AN ACT

Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," providing for online instruction.

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

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

ARTICLE XV-K

ONLINE INSTRUCTION

Section 1501-K. Definitions.

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

"Acute poverty household." A household in which the ratio of income to poverty is less than 100% of the Federal poverty
guidelines.

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

"Distance learning or remote learning." Curriculum that:
(1) is provided by a student's home school entity to supplement or supplant all or part of in-person learning; and
(2) can be accessed anywhere, synchronously or asynchronously, by the Internet.

"Fund." The School Online Equity Fund established under section 1504-K.

"Online instruction." Distance learning or remote learning, or a cyber school program provided by a student's home school entity or a contracted third party, or any combination thereof, with or without in-person instruction, which can be assessed anywhere, synchronously or asynchronously, by the Internet.

"School entity." A school district, intermediate unit, area career and technical school, charter school, cyber charter school or regional charter school that a child attends in order to fulfill the compulsory attendance requirements of this act.

"Technology equipment." Includes laptops, tablets and other electronic mobile devices that can access online instruction.

"Technology infrastructure." As follows:
(1) Technology that allows technology equipment necessary to access the Internet for online instruction.
(2) The term includes mobile hotspots.

Section 1502-K. Access to online instruction.
(a) Duty of school entity generally.--A school entity shall ensure that all enrolled students of the school entity have the option of accessing online instruction or that online instruction is available to all students if in-person
instruction is not possible.

(b) Specific actions.--To fulfill the duty under subsection (a), the school entity shall:

(1) Survey students and families annually as to their ability to access technology equipment and technology infrastructure from home.

(2) Require lesson plans, individualized education programs and service agreements under section 504 of the Rehabilitation Act of 1973 (Public Law 93-112, 29 U.S.C. § 794) and 22 Pa. Code Ch. 15 (relating to protected handicapped students) to be designed for online instruction.

(3) Conduct training for online instruction for students, parents and staff.

(4) Identify all students living in an acute poverty household and lacking the technology equipment or technology infrastructure, or both, to allow for online instruction, and:

(i) Submit a grant request through the fund to address the unmet needs relating to technology equipment or technology infrastructure. The following apply:

(A) Technology equipment or technology infrastructure obtained through this section remains the property of the school entity.

(B) The school entity shall adopt appropriate guidelines for the use and disbursement of the technology equipment and technology infrastructure, including matters relating to rotation schedules, maintenance schedules and repair or replacement policies due to accidental damage.

(ii) Connect a family of a student in need of
technology equipment or technology infrastructures with
the school entity's contracted Internet service provider
to secure access for the student to the Internet at the
student's home at no cost.

Section 1503-K. Survey of school online instruction
preparation.

(a) Development.--Not later than 45 days after the effective
date of this section, the department shall adopt a survey
instrument to measure online instruction preparedness and
training and curriculum readiness. The following apply:

(1) The survey shall then be distributed to all school
entities.

(2) The survey shall include the following:

(i) Student access at home to technology equipment
and technology infrastructure needed to participate in
online instruction.

(ii) Teachers and staff involved in providing or
assisting in instruction or student services and
accessibility to technology equipment and technology
infrastructure needed to participate in online
instruction.

(iii) Any additional hardware or software needed to
assist students with an individualized education program
in completing goals while participating in online
instruction.

(iv) Certification of a teacher and staff training
program in utilizing technology equipment and technology
infrastructure needed to conduct online instruction. All
teachers and related staff shall participate in this
training, which:
(A) shall occur not later than September 15 annually; and

(B) may be used to comply with applicable State continuing education requirements.

(v) Certification of a parent training program in utilizing technology equipment and technology infrastructure needed to assist in online instruction that was publicly advertised with at least 21 days notice. This training shall be offered not later than September 15 annually.

(vi) Certification of a student training program that is age appropriate and developmentally appropriate, in utilizing technology equipment and technology infrastructure needed to participate in online instruction remotely. This training shall occur not later than September 15 annually.

(vii) Certification that school policy requires that lesson plans for each program of instruction offered by the school entity shall be designed in consideration of possible online instruction.

(b) Completion.--Not later than 75 days after receipt of the survey or September 21 in each subsequent year following the effective date of this section, whichever is later, each school entity shall return the completed survey prescribed under subsection (a) to the department with the following tabulation:

(1) The number of enrolled students living in an acute poverty percentage household without access to technology equipment needed to participate in online instruction.

(2) The number of enrolled students living in an acute poverty percentage household without access to technology equipment needed to participate in online instruction.
infrastructure needed to participate in online instruction.
(c) Engagement.--A survey shall not be deemed complete by
the department without:
(1) completing the specified certifications;
(2) receiving 90% parent participation and 100% staff
participation regarding technology-related responses; and
(3) providing to the department the number of students
from households living in acute poverty with technology
equipment and technology infrastructure needs.
(d) Frequency.--
(1) Training programs for teachers, staff, parents and
students shall be completed annually.
(2) Students admitted during the school year shall be
surveyed upon admittance.
(3) A school entity shall administer the survey
instrument at a minimum of every two years.
Section 1504-K. School Online Equity Fund.
(a) Establishment.--The School Online Equity Fund is
established as a special nonlapse fund in the State Treasury.
(b) Purpose.--The fund shall provide grants to school
entities to ensure that students from households living in acute
poverty are provided the technology equipment and technology
infrastructure needed to participate in online instruction.
(c) Use of money.--All money deposited in the fund and the
interest the money accrues is appropriated to the department on
a continuing basis to fund school entities under this article.
(d) Administrative action.--
(1) No administrative action shall prevent the deposit
of money in the fund in the fiscal year in which the money is
received.
(2) The fund may only be used for funding authorized under this article.

(3) Money in the fund may not be transferred or diverted to any other purpose by administrative action.

(e) Source of money.--Money available to the fund shall include appropriations, executive authorizations and transfers from the General Fund, special funds, Federal funds and other sources of revenue made available to the fund.

(f) Amount of grants.--For the school year immediately following the effective date of this section and each subsequent school year, the Commonwealth shall make available to each school entity that complies with section 1503-K a grant to be calculated as follows:

(1) Using a completed survey under section 1503-K(a), determine the sum of the following:

(i) The school entity's total number of enrolled students living in an acute poverty household without access to technology equipment.

(ii) The school entity's total number of enrolled students living in an acute poverty household without access to technology infrastructure.

(2) Divide the sum in paragraph (1) by the sum of the following:

(i) The total number of enrolled students living in an acute poverty household without access to technology equipment for all school entities in this Commonwealth.

(ii) The total number of enrolled students living in an acute poverty household without access to technology infrastructure for all school entities in this Commonwealth.
(3) Multiply the quotient in paragraph (2) by the amount available in the fund.

(g) Eligible uses of fund money.—Grant money received by a school entity under this section may only be used:

(1) to assist students living in acute poverty households for the purchase by the school entity of technology equipment or technology infrastructure for a student to participate in online instruction or purchase any other hardware or software for a student with an individualized education program that assists in completing individualized education program goals while participating in online instruction; and

(2) equally for each student who qualifies but may be combined with additional school entity funding as long as it is for a qualified item under this section. A household with multiple eligible students shall not be limited for technology equipment expenses but may be limited for technology infrastructure expenses.

(h) Construction.—Nothing in this section shall be construed to limit a school entity from applying for additional funding during the school year.

(i) Unspent money.—All unspent fund money shall be returned at the end of the school year to the department.

(j) Record keeping.—A school entity shall keep records detailing each grant received and related expenditures under this section.

Section 1505-K. Access to Internet.

(a) Duty.—An Internet service provider that is contracted by a school entity to provide Internet services shall establish an Internet service and data package for students from
households living in acute poverty in that school entity and
provide the package to those qualified applicants at no cost.

(b) Limits.--Reasonable limits may be placed on the Internet
service and data package under this section, including data
limits, access to noneducational websites and connection speed,
if the limits are suitable to the school entity's online
instruction requirements.

(c) Materials and information.--A school entity shall work
with a contracted Internet service provider to develop materials
and an application process for qualified applicants and ensure
that information regarding this article is shared and easily
accessed by parents and guardians of children in the school
entity.

Section 2. This act shall take effect immediately.