

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2036 Session of
2009

INTRODUCED BY MOUL, BELFANTI, BEYER, EVERETT, FAIRCHILD, FLECK,
GOODMAN, HALUSKA, HUTCHINSON, KORTZ, MILLER, ROCK, SEIP AND
SONNEY, OCTOBER 9, 2009

REFERRED TO COMMITTEE ON EDUCATION, OCTOBER 9, 2009

AN ACT

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

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

10 Section 1. Section 1725-A(a) 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
20 shall receive for each student enrolled no less than the

1 budgeted total expenditure per average daily membership of the
2 prior school year, as defined in section 2501(20), minus the
3 budgeted expenditures of the district of residence for nonpublic
4 school programs; adult education programs; community/junior
5 college programs; student transportation services; for special
6 education programs; facilities acquisition, construction and
7 improvement services; and other financing uses, including debt
8 service and fund transfers as provided in the Manual of
9 Accounting and Related Financial Procedures for Pennsylvania
10 School Systems established by the department. This amount shall
11 be paid by the district of residence of each student.

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

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

29 (5) Payments shall be made to the charter school in twelve
30 (12) equal monthly payments, by the fifth day of each month,

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

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

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

27 * * *

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

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

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

11 * * *

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