

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 970 Session of 2013

INTRODUCED BY TRUITT, KAUFFMAN, AUMENT, EVERETT, SIMMONS, RAPP
AND MAHER, MARCH 12, 2013

REFERRED TO COMMITTEE ON EDUCATION, MARCH 12, 2013

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," in charter schools, further providing
6 for definitions, for school staff, for funding and for
7 transportation; and, in reimbursements by Commonwealth and
8 between school districts, repealing provisions relating to
9 approved reimbursable annual rental for leases of buildings
10 or portions of buildings for charter school use.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 Section 1. Section 1703-A of the act of March 10, 1949
14 (P.L.30, No.14), known as the Public School Code of 1949,
15 amended June 29, 2002 (P.L.524, No.88), is amended to read:

16 Section 1703-A. Definitions.--As used in this article,
17 "Adjusted average daily membership" shall mean the average
18 daily membership of the prior school year, as defined in section
19 2501(20), minus the number of students attending a charter
20 school, the number of students attending a cyber program and the
21 number of students attending a prekindergarten program.

22 "Appeal board" shall mean the State Charter School Appeal

1 Board established by this article.

2 "At-risk student" shall mean a student at risk of educational
3 failure because of limited English proficiency, poverty,
4 community factors, truancy, academic difficulties or economic
5 disadvantage.

6 "Charter school" shall mean an independent public school
7 established and operated under a charter from the local board of
8 school directors and in which students are enrolled or attend. A
9 charter school must be organized as a public, nonprofit
10 corporation. Charters may not be granted to any for-profit
11 entity.

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

16 "Cyber charter school" shall mean an independent public
17 school established and operated under a charter from the
18 Department of Education and in which the school uses technology
19 in order to provide a significant portion of its curriculum and
20 to deliver a significant portion of instruction to its students
21 through the Internet or other electronic means. A cyber charter
22 school must be organized as a public, nonprofit corporation. A
23 charter may not be granted to a for-profit entity.

24 "Department" shall mean the Department of Education of the
25 Commonwealth.

26 "Learning center" shall mean a physical location provided by
27 a cyber charter school that provides for opportunities for face-
28 to-face interaction, testing or instruction, but does not
29 provide a significant portion of its curriculum or deliver a
30 significant portion of instructions to a majority of its

1 students through the Internet or other electronic means.

2 "Local board of school directors" shall mean the board of
3 directors of a school district in which a proposed or an
4 approved charter school is located.

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

11 "School district of residence" shall mean the school district
12 in this Commonwealth in which the parents or guardians of a
13 child reside.

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

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

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

20 Section 2. Section 1724-A(c) of the act, amended June 30,
21 2011 (P.L.112, No.24), is amended to read:

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

23 (c) All employes of a charter school shall be enrolled in
24 the Public School Employees' Retirement System in the same
25 manner as set forth in 24 Pa.C.S. § 8301(a) (relating to
26 mandatory and optional membership) unless at the time of the
27 application for the charter school the sponsoring district or
28 the board of trustees of the charter school has a retirement
29 program which covers the employes or the employe is currently
30 enrolled in another retirement program. [The Commonwealth shall

1 make contributions on behalf of charter school employees enrolled
2 in the Public School Employees' Retirement System.] The charter
3 school shall be considered a school district and shall make
4 payments by employers to the Public School Employees' Retirement
5 System and payments on account of Social Security as established
6 under 24 Pa.C.S. Pt. IV (relating to retirement for school
7 employees). [The market value/income aid ratio used in
8 calculating payments as prescribed in this subsection shall be
9 the market value/income aid ratio for the school district in
10 which the charter school is located or, in the case of a
11 regional charter school, shall be a composite market
12 value/income aid ratio for the participating school districts as
13 determined by the department.] Except as otherwise provided,
14 employees of a charter school shall make regular member
15 contributions as required for active members under 24 Pa.C.S.
16 Pt. IV. If the employees of the charter school participate in
17 another retirement plan, then those employees shall have no
18 concurrent claim on the benefits provided to public school
19 employees under 24 Pa.C.S. Pt. IV. For purposes of this
20 subsection, a charter school shall be deemed to be a "public
21 school" as defined in 24 Pa.C.S. § 8102 (relating to
22 definitions).

23 * * *

24 Section 3. Section 1725-A(a)(2) of the act, amended June 29,
25 2002 (P.L.524, No.88), is amended to read:

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

28 * * *

29 (2) For non-special education students, [the]

30 (i) a non-cyber charter school shall receive for each

1 student enrolled no less than the budgeted total expenditure per
2 adjusted average daily membership [of the prior school year, as
3 defined in section 2501(20),] minus the budgeted expenditures of
4 the district of residence for:

5 (A) special education programs;

6 (B) nonpublic school programs;

7 (C) adult education programs;

8 (D) community/junior college programs;

9 (E) prekindergarten programs;

10 (F) student transportation services; [for special education
11 programs; facilities acquisition, construction and improvement
12 services; and other financing uses, including debt service and
13 fund transfers as provided in the Manual of Accounting and
14 Related Financial Procedures for Pennsylvania School Systems
15 established by the department.]

16 (G) cyber programs;

17 (H) regular education payments to charter schools; and

18 (I) no other deductions.

19 (ii) a cyber charter school that does not utilize learning
20 centers shall receive for each student enrolled no less than the
21 budgeted total expenditure per adjusted average daily
22 membership, minus the budgeted expenditures of the district of
23 residence for:

24 (A) special education programs;

25 (B) nonpublic school programs;

26 (C) adult education programs;

27 (D) community/junior college programs;

28 (E) prekindergarten programs;

29 (F) student transportation services;

30 (G) cyber programs;

1 (H) regular education payments to charter schools;

2 (I) an amount equal to thirty percent (30%) of the budgeted
3 expenditures for facilities acquisition, construction and
4 improvement services and other financing uses, including debt
5 service and fund transfers as provided in the Manual of
6 Accounting and Related Financial Procedures for Pennsylvania
7 School Systems established by the department; and

8 (J) no other deductions.

9 (iii) a cyber charter school that utilizes learning centers
10 shall receive for each student enrolled no less than the
11 budgeted total expenditure per adjusted average daily
12 membership, minus the budgeted expenditures of the district of
13 residence for:

14 (A) special education programs;

15 (B) nonpublic school programs;

16 (C) adult education programs;

17 (D) community/junior college programs;

18 (E) prekindergarten programs;

19 (F) student transportation services;

20 (G) cyber programs;

21 (H) regular education payments to charter schools;

22 (I) an amount equal to fifteen percent (15%) of the budgeted
23 expenditures for facilities acquisition, construction and
24 improvement services and other financing uses, including debt
25 service and fund transfers as provided in the Manual of
26 Accounting and Related Financial Procedures for Pennsylvania
27 School Systems established by the department; and

28 (J) no other deductions.

29 (iv) [This amount] The amounts calculated under this clause
30 shall be paid by the district of residence of each student.

1 * * *

2 Section 4. Section 1726-A(a) and (a.1) of the act, amended
3 July 11, 2006 (P.L.1092, No.114) and July 9, 2008 (P.L.846,
4 No.61), are amended to read:

5 Section 1726-A. Transportation.--(a) Students who attend a
6 charter school [located in their school district of residence],
7 a regional charter school of which the school district is a part
8 [or a charter school] or a cyber charter school learning center
9 located in their school district of residence or located outside
10 district boundaries at a distance not exceeding ten (10) miles
11 by the nearest public highway shall be provided free
12 transportation to the charter school or cyber charter school
13 learning center by their school district of residence on such
14 dates and periods that the charter school is in regular session
15 whether or not transportation is provided on such dates and
16 periods to students attending schools of the district.

17 Transportation is not required for elementary students,
18 including kindergarten students, residing within one and one-
19 half (1.5) miles or for secondary students residing within two
20 (2) miles of the nearest public highway from the charter school
21 in which the students are enrolled unless the road or traffic
22 conditions are such that walking constitutes a hazard to the
23 safety of the students when so certified by the Department of
24 Transportation, except that if the school district provides
25 transportation to the public schools of the school district for
26 elementary students, including kindergarten students, residing
27 within one and one-half (1.5) miles or for secondary students
28 residing within two (2) miles of the nearest public highway
29 under nonhazardous conditions, transportation shall also be
30 provided to charter schools under the same conditions. Districts

1 providing transportation to a charter school outside the
2 district and, for the 2007-2008 school year and each school year
3 thereafter, districts providing transportation to a charter
4 school within the district shall be eligible for payments under
5 section 2509.3 for each public school student transported.

6 (a.1) (1) The school district of residence shall also
7 provide free transportation as required for students to receive
8 services provided by intermediate units under section 1725-A(4).

9 (2) In addition to any other requirements in this section,
10 school districts of the first class shall provide transportation
11 to students who attend a charter school if they are the same age
12 or are enrolled in the same grade, grades or their grade
13 equivalents as any of the students of the school district for
14 whom transportation is provided under any program or policy to
15 the schools of the school district.

16 * * *

17 Section 5. Section 2574.3 of the act, added June 22, 2001
18 (P.L.530, No.35), is repealed:

19 [Section 2574.3. Approved Reimbursable Annual Rental for
20 Leases of Buildings or Portions of Buildings for Charter School
21 Use.--(a) For leases of buildings or portions of buildings for
22 charter school use which have been approved by the Secretary of
23 Education on or after July 1, 2001, the Department of Education
24 shall calculate an approved reimbursable annual rental charge.
25 Approved reimbursable annual rental for such approved leases of
26 buildings or portions of buildings for charter school use shall
27 be the lesser of (i) the annual rental payable under the
28 provisions of the approved lease agreement, or (ii) the product
29 of the enrollment, as determined by the Department of Education,
30 times one hundred sixty dollars (\$160) for elementary schools,

1 two hundred twenty dollars (\$220) for secondary schools or two
2 hundred seventy dollars (\$270) for area vocational-technical
3 schools. The Commonwealth shall pay annually for the school year
4 2001-2002 and each school year thereafter to each charter school
5 which leases with the approval of the Department of Education
6 buildings or portions of buildings for charter school use under
7 these provisions an amount determined by multiplying the aid
8 ratio of the charter school by the approved reimbursable annual
9 rental.

10 (b) Nothing in this section shall require a charter school
11 that has been converted from an existing public school under
12 Article XVII-A to make rental payments to a school district.]

13 Section 6. This act shall take effect in 60 days.