
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1348 Session of
2011

INTRODUCED BY KILLION, PAYTON, MARSHALL, B. BOYLE, CHRISTIANA,
CLYMER, COX, DAVIDSON, DELOZIER, ELLIS, GINGRICH, GROVE,
KAUFFMAN, W. KELLER, MICCARELLI, MILLER, OBERLANDER,
M. O'BRIEN, PICKETT, QUIGLEY, RAPP, SCHRODER, SWANGER,
TRUITT, VEREB, WATERS AND WATSON, APRIL 25, 2011

REFERRED TO COMMITTEE ON EDUCATION, APRIL 25, 2011

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 and
6 for concurrent enrollment agreements; repealing provisions
7 relating to charter schools; and providing for charter
8 schools and cyber charter schools.

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

11 Section 1. The definitions of "concurrent student" and
12 "school entity" in section 1602-B of the act of March 10, 1949
13 (P.L.30, No.14), known as the Public School Code of 1949, added
14 July 13, 2005 (P.L.226, No.46), are amended to read:

15 Section 1602-B. Definitions.

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

19 * * *

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

7 * * *

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

10 * * *

11 Section 2. Section 1613-B of the act is amended by adding a
12 subsection to read:

13 Section 1613-B. Concurrent enrollment agreements.

14 * * *

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

21 Section 3. Article XVII-A heading, Subdivision heading (a),
22 sections 1701-A and 1702-A, added June 19, 1997 (P.L.225,
23 No.22), are repealed:

24 [ARTICLE XVII-A.

25 CHARTER SCHOOLS.

26 (a) Preliminary Provisions.

27 Section 1701-A. Short Title.--This article shall be known
28 and may be cited as the "Charter School Law."

29 Section 1702-A. Legislative Intent.--It is the intent of the
30 General Assembly, in enacting this article, to provide pupils

1 and community members to establish and maintain schools that
2 operate independently from the existing school district
3 structure as a method to accomplish all of the following:

4 (1) Improve pupil learning.

5 (2) Increase learning opportunities for all pupils.

6 (3) Encourage the use of different and innovative teaching
7 methods.

8 (4) Create new professional opportunities for teachers,
9 including the opportunity to be responsible for the learning
10 program at the school site.

11 (5) Provide parents and pupils with expanded choices in the
12 types of educational opportunities that are available within the
13 public school system.

14 (6) Hold the schools established under this act accountable
15 for meeting measurable academic standards and provide the school
16 with a method to establish accountability systems.]

17 Section 3.1. Section 1703-A of the act, amended June 29,
18 2002 (P.L.524, No.88), is repealed:

19 [Section 1703-A. Definitions.--As used in this article,

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

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

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

1 entity.

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

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

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

16 "Local board of school directors" shall mean the board of
17 directors of a school district in which a proposed or an
18 approved charter school is located.

19 "Regional charter school" shall mean an independent public
20 school established and operated under a charter from more than
21 one local board of school directors and in which students are
22 enrolled or attend. A regional charter school must be organized
23 as a public, nonprofit corporation. Charters may not be granted
24 to any for-profit entity.

25 "School district of residence" shall mean the school district
26 in this Commonwealth in which the parents or guardians of a
27 child reside.

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

30 "Secretary" shall mean the Secretary of Education of the

1 Commonwealth.

2 "State board" shall mean the State Board of Education of the
3 Commonwealth.]

4 Section 3.2. Subdivision heading (b), added June 19, 1997
5 (P.L.225, No.22), is repealed:

6 [(b) Charter Schools.]

7 Section 3.3. Section 1714-A of the act, amended July 4, 2004
8 (P.L.536, No.70), is repealed:

9 [Section 1714-A. Powers of Charter Schools.--(a) A charter
10 school established under this act is a body corporate and shall
11 have all powers necessary or desirable for carrying out its
12 charter, including, but not limited to, the power to:

13 (1) Adopt a name and corporate seal; however, any name
14 selected shall include the words "charter school."

15 (2) Sue and be sued, but only to the same extent and upon
16 the same condition that political subdivisions and local
17 agencies can be sued.

18 (3) Acquire real property from public or private sources by
19 purchase, lease, lease with an option to purchase or gift for
20 use as a charter school facility.

21 (4) Receive and disburse funds for charter school purposes
22 only.

23 (5) Make contracts and leases for the procurement of
24 services, equipment and supplies.

25 (6) Incur temporary debts in anticipation of the receipt of
26 funds.

27 (6.1) Incur debt for the construction of school facilities.

28 (7) Solicit and accept any gifts or grants for charter
29 school purposes.

30 (b) A charter school shall have such other powers as are

1 necessary to fulfill its charter and which are not inconsistent
2 with this article.

3 (c) Any indebtedness incurred by a charter school in the
4 exercise of the powers specified in this section shall not
5 impose any liability or legal obligation upon a school entity or
6 upon the Commonwealth.]

7 Section 3.4. Section 1715-A, amended or added June 19, 1997
8 (P.L.225, No.22) and July 9, 2008 (P.L.846, No.61), is repealed:

9 [Section 1715-A. Charter School Requirements.--Charter
10 schools shall be required to comply with the following
11 provisions:

12 (1) Except as otherwise provided in this article, a charter
13 school is exempt from statutory requirements established in this
14 act, from regulations of the State board and the standards of
15 the secretary not specifically applicable to charter schools.
16 Charter schools are not exempt from statutes applicable to
17 public schools other than this act.

18 (2) A charter school shall be accountable to the parents,
19 the public and the Commonwealth, with the delineation of that
20 accountability reflected in the charter. Strategies for
21 meaningful parent and community involvement shall be developed
22 and implemented by each school.

23 (3) A charter school shall not unlawfully discriminate in
24 admissions, hiring or operation.

25 (4) A charter school shall be nonsectarian in all
26 operations.

27 (5) A charter school shall not provide any religious
28 instruction, nor shall it display religious objects and symbols
29 on the premises of the charter school.

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

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

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

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

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

19 (i) The following provisions of this act:

20 (A) Sections 751 and 751.1.

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

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

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

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

30 (v) The act of March 3, 1978 (P.L.6, No.3), known as the

1 "Steel Products Procurement Act."

2 (11) Trustees of a charter school shall be public officials.

3 (12) A person who serves as an administrator for a charter
4 school shall not receive compensation from another charter
5 school or from a company that provides management or other
6 services to another charter school. The term "administrator"
7 shall include the chief executive officer of a charter school
8 and all other employees of a charter school who by virtue of
9 their positions exercise management or operational oversight
10 responsibilities. A person who serves as an administrator for a
11 charter school shall be a public official under 65 Pa.C.S. Ch.
12 11 (relating to ethics standards and financial disclosure). A
13 violation of this clause shall constitute a violation of 65
14 Pa.C.S. § 1103(a) (relating to restricted activities), and the
15 violator shall be subject to the penalties imposed under the
16 jurisdiction of the State Ethics Commission.]

17 Section 3.5. Sections 1716-A, 1717-A, 1718-A and 1719-A,
18 added June 19, 1997 (P.L.225, No.22), are repealed:

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

27 (b) No member of a local board of school directors of a
28 school entity shall serve on the board of trustees of a charter
29 school that is located in the member's district.

30 (c) The board of trustees shall comply with the act of July

1 3, 1986 (P.L.388, No.84), known as the "Sunshine Act."

2 Section 1717-A. Establishment of Charter School.--(a) A
3 charter school may be established by an individual; one or more
4 teachers who will teach at the proposed charter school; parents
5 or guardians of students who will attend the charter school; any
6 nonsectarian college, university or museum located in this
7 Commonwealth; any nonsectarian corporation not-for-profit, as
8 defined in 15 Pa.C.S. (relating to corporations and
9 unincorporated associations); any corporation, association or
10 partnership; or any combination thereof. A charter school may be
11 established by creating a new school or by converting an
12 existing public school or a portion of an existing public
13 school. No charter school shall be established or funded by and
14 no charter shall be granted to any sectarian school, institution
15 or other entity. No funds allocated or disbursed under this
16 article shall be used to directly support instruction pursuant
17 to section 1327.1.

18 (b) (1) The conversion of an existing public school or
19 portion of an existing public school to a charter school may be
20 initiated by any individual or entity authorized to establish a
21 charter school under subsection (a).

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

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

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

30 (3) In no event shall the board of school directors serve as

1 the board of trustees of an existing school which is converted
2 to a charter school pursuant to this subsection.

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

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

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

30 (2) A charter school application submitted under this

1 article shall be evaluated by the local board of school
2 directors based on criteria, including, but not limited to, the
3 following:

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

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

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

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

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

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

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

1 stated in the notice sent by the local board of school directors
2 to the charter school applicant.

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

21 (g) Notwithstanding the provisions of subsection (e) (5),
22 failure by the local board of directors to hold a public hearing
23 and to grant or deny the application for a charter school within
24 the time periods specified in subsections (d), (e) and (f) shall
25 permit the applicant for a charter to file its application as an
26 appeal to the appeal board. In such case, the appeal board shall
27 review the application and make a decision to grant or deny a
28 charter based on the criteria established in subsection (e) (2).

29 (h) In the case of a review by the appeal board of an
30 application that is revoked or is not renewed, the appeal board

1 shall make its decision based on the criteria established in
2 subsection (e) (2). A decision by the appeal board under this
3 subsection or subsection (g) to grant, to renew or not to revoke
4 a charter shall serve as a requirement for the local board of
5 directors of a school district or school districts, as
6 appropriate, to sign the written charter of the charter school
7 as provided for in section 1720-A. Should the local board of
8 directors fail to grant the application and sign the charter
9 within ten (10) days of notice of reversal of the decision of
10 the local board of directors, the charter shall be deemed to be
11 approved and shall be signed by the chairman of the appeal
12 board.

13 (i) (1) The appeal board shall have the exclusive review of
14 an appeal by a charter school applicant, or by the board of
15 trustees of an existing charter school, of a decision made by a
16 local board of directors not to grant a charter as provided in
17 this section.

18 (2) In order for a charter school applicant to be eligible
19 to appeal the denial of a charter by the local board of
20 directors, the applicant must obtain the signatures of at least
21 two per centum of the residents of the school district or of one
22 thousand (1,000) residents, whichever is less, who are over
23 eighteen (18) years of age. For a regional charter school, the
24 applicant must obtain the signatures of at least two per centum
25 of the residents of each school district granting the charter or
26 of one thousand (1,000) residents from each of the school
27 districts granting the charter, whichever is less, who are over
28 eighteen (18) years of age. The signatures shall be obtained
29 within sixty (60) days of the denial of the application by the
30 local board of directors in accordance with clause (3).

1 (3) Each person signing a petition to appeal denial of a
2 charter under clause (2) shall declare that he or she is a
3 resident of the school district which denied the charter
4 application and shall include his or her printed name;
5 signature; address, including city, borough or township, with
6 street and number, if any; and the date of signing. All pages
7 shall be bound together. Additional pages of the petition shall
8 be numbered consecutively. There shall be appended to the
9 petition a statement that the local board of directors rejected
10 the petition for a charter school, the names of all applicants
11 for the charter, the date of denial by the board and the
12 proposed location of the charter school. No resident may sign
13 more than one petition relating to the charter school
14 application within the sixty (60) days following denial of the
15 application. The department shall develop a form to be used to
16 petition for an appeal.

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

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

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

24 (iii) That the signers signed with full knowledge of the
25 purpose of the petition.

26 (iv) That the signers' respective residences are correctly
27 stated in the petition.

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

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

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

3 (5) If the required number of signatures are obtained within
4 sixty (60) days of the denial of the application, the applicant
5 may present the petition to the court of common pleas of the
6 county in which the charter school would be situated. The court
7 shall hold a hearing only on the sufficiency of the petition.
8 The applicant and local board of school directors shall be given
9 seven (7) days' notice of the hearing. The court shall issue a
10 decree establishing the sufficiency or insufficiency of the
11 petition. If the petition is sufficient, the decree shall be
12 transmitted to the State Charter School Appeal Board for review
13 in accordance with this section. Notification of the decree
14 shall be given to the applicant and the local board of
15 directors.

16 (6) In any appeal, the decision made by the local board of
17 directors shall be reviewed by the appeal board on the record as
18 certified by the local board of directors. The appeal board
19 shall give due consideration to the findings of the local board
20 of directors and specifically articulate its reasons for
21 agreeing or disagreeing with those findings in its written
22 decision. The appeal board shall have the discretion to allow
23 the local board of directors and the charter school applicant to
24 supplement the record if the supplemental information was
25 previously unavailable.

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

29 (8) Not later than sixty (60) days following the review
30 conducted pursuant to clause (6), the appeal board shall issue a

1 written decision affirming or denying the appeal. If the appeal
2 board has affirmed the decision of the local board of directors,
3 notice shall be provided to both parties.

4 (9) A decision of the appeal board to reverse the decision
5 of the local board of directors shall serve as a requirement for
6 the local board of directors of a school district or school
7 districts, as appropriate, to grant the application and sign the
8 written charter of the charter school as provided for in section
9 1720-A. Should the local board of directors fail to grant the
10 application and sign the charter within ten (10) days of notice
11 of the reversal of the decision of the local board of directors,
12 the charter shall be deemed to be approved and shall be signed
13 by the chairman of the appeal board.

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

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

1 sectarian school, institution or other entity.

2 (b) The boards of school directors of one or more school
3 districts may act jointly to receive and consider an application
4 for a regional charter school, except that any action to approve
5 an application for a charter or to sign a written charter of an
6 applicant shall require an affirmative vote of a majority of all
7 the directors of each of the school districts involved. The
8 applicant shall apply for a charter to the board of directors of
9 any school district in which the charter school will be located.

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

16 Section 1719-A. Contents of Application.--An application to
17 establish a charter school shall include all of the following
18 information:

19 (1) The identification of the charter applicant.

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

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

22 (4) The proposed governance structure of the charter school,
23 including a description and method for the appointment or
24 election of members of the board of trustees.

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

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

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

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

6 (9) The financial plan for the charter school and the
7 provisions which will be made for auditing the school under
8 section 437.

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

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

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

18 (13) The proposed faculty and a professional development
19 plan for the faculty of a charter school.

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

30 (15) A report of criminal history record, pursuant to

1 section 111, for all individuals who shall have direct contact
2 with students.

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

8 (17) How the charter school will provide adequate liability
9 and other appropriate insurance for the charter school, its
10 employes and the board of trustees of the charter school.]

11 Section 3.6. Section 1720-A of the act, amended July 9, 2008
12 (P.L.846, No.61), is repealed:

13 [Section 1720-A. Term and Form of Charter.--(a) Upon
14 approval of a charter application under section 1717-A, a
15 written charter shall be developed which shall contain the
16 provisions of the charter application and which shall be signed
17 by the local board of school directors of a school district, by
18 the local boards of school directors of a school district in the
19 case of a regional charter school or by the chairman of the
20 appeal board pursuant to section 1717-A(i)(5) and the board of
21 trustees of the charter school. This written charter, when duly
22 signed by the local board of school directors of a school
23 district, or by the local boards of school directors of a school
24 district in the case of a regional charter school, and the
25 charter school's board of trustees, shall act as legal
26 authorization for the establishment of a charter school. This
27 written charter shall be legally binding on both the local board
28 of school directors of a school district and the charter
29 school's board of trustees. Except as otherwise provided in
30 subsection (b), the charter shall be for a period of no less

1 than three (3) nor more than five (5) years and may be renewed
2 for five (5) year periods upon reauthorization by the local
3 board of school directors of a school district or the appeal
4 board. A charter will be granted only for a school organized as
5 a public, nonprofit corporation.

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

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

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

21 Section 3.7. Section 1721-A of the act, added June 19, 1997
22 (P.L.225, No.22), is repealed:

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

1 (1) A parent of a school-aged child.

2 (2) A school board member.

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

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

7 (5) A member of the business community.

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

9 The term of office of members of the appeal board, other than
10 the secretary, shall be for a period of four (4) years or until
11 a successor is appointed and qualified, except that, of the
12 initial appointees, the Governor shall designate two (2) members
13 to serve terms of two (2) years, two (2) members to serve terms
14 of three (3) years and two (2) members to serve terms of four
15 (4) years. Any appointment to fill any vacancy shall be for the
16 period of the unexpired term or until a successor is appointed
17 and qualified.

18 (b) The appeal board shall meet as needed to fulfill the
19 purposes provided in this subsection. A majority of the members
20 of the appeal board shall constitute a quorum, and a majority of
21 the members of the appeal board shall have authority to act upon
22 any matter properly before the appeal board. The appeal board is
23 authorized to establish rules for its operation.

24 (c) The members shall receive no payment for their services.
25 Members who are not employes of State government shall be
26 reimbursed for expenses incurred in the course of their official
27 duties from funds appropriated for the general government
28 operations of the department.

29 (d) The department shall provide assistance and staffing for
30 the appeal board. The Governor, through the Governor's General

1 Counsel, shall provide such legal advice and assistance as the
2 appeal board may require.

3 (e) Meetings of the appeal board shall be conducted under
4 the act of July 3, 1986 (P.L.388, No.84), known as the "Sunshine
5 Act." Documents of the appeal board shall be subject to the act
6 of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-
7 Know Law.]

8 Section 3.8. Section 1722-A of the act, amended November 17,
9 2010 (P.L.996, No.104) and repealed in part July 4, 2004
10 (P.L.536, No.70), is repealed:

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

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

19 (d) Notwithstanding any other provision of this act, a
20 school district of the first class may, in its discretion,
21 permit a charter school to operate its school at more than one
22 location.

23 (e) (1) Notwithstanding the provisions of section 204 of
24 the act of May 22, 1933 (P.L.853, No.155), known as The General
25 County Assessment Law, all school property, real and personal,
26 owned by any charter school, cyber charter school or an
27 associated nonprofit foundation, or owned by a nonprofit
28 corporation or nonprofit foundation and leased to a charter
29 school, cyber charter school or associated nonprofit foundation
30 at or below fair market value, that is occupied and used by any

1 charter school or cyber charter school for public school,
2 recreation or any other purposes provided for by this act, shall
3 be made exempt from every kind of State, county, city, borough,
4 township or other real estate tax, including payments in lieu of
5 taxes established through agreement with the Commonwealth or any
6 local taxing authority, as well as from all costs or expenses
7 for paving, curbing, sidewalks, sewers or other municipal
8 improvements, Provided, That any charter school or cyber charter
9 school or owner of property leased to a charter school or cyber
10 charter school may make a municipal improvement in a street on
11 which its school property abuts or may contribute a sum toward
12 the cost of the improvement.

13 (2) Any agreement entered into by a charter school, cyber
14 charter school or associated nonprofit foundation with the
15 Commonwealth or a local taxing authority for payments in lieu of
16 taxes prior to December 31, 2009, shall be null and void.

17 (3) This subsection shall apply retroactively to all charter
18 schools, cyber charter schools and associated nonprofit
19 foundations that filed an appeal from an assessment, as provided
20 in Article V of The General County Assessment Law, prior to the
21 effective date of this subsection.

22 (4) For purposes of this subsection, "local taxing
23 authority" shall include, but not be limited to, a county, city,
24 borough, incorporated town, township or school district.]

25 Section 3.9. Section 1723-A of the act, amended or added
26 June 26, 1999 (P.L.394, No.36) and July 9, 2008 (P.L.846,
27 No.61), is repealed:

28 [Section 1723-A. Enrollment.--(a) All resident children in
29 this Commonwealth qualify for admission to a charter school
30 within the provisions of subsection (b). If more students apply

1 to the charter school than the number of attendance slots
2 available in the school, then students must be selected on a
3 random basis from a pool of qualified applicants meeting the
4 established eligibility criteria and submitting an application
5 by the deadline established by the charter school, except that
6 the charter school may give preference in enrollment to a child
7 of a parent who has actively participated in the development of
8 the charter school and to siblings of students presently
9 enrolled in the charter school. First preference shall be given
10 to students who reside in the district or districts.

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

17 (2) A charter school may limit admission to a particular
18 grade level, a targeted population group composed of at-risk
19 students, or areas of concentration of the school such as
20 mathematics, science or the arts. A charter school may establish
21 reasonable criteria to evaluate prospective students which shall
22 be outlined in the school's charter.

23 (c) If available classroom space permits, a charter school
24 may enroll nonresident students on a space-available basis, and
25 the student's district of residence shall permit the student to
26 attend the charter school. The terms and conditions of the
27 enrollment shall be outlined in the school's charter.

28 (d) (1) Enrollment of students in a charter school or cyber
29 charter school shall not be subject to a cap or otherwise
30 limited by any past or future action of a board of school

1 directors, a board of control established under Article XVII-B,
2 a special board of control established under section 692 or any
3 other governing authority, unless agreed to by the charter
4 school or cyber charter school as part of a written charter
5 pursuant to section 1720-A.

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

10 Section 3.10. Section 1724-A of the act, added June 29, 1997
11 (P.L.225, No.22), is repealed:

12 [Section 1724-A. School Staff.--(a) The board of trustees
13 shall determine the level of compensation and all terms and
14 conditions of employment of the staff except as may otherwise be
15 provided in this article. At least seventy-five per centum of
16 the professional staff members of a charter school shall hold
17 appropriate State certification. Employes of a charter school
18 may organize under the act of July 23, 1970 (P.L.563, No.195),
19 known as the "Public Employe Relations Act." The board of
20 trustees of a charter school shall be considered an employer for
21 the purposes of Article XI-A. Upon formation of one or more
22 collective bargaining units at the school, the board of trustees
23 shall bargain with the employes based on the provisions of this
24 article, Article XI-A and the "Public Employe Relations Act."
25 Collective bargaining units at a charter school shall be
26 separate from any collective bargaining unit of the school
27 district in which the charter school is located and shall be
28 separate from any other collective bargaining unit. A charter
29 school shall be considered a school entity as provided for in
30 section 1161-A for the purpose of the secretary seeking an

1 injunction requiring the charter school to meet the minimum
2 requirements for instruction as provided for in this article.

3 (b) Each charter application shall list the general
4 qualifications needed to staff any noncertified positions.
5 Professional employes who do not hold appropriate Pennsylvania
6 certification must present evidence that they:

7 (i) Meet the qualifications in sections 1109 and 1209.

8 (ii) Have demonstrated satisfactorily a combination of
9 experience, achievement and qualifications as defined in the
10 charter school application in basic skills, general knowledge,
11 professional knowledge and practice and subject matter knowledge
12 in the subject area where an individual will teach.

13 (c) All employes of a charter school shall be enrolled in
14 the Public School Employee's Retirement System in the same
15 manner as set forth in 24 Pa.C.S. § 8301(a) (relating to
16 mandatory and optional membership) unless at the time of the
17 application for the charter school the sponsoring district or
18 the board of trustees of the charter school has a retirement
19 program which covers the employes or the employe is currently
20 enrolled in another retirement program. The Commonwealth shall
21 make contributions on behalf of charter school employes, and the
22 charter school shall be considered a school district and shall
23 make payments by employers and payments on account of Social
24 Security as established under 24 Pa.C.S. Pt. IV (relating to
25 retirement for school employees). For purposes of payments by
26 employers, a charter school shall be considered a school
27 district under 24 Pa.C.S. § 8329(a)(1) (relating to payments on
28 account of social security deductions from appropriations). The
29 market value/income aid ratio used in calculating payments as
30 prescribed in this subsection shall be the market value/income

1 aid ratio for the school district in which the charter school is
2 located or, in the case of a regional charter school, shall be a
3 composite market value/income aid ratio for the participating
4 school districts as determined by the department. Except as
5 otherwise provided, employes of a charter school shall make
6 regular member contributions as required for active members
7 under 24 Pa.C.S. Pt. IV. If the employes of the charter school
8 participate in another retirement plan, then those employes
9 shall have no concurrent claim on the benefits provided to
10 public school employes under 24 Pa.C.S. Pt. IV. For purposes of
11 this subsection, a charter school shall be deemed to be a
12 "public school" as defined in 24 Pa.C.S. § 8102 (relating to
13 definitions).

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

26 (e) Any public school employe of a school entity may request
27 a leave of absence for up to five (5) years in order to work in
28 a charter school located in the district of employment or in a
29 regional charter school in which the employing school district
30 is a participant. Approval for a leave shall not be unreasonably

1 withheld.

2 (f) Temporary professional employes on leave from a school
3 district may accrue tenure in the non-charter public school
4 system at the discretion of the local board of school directors,
5 the same as they would under Article XI if they had continued to
6 be employed by that district. Professional employes on leave
7 from a school district shall retain their tenure rights, as
8 defined in Article XI, in the school entity from which they
9 came. No temporary professional employe or professional employe
10 shall have tenure rights as against a charter school. Both
11 temporary professional employes and professional employes shall
12 continue to accrue seniority in the school entity from which
13 they came if they return to that school entity when the leave
14 ends.

15 (g) Professional employes who hold a first level teaching or
16 administrative certificate may, at their option, have the time
17 completed in satisfactory service in a charter school applied to
18 the length of service requirements for the next level of
19 certification.

20 (h) (1) Any temporary professional employe or professional
21 employe who leaves employment at a charter school shall have the
22 right to return to a comparable position for which the person is
23 properly certified in the school entity which granted the leave
24 of absence. In the case where a teacher has been dismissed by
25 the charter school, the school entity which granted the leave of
26 absence is to be provided by the charter school with the reasons
27 for such dismissal at the time it occurs, a list of any
28 witnesses who were relied on by the charter school in moving for
29 dismissal, a description of and access to any physical evidence
30 used by the charter school in moving for dismissal and a copy of

1 any record developed at any dismissal proceeding conducted by
2 the charter school. The record of any such hearing may be
3 admissible in a hearing before the school entity which granted
4 the leave of absence. Nothing in this section shall affect the
5 authority of the board of school directors to initiate
6 proceedings under Article XI if the board determines that
7 occurrences at the charter school leading to dismissal of a
8 teacher constitute adequate and independent grounds for
9 discipline under section 1122.

10 (2) No temporary employe or professional employe who is
11 leaving employment at a charter school shall be returned to a
12 position in the public school district which granted his leave
13 of absence until such public school district is in receipt of a
14 current criminal history record under section 111 and the
15 official clearance statement regarding child injury or abuse
16 from the Department of Public Welfare as required by 23 Pa.C.S.
17 Ch. 63 Subch. C.2 (relating to background checks for employment
18 in schools).

19 (i) All individuals who shall have direct contact with
20 students shall be required to submit a report of criminal
21 history record information as provided for in section 111 prior
22 to accepting a position with the charter school. This subsection
23 shall also apply to any individual who volunteers to work on a
24 full-time or part-time basis at the charter school.

25 (j) All applicants for a position as a school employe shall
26 be required to submit the official clearance statement regarding
27 child injury or abuse from the Department of Public Welfare as
28 required by 23 Pa.C.S. Ch. 63 Subch. C.2. This section shall
29 also apply to any individual who volunteers to work on a full-
30 time or part-time basis at a charter school.]

1 Section 3.11. Section 1725-A of the act, amended or added
2 June 19, 1997 (P.L.225, No.22), June 22, 2001 (P.L.530, No.35)
3 and June 29, 2002 (P.L.524, No.88), is repealed:

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

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

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

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

30 (4) A charter school may request the intermediate unit in

1 which the charter school is located to provide services to
2 assist the charter school to address the specific needs of
3 exceptional students. The intermediate unit shall assist the
4 charter school and bill the charter school for the services. The
5 intermediate unit may not charge the charter school more for any
6 service than it charges the constituent districts of the
7 intermediate unit.

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

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

30 (b) The Commonwealth shall provide temporary financial

1 assistance to a school district due to the enrollment of
2 students in a charter school who attended a nonpublic school in
3 the prior school year in order to offset the additional costs
4 directly related to the enrollment of those students in a public
5 charter school. The Commonwealth shall pay the school district
6 of residence of a student enrolled in a nonpublic school in the
7 prior school year who is attending a charter school an amount
8 equal to the school district of residence's basic education
9 subsidy for the current school year divided by the district's
10 average daily membership for the prior school year. This payment
11 shall occur only for the first year of the attendance of the
12 student in a charter school, starting with school year
13 1997-1998. Total payments of temporary financial assistance to
14 school districts on behalf of a student enrolling in a charter
15 school who attended a nonpublic school in the prior school year
16 shall be limited to funds appropriated for this program in a
17 fiscal year. If the total of the amount needed for all students
18 enrolled in a nonpublic school in the prior school year who
19 enroll in a charter school exceeds the appropriation for the
20 temporary financial assistance program, the amount paid to a
21 school district for each qualifying student shall be pro rata
22 reduced. Receipt of funds under this subsection shall not
23 preclude a school district from applying for a grant under
24 subsection (c).

25 (c) The Commonwealth shall create a grant program to provide
26 temporary transitional funding to a school district due to the
27 budgetary impact relating to any student's first-year attendance
28 at a charter school. The department shall develop criteria which
29 shall include, but not be limited to, the overall fiscal impact
30 on the budget of the school district resulting from students of

1 a school district attending a charter school. The criteria shall
2 be published in the Pennsylvania Bulletin. This subsection shall
3 not apply to a public school converted to a charter school under
4 section 1717-A(b). Grants shall be limited to funds appropriated
5 for this purpose.

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

11 (e) It shall be unlawful for any trustee of a charter school
12 or any board of trustees of a charter school or any other person
13 affiliated in any way with a charter school to demand or
14 request, directly or indirectly, any gift, donation or
15 contribution of any kind from any parent, teacher, employe or
16 any other person affiliated with the charter school as a
17 condition for employment or enrollment and/or continued
18 attendance of any pupil. Any donation, gift or contribution
19 received by a charter school shall be given freely and
20 voluntarily.]

21 Section 3.12. Section 1726-A of the act, amended July 11,
22 2006 (P.L.1092, No.114) and July 9, 2008 (P.L.846, No.61), is
23 repealed:

24 [Section 1726-A. Transportation.--(a) Students who attend a
25 charter school located in their school district of residence, a
26 regional charter school of which the school district is a part
27 or a charter school located outside district boundaries at a
28 distance not exceeding ten (10) miles by the nearest public
29 highway shall be provided free transportation to the charter
30 school by their school district of residence on such dates and

1 periods that the charter school is in regular session whether or
2 not transportation is provided on such dates and periods to
3 students attending schools of the district. Transportation is
4 not required for elementary students, including kindergarten
5 students, residing within one and one-half (1.5) miles or for
6 secondary students residing within two (2) miles of the nearest
7 public highway from the charter school in which the students are
8 enrolled unless the road or traffic conditions are such that
9 walking constitutes a hazard to the safety of the students when
10 so certified by the Department of Transportation, except that if
11 the school district provides transportation to the public
12 schools of the school district for elementary students,
13 including kindergarten students, residing within one and one-
14 half (1.5) miles or for secondary students residing within two
15 (2) miles of the nearest public highway under nonhazardous
16 conditions, transportation shall also be provided to charter
17 schools under the same conditions. Districts providing
18 transportation to a charter school outside the district and, for
19 the 2007-2008 school year and each school year thereafter,
20 districts providing transportation to a charter school within
21 the district shall be eligible for payments under section 2509.3
22 for each public school student transported.

23 (a.1) In addition to any other requirements in this section,
24 school districts of the first class shall provide transportation
25 to students who attend a charter school if they are the same age
26 or are enrolled in the same grade, grades or their grade
27 equivalents as any of the students of the school district for
28 whom transportation is provided under any program or policy to
29 the schools of the school district.

30 (b) In the event that the Secretary of Education determines

1 that a school district is not providing the required
2 transportation to students to the charter school, the Department
3 of Education shall pay directly to the charter school funds for
4 costs incurred in the transportation of its students. Payments
5 to a charter school shall be determined in the following manner:
6 for each eligible student transported, the charter school shall
7 receive a payment equal to the total expenditures for
8 transportation of the school district divided by the total
9 number of school students transported by the school district
10 under any program or policy.

11 (c) The department shall deduct the amount paid to the
12 charter school under subsection (b) from any and all payments
13 made to the district.

14 (d) A school district of the first class shall submit a copy
15 of its current transportation policy to the department no later
16 than August 1 of each year.]

17 Section 3.13. Sections 1727-A and 1728-A of the act, added
18 June 19, 1997 (P.L.225, No.22), are repealed:

19 [Section 1727-A. Tort Liability.--For purposes of tort
20 liability, employes of the charter school shall be considered
21 public employes and the board of trustees shall be considered
22 the public employer in the same manner as political subdivisions
23 and local agencies. The board of trustees of a charter school
24 and the charter school shall be solely liable for any and all
25 damages of any kind resulting from any legal challenge involving
26 the operation of a charter school. Notwithstanding this
27 requirement, the local board of directors of a school entity
28 shall not be held liable for any activity or operation related
29 to the program of the charter school.

30 Section 1728-A. Annual Reports and Assessments.--(a) The

1 local board of school directors shall annually assess whether
2 each charter school is meeting the goals of its charter and
3 shall conduct a comprehensive review prior to granting a five
4 (5) year renewal of the charter. The local board of school
5 directors shall have ongoing access to the records and
6 facilities of the charter school to ensure that the charter
7 school is in compliance with its charter and this act and that
8 requirements for testing, civil rights and student health and
9 safety are being met.

10 (b) In order to facilitate the local board's review and
11 secretary's report, each charter school shall submit an annual
12 report no later than August 1 of each year to the local board of
13 school directors and the secretary in the form prescribed by the
14 secretary.

15 (c) Five (5) years following the effective date of this
16 article, the secretary shall contract with an independent
17 professional consultant with expertise in public and private
18 education. The consultant shall receive input from members of
19 the educational community and the public on the charter school
20 program. The consultant shall submit a report to the secretary,
21 the Governor and the General Assembly and an evaluation of the
22 charter school program, which shall include a recommendation on
23 the advisability of the continuation, modification, expansion or
24 termination of the program and any recommendations for changes
25 in the structure of the program.]

26 Section 3.14. Section 1729-A of the act, amended or added
27 June 19, 1997 (P.L.225, No.22), July 4, 2004 (P.L.536, No.70)
28 and July 9, 2008 (P.L.846, No.61), is repealed:

29 [Section 1729-A. Causes for Nonrenewal or Termination.--(a)
30 During the term of the charter or at the end of the term of the

1 charter, the local board of school directors may choose to
2 revoke or not to renew the charter based on any of the
3 following:

4 (1) One or more material violations of any of the
5 conditions, standards or procedures contained in the written
6 charter signed pursuant to section 1720-A.

7 (2) Failure to meet the requirements for student performance
8 set forth in 22 Pa. Code Ch. 5 (relating to curriculum) or
9 subsequent regulations promulgated to replace 22 Pa. Code Ch. 5
10 or failure to meet any performance standard set forth in the
11 written charter signed pursuant to section 1716-A.

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

14 (4) Violation of provisions of this article.

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

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

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

26 (i) The performance targets and the periods of time in which
27 the performance targets must be met shall be reasonable.

28 (ii) The placement of conditions in a charter as specified
29 in this subsection shall not be considered an adjudication and
30 may not be appealed to the State Charter School Appeal Board.

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

4 (b) A member of the board of trustees who is convicted of a
5 felony or any crime involving moral turpitude shall be
6 immediately disqualified from serving on the board of trustees.

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

27 (d) Following the appointment and confirmation of the appeal
28 board, but not before July 1, 1999, the charter school may
29 appeal the decision of the local board of school directors to
30 revoke or not renew the charter to the appeal board. The appeal

1 board shall have the exclusive review of a decision not to renew
2 or revoke a charter. The appeal board shall review the record
3 and shall have the discretion to supplement the record if the
4 supplemental information was previously unavailable. The appeal
5 board may consider the charter school plan, annual reports,
6 student performance and employe and community support for the
7 charter school in addition to the record. The appeal board shall
8 give due consideration to the findings of the local board of
9 directors and specifically articulate its reasons for agreeing
10 or disagreeing with those findings in its written decision.

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

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

17 (g) In cases where the health or safety of the school's
18 pupils, staff or both is at serious risk, the local board of
19 school directors may take immediate action to revoke a charter.

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

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

1 liabilities or obligations of the charter school.

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

9 Section 3.15. Sections 1730-A and 1731-A of the act, added
10 June 19, 1997 (P.L.225, No.22), are repealed:

11 [Section 1730-A. Desegregation Orders.--The local board of
12 school directors of a school district which is operating under a
13 desegregation plan approved by the Pennsylvania Human Relations
14 Commission or a desegregation order by a Federal or State court
15 shall not approve a charter school application if such charter
16 school would place the school district in noncompliance with its
17 desegregation order.

18 Section 1731-A. Charter School Grants.--(a) The secretary
19 shall allocate grants for planning and start-up funding to
20 eligible applicants under section 1717-A from funds appropriated
21 for the implementation of this act.

22 (1) Planning grant applications shall be filed on a form and
23 by a date determined by the secretary. The amount of a grant may
24 vary depending on the size and scope of the planning needed by
25 the applicant. The application shall address the manner in which
26 the applicant plans to address the criteria established for
27 charter schools in sections 1715-A and 1717-A.

28 (2) Start-up funding grant applications shall be filed on a
29 form and by a date determined by the secretary. The applicant
30 for the charter school shall submit its application for a

1 charter when applying for the grant. A grant for start-up
2 funding may vary depending on the size and special
3 characteristics of the charter school. A start-up grant may be
4 used to meet the expenses of the charter school as established
5 in their charter and as authorized in the provisions of this
6 article.

7 (b) The applicant shall include a copy of a letter informing
8 the local board of school directors of the school district of
9 the application for the planning grant if the location of the
10 proposed charter school is known. An applicant receiving a
11 start-up funding grant shall notify the school district or
12 districts signing the charter of receipt of this grant.]

13 Section 3.16. Section 1732-A, Subdivision (c) heading and
14 sections 1741-A, 1742-A, 1743-A, 1744-A, 1745-A, 1746-A, 1747-A,
15 1748-A, 1749-A, 1750-A and 1751-A of the act, amended or added
16 June 29, 2002 (P.L.524, No.88), are repealed:

17 [Section 1732-A. Provisions Applicable to Charter Schools.--

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

19 Sections 108, 110, 111, 321, 325, 326, 327, 431, 436, 443,
20 510, 518, 527, 708, 736, 737, 738, 739, 740, 741, 752, 753, 755,
21 771, 776, 777, 808, 809, 810, 1109, 1111, 1112(a), 1301, 1310,
22 1317, 1317.1, 1317.2, 1318, 1327, 1330, 1332, 1303-A, 1513,
23 1517, 1518, 1521, 1523, 1531, 1547, 2014-A, Article XIII-A and
24 Article XIV.

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

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

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

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

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

14 (b) Charter schools shall be subject to the following
15 provisions of 22 Pa. Code:

16 Section 5.216 (relating to ESOL).

17 Section 5.4 (relating to general policies).

18 Chapter 11 (relating to pupil attendance).

19 Chapter 12 (relating to students).

20 Section 32.3 (relating to assurances).

21 Section 121.3 (relating to discrimination prohibited).

22 Section 235.4 (relating to practices).

23 Section 235.8 (relating to civil rights).

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

26 (c) (1) The secretary may promulgate additional regulations
27 relating to charter schools.

28 (2) The secretary shall have the authority and the
29 responsibility to ensure that charter schools comply with
30 Federal laws and regulations governing children with

1 disabilities. The secretary shall promulgate regulations to
2 implement this provision.

3 (c) Cyber Charter Schools.

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

5 (a) Powers and duties.--The department shall:

6 (1) Receive, review and act on applications for the
7 creation of a cyber charter school and have the power to
8 request further information from applicants, obtain input
9 from interested persons or entities and hold hearings
10 regarding applications.

11 (2) Renew the charter of cyber charter school and renew
12 the charter of a charter school approved under section 1717-A
13 or 1718-A which provides instruction through the Internet or
14 other electronic means. Upon renewal of a charter of a
15 charter school approved under section 1717-A or 1718-A, the
16 charter school shall qualify as a cyber charter school under
17 this subdivision and shall be subject to the provisions of
18 this subdivision.

19 (3) Revoke or deny renewal of a cyber charter school's
20 charter under the provisions of section 1729-A.

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

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

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

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

10 (4) Execute charters after approval.

11 (5) Develop forms, including the notification form under
12 section 1748-A(b), necessary to carry out the provisions of
13 this subdivision.

14 (b) Hearings.--Hearings conducted by the department shall be
15 conducted under 65 Pa.C.S. Ch. 7 (relating to open meetings).

16 (c) Documents.--Documents of the appeal board shall be
17 subject to the act of June 21, 1957 (P.L.390, No.212), referred
18 to as the Right-to-Know Law.

19 Section 1742-A. Assessment and evaluation.

20 The department shall:

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

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

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

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

8 (a) Special financial requirements prohibited.--A cyber
9 charter school shall not:

10 (1) provide discounts to a school district or waive
11 payments under section 1725-A for any student;

12 (2) except as provided for in subsection (e), provide
13 payments to parents or guardians for the purchase of
14 instructional materials; or

15 (3) except as compensation for the provision of specific
16 services, enter into agreements to provide funds to a school
17 entity.

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

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

25 (1) A copy of the charter.

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

27 (3) A copy of all annual reports prepared by the cyber
28 charter school.

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

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

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

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

11 (3) The manner in which attendance will be reported and
12 work will be authenticated.

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

16 (5) The meetings to be held during the school year
17 between a parent or guardian and a teacher and among other
18 school officials or parents or guardians and the manner in
19 which the parent or guardian will be notified of the time and
20 place for the meeting.

21 (6) The address of the cyber charter school and the
22 name, telephone number and e-mail address of the school
23 administrator and other school personnel.

24 (7) A list of any extracurricular activities provided by
25 the cyber charter school.

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

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

1 (10) Copies of policies relating to computer security
2 and privacy, truancy, absences, discipline and withdrawal or
3 expulsion of students.

4 (11) Information on:

5 (i) The cyber charter school's professional staff,
6 including the number of staff personnel, their education
7 level and experience.

8 (ii) The cyber charter school's performance on the
9 PSSA and other standardized test scores.

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

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

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

20 (1) provide all instructional materials;

21 (2) provide all equipment, including, but not limited
22 to, a computer, computer monitor and printer; and

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

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

29 (f) Annual report.--A cyber charter school shall submit an
30 annual report no later than August 1 of each year to the

1 department in the form prescribed by the department.

2 (g) Records and facilities.--A cyber charter school shall
3 provide the department with ongoing access to all records and
4 facilities necessary for the department to assess the cyber
5 charter school in accordance with the provisions of this
6 subdivision.

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

18 (i) Applicable law.--Any action taken against the cyber
19 charter school, its successors or assigns or its employees,
20 including any cyber charter school staff member as defined in
21 the act of December 12, 1973 (P.L.397, No.141), known as the
22 Professional Educator Discipline Act, shall be governed by the
23 laws of this Commonwealth. If the department initiates an
24 investigation or pursues an action pursuant to the Professional
25 Educator Discipline Act involving any current or former charter
26 school staff member outside this Commonwealth, any reasonable
27 expenses incurred by the department in such investigation or
28 action shall be paid by the cyber charter school which employed
29 that staff member at the time of the alleged misconduct.

30 Section 1744-A. School district and intermediate unit

1 responsibilities.

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

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

10 (2) Provide the cyber charter school with reasonable
11 access to its facilities for the administration of
12 standardized tests required under this subdivision.

13 (3) Upon request, provide assistance to the cyber
14 charter school in the delivery of services to a student with
15 disabilities. The school district or intermediate unit shall
16 not charge the cyber charter school more for a service than
17 it charges a school district.

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

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

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

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

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

6 (d) Application.--An application to establish a cyber
7 charter school shall be submitted to the department by October 1
8 of the school year preceding the school year in which the cyber
9 charter school proposes to commence operation.

10 (e) Grant or denial.--Within 120 days of receipt of an
11 application, the department shall grant or deny the application.
12 The department shall review the application and shall hold at
13 least one public hearing under 65 Pa.C.S. Ch. 7 (relating to
14 open meetings). At least 30 days prior to the hearing, the
15 department shall publish in the Pennsylvania Bulletin and on the
16 department's World Wide Web site notice of the hearing and the
17 purpose of the application.

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

1 standards under 22 Pa. Code Ch. 4 (relating to academic
2 standards and assessment) or subsequent regulations
3 promulgated to replace 22 Pa. Code Ch. 4.

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

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

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

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

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

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

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

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

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

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

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

14 (3) The revocation of a charter.

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

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

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

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

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

30 (4) In the case of a decision by the department to deny

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

6 (5) In the case of a decision by the department to
7 revoke or deny renewal of a cyber school charter in
8 accordance with section 1741-A(a) (3), make its decision based
9 on section 1729-A(a). A decision of the appeal board to
10 reverse the decision of the department to not revoke or deny
11 renewal of a charter shall serve as a requirement of the
12 department to not revoke or to not deny renewal of the
13 charter of the cyber charter school.

14 (c) Stay.--If the department appeals the decision of the
15 appeal board, the appeal board's decision shall be stayed only
16 upon order of the appeal board, the Commonwealth Court or the
17 Pennsylvania Supreme Court.

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

20 Section 1747-A. Cyber charter school application.

21 In addition to the provisions of section 1719-A, an
22 application to establish a cyber charter school shall also
23 include the following:

24 (1) The curriculum to be offered and how it meets the
25 requirements of 22 Pa. Code Ch. 4 (relating to academic
26 standards and assessment) or subsequent regulations
27 promulgated to replace 22 Pa. Code Ch. 4.

28 (2) The number of courses required for elementary and
29 secondary students.

30 (3) An explanation of the amount of on-line time

1 required for elementary and secondary students.

2 (4) The manner in which teachers will deliver
3 instruction, assess academic progress and communicate with
4 students to provide assistance.

5 (5) A specific explanation of any cooperative learning
6 opportunities, meetings with students, parents and guardians,
7 field trips or study sessions.

8 (6) The technology, including types of hardware and
9 software, equipment and other materials which will be
10 provided by the cyber charter school to the student.

11 (7) A description of how the cyber charter school will
12 define and monitor a student's school day, including the
13 delineation of on-line and off-line time.

14 (8) A description of commercially prepared standardized
15 achievement tests that will be used by the cyber charter
16 school in addition to the Pennsylvania System of School
17 Assessment test, including the grade levels that will be
18 tested and how the data collected from the tests will be used
19 to improve instruction.

20 (9) The technical support that will be available to
21 students and parents or guardians.

22 (10) The privacy and security measures to ensure the
23 confidentiality of data gathered online.

24 (11) The level of anticipated enrollment during each
25 school year of the proposed charter, including expected
26 increases due to the addition of grade levels.

27 (12) The methods to be used to insure the authenticity
28 of student work and adequate proctoring of examinations.

29 (13) The provision of education and related services to
30 students with disabilities, including evaluation and the

1 development and revision of individualized education
2 programs.

3 (14) Policies regarding truancy, absences and withdrawal
4 of students, including the manner in which the cyber charter
5 school will monitor attendance consistent with the provisions
6 of section 1715-A(9).

7 (15) The types and frequency of communication between
8 the cyber charter school and the student and the manner in
9 which the cyber charter school will communicate with parents
10 and guardians.

11 (16) The addresses of all facilities and offices of the
12 cyber charter school, the ownership thereof and any lease
13 arrangements.

14 Section 1748-A. Enrollment and notification.

15 (a) Notice to school district.--

16 (1) Within 15 days of the enrollment of a student to a
17 cyber charter school, the parent or guardian and the cyber
18 charter school shall notify the student's school district of
19 residence of the enrollment through the use of the
20 notification form under subsection (b).

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

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

30 (ii) Within seven days of notification under

1 subparagraph (i), the cyber charter school shall review
2 the notification of nonresidence, respond to the school
3 district and provide a copy of the response to the
4 department. If the cyber charter school agrees that a
5 student is not a resident of the school district, it
6 shall determine the proper district of residence of the
7 student before requesting funds from another school
8 district.

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

14 (iv) A school district that has notified the cyber
15 charter school that it does not agree with the cyber
16 charter school's determination under subparagraph (iii)
17 shall appeal to the department for a final determination.

18 (v) All decisions of the department regarding the
19 school district of residence of a student shall be
20 subject to review by the Commonwealth Court.

21 (vi) A school district shall continue to make
22 payments to a cyber charter school under section 1725-A
23 during the time in which the school district of residence
24 of a student is in dispute.

25 (vii) If a final determination is made that a
26 student is not a resident of an appealing school
27 district, the cyber charter school shall return all funds
28 provided on behalf of that student to the school district
29 within 30 days.

30 (b) Notification form.--The department shall develop a

1 notification form for use under subsection (a). The notification
2 shall include:

3 (1) The name, home address and mailing address of the
4 student.

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

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

7 (4) The name and address of the cyber charter school and
8 the name and telephone number of a contact person able to
9 provide information regarding the cyber charter school.

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

12 (c) Withdrawal.--The cyber charter school and the parent or
13 guardian of a student enrolled in a cyber charter school shall
14 provide written notification to the student's school district of
15 residence within 15 days following the withdrawal of a student
16 from the cyber charter school.

17 Section 1749-A. Applicability of other provisions of this
18 act and of other acts and regulations.

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

21 (1) Sections 108, 110, 111, 321, 325, 326, 327, 431,
22 436, 443, 510, 518, 527, 708, 752, 753, 755, 771, 776, 777,
23 808, 809, 810, 1109, 1111, 1112(a), 1205.1, 1205.2, 1301,
24 1302, 1310, 1317.2, 1318, 1330, 1332, 1303-A, 1518, 1521,
25 1523, 1531, 1547, 1702-A, 1703-A, 1714-A, 1715-A, 1716-A,
26 1719-A, 1721-A, 1722-A, 1723-A(a) and (b), 1724-A, 1725-A,
27 1727-A, 1729-A, 1730-A, 1731-A(a) (1) and (b) and 2014-A and
28 Articles XII-A, XIII-A and XIV.

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

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

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

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

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

19 (b) Regulations.--Cyber charter schools shall be subject to
20 the following provisions of 22 Pa. Code (relating to education):

21 (1) Chapter 4 (relating to academic standards and
22 assessment).

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

24 (3) Chapter 12 (relating to students).

25 (4) Section 32.3 (relating to assurances).

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

28 (6) Section 235.4 (relating to practices).

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

30 (8) Chapter 711 (relating to charter school services and

1 programs for children with disabilities).

2 (c) Existing charter schools.--

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

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

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

14 (ii) Section 1744-A.

15 (iii) Section 1748-A.

16 Section 1750-A. Effect on certain existing charter schools.

17 (a) Determination.--For a charter school approved under
18 section 1717-A or 1718-A which provides instruction through the
19 Internet or other electronic means, prior to August 15, 2002,
20 the department shall determine:

21 (1) whether the charter school is in compliance with
22 this subdivision;

23 (2) whether the charter school has provided notification
24 of the enrollment of each existing student to the school
25 district of residence; and

26 (3) how the charter school plans to comply with section
27 1743-A(d).

28 (b) Notification of compliance.--Prior to August 15, 2002,
29 the department shall:

30 (1) Notify each charter school and the chartering school

1 district of the department's determination under subsection
2 (a). The notification shall include specific requirements
3 with which the charter school has failed to comply.

4 (2) Publish a copy of the notification on the
5 department's World Wide Web site.

6 (c) Charter school requirement.--A charter school subject to
7 the requirements of this section shall, either in writing or
8 electronically, provide the parent or guardian of any student
9 enrolled in the charter school a copy of the department's
10 determination under subsection (b).

11 (d) School districts.--A school district shall not renew the
12 charter of a charter school approved under section 1717-A or
13 1718-A which provides instruction through the Internet or other
14 electronic means or approve a charter for a cyber charter
15 school.

16 (e) Renewal of charter for certain existing charter
17 schools.--Upon the expiration of its charter, a charter school
18 approved under section 1717-A or 1718-A which provides
19 instruction through the Internet or other electronic means shall
20 seek renewal of its charter from the department under this
21 subdivision. The charter shall be amended as needed to reflect
22 the requirements of this subdivision.

23 Section 1751-A. Regulations.

24 The department may issue regulations to implement this
25 subdivision.]

26 Section 4. The act is amended by adding an article to read:

27 ARTICLE XVII-C

28 CHARTER SCHOOLS AND CYBER CHARTER SCHOOLS

29 SUBARTICLE A

30 PRELIMINARY PROVISIONS

1 Section 1701-C. Scope of article.

2 This article relates to charter schools and cyber charter
3 schools.

4 Section 1702-C. Legislative intent.

5 It is the intent of the General Assembly to provide pupils
6 and community members the ability to establish and maintain
7 schools that operate independently from the existing school
8 district structure as a method to accomplish all of the
9 following:

10 (1) Improve pupil learning.

11 (2) Increase learning opportunities for all pupils.

12 (3) Encourage the use of different and innovative
13 teaching methods.

14 (4) Create new professional opportunities for teachers,
15 including the opportunity to be responsible for the learning
16 program at the school site.

17 (5) Provide parents and pupils with expanded choices in
18 the types of educational opportunities that are available
19 within the public school system.

20 (6) Hold the schools established under this article
21 accountable for meeting measurable academic standards and
22 provide the school with a method to establish accountability
23 systems.

24 Section 1703-C. Definitions.

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

28 "Administrator." The term includes those employees of a
29 charter school or cyber charter school, including the chief
30 administrator of a charter school or cyber charter school and

1 all other employees, who by virtue of their positions are
2 responsible for taking or recommending official action of a
3 nonministerial nature with regard to contracting or procurement,
4 administering or monitoring grants or subsidies, managing or
5 regulating staff, student and school activities or any activity
6 where the official action has an economic impact of greater than
7 a de minimis nature on the interests of any person.

8 "At-risk student." A student at risk of educational failure
9 because of limited English proficiency, poverty, community
10 factors, truancy, academic difficulties or economic
11 disadvantage.

12 "Authorizer." The commission, a local board of school
13 directors or a governing board of an institution of higher
14 education that meets the requirements of section 1718-C(d)(1)
15 (iii).

16 "Charter school." An independent public school established
17 and operated under a charter from an authorizer and in which
18 students are enrolled or attend. A charter school must be
19 organized as a public, nonprofit corporation. A charter may not
20 be granted to any for-profit entity.

21 "Charter school foundation." A nonprofit organization, as
22 defined under section 501(c)(3) of the Internal Revenue Code of
23 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)), that provides
24 funding, resources or otherwise serves to support a charter
25 school or cyber charter school, either directly or through an
26 affiliated entity.

27 "Chief administrator." An individual appointed by the board
28 of trustees to oversee and manage the operation of the charter
29 school or cyber charter school. The term shall not include a
30 professional staff member under this article.

1 "Commission." The State Commission on Charter Schools and
2 Cyber Charter Schools.

3 "Committee." The Charter School and Cyber Charter School
4 Funding Advisory Committee.

5 "Cyber charter school." An independent public school
6 established and operated under a charter from the commission and
7 which uses technology in order to provide a significant portion
8 of its curriculum and to deliver a significant portion of
9 instruction to its students through the Internet or other
10 electronic means. A cyber charter school must be organized as a
11 public, nonprofit corporation. A charter may not be granted to
12 any for-profit entity.

13 "Department." The Department of Education of the
14 Commonwealth.

15 "Educational management service provider." A for-profit
16 education management organization, nonprofit charter management
17 organization, school design provider, business manager or any
18 other partner entity with which a charter school or cyber
19 charter school intends to contract for educational design,
20 implementation, business or comprehensive management. The term
21 does not include a charter school foundation.

22 "Fund." The State Charter School and Cyber Charter School
23 Assessment Fund.

24 "Governing board." The board of trustees or council of
25 trustees of an institution of higher education.

26 "History of extraordinarily low test performance." A
27 combined average of 60% or more of students scoring in the
28 bottom measured group of 25% or below basic level of performance
29 on the Pennsylvania System of School Assessment tests under 22
30 Pa. Code Ch. 4 (relating to academic standards and assessment)

1 in mathematics and reading in the most recent two school years
2 for which scores are available in those grades that have been
3 served for three years or more by the charter school or cyber
4 charter school.

5 "Immediate family member." A parent, spouse, child, brother
6 or sister.

7 "Institution of higher education." Any of the following:

8 (1) A nonsectarian accredited college or university to
9 which 24 Pa.C.S. Ch. 65 (relating to private colleges,
10 universities and seminaries) applies.

11 (2) An institution under Article XX-A.

12 (3) A community college under Article XIX-A.

13 "Local board of school directors." The board of directors of
14 a school district in which a proposed or an approved charter
15 school is located. The term shall include a special board of
16 control established under section 692 or a School Reform
17 Commission established under section 696.

18 "Nonrelated." An individual who is not an immediate family
19 member.

20 "Regional charter school." An independent public school that
21 is a charter school established and operated under a charter
22 from more than one authorizer and in which students are enrolled
23 or attend. A regional charter school must be organized as a
24 public, nonprofit corporation. A charter may not be granted to
25 any for-profit entity.

26 "School district of residence." The school district in this
27 Commonwealth in which the parents or guardians of a child
28 reside.

29 "School entity." A school district, intermediate unit, joint
30 school or area vocational-technical school.

1 "Secretary." The Secretary of Education of the Commonwealth.
2 "State board." The State Board of Education of the
3 Commonwealth.

4 Section 1704-C. State Commission on Charter Schools and Cyber
5 Charter Schools.

6 (a) Establishment.--The State Commission on Charter Schools
7 and Cyber Charter Schools is established as an independent
8 administrative commission.

9 (b) Composition.--The commission shall consist of citizens
10 of this Commonwealth who shall be appointed as follows:

11 (1) Three members who shall be appointed by the Governor
12 by and with the consent of a majority of all of the members
13 of the Senate. The members shall include:

14 (i) A member of the State board.

15 (ii) A faculty member or administrative employee of
16 an institution of higher education.

17 (iii) A school board member.

18 (2) Four members who shall be appointed by the General
19 Assembly as follows:

20 (i) The majority leader of the Senate shall appoint
21 an administrator or board of trustee member of a charter
22 school or cyber charter school.

23 (ii) The minority leader of the Senate shall appoint
24 a certificated teacher actively employed in a public
25 school, including a charter school or cyber charter
26 school.

27 (iii) The majority leader of the House of
28 Representatives shall appoint a member of the business
29 community.

30 (iv) The minority leader of the House of

1 Representatives shall appoint a parent of a school-aged
2 child currently enrolled in a charter or cyber charter
3 school, who shall be eligible to serve only so long as
4 the child is attending the charter school or cyber
5 charter school.

6 (c) Terms.--

7 (1) The members initially appointed by the Governor
8 shall serve for terms of two, three and four years,
9 respectively, the particular term of each to be designated by
10 the Governor at the time of appointment.

11 (2) (i) Except for subparagraph (ii), the members
12 initially appointed by the General Assembly under
13 subsection (b) (2) (i), (ii) and (iii) shall serve for
14 terms of four years and the terms of those members'
15 successors shall be four years each.

16 (ii) Any person appointed to fill a vacancy for a
17 member appointed under subsection (b) (2) (i), (ii) and
18 (iii) shall serve only for the unexpired term or until a
19 successor is appointed and qualified.

20 (iii) A member appointed under subsection (b) (2) (iv)
21 shall serve a term of four years as long as the member's
22 child remains enrolled in the charter school or cyber
23 charter school. The term for that member's successor
24 shall be subject to the same condition.

25 (3) Any appointed member of the commission shall be
26 eligible for reappointment.

27 (4) Annually at the first meeting held during the
28 calendar year, the members shall elect one of the members to
29 serve as chairperson.

30 (d) Meetings.--The commission shall meet as needed to

1 fulfill the purposes provided under this section. A majority of
2 the members of the commission shall constitute a quorum, and a
3 majority of the members of the commission shall have authority
4 to act upon any matter properly before the commission. The
5 commission is authorized to establish rules for its operation.

6 (e) Compensation.--The members shall receive no payment for
7 their services. Members who are not employees of State
8 government shall be reimbursed from the fund for expenses
9 incurred in the course of their official duties.

10 (f) Executive director.--An executive director shall be
11 appointed by the members of the commission. The executive
12 director shall be paid compensation as the commission may
13 determine. The executive director may employ personnel and
14 contract for consulting services as may be necessary and
15 authorized to carry out the purposes of this article if the
16 services are procured through a competitive bidding process.
17 Staff of the commission, other than the executive director,
18 shall be employed in accordance with the act of August 5, 1941
19 (P.L.752, No.286), known as the Civil Service Act.

20 (g) Open meetings and documents.--Meetings of the commission
21 shall be conducted under 65 Pa.C.S. Ch. 7 (relating to open
22 meetings) and all hearings shall be conducted in accordance with
23 2 Pa.C.S. Ch. 5 Subch. A (relating to practice and procedure of
24 Commonwealth agencies). Documents of the commission shall be
25 subject to the act of February 14, 2008 (P.L.6, No.3), known as
26 the Right-to-Know Law.

27 (h) Powers and duties.--The commission shall have the
28 following powers and duties:

29 (1) Implement the provisions of this article and
30 promulgate regulations.

1 (2) Serve as an authorizer for charter schools and cyber
2 charter schools.

3 (3) Collect, develop and disseminate information,
4 policies, strategies and best practices for the effective
5 management and operation of charter schools and cyber charter
6 schools.

7 (4) Provide technical support and assistance to charter
8 schools, cyber charter schools and authorizers, including
9 mentoring and building collaborative partnerships within the
10 community, the authorizer and the charter school.

11 (5) Identify model charter school and cyber charter
12 school applications and provide best practices.

13 (6) Collaborate with intermediate units and other
14 entities to make continuing education training and
15 professional development available for members of the board
16 of trustees, administrators, faculty and staff of a charter
17 school or cyber charter school.

18 (7) Develop and issue standardized forms that shall be
19 used by all applicants, authorizers, charter schools and
20 cyber charter schools as required under sections 1721-C,
21 1726-C, 1731-C and 1735-C.

22 (8) Receive, review and act on applications for the
23 creation of a charter school or a cyber charter school and
24 have the power to request further information from
25 applicants, obtain input from interested persons or entities
26 and hold hearings regarding applications.

27 (9) Direct all authorizers, charter schools and cyber
28 charter schools to submit an annual report to the commission
29 no later than September 1 of each year and to publish the
30 same on the commission's Internet website on an annual basis.

1 (10) Oversee the performance and effectiveness of all
2 charter schools and cyber charter schools.

3 (11) Refer to the district attorney with jurisdiction or
4 to the Office of Attorney General for prosecution if the
5 commission discovers or receives information about possible
6 violations of law by any person affiliated with or employed
7 by an authorizer, charter school or cyber charter school.

8 (12) Fix assessment fees as required under section
9 1705-C.

10 (13) Renew, revoke or deny renewal of a charter school
11 or cyber charter school's charter under section 1723-C.

12 (14) Review appeals and render decisions under section
13 1724-C.

14 (15) Oversee and enforce the timely payment to charter
15 schools and cyber charter schools as required under section
16 1728-C.

17 (16) Provide a list of approved qualified independent
18 certified public accountants to conduct independent audits as
19 required under section 1731-C.

20 (17) Ensure that charter schools and cyber charter
21 schools comply with Federal laws and regulations governing
22 children with disabilities.

23 (18) Receive, review and act on charter school transfers
24 under section 1734-C(c).

25 (19) Receive, review and act on multiple charter school
26 organization requests under section 1735-C.

27 Section 1705-C. State Charter School and Cyber Charter School
28 Assessment Fund.

29 (a) Establishment.--There is established the State Charter
30 School and Cyber Charter School Assessment Fund within the State

1 Treasury.

2 (b) Funding.--

3 (1) Funding for the commission shall be sought each year
4 through Federal and nonprofit grants. To the extent that
5 additional revenues to fund the commission are necessary,
6 each charter school and cyber charter school shall be
7 assessed an annual fee for the purposes of financing the
8 commission. The fee shall be assessed based on the charter
9 school or cyber charter school's student population not to
10 exceed the following:

11	<u>1 to 399 students.....</u>	<u>\$2,500</u>
12	<u>400 to 999 students.....</u>	<u>\$5,000</u>
13	<u>1,000 to 4,999 students.....</u>	<u>\$10,000</u>
14	<u>More than 5,000 students.....</u>	<u>\$15,000.</u>

15 (2) The commission shall file a proposed budget annually
16 with the Appropriations Committee of the Senate and the
17 Appropriations Committee of the House of Representatives and
18 the Education Committee of the Senate and the Education
19 Committee of the House of Representatives. If the revenues
20 generated by fees in accordance with this article are not
21 sufficient to match expenditures over a two-year period or
22 are inadequate to meet the minimum enforcement efforts
23 required, the commission may set additional fees by
24 regulation in accordance with the index provided for under
25 the act of June 27, 2006 (1st Sp.Sess., P.L.1873, No.1),
26 known as the Taxpayer Relief Act, and subject to review in
27 accordance with the act of June 25, 1982 (P.L.633, No.181),
28 known as the Regulatory Review Act, so that projected
29 revenues will meet or exceed projected expenditures.

30 (c) Fees.--Fees shall be collected annually and deposited

1 within the fund. Money in the fund is appropriated to the
2 commission on a continuing basis for the purposes of fulfilling
3 the requirements of this article.

4 Section 1706-C. Charter School and Cyber Charter School Funding
5 Advisory Committee.

6 (a) Convention.--

7 (1) The department shall immediately convene a Statewide
8 advisory committee to examine the financing of charter
9 schools and cyber charter schools in the public education
10 system. The committee shall examine how charter school and
11 cyber charter school finances affect opportunities for
12 teachers, parents, pupils and community members to establish
13 and maintain schools that operate independently from the
14 existing school district structure as a method to accomplish
15 the requirements of section 1702-C. The department shall
16 provide administrative support, meeting space and any other
17 assistance required by the committee to carry out its duties
18 under this section.

19 (2) The committee shall consist of the following
20 members:

21 (i) The chairman and minority chairman of the
22 Education Committee of the Senate and the chairman and
23 the minority chairman of the Education Committee of the
24 House of Representatives or their designees.

25 (ii) The secretary or a designee.

26 (iii) The chairman of the State board or a designee.

27 (iv) The following members, who shall be appointed
28 by the secretary:

29 (A) One member who shall represent charter
30 schools.

1 (B) One member who shall represent cyber charter
2 schools.

3 (C) One member who shall represent teachers, who
4 may be a public school teacher, a charter school
5 teacher, a cyber charter school teacher or a
6 nonpublic school teacher.

7 (D) One member who shall represent school
8 administrators.

9 (E) One member who shall represent school board
10 members.

11 (F) One member who shall represent a business
12 manager of a school district.

13 (G) One member who shall represent a parent of a
14 child attending a charter school or cyber charter
15 school.

16 (H) Two members who shall represent institutions
17 of higher education.

18 (3) Members of the committee shall be appointed within
19 45 days of the effective date of this section. Any vacancy on
20 the committee shall be filled by the original appointing
21 officer or agency. The committee shall select a chairman and
22 vice chairman from among its membership at an organizational
23 meeting. The organizational meeting shall take place no later
24 than 90 days following the effective date of this section.

25 (4) The committee shall hold meetings at the call of the
26 chairman. The committee may also hold public hearings on the
27 matters to be considered by the committee at locations
28 throughout this Commonwealth. All meetings and public
29 hearings of the committee shall be deemed public meetings for
30 the purpose of 65 Pa.C.S. Ch. 7 (relating to open meetings).

1 Nine members of the committee shall constitute a quorum at
2 any meeting. Each member of the committee may designate
3 another person to represent that member at meetings of the
4 committee.

5 (5) Committee members shall receive no compensation for
6 their services but shall be reimbursed for all necessary
7 travel and other reasonable expenses incurred in connection
8 with the performance of their duties as members. Whenever
9 possible, the committee shall utilize the services and
10 expertise of existing personnel and staff of State
11 government.

12 (6) The committee shall have the following powers and
13 duties:

14 (i) Meet with current charter school and cyber
15 charter school operators within this Commonwealth,
16 including cyber charter schools and blended programs.

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

19 (iii) Evaluate and make recommendations on the
20 following:

21 (A) Powers and duties extended to charter
22 schools and cyber charter schools as they relate to
23 financing.

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

29 (C) The process by which charter schools and
30 cyber charter schools are funded under section

1 1728-C.

2 (D) Student residency as it relates to funding.

3 (E) Special education and other special program
4 funding.

5 (F) Charter school and cyber charter school
6 transportation.

7 (G) Charter school and cyber charter school
8 eligibility to receive grants and funding.

9 (H) Appropriate assessment fees on charter
10 schools and cyber charter schools.

11 (I) Consideration of recognizing charter schools
12 and cyber charter schools for additional designations
13 as a local education agency.

14 (iv) The committee shall, no later than November 30,
15 2012, issue a report of its findings and recommendations
16 to the Governor, the President pro tempore of the Senate,
17 the Minority Leader of the Senate, the chairman and
18 minority chairman of the Education Committee of the
19 Senate, the Speaker of the House of Representatives, the
20 Minority Leader of the House of Representatives and the
21 chairman and minority chairman of the Education Committee
22 of the House of Representatives.

23 (b) (Reserved).

24 SUBARTICLE B

25 CHARTER SCHOOLS AND CYBER CHARTER SCHOOLS

26 Section 1714-C. Powers.

27 (a) Body corporate.--A charter school or cyber charter
28 school established under this article is a body corporate and
29 shall have all powers necessary or desirable for carrying out
30 its charter, including the power to:

1 (1) Adopt a name and corporate seal; however, any name
2 selected shall include the words "charter school" or "cyber
3 charter school."

4 (2) Sue and be sued, but only to the same extent and
5 upon the same condition that political subdivisions and local
6 agencies can be sued.

7 (3) Acquire real property from public or private sources
8 by purchase, lease, lease with an option to purchase or gift
9 for use as a charter school or cyber charter school facility.

10 (4) Receive and disburse funds for charter school or
11 cyber charter school purposes only.

12 (5) Make contracts and leases for the procurement of
13 services, including services to fulfill the duties of the
14 administrators and chief administrator for the charter school
15 or cyber charter school, equipment and supplies.

16 (6) Incur temporary debts in anticipation of the receipt
17 of funds.

18 (7) Incur debt for the construction of school
19 facilities.

20 (8) Solicit and accept any gifts or grants for charter
21 school or cyber charter school purposes.

22 (9) Enter into a concurrent enrollment agreement under
23 Article XVI-B with an institution of higher education.

24 (b) Necessary powers.--A charter school or cyber charter
25 school shall have other powers as are necessary to fulfill its
26 charter and which are not inconsistent with this article.

27 (c) Liability for indebtedness.--Any indebtedness incurred
28 by a charter school or cyber charter school in the exercise of
29 the powers specified under this section shall not impose any
30 liability or legal obligation upon a school entity or upon the

1 Commonwealth.

2 Section 1715-C. Requirements.

3 (a) Compliance.--Charter schools and cyber charter schools
4 shall be required to comply with the following:

5 (1) Except as otherwise provided under this article, a
6 charter school or cyber charter school shall be exempt from
7 statutory requirements established under this act, from
8 regulations of the State board and from standards of the
9 secretary not specifically applicable to charter schools and
10 cyber charter schools. Charter schools and cyber charter
11 schools shall not be exempt from statutes applicable to
12 public schools other than under this article.

13 (2) A charter school or cyber charter school shall be
14 accountable to the parents, the public and the Commonwealth,
15 with the delineation of that accountability reflected in the
16 charter. Strategies for meaningful parent and community
17 involvement shall be developed and implemented by each
18 school.

19 (3) A charter school or cyber charter school shall not
20 unlawfully discriminate in admissions, hiring or operation.

21 (4) A charter school or cyber charter school shall be
22 nonsectarian in all operations.

23 (5) A charter school or cyber charter school shall not
24 provide any religious instruction, nor shall it display
25 religious objects and symbols on the premises of the school
26 with the intention of advancing or endorsing religion. It
27 shall not be a violation of this section for a charter school
28 or cyber charter school to utilize:

29 (i) A sectarian facility if the religious objects
30 and symbols within the portions of the facility utilized

1 by the school are covered or removed to the extent
2 reasonably feasible.

3 (ii) A sectarian facility where the unused portion
4 of the facility or its common areas contain religious
5 symbols and objects.

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

8 (7) Consistent with section 220, a charter school or
9 cyber charter school shall participate in the Pennsylvania
10 State Assessment System as provided for in 22 Pa. Code Ch. 4
11 (relating to academic standards and assessment) or subsequent
12 regulations promulgated to replace 22 Pa. Code Ch. 4. A
13 charter school or cyber charter school shall be treated in
14 the same manner as a school district for the purposes of
15 measuring the charter school or cyber charter school's
16 adequate yearly progress under the No Child Left Behind Act
17 of 2001.

18 (8) A charter school or cyber charter school shall
19 provide a minimum of 180 days of instruction or 900 hours per
20 year of instruction at the elementary level or 990 hours per
21 year of instruction at the secondary level. Attendance at a
22 cyber charter school shall satisfy requirements for
23 compulsory attendance. Nothing in this paragraph shall
24 preclude the use of computer and satellite linkages for
25 delivering instruction to students.

26 (b) (Reserved).

27 Section 1716-C. Board of trustees.

28 (a) Public officials.--

29 (1) All members of the board of trustees of a charter
30 school or cyber charter school shall be public officials and

1 subject to 65 Pa.C.S. Ch. 11 (relating to ethics standards
2 and financial disclosure) and shall file a statement of
3 financial interests for the preceding calendar year with the
4 State Ethics Commission and the commission no later than May
5 1 of each year that members hold the position and of the year
6 after a member leaves the position.

7 (2) All members of the board of trustees of a charter
8 school or cyber charter school shall take the oath of office
9 as required under section 321 before entering upon the duties
10 of their office.

11 (b) Powers.--The board of trustees of a charter school or
12 cyber charter school shall have the authority to decide matters
13 related to the operation of the school, including budgeting,
14 curriculum and operating procedures, subject to the school's
15 charter. The board shall have the authority to employ, discharge
16 and contract with necessary professional and nonprofessional
17 employees, subject to the school's charter and this article.

18 (c) Restrictions.--The following shall apply to all members
19 of the board of trustees of a charter school or a cyber charter
20 school:

21 (1) No member of the local board of school directors of
22 a school entity shall serve on the board of trustees of a
23 charter school that is located in the member's district.

24 (2) For all charter schools and cyber charter schools
25 chartered after the effective date of this section, an
26 individual is prohibited from serving as a voting member of
27 the board of trustees of a charter school or a cyber charter
28 school if the individual or an immediate family member
29 receives compensation from or is employed by or is a board
30 member of an authorizer who participates in the initial

1 review, approval, oversight, evaluation or renewal process of
2 a charter school or cyber charter school chartered by that
3 authorizer with the exception of all current board members.
4 An employee of the authorizer which chartered the charter
5 school or cyber charter school may serve as a member of the
6 board of trustees without voting privileges.

7 (3) No member of the board of trustees of a charter
8 school or cyber charter school shall participate in the
9 selection, award or administration of any contract if the
10 member has a conflict of interest, as that term is defined in
11 65 Pa.C.S. § 1102 (relating to definitions). Any member of
12 the board of trustees who in the discharge of his official
13 duties would be required to vote on a matter that would
14 result in a conflict of interest shall abstain from voting
15 and follow the procedures required under 65 Pa.C.S. § 1103(j)
16 (relating to restricted activities). A member of the board of
17 trustees who knowingly violates this section commits a
18 violation of 65 Pa.C.S. § 1103(a) and shall be subject to the
19 penalties imposed under the jurisdiction of the State Ethics
20 Commission. Any contract made in violation of this subsection
21 shall be voidable by a court of competent jurisdiction if the
22 suit is commenced within 90 days of the making of the
23 contract.

24 (4) A member of the board of trustees of a charter
25 school or cyber charter school shall be automatically
26 disqualified and immediately removed from the board upon
27 conviction for an offense graded as a felony, an infamous
28 crime, an offense pertaining to fraud, theft or mismanagement
29 of public funds, any offense pertaining to his official
30 capacity as a board member or any crime involving moral

1 turpitude.

2 (d) Board structure.--

3 (1) The board of trustees of a charter school or cyber
4 charter school shall have a minimum of five nonrelated voting
5 members. If a charter school or cyber charter school has
6 fewer than five nonrelated voting members serving on its
7 board on the effective date of this section, the charter
8 school or cyber charter school shall have one year to appoint
9 additional members to the board to meet the minimum
10 requirements of this section.

11 (2) Within one year of the effective date of this
12 section, at least one member of the board of trustees of a
13 charter school or cyber charter school shall be a parent of a
14 child currently attending that charter school or cyber
15 charter school. The board member shall be eligible to serve
16 only so long as the child is attending the charter school or
17 cyber charter school.

18 (e) Organization of meetings of boards of trustees.--

19 (1) A majority of the members of the board of trustees
20 shall be a quorum. If less than a majority is present at any
21 meeting, no business shall be transacted at the meeting.

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

26 (3) All meetings shall be subject to 65 Pa.C.S. Ch. 7
27 (relating to open meetings).

28 (f) Refusal or neglect of duty.--

29 (1) If a member of the board of trustees refuses or
30 neglects to perform any duty imposed upon it under this

1 article, 25 individuals who are parents or guardians of
2 students of the charter school or cyber charter school may
3 present a petition in writing of the refusal or neglect,
4 verified by oath or affirmation, to the court of common pleas
5 in the county in which the charter school building is located
6 or, in the case of a cyber charter school, to the
7 Commonwealth Court. The petition shall set forth the facts
8 regarding the board member.

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

1 charter school or cyber charter school under this paragraph
2 shall not be eligible again as a board member for a period of
3 five years from the removal.

4 Section 1717-C. Administrators.

5 (a) Public employee.--A person who serves as an
6 administrator for a charter school or cyber charter school shall
7 be a public employee under 65 Pa.C.S. Ch. 11 (relating to ethics
8 standards and financial disclosure) and shall file a statement
9 of financial interests for the preceding calendar year with the
10 commission and the board of trustees no later than May 1 of each
11 year that he holds the position and of the year after he leaves
12 the position.

13 (b) Duties of chief administrator.--The chief administrator
14 shall exercise the duties designated by the board of trustees,
15 including the following:

16 (1) In accordance with established board policy and
17 bylaws, upon action by the board of trustees to approve any
18 bill or account for payment of money and to prepare and sign
19 an order for the payment of money.

20 (2) To comply with all reporting requirements of this
21 article.

22 (3) Notwithstanding any other provision of this article
23 and other laws, to serve as custodian of all records,
24 commissions and property of the charter school or cyber
25 charter school.

26 (4) To receive and deposit funds in accordance with
27 established board policy consistent with this article and all
28 other laws at the end of each month to make or cause to be
29 made a report to the board of trustees of the amount of funds
30 received and the amount dispersed during the month.

1 (5) To perform other duties pertaining to the business
2 of the charter school or cyber charter school as required
3 under this article.

4 (c) Restrictions.--

5 (1) A person who serves as an administrator for a
6 charter school or cyber charter school shall not receive
7 compensation from another charter school or cyber charter
8 school or from an educational management service provider
9 except as follows:

10 (i) The administrator has submitted a sworn
11 statement to each charter school or cyber charter school
12 board of trustees. The sworn statement shall detail the
13 work for the other entity and include the projected
14 number of hours, rate of compensation and projected
15 duration.

16 (ii) The board of trustees shall grant permission to
17 the administrator by resolution.

18 (iii) A copy of the sworn statement and the
19 resolution by the board of trustees approving the request
20 shall be kept on file with the charter school or cyber
21 charter school and with the commission.

22 (2) No administrator of a charter school or cyber
23 charter school or immediate family member is permitted to
24 serve as a voting member of the board of trustees of their
25 charter school or cyber charter school.

26 (3) No administrator of a charter school or cyber
27 charter school shall participate in the selection, award or
28 administration of a contract if he has a conflict of interest
29 as that term is defined in 65 Pa.C.S. § 1102 (relating to
30 definitions). An administrator who knowingly violates this

1 section commits a violation of 65 Pa.C.S. § 1103(a) (relating
2 to restricted activities) and shall be subject to the
3 penalties imposed under the jurisdiction of the State Ethics
4 Commission. Any contract made in violation of this subsection
5 shall be voidable by the board of trustees of the charter
6 school or cyber charter school.

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

11 Section 1718-C. Establishment.

12 (a) Entities.--

13 (1) A charter school or cyber charter school may be
14 established by any of the following:

15 (i) An individual.

16 (ii) One or more teachers who will teach at the
17 proposed school.

18 (iii) Parents or guardians of students who will
19 enroll at the school.

20 (iv) A nonsectarian college, university or museum
21 located in this Commonwealth.

22 (v) A nonsectarian corporation not-for-profit, as
23 defined in 15 Pa.C.S. (relating to corporations and
24 unincorporated associations).

25 (vi) A corporation, association or partnership.

26 (vii) A combination of any of the entities listed
27 under this subsection.

28 (2) No charter school or cyber charter school shall be
29 established or funded by and no charter shall be granted to
30 any sectarian school, institution or other entity. No funds

1 allocated or disbursed under this article shall be used to
2 directly support instruction under section 1327.1.

3 (b) Establishment of a charter school by conversion.--

4 (1) A charter school may be established by converting an
5 existing public school or a portion of an existing public
6 school. The conversion of an existing public school or
7 portion of an existing public school to a charter school may
8 be initiated by any individual or entity authorized to
9 establish a charter school under subsection (a) or by the
10 school district where the existing public school is located.

11 (2) The local board of school directors, the special
12 board of control established under section 692 or the School
13 Reform Commission established under section 696 which desires
14 to convert an existing public school or a portion of an
15 existing public school to a charter school may designate and
16 approve the existing public school or portion of an existing
17 public school that it seeks to convert to a charter school.
18 The local board of school directors, the special board of
19 control established under section 692 or the School Reform
20 Commission established under section 696 may accept
21 applications by any individual or entity authorized to
22 establish a charter school under subsection (a) to operate
23 the converted charter school. There shall be no limit on the
24 number of public schools in a school district that can be
25 converted to a charter school.

26 (3) The authorizer shall not serve as the board of
27 trustees of an existing school which is converted to a
28 charter school under this subsection.

29 (4) This article shall apply to an existing public
30 school converted to a charter school.

1 (5) In the case of an existing school being converted to
2 a charter school, the local board of school directors, the
3 special board of control established under section 692 or the
4 School Reform Commission established under section 696 shall
5 establish the alternative arrangements for current students
6 who choose not to attend the charter school.

7 (c) Establishment of a cyber charter school by a local board
8 of school directors or intermediate unit.--A cyber charter
9 school may be established by a local board of school directors
10 or an intermediate unit if they follow the procedures and
11 requirements of this article. Nothing under this article shall
12 preclude a school district or an intermediate unit from offering
13 instruction via the Internet or other electronic means, except
14 that the instruction shall not be recognized as a cyber charter
15 school under this article.

16 (d) Legal authorizers.--

17 (1) The following entities shall be authorizers of a
18 charter school:

19 (i) The commission.

20 (ii) A local board of school directors.

21 (iii) The governing board of an institution of
22 higher education which elects by affirmative vote of a
23 majority of all members to become an authorizer. A
24 governing board of an institution of higher education
25 that does not vote affirmatively to become an authorizer
26 shall not be subject to this article.

27 (2) The commission shall be the authorizer of a cyber
28 charter school.

29 (e) Initial application procedure.--

30 (1) An application to establish a charter school or

1 cyber charter school shall be submitted to the appropriate
2 authorizer by October 1 of the school year preceding the
3 school year in which the charter school or cyber charter
4 school proposes to commence operation.

5 (2) Within 45 days of receipt of an application, the
6 authorizer shall hold at least one public hearing on the
7 charter application under 65 Pa.C.S. Ch. 7 (relating to open
8 meetings) and section 1720-C. At least 45 days must transpire
9 between the first public hearing and the final decision of
10 the authorizer on the charter application, during which time
11 public comment shall be received and made part of the record.

12 (3) An application submitted under this article shall be
13 evaluated by the authorizer based on criteria, including the
14 following:

15 (i) The demonstrated, sustainable support for the
16 charter school plan by teachers, parents, other community
17 members and students, including comments received at the
18 public hearing held under subsection (d)(2).

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

22 (4) Not later than 75 days after the first public
23 hearing on the application, the authorizer which received the
24 application shall grant or deny the application.

25 (5) An application shall be deemed approved by the
26 authorizer upon affirmative vote by a majority of all members
27 of the commission, the local board of school directors or
28 members of the governing board of an institution of higher
29 education. Formal action approving or denying the application
30 shall be taken at a public meeting, with notice or

1 consideration of the application given by the authorizer or
2 commission under 65 Pa.C.S. Ch. 7. The authorizer shall give
3 the applicant at least 48 hours written or electronic notice
4 of the meeting at which the authorizer will be considering
5 the application.

6 (6) Written notice of the action of the authorizer shall
7 be sent to the applicant, the department and the commission.
8 If the application is denied, the reasons for the denial,
9 including a description of deficiencies in the application,
10 shall be clearly stated in the notice to the charter school
11 applicant. The written notice shall be issued by the
12 authorizer within 30 days of the denial of the application.

13 (7) At the option of the applicant, a denied application
14 may be revised and resubmitted to the authorizer which denied
15 the application. If an application is revised and resubmitted
16 to the authorizer which denied the application, the
17 authorizer shall follow the procedures listed under
18 paragraphs (2), (3), (4), (5) and (6).

19 (8) The decision of the authorizer to deny the
20 application again after following the procedures under
21 paragraph (7) may be appealed to the commission or to the
22 appropriate court as provided for under section 1724-C.
23 Failure by the authorizer to hold a public hearing and to
24 grant or deny the application for a charter school within the
25 time periods specified under paragraphs (2), (4), (5) and (6)
26 shall permit the applicant for a charter to file its
27 application to the commission or the appropriate court as
28 provided for under section 1724-C.

29 Section 1719-C. Regional charter school.

30 (a) Establishment.--

1 (1) A regional charter school may be established by any
2 of the following:

3 (i) An individual.

4 (ii) One or more teachers who will teach at the
5 proposed charter school.

6 (iii) Parents or guardians of students who will
7 attend the charter school.

8 (iv) A nonsectarian college, university or museum
9 located in this Commonwealth.

10 (v) A nonsectarian corporation not-for-profit, as
11 defined in 15 Pa.C.S. (relating to corporations and
12 unincorporated associations).

13 (vi) A corporation, association or partnership.

14 (vii) A combination of any of the entities under
15 this subsection.

16 (2) A regional charter school may be established by
17 creating a new school or by converting an existing public
18 school or a portion of an existing public school. Conversion
19 of an existing public school to a regional charter school
20 shall be accomplished in accordance with section 1718-C(b).

21 (3) No regional charter school shall be established or
22 funded by and no charter shall be granted to any sectarian
23 school, institution or other entity.

24 (b) Application.--The boards of school directors of one or
25 more school districts, or the governing board of any combination
26 of one or more authorizers, may act jointly to receive and
27 consider an application for a regional charter school. 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.

3 (c) Special conditions.--The provisions of this article as
4 they pertain to charter schools and the powers and duties of
5 authorizers and the commission shall apply to regional charter
6 schools, except as provided under this section or as otherwise
7 stated under this article.

8 Section 1720-C. Hearings.

9 All hearings held by authorizers under this article shall be
10 conducted as follows:

11 (1) If the hearing is conducted by a local board of
12 school directors, the hearing shall be conducted in
13 accordance with 2 Pa.C.S. Ch. 5 Subch. B (relating to
14 practice and procedure of local agencies).

15 (2) If the hearing is conducted by the commission, the
16 council of trustees of an individual institution under
17 Article XX-A, or a board of trustees of a community college
18 under Article XIX-A, the hearing shall be conducted in
19 accordance with 2 Pa.C.S. Ch. 5 Subch. A (relating to
20 practice and procedure of Commonwealth agencies).

21 (3) If the hearing is conducted by the board of trustees
22 or other governing authority of a public nonsectarian
23 accredited college or university under 24 Pa.C.S. § 6501
24 (relating to applicability of chapter), the hearing shall be
25 conducted pursuant to established procedures consistent with
26 2 Pa.C.S. Ch. 5 Subch. A.

27 Section 1721-C. Contents of application.

28 (a) Charter school application.--The commission shall
29 develop and issue a standard application form that shall be used
30 by all applicants to establish a charter school. The application

1 to establish a charter school shall include all of the following
2 information:

3 (1) The identification of the charter applicant.

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

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

6 (4) An organization chart clearly presenting the
7 proposed governance structure of the charter school,
8 including lines of authority and reporting between the board
9 of trustees, administrators, staff and any educational
10 management service provider that will play a role in
11 providing management services to the charter school or cyber
12 charter school.

13 (5) A clear description of the roles and
14 responsibilities for the board of trustees, administrators
15 and any other entities, including a charter school
16 foundation, shown in the organization chart.

17 (6) A clear description and method for the appointment
18 or election of members of the board of trustees.

19 (7) Standards for board performance, including
20 compliance with all applicable laws, regulations and terms of
21 the charter.

22 (8) If the charter school intends to contract with an
23 educational management service provider for services, the
24 charter applicant shall do all of the following:

25 (i) Provide evidence of the education management
26 service provider's record in serving student populations,
27 including demonstrated academic achievement and
28 demonstrated management of nonacademic school functions,
29 including proficiency with public school-based
30 accounting, if applicable.

1 (ii) Provide a term sheet setting forth all of the
2 following:

3 (A) The proposed duration of the service
4 contract.

5 (B) Roles and responsibilities of the governing
6 board, the school staff and the educational
7 management service provider.

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

11 (D) Performance evaluation measures and
12 timelines.

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

16 (F) Methods of contract oversight and
17 enforcement.

18 (G) Investment disclosure or the advance of
19 moneys by the educational management service provider
20 on behalf of the charter school or cyber charter
21 school.

22 (H) Conditions for renewal and termination of
23 the contract.

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

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

4 (10) The admission policy and criteria for evaluating
5 the admission of students, which shall comply with section
6 1726-C.

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

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

12 (13) The financial plan for the charter school and the
13 provisions which will be made for auditing the school under
14 section 437, including the role of any charter school
15 foundation.

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

19 (15) A description and address of the physical facility,
20 if already determined, in which the charter school will be
21 located and the ownership thereof and any lease arrangements.

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

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

28 (18) Whether any agreements have been entered into or
29 plans developed with the local school district regarding
30 participation of the charter school students in

1 extracurricular activities within the school district.
2 Notwithstanding any provision to the contrary, no school
3 district of residence shall prohibit a student of a charter
4 school from participating in any extracurricular activity of
5 that school district of residence, provided that the student
6 is able to fulfill all of the requirements of participation
7 in such activity and the charter school does not provide the
8 same extracurricular activity.

9 (19) A report of criminal history record, under section
10 111, for all board members, employees and volunteers
11 identified in the application who shall have direct contact
12 with students.

13 (20) An official clearance statement regarding child
14 injury or abuse from the Department of Public Welfare as
15 required under 23 Pa.C.S. Ch. 63 Subch. C.2 (relating to
16 background checks for employment in schools) for all board
17 members, employees and volunteers identified in the
18 application who shall have direct contact with students.

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

23 (22) Policies regarding truancy, absences and withdrawal
24 of students, including the manner in which the charter school
25 will monitor attendance consistent with section 1715-C(a)(8).
26 A charter school may elect to directly enforce the compulsory
27 attendance laws in accordance with this article and shall
28 notify the school district of residence of this action by
29 certified mail. If a charter school elects to directly
30 enforce the compulsory attendance laws, it shall state that

1 in its charter application or in its notice of renewal or in
2 an amendment to its charter. If a charter school does not
3 include a statement of its election to directly enforce the
4 compulsory attendance laws in its charter application or in
5 its notice of renewal or through amendment, the school
6 district of residence of the student shall be responsible for
7 enforcing the compulsory attendance laws. A charter school's
8 election to directly enforce the compulsory attendance laws
9 or its failure to make the election shall not be a basis to
10 deny a charter application or renewal of a charter. Nothing
11 in this paragraph shall excuse a charter school from
12 complying with section 1715-C(a)(8).

13 (b) Cyber charter school application.--The commission shall
14 develop a standard application form for cyber charter school
15 applicants. In addition to the requirements of subsection (a),
16 an application to establish a cyber charter school shall also
17 include the following:

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

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

24 (3) An explanation of the amount of online time required
25 for elementary and secondary students.

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

29 (5) A specific explanation of any cooperative learning
30 opportunities, meetings with students, parents and guardians,

1 field trips or study sessions.

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

5 (7) A description of how the cyber charter school will
6 define and monitor a student's school day, including the
7 delineation of online and offline time.

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

14 (9) The technical support that will be available to
15 students and parents or guardians.

16 (10) The privacy and security measures to ensure the
17 confidentiality of data gathered online.

18 (11) The level of anticipated enrollment during each
19 school year of the proposed charter, including expected
20 increases due to the addition of grade levels.

21 (12) The methods to be used to ensure the authenticity
22 of student work and adequate proctoring of examinations.

23 (13) The provision of education and related services to
24 students with disabilities, including evaluation and the
25 development and revision of individualized education
26 programs.

27 (14) Policies regarding truancy, absences and withdrawal
28 of students, including the manner in which the cyber charter
29 school will monitor attendance consistent with section
30 1715-C(a)(9).

1 (15) The types and frequency of communication between
2 the cyber charter school and the student and the manner in
3 which the cyber charter school will communicate with parents
4 and guardians.

5 (16) The addresses of all facilities and offices of the
6 cyber charter school, the ownership thereof and any lease
7 arrangements.

8 (c) Additional terms.--An authorizer may not impose
9 additional terms or require additional information outside the
10 standard application form required under subsection (a).

11 Section 1722-C. Charter.

12 (a) Development.--Upon approval of an application under
13 section 1718-C, a written charter shall be developed which shall
14 contain the provisions of the application required under section
15 1721-C and which shall be signed by the authorizer and the board
16 of trustees of the charter school or cyber charter school. The
17 written charter, when duly signed by the authorizer and the
18 school's board of trustees, shall act as legal authorization for
19 the establishment of a charter school or cyber charter school
20 and shall be legally binding on both the board of trustees and
21 on the authorizer. A charter will be granted only for a school
22 organized as a public, nonprofit corporation.

23 (b) Amendments.--A charter school or cyber charter school
24 shall have the ability to request amendments to its approved
25 written charter by filing a written document describing the
26 requested amendment to the authorizer. Within 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 65
29 Pa.C.S. Ch. 7 (relating to open meetings) and section 1720-C.
30 Within 45 days after the hearing, the authorizer must grant or

1 deny the requested amendment. Failure by the authorizer to hold
2 a public hearing and to grant or deny the amendments within the
3 time period specified shall permit the applicant for the
4 amendments to file its request for an amendment with the
5 commission or appropriate court provided for under section
6 1724-C. An applicant for an amendment shall have the right to
7 appeal the denial of a requested amendment to the commission or
8 appropriate court provided for under section 1724-C.
9 Section 1723-C. Renewal, nonrenewal and termination.

10 (a) Terms.--An initial written charter shall be valid for a
11 period of not less than five years and shall be renewed for ten-
12 year periods upon reauthorization by an authorizer.

13 (b) Renewal process.--A charter school or cyber charter
14 school seeking renewal shall send an intent to renew letter to
15 the original authorizer no later than October 1 of the final
16 school year of the charter school's current charter. The
17 authorizer shall conduct a comprehensive review of the annual
18 reports and assessments required under section 1731-C, and, if
19 appropriate, renew the charter for a ten-year period. If an
20 authorizer fails to formally renew a charter upon the expiration
21 of initial or renewed charter, the charter shall be deemed to be
22 renewed for a period of ten years.

23 (c) Authorizer review.--

24 (1) During the term of the charter or at the end of the
25 term of the charter, the authorizer may choose to revoke or
26 not to renew the charter based on any of the following:

27 (i) One or more material violations of any of the
28 conditions, standards or procedures contained in the
29 written charter signed under section 1722-C.

30 (ii) Failure to meet the requirements for student

1 performance or failure to meet any performance standard
2 set forth in the written charter signed under section
3 1722-C.

4 (iii) Failure to meet generally accepted standards
5 of fiscal management or audit requirements.

6 (iv) Failure to maintain the financial ability to
7 continue as an ongoing concern according to generally
8 accepted accounting principles.

9 (v) Violation of the provisions of this article.

10 (vi) Violation of any provision of law from which
11 the charter school or cyber charter school has not been
12 exempted, including Federal laws and regulations
13 governing children with disabilities.

14 (2) If the health or safety of the school's pupils,
15 staff or both is at serious risk, the authorizer may take
16 immediate action to revoke a charter.

17 (3) If a charter school is in corrective action status,
18 as that term is defined in section 102, and seeks renewal of
19 its charter, and the authorizer renews the charter, it shall
20 collaborate with the charter school on specific conditions in
21 the charter that require the charter school to meet specific
22 student performance targets within stated periods of time
23 subject to the following:

24 (i) The performance targets and the periods of time
25 in which the performance targets must be met shall be
26 reasonable and shall be agreed upon by both the
27 authorizer and the charter school.

28 (ii) The placement of conditions in a charter as
29 specified under this subsection shall not be considered
30 an adjudication and may not be appealed to the

1 appropriate court.

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

6 (d) Removal of board member or administrator.--If, after a
7 hearing under this section, an authorizer proves by a
8 preponderance of the evidence that an administrator or board
9 member has violated this article, the terms and conditions of
10 the charter, or any other violation of law, the authorizer shall
11 have the authority to require the charter school or cyber
12 charter school to replace the administrator or board member in
13 order to obtain renewal of the charter. The authorizer may refer
14 its findings to the district attorney with jurisdiction or to
15 the Office of Attorney General for prosecution if the authorizer
16 discovers or receives information about possible violations of
17 law by any person affiliated with or employed by a charter
18 school or cyber charter school.

19 (e) Notice of revocation or nonrenewal.--Any notice of
20 revocation or nonrenewal of a charter shall state the grounds
21 for such action with reasonable specificity and give reasonable
22 notice to the board of trustees of the charter school or cyber
23 charter school of the date on which a public hearing concerning
24 the revocation or nonrenewal will be held. The authorizer shall
25 conduct the hearing under section 1720-C and present evidence in
26 support of the grounds for revocation or nonrenewal stated in
27 its notice and give the charter school or cyber charter school
28 reasonable opportunity to offer testimony and amendments under
29 section 1722-C(b) before taking final action. Formal action
30 revoking or not renewing a charter shall be taken by the

1 authorizer at a public meeting under 65 Pa.C.S. Ch. 7 (relating
2 to open meetings) and section 1720-C after the public has had 30
3 days to provide comments to the members of the commission or the
4 local board of school directors or the governing board of an
5 institution of higher education.

6 (f) Dissolution.--If a charter is revoked, not renewed,
7 forfeited, surrendered or otherwise ceases to operate, the
8 charter school or cyber charter school shall be dissolved. After
9 the disposition of any liabilities and obligations of a charter
10 school, any remaining assets of the school, both real and
11 personal, shall be distributed on a proportional basis to the
12 school entities with students enrolled in the charter school for
13 the last full or partial school year of the charter school.
14 After the disposition of any liabilities and obligations of a
15 cyber charter school, any remaining assets of the school shall
16 be given over to the intermediate unit in which the cyber
17 charter school's administrative office was located for
18 distribution to the school districts in which the students
19 enrolled in the cyber charter school reside at the time of
20 dissolution. School entities or the Commonwealth shall not be
21 liable for any outstanding liabilities or obligations of the
22 charter school or cyber charter school.

23 (g) Student application.--If a charter is revoked or is not
24 renewed, a student who attended the charter school or cyber
25 charter school shall apply to another public school in the
26 student's school district of residence. Normal application
27 deadlines shall not apply. All student records maintained by the
28 charter school or cyber charter school shall be forwarded to the
29 student's district of residence.

30 Section 1724-C. Appeal process.

1 (a) Review by commission.--The following shall apply:

2 (1) For all charter schools authorized by a local board
3 of school directors or a governing board of an institution of
4 higher education, the commission shall have the exclusive
5 review of an appeal by a charter school applicant, or by the
6 board of trustees of an existing charter school, of a
7 decision made by a local board of school directors or a
8 governing board of an institution of higher education to:

9 (i) Deny a charter under section 1718-C.

10 (ii) Deny amendments to a charter under section
11 1722-C.

12 (iii) Revoke or refuse to renew a charter under
13 section 1723-C.

14 (2) In an appeal under this section, the decision made
15 by the local board of school directors or governing board of
16 an institution of higher education shall be reviewed by the
17 commission. The commission shall accept all appeals within 30
18 days of receipt of the appeal. The commission shall give due
19 consideration to the findings of the local board of school
20 directors or governing board of an institution of higher
21 education and specifically articulate its reasons for
22 agreeing or disagreeing with those findings in its written
23 decision. The commission shall have discretion to allow the
24 local board of school directors or governing board of an
25 institution of higher education and the charter school
26 applicant to supplement the record if the supplemental
27 information was previously unavailable.

28 (3) Not later than 30 days after the date of notice of
29 acceptance of the appeal, the commission shall meet to
30 officially review the certified record.

1 (4) Not later than 60 days after the review conducted
2 under paragraph (2), the commission shall issue a written
3 decision affirming or denying the appeal. If the commission
4 has affirmed the decision of the local board of school
5 directors or governing board of an institution of higher
6 education, notice shall be provided to both parties.

7 (5) In the case of a review by the commission of an
8 initial application denied by a local board of school
9 directors or governing board of an institution of higher
10 education, the decision of the commission to reverse the
11 decision of the local board of school directors or governing
12 board of an institution of higher education shall serve as a
13 requirement for the local board of school directors or
14 governing board of an institution of higher education to
15 grant the application and sign the written charter of the
16 charter school under section 1722-C. If the local board of
17 school directors or governing board of an institution of
18 higher education fails to grant the application and sign the
19 charter within ten days of notice of the reversal of the
20 decision of the local board of school directors or governing
21 board of an institution of higher education, the charter
22 shall be deemed to be approved and shall be signed by the
23 chairman of the commission.

24 (6) In the case of a review by the commission of an
25 amendment to a written charter denied by a local board of
26 school directors or governing board of an institution of
27 higher education, the decision of the commission to reverse
28 the decision of the local board of school directors or
29 governing board of an institution of higher education shall
30 serve as a requirement for the local board of school

1 directors or governing board of an institution of higher
2 education to grant the amendment and sign the revised charter
3 of the charter school under section 1722-C. If the local
4 board of school directors or governing board of an
5 institution of higher education fails to grant the amendment
6 and sign the revised charter within ten days of notice of the
7 reversal of the decision of the local board of school
8 directors or governing board of an institution of higher
9 education, the charter shall be deemed to be approved and
10 shall be signed by the chairman of the commission.

11 (7) In the case of a review by the commission of an
12 application that is revoked or not renewed, the commission
13 shall review the record and have discretion to supplement the
14 record if the supplemental information was previously
15 unavailable. The commission may consider the charter school
16 plan, annual reports, student performance and employee and
17 community support for the charter school in addition to the
18 record. The commission shall give due consideration to the
19 findings of the local board of school directors or governing
20 board of an institution of higher education and specifically
21 articulate its reasons for agreeing or disagreeing with those
22 findings in its written decision. If the commission
23 determines that the charter should not be revoked or should
24 be renewed, the commission shall order the local board of
25 school directors or governing board of an institution of
26 higher education to rescind its revocation or nonrenewal
27 decision. If the local board of school directors or governing
28 board of an institution of higher education fails to rescind
29 its revocation or nonrenewal decision and sign the notice
30 within ten days of notice of the reversal of the decision of

1 the authorizer, the renewed charter shall be deemed to be
2 approved and shall be signed by the chairman of the
3 commission.

4 (b) Review by Commonwealth Court.--The following shall
5 apply:

6 (1) For all charter schools or cyber charter schools
7 authorized by the commission, the Commonwealth Court shall
8 have exclusive review of an appeal by a charter school or
9 cyber charter school applicant or by the board of trustees of
10 an existing charter school or cyber charter school of a
11 decision made by the commission to:

12 (i) Deny a charter under section 1718-C.

13 (ii) Deny amendments to a charter as provided under
14 section 1722-C.

15 (iii) Revoke or not renew a charter as provided
16 under section 1723-C.

17 (2) The Commonwealth Court may follow the procedures
18 outlined under subsection (a) (2), (3), (4), (5), (6) and (7)
19 for the appeal process. If the commission fails to follow any
20 decision of the court within ten days of notice of the
21 reversal of the decision of the commission, the charter shall
22 be deemed to be approved and shall be signed by the presiding
23 judge.

24 (c) Appellate review.--Decisions of the commission shall be
25 subject to appellate review by the Commonwealth Court.

26 (d) Effect of appeal.--The charter shall remain in effect
27 until final disposition by the court.

28 Section 1725-C. Facilities.

29 (a) Location.--A charter school or cyber charter school may
30 be located in an existing public school building, in a part of

1 an existing public school building, in space provided on a
2 privately owned site, in a public building or in any other
3 suitable location.

4 (b) Report.--The following shall apply:

5 (1) All school districts shall submit an annual report
6 of the unused facilities that are owned by the school
7 district that may be suitable for the operation of a charter
8 school or cyber charter school to the department no later
9 than July 1 of each year. The department, in conjunction with
10 the Department of General Services, shall compile a list of
11 unused facilities, including unused facilities owned by this
12 Commonwealth, and publish it on its Internet website by
13 September 1 of each year. As used in this paragraph, "unused
14 facility" refers to any building owned by a school district
15 or the Commonwealth that is not used by the school district
16 or the Commonwealth for its own programs or that is leased to
17 a third party for consideration. The department shall make
18 the list of unused facilities available to existing charter
19 schools, cyber charter schools and applicants. The list shall
20 include the address of each building, the name of the owner
21 of the building, a short description of the building and a
22 description of its structural condition, including full
23 disclosure on all problems associated with each building,
24 including structural issues, HVAC, plumbing, electrical,
25 mold, drinking water, insect and rodent infestation and any
26 other health or safety issue.

27 (2) Each school district shall make any unused facility
28 available to charter schools and cyber charter schools
29 operating within that school district. The terms of the use
30 of the facility by the charter school or cyber charter school

1 shall be subject to negotiation between the school district
2 and the school and shall be memorialized as a separate
3 agreement between all parties. The agreement shall outline
4 which party is responsible for actual costs related to the
5 facility, including maintenance, insurance and other factors.
6 No school district shall charge a charter school or cyber
7 charter school greater than fair market value price for the
8 sale, lease or rental of the existing facility or for
9 property formerly used by the school district. A charter
10 school or cyber charter school allowed to use a facility
11 under an agreement under this subsection may not sell or
12 dispose of any interest in the property without written
13 permission of the school district. A school district shall
14 give a charter school or cyber charter school using a school
15 district's unused facility at least 180 days' notice before
16 selling, leasing or otherwise disposing of the unused
17 facility to a third party.

18 (c) Exemption from regulations.--The charter school or cyber
19 charter school facility shall be exempt from public school
20 facility regulations except those pertaining to health or safety
21 of students.

22 (d) Multiple locations.--Notwithstanding any other provision
23 of this article, an authorizer, in its discretion, may permit a
24 charter school or cyber charter school to operate at more than
25 one location.

26 (e) Exemption from taxation.--The following shall apply:

27 (1) Notwithstanding section 204 of the act of May 22,
28 1933 (P.L.853, No.155), known as The General County
29 Assessment Law, all school property, real and personal, owned
30 by a charter school, cyber charter school or an associated

1 nonprofit foundation, or owned by a nonprofit corporation or
2 nonprofit foundation and leased to a charter school, cyber
3 charter school or associated nonprofit foundation at or below
4 fair market value, that is occupied and used by any charter
5 school or cyber charter school for public school, recreation
6 or any other purposes provided for under this article shall
7 be made exempt from every type of State, county, city,
8 borough, township or other real estate tax, including
9 payments in lieu of taxes established through agreement with
10 the Commonwealth or any local taxing authority, as well as
11 from all costs or expenses for paving, curbing, sidewalks,
12 sewers or other municipal improvements, except that a charter
13 school or cyber charter school or owner of property leased to
14 a charter school or cyber charter school may make a municipal
15 improvement in a street on which its school property abuts or
16 may contribute a sum toward the cost of the improvement.

17 (2) Any agreement entered into by a charter school,
18 cyber charter school or associated nonprofit foundation with
19 the Commonwealth or a local taxing authority for payments in
20 lieu of taxes prior to December 31, 2009, shall be null and
21 void.

22 (3) This subsection shall apply retroactively to all
23 charter schools, cyber charter schools and associated
24 nonprofit foundations that filed an appeal from an
25 assessment, as provided under Article V of The General County
26 Assessment Law prior to the effective date of this
27 subsection.

28 (4) For purposes of this subsection, "local taxing
29 authority" shall include a county, city, borough,
30 incorporated town, township or school district.

1 (f) Alcoholic beverages.--The following shall apply:

2 (1) Alcoholic beverages shall not be available for
3 consumption, purchase or sale in any charter school facility
4 or cyber charter school facility.

5 (2) If the secretary reasonably believes that alcoholic
6 beverages have been made available for consumption, purchase
7 or sale in any charter school facility or cyber charter
8 school facility, the department shall order the following
9 forfeitures against the charter school or cyber charter
10 school:

11 (i) \$1,000 for the first violation.

12 (ii) \$5,000 for the second or subsequent violation.

13 (3) The charter school or cyber charter school may
14 appeal the order of the secretary under 2 Pa.C.S. Chs. 5
15 (relating to practice and procedure) and 7 (relating to
16 judicial review).

17 (g) Construction projects and related work.--Boards of
18 trustees and contractors of charter schools and cyber charter
19 schools shall be subject to the following statutory requirements
20 governing construction projects and construction-related work:

21 (1) The following provisions of this act:

22 (i) Sections 751 and 751.1.

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

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

1 (3) The act of August 15, 1961 (P.L.987, No.442), known
2 as the Pennsylvania Prevailing Wage Act.

3 (4) The Public Works Contractors' Bond Law of 1967.

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

6 Section 1726-C. Enrollment and notification.

7 (a) Enrollment.--The following shall apply:

8 (1) Enrollment of students in a charter school or cyber
9 charter school shall not be subject to a cap or otherwise
10 limited by any past or future action of a local board of
11 school directors, a special board of control established
12 under section 692, a School Reform Commission established
13 under section 696 or any other governing authority of an
14 authorizer.

15 (2) This subsection shall apply to a charter school or
16 cyber charter school regardless of whether the charter was
17 approved prior to or is approved subsequent to the effective
18 date of this subsection.

19 (3) All resident children in this Commonwealth qualify
20 for admission to a charter school or cyber charter school as
21 set forth under paragraph (4). If more students apply to the
22 charter school or cyber charter school than the number of
23 attendance slots available in the school, students shall be
24 selected on a random basis from a pool of qualified
25 applicants meeting the established eligibility criteria and
26 submitting an application by the deadline set by the school,
27 except that the school may give preference in enrollment to a
28 child of a parent who has actively participated in
29 development of the school and siblings of students presently
30 enrolled in the school. For charter schools, first preference

1 shall be given to students who reside in the district or
2 districts where the school is located.

3 (4) (i) A charter school or cyber charter school shall
4 not discriminate in its admission policies or practices
5 on the basis of intellectual ability, except as provided
6 under subparagraph (ii), or athletic ability, measures of
7 achievement or aptitude, status as a person with a
8 disability, proficiency in the English language or any
9 other basis that would be illegal if utilized by a school
10 district.

11 (ii) A charter school or cyber charter school may
12 limit admission to a particular grade level, a targeted
13 population group composed of at-risk students or one or
14 more areas of concentration such as mathematics, science
15 or the arts. A charter school or cyber charter school may
16 establish reasonable criteria to evaluate prospective
17 students which shall be outlined in the school's charter.

18 (5) If there is available classroom space, a charter
19 school may enroll nonresident students on a space-available
20 basis, and the student's district of residence shall permit
21 the student to attend the charter school. Terms and
22 conditions of enrollment shall be outlined in the school's
23 charter.

24 (6) A cyber charter school shall report to the
25 commission an increase or a decrease of 30% or more in its
26 anticipated enrollment set forth in the application under
27 section 1718-C.

28 (b) Notification.--The following shall apply:

29 (1) Within ten days of enrollment of a student to a
30 charter school or cyber charter school, the parent or

1 guardian and the school shall notify the student's school
2 district of residence and intermediate unit of the enrollment
3 through the use of a notification form developed by the
4 commission. The notification shall include:

5 (i) The name, home address and mailing address of
6 the student.

7 (ii) The grade in which the student is being
8 enrolled.

9 (iii) The date the student will be enrolled.

10 (iv) The name and address of the charter school or
11 cyber charter school and the name and telephone number of
12 a contact person able to provide information regarding
13 the school.

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

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

20 (i) Within ten days of receipt of the notice under
21 paragraph (1), the school district shall notify the
22 charter school or cyber charter school and the department
23 that the student is not a resident of the school
24 district. Notification of nonresidence shall include the
25 basis for the determination.

26 (ii) Within seven days of notification under
27 subparagraph (i), the charter school or cyber charter
28 school shall review the notification of nonresidence,
29 respond to the school district and provide a copy of the
30 response to the department. If the charter school or

1 cyber charter school agrees that a student is not a
2 resident of the school district, it shall determine the
3 proper district of residence of the student.

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

9 (iv) A school district that has notified the charter
10 school or cyber charter school that it does not agree
11 shall appeal to the department for a final determination.

12 (v) Decisions of the department regarding the school
13 district of residence of a student shall be subject to
14 review by the Commonwealth Court.

15 (vi) The secretary shall continue to make payments
16 to a charter school or cyber charter school under section
17 1728-C during the time in which the school district of
18 residence of a student is in dispute.

19 (vii) If a final determination is made that a
20 student is not a resident of an appealing school
21 district, the charter school or cyber charter school
22 shall return all funds provided on behalf of that student
23 to the school district within 30 days.

24 (3) Within ten days of receipt of the notification form,
25 the local school district or intermediate unit shall provide
26 the charter school or cyber charter school with all records
27 relating to the student, including transcripts, test scores
28 and a copy of any individualized education program for that
29 student. If a school district fails to provide the student's
30 record within 30 days after receiving the documentation from

1 the charter school or cyber charter school, the secretary
2 shall deduct and pay to the charter school or cyber charter
3 school the estimated amount, as documented by the charter
4 school or cyber charter school, from all State payments made
5 to the district, or if no payments have been made to the
6 district, from all State payments reasonably expected to be
7 made, after receipt of documentation from the charter school
8 or cyber charter school. The district from which the
9 estimated payment has been deducted may request a hearing
10 from the department which the secretary shall hold within 30
11 days of the request. The secretary shall render a decision
12 after the hearing and shall not delegate this duty unless
13 there is a conflict from which the secretary must recuse
14 himself after full disclosure. The district shall be liable
15 for reasonable legal fees incurred by a charter school in
16 attempting to obtain student records. Supersedeas shall not
17 be granted to the department or the school district. Absent a
18 court order, the department shall not hold any payments in
19 escrow.

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

25 Section 1727-C. School staff.

26 (a) General rule.--The board of trustees of a charter school
27 or cyber charter school shall determine the level of
28 compensation and all terms and conditions of employment of the
29 staff except as otherwise provided under this article. At least
30 75% of the professional staff members of a charter school or

1 cyber charter school shall hold appropriate State certification.
2 Employees of a charter school or cyber charter school may
3 organize under the act of July 23, 1970 (P.L.563, No.195), known
4 as the Public Employe Relations Act. The board of trustees of a
5 charter school or cyber charter school shall be considered an
6 employer for purposes of Article XI-A. Upon formation of one or
7 more collective bargaining units at the school, the board of
8 trustees shall bargain with the employees based on this article,
9 Article XI-A and the Public Employe Relations Act. Collective
10 bargaining units at a charter school or cyber charter school
11 shall be separate from any collective bargaining unit of the
12 school district in which the charter school is located and shall
13 be separate from any other collective bargaining unit. A charter
14 school or cyber charter school shall be considered a school
15 entity as provided for under section 1161-A for the purpose of
16 the secretary's seeking an injunction requiring the charter
17 school or cyber charter school to meet the minimum requirements
18 for instruction as provided for under this article.

19 (b) Charter applications.--Each charter application shall
20 list the general qualifications needed to staff any noncertified
21 positions. Professional employees who do not hold appropriate
22 Pennsylvania certification must present evidence that they:

23 (1) Meet the qualifications under sections 1109 and
24 1209.

25 (2) Have demonstrated satisfactorily a combination of
26 experience, achievement and qualifications as defined in the
27 charter school application in basic skills, general
28 knowledge, professional knowledge and practice and subject
29 matter knowledge in the subject area which an individual will
30 teach.

1 (c) Employees.--

2 (1) All employees of a charter school or cyber charter
3 school shall be enrolled in the Public School Employees'
4 Retirement System in the same manner as set forth under 24
5 Pa.C.S. § 8301(a) (relating to mandatory and optional
6 membership) unless at the time of the application for the
7 charter school or cyber charter school the sponsoring
8 district or the board of trustees of the charter school or
9 cyber charter school has a retirement program which covers
10 the employees or the employee is currently enrolled in
11 another retirement program.

12 (2) The Commonwealth shall make contributions on behalf
13 of charter school and cyber charter school employees, and the
14 charter school or cyber charter school shall be considered a
15 school district and shall make payments by employers and
16 payments on account of Social Security as established under
17 24 Pa.C.S. Pt. IV (relating to retirement for school
18 employees). For purposes of payments by employers, a charter
19 school or cyber charter school shall be considered a school
20 district under 24 Pa.C.S. § 8329(a)(1) (relating to payments
21 on account of social security deductions from
22 appropriations).

23 (3) The market value/income aid ratio used in
24 calculating payments as prescribed under this subsection
25 shall be the market value/income aid ratio for the school
26 district in which the charter school is located or, in the
27 case of a regional charter school, shall be a composite
28 market value/income aid ratio for the participating school
29 districts as determined by the department.

30 (4) Except as otherwise provided, employees of a charter

1 school or cyber charter school shall make regular member
2 contributions as required for active members under 24 Pa.C.S.
3 Pt. IV.

4 (5) If the employees of the charter school or cyber
5 charter school participate in another retirement plan, those
6 employees shall have no concurrent claim on the benefits
7 provided to public school employees under 24 Pa.C.S. Pt. IV.

8 (6) For purposes of this subsection, a charter school or
9 cyber charter school shall be deemed to be a "public school"
10 as defined in 24 Pa.C.S. § 8102 (relating to definitions).

11 (d) Benefits.--Every employee of a charter school shall be
12 provided similar health care benefits as the employee would be
13 provided if he or she were an employee of the local district.

14 The local board of school directors may require the charter
15 school to provide similar terms and conditions with regard to
16 health insurance as the collective bargaining agreement of the
17 school district to include employee contributions to the
18 district's health benefits plan. The charter school shall make
19 any required employer's contribution to the district's health
20 plan to an insurer, an authorizer or a contractual
21 representative of school employees, whichever is appropriate to
22 provide the required coverage.

23 (e) Leave of absence.--A public school employee of a school
24 entity may request a leave of absence for up to five years in
25 order to work in a charter school located in the district of
26 employment or in a regional charter school in which the
27 employing school district is a participant. Approval for a leave
28 shall not be unreasonably withheld.

29 (f) Temporary employees.--Temporary professional employees
30 on leave from a school district may accrue tenure in the

1 noncharter public school system at the discretion of the local
2 board of school directors, the same as they would under Article
3 XI if they had continued to be employed by that district.
4 Professional employees on leave from a school district shall
5 retain their tenure rights, as defined in Article XI, in the
6 school entity from which they came. No temporary professional
7 employee or professional employee shall have tenure rights
8 against a charter school. Both temporary professional employees
9 and professional employees shall continue to accrue seniority in
10 the school entity from which they came if they return to that
11 school entity when the leave ends.

12 (g) Professional employees.--Professional employees who hold
13 a first-level teaching or administrative certificate may, at
14 their option, have the time completed in satisfactory service in
15 a charter school or cyber charter school applied to the length
16 of service requirements for the next level of certification.

17 (h) Right to return.--The following shall apply:

18 (1) A temporary professional employee or professional
19 employee who leaves employment at a charter school shall have
20 the right to return to a comparable position for which the
21 person is properly certified in the school entity which
22 granted the leave of absence. In the case where a teacher has
23 been dismissed by the charter school, the school entity which
24 granted the leave of absence is to be provided by the charter
25 school with the reasons for the dismissal at the time it
26 occurs, a list of any witnesses who were relied on by the
27 charter school in moving for dismissal, a description of and
28 access to any physical evidence used by the charter school in
29 moving for dismissal and a copy of any record developed at
30 any dismissal proceeding conducted by the charter school. The

1 record of the hearing may be admissible in a hearing before
2 the school entity which granted the leave of absence. Nothing
3 under this section shall affect the authority of the board of
4 school directors to initiate proceedings under Article XI if
5 the board determines that occurrences at the charter school
6 leading to dismissal of a teacher constitute adequate and
7 independent grounds for discipline under section 1122.

8 (2) No temporary employee or professional employee who
9 is leaving employment at a charter school shall be returned
10 to a position in the public school district which granted his
11 leave of absence until the public school district is in
12 receipt of a current criminal history record under section
13 111 and the official clearance statement regarding child
14 injury or abuse from the Department of Public Welfare as
15 required under 23 Pa.C.S. Ch. 63 Subch. C.2 (relating to
16 background checks for employment in schools).

17 (i) Criminal history.--All individuals who shall have direct
18 contact with students shall be required to submit a report of
19 criminal history record information as provided for in section
20 111 prior to accepting a position with the charter school. This
21 subsection shall also apply to any individual who volunteers to
22 work on a full-time or part-time basis at the charter school or
23 cyber charter school.

24 (j) Official clearance statement.--All applicants for a
25 position as a school employee and any individual who volunteers
26 to work on a full-time or part-time basis at a charter school or
27 cyber charter school shall be required to submit the official
28 clearance statement regarding child injury or abuse from the
29 Department of Public Welfare as required under 23 Pa.C.S. Ch. 63
30 Subch. C.2.

1 Section 1728-C. Funding.

2 (a) General rule.--Funding for a charter school or cyber
3 charter school shall be provided in the following manner:

4 (1) There shall be no tuition charge for a resident or
5 nonresident student attending a charter school or cyber
6 charter school.

7 (2) (i) For nonspecial education students, the charter
8 school or cyber charter school shall receive for each
9 student enrolled no less than the budgeted total
10 expenditure per average daily membership of the prior
11 school year, as defined in section 2501(20), minus the
12 budgeted expenditures of the district of residence for
13 nonpublic school programs; adult education programs;
14 community and junior college programs; student
15 transportation services; special education programs;
16 facilities acquisition, construction and improvement
17 services; and other financing uses, including debt
18 service and fund transfers as provided in the Manual of
19 Accounting and Related Financial Procedures for
20 Pennsylvania School Systems established by the
21 department.

22 (ii) The amount under subparagraph (i) shall be paid
23 by the district of residence of each student by deduction
24 and transfer from all State payments to the district as
25 provided under paragraph (5). If a charter or cyber
26 charter school disputes the accuracy of a district's
27 calculation under this paragraph, the charter school or
28 cyber charter school shall file a notice of the dispute
29 with the secretary, who shall hold a hearing to determine
30 the accuracy of the district's calculation within 30 days

1 of the notice. The secretary shall determine the accuracy
2 of the district's calculation within 30 days of the
3 hearing. The district shall bear the burden of production
4 and proof with respect to its calculation under this
5 paragraph. The district shall be liable for the
6 reasonable legal fees incurred by a charter school or
7 cyber charter school if the charter school or cyber
8 charter school is the substantially prevailing party
9 after a hearing under this paragraph. All decisions of
10 the secretary under this paragraph shall be subject to
11 appellate review by the Commonwealth Court.

12 (3) For special education students, the charter school
13 or cyber charter school shall receive for each student
14 enrolled the same funding as for each nonspecial education
15 student as provided under paragraph (2), plus an additional
16 amount determined by dividing the district of residence's
17 total special education expenditure by the product of
18 multiplying the combined percentage of section 2509.5(k) or a
19 subsequent section times the district of residence's total
20 average daily membership for the prior school year. This
21 amount shall be paid by the district of residence of each
22 student by deduction and transfer from all State payments to
23 the district as provided in paragraph (5). If a charter or
24 cyber charter school disputes the accuracy of a district's
25 calculation under this paragraph, the charter school or cyber
26 charter school shall file a notice of the dispute with the
27 secretary, who shall hold a hearing to determine the accuracy
28 of the district's calculation within 30 days of the notice.
29 The secretary shall determine the accuracy of the district's
30 calculation within 30 days of the hearing. The district shall

1 bear the burden of production and proof with respect to its
2 calculation under this paragraph. The district shall be
3 liable for the reasonable legal fees incurred by a charter
4 school or cyber charter school if the charter school or cyber
5 charter school is the substantially prevailing party after a
6 hearing under this paragraph. All decisions of the secretary
7 under this paragraph shall be subject to appellate review by
8 the Commonwealth Court.

9 (4) A charter school or cyber charter school may request
10 the intermediate unit or school district in which the school
11 is located to provide services to assist the school to
12 address the specific needs of exceptional students. The
13 intermediate unit or school district shall assist the charter
14 school or cyber charter school and bill the school for the
15 services. The intermediate unit may not charge the charter
16 school or cyber charter school more for any service than it
17 charges the constituent districts of the intermediate unit.

18 (5) Payments shall be made to the charter school or
19 cyber charter school in 12 equal monthly payments, by the
20 fifth day of each month, within the operating school year.
21 Payments shall be made by the secretary deducting and paying
22 to the charter school or cyber charter school the estimated
23 amount, as documented by the charter school or cyber charter
24 school, from all State payments made to the district, or if
25 no payments have been made to the district, from all State
26 payments reasonably expected to be made, after receipt of
27 documentation from the school as to its enrollment. The
28 secretary's obligation to make payments under this paragraph
29 is mandatory and ministerial. If there are insufficient State
30 payments being made to a district to cover all charter school

1 and cyber charter school deductions and transfers, the
2 district shall be responsible for paying the unpaid balance
3 directly to the charter school or cyber charter school by the
4 15th day of each month. A student enrolled in a charter
5 school or cyber charter school shall be included in the
6 average daily membership of the student's district of
7 residence for the purpose of providing basic education
8 funding payments and special education funding under Article
9 XXV.

10 (6) Within 30 days after the secretary transfers the
11 funds described under paragraph (5), a school district may
12 notify the secretary that the deduction made from State
13 payments to the district under this subsection is inaccurate.
14 The secretary shall provide the school district with an
15 opportunity to be heard concerning whether the charter school
16 or cyber charter school documented that its students were
17 enrolled in the charter school or cyber charter school, the
18 period of time during which each student was enrolled, the
19 school district of residence of each student and whether the
20 amounts deducted from the school district were accurate. The
21 burden of proof and production at the hearing shall be on the
22 school district. A hearing shall not be held before the
23 secretary deducts and transfers to the charter school or
24 cyber charter school the amount estimated by the charter
25 school or cyber charter school. The district shall be liable
26 for the reasonable legal fees incurred by a charter school or
27 cyber charter school if the charter school or cyber charter
28 school is the substantially prevailing party after a hearing
29 under this paragraph. All decisions of the secretary under
30 this paragraph shall be subject to appellate review by the

1 Commonwealth Court. Supersedeas shall not be granted to the
2 secretary or to a school district on an appeal from the
3 decision of the secretary under this paragraph. Absent a
4 court order, the secretary shall not hold any payments in
5 escrow.

6 (b) Temporary financial assistance.--The Commonwealth shall
7 provide temporary financial assistance to a school district due
8 to the enrollment of students in a charter school or cyber
9 charter school who attended a nonpublic school in the prior
10 school year in order to offset the additional costs directly
11 related to the enrollment of those students in a public charter
12 school or cyber charter school. The Commonwealth shall pay the
13 school district of residence of a student enrolled in a
14 nonpublic school in the prior school year who is attending a
15 charter school or cyber charter school an amount equal to the
16 school district of residence's basic education subsidy for the
17 current school year divided by the district's average daily
18 membership for the prior school year. This payment shall occur
19 only for the first year of the attendance of the student in a
20 charter school or cyber charter school, starting with school
21 year 1997-1998. Total payments of temporary financial assistance
22 to school districts on behalf of a student enrolling in a
23 charter school or cyber charter school who attended a nonpublic
24 school in the prior school year shall be limited to funds
25 appropriated for this program in a fiscal year. If the total of
26 the amount needed for all students enrolled in a nonpublic
27 school in the prior school year who enroll in a charter school
28 or cyber charter school exceeds the appropriation for the
29 temporary financial assistance program, the amount paid to a
30 school district for each qualifying student shall be pro rata

1 reduced.

2 (c) Gifts and donations.--It shall be lawful for any charter
3 school or cyber charter school to receive, hold, manage and use,
4 absolutely or in trust, any devise, bequest, grant, endowment,
5 gift or donation of any property, real or personal and mixed,
6 which shall be made to the charter school or cyber charter
7 school for any purpose of this article.

8 (d) Requests or demands for gifts.--It shall be unlawful for
9 any trustee of a charter school, cyber charter school or any
10 board of trustees of a charter school or cyber charter school or
11 any other person affiliated in any way with a charter school or
12 cyber charter school to demand or request, directly or
13 indirectly, any gift, donation or contribution of any kind from
14 any parent, teacher, employee or any other person affiliated
15 with the school as a condition for employment or enrollment and
16 continued attendance of any pupil. Any donation, gift or
17 contribution received by a charter school and cyber charter
18 school shall be given freely and voluntarily.

19 (e) Discounts.--A cyber charter school shall not provide
20 discounts to a school district or waive payments under this
21 section for any student.

22 Section 1729-C. Transportation.

23 (a) General rule.--

24 (1) Except as provided under paragraph (2), students who
25 attend a charter school located in their school district of
26 residence, a regional charter school of which the school
27 district is a part or a charter school located outside
28 district boundaries at a distance not exceeding ten miles by
29 the nearest public highway shall be provided free
30 transportation to the charter school by their school district

1 of residence on the dates and periods that the charter school
2 is in session whether or not transportation is provided on
3 the dates and periods to students attending schools of the
4 district.

5 (2) Transportation shall not be required for elementary
6 students, including kindergarten students, residing within
7 1.5 miles or for secondary students residing within 2 miles
8 of the nearest public highway from the charter school in
9 which the students are enrolled unless the road or traffic
10 conditions are such that walking constitutes a hazard to the
11 safety of the students when certified by the Department of
12 Transportation, except that if the school district provides
13 transportation to the public schools of the school district
14 for elementary students, including kindergarten students,
15 residing within 1.5 miles or for secondary students residing
16 within 2 miles of the nearest public highway under
17 nonhazardous conditions, transportation shall also be
18 provided to charter schools under the same conditions.

19 (3) Districts providing transportation to a charter
20 school outside the district and, for the 2007-2008 school
21 year and each school year thereafter, districts providing
22 transportation to a charter school within the district shall
23 be eligible for payments under section 2509.3 for each public
24 school student transported. A school district shall not be
25 responsible for providing transportation to a charter school
26 located outside the borders of this Commonwealth.

27 (4) If a school district does not provide transportation
28 to a charter school or cyber charter school student because
29 the student's placement is outside the district boundaries at
30 a distance of more than ten miles by the nearest public

1 highway, when determining the per pupil subsidy to be paid
2 under section 1728-C by the school district to the charter
3 school or cyber charter school for that student, the district
4 shall not be entitled to subtract its student transportation
5 services expenses.

6 (b) Additional rules.--In addition to any other requirements
7 under this section, school districts of the first class shall
8 provide transportation to students who attend a charter school
9 if they are the same age or are enrolled in the same grade,
10 grades or their grade equivalents as any of the students of the
11 school district for whom transportation is provided under any
12 program or policy to the schools of the school district.

13 (c) Students with disabilities.--In addition to any other
14 requirements under this section, the school district of
15 residence of a student who is eligible under the Individuals
16 with Disabilities Education Act (Public Law 91-230, 20 U.S.C. §
17 1400 et seq.) or is a protected student with disabilities under
18 section 504 of the Rehabilitation Act of 1973 (Public Law
19 93-112, 29 U.S.C. § 701 et seq.) who is enrolled in a charter
20 school or a cyber charter school shall be responsible for
21 providing free transportation to the charter school or cyber
22 charter school student to any alternative location, school or
23 building in which the charter school or cyber charter school
24 student has been alternatively placed, provided that the
25 alternative locations, schools or buildings are located within
26 the district boundaries or outside the district boundaries at a
27 distance not exceeding ten miles by the nearest public highway.
28 The transportation shall be provided on the dates and periods as
29 required by the student's individualized education program or
30 section 504 of the Rehabilitation Act of 1973 service agreement

1 whether or not transportation is provided on the dates and
2 periods to students attending schools of the district. If a
3 school district does not provide transportation to an
4 alternatively placed student because the student's alternative
5 placement is outside the district boundaries at a distance of
6 more than ten miles by the nearest public highway, when
7 determining the per pupil subsidy to be paid under section 1728-
8 C by the school district to the charter school or cyber charter
9 school for that student, the district shall not be entitled to
10 subtract its student transportation services expenses.

11 (d) Payment.--If the secretary determines that a school
12 district is not providing the required transportation to
13 students to the charter school, the department shall pay
14 directly to the charter school funds for costs incurred in the
15 transportation of its students. Payments to a charter school
16 shall be determined in the following manner: for each eligible
17 student transported, the charter school shall receive a payment
18 equal to the total expenditures for transportation of the school
19 district divided by the total number of school students
20 transported by the school district under any program or policy.
21 Within 30 days after receipt of the documentation from the
22 charter school, the secretary shall deduct and pay the charter
23 school the estimated amount, as documented by the charter
24 school, from the State payment made to the district for
25 transportation. The district from which the estimated
26 transportation payment has been deducted may request a hearing
27 from the department which the secretary shall hold within 30
28 days of the request. The secretary shall render a decision after
29 the hearing and shall not delegate this duty unless there is a
30 conflict from which he must recuse himself after full

1 disclosure. The district shall be liable for the reasonable
2 legal fees incurred by a charter school in attempting to obtain
3 payment by the district. Supersedeas shall not be granted to the
4 department or the school district. Absent a court order, the
5 department shall not hold any payments in escrow.

6 (e) Deduction.--The department shall deduct the amount paid
7 to the charter school under subsection (b) from all payments
8 made to the district.

9 (f) Current transportation policy.--A school district of the
10 first class shall submit a copy of its current transportation
11 policy to the department no later than August 1 of each year.
12 Section 1730-C. Tort liability.

13 For purposes of tort liability, employees of the charter
14 school or cyber charter school shall be considered public
15 employees, and the board of trustees shall be considered the
16 public employer in the same manner as political subdivisions and
17 local agencies. The board of trustees of a charter school and
18 cyber charter school and the charter school or cyber charter
19 school shall be solely liable for all damages of any kind
20 resulting from any legal challenge involving the operation of a
21 charter school or cyber charter school. Notwithstanding this
22 section, the local board of directors of a school entity or an
23 authorizer shall not be held liable for any activity or
24 operation related to the program of the charter school or cyber
25 charter school.

26 Section 1731-C. Annual reports and assessments.

27 (a) General rule.--The authorizer shall annually assess on a
28 standard form developed by the commission whether each charter
29 school or cyber charter school is meeting the goals of its
30 charter and shall conduct a comprehensive review prior to

1 granting a ten-year renewal of the charter. The authorizer shall
2 have ongoing access to the records and facilities of the charter
3 school and cyber charter school to ensure that the school is in
4 compliance with its charter, this article and the requirements
5 for testing, civil rights and student health and safety are
6 being met. Ongoing reasonable access to a charter school or
7 cyber charter school's records shall mean that the authorizer
8 shall have access to records such as financial reports,
9 financial audits, aggregate standardized test scores without
10 student identifying information and teacher certification and
11 personnel records. Schools and their authorizers shall comply
12 fully with the requirements of the Family Educational Rights and
13 Privacy Act of 1974 (Public Law 90-247, 20 U.S.C. § 1232g) and
14 associated regulations. No personally identifiable information
15 from education records shall be provided by the charter school
16 or cyber charter school to its authorizer except in compliance
17 with the Family Educational Rights and Privacy Act of 1974.

18 (b) Annual report.--In order to facilitate the authorizer's
19 review and secretary's report, each charter school and cyber
20 charter school shall submit an annual report on a standard form
21 developed by the commission no later than September 1 of each
22 year to the authorizer and the commission in the form prescribed
23 by the commission. Within ten days of receipt of the annual
24 report, the authorizer and the secretary shall each certify to
25 the charter school and cyber charter school that the annual
26 report has been received with an indication of the date of
27 receipt. Within 30 days of the date of receipt, the authorizer
28 and the secretary shall each certify to the charter school or
29 cyber charter school that the annual report has been reviewed
30 and is complete, or alternatively, has been reviewed and is

1 missing specific information referenced in the certification.

2 (c) Independent audit committee.--Every charter school or
3 cyber charter school shall form an independent audit committee
4 of its board members which shall review at the close of each
5 fiscal year a complete certified audit of the operations of the
6 charter school or cyber charter school. The audit shall be
7 conducted by a qualified independent certified public accountant
8 as selected from a list of approved providers established by the
9 commission. The audit shall be conducted under generally
10 accepted audit standards of the Governmental Accounting
11 Standards Board (GASB) and shall include the following:

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

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

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

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

24 (5) Review of the financial statements of any charter
25 school foundation which shall be included in the independent
26 audit.

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

29 (7) Review of all board policies and procedures with
30 regard to internal controls, code of ethics, conflicts of

1 interest, whistle-blower protections, complaints from parents
2 or the public, compliance with 65 Pa.C.S. Ch. 7 (relating to
3 open meetings), compliance with the act of February 14, 2008
4 (P.L.6, No.3), known as the Right-to-Know Law, finances,
5 budgeting, audits, public bidding and bonding.

6 (8) Any other test the commission deems appropriate.

7 (d) Public document.--The certified audit under subsection
8 (c) is a public document and shall be made available on the
9 commission's Internet website and the charter school or cyber
10 charter school's Internet website, if applicable.

11 (e) Annual audit.--Charter schools and cyber charter schools
12 may be subject to an annual audit by the commission or the
13 Auditor General, in addition to any other audits required by
14 Federal law or this article.

15 (f) Annual budget.--Charter schools and cyber charter
16 schools shall annually provide a copy of the annual budget for
17 the operation of the school that identifies the following:

18 (1) The source of funding for all expenditures as part
19 of its reporting under subsection (a).

20 (2) Where funding is provided by a charter school
21 foundation, the amount of funds and a description of the use
22 of the funds.

23 (3) The salaries of all administrators of the charter
24 school or cyber charter school.

25 (g) Tax filings.--Notwithstanding any other provision of
26 law, the charter school, cyber charter school and any affiliated
27 charter school foundations shall make copies of its annual
28 Federal and State tax filings available upon request and on the
29 foundation's or charter school's Internet website, if
30 applicable, including Internal Revenue Service Code Form 990,

1 Return of Organization Exempt from Income Tax and all related
2 schedules and appendices. The charter school foundation shall
3 also make copies of its annual budget available upon request and
4 on the foundation's or the charter school's Internet website
5 within 30 days of the close of the foundation's fiscal year. The
6 annual budget must include the salaries of all employees of the
7 charter school foundation.

8 Section 1732-C. Desegregation orders.

9 If a school district is operating under a desegregation plan
10 approved by the Pennsylvania Human Relations Commission or a
11 desegregation order by a Federal or State court, an authorizer
12 shall not approve a charter school or cyber charter school
13 application if the school would place the school district in
14 noncompliance with its desegregation order.

15 Section 1733-C. Applicable provisions.

16 (a) Charter and cyber charter schools.--Charter schools and
17 cyber charter schools shall be subject to the following:

18 (1) Sections 108, 110, 111, 321, 325, 326, 327, 431,
19 436, 443, 510, 518, 527, 708, 736, 737, 738, 739, 740, 741,
20 752, 753, 771, 776, 777, 808, 809, 810, 1109, 1111, 1112(a),
21 1205.1, 1205.2, 1205.3, 1205.5, 1301, 1302, 1310, 1317,
22 1317.1, 1317.2, 1318, 1327, 1330, 1332, 1513, 1517, 1518,
23 1521, 1523, 1531, 1547, 2014-A, Article XIII-A and Article
24 XIV.

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

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

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

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

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

15 (7) The act of July 19, 1957 (P.L.1017, No.451), known
16 as the State Adverse Interest Act.

17 (8) The act of February 14, 2008 (P.L.6, No.3), known as
18 the Right-to-Know Law.

19 (9) 65 Pa.C.S. Ch. 7 (relating to open meetings).

20 (10) 65 Pa.C.S. Ch. 11 (relating to ethics standards and
21 financial disclosure).

22 (b) Charter schools.--Charter schools shall be subject to
23 sections 1205.4, 1303 and 1317.3.

24 (c) Regulations.--Charter schools and cyber charter schools
25 shall be subject to the following provisions of 22 Pa. Code
26 (relating to education):

27 (1) Ch. 4 (relating to academic standards and
28 assessment).

29 (2) Ch. 11 (relating to student attendance).

30 (3) Ch. 12 (relating to students and student services).

1 (4) Section 32.3 (relating to assurances).

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

4 (6) Section 235.4 (relating to practices).

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

6 (8) Ch. 711 (relating to charter school and cyber
7 charter school services and programs for children with
8 disabilities).

9 (d) Additional regulations.--The commission shall have
10 authority and the responsibility to ensure that charter schools
11 and cyber charter schools comply with Federal laws and
12 regulations governing children with disabilities. The commission
13 shall promulgate regulations to implement this provision.
14 Section 1734-C. Effect on certain existing charter schools and
15 cyber charter schools.

16 (a) General rule.--A charter school approved by a local
17 board of school directors, a special board of control
18 established under section 692 or a School Reform Commission
19 established under section 696 prior to the effective date of
20 this section shall continue to operate under the current
21 charter. All charter schools approved after the effective date
22 of this section shall be in full compliance with this article.

23 (b) Expiration of charters approved under this article.--
24 Upon expiration of its charter, a charter school approved under
25 section 1718-C or 1719-C shall seek renewal of its charter from
26 the appropriate authorizer. The charter shall be amended as
27 needed to reflect the requirements of this article.

28 (c) Transfer of charter.--A charter school approved by a
29 local board of school directors, a special board of control
30 established under section 692 or a School Reform Commission

1 established under section 696 prior to the effective date of
2 this section may transfer its charter to the oversight of the
3 commission at any time. The board of trustees of the charter
4 school shall submit the charter school's current charter and
5 annual report to the commission and request that the commission
6 become the authorizer of the charter school. Upon receipt of a
7 transfer request and all necessary documentation as required by
8 the commission, the request shall be deemed approved unless,
9 within 30 days of that date, the commission schedules a public
10 hearing concerning the transfer request. The transfer shall be
11 presumed approved and be denied only if the commission
12 determines that the charter school would otherwise be subject to
13 revocation or nonrenewal pursuant to the criteria in section
14 1723-C(c). The commission shall conduct the hearing under
15 section 1720-C, present evidence in support of the transfer
16 denial stated in its notice and give the charter school
17 reasonable opportunity to offer testimony before taking final
18 action. If a hearing does occur relating to a charter school's
19 transfer request, formal action approving or denying the
20 transfer shall be taken by the commission at a public meeting
21 under section 1720-C and 65 Pa.C.S. Ch. 7 (relating to open
22 meetings) after the public has had 30 days to provide comments
23 to the members of the commission. If the commission approves the
24 transfer, the commission shall provide notification by certified
25 board resolution to the local board of school directors, the
26 special board of control established under section 692 or the
27 School Reform Commission established under section 696 which
28 initially approved the charter. No later than 30 days after
29 receipt of the certified board resolution, the local board of
30 school directors, the special board of control established under

1 section 692 or the School Reform Commission established under
2 section 696 which initially approved the charter shall transfer
3 to the commission all records regarding oversight of the charter
4 school. The school's charter term shall remain in effect until
5 the time of expiration, at which time the commission shall
6 undertake a comprehensive review prior to granting a ten-year
7 charter renewal. The Commonwealth Court shall have exclusive
8 review of an appeal by a charter school of a decision made by
9 the commission to deny a charter transfer.

10 (d) Existing schools.--A cyber charter school approved by
11 the department prior to the effective date of this section shall
12 continue to operate under the current charter, but all oversight
13 shall be transferred to the commission.

14 (e) Expiration of existing charters.--Upon expiration of its
15 charter, a cyber charter school approved prior to the effective
16 date of this section shall seek renewal of its charter from the
17 commission under this article. The charter shall be amended as
18 needed to reflect the requirements of this article. All cyber
19 charter schools approved or renewed after the effective date of
20 this section shall be in full compliance with this article.

21 (f) Merge.--

22 (1) A charter school that was approved by a local board
23 of school directors, a special board of control established
24 under section 692 or a School Reform Commission established
25 under section 696 prior to the effective date of this
26 section, which chooses to merge into a multiple charter
27 organization under section 1735-C, may apply to the
28 commission to consolidate all affiliated school charters into
29 a single charter within one year after the effective date of
30 this section.

1 (2) The board of trustees of each charter school shall
2 jointly submit their charter school's current charter and
3 annual report to the commission and request that the
4 commission become the authorizer of the charter school.

5 (3) Upon receipt of the consolidation and transfer
6 request and all necessary documentation as required by the
7 commission, the commission shall have 30 days to approve or
8 deny the consolidation and transfer request by a majority
9 vote. If the commission approves the consolidation and
10 transfer, the commission shall provide notification by
11 certified board resolution to the local board of school
12 directors, the special board of control established under
13 section 692 or the School Reform Commission established under
14 section 696 which initially approved the charter.

15 (4) No later than 30 days after the receipt of the
16 certified board resolution, the local board of school
17 directors, the special board of control established under
18 section 692 or the School Reform Commission established under
19 section 696 which initially approved the charter shall
20 transfer to the commission all records regarding oversight of
21 the charter school.

22 (5) The school's charter term shall remain in effect
23 until the time of expiration, at which time the commission
24 will undertake a comprehensive review prior to granting a
25 ten-year charter renewal.

26 Section 1735-C. Multiple charter school organization.

27 (a) Establishment.--Subject to the requirements of section
28 1734-C(f), two or more charter schools may merge or consolidate
29 under 15 Pa.C.S. Pt. II Subpt. C (relating to nonprofit
30 corporations) into a multiple charter school organization. The

1 multiple charter school organization shall be granted a single
2 charter to operate two or more individual charter schools under
3 the oversight of a single board of trustees and a chief
4 administrator who shall oversee and manage the operation of the
5 individual charter schools under its organization. The multiple
6 charter school organization shall be considered a charter school
7 as defined under this article and shall be subject to all of the
8 requirements of this article unless otherwise provided for under
9 this section. Nothing under this section shall be construed to
10 affect or change the terms or conditions of any individual
11 charter previously granted that is consolidated under this
12 section.

13 (b) Application.--The commission shall develop and issue a
14 standard application form for multiple charter school
15 organization applicants, which shall contain the following
16 information:

17 (1) The identification of the multiple charter school
18 organization.

19 (2) The names of the charter schools seeking merger or
20 consolidation under subsection (a).

21 (3) A copy of the approved charters of each charter
22 school agreeing to merge or consolidate administrative
23 functions with the commission under subsection (a).

24 (4) An organization chart clearly presenting the
25 proposed governance structure of the multiple charter school
26 organization, including lines of authority and reporting
27 between the board of trustees, chief administrator,
28 administrators, staff and any educational management service
29 provider that will play a role in providing management
30 services to the charter schools under its jurisdiction.

1 (5) A clear description of the roles and
2 responsibilities for the board of trustees, chief
3 administrator, administrators and any other entities,
4 including a charter school foundation, shown in the
5 organization chart.

6 (6) A clear description and method for the appointment
7 or election of members of the board of trustees.

8 (7) Standards for board performance, including
9 compliance with all applicable laws, regulations and terms of
10 the charter.

11 (8) Enrollment procedures for each individual charter
12 school included in its charter.

13 (9) Any other information as deemed necessary by the
14 commission.

15 (c) Authorization.--The commission shall serve as the legal
16 authorizer of a multiple charter school organization.

17 (d) Special conditions.--A multiple charter school
18 organization may:

19 (1) Participate in the assessment systems in the same
20 manner in which a school district participates, and its
21 individual charter schools shall participate in such
22 assessment systems in the same manner as individual schools
23 in school districts. All data gathered for purposes of
24 evaluation shall be gathered in a like manner.

25 (2) Add new charter schools to its organization via the
26 application process included under section 1721-C.

27 (3) Add existing charter schools to its organization or
28 amend the individual charters of each charter school under
29 its organization via the amendment process included under
30 section 1722-C.

1 (4) Allow students enrolled in an individual charter
2 school to matriculate to another individual charter school
3 under its oversight so as to complete a course of instruction
4 in an educational institution from kindergarten through grade
5 12.

6 (e) Annual reports.--The annual report required under
7 section 1731-C shall be provided by the board of trustees and
8 chief administrator of the multiple charter school organization
9 and shall include all information required to provide a basis
10 for evaluation for renewal of each individual charter school
11 under the organization's oversight.

12 (f) Renewal.--A multiple charter school organization shall
13 be regarded as the holder of the charter of each individual
14 charter school under its oversight, and each such previously or
15 subsequently awarded charter shall be subject to nonrenewal or
16 revocation in accordance with this act. The nonrenewal or
17 revocation shall not affect the status of a charter awarded for
18 any other individual charter school under its oversight.

19 Section 1736-C. Special cyber charter school requirements.

20 (a) Special financial requirements.--A cyber charter school
21 shall not:

22 (1) Except as provided for under subsection (b), provide
23 payments to parents or guardians for the purchase of
24 instructional materials.

25 (2) Except as compensation for the provision of specific
26 services, enter into agreements to provide funds to a school
27 entity.

28 (b) Materials.--For each student enrolled, a cyber charter
29 school shall provide all instructional materials and equipment,
30 such as a computer, computer monitor and printer and shall

1 provide, or provide reimbursement for, technology and services
2 necessary for online delivery of the curriculum and instruction.
3 The Commonwealth shall not be liable for reimbursement owed to
4 students, parents or guardians by a cyber charter school.

5 (c) Information to school districts.--Upon request in
6 writing or electronically, a cyber charter school shall make
7 available to each student's school district of residence the
8 following:

9 (1) A copy of the charter.

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

11 (3) A copy of all annual reports prepared by the cyber
12 charter school.

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

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

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

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

25 (3) The manner in which attendance will be reported and
26 work will be authenticated.

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

30 (5) The meetings to be held during the school year

1 between a parent or guardian and a teacher and among other
2 school officials or parents or guardians and the manner in
3 which the parent or guardian will be notified of the time and
4 place for the meeting.

5 (6) The address of the cyber charter school and the
6 name, telephone number and e-mail address of the school
7 administrator and other school personnel.

8 (7) A list of any extracurricular activities provided by
9 the cyber charter school.

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

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

15 (10) Copies of policies relating to computer security
16 and privacy, truancy, absences, discipline and withdrawal or
17 expulsion of students.

18 (11) Information concerning:

19 (i) The cyber charter school's professional staff,
20 including the number of staff personnel, their education
21 level and experience.

22 (ii) The cyber charter school's performance on the
23 Pennsylvania System of School Assessment and other
24 standardized test scores.

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

30 (13) A description of the school calendar, including,

1 but not limited to, the time frame that will constitute a
2 school year and a school week, holidays and term breaks.

3 (e) Offices and facilities.--A cyber charter school shall
4 maintain an administrative office within this Commonwealth where
5 all student records shall be maintained at all times and shall
6 provide the commission with the addresses of all offices and
7 facilities of the cyber charter school, ownership thereof and
8 any lease arrangements. The administrative office of the cyber
9 charter school shall be considered to be the principal place of
10 business for service of process for any action brought against
11 the cyber charter school or cyber charter school staff members.
12 The cyber charter school shall notify the commission of any
13 changes in this information within ten days of the change.

14 (f) Applicable law.--Any action taken against the cyber
15 charter school, its successors or assigns or its employees,
16 including any cyber charter school staff member as defined in
17 the act of act of December 12, 1973 (P.L.397, No.141), known as
18 the Professional Educator Discipline Act, shall be governed by
19 the laws of this Commonwealth. If the department initiates an
20 investigation or pursues an action under the Professional
21 Educator Discipline Act involving a current or former charter
22 school staff member outside this Commonwealth, reasonable
23 expenses incurred by the department in the investigation or
24 action shall be paid by the cyber charter school which employed
25 that staff member at the time of the alleged misconduct.

26 (g) School district and intermediate unit access for
27 testing.--The intermediate unit or school district in which a
28 student enrolled in a cyber charter school resides shall provide
29 the cyber charter school with reasonable access to its
30 facilities for administration of all required standardized

1 tests.

2 Section 5. This act shall take effect as follows:

3 (1) The following provisions shall take effect
4 immediately:

5 (i) Section 1706-C of the act.

6 (ii) This section.

7 (2) The following provisions shall take effect in 120
8 days:

9 (i) Section 1704-C of the act.

10 (ii) Section 1705-C of the act.

11 (iii) Section 1734-C of the act.

12 (3) The remainder of this act shall take effect July 1,
13 2012, or immediately, whichever is later.