

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

HOUSE BILL

No. 86 Session of  
2021

---

INTRODUCED BY D. MILLER, HILL-EVANS, GALLOWAY, KRAJEWSKI,  
A. DAVIS, DELLOSO, LEE, SANCHEZ, CONKLIN, SCHLOSSBERG,  
HOHENSTEIN, HOWARD, CIRESI, ROZZI, NEILSON, DEASY, WEBSTER  
AND GUZMAN, JANUARY 11, 2021

---

REFERRED TO COMMITTEE ON EDUCATION, JANUARY 11, 2021

---

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 laptops, tablets and other  
21 electronic mobile devices that can access online instruction.

22 "Technology infrastructure." As follows:

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

25 (2) The term includes mobile hotspots.

26 Section 1502-K. Access to online instruction.

27 (a) Duty of school entity generally.--A school entity shall  
28 ensure that all enrolled students of the school entity have the  
29 option of accessing online instruction or that online  
30 instruction is available to all students if in-person

1 instruction is not possible.

2 (b) Specific actions.--To fulfill the duty under subsection

3 (a), the school entity shall:

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

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

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

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

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

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

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

30 (ii) Connect a family of a student in need of

1 technology equipment or technology infrastructures with  
2 the school entity's contracted Internet service provider  
3 to secure access for the student to the Internet at the  
4 student's home at no cost.

5 Section 1503-K. Survey of school online instruction  
6 preparedness.

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

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

13 (2) The survey shall include the following:

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

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

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

26 (iv) Certification of a teacher and staff training  
27 program in utilizing technology equipment and technology  
28 infrastructure needed to conduct online instruction. All  
29 teachers and related staff shall participate in this  
30 training, which:

1           (A) shall occur not later than September 15  
2           annually; and

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

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

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

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

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

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

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

1 infrastructure needed to participate in online instruction.

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

4 (1) completing the specified certifications;

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

7 (3) providing to the department the number of students  
8 from households living in acute poverty with technology  
9 equipment and technology infrastructure needs.

10 (d) Frequency.--

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

13 (2) Students admitted during the school year shall be  
14 surveyed upon admittance.

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

17 Section 1504-K. School Online Equity Fund.

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

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

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

27 (d) Administrative action.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 Section 1505-K. Access to Internet.

28 (a) Duty.--An Internet service provider that is contracted  
29 by a school entity to provide Internet services shall establish  
30 an Internet service and data package for students from



1 households living in acute poverty in that school entity and  
2 provide the package to those qualified applicants at no cost.

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

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

14 Section 2. This act shall take effect immediately.