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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1123 Session of  
2013

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INTRODUCED BY DENLINGER, MILLARD, GINGRICH, LAWRENCE, SWANGER,  
CLYMER, ROCK, AUMENT AND GROVE, APRIL 8, 2013

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REFERRED TO COMMITTEE ON EDUCATION, APRIL 8, 2013

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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 or,  
12 in the case of an online school, from which instruction will  
13 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 \* \* \*

1 Section 8. Issuance and renewal of license.

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

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

12 \* \* \*

13 Section 11. Directory of private academic schools.

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

16 Section 12. Requirements for licensure and operation.

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

26 \* \* \*

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

29 \* \* \*

30 (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.