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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL**

**No. 198**      Session of  
2007

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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) Currently, a significant number of elementary and  
16 secondary schools use the Internet as a part of their  
17 respective curricula and encourage students to use the  
18 Internet as a means of acquiring information.

19 (3) Many students have access to the Internet through

1 school-provided Internet services and often seek or are  
2 exposed to obscene and pornographic sites, as well as sites  
3 that encourage or advocate intolerance, militant or extremist  
4 behavior and the use of alcohol, tobacco and illicit drugs.

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

7 (5) Various organizations make available via the  
8 Internet information advocating drug, alcohol and tobacco  
9 sale, consumption and production. Organizations also make  
10 available information advocating intolerance and militant or  
11 extremist behavior.

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

21 (7) This act empowers school districts to adopt policies  
22 for the use of Internet content control software to block  
23 access by students to Internet sites that are inappropriate  
24 for viewing and use by its students.

25 Section 3. Definitions.

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

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

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

5 "Fund." The Internet Content Control Software Fund  
6 established under section 6.

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

13 "Internet." The international nonproprietary computer  
14 network of both Federal and non-Federal interoperable packet-  
15 switched data networks.

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

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

27 "Militant or extremist behavior." Extremely aggressive and  
28 combative behavior or a behavior which advocates unlawful  
29 political measures.

30 "Obscenity" or "obscene." Material that, to the average

1 person applying contemporary standards, the predominant appeal  
2 of the matter taken as a whole appeals to the prurient interest  
3 or lacks redeeming social importance.

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

6 "Profanity." Obscene words or phrases.

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

12 "Violence." Extreme cruelty or physical or emotional act  
13 against an animal or person which is primarily intended to hurt  
14 or inflict pain.

15 Section 4. Internet content control software purchase  
16 requirement.

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

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

26 (c) Policy specifications.--Each school district's policy  
27 shall clearly state what types of information will be blocked  
28 from student access. The policy may prohibit access by students  
29 to the following:

30 (1) Obscenity.

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

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

17          Section 5. Grants to school districts.

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

23          Section 6. Internet Content Control Software Fund.

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

27          (b) Continuing appropriation.--Within 30 days of the close  
28          of any calendar month, 0.151% of tax receipts under Article II  
29          of the act of March 4, 1971 (P.L.6, No.2), known as the Tax  
30          Reform Code of 1971, shall be transferred into the fund. The

1 department shall administer the fund. Moneys in the fund are  
2 hereby appropriated to the department on a continuing basis for  
3 the purposes of providing grants to school districts for the  
4 purchase of Internet content control software.

5 Section 7. Effective date.

6 This act shall take effect in 60 days.