

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**

**No. 1655** Session of  
2007

INTRODUCED BY VITALI, BEYER, BELFANTI, BRENNAN, CALTAGIRONE,  
KOTIK, KULA, MAHONEY, McILVAINE SMITH, MENSCH, MOUL, MUSTIO,  
O'NEILL, PALLONE, PASHINSKI, SIPTROTH, SONNEY, THOMAS AND  
WANSACZ, JUNE 28, 2007

REFERRED TO COMMITTEE ON EDUCATION, JUNE 28, 2007

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An  
2 act relating to the public school system, including certain  
3 provisions applicable as well to private and parochial  
4 schools; amending, revising, consolidating and changing the  
5 laws relating thereto," further providing for funding for  
6 charter schools and for establishment of cyber charter  
7 schools.

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

10 Section 1. Section 1725-A(a)(1) of the act of March 10, 1949  
11 (P.L.30, No.14), known as the Public School Code of 1949,  
12 amended June 29, 2002 (P.L.524, No.88), is amended and the  
13 section is amended by adding a subsection to read:

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

16 (1) [There] Except as provided for in subsection (a.1) there  
17 shall be no tuition charge for a resident or nonresident student  
18 attending a charter school.

19 (2) For non-special education students, the charter school

1 shall receive for each student enrolled no less than the  
2 budgeted total expenditure per average daily membership of the  
3 prior school year, as defined in section 2501(20), minus the  
4 budgeted expenditures of the district of residence for nonpublic  
5 school programs; adult education programs; community/junior  
6 college programs; student transportation services; for special  
7 education programs; facilities acquisition, construction and  
8 improvement services; and other financing uses, including debt  
9 service and fund transfers as provided in the Manual of  
10 Accounting and Related Financial Procedures for Pennsylvania  
11 School Systems established by the department. This amount shall  
12 be paid by the district of residence of each student.

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

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

30 (5) Payments shall be made to the charter school in twelve

1 (12) equal monthly payments, by the fifth day of each month,  
2 within the operating school year. A student enrolled in a  
3 charter school shall be included in the average daily membership  
4 of the student's district of residence for the purpose of  
5 providing basic education funding payments and special education  
6 funding pursuant to Article XXV. If a school district fails to  
7 make a payment to a charter school as prescribed in this clause,  
8 the secretary shall deduct the estimated amount, as documented  
9 by the charter school, from any and all State payments made to  
10 the district after receipt of documentation from the charter  
11 school.

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

22 (a.1) If the student's school district or intermediate unit  
23 operates a cyber charter school and the student is attending any  
24 other cyber charter school, neither the Commonwealth nor the  
25 school district shall be required to provide funding under this  
26 section. A student may be charged tuition by a cyber charter  
27 school under section 2561.

28 \* \* \*

29 Section 2. Section 1745-A(a) of the act, added June 29, 2002  
30 (P.L.524, No.88), is amended to read:

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

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

12 \* \* \*

13 Section 3. This act shall take effect in 60 days.