

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 357 Session of 2019

INTRODUCED BY TOPPER, DOWLING, HICKERNELL, KAIL, MARSHALL, MASSER, MILLARD, REESE, ROTHMAN AND SAYLOR, 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 pupils and attendance, providing
6 for transfer of attendance records to another school entity
7 or nonpublic school; in charter schools, further providing
8 FOR DEFINITIONS, for establishment of charter school, for <--
9 contents of application and for term and form of charter,
10 providing for amendments and further providing for
11 enrollment, for cyber charter school requirements and
12 prohibitions, FOR TORT LIABILITY and for establishment of <--
13 cyber charter school.

14 The General Assembly of the Commonwealth of Pennsylvania
15 hereby enacts as follows:

16 Section 1. The act of March 10, 1949 (P.L.30, No.14), known
17 as the Public School Code of 1949, is amended by adding a
18 section to read:

19 Section 1313.2. Transfer of Attendance Records to Another
20 School Entity or Nonpublic School.--(a) (1) Whenever a student
21 transfers to another school entity or nonpublic school within
22 this Commonwealth, a copy of the student's attendance record
23 shall be transmitted to the school entity or nonpublic school to

1 which the student has transferred.

2 (2) The school entity or nonpublic school to which the  
3 student has transferred shall request the attendance record.

4 (3) The sending school entity or nonpublic school shall have  
5 ten (10) days from the receipt of the request to provide a copy  
6 of the student's attendance record.

7 (b) In the case of a student transferring during the course  
8 of a school term, the student's unexcused absences shall be  
9 included in the student's attendance record at the school entity  
10 or nonpublic school to which the student has transferred for  
11 that school term.

12 (c) For purposes of this section, the term "school entity"  
13 means a public school district, charter school, cyber charter  
14 school, regional charter school, intermediate unit or area  
15 vocational-technical school.

16 Section 2. Sections 1703-A, 1717-A(c), (d), (e) and (f), <--  
17 1719-A and 1720-A of the act are amended to read:

18 SECTION 1703-A. DEFINITIONS.--AS USED IN THIS ARTICLE, <--  
19 "ADMINISTRATOR" SHALL INCLUDE AN EMPLOYE OF A CHARTER SCHOOL  
20 ENTITY, INCLUDING THE CHIEF ADMINISTRATOR OF A CHARTER SCHOOL  
21 ENTITY AND ANY OTHER EMPLOYE, WHO BY VIRTUE OF THE EMPLOYE'S  
22 POSITION IS RESPONSIBLE FOR TAKING OFFICIAL ACTION OF A  
23 NONMINISTERIAL NATURE WITH REGARD TO CONTRACTING OR PROCUREMENT,  
24 ADMINISTERING OR MONITORING GRANTS OR SUBSIDIES, MANAGING OR  
25 REGULATING STAFF, STUDENT AND SCHOOL ACTIVITIES OR ANY ACTIVITY  
26 WHERE THE OFFICIAL ACTION HAS AN ECONOMIC IMPACT OF GREATER THAN  
27 A DE MINIMIS NATURE ON THE INTERESTS OF ANY PERSON.

28 "AID RATIO" AND "MARKET VALUE/INCOME AID RATIO" SHALL BE:

29 (1) THE AID RATIO AND MARKET VALUE/INCOME AID RATIO FOR THE  
30 SCHOOL DISTRICT THAT GRANTED A CHARTER TO THE CHARTER SCHOOL;

1 (2) FOR A REGIONAL CHARTER SCHOOL, THE AID RATIO AND MARKET  
2 VALUE/INCOME AID RATIO SHALL BE A COMPOSITE, AS DETERMINED BY  
3 THE DEPARTMENT, BASED ON THE SCHOOL DISTRICTS THAT GRANTED THE  
4 CHARTER; OR

5 (3) FOR A CYBER CHARTER SCHOOL, THE AID RATIO AND MARKET  
6 VALUE/INCOME AID RATIO SHALL BE THAT OF THE SCHOOL DISTRICT IN  
7 WHICH THE ADMINISTRATIVE OFFICES OF THE CYBER CHARTER SCHOOL ARE  
8 LOCATED.

9 "APPEAL BOARD" SHALL MEAN THE STATE CHARTER SCHOOL APPEAL  
10 BOARD ESTABLISHED BY THIS ARTICLE.

11 "AT-RISK STUDENT" SHALL MEAN A STUDENT AT RISK OF EDUCATIONAL  
12 FAILURE BECAUSE OF LIMITED ENGLISH PROFICIENCY, POVERTY,  
13 COMMUNITY FACTORS, TRUANCY, ACADEMIC DIFFICULTIES OR ECONOMIC  
14 DISADVANTAGE.

15 "CHARTER SCHOOL" SHALL MEAN AN INDEPENDENT PUBLIC SCHOOL  
16 ESTABLISHED AND OPERATED UNDER A CHARTER FROM THE LOCAL BOARD OF  
17 SCHOOL DIRECTORS AND IN WHICH STUDENTS ARE ENROLLED OR ATTEND. A  
18 CHARTER SCHOOL MUST BE ORGANIZED AS A PUBLIC, NONPROFIT  
19 CORPORATION. CHARTERS MAY NOT BE GRANTED TO ANY FOR-PROFIT  
20 ENTITY.

21 ["CHIEF EXECUTIVE OFFICER" SHALL MEAN AN INDIVIDUAL APPOINTED  
22 BY THE BOARD OF TRUSTEES TO OVERSEE AND MANAGE THE OPERATION OF  
23 THE CHARTER SCHOOL, BUT WHO SHALL NOT BE DEEMED A PROFESSIONAL  
24 STAFF MEMBER UNDER THIS ARTICLE.]

25 "CHARTER SCHOOL ENTITY" SHALL MEAN A CHARTER SCHOOL, REGIONAL  
26 CHARTER SCHOOL OR CYBER CHARTER SCHOOL.

27 "CHARTER SCHOOL FOUNDATION" SHALL MEAN A NONPROFIT  
28 ORGANIZATION UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE  
29 CODE OF 1986 (PUBLIC LAW 99-514, 26 U.S.C. § 501(C)(3)), THAT  
30 PROVIDES FUNDING, RESOURCES OR OTHERWISE SERVES TO SUPPORT A

1 CHARTER SCHOOL ENTITY, EITHER DIRECTLY OR THROUGH AN AFFILIATED  
2 ENTITY.

3 "CHIEF ADMINISTRATOR" SHALL MEAN AN INDIVIDUAL APPOINTED BY A  
4 BOARD OF TRUSTEES TO OVERSEE AND MANAGE THE OPERATION OF A  
5 CHARTER SCHOOL ENTITY. THE TERM SHALL NOT INCLUDE A PROFESSIONAL  
6 STAFF MEMBER UNDER THIS ARTICLE.

7 "CYBER CHARTER SCHOOL" SHALL MEAN AN INDEPENDENT PUBLIC  
8 SCHOOL ESTABLISHED AND OPERATED UNDER A CHARTER FROM THE  
9 DEPARTMENT OF EDUCATION AND IN WHICH THE SCHOOL USES TECHNOLOGY,  
10 INCLUDING ELECTRONIC OR DIGITAL BOOKS, IN ORDER TO PROVIDE A  
11 SIGNIFICANT PORTION OF ITS CURRICULUM AND TO DELIVER A  
12 SIGNIFICANT PORTION OF INSTRUCTION TO ITS STUDENTS THROUGH THE  
13 INTERNET OR OTHER ELECTRONIC MEANS. A CYBER CHARTER SCHOOL MUST  
14 BE ORGANIZED AS A PUBLIC, NONPROFIT CORPORATION. A CHARTER MAY  
15 NOT BE GRANTED TO A FOR-PROFIT ENTITY.

16 "DEPARTMENT" SHALL MEAN THE DEPARTMENT OF EDUCATION OF THE  
17 COMMONWEALTH.

18 "EDUCATIONAL MANAGEMENT SERVICE PROVIDER" SHALL MEAN A  
19 NONPROFIT CHARTER MANAGEMENT ORGANIZATION, FOR-PROFIT EDUCATION  
20 MANAGEMENT ORGANIZATION, SCHOOL DESIGN PROVIDER, BUSINESS  
21 MANAGER OR ANY OTHER PARTNER ENTITY WITH WHICH A BOARD OF  
22 TRUSTEES OF A CHARTER SCHOOL ENTITY CONTRACTS TO PROVIDE  
23 EDUCATIONAL DESIGN, BUSINESS SERVICES, COMPREHENSIVE MANAGEMENT  
24 OR PERSONNEL FUNCTIONS OR TO IMPLEMENT THE CHARTER. THE TERM  
25 SHALL NOT INCLUDE A CHARTER SCHOOL FOUNDATION.

26 "LOCAL BOARD OF SCHOOL DIRECTORS" SHALL MEAN THE BOARD OF  
27 DIRECTORS OR OTHER GOVERNING AUTHORITY OF A SCHOOL DISTRICT IN  
28 WHICH A PROPOSED OR AN APPROVED CHARTER SCHOOL IS LOCATED.

29 "REGIONAL CHARTER SCHOOL" SHALL MEAN AN INDEPENDENT PUBLIC  
30 SCHOOL ESTABLISHED AND OPERATED UNDER A CHARTER FROM MORE THAN

1 ONE LOCAL BOARD OF SCHOOL DIRECTORS AND IN WHICH STUDENTS ARE  
2 ENROLLED OR ATTEND. A REGIONAL CHARTER SCHOOL MUST BE ORGANIZED  
3 AS A PUBLIC, NONPROFIT CORPORATION. CHARTERS MAY NOT BE GRANTED  
4 TO ANY FOR-PROFIT ENTITY.

5 "SCHOOL DISTRICT OF RESIDENCE" SHALL MEAN THE SCHOOL DISTRICT  
6 IN THIS COMMONWEALTH IN WHICH [THE PARENTS OR GUARDIANS OF A  
7 CHILD RESIDE.] A CHILD RESIDES AS DETERMINED UNDER SECTION 1302  
8 AND 22 PA. CODE § 11.11(A)(1) (RELATING TO ENTITLEMENT OF  
9 RESIDENT CHILDREN TO ATTEND PUBLIC SCHOOLS).

10 "SCHOOL ENTITY" SHALL MEAN A SCHOOL DISTRICT, INTERMEDIATE  
11 UNIT, JOINT SCHOOL OR AREA VOCATIONAL-TECHNICAL SCHOOL.

12 "SECRETARY" SHALL MEAN THE SECRETARY OF EDUCATION OF THE  
13 COMMONWEALTH.

14 "STATE BOARD" SHALL MEAN THE STATE BOARD OF EDUCATION OF THE  
15 COMMONWEALTH.

16 Section 1717-A. Establishment of Charter School.--\* \* \*

17 (c) An application to establish a charter school shall be  
18 submitted to the local board of school directors of the district  
19 where the charter school will be located by [November 15]  
20 October 1 of the school year preceding the school year in which  
21 the charter school will be established except that for a charter  
22 school beginning in the 1997-1998 school year, an application  
23 must be received by July 15, 1997. In the 1997-1998 school year  
24 only, applications shall be limited to recipients of fiscal year  
25 1996-1997 Department of Education charter school planning  
26 grants.

27 (d) Within forty-five (45) days of receipt of an  
28 application, the local board of school directors in which the  
29 proposed charter school is to be located shall hold at least one  
30 public hearing on the provisions of the charter application,

1 under [the act of July 3, 1986 (P.L.388, No.84), known as the  
2 "Sunshine Act." ] 65 Pa.C.S. Ch. 7 (relating to open meetings).  
3 At least forty-five (45) days must transpire between the first  
4 public hearing and the final decision of the board on the  
5 charter application except that for a charter school beginning  
6 in the 1997-1998 school year, only thirty (30) days must  
7 transpire between the first public hearing and the final  
8 decision of the board.

9 (e) (1) Not later than seventy-five (75) days after the  
10 first public hearing on the application, the local board of  
11 school directors shall grant or deny the application. For a  
12 charter school beginning in the 1997-1998 school year, the local  
13 board of school directors shall grant or deny the application no  
14 later than sixty (60) days after the first public hearing.

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

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

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

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

29 (iv) The extent to which the charter school may serve as a  
30 model for other public schools and share best practices.

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

5 (4) A charter application shall be deemed approved by the  
6 local board of school directors [of a school district] upon  
7 affirmative vote by a majority of all the directors. Formal  
8 action approving or denying the application shall be taken by  
9 the local board of school directors at a public meeting, with  
10 notice or consideration of the application given by the board,  
11 under [the "Sunshine Act."] 65 Pa.C.S. Ch. 7.

12 (5) Written notice of the board's action shall be sent to  
13 the applicant, the department and the appeal board. If the  
14 application is denied, the reasons for the denial, including a  
15 description of deficiencies in the application, shall be clearly  
16 stated in the notice sent by the local board of school directors  
17 to the charter school applicant.

18 (f) At the option of the charter school applicant, a denied  
19 application may be revised and resubmitted to the local board of  
20 school directors. Following the appointment and confirmation of  
21 the Charter School Appeal Board under section 1721-A, the  
22 decision of the local board of school directors may be appealed  
23 to the appeal board. When an application is revised and  
24 resubmitted to the local board of school directors, the board  
25 may schedule additional public hearings on the revised  
26 application. The board shall consider the revised and  
27 resubmitted application at the first board meeting occurring at  
28 least forty-five (45) days after receipt of the revised  
29 application by the board. For a revised application resubmitted  
30 for the 1997-1998 school year, the board shall consider the

1 application at the first board meeting occurring at least thirty  
2 (30) days after its receipt. The board shall provide notice of  
3 consideration of the revised application under [the "Sunshine  
4 Act."] 65 Pa.C.S. Ch. 7. No appeal from a decision of a local  
5 school board may be taken until July 1, 1999.

6 \* \* \*

7 Section 1719-A. Contents of Application.--[An] (a) The  
8 department shall create a standard application form for charter  
9 school applicants seeking to establish a charter school entity  
10 and a standard application form for existing charter school  
11 entities seeking renewal of their charters. The department shall  
12 transmit notice of the forms to the Legislative Reference Bureau  
13 for publication in the Pennsylvania Bulletin, and the forms  
14 shall be posted on the department's publicly accessible Internet  
15 website. The forms shall include all of the following  
16 information:

17 (1) The identification of the charter school applicant.

18 (2) The name of the proposed charter school entity.

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

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

23 organization chart clearly presenting the proposed governance  
24 structure of the school, including lines of authority and  
25 reporting between the board of trustees, administrators, staff  
26 and any educational management service provider that will  
27 provide management services to the charter school entity.

28 (4.1) A clear description of the roles and responsibilities  
29 of the board of trustees, administrators and any other entities,  
30 including a charter school foundation, shown in the organization



1 chart.

2 (4.2) A clear description of the method for the appointment  
3 or election of members of the board of trustees.

4 (4.3) Standards for board of trustees' performance,  
5 including compliance with all applicable laws, regulations and  
6 terms of the charter.

7 (4.4) If the charter school entity intends to contract with  
8 an educational management service provider for services, all of  
9 the following shall apply:

10 (i) Evidence of the educational management service  
11 provider's record in serving student populations, including  
12 demonstrated academic achievement and demonstrated management of  
13 nonacademic school functions, including proficiency with public-  
14 school-based accounting, if applicable.

15 (ii) A draft contract, if the educational management service  
16 provider has been engaged by the charter school entity, stating  
17 all of the following:

18 (A) The officers, chief administrator and administrators of  
19 the educational management service provider.

20 (B) The proposed duration of the service contract.

21 (C) Roles and responsibilities of the board of trustees, the  
22 school staff and the educational management service provider.

23 (D) The scope of services, personnel and resources to be  
24 provided by the educational management service provider.

25 (E) Performance evaluation measures and timelines.

26 (F) The compensation structure, including clear  
27 identification of all fees to be paid to the educational  
28 management service provider.

29 (G) Methods of contract oversight and enforcement.

30 (H) Investment disclosure or the advance of moneys by the

1 educational management service provider on behalf of the charter  
2 school entity.

3 (I) Conditions for renewal and termination of the contract.

4 (iii) Disclosure and explanation of any existing or  
5 potential conflicts of interest between the members of the board  
6 of trustees and the proposed educational management service  
7 provider or any affiliated business entities, including a  
8 charter school foundation qualified as a support organization  
9 under the Internal Revenue Code of 1986 (Public Law 99-514, 26  
10 U.S.C. § 1 et seq.).

11 (5) The mission and education goals of the charter school  
12 entity, the curriculum to be offered and the methods of  
13 assessing whether students are meeting educational goals.

14 (6) The admission and enrollment policy [and criteria for  
15 evaluating the admission of students] which shall comply with  
16 the requirements of section 1723-A.

17 (7) Procedures which will be used regarding the suspension  
18 or expulsion of pupils. Said procedures shall comply with  
19 section 1318.

20 (8) Information on the manner in which community groups will  
21 be involved in the charter school entity planning process.

22 (9) The financial plan for the charter school entity and the  
23 provisions which will be made for auditing the school under  
24 [section 437] sections 437 and 1728-A, including the role of any  
25 charter school foundation.

26 (10) Procedures which shall be established to review  
27 complaints of parents regarding the operation of the charter  
28 school entity.

29 (11) A description of and address of the physical facility  
30 in which the charter school entity will be located and the

1 ownership thereof and any lease arrangements.

2 (12) Information on the proposed school calendar for the  
3 charter school entity, including the length of the school day  
4 and school year consistent with the provisions of section 1502.

5 (13) The proposed faculty, if already determined, and a  
6 professional development and continuing education plan for the  
7 faculty and professional staff of [a] the charter school entity.

8 (14) Whether any agreements have been entered into or plans  
9 developed with the local school district regarding participation  
10 of the charter school entity students in extracurricular  
11 activities within the school district. Notwithstanding any  
12 provision to the contrary, no school district of residence shall  
13 prohibit a student of a charter school entity from participating  
14 in any extracurricular activity of that school district of  
15 residence: Provided, That the student is able to fulfill all of  
16 the requirements of participation in such activity and the  
17 charter school entity does not provide the same extracurricular  
18 activity.

19 (15) [A report] Reports of criminal history [record] records  
20 and employment history reviews, pursuant to [section 111]  
21 sections 111 and 111.1, for all individuals identified in the  
22 application who shall have direct contact with students[.] and a  
23 plan for satisfying the proper criminal history record  
24 clearances and employment history reviews required for all other  
25 staff.

26 (16) An official clearance statement regarding child injury  
27 or abuse from the Department of [Public Welfare] Human Services  
28 as required by 23 Pa.C.S. Ch. 63 Subch. [C.2 (relating to  
29 background checks for employment in schools)] C (relating to  
30 powers and duties of department) and section 111 for all

1 individuals identified in the application who shall have direct  
2 contact with students[.] and a plan for satisfying the proper  
3 official clearance statement regarding child injury or abuse  
4 required for all other staff.

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

9 (18) Policies regarding truancy, absences and withdrawal of  
10 students, including the manner in which the charter school  
11 entity will monitor attendance consistent with section 1715-A(9)  
12 and the truancy provisions under Article XIII.

13 (19) Indicate whether the charter school entity will seek  
14 accreditation by a nationally recognized accreditation agency,  
15 including the Middle States Association of Colleges and Schools  
16 or another regional institutional accrediting agency recognized  
17 by the United States Department of Education or an equivalent  
18 federally recognized body for charter school education.

19 (b) A local board of school directors may not impose  
20 additional terms, develop its own application or require  
21 additional information outside the standard application forms  
22 required under subsection (a). The department shall review the <--  
23 REQUIRED UNDER SUBSECTION (A). <--

24 (C) THE DEPARTMENT SHALL REVIEW THE standard application  
25 forms every three (3) years and shall submit any recommended  
26 revisions in writing to the Education Committee of the Senate <--  
27 and the Education Committee of the House of Representatives  
28 STATE BOARD. No such recommended revisions shall be made to the <--  
29 standard application forms unless the revisions are enacted <--  
30 APPROVED by the General Assembly. STATE BOARD. REVISIONS UNDER <--

1 THIS SUBSECTION SHALL BE AS FOLLOWS:

2 (1) THE STATE BOARD SHALL TRANSMIT NOTICE OF THE  
3 DEPARTMENT'S PROPOSED REVISIONS TO THE STANDARD APPLICATION  
4 FORMS TO THE LEGISLATIVE REFERENCE BUREAU FOR PUBLICATION IN THE  
5 PENNSYLVANIA BULLETIN. THE STATE BOARD SHALL GIVE AT LEAST  
6 THIRTY (30) DAYS FOR THE SUBMISSION OF PUBLIC COMMENT AND SHALL  
7 HOLD AT LEAST ONE PUBLIC HEARING ON THE PROPOSED REVISIONS.

8 (2) AFTER THE CLOSE OF THE PUBLIC COMMENT PERIOD AND THE  
9 PUBLIC HEARING, THE STATE BOARD SHALL SUBMIT ALL PUBLIC COMMENTS  
10 AND THE TRANSCRIPT OF THE PUBLIC HEARING TO THE EDUCATION  
11 COMMITTEE OF THE SENATE AND THE EDUCATION COMMITTEE OF THE HOUSE  
12 OF REPRESENTATIVES.

13 (3) PRIOR TO THE STATE BOARD APPROVING ANY REVISIONS, TIMELY  
14 AND MEANINGFUL CONSULTATION WITH THE CHAIR AND MINORITY CHAIR OF  
15 THE EDUCATION COMMITTEE OF THE SENATE AND THE CHAIR AND MINORITY  
16 CHAIR OF THE EDUCATION COMMITTEE OF THE HOUSE OF  
17 REPRESENTATIVES, WITH THE OPPORTUNITY FOR INPUT, MUST BE GIVEN.  
18 THE DEPARTMENT SHALL PRESENT THE PROPOSED REVISIONS AT A JOINT  
19 HEARING OF THE EDUCATION COMMITTEE OF THE SENATE AND THE  
20 EDUCATION COMMITTEE OF THE HOUSE OF REPRESENTATIVES, IF  
21 REQUESTED, WITHIN 60 DAYS OF SUBMISSION OF PUBLIC COMMENTS AND  
22 THE TRANSCRIPT OF THE PUBLIC HEARING UNDER PARAGRAPH (2).

23 Section 1720-A. Term and Form of Charter.--(a) Upon  
24 approval of a charter application under section 1717-A, a  
25 written charter shall be developed which shall contain the  
26 provisions of the standard charter application under section  
27 1719-A and which shall be signed by the local board of school  
28 directors [of a school district], by the local boards of school  
29 directors [of a school district] in the case of a regional  
30 charter school or by the chairman of the appeal board pursuant

1 to section [1717-A(i) (5)] 1717-A(i) (9) and the board of trustees  
2 of the charter school or regional charter school. This written  
3 charter, when duly signed by the local board of school directors  
4 [of a school district, or], by the local boards of school  
5 directors [of a school district] in the case of a regional  
6 charter school or by the chairman of the appeal board, and the  
7 charter school or regional charter school's board of trustees,  
8 shall act as legal authorization for the establishment of a  
9 charter school or regional charter school. This written charter  
10 shall be legally binding on both the local board of school  
11 directors [of a school district] and the charter school or  
12 regional charter school's board of trustees. [Except as  
13 otherwise provided in subsection (b), the charter shall be for a  
14 period of no less than three (3) nor more than five (5) years  
15 and may be renewed for five (5) year periods upon  
16 reauthorization by the local board of school directors of a  
17 school district or the appeal board.] If the charter school or  
18 regional charter school contracts with an educational management  
19 service provider, a contract shall be executed when the charter  
20 is approved. A charter will be granted only for a school  
21 organized as a public, nonprofit corporation.

22 (b) (1) Notwithstanding subsection [(a)] (c), a governing  
23 board of a school district of the first class may renew a  
24 charter for a period of one (1) year if the board of school  
25 directors determines that there is insufficient data concerning  
26 the charter school's academic performance to adequately assess  
27 that performance and determines that an additional year of  
28 performance data would yield sufficient data to assist the  
29 governing board in its decision whether to renew the charter for  
30 a period of five (5) years.

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

4 (3) A governing board of a school district of the first  
5 class does not have the authority to renew a charter for  
6 successive one (1) year periods.

7 (c) The following shall apply to all charters granted by a  
8 local board of school directors:

9 (1) An initial charter executed pursuant to subsection (a)  
10 shall be for a period of no less than three (3) years and no  
11 more than five (5) years.

12 (2) For charter schools and regional charter schools, a  
13 charter may be renewed for five (5) year periods upon  
14 reauthorization by the local board of school directors or the  
15 appeal board.

16 (d) (1) A charter school or regional charter school shall  
17 submit a renewal application as provided under section 1719-A(a)  
18 with the local board of school directors by ~~December~~ OCTOBER 1 <--  
19 of the final year of the charter.

20 (2) Within ~~ninety (90) days of receipt of the ONE HUNDRED <--~~  
21 TWENTY (120) DAYS OF THE RECEIPT OF THE COMPLETE renewal  
22 application, the local board of school directors shall vote to  
23 renew or not renew the charter.

24 (3) A decision by the appeal board under this subsection to  
25 renew a charter shall serve as a requirement for the local board  
26 of school directors of a school district or school districts, as  
27 appropriate, to sign the renewal of the charter for a charter  
28 school or regional charter school as provided for in subsection  
29 (a)(2). If the local board of school directors fails to sign the  
30 renewal within ten (10) days of notice, the charter shall be

1 signed by the chairman of the appeal board.

2 Section 3. The act is amended by adding a section to read:

3 Section 1720.1-A. Amendments.--(a) Subject to subsection <--  
4 ~~(a.1)~~ SUBSECTIONS (A.1) AND (A.2), a charter school or regional <--  
5 charter school may request amendments to its approved written  
6 charter by filing a written document describing the requested  
7 amendment with the local board of school directors no later than  
8 ~~December~~ OCTOBER 15 of the school year prior to the school year <--  
9 in which the amendment would take effect.

10 (a.1) Notwithstanding the notice requirements of subsection  
11 (a), in the event of the impossibility of a charter school's or  
12 regional charter school's compliance with the terms of a charter  
13 due to its inability to acquire services or products outlined in  
14 a charter or facility damage, the charter school or regional  
15 charter school shall immediately notify the local board of  
16 school directors of the necessity for an emergency amendment,  
17 which shall be effective immediately as a temporary amendment  
18 pending completion of the processes set forth in subsections (b)  
19 and (c).

20 (A.2) FOR A FIVE-YEAR CHARTER, A CHARTER SCHOOL OR REGIONAL <--  
21 CHARTER SCHOOL MAY ONLY REQUEST AMENDMENTS IN YEAR TWO, THREE OR  
22 FOUR OF THE CHARTER TERM. FOR A THREE-YEAR CHARTER, A CHARTER  
23 SCHOOL OR REGIONAL CHARTER SCHOOL MAY ONLY REQUEST AMENDMENTS IN  
24 YEAR TWO OF THE CHARTER TERM.

25 (b) Within sixty (60) days of receipt of the charter  
26 amendment request, the local board of school directors shall  
27 hold a public hearing on the requested amendment pursuant to 65  
28 Pa.C.S. Ch. 7 (relating to open meetings).

29 (c) Within sixty (60) days after the hearing required under  
30 subsection (b), the local board of school directors shall grant



1 or deny the requested amendment. Failure by the local board of  
2 school directors to hold a public hearing and to grant or deny  
3 the requested amendment within the time periods specified in  
4 this section shall be deemed an approval, after which the  
5 amended charter shall be legally binding on both the local board  
6 of school directors and the board of trustees of the charter  
7 school or regional charter school.

8 ~~(d) Notwithstanding subsection (a), a charter school or~~ <--  
9 ~~regional charter school also may request amendments to its~~  
10 ~~approved written charter at the time of renewal. Charter~~  
11 ~~amendment requests made at the time of renewal shall be~~  
12 ~~considered distinct requests that shall be subject to~~  
13 ~~independent approval or denial by the local board of school~~  
14 ~~directors, in accordance with the provisions of this section.~~  
15 ~~(RESERVED).~~ <--

16 (e) An applicant for an amendment may appeal the denial of a  
17 requested amendment under this section to the appeal board  
18 provided for under section 1721-A. EXCEPT THAT AN APPLICANT MAY <--  
19 NOT APPEAL A DENIAL OF AN AMENDMENT RELATED TO ENROLLMENT GROWTH  
20 OR GRADE EXPANSION.

21 ~~(f) Except in the case of an emergency, a A charter school~~ <--  
22 ~~or regional charter school which has no restrictions on~~  
23 ~~enrollment expansion shall notify the local board of school~~  
24 ~~directors if it intends to expand enrollment by more than ten~~  
25 ~~per centum no later than December 15 of the school year prior to~~  
26 ~~the school year in which enrollment would be expanded. EXCEPT~~ <--  
27 ~~NOTICE MAY BE GIVEN AT ANY TIME IN THE CASE OF AN EMERGENCY~~  
28 ~~WHICH REQUIRES INCREASED ENROLLMENT. The notification shall~~  
29 ~~include the following:~~

30 (1) The planned enrollment levels for each grade for the

1 following school year.

2 (2) If applicable, a description of any CHANGES TO AN <--  
3 EXISTING facility changes needed to accommodate the planned <--  
4 enrollment levels.

5 (g) Except in the case of an emergency, a A charter school <--  
6 or regional charter school which has no OTHER restrictions on <--  
7 enrollment expansion IN ITS CHARTER shall notify the local board <--  
8 of school directors if it intends to change the location of a  
9 facility or facilities no later than December 15 of the school  
10 year prior to the school year in which the facility change would  
11 take place EXCEPT NOTICE MAY BE GIVEN AT ANY TIME IN THE CASE OF <--  
12 AN EMERGENCY RELATED TO THE FACILITY. The notification shall  
13 include the following:

14 (1) A description of the proposed new facility.

15 (2) Information showing that the proposed new facility is  
16 suitable in accordance with the applicable school facility  
17 requirements, including zoning, license and certification of  
18 occupancy requirements.

19 THIS SUBSECTION SHALL NOT APPLY TO A CHARTER SCHOOL OR <--  
20 REGIONAL CHARTER SCHOOL SEEKING TO OPERATE A SCHOOL AT MORE THAN  
21 ONE LOCATION, WHICH MUST BE REQUESTED THROUGH THE AMENDMENT  
22 PROCESS SET FORTH IN SECTION 1720.1-A. A CHARTER SCHOOL OR  
23 REGIONAL CHARTER SCHOOL MAY OPERATE AT MORE THAN ONE LOCATION  
24 WITHIN THE DISTRICT OR DISTRICTS THAT AUTHORIZED THE CHARTER  
25 WITHOUT REQUESTING AN AMENDMENT IF OPERATION IN MORE THAN ONE  
26 LOCATION IS PERMITTED BY THE TERMS OF THE CHARTER.

27 FOR PURPOSES OF THIS SECTION, AN "EMERGENCY" SHALL MEAN A  
28 MANMADE OR NATURAL DISASTER, INCLUDING, BUT NOT LIMITED TO,  
29 DAMAGE TO A SCHOOL BUILDING, ANOTHER CIRCUMSTANCE RENDERING A  
30 SCHOOL BUILDING UNFIT OR UNSAFE FOR USE, A DISEASE EPIDEMIC OR A

1 HAZARDOUS WEATHER CONDITION. IF ANOTHER EMERGENCY ARISES THAT  
2 REQUIRES EXPANDED ENROLLMENT OR A CHANGE IN FACILITY, THE  
3 CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL MUST CONSULT WITH THE  
4 AUTHORIZING SCHOOL DISTRICT OR SCHOOL DISTRICTS.

5 Section 4. Section 1723-A(a) and (b) of the act are amended  
6 and the section is amended by adding a ~~subsection~~ SUBSECTIONS to <--  
7 read:

8 Section 1723-A. [Enrollment] Admission and Enrollment  
9 Requirements.--(a) (1) All resident children in this  
10 Commonwealth who submit a completed enrollment form in  
11 accordance with clauses (3) and (4) qualify for admission to a  
12 charter school entity within the provisions of subsection (b).  
13 [If] In the case of a charter school or regional charter school,  
14 if more students apply to the charter school or regional charter  
15 school than the number of attendance slots available in the  
16 school, then students must be selected on a random basis from a  
17 pool of [qualified applicants meeting the established  
18 eligibility criteria and submitting an application] eligible  
19 applicants who have submitted an enrollment form in accordance  
20 with clauses (3) and (4) by the deadline established by the  
21 charter school or regional charter school, except that the  
22 charter school or regional charter school may give preference in  
23 enrollment to a child of a parent who has actively participated  
24 in the development of the charter school [and] or regional  
25 charter school, to siblings of students presently enrolled in  
26 the charter school or regional charter school and to siblings of  
27 students selected for enrollment during the lottery process.  
28 First preference shall be given to students who reside in the  
29 district or districts[.] in which the charter school is  
30 physically located or in which the regional charter school is

1 chartered.

2 (2) If a charter school or regional charter school has a  
3 waiting list following its initial selection of eligible  
4 applicants under clause (1), the charter school or regional  
5 charter school shall select and enroll eligible applicants from  
6 the waiting list as spaces become available. All children shall  
7 be assigned to the waiting list on a random basis. When  
8 selecting and enrolling eligible applicants from the waiting  
9 list, a charter school or regional charter school shall give  
10 first preference to students as provided under clause (1) and to  
11 those who reside in the district or districts in which the  
12 charter school is physically located or in which the regional  
13 charter school is chartered until the charter school or regional  
14 charter school again reaches its maximum capacity of students.  
15 If a charter school or regional charter school has a waiting  
16 list, once the charter school or regional charter school has  
17 exhausted the waiting list of resident children, it may then  
18 enroll children on the waiting list who reside outside of the  
19 district. Nonresident children shall also be selected and  
20 enrolled on a random basis.

21 (3) The department, in consultation with representatives of  
22 charter school entities, shall develop a standard enrollment  
23 form in both paper and electronic formats that shall be used by  
24 all eligible applicants to apply to a charter school entity. The  
25 standard enrollment form shall only request information  
26 necessary to allow the charter school entity to identify the  
27 student, grade level and residency, including:

28 (i) The student's name, physical address, telephone number,  
29 age, birth date and current grade level.

30 (ii) The name, physical address, telephone number and e-mail

1 address of the student's parent or guardian.

2 (4) The standard enrollment form shall be made physically  
3 available at each charter school entity, in a form that complies  
4 with Federal and State law, and posted on the publicly  
5 accessible Internet website of each charter school entity, if  
6 available. A charter school entity may accept the enrollment  
7 form via paper or electronic means.

8 (5) When a student applies to a charter school entity, a  
9 charter school entity shall not require or request information  
10 beyond the contents of the standard enrollment form developed by  
11 the department.

12 (6) Nothing in this section shall prohibit a charter school  
13 entity from requesting the submission of additional records and  
14 information that public schools are entitled to receive after a  
15 student is accepted for admission to, and has indicated an  
16 intent to enroll in, the charter school entity.

17 (7) As used in this subsection, "eligible applicant" shall  
18 mean a student who is seeking to enter a grade level offered by  
19 the charter school entity and meets the requirements of 22 Pa.  
20 Code §§ 11.12 (relating to school age), 11.13 (relating to  
21 compulsory school age), 11.14 (relating to admission to  
22 kindergarten when provided), 11.15 (relating to admission of  
23 beginners), 11.16 (relating to early admission of beginners) and  
24 12.1 (relating to free education and attendance) and student  
25 residency requirements.

26 (b) (1) A charter school entity shall not discriminate in  
27 its admission policies or practices on the basis of intellectual  
28 ability, [except as provided in paragraph (2), or] athletic  
29 ability, measures of achievement or aptitude, status as a person  
30 with a disability, proficiency in the English language or any

1 other basis that would be illegal if used by a school district.

2 (2) A charter school entity may limit [admission] its  
3 academic focus to a particular grade level, a targeted  
4 population group composed of at-risk students[, or areas of  
5 concentration of the school such as mathematics, science or the  
6 arts. A charter school may establish reasonable criteria to  
7 evaluate prospective students which shall be outlined in the  
8 school's charter.] or a specialized area or accelerated program  
9 of study, such as mathematics, science or the arts. A PERFORMING <--  
10 ARTS CHARTER SCHOOL ENTITY MAY ESTABLISH REASONABLE ARTISTIC  
11 CRITERIA FOR ADMISSION FOR GRADES NINE THROUGH TWELVE, WHICH  
12 MUST BE OUTLINED IN THE SCHOOL'S CHARTER TO EVALUATE PROSPECTIVE  
13 STUDENTS FOR ENROLLMENT.

14 \* \* \*

15 (e) A school district's obligation to make payments for  
16 students enrolled in a charter school entity shall be governed  
17 by section 1725-A or, in the case of students who are below a  
18 school district's age of enrollment, by the terms of any charter  
19 or service contract between a school district and a charter  
20 school entity. Notwithstanding the above, absent language to the  
21 contrary in a charter or service contract between a school  
22 district and a charter school entity, a school district shall  
23 not be obligated to fund a four-year-old kindergarten program if  
24 the school district has exercised its discretion not to offer  
25 such a program in its own schools.

26 (F) UPON NOTIFICATION OF THE NONRENEWAL OR TERMINATION OF A <--  
27 CHARTER UNDER SECTION 1729-A, A CHARTER SCHOOL MAY NOT ENROLL  
28 NEW STUDENTS UNLESS THE CHARTER SCHOOL FILES AN APPEAL TO THE  
29 CHARTER SCHOOL APPEAL BOARD. IF THE CHARTER SCHOOL'S APPEAL IS  
30 DENIED BY THE CHARTER SCHOOL APPEAL BOARD, THE CHARTER SCHOOL

1 MUST IMMEDIATELY STOP ENROLLING NEW STUDENTS.

2 Section 5. Sections 1727-A, 1743-A(e) and 1745-A of the act <--  
3 are amended to read:

4 SECTION 1727-A. [TORT LIABILITY] LIABILITY AND SECURITY.-- <--

5 (A) FOR PURPOSES OF TORT LIABILITY, EMPLOYES OF THE CHARTER  
6 SCHOOL SHALL BE CONSIDERED PUBLIC EMPLOYES AND THE BOARD OF  
7 TRUSTEES SHALL BE CONSIDERED THE PUBLIC EMPLOYER IN THE SAME  
8 MANNER AS POLITICAL SUBDIVISIONS AND LOCAL AGENCIES. THE BOARD  
9 OF TRUSTEES OF A CHARTER SCHOOL AND THE CHARTER SCHOOL SHALL BE  
10 SOLELY LIABLE FOR ANY AND ALL DAMAGES OF ANY KIND RESULTING FROM  
11 ANY LEGAL CHALLENGE INVOLVING THE OPERATION OF A CHARTER SCHOOL.  
12 NOTWITHSTANDING THIS REQUIREMENT, THE LOCAL BOARD OF DIRECTORS  
13 OF A SCHOOL ENTITY SHALL NOT BE HELD LIABLE FOR ANY ACTIVITY OR  
14 OPERATION RELATED TO THE PROGRAM OF THE CHARTER SCHOOL.

15 (B) (1) A CHARTER SCHOOL SHALL POSSESS AND MAINTAIN  
16 ADEQUATE AND APPROPRIATE INSURANCE, BOND OR OTHER SECURITY AS  
17 PROVIDED UNDER SECTION 1719-A(A) (17). THE INSURANCE, BOND OR  
18 OTHER SECURITY SHALL BE CONTINUOUSLY MAINTAINED AND SHALL  
19 PROVIDE COVERAGE DURING THE TIME THE CHARTER SCHOOL IS IN  
20 OPERATION AND FOR SUFFICIENT TIME FOLLOWING THE CHARTER SCHOOL'S  
21 CLOSURE TO MAKE PAYMENT ON ALL CLAIMS KNOWN OR WHICH COULD HAVE  
22 BEEN KNOWN TO EXIST AT THE TIME OF THE SCHOOL'S CLOSURE.

23 (2) THE INSURANCE, BOND OR OTHER SECURITY SHALL PROVIDE  
24 COVERAGE FOR EDUCATIONAL SERVICES AND FEES AND COSTS INCURRED BY  
25 A CHARTER SCHOOL AND PREVAILING PARTIES UNDER THE INDIVIDUALS  
26 WITH DISABILITIES EDUCATION ACT (PUBLIC LAW 91-230, 20 U.S.C. §  
27 1400 ET SEQ.), SECTION 504 OF THE REHABILITATION ACT OF 1973  
28 (PUBLIC LAW 93-112, 29 U.S.C. § 701 ET SEQ.) AND RELATED FEDERAL  
29 OR STATE LAWS, SALARY AND WAGE PAYMENTS DUE TO EMPLOYES,  
30 EMPLOYER AND EMPLOYEE CONTRIBUTIONS FOR THE PENNSYLVANIA SCHOOL

1 EMPLOYEES RETIREMENT SYSTEM AND OTHER RETIREMENT PROGRAMS  
2 OFFERED TO EMPLOYEES, MEDICAL AND OTHER HEALTH INSURANCE BENEFITS  
3 OFFERED TO EMPLOYEES, WORKERS COMPENSATION, UNEMPLOYMENT  
4 COMPENSATION AND TAXES AND OTHER LIABILITIES TO FEDERAL, STATE  
5 AND LOCAL TAX AGENCIES, SCHOOL DISTRICT OVERPAYMENTS UNDER  
6 SECTION 1725-A AND OTHER LIABILITIES REASONABLY CONNECTED TO THE  
7 CHARTER SCHOOL'S OPERATIONS.

8 (3) THE INSURANCE, BOND OR OTHER SECURITY SHALL NAME AS  
9 ADDITIONAL INSURED, OR OTHERWISE PROVIDE COVERAGE FOR, THE  
10 CHARTER AUTHORIZER AND THE COMMONWEALTH AND ITS AGENCIES AND  
11 OFFICIALS.

12 (4) EVIDENCE OF ADEQUATE AND APPROPRIATE INSURANCE, BOND OR  
13 OTHER SECURITY AS REQUIRED BY THIS SUBSECTION SHALL BE MADE  
14 AVAILABLE TO THE LOCAL BOARD OF SCHOOL DIRECTORS AND THE  
15 DEPARTMENT AT THE TIME OF INITIAL APPLICATION AND AT THE TIME OF  
16 SUBMISSION OF THE CHARTER RENEWAL APPLICATION. THE CHARTER  
17 SCHOOL SHALL ALSO PROVIDE EVIDENCE OF THE INSURANCE, BOND OR  
18 OTHER SECURITY TO PARENTS OR EMPLOYEES OF THE CHARTER SCHOOL OR  
19 TO THE LOCAL BOARD OF SCHOOL DIRECTORS OR THE DEPARTMENT UPON  
20 REQUEST. THE CHARTER SCHOOL SHALL PROVIDE WRITTEN NOTICE TO THE  
21 LOCAL BOARD OF SCHOOL DIRECTORS AND TO THE DEPARTMENT WITHIN TEN  
22 (10) DAYS OF ANY CHANGE TO THE INSURANCE, BOND OR SECURITY.

23 Section 1743-A. Cyber charter school requirements and  
24 prohibitions.

25 \* \* \*

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

28 (1) provide all instructional materials, which may  
29 include electronic or digital books in place of textbooks;

30 (2) provide all equipment, including, but not limited



1 to, a computer, computer monitor and printer, provided that a  
2 parent or guardian of more than one child who is enrolled in  
3 the same cyber charter school may elect not to receive a  
4 separate computer, computer monitor and printer for each  
5 enrolled child; and

6 (3) provide or reimburse for all technology and services  
7 necessary for the on-line delivery of the curriculum and  
8 instruction.

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

12 \* \* \*

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

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

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

27 (b.1) Local board of school directors or intermediate  
28 unit.--

29 (1) Nothing in this article shall be construed to  
30 preclude a school district or an intermediate unit from

1 offering instruction via the Internet or other electronic  
2 means, except that the instruction shall not be recognized as  
3 a cyber charter school under this article unless the school  
4 district or intermediate unit establishes a cyber charter  
5 school under subsection (a) and paragraph (2).

6 (2) A cyber charter school may be established by a local  
7 board of school directors or an intermediate unit if the  
8 procedures and requirements of this article are satisfied.

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

11 (d) Application.--An application to establish a cyber  
12 charter school shall be submitted to the department by October 1  
13 of the school year preceding the school year in which the cyber  
14 charter school proposes to commence operation.

15 (e) Grant or denial.--Within 120 days of receipt of an  
16 application, the department shall grant or deny the application.  
17 The department shall review the application and shall hold at  
18 least one public hearing under 65 Pa.C.S. Ch. 7 (relating to  
19 open meetings). At least 30 days prior to the hearing, the  
20 department shall publish in the Pennsylvania Bulletin and on the  
21 department's [World Wide Web site] publicly accessible Internet  
22 website notice of the hearing and the purpose of the  
23 application.

24 (f) Evaluation criteria.--

25 (1) A cyber charter school application pursuant to  
26 section 1719-A submitted under this subdivision shall be  
27 evaluated by the department based on the following criteria:

28 (i) The demonstrated, sustainable support for the  
29 cyber charter school plan by teachers, parents or  
30 guardians and students.

1           (ii) The capability of the cyber charter school  
2 applicant, in terms of support and planning, to provide  
3 comprehensive learning experiences to students under the  
4 charter.

5           (iii) The extent to which the programs outlined in  
6 the application will enable students to meet the academic  
7 standards under 22 Pa. Code Ch. 4 (relating to academic  
8 standards and assessment) or subsequent regulations  
9 promulgated to replace 22 Pa. Code Ch. 4.

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

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

14          (2) Written notice of the action of the department shall  
15 be sent by certified mail to the applicant and published on  
16 the department's [World Wide Web site] publicly accessible  
17 Internet website. If the application is denied, the reasons  
18 for denial, including a description of deficiencies in the  
19 application, shall be clearly stated in the notice.

20          (3) Upon approval of a cyber charter school application,  
21 a written charter shall be developed which shall contain the  
22 provisions of the charter application and be signed by the  
23 secretary and each member of the board of trustees of the  
24 cyber charter school. The charter, when duly signed, shall  
25 act as legal authorization of the establishment of a cyber  
26 charter school. The charter shall be legally binding on the  
27 department, the cyber charter school and its board of  
28 trustees. The charter [shall be for a period of no less than  
29 three years nor more than five years and may be renewed for a  
30 period of five years by the department.] term shall be as

1 follows:

2 (i) An initial charter granted under this section  
3 shall be for a period of no less than three years and no  
4 more than five years.

5 (ii) For cyber charter schools, a charter may be  
6 renewed for five-year periods upon reauthorization by the  
7 department.

8 (4) (i) A cyber charter school shall submit a renewal  
9 application as provided under section 1719-A with the  
10 department by ~~December~~ OCTOBER 1 of the final year of the <--  
11 charter.

12 (ii) Within ~~90~~ 120 days of its receipt of the <--  
13 renewal application, the department shall renew or not  
14 renew the charter.

15 [(4)] (5) The decision of the department to deny an  
16 application may be appealed to the appeal board.

17 (6) (i) Subject to subparagraph (ii), a cyber charter  
18 school may request amendments to its approved written  
19 charter by filing with the department a written document  
20 describing the requested amendment no later than ~~December~~ <--  
21 OCTOBER 15 of the school year prior to the school year in <--  
22 which the amendment would take effect.

23 (ii) Notwithstanding the notice requirements of  
24 subparagraph (i), in the event of the impossibility of a  
25 cyber charter school's compliance with the terms of a  
26 charter due to its inability to acquire services or  
27 products outlined in a charter or facility damage, the  
28 cyber charter school shall immediately notify the  
29 department of the necessity for an emergency amendment,  
30 which shall be effective immediately as a temporary

1 amendment pending completion of the processes set forth  
2 in paragraphs (7) and (8).

3 (III) FOR A FIVE-YEAR CHARTER, A CYBER CHARTER <--  
4 SCHOOL MAY ONLY REQUEST AMENDMENTS IN YEAR TWO, THREE OR  
5 FOUR OF THE CHARTER TERM. FOR A THREE-YEAR CHARTER, A  
6 CYBER CHARTER SCHOOL MAY ONLY REQUEST AMENDMENTS IN YEAR  
7 TWO.

8 (7) Within 60 days of its receipt of the charter  
9 amendment request, the department shall hold a public hearing  
10 on the requested amendment under 65 Pa.C.S. Ch. 7.

11 (8) Within 60 days after the hearing required under  
12 paragraph (7), the department shall grant or deny the  
13 requested amendment. Failure by the department to hold a  
14 public hearing and to grant or deny the requested amendment  
15 within the time periods specified in this section shall be  
16 deemed an approval, after which the amended charter shall be  
17 legally binding on both the department and the board of  
18 trustees of the cyber charter school.

19 ~~(9) Notwithstanding paragraph (6), a cyber charter~~ <--  
20 ~~school also may request amendments to its approved written~~  
21 ~~charter at the time of renewal. Charter amendment requests~~  
22 ~~made at the time of renewal shall be considered as distinct~~  
23 ~~requests that shall be subject to independent approval or~~  
24 ~~denial by the department, in accordance with the provisions~~  
25 ~~of this section.~~

26 ~~(10) (9) An applicant for an amendment may appeal the~~ <--  
27 ~~denial of a requested amendment under this section to the~~  
28 ~~appeal board provided for under section 1721-A.~~ <--  
29 ~~EXCEPT THAT~~  
30 ~~AN APPLICANT MAY NOT APPEAL A DENIAL RELATED TO ENROLLMENT~~  
~~GROWTH OR GRADE EXPANSION.~~

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

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

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