

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1143 Session of
2021

INTRODUCED BY ZIMMERMAN, MILLARD, MALONEY AND HILL-EVANS,
APRIL 8, 2021

REFERRED TO COMMITTEE ON EDUCATION, APRIL 8, 2021

AN ACT

1 Amending the act of January 28, 1988 (P.L.24, No.11), entitled
2 "An act defining and providing for the licensing and
3 regulation of private academic schools; reestablishing the
4 State Board of Private Academic Schools; imposing penalties;
5 and making repeals," further providing for definitions, for
6 State Board of Private Academic Schools, for powers and
7 duties of board, for application for license, for issuance
8 and renewal of license, for directory of private academic
9 schools, for requirements for licensure and operation, for
10 enforcement, refusal, suspension or revocation of license and
11 for promulgation of rules and regulations.

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

14 Section 1. Sections 2, 3(c) and (g), 4(b) and (c), 7(a) and
15 (b), 8(a) and (b), 11, 12(a), 13(b)(4) and 14 of the act of
16 January 28, 1988 (P.L.24, No.11), known as the Private Academic
17 Schools Act, are amended to read:

18 Section 2. Definitions.

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

22 "Annual." Twelve months from the date of initial licensure.

1 "Board." The State Board of Private Academic Schools.

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

4 "Office." The Office of Elementary and Secondary Education
5 within the Department of Education of the Commonwealth.

6 "Online school." A school with at least one office located
7 in this Commonwealth which uses technology in order to provide a
8 significant portion of its curriculum and to deliver a
9 significant portion of instruction to its students through the
10 Internet or other electronic means and which shall not include a
11 cyber charter school as provided under Article XVII-A of the act
12 of March 10, 1949 (P.L.30, No.14), known as the Public School
13 Code of 1949.

14 "Premises." Any grounds or facilities utilized by a school
15 for the purposes of providing instruction or in the case of an
16 online school any office space or facilities from which
17 instruction will be transmitted or from which administrative
18 support is offered.

19 "Private academic school" or "school." A school maintained,
20 or classes conducted, for the purpose of offering instruction
21 for a consideration, profit or tuition to five or more pupils at
22 one and the same time, or to 25 or more pupils during any school
23 year, the purpose of which is to educate an individual generally
24 or specially or to prepare an individual for more advanced
25 study, and shall include all schools engaged in such education,
26 including online schools, except private trade schools, private
27 business schools, private correspondence schools, private music
28 schools, private dance schools, private art schools, private
29 dramatic art schools, private schools of charm or poise, private
30 driver training schools or any type of private school which is

1 nonacademic in character.

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

3 Section 3. State Board of Private Academic Schools.

4 * * *

5 (c) Administrative support.--Administrative support for the
6 board shall be provided by the [department] office in accordance
7 with section 214 of the act of April 9, 1929 (P.L.177, No.175),
8 known as The Administrative Code of 1929. The [department]
9 office shall periodically consult with the board regarding its
10 administrative needs.

11 * * *

12 (g) Documents.--Certificates of licensure and other official
13 documents approved by the board shall be issued by the
14 [department] office.

15 Section 4. Powers and duties of board.

16 * * *

17 (b) Disposition of student records.--The board shall require
18 every applicant for initial licensure to provide a written
19 statement describing arrangements for disposition of student
20 records in the event of closure. It shall be the duty of the
21 board and the [department] office to assist in the execution of
22 the arrangements when necessary.

23 (c) Enforcement by [department] office.--The regulations
24 promulgated by the board shall be enforced by the [department]
25 office. The [department] office may submit to individual experts
26 for review, programs and courses and financial statements
27 proposed or offered by a school.

28 Section 7. Application for license.

29 (a) General rule.--Before any license is issued to a private
30 academic school, a verified application shall be made, in

1 writing, to the board on a form prepared and furnished by the
2 [department] office.

3 (b) Application contents.--The application shall require a
4 statement showing:

5 (1) The title or name and address of the school or, in
6 the case of an online school, the school offices, grades and
7 classes, together with the name of the owners and controlling
8 officers.

9 (2) The specific fields of instruction which will be
10 offered and the purposes of such instruction.

11 (3) [The] Any place where instruction will be given[.]
12 or, in the case of an online school, from which instruction
13 will be transmitted or from which administrative support is
14 offered.

15 (4) A specific listing of the equipment and
16 instructional materials available for instruction in the
17 school.

18 (5) The maximum enrollment to be accommodated at the
19 school.

20 (6) The qualifications of teachers, professional staff
21 and director.

22 (7) Financial resources available to equip and maintain
23 the school.

24 (8) An agreement to abide by reasonable service and
25 business ethics prescribed by the board.

26 (9) Any additional information the board may deem
27 necessary to enable it to determine the adequacy of the
28 program of instruction and related matters.

29 An application must be completed for board consideration.

30 * * *

Section 8. Issuance and renewal of license.

(a) General rule.--The [department] office shall issue an original license to the applicant if the board finds that the application and the school for which a license is sought comply with the provisions of this act and with the rules and regulations promulgated under this act.

(b) Duration and renewal.--Each original school license issued shall be effective from the date of issue until the same date of the month of original issue the following year and shall be renewed annually thereafter on a form prepared and furnished by the [department] office.

* * *

Section 11. Directory of private academic schools.

The [department] office shall maintain a list of private academic schools which shall be available to the public.

Section 12. Requirements for licensure and operation.

(a) Inspection.--No private academic school may be granted a license or permitted to continue to operate under a granted license unless it permits the board and its representatives to inspect the school or classes or, in the case of an online school, any office space or facility from which instruction will be transmitted or from which administrative support is offered and makes available to the board, at any time when requested to do so, full information pertaining to the operation of the school.

* * *

Section 13. Enforcement, refusal, suspension or revocation of license.

* * *

(b) Refusal to issue, suspension of and revocation of

1 license.--The board shall have the power to refuse to issue,
2 suspend or revoke a license if it finds that:

3 * * *

4 (4) The applicant or licensee has failed or refused to
5 permit the board or its representatives to inspect the school
6 or classes or, in the case of an online school, any office
7 space or facility from which instruction will be transmitted
8 or from which administrative support is offered or has failed
9 or refused to make available to the board, at any time when
10 requested to do so, full information pertaining to any or all
11 items of information contained in an application for license
12 or pertaining to the operation of the private academic
13 school.

14 * * *

15 Section 14. Promulgation of rules and regulations.

16 (a) General rule.--The board shall promulgate rules and
17 regulations necessary to carry out the purposes of this act. The
18 rules and regulations of the State Board of Private Academic
19 Schools in force on the effective date of this act, and not
20 countermanded by this act, shall remain in effect until repealed
21 or amended by the board, but not for a period of more than one
22 year.

23 (b) Online schools.--

24 (1) The board shall promulgate rules and regulations and
25 establish policies, principles and standards necessary to
26 carry out the purposes of this act as they relate to online
27 schools and which:

28 (i) address the unique provision of instruction and
29 services to students by online schools; and

30 (ii) provide for any additional requirements or

1 exemptions as may be required to accommodate the ability
2 of online schools to provide instruction and student
3 services.

4 (2) The rules, regulations, policies, principles and
5 standards shall take effect within 18 months of the effective
6 date of this subsection.

7 (3) Notwithstanding any other provision of this act to
8 the contrary, the board may not issue a license to an online
9 school until the rules and regulations, policies, principles
10 and standards required by paragraph (1) are in effect.

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