
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 904 Session of
2011

INTRODUCED BY PICCOLA, DINNIMAN, WILLIAMS, SCARNATI, PILEGGI,
FOLMER, ALLOWAY, ERICKSON, CORMAN, D. WHITE, ROBBINS,
EICHELBERGER, STACK, WAUGH, GREENLEAF AND RAFFERTY,
MARCH 25, 2011

REFERRED TO EDUCATION, MARCH 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 * * *

20 "Concurrent student." A student who is enrolled in a school

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

6 * * *

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

9 * * *

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

12 Section 1613-B. Concurrent enrollment agreements.

13 * * *

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

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22 No.22), are repealed:

23 [ARTICLE XVII-A.

24 CHARTER SCHOOLS.

25 (a) Preliminary Provisions.

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

28 Section 1702-A. Legislative Intent.--It is the intent of the
29 General Assembly, in enacting this article, to provide pupils
30 and community members to establish and maintain schools that

1 operate independently from the existing school district
2 structure as a method to accomplish all of the following:

3 (1) Improve pupil learning.

4 (2) Increase learning opportunities for all pupils.

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

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

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

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

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

18 [Section 1703-A. Definitions.--As used in this article,
19 "Appeal board" shall mean the State Charter School Appeal
20 Board established by this article.

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

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

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

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

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

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

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

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

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

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

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

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

5 [(b) Charter Schools.]

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

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

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

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

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

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

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

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

26 (6.1) Incur debt for the construction of school facilities.

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

29 (b) A charter school shall have such other powers as are
30 necessary to fulfill its charter and which are not inconsistent

1 with this article.

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

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

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

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

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

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

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

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

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

30 (7) A charter school shall only be subject to the laws and

1 regulations as provided for in section 1732-A, or as otherwise
2 provided for in this article.

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

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

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

18 (i) The following provisions of this act:

19 (A) Sections 751 and 751.1.

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

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

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

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

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

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

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

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

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

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

29 (c) The board of trustees shall comply with the act of July
30 3, 1986 (P.L.388, No.84), known as the "Sunshine Act."

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

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

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

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

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

29 (3) In no event shall the board of school directors serve as
30 the board of trustees of an existing school which is converted

1 to a charter school pursuant to this subsection.

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

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

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

29 (2) A charter school application submitted under this
30 article shall be evaluated by the local board of school

1 directors based on criteria, including, but not limited to, the
2 following:

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

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

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

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

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

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

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

1 to the charter school applicant.

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

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

28 (h) In the case of a review by the appeal board of an
29 application that is revoked or is not renewed, the appeal board
30 shall make its decision based on the criteria established in

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

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

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

30 (3) Each person signing a petition to appeal denial of a

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

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

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

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

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

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

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

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

30 (vii) That to the best of the affiant's knowledge and

1 belief, the signers are residents of the school district.

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

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

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

28 (8) Not later than sixty (60) days following the review
29 conducted pursuant to clause (6), the appeal board shall issue a
30 written decision affirming or denying the appeal. If the appeal

1 board has affirmed the decision of the local board of directors,
2 notice shall be provided to both parties.

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

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

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

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

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

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

18 (1) The identification of the charter applicant.

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

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

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

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

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

30 (7) Procedures which will be used regarding the suspension

1 or expulsion of pupils. Said procedures shall comply with
2 section 1318.

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

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

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

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

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

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

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

29 (15) A report of criminal history record, pursuant to
30 section 111, for all individuals who shall have direct contact

1 with students.

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

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

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

12 [Section 1720-A. Term and Form of Charter.--(a) Upon
13 approval of a charter application under section 1717-A, a
14 written charter shall be developed which shall contain the
15 provisions of the charter application and which shall be signed
16 by the local board of school directors of a school district, by
17 the local boards of school directors of a school district in the
18 case of a regional charter school or by the chairman of the
19 appeal board pursuant to section 1717-A(i)(5) and the board of
20 trustees of the charter school. This written charter, when duly
21 signed by the local board of school directors of a school
22 district, or by the local boards of school directors of a school
23 district in the case of a regional charter school, and the
24 charter school's board of trustees, shall act as legal
25 authorization for the establishment of a charter school. This
26 written charter shall be legally binding on both the local board
27 of school directors of a school district and the charter
28 school's board of trustees. Except as otherwise provided in
29 subsection (b), the charter shall be for a period of no less
30 than three (3) nor more than five (5) years and may be renewed

1 for five (5) year periods upon reauthorization by the local
2 board of school directors of a school district or the appeal
3 board. A charter will be granted only for a school organized as
4 a public, nonprofit corporation.

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

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

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

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

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

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

1 (2) A school board member.

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

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

6 (5) A member of the business community.

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

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

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

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

28 (d) The department shall provide assistance and staffing for
29 the appeal board. The Governor, through the Governor's General
30 Counsel, shall provide such legal advice and assistance as the

1 appeal board may require.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (d) (1) Enrollment of students in a charter school or cyber
28 charter school shall not be subject to a cap or otherwise
29 limited by any past or future action of a board of school
30 directors, a board of control established under Article XVII-B,

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

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

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

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

1 requirements for instruction as provided for in this article.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 Section 3.11. Section 1725-A of the act, amended or added

1 June 19, 1997 (P.L.225, No.22), June 22, 2001 (P.L.530, No.35)
2 and June 29, 2002 (P.L.524, No.88), is repealed:

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

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

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

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

29 (4) A charter school may request the intermediate unit in
30 which the charter school is located to provide services to

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

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

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

29 (b) The Commonwealth shall provide temporary financial
30 assistance to a school district due to the enrollment of

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

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

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

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

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

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

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

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

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

29 (b) In the event that the Secretary of Education determines
30 that a school district is not providing the required

1 transportation to students to the charter school, the Department
2 of Education shall pay directly to the charter school funds for
3 costs incurred in the transportation of its students. Payments
4 to a charter school shall be determined in the following manner:
5 for each eligible student transported, the charter school shall
6 receive a payment equal to the total expenditures for
7 transportation of the school district divided by the total
8 number of school students transported by the school district
9 under any program or policy.

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

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

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

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

29 Section 1728-A. Annual Reports and Assessments.--(a) The
30 local board of school directors shall annually assess whether

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

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

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

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

28 [Section 1729-A. Causes for Nonrenewal or Termination.--(a)
29 During the term of the charter or at the end of the term of the
30 charter, the local board of school directors may choose to

1 revoke or not to renew the charter based on any of the
2 following:

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

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

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

13 (4) Violation of provisions of this article.

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

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

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

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

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

30 (iii) If the charter school fails to meet the performance

1 targets within the stated period of time, such failure shall be
2 sufficient cause for revocation of the charter.

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

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

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

1 or revoke a charter. The appeal board shall review the record
2 and shall have the discretion to supplement the record if the
3 supplemental information was previously unavailable. The appeal
4 board may consider the charter school plan, annual reports,
5 student performance and employe and community support for the
6 charter school in addition to the record. The appeal board shall
7 give due consideration to the findings of the local board of
8 directors and specifically articulate its reasons for agreeing
9 or disagreeing with those findings in its written decision.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 Section 4 of the act of January 25, 1966 (1965 P.L.1546,

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

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

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

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

15 Section 5.216 (relating to ESOL).

16 Section 5.4 (relating to general policies).

17 Chapter 11 (relating to pupil attendance).

18 Chapter 12 (relating to students).

19 Section 32.3 (relating to assurances).

20 Section 121.3 (relating to discrimination prohibited).

21 Section 235.4 (relating to practices).

22 Section 235.8 (relating to civil rights).

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

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

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

1 implement this provision.

2 (c) Cyber Charter Schools.

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

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

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

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

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

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

30 (ii) Notwithstanding any laws to the contrary, the

1 department may, after notice and hearing, take immediate
2 action to revoke a charter if:

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

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

9 (4) Execute charters after approval.

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

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

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

18 Section 1742-A. Assessment and evaluation.

19 The department shall:

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

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

30 (3) Have ongoing access to all records, instructional

1 materials and student and staff records of each cyber charter
2 school and to every cyber charter school facility to ensure
3 the cyber charter school is in compliance with its charter
4 and this subdivision.

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

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

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

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

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

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

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

24 (1) A copy of the charter.

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

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

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

30 (d) Parent or guardian.--Upon request and prior to the

1 student's first day in a cyber charter school, the cyber charter
2 school shall, either in writing or electronically, provide to
3 the parent or guardian of a student the following:

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

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

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

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

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

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

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

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

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

30 (10) Copies of policies relating to computer security

1 and privacy, truancy, absences, discipline and withdrawal or
2 expulsion of students.

3 (11) Information on:

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

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

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

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

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

19 (1) provide all instructional materials;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (b) Sectarian entities.--No cyber charter school shall be

1 established or funded by and no charter shall be granted to a
2 sectarian school, institution or other entity.

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

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

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

17 (f) Evaluation criteria.--

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

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

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

28 (iii) The extent to which the programs outlined in
29 the application will enable students to meet the academic
30 standards under 22 Pa. Code Ch. 4 (relating to academic

1 standards and assessment) or subsequent regulations
2 promulgated to replace 22 Pa. Code Ch. 4.

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

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

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

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

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

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

30 (h) Appeal.--If the department fails to hold the required

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

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

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

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

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

13 (3) The revocation of a charter.

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

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

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

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

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

29 (4) In the case of a decision by the department to deny
30 a cyber charter application, make its decision based on

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

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

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

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

19 Section 1747-A. Cyber charter school application.

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

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

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

29 (3) An explanation of the amount of on-line time
30 required for elementary and secondary students.

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

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

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

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

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

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

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

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

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

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

1 programs.

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

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

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

13 Section 1748-A. Enrollment and notification.

14 (a) Notice to school district.--

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

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

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

29 (ii) Within seven days of notification under
30 subparagraph (i), the cyber charter school shall review

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

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

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

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

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

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

29 (b) Notification form.--The department shall develop a
30 notification form for use under subsection (a). The notification

1 shall include:

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

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

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

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

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

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

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

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

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

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

30 (3) The act of July 19, 1965 (P.L.215, No.116), entitled

1 "An act providing for the use of eye protective devices by
2 persons engaged in hazardous activities or exposed to known
3 dangers in schools, colleges and universities."

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

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

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

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

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

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

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

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

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

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

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

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

1 (c) Existing charter schools.--

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

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

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

13 (ii) Section 1744-A.

14 (iii) Section 1748-A.

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

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

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

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

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

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

29 (1) Notify each charter school and the chartering school
30 district of the department's determination under subsection

1 (a). The notification shall include specific requirements
2 with which the charter school has failed to comply.

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

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

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

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

22 Section 1751-A. Regulations.

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

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

26 ARTICLE XVII-C

27 CHARTER SCHOOLS AND CYBER CHARTER SCHOOLS

28 SUBARTICLE A

29 PRELIMINARY PROVISIONS

30 Section 1701-C. Scope of article.

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

3 Section 1702-C. Legislative intent.

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

9 (1) Improve pupil learning.

10 (2) Increase learning opportunities for all pupils.

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

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

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

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

23 Section 1703-C. Definitions.

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

27 "Administrator." The term includes those employees of a
28 charter school or cyber charter school, including the chief
29 administrator of a charter school or cyber charter school and
30 all other employees, who by virtue of their positions are

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

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

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

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

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

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

30 "Commission." The State Commission on Charter Schools and

1 Cyber Charter Schools.

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

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

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

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

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

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

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

1 for which scores are available in those grades that have been
2 served for three years or more by the charter school or cyber
3 charter school.

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

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

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

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

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

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

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

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

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

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

30 "Secretary." The Secretary of Education of the Commonwealth.

1 "State board." The State Board of Education of the
2 Commonwealth.
3 Section 1704-C. State Commission on Charter Schools and Cyber
4 Charter Schools.

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

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

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

13 (i) A member of the State board.

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

16 (iii) A school board member.

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

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

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

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

29 (iv) The minority leader of the House of
30 Representatives shall appoint a parent of a school-aged

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

5 (c) Terms.--

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

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

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

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

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

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

29 (d) Meetings.--The commission shall meet as needed to
30 fulfill the purposes provided under this section. A majority of

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

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

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

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

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

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

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

1 charter schools.

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

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

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

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

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

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

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

30 (10) Oversee the performance and effectiveness of all

1 charter schools and cyber charter schools.

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

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

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

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

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

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

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

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

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

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

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

1 (b) Funding.--

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

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

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

29 (c) Fees.--Fees shall be collected annually and deposited
30 within the fund. Money in the fund is appropriated to the

1 commission on a continuing basis for the purposes of fulfilling
2 the requirements of this article.

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

5 (a) Convention.--

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

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

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

24 (ii) The secretary or a designee.

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

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

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

30 (B) One member who shall represent cyber charter

1 schools.

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

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

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

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

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

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

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

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

1 any meeting. Each member of the committee may designate
2 another person to represent that member at meetings of the
3 committee.

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

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

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

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

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

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

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

28 (C) The process by which charter schools and
29 cyber charter schools are funded under section
30 1728-C.

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

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

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

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

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

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

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

22 (b) (Reserved).

23 SUBARTICLE B

24 CHARTER SCHOOLS AND CYBER CHARTER SCHOOLS

25 Section 1714-C. Powers.

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

30 (1) Adopt a name and corporate seal; however, any name

1 selected shall include the words "charter school" or "cyber
2 charter school."

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

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

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

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

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

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

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

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

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

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

1 Section 1715-C. Requirements.

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

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

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

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

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

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

28 (i) A sectarian facility if the religious objects
29 and symbols within the portions of the facility utilized
30 by the school are covered or removed to the extent

1 reasonably feasible.

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

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

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

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

25 (b) (Reserved).

26 Section 1716-C. Board of trustees.

27 (a) Public officials.--

28 (1) All members of the board of trustees of a charter
29 school or cyber charter school shall be public officials and
30 subject to 65 Pa.C.S. Ch. 11 (relating to ethics standards

1 and financial disclosure) and shall file a statement of
2 financial interests for the preceding calendar year with the
3 State Ethics Commission and the commission no later than May
4 1 of each year that members hold the position and of the year
5 after a member leaves the position.

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

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

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

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

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

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

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

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

1 (d) Board structure.--

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

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

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

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

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

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

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

28 (1) If a member of the board of trustees refuses or
29 neglects to perform any duty imposed upon it under this
30 article, 25 individuals who are parents or guardians of

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

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

1 shall not be eligible again as a board member for a period of
2 five years from the removal.

3 Section 1717-C. Administrators.

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

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

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

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

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

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

30 (5) To perform other duties pertaining to the business

1 of the charter school or cyber charter school as required
2 under this article.

3 (c) Restrictions.--

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

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

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

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

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

25 (3) No administrator of a charter school or cyber
26 charter school shall participate in the selection, award or
27 administration of a contract if he has a conflict of interest
28 as that term is defined in 65 Pa.C.S. § 1102 (relating to
29 definitions). An administrator who knowingly violates this
30 section commits a violation of 65 Pa.C.S. § 1103(a) (relating

1 to restricted activities) and shall be subject to the
2 penalties imposed under the jurisdiction of the State Ethics
3 Commission. Any contract made in violation of this subsection
4 shall be voidable by the board of trustees of the charter
5 school or cyber charter school.

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

10 Section 1718-C. Establishment.

11 (a) Entities.--

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

14 (i) An individual.

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

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

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

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

24 (vi) A corporation, association or partnership.

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

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

1 directly support instruction under section 1327.1.

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

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

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

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

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

30 (5) In the case of an existing school being converted to

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

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

15 (d) Legal authorizers.--

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

18 (i) The commission.

19 (ii) A local board of school directors.

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

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

28 (e) Initial application procedure.--

29 (1) An application to establish a charter school or
30 cyber charter school shall be submitted to the appropriate

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

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

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

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

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

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

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

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

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

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

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

28 Section 1719-C. Regional charter school.

29 (a) Establishment.--

30 (1) A regional charter school may be established by any

1 of the following:

2 (i) An individual.

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

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

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

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

12 (vi) A corporation, association or partnership.

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

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

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

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

1 each of the initial approving authorities involved.

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

7 Section 1720-C. Hearings.

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

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

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

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

26 Section 1721-C. Contents of application.

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

1 information:

2 (1) The identification of the charter applicant.

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

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

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

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

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

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

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

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

30 (ii) Provide a term sheet setting forth all of the

1 following:

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

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

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

10 (D) Performance evaluation measures and
11 timelines.

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

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

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

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

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

30 (9) The mission and education goals of the charter

1 school, the curriculum to be offered and the methods of
2 assessing whether students are meeting educational goals.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (15) The types and frequency of communication between

1 the cyber charter school and the student and the manner in
2 which the cyber charter school will communicate with parents
3 and guardians.

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

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

10 Section 1722-C. Charter.

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

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

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

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

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

22 (c) Authorizer review.--

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

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

29 (ii) Failure to meet the requirements for student
30 performance or failure to meet any performance standard

1 set forth in the written charter signed under section
2 1722-C.

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

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

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

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

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

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

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

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

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

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

18 (e) Notice of revocation or nonrenewal.--Any notice of
19 revocation or nonrenewal of a charter shall state the grounds
20 for such action with reasonable specificity and give reasonable
21 notice to the board of trustees of the charter school or cyber
22 charter school of the date on which a public hearing concerning
23 the revocation or nonrenewal will be held. The authorizer shall
24 conduct the hearing under section 1720-C and present evidence in
25 support of the grounds for revocation or nonrenewal stated in
26 its notice and give the charter school or cyber charter school
27 reasonable opportunity to offer testimony and amendments under
28 section 1722-C(b) before taking final action. Formal action
29 revoking or not renewing a charter shall be taken by the
30 authorizer at a public meeting under 65 Pa.C.S. Ch. 7 (relating

1 to open meetings) and section 1720-C after the public has had 30
2 days to provide comments to the members of the commission or the
3 local board of school directors or the governing board of an
4 institution of higher education.

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

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

29 Section 1724-C. Appeal process.

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

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

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

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

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

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

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

30 (4) Not later than 60 days after the review conducted

1 under paragraph (2), the commission shall issue a written
2 decision affirming or denying the appeal. If the commission
3 has affirmed the decision of the local board of school
4 directors or governing board of an institution of higher
5 education, notice shall be provided to both parties.

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

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

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

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

1 approved and shall be signed by the chairman of the
2 commission.

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

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

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

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

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

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

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

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

27 Section 1725-C. Facilities.

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

1 privately owned site, in a public building or in any other
2 suitable location.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (1) The following provisions of this act:

21 (i) Sections 751 and 751.1.

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

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

30 (3) The act of August 15, 1961 (P.L.987, No.442), known

1 as the Pennsylvania Prevailing Wage Act.

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

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

5 Section 1726-C. Enrollment and notification.

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

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

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

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

1 districts where the school is located.

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

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

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

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

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

28 (1) Within ten days of enrollment of a student to a
29 charter school or cyber charter school, the parent or
30 guardian and the school shall notify the student's school

1 district of residence and intermediate unit of the enrollment
2 through the use of a notification form developed by the
3 commission. The notification shall include:

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

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

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

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

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

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

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

25 (ii) Within seven days of notification under
26 subparagraph (i), the charter school or cyber charter
27 school shall review the notification of nonresidence,
28 respond to the school district and provide a copy of the
29 response to the department. If the charter school or
30 cyber charter school agrees that a student is not a

1 resident of the school district, it shall determine the
2 proper district of residence of the student.

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

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

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

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

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

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

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

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

24 Section 1727-C. School staff.

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

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

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

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

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

30 (c) Employees.--

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

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

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

29 (4) Except as otherwise provided, employees of a charter
30 school or cyber charter school shall make regular member

1 contributions as required for active members under 24 Pa.C.S.
2 Pt. IV.

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

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

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

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

28 (f) Temporary employees.--Temporary professional employees
29 on leave from a school district may accrue tenure in the
30 noncharter public school system at the discretion of the local

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

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

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

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

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

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

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

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

30 Section 1728-C. Funding.

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

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

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

21 (ii) The amount under subparagraph (i) shall be paid
22 by the district of residence of each student by deduction
23 and transfer from all State payments to the district as
24 provided under paragraph (5). If a charter or cyber
25 charter school disputes the accuracy of a district's
26 calculation under this paragraph, the charter school or
27 cyber charter school shall file a notice of the dispute
28 with the secretary, who shall hold a hearing to determine
29 the accuracy of the district's calculation within 30 days
30 of the notice. The secretary shall determine the accuracy

1 of the district's calculation within 30 days of the
2 hearing. The district shall bear the burden of production
3 and proof with respect to its calculation under this
4 paragraph. The district shall be liable for the
5 reasonable legal fees incurred by a charter school or
6 cyber charter school if the charter school or cyber
7 charter school is the substantially prevailing party
8 after a hearing under this paragraph. All decisions of
9 the secretary under this paragraph shall be subject to
10 appellate review by the Commonwealth Court.

11 (3) For special education students, the charter school
12 or cyber charter school shall receive for each student
13 enrolled the same funding as for each nonspecial education
14 student as provided under paragraph (2), plus an additional
15 amount determined by dividing the district of residence's
16 total special education expenditure by the product of
17 multiplying the combined percentage of section 2509.5(k) or a
18 subsequent section times the district of residence's total
19 average daily membership for the prior school year. This
20 amount shall be paid by the district of residence of each
21 student by deduction and transfer from all State payments to
22 the district as provided in paragraph (5). If a charter or
23 cyber charter school disputes the accuracy of a district's
24 calculation under this paragraph, the charter school or cyber
25 charter school shall file a notice of the dispute with the
26 secretary, who shall hold a hearing to determine the accuracy
27 of the district's calculation within 30 days of the notice.
28 The secretary shall determine the accuracy of the district's
29 calculation within 30 days of the hearing. The district shall
30 bear the burden of production and proof with respect to its

1 calculation under this paragraph. The district shall be
2 liable for the reasonable legal fees incurred by a charter
3 school or cyber charter school if the charter school or cyber
4 charter school is the substantially prevailing party after a
5 hearing under this paragraph. All decisions of the secretary
6 under this paragraph shall be subject to appellate review by
7 the Commonwealth Court.

8 (4) A charter school or cyber charter school may request
9 the intermediate unit or school district in which the school
10 is located to provide services to assist the school to
11 address the specific needs of exceptional students. The
12 intermediate unit or school district shall assist the charter
13 school or cyber charter school and bill the school for the
14 services. The intermediate unit may not charge the charter
15 school or cyber charter school more for any service than it
16 charges the constituent districts of the intermediate unit.

17 (5) Payments shall be made to the charter school or
18 cyber charter school in 12 equal monthly payments, by the
19 fifth day of each month, within the operating school year.
20 Payments shall be made by the secretary deducting and paying
21 to the charter school or cyber charter school the estimated
22 amount, as documented by the charter school or cyber charter
23 school, from all State payments made to the district, or if
24 no payments have been made to the district, from all State
25 payments reasonably expected to be made, after receipt of
26 documentation from the school as to its enrollment. The
27 secretary's obligation to make payments under this paragraph
28 is mandatory and ministerial. If there are insufficient State
29 payments being made to a district to cover all charter school
30 and cyber charter school deductions and transfers, the

1 district shall be responsible for paying the unpaid balance
2 directly to the charter school or cyber charter school by the
3 15th day of each month. A student enrolled in a charter
4 school or cyber charter school shall be included in the
5 average daily membership of the student's district of
6 residence for the purpose of providing basic education
7 funding payments and special education funding under Article
8 XXV.

9 (6) Within 30 days after the secretary transfers the
10 funds described under paragraph (5), a school district may
11 notify the secretary that the deduction made from State
12 payments to the district under this subsection is inaccurate.
13 The secretary shall provide the school district with an
14 opportunity to be heard concerning whether the charter school
15 or cyber charter school documented that its students were
16 enrolled in the charter school or cyber charter school, the
17 period of time during which each student was enrolled, the
18 school district of residence of each student and whether the
19 amounts deducted from the school district were accurate. The
20 burden of proof and production at the hearing shall be on the
21 school district. A hearing shall not be held before the
22 secretary deducts and transfers to the charter school or
23 cyber charter school the amount estimated by the charter
24 school or cyber charter school. The district shall be liable
25 for the reasonable legal fees incurred by a charter school or
26 cyber charter school if the charter school or cyber charter
27 school is the substantially prevailing party after a hearing
28 under this paragraph. All decisions of the secretary under
29 this paragraph shall be subject to appellate review by the
30 Commonwealth Court. Supersedeas shall not be granted to the

1 secretary or to a school district on an appeal from the
2 decision of the secretary under this paragraph. Absent a
3 court order, the secretary shall not hold any payments in
4 escrow.

5 (b) Temporary financial assistance.--The Commonwealth shall
6 provide temporary financial assistance to a school district due
7 to the enrollment of students in a charter school or cyber
8 charter school who attended a nonpublic school in the prior
9 school year in order to offset the additional costs directly
10 related to the enrollment of those students in a public charter
11 school or cyber charter school. The Commonwealth shall pay the
12 school district of residence of a student enrolled in a
13 nonpublic school in the prior school year who is attending a
14 charter school or cyber charter school an amount equal to the
15 school district of residence's basic education subsidy for the
16 current school year divided by the district's average daily
17 membership for the prior school year. This payment shall occur
18 only for the first year of the attendance of the student in a
19 charter school or cyber charter school, starting with school
20 year 1997-1998. Total payments of temporary financial assistance
21 to school districts on behalf of a student enrolling in a
22 charter school or cyber charter school who attended a nonpublic
23 school in the prior school year shall be limited to funds
24 appropriated for this program in a fiscal year. If the total of
25 the amount needed for all students enrolled in a nonpublic
26 school in the prior school year who enroll in a charter school
27 or cyber charter school exceeds the appropriation for the
28 temporary financial assistance program, the amount paid to a
29 school district for each qualifying student shall be pro rata
30 reduced.

1 (c) Gifts and donations.--It shall be lawful for any charter
2 school or cyber charter school to receive, hold, manage and use,
3 absolutely or in trust, any devise, bequest, grant, endowment,
4 gift or donation of any property, real or personal and mixed,
5 which shall be made to the charter school or cyber charter
6 school for any purpose of this article.

7 (d) Requests or demands for gifts.--It shall be unlawful for
8 any trustee of a charter school, cyber charter school or any
9 board of trustees of a charter school or cyber charter school or
10 any other person affiliated in any way with a charter school or
11 cyber charter school to demand or request, directly or
12 indirectly, any gift, donation or contribution of any kind from
13 any parent, teacher, employee or any other person affiliated
14 with the school as a condition for employment or enrollment and
15 continued attendance of any pupil. Any donation, gift or
16 contribution received by a charter school and cyber charter
17 school shall be given freely and voluntarily.

18 (e) Discounts.--A cyber charter school shall not provide
19 discounts to a school district or waive payments under this
20 section for any student.

21 Section 1729-C. Transportation.

22 (a) General rule.--

23 (1) Except as provided under paragraph (2), students who
24 attend a charter school located in their school district of
25 residence, a regional charter school of which the school
26 district is a part or a charter school located outside
27 district boundaries at a distance not exceeding ten miles by
28 the nearest public highway shall be provided free
29 transportation to the charter school by their school district
30 of residence on the dates and periods that the charter school

1 is in session whether or not transportation is provided on
2 the dates and periods to students attending schools of the
3 district.

4 (2) Transportation shall not be required for elementary
5 students, including kindergarten students, residing within
6 1.5 miles or for secondary students residing within 2 miles
7 of the nearest public highway from the charter school in
8 which the students are enrolled unless the road or traffic
9 conditions are such that walking constitutes a hazard to the
10 safety of the students when certified by the Department of
11 Transportation, except that if the school district provides
12 transportation to the public schools of the school district
13 for elementary students, including kindergarten students,
14 residing within 1.5 miles or for secondary students residing
15 within 2 miles of the nearest public highway under
16 nonhazardous conditions, transportation shall also be
17 provided to charter schools under the same conditions.

18 (3) Districts providing transportation to a charter
19 school outside the district and, for the 2007-2008 school
20 year and each school year thereafter, districts providing
21 transportation to a charter school within the district shall
22 be eligible for payments under section 2509.3 for each public
23 school student transported. A school district shall not be
24 responsible for providing transportation to a charter school
25 located outside the borders of this Commonwealth.

26 (4) If a school district does not provide transportation
27 to a charter school or cyber charter school student because
28 the student's placement is outside the district boundaries at
29 a distance of more than ten miles by the nearest public
30 highway, when determining the per pupil subsidy to be paid

1 under section 1728-C by the school district to the charter
2 school or cyber charter school for that student, the district
3 shall not be entitled to subtract its student transportation
4 services expenses.

5 (b) Additional rules.--In addition to any other requirements
6 under this section, school districts of the first class shall
7 provide transportation to students who attend a charter school
8 if they are the same age or are enrolled in the same grade,
9 grades or their grade equivalents as any of the students of the
10 school district for whom transportation is provided under any
11 program or policy to the schools of the school district.

12 (c) Students with disabilities.--In addition to any other
13 requirements under this section, the school district of
14 residence of a student who is eligible under the Individuals
15 with Disabilities Education Act (Public Law 91-230, 20 U.S.C. §
16 1400 et seq.) or is a protected student with disabilities under
17 section 504 of the Rehabilitation Act of 1973 (Public Law
18 93-112, 29 U.S.C. § 701 et seq.) who is enrolled in a charter
19 school or a cyber charter school shall be responsible for
20 providing free transportation to the charter school or cyber
21 charter school student to any alternative location, school or
22 building in which the charter school or cyber charter school
23 student has been alternatively placed, provided that the
24 alternative locations, schools or buildings are located within
25 the district boundaries or outside the district boundaries at a
26 distance not exceeding ten miles by the nearest public highway.
27 The transportation shall be provided on the dates and periods as
28 required by the student's individualized education program or
29 section 504 of the Rehabilitation Act of 1973 service agreement
30 whether or not transportation is provided on the dates and

1 periods to students attending schools of the district. If a
2 school district does not provide transportation to an
3 alternatively placed student because the student's alternative
4 placement is outside the district boundaries at a distance of
5 more than ten miles by the nearest public highway, when
6 determining the per pupil subsidy to be paid under section 1728-
7 C by the school district to the charter school or cyber charter
8 school for that student, the district shall not be entitled to
9 subtract its student transportation services expenses.

10 (d) Payment.--If the secretary determines that a school
11 district is not providing the required transportation to
12 students to the charter school, the department shall pay
13 directly to the charter school funds for costs incurred in the
14 transportation of its students. Payments to a charter school
15 shall be determined in the following manner: for each eligible
16 student transported, the charter school shall receive a payment
17 equal to the total expenditures for transportation of the school
18 district divided by the total number of school students
19 transported by the school district under any program or policy.
20 Within 30 days after receipt of the documentation from the
21 charter school, the secretary shall deduct and pay the charter
22 school the estimated amount, as documented by the charter
23 school, from the State payment made to the district for
24 transportation. The district from which the estimated
25 transportation payment has been deducted may request a hearing
26 from the department which the secretary shall hold within 30
27 days of the request. The secretary shall render a decision after
28 the hearing and shall not delegate this duty unless there is a
29 conflict from which he must recuse himself after full
30 disclosure. The district shall be liable for the reasonable

1 legal fees incurred by a charter school in attempting to obtain
2 payment by the district. Supersedeas shall not be granted to the
3 department or the school district. Absent a court order, the
4 department shall not hold any payments in escrow.

5 (e) Deduction.--The department shall deduct the amount paid
6 to the charter school under subsection (b) from all payments
7 made to the district.

8 (f) Current transportation policy.--A school district of the
9 first class shall submit a copy of its current transportation
10 policy to the department no later than August 1 of each year.

11 Section 1730-C. Tort liability.

12 For purposes of tort liability, employees of the charter
13 school or cyber charter school shall be considered public
14 employees, and the board of trustees shall be considered the
15 public employer in the same manner as political subdivisions and
16 local agencies. The board of trustees of a charter school and
17 cyber charter school and the charter school or cyber charter
18 school shall be solely liable for all damages of any kind
19 resulting from any legal challenge involving the operation of a
20 charter school or cyber charter school. Notwithstanding this
21 section, the local board of directors of a school entity or an
22 authorizer shall not be held liable for any activity or
23 operation related to the program of the charter school or cyber
24 charter school.

25 Section 1731-C. Annual reports and assessments.

26 (a) General rule.--The authorizer shall annually assess on a
27 standard form developed by the commission whether each charter
28 school or cyber charter school is meeting the goals of its
29 charter and shall conduct a comprehensive review prior to
30 granting a ten-year renewal of the charter. The authorizer shall

1 have ongoing access to the records and facilities of the charter
2 school and cyber charter school to ensure that the school is in
3 compliance with its charter, this article and the requirements
4 for testing, civil rights and student health and safety are
5 being met. Ongoing reasonable access to a charter school or
6 cyber charter school's records shall mean that the authorizer
7 shall have access to records such as financial reports,
8 financial audits, aggregate standardized test scores without
9 student identifying information and teacher certification and
10 personnel records. Schools and their authorizers shall comply
11 fully with the requirements of the Family Educational Rights and
12 Privacy Act of 1974 (Public Law 90-247, 20 U.S.C. § 1232g) and
13 associated regulations. No personally identifiable information
14 from education records shall be provided by the charter school
15 or cyber charter school to its authorizer except in compliance
16 with the Family Educational Rights and Privacy Act of 1974.

17 (b) Annual report.--In order to facilitate the authorizer's
18 review and secretary's report, each charter school and cyber
19 charter school shall submit an annual report on a standard form
20 developed by the commission no later than September 1 of each
21 year to the authorizer and the commission in the form prescribed
22 by the commission. Within ten days of receipt of the annual
23 report, the authorizer and the secretary shall each certify to
24 the charter school and cyber charter school that the annual
25 report has been received with an indication of the date of
26 receipt. Within 30 days of the date of receipt, the authorizer
27 and the secretary shall each certify to the charter school or
28 cyber charter school that the annual report has been reviewed
29 and is complete, or alternatively, has been reviewed and is
30 missing specific information referenced in the certification.

1 (c) Independent audit committee.--Every charter school or
2 cyber charter school shall form an independent audit committee
3 of its board members which shall review at the close of each
4 fiscal year a complete certified audit of the operations of the
5 charter school or cyber charter school. The audit shall be
6 conducted by a qualified independent certified public accountant
7 as selected from a list of approved providers established by the
8 commission. The audit shall be conducted under generally
9 accepted audit standards of the Governmental Accounting
10 Standards Board (GASB) and shall include the following:

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

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

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

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

23 (5) Review of the financial statements of any charter
24 school foundation which shall be included in the independent
25 audit.

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

28 (7) Review of all board policies and procedures with
29 regard to internal controls, code of ethics, conflicts of
30 interest, whistle-blower protections, complaints from parents

1 or the public, compliance with 65 Pa.C.S. Ch. 7 (relating to
2 open meetings), compliance with the act of February 14, 2008
3 (P.L.6, No.3), known as the Right-to-Know Law, finances,
4 budgeting, audits, public bidding and bonding.

5 (8) Any other test the commission deems appropriate.

6 (d) Public document.--The certified audit under subsection
7 (c) is a public document and shall be made available on the
8 commission's Internet website and the charter school or cyber
9 charter school's Internet website, if applicable.

10 (e) Annual audit.--Charter schools and cyber charter schools
11 may be subject to an annual audit by the commission or the
12 Auditor General, in addition to any other audits required by
13 Federal law or this article.

14 (f) Annual budget.--Charter schools and cyber charter
15 schools shall annually provide a copy of the annual budget for
16 the operation of the school that identifies the following:

17 (1) The source of funding for all expenditures as part
18 of its reporting under subsection (a).

19 (2) Where funding is provided by a charter school
20 foundation, the amount of funds and a description of the use
21 of the funds.

22 (3) The salaries of all administrators of the charter
23 school or cyber charter school.

24 (g) Tax filings.--Notwithstanding any other provision of
25 law, the charter school, cyber charter school and any affiliated
26 charter school foundations shall make copies of its annual
27 Federal and State tax filings available upon request and on the
28 foundation's or charter school's Internet website, if
29 applicable, including Internal Revenue Service Code Form 990,
30 Return of Organization Exempt from Income Tax and all related

1 schedules and appendices. The charter school foundation shall
2 also make copies of its annual budget available upon request and
3 on the foundation's or the charter school's Internet website
4 within 30 days of the close of the foundation's fiscal year. The
5 annual budget must include the salaries of all employees of the
6 charter school foundation.

7 Section 1732-C. Desegregation orders.

8 If a school district is operating under a desegregation plan
9 approved by the Pennsylvania Human Relations Commission or a
10 desegregation order by a Federal or State court, an authorizer
11 shall not approve a charter school or cyber charter school
12 application if the school would place the school district in
13 noncompliance with its desegregation order.

14 Section 1733-C. Applicable provisions.

15 (a) Charter and cyber charter schools.--Charter schools and
16 cyber charter schools shall be subject to the following:

17 (1) Sections 108, 110, 111, 321, 325, 326, 327, 431,
18 436, 443, 510, 518, 527, 708, 736, 737, 738, 739, 740, 741,
19 752, 753, 771, 776, 777, 808, 809, 810, 1109, 1111, 1112(a),
20 1205.1, 1205.2, 1205.3, 1205.5, 1301, 1302, 1310, 1317,
21 1317.1, 1317.2, 1318, 1327, 1330, 1332, 1513, 1517, 1518,
22 1521, 1523, 1531, 1547, 2014-A, Article XIII-A and Article
23 XIV.

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

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

30 (4) Section 4 of the act of January 25, 1966 (1965

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

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

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

14 (7) The act of July 19, 1957 (P.L.1017, No.451), known
15 as the State Adverse Interest Act.

16 (8) The act of February 14, 2008 (P.L.6, No.3), known as
17 the Right-to-Know Law.

18 (9) 65 Pa.C.S. Ch. 7 (relating to open meetings).

19 (10) 65 Pa.C.S. Ch. 11 (relating to ethics standards and
20 financial disclosure).

21 (b) Charter schools.--Charter schools shall be subject to
22 sections 1205.4, 1303 and 1317.3.

23 (c) Regulations.--Charter schools and cyber charter schools
24 shall be subject to the following provisions of 22 Pa. Code
25 (relating to education):

26 (1) Ch. 4 (relating to academic standards and
27 assessment).

28 (2) Ch. 11 (relating to student attendance).

29 (3) Ch. 12 (relating to students and student services).

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

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

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

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

5 (8) Ch. 711 (relating to charter school and cyber
6 charter school services and programs for children with
7 disabilities).

8 (d) Additional regulations.--The commission shall have
9 authority and the responsibility to ensure that charter schools
10 and cyber charter schools comply with Federal laws and
11 regulations governing children with disabilities. The commission
12 shall promulgate regulations to implement this provision.

13 Section 1734-C. Effect on certain existing charter schools and
14 cyber charter schools.

15 (a) General rule.--A charter school approved by a local
16 board of school directors, a special board of control
17 established under section 692 or a School Reform Commission
18 established under section 696 prior to the effective date of
19 this section shall continue to operate under the current
20 charter. All charter schools approved after the effective date
21 of this section shall be in full compliance with this article.

22 (b) Expiration of charters approved under this article.--
23 Upon expiration of its charter, a charter school approved under
24 section 1718-C or 1719-C shall seek renewal of its charter from
25 the appropriate authorizer. The charter shall be amended as
26 needed to reflect the requirements of this article.

27 (c) Transfer of charter.--A charter school approved by a
28 local board of school directors, a special board of control
29 established under section 692 or a School Reform Commission
30 established under section 696 prior to the effective date of

1 this section may transfer its charter to the oversight of the
2 commission at any time. The board of trustees of the charter
3 school shall submit the charter school's current charter and
4 annual report to the commission and request that the commission
5 become the authorizer of the charter school. Upon receipt of a
6 transfer request and all necessary documentation as required by
7 the commission, the request shall be deemed approved unless,
8 within 30 days of that date, the commission schedules a public
9 hearing concerning the transfer request. The transfer shall be
10 presumed approved and be denied only if the commission
11 determines that the charter school would otherwise be subject to
12 revocation or nonrenewal pursuant to the criteria in section
13 1723-C(c). The commission shall conduct the hearing under
14 section 1720-C, present evidence in support of the transfer
15 denial stated in its notice and give the charter school
16 reasonable opportunity to offer testimony before taking final
17 action. If a hearing does occur relating to a charter school's
18 transfer request, formal action approving or denying the
19 transfer shall be taken by the commission at a public meeting
20 under section 1720-C and 65 Pa.C.S. Ch. 7 (relating to open
21 meetings) after the public has had 30 days to provide comments
22 to the members of the commission. If the commission approves the
23 transfer, the commission shall provide notification by certified
24 board resolution to the local board of school directors, the
25 special board of control established under section 692 or the
26 School Reform Commission established under section 696 which
27 initially approved the charter. No later than 30 days after
28 receipt of the certified board resolution, the local board of
29 school directors, the special board of control established under
30 section 692 or the School Reform Commission established under

1 section 696 which initially approved the charter shall transfer
2 to the commission all records regarding oversight of the charter
3 school. The school's charter term shall remain in effect until
4 the time of expiration, at which time the commission shall
5 undertake a comprehensive review prior to granting a ten-year
6 charter renewal. The Commonwealth Court shall have exclusive
7 review of an appeal by a charter school of a decision made by
8 the commission to deny a charter transfer.

9 (d) Existing schools.--A cyber charter school approved by
10 the department prior to the effective date of this section shall
11 continue to operate under the current charter, but all oversight
12 shall be transferred to the commission.

13 (e) Expiration of existing charters.--Upon expiration of its
14 charter, a cyber charter school approved prior to the effective
15 date of this section shall seek renewal of its charter from the
16 commission under this article. The charter shall be amended as
17 needed to reflect the requirements of this article. All cyber
18 charter schools approved or renewed after the effective date of
19 this section shall be in full compliance with this article.

20 (f) Merge.--

21 (1) A charter school that was approved by a local board
22 of school directors, a special board of control established
23 under section 692 or a School Reform Commission established
24 under section 696 prior to the effective date of this
25 section, which chooses to merge into a multiple charter
26 organization under section 1735-C, may apply to the
27 commission to consolidate all affiliated school charters into
28 a single charter within one year after the effective date of
29 this section.

30 (2) The board of trustees of each charter school shall

1 jointly submit their charter school's current charter and
2 annual report to the commission and request that the
3 commission become the authorizer of the charter school.

4 (3) Upon receipt of the consolidation and transfer
5 request and all necessary documentation as required by the
6 commission, the commission shall have 30 days to approve or
7 deny the consolidation and transfer request by a majority
8 vote. If the commission approves the consolidation and
9 transfer, the commission shall provide notification by
10 certified board resolution to the local board of school
11 directors, the special board of control established under
12 section 692 or the School Reform Commission established under
13 section 696 which initially approved the charter.

14 (4) No later than 30 days after the receipt of the
15 certified board resolution, the local board of school
16 directors, the special board of control established under
17 section 692 or the School Reform Commission established under
18 section 696 which initially approved the charter shall
19 transfer to the commission all records regarding oversight of
20 the charter school.

21 (5) The school's charter term shall remain in effect
22 until the time of expiration, at which time the commission
23 will undertake a comprehensive review prior to granting a
24 ten-year charter renewal.

25 Section 1735-C. Multiple charter school organization.

26 (a) Establishment.--Subject to the requirements of section
27 1734-C(f), two or more charter schools may merge or consolidate
28 under 15 Pa.C.S. Pt. II Subpt. C (relating to nonprofit
29 corporations) into a multiple charter school organization. The
30 multiple charter school organization shall be granted a single

1 charter to operate two or more individual charter schools under
2 the oversight of a single board of trustees and a chief
3 administrator who shall oversee and manage the operation of the
4 individual charter schools under its organization. The multiple
5 charter school organization shall be considered a charter school
6 as defined under this article and shall be subject to all of the
7 requirements of this article unless otherwise provided for under
8 this section. Nothing under this section shall be construed to
9 affect or change the terms or conditions of any individual
10 charter previously granted that is consolidated under this
11 section.

12 (b) Application.--The commission shall develop and issue a
13 standard application form for multiple charter school
14 organization applicants, which shall contain the following
15 information:

16 (1) The identification of the multiple charter school
17 organization.

18 (2) The names of the charter schools seeking merger or
19 consolidation under subsection (a).

20 (3) A copy of the approved charters of each charter
21 school agreeing to merge or consolidate administrative
22 functions with the commission under subsection (a).

23 (4) An organization chart clearly presenting the
24 proposed governance structure of the multiple charter school
25 organization, including lines of authority and reporting
26 between the board of trustees, chief administrator,
27 administrators, staff and any educational management service
28 provider that will play a role in providing management
29 services to the charter schools under its jurisdiction.

30 (5) A clear description of the roles and

1 responsibilities for the board of trustees, chief
2 administrator, administrators and any other entities,
3 including a charter school foundation, shown in the
4 organization chart.

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

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

10 (8) Enrollment procedures for each individual charter
11 school included in its charter.

12 (9) Any other information as deemed necessary by the
13 commission.

14 (c) Authorization.--The commission shall serve as the legal
15 authorizer of a multiple charter school organization.

16 (d) Special conditions.--A multiple charter school
17 organization may:

18 (1) Participate in the assessment systems in the same
19 manner in which a school district participates, and its
20 individual charter schools shall participate in such
21 assessment systems in the same manner as individual schools
22 in school districts. All data gathered for purposes of
23 evaluation shall be gathered in a like manner.

24 (2) Add new charter schools to its organization via the
25 application process included under section 1721-C.

26 (3) Add existing charter schools to its organization or
27 amend the individual charters of each charter school under
28 its organization via the amendment process included under
29 section 1722-C.

30 (4) Allow students enrolled in an individual charter

1 school to matriculate to another individual charter school
2 under its oversight so as to complete a course of instruction
3 in an educational institution from kindergarten through grade
4 12.

5 (e) Annual reports.--The annual report required under
6 section 1731-C shall be provided by the board of trustees and
7 chief administrator of the multiple charter school organization
8 and shall include all information required to provide a basis
9 for evaluation for renewal of each individual charter school
10 under the organization's oversight.

11 (f) Renewal.--A multiple charter school organization shall
12 be regarded as the holder of the charter of each individual
13 charter school under its oversight, and each such previously or
14 subsequently awarded charter shall be subject to nonrenewal or
15 revocation in accordance with this act. The nonrenewal or
16 revocation shall not affect the status of a charter awarded for
17 any other individual charter school under its oversight.

18 Section 1736-C. Special cyber charter school requirements.

19 (a) Special financial requirements.--A cyber charter school
20 shall not:

21 (1) Except as provided for under subsection (b), provide
22 payments to parents or guardians for the purchase of
23 instructional materials.

24 (2) Except as compensation for the provision of specific
25 services, enter into agreements to provide funds to a school
26 entity.

27 (b) Materials.--For each student enrolled, a cyber charter
28 school shall provide all instructional materials and equipment,
29 such as a computer, computer monitor and printer and shall
30 provide, or provide reimbursement for, technology and services

1 necessary for online delivery of the curriculum and instruction.
2 The Commonwealth shall not be liable for reimbursement owed to
3 students, parents or guardians by a cyber charter school.

4 (c) Information to school districts.--Upon request in
5 writing or electronically, a cyber charter school shall make
6 available to each student's school district of residence the
7 following:

8 (1) A copy of the charter.

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

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

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

14 (d) Information to parent or guardian.--Upon request and
15 prior to the student's first day in a cyber charter school, the
16 cyber charter school shall, either in writing or electronically,
17 provide to the parent or guardian of a student the following:

18 (1) A list and brief description of the courses of
19 instruction the student will receive. The list shall be
20 updated annually for each grade level in which the student is
21 enrolled.

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

24 (3) The manner in which attendance will be reported and
25 work will be authenticated.

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

29 (5) The meetings to be held during the school year
30 between a parent or guardian and a teacher and among other

1 school officials or parents or guardians and the manner in
2 which the parent or guardian will be notified of the time and
3 place for the meeting.

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

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

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

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

14 (10) Copies of policies relating to computer security
15 and privacy, truancy, absences, discipline and withdrawal or
16 expulsion of students.

17 (11) Information concerning:

18 (i) The cyber charter school's professional staff,
19 including the number of staff personnel, their education
20 level and experience.

21 (ii) The cyber charter school's performance on the
22 Pennsylvania System of School Assessment and other
23 standardized test scores.

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

29 (13) A description of the school calendar, including,
30 but not limited to, the time frame that will constitute a

1 school year and a school week, holidays and term breaks.

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

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

25 (g) School district and intermediate unit access for
26 testing.--The intermediate unit or school district in which a
27 student enrolled in a cyber charter school resides shall provide
28 the cyber charter school with reasonable access to its
29 facilities for administration of all required standardized
30 tests.

1 Section 5. This act shall take effect as follows:

2 (1) The following provisions shall take effect
3 immediately:

4 (i) Section 1706-C of the act.

5 (ii) This section.

6 (2) The following provisions shall take effect in 120
7 days:

8 (i) Section 1704-C of the act.

9 (ii) Section 1705-C of the act.

10 (iii) Section 1734-C of the act.

11 (3) The remainder of this act shall take effect July 1,
12 2012, or immediately, whichever is later.