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EDUCATION

ALERT

FUNDING DISPUTES UNDER PA'S CHARTER SCHOOL LAW

Wow. Today's PA Commonwealth Court decision limits charter schools ability to pursue tuition payment when a school district does not voluntarily pay. The charter school law allows a charter school to seek payment of the unpaid tuition from the PA Secretary of Education through withholding the unpaid amount from the district's subsidy.

Today's decision reiterated a prior decision that the administrative hearing process in the charter school law had to be followed (and lays out that process). It then goes on, however, to say that the only money available to withhold is from the subsidy money from the same year as the tuition which should have been paid by the district. Thus, if a district failed to pay in 2009, but the 2009 subsidy has

already been paid in full to the district and the district has spent, then there is nothing left for the Secretary to withhold for the charter school's tuition.

What does this mean for the Chester Community Charter School? It means that it will not be paid \$7,490,171.75 that it says it was owed. As I said, "wow."

The case, *Chester Community Charter School v. Commonwealth of PA, et al.*, 135 M.D. 2009 can be found [here](#).

If you have questions about this Alert, please contact A. Kyle Berman at 610.397.7980 or aberman@foxrothschild.com or any member of Fox Rothschild's [Education Practice](#).



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