
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1422 Session of
2023

INTRODUCED BY CIRESI, MADDEN, ISAACSON, SMITH-WADE-EL,
SCHLOSSBERG, HANBIDGE, WEBSTER, GUENST, SANCHEZ, D. WILLIAMS,
HOHENSTEIN, HADDOCK, PROBST, HOWARD, DELLOSO, ADAMS, HILL-
EVANS, KAZEEM, MALAGARI, PIELLI, SALISBURY, BURNS,
SHUSTERMAN, OTTEN, VITALI, RABB, FRIEL, CURRY, KENYATTA,
STURLA, BOROWSKI AND O'MARA, JUNE 22, 2023

REFERRED TO COMMITTEE ON EDUCATION, JUNE 22, 2023

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," in preliminary provisions, providing
6 for advertising and sponsorships; in charter schools, further
7 providing for definitions and for funding for charter
8 schools, providing for funding for cyber charter schools, for
9 cyber charter school requirements, for powers and composition
10 of board of trustees and for educational management service
11 providers, further providing for powers and duties of
12 department and for assessment and evaluation, providing for
13 annual reports and public reporting and for fund balance
14 limits, further providing for cyber charter school
15 requirements and prohibitions and for school district and
16 intermediate unit responsibilities, providing for access to
17 other schools' facilities, further providing for
18 establishment of cyber charter school, providing for
19 renewals, for charter amendments and for causes for
20 nonrenewal, revocation or termination, further providing for
21 State Charter School Appeal Board review, for cyber charter
22 school application and for enrollment and notification,
23 providing for enrollment parameters and for enrollee wellness
24 checks and further providing for applicability of other
25 provisions of this act and of other acts and regulations.

26 The General Assembly of the Commonwealth of Pennsylvania

27 hereby enacts as follows:

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

4 Section 130. Advertising and Sponsorships.--(a) A paid
5 media advertisement by a public school entity that refers to the
6 cost of tuition, technology, transportation or other expenses
7 shall not advertise those expenses as free, and any reference to
8 tuition, technology, transportation or other expenses must
9 indicate that the cost is covered by taxpayer dollars.

10 (b) A public school entity shall be prohibited from paying
11 for or utilizing any other form of consideration to sponsor a
12 public event.

13 (c) No later than August 1, 2024, each public school entity
14 shall report to the department of education the entity's total
15 expenditures for paid media advertisements and sponsorships of
16 public events for the 2022-2023 school year. The department
17 shall compile the results of the reporting and make the results
18 available on the department's publicly accessible Internet
19 website by December 1, 2024.

20 (d) For purposes of this section, the following words and
21 phrases shall have the following meanings:

22 "Paid media advertisement." The term includes a television,
23 radio, newspaper, magazine or movie theater advertisement,
24 billboard, bus poster or Internet-based or other commercial
25 method that may promote enrollment in a public school entity.

26 "Public event." An activity, event or gathering that members
27 of the public may attend, has been publicly announced or
28 publicized in advance, and for which an admission fee or cost
29 may be required. The term includes concerts, performances,
30 sporting events, fairs, festivals, parades, performances and

1 other exhibitions.

2 "Public school entity." A public school district, charter
3 school entity as defined in section 1703-A, intermediate unit or
4 area career and technical school.

5 Section 2. Section 1703-A introductory paragraph and the
6 definitions of "appeal board," "chief executive officer" and
7 "school district of residence" of the act are amended and the
8 section is amended by adding definitions to read:

9 Section 1703-A. Definitions.--[As used in this article,] The
10 following words and phrases when used in this article shall have
11 the meanings given to them in this section unless the context
12 clearly indicates otherwise:

13 "Administrator" shall include the chief administrator of a
14 charter school entity and all other employes of a charter school
15 entity who by virtue of their positions exercise management or
16 operational oversight responsibilities.

17 * * *

18 "Appeal board" shall mean the State Charter School Appeal
19 Board established [by this article] under section 1721-A.

20 * * *

21 "Charter school entity" shall mean a charter school, regional
22 charter school, cyber charter school or multiple charter school
23 organization.

24 "Charter school foundation" shall mean a nonprofit
25 organization qualified as Federally tax exempt under section
26 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-
27 514, 26 U.S.C. § 501(c)(3)), that provides funding or resources
28 or otherwise serves to support a charter school entity.

29 "Chief [executive officer] administrator" shall mean an
30 individual appointed by the board of trustees to oversee and

1 manage the operation of [the] a charter school entity, but who
2 shall not be deemed a professional staff member under this
3 article.

4 * * *

5 "Compensation" shall include money or other remuneration
6 received from a charter school entity.

7 * * *

8 "Educational management service provider" shall mean a
9 nonprofit or for-profit charter management organization,
10 education management organization, school design provider,
11 business manager or any other entity or individual that enters
12 into a contract or agreement with a charter school entity to
13 provide instructional, curricular or educational design,
14 administrative or business services, comprehensive management or
15 personnel functions or to implement the charter. The term shall
16 include the subsidiaries or subcontractors of an individual or
17 entity. The term shall not include a charter school foundation.

18 "Eligible applicant" shall mean a student who is seeking to
19 enter a grade level offered by the charter school entity and
20 meets the requirements of 22 Pa. Code §§ 11.12 (relating to
21 school age), 11.13 (relating to compulsory school age), 11.14
22 (relating to admission to kindergarten when provided), 11.15
23 (relating to admission of beginners), 11.16 (relating to early
24 admission of beginners) and 12.1 (relating to free education and
25 attendance) and student residency requirements.

26 "Emergency" shall mean a manmade or natural disaster. The
27 term includes a fire, flood, environmental hazard, damage to a
28 school building or other circumstance that impacts or could
29 impact the health or safety of students or staff or renders all
30 or part of a charter school facility unfit for use or

1 occupation.

2 "Family member" shall mean a parent, stepparent, child,
3 stepchild, spouse, domestic partner, brother, sister,
4 stepbrother, stepsister, grandparent, grandchild, parent-in-law,
5 brother-in-law, sister-in-law, aunt, uncle, or first cousin.

6 * * *

7 "Multiple charter school organization" shall mean a public,
8 nonprofit corporation under the oversight of a single board of
9 trustees and a chief administrator that operates two (2) or more
10 charter schools under section 1729.1-A.

11 "Nonrelated" shall mean an individual who is not a family
12 member.

13 "Public hearing" shall mean a meeting held pursuant to 65
14 Pa.C.S. Ch. 7 (relating to open meetings) where the contemplated
15 action is considered and opportunities for the public to comment
16 on the contemplated action are provided during the meeting.

17 * * *

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

23 * * *

24 Section 3. Section 1725-A(a) introductory paragraph of the
25 act is amended to read:

26 Section 1725-A. Funding for Charter Schools.--(a) [Funding]
27 Except as provided in section 1725.1-A, funding for a charter
28 school shall be provided in the following manner:

29 * * *

30 Section 4. The act is amended by adding sections to read:

1 Section 1725.1-A. Funding for Cyber Charter Schools.--(a)
2 Notwithstanding section 1725-A(a)(2) and (3), per-student
3 funding amounts for students attending a cyber charter school
4 shall be calculated in accordance with this section.

5 (b) A cyber charter school may not charge tuition for a
6 student attending a cyber charter school. Beginning in the 2024-
7 2025 school year, a cyber charter school shall be paid by a
8 student's school district of residence using the Statewide Cyber
9 Charter School Tuition Rate.

10 (c) For the 2024-2025, 2025-2026 and 2026-2027 school years,
11 for non-special education students, a cyber charter school shall
12 receive for each student enrolled eight thousand dollars
13 (\$8,000). This amount shall be the Statewide Cyber Charter
14 School Tuition Rate.

15 (d) Beginning in the 2027-2028 school year and every three
16 (3) years thereafter, the Statewide Cyber Charter School Tuition
17 Rate shall be adjusted by the average annual property tax rate
18 increase for all school districts for the most recent three (3)
19 years. The department shall develop guidelines for determining
20 the average annual property tax rate increase.

21 (e) On or before April 30, 2027, and by April 30 of each
22 third year thereafter, the department shall calculate and post
23 on its publicly accessible Internet website the Statewide Cyber
24 Charter School Tuition Rate payable by a student's school
25 district of residence under subsection (d) for the next school
26 year.

27 (f) For special education students, a cyber charter school
28 shall receive the Statewide Cyber Charter School Tuition Rate
29 adjusted as follows:

30 (1) For each special education student enrolled in the cyber

1 charter school, multiply the Statewide Cyber Charter School
2 Tuition Rate by one and sixty-four hundredths (1.64).

3 (2) If the cyber charter school determines that the annual
4 expenditure for providing special education specific services
5 and programs to an enrolled student is likely to meet or exceed
6 the amount specified under section 1372(8) for Category 2, the
7 cyber charter school may apply to the department for an increase
8 in the Statewide Cyber Charter School Tuition Rate for the
9 student.

10 (3) If the department determines that the annual expenditure
11 for providing special education specific services and programs
12 to an enrolled student is likely to meet or exceed the amount
13 specified in section 1372(8) for Category 2, the department
14 shall direct the school district to pay the Statewide Cyber
15 Charter School Tuition Rate for the student adjusted as follows:

16 (i) for each special education student enrolled in the cyber
17 charter school for which the annual expenditure is in Category
18 2, multiply the Statewide Cyber Charter School Tuition Rate by
19 three and eight hundredths (3.08); or

20 (ii) for each special education student enrolled in the
21 cyber charter school for which the annual expenditure is in
22 Category 3, multiply the Statewide Cyber Charter School Tuition
23 Rate by six and thirty-four hundredths (6.34). For purposes of
24 this subparagraph, Category 3 shall include students in
25 Categories 3A and 3B under section 1372(8).

26 (g) The per-student amounts required under subsection (f)
27 shall be calculated by the department and posted on its publicly
28 accessible Internet website and shall be paid by the school
29 district of residence of each student.

30 (h) In accordance with guidelines developed by the

1 department, to be eligible to receive funding for special
2 education students under subsection (f)(2) and (3), the cyber
3 charter school shall provide the department with appropriate
4 documentation on the likely annual expenditure for providing an
5 education to the student.

6 (i) The weights provided under subsection (f) shall be
7 updated whenever the weights under section 2509.5(bbb)(2) for
8 the respective categories are adjusted for school districts.

9 (j) The calculation made under subsection (f) may not result
10 in a payment that exceeds the maximum amount within the
11 category's dollar range and the calculation under subsection (f)
12 (3)(ii) may not result in a payment that exceeds the actual
13 annual expenditure of providing an education to the student. If
14 the actual annual expenditure of providing special education
15 specific services and programs to a student in Category 3 is
16 less than the amount the cyber charter school received for the
17 student, the cyber charter school shall return to the school
18 district of residence any overage the cyber charter school
19 received for the student no later than August 1 of each year.
20 Section 1740-A. Cyber Charter School Requirements.

21 (a) General rule.--Cyber charter schools shall be required
22 to comply with the following provisions:

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

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

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

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

8 (4) A cyber charter school shall be nonsectarian in all
9 operations.

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

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

17 (A) if the cyber charter school provides for
18 discrete separate entrances to buildings utilized for
19 school purposes only;

20 (B) if the religious objects and symbols within
21 the portions of the facility utilized by the cyber
22 charter school are covered or removed; or

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

26 (6) A cyber charter school shall not advocate unlawful
27 behavior.

28 (7) A cyber charter school shall participate in the
29 Pennsylvania State Assessment System as provided for in 22
30 Pa. Code Ch. 4 (relating to academic standards and

1 assessment), or subsequent regulations promulgated to replace
2 22 Pa. Code Ch. 4, in the same manner as school districts.

3 (8) At the elementary level, a cyber charter school
4 shall provide a minimum of 180 days of instruction or 900
5 hours per year of instruction. At the secondary level, a
6 cyber charter school shall provide a minimum of 990 hours per
7 year of instruction.

8 (9) Boards of trustees and contractors of cyber charter
9 schools shall be subject to the following statutory
10 requirements governing construction projects and
11 construction-related work:

12 (i) The following provisions of this act:

13 (A) Sections 751 and 751.1.

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

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

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

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

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

27 (10) Trustees of a cyber charter school shall be public
28 officials for the purposes of 65 Pa.C.S. Ch. 11 (relating
29 to ethics standards and financial disclosure), and each
30 trustee shall file a statement of financial interests for

1 the preceding calendar year with the secretary of the
2 board of trustees of the cyber charter school, the State
3 Ethics Commission and the department not later than May 1
4 of each year that members hold the position and of the
5 year after a member leaves the position. In the event
6 that the trustee was appointed or selected after May 1,
7 the trustee shall file a statement of financial interests
8 in accordance with this clause within 30 days of
9 appointment or selection. All members of the board of
10 trustees of a cyber charter school shall take the oath of
11 office as required under section 321 before entering upon
12 the duties of their office.

13 (b) Employees.--

14 (1) An administrator for a cyber charter school shall be
15 an employee of the cyber charter school and shall not receive
16 compensation from another charter school entity, from an
17 educational management service provider, from a charter
18 school foundation or from a company that provides management
19 or other services to another charter school entity.

20 (2) An administrator for a cyber charter school shall be
21 a public employee under 65 Pa.C.S. Ch. 11 and shall file a
22 statement of financial interest for the preceding calendar
23 year with the secretary of the board of trustees of the cyber
24 charter school not later than May 1 of each year that the
25 person holds the position and of the year after the person
26 leaves the position. In the event that the administrator was
27 appointed after May 1, the administrator shall file a
28 statement of financial interest in accordance with this
29 clause within 30 days of appointment.

30 (3) An administrator of a cyber charter school or family

1 member of an administrator may not serve as a voting member
2 of the board of trustees of the cyber charter school that
3 employs the administrator or of a charter school foundation
4 that supports the cyber charter school.

5 (4) An administrator of a cyber charter school may not
6 participate in the selection, award or administration of a
7 contract if the administrator has a conflict of interest as
8 the term is defined in 65 Pa.C.S. § 1102 (relating to
9 definitions). A contract made in violation of this paragraph
10 shall be voidable by the board of trustees of the cyber
11 charter school.

12 (5) An administrator shall be immediately dismissed upon
13 conviction or upon a plea of guilty or nolo contendere for an
14 offense graded as a felony, an infamous crime, an offense
15 pertaining to fraud, theft or mismanagement of public funds
16 or any crime involving moral turpitude.

17 (6) Charter school entities shall use the revised rating
18 system specified in Article XI Subarticle (c.1) to evaluate
19 employees serving as principals or school leaders, classroom
20 teachers and nonteaching professional employees.

21 Section 1740.1-A. Powers and Composition of Board of Trustees.

22 (a) General rule.--The board of trustees of a cyber charter
23 school shall have the authority to decide matters related to the
24 operation of the school, including, but not limited to,
25 budgeting, curriculum and operating procedures, subject to the
26 school's charter. The board shall have the authority to employ,
27 discharge and contract with necessary professional and
28 nonprofessional employees subject to the school's charter and
29 the provisions of this article.

30 (b) Prohibition.--No member of a local board of school

1 directors of a school entity shall serve on the board of
2 trustees of a cyber charter school.

3 (c) Open meetings.--The board of trustees shall comply with
4 65 Pa.C.S. Ch. 7 (relating to open meetings).

5 (d) Board.--

6 (1) An individual shall be prohibited from serving as a
7 voting member of the board of trustees of a cyber charter
8 school under any of the following conditions:

9 (i) If the individual or a family member of the
10 individual is employed by or receives compensation from
11 the cyber charter school.

12 (ii) If the individual is employed by either:

13 (A) the board of trustees or directors of a
14 charter school foundation that supports the cyber
15 charter school; or

16 (B) the board of trustees or directors of an
17 educational management service provider that
18 contracts with the cyber charter school.

19 (iii) The individual serves as a voting member of
20 the board of trustees of another charter school entity.

21 (2) A member of the board of trustees of a cyber charter
22 school may not participate in the selection, award or
23 administration of any contract if the member has a conflict
24 of interest as the term is defined in 65 Pa.C.S. § 1102
25 (relating to definitions).

26 (3) A member of the board of trustees of a cyber charter
27 school who in the discharge of the member's official duties
28 would be required to vote on a matter that would result in a
29 conflict of interest must abstain from voting and follow the
30 procedures required under 65 Pa.C.S. § 1103(j) (relating to

1 restricted activities).

2 (4) A member of the board of trustees of a cyber charter
3 school or family member of a member of a board of trustees of
4 a cyber charter school shall not, directly or through any
5 other individual, entity, partnership or corporation in which
6 the member holds stock or has a financial interest or other
7 organization, provide a loan, forbearance or forgiveness of a
8 loan or other debt, service or product or lease property to
9 the cyber charter school.

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

15 (6) A contract made in violation of this subsection
16 shall be voidable by a court of competent jurisdiction.

17 (e) Compensation.--A member of the board of trustees of a
18 cyber charter school shall not be compensated for duties on the
19 board of trustees, except that the cyber charter school may
20 reimburse the members for reasonable expenses incurred in the
21 performance of their duties. A report detailing the reasons for
22 and amounts of reimbursements paid to each member of the board
23 of trustees shall be made available upon request of any person,
24 including in response to a request under the act of February 14,
25 2008 (P.L.6, No.3), known as the Right-to-Know Law.

26 (f) Action.--

27 (1) A majority of the voting members of the board of
28 trustees shall constitute a quorum. If less than a majority
29 is present at any meeting, no business may be transacted at
30 the meeting but the members present may adjourn to some

1 stated time.

2 (2) The affirmative vote of a majority of all the voting
3 members of the board of trustees, duly recorded, showing how
4 each member voted, shall be required in order to take
5 official action.

6 (g) Composition.--

7 (1) The board of trustees of a cyber charter school
8 shall consist of a minimum of seven nonrelated voting
9 members. If a cyber charter school has fewer than seven
10 members serving on its board of trustees on the effective
11 date of this subsection, the cyber charter school shall,
12 within 60 days, appoint or select additional members to the
13 board of trustees to meet the minimum requirements of this
14 section.

15 (2) Within one year of the effective date of this
16 subsection, the board of trustees shall include at least one
17 parent or guardian of a student enrolled in the cyber charter
18 school. The trustee appointed under this paragraph shall be
19 eligible to serve only so long as they have at least one
20 child enrolled in the cyber charter school. This subparagraph
21 shall not apply to a cyber charter school that serves
22 primarily adjudicated youth.

23 (3) A member of the board of trustees of a cyber charter
24 school shall be automatically disqualified and immediately
25 removed from the board of trustees upon conviction or upon a
26 plea of guilty or nolo contendere for an offense graded as a
27 felony, an infamous crime, an offense pertaining to fraud,
28 theft or mismanagement of public funds, any offense
29 pertaining to the member's official capacity as a member of
30 the board of trustees, an offense listed in section 111(e) or

1 any crime involving moral turpitude. A member of the board of
2 trustees may also be removed from the board of trustees for
3 violation of applicable laws, regulations and terms of the
4 charter as well as any standards for board of trustees'
5 performance established by the board of trustees.

6 (4) In case any vacancy shall occur in any board of
7 trustees by reason of death, resignation or otherwise, the
8 vacancy shall be filled within 60 days following the vacancy.
9 Section 1740.2-A. Educational Management Service Providers.

10 (a) General rule.--An educational management service
11 provider that provides a service to a cyber charter school:

12 (1) Is a local agency for the purpose of the act of
13 February 14, 2008 (P.L.6, No.3), known as the Right-to-Know
14 Law.

15 (2) Shall maintain a publicly accessible Internet
16 website detailing the salaries and other compensation and
17 titles of its employees, officers and directors.

18 (b) Employees.--Employees of an educational management
19 service provider that provides a service to a cyber charter
20 school are public employees for the purpose of 65 Pa.C.S. Ch. 11
21 (relating to ethics standards and financial disclosure).

22 Section 5. Sections 1741-A and 1742-A of the act are amended
23 to read:

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

25 (a) Powers and duties.--The department shall have all powers
26 necessary to:

27 (1) Receive, review and act on applications for the
28 creation of a cyber charter school [and have] including, but
29 not limited to, the power to request further information from
30 applicants, obtain input from interested persons or entities

1 and hold public hearings regarding applications. At least one
2 public hearing shall be held prior to granting or denying an
3 application.

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

13 (3) Revoke or deny renewal of a cyber charter school's
14 charter under the provisions of section [1729-A] 1745.3-A.

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

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

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

1 (B) the cyber charter school has failed to
2 maintain the financial ability to provide services as
3 required under this subdivision.]

4 (4) Execute charters after approval.

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

8 (b) Hearings.--[Hearings] Public hearings conducted by the
9 department shall be conducted under 65 Pa.C.S. Ch. 7 (relating
10 to open meetings).

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

15 (d) Form.--

16 (1) The department shall develop a standard enrollment
17 form in both paper and electronic formats that shall be used
18 by all eligible applicants to apply to a cyber charter
19 school. The standard enrollment form shall only request
20 information necessary to allow the cyber charter school to
21 identify the student, grade level and residency, including:

22 (i) The student's name, address of residence,
23 resident school district, telephone number, age, birth
24 date, current grade level and the grade level in which
25 the student is being enrolled. The cyber charter school
26 shall be required to verify the student's residency
27 within the school district of residence.

28 (ii) The name, address of residence and telephone
29 number or e-mail address of the student's parent or
30 guardian.

1 (iii) The date and grade the student will be
2 enrolled.

3 (iv) A space for the cyber charter school to include
4 the name of the cyber charter school and the name,
5 telephone number and email address of a contact person at
6 the cyber charter school.

7 (v) The signature of the parent or guardian and an
8 authorized representative of the cyber charter school.

9 (2) The standard enrollment form shall be made
10 physically available at each cyber charter school location,
11 in a form that complies with Federal and State law, and
12 posted on the publicly accessible Internet website of the
13 cyber charter school. A cyber charter school may accept the
14 enrollment form via paper or electronic means.

15 (3) A cyber charter school shall not require or request
16 information beyond the contents of the standard enrollment
17 form developed by the department.

18 (4) Nothing in this subsection shall be construed to
19 prohibit a cyber charter school from requesting the
20 submission of additional records and information that public
21 schools are entitled to receive after a student is accepted
22 for admission to, and has indicated an intent to enroll in,
23 the cyber charter school.

24 [Section 1742-A. Assessment and evaluation.

25 The department shall:

26 (1) Annually assess whether each cyber charter school is
27 meeting the goals of its charter and is in compliance with
28 the provisions of the charter and conduct a comprehensive
29 review prior to granting a five-year renewal of the charter.

30 (2) Annually review each cyber charter school's

1 performance on the Pennsylvania System of School Assessment
2 test, standardized tests and other performance indicators to
3 ensure compliance with 22 Pa. Code Ch. 4 (relating to
4 academic standards and assessment) or subsequent regulations
5 promulgated to replace 22 Pa. Code Ch. 4.

6 (3) Have ongoing access to all records, instructional
7 materials and student and staff records of each cyber charter
8 school and to every cyber charter school facility to ensure
9 the cyber charter school is in compliance with its charter
10 and this subdivision.]

11 Section 6. The act is amended by adding sections to read:

12 Section 1742.1-A. Annual Reports and Public Reporting.

13 (a) Department duties.--The department shall:

14 (1) Annually assess and evaluate whether each cyber
15 charter school is meeting the goals of its charter. This may
16 include, but not be limited to, a review of academic
17 performance, financial management, audit results, governance
18 and operation, and compliance with state and federal laws and
19 regulations.

20 (2) Conduct a comprehensive review prior to granting a
21 renewal of the charter. This may include, but not be limited
22 to, a review of academic performance, financial management,
23 audit results, governance and operation, and compliance with
24 state and federal laws and regulations.

25 (3) Have ongoing access to the records, systems and
26 facilities of the cyber charter school and any related
27 charter school foundation or educational management service
28 provider to facilitate the annual and comprehensive reviews
29 required in this subsection and to ensure that the cyber
30 charter school is in compliance with its charter and this

1 article and that requirements for testing, civil rights and
2 student health and safety are being met.

3 (b) Report.--In order to facilitate the department's review
4 under subsection (a), each cyber charter school shall submit an
5 annual report no later than August 1 of each year to the
6 department and all local boards of school directors that have a
7 student enrolled in the cyber charter school in the form
8 prescribed by the department. A copy of the annual report
9 submitted under this subsection, including all exhibits and
10 attachments to the report, shall also be maintained at each
11 facility of the cyber charter school and be made available for
12 public inspection and copying, and shall be posted on the cyber
13 charter school's publicly accessible Internet website.

14 (c) Compliance.--Cyber charter schools shall comply fully
15 with the requirements of the Family Educational Rights and
16 Privacy Act of 1974 (Public Law 90-247, 20 U.S.C. § 1232g) and
17 associated regulations in all public reporting.

18 (d) Annual audit.--A cyber charter school shall form an
19 independent audit committee of its board of trustees members,
20 which shall review at the close of each fiscal year a complete
21 certified audit of the operations of the cyber charter school.
22 The audit shall be conducted by a qualified independent
23 certified public accountant. The audit shall be presented at a
24 public meeting of the board of trustees. The audit shall be
25 conducted under generally accepted audit standards of the
26 Governmental Accounting Standards Board and shall at a minimum
27 include the following:

28 (1) An enrollment audit to verify the accuracy of
29 student enrollment, including the enrollment, withdrawal and
30 residency of students and the reporting of the enrollment

1 information to the department and the school district of
2 residence.

3 (2) Full review of expense reimbursements for board of
4 trustees members and administrators, including sampling of
5 all reimbursements.

6 (3) Review of internal controls, including review of
7 receipts and disbursements.

8 (4) Review of annual Federal and State tax filings,
9 including the Internal Revenue Service Form 990, Return of
10 Organization Exempt from Income Tax and all related schedules
11 and appendices for the cyber charter school, the educational
12 management service provider and the charter school
13 foundation, if applicable.

14 (5) Review of the financial statements of any charter
15 school foundation.

16 (6) Review of the selection and acceptance process of
17 all contracts publicly bid pursuant to sections 751 and
18 807.1.

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

25 (e) Audit.--A cyber charter school may be subject to an
26 annual audit by the Auditor General, the department, or any
27 other entity granted authority to audit cyber charter schools in
28 addition to any other audits required by Federal or State law or
29 this act.

30 (f) Budget.--

1 (1) A cyber charter school shall annually, not later
2 than June 30 of each year, adopt and provide the department
3 and any school district which has a student enrolled with a
4 copy of the annual budget on a form prepared by the
5 department, which shall require that the cyber charter school
6 provide no more information than that provided by school
7 districts pursuant to section 687.

8 (2) The cyber charter school shall print or otherwise
9 make available for public inspection a copy of the proposed
10 annual budget to all persons at least 20 days prior to the
11 date set for the adoption of the final budget. A copy of the
12 annual budget shall also be posted on the cyber charter
13 school's publicly accessible Internet website.

14 (3) On the date of adoption of the proposed budget
15 required under this subsection, the president or chair of the
16 cyber charter school's board of trustees shall certify to the
17 department that the proposed budget has been prepared,
18 presented and made available for public inspection using the
19 uniform form prepared and furnished by the department. The
20 certification shall be in a form and manner as required by
21 the department. Final action shall not be taken on a proposed
22 budget that has not been prepared, presented and made
23 available for public inspection using the uniform form
24 prepared and furnished by the department.

25 (4) The annual budget adopted and submitted under this
26 subsection shall not exceed the amount of funds available to
27 the cyber charter school.

28 (g) Accessibility.--Notwithstanding any other provision of
29 law, a cyber charter school and an affiliated charter school
30 foundation shall make copies of the following available upon

1 request and on the cyber charter school's or charter school
2 foundation's publicly accessible Internet website, if one is
3 maintained:

4 (1) Annual budgets for the cyber charter school, as
5 provided for in subsection (f), and charter school foundation
6 for the most recent five school years, as available. A
7 charter school foundation shall include in its annual budget
8 the salaries of all employees of the charter school
9 foundation.

10 (2) Annual Federal and State tax filings, including
11 Internal Revenue Service Form 990, Return of Organization
12 Exempt from Income Tax and all related schedules and
13 appendices for the cyber charter school and charter school
14 foundation for the previous five school years.

15 (3) Certified audits under subsection (d) and any
16 Federal and State audits provided under subsection (e) for
17 the cyber charter school and charter school foundation for
18 the previous five school years, as available.

19 (4) Annual reports filed by the cyber charter school
20 under subsection (b) for the previous five school years, as
21 available.

22 Section 1742.2-A. Fund Balance Limits.

23 (a) Limitation.--For the 2024-2025 school year and each
24 school year thereafter a cyber charter school shall not
25 accumulate an unassigned fund balance greater than 10% of its
26 total budgeted expenditures.

27 (b) Refund.--Any unassigned fund balance in place on June
28 30, 2024, and on June 30 of each year thereafter in excess of
29 the fund balance limit established in subsection (a) shall be
30 refunded on a pro rata basis within 90 days to all school

1 districts that paid tuition to the cyber charter school in the
2 prior school year, based upon the number of students for whom
3 each school district paid tuition to the cyber charter school
4 multiplied by the Statewide Cyber Charter School Tuition Rate
5 under section 1725.1-A.

6 (c) Information.--By October 31, 2024, and by October 31 of
7 each year thereafter, each cyber charter school shall provide
8 the department and all school districts that paid tuition to the
9 cyber charter school in the prior school year with information
10 certifying compliance with this section. The information shall
11 be provided in a form and manner prescribed by the department
12 and shall include information on the cyber charter school's
13 estimated ending unassigned fund balance expressed as a dollar
14 amount and as a percentage of the cyber charter school's total
15 budgeted expenditures for that school year.

16 (d) Prohibition.--Unassigned funds of the cyber charter
17 school in excess of the unassigned fund balance limit may not be
18 used to pay bonuses to an administrator, a board of trustees
19 member, an employee, a staff member or a contractor and may not
20 be transferred to a charter school foundation. If a cyber
21 charter school uses funds in excess of the unassigned fund
22 balance limit to pay bonuses to an administrator, a board of
23 trustees member, an employee, a staff member or a contractor or
24 transfers the funds to a charter school foundation, the value of
25 the bonus payment or fund transfer shall be refunded on a pro
26 rata basis to all school districts that paid tuition to the
27 cyber charter school in the prior school year, based upon the
28 number of students for whom each school district paid tuition to
29 the cyber charter school multiplied by the Statewide Cyber
30 Charter School Tuition Rate under section 1725.1-A.

1 (e) Definition.--As used in this section, the term
2 "unassigned fund balance" shall mean that portion of the fund
3 balance of a cyber charter school that is appropriable for
4 expenditure or not legally or otherwise segregated for a
5 specific or tentative future use, projected for the close of the
6 school year for which a cyber charter school's budget was
7 adopted and held in the General Fund accounts of the cyber
8 charter school.

9 Section 7. Sections 1743-A and 1744-A of the act are amended
10 to read:

11 Section 1743-A. Cyber charter school requirements and
12 prohibitions.

13 (a) Special financial requirements prohibited.--A cyber
14 charter school shall not:

15 (1) provide discounts to a school district or waive
16 payments under section [1725-A] 1725.1-A for any student;

17 (2) [except as provided for in subsection (e),] provide
18 payments or reimbursements to parents or guardians for the
19 purchase of instructional materials[; or], for educational or
20 field trips or for any other reason not expressly provided
21 for in subsection (e);

22 (3) offer or provide parents or guardians or students
23 cash, gifts or other incentives having more than a de minimus
24 value for enrolling in, attending or considering enrollment
25 or attendance in the school; or

26 (4) except as compensation for the provision of specific
27 services, enter into agreements to provide funds to a school
28 entity.

29 (b) Enrollment.--A cyber charter school shall report to the
30 department an increase or a decrease of 30% or more in its

1 anticipated enrollment set forth in the application under
2 section [1747-A(11)] 1747-A(3).

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

6 (1) A copy of the charter.

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

8 (3) A copy of all annual reports prepared by the cyber
9 charter school under this article.

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

12 (5) Information required under section 1725.1-A.

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

17 (1) A current list and brief description of the courses
18 of instruction the student will receive. The list shall be
19 updated annually for each grade level in which the student is
20 enrolled.

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

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

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

28 (5) The meetings to be held during the school year
29 between a parent or guardian and a teacher and among other
30 school officials or parents or guardians and the manner in

1 which the parent or guardian will be notified of the time and
2 place for the meeting.

3 (6) The address of the cyber charter school and the
4 name, telephone number and e-mail address of the school
5 administrator and other school personnel.

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

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

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

13 (10) Copies of policies relating to computer security
14 and privacy, truancy, absences, discipline and withdrawal or
15 expulsion of students.

16 (11) Information on:

17 (i) The cyber charter school's professional staff,
18 including the number of staff personnel, their education
19 level and experience.

20 (ii) The cyber charter school's performance on the
21 PSSA and other standardized test scores.

22 (iii) The cyber charter school's graduation rate, if
23 applicable.

24 (iv) The cyber charter school's designation as a
25 Comprehensive Support and Improvement school, Targeted
26 Support and Improvement School or an Additional Targeted
27 Support and Improvement School under the Every Student
28 Succeeds Act (Public Law 114-95, 129 Stat.1802) or an
29 equivalent building level designation under its successor
30 Federal statute along with a description of the

1 designation, if applicable.

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, which may
13 include electronic or digital books in place of paper books;

14 (2) provide all equipment, including, but not limited
15 to, a computer, computer monitor and printer, provided that a
16 parent or guardian of an enrolled child may elect not to
17 receive a computer monitor and printer; and

18 (3) provide or reimburse for [all] technology and
19 services necessary for the [on-line] online delivery of the
20 curriculum and instruction. The department shall establish a
21 maximum allowable reimbursement rate for the technology and
22 services required under this paragraph.

23 (e.1) The Commonwealth and school district of residence
24 shall not be liable for any reimbursement owed to students,
25 parents or guardians by a cyber charter school under [paragraph
26 (3)] subsection (e) (3).

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

30 (g) Records and facilities.--A cyber charter school shall

1 provide the department with ongoing access to all records and
2 facilities necessary for the department to assess the cyber
3 charter school in accordance with the provisions of this
4 subdivision.]

5 (h) Offices and facilities.--A cyber charter school shall
6 maintain an administrative office within this Commonwealth where
7 all student records shall be maintained at all times and shall
8 provide the department with the addresses of all offices and
9 facilities of the cyber charter school, the ownership thereof
10 and any lease arrangements. The administrative office of the
11 cyber charter school shall be considered as the principal place
12 of business for service of process for any action brought
13 against the cyber charter school or cyber charter school staff
14 members. The cyber charter school shall notify the department of
15 any changes in this information within [ten] 10 days of the
16 change.

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

29 (j) Agreements.--Notwithstanding any other provision of law,
30 a cyber charter school may enter into agreements with school

1 districts, intermediate units, career and technical centers or
2 any other public or private school entities located within this
3 Commonwealth for the provision of programs, courses or other
4 educational services.

5 Section 1744-A. School district and intermediate unit
6 responsibilities.

7 (a) General rule.--An intermediate unit or a school district
8 in which a student enrolled in a cyber charter school resides
9 shall do all of the following:

10 (1) Provide the cyber charter school within [ten] 10
11 days of receipt of the notice of the admission of the student
12 under section 1748-A(a) with all records relating to the
13 student, including transcripts, test scores and a copy of any
14 individualized education program for that student.

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

18 (3) Upon request, provide assistance to the cyber
19 charter school in the delivery of services to a student with
20 disabilities. The school district or intermediate unit shall
21 not charge the cyber charter school more for a service than
22 it charges a school district.

23 (4) Make payments to the cyber charter school under
24 section [1725-A] 1725.1-A.

25 (b) Transportation.--A school district in which a student
26 enrolled in a cyber charter school resides shall provide
27 transportation to students with an individualized education
28 program to the extent required by the individualized education
29 program.

30 Section 8. The act is amended by adding a section to read:

1 Section 1744.1-A. Access to other schools' facilities.

2 (a) Access.--A school district, intermediate unit, community
3 college under Article XIX-A or institution under Article XX-A
4 shall provide a cyber charter school with reasonable access to
5 facilities of the school district, intermediate unit, community
6 college or institution for the administration of standardized
7 testing. The following shall apply:

8 (1) The cyber charter school shall provide the school
9 district, intermediate unit, community college or institution
10 with at least 60 days notice of the need for facilities to be
11 used for the administration of standardized tests.

12 (2) Within 30 days of the cyber charter school's
13 request, the school district, intermediate unit, community
14 college or institution shall notify the cyber charter school
15 of the location of the facilities that will be provided,
16 which shall be a quiet, separate location in which cyber
17 charter school students will not be commingled with students
18 of the school district, intermediate unit, community college
19 or institution.

20 (3) The school district, intermediate unit, community
21 college or institution shall not be required to make
22 facilities available to a cyber charter school on dates and
23 at times that may cause undue interference with the
24 educational programs or assessment schedule of the school
25 district, intermediate unit, community college or
26 institution.

27 (4) Any rental fee for the facilities charged to the
28 cyber charter school and the payment of the fee shall be in
29 compliance with the rental policy of the school district,
30 intermediate unit, community college or institution that

1 applies generally to other organizations and community
2 groups.

3 (b) Computers or other devices.--Nothing in this section
4 shall require a school district, intermediate unit, community
5 college or institution to provide a cyber charter school with
6 computers or any other devices which will be used by students to
7 take standardized tests.

8 Section 9. Section 1745-A of the act is amended to read:

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

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

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

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

25 (d) Application.--An application to establish a cyber
26 charter school shall be submitted to the department by October 1
27 of the school year preceding the school year in which the cyber
28 charter school proposes to commence operation.

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

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

8 (f) Evaluation criteria.--

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

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

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

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

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

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

29 (2) Written notice of the action of the department shall
30 be sent by certified mail to the applicant and published on

1 the department's [World Wide Web site] publicly accessible
2 Internet website. If the application is denied, the reasons
3 for denial, including a description of deficiencies in the
4 application, shall be clearly stated in the notice.

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

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

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

22 (h) Appeal.--If the department fails to hold the required
23 public hearing or [to approve or disapprove] denies the
24 [charter] application, the applicant may file its application as
25 an appeal to the appeal board pursuant to section 1746-A. The
26 appeal board shall provide notice of the appeal to the
27 department and may allow the department to be heard on the
28 application. If the department fails to respond within 30 days,
29 the appeal board shall review the application and make a
30 decision to approve or disapprove the charter based on the

1 criteria in subsection (f). An appeal must be filed no later
2 than 30 days following the date by which the department was
3 required to act on the application in accordance with subsection
4 (e) or (g), as applicable, or the date of mailing of the written
5 notice issued under subsection (f) (2).

6 Section 10. The act is amended by adding sections to read:
7 Section 1745.1-A. Renewals.

8 (a) General rule.--A cyber charter school shall submit a
9 renewal application as provided under section 1747-A(b) with the
10 department by October 1 of the final year of the charter.

11 (b) Action.--The department shall, no later than 120 days
12 after receipt of a complete renewal application, act to renew or
13 not renew the charter. The department may, in its sole
14 discretion, hold a public hearing to discuss the renewal.

15 (c) Extension.--A renewal shall serve as a requirement for
16 the department to extend the charter pursuant to 1745-A(f) (3).

17 (d) Renewal.--Failure to adhere to subsection (b) shall
18 result in the charter being renewed in accordance with section
19 1745-A(f) (3).

20 (e) Appeal.--Unless otherwise provided in this article, a
21 cyber charter school that appeals a nonrenewal may continue
22 operating based on the terms and conditions contained in the
23 most recent charter pending the decision of the appeal board.

24 Section 1745.2-A. Charter amendments.

25 (a) Filing.--Subject to subsections (b) and (c), a cyber
26 charter school may request amendments to its charter by filing
27 an amendment application describing the requested amendment with
28 the department no later than October 15 of the school year prior
29 to the school year in which the amendment would take effect.

30 Approval from the department shall only be required for changes

1 to one or more material terms of a written charter.

2 (b) Emergency.--Notwithstanding the notice requirements of
3 subsection (a), in the event of an emergency, the cyber charter
4 school shall immediately notify the department of the necessity
5 for an emergency amendment, which shall be effective immediately
6 as a temporary amendment pending completion of the processes set
7 forth in this section.

8 (c) Time.--A cyber charter school may not seek an amendment
9 during the first and final year of the charter term. A cyber
10 charter school seeking an amendment during the final year of the
11 charter term shall submit the amendment application along with
12 the renewal application under section 1745.1.

13 (d) Form.--The department shall create a model amendment
14 application form for a cyber charter school seeking to amend its
15 approved written charter agreement. The form shall be
16 transmitted to the Legislative Reference Bureau for publication
17 in the next available issue of the Pennsylvania Bulletin.
18 published in the Pennsylvania Bulletin and posted on the
19 department's publicly accessible Internet website.

20 (1) The model amendment application shall include the
21 following information:

22 (i) The name of the cyber charter school.

23 (ii) The name and contact information for the chief
24 administrator and board of trustees president or
25 chairperson.

26 (iii) The physical location of the cyber charter
27 school, the ownership of the cyber charter school and any
28 lease arrangements.

29 (iv) The amendments being requested to the approved
30 written charter agreement and the reason for requesting

1 the amendments.

2 (v) Evidence of the board of trustees vote to
3 approve seeking an amendment.

4 (2) The department shall review the model application
5 and renewal application forms at least every three years with
6 feedback and input from stakeholders and revise the
7 application forms as needed.

8 (e) Changes.--Nothing in this section shall prevent the
9 department from supplementing the established model applications
10 or requiring additional information as permitted by this act
11 necessary to evaluate the application.

12 (f) Posting.--Pursuant to subsection (d), the department
13 shall post the model application and renewal application on its
14 publicly accessible Internet website no later than August 1,
15 2023.

16 (g) Use.--The model application forms developed under this
17 section shall be used by charter school entities beginning in
18 the 2024-2025 school year.

19 (h) Hearing.--Within 60 days of receipt by the department of
20 an amendment application, the department shall hold a public
21 hearing on the provisions of the charter amendment request.

22 (i) Action.--Within 180 days of the receipt by the
23 department of the charter amendment request, the department
24 shall grant or deny the request. Written notice of the
25 department's action shall be sent to the cyber charter school.

26 (j) Approval.--If the amendment request is granted, the
27 cyber charter school's written charter shall be supplemented or
28 amended, as appropriate, to contain the provisions of the
29 amendment request, and the amended charter shall be signed by
30 the department and the president or chairperson of the cyber

1 charter school's board of trustees. The amended charter, when
2 duly signed, shall act as legal authorization of the operation
3 of the cyber charter school in accordance with the amended
4 charter. The amended charter shall be legally binding on the
5 department and the cyber charter school and its board of
6 trustees and shall be effective for the remainder of the term of
7 the charter.

8 (k) Denial.--If the amendment request is denied, the reasons
9 for the denial, including a description of deficiencies in the
10 amendment request, shall be clearly stated in the written notice
11 sent by the department to the cyber charter school. The denial
12 of an amendment pursuant to this section may be appealed to the
13 appeal board in accordance with section 1746-A. The decision to
14 deny the request shall not preclude the cyber charter school
15 from revising and resubmitting a request for a charter amendment
16 in the future in accordance with the procedures specified in
17 this section to address any deficiencies in the previous request
18 as identified by the department in its written notice denying
19 the amendment request.

20 (l) Request.--Notwithstanding subsection (a), a cyber
21 charter school may request amendments to its approved written
22 charter at the time of renewal. Charter amendment requests made
23 at the time of renewal shall be considered distinct requests
24 that shall be subject to independent approval or denial by the
25 department, in accordance with the provisions of this section.

26 (m) Definitions.--As used in this section, the following
27 words and phrases shall have the meanings given to them in this
28 subsection unless the context clearly indicates otherwise:

29 "Material term." The following:

30 (1) Changing the name of the cyber charter school.

1 (2) Change in building location or addition of a new
2 facility.

3 (3) Change in educational management service provider.

4 (4) Change to curriculum provider.

5 (5) Change to mission or educational goals of the cyber
6 charter school.

7 (6) Change to grade levels served other than those
8 included in the approved charter application even if those
9 grades are not currently implemented.

10 (7) Enrollment expansion based on the maximum authorized
11 enrollment for the term of the charter.

12 Section 1745.3-A. Causes for Nonrenewal, Revocation or
13 Termination.

14 (a) Revocation or nonrenewal.--During the term of the
15 charter or at the end of the term of the charter, the department
16 may choose to revoke or not to renew the charter based on any of
17 the following:

18 (1) One or more material violations of any of the
19 conditions, standards or procedures contained in the written
20 charter signed pursuant to section 1745-A.

21 (2) (i) failure to meet the requirements for student
22 performance set forth in 22 Pa. Code Ch. 4 (relating to
23 academic standards and assessment) or subsequent
24 regulations promulgated to replace 22 Pa. Code Ch. 4;

25 (ii) failure to meet any performance targets set
26 forth in the written charter signed pursuant to section
27 1745-A; or

28 (iii) designation as a Comprehensive Support and
29 Improvement, Targeted Support and Improvement, or
30 Additional Targeted Support and Improvement school under

1 the Every Student Succeeds Act (Public Law 114-95, 129
2 Stat. 1802) or an equivalent building level designation
3 under its successor Federal statute.

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

6 (4) Violation of a provision of this article.

7 (5) Violation of a provision of law from which the
8 charter school has not been exempted, including Federal laws
9 and regulations governing children with disabilities.

10 (6) The cyber charter school has been convicted of or
11 entered a plea of guilty or nolo contendere to a charge
12 involving fraud.

13 (7) Failure of the cyber charter school or an
14 administrator or member of the board of trustees of the cyber
15 charter school to comply with:

16 (i) 65 Pa.C.S. Ch. 7 (relating to open meetings);

17 (ii) 65 Pa.C.S. Ch. 11 (relating to ethics standards
18 and financial disclosure) or any other conflict of
19 interest prohibition in this article; or

20 (iii) the act of February 14, 2008 (P.L.6, No.3),
21 known as the Right-to-Know Law.

22 (8) Failure to timely comply with auditing requirements
23 from which the cyber charter school has not been exempted.

24 (9) Failure to timely comply with reporting requirements
25 from which it has not been exempted, including the submission
26 of an annual budget required by section 1742.1-A(g), an
27 annual financial report required by section 218 and the
28 annual report required by section 1742.1-A(b).

29 (10) Failure to provide ongoing access to the records
30 and facilities of the cyber charter school as required by

1 section 1742.1-A(a) (3).

2 (11) A reason to revoke or not renew a charter as
3 provided in regulations promulgated by the department.

4 (b) Notice.--A notice of revocation or nonrenewal of a
5 charter shall be in writing and state the grounds for the action
6 with reasonable specificity and give reasonable notice to the
7 board of trustees of the cyber charter school of the date on
8 which a public hearing concerning the revocation or nonrenewal
9 will be held. The department shall conduct the hearing, present
10 evidence in support of the grounds for revocation or nonrenewal
11 stated in its notice and give the cyber charter school
12 reasonable opportunity to offer testimony before taking final
13 action. Formal action revoking or not renewing a charter shall
14 be taken by the department at a public meeting pursuant to 65
15 Pa.C.S. Ch. 7 (relating to open meetings) after the public has
16 had 30 days to provide comments to the board. Within 60 days
17 following the public meeting in which formal action is taken,
18 the decision of the department revoking or not renewing a
19 charter shall be provided to the cyber charter school in
20 writing. Proceedings of the department pursuant to this
21 subsection shall be subject to 2 Pa.C.S. Ch. 5 Subch. A
22 (relating to practice and procedure of Commonwealth agencies).
23 Except as provided in subsection (c), the decision of the
24 department shall not be subject to 2 Pa.C.S. Ch. 7 Subch. A
25 (relating to judicial review of Commonwealth agency action).

26 (c) Appeal.--A cyber charter school may appeal the decision
27 of the department to revoke or not renew the charter to the
28 appeal board. The appeal must be filed with the appeal board no
29 later than 60 days following issuance by the department of its
30 written decision under subsection (b). The appeal board shall

1 have the exclusive review of a decision not to renew or revoke a
2 charter. The appeal board shall review the record and shall have
3 the discretion to supplement the record if the supplemental
4 information was previously unavailable. The appeal board may
5 consider the charter school plan, annual reports, and student
6 performance in addition to the record. The appeal board shall
7 determine whether the department's decision was arbitrary and
8 capricious and specifically articulate its reasons for its
9 findings in a written decision.

10 (d) Effect.--Except as provided in subsection (e), the
11 charter shall remain in effect until final disposition by the
12 appeal board. If the appeal board upholds a determination of the
13 department that the charter should be revoked or not renewed,
14 the charter shall remain in effect until the end of the school
15 year or such other time as the appeal board directs.

16 (e) Immediate action.--Notwithstanding any other law, the
17 department may, after notice and hearing, take immediate action
18 to revoke a charter if any of the following apply:

19 (1) A material component of the student's education as
20 required under this subdivision is not being provided.

21 (2) The cyber charter school has failed to maintain the
22 financial ability to provide services as required under this
23 subdivision.

24 (3) The health or safety of the cyber charter school's
25 pupils, staff or both is at serious risk.

26 (f) Dissolution.--If a charter is revoked, not renewed,
27 forfeited, surrendered or otherwise ceases to operate, the cyber
28 charter school shall be dissolved. After the disposition of any
29 liabilities and obligations of the cyber charter school, any
30 remaining assets of the cyber charter school, both real and

1 personal, shall be distributed on a proportional basis to the
2 school entities with students enrolled in the cyber charter
3 school for the last full or partial school year of the cyber
4 charter school. A school entity or the Commonwealth may not be
5 liable for any outstanding liabilities or obligations of the
6 cyber charter school.

7 (g) Enrollment.--If a charter is revoked or is not renewed,
8 a student who attended the cyber charter school shall be
9 enrolled in another public school or another school or program
10 which legally fulfills the compulsory school attendance
11 requirements of this act. The normal application deadlines for
12 the school or program shall not apply if a charter is revoked or
13 is not renewed. Student records maintained by the cyber charter
14 school shall be forwarded to the student's new school within 10
15 days.

16 Section 11. Sections 1746-A, 1747-A and 1748-A of the act
17 are amended to read:

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

19 (a) Jurisdiction.--The appeal board shall have the exclusive
20 review of an appeal by a cyber charter school applicant or by
21 the board of trustees of a cyber charter school on the decisions
22 of the department, including:

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

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

25 (3) The revocation of a charter.

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

27 (5) The denial of an amendment application.

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

29 (1) Review the decision made by the department under
30 subsection (a) on the record as certified by the department.

1 The secretary shall recuse himself from all cyber charter
2 school appeals and shall not participate in a hearing,
3 deliberation or vote on a cyber charter school appeal. The
4 appeal board may allow the department, the cyber charter
5 school applicant or the board of trustees of a cyber charter
6 school to supplement the record if the supplemental
7 information was previously unavailable.

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

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

12 (4) In the case of a decision by the department to deny
13 a cyber charter application, make its decision based on
14 section 1745-A(f)(1). A decision by the appeal board to
15 reverse the decision of the department and grant a charter
16 shall serve as a requirement for the secretary to sign the
17 written charter of the cyber charter school.

18 (5) In the case of a decision by the department to
19 revoke or deny renewal of a cyber school charter in
20 accordance with section 1741-A(a)(3), make its decision based
21 on section [1729-A(a)] 1745.3(a). A decision of the appeal
22 board to reverse the decision of the department to not revoke
23 or deny renewal of a charter shall serve as a requirement of
24 the department to not revoke or to not deny renewal of the
25 charter of the cyber charter school. The appeal board shall
26 specify its findings in a written decision. If the appeal
27 board determines that the charter should be revoked or not
28 renewed, the charter shall remain in effect until the end of
29 the school year or another time as the appeal board directs.

30 (c) Stay.--If the department appeals the decision of the

1 appeal board, the appeal board's decision shall be stayed only
2 upon order of the appeal board, the Commonwealth Court or the
3 Pennsylvania Supreme Court.

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

6 Section 1747-A. Cyber charter school application.

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

10 (1) The curriculum to be offered and how it meets the
11 requirements of 22 Pa. Code Ch. 4 (relating to academic
12 standards and assessment) or subsequent regulations
13 promulgated to replace 22 Pa. Code Ch. 4.

14 (2) The number of courses required for elementary and
15 secondary students.]

16 (a) Application form.--The department shall create and
17 publish a model application form, in electronic format, that an
18 applicant seeking to establish a cyber charter school shall, at
19 a minimum, complete as part of its application. The model
20 application form shall be transmitted to the Legislative
21 Reference Bureau for publication in the next available issue of
22 the Pennsylvania Bulletin and posted on the department's
23 publicly accessible Internet website. The model application form
24 shall include all of the following information:

25 (1) The identification of and contact information for
26 the applicant.

27 (2) The name of the proposed charter school entity which
28 must include the words "cyber charter school" in the name.

29 (3) The grade or age levels served by the cyber charter
30 school and the anticipated enrollment levels during each

1 school year of the proposed charter, including expected
2 increases due to the addition of grade levels.

3 (4) The proposed governance structure of the cyber
4 charter school, including a clear description of the method
5 for the appointment or selection of members of the board of
6 trustees, a copy of the articles of incorporation filed with
7 the Department of State, a copy of the by-laws, operating
8 agreement or equivalent document adopted by the applicant for
9 the general governance of the cyber charter school; and an
10 organization chart clearly presenting the proposed governance
11 structure of the cyber charter school, including lines of
12 authority and reporting between the board of trustees,
13 administrators, staff and any educational management service
14 provider that will provide services to the cyber charter
15 school.

16 (5) A clear description of the roles and
17 responsibilities of the board of trustees, administrators and
18 any other entities, including a charter school foundation and
19 any educational management service provider that will provide
20 educational management services to the cyber charter school,
21 shown in the organization chart.

22 (6) Standards for board of trustees' performance,
23 including compliance with applicable laws, regulations and
24 terms of the charter.

25 (7) If the cyber charter school intends to contract with
26 an educational management service provider for services, the
27 cyber charter school shall provide all of the following:

28 (i) Evidence of the educational management service
29 provider's record, including its record in the schools
30 where the provider provides or has provided services, in

1 serving student populations, including demonstrated
2 academic achievement and growth and demonstrated
3 management of nonacademic school functions, including
4 proficiency with public school-based accounting, if
5 applicable.

6 (ii) Evidence that that the board of trustees has
7 reviewed each service to be provided and determined,
8 through competitive bidding or at least three (3) quotes
9 for professional services, that each service to be
10 provided by the educational management service provider
11 is provided at fair market value.

12 (iii) The complete proposed contract or agreement
13 between the cyber charter school and the educational
14 management service provider stating all of the following:

15 (A) The officers, chief administrator and
16 administrators of the educational management service
17 provider.

18 (B) The proposed duration of the service
19 contract or agreement. The service contract or
20 agreement shall provide for the following:

21 (I) An educational management service
22 provider may not terminate the contract or
23 agreement without providing at least six (6)
24 months' notice to the cyber charter school unless
25 expressly agreed to by the board of trustees of
26 the cyber charter school.

27 (II) An agreement or contract shall
28 terminate upon closure of the cyber charter
29 school unless the board of trustees of the cyber
30 charter school and the educational management

1 service provider agree in writing that the
2 educational service provider will provide
3 services related to the dissolution of the cyber
4 charter school.

5 (C) Roles and responsibilities of the board of
6 trustees, the cyber charter school staff and the
7 educational management service provider. The board of
8 trustees shall retain ultimate and actual authority
9 for the operation of the school, and the school shall
10 be independent of the educational management service
11 provider.

12 (D) The scope of services, personnel and
13 resources to be provided by the educational
14 management service provider, which shall meet the
15 following requirements:

16 (I) Each service provided by the educational
17 management service provider and the cost for the
18 service shall be separately identified and
19 invoiced or billed separately.

20 (II) Each service provided by the
21 educational management service provider shall be
22 severable so that the board of trustees of the
23 cyber charter school may terminate or make
24 revisions to one service without termination or
25 revision by the educational management service
26 provider of any other service, except by express
27 agreement of the board of trustees of the cyber
28 charter school.

29 (III) An educational management service
30 provider may not provide business services to the

1 cyber charter school if it is also providing
2 other services to the cyber charter school under
3 the contract or agreement unless the board of
4 trustees has established procedures to ensure
5 that individual payments to the educational
6 management service provider are reviewed and
7 authorized by an administrator of the cyber
8 charter school and the board of trustees of the
9 cyber charter school.

10 (E) Performance evaluation measures and
11 timelines.

12 (F) The compensation structure, including clear
13 identification of fees to be paid to the educational
14 management service provider. The educational
15 management service provider shall not charge a
16 percentage or contingency fee for services.

17 (G) Methods of oversight and enforcement of the
18 contract or agreement.

19 (H) Investment disclosure or the advance of any
20 monies by the educational management service provider
21 on behalf of the cyber charter school with clear
22 repayment terms.

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

25 (iv) Disclosure and explanation of any existing or
26 potential conflicts of interest between the members of
27 the board of trustees of the cyber charter school or
28 members of the board of trustees or directors of the
29 charter school foundation and the proposed educational
30 management service provider or any affiliated entities,

1 including a charter school foundation qualified as a
2 support organization under the Internal Revenue Code of
3 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq.).

4 (v) A contract with an educational management
5 service provider may not be executed until the charter
6 agreement is signed pursuant to section 1745-A(f)(3).

7 (8) The mission and education goals of the cyber charter
8 school, the curriculum to be offered that complies with 22
9 Pa. Code Ch. 4 (relating to academic standards and
10 assessments) and the methods of assessing whether students
11 are meeting educational goals, including performance targets.

12 (9) The admission and enrollment policy, including
13 criteria for evaluating the admission of students which shall
14 comply with the requirements of section 1723-A.

15 (10) Policies and procedures which will be used
16 regarding the suspension or expulsion of pupils. Said
17 procedures shall comply with section 1318 and 22 Pa. Code Ch.
18 12 (relating to students and student services).

19 (11) Information on the manner in which community groups
20 will be involved in the cyber charter school planning
21 process.

22 (12) The financial plan for the cyber charter school,
23 including annual budgets for the first three years of
24 operation of the cyber charter school, and the provisions
25 which will be made for auditing the school under sections 437
26 and 1742.1-A, including the role of any charter school
27 foundation.

28 (13) A description of funds available to the cyber
29 charter school for planning and operation prior to receipt of
30 funds pursuant to section 1725.1-A.

1 (14) Procedures which shall be established to review
2 complaints of parents and guardians regarding the operation
3 of the cyber charter school.

4 (15) A description and address of any physical
5 facilities in which the cyber charter school will be located
6 or operating, including information related to each facility,
7 its size, location, amenities, ownership, availability for
8 lease or purchase, projected improvements and financing.

9 (16) Information on the proposed school calendar for the
10 cyber charter school, including the length of the school day
11 and school year consistent with the provisions of sections
12 1501 and 1502.

13 (17) The proposed faculty, if already determined, and a
14 professional development and continuing education plan for
15 the faculty and professional staff of the cyber charter
16 school.

17 (18) Whether any agreements have been entered into or
18 plans developed with the local school district regarding
19 participation of the cyber charter school's students in
20 extracurricular activities within the school district.

21 (19) A plan for satisfying the criminal history and
22 child abuse clearance requirements and employment history
23 reviews required by law.

24 (20) Documentation that the cyber charter school
25 possesses and maintains adequate and appropriate insurance,
26 bond or other security for the cyber charter school and the
27 cyber charter school's board of trustees and employees to
28 prevent a cyber charter school's outstanding liabilities and
29 obligations from being imposed upon school entities or the
30 Commonwealth, or otherwise affect the rights, benefits or

1 remedies available to the students, parents or employees of
2 the cyber charter school. The department shall promulgate
3 final-omitted regulations setting forth minimum security
4 requirements sufficient to guarantee payment of the cyber
5 charter school's liabilities in accordance with this article.

6 (21) Policies regarding truancy, absences and withdrawal
7 of students, including the manner in which the cyber charter
8 school will monitor and enforce attendance and will comply
9 with the truancy provisions under Article XIII.

10 (22) Whether or not the cyber charter school will seek
11 accreditation by a nationally recognized accreditation
12 agency, including the Middle States Association of Colleges
13 and Schools or another regional institutional accrediting
14 agency recognized by the United States Department of
15 Education or an equivalent federally recognized body for
16 charter school education.

17 [(3)] (23) An explanation of the amount of [on-line]
18 online time required for elementary and secondary students.

19 [(4)] (24) The manner in which teachers will deliver
20 instruction, assess academic progress and communicate with
21 students to provide assistance.

22 [(5)] (25) A specific explanation of any cooperative
23 learning opportunities, meetings with students, parents and
24 guardians, field trips or study sessions.

25 [(6)] (26) The technology, including types of hardware
26 and software, equipment and other materials which will be
27 provided by the cyber charter school to the student.

28 [(7)] (27) A description of how the cyber charter school
29 will define and monitor a student's school day, including the
30 delineation of [on-line] online time and [off-line time] for

1 independent coursework.

2 [(8)] (28) A description of commercially prepared
3 standardized achievement tests that will be used by the cyber
4 charter school in addition to the Pennsylvania System of
5 School Assessment test and Keystone Exams, including the
6 grade levels that will be tested and how the data collected
7 from the tests will be used to improve instruction.

8 [(9)] (29) The technical support that will be available
9 to students and parents or guardians.

10 [(10)] (30) The privacy and security measures to ensure
11 the confidentiality of data gathered online.

12 [(11) The level of anticipated enrollment during each
13 school year of the proposed charter, including expected
14 increases due to the addition of grade levels.]

15 [(12)] (31) The methods to be used to [~~insure~~] ensure the
16 authenticity of student work and adequate proctoring of
17 examinations.

18 [(13)] (32) The provision of education and related
19 services to students with disabilities, including evaluation
20 and the development and revision of individualized education
21 programs.

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

26 [(15)] (33) The types and frequency of communication
27 between the cyber charter school and the student and the
28 manner in which the cyber charter school will communicate
29 with parents and guardians.

30 [(16) The addresses of all facilities and offices of the

1 cyber charter school, the ownership thereof and any lease
2 arrangements.]

3 (34) Any other information required by the department.

4 (a.1) Lease prohibition.--A cyber charter school may not
5 enter into a lease for a facility with an educational management
6 service provider or charter school foundation.

7 (a.2) Extracurricular activity.--Notwithstanding any
8 provision to the contrary, a school district of residence may
9 not prohibit a student of a cyber charter school from
10 participating in any extracurricular activity of the school
11 district of residence if the student is able to fulfill the
12 requirements of participation in the activity and the charter
13 school does not provide the same extracurricular activity. The
14 school district of residence may charge the cyber charter school
15 a reasonable amount for a cyber charter school student's
16 participation in the school district's extracurricular activity,
17 which may not exceed the actual cost incurred by the school
18 district for participation by its students in the activity. A
19 cyber charter school student may not be required to pay any
20 costs not also paid by a student enrolled in the school district
21 for participation in the extracurricular activity.

22 (b) General form.--The department shall create and publish a
23 model renewal application form, in electronic format, that a
24 cyber charter school seeking renewal of its charter shall, at a
25 minimum, complete as part of its renewal application. The form
26 shall be submitted to the Legislative Reference Bureau for
27 publication in the next available issue of the Pennsylvania
28 Bulletin and posted on the department's publicly accessible
29 Internet website. The form shall include:

30 (1) Name and contact information for the chief

1 administrator and board of trustees president or chairperson.

2 (2) Whether the cyber charter school is seeking an
3 amendment to their current charter.

4 (3) Other information deemed necessary by the
5 department.

6 (c) Review.--The department shall review the model
7 application and renewal application forms at least every three
8 years with feedback and input from stakeholders and revise the
9 application forms as needed.

10 (d) Changes.--Nothing in this section shall prevent the
11 department from supplementing the established model application
12 or requiring additional information as permitted by this act
13 necessary to evaluate the application for renewal.

14 (e) Posting.--Pursuant to subsections (a) and (b), the
15 department shall post the standard application and renewal
16 application on its publicly accessible Internet website no later
17 than October 1, 2023.

18 (f) Use.--The model applications developed under this
19 section shall be used by cyber charter school applicants and
20 cyber charter school operators beginning in the 2024-2025 school
21 year.

22 Section 1748-A. Enrollment and notification.

23 (a) Notice to school district.--

24 (1) Within [15] 10 days of the enrollment of a student
25 to a cyber charter school, the [parent or guardian and the]
26 cyber charter school shall notify the student's school
27 district of residence of the enrollment [through the use of
28 the notification form] under subsection (b).

29 (2) If a school district which has received notice under
30 paragraph (1) determines that a student is not a resident of

1 the school district, the following apply:

2 (i) Within seven days of receipt of the notice under
3 paragraph (1), the school district shall notify the cyber
4 charter school and the department that the student is not
5 a resident of the school district. Notification of
6 nonresidence shall include the basis for the
7 determination.

8 (ii) Within seven days of notification under
9 subparagraph (i), the cyber charter school shall review
10 the notification of nonresidence, respond to the school
11 district and provide a copy of the response to the
12 department. If the cyber charter school agrees that a
13 student is not a resident of the school district, it
14 shall determine the proper district of residence of the
15 student before requesting funds from another school
16 district.

17 (iii) Within seven days of receipt of the response
18 under subparagraph (ii), the school district shall notify
19 the cyber charter school that it agrees with the cyber
20 charter school's determination or does not agree with the
21 cyber charter school's determination.

22 (iv) A school district that has notified the cyber
23 charter school that it does not agree with the cyber
24 charter school's determination under subparagraph (iii)
25 shall appeal to the department for a final determination.

26 (v) All decisions of the department regarding the
27 school district of residence of a student shall be
28 subject to review by the Commonwealth Court.

29 (vi) A school district shall continue to make
30 payments to a cyber charter school under section [1725-A]

1 1725.1-A during the time in which the school district of
2 residence of a student is in dispute.

3 (vii) If a final determination is made that a
4 student is not a resident of an appealing school
5 district, the cyber charter school shall return all funds
6 provided on behalf of that student to the school district
7 within 30 days and seek payment from the school district
8 of residence.

9 [(b) Notification form.--The department shall develop a
10 notification form for use under subsection (a). The notification
11 shall include:

12 (1) The name, home address and mailing address of the
13 student.

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

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

16 (4) The name and address of the cyber charter school and
17 the name and telephone number of a contact person able to
18 provide information regarding the cyber charter school.

19 (5) The signature of the parent or guardian and an
20 authorized representative of the cyber charter school.]

21 (b) Notification.--The notification required under
22 subsection (a) shall include:

23 (1) The enrollment form filed with the cyber charter
24 school by the student or the parents or guardians.

25 (2) A certification that the cyber charter verified the
26 residency of the student.

27 (c) Withdrawal.--The cyber charter school [and the parent or
28 guardian of a student enrolled in a cyber charter school] shall
29 provide written notification to the student's school district of
30 residence and the department within [15] five days following the

1 withdrawal of a student from the cyber charter school.

2 (d) Nonrenewal or termination.--Upon notification of the
3 nonrenewal or termination of a charter under section 1745.3-A, a
4 cyber charter school may not enroll new students unless the
5 cyber charter school files an appeal to the appeal board under
6 section 1746-A. Upon a vote by a cyber charter school's board of
7 trustees to close the school, the cyber charter school may not
8 enroll new students and shall provide notice to the parents and
9 guardians of students enrolled of the decision, a timeframe for
10 the school's closure and information on enrolling in another
11 public school.

12 Section 12. The act is amended by adding sections to read:
13 Section 1748.1-A. Enrollment parameters.

14 (a) General rule.--Enrollment of students in a cyber charter
15 school shall not be subject to a cap or enrollment parameter
16 unless agreed to by the cyber charter school as part of a
17 written charter pursuant to section 1745-A.

18 (b) Limitation.--Notwithstanding subsection (a), a cyber
19 charter school designated as a Comprehensive Support and
20 Improvement school under the Every Student Succeeds Act (Public
21 Law 114-95, 129 Stat. 1802) or an equivalent building level
22 designation under its successor Federal statute shall not be
23 eligible to expand the cyber charter school's enrollment by more
24 than 10% of the enrollment as reported by the cyber charter
25 school on the date on which the cyber charter school was
26 designated. The limitation under this subsection shall remain in
27 place until the cyber charter school exits the designation.

28 Section 1748.2-A. Enrollee Wellness Checks.

29 (a) Requirements.--A cyber charter school shall at least
30 once during any week consisting of at least three full or

1 partial days of academic instruction, ensure that each enrolled
2 student is able to be visibly seen and communicated with in real
3 time by a teacher, administrator or other representative of the
4 cyber charter school either in person or via electronic means in
5 order to ensure the well-being of the student and verify
6 participation in the educational program. The requirement under
7 this subsection may be satisfied by students turning on a webcam
8 during synchronous online instruction.

9 (b) Report.--If any indication of abuse, neglect or harm to
10 a child is observed, the cyber charter school administrator,
11 employee or representative shall report the concerns pursuant to
12 23 Pa.C.S. Ch. 63 (relating to child protective services).

13 Section 13. Section 1749-A of the act is amended to read:
14 Section 1749-A. Applicability of other provisions of this act
15 and of other acts and regulations.

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

18 (1) Sections 108, 110, 111, 321, 325, 326, 327, 431,
19 436, 443, 510, 518, 527, 708, 752, 753, 755, 771, 776, 777,
20 807.1, 808, 809, 810, 1109, 1111, 1112(a), 1205.1, 1205.2,
21 1301, 1302, 1310, 1317.2, 1318, 1326, 1327, 1327.2, 1329,
22 1330, 1332, 1333, 1333.1, 1333.2, 1333.3, 1341, 1342, 1343,
23 1344, 1345, 1372(8), 1303-A, 1518, 1521, 1523, 1531, 1547,
24 1702-A, 1703-A, 1714-A, [1715-A, 1716-A,] 1716.1-A, [1719-A,]
25 1721-A, 1722-A, 1723-A(a) and (b), 1724-A, [1725-A] 1725-A(a)
26 (5), (a) (6), (d) and (e), 1725.1-A, 1727-A, 1729-A, 1730-A,
27 1731-A(a) (1) and (b) [and], 2014-A and 2552 and Articles
28 XI(c.1), XII-A, XIII-A and XIV. ((1) amended Oct. 29, 2020,
29 P.L.722, No.84)

30 (2) The act of July 17, 1961 (P.L.776, No.341), known as

1 the Pennsylvania Fair Educational Opportunities Act.

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

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

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

18 (6) [The act of December 15, 1986 (P.L.1595, No.175),
19 known as the Antihazing Law.] 18 Pa.C.S. Ch. 28 (relating to
20 antihazing) and 42 Pa.C.S. § 5803(a)(3.1) (relating to asset
21 forfeiture).

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

24 (1) Chapter 4 (relating to academic standards and
25 assessment).

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

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

28 (3.1) Chapter 16 (relating to special education for
29 gifted students).

30 (3.2) Chapter 19 (relating to educator effectiveness

1 rating tool).

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

3 (5) Section 121.3 (relating to discrimination
4 prohibited).

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

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

7 (7.1) Section 339.31 (relating to plan).

8 (7.2) Section 339.32 (relating to services).

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

11 [(c) Existing charter schools.--

12 (1) The charter of a charter school approved under
13 section 1717-A or 1718-A which provides instruction through
14 the Internet or other electronic means shall remain in effect
15 for the duration of the charter and shall be subject to the
16 provisions of Subdivision (b).

17 (2) In addition to subsections (a) and (b), the
18 following provisions of this subdivision shall apply to a
19 charter school approved under section 1717-A or 1718-A which
20 provides instruction through the Internet or other electronic
21 means:

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

23 (ii) Section 1744-A.

24 (iii) Section 1748-A.]

25 Section 14. This act shall take effect immediately.