
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 198 Session of
2017

INTRODUCED BY HUGHES, FONTANA, COSTA, TARTAGLIONE AND BREWSTER,
JANUARY 26, 2017

REFERRED TO EDUCATION, JANUARY 26, 2017

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 establishment of charter school, for enrollment, for
7 funding for charter schools and for causes for nonrenewal or
8 termination.

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

11 Section 1. Sections 1717-A(e) (2) and 1723-A(a) and (d) of
12 the act of March 10, 1949 (P.L.30, No.14), known as the Public
13 School Code of 1949, are amended to read:

14 Section 1717-A. Establishment of Charter School.--* * *

15 (e) * * *

16 (2) A charter school application submitted under this
17 article shall be evaluated by the local board of school
18 directors based on criteria, including, but not limited to, the
19 following:

20 (i) The demonstrated, sustainable support for the charter
21 school plan by teachers, parents, other community members and

1 students, including comments received at the public hearing held
2 under subsection (d).

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

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

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

11 (v) The financial impact the charter school will have on the
12 school district.

13 * * *

14 Section 1723-A. Enrollment.--(a) All resident children in
15 this Commonwealth qualify for admission to a charter school
16 within the provisions of subsection (b). If more students apply
17 to the charter school than the number of attendance slots
18 available in the school, then students must be selected on a
19 random basis from a pool of qualified applicants meeting the
20 established eligibility criteria and submitting an application
21 by the deadline established by the charter school, except that
22 the charter school may give preference in enrollment to a child
23 of a parent who has actively participated in the development of
24 the charter school and to siblings of students presently
25 enrolled in the charter school. First preference shall be given
26 to students who reside in the district or districts. At any time
27 during a school year, when an attendance slot becomes available
28 at a charter school, the charter school must enroll students
29 from the existing pool of qualified applicants.

30 * * *

1 (d) (1) Enrollment of students in a charter school or cyber
2 charter school shall [not] be subject to a cap or otherwise
3 limited by any [past or future] action of a board of school
4 directors, a board of control established under Article XVII-B,
5 [a special board of control established under section 692] a
6 School Reform Commission established under section 696, a chief
7 recovery officer or a receiver authorized under Article VI-A or
8 any other governing authority[, unless agreed to by the charter
9 school or cyber charter school as part of a written charter
10 pursuant to section 1720-A].

11 (2) The provisions of this subsection shall apply to a
12 charter school or cyber charter school regardless of whether the
13 charter was approved prior to or is approved subsequent to the
14 effective date of this subsection.

15 Section 2. Section 1725-A(a)(3) of the act is amended and
16 the subsection is amended by adding clauses to read:

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

19 * * *

20 (3) For the 1997-1998 school year through the 2017-2018
21 school year, for special education students, the charter school
22 shall receive for each student enrolled the same funding as for
23 each non-special education student as provided in clause (2),
24 plus an additional amount determined by dividing the district of
25 residence's total special education expenditure by the product
26 of multiplying the combined percentage of section 2509.5(k)
27 times the district of residence's total average daily membership
28 for the prior school year. This amount shall be paid by the
29 district of residence of each student.

30 (3.1) (i) For the 2018-2019 school year and each school

1 year thereafter, subject to the provisions in clauses (3.2) and
2 (3.3) which provide for the transition to the new student-based
3 funding methodology established in this clause, for special
4 education students, the charter school shall receive for each
5 student enrolled an amount which shall be paid by the district
6 of residence of each student to be determined as follows:

7 (A) For each student enrolled in the charter school for
8 which the annual expenditure for special education programs and
9 services is less than twenty-five thousand dollars (\$25,000),
10 which shall be known as Category 1, multiply the same funding as
11 for each nonspecial education student as provided in clause (2)
12 by one and fifty-one hundredths (1.51).

13 (B) For each student enrolled in the charter school for
14 which the annual expenditure for special education programs and
15 services is equal to or greater than twenty-five thousand
16 dollars (\$25,000) and less than fifty thousand dollars
17 (\$50,000), which shall be known as Category 2, multiply the same
18 funding as for each nonspecial education student as provided in
19 clause (2) by three and seventy-seven hundredths (3.77).

20 (C) For each student enrolled in the charter school for
21 which the annual expenditure for special education programs and
22 services is equal to or greater than fifty thousand dollars
23 (\$50,000), which shall be known as Category 3, multiply the same
24 funding as for each nonspecial education student as provided in
25 clause (2) by seven and forty-six hundredths (7.46).

26 (ii) Pursuant to regulations developed by the department, to
27 be eligible to receive funding for special education students
28 under subclause (i)(B) and (C), the charter school must document
29 the cost of providing special education programs and services to
30 the student and provide the documentation to the school district

1 of residence and the department.

2 (iii) The department shall annually adjust the weights
3 provided in subclause (i) (A), (B) and (C) for each school
4 district based on the percentage difference in the school
5 district's annual expenditure for special education programs and
6 services per student when compared to the Statewide average
7 annual expenditure for special education programs and services
8 per student.

9 (iv) The department shall annually adjust the dollar ranges
10 in subclause (i) (A), (B) and (C) by the Consumer Price Index for
11 All Urban Consumers for the Pennsylvania, New Jersey, Delaware
12 and Maryland areas.

13 (3.2) Notwithstanding the provisions of clause (3.1), for
14 the 2017-2018 school year, for special education students, the
15 charter school shall receive for each student enrolled an amount
16 which shall be paid by the district of residence as follows:

17 (i) If the funding for each special education student in
18 clause (3) for the 2017-2018 school year is equal to or greater
19 than the funding for the same special education student in
20 clause (3.1) for the 2018-2019 school year, the amount shall be
21 determined as follows:

22 (A) Subtract the amount of funding for each special
23 education student in clause (3.1) for the 2018-2019 school year
24 from the amount of funding for the same special education
25 student in clause (3) for the 2017-2018 school year.

26 (B) Multiply the difference in paragraph (A) by three
27 hundred thirty-three thousandths (0.333).

28 (C) Subtract the product in paragraph (B) from the amount of
29 funding for the same special education student in clause (3) for
30 the 2017-2018 school year.

1 (ii) If the funding for each special education student in
2 clause (3) for the 2017-2018 school year is less than the amount
3 of funding for the same special education student in clause
4 (3.1) for the 2018-2019 school year, the amount shall be
5 determined as follows:

6 (A) Subtract the amount of funding for each special
7 education student in clause (3) for the 2017-2018 school year
8 from the amount of funding for the same special education
9 student in clause (3.1) for the 2018-2019 school year.

10 (B) Multiply the difference in paragraph (A) by three
11 hundred thirty-three thousandths (0.333).

12 (C) Add the product in paragraph (B) to the amount of
13 funding for the same special education student in clause (3) for
14 the 2018-2019 school year.

15 (3.3) Notwithstanding the provisions of clause (3.1), for
16 the 2019-2020 school year, for special education students, the
17 charter school shall receive for each student enrolled an amount
18 which shall be paid by the district of residence as follows:

19 (i) If the funding for each special education student in
20 clause (3) for the 2017-2018 school year is equal to or greater
21 than the funding for the same special education student in
22 clause (3.1) for the 2019-2020 school year, the amount shall be
23 determined as follows:

24 (A) Subtract the amount of funding for each special
25 education student in clause (3.1) for the 2019-2020 school year
26 from the amount of funding for the same special education
27 student in clause (3) for the 2017-2018 school year.

28 (B) Multiply the difference in paragraph (A) by six hundred
29 sixty-six thousandths (0.666).

30 (C) Subtract the product in paragraph (B) from the amount of

1 funding for the same special education student in clause (3) for
2 the 2017-2018 school year.

3 (ii) If the funding for each special education student in
4 clause (3) for the 2017-2018 school year is less than the
5 funding for the same special education student in clause (3.1)
6 for the 2018-2019 school year, the amount shall be determined as
7 follows:

8 (A) Subtract the amount of funding for each special
9 education student in clause (3) for the 2017-2018 school year
10 from the amount of funding for the same special education
11 student in clause (3.1) for the 2019-2020 school year.

12 (B) Multiply the difference in paragraph (A) by six hundred
13 sixty-six thousandths (0.666).

14 (C) Add the product in paragraph (B) to the amount of
15 funding for the same special education student in clause (3) for
16 the 2017-2018 school year.

17 * * *

18 Section 3. Section 1729-A(d) of the act is amended to read:

19 Section 1729-A. Causes for Nonrenewal or Termination.--* * *

20 (d) Following the appointment and confirmation of the appeal
21 board, but not before July 1, 1999, the charter school may
22 appeal the decision of the local board of school directors to
23 revoke or not renew the charter to the appeal board. The appeal
24 board shall have the exclusive review of a decision not to renew
25 or revoke a charter[.] based solely on whether or not the
26 decision of the local school board is supported by substantial
27 evidence or whether or not the local school board committed an
28 error of law. The appeal board shall review the record and shall
29 have the discretion to supplement the record if the supplemental
30 information was previously unavailable. The appeal board may

1 consider the charter school plan, annual reports, student
2 performance and employe and community support for the charter
3 school in addition to the record. The appeal board shall give
4 due consideration to the findings of the local board of
5 directors and specifically articulate its reasons for agreeing
6 or disagreeing with those findings in its written decision.

7 * * *

8 Section 4. This act shall take effect immediately.