

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1156 Session of
2009

INTRODUCED BY PICCOLA, DINNIMAN, BROWNE, BOSCOLA, EARLL, FOLMER,
ORIE, PIPPY, SMUCKER, TARTAGLIONE, VOGEL, WASHINGTON AND
WAUGH, DECEMBER 14, 2009

REFERRED TO EDUCATION, DECEMBER 14, 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," further providing for definitions;
6 establishing the Office of Charter and Cyber Charter Schools;
7 further providing for powers of charter schools, for charter
8 school requirements, for powers of board of trustees;
9 providing for organization of meetings of boards of trustees
10 and for duties of administrators; and further providing for
11 establishment of charter school, for regional charter school,
12 for contents of application, for term and form of charter,
13 for State Charter School Appeal Board, for facilities, for
14 enrollment, for school staff, for funding for charter
15 schools, for transportation, for tort liability, for annual
16 reports and assessments, for causes for nonrenewal or
17 termination, for desegregation orders, for provisions
18 applicable to charter schools, for powers and duties of
19 department, for assessment and evaluation, for cyber charter
20 school requirements and prohibitions, for establishment of
21 cyber charter school, for State Charter School Appeal Board
22 review, for cyber charter school application, for enrollment
23 and notification and for applicability.

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

26 Section 1. The definition of "school entity" in section
27 1602-B of the act of March 10, 1949 (P.L.30, No.14), known as
28 the Public School Code of 1949, added July 13, 2005 (P.L.226,

1 No.46), is amended to read:

2 Section 1602-B. Definitions.

3 The following words and phrases when used in this article
4 shall have the meanings given to them in this section unless the
5 context clearly indicates otherwise:

6 * * *

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

9 * * *

10 Section 2. Section 1703-A of the act, amended June 29, 2002
11 (P.L.524, No.88), is amended to read:

12 Section 1703-A. Definitions.--As used in this article,
13 "Administrator" shall include the chief administrator of a
14 charter school or cyber charter school and all other employes of
15 a charter school or cyber charter school who by virtue of their
16 positions exercise management or operational oversight
17 responsibilities.

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

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

24 "Authorizer" shall mean the department, a local board of
25 school directors or the governing board of an institution of
26 higher education.

27 "Charter school" shall mean an independent public school and
28 local education agency established and operated under a charter
29 from [the local board of school directors] an authorizer and in
30 which students are enrolled or attend. A charter school must be

1 organized as a public, nonprofit corporation. Charters may not
2 be granted to any for-profit entity.

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

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

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

18 "Educational service provider" shall mean a for-profit
19 education management organization, non-profit charter management
20 organization, school design provider, business manager, or any
21 other partner entity with which a charter school intends to
22 contract for educational design, implementation, business or
23 comprehensive management.

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

26 "Institution of higher education" shall mean an accredited
27 college or university under 24 Pa.C.S. § 6501 (relating to
28 applicability of chapter) or Article XX-A or a community college
29 under Article XIX-A.

30 "Local board of school directors" shall mean the board of

directors of a school district in which a proposed or an approved charter school is located.

"Office" shall mean the Office of Charter and Cyber Charter Schools established within the department.

"Regional charter school" shall mean an independent public school and local education agency established and operated under a charter from more than one [local board of school directors] authorizer 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.

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

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

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

Section 3. The act is amended by adding a section to read:

Section 1704-A. Office of Charter and Cyber Charter Schools.--(a) The department shall establish an Office of Charter and Cyber Charter Schools within one hundred twenty (120) days of the effective date of this section. The office shall be overseen by a deputy secretary who shall report directly to the secretary. The office shall be responsible for:

(1) Implementing the provisions of this article.

(2) Overseeing the performance and effectiveness of all authorizers, charter schools and cyber charter schools under

1 subsection (b).

2 (3) The collection, development and dissemination of
3 information, policies, strategies and best practices for the
4 effective management and operation of charter schools and cyber
5 charter schools.

6 (4) Identifying common deficiencies of charter school and
7 cyber charter school applications and providing best practices
8 to correct deficiencies.

9 (5) The development and issuance of standardized forms that
10 shall be used by all applicants, authorizers, charter schools
11 and cyber charter schools as required under sections 1717-A,
12 1719-A, 1728-A, 1731-A, 1747-A and 1748-A.

13 (6) Directing all authorizers, charter schools and cyber
14 charter schools to submit an annual report to the office no
15 later than September 1 of each year and to publish the same on
16 the department's Internet website on an annual basis.

17 (7) Providing support for the Charter and Cyber Charter
18 School Funding Advisory Committee.

19 (8) Providing support for the State Charter and Cyber
20 Charter School Appeal Board.

21 (b) The office shall have the following powers and duties:

22 (1) To conduct a special review of an authorizer, charter
23 school or cyber charter school in the event of persistently
24 unsatisfactory performance of an authorizer's portfolio of
25 charter or cyber charter schools, a pattern of well-founded
26 complaints about an authorizer or its charter or cyber charter
27 schools or other objective circumstances.

28 (2) To investigate fraud, waste, mismanagement and
29 misconduct in the operations of an authorizer, charter school or
30 cyber charter school, including any of the following:

1 (i) Misuse of movable and immovable property.

2 (ii) Evidence of a pattern of wasteful spending.

3 (iii) Mismanagement of school operations.

4 (iv) Waste or abuse of things of value belonging to State or
5 local government.

6 (3) To receive complaints of fraud, waste, mismanagement,
7 misconduct or persistently unsatisfactory academic performance
8 by an authorizer, charter school or cyber charter school.

9 (4) To notify both the authorizer and the charter or cyber
10 charter school in writing if at any time the office finds that
11 an authorizer, charter school or cyber charter school is not in
12 compliance with an existing charter contract or the requirements
13 of this act and allow the charter or cyber charter school to
14 have reasonable opportunity to respond and comply.

15 (5) If the authorizer, charter school or cyber charter
16 school fails to comply with the direction given pursuant to this
17 subsection, to notify the secretary, who shall have the
18 authority to withhold payment of the subsidy to the charter
19 school. The charter school or cyber charter school shall have
20 the right to appeal this action by the secretary to the Charter
21 and Cyber Charter School Appeal Board.

22 (6) To refer findings to the district attorney with
23 jurisdiction or to the Office of Attorney General for
24 prosecution if the office discovers or receives information
25 about possible violations of law by any person affiliated with
26 an authorizer, charter school or cyber charter school.

27 (c) The following shall apply to the charter school funding
28 advisory committee:

29 (1) The office shall convene a Statewide advisory committee
30 to examine the financing of charter schools and cyber charter

schools in the public education system and how charter school
and cyber charter school finances affect providing 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
legislative intent requirements of section 1702-A. The office
shall provide administrative support, office space and any other
assistance required by the committee to carry out its duties
under this section.

(2) The charter school funding advisory committee shall
consist of the following members:

(i) 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.

(ii) Two (2) members of the Senate, one each to be chosen by
the President pro tempore and Minority Leader of the Senate.

(iii) Two (2) members of the House of Representatives, one
each to be chosen by the Majority Leader and Minority Leader of
the House of Representatives.

(iv) The secretary or a designee.

(v) The chairman of the State Board of Education or a
designee.

(vi) Four (4) members, who shall be appointed by the
secretary as follows:

(A) One (1) member who shall represent charter schools.

(B) One (1) member who shall represent teachers.

(C) One (1) member who shall represent school
administrators.

(D) One (1) member who shall represent school board members.

(vii) One (1) administrator of a charter school approved

1 under subdivision (b), selected by the Pennsylvania Coalition of
2 Charter Schools from among charter schools approved under
3 subdivision (b).

4 (viii) One (1) administrator of a cyber charter school
5 approved under subdivision (c), selected by the Pennsylvania
6 Coalition of Charter Schools from among cyber charter schools
7 approved under subdivision (c).

8 (3) Members of the charter school funding advisory committee
9 shall be appointed within forty-five (45) days of the effective
10 date of this section. Any vacancy on the charter school funding
11 advisory committee shall be filled by the original appointing
12 officer or agency. The charter school funding advisory committee
13 shall select a chairman and vice chairman from among its
14 membership at an organizational meeting. The organizational
15 meeting shall take place no later than ninety (90) days
16 following the effective date of this section.

17 (4) The charter school funding advisory committee shall hold
18 meetings at the call of the chairman. The charter school funding
19 advisory committee may also hold public hearings on the matters
20 to be considered by the committee at locations throughout this
21 Commonwealth. All meetings and public hearings of the committee
22 shall be deemed public meetings for the purpose of 65 Pa.C.S.
23 Ch. 7 (relating to open meetings). Nine (9) members of the
24 charter school funding advisory committee shall constitute a
25 quorum at any meeting. Each member of the charter school funding
26 advisory committee may designate another person to represent
27 that member at meetings of the charter school funding advisory
28 committee.

29 (5) Charter school funding advisory committee members shall
30 receive no 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. Whenever possible, the charter school funding advisory committee shall utilize the services and expertise of existing personnel and staff of State government. The Governor, the President pro tempore of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives and the Minority Leader of the House of Representatives shall make personnel and staff available to the charter school funding advisory committee to the fullest extent commensurate with the performance of their other duties.

(6) The charter school funding advisory committee shall have the following powers and duties:

(i) Meeting with current charter school and cyber charter school operators within this Commonwealth, including cyber charter schools and blended programs.

(ii) Reviewing charter school and cyber charter school financing laws in operation throughout the United States.

(iii) Evaluating and making recommendations on the following:

(A) Powers extended to charter schools and cyber charter schools as they relate to financing.

(B) Funding formulas for charter schools, regional charter schools and cyber charter schools, including reimbursement procedures and funding under Title I of the Elementary and Secondary Education Act of 1965 (Public Law 89-10, 20 U.S.C. Ch. 63 et seq.).

(C) Student residency as it relates to funding.

(D) Special education and other special programs funding.

(E) Charter school and cyber charter school transportation.

1 (F) Charter school and cyber charter school eligibility to
2 receive grants and funding.

3 (iv) The charter school funding advisory committee shall
4 issue a report of its findings and recommendations to the
5 Governor, the President pro tempore of the Senate, the Minority
6 Leader of the Senate, the Speaker of the House of
7 Representatives, the Minority Leader of the House of
8 Representatives, the chairman and minority chairman of the
9 Education Committee of the Senate and the chairman and minority
10 chairman of the Education Committee of the House of
11 Representatives no later than June 30, 2010.

12 Section 4. Section 1714-A of the act is amended by adding a
13 subsection to read:

14 Section 1714-A. Powers of Charter Schools.--* * *

15 (d) Except as otherwise provided under this article, a
16 charter school shall not be prohibited from providing or
17 receiving compensation for the provision of services to or from
18 other charter schools or public school entities.

19 Section 5. Section 1715-A(11) and (12) of the act, added
20 June 19, 1997 (P.L.225, No.22) and July 9, 2008 (P.L.846,
21 No.61), are amended and the section is amended by adding
22 paragraphs to read:

23 Section 1715-A. Charter School Requirements.--Charter
24 schools shall be required to comply with the following
25 provisions:

26 * * *

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

29 (12) A person who serves as an administrator for a charter
30 school shall not receive compensation from another charter

1 school or from a company that provides management or other
2 services to another charter school. The term "administrator"
3 shall include the chief executive officer of a charter school
4 and all other employees of a charter school who by virtue of
5 their positions exercise management or operational oversight
6 responsibilities. A person who serves as an administrator for a
7 charter school shall be a public official under 65 Pa.C.S. Ch.
8 11 (relating to ethics standards and financial disclosure). A
9 violation of this clause shall constitute a violation of 65
10 Pa.C.S. § 1103(a) (relating to restricted activities), and the
11 violator shall be subject to the penalties imposed under the
12 jurisdiction of the State Ethics Commission.]

13 (13) Members of the board of trustees and administrators of
14 a charter school shall be public officials and subject to the
15 provisions of 65 Pa.C.S. Chs. 7 (relating to open meetings) and
16 11 (relating to ethics standards and financial disclosure).

17 (14) Members of the board of trustees and administrators of
18 a charter school shall be subject to the following statutory
19 requirements:

20 (i) The act of July 19, 1957 (P.L.1017, No.451), known as
21 the "State Adverse Interest Act."

22 (ii) The act of February 14, 2008 (P.L.6, No.3), known as
23 the "Right-to-Know Law."

24 (15) Notwithstanding section 322, no person holding the
25 position of administrator, supervisor, principal, teacher or
26 employee of a charter school shall be eligible as a school
27 director of the charter school's authorizer, nor shall that
28 person be eligible to be a member of the governing board of the
29 charter school's authorizer. This clause shall not prevent any
30 administrator, supervisor, teacher or employee of any charter

school from being a school director in a district other than a district that is the charter school's authorizer. This clause shall not apply to any school director who is in office on the effective date of this clause.

Section 6. Section 1716-A of the act, added June 19, 1997 (P.L.225, No.22), is amended to read:

Section 1716-A. [Powers of] Board of Trustees.--(a) The board of trustees of a charter school shall have the authority to decide matters related to the operation of the school, including, but not limited to, budgeting, curriculum and operating procedures, subject to the school's charter. The board shall have the authority to employ, discharge and contract with necessary professional and nonprofessional employees subject to the school's charter and the provisions of this article.

(b) [No member of a local board of school directors of a school entity shall serve on the board of trustees of a charter school that is located in the member's district.] The following shall apply:

(1) No member of an authorizer which granted or renewed a charter shall serve on the board of trustees of a charter school that is the subject of the granted or renewed charter.

(2) No member of the board of trustees shall be employed in any capacity or have a contract with the authorizer in which the charter school received its charter.

(3) No member of the board of trustees or an immediate family member shall be employed by the charter school or have any contract with the charter school unless the charter school complies with the requirements of 65 Pa.C.S. § 1103(f) (relating to restricted activities).

(4) No member of the board of trustees or an immediate

family member shall be employed by or have a contract with an educational service provider which is under contract with the charter school.

(5) A member of the board of trustees shall disqualify himself and abstain from voting in a proceeding in which the objectivity, impartiality, integrity or independence of judgment of the member may be reasonably questioned.

(6) A member of the board of trustees shall be automatically disqualified from serving on the board upon conviction for an offense graded as a felony, an infamous crime, any offense pertaining to his official capacity as a board member or any crime involving moral turpitude.

(7) No member of the board shall convert to his or her own use or use by way of investment, any portion of the charter school funds or school property or deposit any of the funds of the charter school in any other name.

(8) No business with which the member of the board or an immediate family member is associated as defined in 65 Pa.C.S. § 1102 (relating to definitions) shall contract with the charter school unless the charter school complies with the requirements of 65 Pa.C.S. § 1103(f).

(9) No member of the board shall act as an agent for any vendor for goods or services with the authorizer or charter school.

(c) [The board of trustees shall comply with the act of July 3, 1986 (P.L.388, No.84), known as the "Sunshine Act."]

(1) If a member of the board of trustees refuses or neglects to perform any duty imposed upon it under this article, twenty-five (25) individuals who are parents or guardians of students of the charter school may present a petition in writing of the

1 refusal or neglect, verified by oath or affirmation, to the
2 court of common pleas in the county in which the charter school
3 is located. The petition shall set forth the facts regarding the
4 board member.

5 (2) The court shall grant a rule upon the member of the
6 board of trustees, returnable in not less than ten (10) days nor
7 more than twenty (20) days from the date of issue, to show cause
8 why they should not be removed from office. The member shall
9 have at least five (5) days' notice of the granting of the rule.
10 On or before the return day of the rule the member or members,
11 individually or jointly, shall file in writing their answer or
12 answers to the petition, under oath. If the facts set forth in
13 the petition, or any material part of the petition, are denied,
14 the court shall conduct a hearing on the petition. If, after the
15 hearing or if no answer is timely filed denying the facts set
16 forth in the petition, the court finds that any duty imposed on
17 the members required under this act has not been done or has
18 been neglected by them, the court shall have power to remove the
19 member or members and appoint for their unexpired terms other
20 qualified persons, subject to this act. The court shall impose
21 the cost of the proceedings on the petitioners, the members or
22 the school district, or may apportion the cost among them. Any
23 person removed as a member of the board of trustees under this
24 paragraph shall not be eligible again as a board member for the
25 period of five (5) years from their removal.

26 Section 7. The act is amended by adding sections to read:

27 Section 1716.1-A. Organization of Meetings of Boards of
28 Trustees.--(a) A majority of the members of the board of
29 trustees shall be a quorum. If less than a majority is present
30 at any meeting, no business shall be transacted at the meeting.

1 (b) The affirmative vote of a majority of all the members of
2 the board of trustees, duly recorded, shall be required in order
3 to take action on the subjects enumerated under section 508.

4 Section 1716.2-A. Duties of Administrators.--(a) The chief
5 administrator shall have the duty of the general supervision of
6 all business affairs of the charter school subject to the
7 direction of the board of trustees and the following duties:

8 (1) Upon action by the board, to approve any bill or account
9 for payment of money and to prepare and sign an order for the
10 payment of money.

11 (2) To attest, in writing, the executing of all deeds,
12 contracts, reports and other instruments that are to be executed
13 by the board.

14 (3) To furnish when requested to do so all reports
15 concerning the school affairs of the charter school as required
16 under this act.

17 (4) To serve as custodian of all records, offices and
18 property of the charter school.

19 (5) To receive all funds and make payments out of the same
20 on proper orders approved by the board of trustees.

21 (6) To deposit funds and at the end of each month and to
22 make a report to the school controller of the amount of funds
23 received and the amount dispersed during the month.

24 (7) To perform other duties pertaining to the business of
25 the charter school as required under this act.

26 (b) The following restrictions and requirements shall apply:

27 (1) No administrator shall receive compensation from another
28 charter school or from a company that provides management or
29 other services to another charter school.

30 (2) No administrator shall be employed by or have a contract

1 in any capacity with the authorizer.

2 (3) No immediate family member of an administrator shall be
3 employed by or have a contract with the charter school unless
4 the charter school complies with the requirements of 65 Pa.C.S.
5 § 1103(f) (relating to restricted activities).

6 (4) No administrator shall be employed by or have any
7 contact with an educational service provider without the
8 approval of the board of trustees.

9 (5) No immediate family member of an administrator shall be
10 employed by or have any contract with an educational service
11 provider which is under contract with the charter school.

12 (6) An administrator shall be dismissed upon conviction for
13 an offense graded as a felony, an infamous crime or any crime
14 involving moral turpitude.

15 (7) No business with which the member of the board or an
16 immediate family member, as defined in 65 Pa.C.S. § 1102
17 (relating to definitions) is associated shall contract with the
18 charter school unless the charter school complies with the
19 requirements of 65 Pa.C.S. § 1103(f).

20 (8) No administrator shall convert to his or her own use or
21 use by way of investment any portion of the school funds or
22 school property or deposit any of the funds of the school in any
23 other name.

24 (9) No administrator may act as an agent for any vendor for
25 school supplies or program materials with the authorizer.

26 Section 8. Sections 1717-A, 1718-A and 1719-A of the act,
27 added June 19, 1997 (P.L.225, No.22), are amended to read:

28 Section 1717-A. Establishment of Charter School.--(a) A
29 charter school may be established by an individual; one or more
30 teachers who will teach at the proposed charter school; parents

1 or guardians of students who will attend the charter school; any
2 nonsectarian college, university or museum located in this
3 Commonwealth; any nonsectarian corporation not-for-profit, as
4 defined in 15 Pa.C.S. (relating to corporations and
5 unincorporated associations); any corporation, association or
6 partnership; or any combination thereof. A charter school may be
7 established by creating a new school or by converting an
8 existing public school or a portion of an existing public
9 school. No charter school shall be established or funded by and
10 no charter shall be granted to any sectarian school, institution
11 or other entity. No funds allocated or disbursed under this
12 article shall be used to directly support instruction pursuant
13 to section 1327.1.

14 (b) (1) The conversion of an existing public school or
15 portion of an existing public school to a charter school may be
16 initiated by any individual or entity authorized to establish a
17 charter school under subsection (a).

18 (2) In order to convert an existing public school to a
19 charter school, the applicants must show that:

20 (i) More than fifty per centum of the teaching staff in the
21 public school have signed a petition in support of the public
22 school becoming a charter school; and

23 (ii) More than fifty per centum of the parents or guardians
24 of pupils attending that public school have signed a petition in
25 support of the school becoming a charter school.

26 (3) In no event shall the [board of school directors]
27 authorizer serve as the board of trustees of an existing school
28 which is converted to a charter school pursuant to this
29 subsection.

30 (4) All of the provisions of this act shall apply to an

1 existing public school converted to a charter school.

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

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

28 (e) (1) Not later than seventy-five (75) days after the
29 first public hearing on the application, the [local board of
30 school directors] authorizer which received the application

1 shall grant or deny the application. For a charter school
2 beginning in the 1997-1998 school year, the local board of
3 school directors shall grant or deny the application no later
4 than sixty (60) days after the first public hearing.

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

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

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

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

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

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

25 (4) A charter application shall be deemed approved by the
26 [local board of school directors of a school district upon
27 affirmative vote by a majority of all the directors. Formal
28 action approving or denying the application shall be taken by
29 the local board of school directors at a public meeting, with
30 notice or consideration of the application given by the board,

1 under the "Sunshine Act.")] authorizer upon affirmative vote by a
2 majority of all the members of the local board of school
3 directors or members of the governing board of an institution of
4 higher education. Except for approval by the department, formal
5 action approving or denying the application shall be taken by
6 the local board of school directors or the governing board of an
7 institution of higher education at a public meeting, with notice
8 or consideration of the application given by the board, under
9 the provisions of 65 Pa.C.S. Ch. 7. A charter application shall
10 be deemed approved by the department upon the issuance of
11 written approval by the department.

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

18 (f) At the option of the charter school applicant, a denied
19 application may be revised and resubmitted to the [local board
20 of school directors] authorizer which denied the application.
21 Following the appointment and confirmation of the Charter School
22 Appeal Board under section 1721-A, the decision of the [local
23 board of school directors] authorizer may be appealed to the
24 appeal board. When an application is revised and resubmitted to
25 the [local board of school directors, the board] authorizer
26 which denied the application, that authorizer may schedule
27 additional public hearings on the revised application. The
28 [board] authorizer shall consider the revised and resubmitted
29 application [at the first board meeting occurring] at least
30 forty-five (45) days after receipt of the revised application by

1 [the board] that authorizer. For a revised application
2 resubmitted for the 1997-1998 school year, the board shall
3 consider the application at the first board meeting occurring at
4 least thirty (30) days after its receipt. The [board] authorizer
5 shall provide notice of consideration of the revised application
6 under [the "Sunshine Act." No appeal from a decision of a local
7 school board may be taken until July 1, 1999] 65 Pa.C.S. Ch. 7.

8 (g) Notwithstanding the provisions of subsection (e)(5),
9 failure by the [local board of directors] authorizer to hold a
10 public hearing and to grant or deny the application for a
11 charter school within the time periods specified in subsections
12 [(d), (e) and (f)] (d) and (e) shall permit the applicant for a
13 charter to file its application [as an appeal to] with the
14 appeal board. In such case, the appeal board shall review the
15 application and make a decision to grant or deny a charter based
16 on the criteria established in subsection (e)(2).

17 (h) In the case of a review by the appeal board of an
18 application that is revoked or is not renewed, the appeal board
19 shall make its decision based on the criteria established in
20 subsection (e)(2). A decision by the appeal board under this
21 subsection or subsection (g) to grant, to renew or not to revoke
22 a charter shall serve as a requirement for the [local board of
23 directors of a school district or school districts, as
24 appropriate,] authorizer to sign the written charter of the
25 charter school as provided for in section 1720-A. Should the
26 [local board of directors] authorizer fail to grant the
27 application and sign the charter within ten (10) days of notice
28 of reversal of the decision of the [local board of directors]
29 authorizer, the charter shall be deemed to be approved and shall
30 be signed by the chairman of the appeal board.

1 (i) (1) The appeal board shall have the exclusive review of
2 an appeal by a charter school applicant, or by the board of
3 trustees of an existing charter school, of a decision made by [a
4 local board of directors] an authorizer not to grant a charter
5 as provided in this section. The department shall develop a form
6 to be used for an appeal.

7 [(2) In order for a charter school applicant to be eligible
8 to appeal the denial of a charter by the local board of
9 directors, the applicant must obtain the signatures of at least
10 two per centum of the residents of the school district or of one
11 thousand (1,000) residents, whichever is less, who are over
12 eighteen (18) years of age. For a regional charter school, the
13 applicant must obtain the signatures of at least two per centum
14 of the residents of each school district granting the charter or
15 of one thousand (1,000) residents from each of the school
16 districts granting the charter, whichever is less, who are over
17 eighteen (18) years of age. The signatures shall be obtained
18 within sixty (60) days of the denial of the application by the
19 local board of directors in accordance with clause (3).

20 (3) Each person signing a petition to appeal denial of a
21 charter under clause (2) shall declare that he or she is a
22 resident of the school district which denied the charter
23 application and shall include his or her printed name;
24 signature; address, including city, borough or township, with
25 street and number, if any; and the date of signing. All pages
26 shall be bound together. Additional pages of the petition shall
27 be numbered consecutively. There shall be appended to the
28 petition a statement that the local board of directors rejected
29 the petition for a charter school, the names of all applicants
30 for the charter, the date of denial by the board and the

1 proposed location of the charter school. No resident may sign
2 more than one petition relating to the charter school
3 application within the sixty (60) days following denial of the
4 application. The department shall develop a form to be used to
5 petition for an appeal.

6 (4) Each petition shall have appended thereto the affidavit
7 of some person, not necessarily a signer, setting forth all of
8 the following:

9 (i) That the affiant is a resident of the school district
10 referred to in the petition.

11 (ii) The affiant's residence, giving city, borough or
12 township, with street and number, if any.

13 (iii) That the signers signed with full knowledge of the
14 purpose of the petition.

15 (iv) That the signers' respective residences are correctly
16 stated in the petition.

17 (v) That the signers all reside in the school district.

18 (vi) That each signer signed on the date set forth opposite
19 the signer's name.

20 (vii) That to the best of the affiant's knowledge and
21 belief, the signers are residents of the school district.

22 (5) If the required number of signatures are obtained within
23 sixty (60) days of the denial of the application, the applicant
24 may present the petition to the court of common pleas of the
25 county in which the charter school would be situated. The court
26 shall hold a hearing only on the sufficiency of the petition.
27 The applicant and local board of school directors shall be given
28 seven (7) days' notice of the hearing. The court shall issue a
29 decree establishing the sufficiency or insufficiency of the
30 petition. If the petition is sufficient, the decree shall be

1 transmitted to the State Charter School Appeal Board for review
2 in accordance with this section. Notification of the decree
3 shall be given to the applicant and the local board of
4 directors.]

5 (6) In any appeal, the decision made by the [local board of
6 directors] authorizer shall be reviewed by the appeal board on
7 the record as certified by the [local board of directors]
8 authorizer. The appeal board shall give due consideration to the
9 findings of the local board of directors and specifically
10 articulate its reasons for agreeing or disagreeing with those
11 findings in its written decision. The appeal board shall have
12 the discretion to allow the [local board of directors]
13 authorizer and the charter school applicant to supplement the
14 record if the supplemental information was previously
15 unavailable.

16 (7) Not later than thirty (30) days after the date of notice
17 of the acceptance of the appeal, the appeal board shall meet to
18 officially review the certified record.

19 (8) Not later than sixty (60) days following the review
20 conducted pursuant to clause (6), the appeal board shall issue a
21 written decision affirming or denying the appeal. If the appeal
22 board has affirmed the decision of the [local board of
23 directors] authorizer, notice shall be provided to both parties.

24 (9) A decision of the appeal board to reverse the decision
25 of the [local board of directors] authorizer shall serve as a
26 requirement for the [local board of directors of a school
27 district or school districts, as appropriate,] authorizer to
28 grant the application and sign the written charter of the
29 charter school as provided for in section 1720-A. Should the
30 [local board of directors] authorizer fail to grant the

1 application and sign the charter within ten (10) days of notice
2 of the reversal of the decision of the [local board of
3 directors] authorizer, the charter shall be deemed to be
4 approved and shall be signed by the chairman of the appeal
5 board.

6 (10) All decisions of the appeal board shall be subject to
7 appellate review by the Commonwealth Court.

8 Section 1718-A. Regional Charter School.--(a) A regional
9 charter school may be established by an individual, one or more
10 teachers who will teach at the proposed charter school; parents
11 or guardians of students who will attend the charter school; any
12 nonsectarian college, university or museum located in this
13 Commonwealth; any nonsectarian corporation not-for-profit, as
14 defined in 15 Pa.C.S. (relating to corporations and
15 unincorporated associations); any corporation, association or
16 partnership; or any combination thereof. A regional charter
17 school may be established by creating a new school or by
18 converting an existing public school or a portion of an existing
19 public school. Conversion of an existing public school to a
20 regional charter school shall be accomplished in accordance with
21 section 1714-A(b). No regional charter school shall be
22 established or funded by and no charter shall be granted to any
23 sectarian school, institution or other entity.

24 (b) The boards of school directors of one or more school
25 districts, or the governing board of any combination of one or
26 more authorizers, may act jointly to receive and consider an
27 application for a regional charter school, except that any
28 action to approve an application for a charter or to sign a
29 written charter of an applicant shall require an affirmative
30 vote of a majority of all the directors of each of the school

1 districts or a majority of the members of the governing board of
2 each of the initial approving authorities involved. [The
3 applicant shall apply for a charter to the board of directors of
4 any school district in which the charter school will be
5 located.]

6 (c) The provisions of this article as they pertain to
7 charter schools and the powers and duties of the local board of
8 school directors of a school district and the appeal board shall
9 apply to regional charter schools, except as provided in
10 subsections (a) and (b) or as otherwise clearly stated in this
11 article.

12 Section 1719-A. Contents of Application.--[An] (a) The
13 department shall develop and issue a standard application form
14 that shall be used by all applicants to establish a charter
15 school. The application to establish a charter school shall
16 include all of the following information:

17 (1) The identification of the charter applicant.

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

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

20 (4) [The proposed governance structure of the charter
21 school, including a description and method for the appointment
22 or election of members of the board of trustees.] An
23 organization chart clearly presenting the proposed governance
24 structure of the charter school, including lines of authority
25 and reporting between the board of trustees, administrators,
26 staff and any educational service provider that will play a role
27 in managing the charter school.

28 (4.1) A clear description of the roles and responsibilities
29 for the board of trustees, administrators and any other entities
30 shown in the organization chart.

1 (4.2) A clear description and method for the appointment or
2 election of members of the board of trustees.

3 (4.3) Standards for board performance and stewardship,
4 including compliance with all applicable laws, regulations and
5 terms of the charter.

6 (4.4) If the charter school intends to contract with an
7 educational service provider for services, the charter applicant
8 shall do all of the following:

9 (i) Provide evidence of the education service provider's
10 success in serving student populations, including demonstrated
11 academic achievement as well as successful management of
12 nonacademic school functions if applicable.

13 (ii) Provide a term sheet setting forth all of the
14 following:

15 (A) The proposed duration of the service contract.

16 (B) Roles and responsibilities of the governing board, the
17 school staff and the educational service provider.

18 (C) The scope of services and resources to be provided by
19 the educational service provider.

20 (D) Performance evaluation measures and timelines.

21 (E) The compensation structure, including clear
22 identification of all fees to be paid to the educational service
23 provider.

24 (F) Methods of contract oversight and enforcement.

25 (G) Investment disclosure.

26 (H) Conditions for renewal and termination of the contract

27 (iii) Disclose and explain any existing or potential
28 conflicts of interest between the board of trustees and proposed
29 educational service provider or any affiliated business
30 entities.

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

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

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

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

12 (9) The financial plan for the charter school and the
13 provisions which will be made for auditing the school under
14 section 437.

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

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

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

24 (13) The proposed faculty and a professional development
25 plan for the faculty and staff of a charter school.

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

1 student of a charter school from participating in any
2 extracurricular activity of that school district of residence:
3 Provided, That the student is able to fulfill all of the
4 requirements of participation in such activity and the charter
5 school does not provide the same extracurricular activity.

6 (15) A report of criminal history record, pursuant to
7 section 111, for all individuals who shall have direct contact
8 with students.

9 (16) An official clearance statement regarding child injury
10 or abuse from the Department of Public Welfare as required by 23
11 Pa.C.S. Ch. 63 Subch. C.2 (relating to background checks for
12 employment in schools) for all individuals who shall have direct
13 contact with students.

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

17 (18) Policies regarding truancy, absences and withdrawal of
18 students, including the manner in which the charter school will
19 monitor attendance consistent with the provisions of section
20 1715-A(9). A charter school may elect to directly enforce the
21 compulsory attendance laws in accordance with this act. If a
22 charter school elects to directly enforce the compulsory
23 attendance laws, it shall state that in its charter application
24 or in its notice of renewal. If a charter school does not
25 include a statement of its election to directly enforce the
26 compulsory attendance laws in its charter application or in its
27 notice of renewal, the school district of residence of the
28 student shall be responsible for enforcing the compulsory
29 attendance laws. A charter school's election to directly enforce
30 the compulsory attendance laws or its failure to make such an

election shall not be a basis to deny a charter application or
renewal of a charter. Nothing in this clause shall excuse a
charter school from complying with the requirements of section
1715-A(9).

(19) Proposed curriculum and the manner in which academic
progress will be assessed.

(b) An authorizer may not impose additional terms or require
additional information outside the standard application required
under subsection (a).

Section 9. 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) Upon
approval of a charter application under section 1717-A, a
written charter shall be developed which shall contain the
provisions of the charter application required 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)] authorizer and the board of trustees of
the 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,] authorizer and the charter
school's board of trustees, shall act as legal authorization for
the establishment of a 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's board of
trustees] the charter school's board of trustees and on the
authorizer. Except as otherwise provided in subsection (b), the

1 charter shall be for a period of no less than [three (3) nor
2 more than] five (5) years and [may] shall be renewed for [five
3 (5)] ten (10) year periods upon reauthorization by the [local
4 board of school directors of a school district or the appeal
5 board] department, authorizer or appeal board. A charter will be
6 granted only for a school organized as a public, nonprofit
7 corporation.

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

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

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

23 (c) A charter school or regional charter school shall have
24 the ability to request amendments to its approved written
25 charter by filing a written document describing the requested
26 amendment to the authorizer. Within forty-five (45) days of its
27 receipt of the request for an amendment, the authorizer shall
28 hold a public hearing on the requested amendment under the
29 provisions of 65 Pa.C.S. Ch. 7 (relating to open meetings).
30 Within forty-five (45) days after the hearing, the authorizer

1 must grant or deny the requested amendment. Failure by the
2 authorizer to hold a public hearing and to grant or deny the
3 amendments within the time period specified shall permit the
4 applicant for the amendments to file its request for an
5 amendment with the appeal board established under section 1721-
6 A. An applicant for an amendment shall have the right to appeal
7 the denial of a requested amendment to the State Charter School
8 Appeal Board established under section 1721-A.

9 Section 10. Section 1721-A of the act, added June 19, 1997
10 (P.L.225, No.22), is amended to read:

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

19 (1) A parent of a school-aged child attending a charter or
20 cyber charter school.

21 (2) A school board member.

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

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

26 (5) A member of the business community.

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

28 (7) An administrator of a charter or cyber charter school.

29 (8) A member of the board of trustees of a charter or cyber
30 charter school.

1 The term of office of members of the appeal board, other than
2 the secretary, shall be for a period of four (4) years or until
3 a successor is appointed and qualified, except that, of the
4 initial appointees, the Governor shall designate two (2) members
5 to serve terms of two (2) years, two (2) members to serve terms
6 of three (3) years and two (2) members to serve terms of four
7 (4) years. Any appointment to fill any vacancy shall be for the
8 period of the unexpired term or until a successor is appointed
9 and qualified.

10 (b) The appeal board shall meet as needed to fulfill the
11 purposes provided in this subsection. A majority of the members
12 of the appeal board shall constitute a quorum, and a majority of
13 the members of the appeal board shall have authority to act upon
14 any matter properly before the appeal board. The appeal board is
15 authorized to establish rules for its operation.

16 (c) The members shall receive no payment for their services.
17 Members who are not employees of State government shall be
18 reimbursed for expenses incurred in the course of their official
19 duties from funds appropriated for the general government
20 operations of the department.

21 (d) The department shall provide assistance and staffing for
22 the appeal board. The Governor, through the Governor's General
23 Counsel, shall provide such legal advice and assistance as the
24 appeal board may require.

25 (e) Meetings of the appeal board shall be conducted under
26 [the act of July 3, 1986 (P.L.388, No.84), known as the
27 "Sunshine Act."] 65 Pa.C.S. Ch. 7 (relating to open meetings).
28 Documents of the appeal board shall be subject to the act of
29 [June 21, 1957 (P.L.390, No.212), referred to as the Right-to-
30 Know Law.] February 14, 2008 (P.L.6, No.3), known as the "Right-

1 to-Know Law."

2 (f) (1) The appeal board shall have the exclusive review of
3 an appeal by a charter school applicant, cyber charter school
4 applicant or by the board of trustees of a charter school or
5 cyber charter school applicant on the decisions of the
6 department or an authorizer, including all of the following:

7 (i) The denial of an application for a charter.

8 (ii) The denial of a renewal of a charter.

9 (iii) The revocation of a charter.

10 (iv) An appeal under section 1745-A(h).

11 (v) An appeal under section 1720-A(c).

12 (vi) The withholding of the subsidy under section 1704-A(b)
13 (4).

14 (2) The appeal board shall do all of the following:

15 (i) Review the decision made by the department or an
16 authorizer under clause (1) on the record as certified by the
17 department or an authorizer. The secretary shall recuse himself
18 from all cyber charter school appeals and may not participate in
19 a hearing, deliberation or vote on a cyber charter school
20 appeal. The appeal board may allow the department, the
21 authorizer, the charter school applicant, the cyber charter
22 school applicant, the board of trustees of a charter school or
23 the board of trustees of a cyber charter school to supplement
24 the record if the supplemental information was previously
25 unavailable.

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

28 (iii) Issue a written decision affirming or denying the
29 appeal no later than sixty (60) days following its review,
30 except for appeals concerning the withholding of a charter

1 school or cyber charter school's subsidy under section 1704-A(b)
2 (4) in which the written decision affirming or denying the
3 appeal shall be issued no later than thirty (30) days following
4 review.

5 (iv) In the case of a decision by the department to deny a
6 cyber charter application, make its decision based on section
7 1745-A(f) (1). A decision by the appeal board to reverse the
8 decision of the department and grant a charter shall serve as a
9 requirement for the secretary to sign the written charter of the
10 charter school or cyber charter school.

11 (v) In the case of a decision by the department to revoke or
12 deny renewal of a charter school or cyber school charter in
13 accordance with section 1741-A(a) (3), make its decision based on
14 section 1729-A(a). A decision of the appeal board to reverse the
15 decision of the department to not revoke or deny renewal of a
16 charter shall serve as a requirement of the department to not
17 revoke or to not deny renewal of the charter of the charter
18 school or cyber charter school.

19 (3) If the department appeals the decision of the appeal
20 board, the appeal board's decision shall be stayed only upon
21 order of the appeal board, the Commonwealth Court or the Supreme
22 Court.

23 (4) All decisions of the appeal board shall be subject to
24 appellate review by the Commonwealth Court.

25 Section 11. Section 1722-A of the act is amended by adding
26 subsections to read:

27 Section 1722-A. Facilities.--* * *

28 (e) All school property owned by any charter school, cyber
29 charter school or an associated nonprofit foundation, or leased
30 to a charter school or cyber charter school at or below fair

market value, that is occupied and used by any charter school or
cyber charter school for public school, recreation or any other
purposes provided for under this act, shall be made exempt from
any State, county, city, borough, township or other tax, or
payments in lieu of taxes, as well as from all costs or expenses
for paving, curbing, sidewalks, sewers or other municipal
improvements, except that any charter school or cyber charter
school or owner of property leased to a charter school or cyber
charter school may make a municipal improvement in a street on
which its school property abuts or may contribute a sum toward
the cost of the improvement. This subsection shall apply if a
charter school, cyber charter school or an associated nonprofit
foundation is responsible for payment of the taxes, payments in
lieu of taxes, costs or expenses listed under this subsection.
This subsection shall apply to any payment of taxes that is
under appeal as of the effective date of this clause. Any
agreement entered into by a charter school, cyber charter school
or an associated nonprofit foundation with the State, a county,
city, borough, township, school district or other local taxing
authority for payments in lieu of taxes shall be null and void.

(f) Each school district shall make any unused facility
available to charter schools operating within that school
district. As used in this section, the term "unused facility"
shall refer to any building owned by a school district that is
not used by the school district for its own programs or leased
to a third party for consideration. The terms of the use of the
facility by the charter school shall be subject to negotiation
between the school district and the charter school and shall be
memorialized as a separate agreement. A charter school that is
allowed to use a facility under an agreement under this

subsection may not sell or dispose of any interest in the
property without the written permission of the school district.
A charter school may not be charged a rental or leasing fee for
the existing facility or for property formerly used by the
school district. A school district shall give a charter school
using a school district's unused facility at least one hundred
eighty (180) days' notice before selling, leasing or otherwise
disposing of the unused facility to a third party.

Section 12. Section 1723-A(d) of the act, added July 9, 2008
(P.L.846, No.61), is amended and the section is amended by
adding a subsection to read:

Section 1723-A. Enrollment.--* * *

(d) (1) Enrollment of students in a charter school or cyber
charter school 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, a
school reform commission established under section 696 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. Any cap or limit on enrollment
contained in a written charter issued prior to July 1, 2008,
shall not be considered to have been agreed to by the charter
school or cyber charter school and shall be null and void.

(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.

(e) The local school district shall, within ten (10) days of
receipt of the notice of the admission of the student to a

1 charter school, provide the charter school with all records
2 relating to the student, including transcripts, test scores and
3 a copy of any individualized education program for that student.
4 If a school district fails to provide the student's record under
5 this subsection, the secretary shall deduct the estimated
6 amount, as documented by the charter school, from all State
7 payments made to the district after receipt of documentation
8 from the charter school.

9 Section 13. Section 1724-A(d) of the act, added June 19,
10 1997 (P.L.225, No.22), is amended to read:

11 Section 1724-A. School Staff.--* * *

12 (d) Every employe of a charter school shall be provided the
13 same health care benefits as the employe would be provided if he
14 or she were an employe of the local district. The local board of
15 school directors may require the charter school to provide the
16 same terms and conditions with regard to health insurance as the
17 collective bargaining agreement of the school district to
18 include employe contributions to the district's health benefits
19 plan. The charter school shall make any required employer's
20 contribution to the district's health plan to an insurer, [a
21 local board of school directors] an authorizer or a contractual
22 representative of school employes, whichever is appropriate to
23 provide the required coverage.

24 * * *

25 Section 14. Section 1725-A(a)(5) of the act, amended June
26 29, 2002 (P.L.524, No.88), is amended to read:

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

29 * * *

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 within thirty (30) days after receipt of the documentation from
9 the charter school, the secretary shall hold a hearing and
10 deduct the estimated amount, as documented by the charter
11 school, from [any and] all State payments made to the district,
12 or if no payments have been made to the district, from all State
13 payments reasonably expected to be made, after receipt of
14 documentation from the charter school.

15 * * *

16 Section 15. Section 1726-A(a) and (b) of the act, amended
17 July 11, 2006 (P.L.1092, No.114) and July 9, 2008 (P.L.846,
18 No.61), are amended to read:

19 Section 1726-A. Transportation.--(a) Students who attend a
20 charter school located in their school district of residence, a
21 regional charter school of which the school district is a part
22 or a charter school located outside district boundaries at a
23 distance not exceeding ten (10) miles by the nearest public
24 highway shall be provided free transportation to the charter
25 school by their school district of residence on such dates and
26 periods that the charter school is in [regular] session whether
27 or not transportation is provided on such dates and periods to
28 students attending schools of the district. Transportation is
29 not required for elementary students, including kindergarten
30 students, residing within one and one-half (1.5) miles or for

1 secondary students residing within two (2) miles of the nearest
2 public highway from the charter school in which the students are
3 enrolled unless the road or traffic conditions are such that
4 walking constitutes a hazard to the safety of the students when
5 so certified by the Department of Transportation, except that if
6 the school district provides transportation to the public
7 schools of the school district for elementary students,
8 including kindergarten students, residing within one and one-
9 half (1.5) miles or for secondary students residing within two
10 (2) miles of the nearest public highway under nonhazardous
11 conditions, transportation shall also be provided to charter
12 schools under the same conditions. Districts providing
13 transportation to a charter school outside the district and, for
14 the 2007-2008 school year and each school year thereafter,
15 districts providing transportation to a charter school within
16 the district shall be eligible for payments under section 2509.3
17 for each public school student transported.

18 * * *

19 (b) In the event that the Secretary of Education determines
20 that a school district is not providing the required
21 transportation to students to the charter school, the Department
22 of Education shall pay directly to the charter school funds for
23 costs incurred in the transportation of its students. Payments
24 to a charter school shall be determined in the following manner:
25 for each eligible student transported, the charter school shall
26 receive a payment equal to the total expenditures for
27 transportation of the school district divided by the total
28 number of school students transported by the school district
29 under any program or policy. The secretary shall make the
30 determination as to whether the school district is not providing

1 the required transportation and deduct payments within thirty
2 (30) days after receipt of a complaint from a charter school or
3 regional charter school.

4 * * *

5 Section 16. Sections 1727-A and 1728-A of the act, added
6 June 19, 1997 (P.L.225, No.22), are amended to read:

7 Section 1727-A. Tort Liability.--For purposes of tort
8 liability, employees of the charter school shall be considered
9 public employees and the board of trustees shall be considered
10 the public employer in the same manner as political subdivisions
11 and local agencies. The board of trustees of a charter school
12 and the charter school shall be solely liable for any and all
13 damages of any kind resulting from any legal challenge involving
14 the operation of a charter school. Notwithstanding this
15 requirement, the local board of directors of a school entity or
16 an authorizer shall not be held liable for any activity or
17 operation related to the program of the charter school.

18 Section 1728-A. Annual Reports and Assessments.--(a) The
19 [local board of school directors] authorizer shall annually
20 assess on a standard form developed by the office whether each
21 charter school is meeting the goals of its charter and shall
22 conduct a comprehensive review prior to granting a [five (5)]
23 ten (10) year renewal of the charter. The [local board of school
24 directors] authorizer shall have ongoing access to the records
25 and facilities of the charter school to ensure that the charter
26 school is in compliance with its charter and this act and that
27 requirements for testing, civil rights and student health and
28 safety are being met. Ongoing reasonable access to a charter
29 school's records shall mean that the authorizer shall have
30 access to records such as financial reports, financial audits,

aggregate standardized test scores without student identifying information and teacher certification and personnel records. Charter schools and authorizers shall comply fully with the requirements of the Family Educational Rights and Privacy Act of 1974 (Public Law 90-247, 20 U.S.C. § 1232g) and its implementing regulations and no personally identifiable information from education records shall be provided by the charter school to its authorizer 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 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.] authorizer's review and secretary's report, each charter school shall submit an annual report on a standard form developed by the office no later than September 1 of each year to the authorizer and the office in the form prescribed by the office. Within ten (10) days of receipt of the charter school's annual report, the authorizer and the secretary shall each certify to the charter school that the annual report has been received with an indication of the date of receipt. Within thirty (30) days of the date of receipt, the authorizer and the secretary shall each certify to the charter school that the annual report has been reviewed and is complete, or alternatively, has been reviewed and is missing specific information referenced in the certification.

(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

1 the educational community and the public on the charter school
2 program. The consultant shall submit a report to the secretary,
3 the Governor and the General Assembly and an evaluation of the
4 charter school program, which shall include a recommendation on
5 the advisability of the continuation, modification, expansion or
6 termination of the program and any recommendations for changes
7 in the structure of the program.

8 (d) Charter schools and cyber charter schools may be subject
9 to an annual audit by the office, the department, its
10 authorizers or the Auditor General, in addition to any audits
11 required by Federal programs in accordance with Federal law. All
12 other entities seeking to audit a charter school or cyber
13 charter school may only be done after first receiving the
14 written consent of the charter school or cyber charter school.

15 Section 17. Section 1729-A of the act, amended or added June
16 19, 1997 (P.L.225, No.22), July 4, 2004 (P.L.536, No.70) and
17 July 9, 2008 (P.L.846, No.61), is amended to read:

18 Section 1729-A. Charter Renewal, Causes for Nonrenewal or
19 Termination.--(a) An initial written charter shall be valid for
20 a period of no less than five (5) years and shall be renewed for
21 ten (10) year periods upon reauthorization by the department,
22 authorizer or appeal board. Charter schools seeking renewal
23 shall send an intent to renew letter to the authorizer no later
24 than October 1 of the final school year of the charter's school
25 current charter. A charter may be granted only for a school
26 organized as a public, nonprofit corporation. During the term of
27 the charter or at the end of the term of the charter, the [local
28 board of school directors] authorizer may choose to revoke or
29 not to renew the charter based on any of the following:

30 (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] or failure to meet any performance standard set forth in the written charter signed pursuant to section 1716-A.

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

(3.1) Failure to maintain the financial ability to continue as a going concern according to generally accepted accounting principles.

(4) Violation of provisions of this article.

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

(6) [The charter school has been convicted of fraud.]
Administrators or board members have been convicted of offenses pertaining to fraud, theft or mismanagement of public funds or any crime committed in the course of their official duties.

(a.1) When a charter school located in a school district of the first class is in corrective action status and seeks renewal of its charter, if the governing body of the school district of the first class renews the charter, it may place specific conditions in the charter that require the charter school to meet specific student performance targets within stated periods of time subject to the following:

[(i)] (1) The performance targets and the periods of time in which the performance targets must be met shall be reasonable.

[(ii)] (2) The placement of conditions in a charter as

specified in this subsection shall not be considered an adjudication and may not be appealed to the State Charter School Appeal Board.

~~[(iii)]~~ (3) If the charter school fails to meet the performance targets within the stated period of time, such failure shall be sufficient cause for revocation of the charter.

(a.2) If, after a hearing under this section, an authorizer proves by a preponderance of the evidence that certain administrators or board members have violated this act or the terms and conditions of the charter, the authorizer shall have the authority to require the charter school to replace those administrators and board members in order to obtain renewal of the charter.

(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 the charter school of the date on which a public hearing concerning the revocation or nonrenewal will be held. The [local board of school directors] authorizer shall conduct such hearing, present evidence in support of the grounds for revocation or nonrenewal stated in its notice and give the charter school reasonable opportunity to offer testimony and amendments under section 1720-A(c) before taking final action. Formal action revoking or not renewing a charter shall be taken by the [local board of school directors] authorizer at a public meeting 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).

(d) [Following the appointment and confirmation of the appeal board, but not before July 1, 1999, the] The charter school may appeal the decision of the [local board of school directors] authorizer to revoke or not renew the charter to the appeal board. The appeal board shall have the exclusive review of a decision not to renew or revoke a charter. The appeal board shall review the record and shall have the discretion to supplement the record if the supplemental information was previously unavailable. The appeal board may consider the charter school plan, annual reports, student performance and employee and community support for the charter school in addition to the record. The appeal board shall give due consideration to the findings of the local board of directors and specifically articulate its reasons for agreeing or disagreeing with those findings in its written decision.

(e) If the appeal board determines that the charter should not be revoked or should be renewed, the appeal board shall order the [local board of directors] authorizer to rescind its revocation or nonrenewal decision.

(f) Except as provided in subsection (g), the charter shall remain in effect until final disposition by the appeal board.

(g) In cases where the health or safety of the school's

pupils, staff or both is at serious risk, the local board of school directors or authorizer may take immediate action to revoke a charter.

(h) All decisions of the charter school appeal board shall be subject to appellate review by the Commonwealth Court.

(i) When a charter is revoked, not renewed, forfeited, surrendered or otherwise ceases to operate, the charter school shall be dissolved. After the disposition of any liabilities and obligations of the charter school, any remaining assets of the charter school, both real and personal, shall be distributed on a proportional basis to the school entities with students enrolled in the charter school for the last full or partial school year of the charter school. In no event shall such school entities or the Commonwealth be liable for any outstanding liabilities or obligations of the charter school.

(j) When a charter is revoked or is not renewed, a student who attended the charter school shall apply to another public school in the student's school district of residence. Normal application deadlines will be disregarded under these circumstances. All student records maintained by the charter school shall be forwarded to the student's district of residence.

Section 18. Section 1730-A of the act, added June 19, 1997 (P.L.225, No.22), is amended to read:

Section 1730-A. Desegregation Orders.--[The local board of school directors of] If a school district [which] is operating under a desegregation plan approved by the Pennsylvania Human Relations Commission or a desegregation order by a Federal or State court, an authorizer shall not approve a charter school application if such charter school would place the school

1 district in noncompliance with its desegregation order.

2 Section 19. Sections 1732-A(a) and 1741-A(c) of the act,
3 amended or added June 29, 2002 (P.L.524, No.88), are amended to
4 read:

5 Section 1732-A. Provisions Applicable to Charter Schools.--

6 (a) Charter schools shall be subject to the following:

7 Sections 108, 110, 111, 321, 325, 326, 327, 431, 436, 443,
8 510, 518, 527, 708, 736, 737, 738, 739, 740, 741, 752, 753, 755,
9 771, 776, 777, 808, 809, 810, 1109, 1111, 1112(a), 1301, 1310,
10 1317, 1317.1, 1317.2, 1318, 1327, 1330, 1332, 1303-A, 1513,
11 1517, 1518, 1521, 1523, 1531, 1547, 2014-A, Article XIII-A and
12 Article XIV.

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

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

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

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

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

1 "Antihazing Law."

2 65 Pa.C.S. Ch. 7 (relating to open meetings).

3 65 Pa.C.S. §§ 1102 (relating to definitions) and 1103(f)
4 (relating to restricted activities).

5 * * *

6 Section 1741-A. Powers and duties of department.

7 * * *

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

12 Section 20. Section 1742-A of the act is amended by adding a
13 paragraph to read:

14 Section 1742-A. Assessment and evaluation.

15 The department shall:

16 * * *

17 (4) Under section 1743-A(f) and within ten days of
18 receipt of the cyber charter school's annual report, the
19 secretary shall certify to the cyber charter school that the
20 annual report has been received with an indication of the
21 date of receipt. Within 30 days of the date of receipt, the
22 secretary shall certify to the cyber charter school that the
23 annual report has been reviewed and is complete or,
24 alternatively, has been reviewed and is missing specific
25 information referenced in the certification.

26 Section 21. Sections 1743-A(f) and 1745-A(a) and (f) of the
27 act, added June 29, 2002 (P.L.524, No.88), are amended to read:

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

30 * * *

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

4 * * *

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

6 (a) Establishment.--A cyber charter school may be
7 established by an individual; one or more teachers who will
8 teach at the proposed cyber charter school; parents or guardians
9 of students who will enroll in the cyber charter school; a local
10 board of school directors; an intermediate unit; a nonsectarian
11 college, university or museum located in this Commonwealth; a
12 nonsectarian corporation not-for-profit as defined in 15 Pa.C.S.
13 § 5103 (relating to definitions); a corporation, association or
14 partnership; or any combination of the foregoing. Section 1327.1
15 shall not apply to a cyber charter school established under this
16 subdivision.

17 * * *

18 (f) Evaluation criteria.--

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

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

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

29 (iii) The extent to which the programs outlined in
30 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. 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] shall be renewed for a period of [five] ten years by the department.

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

* * *

Section 22. Section 1746-A of the act, added June 29, 2002 (P.L.524, No.88), is repealed:

[Section 1746-A. State Charter School Appeal Board review.

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

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

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

7 (3) The revocation of a charter.

8 (4) An appeal under section 1745-A(h).

9 (b) Procedure.--The appeal board shall:

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

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

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

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

29 (5) In the case of a decision by the department to
30 revoke or deny renewal of a cyber school charter in

1 accordance with section 1741-A(a)(3), make its decision based
2 on section 1729-A(a). A decision of the appeal board to
3 reverse the decision of the department to not revoke or deny
4 renewal of a charter shall serve as a requirement of the
5 department to not revoke or to not deny renewal of the
6 charter of the cyber charter school.

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

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

13 Section 23. Sections 1747-A introductory paragraph, 1748-A
14 and 1749-A(a) of the act, added June 29, 2002 (P.L.524, No.88),
15 are amended to read:

16 Section 1747-A. Cyber charter school application.

17 The department shall develop a standard application form for
18 cyber charter applicants. In addition to the provisions of
19 section 1719-A, an application to establish a cyber charter
20 school shall also include the following:

21 * * *

22 Section 1748-A. Enrollment and notification.

23 (a) Notice to school district.--

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

29 (2) If a school district which has received notice under
30 paragraph (1) determines that a student is not a resident of

1 the school district, the following apply:

2 (i) Within [seven] ten days of receipt of the notice
3 under paragraph (1), the school district shall notify the
4 cyber charter school and the department that the student
5 is not a resident of the school district. Notification of
6 nonresidence shall include the basis for the
7 determination.

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

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

22 (iv) A school district that has notified the cyber
23 charter school that it does not agree with the cyber
24 charter school's determination under subparagraph (iii)
25 shall appeal to the department for a final determination.

26 (v) All decisions of the department regarding the
27 school district of residence of a student shall be
28 subject to review by the Commonwealth Court.

29 (vi) A school district shall continue to make
30 payments to a cyber charter school under section 1725-A

1 during the time in which the school district of residence
2 of a student is in dispute.

3 (vii) If a final determination is made that a
4 student is not a resident of an appealing school
5 district, the cyber charter school shall return all funds
6 provided on behalf of that student to the school district
7 within 30 days.

8 (b) Notification form.--The department shall develop a
9 notification form for use under subsection (a). The notification
10 shall include:

11 (1) The name, home address and mailing address of the
12 student.

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

14 (3) The date the student will be enrolled.

15 (4) The name and address of the cyber charter school and
16 the name and telephone number of a contact person able to
17 provide information regarding the cyber charter school.

18 (5) The signature of the parent or guardian and an
19 authorized representative of the cyber charter school.

20 (c) Withdrawal.--The cyber charter school and the parent or
21 guardian of a student enrolled in a cyber charter school shall
22 provide written notification to the student's school district of
23 residence within [15] ten days following the withdrawal of a
24 student from the cyber charter school.

25 Section 1749-A. Applicability of other provisions of this act
26 and of other acts and regulations.

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

29 (1) Sections 108, 110, 111, 321, 325, 326, 327, 431,
30 436, 443, 510, 518, 527, 708, 752, 753, 755, 771, 776, 777,

1 808, 809, 810, 1109, 1111, 1112(a), 1205.1, 1205.2, 1301,
2 1302, 1310, 1317.2, 1318, 1330, 1332, 1303-A, 1518, 1521,
3 1523, 1531, 1547, 1702-A, 1703-A, 1704-A, 1714-A, 1715-A,
4 1716-A, 1716.1-A, 1716.2-A, 1719-A, 1721-A, 1722-A, 1723-A(a)
5 and (b), 1724-A, 1725-A, 1727-A, 1729-A, 1730-A, 1731-A(a)(1)
6 and (b) and 2014-A and Articles XII-A, XIII-A and XIV.

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

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

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

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

25 (6) The act of December 15, 1986 (P.L.1595, No.175),
26 known as the Antihazing Law.

27 (7) The act of February 14, 2008 (P.L.6, No.3) known as
28 the Right-to-Know Law.

29 (8) 65 Pa.C.S. Ch. 7 (relating to open meetings).

30 (9) 65 Pa.C.S. §§ 1102 (relating to definitions) and

1 1103(f) (relating to restricted activities).

2 * * *

3 Section 24. This act shall take effect in 60 days.