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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 856 Session of  
2015

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INTRODUCED BY PILEGGI, SMUCKER, VANCE, AUMENT AND MENSCH,  
MAY 28, 2015

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REFERRED TO EDUCATION, MAY 28, 2015

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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 terms and courses of study,  
6 further providing for agreements with institutions of higher  
7 education; in opportunities for educational excellence,  
8 further providing for definitions and for concurrent  
9 enrollment agreements; and extensively revising charter  
10 school provisions.

11 The General Assembly of the Commonwealth of Pennsylvania  
12 hereby enacts as follows:

13 Section 1. Section 1525 of the act of March 10, 1949  
14 (P.L.30, No.14), known as the Public School Code of 1949, added  
15 July 4, 2004 (P.L.536, No.70), is amended to read:

16 Section 1525. Agreements with Institutions of Higher  
17 Education.--Notwithstanding any other provision of law to the  
18 contrary, a school district, charter school, regional charter  
19 school, cyber charter school or area vocational-technical school  
20 may enter into an agreement with one or more institutions of  
21 higher education approved to operate in this Commonwealth in  
22 order to allow [resident] students to attend such institutions

1 of higher education while the [resident] students are enrolled  
2 in the school district, charter school, regional charter school,  
3 cyber charter school or area vocational-technical school. The  
4 agreement may be structured so that high school students may  
5 receive credits toward completion of courses at the school  
6 district, charter school, regional charter school, cyber charter  
7 school or area vocational-technical school and at institutions  
8 of higher education approved to operate in this Commonwealth.

9 Section 2. The definitions of "concurrent student" and  
10 "school entity" in section 1602-B of the act, added July 13,  
11 2005 (P.L.226, No.46), are amended to read:

12 Section 1602-B. Definitions.

13 The following words and phrases when used in this article  
14 shall have the meanings given to them in this section unless the  
15 context clearly indicates otherwise:

16 \* \* \*

17 "Concurrent student." A student who is enrolled in a school  
18 district, a charter school, a regional charter school, a cyber  
19 charter school, an area vocational-technical school, a nonpublic  
20 school, a private school or a home education program under  
21 section 1327.1 and who takes a concurrent course through a  
22 concurrent enrollment program.

23 \* \* \*

24 "School entity." A school district, a charter school, a  
25 regional charter school, a cyber charter school or an area  
26 vocational-technical school.

27 \* \* \*

28 Section 3. Section 1613-B of the act is amended by adding a  
29 subsection to read:

30 Section 1613-B. Concurrent enrollment agreements.

1 \* \* \*

2 (c) Charter schools, regional charter schools and cyber  
3 charter schools.--Charter schools, regional charter schools and  
4 cyber charter schools shall have the power and authority to  
5 enter into a concurrent enrollment agreement with an institution  
6 of higher education and appropriate credit shall be awarded to  
7 students concurrently enrolled under the agreement.

8 Section 4. Section 1703-A of the act, amended June 29, 2002  
9 (P.L.524, No.88), is amended to read:

10 Section 1703-A. Definitions.--As used in this article,  
11 "Administrator" shall include an employe of a charter school  
12 entity, including the chief administrator of a charter school  
13 entity and any other employe, who by virtue of the employe's  
14 position is responsible for taking official action of a  
15 nonministerial nature with regard to contracting or procurement,  
16 administering or monitoring grants or subsidies, managing or  
17 regulating staff, student and school activities or any activity  
18 where the official action has an economic impact of greater than  
19 a de minimis nature on the interests of any person.

20 "Appeal board" shall mean the State Charter School Appeal  
21 Board established by this article.

22 "Assessment" shall mean the Pennsylvania System of School  
23 Assessment test, the Keystone Exam or another test established  
24 by the State board to meet the requirements of section 2603-  
25 B(d)(10)(i) and required under the No Child Left Behind Act of  
26 2001 (Public Law 107-110, 115 Stat. 1425) or its successor  
27 Federal statute.

28 "Associated nonprofit foundation" shall mean an entity  
29 organized as a Pennsylvania nonprofit corporation under 15  
30 Pa.C.S. § 5306 (relating to articles of incorporation),

1 operating exclusively for the support and benefit of a  
2 Pennsylvania charter school entity organized under this  
3 article. The term shall include an associated nonprofit  
4 corporation.

5 "At-risk student" shall mean a student at risk of educational  
6 failure because of limited English proficiency, poverty,  
7 community factors, truancy, academic difficulties or economic  
8 disadvantage.

9 "Charter school" shall mean an independent public school  
10 established and operated under a charter from the local board of  
11 school directors and in which students are enrolled or attend. A  
12 charter school must be organized as a public, nonprofit  
13 corporation. Charters may not be granted to any for-profit  
14 entity.

15 "Charter school entity" shall mean a charter school, regional  
16 charter school or cyber charter school.

17 "Charter school foundation" shall mean a nonprofit  
18 organization, as defined under section 501(c)(3) of the Internal  
19 Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)),  
20 that provides funding, resources or otherwise serves to support  
21 a charter school entity, either directly or through an  
22 affiliated entity.

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

27 ["Chief executive officer" shall mean an individual appointed  
28 by the board of trustees to oversee and manage the operation of  
29 the charter school, but who shall not be deemed a professional  
30 staff member under this article.]

1 "Cyber charter school" shall mean an independent public  
2 school established and operated under a charter from the  
3 Department of Education and in which the school uses technology,  
4 including electronic or digital books, in order to provide a  
5 significant portion of its curriculum and to deliver a  
6 significant portion of instruction to its students through the  
7 Internet or other electronic means. A cyber charter school must  
8 be organized as a public, nonprofit corporation. A charter may  
9 not be granted to a for-profit entity.

10 "Department" shall mean the Department of Education of the  
11 Commonwealth.

12 "Educational management service provider" shall mean a for-  
13 profit education management organization, nonprofit charter  
14 management organization, school design provider, business  
15 manager or any other partner entity with which a board of  
16 trustees of a charter school entity contracts to provide  
17 educational design, business services, comprehensive management  
18 or personnel functions or to implement the charter. The term  
19 shall not include a charter school foundation.

20 "Immediate family member" shall mean a parent, spouse, child,  
21 brother or sister.

22 "Local board of school directors" shall mean the board of  
23 directors [of], a school reform commission or other governing  
24 authority of a school district or a financial recovery school  
25 district in which a proposed or an approved charter school is  
26 located.

27 "Nonrelated" shall mean an individual who is not an immediate  
28 family member.

29 "Regional charter school" shall mean an independent public  
30 school established and operated under a charter from more than

1 one local board of school directors and in which students are  
2 enrolled or attend. A regional charter school must be organized  
3 as a public, nonprofit corporation. Charters may not be granted  
4 to any for-profit entity.

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

10 "School entity" shall mean a school district, intermediate  
11 unit, joint school or area vocational-technical school.

12 "Secretary" shall mean the Secretary of Education of the  
13 Commonwealth.

14 "State board" shall mean the State Board of Education of the  
15 Commonwealth.

16 Section 5. Section 1715-A of the act, amended or added June  
17 19, 1997 (P.L.225, No.22) and July 9, 2008 (P.L.846, No.61), is  
18 amended to read:

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

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

29 (2) A charter school entity shall be accountable to the  
30 parents, the public and the Commonwealth, with the delineation

1 of that accountability reflected in the charter. Strategies for  
2 meaningful parent and community involvement shall be developed  
3 and implemented by each school.

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

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

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

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

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

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

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

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

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

28 (7.1) A cyber charter school shall only be subject to the  
29 laws and regulations as provided for in section 1749-A or as  
30 otherwise provided for in this act.

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

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

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

18 (i) The following provisions of this act:

19 (A) Sections 751 and 751.1.

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

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

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

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

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



1 (11) Trustees of a charter school entity shall be public  
2 officials[.] for the purposes of 65 Pa.C.S. Ch. 11 (relating to  
3 ethics standards and financial disclosure) and shall file a  
4 statement of financial interests for the preceding calendar year  
5 with both the State Ethics Commission and either, in the case of  
6 a charter school or regional charter school, the local board of  
7 school directors or, in the case of a cyber charter school, the  
8 department, not later than May 1 of each year that members hold  
9 the position and of the year after a member leaves the position.  
10 All members of the board of trustees of a charter school entity  
11 shall take the oath of office as required under section 321  
12 before entering upon the duties of their office.

13 [(12) A person who serves as an administrator for a charter  
14 school shall not receive compensation from another charter  
15 school or from a company that provides management or other  
16 services to another charter school. The term "administrator"  
17 shall include the chief executive officer of a charter school  
18 and all other employes of a charter school who by virtue of  
19 their positions exercise management or operational oversight  
20 responsibilities. A person who serves as an administrator for a  
21 charter school shall be a public official under 65 Pa.C.S. Ch.  
22 11 (relating to ethics standards and financial disclosure). A  
23 violation of this clause shall constitute a violation of 65  
24 Pa.C.S. § 1103(a) (relating to restricted activities), and the  
25 violator shall be subject to the penalties imposed under the  
26 jurisdiction of the State Ethics Commission.]

27 (b) An individual who serves as an administrator for a  
28 charter school entity shall be a public employe for the purposes  
29 of 65 Pa.C.S. Ch. 11 and shall file a statement of financial  
30 interests for the preceding calendar year with the board of

1 trustees not later than May 1 of each year that the person holds  
2 the position and of the year after the person leaves the  
3 position.

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

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

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

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

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

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

30 (ii) An administrator who knowingly violates this clause

1 commits a violation of 65 Pa.C.S. § 1103(a) (relating to  
2 restricted activities) and shall be subject to the penalties  
3 imposed under the jurisdiction of the State Ethics Commission.

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

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

10 Section 6. Section 1716-A(c) of the act, added June 19, 1997  
11 (P.L.225, No.22), is amended and the section is amended by  
12 adding subsections to read:

13 Section 1716-A. Powers of Board of Trustees.--\* \* \*

14 (b.1) (1) For a charter school or regional charter school  
15 chartered after the effective date of this subsection, an  
16 individual shall be prohibited from serving as a voting member  
17 of the board of trustees of the charter school or regional  
18 charter school if the individual or an immediate family member  
19 receives compensation from or is employed by or is a member of  
20 the local board of school directors who participated in the  
21 initial review, approval, oversight, evaluation or renewal  
22 process of the charter school or regional charter school  
23 chartered by that board.

24 (2) An employe of the school district that chartered the  
25 charter school or the regional charter school may serve as a  
26 member of the board of trustees of the charter school or  
27 regional charter school without voting privileges.

28 (b.2) (1) No member of the board of trustees of a charter  
29 school entity may participate in the selection, award or  
30 administration of any contract if the member has a conflict of

1 interest as that term is defined in 65 Pa.C.S. § 1102 (relating  
2 to definitions).

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

9 (3) A member of the board of trustees of a charter school  
10 entity who knowingly violates this subsection commits a  
11 violation of 65 Pa.C.S. § 1103(a) and shall be subject to the  
12 penalties imposed under the jurisdiction of the State Ethics  
13 Commission.

14 (4) A contract made in violation of this subsection shall be  
15 voidable by a court of competent jurisdiction, if the suit is  
16 commenced within ninety (90) days of the making of the contract.

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

19 (b.3) A member of the board of trustees of a charter school  
20 entity shall be automatically disqualified and immediately  
21 removed from the board upon conviction for an offense graded as  
22 a felony, an infamous crime, an offense pertaining to fraud,  
23 theft or mismanagement of public funds, any offense pertaining  
24 to his official capacity as a board member or any crime  
25 involving moral turpitude.

26 (c) The board of trustees shall comply with [the act of July  
27 3, 1986 (P.L.388, No.84), known as the "Sunshine Act."] 65  
28 Pa.C.S. Ch. 7 (relating to open meetings).

29 (d) (1) (i) The board of trustees of a charter school  
30 entity shall consist of a minimum of five (5) nonrelated voting

1 members.

2 (ii) If a charter school entity has fewer than five (5)  
3 nonrelated voting members serving on its board on the effective  
4 date of this subsection, the charter school entity shall, within  
5 sixty (60) days, appoint additional members to the board to meet  
6 the minimum requirements of this section.

7 (2) Within one (1) year of the effective date of this  
8 subsection, at least one (1) member of the board of trustees of  
9 a charter school entity shall be a parent of a child currently  
10 attending the charter school entity. The board member shall be  
11 eligible to serve only so long as the child attends the charter  
12 school entity.

13 (e) (1) A majority of the voting members of the board of  
14 trustees shall constitute a quorum. If less than a majority is  
15 present at any meeting, no business may be transacted at the  
16 meeting.

17 (2) The affirmative vote of a majority of all the voting  
18 members of the board of trustees, duly recorded, shall be  
19 required in order to take action on the subjects enumerated  
20 under subsection (a).

21 Section 7. The act is amended by adding sections to read:

22 Section 1716.1-A. (Reserved).

23 Section 1716.2-A. Fund Balance Limits.--Fund balance limits  
24 shall be as follows:

25 (1) For the 2015-2016 school year and each school year  
26 thereafter, a charter school entity shall not accumulate an  
27 unassigned fund balance greater than the charter school entity  
28 unassigned fund balance limit, which will be determined as  
29 follows:

30 Maximum Unassigned Fund

	<u>Balance as Percentage of</u>
<u>Charter School Entity</u>	<u>Total Budgeted</u>
<u>Total Budgeted Expenditures</u>	<u>Expenditures</u>
<u>Less than or equal to \$11,999,999</u>	<u>12%</u>
<u>Between \$12,000,000 and \$12,999,999</u>	<u>11.5%</u>
<u>Between \$13,000,000 and \$13,999,999</u>	<u>11%</u>
<u>Between \$14,000,000 and \$14,999,999</u>	<u>10.5%</u>
<u>Between \$15,000,000 and \$15,999,999</u>	<u>10%</u>
<u>Between \$16,000,000 and \$16,999,999</u>	<u>9.5%</u>
<u>Between \$17,000,000 and \$17,999,999</u>	<u>9%</u>
<u>Between \$18,000,000 and \$18,999,999</u>	<u>8.5%</u>
<u>Greater Than or Equal to \$19,000,000</u>	<u>8%</u>

13 (2) Any unassigned fund balance in place on June 30, 2017,  
 14 that exceeds the charter school entity unassigned fund balance  
 15 limit shall be refunded on a pro rata basis within ninety (90)  
 16 days to all school districts that paid tuition to the charter  
 17 school entity on behalf of students enrolled in the 2015-2016  
 18 and 2016-2017 school years.

19 (3) For the 2017-2018 school year and each school year  
 20 thereafter, any unassigned fund balance in place on June 30 of  
 21 that school year in excess of the charter school entity  
 22 unassigned fund balance limit shall be refunded on a pro rata  
 23 basis within ninety (90) days to all school districts that paid  
 24 tuition to the charter school entity in the prior school year.

25 (4) By September 30, 2017, and August 15 of each year  
 26 thereafter, each charter school entity shall provide the  
 27 department and all school districts that paid tuition to the  
 28 charter school entity in the prior school year with information  
 29 certifying compliance with this section. The information shall  
 30 be provided in a form and manner prescribed by the department

1 and shall include information on the charter school entity's  
2 estimated ending unassigned fund balance expressed as a dollar  
3 amount and as a percentage of the charter school entity's total  
4 budgeted expenditures for that school year.

5 (5) Unassigned funds of the charter school entity in excess  
6 of the unassigned fund balance limit may not be used to pay  
7 bonuses to any administrator, board of trustees member, employe,  
8 staff member or contractor and may not be transferred to a  
9 charter school foundation. If a charter school entity uses funds  
10 in excess of the unassigned fund balance limit to pay bonuses to  
11 any administrator, board of trustees member, employe, staff  
12 member or contractor or transfers such funds to a charter school  
13 foundation, the value of the bonus payment or fund transfer  
14 shall be refunded by the charter school entity on a pro rata  
15 basis to all school districts that paid tuition to the charter  
16 school entity on behalf of students enrolled in the charter  
17 school entity in the immediately preceding school year.

18 (6) As used in this section, "unassigned fund balance" shall  
19 mean that portion of the fund balance of a charter school entity  
20 that provides funding or resources or otherwise serves to  
21 support the charter school entity that is:

22 (i) available for expenditure or not legally or otherwise  
23 segregated for a specific or tentative future use; and

24 (ii) held in the general fund accounts of the charter school  
25 entity.

26 Section 8. Section 1717-A(c), (d), (e), (f) and (i) of the  
27 act, added June 19, 1997 (P.L.225, No.22), are amended and the  
28 section is amended by adding subsections to read:

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

30 (c) An application to establish a charter school shall be

1 submitted to the local board of school directors of the district  
2 where the charter school will be located by [November 15]  
3 October 1 of the school year preceding the school year in which  
4 the charter school will be established except that for a charter  
5 school beginning in the 1997-1998 school year, an application  
6 must be received by July 15, 1997. In the 1997-1998 school year  
7 only, applications shall be limited to recipients of fiscal year  
8 1996-1997 Department of Education charter school planning  
9 grants.

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

22 (e) (1) Not later than seventy-five (75) days after the  
23 first public hearing on the application, the local board of  
24 school directors shall grant or deny the application. For a  
25 charter school beginning in the 1997-1998 school year, the local  
26 board of school directors shall grant or deny the application no  
27 later than sixty (60) days after the first public hearing.

28 (2) A charter school application submitted under this  
29 article shall be evaluated by the local board of school  
30 directors based on criteria, including, but not limited to, the



1 following:

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

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

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

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

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

18 (4) A charter application shall be deemed approved by the  
19 local board of school directors of a school district upon  
20 affirmative vote by a majority of all the directors. Formal  
21 action approving or denying the application shall be taken by  
22 the local board of school directors at a public meeting, with  
23 notice or consideration of the application given by the board,  
24 under [the "Sunshine Act."] 65 Pa.C.S. Ch. 7.

25 (5) Written notice of the board's action shall be sent to  
26 the applicant, the department and the appeal board. If the  
27 application is denied, the reasons for the denial, including a  
28 description of deficiencies in the application, shall be clearly  
29 stated in the notice sent by the local board of school directors  
30 to the charter school applicant.

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

19 \* \* \*

20 (i) (1) The appeal board shall have the exclusive review of  
21 an appeal by a charter school applicant, or by the board of  
22 trustees of an existing charter school, of a decision made by a  
23 local board of directors not to grant a charter as provided in  
24 this section.

25 [(2) In order for a charter school applicant to be eligible  
26 to appeal the denial of a charter by the local board of  
27 directors, the applicant must obtain the signatures of at least  
28 two per centum of the residents of the school district or of one  
29 thousand (1,000) residents, whichever is less, who are over  
30 eighteen (18) years of age. For a regional charter school, the

1 applicant must obtain the signatures of at least two per centum  
2 of the residents of each school district granting the charter or  
3 of one thousand (1,000) residents from each of the school  
4 districts granting the charter, whichever is less, who are over  
5 eighteen (18) years of age. The signatures shall be obtained  
6 within sixty (60) days of the denial of the application by the  
7 local board of directors in accordance with clause (3).

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

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

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

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

1 (iii) That the signers signed with full knowledge of the  
2 purpose of the petition.

3 (iv) That the signers' respective residences are correctly  
4 stated in the petition.

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

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

8 (vii) That to the best of the affiant's knowledge and  
9 belief, the signers are residents of the school district.

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

23 (6) In any appeal, the decision made by the local board of  
24 directors shall be reviewed by the appeal board on the record as  
25 certified by the local board of directors. The appeal board  
26 shall give due consideration to the findings of the local board  
27 of directors and specifically articulate its reasons for  
28 agreeing or disagreeing with those findings in its written  
29 decision. The appeal board shall have the discretion to allow  
30 the local board of directors and the charter school applicant to

1 supplement the record if the supplemental information was  
2 previously unavailable.

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

6 (8) Not later than sixty (60) days following the review  
7 conducted pursuant to clause (6), the appeal board shall issue a  
8 written decision affirming or denying the appeal. If the appeal  
9 board has affirmed the decision of the local board of directors,  
10 notice shall be provided to both parties.

11 (9) A decision of the appeal board to reverse the decision  
12 of the local board of directors shall serve as a requirement for  
13 the local board of directors of a school district or school  
14 districts, as appropriate, to grant the application and sign the  
15 written charter of the charter school as provided for in section  
16 1720-A. Should the local board of directors fail to grant the  
17 application and sign the charter within ten (10) days of notice  
18 of the reversal of the decision of the local board of directors,  
19 the charter shall be deemed to be approved and shall be signed  
20 by the chairman of the appeal board.

21 (10) All decisions of the appeal board shall be subject to  
22 appellate review by the Commonwealth Court.

23 (j) Notwithstanding the provisions of section 696(i) or any  
24 other provision of law to the contrary, a school reform  
25 commission considering an application to establish a charter  
26 school in a school district of the first class shall comply with  
27 subsection (e) (5).

28 (k) Notwithstanding the provisions of section 696(i) or any  
29 other provision of law to the contrary, a charter school  
30 applicant may appeal a decision of a school reform commission to

1 deny an application to establish a charter school in a school  
2 district of the first class to the appeal board. Subsections  
3 (g), (h) and (i) shall apply to an appeal under this subsection.

4 Section 9. Section 1719-A of the act, added June 19, 1997  
5 (P.L.225, No.22), is amended to read:

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

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

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

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

17 (4) [The proposed governance structure of the charter  
18 school, including a description and method for the appointment  
19 or election of members of the board of trustees.] An  
20 organizational chart clearly presenting the proposed governance  
21 structure of the school, including lines of authority and  
22 reporting between the board of trustees, administrators, staff  
23 and any educational management service provider that will  
24 provide management services to the charter school entity.

25 (4.1) A clear description of the roles and responsibilities  
26 for the board of trustees, administrators and any other  
27 entities, including a charter school foundation, shown in the  
28 organizational chart.

29 (4.2) A clear description of and method for the appointment  
30 or election of members of the board of trustees.

1 (4.3) Standards for board of trustees performance, including  
2 compliance with all applicable laws, regulations and terms of  
3 the charter.

4 (4.4) If the charter school entity intends to contract with  
5 an educational management service provider for services, all of  
6 the following:

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

12 (ii) A draft contract stating all of the following:

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

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

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

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

20 (E) Performance evaluation measures and timelines.

21 (F) The compensation structure, including clear  
22 identification of all fees to be paid to the educational  
23 management service provider.

24 (G) Methods of contract oversight and enforcement.

25 (H) Investment disclosure or the advance of moneys by the  
26 educational management service provider on behalf of the charter  
27 school entity.

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

29 (iii) Disclosure and explanation of any existing or  
30 potential conflicts of interest between the members of the board

1 of trustees and the proposed educational management service  
2 provider or any affiliated business entities, including a  
3 charter school foundation qualified as a support organization  
4 under the Internal Revenue Code of 1986 (Public Law 99-514, 26  
5 U.S.C. § 1 et seq.).

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

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

12 (7) Procedures which will be used regarding the suspension  
13 or expulsion of pupils. Said procedures shall comply with  
14 section 1318.

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

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

21 (10) Procedures which shall be established to review  
22 complaints of parents regarding the operation of the charter  
23 school entity.

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

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

30 (13) The proposed faculty, if already determined, and a



1 professional development and continuing education plan for the  
2 faculty and professional staff of [a] the charter school entity.

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

14 (15) A report of criminal history record, pursuant to  
15 section 111, for all individuals identified in the application  
16 who shall have direct contact with students and a plan for  
17 satisfying the proper criminal history record clearances  
18 required for all other staff.

19 (16) An official clearance statement regarding child injury  
20 or abuse from the Department of Public Welfare as required by 23  
21 Pa.C.S. Ch. 63 Subch. C.2 (relating to background checks for  
22 employment in schools) for all individuals identified in the  
23 application who shall have direct contact with students and a  
24 plan for satisfying the proper official clearance statement  
25 regarding child injury or abuse required for all other staff.

26 (17) How the charter school entity will provide adequate  
27 liability and other appropriate insurance for the charter school  
28 entity, its employes and the board of trustees of the charter  
29 school entity.

30 (18) Policies regarding truancy, absences and withdrawal of

1 students, including the manner in which the charter school  
2 entity will monitor attendance consistent with section 1715-A(a)  
3 (9). The charter school entity's policy shall establish, to the  
4 satisfaction of the local board of school directors or, in the  
5 case of cyber charter school, to the satisfaction of the  
6 department, that the charter school entity will comply with  
7 sections 1332 and 1333, including the institution of truancy  
8 proceedings when required under section 1333.

9 (19) How the charter school entity will meet the standards  
10 included in the performance matrix developed by the department  
11 under section 1731.1-A.

12 (20) Indicate whether or not the charter school entity will  
13 seek accreditation by a nationally recognized accreditation  
14 agency, including the Middle States Association of Colleges and  
15 Schools or another regional institutional accrediting agency  
16 recognized by the United States Department of Education or an  
17 equivalent federally recognized body for charter school  
18 education.

19 (b) A local board of school directors may not impose  
20 additional terms, develop its own application or require  
21 additional information outside the standard application form  
22 required under subsection (a).

23 Section 10. Section 1720-A of the act, amended July 9, 2008  
24 (P.L.846, No.61), is amended to read:

25 Section 1720-A. Term and Form of Charter.--(a) (1) Upon  
26 approval of a charter application under section 1717-A, a  
27 written charter shall be developed which shall contain the  
28 provisions of the standardized charter application under section  
29 1719-A and which shall be signed by the local board of school  
30 directors of a school district, by the local boards of school

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

24 (2) The following shall apply to all charters granted by a  
25 school district:

26 (i) An initial charter executed pursuant to section  
27 1720-A(a) (1) shall be for a period of five (5) years.

28 (ii) Prior to the effective date of the regulations  
29 implementing the performance matrix as required under section  
30 1731.1-A, a charter may be renewed for five (5) year periods

1 upon reauthorization by the local board of school directors or  
2 other governing body of a school district or the appeal board.

3 (iii) Upon the effective date of the regulations  
4 implementing the performance matrix as required pursuant to  
5 section 1731.1-A, the following shall apply:

6 (A) For charter schools and regional charter schools that  
7 have satisfied the academic quality benchmark established by the  
8 State Board of Education pursuant to section 1731.1-A, a charter  
9 may be renewed for ten (10) year periods upon reauthorization by  
10 the local board of school directors or other governing body of a  
11 school district or the appeal board.

12 (B) For charter schools and regional charter schools that  
13 have not satisfied the academic quality benchmark established by  
14 the State Board of Education pursuant to section 1731.1-A, a  
15 charter may be renewed for five (5) year periods upon  
16 reauthorization by the local board of school directors or other  
17 governing body of a school district or the appeal board.

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

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

30 (3) A governing board of a school district of the first

1 class does not have the authority to renew a charter for  
2 successive one (1) year periods.

3 (c) (1) A charter school or regional charter school may  
4 request amendments to its approved written charter by filing a  
5 written document describing the requested amendment with the  
6 local board of school directors.

7 (2) Within thirty-five (35) days of its receipt of the  
8 request for an amendment, the local board of school directors  
9 shall hold a public hearing on the requested amendment under 65  
10 Pa.C.S. Ch. 7 (relating to open meetings).

11 (3) Within thirty-five (35) days after the hearing, the  
12 local board of school directors shall grant or deny the  
13 requested amendment. Failure by the local board of school  
14 directors to hold a public hearing and to grant or deny the  
15 amendments within the time period specified in this subsection  
16 shall be deemed an approval.

17 (4) An applicant for an amendment to a local board of school  
18 directors shall have the right to appeal the denial of a  
19 requested amendment to the appeal board provided for under  
20 section 1721-A.

21 Section 11. Section 1721-A(a) and (e) of the act, added June  
22 19, 1997 (P.L.225, No.22), are amended to read:

23 Section 1721-A. State Charter School Appeal Board.--(a) The  
24 State Charter School Appeal Board shall consist of the Secretary  
25 of Education and [six (6)] the following members who shall be  
26 appointed by the Governor by and with the consent of a majority  
27 of all the members of the Senate. [Appointments by the Governor  
28 shall not occur prior to January 1, 1999.] The Governor shall  
29 select the chairman of the appeal board to serve at the pleasure  
30 of the Governor. The members shall include:

1 (1) A parent of a school-aged child enrolled in a charter  
2 school entity.

3 (2) A school board member.

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

6 (4) A faculty member or administrative employe of an  
7 institution of higher education.

8 (5) A member of the business community.

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

10 (7) An administrator of a charter school entity.

11 (8) A member of the board of trustees of a charter school  
12 entity.

13 The term of office of members of the appeal board, other than  
14 the secretary, shall be for a period of four (4) years or until  
15 a successor is appointed and qualified, except that, of the  
16 initial appointees, the Governor shall designate two (2) members  
17 to serve terms of two (2) years, two (2) members to serve terms  
18 of three (3) years and two (2) members to serve terms of four  
19 (4) years. A parent member appointed under paragraph (1) shall  
20 serve a term of four (4) years, provided the member's child  
21 remains enrolled in the charter school entity. Any appointment  
22 to fill any vacancy shall be for the period of the unexpired  
23 term or until a successor is appointed and qualified.

24 \* \* \*

25 (e) Meetings of the appeal board shall be conducted under  
26 [the act of July 3, 1986 (P.L.388, No.84), known as the  
27 "Sunshine Act."] 65 Pa.C.S. Ch. 7 (relating to open meetings).

28 Documents of the appeal board shall be subject to the act of  
29 [June 21, 1957 (P.L.390, No.212), referred to as the Right-to-  
30 Know Law.] February 14, 2008 (P.L.6, No.3), known as the "Right-

1 to-Know Law."

2 Section 12. Section 1722-A(a), (b) and (d) of the act,  
3 amended November 17, 2010 (P.L.996, No.104), are amended and the  
4 section is amended by adding subsections to read:

5 Section 1722-A. Facilities.--(a) A charter school entity  
6 may be located in an existing public school building, in a part  
7 of an existing public school building, in space provided on a  
8 privately owned site, in a public building or in any other  
9 suitable location.

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

13 (b.1) (1) A charter school entity shall have the right of  
14 first refusal to purchase or lease, for educational purposes  
15 only, a public school building or a part of a public school  
16 building which is no longer in active use by the property  
17 titleholder, at the price of one of the following:

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

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

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

25 (2) Subject to paragraph (4), a school entity shall accept  
26 an offer from a charter school entity that conforms to the  
27 provisions of paragraph (1).

28 (3) The department shall provide a page on its publicly  
29 accessible Internet website on which school entities are  
30 required to post a notice for each public school building or

1 part of a public school building that is available for purchase  
2 or lease. A school entity shall submit a notice to the  
3 department on a form to be developed by the department. The  
4 department shall post the notice within five (5) days of  
5 receiving the form.

6 (4) The following shall apply to the sale or lease of a  
7 public school building or a part of a public school building by  
8 a school entity:

9 (i) A school entity may not enter a contract to sell or  
10 lease a building or part of a building until at least thirty  
11 (30) days after the posting of a notice as required under  
12 paragraph (3).

13 (ii) Where two (2) or more charter school entities make  
14 offers on the same building or part of a building that conform  
15 to the provisions of this subsection, the school entity shall:

16 (A) Accept the first offer where all the offers are equal.

17 (B) Accept the best offer where the offers differ.

18 (d) Notwithstanding any other provision of this act, a  
19 school district [of the first class] may, in its discretion,  
20 permit a charter school or regional charter school to operate  
21 its school at more than one location.

22 \* \* \*

23 (f) (1) Alcoholic beverages shall not be available for  
24 consumption, purchase or sale in any charter school entity  
25 facility.

26 (2) If, in the case of a charter school or regional charter  
27 school, the local board of school directors reasonably believes  
28 that alcoholic beverages have been made available for  
29 consumption, purchase or sale in the charter school or regional  
30 charter school facility, the local board of school directors



1 shall notify the department.

2 (3) If alcoholic beverages have been made available for  
3 consumption, purchase or sale in a charter school entity  
4 facility, the secretary shall order the following forfeitures  
5 against the charter school entity:

6 (i) A fine of \$1,000 for the first violation.

7 (ii) A fine of \$5,000 for the second or subsequent  
8 violation.

9 (4) The charter school entity may appeal the order of the  
10 secretary under 2 Pa.C.S. Chs. 5 (relating to practice and  
11 procedure) and 7 (relating to judicial review).

12 Section 13. Section 1723-A(a) and (b) of the act, amended  
13 June 26, 1999 (P.L.394, No.36) are amended to read:

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

15 Requirements.--(a) (1) All resident children in this  
16 Commonwealth who submit a completed enrollment form in  
17 accordance with clause (3) qualify for admission to a charter  
18 school entity within the provisions of subsection (b). [If] In  
19 the case of a charter school, if more students apply to the  
20 charter school than the number of attendance slots available in  
21 the school, then students must be selected on a random basis  
22 from a pool of [qualified applicants meeting the established  
23 eligibility criteria and submitting an application] eligible  
24 applicants who have submitted an enrollment form in accordance  
25 with clauses (3) and (4) by the deadline established by the  
26 charter school, except that the charter school may give  
27 preference in enrollment to a child of a parent who has actively  
28 participated in the development of the charter school [and], to  
29 siblings of students presently enrolled in the charter school  
30 and to siblings of students selected for enrollment during the

1 lottery process. First preference shall be given to students who  
2 reside in the district or districts[.] in which the charter  
3 school is physically located.

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

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

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

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

28 (4) The standard enrollment form shall be made physically  
29 available at each charter school entity, in a form that complies  
30 with Federal and State law and posted on the publicly accessible

1 Internet website of each charter school entity, if available. A  
2 charter school entity may accept the enrollment form via  
3 electronic means.

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

8 (6) Nothing in this section shall prohibit a charter school  
9 entity from requesting the submission of additional records and  
10 information that public schools are entitled to receive after a  
11 student is accepted for admission to a charter school entity.

12 (7) As used in this subsection "eligible applicant" shall  
13 mean a student who is seeking to enter a grade level offered by  
14 the charter school and meets the requirements of 22 Pa. Code §§  
15 11.12 (relating to school age), 11.13 (relating to compulsory  
16 school age), 11.14 (relating to admission to kindergarten when  
17 provided), 11.15 (relating to admission of beginners), 11.16  
18 (relating to early admission of beginners) and 12.1 (relating to  
19 free education and attendance) and student residency  
20 requirements.

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

27 (2) A charter school entity may limit [admission] its  
28 academic focus to a particular grade level[, ] or a targeted  
29 population group composed of at-risk students[, or areas of  
30 concentration of the school such as mathematics, science or the

1 arts. A charter school may establish reasonable criteria to  
2 evaluate prospective students which shall be outlined in the  
3 school's charter.] or a specialized area or accelerated program  
4 of study, such as mathematics, science or the arts.

5 \* \* \*

6 Section 14. Section 1724-A(d) of the act, added June 19,  
7 1997 (P.L.225, No.22), is reenacted and amended to read:

8 Section 1724-A. School Staff.--\* \* \*

9 (d) Every employe of a charter school shall be provided [the  
10 same] similar health care benefits as the employe would be  
11 provided if he or she were an employe of the local district. The  
12 local board of school directors may require the charter school  
13 to provide [the same] similar terms and conditions with regard  
14 to health insurance as the collective bargaining agreement of  
15 the school district to include employe contributions to the  
16 district's health benefits plan. The charter school shall make  
17 any required employer's contribution to the district's health  
18 plan to an insurer, a local board of school directors or a  
19 contractual representative of school employes, whichever is  
20 appropriate to provide the required coverage.

21 \* \* \*

22 Section 15. Section 1725-A(a)(2) of the act, amended June  
23 29, 2002 (P.L.524, No.88), is amended to read:

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

26 \* \* \*

27 (2) For non-special education students, the charter school  
28 shall receive for each student enrolled no less than the  
29 budgeted total expenditure per average daily membership of the  
30 prior school year, as defined in section 2501(20), minus the

1 budgeted expenditures of the district of residence for nonpublic  
2 school programs; adult education programs; community/junior  
3 college programs; student transportation services; for special  
4 education programs; facilities acquisition, construction and  
5 improvement services; programs and services to the extent they  
6 are funded from the proceeds of competitive grants from private  
7 or public resources or from contributions or donations from  
8 private sources; and other financing uses, including debt  
9 service and fund transfers as provided in the Manual of  
10 Accounting and Related Financial Procedures for Pennsylvania  
11 School Systems established by the department. This amount shall  
12 be paid by the district of residence of each student.

13 \* \* \*

14 Section 16. Section 1728-A(a) of the act, added June 19,  
15 1997 (P.L.225, No.22), is amended to read:

16 Section 1728-A. Annual Reports and Assessments.--(a) (1)  
17 The local board of school directors shall annually assess  
18 whether each charter school or regional charter school is  
19 meeting the goals of its charter and shall conduct a  
20 comprehensive review prior to granting a [five (5) year] renewal  
21 of the charter under section 1720-A(a)(2). The local board of  
22 school directors shall have ongoing access to the records and  
23 facilities of the charter school or regional charter school to  
24 ensure that the charter school or regional charter school is in  
25 compliance with its charter and this act and that requirements  
26 for testing, civil rights and student health and safety are  
27 being met.

28 (2) Ongoing access to a charter school's or regional charter  
29 school's records shall mean that the local board of school  
30 directors shall have access to records such as financial

1 reports, financial audits, aggregate standardized test scores  
2 without student-identifying information and teacher  
3 certification and personnel records.

4 (3) Charter schools and regional charter schools shall  
5 comply fully with the requirements of the Family Educational  
6 Rights and Privacy Act of 1974 (Public Law 90-247, 20 U.S.C. §  
7 1232g) and associated regulations. No personally identifiable  
8 information from education records shall be provided by the  
9 charter school or regional charter school to the school district  
10 except in compliance with the Family Educational Rights and  
11 Privacy Act of 1974.

12 (b) In order to facilitate the local board's review and  
13 secretary's report, each charter school or regional charter  
14 school shall submit an annual report no later than August 1 of  
15 each year to the local board of school directors and the  
16 secretary in the form prescribed by the secretary.

17 [(c) Five (5) years following the effective date of this  
18 article, the secretary shall contract with an independent  
19 professional consultant with expertise in public and private  
20 education. The consultant shall receive input from members of  
21 the educational community and the public on the charter school  
22 program. The consultant shall submit a report to the secretary,  
23 the Governor and the General Assembly and an evaluation of the  
24 charter school program, which shall include a recommendation on  
25 the advisability of the continuation, modification, expansion or  
26 termination of the program and any recommendations for changes  
27 in the structure of the program.]

28 (d) A charter school entity shall form an independent audit  
29 committee of its board members which shall review at the close  
30 of each fiscal year a complete certified audit of the operations

1 of the charter school entity. The audit shall be conducted by a  
2 qualified independent certified public accountant. The audit  
3 shall be conducted under generally accepted audit standards of  
4 the Governmental Accounting Standards Board and shall include  
5 the following:

6 (1) An enrollment test to verify the accuracy of student  
7 enrollment and reporting to the State.

8 (2) Full review of expense reimbursements for board members  
9 and administrators, including sampling of all reimbursements.

10 (3) Review of internal controls, including review of  
11 receipts and disbursements.

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

17 (5) Review of the financial statements of any charter school  
18 foundation.

19 (6) Review of the selection and acceptance process of all  
20 contracts publicly bid under section 751.

21 (7) Review of all board policies and procedures with regard  
22 to internal controls, code of ethics, conflicts of interest,  
23 whistle-blower protections, complaints from parents or the  
24 public, compliance with 65 Pa.C.S. Ch. 7 (relating to open  
25 meetings), compliance with the "Right-to-Know Law," finances,  
26 budgeting, audits, public bidding and bonding.

27 (e) The certified audit under subsection (d) and the annual  
28 budget under subsection (g) are public documents and shall be  
29 made available on the charter school entity's publicly  
30 accessible Internet website, if available, and in the case of a

1 charter school or regional charter school, on the school  
2 district's publicly accessible Internet website.

3 (f) A charter school entity may be subject to an annual  
4 audit by the Auditor General, in addition to any other audits  
5 required by Federal law or this article.

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

11 (1) The source of funding for all expenditures as part of  
12 its reporting under subsection (a).

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

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

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

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

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



1 website within thirty (30) days of the close of the foundation's  
2 fiscal year.

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

5 Section 17. The act is amended by adding a section to read:

6 Section 1728.2-A. Charter Authorizer Accountability.--(a)  
7 Each local board of school directors shall be required to submit  
8 to the department an annual report summarizing:

9 (1) The strategic vision for chartering and progress toward  
10 achieving that vision.

11 (2) The academic and financial performance of all operating  
12 public charter schools and regional charter schools overseen by  
13 the local board of school directors according to the performance  
14 expectations for public charter schools set forth in this act.

15 (3) The status of the local board of school directors'  
16 charter school and regional charter school portfolio,  
17 identifying all public charter schools in each of the following  
18 categories: (i) approved, but not open; (ii) open and operating;  
19 and (iii) closed, including the year closed and the reason for  
20 closure.

21 (4) The authorizing functions provided by the local board of  
22 school directors to the public charter schools and regional  
23 charter schools under its purview, including the authorizer's  
24 operating costs and expenses detailed in annual audited  
25 financial statements that conform to generally accepted  
26 accounting principles.

27 (b) The department shall be responsible for the following:

28 (1) Oversight of the performance of each established local  
29 board of school directors.

30 (2) Formal evaluation of the overall State charter school

1 program and outcomes every five years.

2 (3) For each local board of school directors an annual  
3 review, based on objective data, to determine how well it is  
4 exercising its duties and maintaining a portfolio of high-  
5 performing charter schools.

6 (4) In reviewing or evaluating the performance of each local  
7 board of school directors, the department shall apply nationally  
8 recognized principles and standards of quality charter school  
9 authorizing including, but not limited to, those of the National  
10 Association of Charter School Authorizers.

11 (c) The department shall publish the annual reviews on its  
12 publicly accessible Internet website and submit a summary report  
13 regarding performance to the Governor and the General Assembly.

14 (d) (1) By November 30, 2016, the department shall develop  
15 a plan for sanctioning local boards of school directors that  
16 maintain portfolios with persistently low-performing charter  
17 schools and regional charter schools and fail to provide  
18 adequate oversight or intervention that may include a corrective  
19 action plan and other sanctions deemed necessary by the  
20 department.

21 (2) The department must issue its plan for sanctioning local  
22 boards of school directors to the President pro tempore of the  
23 Senate, the Majority Leader and Minority Leader of the Senate,  
24 the Education Committee of the Senate, the Speaker of the House  
25 of Representatives, the Majority Leader and Minority Leader of  
26 the House of Representatives and the Education Committee of the  
27 House of Representatives.

28 (3) The plan for sanctioning local boards of school  
29 directors developed by the department shall not go into effect  
30 unless the plan for sanctioning local boards of school directors

1 is approved by an act of the General Assembly.

2 Section 18. Section 1729-A(a), (b) and (c) of the act, added  
3 June 19, 1997 (P.L.225, No.22), are amended to read:

4 Section 1729-A. Causes for Nonrenewal or Termination.--(a)  
5 During the term of the charter or at the end of the term of the  
6 charter, the local board of school directors may choose to  
7 revoke or not to renew the charter based on any of the  
8 following:

9 (1) One or more material violations of any of the  
10 conditions, standards or procedures contained in the written  
11 charter signed pursuant to section 1720-A.

12 (2) Failure to meet the requirements for student performance  
13 [set forth in 22 Pa. Code Ch. 5 (relating to curriculum) or  
14 subsequent regulations promulgated to replace 22 Pa. Code Ch. 5]  
15 on assessments or failure to meet any performance standard set  
16 forth in the written charter signed pursuant to section [1716-A]  
17 1720-A.

18 (3) Failure to meet generally accepted standards of fiscal  
19 management or audit requirements.

20 (4) Violation of provisions of this article.

21 (5) Violation of any provision of law from which the charter  
22 school entity has not been exempted, including Federal laws and  
23 regulations governing children with disabilities.

24 [(6) The charter school has been convicted of fraud.]

25 \* \* \*

26 (b) [A member of the board of trustees who is convicted of a  
27 felony or any crime involving moral turpitude shall be  
28 immediately disqualified from serving on the board of trustees.]

29 If, after a hearing under this section, a local board of school  
30 directors or, in the case of a cyber charter school, the

1 department proves by a preponderance of the evidence that an  
2 administrator or board member of a charter school entity has  
3 violated this article, the terms and conditions of the charter  
4 or any other law, the local board of school directors or, in the  
5 case of a cyber charter school, the department may require the  
6 charter school entity to replace the administrator or board of  
7 trustees member in order to obtain renewal of the charter. The  
8 local board of school directors or, in the case of a cyber  
9 charter school, the department may refer its findings to the  
10 district attorney with jurisdiction or to the Office of Attorney  
11 General for prosecution if the local board of school directors  
12 or, in the case of a cyber charter school, the department  
13 discovers or receives information about possible violations of  
14 law by any person affiliated with or employed by a charter  
15 school entity.

16 (c) Any notice of revocation or nonrenewal of a charter  
17 given by the local board of school directors of a school  
18 district shall state the grounds for such action with reasonable  
19 specificity and give reasonable notice to the [governing] board  
20 of trustees of the charter school or regional charter school of  
21 the date on which a public hearing concerning the revocation or  
22 nonrenewal will be held. The local board of school directors  
23 shall conduct such hearing, present evidence in support of the  
24 grounds for revocation or nonrenewal stated in its notice and  
25 give the charter school or regional charter school reasonable  
26 opportunity to offer testimony before taking final action.  
27 Formal action revoking or not renewing a charter shall be taken  
28 by the local board of school directors held at a public meeting  
29 pursuant to [the act of July 3, 1986 (P.L.388, No.84), known as  
30 the "Sunshine Act,"] 65 Pa.C.S. Ch. 7 (relating to open

1 meetings) after the public has had thirty (30) days to provide  
2 comments to the board. All proceedings of the local board  
3 pursuant to this subsection shall be subject to 2 Pa.C.S. Ch. 5  
4 Subch. B (relating to practice and procedure of local agencies).  
5 Except as provided in subsection (d), the decision of the local  
6 board shall not be subject to 2 Pa.C.S. Ch. 7 Subch. B (relating  
7 to judicial review of local agency action).

8 \* \* \*

9 Section 19. The act is amended by adding sections to read:

10 Section 1729.1-A. Evaluation of Educators.--(a) All  
11 applications by a charter school entity for a charter or for the  
12 renewal of a charter shall include a system of evaluation for  
13 educators that includes:

14 (1) at least four (4) rating categories of educator  
15 performance; and

16 (2) multiple measures of student performance which shall  
17 include, but may not be limited to, value-added assessment  
18 system data made available by the department under section 221  
19 and student performance on the most recent assessments for which  
20 results have been released by the department and may include  
21 goals specific to the mission of the charter school entity's  
22 charter.

23 (b) Nothing in this section shall preempt the powers of a  
24 board of trustees under section 1716-A(a) nor affect the intent  
25 of the General Assembly provided in section 1702-A(3) and (4).

26 (c) For purposes of this section, the term "educator" shall  
27 include all professional employes who are certified as teachers  
28 and noncertified staff members who teach in a charter school  
29 entity.

30 Section 1729.2-A. Multiple Charter School Organizations.--

1 (a) A multiple charter school organization approved by the  
2 secretary under this section shall be:

3 (1) granted legal authority to operate two (2) or more  
4 individual charter schools established under the requirements of  
5 section 1717-A, under the management of a single board of  
6 trustees and a chief administrator, subject to the oversight of  
7 the authorizing school district for each charter school included  
8 in the multiple charter school organization;

9 (2) subject to all of the requirements of this article,  
10 unless otherwise provided for under this section; and

11 (3) the holder of the charter of each individual charter  
12 school within the organization.

13 (b) Subject to the requirements of this section and 15  
14 Pa.C.S. Pt. II Subpt. C (relating to nonprofit corporations),  
15 two (2) or more charter schools may consolidate into a multiple  
16 charter school organization pursuant to the following:

17 (1) Each charter school seeking to consolidate pursuant to  
18 this section shall submit an application for consolidation to  
19 the department and to the authorizing school district for each  
20 charter school included in the proposed consolidation. The  
21 application must be submitted to the department and to all  
22 authorizing school districts on the same day.

23 (2) A school district that receives an application for  
24 consolidation under paragraph (1) may object to the proposed  
25 consolidation by filing a statement of its objections to the  
26 application with the department and each charter school included  
27 in the proposed consolidation within thirty (30) days of the  
28 submission date. If an authorizing school district does not file  
29 a statement of its objections within thirty (30) days of the  
30 submission date, the authorizing school district shall be deemed

1 to assent to the application.

2 (3) Within thirty (30) days of its receipt of a school  
3 district's statement of its objections under paragraph (2), the  
4 department shall conduct a hearing to consider the application  
5 and the school district's objections. The hearing required under  
6 this paragraph shall be conducted by an impartial hearing  
7 officer appointed by the Governor's Office of General  
8 Counsel. In conducting the hearing, the hearing officer may  
9 request that the authorizing school districts and the charter  
10 schools included in the proposed consolidation provide any  
11 supplemental information the hearing officer deems necessary in  
12 considering the application and the school district's  
13 objections.

14 (4) Within sixty (60) days of the hearing conducted pursuant  
15 to paragraph (3), the hearing officer shall submit to the  
16 secretary a report stating the hearing officer's recommendations  
17 concerning the application.

18 (5) (i) Subject to subparagraph (ii), within sixty (60)  
19 days following receipt of the report, the secretary shall issue  
20 a decision and serve the decision on all charter schools  
21 included in the proposed consolidation and the authorizing  
22 school district for each charter school included in the proposed  
23 consolidation. In issuing a decision, the secretary shall  
24 consider only whether the proposed consolidation is in  
25 compliance with subsection (c).

26 (ii) If no authorizing school district for any charter  
27 included in the proposed consolidation files a statement of its  
28 objections with the department within thirty (30) days of the  
29 submission date, the secretary shall issue the decision required  
30 under subparagraph (i) within sixty (60) days of the submission

1 date. In issuing a decision under this subparagraph, the  
2 secretary may request that the authorizing school districts and  
3 the charter schools included in the proposed consolidation  
4 provide any supplemental information the secretary deems  
5 necessary in considering the application.

6 (6) A decision of the secretary under this section may be  
7 appealed to the Commonwealth Court under 2 Pa.C.S. (relating to  
8 administrative law and procedure).

9 (7) A proposed consolidation under this section shall not  
10 require court approval under 20 Pa.C.S. Ch. 77 (relating to  
11 trusts).

12 (c) A charter school that, within either of the two (2)  
13 school years immediately preceding the submission date, has  
14 failed to meet the requirements for student performance  
15 specified in 22 Pa. Code Ch. 4 (relating to academic standards  
16 and assessment), accepted standards of fiscal management or  
17 audit requirements or performance standards of the matrix  
18 established under section 1731.1-A shall not be eligible to  
19 consolidate with another charter school, unless the  
20 consolidation includes a charter school demonstrating that it  
21 has satisfied the requirements for the most recent two (2)  
22 school years.

23 (d) A multiple charter school organization may:

24 (1) Participate in the assessment system in the same manner  
25 in which a school district participates, with its individual  
26 charter schools within the organization participating in the  
27 assessment system in the same manner as individual schools  
28 within school districts. All data gathered for purposes of  
29 evaluation shall be gathered in the same manner in which data is  
30 gathered in the case of school districts and individual schools



1 within school districts. Nothing in this paragraph shall be  
2 construed to alter the manner in which charter school  
3 performance on assessments is measured as required under the No  
4 Child Left Behind Act of 2001 (Public Law 107-110, 115 Stat.  
5 1425), or its successor Federal statute.

6 (2) Allow a student enrolled in a charter school within the  
7 organization to matriculate to another charter school within the  
8 organization so as to complete a course of instruction in an  
9 educational institution from kindergarten through grade twelve  
10 or otherwise in the best interests of the student.

11 (3) Add existing charter schools to the organization  
12 pursuant to the procedure specified in subsection (b). Only a  
13 charter school already established under section 1717-A may be  
14 added to a multiple charter school organization.

15 (e) The charter of each individual charter school within a  
16 multiple charter school organization shall be subject to  
17 nonrenewal or revocation by the authorizing school district for  
18 the individual charter school pursuant to section 1729-A. The  
19 nonrenewal or revocation of the charter of an individual charter  
20 school within a multiple charter school organization shall not  
21 affect the status of the charter of any other individual charter  
22 school within the organization.

23 (f) The department shall develop and place on its publicly  
24 accessible Internet website a standard application form that  
25 charter schools shall use in applying for consolidation under  
26 this section. The application form shall contain the following  
27 information:

28 (1) The name of the multiple charter school organization.

29 (2) The names of the charter schools included in the  
30 proposed consolidation.

1 (3) A copy of the approved charter of each charter school  
2 included in the proposed consolidation.

3 (4) An organizational chart clearly presenting the proposed  
4 governance structure of the multiple charter school  
5 organization, including lines of authority and reporting between  
6 the board of trustees, chief administrator, administrators,  
7 staff and any educational management service provider that will  
8 play a role in providing management services to the charter  
9 schools within the proposed organization.

10 (5) A clear description of the roles and responsibilities  
11 for the board of trustees, chief administrator, administrators  
12 and any other entities, including a charter school foundation,  
13 shown in the organizational chart.

14 (6) A clear description of the method for the appointment or  
15 election of members of the board of trustees of the proposed  
16 organization.

17 (7) Standards for board of trustees performance which shall,  
18 at a minimum, include compliance with all applicable laws,  
19 regulations and terms of the charter of each charter school  
20 included in the proposed organization.

21 (8) Enrollment procedures for each charter school included  
22 in the proposed organization.

23 (9) Any other information as deemed necessary by the  
24 department.

25 (g) Subject to subsection (a), nothing in this section shall  
26 be construed to affect or change the terms or conditions of the  
27 charters of any individual charter schools that are consolidated  
28 under this section, including, but not limited to, any  
29 obligation of a school district to provide transportation for  
30 students enrolled in an individual charter school within a

1 multiple charter school organization.

2 (h) As used in this section, the following words and phrases  
3 shall have the meanings given to them in this subsection unless  
4 the context clearly indicates otherwise:

5 "Authorizing school district." The school district that  
6 granted the initial charter of a charter school.

7 "Charter school." A charter school or regional charter  
8 school.

9 "Decision." The secretary's written approval or rejection of  
10 an application for consolidation.

11 "Multiple charter school organization" or "organization." A  
12 multiple charter school organization established under this  
13 section.

14 "Submission date." The date on which a consolidation  
15 application is submitted to the department and the authorizing  
16 school district for each charter school included in a proposed  
17 consolidation.

18 Section 1731.1-A Performance Matrix.--(a) Within one (1)  
19 year of the effective date of this section, the State Board of  
20 Education shall develop a standard performance matrix to  
21 evaluate charter school entity performance. Within one (1) year  
22 of the effective date of this section, the State Board of  
23 Education shall also propose regulations under the act of June  
24 25, 1982 (P.L.633, No.181), known as the "Regulatory Review  
25 Act," to implement this section.

26 (b) The performance matrix shall assess performance by  
27 utilizing objective criteria, including, but not limited to:  
28 student performance on assessments; annual growth as measured by  
29 the Pennsylvania Value-Added Assessment System; attendance;  
30 attrition rates; graduation rates; other standardized test

1 scores; school safety; parent satisfaction; accreditation by a  
2 nationally recognized accreditation agency, including the Middle  
3 States Association of Colleges and Schools or another regional  
4 institutional accrediting agency recognized by the United States  
5 Department of Education or an equivalent federally recognized  
6 body for charter school education; and other measures of school  
7 quality, including measures for assessing teacher effectiveness.

8 (c) In developing the performance matrix, the State Board of  
9 Education shall determine an academic quality benchmark the  
10 satisfaction of which shall qualify a charter school entity for  
11 a ten (10) year renewal term pursuant to sections 1720-A(a) (2)  
12 and 1745-A(f) (3). The academic quality benchmark shall be  
13 included in the regulations required under subsection (a).

14 (d) In developing the performance matrix, the State Board of  
15 Education may contract for consulting services with an entity  
16 that has experience in developing performance matrices if the  
17 services are procured through a competitive bidding process.

18 (e) Neither the department nor the local board of school  
19 directors may develop a separate performance matrix for the  
20 evaluation of a charter school entity.

21 (f) A local board of school directors shall utilize the  
22 standard performance matrix as a primary factor in evaluating  
23 new and renewal charter school and regional charter school  
24 applicants and in annual monitoring and evaluation of charter  
25 schools and regional charter schools.

26 (g) The department shall utilize the standard performance  
27 matrix as a primary factor in evaluating new and renewal cyber  
28 charter school applicants, in evaluating consolidation  
29 applications under section 1729.2-A and in annual monitoring and  
30 evaluation of cyber charter schools.

1 (h) In developing the performance matrix and promulgating  
2 the regulations required under subsection (a), the State Board  
3 of Education shall convene and consult with a Statewide advisory  
4 committee which shall consist of representatives of the  
5 department and a minimum of seven (7) representatives from  
6 charter schools, regional charter schools, cyber charter  
7 schools, school district personnel and institutions of higher  
8 education with experience in the oversight of charter schools.  
9 Members of the committee shall be selected to be representative  
10 of the urban, rural and suburban areas of this Commonwealth.

11 (i) The Statewide advisory committee required to be convened  
12 under subsection (h) shall be convened not later than thirty  
13 (30) days after the effective date of this section and shall  
14 meet regularly to fulfill requirements of this paragraph.

15 (j) The department shall distribute the performance matrix  
16 to all school districts and shall publish the matrix on the  
17 department's publicly accessible Internet website.

18 Section 20. Section 1732-A of the act, amended June 29, 2002  
19 (P.L.524, No.88), is amended to read:

20 Section 1732-A. Provisions Applicable to Charter Schools and  
21 Regional Charter Schools.--(a) Charter schools and regional  
22 charter schools shall be subject to the following:

23 Sections 108, 110, 111, 321, 325, 326, 327, 431, 436, 443,  
24 510, 518, 527, 708, 736, 737, 738, 739, 740, 741, 752, 753,  
25 [755,] 771, 776, 777, 808, 809, 810, 1109, 1111, 1112(a),  
26 1205.1, 1205.2, 1205.3, 1205.4, 1205.5, 1301, 1302, 1303, 1310,  
27 1317, 1317.1, 1317.2, 1317.3, 1318, 1327, 1330, 1332, 1333,  
28 1303-A, 1513, 1517, 1518, 1521, 1523, 1531, 1547, 2014-A,  
29 Article XIII-A and Article XIV.

30 Act of July 19, 1957 (P.L.1017, No.451), known as the "State

1 Adverse Interest Act."

2 Act of July 17, 1961 (P.L.776, No.341), known as the  
3 "Pennsylvania Fair Educational Opportunities Act."

4 Act of July 19, 1965 (P.L.215, No.116), entitled "An act  
5 providing for the use of eye protective devices by persons  
6 engaged in hazardous activities or exposed to known dangers in  
7 schools, colleges and universities."

8 Section 4 of the act of January 25, 1966 (1965 P.L.1546,  
9 No.541), entitled "An act providing scholarships and providing  
10 funds to secure Federal funds for qualified students of the  
11 Commonwealth of Pennsylvania who need financial assistance to  
12 attend postsecondary institutions of higher learning, making an  
13 appropriation, and providing for the administration of this  
14 act."

15 Act of July 12, 1972 (P.L.765, No.181), entitled "An act  
16 relating to drugs and alcohol and their abuse, providing for  
17 projects and programs and grants to educational agencies, other  
18 public or private agencies, institutions or organizations."

19 Act of December 15, 1986 (P.L.1595, No.175), known as the  
20 "Antihazing Law."

21 65 Pa.C.S. Ch. 7 (relating to open meetings).

22 65 Pa.C.S. Ch. 11 (relating to ethics standards and financial  
23 disclosure).

24 (b) Charter schools and regional charter schools shall be  
25 subject to the following provisions of 22 Pa. Code:

26 [Section 5.216 (relating to ESOL).

27 Section 5.4 (relating to general policies).]

28 Chapter 4 (relating to academic standards and assessments).

29 Chapter 11 (relating to pupil attendance).

30 Chapter 12 (relating to students).

1 Section 32.3 (relating to assurances).

2 Section 121.3 (relating to discrimination prohibited).

3 Section 235.4 (relating to practices).

4 Section 235.8 (relating to civil rights).

5 Chapter 711 (relating to charter school services and programs  
6 for children with disabilities).

7 (c) (1) The secretary may promulgate additional regulations  
8 relating to charter schools and regional charter schools.

9 (2) The secretary shall have the authority and the  
10 responsibility to ensure that charter schools and regional  
11 charter schools comply with Federal laws and regulations  
12 governing children with disabilities. The secretary shall  
13 promulgate regulations to implement this provision.

14 Section 21. The act is amended by adding a section to read:

15 Section 1733-A. Effect on Existing Charter School  
16 Entities.--(a) Within one (1) year of the effective date of  
17 this section, a charter school entity established under section  
18 1717-A, 1718-A or 1745-A prior to the effective date of this  
19 section shall amend the current charter through the amendment  
20 process under sections 1720-A(c) and 1745-A(f) (5) as needed to  
21 reflect the requirements of this article. Any renewal that takes  
22 effect after July 15, 2015, shall be for the term specified  
23 under sections 1720-A(a) and 1745-A(f) (3).

24 (b) A charter school entity approved after the effective  
25 date of this section shall be in full compliance with this  
26 article.

27 (c) Within sixty (60) days of the effective date of this  
28 section, each charter school entity shall demonstrate to the  
29 satisfaction of the local board of school directors or, in the  
30 case of a cyber charter school, to the satisfaction of the

1 department that the charter school entity is in compliance with  
2 sections 1332 and 1333, including the institution of truancy  
3 proceedings when required under section 1333.

4 Section 22. Sections 1741-A(c), 1742-A and 1743-A(e) of the  
5 act, added June 29, 2002 (P.L.524, No.88), are amended to read:  
6 Section 1741-A. Powers and duties of department.

7 \* \* \*

8 (c) Documents.--Documents of the appeal board shall be  
9 subject to [the act of June 21, 1957 (P.L.390, No.212), referred  
10 to as the Right-to-Know Law.] the act of February 14, 2008  
11 (P.L.6, No.3), known as the Right-to-Know Law.

12 Section 1742-A. Assessment and evaluation.

13 The department shall:

14 (1) Annually assess whether each cyber charter school is  
15 meeting the goals of its charter and is in compliance with  
16 the provisions of the charter and conduct a comprehensive  
17 review prior to granting a [five-year] renewal of the charter  
18 for the period specified in section 1745-A(f)(3).

19 (2) Annually review each cyber charter school's  
20 performance on the Pennsylvania System of School Assessment  
21 test, standardized tests and other performance indicators to  
22 ensure compliance with 22 Pa. Code Ch. 4 (relating to  
23 academic standards and assessment) or subsequent regulations  
24 promulgated to replace 22 Pa. Code Ch. 4.

25 (3) Have ongoing access to all records, instructional  
26 materials and student and staff records of each cyber charter  
27 school and to every cyber charter school facility to ensure  
28 the cyber charter school is in compliance with its charter  
29 and this subdivision.

30 Section 1743-A. Cyber charter school requirements and



1 prohibitions.

2 \* \* \*

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

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

7 (2) provide all equipment, including, but not limited  
8 to, a computer, computer monitor and printer; and

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

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

15 \* \* \*

16 Section 23. Section 1745-A(c), (e) and (f) of the act, added  
17 June 29, 2002 (P.L.524, No.88), are amended and the section is  
18 amended by adding a subsection to read:

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

20 \* \* \*

21 (b.1) Local board of school directors or intermediate  
22 unit.--

23 (1) A cyber charter school may be established by a local  
24 board of school directors or an intermediate unit if the  
25 procedures and requirements of this article are satisfied.

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

1 district or intermediate unit establishes a cyber charter  
2 school pursuant to subsections (a) and (b.1) (1).

3 (c) Attendance.--Attendance at a cyber charter school shall  
4 satisfy requirements for compulsory attendance, subject to  
5 penalties for violations of compulsory attendance requirements  
6 under section 1333.

7 \* \* \*

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

17 (f) Evaluation criteria.--

18 (1) A cyber charter school application submitted under  
19 this subdivision shall be evaluated by the department based  
20 on the following criteria:

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

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

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

standards and assessment) or subsequent regulations promulgated to replace 22 Pa. Code Ch. 4.

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

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

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

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

(i) An initial charter granted pursuant to this section shall be for a period of five years.

(ii) Prior to the effective date of the regulations implementing the performance matrix as required pursuant to section 1731.1-A, a charter may be renewed for five-year periods upon reauthorization by the department.

1           (iii) Upon the effective date of the regulations  
2 implementing the performance matrix as required under  
3 section 1731.1-A, the following shall apply:

4           (A) For cyber charter schools that have  
5 satisfied the academic quality benchmark established  
6 by the State Board of Education pursuant to section  
7 1731.1-A, a charter may be renewed for ten-year  
8 periods upon reauthorization by the department.

9           (B) For cyber charter schools that have not  
10 satisfied the academic quality benchmark established  
11 by the State Board of Education pursuant to section  
12 1731.1-A, a charter may be renewed for five-year  
13 periods upon reauthorization by the department.

14           (4) The decision of the department to deny an  
15 application may be appealed to the appeal board.

16           (5) (i) A cyber charter school may request amendments  
17 to its approved written charter by filing with the department  
18 a written document describing the requested amendment.

19           (ii) Within 20 days of its receipt of the request  
20 for an amendment, the department shall hold a public  
21 hearing on the requested amendment under 65 Pa.C.S. Ch. 7  
22 (relating to open meetings).

23           (iii) Within 20 days after the hearing, the  
24 department shall grant or deny the requested amendment.  
25 Failure by the department to hold a public hearing and to  
26 grant or deny the amendments within the time period  
27 specified shall be deemed an approval.

28           (iv) An applicant for an amendment shall have the  
29 right to appeal the denial of a requested amendment to  
30 the appeal board provided for under section 1721-A.

1 \* \* \*

2 Section 24. Section 1749-A(a) of the act, added June 29,  
3 2002 (P.L.524, No.88), is amended to read:

4 Section 1749-A. Applicability of other provisions of this act  
5 and of other acts and regulations.

6 (a) General requirements.--Cyber charter schools shall be  
7 subject to the following:

8 (1) Sections 108, 110, 111, 321, 325, 326, 327, 431,  
9 436, 443, 510, 518, 527, 708, 736, 737, 738, 739, 740, 741,  
10 752, 753, [755,] 771, 776, 777, 808, 809, 810, 1109, 1111,  
11 1112(a), 1205.1, 1205.2, 1205.3, 1205.5, 1301, 1302, 1303,  
12 1310, 1317, 1317.2, 1318, 1327, 1330, 1332, 1333, 1303-A,  
13 1513, 1517, 1518, 1521, 1523, 1525, 1531, 1547, 1602-B, 1613-  
14 B, 1702-A, 1703-A, 1714-A, 1715-A, 1716-A, 1716.2-A, 1719-A,  
15 1721-A, 1722-A, 1723-A(a) and (b), 1724-A, 1725-A, 1727-A,  
16 1728-A(d), (e), (f), (g) and (h), 1729-A, 1729.1-A, 1730-A,  
17 1731-A(a) (1) and (b), 1731.1-A, 1733-A and 2014-A and  
18 Articles [XII-A,] XIII-A and XIV.

19 (1.1) The act of July 19, 1957 (P.L.1017, No.451), known  
20 as the State Adverse Interest Act.

21 (2) The act of July 17, 1961 (P.L.776, No.341), known as  
22 the Pennsylvania Fair Educational Opportunities Act.

23 (3) The act of July 19, 1965 (P.L.215, No.116), entitled  
24 "An act providing for the use of eye protective devices by  
25 persons engaged in hazardous activities or exposed to known  
26 dangers in schools, colleges and universities."

27 (4) Section 4 of the act of January 25, 1966 (1965  
28 P.L.1546, No.541), entitled "An act providing scholarships  
29 and providing funds to secure Federal funds for qualified  
30 students of the Commonwealth of Pennsylvania who need

1 financial assistance to attend postsecondary institutions of  
2 higher learning, making an appropriation, and providing for  
3 the administration of this act."

4 (5) The act of July 12, 1972 (P.L.765, No.181) entitled  
5 "An act relating to drugs and alcohol and their abuse,  
6 providing for projects and programs and grants to educational  
7 agencies, other public or private agencies, institutions or  
8 organizations."

9 (6) The act of December 15, 1986 (P.L.1595, No.175),  
10 known as the Antihazing Law.

11 (7) 65 Pa.C.S. Ch. 7 (relating to open meetings).

12 (8) 65 Pa.C.S. Ch. 11 (relating to ethics standards and  
13 financial disclosure).

14 \* \* \*

15 Section 25. This act shall take effect as follows:

16 (1) The following provisions shall take effect  
17 immediately:

18 (i) The addition of section 1733-A of the act.

19 (ii) This section.

20 (2) The addition of section 1729.2-A of the act shall  
21 take effect upon the effective date of regulations  
22 implementing the performance matrix required under section  
23 1731.1-A of the act.

24 (3) The remainder of this act shall take effect in 60  
25 days.