

## **Cyber Charter Changes – PA School Code**

### **Section 1327.2. Attendance Policy at Charter, Regional Charter and Cyber Charter Schools**

Adds in an “excused absence or is present for instruction” to the attendance policy charters are required to have. A cyber charter school shall also have in their attendance policy:

- A policy to determine when a child has an unexcused or excused absence or is present for synchronous instruction. To be present for a synchronous instruction, the child must be present and visible to the teacher on camera during the instructional period for each course.
- A prohibition specifying that a cyber charter school administrator or chief administrator may not alter an attendance record taken by a teacher, except to correct an error.
- A policy to determine when a child has an unexcused or excused absence or is present for asynchronous instruction. To be present for asynchronous instruction, a child must complete the coursework and achieve weekly educational coursework completion benchmarks. Weekly education benchmarks shall:
  - Be established for students participating in asynchronous instruction and shall submit the benchmarks for approval by PDE by June 30. If the benchmarks aren’t approved or denied within 45 days, the benchmarks shall be deemed approved.
  - Benchmarks must be sufficient to demonstrate the student is making adequate and consistent progress towards completion of the coursework.
  - Each student shall complete the coursework and achieve the benchmark established by the cyber charter, if a student does not achieve the weekly benchmark, the student shall receive an absence.

Requires a cyber charter to submit information relating to the completion of the benchmarks annually and PDE shall post that information on their website. For a student found to be truant or habitually truant, cyber charters shall report the information to PDE.

### **Section 1333. Procedure When Child is Truant**

Adds the following to the notice sent to parents when a child has three unexcused absences:

- Notice to the person in parental relation that a child who is habitually truant may not, during the school year, transfer to a cyber charter school unless a judge determines the transfer is in the best interest of the child.
- Resources available to assist the child and the legal guardian with returning the child to compliant compulsory school attendance and opportunities for further academic recovery in response to truant behavior.

Prohibits a child who is habitually truant from transferring, during the school year, to a cyber charter school unless a judge determines the transfer is in the best interest of the child.

### **Section 1725.1-A. Funding for charter schools**

Beginning with the 2025–2026 school year, and each year after, for non–special education students, a cyber charter rate per student as follows:

- No less than the budgeted total expenditure per average daily membership of the prior school year minus the budgeted expenditures of the district of residence for certain programs adjusted as follows:
  - The budgeted expenditures of the school district shall include the following deductions: tuition paid to cyber charter schools for non–special education students, tax assessment and collection services, sixty percent of student activities, and sixty percent of operations and maintenance of plant services.
  - The average daily membership of the school district for students enrolled in a cyber charter school shall be deducted from the school district’s average daily membership.
- The above calculation shall then be multiplied as follows:
  - For a school district of the first class A, the lesser of one or the excess expenditure factor for the district for the most recent year available as of the first day of June.
  - For all other school districts, one.

Beginning with the 2025–2026 school year, and each year thereafter, for special education students, a cyber charter rate per student as the lesser of either:

- No less than the budgeted total expenditure per average daily membership of the prior school year minus the budgeted expenditures of the district of residence for certain programs plus an additional amount determined by dividing the school district of residence’s total special education expenditure by the school district of residence’s total special education average daily membership for the prior school year; or,
- The amount determined for non–special education students multiplied by 1.89.

Payments shall be made to cyber charter schools in twelve equal monthly payments, by the fifth of each month. A student enrolled in a cyber charter school shall be included in the school district of residence’s average daily membership for purposes of providing basic and special education funding payments. If a school district fails to make a payment to a cyber school, as required, the Secretary of PDE shall deduct the estimated amount for any state payments for the school district. Any deduction by the Secretary shall include documentation from the cyber charter school. No later than 30 days after the Secretary makes a deduction from State payments, a school district may notify the Secretary of a dispute on the amount deducted and the Secretary shall provide the school district with an opportunity to be heard.

### **Section 1748-A. Enrollment and notification**

Requires the parent or guardian of a student enrolled in a cyber charter school to use PDE’s form to submit continued proof of the student’s residence to the cyber charter and the student’s school district of residence by November 1 and March 1 of each school year. The notification form of a newly enrolled cyber charter student shall satisfy the first November or March notification deadline. A student who is identified as homeless may not be required to submit the home address information.

Extends the time after a school district, that receives notice that a student is not a resident, must notify a cyber charter school and PDE that a student is not a resident of the school district from seven (7) to ten (10) days.

Removes the requirement that a school district must receive a notice of residence from a cyber charter school to determine whether or not a cyber charter student is not a resident of the school district and permits them to do so at any time. A cyber charter school who is notified that a student may no longer be a residence of the school district shall, within ten (10) days, notify the school district and PDE that the cyber charter either agrees or doesn't agree with the school district's determination.

If a cyber charter disagrees with the school district's determination, the cyber charter shall provide proof of residency. If the cyber charter agrees, the cyber charter shall determine the proper school district of residence and request funds from that school district.

- If it is determined the student is not a resident, the cyber charter shall return all funds during the period in which the student wasn't a resident to the school district within 30 days
- Provides protections from retaliation for an employee of a cyber charter school who makes a good faith report that a student is not a resident of the school district.
- Adds proof of residency, proven by providing a document with the parent or guardians name and address, to the notice for enrollment PDE must produce. Allows the notification form to be electronic.
- Makes it a misdemeanor of the third degree for a school administrator, employee or representative of a school district or cyber charter school to knowingly falsify reimbursement reports submitted to a school district, cyber charter school or PDE.

#### **Section 1748.1-A. Enrollee wellness checks**

Repeals the "able to be" visible seen requirement.

Requires each cyber charter school to submit to PDE a wellness check policy. PDE may require proof of compliance by a cyber charter school to ensure the well-being of a student enrolled in the cyber charter.

Failure to comply with these provisions may result in:

- PDE requiring the cyber charter to report to PDE the date, time, method of each wellness check;
- Mandating child abuse recognition/prevention and reporting training annually;
- Requiring the cyber charter to meet in person with each student at least once during the school year; or,
- Prohibiting a cyber charter school from being awarded a grant from PDE until they can prove compliance.