

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 868 Session of 2019

INTRODUCED BY ZIMMERMAN, HICKERNELL AND MILLARD, MARCH 18, 2019

REFERRED TO COMMITTEE ON EDUCATION, MARCH 18, 2019

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.

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

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

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

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

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

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

1 "Secretary." The Secretary of Education of the Commonwealth.  
2 Section 3. State Board of Private Academic Schools.

3 \* \* \*

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

10 \* \* \*

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

14 Section 4. Powers and duties of board.

15 \* \* \*

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

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

27 Section 7. Application for license.

28 (a) General rule.--Before any license is issued to a private  
29 academic school, a verified application shall be made, in  
30 writing, to the board on a form prepared and furnished by the

1 [department] office.

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

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

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

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

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

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

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

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

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

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

28 An application must be completed for board consideration.

29 \* \* \*

30 Section 8. Issuance and renewal of license.

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

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

11 \* \* \*

12 Section 11. Directory of private academic schools.

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

15 Section 12. Requirements for licensure and operation.

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

25 \* \* \*

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

28 \* \* \*

29 (b) Refusal to issue, suspension of and revocation of  
30 license.--The board shall have the power to refuse to issue,

1 suspend or revoke a license if it finds that:

2 \* \* \*

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

13 \* \* \*

14 Section 14. Promulgation of rules and regulations.

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

22 (b) Online schools.--

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

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

29 (ii) provide for any additional requirements or  
30 exemptions as may be required to accommodate the ability

1           of online schools to provide instruction and student  
2           services.

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

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

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