

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 415 Session of
2007

INTRODUCED BY STAIRS, ROEBUCK, ADOLPH, BELFANTI, BISHOP,
CALTAGIRONE, CAPPELLI, CLYMER, COHEN, FABRIZIO, FAIRCHILD,
FREEMAN, GEIST, GEORGE, GINGRICH, GRUCELA, HARHAI, HENNESSEY,
JOSEPHS, MAHONEY, MELIO, PETRARCA, READSHAW, REICHLEY,
RUBLEY, SAINATO, SCAVELLO, SOLOBAY AND BOYD,
FEBRUARY 13, 2007

REFERRED TO COMMITTEE ON EDUCATION, FEBRUARY 13, 2007

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," further providing for Project Link-
6 to-Learn; and repealing provisions relating to higher
7 education funding and to technology grants for equipment and
8 services.

9 The General Assembly finds and declares as follows:

10 (1) It is imperative for the future of Pennsylvania's
11 students that the quality and equity of learning
12 opportunities be enhanced by an advanced telecommunications
13 network linking educational services and resources in this
14 Commonwealth.

15 (2) In 1996 Project Link-to-Learn was enacted, in part
16 to create a widely accessible Statewide telecommunications
17 infrastructure for the benefit of Pennsylvania schools.

18 (3) Sufficient financial resources have not been
19 available to meet the network connectivity and network use

needs of the Pennsylvania Education Network.

(4) The network and associated funding stream created by this act will significantly enhance the telecommunications abilities of qualified applicants within this Commonwealth to foster the educational growth and development of Pennsylvanians.

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

Section 1. Section 1502-A of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, amended or added July 11, 1996 (P.L.633, No.107) and April 27, 1998 (P.L.270, No.46), is amended to read:

Section 1502-A. Definitions.--As used in this article, "Approved private school" shall mean a private school receiving funding under section 1376.

"Area vocational-technical school" shall mean any school established under Article XVIII.

"Charter school" shall mean a school established under Article XVII-A.

"Community college" shall mean a public college or technical institute which is established and operated under Article XIX-A and all branch campuses of a community college or technical institute.

"Community education council" shall mean a nonprofit educational organization, governed by a community-based board of directors, which serves to provide access to post-secondary education and training resources for citizens in educationally underserved areas of this Commonwealth.

"Department" shall mean the Department of Education of the Commonwealth.

1 "Fund" shall mean the Pennsylvania Education Network Fund
2 established in section 1506-A(a).

3 "Independent institution of higher education" shall mean an
4 institution of higher education which is operated not-for-
5 profit, located in and incorporated or chartered by the
6 Commonwealth, entitled to confer degrees as set forth in section
7 211 of the act of May 5, 1933 (P.L.289, No.105), known as the
8 "Nonprofit Corporation Law," or under 24 Pa.C.S. Ch. 65
9 (relating to private colleges, universities and seminaries) and
10 entitled to apply to itself the designation "college" or
11 "university" as provided for by standards and qualifications
12 prescribed under 24 Pa.C.S. Ch. 65.

13 "Intermediate unit" shall mean an intermediate unit
14 established pursuant to Article IX-A.

15 "Local library" shall mean any library meeting the definition
16 under section 102(1) of the act of June 14, 1961 (P.L.324,
17 No.188), known as "The Library Code."

18 "Museum" shall mean any institution, including facilities,
19 used for housing archaeological, historical cultural or
20 anthropological artifacts to the public and recognized as such
21 by the Pennsylvania Historical and Museum Commission.

22 "Network architecture" shall mean the specific nature and
23 arrangement of a telecommunication system's infrastructure that
24 allows the system to interface with other systems within a
25 network.

26 "Nonpublic school" shall mean a nonpublic school as that term
27 is defined in section 922.1-A.

28 "Qualified applicant" shall mean any school district,
29 intermediate unit, area vocational-technical school, charter
30 school, local library or museum.

1 "The Pennsylvania Education Network" or "PEN" shall mean the
2 Statewide telecommunications network which will be developed by
3 building upon and integrating, where appropriate, existing
4 telecommunications infrastructures and resources. Educational
5 institutions will be able to connect to this network to be
6 linked to other teachers, administrators, students, experts and
7 other information resources.

8 "State-owned institution" shall mean an institution which is
9 part of the State System of Higher Education under Article XX-A
10 and all branches and campuses of a State-owned institution.

11 "State-related institution" shall mean The Pennsylvania State
12 University, including the Pennsylvania College of Technology,
13 the University of Pittsburgh, Temple University and Lincoln
14 University and their branch campuses.

15 "Technology" shall mean any technical or scientific method of
16 sending, receiving, storing, packaging or assimilating audio,
17 video, graphics, data or any combination thereof by means of
18 electromagnetic signal and any equipment, processes and
19 facilities used for that purpose.

20 Section 2. Sections 1503-A, 1504-A and 1505-A of the act are
21 repealed:

22 [Section 1503-A. Basic Education Grants.--(a) Grants shall
23 be allocated to school districts and to area vocational-
24 technical schools by the department from funds appropriated for
25 this purpose. A nonpublic school, an intermediate unit or local
26 library may participate in the grant process through a
27 partnership with a school district.

28 (b) Grants shall be used to:

29 (1) Improve the quality and quantity of educational
30 technology in accordance with minimum standards and

1 specifications developed by the department and the Office of
2 Administration.

3 (2) Equip schools and other entities with the appropriate
4 networking and Internet technologies to build the Pennsylvania
5 Education Network.

6 (3) Provide for the training of teachers and staff in ways
7 to effectively integrate the technology with the curriculum.

8 (4) Begin implementing the regional action plans that were
9 developed as part of the shared vision and action plan project
10 activities.

11 (5) Improve the quality of technology services at the State
12 Library of Pennsylvania.

13 (6) Acquire software systems to assess individual student
14 learning needs, customize instruction for individual students,
15 correlate Pennsylvania's academic standards to local school
16 curriculum resources, automate teachers' administrative
17 responsibilities and track individual student progress through
18 assessments and reports to teachers and parents.

19 (c) (1) Grants shall be allocated through a competitive
20 grant review process established by the Secretary of Education.

21 (2) School districts, charter schools, area vocational-
22 technical schools and intermediate units are eligible to apply
23 for grants as prescribed by the department. Maximum grant awards
24 will be established by the department based on a formula that
25 considers the market value/income aid ratio and average daily
26 membership. The department may establish matching requirements
27 for grant recipients.

28 (3) The application for a grant shall be made at such time
29 and in such form as the Secretary of Education may require.

30 (4) An applicant may collaborate or form a partnership with

one or more of the following: a political subdivision, a school district, an area vocational-technical school, an intermediate unit, a nonpublic school, a local library, an independent institution of higher education, a State-owned institution, a State-related institution, a community education council or any other entity approved by the Department of Education.

Section 1504-A. Higher Education Funding.--(a) The department and the Office of Administration shall establish management teams to provide direction and oversight and to distribute funds appropriated for the researching, planning and development of the Pennsylvania Education Network which can include when appropriate, but not be limited to, the following focus areas:

(1) Documenting public and private technology resources, including, but not limited to, existing telecommunications networks, video conferencing capabilities and distance education courses and identifying technology transfer opportunities that can be leveraged for the Pennsylvania Education Network.

(2) Establishing technology grants to develop educational content and implement Pennsylvania Education Network strategies and connectivity by using competing technologies and methodologies.

(i) Funds for grants shall be distributed through an application at such time and in such form as the Secretary of Education may require.

(ii) Applicants may include public and private institutions of higher education, community education councils, not-for-profit organizations in Pennsylvania and any other entity approved by the Department of Education.

(iii) Priority shall be given to applications consisting of

1 partnerships.

2 (3) Implementing a shared Statewide vision and strategic
3 plan for building the Pennsylvania Education Network.

4 (4) Developing methods and resources to ensure educators are
5 able to use the technology effectively with the curriculum.

6 (5) Implementing a web-based application that makes all
7 articulation agreements among higher education institutions
8 available on the Internet.

9 (b) The management teams shall be comprised of
10 representatives from State-owned institutions, State-related
11 institutions, community colleges and independent institutions of
12 higher education in Pennsylvania, intermediate units, community
13 education councils and representatives from other public and
14 not-for-profit organizations in Pennsylvania.

15 (c) Project managers will be nominated by the institutions
16 in subsection (b). Prospective project managers shall be
17 reviewed and selected jointly by the department and the Office
18 of Administration.

19 (d) Each management team shall be responsible for defining
20 the scope of work, goals, objectives, task assignment and budget
21 for its respective focus area. Funds for management teams shall
22 be distributed through an application to the Office of
23 Administration and the department, to be approved through a
24 joint review process.

25 (e) Each team manager shall report to and shall be held
26 accountable by the Secretary of Education and the Secretary of
27 Administration or their designee, the form and manner to be
28 determined by the Secretary of Education.

29 Section 1505-A. Technology Grants for Equipment and
30 Services.--(a) The purposes of the technology grants to benefit

1 students in nonpublic and private schools are to:

2 (1) Improve the education Pennsylvania's nonpublic and
3 private school students receive.

4 (2) Increase nonpublic and private students' access to
5 worldwide information, expertise and resources available through
6 technology.

7 (3) Provide professional development opportunities to ensure
8 nonpublic and private school teachers can use technology
9 effectively with the curriculum.

10 (4) Complement Link-to-Learn's efforts and add value to the
11 Pennsylvania Education Network by forging collaborative
12 partnerships between educational institutions.

13 (5) Complement Federal technology initiatives.

14 (b) The Department of Education through intermediate units
15 shall have the power and duty to purchase computer hardware,
16 software, connectivity and related technology to loan them to
17 all children residing in this Commonwealth who are enrolled in
18 grades kindergarten through twelve of a nonpublic and private
19 school and may provide professional development opportunities.
20 The Secretary of Education shall establish a per capita formula
21 based on the number of eligible students in nonpublic and
22 private schools and each intermediate unit. Funds shall be
23 allocated to intermediate units who shall purchase and loan the
24 equipment to such children and may provide professional
25 development opportunities. Equipment and services shall not be
26 used for sectarian purposes.]

27 Section 3. The act is amended by adding a section to read:

28 Section 1506-A. Pennsylvania Education Network Fund.--(a)

29 (1) The department shall establish and administer the

30 Pennsylvania Education Network Fund, which is hereby established

1 as a special nonlapsing fund in the State Treasury, to finance
2 the education technology grants in subsection (b). The
3 department may use no more than five (5) per centum of the
4 moneys from this fund to establish the department's connection
5 to and participation in PEN.

6 (2) The department shall promulgate rules and regulations
7 for the administration of the fund.

8 (3) The fund shall consist of the following:

9 (i) Appropriations made by the General Assembly to the
10 department for furtherance of this article.

11 (ii) Federal funds, contributions or appropriations to the
12 department for the purpose of development, expansion or
13 enhancement of broadband connectivity between and among
14 qualified applicants.

15 (iii) Gifts, bequests, contributions or other funds from
16 public or private sources which designate the fund as the
17 recipient.

18 (4) Under no circumstances may any grant from this fund be
19 used by a recipient that develops, expands or enhances any
20 broadband capacity or capability that connects with the general
21 public or any of the local communities within this Commonwealth.

22 (5) Grants awarded under this article shall not be used to
23 determine the payment by a school district to a charter school
24 pursuant to section 1725-A(a)(2) and (3).

25 (b) (1) Grants shall be allocated to qualified applicants
26 by the department from the fund. A nonpublic school or approved
27 private school may participate in the grant process through a
28 partnership with a qualified applicant.

29 (2) Grants shall be used to enhance the ability of a
30 qualified applicant, nonpublic school or approved private school

to connect and utilize the Pennsylvania Education Network for the purpose of improving the quality of educational technology and services.

(3) The fund may be used by qualified applicants for:

(i) Equipment required to connect to or effectively use PEN.

(ii) Applications, content development, software, consulting services or other related technology services that make use of PEN, including, but not limited to:

(A) twenty-four (24) hour access to educational resources;

(B) teacher support services, including professional development;

(C) curriculum support services;

(D) remedial education;

(E) student assessment;

(F) collaboration among PEN participants, including group purchasing of educational supplies and services;

(G) parental access to educational resources;

(H) data storage and management;

(I) emergency management and security;

(J) administrative and staff support; or

(K) electronic or distance learning.

(iii) Connectivity, including establishment of minimum standards in subsection (c) or connectivity upgrades in excess of those standards.

(iv) Other uses of PEN that enhance education in a manner approved by the department.

(4) No funds may be used for any purposes that are not in support of PEN and in compliance with the standards set by the department pursuant to subsection (c).

(5) The following apply:

1 (i) Grants shall be allocated through a grant review process
2 established by the Secretary of Education.

3 (ii) The department may establish matching requirements for
4 grant recipients.

5 (iii) The application for a grant shall be made in the
6 manner and form as the Secretary of Education may require.

7 (iv) A qualified applicant may collaborate or form a
8 partnership with one or more qualified applicants or a nonpublic
9 school, an approved private school, an independent institution
10 of higher education, a State-owned institution, a State-related
11 institution, a community college or any other entity approved by
12 the department.

13 (v) The department may develop funding incentives with the
14 grant program to encourage collaboration or partnerships between
15 or among qualified applicants.

16 (c) The department, in cooperation with the Department of
17 Community and Economic Development, and representatives of
18 qualified applicants and the telecommunications industry
19 operating within this Commonwealth, shall establish standards
20 regarding the network architecture for PEN. Any applicant
21 receiving moneys from the fund must comply with these standards.
22 Standards shall include:

23 (1) Minimum acceptable upstream and downstream connection
24 speeds.

25 (2) Requirements that qualified applicants serve as hubs
26 within the network for demand aggregation.

27 (d) Nothing in this section shall prevent a grant recipient
28 from establishing connection speeds or standards in excess of
29 the standards established pursuant to this section.

30 (e) The provisions of this section are intended to

1 complement Federal technology initiatives, including those
2 established pursuant to the universal service support mechanism
3 for schools and libraries established in section 254 of the
4 Telecommunications Act of 1996 (Public Law 104-104, 110 Stat.
5 56). The department shall administer the grant program under
6 this article to maximize the ability of grant recipients to
7 access all sources of Federal funding. However, nothing in this
8 article shall prohibit the department from authorizing grants
9 for purposes in subsection (b) which are not eligible for
10 Federal funding.

11 Section 4. This act shall take effect July 1, 2007, or
12 immediately, whichever is later.