THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1897 Session of 2019

INTRODUCED BY SONNEY, BIZZARRO, DeLUCA, DiGIROLAMO, HARKINS, JOZWIAK, SCHLOSSBERG, SCHMITT AND SOLOMON, SEPTEMBER 30, 2019

REFERRED TO COMMITTEE ON EDUCATION, SEPTEMBER 30, 2019

AN ACT

Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," providing for school district cyber education.

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

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

ARTICLE XVII-D

SCHOOL DISTRICT CYBER EDUCATION

Section 1701-D. Short title of article.

This act shall be known and may be cited as the School District Cyber Education Law.

Section 1702-D. Legislative findings and intent.

The General Assembly finds and declares that:

(1) Students in this Commonwealth should have access to high-quality online learning that provides the competency and
skills necessary to succeed in the global economy.

(2) The current system of cyber education offered by traditional public schools and cyber charter schools lacks uniform accountability and transparency to local communities and students.

(3) It is the intent of the General Assembly, in enacting this article, to provide opportunities for students to participate in high-quality full-time cyber education programs that are accountable and transparent to local communities and students.

Section 1703-D. Definitions.

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

"Asynchronous learning." Student participation in cyber courses at the student's own pace.

"Blended-learning." The delivery of instruction in a combination of time in a supervised physical location away from home and online delivery whereby the student has some element of control over time, place, path or pace of learning.

"Core subjects." English language arts, mathematics, science and social studies.

"Cyber charter school." As defined in section 1703-A and operating on the effective date of this article.

"Cyber education program." A program established by a school district in which the program uses technology in order to provide a significant portion of curriculum to deliver a significant portion of instruction to students through the Internet or other electronic means. The term may include components of synchronous and asynchronous learning.
"Cyber school." A school established by a school district in which the school uses technology in order to provide a significant portion of curriculum to deliver a significant portion of instruction to students through the Internet or other electronic means.

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

"Educational management company." A nonprofit management organization, for-profit educational management organization, school design provider or other partner entity with which a local board of school directors contracts to provide educational design, comprehensive management or personnel functions.

"Habitually truant." Six or more school days of unexcused absences during the current school year by a child subject to compulsory school attendance requirements under section 1327.

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

1. A community college operating under Article XIX-A.
2. A university within the State System of Higher Education under Article XX-A.
3. A State-related institution as defined in section 1502-A.
4. Any accredited nonprofit public, private or independent college or university.

"Parent." An individual who has legal custody or guardianship of a student or keeps in the individual's home a student and supports the student gratis as if the student were a lineal descendent of the individual.

"Secretary." The Secretary of Education of the Commonwealth.

"State board." The State Board of Education of the
"Synchronous learning." Student participation in a cyber course at the same time, but in a different location, as the instructor and other students.

"Third-party vendor." An intermediate unit, educational management company, cyber charter school, institution of higher education or other school district. The term shall not include an individual.

Section 1704-D. School district duties.

(a) Full-time cyber education program.--A school district shall establish and operate full-time cyber education programs in which students can meet compulsory school requirements under section 1327.

(b) Blended-learning program.--A school district may provide students with an option to participate in blended-learning programs.

(c) Cyber education plan.--No later than November 1, 2020, a school district shall develop and submit a cyber education plan to the department in a form and manner prescribed by the department. The cyber education plan shall include:

(1) The identification of the school district.

(2) Any third-party vendors that are or will be engaged to offer a portion or all of the full-time cyber education programs and a copy of any draft or executed contracts.

(3) The mission, educational goals and instructional model of the full-time cyber education programs.

(4) The curriculum to be offered, the methods to assess whether students are meeting educational goals and the methods to assist students who are not meeting educational goals.
(5) The application and admission process for the enrollment of students in the full-time cyber education programs.

(6) The proposed faculty and a professional development plan for the faculty of the full-time cyber education programs.

(7) The blended-learning program options, if offered.

(8) A plan to address any Internet connectivity issues and lost or broken equipment.

(9) Information on how the school district will work with parents and students to transition students attending cyber charter schools.

(10) Attendance, truancy, equipment and parental involvement policies.

(11) Methodology used to determine attendance, including the calculation of instructional time, to meet the requirements of section 1501.

(12) Budget and projected enrollment.

(13) A plan for providing special education and related services.

(14) Any other information deemed necessary by the department.

(d) Public hearing.--No later than 60 days prior to the submission of the plan to the department, a local board of school directors shall hold a public hearing on the cyber education plan and receive public comment.

(e) Program offering.--A school district shall offer full-time cyber education programs no later than the beginning of the 2021-2022 school year.

(f) Annual reports.--Beginning August 1, 2022, and each
August 1 thereafter, a school district shall submit an annual report describing the cyber education programs of the school district in a form and manner prescribed by the department. The annual report shall include the following information enumerated by program:

(1) Total enrollment in the prior school year.
(2) Projected enrollment for the current school year.
(3) Attendance information, including the number of truant and habitually truant students and the steps taken to address truancy.
(4) Academic information, including aggregate performance data and measures taken to address low performance of students.
(5) Cost per student.
(6) Updates to the cyber plan under subsection (c).

Section 1705-D. Full-time cyber education programs.

(a) Program development and access to alternative cyber education programs.—The following shall apply:

(1) A school district shall develop a full-time cyber education program or contract with a third-party vendor or third-party vendors to provide students with a full-time cyber education program.

(2) In addition to the full-time cyber education program offered by a school district under paragraph (1), a school district shall provide students with the option to participate in at least two alternative full-time cyber education programs. A school district shall contract with a third-party vendor other than a school district or intermediate unit to provide content for the alternative full-time cyber education programs.
(b) Robust course offerings required.--The full-time cyber education programs shall include robust selections of course offerings in core subjects and electives designed to enable students to gain competency in each cyber course. The cyber course offerings shall include varying course levels comparable to the levels offered by the school district's traditional education program, including advanced course levels.

(c) Curriculum.--The curriculum of the cyber education programs shall be aligned with Pennsylvania academic standards under 22 Pa. Code Ch. 4 (relating to academic standards and assessment).

(d) Graduation.--The cyber education programs must include, at a minimum, all courses required to meet graduation requirements under 22 Pa. Code § 4.24 (relating to high school graduation requirements).

(e) Grades offered.--A school district shall offer the same grade levels for the full-time cyber education programs as the school district's traditional education programs.

(f) Access to technology.--A school district shall provide the following to each student enrolled in a full-time cyber education program without charge:

   (1) all instructional materials;

   (2) all equipment, including, but not limited to, a computer, computer monitor and printer; and

   (3) all technology and services necessary for the online delivery of the curriculum and instruction, or the reimbursement for the provisions of this paragraph.

(g) Annual onboarding process and orientation.--A school district shall establish and implement an annual onboarding process and orientation for a parent of a student and student.
participating in a cyber education program which shall:

   (1) provide and review all cyber education program
   policies;
   (2) discuss student engagement and parental involvement;
   (3) include any materials provided by a third-party
   vendor for students or parents; and
   (4) prohibit enrollment of a student in the cyber
   education program if the parent and student do not
   participate in the onboarding process and orientation.

(h) Student-to-teacher ratios.--The cyber education program
must maintain the following maximum student-to-teacher ratios
for all core subjects:

   (1) At the elementary level, 25:1.
   (2) At the secondary level, 30:1.

(i) Exception.--A school district may apply to the secretary
for an exception to the student-to-teacher ratios under
subsection (h). The secretary shall grant the exception if, in
the discretion of the secretary, the proposed student-to-teacher
ratio will not adversely impact the academic quality of the
program.

(j) Teacher of record.--Each student enrolled in a full-time
cyber education program shall be assigned a teacher of record.
The teacher of record shall oversee the student's overall cyber
education and be the main point of contact for the student or
parent, regardless of whether the teacher of record provides
actual instruction to the student.

(k) Certified professional staff.--All professional staff
members shall hold appropriate State certification.

(l) School.--If a school district enrolls the lesser of at
least 100 students or 20% of the total number of students
enrolled in the school district in full-time cyber education, the school district shall establish a cyber education school. A school district may, at its discretion, establish a cyber education school if the school district does not meet the requirements of this subsection.

(m) Parental communication.--A school district shall establish a method of communication with parents regarding the performance and progress of students enrolled in the cyber education program. Parent-teacher conferences may be conducted through electronic means.

Section 1706-D. Third-party vendors.

(a) Contract with third-party vendors.--The following information must be included in a contract between a school district and third-party vendor:

(1) duration of the service contract;
(2) roles and responsibilities of the third-party vendor, including the governing authority and staff;
(3) the scope of services, personnel and resources to be provided by the third-party vendor;
(4) salaries of the staff assigned to the full-time cyber programs;
(5) performance evaluation measures and timelines;
(6) the compensation structure, including clear identification of all fees to be paid to the third-party vendor;
(7) methods of contract oversight and enforcement;
(8) methods for the collection, use, storage or sharing of student data by the third-party vendor in compliance with Federal and State laws; and
(9) conditions for renewal or termination of the
contract.

(b) Publicly available information.--Contracts entered into under subsection (a) shall be posted on the school district's publicly accessible Internet website. The local board of school directors shall also disclose and explain any potential conflicts of interest between the local board of school directors and the third-party vendor at a public meeting and post the disclosure on the school district's publicly accessible Internet website.

Section 1707-D. Admission.

(a) Admission and application.--All students in this Commonwealth shall qualify for admission to the full-time cyber education programs offered by the resident school district of the student. Each school district shall develop an enrollment application form or utilize the department's model enrollment application form for parents to enroll children in the school district's cyber education programs. All school districts shall provide parents with timely written notification of at least one open enrollment period for full-time students of 90 days or more which ends no later than 60 days before the first day of school. A school district may permit enrollment in the school district's cyber education programs after the open enrollment period.

(b) Eligibility.--If a student is habitually truant, the school district shall withdraw the student from the cyber education programs and the student shall not be eligible to re-enroll in the cyber education programs for a period of two years. The school district shall provide an opportunity for the student or the parent to demonstrate that failure to participate in a cyber education program is due to an event that would be considered an excused absence.
(c) Enrollment not required.--A school district may not require a student to attend a full-time cyber education program.

(d) School district students.--A student enrolled in a school district cyber education program shall be considered a student of the school district.

Section 1708-D. Department responsibilities.

(a) Technical assistance.--The department shall provide technical assistance to school districts to help ensure quality cyber education programs.

(b) Guidelines.--The department shall issue guidelines within 180 days of the effective date of this section to assist school districts in implementing the provisions of this article. The guidelines issued under this subsection shall be posted on the department's publicly accessible Internet website. The guidelines shall include:

(1) best practices for operation of a full-time cyber education program;

(2) recommended third-party vendors to assist school districts in the implementation of this article;

(3) model enrollment and application forms;

(4) model attendance and truancy policies;

(5) model methodologies for the calculation of attendance;

(6) best practices related to special education and cyber education;

(7) available Federal, State or private grants available to develop or maintain cyber education programs; and

(8) any other information as determined by the department.

(c) Report to Governor and General Assembly.--The department...
shall issue an annual report to the Governor and General Assembly beginning on or before October 30, 2022, and October 30 of each year thereafter. The annual report shall:

   (1) outline school district cyber education programs offered in this Commonwealth;
   
   (2) assess the trends and needs in school district cyber education programs; and
   
   (3) make recommendations regarding legislative or regulatory changes needed to improve cyber education.

Section 1709-D. State board responsibilities.

   (a) Regulations.--The State board may issue regulations necessary to implement this article.
   
   (b) Cyber Education Advisory Committee.--The State board shall convene and consult with a Statewide advisory committee on cyber education. The following shall apply:

   (1) The advisory committee shall be appointed by the State board and include at least one of all of the following individuals:

   (i) A school superintendent.
   
   (ii) A school board member.
   
   (iii) A representative from an intermediate unit.
   
   (iv) A representative from a third-party vendor.
   
   (v) A designee from the department.

   (2) Members of the advisory committee shall be selected in order to be representative of the rural, suburban and urban school districts of this Commonwealth.

   (3) The advisory committee shall be convened not later than 60 days after the effective date of this section.

   (4) The advisory committee shall aid in the development of the regulations under subsection (a) and provide guidance...
to the State board and department on an ongoing basis. The
advisory committee shall meet at least annually.

Section 1710-D. Cyber charter schools.

(a) Continuing operation.--A cyber charter school
established under section 1745-A in operation on the effective
date of this section may continue to operate through the 2020-
2021 school year unless the charter of the cyber charter school
is revoked or nonrenewed under section 1729-A.

(b) Ceasing of operations and dissolution.--A cyber charter
school must cease operation and dissolve at the conclusion of
the 2020-2021 school year. After the disposition of any
liabilities and obligations of the cyber charter school, any
remaining assets of the cyber charter school, both real and
personal, shall be distributed on a proportional basis to the
school district with students enrolled in the cyber charter
school. In no event shall the school district or the
Commonwealth be liable for any outstanding liabilities or
obligations of the cyber charter school.

(c) Contract with school district.--A cyber charter school
established under section 1745-A in operation on the effective
date of this article, unless revoked or nonrenewed under section
1729-A, may contract with a school district or school districts
to offer a full-time cyber education program as a nonprofit
corporation.

(d) The department shall not approve any cyber charter
applications under section 1745-A after the effective date of
this section. Any pending applications for a cyber charter
school shall be denied and new applications shall not be
accepted.

Section 1711-D. Prohibitions.
(a) Full-time cyber education program prohibited.--A charter school or regional charter school may not establish a full-time cyber education program.

(b) Blended-learning opportunities permitted.--A charter school or regional charter school may provide blended-learning opportunities to students if permitted by the terms of its charter.

Section 2. This act shall take effect immediately.