

PENNSYLVANIA

(Law passed in 1997; 18th strongest of the nation's 43 charter laws)



Pennsylvania lawmakers have been engaged – unsuccessfully – for more than four years in an effort to improve and expand the state's charter law to allow for independent and multiple authorizers, since many school districts oppose charters and withhold needed resources as a condition of their oversight. The law has little hope of improving in the near future with the election of a new governor who has repeatedly opposed school choice. The School Reform Commission of Philadelphia, for the first time in seven years, was forced to accept and approve charter applications. Thirty-nine applied and only five were approved in early 2015. Yet 40,000 students remain on waiting lists in just that city alone.

INDEPENDENT OR MULTIPLE AUTHORIZERS - YES (2)

APPROVAL	School boards, two or more school boards can authorize regional charters, and the Pennsylvania Department of Education act as authorizers in the state. Virtual charter schools can only apply to the department of education. The Philadelphia School Reform Commission (SRC) acts in place of the city's school board.
APPEAL	Yes. Applications denied by the school board (except for the SRC) may be appealed to the state Charter Schools Appeals Board and its decision is binding.

OPERATIONAL AUTONOMY

STATE	Yes. Charter schools do receive a blanket waiver from most traditional public school rules and regulations. However, over time the state has begun imposing new, non-statutory requirements. Virtual schools are allowed. Management contracts with ESPs are not restricted and the law is silent regarding any arrangements between them and the charter schools.
LOCAL	Yes. Charter schools do receive a blanket waiver from most district rules and regulations, except for those explicitly for charter schools. However, additional restrictions and red tape are often imposed on charter schools. Charter schools are considered an LEA for special education purposes.
TEACHER FREEDOM	Yes. Teachers may negotiate as a separate unit with the charter school governing body, or work independently. Charter schools must participate in the retirement system, unless, at the time it is chartered, the school has a retirement program that covers the employees, or the particular employee is enrolled in another retirement program.

NUMBER OF SCHOOLS ALLOWED

CAP	No legal limit on the number of schools that may be approved. This year, for the first time in seven years, Philadelphia approved applications, although they only approved five out of 39.
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(Continued)



EQUITY

STUDENT FUNDING	<p>Funds pass through the district. Charter funding is calculated based on the average district per-pupil budgeted expenditure of the previous school year. The funding is inequitable because it is based on expenditure calculations made by the individual districts. The state can intervene if districts are not making scheduled payments to the charter schools. Charters do not receive the same in categorical federal funding as traditional public schools.</p> <p>“For non-special education students, the charter school shall receive for each student enrolled no less than the budgeted total expenditure per average daily membership of the prior school year, as defined in section 2501(20), minus the budgeted expenditures of the district of residence for nonpublic school programs; adult education programs; community/junior college programs; student transportation services; for special education programs; facilities acquisition, construction and improvement services; and other financing uses, including debt service and fund transfers as provided in the Manual of Accounting and Related Financial Procedures for Pennsylvania School Systems established by the department. This amount shall be paid by the district of residence of each student.” [24 P.S. § 17-1725-A(2)]</p>
FACILITIES FUNDS	<p>The department of education calculates a reimbursable annual rental charge for charters leasing a building or part of a building as part of the Charter School Lease Reimbursement Program. It's calculated by the lesser of the annual rental cost payable under the lease agreement or the product of the charter enrollment times a specific amount (\$160 for elementary, \$220 for secondary, \$270 for vocational). 24 Pa. Cons. Stat. Ann. § 25-2574.3 (West).</p>

IMPLEMENTATION POINTS

- 1	One point is deducted because Philadelphia has refused to authorize new charters even with the parental demand, and to permit charter growth through expansions and turnarounds only.
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[LINK TO THE PENNSYLVANIA CHARTER SCHOOL LAW](#)