

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 390 Session of 2021

INTRODUCED BY SCHWANK, FONTANA, KEARNEY, TARTAGLIONE, ARGALL,
YUDICHAK, COLLETT, BREWSTER, COSTA AND MUTH, MARCH 10, 2021

REFERRED TO EDUCATION, MARCH 10, 2021

AN ACT

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

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

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

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

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

18 (2) For non-special education students, the charter school
19 shall receive for each student enrolled no less than the
20 budgeted total expenditure per average daily membership of the

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

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

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

30 (5) Payments shall be made to the charter school in twelve

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

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

1 residence of each student and whether the amounts deducted from
2 the school district were accurate.

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

10 * * *

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