

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 356 Session of 2019

INTRODUCED BY DOWLING, REESE, TOPPER, MARSHALL, HARRIS, KAIL, GROVE AND HICKERNELL, MAY 7, 2019

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 11, 2019

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 charter school requirements, for facilities and for
7 school district and intermediate unit responsibilities.

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

10 Section 1. Section 1715-A of the act of March 10, 1949
11 (P.L.30, No.14), known as the Public School Code of 1949, is
12 amended to read:

13 Section 1715-A. Charter School Entity Requirements.--(a)
14 Charter [schools] school entities shall be required to comply
15 with the following provisions:

16 (1) Except as otherwise provided in this article, a charter
17 school entity is exempt from statutory requirements established
18 in this act, from regulations of the State board and the
19 standards of the secretary not specifically applicable to
20 charter [schools] school entities. Charter [schools] school

1 entities are not exempt from statutes applicable to public
2 schools other than this act.

3 (2) A charter school entity shall be accountable to the
4 parents, the public and the Commonwealth, with the delineation
5 of that accountability reflected in the charter. Strategies for
6 meaningful parent and community involvement shall be developed
7 and implemented by each school.

8 (3) A charter school entity shall not unlawfully
9 discriminate in admissions, hiring or operation.

10 (4) A charter school entity shall be nonsectarian in all
11 operations.

12 (5) [A] (i) Subject to subparagraph (ii), a charter school
13 entity shall not provide any religious instruction, nor shall it
14 display religious objects and symbols on the premises of the
15 charter school entity.

16 (ii) It shall not be a violation of this paragraph for a
17 charter school entity to utilize a sectarian facility:

18 (A) if the charter school entity provides for discrete and
19 separate entrances to buildings utilized for school purposes
20 only;

21 (B) if the religious objects and symbols within the portions
22 of the facility utilized by the school are covered or removed to
23 the extent reasonably feasible; or

24 (C) in which the unused portion of the facility or its
25 common areas contain religious symbols and objects.

26 (6) A charter school entity shall not advocate unlawful
27 behavior.

28 (7) A charter school entity shall only be subject to the
29 laws and regulations as provided for in section 1732-A, or as
30 otherwise provided for in this [article] act.

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

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

14 (10) Boards of trustees and contractors of charter [schools]
15 school entities shall be subject to the following statutory
16 requirements governing construction projects and construction-
17 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 entity shall be public
2 officials.

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

18 (b) As used in this section, "charter school entity" shall
19 mean a charter school, regional charter school or cyber charter
20 school.

21 Section 2. Section 1722-A(a), (b) and (d) of the act are
22 amended and the section is amended by adding subsections to
23 read:

24 Section 1722-A. Facilities.--(a) A charter school entity
25 may be located in an existing public school building, in a part
26 of an existing public school building, in space provided on a
27 privately owned site, in a public building or in any other
28 suitable location.

29 (b) The charter school entity facility shall be exempt from
30 public school facility regulations except those pertaining to

1 the health or safety of [the pupils] students.

2 (b.1) (1) A charter school entity shall have the right of
3 first refusal to purchase or lease, for educational purposes
4 only, a public school building or a part of a public school
5 building that is no longer in use FOR SALE OR LEASE by a school <--
6 entity which is the property titleholder, at the price of one of
7 the following:

8 (i) The last best offer above fair market value received in
9 the ninety (90) days preceding the charter school entity's
10 offer.

11 (ii) Fair market value, if no offer has been received in the
12 ninety (90) days preceding the charter school entity's offer.

13 (iii) Below fair market value, upon the mutual agreement of
14 the school entity and the charter school entity.

15 (2) A school entity shall accept an offer from a charter
16 school entity that conforms to the provisions of paragraph (1).

17 (3) The department shall provide a page on its publicly
18 accessible Internet website on which school entities are
19 required to post a notice for each public school building or
20 part of a public school building that is available for purchase
21 or lease. A school entity shall submit a notice to the
22 department on a form developed by the department. The department
23 shall post the notice within five (5) days of receiving the
24 form.

25 (4) The following shall apply to the sale or lease of a
26 public school building or a part of a public school building by
27 a school entity:

28 (i) A school entity may not enter into a contract to sell or
29 lease a building or part of a building until at least thirty
30 (30) days after the posting of a notice as required under

1 paragraph (3).

2 (ii) If two or more charter school entities make offers on
3 the same building or part of a building that conforms to the
4 provisions of this subsection, the school entity shall:

5 (A) Accept the first offer, if the offers are equal in
6 dollar amount.

7 (B) Accept the best offer, if the offers differ in dollar
8 amount.

9 (d) [Notwithstanding any other provision of this act, ~~fa~~ <--
10 school district of the first class may, in its discretion,
11 permit a charter school to operate its school at more than one
12 location.] ~~a~~ A charter school or regional charter school ~~that~~ <--
13 does not have in the written charter any limits on student
14 enrollment or caps is permitted to MAY operate the school at <--
15 more than one location within the district that authorized the
16 charter, AS LONG AS EXPRESSLY PERMITTED BY THE TERMS OF ITS <--
17 CHARTER.

18 * * *

19 (f) School districts, intermediate units, community colleges
20 and institutions under Article XX-A shall provide a cyber
21 charter school with reasonable access to their facilities for
22 the administration of standardized testing as follows:

23 (1) A cyber charter school shall provide an intermediate
24 unit, school district, community college or institution under
25 Article XX-A with at least sixty (60) days' notice of the need
26 for facilities to be used for the administration of standardized
27 tests.

28 (2) Within thirty (30) days of the cyber charter school's
29 request, the intermediate unit, school district, community
30 college or institution under Article XX-A shall notify the cyber

1 charter school of the location of the facilities that will be
2 provided, which shall be a quiet, separate location in which
3 cyber charter school students will not be commingled with
4 students of the intermediate unit, school district, community
5 college or institution under Article XX-A.

6 (3) An intermediate unit, school district of residence,
7 community college or institution under Article XX-A shall not be
8 required to make facilities available to a cyber charter school
9 on dates and at times that may cause undue interference with the
10 educational programs of the intermediate unit, school district,
11 community college or institution under Article XX-A.

12 (4) Any facilities rental fee charged to the cyber charter
13 school and the payment thereof shall be in compliance with the
14 facility rental policy of the intermediate unit, school
15 district, community college or institution under Article XX-A
16 that applies generally to all organizations and community
17 groups.

18 (g) As used in this section, "charter school entity" shall
19 mean a charter school, regional charter school or cyber charter
20 school.

21 Section 3. Section 1744-A(2) of the act is amended to read:
22 Section 1744-A. School district and intermediate unit
23 responsibilities.

24 An intermediate unit or a school district in which a student
25 enrolled in a cyber charter school resides shall do all of the
26 following:

27 * * *

28 [(2) Provide the cyber charter school with reasonable
29 access to its facilities for the administration of
30 standardized tests required under this subdivision.]

1 * * *

2 Section 4. This act shall take effect in 60 days.