

## 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.

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

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

12 ARTICLE XV-H

13 ONLINE EDUCATION INITIATIVE

14 Section 1501-H. Definitions.

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

18 "Approved provider." A nonprofit or for-profit organization,  
19 business, institution of higher education or school entity that

1 has been approved by the department to provide specifically  
2 approved online courses to school entities under this article.

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

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

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

8 (2) A university within the State System of Higher  
9 Education.

10 (3) The Pennsylvania State University.

11 (4) The University of Pittsburgh.

12 (5) Temple University.

13 (6) Lincoln University.

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

16 (8) Any accredited private or independent college or  
17 university.

18 (9) Any private licensed school as defined in the act of  
19 December 15, 1986 (P.L.1585, No.174), known as the Private  
20 Licensed Schools Act.

21 "Online course." A course of study that uses technology in  
22 order to provide a significant portion of its curriculum and to  
23 deliver a significant portion of instruction to students through  
24 the Internet or other electronic means. The term shall include  
25 all services and materials related to such course.

26 "Provider." A nonprofit or for-profit organization,  
27 business, institution of higher education or school entity which  
28 has submitted one or more online courses to the department for  
29 approval and use under this article.

30 "School entity." A school district, joint school district,

1 charter school, cyber charter school, intermediate unit or area  
2 vocational-technical school.

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

5 (a) Duty to establish.--Within one year of the effective  
6 date of this section the department shall establish a central  
7 clearinghouse of online courses for students enrolled in grades  
8 three through twelve and which clearinghouse shall be accessible  
9 by school entities. In establishing the clearinghouse the  
10 department shall:

11 (1) Establish an application process for providers to  
12 submit their online course offerings for review by the  
13 department.

14 (2) Review the online course offerings submitted by  
15 providers and approve those that:

16 (i) are aligned to the State academic standards for  
17 education;

18 (ii) provide a detailed and quality curriculum and  
19 accountability plan;

20 (iii) possess an assessment component for  
21 determining student proficiency; and

22 (iv) have been adapted to the age, development and  
23 needs of the students.

24 (3) Create an online database that catalogs approved  
25 providers and the approved online courses submitted by those  
26 providers, and make the database available to school  
27 entities.

28 (4) At least annually, update the database of approved  
29 providers and online courses by adding or removing approved  
30 providers and online courses as necessary to provide

1 extensive, quality online course options to school entities.

2 (5) Construct the database required in paragraph (3) in  
3 such a way as to:

4 (i) provide school entities with sufficient  
5 information on each approved online course; and

6 (ii) ensure ease of communication between a school  
7 entity and an approved provider to facilitate the  
8 purchasing of approved online courses.

9 (b) Fees, approval periods and purchasing.--The review,  
10 approval and purchase of online courses shall be administered by  
11 the department as follows:

12 (1) The department may establish an administrative fee,  
13 not to exceed \$500, for the purpose of reviewing each online  
14 course submitted by a provider. Beginning in the 2016-2017  
15 school year and each year thereafter the fee shall be subject  
16 to annual adjustment in accordance with section 120.

17 (2) If, after a review of an online course under the  
18 provisions of subsection (a) (2), the department decides to  
19 withhold approval, the department shall notify the provider  
20 of the reason approval was withheld so that the provider may  
21 make the necessary adjustments for resubmittal of the online  
22 course. Any online course that has been resubmitted for  
23 review shall be subject to the administrative fee provided  
24 for in paragraph (1).

25 (3) Each online course approved under subsection (a) (2)  
26 shall be authorized by the department for use by school  
27 entities under the provisions of this article for a period of  
28 five years.

29 (4) Upon the expiration of a five-year period of  
30 approval, a formerly approved online course must be

1 resubmitted to the department for review and reapproval. The  
2 department may establish an administrative fee, not to exceed  
3 \$250 for the purpose of reviewing an online course for  
4 reapproval. Beginning in the 2016-2017 school year and each  
5 year thereafter the fee shall be subject to annual adjustment  
6 in accordance with section 120.

7 (5) The department may withdraw approval of an online  
8 course at any time if the department determines that the  
9 online course is no longer adequately aligned with the State  
10 academic standards or no longer provides a detailed and  
11 quality curriculum and accountability plan.

12 (6) The department shall notify a provider immediately  
13 following the approval of each online course submitted by the  
14 provider. Upon receiving such notification the approved  
15 provider may enter into contracts with school entities for  
16 the provision of the approved online course, but in doing so,  
17 the approved provider may not charge a school entity a  
18 purchase price of more than \$400 per participating student  
19 per course per school year.

20 Section 1503-H. Participation by school entities.

21 Beginning in the 2015-2016 school year and each year  
22 thereafter, each school entity shall offer its students in  
23 grades three through twelve the opportunity to participate in  
24 the online courses approved by the department under this  
25 article. In providing this opportunity a school entity shall:

26 (1) Establish policies and procedures for student  
27 eligibility and participation, including a policy on the  
28 selection of courses made available to students by the school  
29 entity from the clearinghouse established in section 1502-H.  
30 The policies and procedures established by a school entity

1 shall be consistent with the regulations adopted pursuant to  
2 section 1504-H, and shall be made accessible to parents and  
3 students and posted on the school entity's publicly  
4 accessible Internet website.

5 (2) Ensure that parents and students are made aware of  
6 the opportunity for online learning under this article and  
7 make information about available online courses easily  
8 accessible to parents and students.

9 (3) Contract with approved providers for the provision  
10 of approved online courses.

11 Section 1504-H. Regulations.

12 (a) General rule.--Within one year of the effective date of  
13 this section, the State Board of Education shall promulgate  
14 final-omitted regulations pursuant to the act of June 25, 1982  
15 (P.L.633, No.181), known as the Regulatory Review Act, necessary  
16 to implement this article.

17 (b) Consultation.--In promulgating the regulations required  
18 under subsection (a), the State Board of Education shall consult  
19 with school directors, school administrators, school business  
20 officials, teachers, providers, parents and students.

21 Section 1505-H. Report.

22 The secretary shall submit a report on the clearinghouse and  
23 the participation of school entities to the Governor, the  
24 chairman and minority chairman of the Education Committee of the  
25 Senate and the chairman and minority chairman of the Education  
26 Committee of the House of Representatives. The report shall be  
27 submitted no later than June 30, 2020, and shall at a minimum  
28 include all of the following information:

29 (1) The number of students participating in online  
30 courses approved under this article.

1           (2) The number of approved providers.

2           (3) The number of approved online courses.

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

5           (5) An assessment of the academic impact the online  
6 courses approved under this article have had on the  
7 participating students.

8           (6) An assessment of the financial costs to school  
9 districts for participating in the online courses approved by  
10 the department under this article.

11 Section 1506-H. School entity online course or program.

12           Nothing in this article shall be construed to prevent a  
13 school entity from establishing its own online course or program  
14 in accordance with this act.

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