOL EDUCATION.

(B) A LOCAL BOARD OF SCHOOL DIRECTORS MAY NOT IMPOSE ADDITIONAL TERMS, DEVELOP ITS OWN APPLICATION OR REQUIRE ADDITIONAL INFORMATION OUTSIDE THE STANDARD APPLICATION FORMS REQUIRED UNDER SUBSECTION (A). THE DEPARTMENT SHALL REVIEW THE STANDARD APPLICATION FORMS EVERY THREE (3) YEARS AND SHALL SUBMIT ANY RECOMMENDED REVISIONS IN WRITING TO THE EDUCATION COMMITTEE OF THE SENATE AND THE EDUCATION COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

SECTION 13.6. SECTION 1720-A OF THE ACT, AMENDED JULY 9, 2008, (P.L.846, NO.61), IS AMENDED TO READ:

SCHOOL OR REGIONAL CHARTER SCHOOL’S BOARD OF TRUSTEES, SHALL ACT AS LEGAL AUTHORIZATION FOR THE ESTABLISHMENT OF A CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL. THIS WRITTEN CHARTER SHALL BE LEGALLY BINDING ON BOTH THE LOCAL BOARD OF SCHOOL DIRECTORS OF A SCHOOL DISTRICT AND THE CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL’S BOARD OF TRUSTEES. [EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (B), THE CHARTER SHALL BE FOR A PERIOD OF NO LESS THAN THREE (3) NOR MORE THAN FIVE (5) YEARS AND MAY BE RENEWED FOR FIVE (5) YEAR PERIODS UPON REAUTHORIZATION BY THE LOCAL BOARD OF SCHOOL DIRECTORS OF A SCHOOL DISTRICT OR THE APPEAL BOARD.] IF THE CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL CONTRACTS WITH AN EDUCATIONAL MANAGEMENT SERVICE PROVIDER, A CONTRACT SHALL BE EXECUTED ONCE THE CHARTER IS APPROVED. A CHARTER WILL BE GRANTED ONLY FOR A SCHOOL ORGANIZED AS A PUBLIC, NONPROFIT CORPORATION.

(2) THE FOLLOWING SHALL APPLY TO ALL ChARTERS GRANTED BY A SCHOOL DISTRICT:

(I) AN INITIAL CHARTER EXECUTED PURSUANT TO SECTION 1720-A(a)(1) SHALL BE FOR A PERIOD OF FIVE (5) YEARS.

(II) PRIOR TO THE EFFECTIVE DATE OF THE REGULATIONS IMPLEMENTING THE PERFORMANCE MATRIX AS REQUIRED PURSUANT TO SECTION 1731.2-A, A CHARTER MAY BE RENEWED FOR FIVE (5) YEAR PERIODS UPON REAUTHORIZATION BY THE LOCAL BOARD OF SCHOOL DIRECTORS OR OTHER GOVERNING BODY OF A SCHOOL DISTRICT OR THE APPEAL BOARD.

(III) UPON THE EFFECTIVE DATE OF THE REGULATIONS IMPLEMENTING THE PERFORMANCE MATRIX AS REQUIRED PURSUANT TO SECTION 1731.2-A, THE FOLLOWING SHALL APPLY:

(A) FOR CHARTER SCHOOLS AND REGIONAL CHARTER SCHOOLS THAT HAVE SATISFIED THE ACADEMIC QUALITY BENCHMARK ESTABLISHED BY THE...
STATE BOARD PURSUANT TO SECTION 1731.2-A, A CHARTER MAY BE
RENEWED FOR TEN (10) YEAR PERIODS UPON REAUTHORIZATION BY THE
LOCAL BOARD OF SCHOOL DIRECTORS OR OTHER GOVERNING BODY OF A
SCHOOL DISTRICT OR THE APPEAL BOARD; PROVIDED THAT, BEGINNING IN
THE SIXTH YEAR OF ANY TEN (10) YEAR PERIOD OF RENEWAL UNDER THIS
SUBCLAUSE, THE CHARTER OF ANY CHARTER SCHOOL OR REGIONAL CHARTER
SCHOOL THAT FAILS FOR TWO (2) CONSECUTIVE YEARS TO SATISFY THE
ACADEMIC QUALITY BENCHMARK ESTABLISHED BY THE STATE BOARD UNDER
SECTION 1731.2-A SHALL BE SUBJECT TO REVIEW BY THE LOCAL BOARD
OF SCHOOL DIRECTORS OR OTHER GOVERNING BODY OF A SCHOOL
DISTRICT.

(B) FOR CHARTER SCHOOLS AND REGIONAL CHARTER SCHOOLS THAT
HAVE NOT SATISFIED THE ACADEMIC QUALITY BENCHMARK ESTABLISHED BY
THE STATE BOARD PURSUANT TO SECTION 1731.2-A, A CHARTER MAY BE
RENEWED FOR FIVE (5) YEAR PERIODS UPON REAUTHORIZATION BY THE
LOCAL BOARD OF SCHOOL DIRECTORS OR OTHER GOVERNING BODY OF A
SCHOOL DISTRICT OR THE APPEAL BOARD.

[(B) (1) NOTWITHSTANDING SUBSECTION (A), A GOVERNING BOARD
OF A SCHOOL DISTRICT OF THE FIRST CLASS MAY RENEW A CHARTER FOR
A PERIOD OF ONE (1) YEAR IF THE BOARD OF SCHOOL DIRECTORS
DETERMINES THAT THERE IS INSUFFICIENT DATA CONCERNING THE
CHARTER SCHOOL'S ACADEMIC PERFORMANCE TO ADEQUATELY ASSESS THAT
PERFORMANCE AND DETERMINES THAT AN ADDITIONAL YEAR OF
PERFORMANCE DATA WOULD YIELD SUFFICIENT DATA TO ASSIST THE
GOVERNING BOARD IN ITS DECISION WHETHER TO RENEW THE CHARTER FOR
A PERIOD OF FIVE (5) YEARS.

(2) A ONE-YEAR RENEWAL PURSUANT TO PARAGRAPH (1) SHALL NOT
BE CONSIDERED AN ADJUDICATION AND MAY NOT BE APPEALED TO THE
STATE CHARTER SCHOOL APPEAL BOARD.

(3) A GOVERNING BOARD OF A SCHOOL DISTRICT OF THE FIRST
CLASS DOES NOT HAVE THE AUTHORITY TO RENEW A CHARTER FOR SUCCESSIVE ONE (1) YEAR PERIODS.]

(C) (1)  A CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL MAY REQUEST AMENDMENTS TO ITS APPROVED WRITTEN CHARTER BY FILING A WRITTEN DOCUMENT DESCRIBING THE REQUESTED AMENDMENT WITH THE LOCAL BOARD OF SCHOOL DIRECTORS.

(2)  WITHIN SIXTY (60) DAYS OF ITS RECEIPT OF THE REQUEST FOR AN AMENDMENT, THE LOCAL BOARD OF SCHOOL DIRECTORS SHALL HOLD A PUBLIC HEARING ON THE REQUESTED AMENDMENT UNDER 65 PA.C.S. CH. 7 (RELATING TO OPEN MEETINGS).

(3)  WITHIN SIXTY (60) DAYS AFTER THE HEARING, THE LOCAL BOARD OF SCHOOL DIRECTORS SHALL GRANT OR DENY THE REQUESTED AMENDMENT. FAILURE BY THE LOCAL BOARD OF SCHOOL DIRECTORS TO HOLD A PUBLIC HEARING AND TO GRANT OR DENY THE AMENDMENT WITHIN THE TIME PERIOD SPECIFIED IN THIS SUBSECTION SHALL BE DEEMED AN APPROVAL.

(4)  AN APPLICANT FOR AN AMENDMENT SHALL HAVE THE RIGHT TO APPEAL THE DENIAL OF A REQUESTED AMENDMENT TO THE APPEAL BOARD PROVIDED FOR UNDER SECTION 1721-A.

SECTION 13.7.  SECTION 1721-A(A) AND (E) OF THE ACT, ADDED JUNE 19, 1997 (P.L.225, NO.22), ARE AMENDED TO READ:


(1)  A PARENT OF A SCHOOL-AGED CHILD ENROLLED IN A CHARTER
(2) A SCHOOL BOARD MEMBER.
(3) A CERTIFIED TEACHER ACTIVELY EMPLOYED IN A PUBLIC SCHOOL.
(4) A FACULTY MEMBER OR ADMINISTRATIVE EMPLOYE OF AN INSTITUTION OF HIGHER EDUCATION.
(5) A MEMBER OF THE BUSINESS COMMUNITY.
(6) A MEMBER OF THE STATE BOARD OF EDUCATION.
(7) AN ADMINISTRATOR OF A CHARTER SCHOOL ENTITY.
(8) A MEMBER OF THE BOARD OF TRUSTEES OF A CHARTER SCHOOL ENTITY.
(9) A PRINCIPAL OF A PUBLIC SCHOOL NOT OPERATED UNDER THIS ARTICLE.

THE TERM OF OFFICE OF MEMBERS OF THE APPEAL BOARD, OTHER THAN THE SECRETARY, SHALL BE FOR A PERIOD OF FOUR (4) YEARS OR UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIED, EXCEPT THAT, OF THE INITIAL APPOINTEES, THE GOVERNOR SHALL DESIGNATE TWO (2) MEMBERS TO SERVE TERMS OF TWO (2) YEARS, TWO (2) MEMBERS TO SERVE TERMS OF THREE (3) YEARS AND TWO (2) MEMBERS TO SERVE TERMS OF FOUR (4) YEARS. A PARENT MEMBER APPOINTED UNDER PARAGRAPH (1) SHALL SERVE A TERM OF FOUR (4) YEARS, PROVIDED THE MEMBER'S CHILD REMAINS ENROLLED IN THE CHARTER SCHOOL ENTITY. ANY APPOINTMENT TO FILL ANY VACANCY SHALL BE FOR THE PERIOD OF THE UNEXPIRED TERM OR UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIED.

* * *


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] ACT OF FEBRUARY 14, 2008 (P.L.6, NO.3), KNOWN AS THE
"RIGHT-TO-KNOW LAW".

SECTION 13.8. SECTION 1722-A(A), (B) AND (D) OF THE ACT,
AMENDED NOVEMBER 17, 2010 (P.L.996, NO.104), ARE AMENDED AND THE
SECTION IS AMENDED BY ADDING SUBSECTIONS TO READ:

SECTION 1722-A. FACILITIES.--(A) A CHARTER SCHOOL ENTITY
MAY BE LOCATED IN AN EXISTING PUBLIC SCHOOL BUILDING, IN A PART
OF AN EXISTING PUBLIC SCHOOL BUILDING, IN SPACE PROVIDED ON A
PRIVATELY OWNED SITE, IN A PUBLIC BUILDING OR IN ANY OTHER
SUITABLE LOCATION.

(B) THE CHARTER SCHOOL ENTITY FACILITY SHALL BE EXEMPT FROM
PUBLIC SCHOOL FACILITY REGULATIONS EXCEPT THOSE PERTAINING TO
THE HEALTH OR SAFETY OF [THE PUPILS] STUDENTS.

(B.1) (1) A CHARTER SCHOOL ENTITY SHALL HAVE THE RIGHT OF
FIRST REFUSAL TO PURCHASE OR LEASE, FOR EDUCATIONAL PURPOSES
ONLY, A PUBLIC SCHOOL BUILDING OR A PART OF A PUBLIC SCHOOL
BUILDING WHICH IS NO LONGER IN USE BY THE PROPERTY TITLEHOLDER,
AT THE PRICE OF ONE OF THE FOLLOWING:

(I) THE LAST BEST OFFER ABOVE FAIR MARKET VALUE RECEIVED IN
THE NINETY (90) DAYS PRECEDING THE CHARTER SCHOOL ENTITY'S
OFFER.

(II) FAIR MARKET VALUE, IF NO OFFER HAS BEEN RECEIVED IN THE
NINETY (90) DAYS PRECEDING THE CHARTER SCHOOL ENTITY'S OFFER.

(III) BELOW FAIR MARKET VALUE, UPON THE MUTUAL AGREEMENT OF
THE SCHOOL ENTITY AND THE CHARTER SCHOOL ENTITY.

(2) A SCHOOL ENTITY SHALL ACCEPT AN OFFER FROM A CHARTER
SCHOOL ENTITY THAT CONFORMS TO THE PROVISIONS OF PARAGRAPH (1).

(3) THE DEPARTMENT SHALL PROVIDE A PAGE ON ITS PUBLICLY
ACCESSIBLE INTERNET WEBSITE ON WHICH SCHOOL ENTITIES ARE
REQUIRED TO POST A NOTICE FOR EACH PUBLIC SCHOOL BUILDING OR
PART OF A PUBLIC SCHOOL BUILDING THAT IS AVAILABLE FOR PURCHASE OR LEASE. A SCHOOL ENTITY SHALL SUBMIT A NOTICE TO THE DEPARTMENT ON A FORM TO BE DEVELOPED BY THE DEPARTMENT. THE DEPARTMENT SHALL POST THE NOTICE WITHIN FIVE (5) DAYS OF RECEIVING THE FORM.

(4) THE FOLLOWING SHALL APPLY TO THE SALE OR LEASE OF A PUBLIC SCHOOL BUILDING OR A PART OF A PUBLIC SCHOOL BUILDING BY A SCHOOL ENTITY:

(I) A SCHOOL ENTITY MAY NOT ENTER A CONTRACT TO SELL OR LEASE A BUILDING OR PART OF A BUILDING UNTIL AT LEAST THIRTY (30) DAYS AFTER THE POSTING OF A NOTICE AS REQUIRED UNDER PARAGRAPH (3).

(II) WHERE TWO (2) OR MORE CHARTER SCHOOL ENTITIES MAKE OFFERS ON THE SAME BUILDING OR PART OF A BUILDING THAT CONFORM TO THE PROVISIONS OF THIS SUBSECTION, THE SCHOOL ENTITY SHALL:

(A) ACCEPT THE FIRST OFFER, IF THE OFFERS ARE EQUAL IN DOLLAR AMOUNT.

(B) ACCEPT THE BEST OFFER, IF THE OFFERS DIFFER IN DOLLAR AMOUNT.

(D) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, [A SCHOOL DISTRICT OF THE FIRST CLASS MAY, IN ITS DISCRETION, PERMIT A CHARTER SCHOOL TO OPERATE ITS SCHOOL AT MORE THAN ONE LOCATION.] A CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL THAT DOES NOT HAVE ANY LIMITS ON STUDENT ENROLLMENT OR CAPS IS PERMITTED TO OPERATE ITS SCHOOL AT MORE THAN ONE LOCATION AND MAY NOT BE REQUIRED TO OBTAIN PERMISSION TO EXPAND.

* * *

(F) (1) ALCOHOLIC BEVERAGES SHALL NOT BE AVAILABLE FOR CONSUMPTION, PURCHASE OR SALE IN ANY CHARTER SCHOOL ENTITY FACILITY.
(2) IF, IN THE CASE OF A CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL, THE LOCAL BOARD OF SCHOOL DIRECTORS REASONABLY BELIEVES THAT ALCOHOLIC BEVERAGES HAVE BEEN MADE AVAILABLE FOR CONSUMPTION, PURCHASE OR SALE IN THE CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL FACILITY, THE LOCAL BOARD OF SCHOOL DIRECTORS SHALL NOTIFY THE DEPARTMENT.

(3) IF ALCOHOLIC BEVERAGES HAVE BEEN MADE AVAILABLE FOR CONSUMPTION, PURCHASE OR SALE IN A CHARTER SCHOOL ENTITY FACILITY, THE SECRETARY SHALL ORDER THE FOLLOWING FORFEITURES AGAINST THE CHARTER SCHOOL ENTITY:

(I) A FINE OF ONE THOUSAND DOLLARS ($1,000) FOR THE FIRST VIOLATION.

(II) A FINE OF FIVE THOUSAND DOLLARS ($5,000) FOR THE SECOND OR SUBSEQUENT VIOLATION.

(4) THE CHARTER SCHOOL ENTITY MAY APPEAL THE ORDER OF THE SECRETARY UNDER 2 PA.C.S. CHS. 5 (RELATING TO PRACTICE AND PROCEDURE) AND 7 (RELATING TO JUDICIAL REVIEW).

SECTION 13.9. SECTION 1723-A(A), (B) AND (D) OF THE ACT, AMENDED JUNE 26, 1999 (P.L.394, NO.36) AND JULY 9, 2008 (P.L.846, NO.61), ARE AMENDED AND THE SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

SECTION 1723-A. [ENROLLMENT] ADMISSION AND ENROLLMENT REQUIREMENTS.—(A) (1) ALL RESIDENT CHILDREN IN THIS COMMONWEALTH WHO SUBMIT A COMPLETED ENROLLMENT FORM IN ACCORDANCE WITH CLAUSE (3) QUALIFY FOR ADMISSION TO A CHARTER SCHOOL ENTITY WITHIN THE PROVISIONS OF SUBSECTION (B). [IF] IN THE CASE OF A CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL, IF MORE STUDENTS APPLY TO THE CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL THAN THE NUMBER OF ATTENDANCE SLOTS AVAILABLE IN THE SCHOOL, THEN STUDENTS MUST BE SELECTED ON A RANDOM BASIS FROM A POOL OF
[QUALIFIED APPLICANTS MEETING THE ESTABLISHED ELIGIBILITY CRITERIA AND SUBMITTING AN APPLICATION] ELIGIBLE APPLICANTS WHO HAVE SUBMITTED AN ENROLLMENT FORM IN ACCORDANCE WITH CLAUSES (3) AND (4) BY THE DEADLINE ESTABLISHED BY THE CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL, EXCEPT THAT THE CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL MAY GIVE PREFERENCE IN ENROLLMENT TO A CHILD OF A PARENT WHO HAS ACTIVELY PARTICIPATED IN THE DEVELOPMENT OF THE CHARTER SCHOOL [AND] OR REGIONAL CHARTER SCHOOL, TO SIBLINGS OF STUDENTS PRESENTLY ENROLLED IN THE CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL AND TO SIBLINGS OF STUDENTS SELECTED FOR ENROLLMENT DURING THE LOTTERY PROCESS. FIRST PREFERENCE SHALL BE GIVEN TO STUDENTS WHO RESIDE IN THE DISTRICT OR DISTRICTS IN WHICH THE CHARTER SCHOOL IS PHYSICALLY LOCATED OR IN WHICH THE REGIONAL CHARTER SCHOOL IS CHARTERED.

(2) IF A CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL HAS A WAITING LIST FOLLOWING ITS INITIAL SELECTION OF ELIGIBLE APPLICANTS UNDER CLAUSE (1), THE CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL SHALL SELECT AND ENROLL ELIGIBLE APPLICANTS FROM THE WAITING LIST AS SPACES BECOME AVAILABLE. ALL CHILDREN SHALL BE ASSIGNED TO THE WAITING LIST ON A RANDOM BASIS. WHEN SELECTING AND ENROLLING ELIGIBLE APPLICANTS FROM THE WAITING LIST, A CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL SHALL GIVE FIRST PREFERENCE TO STUDENTS AS PROVIDED UNDER CLAUSE (1) AND TO THOSE WHO RESIDE IN THE DISTRICT OR DISTRICTS IN WHICH THE CHARTER SCHOOL IS PHYSICALLY LOCATED OR IN WHICH THE REGIONAL CHARTER SCHOOL IS CHARTERED UNTIL THE CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL AGAIN REACHES ITS MAXIMUM CAPACITY OF STUDENTS. IF A CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL HAS A WAITING LIST, ONCE THE CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL HAS
EXHAUSTED THE WAITING LIST OF RESIDENT CHILDREN, IT MAY THEN
ENROLL CHILDREN ON THE WAITING LIST WHO RESIDE OUTSIDE OF THE
DISTRICT. NONRESIDENT CHILDREN SHALL ALSO BE SELECTED AND
ENROLLED ON A RANDOM BASIS. IF A CHARTER SCHOOL OR REGIONAL
CHARTER SCHOOL AND THE SCHOOL DISTRICT FROM WHICH IT IS
AUTHORIZED HAVE VOLUNTARILY CAPPED ENROLLMENT OR THE DISTRICT
ATTEMPTS TO INVOLUNTARILY CAP ENROLLMENT OF RESIDENT STUDENTS
AND THE CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL HAS ENROLLED
THE MAXIMUM NUMBER OF RESIDENT STUDENTS, THE CHARTER SCHOOL OR
REGIONAL CHARTER SCHOOL MAY ENROLL STUDENTS RESIDING OUTSIDE OF
THE DISTRICT.

(3) THE DEPARTMENT, IN CONSULTATION WITH REPRESENTATIVES OF
CHARTER SCHOOL ENTITIES, SHALL DEVELOP A STANDARD ENROLLMENT
FORM THAT SHALL BE USED BY ALL ELIGIBLE APPLICANTS TO APPLY TO A
CHARTER SCHOOL ENTITY. THE STANDARD ENROLLMENT FORM SHALL ONLY
REQUEST INFORMATION NECESSARY TO ALLOW THE CHARTER SCHOOL ENTITY
TO IDENTIFY THE STUDENT, GRADE LEVEL AND RESIDENCY, INCLUDING:
(I) THE STUDENT'S NAME, PHYSICAL ADDRESS, TELEPHONE NUMBER,
AGE, BIRTH DATE AND CURRENT GRADE LEVEL.
(II) THE NAME, PHYSICAL ADDRESS, TELEPHONE NUMBER AND E-MAIL
ADDRESS OF THE STUDENT'S PARENT OR GUARDIAN.
(4) THE STANDARD ENROLLMENT FORM SHALL BE MADE PHYSICALLY
AVAILABLE AT EACH CHARTER SCHOOL ENTITY, IN A FORM THAT COMPLIES
WITH FEDERAL AND STATE LAW AND POSTED ON THE PUBLICLY ACCESSIBLE
INTERNET WEBSITE OF EACH CHARTER SCHOOL ENTITY, IF AVAILABLE. A
CHARTER SCHOOL ENTITY MAY ACCEPT THE ENROLLMENT FORM VIA
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, A CHARTER SCHOOL ENTITY.

(7) AS USED IN THIS SUBSECTION "ELIGIBLE APPLICANT" SHALL MEAN A STUDENT WHO IS SEEKING TO ENTER A GRADE LEVEL OFFERED BY THE CHARTER SCHOOL ENTITY AND MEETS THE REQUIREMENTS OF 22 PA. CODE §§ 11.12 (RELATING TO SCHOOL AGE), 11.13 (RELATING TO COMPULSORY SCHOOL AGE), 11.14 (RELATING TO ADMISSION TO KINDERGARTEN WHEN PROVIDED), 11.15 (RELATING TO ADMISSION OF BEGINNERS), 11.16 (RELATING TO EARLY ADMISSION OF BEGINNERS) AND 12.1 (RELATING TO FREE EDUCATION AND ATTENDANCE) AND STUDENT RESIDENCY REQUIREMENTS.

(B) (1) A CHARTER SCHOOL ENTITY SHALL NOT DISCRIMINATE IN ITS ADMISSION POLICIES OR PRACTICES ON THE BASIS OF INTELLECTUAL ABILITY, [EXCEPT AS PROVIDED IN PARAGRAPH (2), OR] ATHLETIC ABILITY, MEASURES OF ACHIEVEMENT OR APTITUDE, STATUS AS A PERSON WITH A DISABILITY, PROFICIENCY IN THE ENGLISH LANGUAGE OR ANY OTHER BASIS THAT WOULD BE ILLEGAL IF USED BY A SCHOOL DISTRICT.

(2) A CHARTER SCHOOL ENTITY MAY LIMIT [ADMISSION ITS ACADEMIC FOCUS TO A PARTICULAR GRADE LEVEL, A TARGETED POPULATION GROUP COMPOSED OF AT-RISK STUDENTS[, OR AREAS OF CONCENTRATION OF THE SCHOOL SUCH AS MATHEMATICS, SCIENCE OR THE ARTS. A CHARTER SCHOOL MAY ESTABLISH REASONABLE CRITERIA TO EVALUATE PROSPECTIVE STUDENTS WHICH SHALL BE OUTLINED IN THE SCHOOL'S CHARTER.] OR A SPECIALIZED AREA OR ACCELERATED PROGRAM OF STUDY, SUCH AS MATHEMATICS, SCIENCE OR THE ARTS.

* * *
(D) (1) Enrollment of students in a charter school [or cyber charter school] entity, or expansion of a charter school entity into additional grade levels, shall not be subject to a cap or otherwise limited by any past or future action of a board of school directors, a board of control established under Article XVII-B, a special board of control established under section 692 or any other governing authority, unless agreed to by the charter school or cyber charter school as part of a written charter pursuant to section 1720-A.

(2) The provisions of this subsection shall apply to a charter school [or cyber charter school regardless of whether the charter was approved prior to or is approved subsequent to the effective date of this subsection.] entity until a new funding formula is enacted pursuant to section 1704-A.

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

SECTION 14. Section 1724-A(C) of the act, amended June 30, 2011 (P.L.112, No.24), is amended to read:

SECTION 1724-A. SCHOOL STAFF.--* * *

(C) All employees of a charter school shall be enrolled in the public school employees' retirement system in the same
THE COMMONWEALTH TO MAKE PAYMENTS TO CHARTER SCHOOLS OR CONTRIBUTIONS ON BEHALF OF CHARTER SCHOOL EMPLOYEES FROM Appropriated funds, as provided in 24 Pa.C.S. §§ 8326 (RELATING TO CONTRIBUTIONS BY THE COMMONWEALTH) AND 8535 (RELATING TO PAYMENTS TO SCHOOL ENTITIES BY COMMONWEALTH) ON ACCOUNT OF CHARTER SCHOOL EMPLOYEES ENROLLED IN THE PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM AND 24 Pa.C.S. § 8329(A) (RELATING TO PAYMENTS ON ACCOUNT OF SOCIAL SECURITY DEDUCTIONS FROM APPROPRIATIONS) ON ACCOUNT OF SOCIAL SECURITY PAYMENTS MADE BY A CHARTER SCHOOL.

* * *


SECTION 1725-A. FUNDING FOR CHARTER [SCHOOLS] SCHOOL ENTITIES.--(A) FUNDING FOR A CHARTER SCHOOL ENTITY SHALL BE PROVIDED IN THE FOLLOWING MANNER:

(1) THERE SHALL BE NO TUITION CHARGE FOR A RESIDENT OR NONRESIDENT STUDENT ATTENDING A CHARTER SCHOOL ENTITY.

(2) FOR NON-SPECIAL EDUCATION STUDENTS[, THE]:

(I) A CHARTER SCHOOL AND REGIONAL CHARTER SCHOOL SHALL RECEIVE FOR EACH STUDENT ENROLLED NO LESS THAN THE BUDGETED TOTAL EXPENDITURE PER AVERAGE DAILY MEMBERSHIP OF THE PRIOR SCHOOL YEAR, AS DEFINED IN SECTION 2501(20), MINUS THE BUDGETED EXPENDITURES OF THE DISTRICT OF RESIDENCE FOR NONPUBLIC SCHOOL PROGRAMS; ADULT EDUCATION PROGRAMS; COMMUNITY/JUNIOR COLLEGE PROGRAMS; STUDENT TRANSPORTATION SERVICES; FOR SPECIAL EDUCATION PROGRAMS; FACILITIES ACQUISITION, CONSTRUCTION AND IMPROVEMENT SERVICES; AND OTHER FINANCING USES, INCLUDING DEBT SERVICE AND FUND TRANSFERS AS PROVIDED IN THE MANUAL OF ACCOUNTING AND RELATED FINANCIAL PROCEDURES FOR PENNSYLVANIA SCHOOL SYSTEMS.
(II) (A) For the 2015-2016 school year, a cyber charter school shall receive for each student enrolled the lesser of:

(I) the budgeted total expenditures per average daily membership of the prior school year, as defined in section 2501(20), minus the budgeted expenditures of the district of residence for nonpublic school programs; adult education programs; community/junior college programs; school library services; nonpublic support services; tax assessment and collection services; nonpublic health services; seven and five-tenths percent (7.5%) of operation and maintenance of plant services; student transportation services; community services; special education programs; facilities acquisition, construction and improvement services; and other financing uses, including debt service and fund transfers as provided in the manual of accounting and related financial procedures for Pennsylvania school systems established by the department; or

(II) the ninetieth percentile of the amounts determined in subclause (I) for all school districts.

(B) For the 2016-2017 school year and each year thereafter until a new formula is enacted, a cyber charter school shall receive for each student enrolled the lesser of:

(I) the budgeted total expenditures per average daily membership of the prior school year, as defined in section 2501(20), minus the budgeted expenditures of the district of residence for nonpublic school programs; adult education programs; community/junior college programs; school library services; nonpublic support services; tax assessment and
COLLECTION SERVICES; NONPUBLIC HEALTH SERVICES; FORTY-FIVE PERCENT (45%) OF OPERATION AND MAINTENANCE OF PLANT SERVICES; STUDENT TRANSPORTATION SERVICES; COMMUNITY SERVICES; FOR SPECIAL EDUCATION PROGRAMS; FACILITIES ACQUISITION, CONSTRUCTION AND IMPROVEMENT SERVICES; AND OTHER FINANCING USES, INCLUDING DEBT SERVICE AND FUND TRANSFERS AS PROVIDED IN THE MANUAL OF ACCOUNTING AND RELATED FINANCIAL PROCEDURES FOR PENNSYLVANIA SCHOOL SYSTEMS ESTABLISHED BY THE DEPARTMENT; OR

(II) THE SEVENTIETH PERCENTILE OF THE AMOUNTS DETERMINED IN SUBCLAUSE (I) FOR ALL SCHOOL DISTRICTS.

THE AMOUNT UNDER THIS SUBPARAGRAPH SHALL BE PAID BY THE DISTRICT OF RESIDENCE OF EACH STUDENT.

(2.1) THE AMOUNT UNDER PARAGRAPH (2) SHALL BE CALCULATED BY EACH SCHOOL DISTRICT ON A FORM PRESCRIBED BY THE SECRETARY IN ACCORDANCE WITH THIS SECTION. THE SECRETARY, UPON RECEIPT OF A SCHOOL DISTRICT'S CALCULATION, SHALL REVIEW THE SCHOOL DISTRICT'S CALCULATION AND MAY REQUEST SUPPORTING DOCUMENTATION FROM THE SCHOOL DISTRICT REGARDING ITS CALCULATION. IF THE SECRETARY FINDS AN ERROR OR DISCREPANCY IN A SCHOOL DISTRICT'S CALCULATION, THE SECRETARY SHALL REQUIRE THE SCHOOL DISTRICT TO CORRECT THE CALCULATION AND REQUIRE THE SCHOOL DISTRICT TO NOTIFY AFFECTED CHARTER SCHOOL ENTITIES.

(3) FOR SPECIAL EDUCATION STUDENTS,

(I) A CHARTER SCHOOL AND REGIONAL CHARTER SCHOOL SHALL RECEIVE FOR EACH STUDENT ENROLLED THE SAME FUNDING AS FOR EACH NON-SPECIAL EDUCATION STUDENT AS PROVIDED IN [CLAUSE (2)] PARAGRAPH (2)(I), PLUS AN ADDITIONAL AMOUNT DETERMINED BY DIVIDING THE DISTRICT OF RESIDENCE'S TOTAL SPECIAL EDUCATION EXPENDITURE BY THE PRODUCT OF MULTIPLYING THE COMBINED PERCENTAGE OF SECTION 2509.5(K) TIMES THE DISTRICT OF 20150HB0530PN2658
RESIDENCE'S TOTAL AVERAGE DAILY MEMBERSHIP FOR THE PRIOR SCHOOL YEAR. [THIS] THE AMOUNT UNDER THIS PARAGRAPH SHALL BE PAID BY THE DISTRICT OF RESIDENCE OF EACH STUDENT.

(II) (A) FOR THE 2015-2016 SCHOOL YEAR, A CYBER CHARTER SCHOOL SHALL RECEIVE FOR EACH SPECIAL EDUCATION STUDENT ENROLLED THE SAME AMOUNT AS FOR EACH NON-SPECIAL EDUCATION STUDENT AS PROVIDED IN PARAGRAPH (2)(II)(A), PLUS AN ADDITIONAL AMOUNT EQUAL TO THE LESSER OF:

(I) THE DISTRICT OF RESIDENCE'S TOTAL SPECIAL EDUCATION EXPENDITURE DIVIDED BY THE PRODUCT OF MULTIPLYING THE COMBINED PERCENTAGE OF SECTION 2509.5(K) MULTIPLIED BY THE DISTRICT OF RESIDENCE'S TOTAL AVERAGE DAILY MEMBERSHIP FOR THE PRIOR SCHOOL YEAR; OR

(II) THE NINETIETH PERCENTILE OF THE AMOUNTS DETERMINED IN SUBCLAUSE (I) FOR ALL SCHOOL DISTRICTS.

THE AMOUNT UNDER THIS SUBPARAGRAPH SHALL BE PAID BY THE DISTRICT OF RESIDENCE OF EACH STUDENT.

(B) FOR THE 2016-2017 SCHOOL YEAR AND EACH SCHOOL YEAR THEREAFTER UNTIL A NEW FORMULA IS ENACTED, A CYBER CHARTER SCHOOL SHALL RECEIVE FOR EACH SPECIAL EDUCATION STUDENT ENROLLED THE SAME AMOUNT AS FOR EACH NON-SPECIAL EDUCATION STUDENT AS PROVIDED IN PARAGRAPH (2)(II)(B), PLUS AN ADDITIONAL AMOUNT EQUAL TO THE LESSER OF:

(I) THE DISTRICT OF RESIDENCE'S TOTAL SPECIAL EDUCATION EXPENDITURE DIVIDED BY THE PRODUCT OF MULTIPLYING THE COMBINED PERCENTAGE OF SECTION 2509.5(K) MULTIPLIED BY THE DISTRICT OF RESIDENCE'S TOTAL AVERAGE DAILY MEMBERSHIP FOR THE PRIOR SCHOOL YEAR; OR

(II) THE SEVENTIETH PERCENTILE OF THE AMOUNTS DETERMINED IN SUBCLAUSE (I) FOR ALL SCHOOL DISTRICTS.
THE AMOUNT UNDER THIS SUBPARAGRAPH SHALL BE PAID BY THE DISTRICT OF RESIDENCE OF EACH STUDENT.

(3.1) PER-STUDENT PAYMENTS TO A CYBER CHARTER SCHOOL CALCULATED UNDER PARAGRAPHS (2)(II)(B) AND (3)(II)(B) SHALL BE MADE AS FOLLOWS:

(I) THE AMOUNT UNDER PARAGRAPHS (2)(II)(B) AND (3)(II)(B) SHALL BE PAID BY THE SCHOOL DISTRICT OF RESIDENCE OF EACH STUDENT BY DEDUCTION AND TRANSFER FROM ALL STATE PAYMENTS DUE TO THE SCHOOL DISTRICT OF RESIDENCE AS PROVIDED UNDER PARAGRAPH (5)(II).


(III) THE SECRETARY SHALL DETERMINE THE ACCURACY OF THE SCHOOL DISTRICT'S CALCULATION AND MAKE ANY NECESSARY BILLING ADJUSTMENT WITHIN THIRTY (30) DAYS OF THE HEARING.

(IV) THE SCHOOL DISTRICT SHALL BEAR THE BURDEN OF PRODUCTION AND PROOF WITH RESPECT TO ITS CALCULATION UNDER THIS PARAGRAPH.

(V) THE SCHOOL DISTRICT SHALL BE LIABLE FOR THE REASONABLE LEGAL FEES INCURRED BY A CYBER CHARTER SCHOOL IF THE CYBER CHARTER SCHOOL IS THE SUBSTANTIALLY PREVAILING PARTY AFTER A HEARING UNDER THIS SECTION. THE CYBER CHARTER SCHOOL SHALL BE LIABLE FOR THE REASONABLE LEGAL FEES INCURRED BY THE SCHOOL DISTRICT IF THE SCHOOL DISTRICT IS THE SUBSTANTIALLY PREVAILING PARTY AFTER A HEARING UNDER THIS SECTION.

(VI) ALL DECISIONS OF THE SECRETARY UNDER THIS PARAGRAPH SHALL BE SUBJECT TO APPELLATE REVIEW BY COMMONWEALTH COURT.
(4) A charter school may request the intermediate unit in which the charter school is located to provide services to assist the charter school to address the specific needs of exceptional students. The intermediate unit shall assist the charter school and bill the charter school for the services. The intermediate unit may not charge the charter school more for any service than it charges the constituent districts of the intermediate unit.

A charter school entity may request the intermediate unit or school district in which the charter school entity is located or another charter school entity to provide services to assist the charter school entity to address the specific needs of non-special education and special education students. The intermediate unit or school district shall assist the charter school entity and bill the charter school entity for the services. The intermediate unit may not charge the charter school entity more for any service than it charges the constituent districts of the intermediate unit. Nothing under this paragraph shall preclude an intermediate unit or school district from contracting with a charter school entity to provide the intermediate unit or school district with services to assist the intermediate unit or school district to address specific needs of non-special education and special education students.

(5) [Payments] (I) For a charter school or regional charter school, payments shall be made to the charter school or regional charter school in twelve (12) equal monthly payments, by the fifth day of each month, within the operating school year. A student enrolled in a charter school or regional charter school shall be included in the average daily membership of the student's district of residence for the purpose of providing
BASIC EDUCATION FUNDING PAYMENTS AND SPECIAL EDUCATION FUNDING PURSUANT TO ARTICLE XXV. IF A SCHOOL DISTRICT FAILS TO MAKE A PAYMENT TO A CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL AS PRESCRIBED IN THIS [CLAUSE] SUBPARAGRAPH, THE SECRETARY SHALL DEDUCT THE ESTIMATED AMOUNT, AS DOCUMENTED BY THE CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL, FROM ANY AND ALL STATE PAYMENTS MADE TO THE DISTRICT AFTER RECEIPT OF DOCUMENTATION FROM THE CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL.

(II) FOR A CYBER CHARTER SCHOOL, THE FOLLOWING SHALL APPLY BEGINNING IN THE 2016-2017 SCHOOL YEAR:

(A) PAYMENTS SHALL BE MADE TO THE CYBER CHARTER SCHOOL IN TWELVE (12) EQUAL MONTHLY PAYMENTS, ACCORDING TO THE ESTABLISHED MONTHLY UNIPAY SCHEDULE WITHIN THE OPERATING SCHOOL YEAR OR ANY SUBSEQUENT SCHOOL YEAR.

(B) EXCEPT AS PROVIDED FOR IN SUBPARAGRAPH (V), PAYMENTS SHALL BE MADE DIRECTLY BY THE SECRETARY DEDUCTING AND PAYING TO THE CYBER CHARTER SCHOOL THE ESTIMATED AMOUNT, AS DOCUMENTED BY THE CYBER CHARTER SCHOOL, FROM:

(I) ALL STATE PAYMENTS DUE TO THE SCHOOL DISTRICT OF RESIDENCE; OR

(II) IF NO PAYMENTS ARE DUE TO THE SCHOOL DISTRICT OF RESIDENCE, FROM ALL STATE PAYMENTS REASONABLY EXPECTED TO BE DUE IN THE NEXT ESTABLISHED MONTHLY UNIPAY SCHEDULE.

(C) AT LEAST THIRTY (30) DAYS PRIOR TO THE SCHEDULED PAYMENT DATE EACH MONTH, A CYBER CHARTER SCHOOL SHALL PROVIDE TO THE DEPARTMENT AND TO THE SCHOOL DISTRICT OF RESIDENCE OF EACH STUDENT ENROLLED IN THE CYBER CHARTER SCHOOL DOCUMENTATION OF THE CYBER CHARTER SCHOOL'S ENROLLMENT, ON A FORM TO BE DEVELOPED BY THE SECRETARY WITHIN SIXTY (60) DAYS OF THE EFFECTIVE DATE OF THIS SUBPARAGRAPH. THE FORM, WHICH SHALL BE DEVELOPED IN 20150HB0530PN2658 - 170 -
CONSULTATION WITH REPRESENTATIVES OF CYBER CHARTER SCHOOLS AND
SCHOOL DISTRICTS, SHALL REQUIRE THE CYBER CHARTER SCHOOL TO
PROVIDE TO THE DEPARTMENT AND TO THE SCHOOL DISTRICT OF
RESIDENCE OF EACH STUDENT ENROLLED IN THE CYBER CHARTER SCHOOL,
DOCUMENTATION OF EACH STUDENT'S CURRENT ENROLLMENT IN THE CYBER
CHARTER SCHOOL AND CURRENT RESIDENCE IN THE SCHOOL DISTRICT,
INCLUDING THE FOLLOWING INFORMATION:

(I) STUDENT'S NAME.

(II) STUDENT'S HOME ADDRESS.

(III) NAME AND TELEPHONE NUMBER OF STUDENT'S PARENT OR
GUARDIAN.

(IV) STUDENT'S DATE OF BIRTH.

(V) STUDENT'S GRADE LEVEL.

(VI) TYPE OF SCHOOL IN WHICH STUDENT WAS PREVIOUSLY
ENROLLED.

(VII) STUDENT'S DATE OF ENROLLMENT.

(VIII) WHETHER THE STUDENT IS BEING EDUCATED UNDER AN
INDIVIDUALIZED EDUCATION PLAN UNDER THE INDIVIDUALS WITH
DISABILITIES EDUCATION ACT (PUBLIC LAW 91-230, 20 U.S.C. § 1400
ET SEQ.) AND THE DATE OF THE MOST RECENT INDIVIDUALIZED
EDUCATION PLAN.

(IX) THE TUITION AMOUNT DUE ON ACCOUNT OF EACH STUDENT.

(X) THE TOTAL AMOUNT DUE FROM THE SCHOOL DISTRICT FOR THAT
MONTH.

(XI) COPIES OF THE ACTUAL DOCUMENTS USED BY THE CYBER
CHARTER SCHOOL TO VERIFY THE STUDENT'S RESIDENCE IN THE SCHOOL
DISTRICT.

THE SECRETARY SHALL NOT MAKE PAYMENTS UNDER THIS SECTION UNTIL
THE CYBER CHARTER SCHOOL PROVIDES THE DEPARTMENT AND THE SCHOOL
DISTRICT OF RESIDENCE WITH A COMPLETED FORM AND ACCOMPANYING
DOCUMENTATION AS REQUIRED UNDER THIS CLAUSE. A CYBER CHARTER SCHOOL MAY MAKE ONLY ONE (1) PAYMENT REQUEST PER MONTH UNDER THIS CLAUSE. AFTER A CYBER CHARTER SCHOOL MAKES A PAYMENT REQUEST UNDER THIS CLAUSE, ANY NECESSARY CORRECTIONS OR ADJUSTMENTS MAY BE MADE IN THE NEXT SUBSEQUENT MONTHLY PAYMENT REQUEST.

(D) THE SECRETARY'S OBLIGATION TO MAKE PAYMENTS UNDER THIS SECTION IS MANDATORY AND MINISTERIAL, EXCEPT THAT PAYMENTS MADE PURSUANT TO THIS SECTION SHALL NOT BE GIVEN PRIORITY OVER PAYMENTS REQUIRED PURSUANT TO SECTIONS 633 AND 785 AND 53 PA.C.S. § 8125(B) (RELATING TO SECURITY FOR TAX ANTICIPATION NOTES AND SINKING FUND), PREFERENTIAL CLAIMS UNDER SECTION 1155, OR AN AGREEMENT PURSUANT TO WHICH THE COMMONWEALTH IS REQUIRED TO MAKE PAYMENT TO A HOLDER OF DEBT ISSUED BY OR ON BEHALF OF A SCHOOL ENTITY. IF PAYMENTS REQUIRED UNDER SECTIONS 633, 785 AND 1155 AND 53 PA.C.S. § 8125(B) PRECLUDE THE TIMELY PAYMENT OF FUNDS TO A CYBER CHARTER SCHOOL UNDER SECTION 1725-A OR WILL CAUSE THE BOARD OF SCHOOL DIRECTORS OF A SCHOOL DISTRICT TO FAIL TO PAY OR PROVIDE FOR PAYMENT UNDER THIS SUBSECTION, NOTHING SHALL PRECLUDE THE SECRETARY FROM WITHHOLDING FUNDS FROM ANY AND ALL STATE PAYMENTS MADE TO THE SCHOOL DISTRICT FOR THE OPERATING SCHOOL YEAR OR FOR ANY SUBSEQUENT OPERATING SCHOOL YEAR.

(E) IF THERE ARE INSUFFICIENT STATE PAYMENTS DUE TO A SCHOOL DISTRICT IN THE ESTABLISHED MONTHLY UNIPAY SCHEDULE TO COVER ALL CYBER CHARTER SCHOOL DEDUCTIONS AND TRANSFERS, THE SCHOOL DISTRICT SHALL BE RESPONSIBLE FOR PAYING THE UNPAID BALANCE DIRECTLY TO THE CYBER CHARTER SCHOOL NOT MORE THAN TEN (10) DAYS FOLLOWING THE ESTABLISHED MONTHLY UNIPAY SCHEDULE.

(F) A STUDENT ENROLLED IN A CYBER CHARTER SCHOOL SHALL BE INCLUDED IN THE AVERAGE DAILY MEMBERSHIP OF THE STUDENT'S SCHOOL
DISTRICT OF RESIDENCE FOR THE PURPOSE OF PROVIDING BASIC EDUCATION FUNDING PAYMENTS AND SPECIAL EDUCATION FUNDING UNDER ARTICLE XXV.

(6) [WITHIN THIRTY (30) DAYS AFTER THE SECRETARY MAKES THE DEDUCTION DESCRIBED IN CLAUSE (5), A SCHOOL DISTRICT MAY NOTIFY THE SECRETARY THAT THE DEDUCTION MADE FROM STATE PAYMENTS TO THE DISTRICT UNDER THIS SUBSECTION IS INACCURATE. THE SECRETARY SHALL PROVIDE THE SCHOOL DISTRICT WITH AN OPPORTUNITY TO BE HEARD CONCERNING WHETHER THE CHARTER SCHOOL DOCUMENTED THAT ITS STUDENTS WERE ENROLLED IN THE CHARTER SCHOOL, THE PERIOD OF TIME DURING WHICH EACH STUDENT WAS ENROLLED, THE SCHOOL DISTRICT OF RESIDENCE OF EACH STUDENT AND WHETHER THE AMOUNTS DEDUCTED FROM THE SCHOOL DISTRICT WERE ACCURATE.] THE FOLLOWING APPLY:

(I) WITHIN THIRTY (30) DAYS AFTER THE PAYMENT IS MADE TO THE CHARTER SCHOOL ENTITY AS DESCRIBED UNDER PARAGRAPH (5), A SCHOOL DISTRICT MAY NOTIFY THE SECRETARY THAT THE ESTIMATED AMOUNT, AS DOCUMENTED BY THE CHARTER SCHOOL ENTITY, IS INACCURATE.

(II) WITHIN THIRTY (30) DAYS OF THE NOTICE BY THE SCHOOL DISTRICT UNDER SUBPARAGRAPH (I), THE SECRETARY SHALL PROVIDE THE SCHOOL DISTRICT WITH A HEARING CONCERNING WHETHER THE CHARTER SCHOOL ENTITY DOCUMENTED THAT STUDENTS WERE ENROLLED IN THE CHARTER SCHOOL ENTITY, THE PERIOD OF TIME DURING WHICH EACH STUDENT WAS ENROLLED IN THE CHARTER SCHOOL ENTITY, THE SCHOOL DISTRICT OF RESIDENCE OF EACH STUDENT ENROLLED IN THE CHARTER SCHOOL ENTITY AND WHETHER THE AMOUNTS DEDUCTED FROM OR PAID BY THE SCHOOL DISTRICT WERE ACCURATE.

(III) THE BURDEN OF PROOF AND PRODUCTION AT THE HEARING SHALL BE ON THE SCHOOL DISTRICT. A HEARING SHALL NOT BE HELD BEFORE THE AMOUNT ESTIMATED BY THE CHARTER SCHOOL ENTITY IS PAID TO THE CHARTER SCHOOL ENTITY.
(IV) The Secretary shall determine the accuracy of the amount documented by the charter school entity. Any necessary payment adjustment shall be made within thirty (30) days of the hearing.

(V) The school district shall be liable for the reasonable legal fees incurred by a charter school entity if the charter school entity is the substantially prevailing party after a hearing under this section. The charter school entity shall be liable for the reasonable legal fees incurred by the school district if the school district is the substantially prevailing party after a hearing under this section.

(VI) All decisions of the Secretary under this section shall be subject to appellate review by Commonwealth Court.

(VII) Supersedeas shall not be granted to the Secretary or any party to the proceeding on an appeal from the decision of the Secretary under this section; and, absent a court order, payments shall not be held in escrow.

[(B) The Commonwealth shall provide temporary financial assistance to a school district due to the enrollment of students in a charter school who attended a nonpublic school in the prior school year in order to offset the additional costs directly related to the enrollment of those students in a public charter school. The Commonwealth shall pay the school district of residence of a student enrolled in a nonpublic school in the prior school year who is attending a charter school an amount equal to the school district of residence's basic education subsidy for the current school year divided by the district's average daily membership for the prior school year. This payment shall occur only for the first year of the attendance of the student in a charter school, starting with school year 1997-20150HB0530PN2658]
1998. TOTAL PAYMENTS OF TEMPORARY FINANCIAL ASSISTANCE TO SCHOOL
DISTRICTS ON BEHALF OF A STUDENT ENROLLING IN A CHARTER SCHOOL
WHO ATTENDED A NONPUBLIC SCHOOL IN THE PRIOR SCHOOL YEAR SHALL
BE LIMITED TO FUNDS APPROPRIATED FOR THIS PROGRAM IN A FISCAL
YEAR. If the total of the amount needed for all students
ENROLLED IN A NONPUBLIC SCHOOL IN THE PRIOR SCHOOL YEAR WHO
ENROLL IN A CHARTER SCHOOL EXCEEDS THE APPROPRIATION FOR THE
TEMPORARY FINANCIAL ASSISTANCE PROGRAM, THE AMOUNT PAID TO A
SCHOOL DISTRICT FOR EACH QUALIFYING STUDENT SHALL BE PRO RATA
REDUCED. RECEIPT OF FUNDS UNDER THIS SUBSECTION SHALL NOT
PRECLUDE A SCHOOL DISTRICT FROM APPLYING FOR A GRANT UNDER
SUBSECTION (C).
(C) THE COMMONWEALTH SHALL CREATE A GRANT PROGRAM TO PROVIDE
TEMPORARY TRANSITIONAL FUNDING TO A SCHOOL DISTRICT DUE TO THE
BUDGETARY IMPACT RELATING TO ANY STUDENT'S FIRST-YEAR ATTENDANCE
AT A CHARTER SCHOOL. THE DEPARTMENT SHALL DEVELOP CRITERIA WHICH
SHALL INCLUDE, BUT NOT BE LIMITED TO, THE OVERALL FISCAL IMPACT
ON THE BUDGET OF THE SCHOOL DISTRICT RESULTING FROM STUDENTS OF
A SCHOOL DISTRICT ATTENDING A CHARTER SCHOOL. THE CRITERIA SHALL
BE PUBLISHED IN THE PENNSYLVANIA BULLETIN. THIS SUBSECTION SHALL
NOT APPLY TO A PUBLIC SCHOOL CONVERTED TO A CHARTER SCHOOL UNDER
SECTION 1717-A(B). GRANTS SHALL BE LIMITED TO FUNDS APPROPRIATED
FOR THIS PURPOSE.]
(D) IT SHALL BE LAWFUL FOR ANY CHARTER SCHOOL ENTITY TO
RECEIVE, HOLD, MANAGE AND USE, ABSOLUTELY OR IN TRUST, ANY
DEVISE, BEQUEST, GRANT, ENDOWMENT, GIFT OR DONATION OF ANY
PROPERTY, REAL OR PERSONAL AND/OR MIXED, WHICH SHALL BE MADE TO
THE CHARTER SCHOOL ENTITY FOR ANY OF THE PURPOSES OF THIS
ARTICLE.
(E) IT SHALL BE UNLAWFUL FOR ANY TRUSTEE OF A CHARTER SCHOOL
ENTITY or any board of trustees of a charter school ENTITY or any other person affiliated in any way with a charter school ENTITY to demand or request, directly or indirectly, any gift, donation or contribution of any kind from any parent, teacher, employee or any other person affiliated with the charter school ENTITY as a condition for employment or enrollment and/or continued attendance of any pupil. Any donation, gift or contribution received by a charter school ENTITY shall be given freely and voluntarily.

(F) A charter school ENTITY may not provide discounts to a school district or waive payments under this section for any student, except in the case of a school district identified for financial recovery status under Article VI-A.

SECTION 14.2. Sections 1728-A and 1729-A(A), (B) and (C) of the act, added June 19, 1997 (P.L.225, No.22), are amended to read:

SECTION 1728-A. Annual reports and assessments.--(A) (1) The local board of school directors shall annually assess and publicly report whether each charter school or regional charter school is meeting the goals of its charter and shall conduct a comprehensive review prior to [granting a five (5) year renewal of the charter] renewing the charter pursuant to section 1720-A(A)(2). The local board of school directors shall have ongoing access to the records and facilities of the charter school or regional charter school to ensure that the charter school or regional charter school is in compliance with its charter and this act and that requirements for testing, civil rights and student health and safety are being met.

(2) Ongoing access to a charter school's or regional charter school's records shall mean that the local board of school...
DIRECTORS SHALL HAVE ACCESS TO RECORDS SUCH AS FINANCIAL
REPORTS, FINANCIAL AUDITS, TEACHER CERTIFICATION AND PERSONNEL
 RECORDS, AND AGGREGATE STANDARDIZED TEST SCORES WITHOUT STUDENT-
IDENTIFYING INFORMATION.

(3) CHARTER SCHOOLS AND REGIONAL CHARTER SCHOOLS SHALL
COMPLY FULLY WITH THE REQUIREMENTS OF THE FAMILY EDUCATIONAL
1232G) AND ASSOCIATED REGULATIONS. NO PERSONALLY IDENTIFIABLE
INFORMATION FROM EDUCATION RECORDS SHALL BE PROVIDED BY THE
CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL TO THE SCHOOL DISTRICT
EXCEPT IN COMPLIANCE WITH THE FAMILY EDUCATIONAL RIGHTS AND
PRIVACY ACT OF 1974.

(B) IN ORDER TO FACILITATE THE LOCAL BOARD'S REVIEW AND
SECRETARY'S REPORT, EACH CHARTER SCHOOL OR REGIONAL CHARTER
SCHOOL SHALL SUBMIT AN ANNUAL REPORT NO LATER THAN AUGUST 1 OF
EACH YEAR TO THE LOCAL BOARD OF SCHOOL DIRECTORS AND THE
SECRETARY IN THE FORM PRESCRIBED BY THE SECRETARY.

[(C) FIVE (5) YEARS FOLLOWING THE EFFECTIVE DATE OF THIS
ARTICLE, THE SECRETARY SHALL CONTRACT WITH AN INDEPENDENT
PROFESSIONAL CONSULTANT WITH EXPERTISE IN PUBLIC AND PRIVATE
EDUCATION. THE CONSULTANT SHALL RECEIVE INPUT FROM MEMBERS OF
THE EDUCATIONAL COMMUNITY AND THE PUBLIC ON THE CHARTER SCHOOL
PROGRAM. THE CONSULTANT SHALL SUBMIT A REPORT TO THE SECRETARY,
THE GOVERNOR AND THE GENERAL ASSEMBLY AND AN EVALUATION OF THE
CHARTER SCHOOL PROGRAM, WHICH SHALL INCLUDE A RECOMMENDATION ON
THE ADVISABILITY OF THE CONTINUATION, MODIFICATION, EXPANSION OR
TERMINATION OF THE PROGRAM AND ANY RECOMMENDATIONS FOR CHANGES
IN THE STRUCTURE OF THE PROGRAM.]

(D) A CHARTER SCHOOL ENTITY SHALL FORM AN INDEPENDENT AUDIT
COMMITTEE OF ITS BOARD OF TRUSTEES MEMBERS WHICH SHALL REVIEW AT
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THE CLOSE OF EACH FISCAL YEAR A COMPLETE CERTIFIED AUDIT OF THE OPERATIONS OF THE CHARTER SCHOOL ENTITY. THE AUDIT SHALL BE CONDUCTED BY A QUALIFIED INDEPENDENT CERTIFIED PUBLIC ACCOUNTANT. THE AUDIT SHALL BE CONDUCTED UNDER GENERALLY ACCEPTED AUDIT STANDARDS OF THE GOVERNMENTAL ACCOUNTING STANDARDS BOARD AND SHALL INCLUDE THE FOLLOWING:

1. AN ENROLLMENT TEST TO VERIFY THE ACCURACY OF STUDENT ENROLLMENT AND REPORTING TO THE STATE.
2. FULL REVIEW OF EXPENSE REIMBURSEMENTS FOR BOARD OF TRUSTEES MEMBERS AND ADMINISTRATORS, INCLUDING SAMPLING OF ALL REIMBURSEMENTS.
3. REVIEW OF INTERNAL CONTROLS, INCLUDING REVIEW OF RECEIPTS AND DISBURSEMENTS.
4. REVIEW OF ANNUAL FEDERAL AND STATE TAX FILINGS, INCLUDING THE INTERNAL REVENUE SERVICE FORM 990, RETURN OF ORGANIZATION EXEMPT FROM INCOME TAX AND ALL RELATED SCHEDULES AND APPENDICES FOR THE CHARTER SCHOOL ENTITY AND CHARTER SCHOOL FOUNDATION, IF APPLICABLE.
5. REVIEW OF THE FINANCIAL STATEMENTS OF ANY CHARTER SCHOOL FOUNDATION.
6. REVIEW OF THE SELECTION AND ACCEPTANCE PROCESS OF ALL CONTRACTS PUBLICLY BID PURSUANT TO SECTION 751.
7. REVIEW OF ALL BOARD POLICIES AND PROCEDURES WITH REGARD TO INTERNAL CONTROLS, CODE OF ETHICS, CONFLICTS OF INTEREST, WHISTLE-BLOWER PROTECTIONS, COMPLAINTS FROM PARENTS OR THE PUBLIC, COMPLIANCE WITH 65 PA.C.S. CH. 7 (RELATING TO OPEN MEETINGS), FINANCES, BUDGETING, AUDITS, PUBLIC BIDDING AND BONDING.

(E) THE CERTIFIED AUDIT UNDER SUBSECTION (D) AND THE ANNUAL BUDGET UNDER SUBSECTION (G) ARE PUBLIC DOCUMENTS AND SHALL BE
MADE AVAILABLE ON THE CHARTER SCHOOL ENTITY'S PUBLICLY ACCESSIBLE INTERNET WEBSITE, IF AVAILABLE, AND, IN THE CASE OF A CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL, ON THE SCHOOL DISTRICT'S PUBLICLY ACCESSIBLE INTERNET WEBSITE.

(F) A CHARTER SCHOOL ENTITY MAY BE SUBJECT TO AN ANNUAL AUDIT BY THE AUDITOR GENERAL, IN ADDITION TO ANY OTHER AUDITS REQUIRED BY FEDERAL LAW OR THIS ARTICLE.

(G) A CHARTER SCHOOL ENTITY SHALL ANNually PROVIDE THE DEPARTMENT AND, IN THE CASE OF A CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL, SHALL ANNually PROVIDE THE SCHOOL DISTRICT, WITH A COPY OF THE ANNUAL BUDGET FOR THE OPERATION OF THE CHARTER SCHOOL ENTITY THAT IDENTIFIES THE FOLLOWING:

(1) THE SOURCE OF FUNDING FOR ALL EXPENDITURES.

(2) WHERE FUNDING IS PROVIDED BY A CHARTER SCHOOL FOUNDATION, THE AMOUNT OF FUNDS AND A DESCRIPTION OF THE USE OF THE FUNDS.

(3) THE SALARIES OF ALL ADMINISTRATORS OF THE CHARTER SCHOOL ENTITY.

(4) ALL EXPENDITURES TO AN EDUCATIONAL MANAGEMENT SERVICE PROVIDER.

(H) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A CHARTER SCHOOL ENTITY AND ANY AFFILIATED CHARTER SCHOOL FOUNDATION SHALL MAKE COPIES OF ITS ANNUAL FEDERAL AND STATE TAX FILINGS AVAILABLE UPON REQUEST AND ON THE CHARTER SCHOOL ENTITY'S OR FOUNDATION'S PUBLICLY ACCESSIBLE INTERNET WEBSITE, IF AVAILABLE, INCLUDING INTERNAL REVENUE SERVICE FORM 990, RETURN OF ORGANIZATION EXEMPT FROM INCOME TAX AND ALL RELATED SCHEDULES AND APPENDICES.

(2) THE CHARTER SCHOOL FOUNDATION SHALL ALSO MAKE COPIES OF ITS ANNUAL BUDGET AVAILABLE UPON REQUEST AND ON THE FOUNDATION'S
THE ANNUAL BUDGET SHALL INCLUDE THE SALARIES OF ALL EMPLOYEES OF THE CHARTER SCHOOL FOUNDATION.

SECTION 1729-A. CAUSES FOR NONRENEWAL OR TERMINATION.--(A) DURING THE TERM OF THE CHARTER OR AT THE END OF THE TERM OF THE CHARTER, THE LOCAL BOARD OF SCHOOL DIRECTORS 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 1720-A.

(2) FAILURE TO MEET THE REQUIREMENTS FOR STUDENT PERFORMANCE SET FORTH IN 22 PA. CODE CH. 5 (RELATING TO CURRICULUM) OR SUBSEQUENT REGULATIONS PROMULGATED TO REPLACE 22 PA. CODE CH. 5 ON ASSESSMENTS OR FAILURE TO MEET ANY PERFORMANCE STANDARD SET FORTH IN THE WRITTEN CHARTER SIGNED PURSUANT TO SECTION [1716-A 1720-A].

(3) FAILURE TO MEET GENERALLY ACCEPTED STANDARDS OF FISCAL MANAGEMENT OR AUDIT REQUIREMENTS.

(4) VIOLATION OF PROVISIONS OF THIS ARTICLE.

(5) VIOLATION OF ANY PROVISION OF LAW FROM WHICH THE CHARTER SCHOOL ENTITY HAS NOT BEEN EXEMPTED, INCLUDING FEDERAL LAWS AND REGULATIONS GOVERNING CHILDREN WITH DISABILITIES.

[(6) THE CHARTER SCHOOL HAS BEEN CONVICTED OF FRAUD.]

* * *

(B) [A MEMBER OF THE BOARD OF TRUSTEES WHO IS CONVICTED OF A FELONY OR ANY CRIME INVOLVING MORAL TURPITUDE SHALL BE IMMEDIATELY DISQUALIFIED FROM SERVING ON THE BOARD OF TRUSTEES.]

(C) ANY NOTICE OF REVOCATION OR NONRENEWAL OF A CHARTER GIVEN BY THE LOCAL BOARD OF SCHOOL DIRECTORS OF A SCHOOL DISTRICT SHALL STATE THE GROUNDS FOR SUCH ACTION WITH REASONABLE SPECIFICITY AND GIVE REASONABLE NOTICE TO THE [GOVERNING] BOARD OF TRUSTEES OF THE CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL OF THE DATE ON WHICH A PUBLIC HEARING CONCERNING THE REVOCATION OR NONRENEWAL WILL BE HELD. THE LOCAL BOARD OF SCHOOL DIRECTORS SHALL CONDUCT SUCH HEARING, PRESENT EVIDENCE IN SUPPORT OF THE GROUNDS FOR REVOCATION OR NONRENEWAL STATED IN ITS NOTICE AND GIVE THE CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL REASONABLE
OPPORTUNITY TO OFFER TESTIMONY BEFORE TAKING FINAL ACTION.

FORMAL ACTION REVOKING OR NOT RENEWING A CHARTER SHALL BE TAKEN BY THE LOCAL BOARD OF SCHOOL DIRECTORS AT A PUBLIC MEETING HELD PURSUANT TO [THE ACT OF JULY 3, 1986 (P.L.388, NO.84), KNOWN AS THE "SUNSHINE ACT,"] 65 PA.C.S. CH. 7 (RELATING TO OPEN MEETINGS) AFTER THE PUBLIC HAS HAD THIRTY (30) DAYS TO PROVIDE COMMENTS TO THE BOARD. ALL PROCEEDINGS OF THE LOCAL BOARD PURSUANT TO THIS SUBSECTION SHALL BE SUBJECT TO 2 PA.C.S. CH. 5 SUBCH. B (RELATING TO PRACTICE AND PROCEDURE OF LOCAL AGENCIES). EXCEPT AS PROVIDED IN SUBSECTION (D), THE DECISION OF THE LOCAL BOARD SHALL NOT BE SUBJECT TO 2 PA.C.S. CH. 7 SUBCH. B (RELATING TO JUDICIAL REVIEW OF LOCAL AGENCY ACTION).

* * *

SECTION 14.3. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:

SECTION 1729.1-A. EVALUATION OF EDUCATORS.--(A) ALL APPLICATIONS BY A CHARTER SCHOOL ENTITY FOR A CHARTER OR FOR THE RENEWAL OF A CHARTER SHALL INCLUDE A SYSTEM OF EVALUATION FOR EDUCATORS THAT INCLUDES:

(1) AT LEAST FOUR (4) RATING CATEGORIES OF EDUCATOR PERFORMANCE.

(2) MULTIPLE MEASURES OF STUDENT PERFORMANCE WHICH SHALL INCLUDE, BUT MAY NOT BE LIMITED TO, VALUE-ADDED ASSESSMENT SYSTEM DATA MADE AVAILABLE BY THE DEPARTMENT UNDER SECTION 221 AND STUDENT PERFORMANCE ON THE MOST RECENT ASSESSMENTS FOR WHICH RESULTS HAVE BEEN RELEASED BY THE DEPARTMENT AND MAY INCLUDE GOALS SPECIFIC TO THE MISSION OF THE CHARTER SCHOOL ENTITY'S CHARTER.

(B) NOTHING IN THIS SECTION SHALL PREEMPT THE POWERS OF A BOARD OF TRUSTEES UNDER SECTION 1716-A(A) NOR AFFECT THE INTENT OF THE GENERAL ASSEMBLY PROVIDED IN SECTION 1702-A(3) AND (4).
FOR PURPOSES OF THIS SECTION, THE TERM "EDUCATOR" SHALL INCLUDE ALL PROFESSIONAL EMPLOYEES WHO ARE CERTIFIED AS TEACHERS AND NONCERTIFIED STAFF MEMBERS WHO TEACH IN A CHARTER SCHOOL ENTITY.

SECTION 1729.2-A. MULTIPLE CHARTER SCHOOL ORGANIZATIONS.--

(A) ESTABLISHMENT SHALL BE AS FOLLOWS:

(1) SUBJECT TO THE REQUIREMENTS OF THIS SECTION AND 15 PA.C.S. PT. II SUBPT. C (RELATING TO NONPROFIT CORPORATIONS), TWO (2) OR MORE CHARTER SCHOOLS MAY CONSOLIDATE INTO A MULTIPLE CHARTER SCHOOL ORGANIZATION IF BOTH OF THE FOLLOWING APPLY:

(I) THE DEPARTMENT APPROVES THE CONSOLIDATION AS PROPOSED IN THE APPLICATION FORM SUBMITTED TO THE DEPARTMENT PURSUANT TO SUBSECTION (C). IF THE DEPARTMENT DOES NOT APPROVE OR DISAPPROVE THE PROPOSED CONSOLIDATION WITHIN FORTY-FIVE (45) DAYS AFTER RECEIPT OF THE APPLICATION, THE DEPARTMENT WILL BE DEEMED TO HAVE APPROVED THE CONSOLIDATION.

(II) EACH SCHOOL DISTRICT THAT GRANTED THE INITIAL CHARTER OF ANY CHARTER SCHOOL INCLUDED IN THE PROPOSED CONSOLIDATION APPROVES, BY A MAJORITY VOTE OF THE LOCAL BOARD OF SCHOOL DIRECTORS, A RESOLUTION APPROVING THE CONSOLIDATION AS PROPOSED IN THE APPLICATION SUBMITTED TO THE LOCAL BOARD OF SCHOOL DIRECTORS PURSUANT TO SUBSECTION (C). IF A LOCAL BOARD OF SCHOOL DIRECTORS DOES NOT ADOPT A RESOLUTION UNDER THIS CLAUSE APPROVING OR REJECTING THE PROPOSED CONSOLIDATION WITHIN FORTY-FIVE (45) DAYS AFTER RECEIPT OF THE APPLICATION, THE SCHOOL DISTRICT WILL BE DEEMED TO HAVE APPROVED THE CONSOLIDATION.

(2) THE MULTIPLE CHARTER SCHOOL ORGANIZATION SHALL BE:

(I) GRANTED LEGAL AUTHORITY TO OPERATE TWO (2) OR MORE INDIVIDUAL CHARTER SCHOOLS UNDER THE OVERSIGHT OF A SINGLE BOARD OF TRUSTEES AND A CHIEF ADMINISTRATOR WHO SHALL OVERSEE AND
MANAGE THE OPERATION OF THE INDIVIDUAL CHARTER SCHOOLS UNDER ITS
ORGANIZATION; AND

(II) SUBJECT TO ALL OF THE REQUIREMENTS OF THIS ARTICLE
UNLESS OTHERWISE PROVIDED FOR UNDER THIS SECTION.

(3) NOTHING UNDER THIS SECTION SHALL BE CONSTRUED TO AFFECT
OR CHANGE THE TERMS OR CONDITIONS OF ANY INDIVIDUAL ChARTER
PREVIOUSLY GRANTED THAT IS CONSOLIDATED UNDER THIS SECTION,
INCLUDING, BUT NOT LIMITED TO, ANY OBLIGATION OF A SCHOOL
DISTRICT TO PROVIDE TRANSPORTATION FOR STUDENTS ENROLLED IN AN
INDIVIDUAL CHARTER SCHOOL WITHIN A MULTIPLE CHARTER SCHOOL
ORGANIZATION.

(B) A CHARTER SCHOOL THAT, WITHIN EITHER OF THE MOST RECENT
TWO (2) SCHOOL YEARS, HAS FAILED TO MEET ANY OF THE FOLLOWING
SHALL NOT BE ELIGIBLE TO CONSOLIDATE WITH ANOTHER CHARTER
SCHOOL:

(1) REQUIREMENTS FOR STUDENT PERFORMANCE SET FORTH IN 22 PA.
CODE CH. 4 (RELATING TO ACADEMIC STANDARDS AND ASSESSMENT).

(2) ACCEPTED STANDARDS OF FISCAL MANAGEMENT OR AUDIT
REQUIREMENTS.

(3) PERFORMANCE STANDARDS SET FORTH BY THE PERFORMANCE
MATRIX ESTABLISHED UNDER SECTION 1731.2-A OR, PRIOR TO THE
EFFECTIVE DATE OF THE REGULATIONS IMPLEMENTING THE PERFORMANCE
MATRIX, A SCHOOL PERFORMANCE PROFILE SCORE THAT IS AMONG THE TOP
TWENTY-FIFTH PERCENTILE OF PENNSYLVANIA CHARTER SCHOOLS AS
MEASURED BY THE SCHOOL PERFORMANCE PROFILE FOR THE MOST RECENT
YEAR FOR WHICH A SCHOOL PERFORMANCE PROFILE SCORE IS AVAILABLE;
PROVIDED, THAT A CHARTER SCHOOL THAT HAS FAILED TO MEET ANY OF
THese REQUIREMENTS MAY CONSOLIDATE IF THE CONSOLIDATION INCLUDES
A CHARTER SCHOOL DEMONSTRATING THAT IT HAS SATISFIED SUCH
REQUIREMENTS FOR THE MOST RECENT TWO (2) SCHOOL YEARS.
(C) THE DEPARTMENT SHALL DEVELOP AND ISSUE A STANDARD
APPLICATION FORM THAT MULTIPLE CHARTER SCHOOL ORGANIZATION
APPLICANTS MUST SUBMIT TO THE DEPARTMENT AND TO THE LOCAL BOARD
OF SCHOOL DIRECTORS OF EACH SCHOOL DISTRICT THAT GRANTED THE
INITIAL CHARTER OF ANY CHARTER SCHOOL INCLUDED IN THE PROPOSED
CONSOLIDATION. THE APPLICATION FORM SHALL CONTAIN THE FOLLOWING
INFORMATION:

(1) THE NAME OF THE MULTIPLE CHARTER SCHOOL ORGANIZATION.
(2) THE NAMES OF THE CHARTER SCHOOLS SEEKING CONSOLIDATION
UNDER THIS SECTION.
(3) A COPY OF THE APPROVED CHARTER OF EACH CHARTER SCHOOL
SEEKING TO CONSOLIDATE UNDER THIS SECTION.
(4) AN ORGANIZATIONAL CHART CLEARLY PRESENTING THE PROPOSED
GOVERNANCE STRUCTURE OF THE MULTIPLE CHARTER SCHOOL
ORGANIZATION, INCLUDING LINES OF AUTHORITY AND REPORTING BETWEEN
THE BOARD OF TRUSTEES, CHIEF ADMINISTRATOR, ADMINISTRATORS,
STAFF AND ANY EDUCATIONAL MANAGEMENT SERVICE PROVIDER THAT WILL
PLAY A ROLE IN PROVIDING MANAGEMENT SERVICES TO THE CHARTER
SCHOOLS UNDER ITS JURISDICTION.
(5) A CLEAR DESCRIPTION OF THE ROLES AND RESPONSIBILITIES
FOR THE BOARD OF TRUSTEES, CHIEF ADMINISTRATOR, ADMINISTRATORS
AND ANY OTHER ENTITIES, INCLUDING A CHARTER SCHOOL FOUNDATION,
SHOWN IN THE ORGANIZATIONAL CHART.
(6) A CLEAR DESCRIPTION OF THE METHOD FOR THE APPOINTMENT OR
ELECTION OF MEMBERS OF THE BOARD OF TRUSTEES.
(7) STANDARDS FOR BOARD OF TRUSTEES PERFORMANCE, INCLUDING
COMPLIANCE WITH ALL APPLICABLE LAWS, REGULATIONS AND TERMS OF
THE CHARTER.
(8) ENROLLMENT PROCEDURES FOR EACH INDIVIDUAL CHARTER SCHOOL
INCLUDED IN ITS CHARTER.
(9) Any other information as deemed necessary by the State Board.

(D) A Multiple Charter School Organization may:

(1) Participate in the assessment system in the same manner in which a school district participates, with its individual charter schools participating in the assessment system in the same manner as individual schools within school districts. All data gathered for purposes of evaluation shall be gathered in the same manner in which data is gathered in the case of school districts and individual schools within school districts. Nothing in this paragraph shall alter the manner in which charter school performance on assessments is measured as required under the No Child Left Behind Act of 2001 (Public Law 107-110, 115 Stat. 1425), or its successor federal statute.

(2) Add existing charter schools to its organization by obtaining the approval of the department and of the school district that granted the initial charter of each charter school proposed to be added under subsection (A)(1).

(3) Allow students enrolled in an individual charter school to matriculate to another individual charter school under its oversight so as to complete a course of instruction in an educational institution from kindergarten through grade twelve or otherwise in the best interests of the student.

(E) A Multiple Charter School Organization shall be regarded as the holder of the charter of each individual charter school under its oversight and each previously or subsequently awarded charter shall be subject to nonrenewal or revocation by the local board of school directors that granted the initial charter in accordance with this Act. The nonrenewal or revocation of the charter of an individual charter school under the oversight of a local board of school directors under this subsection is effective only if the local board of school directors shall have given the school an opportunity to present its case in a hearing before the board.
MULTIPLE CHARTER SCHOOL ORGANIZATION SHALL NOT AFFECT THE STATUS
OF A CHARTER AWARDED FOR ANY OTHER INDIVIDUAL CHARTER SCHOOL.
UNDER THE OVERSIGHT OF THE MULTIPLE CHARTER SCHOOL ORGANIZATION.

(F) APPEALS SHALL BE AS FOLLOWS:

(1) THE APPEAL BOARD SHALL HAVE THE EXCLUSIVE REVIEW OF AN
APPEAL BY AN APPLICANT FOR CONSOLIDATION, WITH RESPECT TO THE
REJECTION OF A PROPOSED CONSOLIDATION BY EITHER THE DEPARTMENT
OR A SCHOOL DISTRICT.

(2) IN CONSIDERING AN APPEAL UNDER THIS SECTION, THE APPEAL
BOARD SHALL:

(I) REVIEW THE DECISION MADE BY EITHER THE DEPARTMENT OR THE
SCHOOL DISTRICT ON THE RECORD AS CERTIFIED BY THE ENTITY THAT
MADE THE DECISION BEING APPEALED, PROVIDED THAT THE APPEAL BOARD
MAY ALLOW THE DEPARTMENT, A SCHOOL DISTRICT OR THE APPLICANT FOR
CONSOLIDATION TO SUPPLEMENT THE RECORD IF THE SUPPLEMENTAL
INFORMATION WAS PREVIOUSLY UNAVAILABLE.

(II) MEET TO OFFICIALLY REVIEW THE CERTIFIED RECORD NO LATER
THAN THIRTY (30) DAYS AFTER THE DATE OF FILING THE APPEAL.

(III) ISSUE A WRITTEN DECISION AFFIRMING OR DENYING THE
APPEAL NO LATER THAN SIXTY (60) DAYS FOLLOWING ITS REVIEW OF THE
CERTIFIED RECORD.

(IV) MAKE ITS DECISION BASED ON WHETHER THE PROPOSED
CONSOLIDATION SATISFIES THE REQUIREMENTS OF SUBSECTIONS (B) AND
(C).

(3) THE SECRETARY SHALL RECUSE HIMSELF FROM ALL APPEALS OF
DECISIONS BY THE DEPARTMENT AND SHALL NOT PARTICIPATE IN A
HEARING, DELIBERATION OR VOTE ON ANY APPEAL OF A DECISION MADE
BY THE DEPARTMENT.

(4) ALL DECISIONS OF THE APPEAL BOARD SHALL BE SUBJECT TO
APPELLATE REVIEW BY THE COMMONWEALTH COURT. IN THE EVENT OF AN

(G) FOR PURPOSES OF THIS SECTION, THE TERM "CHARTER SCHOOL" SHALL INCLUDE A REGIONAL CHARTER SCHOOL.

SECTION 1731.1-A. FUND BALANCE LIMITS.--FUND BALANCE LIMITS SHALL BE AS FOLLOWS:

(1) FOR THE 2016-2017 SCHOOL YEAR AND EACH SCHOOL YEAR THEREAFTER, A CHARTER SCHOOL ENTITY SHALL NOT ACCUMULATE AN UNASSIGNED FUND BALANCE GREATER THAN THE CHARTER SCHOOL ENTITY UNASSIGNED FUND BALANCE LIMIT, WHICH WILL BE DETERMINED AS FOLLOWS:

<table>
<thead>
<tr>
<th>CHARTER SCHOOL ENTITY TOTAL BUDGETED EXPENDITURES</th>
<th>MAXIMUM UNASSIGNED FUND BALANCE AS PERCENTAGE OF TOTAL BUDGETED EXPENDITURES</th>
</tr>
</thead>
<tbody>
<tr>
<td>LESS THAN OR EQUAL TO $11,999,999</td>
<td>16%</td>
</tr>
<tr>
<td>BETWEEN $12,000,000 AND $12,999,999</td>
<td>15.5%</td>
</tr>
<tr>
<td>BETWEEN $13,000,000 AND $13,999,999</td>
<td>15%</td>
</tr>
<tr>
<td>BETWEEN $14,000,000 AND $14,999,999</td>
<td>14.5%</td>
</tr>
<tr>
<td>BETWEEN $15,000,000 AND $15,999,999</td>
<td>14%</td>
</tr>
<tr>
<td>BETWEEN $16,000,000 AND $16,999,999</td>
<td>13.5%</td>
</tr>
<tr>
<td>BETWEEN $17,000,000 AND $17,999,999</td>
<td>13%</td>
</tr>
<tr>
<td>GREATER THAN OR EQUAL TO $18,000,000</td>
<td>12%</td>
</tr>
</tbody>
</table>

(2) FOR THE 2016-2017 SCHOOL YEAR AND EACH SCHOOL YEAR THEREAFTER, ANY UNASSIGNED FUND BALANCE IN PLACE ON JUNE 30, 2017, 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
(3) By October 31, 2017, and by October 31 of each year thereafter, each charter school entity shall provide the department and all school districts that paid tuition to the charter school entity in the prior school year with information certifying compliance with this section. The information shall be provided in a form and manner prescribed by the department and shall include information on the charter school entity's estimated ending unassigned fund balance expressed as a dollar amount and as a percentage of the charter school entity's total budgeted expenditures for that school year.

(4) Unassigned funds of the charter school entity in excess of the unassigned fund balance limit may not be used to pay bonuses to any administrator, board of trustees member, employee, staff member or contractor and may not be transferred to a charter school foundation. If a charter school entity uses funds in excess of the unassigned fund balance limit to pay bonuses to any administrator, board of trustees member, employee, staff member or contractor or transfers such funds to a charter school foundation, the value of the bonus payment or fund transfer shall be refunded on a pro rata basis to all school districts that paid tuition to the charter school entity in the prior school year, based upon the number of students for whom each school district paid tuition to the charter school entity multiplied by the school district's per student payment under section 1725-a.
(5) AS USED IN THIS SECTION, "UNASSIGNED FUND BALANCE" SHALL MEAN THAT PORTION OF THE FUND BALANCE OF A CHARTER SCHOOL ENTITY THAT PROVIDES FUNDING OR RESOURCES OR OTHERWISE SERVES TO SUPPORT THE CHARTER SCHOOL ENTITY THAT IS:

(I) AVAILABLE FOR EXPENDITURE OR NOT LEGALLY OR OTHERWISE SEGREGATED FOR A SPECIFIC OR TENTATIVE FUTURE USE; AND

(II) HELD IN THE GENERAL FUND ACCOUNTS OF THE CHARTER SCHOOL ENTITY.

SECTION 1731.2-A. PERFORMANCE MATRIX.--THE FOLLOWING SHALL APPLY:

(1) WITHIN TWENTY-FOUR (24) MONTHS OF THE EFFECTIVE DATE OF THIS SECTION, THE STATE BOARD SHALL DEVELOP A STANDARD PERFORMANCE MATRIX TO EVALUATE CHARTER SCHOOL ENTITY PERFORMANCE AND SHALL PROMULGATE REGULATIONS PURSUANT TO THE ACT OF JUNE 25, 1982 (P.L.633, NO.181), KNOWN AS THE "REGULATORY REVIEW ACT," TO IMPLEMENT THIS SECTION.

(2) THE PERFORMANCE MATRIX SHALL ASSESS PERFORMANCE BY UTILIZING OBJECTIVE CRITERIA, INCLUDING, BUT NOT LIMITED TO:

- STUDENT PERFORMANCE ON ASSESSMENTS;
- ANNUAL GROWTH AS MEASURED BY THE PENNSYLVANIA VALUE-ADDED ASSESSMENT SYSTEM;
- ATTENDANCE;
- ATTRITION RATES;
- GRADUATION RATES;
- OTHER STANDARDIZED TEST SCORES;
- SCHOOL SAFETY;
- PARENT SATISFACTION;
- ACCREDITATION BY A NATIONALLY RECOGNIZED ACCREDITATION AGENCY, INCLUDING THE MIDDLE STATES ASSOCIATION OF COLLEGES AND SCHOOLS OR ANOTHER REGIONAL INSTITUTIONAL ACCREDITING AGENCY RECOGNIZED BY THE UNITED STATES DEPARTMENT OF EDUCATION OR AN EQUIVALENT FEDERALLY RECOGNIZED BODY FOR CHARTER SCHOOL EDUCATION;
- AND OTHER MEASURES OF SCHOOL QUALITY, INCLUDING MEASURES FOR ASSESSING TEACHER EFFECTIVENESS.

(3) IN DEVELOPING THE PERFORMANCE MATRIX, THE STATE BOARD SHALL DETERMINE AN ACADEMIC QUALITY BENCHMARK THE SATISFACTION
OF WHICH SHALL QUALIFY A CHARTER SCHOOL ENTITY FOR A TEN (10)
YEAR RENEWAL TERM PURSUANT TO SECTION 1720-A(A)(2) OR 1745-A(F)
(3). THE ACADEMIC QUALITY BENCHMARK SHALL BE INCLUDED IN THE
REGULATIONS REQUIRED UNDER CLAUSE (1).

(4) IN DEVELOPING THE PERFORMANCE MATRIX, THE STATE BOARD
MAY:

(I) CONTRACT FOR CONSULTING SERVICES WITH AN ENTITY THAT HAS
EXPERIENCE IN DEVELOPING PERFORMANCE MATRICES IF THE SERVICES
ARE PROCURED THROUGH A COMPETITIVE BIDDING PROCESS.

(II) TO THE EXTENT POSSIBLE, UTILIZE AN EXISTING DATABASE
DEVELOPED BY THE DEPARTMENT, INCLUDING THE SCHOOL PERFORMANCE
PROFILE.

(5) NEITHER THE DEPARTMENT NOR ANY LOCAL BOARD OF SCHOOL
DIRECTORS OR OTHER SCHOOL DISTRICT GOVERNING AUTHORITY MAY
DEVELOP A SEPARATE PERFORMANCE MATRIX FOR THE EVALUATION OF A
CHARTER SCHOOL ENTITY. THE DEPARTMENT SHALL REVIEW THE
PERFORMANCE MATRIX EVERY THREE (3) YEARS TO ENSURE THE
PERFORMANCE MATRIX PROPERLY MEASURES SCHOOL QUALITY AND SHALL
SUBMIT ANY RECOMMENDATIONS IN WRITING TO THE STATE BOARD OF
EDUCATION, THE EDUCATION COMMITTEE OF THE SENATE AND THE
EDUCATION COMMITTEE OF THE HOUSE OF REPRESENTATIVES. SUCH
RECOMMENDED REVISIONS SHALL NOT TAKE EFFECT UNLESS THE STATE
BOARD OF EDUCATION PROMULGATES REGULATIONS TO ADOPT THE
REVISIONS PURSUANT TO THE "REGULATORY REVIEW ACT."

(6) (I) A LOCAL BOARD OF SCHOOL DIRECTORS OR OTHER SCHOOL
DISTRICT GOVERNING AUTHORITY SHALL UTILIZE THE STANDARD
PERFORMANCE MATRIX AS A PRIMARY FACTOR IN EVALUATING RENEWAL
CHARTER SCHOOL AND REGIONAL CHARTER SCHOOL APPLICANTS AND IN
ANNUAL MONITORING AND EVALUATION OF CHARTER SCHOOLS AND REGIONAL
CHARTER SCHOOLS.
THE DEPARTMENT SHALL UTILIZE THE STANDARD PERFORMANCE
MATRIX AS A PRIMARY FACTOR IN EVALUATING RENEWAL CYBER CHARTER
SCHOOL APPLICANTS, IN EVALUATING CONSOLIDATION APPLICATIONS
UNDER SECTION 1729.2-A AND IN ANNUAL MONITORING AND EVALUATION
OF CYBER CHARTER SCHOOLS.

(7) (I) IN DEVELOPING THE PERFORMANCE MATRIX AND
PROMULGATING THE REGULATIONS REQUIRED UNDER CLAUSE (1), THE
STATE BOARD SHALL CONVENE AND CONSULT WITH A STATEWIDE ADVISORY
COMMITTEE WHICH SHALL CONSIST OF REPRESENTATIVES OF THE
DEPARTMENT AND A MINIMUM OF SEVEN (7) REPRESENTATIVES FROM
CHARTER SCHOOLS, REGIONAL CHARTER SCHOOLS, CYBER CHARTER SCHOOLS
AND SCHOOL DISTRICT PERSONNEL. MEMBERS OF THE COMMITTEE SHALL BE
SELECTED TO BE REPRESENTATIVE OF THE URBAN, RURAL AND SUBURBAN
AREAS OF THIS COMMONWEALTH.

(II) THE STATEWIDE ADVISORY COMMITTEE REQUIRED TO BE
CONVENEED UNDER SUBPARAGRAPH (I) SHALL BE CONVENEED NOT LATER THAN
THIRTY (30) DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION AND
SHALL MEET REGULARLY TO FULFILL REQUIREMENTS OF THIS PARAGRAPH.

(8) THE DEPARTMENT SHALL DISTRIBUTE THE PERFORMANCE MATRIX
TO ALL SCHOOL DISTRICTS AND SHALL PUBLISH THE MATRIX ON THE
DEPARTMENT’S PUBLICLY ACCESSIBLE INTERNET WEBSITE.

SECTION 14.4. SECTION 1732-A OF THE ACT, AMENDED OR ADDED
JUNE 19, 1997 (P.L.225, NO.22), AND JUNE 29, 2002 (P.L.524,
NO.88), IS AMENDED TO READ:

SECTION 1732-A. PROVISIONS APPLICABLE TO CHARTER SCHOOLS AND
REGIONAL CHARTER SCHOOLS.—(A) CHARTER SCHOOLS AND REGIONAL
CHARTER SCHOOLS SHALL BE SUBJECT TO THE FOLLOWING:

(1) SECTIONS 108, 110, 111, 321, 325, 326, 327, 431, 436,
443, 510, 518, 527, 708, 736, 737, 738, 739, 740, 741, 752, 753,
[755,] 771, 776, 777, 808, 809, 810, 1109, 1111, 1112(A),
ARTICLE XIII-A AND ARTICLE XIV.

(2) Act of July 19, 1957 (P.L.1017, No.451), known as the "State Adverse Interest Act."

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

(4) 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."

(5) 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."

(6) 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."

(7) Act of December 15, 1986 (P.L.1595, No.175), known as the "Antihausing Law."

(8) 65 Pa.C.S. Ch. 7 (Relating to Open Meetings).

(9) 65 Pa.C.S. Ch. 11 (Relating to Ethics Standards and Financial Disclosure).

(B) Charter schools and regional charter schools shall be subject to the following provisions of 22 Pa. Code:
SECTION 5.216 (RELATING TO ESOL).

SECTION 5.4 (RELATING TO GENERAL POLICIES).]

(1) CHAPTER 4 (RELATING TO ACADEMIC STANDARDS AND ASSESSMENTS).

(2) CHAPTER 11 (RELATING TO PUPIL ATTENDANCE).

(3) CHAPTER 12 (RELATING TO STUDENTS).

(4) SECTION 32.3 (RELATING TO ASSURANCES).

(5) SECTION 121.3 (RELATING TO DISCRIMINATION PROHIBITED).

(6) SECTION 235.4 (RELATING TO PRACTICES).

(7) SECTION 235.8 (RELATING TO CIVIL RIGHTS).

(8) CHAPTER 711 (RELATING TO CHARTER SCHOOL SERVICES AND PROGRAMS FOR CHILDREN WITH DISABILITIES).

(C) (1) THE SECRETARY MAY PROMULGATE ADDITIONAL REGULATIONS RELATING TO CHARTER SCHOOLS AND REGIONAL CHARTER SCHOOLS.

(2) THE SECRETARY SHALL HAVE THE AUTHORITY AND THE RESPONSIBILITY TO ENSURE THAT CHARTER SCHOOLS AND REGIONAL CHARTER SCHOOLS COMPLY WITH FEDERAL LAWS AND REGULATIONS GOVERNING CHILDREN WITH DISABILITIES. THE SECRETARY SHALL PROMULGATE REGULATIONS TO IMPLEMENT THIS PROVISION.

SECTION 14.5. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

SECTION 1733-A. EFFECT ON EXISTING CHARTER SCHOOL ENTITIES.--(A) WITHIN ONE (1) YEAR OF THE EFFECTIVE DATE OF THIS SECTION, A CHARTER SCHOOL ENTITY ESTABLISHED UNDER SECTION 1717-A, 1718-A OR 1745-A PRIOR TO THE EFFECTIVE DATE OF THIS SECTION SHALL AMEND ITS CURRENT CHARTER THROUGH THE AMENDMENT PROCESS UNDER SECTION 1720-A(C) OR 1745-A(F)(5) AS NEEDED TO REFLECT THE REQUIREMENTS OF THIS ARTICLE. ANY RENEWAL THAT TAKES EFFECT AFTER JUNE 30, 2016, SHALL BE FOR THE TERM SPECIFIED UNDER SECTION 1720-A(A)(2) OR 1745-A(F)(3).
A CHARTER SCHOOL ENTITY APPROVED AFTER THE EFFECTIVE DATE OF THIS SECTION SHALL BE IN FULL COMPLIANCE WITH THIS ARTICLE.

WITHIN NINETY (90) DAYS OF THE EFFECTIVE DATE OF THIS SECTION, EACH CHARTER SCHOOL ENTITY SHALL DEMONSTRATE, TO THE SATISFACTION OF THE LOCAL BOARD OF SCHOOL DIRECTORS OR, IN THE CASE OF A CYBER CHARTER SCHOOL, TO THE SATISFACTION OF THE DEPARTMENT, THAT THE CHARTER SCHOOL ENTITY IS IN COMPLIANCE WITH SECTIONS 1332 AND 1333, INCLUDING THE INSTITUTION OF TRUANCY PROCEEDINGS WHEN REQUIRED UNDER SECTION 1333.

SECTION 14.6. SECTIONS 1741-A(C) AND 1742-A OF THE ACT, ADDED JUNE 29, 2002 (P.L.524, NO.88), ARE AMENDED TO READ:

SECTION 1741-A. POWERS AND DUTIES OF DEPARTMENT.

* * *


SECTION 1742-A. ASSESSMENT AND EVALUATION.

(A) THE DEPARTMENT SHALL:


(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] ASSESSMENTS.

(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.

(B) SCHOOL DISTRICTS, INTERMEDIATE UNITS, COMMUNITY COLLEGES
AND STATE SYSTEM INSTITUTIONS SHALL PROVIDE A CYBER CHARTER
SCHOOL WITH REASONABLE ACCESS TO ITS FACILITIES FOR THE
ADMINISTRATION OF STANDARDIZED TESTING AS FOLLOWS:

(1) A CYBER CHARTER SCHOOL SHALL PROVIDE AN INTERMEDIATE
UNIT, SCHOOL DISTRICT, COMMUNITY COLLEGE OR STATE SYSTEM
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 INTERMEDIATE UNIT, SCHOOL DISTRICT, COMMUNITY
COLLEGE OR STATE SYSTEM 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 INTERMEDIATE UNIT, SCHOOL DISTRICT, COMMUNITY
COLLEGE OR STATE SYSTEM INSTITUTION.

(3) AN INTERMEDIATE UNIT, SCHOOL DISTRICT OF RESIDENCE,
COMMUNITY COLLEGE OR STATE SYSTEM INSTITUTION SHALL NOT BE
REQUIRED TO MAKE FACILITIES AVAILABLE TO A CYBER CHARTER
SCHOOL ON DATES AND TIMES THAT MAY CAUSE UNDUE INTERFERENCE
WITH THE EDUCATIONAL PROGRAMS OF THE INTERMEDIATE UNIT,
SCHOOL DISTRICT, COMMUNITY COLLEGE OR STATE SYSTEM
INSTITUTION.
(4) ANY FACILITIES RENTAL FEE CHARGED TO THE CYBER
CHARTER SCHOOL AND THE PAYMENT THEREOF SHALL BE IN COMPLIANCE
WITH THE FACILITY RENTAL POLICY OF THE INTERMEDIATE UNIT,
SCHOOL DISTRICT, COMMUNITY COLLEGE OR STATE SYSTEM
INSTITUTION THAT APPLIES GENERALLY TO ALL ORGANIZATIONS AND
COMMUNITY GROUPS.

SECTION 14.7. SECTION 1743-A(E) OF THE ACT, ADDED JUNE 29,
2002 (P.L.524, NO.88), IS AMENDED TO READ:

SECTION 1743-A. CYBER CHARTER SCHOOL REQUIREMENTS AND
PROHIBITIONS.

* * *

(E) STUDENTS.--FOR EACH STUDENT ENROLLED, A CYBER CHARTER
SCHOOL SHALL:

(1) PROVIDE ALL INSTRUCTIONAL MATERIALS, WHICH MAY
INCLUDE ELECTRONIC OR DIGITAL BOOKS IN PLACE OF TEXTBOOKS;

(2) PROVIDE ALL EQUIPMENT, INCLUDING, BUT NOT LIMITED
TO, A COMPUTER, COMPUTER MONITOR AND PRINTER; PROVIDED, THAT
A PARENT OR GUARDIAN OF MORE THAN ONE CHILD WHO IS ENROLLED
IN THE SAME CYBER CHARTER SCHOOL MAY ELECT NOT TO RECEIVE A
SEPARATE COMPUTER, COMPUTER MONITOR AND PRINTER FOR EACH
ENROLLED CHILD; AND

(3) PROVIDE OR REIMBURSE FOR ALL TECHNOLOGY AND SERVICES
NECESSARY FOR THE ON-LINE DELIVERY OF THE CURRICULUM AND
INSTRUCTION.

THE COMMONWEALTH SHALL NOT BE LIABLE FOR ANY REIMBURSEMENT OWED
TO STUDENTS, PARENTS OR GUARDIANS BY A CYBER CHARTER SCHOOL
UNDER PARAGRAPH (3).

* * *

SECTION 14.8. SECTIONS 1744-A, 1745-A AND 1749-A(A) AND (C)
OF THE ACT, ADDED JUNE 29, 2002 (P.L.524, NO.88), ARE AMENDED TO
20150HB0530PN2658
SECTION 1744-A. SCHOOL DISTRICT AND INTERMEDIATE UNIT

RESPONSIBILITIES.

AN INTERMEDIATE UNIT OR A SCHOOL DISTRICT IN WHICH A STUDENT
ENROLLED IN A CYBER CHARTER SCHOOL RESIDES SHALL DO ALL OF THE
FOLLOWING:

(1) PROVIDE THE CYBER CHARTER SCHOOL WITHIN TEN DAYS OF
RECEIPT OF THE NOTICE OF THE ADMISSION OF THE STUDENT UNDER
SECTION 1748-A(A) WITH ALL RECORDS RELATING TO THE STUDENT,
INCLUDING TRANSCRIPTS, TEST SCORES AND A COPY OF ANY
INDIVIDUALIZED EDUCATION PROGRAM FOR THAT STUDENT.

[(2) PROVIDE THE CYBER CHARTER SCHOOL WITH REASONABLE
ACCESS TO ITS FACILITIES FOR THE ADMINISTRATION OF
STANDARDIZED TESTS REQUIRED UNDER THIS SUBDIVISION.]

(3) UPON REQUEST, PROVIDE ASSISTANCE TO THE CYBER
CHARTER SCHOOL IN THE DELIVERY OF SERVICES TO A STUDENT WITH
DISABILITIES. THE SCHOOL DISTRICT OR INTERMEDIATE UNIT SHALL
NOT CHARGE THE CYBER CHARTER SCHOOL MORE FOR A SERVICE THAN
IT CHARGES A SCHOOL DISTRICT.

(4) MAKE PAYMENTS TO THE CYBER CHARTER SCHOOL UNDER
SECTION 1725-A.

SECTION 1745-A. ESTABLISHMENT OF CYBER CHARTER SCHOOL.

(A) ESTABLISHMENT.—A CYBER CHARTER SCHOOL MAY BE
ESTABLISHED BY AN INDIVIDUAL; ONE OR MORE TEACHERS WHO WILL
TEACH AT THE PROPOSED CYBER CHARTER SCHOOL; PARENTS OR GUARDIANS
OF STUDENTS WHO WILL ENROLL IN THE CYBER CHARTER SCHOOL; A
NONSECTARIAN COLLEGE, UNIVERSITY OR MUSEUM LOCATED IN THIS
COMMONWEALTH; A NONSECTARIAN CORPORATION NOT-FOR-PROFIT AS
DEFINED IN 15 PA.C.S. § 5103 (RELATING TO DEFINITIONS); A
CORPORATION, ASSOCIATION OR PARTNERSHIP; OR ANY COMBINATION OF
THE FOREGOING. SECTION 1327.1 SHALL NOT APPLY TO A CYBER CHARTER SCHOOL ESTABLISHED UNDER THIS SUBDIVISION.

(B) SECTARIAN ENTITIES.--NO CYBER CHARTER SCHOOL SHALL BE ESTABLISHED OR FUNDED BY AND NO CHARTER SHALL BE GRANTED TO A SECTARIAN SCHOOL, INSTITUTION OR OTHER ENTITY.

(B.1) LOCAL BOARD OF SCHOOL DIRECTORS OR INTERMEDIATE UNIT.--

(1) NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO PRECLUDE A SCHOOL DISTRICT OR AN INTERMEDIATE UNIT FROM OFFERING INSTRUCTION VIA THE INTERNET OR OTHER ELECTRONIC MEANS, EXCEPT THAT THE INSTRUCTION SHALL NOT BE RECOGNIZED AS A CYBER CHARTER SCHOOL UNDER THIS ARTICLE UNLESS THE SCHOOL DISTRICT OR INTERMEDIATE UNIT ESTABLISHES A CYBER CHARTER SCHOOL PURSUANT TO SUBSECTIONS (A) AND (B.1)(1).

(2) A CYBER CHARTER SCHOOL MAY BE ESTABLISHED BY A LOCAL BOARD OF SCHOOL DIRECTORS OR AN INTERMEDIATE UNIT IF THE PROCEDURES AND REQUIREMENTS OF THIS ARTICLE ARE SATISFIED.

(C) ATTENDANCE.--ATTENDANCE AT A CYBER CHARTER SCHOOL SHALL SATISFY REQUIREMENTS FOR COMPULSORY ATTENDANCE, SUBJECT TO PENALTIES FOR VIOLATION OF COMPULSORY ATTENDANCE REQUIREMENTS UNDER SECTION 1333.

(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

(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 PROMULGATED TO REPLACE 22 PA. CODE CH. 4.

(IV) THE EXTENT TO WHICH THE APPLICATION MEETS THE REQUIREMENTS OF SECTION 1747-A.

(V) THE EXTENT TO WHICH THE CYBER CHARTER SCHOOL MAY SERVE AS A MODEL FOR OTHER PUBLIC SCHOOLS.

(2) WRITTEN NOTICE OF THE ACTION OF THE DEPARTMENT SHALL BE SENT BY CERTIFIED MAIL TO THE APPLICANT AND PUBLISHED ON THE DEPARTMENT'S [WORLD WIDE WEB SITE] PUBLICLY ACCESSIBLE INTERNET WEBSITE. IF THE APPLICATION IS DENIED, THE REASONS FOR DENIAL, INCLUDING A DESCRIPTION OF DEFICIENCIES IN THE APPLICATION, SHALL BE CLEARLY STATED IN THE NOTICE.
(3) Upon approval of a cyber charter school application, a written charter shall be developed which shall contain the provisions of the charter application and be signed by the secretary and each member of the board of trustees of the cyber charter school. The charter, when duly signed, shall act as legal authorization of the establishment of a cyber charter school. The charter shall be legally binding on the department, the cyber charter school and its board of trustees. The charter [shall be for a period of no less than three years nor more than five years and may be renewed for a period of five years by the department.] term shall be as follows:

(I) An initial charter granted pursuant to this section shall be for a period of five years.

(II) Prior to the effective date of the regulations implementing the performance matrix as required pursuant to section 1731.2-a, a charter may be renewed for five-year periods upon reauthorization by the department.

(III) Upon the effective date of the regulations implementing the performance matrix as required pursuant to section 1731.2-a, the following shall apply:

(A) For cyber charter schools that have satisfied the academic quality benchmark established by the state board pursuant to section 1731.2-a, a charter may be renewed for ten-year periods upon reauthorization by the department; provided that, beginning in the sixth year of any ten-year period of renewal under this subclause, the charter of any cyber charter school that fails for two consecutive years to satisfy the academic quality benchmark
ESTABLISHED BY THE STATE BOARD UNDER SECTION 1731.2-A
SHALL BE SUBJECT TO REVIEW BY THE DEPARTMENT.

(B) FOR CYBER CHARTER SCHOOLS THAT HAVE NOT
SATISFIED THE ACADEMIC QUALITY BENCHMARK ESTABLISHED
BY THE STATE BOARD PURSUANT TO SECTION 1731.2-A, A
CHARTER MAY BE RENEWED FOR FIVE-YEAR PERIODS UPON
REAUTHORIZATION BY THE DEPARTMENT.

(4) THE DECISION OF THE DEPARTMENT TO DENY AN
APPLICATION MAY BE APPEALED TO THE APPEAL BOARD.

(5) (I) A CYBER CHARTER SCHOOL MAY REQUEST AMENDMENTS
TO ITS APPROVED WRITTEN CHARTER BY FILING WITH THE
DEPARTMENT A WRITTEN DOCUMENT DESCRIBING THE REQUESTED
AMENDMENT.

(II) WITHIN 60 DAYS OF ITS RECEIPT OF THE REQUEST
FOR AN AMENDMENT, THE DEPARTMENT SHALL HOLD A PUBLIC
HEARING ON THE REQUESTED AMENDMENT UNDER 65 PA.C.S. CH. 7
(RELATING TO OPEN MEETINGS).

(III) WITHIN 20 DAYS AFTER THE HEARING, THE
DEPARTMENT SHALL GRANT OR DENY THE REQUESTED AMENDMENT.
FAILURE BY THE DEPARTMENT TO HOLD A PUBLIC HEARING AND TO
GRANT OR DENY THE AMENDMENT WITHIN THE TIME PERIOD
SPECIFIED SHALL BE DEEMED AN APPROVAL.

(IV) AN APPLICANT FOR AN AMENDMENT SHALL HAVE THE
RIGHT TO APPEAL THE DENIAL OF A REQUESTED AMENDMENT TO
THE APPEAL BOARD PROVIDED FOR UNDER SECTION 1721-A.

(G) DENIED APPLICATION.--A CYBER CHARTER SCHOOL APPLICANT
MAY REVISE AND RESUBMIT A DENIED APPLICATION TO THE DEPARTMENT.
THE DEPARTMENT SHALL GRANT OR DENY THE REVISED APPLICATION
WITHIN 60 DAYS AFTER ITS RECEIPT.

(H) APPEAL.--IF THE DEPARTMENT FAILS TO HOLD THE REQUIRED
PUBLIC HEARING OR TO APPROVE OR DISAPPROVE THE CHARTER, THE 
APPLICANT MAY FILE ITS APPLICATION AS AN APPEAL TO THE APPEAL 
BOARD. THE APPEAL BOARD SHALL REVIEW THE APPLICATION AND MAKE A 
DECISION TO APPROVE OR DISAPPROVE THE CHARTER BASED ON THE 
CRITERIA IN SUBSECTION (F).

SECTION 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, 736, 737, 738, 739, 740, 741, 
752, 753, [755,] 771, 776, 777, 808, 809, 810, 1109, 1111, 
1112(A), 1205.1, 1205.2, 1205.3, 1205.5, 1301, 1302, 1303, 
1310, 1317, 1317.2, 1318, 1327, 1330, 1332, 1333, 1303-A, 
1513, 1517, 1518, 1521, 1523, 1525, 1531, 1547, 1602-B, 1613- 
1719-A, 1721-A, 1722-A, [1723-A(A) AND (B)] 1723-A(A), (B) 
AND (D), 1724-A, 1725-A, 1727-A, 1728-A(D), (E), (F), (G) AND 
(H), 1729-A, 1729.1-A, 1730-A, 1731-A(A)(1) AND (B), 1731.1- 
A, 1731.2-A, 1733-A AND 2014-A AND ARTICLES [XII-A,] XIII-A 
AND XIV.

(1.1) ACT OF JULY 19, 1957 (P.L.1017, NO.451), KNOWN AS 
THE STATE ADVERSE INTEREST ACT.

(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 
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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.

(7) 65 PA.C.S. CH. 7 (RELATING TO OPEN MEETINGS).

(8) 65 PA.C.S. CH. 11 (RELATING TO ETHICS STANDARDS AND
FINANCIAL DISCLOSURE).

* * *

(C) EXISTING CHARTER SCHOOLS.--

(1) THE CHARTER OF A CHARTER SCHOOL APPROVED UNDER
SECTION 1717-A OR 1718-A WHICH PROVIDES INSTRUCTION THROUGH
THE INTERNET OR OTHER ELECTRONIC MEANS SHALL REMAIN IN EFFECT
FOR THE DURATION OF THE CHARTER AND SHALL BE SUBJECT TO THE
PROVISIONS OF SUBDIVISION (B).

(2) IN ADDITION TO SUBSECTIONS (A) AND (B), THE
FOLLOWING PROVISIONS OF THIS SUBDIVISION SHALL APPLY TO A
CHARTER SCHOOL APPROVED UNDER SECTION 1717-A OR 1718-A WHICH
PROVIDES INSTRUCTION THROUGH THE INTERNET OR OTHER ELECTRONIC
MEANS:

(I) SECTION 1743-A(C), (D), (E), (F), (G), (H) AND
(I).
SECTION 15. SECTION 1855 OF THE ACT, AMENDED JUNE 22, 2001 
(P.L.530, NO.35), IS AMENDED TO READ:

SECTION 1855. VOCATIONAL EDUCATION EQUIPMENT GRANTS.--(A)

DEPARTMENT OF EDUCATION SHALL ESTABLISH A GRANT PROGRAM TO 
ASSIST AREA VOCATIONAL-TECHNICAL SCHOOLS, SCHOOL DISTRICTS 
OFFERING APPROVED VOCATIONAL-TECHNICAL PROGRAMS AND THE THADDEUS 
STEVENS STATE COLLEGE OF TECHNOLOGY IN PURCHASING EQUIPMENT THAT 
MEETS INDUSTRY STANDARDS FOR THE PURPOSE OF PROVIDING TRAINING 
TO STUDENTS. GRANTS SHALL BE LIMITED TO THE PURCHASE OF 
EQUIPMENT IN THE FOLLOWING PROGRAM AREAS: AUTOMOTIVE TECHNOLOGY, 
AUTO BODY, DIESEL TECHNOLOGY, PRECISION MACHINE TECHNOLOGY, 
HEATING VENTILATION AND AIR CONDITIONING, PRINTING, DENTAL 
ASSISTING, ELECTRONICS, BUILDING TRADES AND OTHER PROGRAM AREAS 
APPROVED BY THE SECRETARY OF EDUCATION. GRANTS SHALL BE AWARDED 
BY THE DEPARTMENT OF EDUCATION ON A MATCHING BASIS, TWO STATE 
DOLLARS ($2) FOR EVERY LOCAL DOLLAR ($1), AND SHALL BE LIMITED 
TO FUNDS APPROPRIATED FOR THAT PURPOSE.

(B) FOR THE 2015-2016 SCHOOL YEAR, THE DEPARTMENT OF 
EDUCATION SHALL ESTABLISH A GRANT PROGRAM TO ASSIST EACH AREA 
VOCATIONAL-TECHNICAL SCHOOL AND SCHOOL DISTRICT WITH AN APPROVED 
VOCATIONAL PROGRAM THAT APPLIES FOR AND IS APPROVED FOR FUNDING. 
BY THE DEPARTMENT OF EDUCATION TO PURCHASE EQUIPMENT THAT MEETS 
INDUSTRY STANDARDS, GRANTS SHALL BE DISTRIBUTED IN AN AMOUNT TO 
BE CALCULATED AS FOLLOWS:

(1) A BASE AMOUNT OF THREE THOUSAND DOLLARS ($3,000).

(2) A PER-STUDENT AMOUNT CALCULATED AS FOLLOWS:

(I) MULTIPLY THE 2014-2015 AVERAGE DAILY MEMBERSHIP IN
APPROVED VOCATIONAL EDUCATION PROGRAMS FOR EACH AREA VOCATIONAL-TECHNICAL SCHOOL OR SCHOOL DISTRICT THAT HAS BEEN APPROVED FOR FUNDING BY THE DEPARTMENT BY THE DIFFERENCE BETWEEN THE AMOUNT APPROPRIATED FOR CAREER AND TECHNICAL EDUCATION EQUIPMENT GRANTS AND THE SUM OF THE FUNDING DISTRIBUTED UNDER PARAGRAPH (1) TO ALL AREA VOCATIONAL-TECHNICAL SCHOOLS AND SCHOOL DISTRICTS.

(II) DIVIDE THE PRODUCT FROM SUBPARAGRAPH (I) BY THE SUM OF THE 2014-2015 AVERAGE DAILY MEMBERSHIP IN APPROVED VOCATIONAL EDUCATION PROGRAMS FOR ALL AREA VOCATIONAL-TECHNICAL SCHOOLS AND SCHOOL DISTRICTS THAT HAVE BEEN APPROVED FOR FUNDING BY THE DEPARTMENT.

(C) THE APPLICATION TO APPLY FOR FUNDING UNDER SUBSECTION (B) SHALL BE DEVELOPED BY THE DEPARTMENT WITHIN THIRTY DAYS OF THE EFFECTIVE DATE OF THIS SECTION AND ONLY REQUIRE THE FOLLOWING, WHICH MAY BE COLLECTED ELECTRONICALLY:

(1) NAME, ADDRESS, E-MAIL ADDRESS AND TELEPHONE NUMBER OF THE AREA VOCATIONAL-TECHNICAL SCHOOL OR SCHOOL DISTRICT.

(2) NAME, E-MAIL ADDRESS AND TELEPHONE NUMBER OF AN EMPLOYEE OF THE AREA VOCATIONAL-TECHNICAL SCHOOL OR SCHOOL DISTRICT WHO WILL BE AVAILABLE TO ANSWER QUESTIONS REGARDING THE FUNDING APPLICATION.

(3) DESCRIPTION OF THE EQUIPMENT FOR WHICH THE REQUESTED FUNDING WILL BE USED; THE CAREER AND TECHNICAL EDUCATION PROGRAM IN WHICH THE EQUIPMENT WILL BE USED; THE DATE ON WHICH THE OCCUPATIONAL ADVISORY COMMITTEE RECOMMENDED THE PURCHASE OF THE EQUIPMENT; AND VERIFICATION THAT THE EQUIPMENT WILL BE USED FOR TECHNICAL CLASSROOM INSTRUCTION.

(D) THE DEPARTMENT MAY NOT REQUEST AND CONSIDER ANY INFORMATION OTHER THAN THE INFORMATION PROVIDED IN THE FUNDING APPLICATION.
(E) EACH AREA VOCATIONAL-TECHNICAL SCHOOL OR SCHOOL DISTRICT WITH AN APPROVED VOCATIONAL PROGRAM THAT SUBMITS A COMPLETED FUNDING APPLICATION SHALL RECEIVE FUNDING IN THE AMOUNT DETERMINED UNDER SUBSECTION (B).

(F) FOR PURPOSES OF THIS SECTION, "OCCUPATIONAL ADVISORY COMMITTEE" SHALL MEAN AN OCCUPATIONAL ADVISORY COMMITTEE ESTABLISHED PURSUANT TO 22 PA. CODE CH. 339 (RELATING TO VOCATIONAL EDUCATION).

SECTION 16. SECTION 1904-A(D) OF THE ACT, ADDED JULY 4, 2004 (P.L.536, NO.70), IS AMENDED TO READ:

SECTION 1904-A. ELECTION OR APPOINTMENT; TERM AND ORGANIZATION OF BOARD OF TRUSTEES.--* * *

(D) NOTWITHSTANDING THE PROVISIONS OF SUBSECTIONS (A) AND (B), THE BOARD OF TRUSTEES OF A COMMUNITY COLLEGE MAY APPOINT A TRUSTEE FROM EACH COUNTY WHERE A CAMPUS OR SATELLITE CLASSROOM IS LOCATED FOR WHICH NO LOCAL SPONSOR EXISTS[.] AND, FOR A COMMUNITY COLLEGE THAT IS LOCATED IN A COUNTY OF THE THIRD CLASS WITH A POPULATION BETWEEN 290,000 AND 310,000 AS OF THE 2010 CENSUS, MAY APPOINT UP TO TWO TRUSTEES FROM A COUNTY WHERE A CAMPUS IS LOCATED FOR WHICH NO LOCAL SPONSOR EXISTS. THE TRUSTEE SHALL BE SELECTED BY THE BOARD OF TRUSTEES OF THE COMMUNITY COLLEGE. TRUSTEES APPOINTED UNDER THE PROVISIONS OF THIS SUBSECTION SHALL BE APPOINTED FOR TERMS OF TWO YEARS.

SECTION 17. SECTION 1913-A(B)(1.6)(V) AND (1.7)(II) OF THE ACT, AMENDED JULY 9, 2008 (P.L.846, NO.61) AND JULY 9, 2013 (P.L.408, NO.59), ARE AMENDED AND CLAUSE (1.6) IS AMENDED BY ADDING A SUBCLAUSE TO READ:

SECTION 1913-A. FINANCIAL PROGRAM; REIMBURSEMENT OF PAYMENTS.--* * *

(B) * * *
(1.6) For the 2006-2007 fiscal year and each fiscal year thereafter, the payment for a community college shall consist of the following:

\[ * * * \]

(V) Subclauses (I), (II), (III) and (IV) shall not apply to the 2011-2012, 2012-2013 and 2013-2014 fiscal years, and each fiscal year thereafter.

\[ * * * \]

(IX) For the 2015-2016 fiscal year, each community college shall receive an amount equal to the sum of the following:

(A) An amount equal to the amount allocated to the community college for operating costs under subclause (VIII)(A).

(B) An amount equal to the amount allocated to a community college for the economic development stipend under subclause (VIII)(B).

(C) An amount determined for each community college as follows:

(I) Divide the sum of the amounts of funding the community college received under paragraphs (A) and (B) by the total amount of funding provided under paragraphs (A) and (B) for all community colleges.

(II) Multiply the quotient in subparagraph (I) by the difference between the appropriation for payment of approved operating expenses of community colleges in fiscal year 2014-2015 and fiscal year 2013-2014.

(D) An amount determined for each community college as follows:

(I) Multiply the audited full-time equivalent enrollment as verified under subsection (K.1) for the most recent year available for the community college by the difference between 20150HB0530PN2658 - 208 -
THE APPROPRIATION FOR PAYMENT OF APPROVED OPERATING EXPENSES OF
COMMUNITY COLLEGES IN FISCAL YEAR 2015-2016 AND FISCAL YEAR

(ii) Divide the product in subparagraph (i) by the sum of
the audited full-time equivalent enrollment as verified under
subsection (k.1) for the most recent year available for all
community colleges.

* * *

(1.7) The payment for a community college shall include an
economic development stipend which shall consist of the
following:

* * *

(ii) For the 2006-2007 through 2008-2009 fiscal years and
each fiscal year thereafter, each community college shall receive, subject to the provisions of subclause (iii), an amount
determined by:

(A) adding the following:

(I) the number of full-time equivalent students enrolled in
high-priority and high-instructional-cost occupation programs at
the community college multiplied by 1.50;

(II) the number of full-time equivalent students enrolled in
high-priority occupation programs at the community college
multiplied by 1.25; and

(III) the number of full-time equivalent students enrolled
in noncredit workforce development courses at the community
college.

(B) dividing the total from paragraph (a) by the sum of the
totals from paragraph (a) for all community colleges.

(C) multiplying the amount from paragraph (b) by the amount
allocated for the economic development stipend pursuant to
20150HB0530PN2658
CLAUSE (1.6)(II).

(D) APPLYING THE FOLLOWING:


* * *

SECTION 18. SECTION 1902-C INTRODUCTORY PARAGRAPHS OF THE 20150HB0530PN2658 - 210 -
ACT, ADDED JUNE 25, 1997 (P.L.297, NO.30), IS AMENDED AND THE
SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:
SECTION 1902-C. APPLICATIONS.--(A) APPLICANTS SHALL SUBMIT
APPLICATIONS AT THE TIME, IN THE MANNER AND CONTAINING OR
ACCOMPANIED BY SUCH INFORMATION AS THE DEPARTMENT MAY PRESCRIBE
BUT, IN ANY CASE, SHALL DOCUMENT THE FOLLOWING:
* * *
(B) A SCHOOL DISTRICT, COMBINATION OF SCHOOL DISTRICTS OR
CHARTER SCHOOL THAT MAKES AN APPLICATION TO ESTABLISH AN
ALTERNATIVE EDUCATION PROGRAM SHALL SUBMIT INITIAL AND RENEWAL
APPLICATIONS ALONG WITH A FEE OF FOUR HUNDRED DOLLARS ($400) AS
PRESCRIBED BY THE DEPARTMENT. THE MONEY COLLECTED SHALL BE
DEPOSITED INTO A RESTRICTED ACCOUNT IN THE GENERAL FUND TO BE
KNOWN AS THE ALTERNATIVE EDUCATION PROGRAM ACCOUNT. THE MONEY IN
THE RESTRICTED ACCOUNT IS HEREBY APPROPRIATED ON A CONTINUING
BASIS TO THE DEPARTMENT.
SECTION 19. SECTION 1902-E OF THE ACT, ADDED NOVEMBER 23,
1999 (P.L.529, NO.48), IS AMENDED BY ADDING A PARAGRAPH TO READ:
SECTION 1902-E. CONTRACTS WITH PRIVATE ALTERNATIVE EDUCATION
INSTITUTIONS.--
* * *
(5) A PRIVATE ALTERNATIVE EDUCATION INSTITUTION THAT MAKES
AN APPLICATION FOR APPROVAL TO OPERATE SHALL SUBMIT INITIAL AND
RENEWAL APPLICATIONS ALONG WITH A FEE OF ONE THOUSAND DOLLARS
($1,000) AS PRESCRIBED BY THE DEPARTMENT. THE FUNDS COLLECTED
SHALL BE DEPOSITED INTO THE ALTERNATIVE EDUCATION PROGRAM
ACCOUNT ESTABLISHED IN SECTION 1902-C(B).
SECTION 20. THE ACT IS AMENDED BY ADDING AN ARTICLE TO READ:
ARTICLE XIX-G
RURAL REGIONAL COLLEGE FOR UNDERSERVED COUNTIES
SECTION 1901-G. (RESERVED).

SECTION 1901.1-G. LEGISLATIVE INTENT.

IT IS THE INTENT OF THE GENERAL ASSEMBLY TO PROVIDE FOR THE CONTINUED EXISTENCE, OPERATION AND ADMINISTRATION OF THE RURAL REGIONAL COLLEGE ESTABLISHED UNDER FORMER ARTICLE XVII-E.1 OF THE ACT OF APRIL 9, 1929 (P.L.343, NO.176), KNOWN AS THE FISCAL CODE.

SECTION 1901.2-G. APPROPRIATIONS.

APPROPRIATIONS FOR THE OPERATION OF THE RURAL REGIONAL COLLEGE SHALL HAVE PREFERRED STATUS AND BE CONSIDERED ORDINARY EXPENSES OF STATE GOVERNMENT.

SECTION 1902-G. SCOPE OF ARTICLE.

THIS ARTICLE PROVIDES FOR THE ESTABLISHMENT OF A RURAL REGIONAL COLLEGE IN A MULTICOUNTY RURAL AREA THAT IS UNDERSERVED BY COMPREHENSIVE COMMUNITY COLLEGE EDUCATION AND WORK FORCE DEVELOPMENT.

SECTION 1903-G. DEFINITIONS.

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:

"ANNUAL." A 12-MONTH PERIOD COTERMINOUS WITH THE COMMONWEALTH'S FISCAL YEAR BEGINNING JULY 1 AND ENDING JUNE 30.

"BOARD OF TRUSTEES." THE BOARD OF TRUSTEES OF A RURAL REGIONAL COLLEGE ESTABLISHED UNDER THIS ARTICLE.

"CERTIFIED PUBLIC ACCOUNTANT." A MEMBER OF THE AMERICAN INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS WHO HAS A MINIMUM OF FIVE YEARS' VERIFIABLE EXPERIENCE IN PERFORMING AUDITS OF GOVERNMENT FUNDS FOR NONPROFIT ORGANIZATIONS WITH A COMPARABLE OR LARGER ANNUAL BUDGET.

"COUNTY." ANY COUNTY IN THIS COMMONWEALTH.
"MIDDLE STATES." THE MIDDLE STATES ASSOCIATION OF COLLEGES
AND SCHOOLS.

"PARTNER INSTITUTION." ONE OR MORE MIDDLE STATES-ACCREDITED
INSTITUTIONS OF HIGHER EDUCATION.

"RURAL REGIONAL COLLEGE." A PUBLIC INSTITUTION OF HIGHER
EDUCATION WHICH IS ESTABLISHED IN A RURAL AREA AND OPERATED IN
ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE AS A COLLEGE
WHICH PROVIDES UP TO A TWO-YEAR, POSTSECONDARY EDUCATION NOT TO
EXCEED THE LEVEL OF AN ASSOCIATE OF ARTS OR SCIENCES DEGREE AND
WHICH IS ACTIVE IN WORK FORCE DEVELOPMENT.

"RURAL REGIONAL COLLEGE PLAN" OR "PLAN." A PLAN FOR THE
ESTABLISHMENT AND OPERATION OF A RURAL REGIONAL COLLEGE UNDER
THIS ARTICLE.

"SECRETARY." THE SECRETARY OF EDUCATION OF THE COMMONWEALTH
OR SUCH PERSON AS THE SECRETARY MAY DESIGNATE TO ACT ON BEHALF
OF THE SECRETARY WITH REGARD TO ANY OF THE DUTIES AND
PREROGATIVES IMPOSED BY THIS ARTICLE.

"STATE BOARD." THE STATE BOARD OF EDUCATION.

SECTION 1904-G. DESIGNATIONS BY SECRETARY.

(A) DUTIES OF SECRETARY.--

(1) THE SECRETARY SHALL DESIGNATE AN ESTABLISHED
NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION 501(C)(3) OF
THE INTERNAL REVENUE CODE OF 1986 (PUBLIC LAW 99-514, 26
U.S.C. § 501(C)(3)), WHICH REPRESENTS A RURAL MULTICOUNTY
REGION UNDERSERVED BY A COMPREHENSIVE COMMUNITY COLLEGE
PROGRAM, INCLUDING WORK FORCE DEVELOPMENT, TO ASSIST THE
SECRETARY WITH THE DESIGNATION UNDER PARAGRAPH (2).

(2) WITHIN 30 DAYS OF THE DESIGNATION UNDER PARAGRAPH
(1), THE SECRETARY SHALL, IN CONSULTATION WITH THE NONPROFIT
ORGANIZATION, DESIGNATE CONTIGUOUS COUNTIES OR PARTS OF
CONTIGUOUS COUNTIES TO BE SERVED BY ESTABLISHMENT OF A RURAL
REGIONAL COLLEGE.

(B) CHANGES.--NO SOONER THAN JULY 10, 2018, THE SECRETARY,
WITH APPROVAL OF THE BOARD OF TRUSTEES, MAY ADD COUNTIES OR
PARTS OF COUNTIES TO BE SERVED BY THE RURAL REGIONAL COLLEGE.

SECTION 1905-G. DESIGNATION AND BOARD OF TRUSTEES.

WITHIN 60 DAYS OF THE SECRETARY’S DESIGNATION UNDER SECTION
1904-G(A)(2), A BOARD OF TRUSTEES SHALL BE APPOINTED TO
ESTABLISH A RURAL REGIONAL COLLEGE. THE BOARD OF TRUSTEES SHALL
CONSIST OF NOT FEWER THAN SEVEN MEMBERS NOR MORE THAN 15 MEMBERS
APPOINTED BY THE SECRETARY IN CONSULTATION AND JOINTLY WITH THE
NONPROFIT ORGANIZATION DESIGNATED UNDER SECTION 1904-G(A)(1).
THE FOLLOWING SHALL APPLY TO THE BOARD OF TRUSTEES ESTABLISHED
UNDER THIS SECTION:

(1) MEMBERS OF THE BOARD OF TRUSTEES SHALL BE
REPRESENTATIVE OF THE AREA DESIGNATED UNDER SECTION 1904-G(A)
(2) AND MAY INCLUDE SCHOOL ADMINISTRATORS, COMMUNITY
EDUCATION COUNCIL OFFICIALS, BUSINESS LEADERS AND GOVERNMENT
OFFICIALS.

(2) MEMBERS OF THE BOARD OF TRUSTEES SHALL BE APPOINTED
FOR TERMS OF THREE YEARS EACH, EXCEPT THAT THOSE PERSONS
INITIALLY APPOINTED SHALL DRAW LOTS TO DETERMINE WHICH
TRUSTEES SHALL SERVE FOR A TERM OF THREE YEARS, WHICH
TRUSTEES SHALL SERVE FOR A TERM OF TWO YEARS AND WHICH
TRUSTEES SHALL SERVE FOR A TERM OF ONE YEAR. TO THE EXTENT
PRACTICABLE, FROM THOSE TRUSTEES INITIALLY APPOINTED, AN
EQUAL NUMBER SHALL DRAW LOTS TO SERVE FOR A TERM OF THREE
YEARS, FOR A TERM OF TWO YEARS AND FOR A TERM OF ONE YEAR.
THEREAFTER, ALL MEMBERS SHALL BE APPOINTED FOR TERMS OF THREE
YEARS EACH.
(3) Vacancies on the board shall be filled by the existing board. A trustee may succeed himself, provided that no member shall serve for longer than 10 years.

(4) The secretary shall convene an initial meeting of the board of trustees within 30 days of the secretary's appointment of a board of trustees under this section. After the initial meeting, the board of trustees shall meet at such times each year as the board of trustees determines to be necessary to satisfy the requirements of this article.

(5) The board of trustees shall adopt standing operating rules and procedures, bylaws and articles of incorporation.

(6) The board of trustees shall establish an advisory council of presidents, or their designees, from institutions with postsecondary education programs within the region designated under section 1904-g(a)(2). The advisory council shall meet quarterly to discuss employer and work force needs, new educational offerings and general coordination of service and facilities. One advisory council member representing a community college and one advisory council member that is a president of a college or university shall serve as cochairmen. The cochairmen of the advisory council shall provide updates to the board of trustees as appropriate.

(7) The board of trustees shall choose from among its members a chairman, vice chairman and secretary.

(8) A majority of the members of the board of trustees shall constitute a quorum.

(9) Trustees shall serve without compensation, except that they shall be reimbursed by the rural regional college for their actual and necessary expenses incurred in the
PERFORMANCE OF THEIR DUTIES.

SECTION 1906-G. ESTABLISHMENT.

(A) GENERAL RULE.--NO LATER THAN OCTOBER 30, 2016, THE BOARD
OF TRUSTEES APPOINTED UNDER SECTION 1905-G SHALL SUBMIT TO THE
SECRETARY A PROPOSED RURAL REGIONAL COLLEGE PLAN IN SUCH FORM
AND CONTAINING SUCH INFORMATION AS THE SECRETARY MAY REQUIRE. IN
ADDITION TO OTHER INFORMATION WHICH MAY BE REQUIRED BY THE
SECRETARY, THE PLAN SHALL INCLUDE THE FOLLOWING:

(1) A DESIGNATION OF THE NAME OF THE PROPOSED RURAL
REGIONAL COLLEGE WHICH SHALL BE THE "RURAL REGIONAL COLLEGE
OF ___________________" OR "____________ RURAL REGIONAL
COLLEGE."

(2) A SURVEY OF THE EDUCATIONAL, VOCATIONAL AND
OCCUPATIONAL NEEDS OF THE AREA AND THE MEANS BY WHICH THE
PROPOSED RURAL REGIONAL COLLEGE WILL MEET THOSE NEEDS,
REENGAGE HIGH SCHOOL DROPOUTS TO EARN THEIR SECONDARY
CREDENTIALS AND POSTSECONDARY CREDENTIALS OR INDUSTRY
CERTIFICATION, REDUCE UNEMPLOYMENT AND IMPROVE THE EMPLOYABLE
SKILLS OF RESIDENTS OF THE AREA TO BE SERVED BY THE RURAL
REGIONAL COLLEGE.

(3) AN OPERATING AND FINANCIAL PLAN FOR THE PROPOSED
RURAL REGIONAL COLLEGE, INCLUDING A PLAN FOR THE CAPITAL
NEEDS AND EXPENSES OF THE PROPOSED RURAL REGIONAL COLLEGE.

(4) A PLAN BY WHICH THE RURAL REGIONAL COLLEGE SHALL
SEEK ACCREDITATION BY AN ACCREDITING ASSOCIATION WHICH IS
RECOGNIZED BY THE UNITED STATES DEPARTMENT OF EDUCATION.

(B) SUBMISSION OF PLAN.--WITHIN 60 DAYS OF THE SUBMISSION OF
THE RURAL REGIONAL COLLEGE PLAN TO THE SECRETARY, THE SECRETARY
SHALL ISSUE AN APPROVAL OR REJECTION OF THE PLAN. A REJECTION OF
THE PLAN SHALL BE ACCOMPANIED BY A WRITTEN STATEMENT OF THE
REASONS FOR THE REJECTION OF THE PLAN. IF THE PLAN IS REJECTED,
THE BOARD OF TRUSTEES SHALL SUBMIT A REVISED PLAN TO THE
SECRETARY WITHIN 60 DAYS OF THE PLAN'S REJECTION.

(C) PLAN APPROVAL.--UPON THE APPROVAL OF THE PLAN BY THE
SECRETARY, THE RURAL REGIONAL COLLEGE SHALL BE CONSIDERED
ESTABLISHED.

SECTION 1907-G. POWERS AND DUTIES OF BOARD OF TRUSTEES.

(A) GENERAL RULE.--THE BOARD OF TRUSTEES APPOINTED UNDER
SECTION 1905-G SHALL ADMINISTER AND SUPERVISE THE AFFAIRS OF THE
RURAL REGIONAL COLLEGE ESTABLISHED UNDER THIS ARTICLE, SUBJECT
TO ANY OTHER LAW AND TO ANY REGULATIONS PROMULGATED BY THE STATE
BOARD PERTAINING TO RURAL REGIONAL COLLEGES, THE BOARD OF
TRUSTEES SHALL HAVE THE FOLLOWING POWERS AND DUTIES:

(1) TO ADVANCE THE MISSION OF THE RURAL REGIONAL COLLEGE
IN SERVICE TO RESIDENTS OF THE REGION DESIGNATED UNDER
SECTION 1904-G(A)(2).

(2) TO APPOINT AND FIX THE SALARY OF A PRESIDENT OF THE
RURAL REGIONAL COLLEGE.

(3) TO APPOINT AND FIX THE SALARY OF A CHIEF FINANCIAL
OFFICER OF THE RURAL REGIONAL COLLEGE.

(4) TO HOLD, RENT, LEASE, SELL, PURCHASE AND IMPROVE
LAND, BUILDINGS, FURNISHINGS, EQUIPMENT, MATERIALS, BOOKS AND
SUPPLIES.

(5) TO ENTER INTO CONTRACTS FOR SERVICES WITH COMMUNITY
EDUCATION COUNCILS, SCHOOLS, COLLEGES OR UNIVERSITIES, OR
WITH SCHOOL DISTRICTS OR MUNICIPALITIES, AND OTHER APPlicable
OR APPROPRIATE AGENCIES AND ORGANIZATIONS TO EFFECTUATE THE
PURPOSES OF THIS ARTICLE.

(6) TO ACCEPT AND RECEIVE GIFTS OF REAL AND PERSONAL
PROPERTY AND FEDERAL, STATE AND LOCAL MONEY, LOANS AND GRANTS
AND TO EXPEND THE SAME.


(8) TO SUBMIT TO THE SECRETARY FOR APPROVAL PROPOSED AMENDMENTS TO THE RURAL REGIONAL COLLEGE PLAN.

(9) TO ENTER INTO CONTRACTS FOR SERVICES TO HIGH SCHOOLS LOCATED IN THE AREA DESIGNATED BY THE SECRETARY UNDER SECTION 1904-G TO PROVIDE SERVICES, INCLUDING AREA VOCATIONAL-TECHNICAL EDUCATION SERVICES.

(10) TO APPROVE AN ANNUAL BUDGET TO BE SUBMITTED TO THE SECRETARY FOR FUNDING.

(11) TO EXERCISE SUCH OTHER POWERS AND PERFORM SUCH OTHER DUTIES AS ARE NECESSARY TO EFFECTUATE THE PURPOSES OF THIS ARTICLE.

(B) DUTIES OF BOARD.--THE BOARD OF TRUSTEES SHALL ENTER INTO CONTRACTS, HOLD PROPERTY AND TAKE OTHER ACTIONS IN THE NAME OF THE RURAL REGIONAL COLLEGE.

(C) INITIAL PARTNERSHIP.--

(1) THE BOARD OF TRUSTEES SHALL SELECT INITIALLY A PARTNER INSTITUTION TO DEVELOP AND OFFER ACCREDITED COURSES AND PROGRAMS OF STUDY AT THE APPROVED SITES OF OPERATION WHICH HAVE BEEN SELECTED BY THE BOARD OF TRUSTEES.

(2) THE PARTNER INSTITUTION SHALL SELECT PROGRAMS ONLY WITH APPROVAL OF THE BOARD OF TRUSTEES AND CONSISTENT WITH THE PARTNER INSTITUTION'S ACCREDITATION AND SHALL BE
RESPONSIBLE FOR STAFFING AND EVALUATION AND PROVISION OF OTHER SUPPORT SERVICES AS MAY BE REQUIRED FOR STUDENTS.

(3) THE BOARD OF TRUSTEES MAY CONTRACT WITH OTHER COLLEGES TO PROVIDE CURRICULA NOT AVAILABLE THROUGH THE PARTNER INSTITUTION.

(4) AS THE RURAL REGIONAL COLLEGE IS ABLE TO OPERATE ON ITS OWN, A TRANSITION PLAN AND BUDGET SHALL BE INCLUDED IN THE CONTRACT BETWEEN THE RURAL REGIONAL COLLEGE AND THE PARTNER INSTITUTION TO EFFICIENTLY EXPEDITE THE TRANSITION.

(5) NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO PRECLUDE THE BOARD OF TRUSTEES FROM CONTRACTING FOR SPECIFIC SERVICES OR PROGRAMS FOLLOWING THE TRANSITION FROM THE INITIAL PARTNER INSTITUTION.

SECTION 1908-G. OFFICERS OF RURAL REGIONAL COLLEGE.

(A) PRESIDENT.--THE PRESIDENT SHALL BE THE CHIEF EXECUTIVE AND ADMINISTRATIVE OFFICER OF THE RURAL REGIONAL COLLEGE AND SHALL PERFORM ALL DUTIES WHICH THE BOARD OF TRUSTEES MAY PRESCRIBE. THE PRESIDENT SHALL HAVE THE RIGHT TO ATTEND MEETINGS OF THE BOARD OF TRUSTEES AND TO BE HEARD ON ALL MATTERS BEFORE IT BUT SHALL HAVE NO RIGHT TO VOTE ON ANY MATTER.

(B) CHIEF FINANCIAL OFFICER.--THE CHIEF FINANCIAL OFFICER OF THE RURAL REGIONAL COLLEGE SHALL GIVE A PROPER BOND IN SUCH AMOUNT AND WITH SUCH CORPORATE SURETY AS IS APPROVED BY THE BOARD OF TRUSTEES. THE CHIEF FINANCIAL OFFICER SHALL FILE THE BOND WITH THE BOARD OF TRUSTEES. THE ACCOUNT OF THE CHIEF FINANCIAL OFFICER SHALL BE AUDITED ANNUALLY BY A CERTIFIED PUBLIC ACCOUNTANT OR OTHER QUALIFIED PUBLIC ACCOUNTANT SELECTED BY THE BOARD OF TRUSTEES.

SECTION 1909-G. STUDENTS.

ANY INDIVIDUAL MAY APPLY FOR ADMISSION TO THE RURAL REGIONAL COLLEGE.
COLLEGE ESTABLISHED UNDER THIS ARTICLE, PROVIDED THAT PREFERENCE
IN ADMISSIONS, TUITION AND FEES MAY BE GIVEN TO RESIDENTS OF THE
MULTICOUNTY AREA DESIGNATED BY THE SECRETARY UNDER SECTION 1904-G(A)(2). IN CONSIDERING APPLICANTS FOR ADMISSION, THE RURAL
REGIONAL COLLEGE SHALL NOT DISCRIMINATE ON THE BASIS OF RACE,
COLOR, GENDER, MARITAL STATUS, ETHNIC GROUP OR RELIGION.

SECTION 1910-G. TUITION.

THE TUITION AND FEES CHARGED BY THE RURAL REGIONAL COLLEGE
SHALL BE AN AMOUNT DETERMINED BY THE BOARD OF TRUSTEES, IN
ACCORDANCE WITH THE BUDGET SUBMITTED TO THE SECRETARY. THE BOARD
OF TRUSTEES SHALL ANNUALLY ESTABLISH A SEPARATE SCHEDULE OF
TUITION AND FEES FOR STUDENTS THAT RESIDE INSIDE THE REGION
DESIGNATED UNDER SECTION 1904-G(A)(2) AND STUDENTS THAT RESIDE
OUTSIDE THE REGION.

SECTION 1911-G. DISSOLUTION AND TRANSITION OF RURAL REGIONAL
COLLEGE.

THE RURAL REGIONAL COLLEGE ESTABLISHED UNDER THIS ARTICLE MAY
NOT BE DISSOLVED WITHOUT THE APPROVAL OF THE SECRETARY. UPON
DISSOLUTION OF THE RURAL REGIONAL COLLEGE, THE COMMONWEALTH
SHALL ASSUME ALL ASSETS AND LIABILITIES OF THE RURAL REGIONAL
COLLEGE, EXCEPT THAT SUCH ASSETS THAT ARE THE PROPERTY OF ANY
PARTNER INSTITUTION THAT MAY BE OPERATING FOR AND WITHIN THE
RURAL REGIONAL COLLEGE SHALL REMAIN THE PROPERTY OF THE PARTNER
INSTITUTION.

SECTION 1912-G. DEGREES.

THE RURAL REGIONAL COLLEGE ESTABLISHED UNDER THIS ARTICLE MAY
AWARD ANY TYPE OF DIPLOMA, TECHNICAL OR CAREER TRAINING
CERTIFICATE OR ASSOCIATE DEGREES IN THE ARTS, SCIENCES,
TECHNOLOGIES OR GENERAL EDUCATION UPON SUCCESSFUL COMPLETION OF
PROGRAMS AUTHORIZED BY THE BOARD OF TRUSTEES, AS LONG AS THE
PARTNER INSTITUTION PROVIDES THE ACCREDITED CURRICULA AND COURSES UNDER CONTRACT TO THE RURAL REGIONAL COLLEGE, THE REQUIREMENTS OF THE ACCREDITING AGENCY SHALL PERTAIN TO THE GRANTING OF SUCH AWARDS.

SECTION 1913-G. FUNDING.

THE RURAL REGIONAL COLLEGE ESTABLISHED UNDER THIS ARTICLE SHALL BE FUNDED BY TUITION AND FEES ESTABLISHED BY THE BOARD OF TRUSTEES AND MAY ACCEPT APPROPRIATIONS FROM THE GENERAL ASSEMBLY, GRANTS FROM THE FEDERAL GOVERNMENT, GRANTS FROM THE COMMONWEALTH, GRANTS FROM PRIVATE FOUNDATIONS OR ANY COMBINATION THEREOF.

SECTION 1914-G. FINANCIAL AID.

(A) INITIAL PARTNERSHIP PERIOD.--DURING THE RURAL REGIONAL COLLEGE'S INITIAL PARTNERSHIP WITH A PARTNER INSTITUTION, A STUDENT ENROLLED IN THE RURAL REGIONAL COLLEGE SHALL BE ELIGIBLE FOR CONSIDERATION FOR A PENNSYLVANIA STATE GRANT AND OTHER COMMONWEALTH-FUNDED FINANCIAL AID ADMINISTERED BY THE PENNSYLVANIA HIGHER EDUCATION ASSISTANCE AGENCY, PROVIDED THAT THE PARTNER INSTITUTION IS AN INSTITUTION OF HIGHER EDUCATION AS APPROVED BY AND IN ACCORDANCE WITH RULES AND REGULATIONS OF THE PENNSYLVANIA HIGHER EDUCATION ASSISTANCE AGENCY.

(B) POSTTRANSITION PERIOD.--UPON THE RURAL REGIONAL COLLEGE OPERATING ON ITS OWN WITHOUT A PARTNER INSTITUTION, A STUDENT SHALL ONLY BE ELIGIBLE FOR CONSIDERATION FOR A PENNSYLVANIA STATE GRANT AND ANY OTHER COMMONWEALTH-FUNDED FINANCIAL AID IF THE RURAL REGIONAL COLLEGE IS APPROVED BY THE DEPARTMENT OF EDUCATION, IS ACCREDITED OR A RECOGNIZED CANDIDATE FOR ACCREDITATION WITH AN ACCREDITING BODY RECOGNIZED UNDER RULES AND REGULATIONS OF THE PENNSYLVANIA HIGHER EDUCATION ASSISTANCE AGENCY AND SATISFIES ANY OTHER INSTITUTIONAL AND ADMINISTRATIVE
PROGRAM REQUIREMENTS AS THE PENNSYLVANIA HIGHER EDUCATION
ASSISTANCE AGENCY MAY REQUIRE.

SECTION 1915-G. REGULATIONS.

THE STATE BOARD MAY PROMULGATE REGULATIONS UNDER THE ACT OF
JUNE 25, 1982 (P.L.633, NO.181), KNOWN AS THE REGULATORY REVIEW
ACT, AS NECESSARY TO IMPLEMENT THIS ARTICLE.

SECTION 1916-G. REPORTS.

THE LEGISLATIVE BUDGET AND FINANCE COMMITTEE SHALL PREPARE
AND SUBMIT TO THE GENERAL ASSEMBLY WRITTEN INTERIM AND FINAL
REPORTS EVALUATING THE OPERATION OF THIS ARTICLE. THE INTERIM
REPORT SHALL BE SUBMITTED BY JUNE 30, 2018, AND THE FINAL REPORT
SHALL BE SUBMITTED BY JUNE 30, 2022. EACH REPORT SHALL INCLUDE,
BUT MAY NOT BE LIMITED TO, THE FOLLOWING:

(1) A REVIEW OF THE SUCCESS OF THE RURAL REGIONAL
COLLEGE ESTABLISHED UNDER THIS ARTICLE IN SATISFYING THE
GOALS SET FORTH IN THE RURAL REGIONAL COLLEGE PLAN APPROVED
BY THE SECRETARY AND IN SATISFYING THE NEEDS OF THE
MULTICOUNTY AREA THE RURAL REGIONAL COLLEGE WAS ESTABLISHED
TO SERVE.

(2) DEMOGRAPHIC AND PROGRAM DATA, INCLUDING THE
FOLLOWING:

(I) NUMBERS OF FULL-TIME AND PART-TIME FACULTY AND
STUDENT ENROLLMENTS, IN TOTAL AND WITHIN CURRICULAR
AREAS.

(II) DUAL ENROLLMENT PARTICIPATION.

(III) CREDIT HOURS TAUGHT BY FACULTY.

(IV) DISTANCE LEARNING COURSES OFFERED.

(V) ARTICULATION AGREEMENTS WITH HIGHER EDUCATION
INSTITUTIONS.

(VI) LISTS OF COURSES WITH FEWER THAN 20 STUDENTS.
(VII) LISTS OF COURSES WITH MORE THAN 50 STUDENTS.
WHERE AVAILABLE, STUDENT DATA SHALL BE DISAGGREGATED BY CATEGORIES, INCLUDING GENDER, RACE AND AGE.

(3) STUDENT PROGRESS AND ACHIEVEMENT MEASURES, INCLUDING THE FOLLOWING:
(I) RETENTION RATES RELATED TO STUDENT GOALS.
(II) GRADUATION AND COMPLETION RATES AFTER TWO, THREE AND FOUR YEARS.
(III) PASSING RATES ON CERTIFICATION AND LICENSURE EXAMINATIONS.
(IV) NUMBER OF STUDENTS EMPLOYED WITHIN ONE YEAR OF PROGRAM COMPLETION.
(V) PLACEMENT INTO ADDITIONAL EDUCATION OR EMPLOYMENT IN THE STUDENT'S FIELD OF STUDY.

WHERE AVAILABLE, DATA SHALL BE DISAGGREGATED BY CATEGORIES, INCLUDING GENDER, RACE AND AGE.

(4) ECONOMIC AND WORK FORCE DEVELOPMENT MEASURES, INCLUDING:
(I) EMPLOYER SATISFACTION.
(II) CUSTOMIZED JOB TRAINING OFFERINGS.
(III) EMPLOYMENT STATUS.
(IV) NUMBERS OF BUSINESSES AND ORGANIZATIONS SERVED.

(5) RECOMMENDATIONS FOR FUTURE LEGISLATION.

SECTION 1917-G. TRANSFERS OF CREDITS.
FOR PURPOSES OF FACILITATING THE TRANSFER OF CREDITS ATTAINED BY STUDENTS OF THE RURAL REGIONAL COLLEGE, THE RURAL REGIONAL COLLEGE SHALL BE CONSIDERED A PUBLIC INSTITUTION OF HIGHER EDUCATION AS DEFINED IN SECTION 2001-C AND, UPON THE RURAL REGIONAL COLLEGE BEING ABLE TO OPERATE ON ITS OWN, SHALL BE REQUIRED TO FULFILL ALL THE DUTIES AND OBTAIN FOR ITS STUDENTS
ALL THE BENEFITS OF ARTICLE XX-C WITHIN TWO YEARS OF OPERATION
OF THE ESTABLISHED RURAL REGIONAL COLLEGE.

SECTION 21. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:

SECTION 2320. STATE AID FOR FISCAL YEAR 2015-2016.

NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY,

EACH LIBRARY SUBJECT TO 24 PA.C.S. CH. 93 (RELATING TO PUBLIC
LIBRARY CODE), SHALL BE ELIGIBLE FOR STATE AID FOR FISCAL YEAR
2015-2016, AS FOLLOWS:

(1) FUNDS APPROPRIATED FOR LIBRARIES SHALL BE
DISTRIBUTED TO EACH LIBRARY UNDER THE FOLLOWING FORMULA:

(I) DIVIDE THE AMOUNT OF FUNDING THAT THE LIBRARY
RECEIVED IN FISCAL YEAR 2014-2015 UNDER SECTION 1722-
J(18) OF THE ACT OF APRIL 9, 1929 (P.L.343, NO.176),
KNOWN AS THE FISCAL CODE, BY THE TOTAL STATE-AID SUBSIDY

(II) MULTIPLY THE QUOTIENT UNDER SUBPARAGRAPH (I) BY
THE TOTAL STATE-AID SUBSIDY FOR FISCAL YEAR 2015-2016.

(2) FOLLOWING DISTRIBUTION OF FUNDS APPROPRIATED FOR
STATE AID TO LIBRARIES UNDER PARAGRAPH (1), ANY REMAINING
FUNDS MAY BE DISTRIBUTED AT THE DISCRETION OF THE STATE
LIBRARIAN.

(3) IF FUNDS APPROPRIATED FOR STATE AID TO LIBRARIES IN
FISCAL YEAR 2015-2016 ARE LESS THAN FUNDS APPROPRIATED IN
FISCAL YEAR 2002-2003, THE STATE LIBRARIAN MAY WAIVE
STANDARDS AS PRESCRIBED IN 24 PA.C.S. CH. 93.

(4) EACH LIBRARY SYSTEM RECEIVING STATE AID UNDER THIS
SECTION MAY DISTRIBUTE THE LOCAL LIBRARY SHARE OF THAT AID IN
A MANNER AS DETERMINED BY THE BOARD OF DIRECTORS OF THE
LIBRARY SYSTEM.

(5) IN THE CASE OF A LIBRARY SYSTEM THAT CONTAINS A
LIBRARY OPERATING IN A CITY OF THE SECOND CLASS, CHANGES TO
THE DISTRIBUTION OF STATE AID TO THE LIBRARY SHALL BE MADE BY
MUTUAL AGREEMENT BETWEEN THE LIBRARY AND THE LIBRARY SYSTEM.

(6) IN THE EVENT OF A CHANGE IN DISTRICT LIBRARY CENTER
POPULATION PRIOR TO THE EFFECTIVE DATE OF THIS SECTION AS A
RESULT OF:

(I) A CITY, BOROUGH, TOWN, TOWNSHIP, SCHOOL DISTRICT
OR COUNTY MOVING FROM ONE LIBRARY CENTER TO ANOTHER; OR

(II) A TRANSFER OF DISTRICT LIBRARY CENTER STATUS TO
A COUNTY LIBRARY SYSTEM.

FUNDING OF DISTRICT LIBRARY CENTER AID SHALL BE PAID BASED ON
THE POPULATION OF THE NEWLY ESTABLISHED OR RECONFIGURED
DISTRICT LIBRARY CENTER.

(7) IN THE EVENT OF A CHANGE IN DIRECT SERVICE AREA FROM
ONE LIBRARY TO ANOTHER, THE STATE LIBRARIAN, UPON AGREEMENT
OF THE AFFECTED LIBRARIES, MAY REDISTRIBUTE THE LOCAL LIBRARY
SHARE OF AID TO THE LIBRARY CURRENTLY SERVICING THE AREA.

SECTION 2502.53. STUDENT-WEIGHTED BASIC EDUCATION FUNDING.--

(A) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

(1) THE STUDENT-WEIGHTED BASIC EDUCATION FUNDING FORMULA IS
THE RESULT OF THE WORK OF THE BASIC EDUCATION FUNDING COMMISSION
ESTABLISHED PURSUANT TO SECTION 123.

(2) IN THE 2014-2015 SCHOOL YEAR, THE STUDENT-WEIGHTED BASIC
EDUCATION FUNDING FORMULA IS ONE PART OF THE ALLOCATION
DETERMINED IN SECTION 2502.54.

(3) BEGINNING IN THE 2015-2016 SCHOOL YEAR, THE STUDENT-
WEIGHTED BASIC EDUCATION FORMULA WILL BE USED TO DISTRIBUTE THE
DIFFERENCE BETWEEN THE AMOUNT APPROPRIATED FOR THE SCHOOL YEAR
AND THE AMOUNT APPROPRIATED FOR THE DISTRIBUTION UNDER SECTION
2502.54.
(B) FOR THE 2015-2016 SCHOOL YEAR AND EACH SCHOOL YEAR THEREAFTER, THE COMMONWEALTH SHALL PAY TO EACH SCHOOL DISTRICT A BASIC EDUCATION FUNDING ALLOCATION WHICH SHALL CONSIST OF THE FOLLOWING:

(1) AN AMOUNT EQUAL TO THE SCHOOL DISTRICT'S TRANSITION TO STUDENT-WEIGHTED BASIC EDUCATION FUNDING ALLOCATION FOR THE 2014-2015 SCHOOL YEAR UNDER SECTION 2502.54.

(2) A STUDENT-BASED ALLOCATION TO BE CALCULATED AS FOLLOWS:
   (I) MULTIPLY THE SCHOOL DISTRICT'S STUDENT-WEIGHTED AVERAGE DAILY MEMBERSHIP BY THE MEDIAN HOUSEHOLD INDEX AND LOCAL EFFORT CAPACITY INDEX.
   (II) MULTIPLY THE PRODUCT IN SUBPARAGRAPH (I) BY THE DIFFERENCE BETWEEN THE AMOUNT APPROPRIATED FOR THE ALLOCATION OF BASIC EDUCATION FUNDING TO SCHOOL DISTRICTS AND THE AMOUNT APPROPRIATED FOR THE ALLOCATION IN PARAGRAPH (1).
   (III) DIVIDE THE PRODUCT IN SUBPARAGRAPH (II) BY THE SUM OF THE PRODUCTS IN SUBPARAGRAPH (I) FOR ALL SCHOOL DISTRICTS.

(C) FOR THE PURPOSE OF THIS SECTION:

(1) STUDENT-WEIGHTED AVERAGE DAILY MEMBERSHIP FOR A SCHOOL DISTRICT SHALL BE THE SUM OF THE FOLLOWING:
   (I) THE AVERAGE OF THE SCHOOL DISTRICT'S THREE MOST RECENT YEARS' AVERAGE DAILY MEMBERSHIP.
   (II) THE ACUTE POVERTY AVERAGE DAILY MEMBERSHIP CALCULATED AS FOLLOWS:
      (A) MULTIPLY THE SCHOOL DISTRICT'S ACUTE POVERTY PERCENTAGE BY ITS AVERAGE DAILY MEMBERSHIP.
      (B) MULTIPLY THE PRODUCT IN CLAUSE (A) BY SIX-TENTHS (0.6).
      (III) THE POVERTY AVERAGE DAILY MEMBERSHIP CALCULATED AS
         (A) MULTIPLY THE SCHOOL DISTRICT'S POVERTY PERCENTAGE BY ITS
AVERAGE DAILY MEMBERSHIP.

(B) MULTIPLY THE PRODUCT IN CLAUSE (A) BY THREE-TENTHS (0.3).

(IV) THE CONCENTRATED POVERTY AVERAGE DAILY MEMBERSHIP FOR QUALIFYING SCHOOL DISTRICTS WITH AN ACUTE POVERTY PERCENTAGE EQUAL TO OR GREATER THAN THIRTY PERCENT (30%), TO BE CALCULATED AS FOLLOWS:

(A) MULTIPLY THE SCHOOL DISTRICT'S ACUTE POVERTY PERCENTAGE BY ITS AVERAGE DAILY MEMBERSHIP.

(B) MULTIPLY THE PRODUCT IN CLAUSE (A) BY THREE-TENTHS (0.3).

(V) THE NUMBER OF THE SCHOOL DISTRICT'S LIMITED ENGLISH-PROFICIENT STUDENTS MULTIPLIED BY SIX-TENTHS (0.6).

(VI) THE AVERAGE DAILY MEMBERSHIP FOR THE SCHOOL DISTRICT'S STUDENTS ENROLLED IN CHARTER SCHOOLS AND CYBER CHARTER SCHOOLS MULTIPLIED BY TWO-TENTHS (0.2).

(VII) THE SPARSITY/SIZE ADJUSTMENT FOR QUALIFYING SCHOOL DISTRICTS WITH A SPARSITY/SIZE RATIO GREATER THAN THE SPARSITY/SIZE RATIO THAT REPRESENTS THE 70TH PERCENTILE SPARSITY/SIZE RATIO FOR ALL SCHOOL DISTRICTS CALCULATED AS FOLLOWS:

(A) DIVIDE THE SCHOOL DISTRICT'S SPARSITY/SIZE RATIO BY THE SPARSITY/SIZE RATIO THAT REPRESENTS THE 70TH PERCENTILE FOR ALL SCHOOL DISTRICTS.

(B) SUBTRACT ONE (1) FROM THE QUOTIENT IN CLAUSE (A).

(C) MULTIPLY THE SUM OF SUBPARAGRAPHS (I), (II), (III), (IV), (V) AND (VI) BY THE AMOUNT IN CLAUSE (B).

(D) MULTIPLY THE PRODUCT IN CLAUSE (C) BY SEVEN-TENTHS (0.7).

(2) LOCAL EFFORT INDEX FOR A SCHOOL DISTRICT SHALL BE 20150HB0530PN2658 - 227 -
CALCULATED AS FOLLOWS:

(I) DETERMINE THE SCHOOL DISTRICT'S LOCAL EFFORT FACTOR CALCULATED AS FOLLOWS:

(A) MULTIPLY THE SCHOOL DISTRICT'S MEDIAN HOUSEHOLD INCOME BY ITS NUMBER OF HOUSEHOLDS.

(B) DIVIDE THE SCHOOL DISTRICT'S LOCAL TAX-RELATED REVENUE BY THE PRODUCT IN CLAUSE (A).

(C) MULTIPLY THE QUOTIENT IN CLAUSE (B) BY ONE THOUSAND (1,000).

(D) DIVIDE THE PRODUCT IN CLAUSE (C) BY THE STATEWIDE MEDIAN OF CLAUSE (C).

(II) DETERMINE THE SCHOOL DISTRICT'S EXCESS SPENDING FACTOR, TO BE CALCULATED AS FOLLOWS:

(A) DIVIDE THE SCHOOL DISTRICT'S CURRENT EXPENDITURES BY THE SUM OF ITS AVERAGE DAILY MEMBERSHIP AND THE AMOUNTS IN PARAGRAPH (1) (II), (III), (IV), (V), (VI) AND (VII).

(B) DIVIDE THE QUOTIENT IN CLAUSE (A) BY THE STATEWIDE MEDIAN OF CLAUSE (A).

(C) DIVIDE ONE (1) BY THE QUOTIENT IN CLAUSE (B).

(III) MULTIPLY THE SCHOOL DISTRICT'S LOCAL EFFORT FACTOR BY THE LESSER OF ONE (1) OR THE SCHOOL DISTRICT'S EXCESS SPENDING FACTOR.

(3) LOCAL CAPACITY INDEX FOR A QUALIFYING SCHOOL DISTRICT SHALL BE CALCULATED AS FOLLOWS:

(I) DIVIDE THE SCHOOL DISTRICT'S LOCAL TAX-RELATED REVENUE BY THE SUM OF ITS MARKET VALUE AND PERSONAL INCOME VALUATION.

(II) MULTIPLY THE SUM OF THE SCHOOL DISTRICT'S MARKET VALUE AND PERSONAL INCOME VALUATION BY THE STATEWIDE MEDIAN OF SUBPARAGRAPH (I).

(III) DETERMINE THE SCHOOL DISTRICT'S LOCAL CAPACITY PER...
STUDENT BY DIVIDING THE PRODUCT IN SUBPARAGRAPH (II) BY THE SUM
OF ITS AVERAGE DAILY MEMBERSHIP AND THE AMOUNTS IN PARAGRAPH (I)
(II), (III), (IV), (V), (VI) AND (VII).

(IV) IF THE SCHOOL DISTRICT'S LOCAL CAPACITY PER STUDENT IS
LESS THAN THE STATEWIDE MEDIAN OF SUBPARAGRAPH (III):
(A) DIVIDE THE SCHOOL DISTRICT'S LOCAL CAPACITY PER STUDENT
BY THE STATEWIDE MEDIAN.
(B) SUBTRACT THE QUOTIENT IN CLAUSE (A) FROM ONE (1).

(4) LOCAL EFFORT CAPACITY INDEX FOR A SCHOOL DISTRICT SHALL
EQUAL THE SUM OF ITS LOCAL EFFORT INDEX AND LOCAL CAPACITY
INDEX.

(5) THE DATA USED TO CALCULATE THE FACTORS AND INDEXES IN
THIS SECTION SHALL BE BASED ON THE MOST RECENT YEARS FOR WHICH
DATA IS AVAILABLE AS DETERMINED BY THE DEPARTMENT OF EDUCATION.

(D) FOR PURPOSES OF THIS SECTION:
(1) "HOUSEHOLDS" SHALL MEAN THE NUMBER OF HOUSEHOLDS IN EACH
SCHOOL DISTRICT AS DETERMINED BY THE MOST RECENT FIVE-YEAR
ESTIMATE OF THE UNITED STATES CENSUS BUREAU'S AMERICAN COMMUNITY
SURVEY.

(2) "LOCAL TAX-RELATED REVENUE" SHALL MEAN THE SUM OF SCHOOL
DISTRICT REVENUES FOR STATE PROPERTY TAX REDUCTION ALLOCATION,
TAXES LEVIED AND ASSESSED, DELINQUENCIES ON TAXES LEVIED AND
ASSESSED, REVENUE FROM LOCAL GOVERNMENT UNITS, AND OTHER LOCAL
REVENUES NOT SPECIFIED ELSEWHERE, AS DESIGNATED IN THE MANUAL OF
ACCOUNTING AND FINANCIAL REPORTING FOR PENNSYLVANIA PUBLIC
SCHOOLS.

(3) "MEDIAN HOUSEHOLD INCOME" SHALL MEAN THE MEDIAN
HOUSEHOLD INCOME FOR SCHOOL DISTRICTS AND THE STATE AS
DETERMINED BY THE MOST RECENT FIVE-YEAR ESTIMATE OF THE UNITED
STATES CENSUS BUREAU'S AMERICAN COMMUNITY SURVEY.
"MEDIAN HOUSEHOLD INCOME INDEX" SHALL MEAN A NUMBER CALCULATED AS FOLLOWS:

(I) DIVIDE A SCHOOL DISTRICT'S MEDIAN HOUSEHOLD INCOME BY THE STATE MEDIAN HOUSEHOLD INCOME.

(II) DIVIDE ONE (1) BY THE QUOTIENT IN SUBPARAGRAPH (I).

"SIZE RATIO" SHALL MEAN A NUMBER CALCULATED AS FOLLOWS:

(I) DIVIDE THE AVERAGE OF A SCHOOL DISTRICT'S THREE MOST RECENT YEARS' AVERAGE DAILY MEMBERSHIP BY THE STATEWIDE AVERAGE OF THE THREE MOST RECENT YEARS' AVERAGE DAILY MEMBERSHIP FOR ALL SCHOOL DISTRICTS.

(II) MULTIPLY THE AMOUNT IN SUBPARAGRAPH (I) BY FIVE-TENTHS (0.5).

(III) SUBTRACT THE AMOUNT IN SUBPARAGRAPH (II) FROM ONE (1).

"SPARSITY RATIO" SHALL MEAN A NUMBER CALCULATED AS FOLLOWS:

(I) DIVIDE THE AVERAGE OF A SCHOOL DISTRICT'S THREE MOST RECENT YEARS' AVERAGE DAILY MEMBERSHIP BY ITS TOTAL SQUARE MILES AS REPORTED IN THE LATEST DECENNIAL CENSUS AS REPORTED BY UNITED STATES CENSUS BUREAU.

(II) DIVIDE THE STATE TOTAL AVERAGE DAILY MEMBERSHIP BY THE STATE TOTAL SQUARE MILES.

(III) DIVIDE THE QUOTIENT IN SUBPARAGRAPH (I) BY THE QUOTIENT IN SUBPARAGRAPH (II).

(IV) MULTIPLY THE QUOTIENT IN SUBPARAGRAPH (III) BY FIVE-TENTHS (0.5).

(V) SUBTRACT THE PRODUCT IN SUBPARAGRAPH (IV) FROM ONE (1).

"SPARSITY/SIZE RATIO" SHALL MEAN A NUMBER CALCULATED BY ADDING THE FOLLOWING AMOUNTS:

(I) THE SPARSITY RATIO MULTIPLIED BY FOUR-TENTHS (0.4).

(II) THE SIZE RATIO MULTIPLIED BY SIX-TENTHS (0.6).
(8) "ACUTE POVERTY PERCENTAGE" SHALL MEAN THE NUMBER OF CHILDREN SIX TO SEVENTEEN YEARS OF AGE LIVING IN A HOUSEHOLD WHERE THE RATIO OF INCOME TO POVERTY IS LESS THAN ONE HUNDRED PERCENT (100%) OF THE FEDERAL POVERTY GUIDELINES DIVIDED BY THE TOTAL NUMBER OF CHILDREN SIX TO SEVENTEEN YEARS OF AGE AS DETERMINED BY THE MOST RECENT FIVE-YEAR ESTIMATE OF THE UNITED STATES CENSUS BUREAU'S AMERICAN COMMUNITY SURVEY.

(9) "POVERTY PERCENTAGE" SHALL MEAN THE NUMBER OF CHILDREN SIX TO SEVENTEEN YEARS OF AGE LIVING IN A HOUSEHOLD WHERE THE RATIO OF INCOME TO POVERTY IS BETWEEN ONE HUNDRED PERCENT (100%) AND ONE HUNDRED EIGHTY-FOUR PERCENT (184%) OF THE FEDERAL POVERTY GUIDELINES DIVIDED BY THE TOTAL NUMBER OF CHILDREN SIX TO SEVENTEEN YEARS OF AGE AS DETERMINED BY THE MOST RECENT FIVE-YEAR ESTIMATE OF THE UNITED STATES CENSUS BUREAU'S AMERICAN COMMUNITY SURVEY.

SECTION 2502.54. TRANSITION TO STUDENT-WEIGHTED BASIC EDUCATION FUNDING FOR 2014-2015 SCHOOL YEAR.--(A) FOR THE 2014-2015 SCHOOL YEAR, THE COMMONWEALTH SHALL PAY TO EACH SCHOOL DISTRICT A TRANSITION TO STUDENT-WEIGHTED BASIC EDUCATION FUNDING ALLOCATION AS FOLLOWS:

(1) AN AMOUNT EQUAL TO THE BASIC EDUCATION FUNDING ALLOCATION FOR THE 2013-2014 SCHOOL YEAR.

(2) FOR A THIRD CLASS SCHOOL DISTRICT IDENTIFIED IN FINANCIAL WATCH STATUS UNDER SECTION 611-A FOR TWO OR MORE YEARS THAT HAS CURTAILED ITS EDUCATIONAL PROGRAM BY ELIMINATING ITS HIGH SCHOOL PROGRAM AND HAS ASSIGNED ITS PUPILS TO A NEIGHBORING SCHOOL DISTRICT THROUGH A WRITTEN AGREEMENT WITH THE NEIGHBORING SCHOOL DISTRICT, AN AMOUNT EQUAL TO THREE MILLION DOLLARS ($3,000,000), TO BE USED AS DESCRIBED IN THE WRITTEN AGREEMENT BETWEEN THE TWO SCHOOL DISTRICTS.
(3) FOR A SECOND CLASS SCHOOL DISTRICT DECLARED TO BE IN FINANCIAL RECOVERY STATUS UNDER SECTION 621-A(A)(1)(I)(B), AN AMOUNT EQUAL TO TWELVE MILLION DOLLARS ($12,000,000), TO BE USED TO REDUCE THE SCHOOL DISTRICT'S STRUCTURAL DEFICIT.

(4) AN ALLOCATION INCREASE CALCULATED FOR EACH SCHOOL DISTRICT AS FOLLOWS:

(I) DETERMINE THE GREATER OF THE AMOUNT IN SUBSECTION (B) PRORATED TO THREE HUNDRED FIFTY MILLION DOLLARS ($350,000,000)

OR THE AMOUNT IN SECTION 2502.53(B)(2) CALCULATED WITH THREE HUNDRED FIFTY MILLION DOLLARS ($350,000,000).

(II) MULTIPLY THE AMOUNT FROM SUBPARAGRAPH (I) BY THREE HUNDRED FIFTY MILLION DOLLARS ($350,000,000).

(III) DIVIDE THE AMOUNT FROM SUBPARAGRAPH (II) BY THE TOTAL OF THE AMOUNTS IN SUBPARAGRAPH (I) FOR ALL SCHOOL DISTRICTS.

(B) AN ALLOCATION INCREASE FOR EACH SCHOOL DISTRICT THAT IS THE SUM OF THE FOLLOWING:

(1) AN AMOUNT EQUAL TO THE SCHOOL DISTRICT'S ORIGINAL ACCOUNTABILITY BLOCK GRANT ALLOCATION IN 2010-2011 UNDER SECTION 1722-L(A)(10) OF "THE FISCAL CODE" MINUS THE SCHOOL DISTRICT'S ALLOCATION UNDER SECTION 1722-J(21)(I) OF "THE FISCAL CODE."

(2) AN AMOUNT EQUAL TO THE SCHOOL DISTRICT'S ORIGINAL EDUCATIONAL ASSISTANCE PROGRAM FUNDING ALLOCATION IN 2010-2011 UNDER SECTION 1722-L(A)(9) OF "THE FISCAL CODE."

(3) AN AMOUNT ON ACCOUNT OF TUITION COSTS FOR RESIDENT STUDENTS ENROLLED IN A CHARTER SCHOOL APPROVED UNDER SECTION 1717-A OR 1718-A OR A CYBER CHARTER SCHOOL APPROVED UNDER SECTION 1741-A CALCULATED AS FOLLOWS:

(I) MULTIPLY THE TUITION TO PENNSYLVANIA CHARTER SCHOOLS AND CYBER CHARTER SCHOOLS AS REPORTED ON THE SCHOOL DISTRICT'S 2013-2014 ANNUAL FINANCIAL REPORT BY ONE HUNDRED FIFTY MILLION
DOLLARS ($150,000,000).

(II) DIVIDE THE PRODUCT IN CLAUSE (A) BY THE SUM OF THE PRODUCTS IN CLAUSE (A) FOR ALL SCHOOL DISTRICTS.

(4) AN AMOUNT TO FURTHER PROVIDE BASIC EDUCATION FUNDING CALCULATED AS FOLLOWS:

(I) SUBTRACT THE SCHOOL DISTRICT'S BASIC EDUCATION FUNDING ALLOCATION FOR THE 2009-2010 SCHOOL YEAR UNDER SECTION 1722-L(A) (14) OF "THE FISCAL CODE" FROM THE SCHOOL DISTRICT'S BASIC EDUCATION ALLOCATION FOR THE 2013-2014 SCHOOL YEAR UNDER SECTION 1722-J(16) OF "THE FISCAL CODE."

(II) IF THE DIFFERENCE IN SUBPARAGRAPH (I) IS LESS THAN ZERO DOLLARS ($0), MULTIPLY THE DIFFERENCE IN SUBPARAGRAPH (I) BY FIFTY-THREE MILLION THREE HUNDRED EIGHTY-FOUR THOUSAND DOLLARS ($53,384,000).

(III) DIVIDE THE PRODUCT IN SUBPARAGRAPH (II) BY THE SUM OF THE DIFFERENCES IN SUBPARAGRAPH (II) FOR ALL SCHOOL DISTRICTS WHERE THE DIFFERENCE IS LESS THAN ZERO DOLLARS ($0).

SECTION 2508.6. CAREER AND TECHNICAL EDUCATION CAREER PREPARATION.--FOR THE 2015-2016 SCHOOL YEAR, THE SUM OF EIGHT MILLION DOLLARS ($8,000,000) SHALL BE DISTRIBUTED ON A COMPETITIVE BASIS TO SCHOOL DISTRICTS AND AREA VOCATIONAL-TECHNICAL PROGRAMS TO OFFER COLLEGE AND CAREER COUNSELING IN MIDDLE AND HIGH SCHOOLS IN ORDER TO DEVELOP PATHWAYS FOR STUDENTS TO PURSUE HIGH-SKILL CAREERS.

SECTION 22. SECTIONS 2509.1 AND 2509.5 OF THE ACT ARE AMENDED BY ADDING SUBSECTIONS TO READ:

SECTION 2509.1. PAYMENTS TO INTERMEDIATE UNITS.--* * *

(C.2) (1) FOR THE 2015-2016 SCHOOL YEAR, FIVE AND FOUR TENTHS PERCENT (5.4%) OF THE STATE SPECIAL EDUCATION APPROPRIATION SHALL BE PAID TO INTERMEDIATE UNITS ON ACCOUNT OF
SPECIAL EDUCATION SERVICES.

(2) THIRTY-FIVE PERCENT (35%) OF THE AMOUNT UNDER PARAGRAPH (1) SHALL BE DISTRIBUTED EQUALLY AMONG ALL INTERMEDIATE UNITS.

(3) SIXTY-FIVE PERCENT (65%) OF THE AMOUNT UNDER PARAGRAPH (1) SHALL BE DISTRIBUTED TO EACH INTERMEDIATE UNIT IN PROPORTION TO THE NUMBER OF AVERAGE DAILY MEMBERSHIP OF THE COMPONENT SCHOOL DISTRICTS OF EACH INTERMEDIATE UNIT AS COMPARED TO THE STATEWIDE TOTAL AVERAGE DAILY MEMBERSHIP.

* * *

SECTION 2509.5. SPECIAL EDUCATION PAYMENTS TO SCHOOL DISTRICTS.--* * *

(BBB) (1) DURING THE 2015-2016 SCHOOL YEAR AND EACH SCHOOL YEAR THEREAFTER, EACH SCHOOL DISTRICT SHALL RECEIVE AN AMOUNT EQUAL TO THE AMOUNT IT RECEIVED DURING THE 2013-2014 SCHOOL YEAR UNDER SUBSECTION (AAA) AND A STUDENT-BASED ALLOCATION EQUAL TO THE DIFFERENCE BETWEEN THE AMOUNT ALLOCATED FOR SPECIAL EDUCATION PAYMENTS FOR SCHOOL DISTRICTS AND THE SUM OF THE AMOUNTS PAID UNDER SUBSECTION (AAA) DURING THE 2013-2014 SCHOOL YEAR TO ALL SCHOOL DISTRICTS. THE STUDENT-BASED ALLOCATION FOR EACH SCHOOL DISTRICT SHALL BE CALCULATED AS FOLLOWS:


(II) MULTIPLY THE PRODUCT UNDER SUBPARAGRAPH (I) BY THE TOTAL AMOUNT AVAILABLE FOR THE STUDENT-BASED ALLOCATION.

(III) DIVIDE THE PRODUCT UNDER SUBPARAGRAPH (II) BY THE SUM OF THE PRODUCTS UNDER SUBPARAGRAPH (I) FOR ALL SCHOOL DISTRICTS.

(2) FOR THE PURPOSES OF PARAGRAPH (1)(I):
(I) The weighted special education student headcount shall be calculated for each school district as follows:

(A) Multiply the number of special education students who reside in the school district for which the annual expenditure is in category 1 by one and fifty-one hundredths (1.51).

(B) Multiply the number of special education students who reside in the school district for which the annual expenditure is in category 2 by three and seventy-seven hundredths (3.77).

(C) Multiply the number of special education students who reside in the school district for which the annual expenditure is in category 3 by seven and forty-six hundredths (7.46).

(D) Add the products under clauses (A), (B) and (C).

(II) The sparsity ratio shall be calculated for each school district as follows:

(A) Divide the school district's average daily membership per square mile by the commonwealth's average daily membership per square mile.

(B) Multiply the quotient under clause (A) by one-half (0.5).

(C) Subtract the product under clause (B) from one (1).

(III) The size ratio for each school district shall be calculated as follows:

(A) Divide the school district's average daily membership by the average of the average daily membership of all school districts.

(B) Multiply the quotient under clause (A) by one-half (0.5).

(C) Subtract the product under clause (B) from one (1).

(IV) The sparsity/size ratio for each school district shall be calculated by adding forty percent (40%) of the sparsity.
RATIO AND SIXTY PERCENT (60%) OF THE SIZE RATIO.

(V) THE SPARSITY/SIZE ADJUSTMENT FOR EACH SCHOOL DISTRICT SHALL BE CALCULATED AS FOLLOWS:

(A) FOR A SCHOOL DISTRICT WITH A SPARSITY/SIZE RATIO LESS THAN OR EQUAL TO THE SPARSITY/SIZE RATIO THAT REPRESENTS THE SEVENTIETH PERCENTILE OF THE SPARSITY/SIZE RATIO OF ALL SCHOOL DISTRICTS, THE SCHOOL DISTRICT'S SPARSITY/SIZE ADJUSTMENT SHALL BE ZERO (0).

(B) FOR A SCHOOL DISTRICT WITH A SPARSITY/SIZE RATIO GREATER THAN THE SPARSITY/SIZE RATIO THAT REPRESENTS THE SEVENTIETH PERCENTILE OF THE SPARSITY/SIZE RATIO OF ALL SCHOOL DISTRICTS, THE SCHOOL DISTRICT'S SPARSITY/SIZE ADJUSTMENT SHALL BE CALCULATED AS FOLLOWS:

(I) DIVIDE THE SCHOOL DISTRICT'S SPARSITY/SIZE RATIO BY THE SPARSITY/SIZE RATIO THAT REPRESENTS THE SEVENTIETH PERCENTILE OF THE SPARSITY/SIZE RATIO OF ALL SCHOOL DISTRICTS.

(II) SUBTRACT ONE (1) FROM THE QUOTIENT UNDER SUBCLAUSE (I).

(III) MULTIPLY THE REMAINDER UNDER SUBCLAUSE (II) BY ONE-HALF (0.5).

(IV) MULTIPLY THE PRODUCT UNDER SUBCLAUSE (III) BY THE SCHOOL DISTRICT'S WEIGHTED SPECIAL EDUCATION STUDENT HEADCOUNT.

(VI) THE EQUALIZED MILLAGE MULTIPLIER FOR EACH SCHOOL DISTRICT SHALL BE CALCULATED AS FOLLOWS:

(A) FOR A SCHOOL DISTRICT WITH AN EQUALIZED MILLAGE RATE GREATER THAN OR EQUAL TO THE EQUALIZED MILLAGE RATE THAT REPRESENTS THE SEVENTIETH PERCENTILE OF THE EQUALIZED MILLAGE RATE OF ALL SCHOOL DISTRICTS, THE SCHOOL DISTRICT'S EQUALIZED MILLAGE MULTIPLIER SHALL BE ONE (1).

(B) FOR A SCHOOL DISTRICT WITH AN EQUALIZED MILLAGE RATE LESS THAN THE EQUALIZED MILLAGE RATE THAT REPRESENTS THE
SEVENTIETH PERCENTILE OF THE EQUALIZED MILLAGE RATE OF ALL
SCHOOL DISTRICTS, THE SCHOOL DISTRICT'S EQUALIZED MILLAGE
MULTIPLIER SHALL BE CALCULATED BY DIVIDING THE SCHOOL DISTRICT'S
EQUALIZED MILLAGE RATE BY THE EQUALIZED MILLAGE RATE THAT
REPRESENTS THE SEVENTIETH PERCENTILE OF THE EQUALIZED MILLAGE
RATE OF ALL SCHOOL DISTRICTS.

(VII) THE DOLLAR RANGES FOR THE ANNUAL EXPENDITURE AMOUNTS
DESIGNATED AS CATEGORY 1, CATEGORY 2 AND CATEGORY 3 UNDER
SUBPARAGRAPH (I) SHALL BE BASED ON THE INFORMATION REPORTED TO
THE DEPARTMENT UNDER SECTION 1372(8). FOR THE PURPOSES OF
SUBPARAGRAPH (I), CATEGORY 3 SHALL BE THE SUM OF THE STUDENTS
REPORTED IN CATEGORIES 3A AND 3B UNDER SECTION 1372(8).

(VIII) THE DATA USED TO CALCULATE THE WEIGHTED SPECIAL
EDUCATION STUDENT HEADCOUNT UNDER SUBPARAGRAPH (I) SHALL BE
BASED ON INFORMATION FROM THE MOST RECENT YEAR FOR WHICH DATA IS
AVAILABLE AS DETERMINED BY THE DEPARTMENT OF EDUCATION. THE DATA
USED TO CALCULATE THE PROVISIONS UNDER SUBPARAGRAPHS (II),
(III), (IV), (V) AND (VI) SHALL BE AVERAGED FOR THE THREE MOST
RECENT YEARS FOR WHICH DATA IS AVAILABLE AS DETERMINED BY THE
DEPARTMENT OF EDUCATION.

SECTION 23. SECTION 2509.8(E) OF THE ACT, ADDED DECEMBER 23,
2003 (P.L.304, NO.48), IS AMENDED AND THE SECTION IS AMENDED BY
ADDING A SUBSECTION TO READ:

SECTION 2509.8. EXTRAORDINARY SPECIAL EDUCATION PROGRAM
EXPENSES.--* * *
(E) FOR THE 2003-2004 SCHOOL YEAR [AND EACH SCHOOL YEAR
EDUCATION SHALL SET ASIDE ONE PERCENT (1%) OF THE SPECIAL
EDUCATION APPROPRIATION FOR EXTRAORDINARY EXPENSES INCURRED IN
PROVIDING A SPECIAL EDUCATION PROGRAM OR SERVICE TO ONE OR MORE
STUDENTS WITH DISABILITIES AS APPROVED BY THE SECRETARY OF
EDUCATION. SUCH SPECIAL EDUCATION PROGRAM OR SERVICE SHALL
INCLUDE, BUT NOT BE LIMITED TO, THE TRANSPORTATION OF STUDENTS
WITH DISABILITIES; SERVICES RELATED TO OCCUPATIONAL THERAPY,
PHYSICAL THERAPY, SPEECH AND LANGUAGE, HEARING IMPAIRMENTS OR
VISUAL IMPAIRMENTS; OR TRAINING IN ORIENTATION AND MOBILITY FOR
CHILDREN WHO ARE VISUALLY IMPAIRED OR BLIND.

(F) (I) FOR THE 2015-2016 SCHOOL YEAR AND EACH SCHOOL YEAR
THEREAFTER, AN AMOUNT EQUAL TO ONE PERCENT (1%) OF THE SPECIAL
EDUCATION Appropriation SHALL BE DISTRIBUTED TO SCHOOL DISTRICTS
AND CHARTER SCHOOLS FOR EXTRAORDINARY EXPENSES INCURRED IN
PROVIDING A SPECIAL EDUCATION PROGRAM OR SERVICE TO ONE OR MORE
STUDENTS WITH DISABILITIES AS APPROVED BY THE SECRETARY OF
EDUCATION. SUCH SPECIAL EDUCATION PROGRAM OR SERVICE SHALL
INCLUDE, BUT NOT BE LIMITED TO, THE TRANSPORTATION OF STUDENTS
WITH DISABILITIES; SERVICES RELATED TO OCCUPATIONAL THERAPY,
PHYSICAL THERAPY, SPEECH AND LANGUAGE, HEARING IMPAIRMENTS OR
VISUAL IMPAIRMENTS; OR TRAINING IN ORIENTATION AND MOBILITY FOR
CHILDREN WHO ARE VISUALLY IMPAIRED OR BLIND.

(II) FUNDS DISTRIBUTED TO A SCHOOL DISTRICT OR CHARTER
SCHOOL UNDER THIS SUBSECTION SHALL BE ALLOCATED FOR STUDENTS FOR
WHICH EXPENSES ARE INCURRED ON AN ANNUAL BASIS THAT ARE EQUAL TO
OR GREATER THAN SEVENTY-FIVE THOUSAND DOLLARS ($75,000) AS
FOLLOWS:

(A) FOR A STUDENT FOR WHOM EXPENSES ARE EQUAL TO OR GREATER
THAN SEVENTY-FIVE THOUSAND DOLLARS ($75,000) AND LESS THAN OR
EQUAL TO ONE HUNDRED THOUSAND DOLLARS ($100,000), SUBTRACT THE
STATE SUBSIDIES PAID ON BEHALF OF THE STUDENT TO THE SCHOOL
DISTRICT OR, FOR A STUDENT ENROLLED IN A CHARTER SCHOOL, THE
CHARTER SCHOOL PAYMENT RECEIVED BY THE CHARTER SCHOOL WHERE THE
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CHILD IS ENROLLED FROM THE EXPENSE INCURRED FOR THE STUDENT AND
MULTIPLY THE DIFFERENCE BY THE SCHOOL DISTRICT'S OR CHARTER
SCHOOL'S MARKET VALUE/PERSONAL INCOME AID RATIO.
(B) FOR A STUDENT FOR WHICH EXPENSES ARE GREATER THAN ONE
HUNDRED THOUSAND DOLLARS ($100,000), SUBTRACT THE STATE
SUBSIDIES PAID ON BEHALF OF THE STUDENT TO THE SCHOOL DISTRICT
OR, FOR A STUDENT ENROLLED IN A CHARTER SCHOOL, THE CHARTER
SCHOOL PAYMENT RECEIVED BY THE CHARTER SCHOOL WHERE THE CHILD IS
ENROLLED FROM THE EXPENSE INCURRED FOR THE STUDENT.
(III) NO SCHOOL DISTRICT OR CHARTER SCHOOL SHALL IN ANY
SCHOOL YEAR RECEIVE AN AMOUNT UNDER SUBCLAUSE (I) WHICH EXCEEDS
THE TOTAL AMOUNT OF FUNDING AVAILABLE MULTIPLIED BY THE
PERCENTAGE EQUAL TO THE GREATEST PERCENTAGE OF THE STATE'S
SPECIAL EDUCATION STUDENTS ENROLLED IN A SCHOOL DISTRICT OR
CHARTER SCHOOL.

SECTION 24. SECTION 2509.14 OF THE ACT IS REPEALED:

[SECTION 2509.14. SPECIAL EDUCATION FUNDING FOR ELIGIBLE
STUDENTS WITH DISABILITIES IN COST CATEGORY 3.--(A) FOR THE
2014-2015 SCHOOL YEAR AND EACH SCHOOL YEAR THEREAFTER, THE
DEPARTMENT OF EDUCATION SHALL SET ASIDE AN AMOUNT NOT LESS THAN
ONE PERCENT (1%) OF THE STATE SPECIAL EDUCATION APPROPRIATION
ABOVE THE LEVEL OF THE APPROPRIATION IN THE BASE YEAR. THE
DEPARTMENT OF EDUCATION SHALL DISTRIBUTE THIS AMOUNT AS PROVIDED
IN SUBSECTION (B).

(B) FOR THE 2014-2015 SCHOOL YEAR AND EACH SCHOOL YEAR
THEREAFTER, EACH SCHOOL DISTRICT IN THIS COMMONWEALTH SHALL
RECEIVE A PRO RATA SHARE OF THE AMOUNT SET ASIDE UNDER
SUBSECTION (A) BASED UPON THE NUMBER OF ELIGIBLE STUDENTS
RESIDING OR ENROLLED IN EACH SCHOOL DISTRICT AND CLASSIFIED IN
COST CATEGORY 3 DURING THE IMMEDIATELY PRECEDING SCHOOL YEAR.

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(C) THE FUNDING PROVIDED UNDER THIS SECTION SHALL BE ACCOUNTED FOR AS PART OF ACTUAL SPECIAL EDUCATION SPENDING AND AS PART OF THE SPECIAL EDUCATION ALLOCATION RECEIVED BY A SCHOOL DISTRICT, ACCORDING TO THE DEFINITIONS IN SECTION 2501. SCHOOL DISTRICTS SHALL ALSO ACCOUNT FOR THE FUNDING PROVIDED UNDER THIS SECTION AND THE RESULTING SERVICES AND SUPPORTS FOR ELIGIBLE STUDENTS THROUGH THE SPECIAL EDUCATION PLANS, REVISIONS, UPDATES AND AMENDMENTS REQUIRED BY SECTION 2509.15.

SECTION 25. SECTION 2510.3 OF THE ACT, ADDED JULY 9, 2013 (P.L.408, NO.59), IS AMENDED TO READ:

SECTION 2510.3. ASSISTANCE TO SCHOOL DISTRICTS DECLARED TO BE IN FINANCIAL RECOVERY STATUS OR IDENTIFIED FOR FINANCIAL WATCH STATUS.--(A) FOR THE 2013-2014 AND 2015-2016 FISCAL YEAR, THE DEPARTMENT OF EDUCATION MAY UTILIZE UP TO FOUR MILLION FIVE HUNDRED THOUSAND DOLLARS ($4,500,000) OF UNDISTRIBUTED FUNDS NOT EXPENDED, ENCUMBERED OR COMMITTED FROM APPROPRIATIONS FOR GRANTS AND SUBSIDIES MADE TO THE DEPARTMENT OF EDUCATION TO ASSIST SCHOOL DISTRICTS DECLARED TO BE IN FINANCIAL RECOVERY STATUS UNDER SECTION 621-A OR IDENTIFIED FOR FINANCIAL WATCH STATUS UNDER SECTION 611-A. THE FUNDS SHALL BE TRANSFERRED BY THE SECRETARY OF THE BUDGET TO A RESTRICTED ACCOUNT AS NECESSARY TO MAKE PAYMENTS UNDER THIS SECTION AND, WHEN TRANSFERRED, ARE HEREBY APPROPRIATED TO CARRY OUT THE PROVISIONS OF THIS SECTION.

(B) FOR THE 2013-2014 FISCAL YEAR, THE AMOUNT OF SEVEN MILLION FIVE HUNDRED THOUSAND DOLLARS ($7,500,000) OF UNDISTRIBUTED FUNDS NOT EXPENDED, ENCUMBERED OR COMMITTED FROM APPROPRIATIONS FOR GRANTS AND SUBSIDIES MADE TO THE DEPARTMENT OF EDUCATION SHALL BE TRANSFERRED TO THE FINANCIAL RECOVERY SCHOOL DISTRICT TRANSITIONAL LOAN ACCOUNT TO MAKE LOANS AS PROVIDED UNDER SECTION 681-A.
SECTION 2581. REIMBURSEMENT FOR SCHOOL DISTRICTS NOT SUBMITTING REQUIRED DOCUMENTATION.--(A) FOR A SCHOOL DISTRICT THAT HAS RECEIVED DEPARTMENT OF EDUCATION APPROVAL FOR COMMONWEALTH REIMBURSEMENT OF A CONSTRUCTION OR RECONSTRUCTION PROJECT, BUT FAILS TO SUBMIT ALL ADDITIONAL PROJECT DOCUMENTATION REQUESTED BY THE DEPARTMENT WITHIN NINETY (90) DAYS AFTER THE DEPARTMENT'S REQUEST, THE DEPARTMENT SHALL MOVE: (1) THE PROJECT BACK IN THE REIMBURSEMENT ORDER UNTIL SUCH TIME AS THE SCHOOL DISTRICT COMPLIES WITH THE INFORMATION REQUEST; AND (2) OTHER PROJECTS UP IN THE REIMBURSEMENT ORDER. (B) THE SECRETARY OF EDUCATION MAY GRANT WAIVERS TO SCHOOL DISTRICTS THAT FAIL TO SUBMIT REQUESTED DOCUMENTATION UNDER SUBSECTION (A) AND ARE IN THE PROCESS OF RECONCILING FINANCIAL RECORDS OR ARE FACING LITIGATION OR BOND REFINANCING DELAYS.

SECTION 2582. PUBLIC SCHOOL BUILDING LEASE AND DEBT SERVICE REIMBURSEMENTS FOR FISCAL YEAR 2015-2016.--(A) FOR THE 2015-2016 FISCAL YEAR, THE DEPARTMENT OF EDUCATION SHALL UTILIZE UNDISTRIBUTED FUNDS NOT EXPENDED AS OF DECEMBER 20, 2015, FROM APPROPRIATIONS FOR PAYMENT ON ACCOUNT OF ANNUAL RENTAL OR SINKING FUND CHARGES ON SCHOOL BUILDINGS, INCLUDING CHARTER SCHOOLS, TO MAKE REIMBURSEMENTS FOR SCHOOL BUILDING LEASES AND DEBT SERVICE NECESSARY TO MAKE PAYMENTS IN FISCAL YEAR 2015-2016 UNDER THIS ARTICLE. (B) THIS SECTION SHALL NOT INCLUDE REIMBURSEMENT FOR DEBT SERVICE MEETING THE CRITERIA FOR BOND ISSUANCE UNDER ARTICLE XXV-B.

SECTION 2599.6. READY-TO-LEARN BLOCK GRANTS.--(A) FOR THE 2015-2016 SCHOOL YEAR, THE DEPARTMENT OF EDUCATION SHALL PAY TO

(B) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE REVENUES RECEIVED BY A SCHOOL DISTRICT UNDER THIS SECTION IN AN AMOUNT EQUAL TO THE AMOUNT RECEIVED BY THE SCHOOL DISTRICT UNDER SECTION 1722-J(21)(II) OF "THE FISCAL CODE" SHALL NOT BE INCLUDED IN THE SCHOOL DISTRICT'S BUDGETED TOTAL EXPENDITURE PER AVERAGE DAILY MEMBERSHIP USED TO CALCULATE THE AMOUNT TO BE PAID TO A CHARTER SCHOOL ENTITY UNDER SECTION 1725-A(A)(2) AND (3).

(C) TO BE ELIGIBLE TO RECEIVE FUNDING UNDER THIS SECTION, EACH SCHOOL ENTITY SHALL SUBMIT A PLAN FOR APPROVAL TO THE DEPARTMENT OUTLINING HOW THE FUNDING WILL BE USED.

(D) FUNDS DISTRIBUTED UNDER THIS SECTION SHALL BE USED FOR THE FOLLOWING PURPOSES:

(1) ACCORDING TO THE PROVISIONS CONTAINED IN SECTION 2599.2(B).

(2) PREKINDERGARTEN THROUGH GRADE 3 CURRICULUM ALIGNMENT WITH THE CURRENT ACADEMIC STANDARDS.

(3) TEACHER TRAINING AND PROFESSIONAL DEVELOPMENT OPPORTUNITIES ALIGNED WITH THE CURRENT ACADEMIC STANDARDS DESIGNED TO IMPROVE EARLY LITERACY AND STEM EDUCATION IN PREKINDERGARTEN THROUGH GRADE 3 CLASSES.

(4) PREKINDERGARTEN THROUGH GRADE 3 EXTENDED LEARNING OPPORTUNITIES THAT ALLOW FOR ADDITIONAL CLASSROOM INSTRUCTION BEFORE, DURING AND AFTER SCHOOL.

(5) ESTABLISHING, MAINTAINING OR EXPANDING A QUALITY PREKINDERGARTEN PROGRAM ALIGNED WITH THE CURRENT ACADEMIC STANDARDS.
(6) Establishing, maintaining or expanding a quality full-day kindergarten program aligned with current academic standards.

(7) Supplemental instruction and instructional coaches for the current Keystone exams.

(8) Implementation of the Pennsylvania comprehensive literacy plan.

(9) Efforts that improve student outcomes in STEM education, including STEM training and professional development for educators.

(10) Establishing, maintaining or expanding hybrid learning models.

(11) Researching, establishing, maintaining or expanding competency-based learning models.

(E) If insufficient funds are appropriated, payments shall be made on a pro rata basis.

(F) For the purpose of this section, a "School Entity" means a school district, charter school or cyber charter school.

SECTION 27. The Act is amended by adding an article to read:

ARTICLE XXV-B

SCHOOL DISTRICT DEBT REFINANCING BONDS

SECTION 2501-B. Definitions.

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:

"Authority." The Commonwealth Financing Authority.

"Cost of a Project." The term includes all items reimbursable under law.

"Cost of PlanCon Project." Approved reimbursable rentals and approved reimbursable sinking fund charges, capital grants, any
NECESSARY OR APPROPRIATE RESERVES, COSTS OF ISSUANCE AND ANY
OTHER FINANCING COSTS RELATED TO A PLANCON PROJECT.

"DEPARTMENT." THE DEPARTMENT OF EDUCATION OF THE
COMMONWEALTH.

"FINANCE." THE LENDING OR PROVIDING OF FUNDS TO A SCHOOL
DISTRICT FOR PAYMENT OF THE COST OF A PROJECT AND THE PROVISION
OF FUNDS FOR A PLANCON PROJECT.

"FINANCING LAW." THE PROVISIONS OF 64 PA.C.S. CH. 15
(RELATING TO COMMONWEALTH FINANCING AUTHORITY).

"PLANCON PROJECT." THE FUNDING OF APPROVED REIMBURSABLE
RENTALS FOR APPROVED LEASES AND APPROVED REIMBURSABLE SINKING
FUND CHARGES AUTHORIZED UNDER SECTION 2574 AND CAPITAL GRANTS
FOR A PROJECT AUTHORIZED TO BE APPROVED UNDER SECTION 2574.4.

"PROJECT." AS DEFINED IN 64 PA.C.S. CH. 15 (RELATING TO
COMMONWEALTH FINANCING AUTHORITY) OR ANY PROJECT OF A SCHOOL
DISTRICT THAT IS ELIGIBLE FOR REIMBURSEMENT BY THE COMMONWEALTH
AS REQUIRED UNDER SUBARTICLE (F) OF ARTICLE XXV FOR APPROVED
RENTAL OR SINKING FUND CHARGES.

SECTION 2502-B. BOND ISSUANCE.

(A) DECLARATION OF POLICY.--THE GENERAL ASSEMBLY FINDS AND
DECLARES THAT:

(1) FUNDING THE PAYMENT OF REIMBURSEMENTS TO SCHOOL
DISTRICTS FOR CONSTRUCTION AND RECONSTRUCTION PROJECTS,
THROUGH THE AUTHORITY, IS IN THE BEST INTEREST OF THE
COMMONWEALTH.

(2) THE FINANCING LAW IS TO BE LIBERALLY CONSTRUED TO
EFFECT THE LEGISLATIVE AND PUBLIC PURPOSES.

(3) ONE OF THOSE STATED PURPOSES IS THE PROTECTION OF
"THE HEALTH, SAFETY AND GENERAL WELFARE OF THE PEOPLE OF THIS
COMMONWEALTH" PURSUANT TO 64 PA.C.S. § 1503(6) (RELATING TO
FINDINGS AND DECLARATION OF POLICY).

(4) IN ORDER TO ACCOMPLISH SUCH A GOAL "IT IS DESIRABLE TO BUILD, IMPROVE AND FINANCE FACILITIES OWNED BY MUNICIPALITIES, MUNICIPAL AUTHORITIES AND OTHER AUTHORITIES AND INSTRUMENTALITIES OF THE COMMONWEALTH," WHICH INCLUDES SCHOOL DISTRICTS, PURSUANT TO 64 PA.C.S. § 1503(7).

(B) AUTHORITY.--NOTWITHSTANDING ANY OTHER LAW THE AUTHORITY SHALL ESTABLISH A PROGRAM TO ISSUE BONDS ON BEHALF OF SCHOOL DISTRICTS TO PROVIDE REIMBURSEMENTS FROM THE COMMONWEALTH AS REQUIRED UNDER ARTICLE XXV FOR APPROVED RENTAL OR SINKING FUND CHARGES.

(C) DEBT OR LIABILITY.--

(1) BONDS ISSUED UNDER THIS ARTICLE SHALL NOT BE A DEBT OR LIABILITY OF THE COMMONWEALTH AND SHALL NOT CREATE OR CONSTITUTE ANY INDEBTEDNESS, LIABILITY OR OBLIGATION OF THE COMMONWEALTH.

(2) BOND OBLIGATIONS SHALL BE PAYABLE SOLELY FROM REVENUES OR FUNDS PLEDGED OR AVAILABLE FOR REPAYMENT AS AUTHORIZED UNDER THIS ARTICLE.

(3) EACH BOND MUST CONTAIN ON ITS FACE A STATEMENT THAT:

(I) THE AUTHORITY IS OBLIGATED TO PAY THE PRINCIPAL OF OR INTEREST ON THE BONDS ONLY FROM THE REVENUES OR FUNDS PLEDGED OR AVAILABLE FOR REPAYMENT AS AUTHORIZED UNDER THIS ARTICLE.

(II) NEITHER THE COMMONWEALTH NOR ANY SCHOOL DISTRICT IS OBLIGATED TO PAY THE PRINCIPAL OF OR INTEREST ON THE BONDS.

(III) THE FULL FAITH AND CREDIT OF THE COMMONWEALTH OR OF ANY SCHOOL DISTRICT IS NOT PLEDGED TO THE PAYMENT OF THE PRINCIPAL OF OR THE INTEREST ON THE BONDS.
SECTION 2503-B. LIMITATIONS ON BOND ISSUANCE.

THE AUTHORITY MAY ISSUE BONDS FOR A PLANCON PROJECT IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $2,500,000,000, UNLESS THE AUTHORITY AND THE DEPARTMENT DETERMINE THIS AMOUNT IS INSUFFICIENT TO CARRY OUT THE PURPOSES OF THIS ARTICLE, THEN THE AUTHORITY SHALL ADOPT A RESOLUTION TO PETITION THE SECRETARY OF THE BUDGET TO INCREASE THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT.


SECTION 2504-B. SERVICE AGREEMENT AUTHORIZED.

THE AUTHORITY AND THE DEPARTMENT MAY ENTER INTO ANY AGREEMENT OR SERVICE AGREEMENT TO EFFECTUATE THE PURPOSES OF THIS ARTICLE, INCLUDING AN AGREEMENT TO SECURE BONDS ISSUED FOR A PLANCON PROJECT.
PROJECT, PURSUANT TO WHICH THE DEPARTMENT SHALL AGREE TO PAY
SERVICE CHARGES TO THE AUTHORITY IN EACH FISCAL YEAR THAT THE
BONDS OR REFUNDING BONDS ARE OUTSTANDING IN AMOUNTS SUFFICIENT
TO TIMELY PAY IN FULL THE DEBT SERVICE AND ANY OTHER FINANCING
COSTS DUE ON THE BONDS ISSUED FOR THE PLANCON PROJECT. THE
DEPARTMENT'S PAYMENT OF SUCH SERVICE CHARGES SHALL BE SUBJECT TO
AND DEPENDENT UPON THE APPROPRIATION OF FUNDS BY THE GENERAL
ASSEMBLY TO THE DEPARTMENT FOR PAYMENT OF THE SERVICE CHARGES.
THE SERVICE AGREEMENT MAY BE AMENDED OR SUPPLEMENTED BY THE
AUTHORITY AND THE DEPARTMENT IN CONNECTION WITH THE ISSUANCE OF
ANY SERIES OF BONDS OR REFUNDING BONDS AUTHORIZED IN THIS
SECTION.

SECTION 2505-B.  DEPOSIT OF BOND PROCEEDS.

THE NET PROCEEDS OF BONDS, OTHER THAN REFUNDING BONDS,
EXCLUSIVE OF COSTS OF ISSUANCE, RESERVES AND ANY OTHER FINANCING
CHARGES, SHALL BE TRANSFERRED BY THE AUTHORITY TO THE STATE
TREASURER FOR DEPOSIT INTO A RESTRICTED ACCOUNT ESTABLISHED IN
THE STATE TREASURY AND HELD SOLELY FOR THE PURPOSE OF PAYING
COSTS OF A PLANCON PROJECT WHICH ARE DUE TO SCHOOL DISTRICTS.
PAYMENT BY THE DEPARTMENT SHALL FOLLOW THE PROCESS REQUIRED BY
ARTICLE VII, UNLESS THE DEPARTMENT IS SPECIFICALLY DIRECTED TO
FOLLOW A DIFFERENT PROCESS BY THIS ARTICLE. THE DEPARTMENT SHALL
REQUISITION PAYMENTS DUE TO SCHOOL DISTRICTS FROM THAT ACCOUNT.
TO PAY FOR EXPENSES RELATED TO ITS ADMINISTRATION OF THIS
PROGRAM, THE DEPARTMENT, WITH THE APPROVAL OF THE GOVERNOR AND
THE AUTHORITY, MAY CHARGE A FEE AGAINST THE PROCEEDS DEPOSITED
IN THE RESTRICTED ACCOUNT.

SECTION 2506-B.  SINKING FUND CHARGES FOR SCHOOL BUILDING
PROJECTS.

THE FOLLOWING SHALL APPLY:
(1) ALL SCHOOL DISTRICTS WHICH SUBMITTED COMPLETED APPLICATIONS TO THE DEPARTMENT PRIOR TO THE EFFECTIVE DATE OF THIS SECTION, AND WHICH VOTE TO PROCEED WITH CONSTRUCTION AND AWARDED BIDS ON THEIR CONSTRUCTION CONTRACTS NO LATER THAN JULY 1, 2019, SHALL, AS PERMITTED BY LAW, EITHER BE AWARDED A ONE-TIME CAPITAL GRANT, IF AVAILABLE, FOR THE APPROVED PROJECT IN LIEU OF APPROVED REIMBURSEMENT PAYMENTS OR, IF NOT AVAILABLE, SHALL RECEIVE PAYMENTS IN THE FORM OF REIMBURSEMENTS.

(2) THE DEPARTMENT SHALL ADMINISTER THE PAYMENTS DUE AND PAYABLE UNDER THIS SECTION, AND SHALL DETERMINE THE AMOUNT OF THE CAPITAL GRANT DUE EACH SCHOOL DISTRICT WHICH SHALL NOT EXCEED THE MAXIMUM REIMBURSABLE PROJECT AMOUNT.

SECTION 28. SECTION 2603-B OF THE ACT IS AMENDED BY ADDING A SUBSECTION TO READ:

SECTION 2603-B. POWERS AND DUTIES OF THE BOARD.--* * *


SECTION 29. REPEALS ARE AS FOLLOWS:

(1) THE GENERAL ASSEMBLY FINDS THAT THE REPEAL UNDER PARAGRAPH (2) IS NECESSARY FOR THE ADDITION OF ARTICLE XIX-G OF THE ACT.
(2) ARTICLE XVII-E.1 OF THE ACT OF APRIL 9, 1929
(P.L.343, NO.176), KNOWN AS THE FISCAL CODE, IS REPEALED.

SECTION 30. THE ADDITION OF ARTICLE XIX-G OF THE ACT IS A
CONTINUATION OF FORMER ARTICLE XVII-E.1 OF THE ACT OF APRIL 9,
1929 (P.L.343, NO.176), KNOWN AS THE FISCAL CODE. THE FOLLOWING
APPLY:

(1) EXCEPT AS OTHERWISE PROVIDED IN ARTICLE XIX-G OF THE
ACT, ALL ACTIVITIES INITIATED UNDER FORMER ARTICLE XVII-E.1
OF THE FISCAL CODE SHALL CONTINUE AND REMAIN IN FULL FORCE
AND EFFECT AND MAY BE COMPLETED UNDER ARTICLE XIX-G OF THE
ACT. ORDERS, REGULATIONS, RULES AND DECISIONS WHICH WERE MADE
UNDER FORMER ARTICLE XVII-E.1 OF THE FISCAL CODE AND WHICH
ARE IN EFFECT ON THE EFFECTIVE DATE OF THIS SECTION SHALL
REMAIN IN FULL FORCE AND EFFECT UNTIL REVOKED, VACATED OR
MODIFIED UNDER ARTICLE XIX-G OF THE ACT. CONTRACTS,
OBLIGATIONS AND COLLECTIVE BARGAINING AGREEMENTS ENTERED INTO
UNDER FORMER ARTICLE XVII-E.1 OF THE FISCAL CODE ARE NOT
AFFECTED NOR IMPAIRED BY THE REPEAL OF FORMER ARTICLE XVII-
E.1 OF THE FISCAL CODE.

(2) EXCEPT AS SET FORTH IN PARAGRAPH (3), ANY DIFFERENCE
IN LANGUAGE BETWEEN ARTICLE XIX-G OF THE ACT AND FORMER
ARTICLE XVII-E.1 OF THE FISCAL CODE IS INTENDED ONLY TO
CONFORM TO THE STYLE OF THE PUBLIC SCHOOL CODE OF 1949 AND IS
NOT INTENDED TO CHANGE OR AFFECT THE LEGISLATIVE INTENT,
JUDICIAL CONSTRUCTION OR ADMINISTRATION AND IMPLEMENTATION OF
FORMER ARTICLE XVII-E.1 OF THE FISCAL CODE.

(3) PARAGRAPH (2) DOES NOT APPLY TO THE ADDITION OF THE
FOLLOWING PROVISIONS:

(I) SECTIONS 1901.1-G AND 1901.2-G OF THE ACT.

(II) THE REFERENCE TO JUNE 30, 2016, IN SECTION
1906-G(A) OF THE ACT.


SECTION 31. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:


(2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IMMEDIATELY.