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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1897 Session of  
2019

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

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REFERRED TO COMMITTEE ON EDUCATION, SEPTEMBER 30, 2019

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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 school district cyber  
6 education.

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 XVII-D

13 SCHOOL DISTRICT CYBER EDUCATION

14 Section 1701-D. Short title of article.

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

17 Section 1702-D. Legislative findings and intent.

18 The General Assembly finds and declares that:

19 (1) Students in this Commonwealth should have access to  
20 high-quality online learning that provides the competency and

1 skills necessary to succeed in the global economy.

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

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

11 Section 1703-D. Definitions.

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

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

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

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

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

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

1 "Cyber school." A school established by a school district in  
2 which the school uses technology in order to provide a  
3 significant portion of curriculum to deliver a significant  
4 portion of instruction to students through the Internet or other  
5 electronic means.

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

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

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

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

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

19 (2) A university within the State System of Higher  
20 Education under Article XX-A.

21 (3) A State-related institution as defined in section  
22 1502-A.

23 (4) Any accredited nonprofit public, private or  
24 independent college or university.

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

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

30 "State board." The State Board of Education of the

1 Commonwealth.

2 "Synchronous learning." Student participation in a cyber  
3 course at the same time, but in a different location, as the  
4 instructor and other students.

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

9 Section 1704-D. School district duties.

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

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

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

21 (1) The identification of the school district.

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

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

27 (4) The curriculum to be offered, the methods to assess  
28 whether students are meeting educational goals and the  
29 methods to assist students who are not meeting educational  
30 goals.

1       (5) The application and admission process for the  
2 enrollment of students in the full-time cyber education  
3 programs.

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

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

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

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

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

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

18       (12) Budget and projected enrollment.

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

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

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

27       (e) Program offering.--A school district shall offer full-  
28 time cyber education programs no later than the beginning of the  
29 2021-2022 school year.

30       (f) Annual reports.--Beginning August 1, 2022, and each

1 August 1 thereafter, a school district shall submit an annual  
2 report describing the cyber education programs of the school  
3 district in a form and manner prescribed by the department. The  
4 annual report shall include the following information enumerated  
5 by program:

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

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

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

- 19 (1) A school district shall develop a full-time cyber  
20 education program or contract with a third-party vendor or  
21 third-party vendors to provide students with a full-time  
22 cyber education program.
- 23 (2) In addition to the full-time cyber education program  
24 offered by a school district under paragraph (1), a school  
25 district shall provide students with the option to  
26 participate in at least two alternative full-time cyber  
27 education programs. A school district shall contract with a  
28 third-party vendor other than a school district or  
29 intermediate unit to provide content for the alternative  
30 full-time cyber education programs.

1 (b) Robust course offerings required.--The full-time cyber  
2 education programs shall include robust selections of course  
3 offerings in core subjects and electives designed to enable  
4 students to gain competency in each cyber course. The cyber  
5 course offerings shall include varying course levels comparable  
6 to the levels offered by the school district's traditional  
7 education program, including advanced course levels.

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

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

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

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

22 (1) all instructional materials;

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

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

28 (g) Annual onboarding process and orientation.--A school  
29 district shall establish and implement an annual onboarding  
30 process and orientation for a parent of a student and student

1 participating in a cyber education program which shall:

2 (1) provide and review all cyber education program  
3 policies;

4 (2) discuss student engagement and parental involvement;

5 (3) include any materials provided by a third-party  
6 vendor for students or parents; and

7 (4) prohibit enrollment of a student in the cyber  
8 education program if the parent and student do not  
9 participate in the onboarding process and orientation.

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

13 (1) At the elementary level, 25:1.

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

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

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

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

29 (l) School.--If a school district enrolls the lesser of at  
30 least 100 students or 20% of the total number of students



1 enrolled in the school district in full-time cyber education,  
2 the school district shall establish a cyber education school. A  
3 school district may, at its discretion, establish a cyber  
4 education school if the school district does not meet the  
5 requirements of this subsection.

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

11 Section 1706-D. Third-party vendors.

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

15 (1) duration of the service contract;

16 (2) roles and responsibilities of the third-party  
17 vendor, including the governing authority and staff;

18 (3) the scope of services, personnel and resources to be  
19 provided by the third-party vendor;

20 (4) salaries of the staff assigned to the full-time  
21 cyber programs;

22 (5) performance evaluation measures and timelines;

23 (6) the compensation structure, including clear  
24 identification of all fees to be paid to the third-party  
25 vendor;

26 (7) methods of contract oversight and enforcement;

27 (8) methods for the collection, use, storage or sharing  
28 of student data by the third-party vendor in compliance with  
29 Federal and State laws; and

30 (9) conditions for renewal or termination of the

1 contract.

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

10 Section 1707-D. Admission.

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

23 (b) Eligibility.--If a student is habitually truant, the  
24 school district shall withdraw the student from the cyber  
25 education programs and the student shall not be eligible to re-  
26 enroll in the cyber education programs for a period of two  
27 years. The school district shall provide an opportunity for the  
28 student or the parent to demonstrate that failure to participate  
29 in a cyber education program is due to an event that would be  
30 considered an excused absence.

1 (c) Enrollment not required.--A school district may not  
2 require a student to attend a full-time cyber education program.

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

6 Section 1708-D. Department responsibilities.

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

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

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

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

20 (3) model enrollment and application forms;

21 (4) model attendance and truancy policies;

22 (5) model methodologies for the calculation of  
23 attendance;

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

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

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

30 (c) Report to Governor and General Assembly.--The department

1 shall issue an annual report to the Governor and General  
2 Assembly beginning on or before October 30, 2022, and October 30  
3 of each year thereafter. The annual report shall:

4 (1) outline school district cyber education programs  
5 offered in this Commonwealth;

6 (2) assess the trends and needs in school district cyber  
7 education programs; and

8 (3) make recommendations regarding legislative or  
9 regulatory changes needed to improve cyber education.

10 Section 1709-D. State board responsibilities.

11 (a) Regulations.--The State board may issue regulations  
12 necessary to implement this article.

13 (b) Cyber Education Advisory Committee.--The State board  
14 shall convene and consult with a Statewide advisory committee on  
15 cyber education. The following shall apply:

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

19 (i) A school superintendent.

20 (ii) A school board member.

21 (iii) A representative from an intermediate unit.

22 (iv) A representative from a third-party vendor.

23 (v) A designee from the department.

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

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

29 (4) The advisory committee shall aid in the development  
30 of the regulations under subsection (a) and provide guidance

1 to the State board and department on an ongoing basis. The  
2 advisory committee shall meet at least annually.

3 Section 1710-D. Cyber charter schools.

4 (a) Continuing operation.--A cyber charter school  
5 established under section 1745-A in operation on the effective  
6 date of this section may continue to operate through the 2020-  
7 2021 school year unless the charter of the cyber charter school  
8 is revoked or nonrenewed under section 1729-A.

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

19 (c) Contract with school district.--A cyber charter school  
20 established under section 1745-A in operation on the effective  
21 date of this article, unless revoked or nonrenewed under section  
22 1729-A, may contract with a school district or school districts  
23 to offer a full-time cyber education program as a nonprofit  
24 corporation.

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

30 Section 1711-D. Prohibitions.

1     (a) Full-time cyber education program prohibited.--A charter  
2 school or regional charter school may not establish a full-time  
3 cyber education program.

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

8     Section 2. This act shall take effect immediately.