
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1273 Session of
2020

INTRODUCED BY AUMENT, PHILLIPS-HILL, DINNIMAN, ARGALL, PITTMAN,
SCHWANK AND BROWNE, AUGUST 24, 2020

REFERRED TO EDUCATION, AUGUST 24, 2020

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 supplemental online
6 course initiative; and establishing the Online Course
7 Clearinghouse Restricted Account.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

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

13 ARTICLE XV-K

14 SUPPLEMENTAL ONLINE COURSE INITIATIVE

15 Section 1501-K. Definitions.

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

19 "Account." The Online Course Clearinghouse Restricted
20 Account established under section 1502-K(g).

1 "Assessment." As defined in section 1138.1.

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

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

8 "Clearinghouse." The central online clearinghouse
9 established under section 1502-K.

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

12 "Home education program." A program conducted in compliance
13 with section 1327.1.

14 "Institution of higher education." The term includes any of
15 the following:

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

17 (2) A university within the State System of Higher
18 Education.

19 (3) The Pennsylvania State University.

20 (4) The University of Pittsburgh.

21 (5) Temple University.

22 (6) Lincoln University.

23 (7) A rural regional college.

24 (8) Any other institution that is designated as "State-
25 related" by the Commonwealth.

26 (9) The Thaddeus Stevens College of Technology.

27 (10) Any accredited private or independent college or
28 university.

29 "Nonpublic school." A school, other than a public school,
30 located within this Commonwealth where a Commonwealth resident

1 may legally fulfill the compulsory school attendance
2 requirements of this act and that meets the applicable
3 requirements of Title VI of the Civil Rights Act of 1964 (Public
4 Law 88-352, 78 Stat. 241).

5 "Online course." A course of study that uses technology to
6 provide asynchronous learning, blended-learning or synchronous
7 learning to students through the Internet or other electronic
8 means. The term may include supporting materials related to the
9 course. The term does not include a platform that offers free
10 lectures, language lessons and audiobooks from universities and
11 museums.

12 "Provider." A nonprofit or for-profit organization,
13 business, institution of higher education or school entity which
14 has submitted one or more online courses to the department for
15 inclusion in the clearinghouse established under this article.

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

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

20 "Synchronous learning." Student participation in a cyber
21 course at the same time, but in a different location, as the
22 instructor and other students.

23 Section 1502-K. Clearinghouse for online course offerings.

24 (a) Duty to establish.--The department shall establish a
25 central online clearinghouse which shall at a minimum include an
26 online database of kindergarten through grade 12 online courses
27 and shall be accessible by school entities, nonpublic schools,
28 home education programs and the general public. The
29 clearinghouse shall offer the following:

30 (1) Beginning with the 2020-2021 school year and each

1 school year thereafter, online courses for all content areas
2 assessed by an assessment, as well as online courses which
3 provide supplementary instruction relating to an assessment,
4 free of charge to school entities. The department may utilize
5 any existing online courses it has already developed for
6 content areas assessed by an assessment in meeting the
7 requirements of this paragraph.

8 (2) Beginning with the 2021-2022 school year and each
9 school year thereafter, online courses aligned with the State
10 academic standards for education provided in 22 Pa. Code Ch.
11 4 (relating to academic standards and assessment) from
12 providers that have been approved under subsection (c).
13 Online courses included in the clearinghouse from providers
14 under this paragraph may be free of charge or subject to
15 purchase under the provisions of subsection (f).

16 (b) Responsibilities of department.--The department shall:

17 (1) Create an online database that catalogs those online
18 courses for which an existing online course or an application
19 was approved under subsection (c) and make the database
20 available to school entities, nonpublic schools, home
21 education programs and the general public.

22 (2) Construct the database provided for under paragraph
23 (1) in such a way as to:

24 (i) Provide information on each online course listed
25 in the database, including, but not limited to, a
26 description of the content and applicable grade levels of
27 each online course.

28 (ii) Provide each school entity, nonpublic school or
29 home education program which has utilized an online
30 course from the clearinghouse the opportunity to present

1 feedback and rate the online course which the school
2 entity, nonpublic school or home education program has
3 utilized. In providing feedback, each school entity,
4 nonpublic school or home education program may, with
5 discretion and in compliance with all applicable Federal
6 and State laws, share on the database personal comments
7 received by the school entity, nonpublic school or home
8 education program from parents and students about the
9 online course.

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

13 (iv) Provide contact information to school entities,
14 nonpublic schools and home education programs of
15 providers of online courses cataloged in the
16 clearinghouse to expedite the purchasing of those online
17 courses.

18 (3) At least annually, or at any time the provider
19 notifies the department of updates of an online course
20 changes, update the database provided for under paragraph
21 (1).

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

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

27 (6) Explore the possibility for Federal and private
28 funding to support the clearinghouse.

29 (7) Upon request, provide assistance to school districts
30 which have been declared to be in financial recovery status

1 or identified for financial watch status under Article VI-A
2 by facilitating the school districts' search for low-cost or
3 no-cost online course options.

4 (c) Applications.--The department shall develop an
5 application and an application review and approval process that
6 specify the time, form and manner by which providers may submit
7 their online course offerings to the department for inclusion in
8 the clearinghouse. The department shall approve applications
9 under the following procedures:

10 (1) In the case of an online course which does not
11 provide instruction in a content area assessed by an
12 assessment and which is not used to provide supplementary
13 instruction relating to an assessment, a provider may submit
14 an application to the department for approval of the online
15 course through a certification process that the online course
16 being submitted for inclusion in the clearinghouse is aligned
17 to the State academic standards for education provided for in
18 22 Pa. Code Ch. 4. The application for the process under this
19 paragraph shall include:

20 (i) 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 (ii) Evidence that the online course being submitted
3 for inclusion in the clearinghouse includes an assessment
4 component for determining student performance.

5 (iii) Evidence that the online course being
6 submitted for inclusion in the clearinghouse:

7 (A) Provides a detailed and quality curriculum
8 and accountability plan.

9 (B) Includes an assessment component for
10 determining student proficiency.

11 (C) Is adapted to the age, development and needs
12 of the students.

13 (2) In the case of an online course which does not
14 provide instruction in a content area assessed by an
15 assessment and which is not used to provide supplementary
16 instruction relating to an assessment, a provider may
17 voluntarily submit an application to the department for
18 approval of the online course through the department review
19 process established under paragraph (1).

20 (d) Fees, application review and approval.--The following
21 shall apply to the establishment of fees and the review and
22 approval of applications:

23 (1) The department may establish a nonrefundable
24 administrative fee not to exceed \$75 for the purpose of
25 reviewing each application submitted by a school entity under
26 subsection (c) (1).

27 (2) The department may establish a nonrefundable
28 administrative fee not to exceed \$750 for the purpose of
29 reviewing each application submitted by a provider other than
30 a school entity under subsection (c) (2) or (3).

1 (3) If, after a review of an application, the department
2 determines that the application meets the applicable
3 requirements under subsection (c), the department shall
4 approve the application, notify the provider of the approval
5 and include the online course in the database provided for
6 under subsection (b)(1) until the provider requests that the
7 online course be removed or the department removes the online
8 course under the provisions of paragraph (5).

9 (4) If, after a review of an application, the department
10 determines that the application does not meet the applicable
11 requirements under subsection (c), the department shall
12 notify the provider of the reason approval was withheld so
13 that the provider may revise and resubmit the application.
14 Any application that has been resubmitted for review shall be
15 subject to the associated administrative fee authorized by
16 this subsection.

17 (5) The department may revisit and review any approved
18 application at any time and remove the associated online
19 course from the database provided for under subsection (b)(1)
20 if the department determines that:

21 (i) the information contained in the application was
22 false or misleading or is no longer accurate;

23 (ii) the online course has been materially changed
24 or revised in such a way that the approval previously
25 granted for the online course should not apply and the
26 provider of the online course has not submitted an
27 application to the department seeking approval of the
28 revisions to the online course in accordance with the
29 application and fee requirements of this section; or

30 (iii) the standards applicable to the course have

1 materially changed in such a way that the approval
2 previously granted for the online course should not apply
3 and the provider of the online course has not submitted
4 an application to the department within 30 days seeking
5 approval of the online course with revisions to address
6 the revised standards in accordance with the application
7 and fee requirements of this section.

8 (e) Appeal.--A determination by the department that an
9 online course which provides instruction in a content area
10 assessed by an assessment or which is used to provide
11 supplementary instruction relating to an assessment does not
12 meet the criteria under subsection (c) (2) shall be appealable
13 under 2 Pa.C.S. (relating to administrative law and procedure).

14 (f) Contracts for the provision of courses cataloged in the
15 clearinghouse.--The following shall apply to contracts entered
16 into by school entities, nonpublic schools or home education
17 programs and providers of online courses cataloged in the
18 clearinghouse:

19 (1) The purchase price and other payment and contract
20 terms of an online course cataloged in the clearinghouse
21 shall be determined by direct negotiations between a school
22 entity, nonpublic school or home education program and a
23 provider.

24 (2) Immediately upon commencing negotiations of the
25 terms of a contract for an online course, a provider shall
26 provide the school entity, nonpublic school or home education
27 program with information regarding refund policies and the
28 process for contesting payment amounts.

29 (g) Online Course Clearinghouse Restricted Account.--The
30 Online Course Clearinghouse Restricted Account is established as

1 a restricted revenue account in the General Fund. The following
2 shall apply:

3 (1) The account shall consist of application fees
4 collected under subsection (d), fines collected under section
5 1504-K and any interest generated by money in the account.

6 (2) The money in the account is appropriated to the
7 department on a continuing basis for the purposes of paying
8 expenses incurred by the department in carrying out its
9 duties relating to the administration of the clearinghouse
10 under this article.

11 Section 1503-K. School entities.

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

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

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

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

28 Section 1504-K. Penalties.

29 (a) Participation prohibited.--If the department determines
30 that a provider intentionally submitted false or misleading

1 information on an application, the provider shall be prohibited
2 from participating in the clearinghouse for a period of five
3 years.

4 (b) Fine.--In addition to the penalty provided under
5 subsection (a), a provider may be assessed a fine of up to
6 \$1,000 for each application on which the provider was found by
7 the department to have intentionally submitted false or
8 misleading information.

9 (c) Deposit of fines.--Any fines assessed in accordance with
10 this section shall be deposited into the account.

11 (d) Appeal.--A determination by the department that a
12 provider intentionally submitted false or misleading information
13 on an application shall be appealable under 2 Pa.C.S. (relating
14 to administrative law and procedure).

15 Section 1505-K. Report.

16 The secretary shall submit a report to the Governor, the
17 chairperson and minority chairperson of the Education Committee
18 of the Senate and the chairperson and minority chairperson of
19 the Education Committee of the House of Representatives and post
20 the report on the department's publicly accessible Internet
21 website no later than June 30, 2024. The report shall at a
22 minimum include all of the following information:

23 (1) The number of students participating in online
24 courses.

25 (2) The number of students participating in online
26 courses from the clearinghouse.

27 (3) The number of online courses available through the
28 clearinghouse.

29 (4) A description of the types of online courses
30 available through the clearinghouse.

1 (5) An assessment of the academic impact of online
2 courses on the participating students.

3 (6) Recommendations for improving the clearinghouse.

4 Section 1506-K. Construction.

5 Nothing in this article shall be construed to:

6 (1) Prevent a school entity from establishing and
7 offering its own online course or program.

8 (2) Prevent a school entity or school entity personnel
9 from:

10 (i) supplementing an online course;

11 (ii) providing assistance, tutoring or enrichment to
12 a student enrolled in an online course;

13 (iii) using the content of an online course in
14 instruction delivered by school district personnel; or

15 (iv) monitoring a student's progress and attention
16 to instruction in an online course.

17 (3) Require a student to participate in an online course
18 offered by a school entity.

19 (4) Supersede or preempt the rights, remedies and
20 procedures afforded to school employees or labor
21 organizations under Federal or State law, including the act
22 of July 23, 1970 (P.L.563, No.195), known as the Public
23 Employe Relations Act, or any provision of a collective
24 bargaining agreement negotiated between a school entity and
25 an exclusive representative of the employees under the Public
26 Employe Relations Act.

27 Section 1507-K. Guidelines.

28 The department shall develop guidelines necessary to
29 implement this article.

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