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 online instruction.
6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:
8 Section 1. The act of March 10, 1949 (P.L.30, No.14), known
9 as the Public School Code of 1949, is amended by adding an
10 article to read:
11
12 ARTICLE XV-K
13 ONLINE INSTRUCTION
14
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 "Acute poverty household." A household in which the ratio of
20 income to poverty is less than 100% of the Federal poverty
"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, but is not limited to, 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, but is not limited to, 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
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 shall apply:
(A) Technology equipment or technology
infrastructure obtained through this section shall
remain 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 preparedness.

(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 shall apply:

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

(2) The survey shall include, but not be limited to, the following:

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

(ii) Teacher 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

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equipment needed to participate in online instruction.

(2) The number of enrolled students living in an acute poverty percentage household without access to technology 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 nonlapsing 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, but not limited to, 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.