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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 722 Session of  
2023

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INTRODUCED BY PROBST, SCHLOSSBERG, OTTEN, KHAN, KINKEAD, MADDEN,  
HILL-EVANS, CEPEDA-FREYTIZ, VENKAT, FLEMING, SMITH-WADE-EL,  
SANCHEZ, PASHINSKI, CIRESI, SHUSTERMAN, T. DAVIS, KAZEEM,  
DEASY AND WEBSTER, APRIL 12, 2023

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REFERRED TO COMMITTEE ON EDUCATION, APRIL 12, 2023

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AN ACT

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

9 The General Assembly of the Commonwealth of Pennsylvania  
10 hereby enacts as follows:

11 Section 1. Section 1725-A(a)(3) of the act of March 10, 1949  
12 (P.L.30, No.14), known as the Public School Code of 1949, is  
13 amended and the subsection is amended by adding a clause to  
14 read:

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

17 \* \* \*

18 (3) For the 1997-1998 school year through the 2022-2023  
19 school year, for special education students, the charter school  
20 shall receive for each student enrolled the same funding as for

1 each non-special education student as provided in clause (2),  
2 plus an additional amount determined by dividing the district of  
3 residence's total special education expenditure by the product  
4 of multiplying the combined percentage of section 2509.5(k)  
5 times the district of residence's total average daily membership  
6 for the prior school year. This amount shall be paid by the  
7 district of residence of each student.

8 (3.1) (i) For the 2023-2024 school year and each school  
9 year thereafter, for special education students, the charter  
10 school shall receive for each student enrolled an amount which  
11 shall be paid by the district of residence of each student to be  
12 determined as follows:

13 (A) For each special education student enrolled in the  
14 charter school for which the annual expenditure is in Category 1  
15 as reported to the department under section 1372(8) multiply the  
16 same funding as for each non-special education student as  
17 provided in clause (2) by one and fifty-one hundredths (1.51).

18 (B) For each special education student enrolled in the  
19 charter school for which the annual expenditure is in Category 2  
20 as reported to the department under section 1372(8) multiply the  
21 same funding as for each non-special education student as  
22 provided in clause (2) by three and seventy-seven hundredths  
23 (3.77).

24 (C) For each special education student enrolled in the  
25 charter school for which the annual expenditure is in Category 3  
26 as reported to the department under section 1372(8) multiply the  
27 same funding as for each non-special education student as  
28 provided in clause (2) by seven and forty-six hundredths (7.46).  
29 For purposes of this paragraph, Category 3 shall be the sum of  
30 students reported in Categories 3A and 3B under section 1372(8).

1 (ii) Pursuant to guidelines developed by the department, to  
2 be eligible to receive funding for special education students  
3 under subclause (i), the charter school must document the cost  
4 of providing an education to the student and provide the  
5 documentation to the department and the school district of  
6 residence.

7 (iii) Each weight provided in subclause (i) (A), (B) and (C)  
8 shall be updated whenever the weights in section 2509.5(bbb) (2)  
9 (i) are adjusted for school districts.

10 (iv) In no case shall the calculation made in subclause (i)  
11 (A) and (B) result in a payment that exceeds the maximum amount  
12 within the category's dollar range and in no case shall the  
13 calculation in subclause (i) (C) result in a payment that exceeds  
14 the actual cost of providing an education to the student as  
15 determined under subclause (ii). Should the actual cost of  
16 providing an education to a student in category 3 be less than  
17 the amount the charter school received for the student, the  
18 charter school shall return to the district of residence any  
19 overage it received for that student by no later than February 1  
20 of each year.

21 (v) Upon submission of the report required under section  
22 1372(8), the charter school shall calculate the difference  
23 between the amount received for special education from school  
24 districts and the amount expended to provide special education  
25 programs and services. In the event the charter school's  
26 expenses for special education are less than the total amount it  
27 received from school districts for special education, the  
28 overpayment shall be returned to the school districts on a pro  
29 rata basis by no later than February 1, 2025, and February 1 of  
30 each year thereafter pursuant to guidelines developed by the

1 department.

2 \* \* \*

3 Section 2. Sections 1732-A(a) and 1749-A(a) (1) of the act  
4 are amended to read:

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

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

7 Sections 108, 110, 111, 321, 325, 326, 327, 431, 436, 443,  
8 510, 518, 527, 708, 736, 737, 738, 739, 740, 741, 752, 753, 755,  
9 771, 776, 777, 808, 809, 810, 1109, 1111, 1112(a), 1301, 1310,  
10 1317, 1317.1, 1317.2, 1318, 1326, 1327, 1327.2, 1329, 1330,  
11 1332, 1333, 1333.1, 1333.2, 1333.3, 1372, 1303-A, 1513, 1517,  
12 1518, 1521, 1523, 1531, 1547, 2014-A, Article XIII-A and Article  
13 XIV.

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

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

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

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

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

3 \* \* \*

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

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

8 (1) Sections 108, 110, 111, 321, 325, 326, 327, 431,  
9 436, 443, 510, 518, 527, 708, 752, 753, 755, 771, 776, 777,  
10 808, 809, 810, 1109, 1111, 1112(a), 1205.1, 1205.2, 1301,  
11 1302, 1310, 1317.2, 1318, 1326, 1327, 1327.2, 1329, 1330,  
12 1332, 1333, 1333.1, 1333.2, 1333.3, 1372, 1303-A, 1518, 1521,  
13 1523, 1531, 1547, 1702-A, 1703-A, 1714-A, 1715-A, 1716-A,  
14 1716.1-A, 1719-A, 1721-A, 1722-A, 1723-A(a) and (b), 1724-A,  
15 1725-A, 1727-A, 1729-A, 1730-A, 1731-A(a) (1) and (b) and  
16 2014-A and Articles XII-A, XIII-A and XIV.

17 \* \* \*

18 Section 3. This act shall take effect in 60 days.