

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1330 Session of 2021

INTRODUCED BY ORTITAY, HILL-EVANS, GAYDOS AND CIRESI, MAY 5, 2021

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, MARCH 29, 2022

AN ACT

~~1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," providing for supplemental online course initiative; and establishing the Online Course Clearinghouse Restricted Account.~~

8 AMENDING THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), ENTITLED "AN ACT RELATING TO THE PUBLIC SCHOOL SYSTEM, INCLUDING CERTAIN PROVISIONS APPLICABLE AS WELL TO PRIVATE AND PAROCHIAL SCHOOLS; AMENDING, REVISING, CONSOLIDATING AND CHANGING THE LAWS RELATING THERETO," PROVIDING FOR EDUCATIONAL AND PROFESSIONAL DEVELOPMENT ONLINE COURSE INITIATIVE; AND ESTABLISHING THE ONLINE COURSE CLEARINGHOUSE RESTRICTED ACCOUNT.

16 The General Assembly of the Commonwealth of Pennsylvania
17 hereby enacts as follows:

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

ARTICLE XV K

SUPPLEMENTAL ONLINE COURSE INITIATIVE

23 Section 1501 K. Definitions.

24 The following words and phrases when used in this article

1 ~~shall have the meanings given to them in this section unless the~~
2 ~~context clearly indicates otherwise:~~

3 ~~"Account." The Online Course Clearinghouse Restricted~~
4 ~~Account established under section 1502-K(g).~~

5 ~~"Clearinghouse." The central online clearinghouse~~
6 ~~established under section 1502-K.~~

7 ~~"Department." The Department of Education of the~~
8 ~~Commonwealth.~~

9 ~~"Home education program." A program conducted in compliance~~
10 ~~with section 1327.1.~~

11 ~~"Institution of higher education." The term includes any of~~
12 ~~the following:~~

13 ~~(1) A community college operating under Article XIX A.~~

14 ~~(2) A university within the State System of Higher~~
15 ~~Education.~~

16 ~~(3) The Pennsylvania State University.~~

17 ~~(4) The University of Pittsburgh.~~

18 ~~(5) Temple University.~~

19 ~~(6) Lincoln University.~~

20 ~~(7) Any other institution that is designated as "State~~
21 ~~related" by the Commonwealth.~~

22 ~~(8) The Thaddeus Stevens College of Technology.~~

23 ~~(9) Any accredited private or independent college or~~
24 ~~university.~~

25 ~~(10) Any private licensed school as defined in the act~~
26 ~~of December 15, 1986 (P.L.1585, No.174), known as the Private~~
27 ~~Licensed Schools Act.~~

28 ~~"Keystone Exam." An assessment developed or caused to be~~
29 ~~developed by the department under 22 Pa. Code § 4.51b (relating~~
30 ~~to Keystone Exams).~~

1 ~~"Nonpublic school." A school, other than a public school,~~
2 ~~located within this Commonwealth where a Commonwealth resident~~
3 ~~may legally fulfill the compulsory school attendance~~
4 ~~requirements of this act and that meets the applicable~~
5 ~~requirements of Title VI of the Civil Rights Act of 1964 (Public~~
6 ~~Law 88 352, 78 Stat. 241).~~

7 ~~"Online course." A course of study that uses technology in~~
8 ~~order to provide a significant portion of its curriculum and to~~
9 ~~deliver a significant portion of instruction to students through~~
10 ~~the Internet or other electronic means. The term shall include~~
11 ~~all services and materials related to such course.~~

12 ~~"Provider." An individual or a nonprofit or for profit~~
13 ~~organization, business, institution of higher education or~~
14 ~~school entity which has submitted one or more online courses to~~
15 ~~the Department of Education for inclusion in the clearinghouse~~
16 ~~established under this article.~~

17 ~~"School entity." A school district, joint school district,~~
18 ~~charter school, regional charter school, cyber charter school,~~
19 ~~intermediate unit or area career and technical school.~~

20 ~~"Secretary." The Secretary of Education of the Commonwealth.~~
21 ~~Section 1502 K. Clearinghouse for online course offerings.~~

22 ~~(a) Duty to establish. The department shall establish a~~
23 ~~central online clearinghouse which shall at a minimum include an~~
24 ~~online database of online courses for students enrolled in~~
25 ~~grades six through twelve and shall be accessible by school~~
26 ~~entities, nonpublic schools, home education programs and the~~
27 ~~general public. In establishing the clearinghouse, the~~
28 ~~department shall adhere to the following implementation~~
29 ~~schedule:~~

30 ~~(1) From the date of establishment of the clearinghouse~~

~~1 which shall be no later than the commencement of the 2022-
2 2023 school year and in each school year thereafter, the
3 clearinghouse shall offer online courses for all content
4 areas assessed by a Keystone Exam, as well as online courses
5 which provide supplementary instruction relating to a
6 Keystone Exam, free of charge to school entities. In
7 providing these online courses, the department shall develop
8 or cause to be developed online courses which meet the
9 requirements of subsection (c)(2). The department may utilize
10 any existing online courses it has already developed for
11 content areas assessed by a Keystone Exam in meeting this
12 requirement.~~

~~13 (2) Beginning in the 2023-2024 school year and in each
14 school year thereafter, the clearinghouse shall offer those
15 online courses from providers that have been approved under
16 subsection (c) in addition to the courses required to be
17 offered under paragraph (1). Online courses included in the
18 clearinghouse from providers under this paragraph shall be
19 subject to purchase under the provisions of subsection (f).~~

~~20 (b) Responsibilities of department. The department shall:~~

~~21 (1) Create an online database that catalogs those online
22 courses for which an application was approved under
23 subsection (c) and which the department shall develop or
24 cause to be developed and make the database available to
25 school entities, nonpublic schools, home education programs
26 and the general public.~~

~~27 (2) Construct the database provided for in paragraph (1)
28 in such a way as to:~~

~~29 (i) Provide information on each online course listed
30 in the database, including, but not limited to, a~~

~~description of the content and applicable grade levels of each online course.~~

~~(ii) Provide each school entity, nonpublic school or home education program which has utilized an online course from the clearinghouse the opportunity to present feedback and rate the online course which the school entity, nonpublic school or home education program has utilized. In providing feedback, each school entity, nonpublic school or home education program may, with discretion and in compliance with all applicable Federal and State laws, share on the database personal comments received by the school entity, nonpublic school or home education program from parents and students about the online course.~~

~~(iii) Display feedback and a cumulative rating of an online course as a part of the information provided about the online course.~~

~~(iv) Facilitate communication between school entities, nonpublic schools or home education programs and providers of online courses cataloged in the clearinghouse to expedite the purchasing of those online courses.~~

~~(3) At least annually, or at any time the status of an online course changes, update the database provided for in paragraph (1).~~

~~(4) Collect application fees provided for in subsection (d) and deposit the fees into the account.~~

~~(5) Utilize the funds in the account, including interest on the funds, to pay expenses incurred by the department in carrying out its duties under this article.~~

1 ~~(6) Explore the possibility for Federal and private~~
2 ~~funding to support the clearinghouse.~~

3 ~~(7) Upon request, provide assistance to school districts~~
4 ~~which have been declared to be in financial recovery status~~
5 ~~or identified for financial watch status under Article VI A~~
6 ~~by facilitating the school districts' search for low cost or~~
7 ~~no cost online course options.~~

8 ~~(c) Applications. The department shall develop an~~
9 ~~application and an application process that specify the time,~~
10 ~~form and manner by which providers may submit their online~~
11 ~~course offerings to the department for inclusion in the~~
12 ~~clearinghouse. The department shall approve applications under~~
13 ~~one of the following procedures:~~

14 ~~(1) In the case of an online course which does not~~
15 ~~provide instruction in a content area assessed by a Keystone~~
16 ~~Exam and which is not used to provide supplementary~~
17 ~~instruction relating to a Keystone Exam, a provider may~~
18 ~~submit an application to the department for approval of the~~
19 ~~online course through a certification process. The~~
20 ~~application for this process shall include:~~

21 ~~(i) A notarized affidavit certifying that the online~~
22 ~~course being submitted for inclusion in the clearinghouse~~
23 ~~is aligned to the State academic standards for education~~
24 ~~provided for in 22 Pa. Code Ch. 4 (relating to academic~~
25 ~~standards and assessment).~~

26 ~~(ii) Evidence that the online course being submitted~~
27 ~~for inclusion in the clearinghouse fulfills at least one~~
28 ~~of the following criteria:~~

29 ~~(A) has been approved by another state for use~~
30 ~~by its public schools;~~

1 ~~(B) has been developed by a provider that has~~
2 ~~been accredited by a national accreditation body~~
3 ~~recognized by the United States Department of~~
4 ~~Education; or~~

5 ~~(C) has been designed by a school entity that~~
6 ~~utilizes the online course or provides the online~~
7 ~~course to another school entity for its use.~~

8 ~~(iii) Evidence that the online course being~~
9 ~~submitted for inclusion in the clearinghouse includes an~~
10 ~~assessment component for determining student performance.~~

11 ~~(2) In the case of an online course which provides~~
12 ~~instruction in a content area assessed by a Keystone Exam or~~
13 ~~which is used to provide supplementary instruction relating~~
14 ~~to a Keystone Exam, a provider shall submit an application to~~
15 ~~the department for approval of the online course through a~~
16 ~~department review process. The department shall perform a~~
17 ~~review of the online course to confirm that the online course~~
18 ~~meets the following criteria:~~

19 ~~(i) Is aligned to the State academic standards for~~
20 ~~education provided for in 22 Pa. Code Ch. 4.~~

21 ~~(ii) Provides a detailed and quality curriculum and~~
22 ~~accountability plan.~~

23 ~~(iii) Includes an assessment component for~~
24 ~~determining student proficiency.~~

25 ~~(iv) Is adapted to the age, development and needs of~~
26 ~~the students.~~

27 ~~(3) In the case of an online course which does not~~
28 ~~provide instruction in a content area assessed by a Keystone~~
29 ~~Exam and which is not used to provide supplementary~~
30 ~~instruction relating to a Keystone Exam, a provider may~~

1 ~~submit an application to the department for approval of the~~
2 ~~online course through the department review process~~
3 ~~established in paragraph (2).~~

4 ~~(d) Fees, application review and approval. The following~~
5 ~~shall apply to the establishment of fees and the review and~~
6 ~~approval of applications:~~

7 ~~(1) The department may establish a nonrefundable~~
8 ~~administrative fee not to exceed \$75 for the purpose of~~
9 ~~reviewing each application submitted by a provider under~~
10 ~~subsection (c)(1).~~

11 ~~(2) The department may establish a nonrefundable~~
12 ~~administrative fee not to exceed \$750 for the purpose of~~
13 ~~reviewing each application submitted by a provider under~~
14 ~~subsection (c)(2) or (3).~~

15 ~~(3) If, after a review of an application, the department~~
16 ~~determines that the application meets the applicable~~
17 ~~requirements under subsection (c), the department shall~~
18 ~~approve the application, notify the provider of the approval~~
19 ~~and include the online course in the database provided for~~
20 ~~under subsection (b)(1) until such time as the provider~~
21 ~~requests that the online course be removed or the department~~
22 ~~removes the online course under the provisions of paragraph~~
23 ~~(5).~~

24 ~~(4) If, after a review of an application, the department~~
25 ~~determines that the application does not meet the applicable~~
26 ~~requirements under subsection (c), the department shall~~
27 ~~withhold approval of the application and notify the provider~~
28 ~~of the reason approval was withheld so that the provider may~~
29 ~~revise and resubmit the application. Any application that has~~
30 ~~been resubmitted for review shall be subject to the~~

1 ~~associated administrative fee authorized by this subsection.~~

2 ~~(5) The department may revisit and review any approved~~
3 ~~application at any time and remove the associated online~~
4 ~~course from the database provided for under subsection (b)(1)~~
5 ~~if the department determines that:~~

6 ~~(i) the information contained in the application was~~
7 ~~false or misleading or is no longer accurate;~~

8 ~~(ii) the online course has been materially changed~~
9 ~~or revised in such a way that the approval previously~~
10 ~~granted for the online course should not apply and the~~
11 ~~provider of the online course has not submitted an~~
12 ~~application to the department seeking approval of the~~
13 ~~revisions to the online course in accordance with the~~
14 ~~application and fee requirements of this section; or~~

15 ~~(iii) the standards applicable to the course have~~
16 ~~materially changed in such a way that the approval~~
17 ~~previously granted for the online course should not apply~~
18 ~~and the provider of the online course has not submitted~~
19 ~~an application to the department within 30 days seeking~~
20 ~~approval of the online course with revisions to address~~
21 ~~the revised standards in accordance with the application~~
22 ~~and fee requirements of this section.~~

23 ~~(c) Appeal. A determination by the department that an~~
24 ~~online course which provides instruction in a content area~~
25 ~~assessed by a Keystone Exam or which is used to provide~~
26 ~~supplementary instruction relating to a Keystone Exam does not~~
27 ~~meet the criteria under subsection (c)(2) shall be appealable~~
28 ~~under 2 Pa.C.S. (relating to administrative law and procedure).~~

29 ~~(f) Contracts for the provision of courses cataloged in the~~
30 ~~clearinghouse. The following shall apply to contracts entered~~

1 ~~into by school entities, nonpublic schools or home education~~
2 ~~programs and providers of online courses cataloged in the~~
3 ~~clearinghouse:~~

4 ~~(1) The purchase price and other payment and contract~~
5 ~~terms of an online course cataloged in the clearinghouse~~
6 ~~shall be determined by direct negotiations between a school~~
7 ~~entity, nonpublic school or home education program and a~~
8 ~~provider.~~

9 ~~(2) A school entity, nonpublic school or home education~~
10 ~~program shall not be required to pay more than 60% of the~~
11 ~~total purchase price per participating student for an online~~
12 ~~course prior to a student's completion of the online course.~~
13 ~~Upon a student's completion of an online course, the school~~
14 ~~entity, nonpublic school or home education program shall pay~~
15 ~~the provider the remainder of the total purchase price per~~
16 ~~participating student for each student that completed the~~
17 ~~online course.~~

18 ~~(3) Immediately upon commencing negotiations of the~~
19 ~~terms of a contract for an online course, a provider shall~~
20 ~~provide the school entity, nonpublic school or home education~~
21 ~~program with information regarding refund policies and the~~
22 ~~process for contesting payment amounts.~~

23 ~~(g) Online Course Clearinghouse Restricted Account.~~

24 ~~(1) There is established a restricted revenue account in~~
25 ~~the General Fund to be known as the Online Course~~
26 ~~Clearinghouse Restricted Account.~~

27 ~~(2) The account shall consist of application fees~~
28 ~~collected under subsection (d), fines collected under section~~
29 ~~1504 K and any interest generated by funds in the account.~~

30 ~~(3) The funds in the account are appropriated to the~~

~~department on a continuing basis for the purposes of paying expenses incurred by the department in carrying out its duties relating to the administration of the clearinghouse under this article.~~

~~Section 1503 K. School entities.~~

~~A school entity may utilize any online course made available through a school entity, through the clearinghouse or through any other source. A school entity that offers online courses to students shall:~~

~~(1) Determine how instruction relating to an online course shall be delivered.~~

~~(2) Establish policies and procedures for student eligibility and participation, including a policy on the selection of online courses made available to students by the school entity. The policies and procedures shall be made accessible to parents and students and posted on the school entity's publicly accessible Internet website.~~

~~(3) Ensure that parents and students are made aware of the opportunity for online learning and make information about available online courses easily accessible to parents and students.~~

~~Section 1504 K. Penalties.~~

~~(a) Participation prohibited. If the department determines that a provider intentionally submitted false or misleading information on an application, the provider shall be prohibited from participating in the clearinghouse for a period of five years.~~

~~(b) Fine. In addition to the penalty provided under subsection (a), a provider may be assessed a fine of up to \$1,000 for each application on which the provider was found by~~

1 ~~the department to have intentionally submitted false or~~
2 ~~misleading information.~~

3 ~~(c) Deposit of fines. Any fines assessed in accordance with~~
4 ~~this section shall be deposited into the account.~~

5 ~~(d) Appeal. A determination by the department that a~~
6 ~~provider intentionally submitted false or misleading information~~
7 ~~on an application shall be appealable under 2 Pa.C.S. (relating~~
8 ~~to administrative law and procedure).~~

9 ~~Section 1505 K. Report.~~

10 ~~The secretary shall submit a report to the Governor, the~~
11 ~~chairperson and minority chairperson of the Education Committee~~
12 ~~of the Senate and the chairperson and minority chairperson of~~
13 ~~the Education Committee of the House of Representatives and post~~
14 ~~the report on the department's publicly accessible Internet~~
15 ~~website no later than June 30, 2027. The report shall at a~~
16 ~~minimum include all of the following information:~~

17 ~~(1) The number of students participating in online~~
18 ~~courses.~~

19 ~~(2) The number of students participating in online~~
20 ~~courses from the clearinghouse.~~

21 ~~(3) The number of online courses available through the~~
22 ~~clearinghouse.~~

23 ~~(4) A description of the types of online courses~~
24 ~~available through the clearinghouse.~~

25 ~~(5) An assessment of the academic impact of online~~
26 ~~courses on the participating students.~~

27 ~~(6) Recommendations for improving the clearinghouse.~~

28 ~~Section 1506 K. Construction.~~

29 ~~Nothing in this article shall be construed:~~

30 ~~(1) To prevent a school entity from establishing and~~

1 ~~offering its own online course or program.~~

2 ~~(2) To prevent a school entity or school entity~~
3 ~~personnel from:~~

4 ~~(i) supplementing an online course;~~

5 ~~(ii) providing assistance, tutoring or enrichment to~~
6 ~~a student enrolled in an online course;~~

7 ~~(iii) using the content of an online course in~~
8 ~~instruction delivered by school district personnel; or~~

9 ~~(iv) monitoring a student's progress and attention~~
10 ~~to instruction in an online course.~~

11 ~~(3) To require a student to participate in an online~~
12 ~~course offered by a school entity.~~

13 ~~(4) To supersede or preempt the rights, remedies and~~
14 ~~procedures afforded to school employees or labor~~
15 ~~organizations under Federal or State law, including the act~~
16 ~~of July 23, 1970 (P.L.563, No.195), known as the Public~~
17 ~~Employe Relations Act, or any provision of a collective~~
18 ~~bargaining agreement negotiated between a school entity and~~
19 ~~an exclusive representative of the employees in accordance~~
20 ~~with that act.~~

21 ~~Section 1507-K. Regulations.~~

22 ~~The State Board of Education may promulgate regulations under~~
23 ~~the act of June 25, 1982 (P.L.633, No.181), known as the~~
24 ~~Regulatory Review Act, necessary to establish approval periods~~
25 ~~for courses approved under section 1502 K(d) and to implement~~
26 ~~this article.~~

27 ~~Section 2. This act shall take effect in 60 days.~~

28 SECTION 1. THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN <--
29 AS THE PUBLIC SCHOOL CODE OF 1949, IS AMENDED BY ADDING AN
30 ARTICLE TO READ:

1 ARTICLE XV-K

2 EDUCATIONAL AND PROFESSIONAL DEVELOPMENT

3 ONLINE COURSE INITIATIVE

4 SECTION 1501-K. DEFINITIONS.

5 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ARTICLE
6 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
7 CONTEXT CLEARLY INDICATES OTHERWISE:

8 "ACCOUNT." THE ONLINE COURSE CLEARINGHOUSE RESTRICTED
9 ACCOUNT ESTABLISHED UNDER SECTION 1502-K(H).

10 "CLEARINGHOUSE." THE CENTRAL ONLINE CLEARINGHOUSE
11 ESTABLISHED UNDER SECTION 1502-K.

12 "DEPARTMENT." THE DEPARTMENT OF EDUCATION OF THE
13 COMMONWEALTH.

14 "HOME EDUCATION PROGRAM." A PROGRAM CONDUCTED IN COMPLIANCE
15 WITH SECTION 1327.1.

16 "INSTITUTION OF HIGHER EDUCATION." ANY OF THE FOLLOWING:

17 (1) A COMMUNITY COLLEGE OPERATING UNDER ARTICLE XIX-A.

18 (2) A UNIVERSITY WITHIN THE STATE SYSTEM OF HIGHER
19 EDUCATION.

20 (3) THE PENNSYLVANIA STATE UNIVERSITY.

21 (4) THE UNIVERSITY OF PITTSBURGH.

22 (5) TEMPLE UNIVERSITY.

23 (6) LINCOLN UNIVERSITY.

24 (7) ANY OTHER INSTITUTION THAT IS DESIGNATED AS "STATE-
25 RELATED" BY THE COMMONWEALTH.

26 (8) THE THADDEUS STEVENS COLLEGE OF TECHNOLOGY.

27 (9) ANY ACCREDITED PRIVATE OR INDEPENDENT COLLEGE OR
28 UNIVERSITY.

29 (10) ANY PRIVATE LICENSED SCHOOL AS DEFINED IN THE ACT
30 OF DECEMBER 15, 1986 (P.L.1585, NO.174), KNOWN AS THE PRIVATE

1 LICENSED SCHOOLS ACT.

2 (11) A COLLEGE ESTABLISHED UNDER ARTICLE XIX-G.

3 "NONPUBLIC SCHOOL." A SCHOOL, OTHER THAN A PUBLIC SCHOOL,
4 LOCATED WITHIN THIS COMMONWEALTH WHERE A COMMONWEALTH RESIDENT
5 MAY LEGALLY FULFILL THE COMPULSORY SCHOOL ATTENDANCE
6 REQUIREMENTS OF THIS ACT AND THAT MEETS THE APPLICABLE
7 REQUIREMENTS OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 (PUBLIC
8 LAW 88-352, 78 STAT. 241).

9 "ONLINE COURSE." A COURSE OF STUDY THAT USES TECHNOLOGY IN
10 ORDER TO PROVIDE A SIGNIFICANT PORTION OF ITS CURRICULUM AND TO
11 DELIVER A SIGNIFICANT PORTION OF INSTRUCTION TO STUDENTS THROUGH
12 THE INTERNET OR OTHER ELECTRONIC MEANS. THE TERM SHALL INCLUDE
13 ALL SERVICES AND MATERIALS RELATED TO THE COURSE.

14 "PROFESSIONAL DEVELOPMENT COURSE." A COURSE THAT USES
15 TECHNOLOGY TO PROVIDE A PROFESSIONAL EDUCATOR WITH CONTINUING
16 PROFESSIONAL EDUCATION CREDITS AS REQUIRED TO MAINTAIN ACTIVE
17 CERTIFICATION UNDER SECTION 1205.2.

18 "PROVIDER." AN INDIVIDUAL OR A NONPROFIT OR FOR-PROFIT
19 ORGANIZATION, BUSINESS OR INSTITUTION OF HIGHER EDUCATION WHICH
20 HAS SUBMITTED ONE OR MORE ONLINE COURSES OR PROFESSIONAL
21 DEVELOPMENT COURSES TO THE DEPARTMENT FOR INCLUSION IN THE
22 CLEARINGHOUSE ESTABLISHED UNDER THIS ARTICLE.

23 "SCHOOL ENTITY." A SCHOOL DISTRICT, CHARTER SCHOOL, REGIONAL
24 CHARTER SCHOOL, CYBER CHARTER SCHOOL, INTERMEDIATE UNIT OR AREA
25 CAREER AND TECHNICAL SCHOOL.

26 "SECRETARY." THE SECRETARY OF EDUCATION OF THE COMMONWEALTH.
27 SECTION 1502-K. CLEARINGHOUSE FOR ONLINE COURSE OFFERINGS.

28 (A) DUTY TO ESTABLISH.--THE DEPARTMENT SHALL ESTABLISH A
29 CENTRAL ONLINE CLEARINGHOUSE WHICH SHALL INCLUDE THE FOLLOWING:

30 (1) A DATABASE OF ONLINE COURSES FOR STUDENTS ENROLLED

1 IN GRADES KINDERGARTEN THROUGH TWELVE AND SHALL BE ACCESSIBLE
2 BY SCHOOL ENTITIES, NONPUBLIC SCHOOLS, HOME EDUCATION
3 SUPERVISORS AND THE GENERAL PUBLIC.

4 (2) A DATABASE OF ONLINE PROFESSIONAL DEVELOPMENT
5 COURSES FOR COMPLIANCE WITH SECTION 1205.2.

6 (B) IMPLEMENTATION SCHEDULE.--IN ESTABLISHING THE
7 CLEARINGHOUSE, THE DEPARTMENT SHALL ADHERE TO THE FOLLOWING
8 IMPLEMENTATION SCHEDULE:

9 (1) FROM THE DATE OF ESTABLISHMENT OF THE CLEARINGHOUSE,
10 WHICH SHALL BE NO LATER THAN THE COMMENCEMENT OF THE 2024-
11 2025 SCHOOL YEAR, AND IN EACH SCHOOL YEAR THEREAFTER, THE
12 CLEARINGHOUSE SHALL OFFER ONLINE COURSES WHICH PROVIDE
13 INSTRUCTION FOR GRADES NINE THROUGH TWELVE.

14 (2) BEGINNING IN THE 2025-2026 SCHOOL YEAR AND IN EACH
15 SCHOOL YEAR THEREAFTER, THE CLEARINGHOUSE SHALL OFFER ONLINE
16 COURSES WHICH PROVIDE INSTRUCTION FOR GRADES SEVEN THROUGH
17 EIGHT.

18 (3) BEGINNING IN THE 2026-2027 SCHOOL YEAR AND IN EACH
19 SCHOOL YEAR THEREAFTER, THE CLEARINGHOUSE SHALL OFFER ONLINE
20 COURSES WHICH PROVIDE INSTRUCTION FOR KINDERGARTEN THROUGH
21 SIXTH GRADE.

22 (4) BEGINNING IN THE 2027-2028 SCHOOL YEAR AND IN EACH
23 SCHOOL YEAR THEREAFTER, THE CLEARINGHOUSE SHALL OFFER
24 PROFESSIONAL DEVELOPMENT COURSES.

25 (C) PURCHASE OF ONLINE COURSES.--ONLINE COURSES INCLUDED IN
26 THE CLEARINGHOUSE FROM PROVIDERS MAY BE OFFERED FOR PURCHASE AS
27 PROVIDED UNDER SUBSECTION (G).

28 (D) RESPONSIBILITIES OF DEPARTMENT.--THE DEPARTMENT SHALL:

29 (1) CREATE AN ONLINE DATABASE THAT CATALOGS THE ONLINE
30 COURSES AND PROFESSIONAL DEVELOPMENT COURSES FOR WHICH AN

1 APPLICATION WAS APPROVED UNDER SUBSECTION (E) AND MAKE THE
2 DATABASE AVAILABLE TO SCHOOL ENTITIES, NONPUBLIC SCHOOLS,
3 HOME EDUCATION PROGRAMS AND THE GENERAL PUBLIC.

4 (2) CONSTRUCT THE DATABASE PROVIDED FOR UNDER PARAGRAPH
5 (1) FOR ONLINE COURSES AND PROFESSIONAL DEVELOPMENT COURSES
6 IN SUCH A WAY AS TO:

7 (I) PROVIDE INFORMATION ON EACH COURSE LISTED IN THE
8 DATABASE, INCLUDING A DESCRIPTION OF THE CONTENT AND
9 APPLICABLE GRADE LEVELS OF EACH COURSE.

10 (II) FACILITATE COMMUNICATION BETWEEN SCHOOL
11 ENTITIES, NONPUBLIC SCHOOLS OR HOME EDUCATION PROGRAMS
12 AND PROVIDERS OF ONLINE COURSES AND PROFESSIONAL
13 DEVELOPMENT COURSES CATALOGED IN THE CLEARINGHOUSE TO
14 EXPEDITE THE PURCHASING OF THE ONLINE COURSES.

15 (3) AT LEAST ANNUALLY, OR AT ANY TIME THE STATUS OF AN
16 ONLINE COURSE OR PROFESSIONAL DEVELOPMENT COURSE CHANGES,
17 UPDATE THE DATABASE UNDER PARAGRAPH (1).

18 (4) COLLECT APPLICATION FEES PROVIDED FOR IN SUBSECTION
19 (F) AND DEPOSIT THE FEES INTO THE ACCOUNT.

20 (5) UTILIZE THE MONEY IN THE ACCOUNT, INCLUDING INTEREST
21 ON THE MONEY, TO PAY EXPENSES INCURRED BY THE DEPARTMENT IN
22 CARRYING OUT ITS DUTIES UNDER THIS ARTICLE.

23 (6) EXPLORE THE POSSIBILITY FOR FEDERAL AND PRIVATE
24 FUNDING TO SUPPORT THE CLEARINGHOUSE.

25 (7) UPON REQUEST, PROVIDE ASSISTANCE TO SCHOOL DISTRICTS
26 WHICH HAVE BEEN DECLARED TO BE IN FINANCIAL RECOVERY STATUS
27 OR IDENTIFIED FOR FINANCIAL WATCH STATUS UNDER ARTICLE VI-A
28 BY FACILITATING THE SCHOOL DISTRICTS' SEARCH FOR LOW-COST OR
29 NO-COST ONLINE COURSE OR PROFESSIONAL DEVELOPMENT COURSE
30 OPTIONS.

1 (E) APPLICATIONS.--THE FOLLOWING SHALL APPLY:

2 (1) THE DEPARTMENT SHALL DEVELOP AN APPLICATION AND AN
3 APPLICATION PROCESS THAT SPECIFY THE TIME, FORM AND MANNER BY
4 WHICH PROVIDERS MAY SUBMIT THEIR ONLINE COURSE OR
5 PROFESSIONAL DEVELOPMENT COURSE OFFERINGS TO THE DEPARTMENT
6 FOR INCLUSION IN THE CLEARINGHOUSE.

7 (2) A PROVIDER MAY SUBMIT AN APPLICATION TO THE
8 DEPARTMENT FOR APPROVAL OF THE ONLINE COURSE OR PROFESSIONAL
9 DEVELOPMENT COURSE THROUGH A CERTIFICATION PROCESS. THE
10 APPLICATION SHALL INCLUDE:

11 (I) A NOTARIZED AFFIDAVIT CERTIFYING THAT:

12 (A) THE ONLINE COURSE BEING SUBMITTED FOR
13 INCLUSION IN THE CLEARINGHOUSE IS ALIGNED TO THE
14 STATE ACADEMIC STANDARDS FOR EDUCATION PROVIDED FOR
15 IN 22 PA. CODE CH. 4 (RELATING TO ACADEMIC STANDARDS
16 AND ASSESSMENT); OR

17 (B) THE PROFESSIONAL DEVELOPMENT COURSE BEING
18 SUBMITTED FOR INCLUSION IN THE CLEARINGHOUSE IS
19 COMPLIANT WITH SECTION 1205.2.

20 (II) EVIDENCE THAT THE ONLINE COURSE BEING SUBMITTED
21 FOR INCLUSION IN THE CLEARINGHOUSE FULFILLS AT LEAST ONE
22 OF THE FOLLOWING CRITERIA:

23 (A) HAS BEEN APPROVED BY ANOTHER STATE FOR USE
24 BY ITS PUBLIC SCHOOLS;

25 (B) HAS BEEN DEVELOPED BY A PROVIDER THAT HAS
26 BEEN ACCREDITED BY A NATIONAL ACCREDITATION BODY
27 RECOGNIZED BY THE UNITED STATES DEPARTMENT OF
28 EDUCATION; OR

29 (C) HAS BEEN DESIGNED BY A SCHOOL ENTITY THAT
30 UTILIZES THE ONLINE COURSE OR PROVIDES THE ONLINE

1 COURSE TO ANOTHER SCHOOL ENTITY FOR ITS USE.

2 (III) EVIDENCE THAT THE ONLINE COURSE BEING
3 SUBMITTED FOR INCLUSION IN THE CLEARINGHOUSE INCLUDES AN
4 ASSESSMENT COMPONENT FOR DETERMINING STUDENT PERFORMANCE.

5 (IV) EVIDENCE THAT THE PROFESSIONAL DEVELOPMENT
6 COURSE BEING SUBMITTED FOR INCLUSION IN THE CLEARINGHOUSE
7 IMPROVES TEACHING EFFECTIVENESS OR AIDS IN MAINTAINING A
8 TEACHING CERTIFICATE.

9 (F) FEES, APPLICATION REVIEW AND APPROVAL.--THE FOLLOWING
10 SHALL APPLY TO THE ESTABLISHMENT OF FEES AND THE REVIEW AND
11 APPROVAL OF APPLICATIONS:

12 (1) THE DEPARTMENT MAY ESTABLISH A REASONABLE
13 NONREFUNDABLE ADMINISTRATIVE FEE FOR THE PURPOSE OF REVIEWING
14 EACH APPLICATION SUBMITTED BY AN ONLINE COURSE PROVIDER OR A
15 PROFESSIONAL DEVELOPMENT PROVIDER.

16 (2) IF, AFTER A REVIEW OF AN APPLICATION, THE DEPARTMENT
17 DETERMINES THAT THE APPLICATION MEETS THE APPLICABLE
18 REQUIREMENTS UNDER SUBSECTION (E) AND DOES NOT VIOLATE STATE
19 LAW OR DEPARTMENT PROCEDURES, STANDARDS OR POLICY, THE
20 DEPARTMENT SHALL APPROVE THE APPLICATION, NOTIFY THE PROVIDER
21 OF THE APPROVAL AND INCLUDE THE ONLINE COURSE OR PROFESSIONAL
22 DEVELOPMENT COURSE IN THE DATABASE UNDER SUBSECTION (D)(1)
23 UNTIL SUCH TIME AS THE PROVIDER REQUESTS THAT THE ONLINE
24 COURSE OR PROFESSIONAL DEVELOPMENT COURSE BE REMOVED OR THE
25 DEPARTMENT REMOVES THE ONLINE COURSE UNDER PARAGRAPH (5).

26 (3) IF, AFTER A REVIEW OF AN APPLICATION, THE DEPARTMENT
27 DETERMINES THAT THE APPLICATION DOES NOT MEET THE APPLICABLE
28 REQUIREMENTS UNDER SUBSECTION (E), THE DEPARTMENT SHALL
29 WITHHOLD APPROVAL OF THE APPLICATION AND NOTIFY THE PROVIDER
30 OF THE REASON APPROVAL WAS WITHHELD SO THAT THE PROVIDER MAY

1 REVISE AND RESUBMIT THE APPLICATION. ANY APPLICATION THAT HAS
2 BEEN RESUBMITTED FOR REVIEW SHALL BE SUBJECT TO THE
3 ASSOCIATED ADMINISTRATIVE FEE AUTHORIZED UNDER THIS
4 SUBSECTION.

5 (4) THE DEPARTMENT MAY REVISIT AND REVIEW ANY APPROVED
6 APPLICATION AND ASSOCIATED ONLINE COURSE OR PROFESSIONAL
7 DEVELOPMENT COURSE AT ANY TIME AND REMOVE THE ONLINE COURSE
8 OR PROFESSIONAL DEVELOPMENT COURSE FROM THE DATABASE UNDER
9 SUBSECTION (D) (1) IF THE DEPARTMENT DETERMINES THAT:

10 (I) THE INFORMATION CONTAINED IN THE APPLICATION WAS
11 FALSE OR MISLEADING OR IS NO LONGER ACCURATE;

12 (II) THE ONLINE COURSE OR PROFESSIONAL DEVELOPMENT
13 COURSE HAS BEEN MATERIALLY CHANGED OR REVISED IN SUCH A
14 WAY THAT THE APPROVAL PREVIOUSLY GRANTED FOR THE ONLINE
15 COURSE OR PROFESSIONAL DEVELOPMENT COURSE SHOULD NOT
16 APPLY AND THE PROVIDER OF THE ONLINE COURSE OR
17 PROFESSIONAL DEVELOPMENT COURSE HAS NOT SUBMITTED AN
18 APPLICATION TO THE DEPARTMENT SEEKING APPROVAL OF THE
19 REVISIONS TO THE ONLINE COURSE OR PROFESSIONAL
20 DEVELOPMENT COURSE IN ACCORDANCE WITH THE APPLICATION AND
21 FEE REQUIREMENTS OF THIS SECTION; OR

22 (III) THE STANDARDS APPLICABLE TO THE COURSE HAVE
23 MATERIALLY CHANGED IN SUCH A WAY THAT THE APPROVAL
24 PREVIOUSLY GRANTED FOR THE ONLINE COURSE OR PROFESSIONAL
25 DEVELOPMENT COURSE SHOULD NOT APPLY AND THE PROVIDER OF
26 THE ONLINE COURSE OR PROFESSIONAL DEVELOPMENT COURSE HAS
27 NOT SUBMITTED AN APPLICATION TO THE DEPARTMENT WITHIN 30
28 DAYS SEEKING APPROVAL OF THE ONLINE COURSE OR
29 PROFESSIONAL DEVELOPMENT COURSE WITH REVISIONS TO ADDRESS
30 THE REVISED STANDARDS IN ACCORDANCE WITH THE APPLICATION

1 AND FEE REQUIREMENTS OF THIS SECTION.

2 (G) CONTRACTS FOR THE PROVISION OF COURSES CATALOGED IN THE
3 CLEARINGHOUSE.--THE FOLLOWING SHALL APPLY TO CONTRACTS ENTERED
4 INTO BY SCHOOL ENTITIES, NONPUBLIC SCHOOLS OR HOME EDUCATION
5 PROGRAMS AND PROVIDERS OF ONLINE COURSES OR PROFESSIONAL
6 DEVELOPMENT COURSES CATALOGED IN THE CLEARINGHOUSE:

7 (1) THE PURCHASE PRICE AND OTHER PAYMENT AND CONTRACT
8 TERMS OF AN ONLINE COURSE OR PROFESSIONAL DEVELOPMENT COURSE
9 CATALOGED IN THE CLEARINGHOUSE SHALL BE DETERMINED BY DIRECT
10 NEGOTIATIONS BETWEEN A SCHOOL ENTITY, NONPUBLIC SCHOOL OR
11 HOME EDUCATION PROGRAM AND A PROVIDER.

12 (2) IMMEDIATELY UPON COMMENCING NEGOTIATIONS OF THE
13 TERMS OF A CONTRACT FOR AN ONLINE COURSE, A PROVIDER SHALL
14 PROVIDE THE SCHOOL ENTITY, NONPUBLIC SCHOOL OR HOME EDUCATION
15 PROGRAM WITH INFORMATION REGARDING REFUND POLICIES AND THE
16 PROCESS FOR CONTESTING PAYMENT AMOUNTS.

17 (H) ONLINE COURSE CLEARINGHOUSE RESTRICTED ACCOUNT.--

18 (1) THE ONLINE COURSE CLEARINGHOUSE RESTRICTED ACCOUNT
19 IS ESTABLISHED AS A RESTRICTED REVENUE ACCOUNT IN THE GENERAL
20 FUND.

21 (2) THE ACCOUNT MAY CONSIST OF FUNDING APPROPRIATED BY
22 THE GENERAL ASSEMBLY, APPLICATION FEES COLLECTED UNDER
23 SUBSECTION (F), FINES COLLECTED UNDER SECTION 1504-K AND ANY
24 INTEREST GENERATED BY MONEY IN THE ACCOUNT.

25 (3) THE MONEY IN THE ACCOUNT IS APPROPRIATED TO THE
26 DEPARTMENT ON A CONTINUING BASIS FOR THE PURPOSES OF PAYING
27 EXPENSES INCURRED BY THE DEPARTMENT IN CARRYING OUT ITS
28 DUTIES RELATING TO THE ADMINISTRATION OF THE CLEARINGHOUSE.
29 SECTION 1503-K. SCHOOL ENTITIES.

30 (A) GENERAL RULE.--A SCHOOL ENTITY MAY UTILIZE ANY ONLINE

1 COURSE MADE AVAILABLE THROUGH A SCHOOL ENTITY, THROUGH THE
2 CLEARINGHOUSE OR THROUGH ANY OTHER SOURCE FOR FREE.

3 (B) DUTIES.--A SCHOOL ENTITY THAT OFFERS ONLINE COURSES TO
4 STUDENTS SHALL DO ALL OF THE FOLLOWING:

5 (1) DETERMINE HOW INSTRUCTION RELATING TO AN ONLINE
6 COURSE SHALL BE DELIVERED.

7 (2) ESTABLISH POLICIES AND PROCEDURES FOR STUDENT
8 ELIGIBILITY AND PARTICIPATION, INCLUDING A POLICY ON THE
9 SELECTION OF ONLINE COURSES MADE AVAILABLE TO STUDENTS BY THE
10 SCHOOL ENTITY. THE POLICIES AND PROCEDURES SHALL BE MADE
11 ACCESSIBLE TO PARENTS AND STUDENTS AND POSTED ON THE SCHOOL
12 ENTITY'S PUBLICLY ACCESSIBLE INTERNET WEBSITE.

13 (3) ENSURE THAT PARENTS AND STUDENTS ARE MADE AWARE OF
14 THE OPPORTUNITY FOR ONLINE LEARNING AND MAKE INFORMATION
15 ABOUT AVAILABLE ONLINE COURSES EASILY ACCESSIBLE TO PARENTS
16 AND STUDENTS.

17 SECTION 1504-K. PENALTIES.

18 IF THE DEPARTMENT DETERMINES THAT A PROVIDER INTENTIONALLY
19 SUBMITTED FALSE OR MISLEADING INFORMATION ON AN APPLICATION, THE
20 PROVIDER SHALL BE PROHIBITED FROM PARTICIPATING IN THE
21 CLEARINGHOUSE FOR A PERIOD OF FIVE YEARS.

22 SECTION 1505-K. REPORT.

23 (A) SUBMISSION.--THE SECRETARY SHALL SUBMIT AN ANNUAL REPORT
24 TO THE GOVERNOR, THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE
25 EDUCATION COMMITTEE OF THE SENATE AND THE CHAIRPERSON AND
26 MINORITY CHAIRPERSON OF THE EDUCATION COMMITTEE OF THE HOUSE OF
27 REPRESENTATIVES AND POST THE REPORT ON THE DEPARTMENT'S PUBLICLY
28 ACCESSIBLE INTERNET WEBSITE NO LATER THAN JUNE 30, 2027, AND
29 EVERY FIVE YEARS THEREAFTER.

30 (B) CONTENT.--THE REPORT SHALL, AT A MINIMUM, INCLUDE ALL OF

1 THE FOLLOWING INFORMATION:

2 (1) THE NUMBER OF STUDENTS PARTICIPATING IN ONLINE
3 COURSES, DISAGGREGATED BY STUDENT GROUP.

4 (2) THE NUMBER OF STUDENTS PARTICIPATING IN ONLINE
5 COURSES FROM THE CLEARINGHOUSE, DISAGGREGATED BY STUDENT
6 GROUP.

7 (3) THE NUMBER OF ONLINE COURSES AVAILABLE THROUGH THE
8 CLEARINGHOUSE.

9 (4) A DESCRIPTION OF THE TYPES OF ONLINE COURSES
10 AVAILABLE THROUGH THE CLEARINGHOUSE.

11 (5) AN ASSESSMENT OF THE ACADEMIC IMPACT OF ONLINE
12 COURSES ON THE PARTICIPATING STUDENTS.

13 (6) THE NUMBER OF PROFESSIONAL EMPLOYEES PARTICIPATING
14 IN PROFESSIONAL DEVELOPMENT COURSES, DISAGGREGATED BY
15 DEMOGRAPHICS AND CERTIFICATION TYPE.

16 (7) THE NUMBER OF PROFESSIONAL DEVELOPMENT COURSES
17 AVAILABLE THROUGH THE CLEARINGHOUSE.

18 (8) A DESCRIPTION OF THE TYPES OF PROFESSIONAL
19 DEVELOPMENT COURSES AVAILABLE THROUGH THE CLEARINGHOUSE.

20 (9) RECOMMENDATIONS FOR IMPROVING THE CLEARINGHOUSE.

21 SECTION 1506-K. CONSTRUCTION.

22 NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO:

23 (1) PREVENT A SCHOOL ENTITY FROM ESTABLISHING AND
24 OFFERING ITS OWN ONLINE COURSE OR PROGRAM.

25 (2) PREVENT A SCHOOL ENTITY OR SCHOOL ENTITY PERSONNEL
26 FROM:

27 (I) SUPPLEMENTING AN ONLINE COURSE;

28 (II) PROVIDING ASSISTANCE, TUTORING OR ENRICHMENT TO
29 A STUDENT ENROLLED IN AN ONLINE COURSE;

30 (III) USING THE CONTENT OF AN ONLINE COURSE IN

1 INSTRUCTION DELIVERED BY SCHOOL DISTRICT PERSONNEL; OR

2 (IV) MONITORING A STUDENT'S PROGRESS AND ATTENTION
3 TO INSTRUCTION IN AN ONLINE COURSE.

4 (3) REQUIRE A STUDENT TO PARTICIPATE IN AN ONLINE COURSE
5 OFFERED BY A SCHOOL ENTITY.

6 (4) SUPERSEDE OR PREEMPT THE RIGHTS, REMEDIES AND
7 PROCEDURES AFFORDED TO SCHOOL EMPLOYEES OR LABOR
8 ORGANIZATIONS UNDER FEDERAL OR STATE LAW, INCLUDING THE ACT
9 OF JULY 23, 1970 (P.L.563, NO.195), KNOWN AS THE PUBLIC
10 EMPLOYE RELATIONS ACT, OR ANY PROVISION OF A COLLECTIVE
11 BARGAINING AGREEMENT NEGOTIATED BETWEEN A SCHOOL ENTITY AND
12 AN EXCLUSIVE REPRESENTATIVE OF THE EMPLOYEES IN ACCORDANCE
13 WITH THAT ACT.

14 SECTION 1507-K. REGULATIONS.

15 THE DEPARTMENT MAY ISSUE REGULATIONS UNDER THE ACT OF JUNE
16 25, 1982 (P.L.633, NO.181), KNOWN AS THE REGULATORY REVIEW ACT,
17 NECESSARY TO ESTABLISH REASONABLE FEES FOR THE PURPOSE OF
18 REVIEWING AND APPROVING COURSES UNDER SECTION 1502-K(F).

19 SECTION 2. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.