

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1330 Session of 2021

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

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, AS AMENDED, APRIL 11, 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," providing for Educational and
6 Professional Development Online Course Initiative; and
7 establishing the Online Course Clearinghouse Restricted
8 Account.

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

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

14 ARTICLE XV-K

15 EDUCATIONAL AND PROFESSIONAL DEVELOPMENT

16 ONLINE COURSE INITIATIVE

17 Section 1501-K. Definitions.

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

1 "Account." The Online Course Clearinghouse Restricted
2 Account established under section 1502-K(h).

3 "Clearinghouse." The central online clearinghouse
4 established under section 1502-K.

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

7 "Home education program." A program conducted in compliance
8 with section 1327.1.

9 "Institution of higher education." Any of the following:

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

11 (2) A university within the State System of Higher
12 Education.

13 (3) The Pennsylvania State University.

14 (4) The University of Pittsburgh.

15 (5) Temple University.

16 (6) Lincoln University.

17 (7) Any other institution that is designated as "State-
18 related" by the Commonwealth.

19 (8) The Thaddeus Stevens College of Technology.

20 (9) Any accredited private or independent college or
21 university.

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

25 (11) A college established under Article XIX-G.

26 "Nonpublic school." A school, other than a public school,
27 located within this Commonwealth where a Commonwealth resident
28 may legally fulfill the compulsory school attendance
29 requirements of this act and that meets the applicable
30 requirements of Title VI of the Civil Rights Act of 1964 (Public

1 Law 88-352, 78 Stat. 241).

2 "Online course." A course of study that uses technology in
3 order to provide a significant portion of its curriculum and to
4 deliver a significant portion of instruction to students through
5 the Internet or other electronic means. The term shall include
6 all services and materials related to the course.

7 "Professional development course." A course that uses
8 technology to provide a professional educator with continuing
9 professional education credits as required to maintain active
10 certification under section 1205.2.

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

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

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

21 (a) Duty to establish.--The department shall establish a
22 central online clearinghouse which shall include the following:

23 (1) A database of online courses for students enrolled
24 in grades kindergarten through twelve and shall be accessible
25 by school entities, nonpublic schools, home education
26 supervisors and the general public.

27 (2) A database of online professional development
28 courses for compliance with section 1205.2.

29 (b) Implementation schedule.--In establishing the
30 clearinghouse, the department shall adhere to the following

1 implementation schedule:

2 (1) From the date of establishment of the clearinghouse,
3 which shall be no later than the commencement of the 2024-
4 2025 school year, and in each school year thereafter, the
5 clearinghouse shall offer online courses which provide
6 instruction for grades nine through twelve.

7 (2) Beginning in the 2025-2026 school year and in each
8 school year thereafter, the clearinghouse shall offer online
9 courses which provide instruction for grades seven through
10 eight.

11 (3) Beginning in the 2026-2027 school year and in each
12 school year thereafter, the clearinghouse shall offer online
13 courses which provide instruction for kindergarten through
14 sixth grade.

15 (4) Beginning in the 2027-2028 school year and in each
16 school year thereafter, the clearinghouse shall offer
17 professional development courses.

18 (c) Purchase of online courses OR PROFESSIONAL DEVELOPMENT <--
19 COURSES.--Online courses OR PROFESSIONAL DEVELOPMENT COURSES <--
20 included in the clearinghouse from providers may be offered for
21 purchase as provided under subsection (g).

22 (d) Responsibilities of department.--The department shall:

23 (1) Create an online database that catalogs the online
24 courses and professional development courses for which an
25 application was approved under subsection (e) and make the
26 database available to school entities, nonpublic schools,
27 home education programs and the general public.

28 (2) Construct the database provided for under paragraph
29 (1) for online courses and professional development courses
30 in such a way as to:

1 (i) Provide information on each course listed in the
2 database, including a description of the content and
3 applicable grade levels of each course.

4 (ii) Facilitate communication between school
5 entities, nonpublic schools or home education programs
6 and providers of online courses and professional
7 development courses cataloged in the clearinghouse to
8 expedite the purchasing of the online courses.

9 (3) At least annually, or at any time the status of an
10 online course or professional development course changes,
11 update the database under paragraph (1).

12 (4) Collect application fees provided for in subsection
13 (f) and deposit the fees into the account.

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

17 (6) Explore the possibility for Federal and private
18 funding to support the clearinghouse.

19 (7) Upon request, provide assistance to school districts
20 which have been declared to be in financial recovery status
21 or identified for financial watch status under Article VI-A
22 by facilitating the school districts' search for low-cost or
23 no-cost online course or professional development course
24 options.

25 (e) Applications.--The following shall apply:

26 (1) The department shall develop an application and an
27 application process that specify the time, form and manner by
28 which providers may submit their online course or
29 professional development course offerings to the department
30 for inclusion in the clearinghouse.

1 (2) A provider may submit an application to the
2 department for approval of the online course or professional
3 development course through a certification process. The
4 application shall include:

5 (i) A notarized affidavit certifying that:

6 (A) the online course being submitted for
7 inclusion in the clearinghouse is aligned to the
8 State academic standards for education provided for
9 in 22 Pa. Code Ch. 4 (relating to academic standards
10 and assessment); or

11 (B) the professional development course being
12 submitted for inclusion in the clearinghouse is
13 compliant with section 1205.2.

14 (ii) Evidence that the online course being submitted
15 for inclusion in the clearinghouse fulfills at least one
16 of the following criteria:

17 (A) has been approved by another state for use
18 by its public schools;

19 (B) has been developed by a provider that has
20 been accredited by a national accreditation body
21 recognized by the United States Department of
22 Education; or

23 (C) has been designed by a school entity that
24 utilizes the online course or provides the online
25 course to another school entity for its use.

26 (iii) Evidence that the online course being
27 submitted for inclusion in the clearinghouse includes an
28 assessment component for determining student performance.

29 (iv) Evidence that the professional development
30 course being submitted for inclusion in the clearinghouse

1 improves teaching effectiveness or aids in maintaining a
2 teaching certificate.

3 (V) A STATEMENT AS TO WHETHER THE ONLINE COURSE OR <--
4 PROFESSIONAL DEVELOPMENT COURSE IS BEING OFFERED THROUGH
5 THE CLEARINGHOUSE AT NO COST OR FOR A FEE.

6 (f) Fees, application review and approval.--The following
7 shall apply to the establishment of fees and the review and
8 approval of applications:

9 (1) The department may establish a reasonable
10 nonrefundable administrative fee for the purpose of reviewing
11 each application submitted by an online course provider or a
12 professional development provider.

13 (2) If, after a review of an application, the department
14 determines that the application meets the applicable
15 requirements under subsection (e) and does not violate State
16 law or department procedures, standards or policy, the
17 department shall approve the application, notify the provider
18 of the approval and include the online course or professional
19 development course in the database under subsection (d)(1)
20 until such time as the provider requests that the online
21 course or professional development course be removed or the
22 department removes the online course under paragraph (5).

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

1 subsection.

2 (4) The department may revisit and review any approved
3 application and associated online course or professional
4 development course at any time and remove the online course
5 or professional development course from the database under
6 subsection (d)(1) if the department determines that:

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

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

19 (iii) the standards applicable to the course have
20 materially changed in such a way that the approval
21 previously granted for the online course or professional
22 development course should not apply and the provider of
23 the online course or professional development course has
24 not submitted an application to the department within 30
25 days seeking approval of the online course or
26 professional development course with revisions to address
27 the revised standards in accordance with the application
28 and fee requirements of this section.

29 (g) 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 or professional~~
3 ~~development courses cataloged in the clearinghouse:~~ IF A SCHOOL <--
4 ENTITY, NONPUBLIC SCHOOL OR HOME EDUCATION PROGRAM ENTERS INTO A
5 CONTRACT WITH A PROVIDER FOR THE USE OF AN ONLINE COURSE OR
6 PROFESSIONAL DEVELOPMENT COURSE CATALOGED IN THE CLEARINGHOUSE,
7 THE FOLLOWING SHALL APPLY:

8 (1) The purchase price and other payment and contract
9 terms of an online course or professional development course
10 cataloged in the clearinghouse shall be determined by direct
11 negotiations between a school entity, nonpublic school or
12 home education program and a provider.

13 (2) Immediately upon commencing negotiations of the
14 terms of a contract for an online course OR PROFESSIONAL <--
15 DEVELOPMENT COURSE, a provider shall provide the school
16 entity, nonpublic school or home education program with
17 information regarding refund policies and the process for
18 contesting payment amounts.

19 (h) Online Course Clearinghouse Restricted Account.--

20 (1) The Online Course Clearinghouse Restricted Account
21 is established as a restricted revenue account in the General
22 Fund.

23 (2) The account may consist of funding appropriated by
24 the General Assembly, application fees collected under
25 subsection (f), ~~fines collected under section 1504 K and any <--~~
26 AND interest generated by money in the account. <--

27 (3) The money in the account is appropriated to the
28 department on a continuing basis for the purposes of paying
29 expenses incurred by the department in carrying out its
30 duties relating to the administration of the clearinghouse.

1 Section 1503-K. School entities.

2 ~~(a) General rule. A school entity may utilize any online~~ <--
3 ~~course made available through a school entity, through the~~
4 ~~clearinghouse or through any other source for free.~~

5 ~~(b) Duties. A school entity that offers online courses to~~
6 ~~students shall do all of the following:~~

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

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

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

19 Section 1504-K. Penalties.

20 If the department determines that a provider intentionally
21 submitted false or misleading information on an application, the
22 provider shall be prohibited from participating in the
23 clearinghouse for a period of five years.

24 Section 1505-K. Report.

25 (a) Submission.--The secretary shall submit an annual report
26 to the Governor, the chairperson and minority chairperson of the
27 Education Committee of the Senate and the chairperson and
28 minority chairperson of the Education Committee of the House of
29 Representatives and post the report on the department's publicly
30 accessible Internet website no later than June 30, 2027, and

1 every five years thereafter.

2 (b) Content.--The report shall, at a minimum, include all of
3 the following information:

4 (1) The number of students participating in online
5 courses, disaggregated by student group.

6 (2) The number of students participating in online
7 courses from the clearinghouse, disaggregated by student
8 group.

9 (3) The number of online courses available through the
10 clearinghouse.

11 (4) A description of the types of online courses
12 available through the clearinghouse.

13 (5) An assessment of the academic impact of online
14 courses on the participating students.

15 (6) The number of professional employees participating
16 in professional development courses, disaggregated by
17 demographics and certification type.

18 (7) The number of professional development courses
19 available through the clearinghouse.

20 (8) A description of the types of professional
21 development courses available through the clearinghouse.

22 (9) Recommendations for improving the clearinghouse.

23 Section 1506-K. Construction.

24 Nothing in this article shall be construed to:

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

27 (2) Prevent a school entity or school entity personnel
28 from:

29 (i) supplementing an online course;

30 (ii) providing assistance, tutoring or enrichment to

1 a student enrolled in an online course;

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

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

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

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

16 Section 1507-K. Regulations.

17 The department may issue regulations under the act of June
18 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act,
19 necessary to establish reasonable fees for the purpose of
20 reviewing and approving courses under section 1502-K(f).

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