

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1685 Session of
2021

INTRODUCED BY TOPPER, GLEIM, HAMM, JAMES, PICKETT, RYAN, SMITH
AND THOMAS, JUNE 23, 2021

REFERRED TO COMMITTEE ON EDUCATION, JUNE 23, 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 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 powers of charter schools, for charter
9 school requirements, for powers of board of trustees, for
10 establishment of charter school, for contents of application,
11 for term and form of charter, providing for amendments and
12 further providing for State Charter School Appeal Board, for
13 facilities, for enrollment, for multiple charter school
14 organizations, for cyber charter school requirements and
15 prohibitions, for school district and intermediate unit
16 responsibilities, for establishment of cyber charter school
17 and for cyber charter school application; and, in
18 reimbursements by Commonwealth and between school districts,
19 further providing for Commonwealth reimbursements for charter
20 schools and cyber charter schools.

21 The General Assembly of the Commonwealth of Pennsylvania
22 hereby enacts as follows:

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

26 Section 1313.2. Transfer of Attendance Records to Another
27 School Entity or Nonpublic School.--(a) (1) Whenever a student

1 transfers to another school entity or nonpublic school within
2 this Commonwealth, a copy of the student's attendance record
3 shall be transmitted to the school entity or nonpublic school to
4 which the student has transferred.

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

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

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

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

19 Section 2. Section 1703-A of the act is amended to read:

20 Section 1703-A. Definitions.--As used in this article,

21 "Administrator" shall include an employe of a charter school
22 entity, including the chief administrator of a charter school
23 entity and any other employe, who by virtue of the employe's
24 position is responsible for taking official action of a
25 nonministerial nature with regard to contracting or procurement,
26 administering or monitoring grants or subsidies, managing or
27 regulating staff, student and school activities or any activity
28 where the official action has an economic impact of greater than
29 a de minimis nature on the interests of any person.

30 "Aid ratio" and "market value/income aid ratio" shall be:

1 (1) the aid ratio and market value/income aid ratio for the
2 school district that granted a charter to the charter school;

3 (2) for a regional charter school, the aid ratio and market
4 value/income aid ratio shall be a composite, as determined by
5 the department, based on the school districts that granted the
6 charter; or

7 (3) for a cyber charter school, the aid ratio and market
8 value/income aid ratio shall be that of the school district in
9 which the administrative offices of the cyber charter school are
10 located.

11 "Appeal board" shall mean the State Charter School Appeal
12 Board established by this article.

13 "Assessment" shall mean the Pennsylvania System of School
14 Assessment test, the Keystone Exam or another test established
15 or approved by the State board or the General Assembly to meet
16 the requirements of section 2603-B or 2604-B or 22 Pa. Code §
17 4.51 (relating to State assessment system) or required under the
18 Every Student Succeeds Act (Public Law 114-95, 129 Stat. 1802)
19 or its successor Federal statute.

20 "At-risk student" shall mean a student at risk of educational
21 failure because of limited English proficiency, poverty,
22 community factors, truancy, academic difficulties or economic
23 disadvantage.

24 "Charter school" shall mean an independent public school
25 established and operated under a charter from the local board of
26 school directors and in which students are enrolled or attend. A
27 charter school must be organized as a public, nonprofit
28 corporation. Charters may not be granted to any for-profit
29 entity.

30 ["Chief executive officer" shall mean an individual appointed

1 by the board of trustees to oversee and manage the operation of
2 the charter school, but who shall not be deemed a professional
3 staff member under this article.]

4 "Charter school entity" shall mean a charter school, regional
5 charter school or cyber charter school.

6 "Charter school foundation" shall mean a nonprofit
7 organization under section 501(c)(3) of the Internal Revenue
8 Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)), that
9 provides funding, resources or otherwise serves to support a
10 charter school entity, either directly or through an affiliated
11 entity.

12 "Chief administrator" shall mean an individual appointed by a
13 board of trustees to oversee and manage the operation of a
14 charter school entity. The term shall not include a professional
15 staff member under this article.

16 "Community college" shall mean a community college
17 established under Article XIX-A.

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

27 "Department" shall mean the Department of Education of the
28 Commonwealth.

29 "Educational management service provider" shall mean a
30 nonprofit or for-profit entity with which a board of trustees of

1 a charter school entity contracts to provide management or
2 operation of all or substantially all of the charter school's
3 functions, or all or substantially all of the charter school's
4 instructional, curricular or administrative functions. The term
5 shall not include a charter school foundation.

6 "Family member" shall mean a parent, stepparent, child,
7 stepchild, spouse, domestic partner, brother, sister,
8 stepbrother, stepsister, grandparent, grandchild, parent-in-law,
9 brother-in-law, sister-in-law, aunt, uncle or first cousin.

10 "Local board of school directors" shall mean the board of
11 directors or other governing authority of a school district in
12 which a proposed or an approved charter school is located.

13 "Nonrelated" shall mean an individual who is not a family
14 member.

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

21 "School district of residence" shall mean the school district
22 in this Commonwealth in which [the parents or guardians of a
23 child reside.] a child resides as determined under section 1302
24 and 22 Pa. Code § 11.11(a)(1) (relating to entitlement of
25 resident children to attend public schools).

26 "School entity" shall mean a school district, intermediate
27 unit, joint school or area career and technical school.

28 "Secretary" shall mean the Secretary of Education of the
29 Commonwealth.

30 "State board" shall mean the State Board of Education of the

1 Commonwealth.

2 Section 3. Section 1714-A(a) of the act is amended by adding
3 a paragraph to read:

4 Section 1714-A. Powers of Charter Schools.--(a) A charter
5 school established under this act is a body corporate and shall
6 have all powers necessary or desirable for carrying out its
7 charter, including, but not limited to, the power to:

8 * * *

9 (8) Offer instruction via the Internet or other electronic
10 means, except that the instruction shall not be recognized as a
11 cyber charter school under this article unless the charter
12 school or regional charter school establishes a cyber charter
13 school under section 1745-A. The decision by a charter school to
14 offer instruction via the Internet or other electronic means
15 shall not be subject to section 1720.1-A or approval of the
16 local board of school directors.

17 * * *

18 Section 4. Sections 1715-A, 1716-A, 1717-A, 1719-A and 1720-
19 A of the act are amended to read:

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

23 (1) Except as otherwise provided in this article, a charter
24 school entity is exempt from statutory requirements established
25 in this act, from regulations of the State board and the
26 standards of the secretary not specifically applicable to
27 charter [schools] school entities. Charter [schools] school
28 entities are not exempt from statutes applicable to public
29 schools other than this act.

30 (2) A charter school entity shall be accountable to the

1 parents, the public and the Commonwealth, with the delineation
2 of that accountability reflected in the charter. Strategies for
3 meaningful parent and community involvement shall be developed
4 and implemented by each school.

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

7 (4) A charter school entity shall be nonsectarian in all
8 operations.

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

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

15 (A) if the charter school entity provides for discrete and
16 separate entrances to buildings utilized for school purposes
17 only;

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

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

23 (6) A charter school entity shall not advocate unlawful
24 behavior.

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

28 (8) A charter school entity shall participate in the
29 Pennsylvania State Assessment System as provided for in 22 Pa.
30 Code Ch. 5 (relating to curriculum), or subsequent regulations

1 promulgated to replace 22 Pa. Code Ch. 5, in the manner in which
2 the school district in which the charter school entity is
3 located is scheduled to participate.

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

11 (10) Boards of trustees and contractors of charter [schools]
12 school entities shall be subject to the following statutory
13 requirements governing construction projects and construction-
14 related work:

15 (i) The following provisions of this act:

16 (A) Sections 751 and 751.1.

17 (B) Sections 756 and 757 insofar as they are consistent with
18 the act of December 20, 1967 (P.L.869, No.385), known as the
19 "Public Works Contractors' Bond Law of 1967."

20 (ii) Section 1 of the act of May 1, 1913 (P.L.155, No.104),
21 entitled "An act regulating the letting of certain contracts for
22 the erection, construction, and alteration of public buildings."

23 (iii) The act of August 11, 1961 (P.L.987, No.442), known as
24 the "Pennsylvania Prevailing Wage Act."

25 (iv) The "Public Works Contractors' Bond Law of 1967."

26 (v) The act of March 3, 1978 (P.L.6, No.3), known as the
27 "Steel Products Procurement Act."

28 (11) Trustees of a charter school entity shall be public
29 officials[.]

30 (12) A person who serves as an administrator for a charter

1 school shall not receive compensation from another charter
2 school or from a company that provides management or other
3 services to another charter school. The term "administrator"
4 shall include the chief executive officer of a charter school
5 and all other employes of a charter school who by virtue of
6 their positions exercise management or operational oversight
7 responsibilities. A person who serves as an administrator for a
8 charter school shall be a public official under 65 Pa.C.S. Ch.
9 11 (relating to ethics standards and financial disclosure). A
10 violation of this clause shall constitute a violation of 65
11 Pa.C.S. § 1103(a) (relating to restricted activities), and the
12 violator shall be subject to the penalties imposed under the
13 jurisdiction of the State Ethics Commission.] for the purposes
14 of 65 Pa.C.S. Ch. 11 (relating to ethics standards and financial
15 disclosure) and shall file a statement of financial interests
16 for the preceding calendar year with the State Ethics Commission
17 and either the local board of school directors in the case of a
18 charter school or regional charter school, or the department in
19 the case of a cyber charter school, not later than May 1 of each
20 year that members hold the position and of the year after a
21 member leaves the position. All members of the board of trustees
22 of a charter school entity shall take the oath of office as
23 required under section 321 before entering upon the duties of
24 their office.

25 (b) An individual who serves as an administrator for a
26 charter school entity shall be a public employe for the purposes
27 of 65 Pa.C.S. Ch. 11 and shall file a statement of financial
28 interests for the preceding calendar year with the board of
29 trustees not later than May 1 of each year that the person holds
30 the position and of the year after the person leaves the

1 position.

2 (c) (1) No individual who serves as an administrator for a
3 charter school entity may receive compensation from another
4 charter school entity or from an educational management service
5 provider, unless:

6 (i) The administrator has submitted a sworn statement to the
7 board of trustees of the charter school entity and the sworn
8 statement details the work for the other entity and includes the
9 projected number of hours, rate of compensation and projected
10 duration.

11 (ii) The board of trustees of the charter school entity has
12 reviewed the sworn statement under subparagraph (i) and agreed,
13 by resolution, to grant permission to the administrator.

14 (2) A copy of the sworn statement under paragraph (1)(i) and
15 the resolution by the board of trustees granting the permission
16 under paragraph (1)(ii) shall be provided to, and kept on file
17 with, the charter school entity and the local board of school
18 directors or, in the case of a cyber charter school, the
19 department.

20 (3) No administrator of a charter school entity or family
21 member of the administrator may serve as a voting member of the
22 board of trustees of the charter school entity that employs the
23 administrator.

24 (4) (i) No administrator of a charter school entity may
25 participate in the selection, award or administration of a
26 contract if the person has a conflict of interest as that term
27 is defined in 65 Pa.C.S. § 1102 (relating to definitions).

28 (ii) An administrator who knowingly violates this paragraph
29 commits a violation of 65 Pa.C.S. § 1103(a) (relating to
30 restricted activities) and shall be subject to the penalties

1 imposed under the jurisdiction of the State Ethics Commission.

2 (iii) Any contract made in violation of this paragraph shall
3 be voidable by the board of trustees of the charter school
4 entity.

5 (5) An administrator shall be immediately dismissed upon
6 conviction for an offense graded as a felony, an infamous crime,
7 an offense pertaining to fraud, theft or mismanagement of public
8 funds or any crime involving moral turpitude.

9 (d) As used in this section, "charter school entity" shall
10 mean a charter school, regional charter school or cyber charter
11 school.

12 Section 1716-A. Powers of Board of Trustees.--(a) The board
13 of trustees of a charter school shall have the authority to
14 decide matters related to the operation of the school,
15 including, but not limited to, budgeting, curriculum and
16 operating procedures, subject to the school's charter. The board
17 shall have the authority to employ, discharge and contract with
18 necessary professional and nonprofessional employees subject to
19 the school's charter and the provisions of this article.

20 (b) No member of a local board of school directors of a
21 school entity shall serve on the board of trustees of a charter
22 school that is located in the member's district.

23 (b.1) (1) For a charter school or regional charter school
24 chartered after the effective date of this subsection, an
25 individual shall be prohibited from serving as a voting member
26 of the board of trustees of the charter school or regional
27 charter school if the individual or a family member receives
28 compensation from or is employed by or is a member of the local
29 board of school directors who participated in the initial
30 review, approval, oversight, evaluation or renewal process of

1 the charter school or regional charter school chartered by that
2 board.

3 (b.2) (1) No member of the board of trustees of a charter
4 school entity may participate in the selection, award or
5 administration of any contract if the member has a conflict of
6 interest as that term is defined in 65 Pa.C.S. § 1102 (relating
7 to definitions).

8 (2) Any member of the board of trustees of a charter school
9 entity who in the discharge of the person's official duties
10 would be required to vote on a matter that would result in a
11 conflict of interest shall abstain from voting and follow the
12 procedures required under 65 Pa.C.S. § 1103(j) (relating to
13 restricted activities).

14 (3) A member of the board of trustees of a charter school
15 entity who knowingly violates this subsection commits a
16 violation of 65 Pa.C.S. § 1103(a) and shall be subject to the
17 penalties imposed under the jurisdiction of the State Ethics
18 Commission.

19 (4) A contract made in violation of this subsection shall be
20 voidable by a court of competent jurisdiction if the suit is
21 commenced within ninety (90) days of the discovery of the
22 violation.

23 (5) No member of the board of trustees of a charter school
24 entity shall be compensated for duties on the board of trustees.

25 (b.3) A member of the board of trustees of a charter school
26 entity shall be automatically disqualified and immediately
27 removed from the board of trustees upon conviction for an
28 offense graded as a felony, an infamous crime, an offense
29 pertaining to fraud, theft or mismanagement of public funds, any
30 offense pertaining to the member's official capacity as a member

1 of the board of trustees or any crime involving moral turpitude.

2 (c) The board of trustees shall comply with [the act of July
3 3, 1986 (P.L.388, No.84), known as the "Sunshine Act."] 65
4 Pa.C.S. Ch. 7 (relating to open meetings).

5 (d) (1) (i) The board of trustees of a charter school
6 entity shall consist of a minimum of five (5) nonrelated voting
7 members.

8 (ii) If a charter school entity has fewer than five (5)
9 nonrelated voting members serving on its board of trustees on
10 the effective date of this subsection, the charter school entity
11 shall, within one hundred eighty (180) days, appoint additional
12 members to the board of trustees to meet the minimum
13 requirements of this section.

14 (2) Within one (1) year of the effective date of this
15 subsection, at least one member of the board of trustees of a
16 charter school entity shall be a parent of a child currently
17 attending the charter school entity. The board of trustees
18 member provided for under this paragraph shall be eligible to
19 serve only so long as the child attends the charter school
20 entity. This paragraph shall not apply to a charter school that
21 primarily serves adjudicated youth.

22 (e) (1) A majority of the voting members of the board of
23 trustees shall constitute a quorum. If less than a majority is
24 present at any meeting, no business may be transacted at the
25 meeting.

26 (2) The affirmative vote of a majority of all the voting
27 members of the board of trustees, duly recorded, shall be
28 required in order to take official action on the subjects
29 enumerated under subsection (a).

30 (f) A charter school entity shall form an independent audit

1 committee of its board of trustees members which shall review at
2 the close of each fiscal year a complete certified audit of the
3 operations of the charter school entity. The audit shall be
4 conducted by a qualified independent certified public
5 accountant. The audit shall be conducted under generally
6 accepted audit standards of the Governmental Accounting
7 Standards Board and shall include the following:

8 (1) An enrollment test to verify the accuracy of student
9 enrollment and reporting to the Commonwealth.

10 (2) Full review of expense reimbursements for board of
11 trustees members and administrators, including sampling of all
12 reimbursements.

13 (3) Review of internal controls, including review of
14 receipts and disbursements.

15 (4) Review of annual Federal and State tax filings,
16 including the Internal Revenue Service Form 990, Return of
17 Organization Exempt from Income Tax and all related schedules
18 and appendices for the charter school entity and charter school
19 foundation, if applicable.

20 (5) Review of the financial statements of any charter school
21 foundation.

22 (6) Review of the selection and acceptance process of all
23 contracts publicly bid pursuant to section 751.

24 (7) Review of all board policies and procedures with regard
25 to internal controls, code of ethics, conflicts of interest,
26 whistle-blower protections, complaints from parents or the
27 public, compliance with 65 Pa.C.S. Ch. 7, finances, budgeting,
28 audits, public bidding and bonding.

29 (g) The certified audit under subsection (f) and the annual
30 budget under subsection (i) are public documents and shall be

1 made available on the charter school entity's publicly
2 accessible Internet website, if available, and, in the case of a
3 charter school or regional charter school, on the school
4 district's publicly accessible Internet website.

5 (h) A charter school entity may be subject to an annual
6 audit by the Auditor General, in addition to any other audits
7 required by Federal law or this act.

8 (i) A charter school entity shall annually provide the
9 department and, in the case of a charter school or regional
10 charter school, shall annually provide the school district with
11 a copy of the annual budget for the operation of the charter
12 school entity that identifies the following:

13 (1) The source of funding for all expenditures.

14 (2) Where funding is provided by a charter school
15 foundation, the amount of funds and a description of the use of
16 the funds.

17 (3) The salaries of all administrators of the charter school
18 entity.

19 (4) All expenditures to an educational management service
20 provider.

21 (j) (1) Notwithstanding any other provision of law, a
22 charter school entity and any affiliated charter school
23 foundation shall make copies of its annual Federal and State tax
24 filings available upon request and on the charter school
25 entity's or foundation's publicly accessible Internet website,
26 if available, including the Internal Revenue Service Form 990,
27 Return of Organization Exempt from Income Tax and all related
28 schedules and appendices.

29 (2) The charter school foundation shall also make copies of
30 its annual budget available upon request and on the foundation's

1 or the charter school entity's publicly accessible Internet
2 website within thirty (30) days of the close of the foundation's
3 fiscal year.

4 (3) The annual budget shall include the salaries of all
5 employees of the charter school foundation.

6 Section 1717-A. Establishment of Charter School.--(a) A
7 charter school may be established by an individual; one or more
8 teachers who will teach at the proposed charter school; parents
9 or guardians of students who will attend the charter school; any
10 nonsectarian college, university or museum located in this
11 Commonwealth; any nonsectarian corporation not-for-profit, as
12 defined in 15 Pa.C.S. (relating to corporations and
13 unincorporated associations); any corporation, association or
14 partnership; or any combination thereof. A charter school may be
15 established by creating a new school or by converting an
16 existing public school or a portion of an existing public
17 school. No charter school shall be established or funded by and
18 no charter shall be granted to any sectarian school, institution
19 or other entity. No funds allocated or disbursed under this
20 article shall be used to directly support instruction pursuant
21 to section 1327.1.

22 (b) (1) The conversion of an existing public school or
23 portion of an existing public school to a charter school may be
24 initiated by any individual or entity authorized to establish a
25 charter school under subsection (a).

26 (2) In order to convert an existing public school to a
27 charter school, the applicants must show that:

28 (i) More than fifty per centum of the teaching staff in the
29 public school have signed a petition in support of the public
30 school becoming a charter school; and

1 (ii) More than fifty per centum of the parents or guardians
2 of pupils attending that public school have signed a petition in
3 support of the school becoming a charter school.

4 (3) In no event shall the board of school directors serve as
5 the board of trustees of an existing school which is converted
6 to a charter school pursuant to this subsection.

7 (c) An application to establish a charter school shall be
8 submitted to the local board of school directors of the district
9 where the charter school will be located by [November 15]
10 October 1 of the school year preceding the school year in which
11 the charter school will be established except that for a charter
12 school beginning in the 1997-1998 school year, an application
13 must be received by July 15, 1997. In the 1997-1998 school year
14 only, applications shall be limited to recipients of fiscal year
15 1996-1997 Department of Education charter school planning
16 grants.

17 (d) Within forty-five (45) days of receipt of an
18 application, the local board of school directors in which the
19 proposed charter school is to be located shall hold at least one
20 public hearing on the provisions of the charter application,
21 under [the act of July 3, 1986 (P.L.388, No.84), known as the
22 "Sunshine Act."] 65 Pa.C.S. Ch. 7 (relating to open meetings).
23 At least forty-five (45) days must transpire between the first
24 public hearing and the final decision of the board on the
25 charter application except that for a charter school beginning
26 in the 1997-1998 school year, only thirty (30) days must
27 transpire between the first public hearing and the final
28 decision of the board.

29 (e) (1) Not later than seventy-five (75) days after the
30 first public hearing on the application, the local board of

1 school directors shall grant or deny the application. For a
2 charter school beginning in the 1997-1998 school year, the local
3 board of school directors shall grant or deny the application no
4 later than sixty (60) days after the first public hearing.

5 (2) A charter school application submitted under this
6 article shall be evaluated by the local board of school
7 directors based on criteria, including, but not limited to, the
8 following:

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

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

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

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

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

25 (4) A charter application shall be deemed approved by the
26 local board of school directors [of a school district] upon
27 affirmative vote by a majority of all the directors. Formal
28 action approving or denying the application shall be taken by
29 the local board of school directors at a public meeting, with
30 notice or consideration of the application given by the board,

1 under [the "Sunshine Act."] 65 Pa.C.S. Ch. 7.

2 (5) Written notice of the board's action shall be sent to
3 the applicant, the department and the appeal board. If the
4 application is denied, the reasons for the denial, including a
5 description of deficiencies in the application, shall be clearly
6 stated in the notice sent by the local board of school directors
7 to the charter school applicant.

8 (f) At the option of the charter school applicant, a denied
9 application may be revised and resubmitted to the local board of
10 school directors. Following the appointment and confirmation of
11 the Charter School Appeal Board under section 1721-A, the
12 decision of the local board of school directors may be appealed
13 to the appeal board pursuant to section 1721-A. When an
14 application is revised and resubmitted to the local board of
15 school directors, the board may schedule additional public
16 hearings on the revised application. The board shall consider
17 the revised and resubmitted application at the first board
18 meeting occurring at least forty-five (45) days after receipt of
19 the revised application by the board. For a revised application
20 resubmitted for the 1997-1998 school year, the board shall
21 consider the application at the first board meeting occurring at
22 least thirty (30) days after its receipt. The board shall
23 provide notice of consideration of the revised application under
24 [the "Sunshine Act."] 65 Pa.C.S. Ch. 7. No appeal from a
25 decision of a local school board may be taken until July 1,
26 1999.

27 (g) (1) Notwithstanding the provisions of subsection (e)
28 (5), failure by the local board of school directors to hold a
29 public hearing and to grant or deny the application for a
30 charter school within the time periods specified in subsections

1 (d), (e) and (f) [shall permit the applicant for a charter to
2 file its application as an appeal to the appeal board. In such
3 case, the appeal board shall review the application and make a
4 decision to grant or deny a charter based on the criteria
5 established in subsection (e)(2).] shall cause the charter
6 application to be deemed approved for a term of five (5) years
7 beginning in the school year proposed in the application, the
8 school year beginning immediately subsequent to approval or the
9 following school year, as determined at the charter school's
10 sole and absolute discretion.

11 (2) Upon a determination under paragraph (1), the charter
12 school shall provide written notice of the beginning of the
13 charter term to the local board of directors of a school
14 district or school districts, as appropriate. The charter
15 school's provision of written notice of the beginning of the
16 charter term to the local board of directors of a school
17 district or school districts shall serve as a requirement for
18 the local board of directors of a school district or school
19 districts, as appropriate, to grant the application and sign the
20 written charter of the charter school as provided for in section
21 1720-A.

22 (3) If the local board of directors fails to grant the
23 application and sign the charter within ten (10) days of notice
24 of the beginning of the charter term, the charter shall be
25 deemed to be approved and shall be signed by the chairman of the
26 appeal board.

27 [(h) In the case of a review by the appeal board of an
28 application that is revoked or is not renewed, the appeal board
29 shall make its decision based on the criteria established in
30 subsection (e)(2). A decision by the appeal board under this

1 subsection or subsection (g) to grant, to renew or not to revoke
2 a charter shall serve as a requirement for the local board of
3 directors of a school district or school districts, as
4 appropriate, to sign the written charter of the charter school
5 as provided for in section 1720-A. Should the local board of
6 directors fail to grant the application and sign the charter
7 within ten (10) days of notice of reversal of the decision of
8 the local board of directors, the charter shall be deemed to be
9 approved and shall be signed by the chairman of the appeal
10 board.]

11 (i) (1) The appeal board shall have the exclusive review of
12 an appeal by a charter school applicant, or by the board of
13 trustees of an existing charter school, of a decision made by a
14 local board of directors not to grant a charter as provided in
15 this section. The appeal process shall be conducted pursuant to
16 section 1721-A.

17 (2) [In order for a charter school applicant to be eligible
18 to appeal the denial of a charter by the local board of
19 directors, the applicant must obtain the signatures of at least
20 two per centum of the residents of the school district or of one
21 thousand (1,000) residents, whichever is less, who are over
22 eighteen (18) years of age. For a regional charter school, the
23 applicant must obtain the signatures of at least two per centum
24 of the residents of each school district granting the charter or
25 of one thousand (1,000) residents from each of the school
26 districts granting the charter, whichever is less, who are over
27 eighteen (18) years of age. The signatures shall be obtained
28 within sixty (60) days of the denial of the application by the
29 local board of directors in accordance with clause (3).

30 (3) Each person signing a petition to appeal denial of a

1 charter under clause (2) shall declare that he or she is a
2 resident of the school district which denied the charter
3 application and shall include his or her printed name;
4 signature; address, including city, borough or township, with
5 street and number, if any; and the date of signing. All pages
6 shall be bound together. Additional pages of the petition shall
7 be numbered consecutively. There shall be appended to the
8 petition a statement that the local board of directors rejected
9 the petition for a charter school, the names of all applicants
10 for the charter, the date of denial by the board and the
11 proposed location of the charter school. No resident may sign
12 more than one petition relating to the charter school
13 application within the sixty (60) days following denial of the
14 application. The department shall develop a form to be used to
15 petition for an appeal.

16 (4) Each petition shall have appended thereto the affidavit
17 of some person, not necessarily a signer, setting forth all of
18 the following:

19 (i) That the affiant is a resident of the school district
20 referred to in the petition.

21 (ii) The affiant's residence, giving city, borough or
22 township, with street and number, if any.

23 (iii) That the signers signed with full knowledge of the
24 purpose of the petition.

25 (iv) That the signers' respective residences are correctly
26 stated in the petition.

27 (v) That the signers all reside in the school district.

28 (vi) That each signer signed on the date set forth opposite
29 the signer's name.

30 (vii) That to the best of the affiant's knowledge and

1 belief, the signers are residents of the school district.

2 (5) If the required number of signatures are obtained within
3 sixty (60) days of the denial of the application, the applicant
4 may present the petition to the court of common pleas of the
5 county in which the charter school would be situated. The court
6 shall hold a hearing only on the sufficiency of the petition.
7 The applicant and local board of school directors shall be given
8 seven (7) days' notice of the hearing. The court shall issue a
9 decree establishing the sufficiency or insufficiency of the
10 petition. If the petition is sufficient, the decree shall be
11 transmitted to the State Charter School Appeal Board for review
12 in accordance with this section. Notification of the decree
13 shall be given to the applicant and the local board of
14 directors.

15 (6) In any appeal, the decision made by the local board of
16 directors shall be reviewed by the appeal board on the record as
17 certified by the local board of directors. The appeal board
18 shall give due consideration to the findings of the local board
19 of directors and specifically articulate its reasons for
20 agreeing or disagreeing with those findings in its written
21 decision. The appeal board shall have the discretion to allow
22 the local board of directors and the charter school applicant to
23 supplement the record if the supplemental information was
24 previously unavailable.

25 (7) Not later than thirty (30) days after the date of notice
26 of the acceptance of the appeal, the appeal board shall meet to
27 officially review the certified record.

28 (8) Not later than sixty (60) days following the review
29 conducted pursuant to clause (6), the appeal board shall issue a
30 written decision affirming or denying the appeal. If the appeal

1 board has affirmed the decision of the local board of directors,
2 notice shall be provided to both parties.

3 (9) A decision of the appeal board to reverse the decision
4 of the local board of directors shall serve as a requirement for
5 the local board of directors of a school district or school
6 districts, as appropriate, to grant the application and sign the
7 written charter of the charter school as provided for in section
8 1720-A. Should the local board of directors fail to grant the
9 application and sign the charter within ten (10) days of notice
10 of the reversal of the decision of the local board of directors,
11 the charter shall be deemed to be approved and shall be signed
12 by the chairman of the appeal board.

13 (10) All decisions of the appeal board shall be subject to
14 appellate review by the Commonwealth Court.] A charter school
15 applicant whose charter application has been denied shall file a
16 notice of appeal to the appeal board within ninety (90) days
17 after receipt by the application of the written notice of the
18 local board of school directors action denying the application
19 and the reasons for the denial. The appeal process shall proceed
20 pursuant to section 1721-A.

21 Section 1719-A. Contents of Application.--[An] (a) The
22 department shall create a standard application form for charter
23 school applicants seeking to establish a charter school entity
24 and a standard application form for existing charter school
25 entities seeking renewal of their charters. The department shall
26 transmit notice of the forms to the Legislative Reference Bureau
27 for publication in the Pennsylvania Bulletin, and the forms
28 shall be posted on the department's publicly accessible Internet
29 website.

30 (b) The standard application shall include [all of] only the

1 following information:

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

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

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

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

8 organization chart clearly presenting the proposed governance
9 structure of the school, including lines of authority and
10 reporting between the board of trustees, administrators, staff
11 and any educational management service provider that will
12 provide management services to the charter school entity.

13 (4.1) A clear description of the roles and responsibilities
14 of the board of trustees, administrators and any other entities,
15 including a charter school foundation, shown in the organization
16 chart.

17 (4.2) A clear description of the method for the appointment
18 or election of members of the board of trustees.

19 (4.3) Standards for board of trustees' performance,
20 including compliance with all applicable laws, regulations and
21 terms of the charter.

22 (4.4) If the charter school entity intends to contract with
23 an educational management service provider for services, all of
24 the following shall apply:

25 (i) Evidence of the educational management service
26 provider's record in serving student populations, including
27 demonstrated academic achievement and demonstrated management of
28 nonacademic school functions, including proficiency with public
29 school-based accounting, if applicable.

30 (ii) A draft contract, if the educational management service

1 provider has been engaged by the charter school entity, stating
2 all of the following:

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

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

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

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

10 (E) Performance evaluation measures and timelines.

11 (F) The compensation structure, including clear
12 identification of all fees to be paid to the educational
13 management service provider.

14 (G) Methods of contract oversight and enforcement.

15 (H) Investment disclosure or the advance of moneys by the
16 educational management service provider on behalf of the charter
17 school entity.

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

19 (iii) Disclosure and explanation of any existing or
20 potential conflicts of interest between the members of the board
21 of trustees and the proposed educational management service
22 provider or any affiliated business entities, including a
23 charter school foundation qualified as a support organization
24 under the Internal Revenue Code of 1986 (Public Law 99-514, 26
25 U.S.C. § 1 et seq.).

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

29 (6) The admission and enrollment policy [and criteria for
30 evaluating the admission of students] which shall comply with

1 the requirements of section 1723-A.

2 (7) Procedures which will be used regarding the suspension
3 or expulsion of pupils. Said procedures shall comply with
4 section 1318.

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

7 (9) The financial plan for the charter school entity and the
8 provisions which will be made for auditing the school under
9 [section 437] sections 437, 1716-A and 1728-A, including the
10 role of any charter school foundation.

11 (10) Procedures which shall be established to review
12 complaints of parents regarding the operation of the charter
13 school entity.

14 (11) A description of and address of the physical facility
15 in which the charter school entity will be located and the
16 ownership thereof and any lease arrangements.

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

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

23 (14) Whether any agreements have been entered into or plans
24 developed with the local school district regarding participation
25 of the charter school entity students in extracurricular
26 activities within the school district. Notwithstanding any
27 provision to the contrary, no school district of residence shall
28 prohibit a student of a charter school entity from participating
29 in any extracurricular activity of that school district of
30 residence: Provided, That the student is able to fulfill all of

1 the requirements of participation in such activity and the
2 charter school entity does not provide the same extracurricular
3 activity.

4 (15) [A report] Reports of criminal history [record] records
5 and employment history reviews, pursuant to [section 111]
6 sections 111 and 111.1, for all individuals identified in the
7 application who shall have direct contact with students[.] and a
8 plan for satisfying the proper criminal history record
9 clearances and employment history reviews required for all other
10 staff.

11 (16) An official clearance statement regarding child injury
12 or abuse from the Department of [Public Welfare] Human Services
13 as required by 23 Pa.C.S. Ch. 63 Subch. [C.2 (relating to
14 background checks for employment in schools)] C (relating to
15 powers and duties of department) and section 111 for all
16 individuals identified in the application who shall have direct
17 contact with students[.] and a plan for satisfying the proper
18 official clearance statement regarding child injury or abuse
19 required for all other staff.

20 (17) How the charter school entity will provide adequate
21 liability and other appropriate insurance for the charter school
22 entity, its employes and the board of trustees of the charter
23 school[.] entity.

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

28 (19) Indicate whether the charter school entity will seek
29 accreditation by a nationally recognized accreditation agency,
30 including the Middle States Association of Colleges and Schools

1 or another regional institutional accrediting agency recognized
2 by the United States Department of Education or an equivalent
3 federally recognized body for charter school education.

4 (c) The renewal application shall include only the following
5 information:

6 (1) The name of the charter school entity.

7 (2) The name and contact information for the chief
8 administrator.

9 (3) The grade or age levels served by the charter school
10 entity.

11 (4) The physical location of the charter school entity and
12 the ownership thereof and any lease arrangements.

13 (5) An organization chart clearly presenting the governance
14 structure of the charter school entity, including lines of
15 authority and reporting between the board of trustees,
16 administrators, staff and any educational management service
17 provider that will provide management services to the charter
18 school entity.

19 (6) A clear description of the roles and responsibilities of
20 the board of trustees, administrators and any other entities,
21 including a charter school foundation, shown in the organization
22 chart.

23 (7) A clear description of the method for the appointment or
24 election of members of the board of trustees.

25 (8) Standards for board of trustees' performance, including
26 compliance with all applicable laws, regulations and terms of
27 the charter.

28 (9) If the charter school entity contracts with an
29 educational management service provider for services, all of the
30 following shall apply:

1 (i) Evidence of the educational management service
2 provider's record in serving student populations, including
3 demonstrated academic achievement and demonstrated management of
4 nonacademic school functions, including proficiency with public
5 school-based accounting, if applicable.

6 (ii) The executed contract between the charter school entity
7 and the educational management service provider, which shall
8 include all of the following:

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

11 (B) The duration of the service contract.

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

14 (D) The scope of services, personnel and resources provided
15 by the educational management service provider.

16 (E) Performance evaluation measures and timelines.

17 (F) The compensation structure, including clear
18 identification of all fees to be paid to the educational
19 management service provider.

20 (G) Methods of contract oversight and enforcement.

21 (H) Investment disclosure or the advance of moneys by the
22 educational management service provider on behalf of the charter
23 school entity.

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

25 (iii) Disclosure and explanation of any existing conflicts
26 of interest between the members of the board of trustees and the
27 educational management service provider or any affiliated
28 business entities, including a charter school foundation
29 qualified as a support organization under the Internal Revenue
30 Code of 1986.

1 (10) The mission and education goals of the charter school
2 entity, the curriculum to be offered and the methods of
3 assessing whether students are meeting educational goals.

4 (11) The admission and enrollment policy which shall comply
5 with the requirements of section 1723-A.

6 (12) Procedures used regarding the suspension or expulsion
7 of pupils. Said procedures shall comply with section 1318.

8 (13) Information on the manner in which community groups are
9 involved in the charter school entity.

10 (14) The annual audits conducted under section 1716-A(f) and
11 the annual budget under section 1716-A(i) for the years since
12 the charter school entity was approved or renewed.

13 (15) Procedures established to review complaints of parents
14 regarding the operation of the charter school entity.

15 (16) Information on the school calendar for the charter
16 school entity, including the length of the school day and school
17 year consistent with the provisions of section 1502.

18 (17) The faculty and the professional development and
19 continuing education plan for the faculty and professional staff
20 of the charter school entity.

21 (18) Whether any agreements have been entered into with the
22 local school district regarding participation of the charter
23 school entity students in extracurricular activities within the
24 school district. Notwithstanding any provision to the contrary,
25 no school district of residence shall prohibit a student of a
26 charter school entity from participating in an extracurricular
27 activity of the school district of residence if:

28 (i) the student is able to fulfill all of the requirements
29 of participation in the activity; and

30 (ii) the charter school entity does not provide the same

1 activity.

2 (19) Reports of criminal history records and employment
3 history reviews, pursuant to sections 111 and 111.1, for all
4 individuals who shall have direct contact with students and the
5 plan for satisfying the proper criminal history record
6 clearances and employment history reviews required for all other
7 staff.

8 (20) An official clearance statement regarding child injury
9 or abuse from the Department of Human Services as required by 23
10 Pa.C.S. Ch. 63 Subch. C and section 111 for all individuals who
11 shall have direct contact with students and a plan for
12 satisfying the proper official clearance statement regarding
13 child injury or abuse required for all other staff.

14 (21) How the charter school entity provides adequate
15 liability and other appropriate insurance for the charter school
16 entity, its employes and the board of trustees of the charter
17 school entity.

18 (22) Policies regarding truancy, absences and withdrawal of
19 students, including the manner in which the charter school
20 entity monitors attendance consistent with section 1715-A(9) and
21 the truancy provisions under Article XIII.

22 (23) An indication whether the charter school entity is or
23 will seek accreditation by a nationally recognized accreditation
24 agency, including the Middle States Association of Colleges and
25 Schools or another regional institutional accrediting agency
26 recognized by the United States Department of Education or an
27 equivalent federally recognized body for charter school
28 education.

29 (d) A local board of school directors shall not impose
30 additional terms, develop its own application or require

1 additional information outside the standard application forms
2 required under subsection (a).

3 (e) The department shall review the standard application and
4 renewal application form every three (3) years and shall submit
5 any recommended revisions in writing to the Education Committee
6 of the Senate and the Education Committee of the House of
7 Representatives. No such recommended revisions shall be made to
8 the standard application forms unless the revisions are enacted
9 by the General Assembly.

10 (f) Pursuant to subsection (a), the department shall post
11 the standard application and renewal application on its publicly
12 accessible Internet website no later than August 1, 2021.

13 (g) The standard application and renewal application shall
14 be used by charter school applicants and charter school
15 operators beginning in the 2022-2023 school year.

16 Section 1720-A. Term and Form of Charter.--(a) Upon
17 approval of a charter application under section 1717-A, a
18 written charter shall be developed which shall contain the
19 provisions of the standard charter application under section
20 1719-A and which shall be signed by the local board of school
21 directors [of a school district], by the local boards of school
22 directors [of a school district] in the case of a regional
23 charter school or by the chairman of the appeal board pursuant
24 to [section 1717-A(i)(5)] sections 1717-A(g) and (i)(9) and
25 1721-A and the board of trustees of the charter school or
26 regional charter school. This written charter, when duly signed
27 by the local board of school directors [of a school district,
28 or], by the local boards of school directors [of a school
29 district] in the case of a regional charter school or by the
30 chairman of the appeal board, and the charter school or regional

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

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

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

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

30 (c) The following shall apply to all charters granted by a

1 local board of school directors and the State Charter School

2 Appeal Board:

3 (1) An initial charter executed pursuant to subsection (a)
4 shall be for a period of five (5) years.

5 (2) For charter schools and regional charter schools, a
6 charter may be renewed for ten (10) year periods upon
7 reauthorization by the local board of school directors or the
8 appeal board.

9 (d) (1) A charter school or regional charter school shall
10 submit a renewal application as provided under section 1719-A(a)
11 with the local board of school directors by October 1 of the
12 final year of the charter.

13 (2) Within one hundred twenty (120) days of the receipt of
14 the complete renewal application, the local board of school
15 directors shall vote to renew or not renew the charter.

16 (3) Failure by the local board of school directors to adhere
17 to paragraph (2) shall result in the charter being renewed for
18 ten (10) years, subject to the provisions of section 1723-A
19 regarding enrollment.

20 (4) A renewal under this subsection shall serve as a
21 requirement for the local board of school directors to sign the
22 written charter of the charter school as provided for in section
23 1720-A. Should the district fail to sign the charter within ten
24 (10) days of notice of the renewal, the charter shall be deemed
25 to be approved and shall be signed by the chairman of the appeal
26 board.

27 (5) Unless otherwise provided in this article, for any
28 period in which the charter school operates without a duly
29 signed written charter, the terms and conditions contained in
30 the charter school's most recent written charter shall continue

1 in force and in effect.

2 (e) A written charter shall terminate only in accordance
3 with the provisions of section 1729-A. Any provision of a
4 written charter purporting to waive or limit a charter school's
5 rights of appeal to the appeal board shall be null and void.

6 Section 5. The act is amended by adding a section to read:

7 Section 1720.1-A. Amendments.--(a) Subject to subsections
8 (b) and (c), a charter school or regional charter school may
9 request amendments to its approved written charter by filing a
10 standard amendment application describing the requested
11 amendment with the local board of school directors no later than
12 October 15 of the school year prior to the school year in which
13 the amendment would take effect. Approval from the local board
14 of school directors is required only for material changes to the
15 written charter.

16 (b) Notwithstanding the notice requirements of subsection
17 (a), in the event of the impossibility of a charter school's or
18 regional charter school's compliance with the terms of a charter
19 due to its inability to acquire services or products outlined in
20 a charter or facility damage, the charter school or regional
21 charter school shall immediately notify the local board of
22 school directors of the necessity for an emergency amendment,
23 which shall be effective immediately as a temporary amendment
24 pending completion of the processes set forth in subsections (f)
25 and (g).

26 (c) For a ten-year charter, a charter school or regional
27 charter school may only request amendments in years two through
28 nine of the charter term. For a five-year charter, a charter
29 school or regional charter school may only request amendments in
30 year two, three or four of the charter term.

1 (d) The department shall create a standard amendment
2 application form for a charter school entity seeking to amend
3 its approved written charter agreement. The department shall
4 transmit notice of the form to the Legislative Reference Bureau
5 for publication in the Pennsylvania Bulletin, and the forms
6 shall be posted on the department's publicly accessible Internet
7 website.

8 (1) The standard amendment application shall include only
9 the following information:

10 (i) The name of the charter school entity.

11 (ii) The name and contact information for the chief
12 administrator.

13 (iii) The physical location of the charter school entity and
14 the ownership thereof and any lease arrangements.

15 (iv) The amendments being requested to the approved written
16 charter agreement and the reason for requesting these
17 amendments.

18 (2) The department shall review the standard amendment
19 application every three (3) years and shall submit any
20 recommended revisions in writing to the Education Committee of
21 the Senate and the Education Committee of the House of
22 Representatives. No such recommended revisions shall be made to
23 the standard amendment application unless the revisions are
24 enacted by the General Assembly.

25 (e) Pursuant to subsection (b), the department shall post
26 the standard amendment application on its publicly accessible
27 Internet website no later than August 1, 2021.

28 (1) The standard amendment application shall be used by
29 charter school operators beginning in the 2022-2023 school year.

30 (2) A local board of school directors shall not impose any

1 additional requirements for the submission, review and approval
2 of a charter amendment application.

3 (f) Within sixty (60) days of receipt of the charter
4 amendment application, the local board of school directors shall
5 hold a public hearing on the requested amendment pursuant to 65
6 Pa.C.S. Ch. 7 (relating to open meetings).

7 (g) Within sixty (60) days after the hearing required under
8 subsection (f), the local board of school directors shall grant
9 or deny the requested amendment. Failure by the local board of
10 school directors to hold a public hearing and to grant or deny
11 the requested amendment within the time periods specified in
12 this section shall be deemed an approval, after which the
13 amended charter shall be legally binding on both the local board
14 of school directors and the board of trustees of the charter
15 school or regional charter school.

16 (h) Notwithstanding subsection (a), a charter school or
17 regional charter school also may request amendments to its
18 approved written charter at the time of renewal. Charter
19 amendment requests made at the time of renewal shall be
20 considered distinct requests that shall be subject to
21 independent approval or denial by the local board of school
22 directors, in accordance with the provisions of this section.

23 (i) An applicant for an amendment may appeal the denial of a
24 requested amendment under this section to the appeal board
25 provided for under section 1721-A.

26 (j) The amendment process set forth in this section shall
27 not be required for:

28 (1) The enrollment expansion at a charter school or regional
29 charter school which has no restrictions on enrollment. Under
30 this paragraph, a charter school or regional charter school

1 shall notify the authorizing school district or districts if it
2 intends to expand enrollment by more than ten per centum no
3 later than December 15 of the school year prior to the school
4 year in which enrollment would be expanded except notice may be
5 given at any time in the case of an emergency which requires
6 increased enrollment. The notification shall include the
7 following:

8 (i) The planned enrollment levels for each grade for the
9 following school year.

10 (ii) If applicable, a description of any changes to an
11 existing facility needed to accommodate the planned enrollment
12 levels.

13 (2) A change to the location of a facility or facilities
14 within the boundaries of the authorizing district or districts
15 for a charter school or regional charter school which has no
16 other restrictions. Under this paragraph, a charter school or
17 regional charter school shall notify the authorizing school
18 district or districts if it intends to change the location of a
19 facility or facilities no later than December 15 of the school
20 year prior to the school year in which the facility change would
21 take place except notice may be given at any time in the case of
22 an emergency related to the facility. The notification shall
23 include the following:

24 (i) A description of the proposed new facility.

25 (ii) Information showing that the proposed new facility is
26 suitable in accordance with the applicable school facility
27 requirements, including zoning, license and certification of
28 occupancy requirements.

29 (3) A charter school or regional charter school seeking to
30 operate a school at more than one location. A charter school or

1 regional charter school may operate at more than one location
2 within the district or districts that authorized the charter
3 without requesting an amendment if operation in more than one
4 location is permitted by the terms of the charter.

5 (4) The addition of grade spans or grades that were included
6 in the approved charter application but not currently
7 implemented at the charter school.

8 (i) A charter school or regional charter school which is
9 implementing such grade span or grades shall notify the
10 authorizing school district or districts if it intends to add
11 such grade span or grades no later than October 1 of the school
12 year prior to the school year in which the grade span or grades
13 will be implemented.

14 (ii) Such notice shall include references to the charter
15 application which references the grade span or grades to be
16 implemented and a staffing plan for the subject grades.

17 (5) A change to the charter school's name.

18 (i) The charter school shall submit notice to the
19 authorizing district or districts that it has changed the name
20 of the charter school.

21 (ii) Such notice shall include a certification that such a
22 name change was approved by the charter school's board of
23 trustees at a public meeting and conducted in accordance with 65
24 Pa.C.S. Ch. 7 (relating to open meetings).

25 (6) Changes to the charter school's mission statement. A
26 charter school is not required to provide notice to the
27 authorizing district or districts that it has made changes to
28 its mission statement.

29 (7) Changes to a charter school's educational programs,
30 curriculum and school design that do not fundamentally change

1 the charter school's approved educational approach. A charter
2 school is not required to provide notice to the authorizing
3 district or districts in accordance with 1716-A(a).

4 (8) For purposes of this section, an "emergency" shall mean
5 a manmade or natural disaster, including, but not limited to,
6 damage to a school building, another circumstance rendering a
7 school building unfit or unsafe for use, a disease epidemic or a
8 hazardous weather condition. If another emergency arises that
9 requires expanded enrollment or a change in facility, the
10 charter school or regional charter school must consult with the
11 authorizing school district or school districts.

12 Section 6. Sections 1721-A, 1722-A, 1723-A and 1729.1-A(b)
13 and (f) of the act are amended to read:

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

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

23 (2) A school board member.

24 (3) A certified teacher actively employed in a public
25 school.

26 (4) A faculty member or administrative employe of an
27 institution of higher education.

28 (5) A member of the business community.

29 (6) A member of the State Board of Education.

30 The term of office of members of the appeal board, other than

1 the secretary, shall be for a period of four (4) years or until
2 a successor is appointed and qualified, except that, of the
3 initial appointees, the Governor shall designate two (2) members
4 to serve terms of two (2) years, two (2) members to serve terms
5 of three (3) years and two (2) members to serve terms of four
6 (4) years. Any appointment to fill any vacancy shall be for the
7 period of the unexpired term or until a successor is appointed
8 and qualified.

9 (b) The appeal board shall meet as needed to fulfill the
10 purposes provided in this subsection. A majority of the members
11 of the appeal board shall constitute a quorum, and a majority of
12 the members of the appeal board shall have authority to act upon
13 any matter properly before the appeal board. The appeal board is
14 authorized to establish rules for its operation.

15 (c) The members shall receive no payment for their services.
16 Members who are not employes of State government shall be
17 reimbursed for expenses incurred in the course of their official
18 duties from funds appropriated for the general government
19 operations of the department.

20 (d) The department shall provide assistance and staffing for
21 the appeal board. The Governor, through the Governor's General
22 Counsel, shall provide such legal advice and assistance as the
23 appeal board may require.

24 (e) Meetings of the appeal board shall be conducted under
25 [the act of July 3, 1986 (P.L.388, No.84), known as the
26 "Sunshine Act."] 65 Pa.C.S. Ch. 7 (relating to open meetings).
27 Documents of the appeal board shall be subject to the act of
28 June 21, 1957 (P.L.390, No.212), referred to as the Right-to-
29 Know Law.

30 (f) (1) An applicant who submits a charter application under

1 section 1717-A or 1745-A and whose application is denied shall
2 have the right to appeal the decision made by local boards of
3 school directors or the department not to grant the charter
4 application. A charter school applicant whose charter
5 application has been denied shall file a notice of appeal to the
6 appeal board within ninety (90) days after receipt by the
7 application of the written notice of the local board of school
8 directors or the department's action denying the application and
9 the reasons for the denial.

10 (2) A charter school entity shall have the option to appeal
11 a decision made by the authorizing district, districts or the
12 department in accordance with subsection (g), including, but not
13 limited to, a charter renewal, a charter amendment and an
14 application for consolidation. A charter school entity shall
15 file a notice of appeal to the appeal board within ninety (90)
16 days after receipt by the application of the written notice of
17 the local board of school directors or the department's action
18 denying the application and the reasons for the denial.

19 (3) A written charter shall terminate only in accordance
20 with the provisions of section 1729-A. Any provision of a
21 written charter purporting to waive or limit a charter school's
22 rights of appeal to the appeal board shall be null and void.

23 (4) Unless otherwise provided in this article, for any
24 period in which the charter school operates without a duly
25 signed written charter, the terms and conditions contained in
26 the charter school's most recent written charter shall continue
27 in force and in effect.

28 (g) (1) In any appeal, the decision made by the authorizing
29 district, districts or the department shall be reviewed by the
30 appeal board on the record as certified by the authorizing

1 district, districts or the department. The appeal board shall
2 give due consideration to the findings of the authorizing
3 district, districts or the department and specifically
4 articulate its reasons for agreeing or disagreeing with those
5 findings in its written decision. The appeal board shall have
6 the discretion to allow the authorizing district, districts or
7 the department and the charter school applicant to supplement
8 the record if the supplemental information was previously
9 unavailable. The secretary shall recuse himself or herself from
10 all appeals of decisions by the department and shall not
11 participate in a hearing, deliberation or vote on any appeal of
12 a decision made by the department.

13 (2) Not later than thirty (30) days after the date of notice
14 of the acceptance of the appeal, the appeal board shall meet
15 publicly to officially review the appeal.

16 (3) Not later than thirty (30) days following the public
17 meeting conducted pursuant to paragraph (2), the appeal board
18 shall issue a written decision granting or denying the appeal.
19 Notice of a decision by the appeal board shall be provided to
20 both parties.

21 (4) (i) In the case of a charter application, the appeal
22 board shall make its decision based on the criteria provided in
23 section 1717-A(e)(2).

24 (ii) In the case of a consolidation application, the appeal
25 board shall make its decision based on whether the proposed
26 consolidation satisfies the requirements of section 1729.1-A(b)
27 and (c).

28 (5) If the appeal board fails to adhere to the time periods
29 specified in paragraph (2) or (3), the charter application,
30 charter renewal, charter amendment, consolidation or other item

1 being considered will be deemed to be approved as follows:

2 (i) A charter application shall be deemed approved for a
3 term of five (5) years beginning in the school year proposed in
4 the application, the school year beginning immediately
5 subsequent to approval, or the following school year as
6 determined in the charter school's sole and absolute discretion.
7 The approved charter shall be legally binding on the authorizing
8 district, districts or the department and the board of trustees
9 of the charter school entity. Upon a determination under this
10 subparagraph, the charter school entity shall provide written
11 notice of the beginning of the charter term to the appeal board
12 and the authorizing district, districts or the department. The
13 charter school entity's provision of written notice of the
14 beginning of the charter term shall serve as a requirement for
15 the authorizing district, districts or the department to sign
16 the written charter of the charter school as provided for in
17 section 1720-A.

18 (ii) A charter renewal shall be deemed approved for a term
19 of ten (10) years, subject to the provisions of section 1723-A
20 regarding enrollment. The renewed charter shall be legally
21 binding on the authorizing district, districts or the department
22 and the board of trustees of the charter school entity.

23 (iii) A charter amendment shall be deemed approved, after
24 which the amended charter shall be legally binding on the
25 authorizing district, districts or the department and the board
26 of trustees of the charter school entity.

27 (iv) A consolidation application shall be deemed approved,
28 after which the consolidation application shall be legally
29 binding on the authorizing district, districts or the department
30 and the board of trustees of the charter school entity.

1 (6) A decision of the appeal board to reverse the decision
2 of the authorizing district, districts or the department shall
3 serve as a requirement for the authorizing school district,
4 school districts or the department to sign the written charter
5 of the charter school as provided for in section 1720-A. If the
6 authorizing district, districts or the department fail to sign
7 the charter within ten (10) days of notice of the reversal of
8 the decision of the authorizing district, districts or the
9 department, the charter shall be deemed to be approved and shall
10 be signed by the chairman of the appeal board.

11 (7) All decisions of the appeal board shall be subject to
12 appellate review by the Commonwealth Court. In the event of an
13 appeal of a decision by the appeal board to the Commonwealth
14 Court, the decision of the appeal board shall be stayed only
15 upon order of the appeal board, the Commonwealth Court or the
16 Pennsylvania Supreme Court.

17 Section 1722-A. Facilities.--(a) A charter school entity
18 may be located in an existing public school building, in a part
19 of an existing public school building, in space provided on a
20 privately owned site, in a public building or in any other
21 suitable location.

22 (b) The charter school entity facility shall be exempt from
23 public school facility regulations except those pertaining to
24 the health or safety of [the pupils.] students.

25 (b.1) (1) A charter school entity shall have the right of
26 first refusal to purchase or lease, for educational purposes
27 only, a public school building or a part of a public school
28 building that is no longer in use by a school entity which is
29 the property titleholder, at the price of one of the following:

30 (i) The last best offer above fair market value received in

1 the ninety (90) days preceding the charter school entity's
2 offer.

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

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

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

9 (3) The department shall provide a page on its publicly
10 accessible Internet website on which school entities are
11 required to post a notice for each public school building or
12 part of a public school building that is available for purchase
13 or lease. A school entity shall submit a notice to the
14 department on a form developed by the department. The department
15 shall post the notice within five (5) days of receiving the
16 form.

17 (4) The following shall apply to the sale or lease of a
18 public school building or a part of a public school building by
19 a school entity:

20 (i) A school entity may not enter into a contract to sell or
21 lease a building or part of a building until at least thirty
22 (30) days after the posting of a notice as required under
23 paragraph (3).

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

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

29 (B) Accept the best offer, if the offers differ in dollar
30 amount.

1 (d) Notwithstanding any other provision of this act, [a
2 school district of the first class may, in its discretion,
3 permit a charter school to operate its school at more than one
4 location.] a charter school or regional charter school that does
5 not have in the written charter any limits on student enrollment
6 or caps is permitted to operate the school at more than one
7 location within the district that authorized the charter.

8 (e) (1) Notwithstanding the provisions of section 204 of
9 the act of May 22, 1933 (P.L.853, No.155), known as The General
10 County Assessment Law, all school property, real and personal,
11 owned by any charter school, cyber charter school or an
12 associated nonprofit foundation, or owned by a nonprofit
13 corporation or nonprofit foundation and leased to a charter
14 school, cyber charter school or associated nonprofit foundation
15 at or below fair market value, that is occupied and used by any
16 charter school or cyber charter school for public school,
17 recreation or any other purposes provided for by this act, shall
18 be made exempt from every kind of State, county, city, borough,
19 township or other real estate tax, including payments in lieu of
20 taxes established through agreement with the Commonwealth or any
21 local taxing authority, as well as from all costs or expenses
22 for paving, curbing, sidewalks, sewers or other municipal
23 improvements, Provided, That any charter school or cyber charter
24 school or owner of property leased to a charter school or cyber
25 charter school may make a municipal improvement in a street on
26 which its school property abuts or may contribute a sum toward
27 the cost of the improvement.

28 (2) Any agreement entered into by a charter school, cyber
29 charter school or associated nonprofit foundation with the
30 Commonwealth or a local taxing authority for payments in lieu of

1 taxes prior to December 31, 2009, shall be null and void.

2 (3) This subsection shall apply retroactively to all charter
3 schools, cyber charter schools and associated nonprofit
4 foundations that filed an appeal from an assessment, as provided
5 in Article V of The General County Assessment Law, prior to the
6 effective date of this subsection.

7 (4) For purposes of this subsection, "local taxing
8 authority" shall include, but not be limited to, a county, city,
9 borough, incorporated town, township or school district.

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

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

19 (2) Within thirty (30) days of the cyber charter school's
20 request, the intermediate unit, school district, community
21 college or institution under Article XX-A shall notify the cyber
22 charter school of the location of the facilities that will be
23 provided, which shall be a quiet, separate location in which
24 cyber charter school students will not be commingled with
25 students of the intermediate unit, school district, community
26 college or institution under Article XX-A.

27 (3) An intermediate unit, school district, community
28 college or institution under Article XX-A shall not be required
29 to make facilities available to a cyber charter school on dates
30 and at times that may cause undue interference with the

1 educational programs of the intermediate unit, school district,
2 community college or institution under Article XX-A.

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

9 (g) As used in this section, "charter school entity" shall
10 mean a charter school, regional charter school or cyber charter
11 school.

12 Section 1723-A. [Enrollment] Admission and Enrollment

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

1 students who reside in the district or districts[.] in which the
2 charter school is physically located or in which the regional
3 charter school is chartered to the extent district enrollment
4 has not been capped under subsection (d)(1.1).

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

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

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

3 (ii) The name, physical address, telephone number and e-mail
4 address of the student's parent or guardian.

5 (4) The department shall review the standard enrollment
6 application form every three (3) years and shall submit any
7 recommended revisions in writing to the Education Committee of
8 the Senate and the Education Committee of the House of
9 Representatives. No revisions shall be made to the standard
10 enrollment form unless the revisions are enacted by the General
11 Assembly.

12 (5) The department shall post the standard enrollment form
13 on its publicly accessible Internet website no later than August
14 1, 2021.

15 (6) The standard enrollment form shall be used by charter
16 school entities to enroll students for the 2022-2023 school
17 year.

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

24 (8) When a student applies to a charter school entity, a
25 charter school entity shall not require or request information
26 beyond the contents of the standard enrollment form developed by
27 the department.

28 (9) Nothing in this section shall prohibit a charter school
29 entity from requesting the submission of additional records and
30 information that public schools are entitled to receive after a

1 student is accepted for admission to, and has indicated an
2 intent to enroll in, the charter school entity.

3 (10) As used in this subsection, "eligible applicant" shall
4 mean a student who is seeking to enter a grade level offered by
5 the charter school entity and meets the requirements of 22 Pa.
6 Code §§ 11.12 (relating to school age), 11.13 (relating to
7 compulsory school age), 11.14 (relating to admission to
8 kindergarten when provided), 11.15 (relating to admission of
9 beginners), 11.16 (relating to early admission of beginners) and
10 12.1 (relating to free education and attendance) and student
11 residency requirements.

12 (b) (1) A charter school entity shall not discriminate in
13 its admission policies or practices on the basis of intellectual
14 ability, [except as provided in paragraph (2), or] athletic
15 ability, measures of achievement or aptitude, status as a person
16 with a disability, proficiency in the English language or any
17 other basis that would be illegal if used by a school district.

18 (2) A charter school entity may limit [admission] its
19 academic focus to a particular grade level, a targeted
20 population group composed of at-risk students[, or areas of
21 concentration of the school such as mathematics, science or the
22 arts. A charter school may establish reasonable criteria to
23 evaluate prospective students which shall be outlined in the
24 school's charter.] or a specialized area or accelerated program
25 of study, such as mathematics, science or the arts. A performing
26 arts charter school entity may establish reasonable artistic
27 criteria for admission for grades nine through twelve, which
28 must be outlined in the school's charter to evaluate prospective
29 students for enrollment.

30 (c) If available classroom space permits, a charter school

1 may enroll nonresident students on a space-available basis, and
2 the student's district of residence shall permit the student to
3 attend the charter school. The terms and conditions of the
4 enrollment shall be outlined in the school's charter.

5 (d) (1) [Enrollment] Except as otherwise provided in this
6 subsection, enrollment of students in a charter school [or cyber
7 charter school] entity shall not be subject to a cap or
8 otherwise limited by any past or future action of a board of
9 school directors, a board of control established under Article
10 XVII-B, a special board of control established under section 692
11 or any other governing authority[, unless agreed to by the
12 charter school or cyber charter school as part of a written
13 charter pursuant to section 1720-A.] and shall not be imposed as
14 a condition of granting a charter or renewal of a charter. Any
15 provision contained in a written charter which imposes a cap or
16 otherwise limits enrollment at a charter school shall be valid
17 for the duration of the term of the written charter only. Any
18 provision that extends an enrollment cap beyond the term of the
19 written charter shall be null and void.

20 (1.1) Enrollment of students in a charter school or regional
21 charter school may be subject to a cap on students who reside in
22 the district or districts in which the charter school is
23 physically located or in which the regional charter school is
24 chartered if agreed to by the charter school or regional charter
25 school as part of a written charter pursuant to section 1720-A.
26 To the extent that the charter school agrees to a cap on
27 enrollment, the enrollment cap shall not preclude a charter
28 school from enrolling students from districts outside of the
29 physical location of the charter school or in the case of a
30 regional charter school, from districts outside of where the

1 regional charter school is chartered.

2 (1.2) Except as otherwise provided in paragraph (1), nothing
3 in this section shall be construed to invalidate any provision
4 of a written charter which was duly signed and in effect prior
5 to the effective date of this act.

6 (1.3) Nothing in this section shall be construed to limit
7 the ability of a charter school entity to make determinations
8 regarding enrollment based on facility limitation, availability
9 of school resources to deliver educational programs, or
10 staffing.

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

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 pre-kindergarten program if the
24 school district has exercised its discretion not to offer such a
25 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 under section 1721-A. If the charter
30 school's appeal is denied by the charter school appeal board,

1 the charter school must immediately stop enrolling new students.

2 Section 1729.1-A. Multiple Charter School Organizations.--*

3 * *

4 (b) (1) A charter school that, within either of the most
5 recent two (2) school years immediately preceding the date of
6 filing of the application for which data is available, has
7 failed to meet any of the following shall not be eligible to
8 consolidate with another charter school:

9 (i) Requirements for student performance set forth in 22 Pa.
10 Code Ch. 4 (relating to academic standards and assessment).

11 (ii) Accepted standards of fiscal management or audit
12 requirements.

13 (iii) A school performance profile score that is among the
14 top [~~twenty-fifth~~] fiftieth percentile of Pennsylvania charter
15 schools as measured by the school performance profile for the
16 most recent year for which a school performance profile score is
17 available.

18 (2) A charter school that has failed to meet any of the
19 requirements of paragraph (1) may consolidate if the
20 consolidation includes a charter school demonstrating that it
21 has satisfied [~~such requirements for the most recent two (2)~~
22 ~~school years~~] the requirements of paragraph (1)(iii).

23 * * *

24 (f) Appeals shall be [~~as follows~~]:

25 (1) ~~The appeal board shall have the exclusive review of an~~
26 ~~appeal by an applicant for consolidation, with respect to the~~
27 ~~rejection of a proposed consolidation by either the department~~
28 ~~or a school district.~~

29 (2) ~~In considering an appeal under this section, the appeal~~
30 ~~board shall:~~

1 (i) Review the decision made by either the department or the
2 school district on the record as certified by the entity that
3 made the decision being appealed, provided that the appeal board
4 may allow the department, a school district or the applicant for
5 consolidation to supplement the record if the supplemental
6 information was previously unavailable.

7 (ii) Meet to officially review the certified record no later
8 than thirty (30) days after the date of filing the appeal.

9 (iii) Issue a written decision affirming or denying the
10 appeal no later than sixty (60) days following its review of the
11 certified record.

12 (iv) Make its decision based on whether the proposed
13 consolidation satisfies the requirements of subsections (b) and
14 (c).

15 (3) The secretary shall recuse himself from all appeals of
16 decisions by the department and shall not participate in a
17 hearing, deliberation or vote on any appeal of a decision made
18 by the department.

19 (4) All decisions of the appeal board shall be subject to
20 appellate review by the Commonwealth Court. In the event of an
21 appeal of a decision by the appeal board to the Commonwealth
22 Court, the decision of the appeal board shall be stayed only
23 upon order of the appeal board, the Commonwealth Court or the
24 Pennsylvania Supreme Court.] pursuant to section 1721-A.

25 * * *

26 Section 7. Section 1743-A(e) of the act is amended and the
27 section is amended by adding a subsection to read:
28 Section 1743-A. Cyber charter school requirements and
29 prohibitions.

30 * * *

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

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

5 (2) provide all equipment, including, but not limited
6 to, a computer, computer monitor and printer, provided that a
7 parent or guardian of more than one child who is enrolled in
8 the same cyber charter school may elect not to receive a
9 separate computer, computer monitor and printer for each
10 enrolled child; and

11 (3) provide or reimburse for all technology and services
12 necessary for the on-line delivery of the curriculum and
13 instruction.

14 [The Commonwealth shall not be liable for any reimbursement owed
15 to students, parents or guardians by a cyber charter school
16 under paragraph (3).]

17 (e.1) The Commonwealth shall not be liable for any
18 reimbursement owed to students, parents or guardians by a cyber
19 charter school under subsection (e)(3).

20 * * *

21 Section 8. Sections 1744-A, 1745-A and 1747-A of the act are
22 amended to read:

23 Section 1744-A. School district and intermediate unit
24 responsibilities.

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

28 (1) Provide the cyber charter school within ten days of
29 receipt of the notice of the admission of the student under
30 section 1748-A(a) with all records relating to the student,

1 including transcripts, test scores and a copy of any
2 individualized education program for that student.

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

6 (3) Upon request, provide assistance to the cyber
7 charter school in the delivery of services to a student with
8 disabilities. The school district or intermediate unit shall
9 not charge the cyber charter school more for a service than
10 it charges a school district.

11 (4) Make payments to the cyber charter school under
12 section 1725-A.

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 (a.1) Instruction.--The following shall apply:

25 (1) Nothing in this article shall be construed to
26 preclude a school district, an intermediate unit, a charter
27 school or a regional charter school from offering instruction
28 via the Internet or other electronic means, except that the
29 instruction shall not be recognized as a cyber charter school
30 under this article unless the school district, intermediate

1 unit, charter school or regional charter school establishes a
2 cyber charter school under paragraph (3).

3 (2) The decision by a charter school or regional charter
4 school to offer instruction via the Internet or other
5 electronic means shall not be subject to section 1720.1-A or
6 approval of the local board of school directors.

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

11 (4) The decision by a charter school or regional charter
12 school to establish a cyber charter school shall not be
13 subject to section 1720.1-A or approval of the local board of
14 school directors.

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

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

20 (d) Application.--An application to establish a cyber
21 charter school shall be submitted to the department in
22 accordance with section 1747-A by October 1 of the school year
23 preceding the school year in which the cyber charter school
24 proposes to commence operation.

25 (e) Grant or denial.--

26 (1) Within 120 days of receipt of an application, the
27 department shall grant or deny the application. The
28 department shall review the application and shall hold at
29 least one public hearing under 65 Pa.C.S. Ch. 7 (relating to
30 open meetings). At least 30 days prior to the hearing, the

1 department shall publish in the Pennsylvania Bulletin and on
2 the department's [World Wide Web site] publicly accessible
3 Internet website notice of the hearing and the purpose of the
4 application.

5 (2) Failure by the department to adhere to paragraph (1)
6 shall result in the approval of the cyber charter school
7 application for a five-year term based on the terms proposed
8 in the charter application and subject to the provisions of
9 section 1723-A relating to enrollment limitations. An
10 approval under this paragraph shall serve as a requirement
11 for the department to sign the written charter of the charter
12 school as provided for under section 1720-A. If the
13 department fails to sign the charter within 10 days of notice
14 of the approval, the charter shall be deemed to be approved
15 and shall be signed by the chairperson of the appeal board.

16 (f) Evaluation criteria.--

17 (1) A cyber charter school application pursuant to
18 section 1747-A submitted under this subdivision shall be
19 evaluated by the department based on the following criteria:

20 (i) The demonstrated, sustainable support for the
21 cyber charter school plan by teachers, parents or
22 guardians and students.

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

27 (iii) The extent to which the programs outlined in
28 the application will enable students to meet the academic
29 standards under 22 Pa. Code Ch. 4 (relating to academic
30 standards and assessment) or subsequent regulations

1 promulgated to replace 22 Pa. Code Ch. 4.

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

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

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

12 (3) Upon approval of a cyber charter school application,
13 a written charter shall be developed which shall contain the
14 provisions of the charter application and be signed by the
15 secretary and each member of the board of trustees of the
16 cyber charter school. The charter, when duly signed, shall
17 act as legal authorization of the establishment of a cyber
18 charter school. The charter shall be legally binding on the
19 department, the cyber charter school and its board of
20 trustees. The charter [shall be for a period of no less than
21 three years nor more than five years and may be renewed for a
22 period of five years by the department.] term shall be as
23 follows:

24 (i) An initial charter granted under this section
25 shall be for a period of five years.

26 (ii) For cyber charter schools, a charter may be
27 renewed for 10-year periods upon reauthorization by the
28 department.

29 (4) (i) A cyber charter school shall submit a renewal
30 application as provided under section 1719-A(c) with the

1 department by October 1 of the final year of the charter.

2 (ii) Within 60 days of its receipt of the charter
3 renewal application, the department shall hold a public
4 hearing on the renewal under 65 Pa.C.S. Ch. 7.

5 (iii) Within 60 days after the hearing required
6 under subparagraph (ii), the department shall make a
7 decision to grant or deny the renewal application.

8 (5) Failure by the department to adhere to paragraph (4)
9 (ii) or (iii) shall result in a renewal of the charter for a
10 10-year term based on the terms proposed in the charter
11 renewal application and subject to the provisions of section
12 1723-A relating to enrollment limitations. A renewal under
13 this subsection shall serve as a requirement for the
14 department to sign the written charter of the charter school
15 as provided for in section 1720-A. Should the department fail
16 to sign the charter within 10 days of notice of the renewal,
17 the charter shall be deemed to be approved and shall be
18 signed by the chairman of the appeal board.

19 [(4)] (6) The decision of the department to deny an
20 application may be appealed to the appeal board.

21 (7) (i) Subject to subparagraph (ii), a cyber charter
22 school may request amendments to its approved written
23 charter by filing a standard amendment application
24 pursuant to section 1720-A no later than October 15 of
25 the school year prior to the school year in which the
26 amendment would take effect.

27 (ii) Notwithstanding the notice requirements of
28 subparagraph (i), in the event of the impossibility of a
29 cyber charter school's compliance with the terms of a
30 charter due to its inability to acquire services or

1 products outlined in a charter or facility damage, the
2 cyber charter school shall immediately notify the
3 department of the necessity for an emergency amendment,
4 which shall be effective immediately as a temporary
5 amendment pending completion of the processes set forth
6 in paragraphs (8) and (9).

7 (iii) For a 10-year charter, a cyber charter school
8 may only request amendments in years two through nine of
9 the charter term. For a five-year charter, a cyber
10 charter school may only request amendments in year two,
11 three or four of the charter term.

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

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

23 (10) Notwithstanding paragraph (7)(iii), a cyber charter
24 school also may request amendments to its approved written
25 charter at the time of renewal. Charter amendment requests
26 made at the time of renewal shall be considered as distinct
27 requests that shall be subject to independent approval or
28 denial by the department, in accordance with the provisions
29 of this section.

30 (11) An applicant for an amendment may appeal the denial

1 of a requested amendment under this section to the appeal
2 board pursuant to section 1721-A.

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

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

13 Section 1747-A. Cyber charter school application.

14 [In addition to the provisions of section 1719-A, an
15 application to establish a cyber charter school shall also
16 include the following:

17 (1) The curriculum to be offered and how it meets the
18 requirements of 22 Pa. Code Ch. 4 (relating to academic
19 standards and assessment) or subsequent regulations
20 promulgated to replace 22 Pa. Code Ch. 4.

21 (2) The number of courses required for elementary and
22 secondary students.

23 (3) An explanation of the amount of on-line time
24 required for elementary and secondary students.

25 (4) The manner in which teachers will deliver
26 instruction, assess academic progress and communicate with
27 students to provide assistance.

28 (5) A specific explanation of any cooperative learning
29 opportunities, meetings with students, parents and guardians,
30 field trips or study sessions.

1 (6) The technology, including types of hardware and
2 software, equipment and other materials which will be
3 provided by the cyber charter school to the student.

4 (7) A description of how the cyber charter school will
5 define and monitor a student's school day, including the
6 delineation of on-line and off-line time.

7 (8) A description of commercially prepared standardized
8 achievement tests that will be used by the cyber charter
9 school in addition to the Pennsylvania System of School
10 Assessment test, including the grade levels that will be
11 tested and how the data collected from the tests will be used
12 to improve instruction.

13 (9) The technical support that will be available to
14 students and parents or guardians.

15 (10) The privacy and security measures to ensure the
16 confidentiality of data gathered online.

17 (11) The level of anticipated enrollment during each
18 school year of the proposed charter, including expected
19 increases due to the addition of grade levels.

20 (12) The methods to be used to insure the authenticity
21 of student work and adequate proctoring of examinations.

22 (13) The provision of education and related services to
23 students with disabilities, including evaluation and the
24 development and revision of individualized education
25 programs.

26 (14) Policies regarding truancy, absences and withdrawal
27 of students, including the manner in which the cyber charter
28 school will monitor attendance consistent with the provisions
29 of section 1715-A(9).

30 (15) The types and frequency of communication between

1 the cyber charter school and the student and the manner in
2 which the cyber charter school will communicate with parents
3 and guardians.

4 (16) The addresses of all facilities and offices of the
5 cyber charter school, the ownership thereof and any lease
6 arrangements.]

7 (a) General rule.--The department shall create a standard
8 cyber charter application form for cyber charter school
9 applicants seeking to establish a cyber charter school entity, a
10 standard cyber charter renewal form for existing cyber charter
11 school entities seeking renewal of the entity's charter and a
12 standard cyber charter amendment application for existing cyber
13 charter school entities seeking to amend the entity's approved
14 written charter agreement. The department shall transmit notice
15 of the forms to the Legislative Reference Bureau for publication
16 in the Pennsylvania Bulletin, and the forms shall be posted on
17 the department's publicly accessible Internet website.

18 (b) Establishment.--In addition to the provisions of
19 section 1719-A(b), a cyber charter renewal form shall only
20 include the following:

21 (1) The curriculum offered and how it meets the
22 requirements of 22 Pa. Code Ch. 4 (relating to academic
23 standards and assessment) or subsequent regulations
24 promulgated to replace 22 Pa. Code Ch. 4.

25 (2) The number of courses required for elementary and
26 secondary students.

27 (3) An explanation of the amount of online time required
28 for elementary and secondary students.

29 (4) The manner in which teachers deliver instruction,
30 assess academic progress and communicate with students to

1 provide assistance.

2 (5) A specific explanation of any cooperative learning
3 opportunities, meetings with students, parents and guardians,
4 field trips or study sessions.

5 (6) The technology, including types of hardware and
6 software, equipment and other materials which are provided by
7 the cyber charter school to the student.

8 (7) A description of how the cyber charter school
9 defines and monitors a student's school day, including the
10 delineation of online and offline time.

11 (8) A description of commercially prepared standardized
12 achievement tests that are used by the cyber charter school
13 in addition to the Pennsylvania System of School Assessment
14 test, including the grade levels that are tested and how the
15 data collected from the tests is used to improve instruction.

16 (9) The technical support that is available to students
17 and parents or guardians.

18 (10) The privacy and security measures to ensure the
19 confidentiality of data gathered online.

20 (11) The level of anticipated enrollment during each
21 school year of the proposed charter, including expected
22 increases due to the addition of grade levels.

23 (12) The methods used to insure the authenticity of
24 student work and adequate proctoring of examinations.

25 (13) The provision of education and related services to
26 students with disabilities, including evaluation and the
27 development and revision of individualized education
28 programs.

29 (14) Policies regarding truancy, absences and withdrawal
30 of students, including the manner in which the cyber charter

1 school monitors attendance, consistent with the provisions of
2 section 1715-A(9).

3 (15) The types and frequency of communication between
4 the cyber charter school and the student and the manner in
5 which the cyber charter school communicates with parents and
6 guardians.

7 (16) The addresses of all facilities and offices of the
8 cyber charter school, the ownership of the school and any lease
9 arrangements.

10 (c) Renewal.--In addition to the provisions of section
11 1719-A(c), a cyber charter renewal form shall only include the
12 following:

13 (1) The curriculum offered and how it meets the
14 requirements of 22 Pa. Code Ch. 4 or subsequent regulations
15 promulgated to replace 22 Pa. Code Ch. 4.

16 (2) The number of courses required for elementary and
17 secondary students.

18 (3) An explanation of the amount of online time required
19 for elementary and secondary students.

20 (4) The manner in which teachers deliver instruction,
21 assess academic progress and communicate with students to
22 provide assistance.

23 (5) A specific explanation of any cooperative learning
24 opportunities, meetings with students, parents and guardians,
25 field trips or study sessions.

26 (6) The technology, including types of hardware and
27 software, equipment and other materials which are provided by
28 the cyber charter school to the student.

29 (7) A description of how the cyber charter school
30 defines and monitors a student's school day, including the

1 delineation of online and offline time.

2 (8) A description of commercially prepared standardized
3 achievement tests that are used by the cyber charter school
4 in addition to the Pennsylvania System of School Assessment
5 test, including the grade levels that are tested and how the
6 data collected from the tests is used to improve instruction.

7 (9) The technical support that is available to students
8 and parents or guardians.

9 (10) The privacy and security measures to ensure the
10 confidentiality of data gathered online.

11 (11) The level of anticipated enrollment during each
12 school year of the renewal term, including expected increases
13 due to the addition of grade levels.

14 (12) The methods used to insure the authenticity of
15 student work and adequate proctoring of examinations.

16 (13) The provision of education and related services to
17 students with disabilities, including evaluation and the
18 development and revision of individualized education
19 programs.

20 (14) Policies regarding truancy, absences and withdrawal
21 of students, including the manner in which the cyber charter
22 school monitors attendance, consistent with the provisions of
23 section 1715-A(9).

24 (15) The types and frequency of communication between
25 the cyber charter school and the student and the manner in
26 which the cyber charter school communicates with parents and
27 guardians.

28 (16) The addresses of all facilities and offices of the
29 cyber charter school, the ownership of the school and any
30 lease arrangements.

1 (d) Amendment.--The standard cyber charter amendment
2 application shall include only the following information:

3 (1) The name of the charter school entity.

4 (2) The name and contact information for the chief
5 administrator.

6 (3) The addresses of all facilities and offices of the
7 cyber charter school, the ownership of the school and any
8 lease arrangements.

9 (4) The amendments being requested to the approved
10 written charter agreement and the reason for requesting the
11 amendments.

12 (e) Review.--The department shall review the standard cyber
13 charter application, the standard cyber charter renewal form and
14 the standard cyber charter amendment application every three
15 years and shall submit any recommended revisions in writing to
16 the Education Committee of the Senate and the Education
17 Committee of the House of Representatives. No such recommended
18 revisions shall be made to the standard cyber charter
19 application, the standard cyber charter renewal form and the
20 standard cyber charter amendment application unless the
21 revisions are enacted by the General Assembly.

22 (f) Posting.--The department shall post the standard cyber
23 charter application, the standard cyber charter renewal form and
24 the standard cyber charter amendment application on its publicly
25 accessible Internet website no later than August 1, 2021.

26 (g) Applicability.--The standard cyber charter application,
27 the standard cyber charter renewal form and the standard cyber
28 charter amendment application shall be used by charter school
29 operators beginning in the 2022-2023 school year.

30 Section 9. Section 2591.1 of the act is amended by adding a

1 subsection to read:

2 Section 2591.1. Commonwealth Reimbursements for Charter
3 Schools and Cyber Charter Schools.--* * *

4 (e) Beginning in the 2022-2023 school year and each school
5 year thereafter, the Commonwealth shall pay to each school
6 district with resident students enrolled in a charter school
7 entity an amount equal to thirty percent (30%) of the total
8 funding required under section 1725-A(a). The following shall
9 apply:

10 (1) For the fiscal year 2022-2023 and each fiscal year
11 thereafter, if insufficient funds are appropriated to make
12 Commonwealth reimbursements under this section, the
13 reimbursements shall be made on a pro rata basis.

14 (2) The funding provided to school districts under this
15 subsection shall be through the charter school reimbursement
16 line item in the annual State budget.

17 Section 10. This act shall take effect as follows:

18 (1) The amendment of sections 1716-A and 1722-A of the
19 act shall take effect in 60 days.

20 (2) The remainder of this act shall take effect
21 immediately.