

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1626 Session of 2021

INTRODUCED BY WHITE, STAMBAUGH, PICKETT, HAMM, TOPPER, LEWIS
DELOSSO, MILLARD AND PENNYCUICK, JUNE 14, 2021

REFERRED TO COMMITTEE ON EDUCATION, JUNE 14, 2021

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 State Charter School Appeal Board.

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

9 Section 1. Section 1721-A of the act of March 10, 1949
10 (P.L.30, No.14), known as the Public School Code of 1949, is
11 amended to read:

12 Section 1721-A. State Charter School Appeal Board.--(a)
13 Membership.--The State Charter School Appeal Board shall consist
14 of the Secretary of Education and [six (6)] members who shall be
15 appointed by the [Governor by and with the consent of a majority
16 of all the members of the Senate. Appointments by the Governor
17 shall not occur prior to January 1, 1999. The Governor shall
18 select the chairman of the appeal board to serve at the pleasure
19 of the Governor. The members shall include:] General Assembly.
20 The appeal board shall consist of the following appointed

1 members:

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

3 (2) A school board member.

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

6 (4) [A faculty member or administrative employe of an
7 institution of higher education.] An administrator or trustee of
8 an institution of higher education.

9 (5) A member of the business community.

10 (6) [A member of the State Board of Education.] An
11 administrator or trustee of a charter school entity.

12 (a.1) Appointments to the appeal board.--The appointed
13 members to the appeal board shall be made by the following:

14 (1) Two (2) members shall be appointed by the President
15 pro tempore of the Senate.

16 (2) One (1) member shall be appointed by the Minority
17 Leader of the Senate.

18 (3) Two (2) members shall be appointed by the Speaker of
19 the House of Representatives.

20 (4) One (1) member shall be appointed by the Minority
21 Leader of the House of Representatives.

22 (a.2) Initial appointments to the appeal board.--The initial
23 terms to be served by appointees under subsection (a) shall be
24 as follows:

25 (1) Of the two (2) members appointed initially by the
26 President pro tempore of the Senate, one (1) shall serve a
27 term of two (2) years and one (1) shall serve a term of four
28 (4) years and one of whom must be:

29 (i) A certified teacher actively employed in a
30 public school.

1 (ii) A member of the business community.

2 (2) The one (1) member appointed initially by the
3 Minority Leader of the Senate shall serve a term of three (3)
4 years and must be an administrator or trustee of a charter
5 school entity.

6 (3) Of the two (2) members appointed initially by the
7 Speaker of the House of Representatives, one (1) shall serve
8 a term of two (2) years and one (1) shall serve a term of
9 four (4) years and one of whom must be:

10 (i) A school board member.

11 (ii) An administrator or trustee of an institution
12 of higher education.

13 (4) The one (1) member appointed initially by the
14 Minority Leader of the House of Representatives shall serve a
15 term of three (3) years and must be a parent of a school-aged
16 child.

17 (a.3) Vacancies.--Upon expiration of a term, the resignation
18 of an appointee or a vacancy, an appointment must be made to the
19 Senate within thirty (30) days. If the timeline provided in this
20 subsection is not met, the duty to fill the vacant appointment
21 shall devolve to the Governor with the consent of the majority
22 of all the members of the Senate.

23 (a.4) Term of office.--Upon the expiration of a term of a
24 member appointed under subsection (c), the following shall
25 apply:

26 (1) The term of office of members of the appeal board,
27 other than the secretary, shall be for a period of four (4)
28 years [or] but members shall continue to serve until a
29 successor is appointed and qualified. [, except that, of the
30 initial appointees, the Governor shall designate two (2)

1 members to serve terms of two (2) years, two (2) members to
2 serve terms of three (3) years and two (2) members to serve
3 terms of four (4) years. Any appointment to fill any vacancy
4 shall be for the period of the unexpired term or until a
5 successor is appointed and qualified.]

6 (2) An appointment to fill a vacancy shall be for the
7 period of the unexpired term or until a successor is
8 appointed and qualified.

9 (a.5) Removal.--A member of the appeal board shall only be
10 removed from office by the appointing authority:

11 (1) for misconduct in office, willful neglect of duty or
12 conduct evidencing unfitness for office or incompetence; or

13 (2) upon conviction of an offense graded as a felony, an
14 infamous crime, an offense under this part or an equivalent
15 offense under Federal law or the law of another jurisdiction.

16 (b) [The appeal board] Meetings.--The first meeting shall
17 occur within 30 days of a quorum number of members appointed.

18 Subsequent appeal board meetings shall meet as needed, but no

19 fewer than at least quarterly, to fulfill the purposes provided

20 in this [subsection] section. A majority of the members of the

21 appeal board shall constitute a quorum, and a majority of the

22 members of the appeal board shall have authority to act upon any

23 matter properly before the appeal board. The appeal board is

24 authorized to establish rules for its operation.

25 [(c)] (c) Compensation.--The members shall receive no

26 payment for their services. Members who are not employes of

27 State government shall be reimbursed for expenses incurred in

28 the course of their official duties from funds appropriated for

29 the general government operations of the department.

30 (d) Duties of department.--The department shall provide

1 assistance and staffing for the appeal board. The Governor,
2 through the Governor's General Counsel, shall provide such legal
3 advice and assistance as the appeal board may require.

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

9 Section 2. This act shall take effect immediately.