To support the development, implementation, and evaluation of innovative strategies and methods to increase out-of-school access to digital learning resources for eligible students in order to increase student and educator engagement and disseminate evidence-based strategies to relevant stakeholders and the public.

IN THE SENATE OF THE UNITED STATES

JUNE 18, 2015

Mr. KING (for himself and Mrs. CAPITO) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To support the development, implementation, and evaluation of innovative strategies and methods to increase out-of-school access to digital learning resources for eligible students in order to increase student and educator engagement and disseminate evidence-based strategies to relevant stakeholders and the public.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Digital Learning Equity Act of 2015”.
SEC. 2. DIGITAL LEARNING EQUITY.

Title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7101 et seq.) is amended at the end by adding the following:

“PART D—DIGITAL LEARNING EQUITY DEMONSTRATION PROGRAM

“SEC. 4401. PURPOSE.

“The purpose of this part is to support the development, implementation, and evaluation of innovative strategies and methods to improve out-of-school access to digital learning resources for eligible students in order to—

“(1) increase student participation in the classroom, including the ability to complete homework assignments and participate in innovative digital learning models;

“(2) improve student access to postsecondary education and workforce opportunities by increasing the ability of students to apply for employment, postsecondary education, and financial aid opportunities;

“(3) increase the education technology and digital learning resources options available to educators to support student learning by ensuring methods and resources used during the school day remain accessible during out-of-school hours;
“(4) increase student, educator, and parent engagement by facilitating greater communication and connection between school and home; and

“(5) increase the identification and dissemination of strategies to support students lacking out-of-school access to digital learning resources and the Internet, including underserved student populations and students in rural and remote geographic areas.

“SEC. 4402. DEFINITIONS.

“In this part:

“(1) ACCESS TECHNOLOGY.—The term ‘access technology’ means any service or device that provides out-of-school Internet access as its primary function and does not include a computer device.

“(2) DIGITAL LEARNING.—The term ‘digital learning’ means an educational practice that effectively uses technology to strengthen a student’s learning experience within and outside of the classroom and at home, including—

“(A) interactive learning resources that engage students in academic content;

“(B) access to online databases and primary source documents;
“(C) the use of data, data analytics, and information to personalize learning and provide targeted supplementary instruction;

“(D) student collaboration with content experts, peers, and educators;

“(E) digital learning content, video, software, or simulations;

“(F) access to online courses; and

“(G) other resources that may be developed, as the Secretary may determine.

“(3) ELIGIBLE ENTITY.—The term ‘eligible entity’ means any of the following entities that serve a high-need school:

“(A) A local educational agency.

“(B) A State educational agency.

“(C) An educational service agency.

“(D) A consortium of State educational agencies, local educational agencies, or educational service agencies.

“(E) An Indian tribe or Indian organization.

“(F) A State educational agency, local educational agency, educational service agency, Indian tribe, or Indian organization, in partnership with—
“(i) a nonprofit foundation, corporation, institution, or association;

“(ii) a business;

“(iii) an after-school program or summer program;

“(iv) a library;

“(v) a community learning center; or

“(vi) other community or social services organizations, as the Secretary may determine.

“(4) ELIGIBLE STUDENT.—The term ‘eligible student’ means a student who lacks out-of-school access to digital learning resources and attends a high-need school serviced by an eligible entity.

“(5) HIGH-NEED SCHOOL.—The term ‘high-need school’ means a school served by an eligible entity that—

“(A) has a high concentration of students aged 5 through 17 who—

“(i) are in poverty, as counted in the most recent census data approved by the Secretary;

“(ii) are eligible for a free or reduced priced lunch under the Richard B. Russell...
National School Lunch Act (42 U.S.C. 1751 et seq.);

“(iii) are in families receiving assistance under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); or

“(iv) are eligible to receive medical assistance under the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

“(B) has a high percentage of students who lack out-of-school Internet access;

“(C) is in need of improvement and or is among the State’s persistently lowest achieving schools; or

“(D) has significant gaps in achievement among the categories of students described in section 1111(b)(2)(C)(v)(II).

“(6) OUT-OF-SCHOOL INTERNET ACCESS.—The term ‘out-of-school Internet access’ means a service provided to an eligible student for out-of-school use by wire or radio that provides the capability to transmit data to and receive data from all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the oper-
ation of the communications service, with a speed
and capacity sufficient to facilitate digital learning,
but excluding—

“(A) dial-up Internet access service; or

“(B) Internet access service that is re-
stricted by monthly data caps set lower than 1
gigabyte.

“SEC. 4403. DEMONSTRATION GRANT PROGRAM AUTHOR-
IZED.

“(a) In General.—The Secretary shall award
grants to eligible entities, subject to meeting the applica-
tion requirements in subsection (e), to develop, implement,
and evaluate innovative strategies to increase out-of-school
Internet access for eligible students.

“(b) Demonstration Period.—Each eligible enti-
ty, in accordance with the application requirements in sub-
section (e), shall propose to the Secretary the period of
time over which it desires to exercise demonstration au-
thority, except that such period shall not exceed 2 years.

“(c) Rural Areas.—From the amounts appro-
priated under section 4405 for a fiscal year, the Secretary
shall reserve not less than 30 percent for grants to eligible
entities that propose to carry out the activities described
in subsection (e)(1) in rural areas, as described in section
6211(b)(1)(A)(ii). The Secretary shall reduce the amount
described in this subsection if the Secretary does not receive a sufficient number of applications that propose to carry out the activities described in subsection (e)(1) in rural areas that meet the requirements of subsection (e).

“(d) Matching Funds.—

“(1) In general.—An eligible entity that is a State educational agency or includes a State educational agency, that receives a grant under this section shall provide matching funds, from non-Federal sources (which may be provided in cash or in-kind), in an amount equal to 10 percent of the amount of grant funds provided to the eligible entity to carry out the activities supported by the grant.

“(2) Waiver.—The Secretary may waive the matching requirement under paragraph (1) for an eligible entity that demonstrates that such requirement imposes an undue financial hardship.

“(e) Application.—To receive a grant under this section, an eligible entity shall submit to the Secretary an application at such time and in such manner as the Secretary may reasonably require and containing the following:

“(1) A description of how the entity will—

“(A) increase student access to digital learning opportunities outside of the school day,
which may include providing access technology for eligible students;

“(B) integrate the out-of-school use of the access technology into the school’s educational curriculum and objectives;

“(C) provide eligible students with necessary training in digital literacy to ensure appropriate and effective use of the digital learning resources and access technology;

“(D) ensure parents, educators, and students are informed of appropriate use of the digital learning resources and access technology;

“(E) have in place a policy that meets the same requirements as described in paragraphs (1) and (2) of section 2441(a).

“(2) A description of the eligible students who will be served, disaggregated by—

“(A) the categories of students described in section 1111(b)(2)(C)(v)(II); and

“(B) homeless students and children or youth in foster care.

“(3) In the case of an eligible entity that wishes to award subgrants to local educational agencies or local educational agencies in partnership with the
entities described in subparagraphs (A) through (F) of section 4402(3)—

“(A) a description of how the eligible entity will award such subgrants; and

“(B) an assurance that the eligible entity consulted with appropriate staff of participating local educational agencies and the entities described in subparagraphs (A) through (F) of section 4402(3), as applicable, in the development of the eligible entity’s application under this subsection.

“(4) A description of the process, activities, and performance measures that the eligible entity will use to evaluate the impact and effectiveness of the grant funds awarded under this part for eligible students, including measures of changes in—

“(A) the percentage of students who lack access to out-of-school Internet access;

“(B) student participation in the classroom, including the ability to complete homework and take part in innovative learning models;

“(C) student engagement, through such measures as attendance rates and chronic absenteeism;
“(D) student access to postsecondary education and workforce opportunities, including the ability to apply for employment, postsecondary education, and student financial aid programs; and

“(E) any other valid and reliable indicators of student, educator, or parent engagement or participation, as determined by the eligible entity.

“(5) A description of the way in which the eligible entity will solicit and collect meaningful feedback from participating students, educators, parents, and school administrators on the effectiveness of the demonstration program.

“(6) A description of how the eligible entity will procure the access technology and out-of-school Internet access necessary to carry out the demonstration program, including whether the entity will utilize bulk purchasing or other strategies that make efficient use of program funds.

“(7) If the applicant is a State educational agency or includes a State educational agency, an assurance that the applicant will provide matching funds as required under subsection (d).
“(f) Use of Funds.—Each eligible entity receiving a grant under this part shall use the funds awarded to develop, implement, and evaluate strategies and methods used to increase student access to digital learning resources at home through such practices as—

“(1) providing a targeted distribution of access technology to eligible students;

“(2) educating and training students, parents, and educators about the appropriate use of access technology outside of the classroom; and

“(3) evaluating the effectiveness of the strategies and methods used under this part, through such means as student, educator, and parent surveys.

“(g) Restriction.—Funds awarded under this part shall only be used to promote out-of-school access to digital learning resources for eligible students and shall not be used to address the networking needs of an entity that is eligible to receive support under the E-rate program.

“(h) Reservation for Support and Evaluation.—

“(1) In General.—Each eligible entity that receives a grant under this section may reserve not more than 8 percent of the grant amount for each fiscal year to provide technical support to partici-
pating schools and for the purposes of conducting
the evaluation described in section 4404.

“(2) EVALUATION.—Not less than 50 percent
of any amount reserved under paragraph (1) shall
be used for the purposes of conducting the evalua-
tion described in section 4404.

“(i) NATIONAL ACTIVITIES.—From the amounts ap-
propriated under section 4405, the Secretary may reserve
not more than 1 percent for national activities to provide
technical assistance and support grantees.

“SEC. 4404. EVALUATION.

“(a) IN GENERAL.—Consistent with the criteria out-
lined in paragraphs (4) and (5) of section 4403(e), the
Secretary shall establish an evaluation template through
which an eligible entity will record and submit the out-
comes and participant feedback associated with the pro-
gram carried out under this part.

“(b) SUBMISSION; DEADLINE.—Not later than 90
days after the termination of an eligible entity’s dem-
onstration authority under this part, the eligible entity
shall submit to the Secretary the results of the evaluation.

“(c) PROHIBITION.—Nothing in this section shall be
construed to prohibit an eligible entity from recording and
submitting additional data or indicators associated with
the success of the program executed under the demonstration authority.

“SEC. 4405. AUTHORIZATION OF APPROPRIATIONS."

“There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2016 through 2021.”.

SEC. 3. REPORT ON STUDENT HOME ACCESS TO DIGITAL LEARNING RESOURCES.

(a) In General.—Not later than 18 months after the date of enactment of this Act, the Director of the Institute of Education Sciences, in consultation with relevant Federal agencies, shall complete a national study on the educational trends and behaviors associated with access to digital learning resources outside of the classroom, which shall include analysis of extant data and new surveys about students and teachers that provide—

(1) a description of the various locations from which students access the Internet and digital learning resources outside of the classroom, including through an after-school or summer program, a library, and at home;

(2) a description of the various devices and technology through which students access the Internet and digital learning resources outside of the
classroom, including through a computer or mobile device;

(3) data associated with the number of students who lack out-of-school Internet access, disaggregated by—

(A) the categories of students described in section 1111(b)(2)(C)(v)(II) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(v)(II));

(B) homeless students and children or youth in foster care; and

(C) students in geographically diverse areas, including urban, suburban, and rural areas;

(4) data associated with the causes for a student lacking home Internet access;

(5) data associated with the proportion of educators who assign homework or implement innovative learning models that require or are substantially augmented by a student having out-of-school Internet access and the frequency of the need for such access;

(6) a description of the learning behaviors associated with students who lack home Internet access, including—
(A) student participation in the classroom, including the ability to complete homework and participate in innovative learning models;

(B) student engagement, through such measures as attendance rates and chronic absenteeism; and

(C) a student’s ability to apply for employment, postsecondary education, and financial aid programs;

(7) an analysis of the how a student’s lack of home Internet access impacts the instructional practice of educators, including—

(A) the extent to which educators alter instructional methods, resources, homework assignments, and curriculum in order to accommodate differing levels of out-of-school Internet access; and

(B) strategies employed by educators, school leaders, and administrators to address the differing levels of out-of-school Internet access among students; and

(8) a description of the ways in which State educational agencies, local educational agencies, schools, and other entities have developed effective means to provide students with Internet access out-
side of the school day, including partnerships developed.

(b) **Public Dissemination.**—The Director of the Institute of Education Sciences shall widely disseminate the findings of the study under this section—

(1) in a timely fashion;

(2) in a form that is understandable, easily accessible, and publicly available and usable, or adaptable for use in, the improvement of educational practice;

(3) through electronic transfer and other means, such as posting, as available, to the website of the Institute of Education Sciences, or the Department of Education; and

(4) to all State educational agencies and other recipients of funds under part D of title IV of the Elementary and Secondary Education Act of 1965.