
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 34

Session of
2003

INTRODUCED BY KASUNIC, O'PAKE, MUSTO, LAVALLE, LOGAN, COSTA,
KITCHEN, RAFFERTY, TARTAGLIONE AND WOZNIAK, JANUARY 23, 2003

REFERRED TO EDUCATION, JANUARY 23, 2003

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.

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

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

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

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

30 "Militant or extremist behavior." Extremely aggressive and

1 combative behavior or a behavior which advocates unlawful
2 political measures.

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

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

9 "Profanity." Obscene words or phrases.

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

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

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

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

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

29 (c) Policy specifications.--Each school district's policy
30 shall clearly state what types of information will be blocked

1 from student access. The policy may prohibit access by students
2 to the following:

- 3 (1) Obscenity.
- 4 (2) Gross depictions.
- 5 (3) Depictions of sexual acts.
- 6 (4) Depictions of full and partial nudity.
- 7 (5) Information encouraging or advocating satanic cults,
8 intolerance, militant or extremist behavior, violence or
9 profanity and the sale, consumption or production of illicit
10 drugs, alcohol or tobacco products.

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

20 Section 5. Grants to school districts.

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

26 Section 6. Internet Content Control Software Fund.

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

30 (b) Continuing appropriation.--Within 30 days of the close

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

8 Section 7. Effective date.

9 This act shall take effect in 60 days.