

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(d).

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 "Nonpublic school." A school, other than a public school,
25 located within this Commonwealth where a Commonwealth resident
26 may legally fulfill the compulsory school attendance
27 requirements of this act and that meets the applicable
28 requirements of Title VI of the Civil Rights Act of 1964 (Public
29 Law 88-352, 78 stat. 241).

30 "Online course." A course of study that uses technology in

1 order to provide a significant portion of its curriculum and to
2 deliver a significant portion of instruction to students through
3 the Internet or other electronic means. The term shall include
4 all services and materials related to such course.

5 "Pennsylvania School Performance Profile." The Pennsylvania
6 School Performance Profile developed by the department pursuant
7 to section 1123.

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

13 "School entity." A school district, joint school district,
14 charter school, regional charter school, cyber charter school,
15 intermediate unit or area vocational-technical school.

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

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

26 (1) Develop an application and issue guidelines for the
27 application process that specify the time, form and manner by
28 which providers may submit their online course offerings to
29 the department for inclusion in the clearinghouse. The
30 application and guidelines shall include a description of the

1 requirements that each application must meet in order for the
2 application to be approved and the online course included in
3 the clearinghouse. Other than specifying the time, form and
4 manner by which online courses may be submitted, the
5 department may not impose any additional requirements on
6 providers and may not consider any additional criteria beyond
7 those requirements and criteria set forth under paragraph
8 (2).

9 (2) Review the applications submitted by providers and
10 approve those that contain a notarized affidavit certifying
11 that the online course being submitted for inclusion in the
12 clearinghouse is aligned to the State academic standards for
13 education and that provide evidence that the online course
14 being submitted for inclusion in the clearinghouse fulfills
15 at least one of the following criteria:

16 (i) has been approved by another state for use by
17 its public schools;

18 (ii) has been accredited by a national accreditation
19 body recognized by the United States Department of
20 Education;

21 (iii) has been designed by an intermediate unit and
22 is being utilized by a school entity; or

23 (iv) has been designed by a school district, joint
24 school district, charter school, regional charter school,
25 cyber charter school or area vocational-technical school
26 that:

27 (A) through the 2015-2016 school year, is
28 utilizing the online course or providing the online
29 course to another school entity for its use; or

30 (B) beginning in the 2016-2017 school year and

1 in each school year thereafter, has received a score
2 on the Pennsylvania School Performance Profile of at
3 least 80 for the school year preceding the
4 application and is utilizing the online course or
5 providing the online course to another school entity
6 for its use.

7 (3) Create an online database that catalogs those online
8 courses for which an application was approved under paragraph

9 (2) and make the database available to school entities,
10 nonpublic schools, home education programs and the general
11 public.

12 (4) Construct the database provided for in paragraph (3)
13 in such a way as to:

14 (i) Provide information on each online course listed
15 in the database that shall at a minimum include a
16 description of the content and grade level of an online
17 course.

18 (ii) Provide each school entity, nonpublic school or
19 home education program which has utilized an online
20 course from the clearinghouse the opportunity to present
21 feedback and rate the online course.

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

25 (iv) Ensure ease of communication between school
26 entities, nonpublic schools or home education programs
27 and providers of online courses cataloged in the
28 clearinghouse to facilitate the purchasing of those
29 online courses.

30 (5) At least annually update the database provided for

1 in paragraph (3) by adding or removing courses as necessary.

2 (6) Collect application fees provided for in subsection
3 (b) and deposit those fees into the account.

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

8 (b) Fees, application review and approval.--The
9 establishment of fees and the review and approval of
10 applications shall be administered by the department as follows:

11 (1) The department may establish a nonrefundable
12 administrative fee not to exceed \$75 for the purpose of
13 reviewing each application submitted by a provider.

14 (2) If, after a review of an application, the department
15 determines that the application meets the requirements set
16 forth under subsection (a)(2), the department shall approve
17 the application, notify the provider of the approval and
18 include the online course in the database provided for under
19 subsection (a)(3) until such time as the provider requests
20 that the online course be removed, or the department removes
21 the online course under the provisions of paragraph (4).

22 (3) If, after a review of an application, the department
23 determines that the application does not meet the
24 requirements set forth under subsection (a)(2), the
25 department shall withhold approval of the application and
26 notify the provider of the reason approval was withheld so
27 that the provider may revise and resubmit the application.
28 Any application that has been resubmitted for review shall be
29 subject to the administrative fee authorized by paragraph

30 (1).

1 (4) The department may revisit and review any approved
2 application at any time and remove the associated online
3 course from the database provided for under subsection (a) (3)
4 if the department determines that the information contained
5 in the application was false or misleading or is no longer
6 accurate.

7 (c) 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 (d) 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 be funded by the deposit of all
30 application fees collected under subsection (b), the deposit

1 of all fines collected under section 1504-H and any interest
2 generated by funds in the account.

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

8 Section 1503-H. School entities.

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

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

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

17 (b) School entity responsibilities.--In providing the
18 opportunity required by subsection (a), a school entity may
19 utilize any online course made available through a school
20 entity, through the clearinghouse established in section 1502-H
21 or through any other source, and shall:

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

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

1 accessible to parents and students.

2 Section 1504-H. Penalties.

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

8 (b) Fine.--The department may also assess on a provider a
9 fine of up to \$1,000 for each application on which the provider
10 was found to have intentionally submitted false or misleading
11 information.

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

14 Section 1505-H. Report.

15 The secretary shall submit a report to the Governor, the
16 chairman and minority chairman of the Education Committee of the
17 Senate and the chairman and minority chairman of the Education
18 Committee of the House of Representatives. The report shall be
19 submitted no later than June 30, 2018, and shall at a minimum
20 include all of the following information:

21 (1) The number of students in grades nine through twelve
22 participating in online courses.

23 (2) The number of online courses available through the
24 clearinghouse.

25 (3) A description of the types of online courses
26 available through the clearinghouse.

27 (4) An assessment of the academic impact of online
28 courses on the participating students in grades nine through
29 twelve.

30 (5) An assessment of the financial costs incurred by

1 school districts in offering online courses to students in
2 grades nine through twelve.

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

6 Section 1506-H. Construction.

7 Nothing in this article shall be construed:

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

10 (2) To require a student to participate in the online
11 courses offered by school entities in compliance with this
12 article.

13 (3) To supersede or preempt the rights, remedies and
14 procedures afforded to school employees or labor
15 organizations under Federal or State law, including the act
16 of July 23, 1970 (P.L.563, No.195), known as the Public
17 Employee Relations Act, or any provision of a collective
18 bargaining agreement negotiated between a school entity and
19 an exclusive representative of the employees in accordance
20 with that act.

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