
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2705 Session of
2020

INTRODUCED BY D. MILLER, ROEBUCK, ZABEL, KIM, CEPHAS, KINSEY,
WEBSTER, GALLOWAY, HILL-EVANS, RABB, A. DAVIS, SCHLOSSBERG,
DELLOSO, DONATUCCI, SHUSTERMAN, SANCHEZ, DEASY, CIRESI AND
DeLUCA, JULY 22, 2020

REFERRED TO COMMITTEE ON EDUCATION, JULY 22, 2020

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 ARTICLE XV-K

12 ONLINE INSTRUCTION

13 Section 1501-K. Definitions.

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

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

1 guidelines.

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

4 "Distance learning or remote learning." Curriculum that:

5 (1) is provided by a student's home school entity to
6 supplement or supplant all or part of in-person learning; and

7 (2) can be accessed anywhere, synchronously or
8 asynchronously, by the Internet.

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

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

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

20 "Technology equipment." Includes, but is not limited to,
21 laptops, tablets and other electronic mobile devices that can
22 access online instruction.

23 "Technology infrastructure." As follows:

24 (1) Technology that allows technology equipment
25 necessary to access the Internet for online instruction.

26 (2) The term includes, but is not limited to, mobile
27 hotspots.

28 Section 1502-K. Access to online instruction.

29 (a) Duty of school entity generally.--A school entity shall
30 ensure that all enrolled students of the school entity have the

1 option of accessing online instruction or that online
2 instruction is available to all students if in-person
3 instruction is not possible.

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

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

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

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

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

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

23 (A) Technology equipment or technology
24 infrastructure obtained through this section shall
25 remain the property of the school entity.

26 (B) The school entity shall adopt appropriate
27 guidelines for the use and disbursement of the
28 technology equipment and technology infrastructure,
29 including matters relating to rotation schedules,
30 maintenance schedules and repair or replacement

1 policies due to accidental damage.

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

7 Section 1503-K. Survey of school online instruction
8 preparedness.

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

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

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

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

20 (ii) Teacher and staff involved in providing or
21 assisting in instruction or student services and
22 accessibility to technology equipment and technology
23 infrastructure needed to participate in online
24 instruction.

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

29 (iv) Certification of a teacher and staff training
30 program in utilizing technology equipment and technology

1 infrastructure needed to conduct online instruction. All
2 teachers and related staff shall participate in this
3 training, which:

4 (A) shall occur not later than September 15
5 annually; and

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

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

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

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

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

29 (1) The number of enrolled students living in an acute
30 poverty percentage household without access to technology

1 equipment needed to participate in online instruction.

2 (2) The number of enrolled students living in an acute
3 poverty percentage household without access to technology
4 infrastructure needed to participate in online instruction.

5 (c) Engagement.--A survey shall not be deemed complete by
6 the department without:

7 (1) completing the specified certifications;

8 (2) receiving 90% parent participation and 100% staff
9 participation regarding technology-related responses; and

10 (3) providing to the department the number of students
11 from households living in acute poverty with technology
12 equipment and technology infrastructure needs.

13 (d) Frequency.--

14 (1) Training programs for teachers, staff, parents and
15 students shall be completed annually.

16 (2) Students admitted during the school year shall be
17 surveyed upon admittance.

18 (3) A school entity shall administer the survey
19 instrument at a minimum of every two years.

20 Section 1504-K. School Online Equity Fund.

21 (a) Establishment.--The School Online Equity Fund is
22 established as a special nonlapsing fund in the State Treasury.

23 (b) Purpose.--The fund shall provide grants to school
24 entities to ensure that students from households living in acute
25 poverty are provided the technology equipment and technology
26 infrastructure needed to participate in online instruction.

27 (c) Use of money.--All money deposited in the fund and the
28 interest the money accrues is appropriated to the department on
29 a continuing basis to fund school entities under this article.

30 (d) Administrative action.--

1 (1) No administrative action shall prevent the deposit
2 of money in the fund in the fiscal year in which the money is
3 received.

4 (2) The fund may only be used for funding authorized
5 under this article.

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

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

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

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

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

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

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

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

30 (ii) The total number of enrolled students living in

1 an acute poverty household without access to technology
2 infrastructure for all school entities in this
3 Commonwealth.

4 (3) Multiply the quotient in paragraph (2) by the amount
5 available in the fund.

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

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

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

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

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

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

30 Section 1505-K. Access to Internet.

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

6 (b) Limits.--Reasonable limits may be placed on the Internet
7 service and data package under this section, including, but not
8 limited to, data limits, access to noneducational websites and
9 connection speed, if the limits are suitable to the school
10 entity's online instruction requirements.

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

17 Section 2. This act shall take effect immediately.