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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 831 Session of  
2015

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INTRODUCED BY HARKINS, V. BROWN, SCHLOSSBERG, JAMES, DeLUCA,  
LONGIETTI, BIZZARRO, COHEN, D. COSTA, MURT, ROEBUCK, RADER  
AND SONNEY, MARCH 24, 2015

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REFERRED TO COMMITTEE ON EDUCATION, MARCH 24, 2015

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AN ACT

1 Authorizing the Department of Education, on behalf of the  
2 Commonwealth, to enter into a state authorization reciprocity  
3 agreement in order to allow participating institutions to  
4 offer courses or degrees through distance education.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Distance  
9 Education Reciprocity Act.

10 Section 2. Definitions.

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

14 "Department." The Department of Education of the  
15 Commonwealth.

16 "Distance education." Technology-mediated instruction where  
17 education is provided primarily or in part through the use of  
18 teleconferencing, video-conferencing, the Internet or other

1 offsite-based media.

2 "Home state." The state which regulates each participating  
3 institution of higher education and its distance education  
4 programs, as defined in the state authorization reciprocity  
5 agreement.

6 "Participating institution." Any postsecondary college or  
7 university which offers courses or degrees through distance  
8 education and is chartered or approved by the department,  
9 including:

10 (1) A community college which is an institution in  
11 existence on the effective date of this section or that is  
12 established under Article XIX-A of the act of March 10, 1949  
13 (P.L.30, No.14), known as the Public School Code of 1949, or  
14 the act of August 24, 1963 (P.L.1132, No.484), known as the  
15 Community College Act of 1963.

16 (2) An independent institution of higher education which  
17 is an institution of higher education that is operated not  
18 for profit, located in this Commonwealth and incorporated or  
19 chartered by the Commonwealth, entitled to confer degrees as  
20 set forth in 24 Pa.C.S. § 6505 (relating to power to confer  
21 degrees) and entitled to apply to itself the designation  
22 "college" or "university" as provided for by standards and  
23 qualifications prescribed by the State Board of Education  
24 under 24 Pa.C.S. Ch. 65 (relating to private colleges,  
25 universities and seminaries).

26 (3) A State-owned university.

27 (4) A State-related university.

28 (5) A degree-granting private school licensed under the  
29 act of December 15, 1986 (P.L.1585, No.174), known as the  
30 Private Licensed Schools Act.

1 "Participating institution agreement." An agreement which  
2 each participating institution is required to sign in order to  
3 take advantage of the reciprocal approvals granted by other  
4 states participating in the current or any future similar  
5 national reciprocity arrangement.

6 "Physical presence." An on-going occupation of a physical  
7 location for instructional purposes or maintenance of an  
8 administrative office to facilitate instruction.

9 "State." Any state, commonwealth, district or territory of  
10 the United States which is a participant in good standing in the  
11 current or future state authorization agreements.

12 "State authorization reciprocity agreement." The voluntary  
13 agreement that establishes reciprocity between willing states  
14 for approval of postsecondary education services delivered by  
15 distance education beyond state boundaries.

#### 16 Section 3. Authorization.

17 The department, on behalf of the Commonwealth, is authorized  
18 to enter into the state authorization reciprocity agreement for  
19 the purpose of authorizing and allowing any participating  
20 institution for which this Commonwealth is the home state to  
21 provide distance education in other states in accordance with  
22 the terms of the state authorization reciprocity agreement. The  
23 department shall be the lead agency in coordinating interstate  
24 reciprocity for distance education for participating  
25 institutions in this Commonwealth.

#### 26 Section 4. Exemption.

27 An institution is exempt from provisions of 24 Pa.C.S.  
28 (relating to education) and any applicable provisions of 22 Pa.  
29 Code (relating to education) if the institution meets the  
30 following requirements:

1           (1) The institution is chartered and accredited in a  
2 state which also participates in the state authorization  
3 reciprocity agreement.

4           (2) The institution has been approved to participate in  
5 the state authorization reciprocity agreement by its home  
6 state and other entities with oversight of such agreements.

7           (3) The institution has elected to participate in and  
8 operate in compliance with the terms of a participating  
9 institution agreement.

10 Section 5. Applicability.

11       This act applies only to distance education programs and does  
12 not affect other approvals of institutions or programs required  
13 under the act of March 10, 1949 (P.L.30, No.14), known as the  
14 Public School Code of 1949, nor does it affect any exemptions of  
15 institutions or programs provided for by the Public School Code  
16 of 1949 in this Commonwealth. No additional requirements shall  
17 be established for a participating institution in this  
18 Commonwealth.

19 Section 6. Funding.

20       (a) Fees authorized.--

21           (1) The department may establish and collect a fee from  
22 participating institutions in this Commonwealth in order to  
23 reimburse the department for the cost of entering into the  
24 interstate compact.

25           (2) Reasonable fees to cover the administrative cost of  
26 this act shall be imposed upon participating institutions in  
27 this Commonwealth to cover the department's implementation  
28 costs and shall be deposited in the General Fund.

29       (b) Limitation.--In accordance with the state authorization  
30 reciprocity agreement, no fees may be imposed upon out-of-state

- 1 reciprocity agreement participants.
- 2 Section 7. Effective date.
- 3       This act shall take effect in 60 days.