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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL**

**No. 4**

Session of  
2001

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**Report of the Committee of Conference**

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To the Members of the House of Representatives and Senate:

We, the undersigned, Committee of Conference on the part of the House of Representatives and Senate for the purpose of considering House Bill No. 4, entitled:

"An act authorizing the maintenance and operation of multipurpose service centers for displaced homemakers and single parents; and providing for powers and duties of the Department of Education,"

respectfully submit the following bill as our report:

SAMUEL H. SMITH

JESS M. STAIRS

DWIGHT EVANS

(Committee on the part of the House of Representatives.)

JAMES J. RHOADES

DAVID J. BRIGHTBILL

(Committee on the part of the Senate.)

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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," further defining the "Pennsylvania  
6 System of School Assessment test" or "PSSA test"; providing  
7 for report of graduate rates for certain colleges and  
8 universities; further providing for establishment of  
9 independent schools, for school athletics, publications and  
10 organizations, for retention of records and for annual  
11 budgets; providing for membership of the School Reform  
12 Commission and responsibilities relating to financial matters  
13 of first class school districts in distress; further  
14 providing for intermediate unit board of directors; providing  
15 for conditional employment; further providing for age limits  
16 and temporary residence and for educational support services  
17 definitions and providers, for high school certificates, for  
18 charter school definitions, for funding for charter schools  
19 and for provisions applicable to charter schools; adding  
20 provisions for cyber charter schools; further providing for  
21 regulations and provisions applicable to charter schools, for  
22 education empowerment districts, for waivers, for alternative  
23 education and for trustee councils in institutions of the  
24 State System of Higher Education; providing for placement of  
25 adjudicated delinquents in first class school districts;  
26 further providing for Commonwealth reimbursement definitions,  
27 for small district assistance and for temporary special aid  
28 to certain school districts; providing for basic education  
29 funding for 2001-2002 school year; further providing for  
30 payments to intermediate units, for payments on account of  
31 transportation of nonpublic school pupils, for special  
32 education payments and for certain payments; providing for  
33 Commonwealth reimbursement for charter schools and cyber  
34 charter schools; further providing for school performance  
35 incentives; authorizing the Multipurpose Service Center Grant  
36 Program; further providing for powers and duties of the State  
37 Board of Education; and making an appropriation.

38 The General Assembly of the Commonwealth of Pennsylvania  
39 hereby enacts as follows:

40 Section 1. Section 102(6) of the act of March 10, 1949  
41 (P.L.30, No.14), known as the Public School Code of 1949,  
42 amended June 22, 2001 (P.L.530, No.35), is amended to read:

43 Section 102. Definitions.--When used in this act the  
44 following words and phrases shall have the following meanings:

45 \* \* \*

46 (6) "Pennsylvania System of School Assessment test" or "PSSA  
47 test" shall mean a test developed and implemented by the

1 Department of Education to determine only academic achievement  
2 relating to objective academic standards in the areas of  
3 reading, writing, mathematics and science. The PSSA test shall  
4 be developed and implemented as necessary to comply with Federal  
5 law.

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

7 Section 114. Report of Graduate Rates for Certain Colleges  
8 and Universities.--(a) The Department of Education shall  
9 annually conduct a survey related to completion of undergraduate  
10 degree programs by students who are residents of this  
11 Commonwealth in four (4) year, public colleges and universities  
12 and in private, not-for-profit colleges and universities in this  
13 Commonwealth. The survey shall include the following information  
14 for each college or university:

15 (1) the number and percentage of first-time, full-time  
16 students who graduate in four (4) years or less; and

17 (2) the number and percentage of first-time, full-time  
18 students enrolled in approved five (5) year programs who  
19 graduate in five (5) years or less.

20 (b) By January 15, 2003, and each year thereafter, the  
21 department shall publish the results of the survey on its World  
22 Wide Web site and provide a copy to the Governor, the chairman  
23 and minority chairman of the Appropriations Committee of the  
24 Senate, the chairman and minority chairman of the Appropriations  
25 Committee of the House of Representatives, the chairman and  
26 minority chairman of the Education Committee of the Senate, and  
27 the chairman and minority chairman of the Education Committee of  
28 the House of Representatives.

29 (c) The department shall develop guidelines to implement the  
30 requirements of this section.

1 Section 3. Section 502.1(f) of the act, added May 17, 2001  
2 (P.L.4, No.4), is amended to read:

3 Section 502.1. Establishment of Independent Schools.--\* \* \*

4 (f) The department may award planning grants for the  
5 conversion of schools to independent schools. The total amount  
6 of grants awarded shall be limited to funds appropriated for  
7 this purpose. Grant applications shall be filed in accordance  
8 with procedures developed by the department.

9 Section 4. Section 511(e) of the act, amended June 29, 1984  
10 (P.L.438, No.93), is amended to read:

11 Section 511. School Athletics, Publications, and  
12 Organizations.--

13 \* \* \*

14 [(e) All purchases of materials or supplies made by any  
15 organization, club, society, or group, or by any school or  
16 class, in excess of one thousand dollars, shall be made upon  
17 solicitation of quotations or bids from three or more  
18 responsible manufacturers of or dealers in such materials or  
19 supplies. All such purchases shall be made from the lowest  
20 responsible bidder on the basis of price, quality and service.]

21 (e) All purchases of materials or supplies made by any  
22 organization, club, society or group, or by any school or class  
23 shall be made by the purchaser in accordance with the  
24 requirements of section 807.1.

25 \* \* \*

26 Section 5. Section 518 of the act, amended June 17, 1982  
27 (P.L.525, No.149), is amended to read:

28 Section 518. Retention of Records.--Every board of school  
29 directors shall retain as a permanent record of the district,  
30 the minute book, each annual auditor's report, and each annual

1 financial report. All other financial records of the district,  
2 including financial account books, orders, bills, contracts,  
3 invoices, receipts, and purchase orders shall be retained by the  
4 district for a period of not less than six years. Records may be  
5 retained as [photographed, microphotographed or microfilmed  
6 copies] recorded or copied in accordance with [the act of  
7 January 18, 1968 (1967 P.L.961, No.428), known as the "Municipal  
8 Records Act." ] 53 Pa.C.S. Ch. 13 Subch. F (relating to records).

9 Section 6. Section 687 of the act is amended by adding a  
10 subsection to read:

11 Section 687. Annual Budget; Additional or Increased  
12 Appropriations; Transfer of Funds.--\* \* \*

13 (i) (1) Notwithstanding any other provisions of this act,  
14 the board of school directors of each school district is  
15 required to and shall reopen its 2002-2003 budget during the  
16 month of July 2002 to reflect the increased State allocations  
17 under sections 2502.13, 2502.40, 2509.3 and 2591.1 for fiscal  
18 year 2002-2003 provided by the General Assembly through the act  
19 of \_\_\_\_\_ known as the "General Appropriation Act of 2002."

20 (2) In those school districts which levy taxes and where the  
21 increased State allocations exceed the State revenue figures  
22 utilized by the school district at the time of adoption of its  
23 original fiscal year 2002-2003 budget, the board of school  
24 directors shall use the increases in State allocations to do any  
25 of the following:

26 (i) abate any local taxes which were levied at the time of  
27 original budget adoption. Such tax abatements shall occur within  
28 sixty (60) days of the reopening of the school district's budget  
29 and may take the form of tax reductions, rebates or credits;

30 (ii) reduce or retire any outstanding indebtedness of the

1 school district; or

2 (iii) restore funding to any educational programs which were  
3 reduced or eliminated for the 2002-2003 school year.

4 (3) Under no circumstances shall any increased State  
5 allocations be used to increase a school district's reserved or  
6 unreserved fund balance.

7 Section 7. Section 696(a), (b) and (h) of the act, amended  
8 October 30, 2001 (P.L.828, No.83), are amended to read:

9 Section 696. Distress in School Districts of the First  
10 Class.--(a) Within thirty (30) days of a declaration by the  
11 Secretary of Education that a school district of the first class  
12 is distressed under section 691(c), a School Reform Commission  
13 shall be established consisting of four members initially  
14 appointed by the Governor and one member initially appointed by  
15 the mayor of the city coterminous with the school district. The  
16 School Reform Commission shall be an instrumentality of a school  
17 district of the first class, exercising the powers of the board  
18 of school directors. The Governor shall appoint a chairman of  
19 the School Reform Commission. At least three of the commission  
20 members, including the member appointed by the mayor, must be  
21 residents of the school district.

22 (b) Membership of the School Reform Commission shall be as  
23 follows:

24 (1) Members appointed pursuant to this section shall serve  
25 terms as follows:

26 (i) Two of the members appointed by the Governor shall serve  
27 initial terms of seven (7) years.

28 (ii) One of the members appointed by the Governor shall  
29 serve an initial term of five (5) years.

30 (iii) One of the members appointed by the Governor shall

1 serve an initial term of three (3) years. Upon the expiration of  
2 the initial term of this member, the mayor shall appoint an  
3 individual to fill this position.

4 (iv) The member appointed by the mayor shall serve an  
5 initial term of three (3) years.

6 (v) After the expiration of each initial term[, a subsequent  
7 term shall be for four (4) years.]:

8 (A) Members appointed by the Governor under subclauses (i)  
9 and (ii) shall be appointed for a term of five (5) years.

10 (B) Members appointed by the mayor under subclauses (iii)  
11 and (iv) shall be appointed for a term of four (4) years.

12 (2) Except as authorized in this subsection, no commission  
13 member may be removed from office during a term. The Governor  
14 may, upon proof by clear and convincing evidence of malfeasance  
15 or misfeasance in office, remove a commission member prior to  
16 the expiration of the term. Before a commission member is  
17 removed, that member must be provided with a written statement  
18 of the reasons for removal and an opportunity for a hearing in  
19 accordance with 2 Pa.C.S. Ch. 5 Subch. A (relating to practice  
20 and procedure of Commonwealth agencies) and Ch. 7 Subch. A  
21 (relating to judicial review of Commonwealth agency action).

22 (3) Upon the expiration of term or the occurrence of a  
23 vacancy in the office of a commission member appointed by the  
24 Governor, the Governor shall appoint, with the consent of a  
25 majority of the members elected to the Senate, the successor  
26 member. Upon the expiration of term or the occurrence of a  
27 vacancy in the office of a commission member appointed by the  
28 mayor, the mayor shall appoint the successor member. An  
29 appointment to fill a vacancy shall be for the balance of the  
30 unexpired term.



1 (4) A commission member shall hold office until a successor  
2 has been appointed and qualified.

3 (5) A commission member may serve successive terms.

4 (6) No commission member may, while in the service of the  
5 School Reform Commission, seek or hold a position as any other  
6 public official within this Commonwealth or as an officer of a  
7 political party.

8 (7) Commission members shall be reimbursed for reasonable  
9 and necessary expenses incurred in the performance of their  
10 official duties from funds of the school district.

11 \* \* \*

12 (h) The School Reform Commission shall be responsible for  
13 financial matters related to the distressed school district of  
14 the first class and:

15 (1) All taxes authorized to be levied by a school district  
16 of the first class or for a school district of the first class  
17 by a city or county of the first class on the date of the  
18 declaration of distress shall continue to be authorized and  
19 levied in accordance with this act and shall be transmitted to  
20 the school district. For the first fiscal year or part thereof  
21 and every fiscal year thereafter in which the school district is  
22 declared to be distressed, the amount appropriated or paid by  
23 the city or county to the school district and the tax authorized  
24 by the city or county to be levied for the school district or  
25 dedicated to the school district, shall be [in] an amount or tax  
26 not less than the highest amount paid by the city or county to  
27 the school district or authorized by the city or county to be  
28 levied for the school district or dedicated to the school  
29 district during any of the three full preceding fiscal years. In  
30 addition, the city of the first class shall provide to the

1 school district of the first class all other available local  
2 non-tax revenue, including grants, subsidies or payments made  
3 during the prior year.

4 (2) In addition to the moneys collected under paragraph (1),  
5 the city of the first class shall remit to the school district  
6 of the first class for each year that the school district is  
7 declared distressed that portion of all other local tax revenue  
8 levied for a full fiscal year by a city or county of the first  
9 class coterminous with a school district of the first class that  
10 was allocated to the school district prior to the school  
11 district being declared distressed in accordance with section  
12 691(c).

13 (3) All taxes collected on behalf of a school district of  
14 the first class by any person or entity, including a city or  
15 county of the first class, shall be promptly paid following  
16 collection to the School Reform Commission for the benefit of  
17 the school district.

18 (4) In the event the city or county of the first class does  
19 not meet the financial obligations prescribed in this  
20 subsection, the Commonwealth may apply to that obligation any  
21 amounts otherwise due from the Commonwealth to the city or  
22 county of the first class, including, but not limited to,  
23 grants, awards and moneys collected by the Commonwealth on  
24 behalf of the city or county of the first class. Funds withheld  
25 shall be maintained in a separate account by the State Treasurer  
26 to be disbursed as determined by the Secretary of Education in  
27 consultation with the State Treasurer.

28 (5) The School Reform Commission shall adopt a budget.

29 \* \* \*

30 Section 8. Section 910-A(a) of the act, amended December 19,

1 1980 (P.L.1314, No.237), is amended to read:

2 Section 910-A. Intermediate Unit Board of Directors.--(a)  
3 The intermediate unit board of directors shall be composed of  
4 thirteen members except as otherwise provided for in this  
5 subsection, chosen for terms of three years from among members  
6 of the boards of school directors of school districts comprising  
7 the intermediate unit. An intermediate unit director may succeed  
8 himself without limitation as to the number of terms. Where  
9 there are fewer than thirteen school districts within an  
10 intermediate unit, there shall be one school director from each  
11 school district elected to the intermediate unit board of  
12 directors, but any such intermediate unit board of directors may  
13 elect one additional at-large member. When there are more than  
14 thirteen districts in an intermediate unit each district, as far  
15 as practicable, may have one member on the unit board, up to a  
16 maximum of [twenty] twenty-two members. The election of  
17 intermediate unit boards of directors shall be by proportionate  
18 ballot, and each school director of each school district within  
19 an intermediate unit shall be entitled to cast votes determined  
20 by dividing the weighted average daily membership of the school  
21 district by the total weighted average daily membership within  
22 the intermediate unit, multiplying the quotient so obtained by  
23 one thousand, dividing the product so obtained by the number of  
24 directors as provided for above, and rounding such dividend to  
25 the nearest whole number: Provided, however, That each school  
26 director shall have at least one vote. The Secretary of  
27 Education shall annually, not later than the first day of  
28 February, certify the weighted average daily membership for the  
29 previous school year for each school district and for each  
30 intermediate unit, and shall compute the number of votes to

1 which each school director of each school district within an  
2 intermediate unit shall be entitled.

3 \* \* \*

4 Section 9. The act is amended by adding a section to read:

5 Section 1109.2. Conditional Employment.--(a) A board of  
6 school directors may enter into an agreement to employ an  
7 individual as a temporary professional employe who, within six  
8 months of the date of expected graduation from an approved  
9 Pennsylvania college or university, presents a letter verifying  
10 that the individual is enrolled in an approved teacher  
11 preparation program in that institution; and will complete all  
12 requirements for the conferring of a bachelor's degree on a date  
13 certain as specified.

14 (b) The validity of this agreement shall be contingent upon  
15 all of the following conditions being met prior to the actual  
16 commencement of the individual's employment as a temporary  
17 professional employe:

18 (1) The conferring of a bachelor's degree.

19 (2) The individual having obtained a teaching certificate  
20 from the Commonwealth of Pennsylvania in the area of assignment  
21 or certification specified in the agreement.

22 Section 10. Section 1301 of the act is amended to read:

23 Section 1301. Age Limits; Temporary Residence.--Every child,  
24 being a resident of any school district, between the ages of six  
25 (6) and twenty-one (21) years, may attend the public schools in  
26 his district, subject to the provisions of this act.

27 Notwithstanding any other provision of law to the contrary, a  
28 child who attains the age of twenty-one (21) years during the  
29 school term and who has not graduated from high school may  
30 continue to attend the public schools in his district free of

1 charge until the end of the school term. The board of school  
2 directors of any school district may admit to the schools of the  
3 district, with or without the payment of tuition, any non-  
4 resident child temporarily residing in the district, and may  
5 require the attendance of such non-resident child in the same  
6 manner and on the same conditions as it requires the attendance  
7 of a resident child.

8 Section 11. Sections 1501-C and 1505-C of the act, added May  
9 17, 2001 (P.L.4, No.4), are amended to read:

10 Section 1501-C. Definitions.

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

14 "Department." The Department of Education of the  
15 Commonwealth.

16 "Eligible student." A resident of this Commonwealth who is  
17 enrolled in third, fourth, fifth or sixth grade in a school  
18 entity and is deemed eligible pursuant to section 1502-C(b).

19 "Eligibility test." The Pennsylvania System of School  
20 Assessment or a commercially prepared, [norm-referenced,]  
21 standardized achievement test approved by the Department of  
22 Education. A list of approved tests under this article shall be  
23 published annually in the Pennsylvania Bulletin.

24 "Grant." A grant awarded to a grant recipient under this  
25 article.

26 "Grant recipient." A resident of this Commonwealth who is a  
27 parent, guardian or person in parental relation to an eligible  
28 student.

29 "Program." The Education Support Services Program  
30 established in section 1502-C.

1 "Provider." A school entity, an institution of higher  
2 education, a nonprofit or for-profit organization or a certified  
3 teacher employed by a school entity, that is approved by the  
4 Department of Education to provide education support services.

5 "School entity." Any of the following located in this  
6 Commonwealth: a school district, intermediate unit, joint school  
7 district, area vocational-technical school, charter school,  
8 independent school, licensed private academic school, accredited  
9 school, a school registered under section 1327(b), the Scotland  
10 School for Veterans' Children or the Scranton School for the  
11 Deaf.

12 Section 1505-C. Providers.

13 A prospective provider shall submit an application to the  
14 department for approval to provide education support services  
15 under this article. The application shall include a description  
16 of the services to be provided, the cost of the services, the  
17 qualification of all individuals providing those services,  
18 including evidence of compliance with section 111, and with 23  
19 Pa.C.S. § 6355 (relating to requirement) and such other  
20 information as may be required by the department.

21 Section 12. Section 1703-A of the act, amended June 26, 1999  
22 (P.L.394, No.36), is amended to read:

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

24 "Appeal board" shall mean the State Charter School Appeal  
25 Board established by this article.

26 "At-risk student" shall mean a student at risk of educational  
27 failure because of limited English proficiency, poverty,  
28 community factors, truancy, academic difficulties or economic  
29 disadvantage.

30 "Charter school" shall mean an independent public school

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

6 "Chief executive officer" shall mean an individual appointed  
7 by the board of trustees to oversee and manage the operation of  
8 the charter school, but who shall not be deemed a professional  
9 staff member under this article.

10 "Cyber charter school" shall mean an independent public  
11 school established and operated under a charter from the  
12 Department of Education and in which the school uses technology  
13 in order to provide a significant portion of its curriculum and  
14 to deliver a significant portion of instruction to its students  
15 through the Internet or other electronic means. A cyber charter  
16 school must be organized as a public, nonprofit corporation. A  
17 charter may not be granted to a for-profit entity.

18 "Department" shall mean the Department of Education of the  
19 Commonwealth.

20 "Local board of school directors" shall mean the board of  
21 directors of a school district in which a proposed or an  
22 approved charter school is located.

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

29 "School district of residence" shall mean the school district  
30 in this Commonwealth in which the parents or guardians of a

1 child reside.

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

4 "Secretary" shall mean the Secretary of Education of the  
5 Commonwealth.

6 "State board" shall mean the State Board of Education of the  
7 Commonwealth.

8 Section 13. Sections 1725-A(a) and 1732-A of the act, added  
9 June 19, 1997 (P.L.225, No.22), are amended to read:

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

12 (1) There shall be no tuition charge for a resident or  
13 nonresident student attending a charter school.

14 (2) For non-special education students, the charter school  
15 shall receive for each student enrolled no less than the  
16 budgeted total expenditure per average daily membership of the  
17 prior school year, as defined in section 2501(20), minus the  
18 budgeted expenditures of the district of residence for nonpublic  
19 school programs; adult education programs; community/junior  
20 college programs; student transportation services; for special  
21 education programs; facilities acquisition, construction and  
22 improvement services; and other financing uses, including debt  
23 service and fund transfers as provided in the Manual of  
24 Accounting and Related Financial Procedures for Pennsylvania  
25 School Systems established by the department. This amount shall  
26 be paid by the district of residence of each student.

27 (3) For special education students, the charter school shall  
28 receive for each student enrolled the same funding as for each  
29 non-special education student as provided in clause (2), plus an  
30 additional amount determined by dividing the district of



1 residence's total special education expenditure by the product  
2 of multiplying the combined percentage of section 2509.5(k)  
3 times the district of residence's total average daily membership  
4 for the prior school year. This amount shall be paid by the  
5 district of residence of each student.

6 (4) A charter school may request the intermediate unit in  
7 which the charter school is located to provide services to  
8 assist the charter school to address the specific needs of  
9 exceptional students. The intermediate unit shall assist the  
10 charter school and bill the charter school for the services. The  
11 intermediate unit may not charge the charter school more for any  
12 service than it charges the constituent districts of the  
13 intermediate unit.

14 (5) Payments shall be made to the charter school in twelve  
15 (12) equal monthly payments, by the fifth day of each month,  
16 within the operating school year. A student enrolled in a  
17 charter school shall be included in the average daily membership  
18 of the student's district of residence for the purpose of  
19 providing basic education funding payments and special education  
20 funding pursuant to Article XXV. If a school district fails to  
21 make a payment to a charter school as prescribed in this clause,  
22 the secretary shall deduct the estimated amount, as documented  
23 by the charter school, from any and all State payments made to  
24 the district after receipt of documentation from the charter  
25 school.

26 (6) Within thirty (30) days after the secretary makes the  
27 deduction described in clause (5), a school district may notify  
28 the secretary that the deduction made from State payments to the  
29 district under this subsection is inaccurate. The secretary  
30 shall provide the school district with an opportunity to be

1 heard concerning whether the charter school documented that its  
2 students were enrolled in the charter school, the period of time  
3 during which each student was enrolled, the school district of  
4 residence of each student and whether the amounts deducted from  
5 the school district were accurate.

6 \* \* \*

7 Section 1732-A. Provisions Applicable to Charter Schools.--

8 (a) Charter schools shall be subject to the following:

9 Sections 108, 110, 111, 321, 325, 326, 327, 431, 436, 443,  
10 510, 518, 527, 708, 736, 737, 738, 739, 740, 741, 752, 753, 755,  
11 771, 776, 777, 808, 809, 810, 1109, 1111, 1112(a), 1301, 1310,  
12 1317, 1317.1, 1317.2, 1318, 1327, 1330, 1332, 1303-A, 1513,  
13 1517, 1518, 1521, 1523, 1531, 1547, 2014-A, Article XIII-A and  
14 Article XIV.

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

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

21 Section 4 of the act of January 25, 1966 (1965 P.L.1546,  
22 No.541), entitled "An act providing scholarships and providing  
23 funds to secure Federal funds for qualified students of the  
24 Commonwealth of Pennsylvania who need financial assistance to  
25 attend postsecondary institutions of higher learning, making an  
26 appropriation, and providing for the administration of this  
27 act."

28 Act of July 12, 1972 (P.L.765, No.181), entitled "An act  
29 relating to drugs and alcohol and their abuse, providing for  
30 projects and programs and grants to educational agencies, other

1 public or private agencies, institutions or organizations."

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

4 (b) Charter schools shall be subject to the following  
5 provisions of 22 Pa. Code:

6 Section 5.216 (relating to ESOL).

7 Section 5.4 (relating to general policies).

8 Chapter 11 (relating to pupil attendance).

9 Chapter 12 (relating to students).

10 Section 32.3 (relating to assurances).

11 Section 121.3 (relating to discrimination prohibited).

12 Section 235.4 (relating to practices).

13 Section 235.8 (relating to civil rights).

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

16 (c) (1) The secretary may promulgate additional regulations  
17 relating to charter schools.

18 (2) The secretary shall have the authority and the  
19 responsibility to ensure that charter schools comply with  
20 Federal laws and regulations governing children with  
21 disabilities. The secretary shall promulgate regulations to  
22 implement this provision.

23 Section 14. Article XVII-A of the act is amended by adding a  
24 subdivision to read:

25 (c) Cyber Charter Schools

26 Section 1741-A. Powers and duties of department.

27 (a) Powers and duties.--The department shall:

28 (1) Receive, review and act on applications for the  
29 creation of a cyber charter school and have the power to  
30 request further information from applicants, obtain input

1 from interested persons or entities and hold hearings  
2 regarding applications.

3 (2) Renew the charter of cyber charter school and renew  
4 the charter of a charter school approved under section 1717-A  
5 or 1718-A which provides instruction through the Internet or  
6 other electronic means. Upon renewal of a charter of a  
7 charter school approved under section 1717-A or 1718-A, the  
8 charter school shall qualify as a cyber charter school under  
9 this subdivision and shall be subject to the provisions of  
10 this subdivision.

11 (3) Revoke or deny renewal of a cyber charter school's  
12 charter under the provisions of section 1729-A.

13 (i) Notwithstanding the provisions of section 1729-  
14 A(i), when the department has revoked or denied renewal  
15 of a charter, the cyber charter school shall be  
16 dissolved. After the disposition of the liabilities and  
17 obligations of the cyber charter school, any remaining  
18 assets of the cyber charter school shall be given over to  
19 the intermediate unit in which the cyber charter school's  
20 administrative office was located for distribution to the  
21 school districts in which the students enrolled in the  
22 cyber charter school reside at the time of dissolution.

23 (ii) Notwithstanding any laws to the contrary, the  
24 department may, after notice and hearing, take immediate  
25 action to revoke a charter if:

26 (A) a material component of the student's  
27 education as required under this subdivision is not  
28 being provided; or

29 (B) the cyber charter school has failed to  
30 maintain the financial ability to provide services as

1           required under this subdivision.

2           (4) Execute charters after approval.

3           (5) Develop forms, including the notification form under  
4 section 1748-A(b), necessary to carry out the provisions of  
5 this subdivision.

6           (b) Hearings.--Hearings conducted by the department shall be  
7 conducted under 65 Pa.C.S. Ch. 7 (relating to open meetings).

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.

11 Section 1742-A. Assessment and evaluation.

12       The department shall:

13           (1) Annually assess whether each cyber charter school is  
14 meeting the goals of its charter and is in compliance with  
15 the provisions of the charter, and conduct a comprehensive  
16 review prior to granting a five-year renewal of the charter.

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

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

28 Section 1743-A. Cyber charter school requirements and  
29 prohibitions.

30           (a) Special financial requirements prohibited.--A cyber

1 charter school shall not:

2 (1) provide discounts to a school district or waive  
3 payments under section 1725-A for any student;

4 (2) except as provided for in subsection (e), provide  
5 payments to parents or guardians for the purchase of  
6 instructional materials; or

7 (3) except as compensation for the provision of specific  
8 services, enter into agreements to provide funds to a school  
9 entity.

10 (b) Enrollment.--A cyber charter school shall report to the  
11 department an increase or a decrease of 30% or more in its  
12 anticipated enrollment set forth in the application under  
13 section 1747-A(11).

14 (c) School district.--A cyber charter school shall make  
15 available upon request, either in writing or electronically, to  
16 each student's school district of residence the following:

17 (1) A copy of the charter.

18 (2) A copy of the cyber charter school application.

19 (3) A copy of all annual reports prepared by the cyber  
20 charter school.

21 (4) A list of all students from that school district  
22 enrolled in the cyber charter school.

23 (d) Parent or guardian.--Upon request and prior to the  
24 student's first day in a cyber charter school, the cyber charter  
25 school shall, either in writing or electronically, provide to  
26 the parent or guardian of a student the following:

27 (1) A list and brief description of the courses of  
28 instruction the student will receive. The list shall be  
29 updated annually for each grade level in which the student is  
30 enrolled.

1           (2) A description of the lessons and activities to be  
2 offered both online and offline.

3           (3) The manner in which attendance will be reported and  
4 work will be authenticated.

5           (4) A list of all standardized tests the student will be  
6 required to take during the school year and the place where  
7 the test will be administered, if available.

8           (5) The meetings to be held during the school year  
9 between a parent or guardian and a teacher and among other  
10 school officials or parents or guardians and the manner in  
11 which the parent or guardian will be notified of the time and  
12 place for the meeting.

13           (6) The address of the cyber charter school and the  
14 name, telephone number and e-mail address of the school  
15 administrator and other school personnel.

16           (7) A list of any extracurricular activities provided by  
17 the cyber charter school.

18           (8) The names of the student's teachers, if available,  
19 and the manner in which each teacher can be contacted by the  
20 student or the parent or guardian.

21           (9) A list of all services that will be provided to the  
22 student by the cyber charter school.

23           (10) Copies of policies relating to computer security  
24 and privacy, truancy, absences, discipline and withdrawal or  
25 expulsion of students.

26           (11) Information on:

27           (i) The cyber charter school's professional staff,  
28 including the number of staff personnel, their education  
29 level and experience.

30           (ii) The cyber charter school's performance on the

1 PSSA and other standardized test scores.

2 (12) Information regarding the proper usage of equipment  
3 and materials and the process for returning equipment and  
4 materials supplied to the students by the cyber charter  
5 school. A parent or guardian shall acknowledge, either in  
6 writing or electronically, the receipt of this information.

7 (13) A description of the school calendar, including,  
8 but not limited to, the time frame that will constitute a  
9 school year and a school week, holidays and term breaks.

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

12 (1) provide all instructional materials;

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

15 (3) provide or reimburse for all technology and services  
16 necessary for the online delivery of the curriculum and  
17 instruction.

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

21 (f) Annual report.--A cyber charter school shall submit an  
22 annual report no later than August 1 of each year to the  
23 department in the form prescribed by the department.

24 (g) Records and facilities.--A cyber charter school shall  
25 provide the department with ongoing access to all records and  
26 facilities necessary for the department to assess the cyber  
27 charter school in accordance with the provisions of this  
28 subdivision.

29 (h) Offices and facilities.--A cyber charter school shall  
30 maintain an administrative office within this Commonwealth where



1 all student records shall be maintained at all times and shall  
2 provide the department with the addresses of all offices and  
3 facilities of the cyber charter school, the ownership thereof  
4 and any lease arrangements. The administrative office of the  
5 cyber charter school shall be considered as the principal place  
6 of business for service of process for any action brought  
7 against the cyber charter school or cyber charter school staff  
8 members. The cyber charter school shall notify the department of  
9 any changes in this information within ten days of the change.

10 (i) Applicable law.--Any action taken against the cyber  
11 charter school, its successors or assigns or its employees,  
12 including any cyber charter school staff member as defined in  
13 the act of December 12, 1973 (P.L.397, No.141), known as the  
14 Professional Educator Discipline Act, shall be governed by the  
15 laws of this Commonwealth. If the department initiates an  
16 investigation or pursues an action pursuant to the Professional  
17 Educator Discipline Act involving any current or former charter  
18 school staff member outside this Commonwealth, any reasonable  
19 expenses incurred by the department in such investigation or  
20 action shall be paid by the cyber charter school which employed  
21 that staff member at the time of the alleged misconduct.

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

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

27 (1) Provide the cyber charter school within ten days of  
28 receipt of the notice of the admission of the student under  
29 section 1748-A(a) with all records relating to the student,  
30 including transcripts, test scores and a copy of any

1 individualized education program for that student.

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

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

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

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

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

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

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

28 (d) Application.--An application to establish a cyber  
29 charter school shall be submitted to the department by October 1  
30 of the school year preceding the school year in which the cyber

1 charter school proposes to commence operation.

2 (e) Grant or denial.--Within 120 days of receipt of an  
3 application, the department shall grant or deny the application.

4 The department shall review the application and shall hold at  
5 least one public hearing under 65 Pa.C.S. Ch. 7 (relating to  
6 open meetings). At least 30 days prior to the hearing, the  
7 department shall publish, in the Pennsylvania Bulletin and on  
8 the department's World Wide Web site, notice of the hearing and  
9 the purpose of the application.

10 (f) Evaluation criteria.--

11 (1) A cyber charter school application submitted under  
12 this subdivision shall be evaluated by the department based  
13 on the following criteria:

14 (i) The demonstrated, sustainable support for the  
15 cyber charter school plan by teachers, parents or  
16 guardians and students.

17 (ii) The capability of the cyber charter school  
18 applicant, in terms of support and planning, to provide  
19 comprehensive learning experiences to students under the  
20 charter.

21 (iii) The extent to which the programs outlined in  
22 the application will enable students to meet the academic  
23 standards under 22 Pa. Code Ch. 4 (relating to academic  
24 standards and assessment) or subsequent regulations  
25 promulgated to replace 22 Pa. Code Ch. 4.

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

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

30 (2) Written notice of the action of the department shall

1 be sent by certified mail to the applicant and published on  
2 the department's World Wide Web site. If the application is  
3 denied, the reasons for denial, including a description of  
4 deficiencies in the application, shall be clearly stated in  
5 the notice.

6 (3) Upon approval of a cyber charter school application,  
7 a written charter shall be developed which shall contain the  
8 provisions of the charter application and be signed by the  
9 secretary and each member of the board of trustees of the  
10 cyber charter school. The charter, when duly signed, shall  
11 act as legal authorization of the establishment of a cyber  
12 charter school. The charter shall be legally binding on the  
13 department, the cyber charter school and its board of  
14 trustees. The charter shall be for a period of no less than  
15 three years nor more than five years, and may be renewed for  
16 a period of five years by the department.

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

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

23 (h) Appeal.--If the department fails to hold the required  
24 public hearing or to approve or disapprove the charter, the  
25 applicant may file its application as an appeal to the appeal  
26 board. The appeal board shall review the application and make a  
27 decision to approve or disapprove the charter based on the  
28 criteria in subsection (f).

29 Section 1746-A. State Charter School Appeal Board review.

30 (a) Jurisdiction.--The appeal board shall have the exclusive

1 review of an appeal by a cyber charter school applicant or by  
2 the board of trustees of a cyber charter school on the decisions  
3 of the department, including:

4 (1) The denial of an application for a charter.

5 (2) The denial of a renewal of a charter.

6 (3) The revocation of a charter.

7 (4) An appeal under section 1745-A(h).

8 (b) Procedure.--The appeal board shall:

9 (1) Review the decision made by the department under  
10 subsection (a) on the record as certified by the department.  
11 The secretary shall recuse himself from all cyber charter  
12 school appeals and shall not participate in a hearing,  
13 deliberation or vote on a cyber charter school appeal. The  
14 appeal board may allow the department, the cyber charter  
15 school applicant or the board of trustees of a cyber charter  
16 school to supplement the record if the supplemental  
17 information was previously unavailable.

18 (2) Meet to officially review the certified record no  
19 later than 30 days after the date of filing the appeal.

20 (3) Issue a written decision affirming or denying the  
21 appeal no later than 60 days following its review.

22 (4) In the case of a decision by the department to deny  
23 a cyber charter application, make its decision based on  
24 section 1745-A(f)(1). A decision by the appeal board to  
25 reverse the decision of the department and grant a charter  
26 shall serve as a requirement for the secretary to sign the  
27 written charter of the cyber charter school.

28 (5) In the case of a decision by the department to  
29 revoke or deny renewal of a cyber school charter in  
30 accordance with section 1741-A(a)(3), make its decision based

1 on section 1729-A(a). A decision of the appeal board to  
2 reverse the decision of the department to not revoke or deny  
3 renewal of a charter shall serve as a requirement of the  
4 department to not revoke or to not deny renewal of the  
5 charter of the cyber charter school.

6 (c) Stay.--If the department appeals the decision of the  
7 appeal board, the appeal board's decision shall be stayed only  
8 upon order of the appeal board, the Commonwealth Court or the  
9 Pennsylvania Supreme Court.

10 (d) Review.--All decisions of the appeal board shall be  
11 subject to appellate review by the Commonwealth Court.

12 Section 1747-A. Cyber charter school application.

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

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

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

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

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

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

30 (6) The technology, including types of hardware and

1 software, equipment and other materials which will be  
2 provided by the cyber charter school to the student.

3 (7) A description of how the cyber charter school will  
4 define and monitor a student's school day, including the  
5 delineation of online and offline time.

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

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

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

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

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

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

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

29 (15) The types and frequency of communication between  
30 the cyber charter school and the student and the manner in

1 which the cyber charter school will communicate with parents  
2 and guardians.

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

6 Section 1748-A. Enrollment and notification.

7 (a) Notice to school district.--

8 (1) Within 15 days of the enrollment of a student to a  
9 cyber charter school, the parent or guardian and the cyber  
10 charter school shall notify the student's school district of  
11 residence of the enrollment through the use of the  
12 notification form under subsection (b).

13 (2) If a school district which has received notice under  
14 paragraph (1) determines that a student is not a resident of  
15 the school district, the following apply:

16 (i) Within seven days of receipt of the notice under  
17 paragraph (1), the school district shall notify the cyber  
18 charter school and the department that the student is not  
19 a resident of the school district. Notification of  
20 nonresidence shall include the basis for the  
21 determination.

22 (ii) Within seven days of notification under  
23 subparagraph (i), the cyber charter school shall review  
24 the notification of nonresidence, respond to the school  
25 district and provide a copy of the response to the  
26 department. If the cyber charter school agrees that a  
27 student is not a resident of the school district, it  
28 shall determine the proper district of residence of the  
29 student before requesting funds from another school  
30 district.



1           (iii) Within seven days of receipt of the response  
2 under subparagraph (ii), the school district shall notify  
3 the cyber charter school that it agrees with the cyber  
4 charter school's determination or does not agree with the  
5 cyber charter school's determination.

6           (iv) A school district that has notified the cyber  
7 charter school that it does not agree with the cyber  
8 charter school's determination under subparagraph (iii)  
9 shall appeal to the department for a final determination.

10          (v) All decisions of the department regarding the  
11 school district of residence of a student shall be  
12 subject to review by the Commonwealth Court.

13          (vi) A school district shall continue to make  
14 payments to a cyber charter school under section 1725-A  
15 during the time in which the school district of residence  
16 of a student is in dispute.

17          (vii) If a final determination is made that a  
18 student is not a resident of an appealing school  
19 district, the cyber charter school shall return all funds  
20 provided on behalf of that student to the school district  
21 within 30 days.

22          (b) Notification form.--The department shall develop a  
23 notification form for use under subsection (a). The notification  
24 shall include:

25           (1) The name, home address and mailing address of the  
26 student.

27           (2) The grade in which the student is being enrolled.

28           (3) The date the student will be enrolled.

29           (4) The name and address of the cyber charter school and  
30 the name and telephone number of a contact person able to

1 provide information regarding the cyber charter school.

2 (5) The signature of the parent or guardian and an  
3 authorized representative of the cyber charter school.

4 (c) Withdrawal.--The cyber charter school and the parent or  
5 guardian of a student enrolled in a cyber charter school shall  
6 provide written notification to the student's school district of  
7 residence within 15 days following the withdrawal of a student  
8 from the cyber charter school.

9 Section 1749-A. Applicability of other provisions of this act  
10 and of other acts and regulations.

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

13 (1) Sections 108, 110, 111, 321, 325, 326, 327, 431,  
14 436, 443, 510, 518, 527, 708, 752, 753, 755, 771, 776, 777,  
15 808, 809, 810, 1109, 1111, 1112(a), 1205.1, 1205.2, 1301,  
16 1302, 1310, 1317.2, 1318, 1330, 1332, 1303-A, 1518, 1521,  
17 1523, 1531, 1547, 1702-A, 1703-A, 1714-A, 1715-A, 1716-A,  
18 1719-A, 1721-A, 1722-A, 1723-A(a) and (b), 1724-A, 1725-A,  
19 1727-A, 1729-A, 1730-A, 1731-A,(a)(1) and (b) and 2014-A and  
20 Articles XII-A, XIII-A and XIV.

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 (b) Regulations.--Cyber charter schools shall be subject to  
12 the following provisions of 22 Pa. Code (relating to education):

13 (1) Chapter 4 (relating to academic standards and  
14 assessment).

15 (2) Chapter 11 (relating to pupil attendance).

16 (3) Chapter 12 (relating to students).

17 (4) Section 32.3 (relating to assurances).

18 (5) Section 121.3 (relating to discrimination  
19 prohibited).

20 (6) Section 235.4 (relating to practices).

21 (7) Section 235.8 (relating to civil rights).

22 (8) Chapter 711 (relating to charter school services and  
23 programs for children with disabilities).

24 (c) Existing charter schools.--

25 (1) The charter of a charter school approved under  
26 section 1717-A or 1718-A which provides instruction through  
27 the Internet or other electronic means shall remain in effect  
28 for the duration of the charter and shall be subject to the  
29 provisions of Subdivision (b).

30 (2) In addition to subsections (a) and (b), the

1 following provisions of this subdivision shall apply to a  
2 charter school approved under section 1717-A or 1718-A which  
3 provides instruction through the Internet or other electronic  
4 means:

5 (i) Section 1743-A(c), (d), (e), (h) and (i).

6 (ii) Section 1744-A.

7 (iii) Section 1748-A.

8 Section 1750-A. Effect on certain existing charter schools.

9 (a) Determination.--For a charter school approved under  
10 section 1717-A or 1718-A which provides instruction through the  
11 Internet or other electronic means, prior to August 15, 2002,  
12 the department shall determine:

13 (1) whether the charter school is in compliance with  
14 Subdivision (c);

15 (2) whether the charter school has provided notification  
16 of the enrollment of each existing student to the school  
17 district of residence; and

18 (3) how the charter school plans to comply with section  
19 1743-A(d).

20 (b) Notification of compliance.--Prior to August 15, 2002,  
21 the department shall:

22 (1) Notify each charter school and the chartering school  
23 district of the department's determination under subsection

24 (a). The notification shall include specific requirements  
25 with which the charter school has failed to comply.

26 (2) Publish a copy of the notification on the  
27 department's World Wide Web site.

28 (c) Charter school requirement.--A charter school subject to  
29 the requirements of this section shall, either in writing or  
30 electronically, provide the parent or guardian of any student

1 enrolled in the charter school a copy of the department's  
2 determination under subsection (b).

3 (d) School districts.--A school district shall not renew the  
4 charter of a charter school approved under section 1717-A or  
5 1718-A which provides instruction through the Internet or other  
6 electronic means or approve a charter for a cyber charter  
7 school.

8 (e) Renewal of charter for certain existing charter  
9 schools.--Upon the expiration of its charter, a charter school  
10 approved under section 1717-A or 1718-A which provides  
11 instruction through the Internet or other electronic means shall  
12 seek renewal of its charter from the department under this  
13 subdivision. The charter shall be amended as needed to reflect  
14 the requirements of this subdivision.

15 Section 1751-A. Regulations.

16 The department may issue regulations to implement this  
17 subdivision.

18 Section 15. Section 1705-B(h)(4) of the act, amended June  
19 22, 2001 (P.L.530, No.35), is amended to read:

20 Section 1705-B. Education Empowerment Districts.--\* \* \*

21 (h) \* \* \*

22 (4) The department may utilize up to \$2,000,000 of  
23 undistributed funds not expended, encumbered or committed from  
24 appropriations for grants and subsidies made to the department  
25 to assist school districts certified as an education empowerment  
26 district under paragraph (3). There is hereby established a  
27 restricted account from which payments under this paragraph  
28 shall be paid. Funds shall be transferred by the Secretary of  
29 the Budget to the restricted account to the extent necessary to  
30 make payments under this paragraph. Funds in the restricted

1 account are hereby appropriated to carry out the purposes of  
2 this paragraph. This paragraph shall apply to fiscal years 2000-  
3 2001 [and], 2001-2002, and 2002-2003 and shall expire June 30,  
4 [2002] 2003.

5 Section 16. Section 1714-B(h) of the act, added May 10, 2000  
6 (P.L.44, No.16), is amended to read:

7 Section 1714-B. Mandate Waiver Program.--\* \* \*

8 (h) The following provisions of 22 Pa. Code (relating to  
9 education) shall not be subject to waiver pursuant to this  
10 section:

11 Chapter 4 (relating to academic standards and assessment).

12 Chapter 11 (relating to pupil attendance).

13 Chapter 12 (relating to students).

14 Chapter 14 (relating to special education services and  
15 programs).

16 Chapter 16 (relating to special education for gifted  
17 students).

18 Section 32.3 (relating to assurances).

19 Section 121.3 (relating to discrimination prohibited).

20 Section 235.4 (relating to practices).

21 Section 235.8 (relating to civil rights).

22 \* \* \*

23 Section 17. Section 1901-C(1) of the act, added June 25,  
24 1997 (P.L.297, No.30), is amended to read:

25 Section 1901-C. Definitions.--For purposes of this article,  
26 the following terms shall have the following meanings:

27 (1) "Alternative education program" or "program." Any  
28 applicant's program applying for funds under this article, which  
29 program is implemented by a school district, an area vocational-  
30 technical school, a group of school districts or an intermediate

1 unit, which removes disruptive students from regular school  
2 programs in order to provide those students with a sound  
3 educational course of study and counseling designed to modify  
4 disruptive behavior and return the students to a regular school  
5 curriculum. Notwithstanding section 1502, alternative education  
6 programs may operate outside the normal school day of the  
7 applicant district, including Saturdays. School districts and  
8 private alternative education institutions operating pursuant to  
9 the provisions of Article XIX-E shall adopt a policy for  
10 periodic review of those students placed in [the] their  
11 respective alternative education program for disruptive  
12 students. This review shall occur, at a minimum, at the end of  
13 every semester the student is in the program or more frequently  
14 at the district's or private alternative education institution's  
15 discretion. The purpose of this review is to determine whether  
16 or not the student is ready to return to the regular school  
17 curriculum. Programs may include services for students returning  
18 from placements or who are on probation resulting from being  
19 adjudicated delinquent in a proceeding under 42 Pa.C.S. Ch. 63  
20 (relating to juvenile matters) or who have been judged to have  
21 committed a crime under an adult criminal proceeding.

22 \* \* \*

23 Section 18. Section 2008-A of the act, amended June 23, 1988  
24 (P.L.457, No.77), is amended to read:

25 Section 2008-A. Councils of Trustees.--(a) The council of  
26 each of the institutions shall consist of eleven (11) members  
27 who, except for student members, shall be nominated and  
28 appointed by the Governor with the advice and consent of the  
29 Senate. At least two (2) members of the eleven (11) member  
30 council of trustees shall be alumni of the institution.

1 (b) Ten (10) members of each council shall serve terms of  
2 six (6) years, respectively, and until their respective  
3 successors are duly appointed and qualified. One (1) member of  
4 each council shall be a full-time undergraduate student in good  
5 academic standing, other than freshman, enrolled for at least  
6 twelve (12) semester hours at the institution of which he is a  
7 trustee. The student member shall serve a term of four (4) years  
8 or for so long as he is a full-time undergraduate student in  
9 attendance at the institution of which he is a trustee,  
10 whichever period is shorter, and is in good academic standing.  
11 Vacancies occurring before the expiration of the term of any  
12 member shall be filled in like manner for the unexpired term.  
13 Student members of the Council of Trustees shall be appointed by  
14 the Governor and shall not be subject to Senate confirmation. If  
15 a student member is temporarily unable, for medical or valid  
16 academic reasons, to fulfill the responsibilities of office, the  
17 Council of Trustees may request that the Governor appoint an  
18 otherwise qualified student to serve as an alternate until the  
19 return of the student member.

20 (c) The members of each board of trustees of a former State  
21 college or university serving in such capacity on the effective  
22 date of this act shall continue to serve for the balance of  
23 their respective terms.

24 (d) Six (6) members of a council shall constitute a quorum.  
25 Each council shall select from its members a chairperson and a  
26 secretary to serve at the pleasure of the council. Each council  
27 shall meet at least quarterly, and additionally at the call of  
28 the president, or its chairperson, or upon request of three (3)  
29 of its members.

30 Section 19. The act is amended by adding a section to read:



1       Section 2134. Placement of Certain Adjudicated Students.--No  
2 student returning from placement or who is on probation as a  
3 result of being adjudicated delinquent under 42 Pa.C.S. Ch. 63  
4 (relating to juvenile matters) or who has been adjudged to have  
5 committed a crime under an adult criminal proceeding shall be  
6 returned directly to the regular classroom. Prior to returning  
7 such student to the regular classroom, the school district  
8 shall:

9       (1) Place the student in a transition center operated by the  
10 school district for a period not to exceed four (4) weeks.

11       (2) Develop a transition plan for the student that includes  
12 academic goals, identifies school and community services  
13 appropriate to the needs of the student and establishes terms  
14 and conditions the student must meet prior to returning to the  
15 regular classroom.

16       (3) Place the student in an alternative education program as  
17 defined in Article XIX-C, in a private alternative education  
18 institution as defined in Article XIX-E, in a general education  
19 development program or in a program operating after the  
20 traditional school day, as provided for in the transition plan  
21 developed pursuant to clause (2).

22       Section 20. Section 2501(14.1) of the act, amended June 22,  
23 2001 (P.L.530, No.35), is amended to read:

24       Section 2501. Definitions.--For the purposes of this article  
25 the following terms shall have the following meanings:

26       \* \* \*

27       (14.1) "Market Value/Income Aid Ratio." For purposes of  
28 reimbursement to a school district under subsections (d), (e),  
29 and (f) of section 2502, section 2502.8, section 2502.22,  
30 section 2502.25, section 2502.26 and section 2592, or to an

1 intermediate unit or area vocational-technical school, shall be  
2 the Commonwealth's method of determining the combined market  
3 value and income wealth for each pupil, and shall be computed,  
4 for the school year for which reimbursement is being paid, as  
5 follows:

6 (a) (i) Divide the market value per weighted average daily  
7 membership of the district, intermediate unit or area  
8 vocational-technical school by the market value per weighted  
9 average daily membership of the State;

10 (ii) Determine the product of subsection (a)(i) multiplied  
11 by .5;

12 (iii) Subtract the resultant product in subsection (a)(ii)  
13 from 1.000 to determine the market value portion of the aid  
14 ratio.

15 (iv) For purposes of the calculation described in subsection  
16 (a)(i) through [(a)(iii)] (iii), the market value of a district  
17 shall be the real property valuation of the district for the  
18 calendar year that concluded during the school year immediately  
19 preceding the school year for which reimbursement is being paid.  
20 The market value of an intermediate unit or area vocational-  
21 technical school shall be the sum of the real property  
22 valuations of each of its component districts for the calendar  
23 year that concluded during the school year immediately preceding  
24 the school year for which reimbursement is being paid. The  
25 weighted average daily membership of a district shall be the  
26 weighted average daily membership for the school year  
27 immediately preceding the school year for which reimbursement is  
28 being paid. The weighted average daily membership of an  
29 intermediate unit or area vocational-technical school shall be  
30 the sum of the weighted average daily memberships of each of its

1 component districts for the school year immediately preceding  
2 the school year for which reimbursement is being paid.

3 (b) (i) Divide the income per weighted average daily  
4 membership of the district, the intermediate unit or area  
5 vocational-technical school by the average personal income per  
6 weighted average daily membership of the State;

7 (ii) Determine the product of subsection (b)(i) multiplied  
8 by .5;

9 (iii) Subtract the resultant product in subsection (b)(ii)  
10 from 1.000 to determine the income aid ratio.

11 (iv) For purposes of the calculation described in subsection  
12 (b)(i) through [(b)(iii)] (iii), the income of a district shall  
13 be the personal income valuation of the district. The income of  
14 an intermediate unit or area vocational-technical school shall  
15 be the sum of the personal income valuations of each of its  
16 component districts. The weighted average daily membership of  
17 the district shall be the weighted average daily membership for  
18 the school year immediately preceding the school year for which  
19 reimbursement is being paid. The weighted average daily  
20 membership of an intermediate unit or area vocational-technical  
21 school shall be the sum of the weighted average daily  
22 memberships of each of its component districts for the school  
23 year immediately preceding the school year for which  
24 reimbursement is being paid.

25 (c) Add sixty percent (60%) of the market value aid ratio to  
26 forty percent (40%) of the income aid ratio to determine the  
27 market value/income aid ratio.

28 (d) For payments beginning in the 1989-1990 school year and  
29 each school year thereafter, the Department of Education shall  
30 utilize an adjusted personal income valuation for the 1987 tax

1 year and each tax year thereafter respectively in computing the  
2 market value/income aid ratio for such districts. The adjusted  
3 personal income valuation shall be calculated by dividing the  
4 total out-of-State tax credits claimed by the residents of a  
5 school district by the State personal income tax rate and  
6 subtracting that amount from the total personal income valuation  
7 for the individual school district. The State total personal  
8 income valuation shall remain that as certified by the  
9 Department of Revenue and shall not be adjusted to reflect out-  
10 of-State tax credits.

11 [(e) For the purpose of determining payments for the 1999-  
12 2000 school year and each school year thereafter, the department  
13 shall utilize the following calculation for any school district  
14 where the personal income as determined by the Department of  
15 Revenue under Article III, section 303(a)(3), (4), (7) or (8) of  
16 the act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform  
17 Code of 1971," increases by at least one thousand percent  
18 (1,000%) over such income reported for the prior tax year: the  
19 total personal income used to determine the personal income aid  
20 ratio and market value/personal income aid ratio shall be  
21 calculated using an amount for personal income as determined by  
22 the Department of Revenue under Article III, section 303(a)(3),  
23 (4), (7) or (8) of the "Tax Reform Code of 1971" that is ten  
24 percent (10%) higher than such income reported for the prior tax  
25 year.]

26 Section 21. Section 2502.13 of the act, amended June 22,  
27 2001 (P.L.530, No.35), is amended to read:

28 Section 2502.13. Small District Assistance.--For the 1984-  
29 1985 and 1985-1986 school years, the Commonwealth shall pay to  
30 each school district which has an average daily membership of

1 one thousand five hundred (1,500) or less and has a market  
2 value/income aid ratio of five thousand ten-thousandths (0.5000)  
3 or greater, an amount equal to fifty dollars (\$50) multiplied by  
4 that district's average daily membership. For the 1985-1986  
5 school year, no school district shall receive less on account of  
6 this section than it did for the 1984-1985 school year. For the  
7 school year 1986-1987, the Commonwealth shall pay to each school  
8 district which has an average daily membership of one thousand  
9 five hundred (1,500) or less and has a market value/income aid  
10 ratio of five thousand ten-thousandths (0.5000) or greater, or  
11 received payments under this section for the 1985-1986 school  
12 year, an amount equal to seventy-five dollars (\$75) multiplied  
13 by that district's average daily membership. For the school year  
14 1987-1988, the Commonwealth shall pay to each school district  
15 which has an average daily membership of one thousand five  
16 hundred (1,500) or less and a market value/income aid ratio of  
17 five thousand ten-thousandths (0.5000) or greater, or received  
18 payments under this section for the 1986-1987 school year, an  
19 amount equal to eighty-five dollars (\$85) multiplied by that  
20 district's average daily membership. For the school year 1988-  
21 1989, the Commonwealth shall pay to each school district which  
22 has an average daily membership of one thousand five hundred  
23 (1,500) or less and a market value/income aid ratio of five  
24 thousand ten thousandths (0.5000) or greater, or received  
25 payments under this section for the 1987-1988 or 1988-1989  
26 school year, an amount equal to one hundred five dollars (\$105).  
27 For the school year 1989-1990, the Commonwealth shall pay to  
28 each school district which has an average daily membership of  
29 one thousand five hundred (1,500) or less and a market  
30 value/income aid ratio of five thousand ten-thousandths (0.5000)

1 or greater, or received payments under this section for the  
2 1987-1988 school year, an amount equal to one hundred fifteen  
3 dollars (\$115) multiplied by the district's average daily  
4 membership as provided for in section 212 of the act of July 1,  
5 1990 (P.L.1591, No.7A), known as the "General Appropriation Act  
6 of 1990." For the school year 1990-1991, the Commonwealth shall  
7 pay to each school district which has an average daily  
8 membership of one thousand five hundred (1,500) or less and a  
9 market value/income aid ratio of five thousand ten-thousandths  
10 (0.5000) or greater, or received payments under this section for  
11 the prior school year, an amount equal to one hundred seventy  
12 dollars (\$170) multiplied by that district's average daily  
13 membership. For the school year 1990-1991, each school district  
14 with a population per square mile of less than ninety (90),  
15 which otherwise meets the average daily membership and market  
16 value/income aid ratio requirements of this section, or received  
17 payments under this section for the prior school year, shall  
18 instead receive an amount equal to one hundred ninety dollars  
19 (\$190) multiplied by that district's average daily membership.  
20 For the 1987-1988 school year through the 1990-1991 school year,  
21 no school district shall receive less on account of this section  
22 than it did for the prior school year. For the school year 1994-  
23 1995, the Commonwealth shall pay to each school district which  
24 has an average daily membership of one thousand five hundred  
25 (1,500) or less and a market value/income aid ratio of five  
26 thousand ten-thousandths (0.5000) or greater, an amount equal to  
27 ninety five dollars (\$95) multiplied by that district's average  
28 daily membership. For each of the school years 1997-1998 through  
29 1999-2000, the Commonwealth shall pay to each school district  
30 which has an average daily membership of one thousand five

1 hundred (1,500) or less and a market value/income aid ratio of  
2 five thousand ten-thousandths (0.5000) or greater an amount  
3 equal to seventy-five dollars (\$75) multiplied by that  
4 district's average daily membership. For the school [year 2000-  
5 2001] years 2000-2001 and 2001-2002, the Commonwealth shall pay  
6 to each school district which has an average daily membership of  
7 one thousand five hundred (1,500) or less an amount equal to  
8 seventy-five dollars (\$75) multiplied by that district's average  
9 daily membership.

10 Section 22. Section 2502.30 of the act, reenacted and  
11 amended June 22, 2001 (P.L.530, No.35), is amended to read:

12 Section 2502.30. Temporary Special Aid to School Districts  
13 Suffering Loss of Tax Revenue Due to Reduction in Assessed  
14 Valuation of Taxable Property.--(a) Temporary special aid shall  
15 be paid in fiscal years 1994-1995, 1995-1996, 1996-1997, 1997-  
16 1998, 1998-1999, 1999-2000 [and], 2001-2002 and 2002-2003 to  
17 school districts experiencing a severe reduction in local  
18 revenue due to a decline in the assessed value of taxable  
19 properties. The allocation to these districts shall be  
20 determined by multiplying the reduction in assessed value  
21 between 1985-1986 and 1992-1993 by the 1992-1993 real estate  
22 millage rate. This aid shall be paid from undistributed funds  
23 not expended, encumbered or committed from appropriations for  
24 grants and subsidies made to the Department of Education. No  
25 other funds shall be used for assistance under this section.  
26 These funds shall be sufficient to provide temporary relief to  
27 seven school districts in fiscal year 1995-1996 at seventy-five  
28 per centum (75%) of the funds received in fiscal year 1994-1995,  
29 in fiscal year 1996-1997 at fifty per centum (50%) of the funds  
30 received in fiscal year 1994-1995, in fiscal year 1997-1998,

1 1998-1999 and in fiscal year 1999-2000 at twenty-five per centum  
2 (25%) of the funds received in fiscal year 1994-1995. For fiscal  
3 [year] years 2001-2002 and 2002-2003, to the extent funds are  
4 available as determined by the Secretary of the Budget,  
5 qualifying school districts shall receive twenty-five per centum  
6 (25%) of the funds received in fiscal year 1994-1995. [This  
7 section shall expire October 1, 2002.]

8 (b) Payments made pursuant to subsection (a) shall be paid  
9 from a restricted receipt account, which is hereby established,  
10 for such payments. Funds shall be transferred by the Secretary  
11 of the Budget to the restricted account only to the extent  
12 necessary to make the payments authorized by this section. The  
13 money in the restricted account is hereby appropriated from the  
14 account for purposes of this section.

15 (c) This section shall expire October 1, 2003.

16 Section 23. The act is amended by adding a section to read:

17 Section 2502.40. Basic Education Funding for 2001-2002  
18 School Year.--For the 2001-2002 school year, the Commonwealth  
19 shall pay to each school district a basic education funding  
20 allocation which shall consist of the following:

21 (1) An amount equal to the basic education funding  
22 allocation for the 2000-2001 school year pursuant to sections  
23 2502.13 and 2502.39.

24 (2) A base supplement calculated as follows:

25 (i) If the school district's 2002-2003 market value/income  
26 aid ratio is equal to or greater than .7000:

27 (A) Multiply the school district's 2002-2003 market  
28 value/income aid ratio by its 2001-2002 average daily  
29 membership.

30 (B) Multiply the product from (A) by \$40,000,000.



1 (C) Divide the product from (B) by the sum of the products  
2 of the 2002-2003 market value/income aid ratio multiplied by the  
3 2001-2002 average daily membership for all qualifying school  
4 districts.

5 (ii) If the school district's 2002-2003 market value/income  
6 aid ratio is equal to or greater than .4000 and less than .7000:

7 (A) Multiply the school district's 2002-2003 market  
8 value/income aid ratio by its 2001-2002 average daily  
9 membership.

10 (B) Multiply the product from (A) by \$35,000,000.

11 (C) Divide the product from (B) by the sum of the products  
12 of the 2002-2003 market value/income aid ratio multiplied by the  
13 2001-2002 average daily membership for all qualifying school  
14 districts.

15 (iii) If the school district's 2002-2003 market value/income  
16 aid ratio is less than .4000:

17 (A) Multiply the school district's 2002-2003 market  
18 value/income aid ratio by its 2001-2002 average daily  
19 membership.

20 (B) Multiply the product from (A) by \$10,000,000.

21 (C) Divide the product from (B) by the sum of the products  
22 of the 2002-2003 market value/income aid ratio multiplied by the  
23 2001-2002 average daily membership for all qualifying school  
24 districts.

25 (3) A poverty supplement calculated for qualifying school  
26 districts as follows:

27 (i) To qualify for the poverty supplement, a school  
28 district's 2002-2003 market value/income aid ratio shall be  
29 equal to or greater than 0.6500 and its personal income  
30 valuation when divided by its 2001-2002 average daily membership

1 shall be equal to or less than \$100,200.

2 (ii) The poverty supplement shall be calculated for  
3 qualifying school districts as follows:

4 (A) Multiply the school district's 2001-2002 average daily  
5 membership by \$20,000,000.

6 (B) Divide the product from (A) by the sum of the 2001-2002  
7 average daily membership for all qualifying school districts.

8 (4) A growth supplement calculated for qualifying school  
9 districts as follows:

10 (i) Each school district with an increase in average daily  
11 membership between the 2000-2001 and 2001-2002 school years of  
12 less than three percent (3%) shall receive an amount equal to  
13 two hundred fifty dollars (\$250) multiplied by the actual  
14 numerical increase in average daily membership between the 2000-  
15 2001 and 2001-2002 school years.

16 (ii) Each school district with an increase in average daily  
17 membership between the 2000-2001 and 2001-2002 school years  
18 equal to or greater than three percent (3%) shall receive an  
19 amount equal to five hundred dollars (\$500) multiplied by the  
20 actual numerical increase in average daily membership between  
21 the 2000-2001 and 2001-2002 school years.

22 (5) Each school district will receive additional funding as  
23 necessary so that the sum of the amounts under section 2502.13  
24 and under clauses (2), (3), (4) and this clause will equal at  
25 least two percent (2%) of the amount in clause (1).

26 Section 24. Section 2509.1 of the act is amended by adding a  
27 subsection to read:

28 Section 2509.1. Payments to Intermediate Units.--\* \* \*

29 (b.10) Up to nine million five hundred thousand dollars  
30 (\$9,500,000) may be utilized for programs administered and

1 operated by intermediate units during the 2002-2003 school year  
2 for institutionalized children as established in subsection  
3 (b.1).

4 \* \* \*

5 Section 25. Section 2509.3 of the act, amended April 27,  
6 1998 (P.L.270, No.46), is amended to read:

7 Section 2509.3. Payments on Account of Transportation of  
8 Nonpublic School Pupils.--Each school district, regardless of  
9 classification, shall be paid by the Commonwealth the sum of  
10 thirty-five dollars (\$35) for each nonpublic school pupil  
11 transported in the school year 1978-1979 through the school year  
12 1983-1984. For the school year 1984-1985 through the school year  
13 1989-1990, each school district shall be paid the sum of seventy  
14 dollars (\$70) for each nonpublic school pupil transported. For  
15 the school years 1990-1991 and 1991-1992, each school district  
16 shall be paid the sum of one hundred twenty-four dollars (\$124)  
17 for each nonpublic school pupil transported. For the school year  
18 1992-1993 and the 1993-1994 school year, each school district  
19 shall be paid the sum of one hundred fifty-nine dollars (\$159)  
20 for each nonpublic school pupil transported. For the school year  
21 1994-1995 through the school year 1996-1997, each school  
22 district shall be paid the sum of two hundred dollars (\$200) for  
23 each nonpublic school pupil transported. For the school year  
24 1997-1998 [and each school year thereafter] through the school  
25 year 2000-2001, each school district shall be paid the sum of  
26 two hundred eighty-five dollars (\$285) for each nonpublic school  
27 pupil transported. For the school year 2001-2002 and each school  
28 year thereafter, each school district shall be paid the sum of  
29 three hundred eighty-five dollars (\$385) for each nonpublic  
30 school pupil transported.

1 Section 26. Section 2509.5 of the act is amended by adding a  
2 subsection to read:

3 Section 2509.5. Special Education Payments to School  
4 Districts.--\* \* \*

5 (kk) For the 2002-2003 school year, each school district  
6 shall receive additional funding as necessary so that the  
7 payments school districts receive are equal to one hundred one  
8 and five tenths per centum (101.5%) of the payments to school  
9 districts for the 2001-2002 school year under subsections (gg),  
10 (hh), (ii) and (jj).

11 Section 27. Section 2517(d) of the act, amended June 7, 1993  
12 (P.L.49, No.16), is amended to read:

13 Section 2517. Payments.--\* \* \*

14 (d) Subsection (c) of this section shall apply to:

15 (1) All payments to which a school district is entitled  
16 under any provision of sections 2502, 2502.3, 2502.4, 2502.8,  
17 2502.9 and 2592 for the school year 1981-1982.

18 (2) Payments to which a school district is entitled under  
19 any provision of sections 2502, 2502.8 and 2502.11 for the  
20 school year 1982-1983 and the school year 1983-1984.

21 (3) Payments to which a school district is entitled under  
22 any provision of sections 2502, 2502.8, 2502.11, 2502.13 and  
23 2502.20 for the school year 1984-1985 [and each school year  
24 thereafter.] through the school year 2000-2001.

25 (4) Payments to which a school district is entitled under  
26 any provision of sections 2502, 2502.8, 2502.11, 2502.13,  
27 2502.40 and 2591.1 for the school year 2001-2002 and each school  
28 year thereafter.

29 Section 28. The act is amended by adding a section to read:

30 Section 2591.1. Commonwealth Reimbursements for Charter

1 Schools and Cyber Charter Schools.--For the 2001-2002 school  
2 year, the Commonwealth shall pay to each school district with  
3 resident students enrolled in a charter school, a charter school  
4 approved under section 1717-A or 1718-A which provides  
5 instruction through the Internet or other electronic means or a  
6 cyber charter school as defined pursuant to Article XVII-A an  
7 amount equal to thirty percent (30%) of the total funding  
8 required under section 1725-A(a). If insufficient funds are  
9 appropriated to make Commonwealth reimbursements under this  
10 section, the reimbursements shall be made on a pro rata basis.

11 Section 29. Section 2595(f.1) of the act, amended May 10,  
12 2000 (P.L.44, No.16), is amended and the section is amended by  
13 adding a subsection to read:

14 Section 2595. School Performance Incentives.--\* \* \*

15 (f.1) Up to three million dollars (\$3,000,000) of the  
16 allocation for school performance funding under this section  
17 [shall] may be used to fund an incentive program for School  
18 District Performance Measures (SDPM) to be based upon the  
19 individual performance of employes of a school district.

20 (1) School districts shall apply annually for an SDPM award  
21 in a format established by the Department of Education.

22 (2) The Department of Education shall review school district  
23 professional teacher accountability plans that contain  
24 differentiated rewards and sanctions based on individual job  
25 performance.

26 (3) The Department of Education shall review the submitted  
27 school district accountability plans and rate them for impact on  
28 the individual employe according to financial and programmatic  
29 measures, including compensation and training and other rewards  
30 and sanctions.

1 (4) The Department of Education shall use the total impact  
2 of each plan times the number of professional staff affected in  
3 the school district to award SDPM incentive grants to school  
4 districts.

5 (5) If the amount for awards under this subsection exceeds  
6 the amount allocated for that purpose, the awards shall be  
7 reduced to reflect the amount allocated.

8 (f.2) Pursuant to guidelines issued by the Department of  
9 Education, up to ten percent (10%) of the allocation for school  
10 performance funding under this section may be used by the  
11 department to establish an incentive program to reward school  
12 entities that show improved academic performance as evidenced by  
13 a decline in the percentage of students who score below the  
14 basic level of proficiency as defined by 22 Pa.Code Ch. 4  
15 (relating to academic standards and assessment) and who are in  
16 disaggregated groups, including the following:

17 (1) Economically disadvantaged students.

18 (2) Students from major racial and ethnic groups.

19 (3) Students with disabilities.

20 (4) Students with limited English proficiency.

21 \* \* \*

22 Section 30. The act is amended by adding a section to read:

23 Section 2599.1. Multipurpose Service Center Grant Program.--

24 (a) The Department of Education may administer a grant program  
25 to assist multipurpose service centers in the delivery of  
26 certain services to displaced homemakers and single parents in  
27 accordance with department guidelines.

28 (b) (1) To the extent that funds are available, grants  
29 shall be awarded to multipurpose service centers that offer job  
30 counseling, job training, financial management, employment

1 referral and any other services that the department may require.  
2 Priority in the award of grants shall be afforded to those  
3 multipurpose service centers that received State assistance  
4 during the 1998-1999 fiscal year.

5 (2) Qualified multipurpose service centers shall apply for  
6 grants in the form and manner required by the department.

7 (c) As used in this section, the following words and phrases  
8 shall have the meanings given to them in this subsection:

9 "Displaced homemaker" or "single parent." An individual who:

10 (1) Has worked in the home, providing unpaid household  
11 services for family members.

12 (2) Is underemployed.

13 (3) Has had or is having difficulty securing employment.

14 (4) Has been dependent on the income of another family  
15 member but is no longer supported by such income, has been  
16 dependent on government assistance or is supported as the parent  
17 of minor children by government assistance or other support.

18 "Multipurpose service center." A community-based  
19 organization, school district, joint school district or  
20 intermediate unit, postsecondary school, institution of higher  
21 learning or area vocational-education school that provides job  
22 counseling services; job training, education and placement  
23 services; financial management services, outreach information  
24 services with respect to Federal and State employment and  
25 education, health and unemployment assistance programs to  
26 displaced homemakers and single parents.

27 Section 31. Section 2603-B(d) of the act, added March 30,  
28 1988 (P.L.321, No.43), is amended by adding a clause to read:

29 Section 2603-B. Powers and Duties of the Board.--\* \* \*

30 (d) The board shall also have the authority and duty to:

1 \* \* \*

2 (10) (i) Approve or disapprove standards proposed by the  
3 department in order to comply with the provisions of the No  
4 Child Left Behind Act of 2001 (Public Law 107-110, 115 Stat.  
5 1425) to maintain the eligibility of this Commonwealth to  
6 receive Federal funding for education programs. The board shall  
7 approve or disapprove the standards within 30 days of submission  
8 to the board's office or at its next scheduled meeting,  
9 whichever is sooner. Failure of the board to approve or  
10 disapprove the standards within the time established under this  
11 section shall be deemed an approval of the standards.

12 (ii) Standards promulgated under this section shall be  
13 deposited with the Pennsylvania Bulletin for publication.

14 (iii) These standards shall be exempt from:

15 (A) Sections 201 through 205 of the act of July 31, 1968  
16 (P.L.769, No.240), referred to as the Commonwealth Documents  
17 Law.

18 (B) Section 204(b) of the act of October 15, 1980 (P.L.950,  
19 No.164), known as the "Commonwealth Attorneys Act."

20 (C) The act of June 25, 1982 (P.L.633, No.181), known as the  
21 "Regulatory Review Act."

22 (D) This subclause shall expire June 30, 2003.

23 \* \* \*

24 Section 32. The State Board of Education shall adopt  
25 revisions to 22 Pa. Code § 4.24 (relating to high school  
26 graduation requirements) that, at a minimum, delete from the  
27 regulation the requirement that school districts affix to  
28 diplomas State Seals of Proficiency or Distinction. Due to the  
29 urgent need for an expedited but public regulatory process, the  
30 State Board of Education, in adopting such revised regulations,



1 shall follow the procedures set forth in the act of July 31,  
2 1968 (P.L.769, No.240), referred to as the Commonwealth  
3 Documents Law, and the act of June 25, 1982 (P.L.633, No.181),  
4 known as the Regulatory Review Act, for the promulgation and  
5 review of final-omitted regulations.

6 Section 33. The purpose of the addition of Subdivision (c)  
7 of Article XVII-A is to provide for the continued operation of  
8 charter schools approved under section 1717-A or 1718-A of the  
9 act and which provide instruction through the Internet or other  
10 electronic means and to establish additional requirements for  
11 all cyber charter schools.

12 Section 34. The sum of \$25,000,000 is hereby appropriated to  
13 the Department of Education for payments to school districts of  
14 the first class subject to the following:

15 (1) Payment of funds from this appropriation shall be  
16 contingent upon the determination of the Secretary of  
17 Education that a school district of the first class, which  
18 has been declared distressed pursuant to section 691(c) of  
19 the act of March 10, 1949 (P.L.30, No.14), known as the  
20 Public School Code of 1949, has satisfied all of the  
21 following by December 31, 2002: achieved \$25,000,000 in  
22 savings through elimination of redundancies, noninstructional  
23 operational efficiencies and reductions in administrative  
24 personnel at district headquarters; complied with sections  
25 697 and 2134 of the Public School Code of 1949; and  
26 established a Uniform Code of Conduct for all students.

27 (2) Funds received from this appropriation shall first  
28 be expended by the School Reform Commission of a school  
29 district of the first class for all costs associated with the  
30 operation of schools governed by agreements pursuant to

1 section 696(i)(2) of the Public School Code of 1949 and for  
2 the operation of schools previously designated as partnership  
3 schools under the School Reform Commission Resolution Number  
4 10 of April 17, 2002, before the funds can be expended on any  
5 other schools identified for targeted reforms by the School  
6 Reform Commission pursuant to that resolution. Such  
7 expenditures shall include costs associated with targeted  
8 reform efforts such as: enhancements in curriculum;  
9 enhancements or improvements in instructional supplies,  
10 materials and equipment, including computer hardware and  
11 software used to provide instruction; enhancements in  
12 professional development programs; improved or newly  
13 established accountability measures for school employees; and  
14 other costs associated with such agreements. Additionally, as  
15 a condition for payment of these funds to school districts of  
16 the first class, the School Reform Commission must enter into  
17 such agreements no later than August 1, 2002.

18 (3) Funds received from this appropriation shall be  
19 distributed by the School Reform Commission of a school  
20 district of the first class in accordance with a funding  
21 methodology approved by the Secretary of Education and shall  
22 be supplemental and in addition to any amount of Federal,  
23 State and local funds allocated to those schools previously  
24 designated as partnership schools by a school district of the  
25 first class under its standard budgeting process.

26 (4) Receipt of funds from this appropriation shall in no  
27 way be deemed to authorize those schools previously  
28 designated as partnership schools by a school district of the  
29 first class to be treated differently from other schools in  
30 the school district of the first class in terms of services

1 or other funding provided by the school district of the first  
2 class.

3 (5) The secretary shall not pay funds from this  
4 appropriation to a school district of the first class until  
5 the secretary determines that the conditions in this section  
6 have been satisfied.

7 Section 35. This act shall take effect as follows:

8 (1) The following provisions shall take effect July 1,  
9 2002, or immediately, whichever is later:

10 (i) The amendment of section 511(e) of the act.

11 (ii) The amendment of section 518 of the act.

12 (iii) The amendment of section 687 of the act.

13 (iv) The amendment of section 910-A of the act.

14 (v) The amendment of section 1725-A of the act.

15 (vi) The addition of Subdivision (c) of Article  
16 XVII-A of the act.

17 (vii) The amendment of section 1705-B of the act.

18 (viii) The amendment of section 1901-C(1) of the  
19 act.

20 (ix) The amendment of section 2502.13 of the act.

21 (x) The amendment of section 2502.30 of the act.

22 (xi) The addition of section 2502.40 of the act.

23 (xii) The amendment of section 2509.1 of the act.

24 (xiii) The amendment of section 2509.3 of the act.

25 (xiv) The amendment of section 2509.5 of the act.

26 (xv) The amendment of section 2517(d) of the act.

27 (xvi) The addition of section 2591.1 of the act.

28 (xvii) The amendment of section 2595(f.1) of the  
29 act.

30 (xviii) The addition of section 2599.1 of the act.

1 (xix) Section 33 of this act.

2 (xx) Section 34 of this act.

3 (2) The following provisions shall take effect  
4 immediately:

5 (i) The amendment of section 102 of the act.

6 (ii) The amendment of section 502.1(f) of the act.

7 (iii) The amendment of section 696(a), (b) and (h)  
8 of the act.

9 (iv) The addition of section 1109.2 of the act.

10 (v) The amendment of section 1301 of the act.

11 (vi) The amendment of section 1501-C of the act.

12 (vii) The amendment of section 1505-C of the act.

13 (viii) The amendment of section 1613 of the act.

14 (ix) The amendment of section 1703-A of the act.

15 (x) The amendment of section 1732-A of the act.

16 (xi) The amendment of section 1714-B(h) of the act.

17 (xii) The addition of section 2134 of the act.

18 (xiii) The amendment of section 2501(14.1) of the  
19 act.

20 (xiv) The addition of section 2603-B(d)(10) of the  
21 act.

22 (xv) Section 32 of this act.

23 (xvi) This section.

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