
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1718 Session of
2013

INTRODUCED BY AUMENT, CLYMER, V. BROWN, ROCK, CUTLER, MURT,
GINGRICH, PICKETT, GODSHALL, GROVE, WATSON, HICKERNELL AND
C. HARRIS, SEPTEMBER 26, 2013

REFERRED TO COMMITTEE ON EDUCATION, SEPTEMBER 26, 2013

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," providing for online education
6 initiative; and establishing the Online Course Clearinghouse
7 Restricted Account.

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

10 Section 1. The act of March 10, 1949 (P.L.30, No.14), known
11 as the Public School Code of 1949, is amended by adding an
12 article to read:

13 ARTICLE XV-H

14 ONLINE EDUCATION INITIATIVE

15 Section 1501-H. Definitions.

16 The following words and phrases when used in this article
17 shall have the meanings given to them in this section unless the
18 context clearly indicates otherwise:

19 "Account." The Online Course Clearinghouse Restricted
20 Account established under section 1502-H(f).

1 "Clearinghouse." The central online clearinghouse
2 established under section 1502-H.

3 "Department." The Department of Education of the
4 Commonwealth.

5 "Home education program." A program conducted in compliance
6 with section 1327.1.

7 "Institution of higher education." The term includes any of
8 the following:

9 (1) A community college operating under Article XIX-A.

10 (2) A university within the State System of Higher
11 Education.

12 (3) The Pennsylvania State University.

13 (4) The University of Pittsburgh.

14 (5) Temple University.

15 (6) Lincoln University.

16 (7) Any other institution that is designated as "State-
17 related" by the Commonwealth.

18 (8) The Thaddeus Stevens College of Technology.

19 (9) Any accredited private or independent college or
20 university.

21 (10) Any private licensed school as defined in the act
22 of December 15, 1986 (P.L.1585, No.174), known as the Private
23 Licensed Schools Act.

24 "Keystone Exam." An assessment developed or caused to be
25 developed by the department pursuant to 22 Pa. Code §4.51(f)
26 (relating to State assessment system).

27 "Nonpublic school." A school, other than a public school,
28 located within this Commonwealth where a Commonwealth resident
29 may legally fulfill the compulsory school attendance
30 requirements of this act and that meets the applicable

1 requirements of Title VI of the Civil Rights Act of 1964 (Public
2 Law 88-352, 78 Stat. 241).

3 "Online course." A course of study that uses technology in
4 order to provide a significant portion of its curriculum and to
5 deliver a significant portion of instruction to students through
6 the Internet or other electronic means. The term shall include
7 all services and materials related to such course.

8 "Pennsylvania School Performance Profile." The Pennsylvania
9 School Performance Profile developed by the Department of
10 Education pursuant to section 1123.

11 "Provider." An individual or a nonprofit or for-profit
12 organization, business, institution of higher education or
13 school entity which has submitted one or more online courses to
14 the Department of Education for inclusion in the clearinghouse
15 established under this article.

16 "School entity." A school district, joint school district,
17 charter school, regional charter school, cyber charter school,
18 intermediate unit or area vocational-technical school.

19 "Secretary." The Secretary of Education of the Commonwealth.
20 Section 1502-H. Clearinghouse for online course offerings.

21 (a) Duty to establish.--Within one year of the effective
22 date of this section, the department shall establish a central
23 online clearinghouse which shall at a minimum include an online
24 database of online courses for students enrolled in grades six
25 through twelve and which clearinghouse shall be accessible by
26 school entities, nonpublic schools, home education programs and
27 the general public. In establishing the clearinghouse the
28 department shall:

29 (1) Create an online database that catalogs those online
30 courses for which an application was approved under

1 subsection (b) and make the database available to school
2 entities, nonpublic schools, home education programs and the
3 general public.

4 (2) Construct the database provided for in paragraph (1)
5 in such a way as to:

6 (i) Provide information on each online course listed
7 in the database, including, but not limited to, a
8 description of the content and applicable grade levels of
9 each online course.

10 (ii) Provide each school entity, nonpublic school or
11 home education program which has utilized an online
12 course from the clearinghouse the opportunity to present
13 feedback and rate the online course. In providing
14 feedback each school entity, nonpublic school or home
15 education program may, with discretion and in compliance
16 with all applicable Federal and State laws, share on the
17 database personal comments received by the school entity,
18 nonpublic school or home education program from parents
19 and students about the online course.

20 (iii) Display feedback and a cumulative rating of an
21 online course as a part of the information provided about
22 the online course.

23 (iv) Facilitate communication between school
24 entities, nonpublic schools or home education programs
25 and providers of online courses cataloged in the
26 clearinghouse to expedite the purchasing of those online
27 courses.

28 (3) At least annually update the database provided for
29 in paragraph (1) by adding or removing courses as necessary
30 under this article.

1 (4) Collect application fees provided for in subsection
2 (c) and deposit the fees into the account.

3 (5) Utilize the funds in the account, including interest
4 on the funds, to pay expenses incurred by the department in
5 carrying out its duties relating to the administration of the
6 clearinghouse.

7 (b) Application development and approval process.--The
8 department shall develop an application and an application
9 process that specify the time, form and manner by which
10 providers may submit their online course offerings to the
11 department for inclusion in the clearinghouse. The department
12 shall approve applications under one of the following
13 procedures:

14 (1) In the case of an online course which does not
15 provide instruction in a content area assessed by a Keystone
16 Exam and which is not used to provide supplementary
17 instruction relating to a Keystone Exam, a provider may
18 submit an application to the department for approval of the
19 online course through a certification process. The
20 application for this process shall include:

21 (i) A notarized affidavit certifying that the online
22 course being submitted for inclusion in the clearinghouse
23 is aligned to the State academic standards for education.

24 (ii) Evidence that the online course being submitted
25 for inclusion in the clearinghouse fulfills at least one
26 of the following criteria:

27 (A) has been approved by another state for use
28 by its public schools;

29 (B) has been accredited by a national
30 accreditation body recognized by the United States

1 Department of Education;

2 (C) has been designed by an intermediate unit in
3 this Commonwealth and is being utilized by a school
4 entity; or

5 (D) has been designed by a school district,
6 joint school district, charter school, regional
7 charter school, cyber charter school or area
8 vocational-technical school that:

9 (I) through the 2015-2016 school year,
10 utilizes the online course or provides the online
11 course to another school entity for its use; or

12 (II) beginning in the 2016-2017 school year
13 and in each school year thereafter, has received
14 a score on the Pennsylvania School Performance
15 Profile of at least 80 for the school year
16 preceding the application and utilizes the online
17 course or provides the online course to another
18 school entity for its use.

19 (2) In the case of an online course which provides
20 instruction in a content area assessed by a Keystone Exam or
21 which is used to provide supplementary instruction relating
22 to a Keystone Exam, a provider shall submit an application to
23 the department for approval of the online course through a
24 department review process. The department shall perform a
25 review of the online course to confirm that the online course
26 meets the following criteria:

27 (i) Is aligned to the State academic standards for
28 education.

29 (ii) Provides a detailed and quality curriculum and
30 accountability plan.

1 (iii) Includes an assessment component for
2 determining student proficiency.

3 (iv) Is adapted to the age, development and needs of
4 the students.

5 (3) In the case of an online course which does not
6 provide instruction in a content area assessed by a Keystone
7 Exam and which is not used to provide supplementary
8 instruction relating to a Keystone Exam, a provider may
9 voluntarily submit an application to the department for
10 approval of the online course through the department review
11 process established in paragraph (2).

12 (c) Fees, application review and approval.--The
13 establishment of fees and the review and approval of
14 applications shall be as follows:

15 (1) The department may establish a nonrefundable
16 administrative fee not to exceed \$75 for the purpose of
17 reviewing each application submitted by a provider under
18 subsection (b) (1).

19 (2) The department may establish a nonrefundable
20 administrative fee not to exceed \$750 for the purpose of
21 reviewing each application submitted by a provider under
22 subsection (b) (2) and (3).

23 (3) If, after a review of an application, the department
24 determines that the application meets the applicable
25 requirements under subsection (b), the department shall
26 approve the application, notify the provider of the approval
27 and include the online course in the database provided for
28 under subsection (a) (1) until such time as the provider
29 requests that the online course be removed or the department
30 removes the online course under the provisions of paragraph

1 (5).

2 (4) If, after a review of an application, the department
3 determines that the application does not meet the applicable
4 requirements under subsection (b), the department shall
5 withhold approval of the application and notify the provider
6 of the reason approval was withheld so that the provider may
7 revise and resubmit the application. Any application that has
8 been resubmitted for review shall be subject to the
9 associated administrative fee authorized by this subsection.

10 (5) The department may revisit and review any approved
11 application at any time and remove the associated online
12 course from the database provided for under subsection (a)(1)
13 if the department determines that:

14 (i) the information contained in the application was
15 false or misleading or is no longer accurate;

16 (ii) the online course has been materially changed
17 or revised in such a way that the approval previously
18 granted for the online course should not apply and the
19 provider of the online course has not submitted an
20 application to the department seeking approval of the
21 revisions to the online course in accordance with the
22 application and fee requirements of this section; or

23 (iii) the standards applicable to the course have
24 materially changed in such a way that the approval
25 previously granted for the online course should not apply
26 and the provider of the online course has not submitted
27 an application to the department within 30 days seeking
28 approval of the online course with revisions to address
29 the revised standards in accordance with the application
30 and fee requirements of this section.

1 (d) Appeal.--A determination by the department that an
2 online course which provides instruction in a content area
3 assessed by a Keystone Exam or which is used to provide
4 supplementary instruction relating to a Keystone Exam does not
5 meet the criteria under subsection (b) (2) shall be appealable
6 under 2 Pa.C.S. (relating to administrative law and procedure).

7 (e) Contracts for the provision of courses cataloged in the
8 clearinghouse.--The following shall apply to contracts entered
9 into by school entities, nonpublic schools or home education
10 programs and providers of online courses cataloged in the
11 clearinghouse:

12 (1) The purchase price of an online course cataloged in
13 the clearinghouse shall be determined by direct negotiations
14 between a school entity, nonpublic school or home education
15 program and a provider.

16 (2) A school entity, nonpublic school or home education
17 program shall not be required to pay more than 40% of the
18 total purchase price per participating student for an online
19 course prior to a student's completion of the online course.
20 Upon a student's completion of an online course, the school
21 entity, nonpublic school or home education program shall pay
22 the provider the remainder of the total purchase price per
23 participating student for each student that completed the
24 online course.

25 (f) Online Course Clearinghouse Restricted Account.--

26 (1) There is hereby established a restricted revenue
27 account in the General Fund to be known as the Online Course
28 Clearinghouse Restricted Account.

29 (2) The account shall consist of application fees
30 collected under subsection (c), fines collected under section

1 1504-H and any interest generated by funds in the account.

2 (3) The funds in the account are hereby appropriated to
3 the department on a continuing basis for the purposes of
4 paying expenses incurred by the department in carrying out
5 its duties relating to the administration of the
6 clearinghouse under this article.

7 Section 1503-H. School entities.

8 (a) General rule.--Beginning in the 2015-2016 school year
9 and continuing each school year thereafter, each school entity
10 shall offer its students the opportunity to participate in
11 online courses according to the following schedule:

12 (1) For the 2015-2016 school year through the 2017-2018
13 school year, students in grades nine through twelve.

14 (2) For the 2018-2019 school year and each school year
15 thereafter, students in grades six through twelve.

16 (b) School entity responsibilities.--In providing the
17 opportunity required by subsection (a), a school entity may
18 utilize any online course made available through a school entity
19 through the clearinghouse or through any other source and shall:

20 (1) Establish policies and procedures for student
21 eligibility and participation, including a policy on the
22 selection of online courses made available to students by the
23 school entity. The policies and procedures shall be made
24 accessible to parents and students and posted on the school
25 entity's publicly accessible Internet website.

26 (2) Ensure that parents and students are made aware of
27 the opportunity for online learning under this article and
28 make information about available online courses easily
29 accessible to parents and students.

30 Section 1504-H. Penalties.

1 (a) Participation prohibited.--If the department determines
2 that a provider intentionally submitted false or misleading
3 information on an application, the provider shall be prohibited
4 from participating in the clearinghouse for a period of five
5 years.

6 (b) Fine.--In addition to the penalty provided under
7 subsection (a), the department may also assess a provider a fine
8 of up to \$1,000 for each application on which the provider was
9 found by the department to have intentionally submitted false or
10 misleading information.

11 (c) Deposit of fines.--Any fines assessed in accordance with
12 this section shall be deposited into the account.

13 (d) Appeal.--A determination by the department that a
14 provider intentionally submitted false or misleading information
15 on an application shall be appealable under 2 Pa.C.S. (relating
16 to administrative law and procedure).

17 Section 1505-H. Reports.

18 (a) Report on grades nine through twelve.--The secretary
19 shall submit an initial report to the Governor, the chairman and
20 minority chairman of the Education Committee of the Senate and
21 the chairman and minority chairman of the Education Committee of
22 the House of Representatives no later than June 30, 2018. The
23 report shall at a minimum include all of the following
24 information as it pertains to students in grades nine through
25 twelve:

26 (1) The number of students participating in online
27 courses.

28 (2) The number of online courses available through the
29 clearinghouse.

30 (3) A description of the types of online courses

1 available through the clearinghouse.

2 (4) An assessment of the academic impact of online
3 courses on the participating students.

4 (5) An assessment of the financial costs incurred by
5 school districts in offering online courses to students.

6 (6) Recommendations for improving the clearinghouse and
7 the requirement in section 1503-H relating to offering
8 students the opportunity to participate in online courses.

9 (b) Report on grades six through eight.--The secretary shall
10 submit a second report to the Governor, the chairman and
11 minority chairman of the Education Committee of the Senate and
12 the chairman and minority chairman of the Education Committee of
13 the House of Representatives no later than June 30, 2020. The
14 report shall at a minimum include all of information required
15 under subsection (a) as it pertains to students in grades six
16 through eight.

17 Section 1506-H. Construction.

18 Nothing in this article shall be construed:

19 (1) To prevent a school entity from establishing and
20 offering its own online course or program.

21 (2) To require a student to participate in an online
22 course offered by a school entity in compliance with this
23 article.

24 (3) To supersede or preempt the rights, remedies and
25 procedures afforded to school employees or labor
26 organizations under Federal or State law, including the act
27 of July 23, 1970 (P.L.563, No.195), known as the Public
28 Employe Relations Act, or any provision of a collective
29 bargaining agreement negotiated between a school entity and
30 an exclusive representative of the employees in accordance

1 with that act.

2 Section 1507-H. Regulations.

3 The State Board of Education may promulgate regulations
4 pursuant to the act of June 25, 1982 (P.L.633, No.181), known as
5 the Regulatory Review Act, necessary to establish approval
6 periods for courses approved under section 1502-H(b) and to
7 implement this article.

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