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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

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INTRODUCED BY KASUNIC, MUSTO, LAVALLE, RAFFERTY, STOUT, KITCHEN,  
GORDNER, COSTA, D. WHITE, O'PAKE, LOGAN, STACK, BOSCOLA AND  
REGOLA, JANUARY 31, 2005

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REFERRED TO EDUCATION, JANUARY 31, 2005

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AN ACT

1 Requiring school districts to establish a program to monitor and  
2 control Internet access by students; establishing the  
3 Internet Content Control Software Fund and its funding  
4 source; and providing for powers and duties of the Department  
5 of Education.

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

8 Section 1. Short title.

9 This act shall be known and may be cited as the Student  
10 Internet Access Act.

11 Section 2. Declaration of policy.

12 The General Assembly finds and declares as follows:

13 (1) The Internet is an increasingly valuable medium for  
14 the collection and dissemination of information.

15 (2) It is expected that 100% of the school districts in  
16 this Commonwealth will have Internet access by the new  
17 millennium.

18 (3) Currently, a significant number of elementary and  
19 secondary schools use the Internet as a part of their

1        respective curricula and encourage students to use the  
2        Internet as a means of acquiring information.

3            (4) Many students have access to the Internet through  
4        school-provided Internet services and often seek or are  
5        exposed to obscene and pornographic sites, as well as sites  
6        that encourage or advocate intolerance, militant or extremist  
7        behavior and the use of alcohol, tobacco and illicit drugs.

8            (5) Increasingly advertisers use the Internet to market  
9        obscene materials to millions of Internet users.

10           (6) Various organizations make available via the  
11        Internet information advocating drug, alcohol, and tobacco  
12        sale, consumption and production. Organizations also make  
13        available information advocating intolerance and militant or  
14        extremist behavior.

15           (7) The Commonwealth has a compelling interest in  
16        protecting elementary and secondary students from the above-  
17        mentioned types of materials. In doing so the General  
18        Assembly must enact a narrowly tailored remedy to avoid  
19        interfering with the growth or accessibility of this  
20        important medium and with the needs of school districts to  
21        use the Internet as a curriculum-enhancing learning tool in  
22        accordance with the Constitution of the United States and  
23        section 7 of Article I of the Constitution of Pennsylvania.

24           (8) This act empowers school districts to adopt policies  
25        for the use of Internet content control software to block  
26        access by students to Internet sites that are inappropriate  
27        for viewing and use by its students.

### 28    Section 3.    Definitions.

29        The following words and phrases when used in this act shall  
30        have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 "Department." The Department of Education of the  
3 Commonwealth.

4 "Drug." A controlled substance or other substance used for  
5 other than its primary purpose to alter an individual's state of  
6 mind. The term includes a prescription drug when used other than  
7 for its primary purpose.

8 "Fund." The Internet Content Control Software Fund  
9 established under section 6 (relating to Internet Content  
10 Control Software Fund).

11 "Gross depiction." A picture, descriptive text or audio  
12 communication of an individual or anything that is crudely  
13 vulgar or grossly deficient in civility or which show  
14 scatological impropriety. The term includes a depiction  
15 including, but not limited to, maiming, bloody figure or  
16 indecent depiction of a bodily function.

17 "Internet." The international nonproprietary computer  
18 network of both Federal and non-Federal interoperable packet-  
19 switched data networks.

20 "Internet content control software." A special type of  
21 filtering program designed to reject Internet sites not suitable  
22 for students. The software may screen sites by word content,  
23 site rating or by uniform resource locator, using an updated  
24 database of objectionable sites or any combination of these  
25 techniques for the purpose of blocking the viewing of  
26 undesirable Internet content.

27 "Intolerance." Prejudice or discrimination against a race,  
28 color, national origin, religion, disability or handicap, gender  
29 or sexual orientation. The term includes the making of  
30 intolerant jokes and slurs.

1 "Militant or extremist behavior." Extremely aggressive and  
2 combative behavior or a behavior which advocates unlawful  
3 political measures.

4 "Obscenity" or "obscene." Material that, to the average  
5 person applying contemporary standards, the predominant appeal  
6 of the matter taken as a whole appeals to the prurient interest  
7 or lacks redeeming social importance.

8 "Partial nudity." Exposure of the female breast or male or  
9 female buttocks, except when exposing genitalia.

10 "Profanity." Obscene words or phrases.

11 "Satanic cult." A closed society often headed by a single  
12 individual, where loyalty is demanded and leaving may be  
13 punishable, where harm to oneself and others is advocated and  
14 worship of the devil and affinity for evil or wickedness is  
15 encouraged.

16 "Violence." Extreme cruelty or physical or emotional act  
17 against an animal or person which is primarily intended to hurt  
18 or inflict pain.

19 Section 4. Internet content control software purchase  
20 requirement.

21 (a) General rule.--Each school district shall establish a  
22 program to monitor and control Internet access by students in  
23 accordance with this section.

24 (b) Purchase of software required.--Each school district  
25 shall purchase Internet content control software that will allow  
26 it to monitor and control which Internet sites its students will  
27 be enabled to access. Each school district, through its board of  
28 school directors, shall implement a policy for the use of  
29 Internet content control software.

30 (c) Policy specifications.--Each school district's policy

1 shall clearly state what types of information will be blocked  
2 from student access. The policy may prohibit access by students  
3 to the following:

4 (1) Obscenity.

5 (2) Gross depictions.

6 (3) Depictions of sexual acts.

7 (4) Depictions of full and partial nudity.

8 (5) Information encouraging or advocating satanic cults,  
9 intolerance, militant or extremist behavior, violence or  
10 profanity and the sale, consumption or production of illicit  
11 drugs, alcohol or tobacco products.

12 (d) School administrator responsibilities.--Each school  
13 district's policy shall designate a person who shall act as an  
14 administrator of the program under subsection (a). The  
15 administrator shall determine which Internet sites are  
16 inappropriate for use and viewing by students in that school  
17 district and shall network security, install new applications,  
18 distribute software upgrades, monitor daily activity, enforce  
19 licensing agreements, develop a storage management program and  
20 provide for routine backups.

21 Section 5. Grants to school districts.

22 The department may, upon written application, award grants to  
23 school districts from the fund for the purchase of Internet  
24 content control software authorized by this act. A grant awarded  
25 under this section shall be subject to such terms and conditions  
26 as established by the department.

27 Section 6. Internet Content Control Software Fund.

28 (a) Establishment.--There is hereby established as a  
29 separate fund in the State Treasury a special fund to be known  
30 as the Internet Content Control Software Fund.

1 (b) Continuing appropriation.--Within 30 days of the close  
2 of any calendar month, 0.151% of tax receipts under Article II  
3 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax  
4 Reform Code of 1971, shall be transferred into the fund. The  
5 department shall administer the fund. Moneys in the fund are  
6 hereby appropriated to the department on a continuing basis for  
7 the purposes of providing grants to school districts for the  
8 purchase of Internet content control software.

9 Section 7. Effective date.

10 This act shall take effect in 60 days.