

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 337 Session of 2023

INTRODUCED BY SCHWANK, KEARNEY, HUGHES, FONTANA, COLLETT, KANE, TARTAGLIONE, CAPPELLETTI, COSTA AND PENNYCUICK, FEBRUARY 14, 2023

REFERRED TO EDUCATION, FEBRUARY 14, 2023

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An  
2 act relating to the public school system, including certain  
3 provisions applicable as well to private and parochial  
4 schools; amending, revising, consolidating and changing the  
5 laws relating thereto," in charter schools, further providing  
6 for funding for charter schools.

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

9 Section 1. Section 1725-A(a) of the act of March 10, 1949  
10 (P.L.30, No.14), known as the Public School Code of 1949, is  
11 amended and the section is amended by adding a subsection to  
12 read:

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

15 (1) [There] Except as provided for in subsection (a.1),  
16 there shall be no tuition charge for a resident or nonresident  
17 student attending a charter school.

18 (2) For non-special education students, the charter school  
19 shall receive for each student enrolled no less than the

1 budgeted total expenditure per average daily membership of the  
2 prior school year, as defined in section 2501(20), minus the  
3 budgeted expenditures of the district of residence for nonpublic  
4 school programs; adult education programs; community/junior  
5 college programs; student transportation services; for special  
6 education programs; facilities acquisition, construction and  
7 improvement services; and other financing uses, including debt  
8 service and fund transfers as provided in the Manual of  
9 Accounting and Related Financial Procedures for Pennsylvania  
10 School Systems established by the department. [This] Except as  
11 provided in subsection (a.1), this amount shall be paid by the  
12 district of residence of each student.

13 (3) For special education students, the charter school shall  
14 receive for each student enrolled the same funding as for each  
15 non-special education student as provided in clause (2), plus an  
16 additional amount determined by dividing the district of  
17 residence's total special education expenditure by the product  
18 of multiplying the combined percentage of section 2509.5(k)  
19 times the district of residence's total average daily membership  
20 for the prior school year. [This] Except as provided in  
21 subsection (a.1), this amount shall be paid by the district of  
22 residence of each student.

23 (4) A charter school may request the intermediate unit in  
24 which the charter school is located to provide services to  
25 assist the charter school to address the specific needs of  
26 exceptional students. The intermediate unit shall assist the  
27 charter school and bill the charter school for the services. The  
28 intermediate unit may not charge the charter school more for any  
29 service than it charges the constituent districts of the  
30 intermediate unit.

1       (5) Payments shall be made to the charter school in twelve  
2 (12) equal monthly payments, by the fifth day of each month,  
3 within the operating school year. A student enrolled in a  
4 charter school shall be included in the average daily membership  
5 of the student's district of residence for the purpose of  
6 providing basic education funding payments and special education  
7 funding pursuant to Article XXV. If a school district fails to  
8 make a payment to a charter school as prescribed in this clause,  
9 the secretary shall deduct the estimated amount, as documented  
10 by the charter school, from any and all State payments made to  
11 the district after receipt of documentation from the charter  
12 school. No later than October 1 of each year, a charter school  
13 shall submit to the school district of residence of each student  
14 final documentation of payment to be made based on the average  
15 daily membership for the students enrolled in the charter school  
16 from the school district for the previous school year. If a  
17 school district fails to make payment to the charter school, the  
18 secretary shall deduct and pay the amount as documented by the  
19 charter school from any and all State payments made to the  
20 district after receipt of documentation from the charter school  
21 from the appropriations for the fiscal year in which the final  
22 documentation of payment was submitted to the school district of  
23 residence.

24       (6) Within thirty (30) days after the secretary makes the  
25 deduction described in clause (5), a school district may notify  
26 the secretary that the deduction made from State payments to the  
27 district under this subsection is inaccurate. The secretary  
28 shall provide the school district with an opportunity to be  
29 heard concerning whether the charter school documented that its  
30 students were enrolled in the charter school, the period of time

1 during which each student was enrolled, the school district of  
2 residence of each student and whether the amounts deducted from  
3 the school district were accurate.

4 (a.1) If a public school district offers a cyber-based  
5 program equal in scope and content to an existing publicly  
6 chartered cyber charter school and a student in that district  
7 attends a cyber charter school instead of the district's cyber-  
8 based program, the school district shall not be required to  
9 provide funding to pay for the student's attendance at a cyber  
10 charter school.

11 \* \* \*

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