

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 786 Session of 2021

INTRODUCED BY AUMENT, MARTIN, MENSCH, DiSANTO, J. WARD, CORMAN, STEFANO AND REGAN, JUNE 21, 2021

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, OCTOBER 24, 2022

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," in open campus initiatives, further
6 providing for legislative intent, for definitions, for open
7 campus initiatives, for cooperative agreements, for
8 reimbursements by the Commonwealth and for parental and
9 public information.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. Sections 1501-G, 1502-G, 1503-G, 1504-G, 1505-G
13 and 1506-G of the act of March 10, 1949 (P.L.30, No.14), known
14 as the Public School Code of 1949, are amended to read:

15 Section 1501-G. Legislative intent.

16 It is the intent of the General Assembly to encourage
17 collaborative partnerships between {school districts} ~~schools~~ <--
18 AND OTHER SCHOOL ENTITIES for the purpose of providing expanded <--
19 access to high-quality curricula to students in a cost-effective
20 manner through the use of technology.

1 Section 1502-G. Definitions.

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

5 "COOPERATIVE AGREEMENT." AN AGREEMENT BETWEEN A SCHOOL <--  
6 DISTRICT AND ONE OR MORE OTHER SCHOOL ENTITIES, ONLY ONE OF  
7 WHICH MAY BE A CHARTER SCHOOL, CYBER CHARTER SCHOOL OR REGIONAL  
8 CHARTER SCHOOL, ESTABLISHING AN OPEN CAMPUS INITIATIVE.

9 "Department." The Department of Education of the  
10 Commonwealth.

11 ~~"Nonparticipating school entity." A school district, [which~~ <--  
12 ~~is not a party to a cooperative agreement between school~~  
13 ~~districts, a] charter school, cyber charter school, regional~~  
14 ~~charter school, multiple charter school organization,~~  
15 ~~intermediate unit, area career and technical school, nonpublic~~  
16 ~~school or home education program provided under section~~  
17 ~~1327.1[.], which is not a party to a cooperative agreement~~  
18 ~~between school entities establishing an open campus initiative.~~

19 "NONPARTICIPATING SCHOOL ENTITY." A SCHOOL [DISTRICT] <--  
20 ENTITY, WHICH IS NOT A PARTY TO A COOPERATIVE AGREEMENT [BETWEEN  
21 SCHOOL DISTRICTS, A CHARTER SCHOOL, CYBER CHARTER SCHOOL,] OR A  
22 NONPUBLIC SCHOOL OR HOME EDUCATION PROGRAM PROVIDED UNDER  
23 SECTION 1327.1.

24 "Open campus initiative." A program established under  
25 section 1503-G.

26 ~~"Participating school [district] entity." A school district,~~ <--  
27 ~~charter school, cyber charter school, regional charter school,~~  
28 ~~multiple charter school organization, intermediate unit or area~~  
29 ~~career and technical school, which is party to the cooperative~~  
30 ~~agreement between school [districts] entities establishing [the]~~

1 ~~an open campus initiative.~~

2 "PARTICIPATING SCHOOL [DISTRICT."] ENTITY." A SCHOOL <--  
3 [DISTRICT] ENTITY WHICH IS PARTY TO THE COOPERATIVE AGREEMENT  
4 [BETWEEN SCHOOL DISTRICTS ESTABLISHING THE OPEN CAMPUS  
5 INITIATIVE].

6 "School entity." A school district, charter school, cyber  
7 charter school, regional charter school, ~~multiple charter school~~ <--  
8 ~~organization,~~ intermediate unit or area career and technical  
9 school.

10 Section 1503-G. Open campus initiatives.

11 (a) Establishment.--An open campus initiative may be  
12 established [between school {districts}] ~~entities~~ through a <--  
13 cooperative agreement AS SPECIFIED UNDER THIS ARTICLE <--  
14 NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY.

15 (b) Courses.--Courses of an open campus initiative may be  
16 delivered outside of a school building in whole or in part using  
17 technology that may include the Internet, video conferencing or  
18 other electronic means.

19 (c) Grades, credit, promotion and graduation.--Course  
20 grades, credit, promotion and graduation policies for students  
21 participating in open campus initiative courses shall be  
22 determined by the school [district, charter school, cyber  
23 charter school,] entity, nonpublic school or evaluator of a home  
24 education program in which the student is enrolled and the  
25 cooperative agreement between the participating school  
26 [districts] entities.

27 (d) Student eligibility requirements.--Eligibility  
28 requirements for student participation in open campus initiative  
29 courses shall be determined by the school [district, charter  
30 school, cyber charter school,] entity, nonpublic school or

1 supervisor of a home education program in which each student is  
2 enrolled and the cooperative agreement between the participating  
3 school [districts] entities.

4 (e) Nonparticipating school entities.--A cooperative  
5 agreement between participating school [districts] entities may  
6 provide for students attending a nonparticipating school entity  
7 to participate in an open campus initiative course.

8 (f) Compulsory attendance requirements.--The time during  
9 which a student participates in open campus initiative courses  
10 shall be considered to be compliant with the compulsory  
11 attendance requirements of section 1327.

12 (g) Student participation.--[The school {district, charter <--  
13 school, cyber charter school, }-entity, nonpublic school or home <--  
14 education program in which the student is enrolled shall ensure  
15 that a student participating in open campus initiative courses  
16 is offered at least 990 hours of instruction at the secondary  
17 level and 900 hours of instruction at the elementary level.] <--

18 (1) EACH SCHOOL ENTITY SHALL ESTABLISH A POLICY  
19 REGARDING THE PARTICIPATION OF ITS STUDENTS IN AN OPEN CAMPUS  
20 INITIATIVE PROGRAM, INCLUDING THE FOLLOWING:

21 (I) AN APPROVAL PROCESS FOR THE ATTENDANCE OF A  
22 STUDENT IN AN OPEN CAMPUS INITIATIVE PROGRAM.

23 (II) ENSURE THAT A STUDENT PARTICIPATING IN OPEN  
24 CAMPUS INITIATIVE COURSES IS OFFERED AT LEAST 990 HOURS  
25 OF INSTRUCTION AT THE SECONDARY LEVEL AND 900 HOURS OF  
26 INSTRUCTION AT THE ELEMENTARY LEVEL.

27 (2) EACH SCHOOL ENTITY SHALL PROVIDE NOTIFICATION OF THE  
28 POLICY AND AVAILABILITY OF AN OPEN CAMPUS INITIATIVE PROGRAM  
29 TO STUDENTS AND PARENTS OR GUARDIANS.

30 (h) Technical assistance.--The department shall provide

1 technical assistance as needed to PARTICIPATING school  
2 [districts] entities establishing and operating an open campus  
3 initiative.

4 Section 1504-G. Cooperative agreements.

5 (a) Contents.--School [districts] entities desiring to  
6 establish and operate an open campus initiative shall develop  
7 and enter into a cooperative agreement that shall, at a minimum,  
8 include:

9 (1) A policy for grading, credit and promotion of  
10 students participating in open campus initiative courses.

11 (2) A policy for participation of students from  
12 participating school [districts] entities which shall include  
13 minimum academic and attendance criteria.

14 (3) A policy for participation of students from  
15 nonparticipating school entities, which includes a fee  
16 schedule for determining tuition charges for courses  
17 delivered to those students, if the participating school  
18 [districts] entities allow participation of students from  
19 nonparticipating school entities. IF THE PARTICIPATING SCHOOL <--  
20 ENTITIES ALLOW PARTICIPATION OF STUDENTS FROM  
21 NONPARTICIPATING SCHOOL ENTITIES, THE NONPARTICIPATING SCHOOL  
22 ENTITIES SHALL PAY THE APPLICABLE FEE ON THE FEE SCHEDULE.

23 (4) A policy for discipline and removal of students from  
24 open campus initiative courses in compliance with State law  
25 related to student discipline.

26 (5) Information about the attribution of student data to  
27 the school [district, charter school, cyber charter school,]  
28 entity, nonpublic school or home education program in which  
29 the student is enrolled, including student assessment data.

30 (6) Information about the sharing of costs between the

1 participating school [districts.] ~~entities, except that a~~ <--  
2 ~~cyber charter school, as defined in section 1703 A, may~~  
3 ~~provide digital course content free of charge, but must share~~  
4 ~~information on a negotiated fee if a negotiable fee is~~  
5 ~~established to provide~~ INCLUDING WHETHER OR NOT FEES MAY BE <--  
6 IMPOSED FOR THE PROVISION OF staff, technology, digital  
7 course content, curriculum materials and other services  
8 requested by a participating school entity for cyber courses.

9 (7) Information about the use and distribution of  
10 tuition revenue.

11 (8) Processes for adding and removing open campus  
12 initiative courses.

13 (9) Processes for termination of the open campus  
14 initiative.

15 (b) Adoption by [boards of school directors] governing board  
16 of school entity.--Each open campus initiative cooperative  
17 agreement shall be adopted by majority vote of the [board of  
18 school directors] governing board of the school entity of each <--  
19 of the participating school [districts] entities.

20 Section 1505-G. Reimbursements by the Commonwealth.

21 For the purpose of making reimbursements under Article XXV, a  
22 student participating in an open campus initiative shall be  
23 considered to be enrolled in the school [district, charter  
24 school, cyber charter school,] entity, nonpublic school or home  
25 education program which [determines the student's eligibility <--  
26 for participation in the open campus initiative.] IS RESPONSIBLE <--  
27 FOR ENSURING THAT A STUDENT PARTICIPATING IN OPEN CAMPUS  
28 INITIATIVE COURSES IS OFFERED A SUFFICIENT NUMBER OF HOURS OF  
29 INSTRUCTION UNDER SECTION 1503-G(G).

30 Section 1506-G. Parental and public information.

1 All policies related to an open campus initiative shall be  
2 made accessible to parents and posted on the participating  
3 school [districts'] entities' publicly accessible Internet  
4 websites.

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