

114TH CONGRESS  
1ST SESSION

# S. 1606

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.

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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

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## 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.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Digital Learning Eq-  
5       uity Act of 2015”.

1 **SEC. 2. DIGITAL LEARNING EQUITY.**

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

5 **“PART D—DIGITAL LEARNING EQUITY**

6 **DEMONSTRATION PROGRAM**

7 **“SEC. 4401. PURPOSE.**

8 “The purpose of this part is to support the develop-  
9 ment, implementation, and evaluation of innovative strate-  
10 gies and methods to improve out-of-school access to digital  
11 learning resources for eligible students in order to—

12 “(1) increase student participation in the class-  
13 room, including the ability to complete homework as-  
14 signments and participate in innovative digital learn-  
15 ing models;

16 “(2) improve student access to postsecondary  
17 education and workforce opportunities by increasing  
18 the ability of students to apply for employment,  
19 postsecondary education, and financial aid opportu-  
20 nities;

21 “(3) increase the education technology and dig-  
22 ital learning resources options available to educators  
23 to support student learning by ensuring methods  
24 and resources used during the school day remain ac-  
25 cessible during out-of-school hours;

1           “(4) increase student, educator, and parent en-  
2           gagement by facilitating greater communication and  
3           connection between school and home; and

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

9   **“SEC. 4402. DEFINITIONS.**

10          “In this part:

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

15           “(2) DIGITAL LEARNING.—The term ‘digital  
16           learning’ means an educational practice that effec-  
17           tively uses technology to strengthen a student’s  
18           learning experience within and outside of the class-  
19           room and at home, including—

20                   “(A) interactive learning resources that en-  
21                   gage students in academic content;

22                   “(B) access to online databases and pri-  
23                   mary source documents;

1           “(C) the use of data, data analytics, and  
2 information to personalize learning and provide  
3 targeted supplementary instruction;

4           “(D) student collaboration with content ex-  
5 perts, peers, and educators;

6           “(E) digital learning content, video, soft-  
7 ware, or simulations;

8           “(F) access to online courses; and

9           “(G) other resources that may be devel-  
10 oped, as the Secretary may determine.

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

14           “(A) A local educational agency.

15           “(B) A State educational agency.

16           “(C) An educational service agency.

17           “(D) A consortium of State educational  
18 agencies, local educational agencies, or edu-  
19 cational service agencies.

20           “(E) An Indian tribe or Indian organiza-  
21 tion.

22           “(F) A State educational agency, local  
23 educational agency, educational service agency,  
24 Indian tribe, or Indian organization, in partner-  
25 ship with—

1                   “(i) a nonprofit foundation, corpora-  
2                   tion, institution, or association;

3                   “(ii) a business;

4                   “(iii) an after-school program or sum-  
5                   mer program;

6                   “(iv) a library;

7                   “(v) a community learning center; or

8                   “(vi) other community or social serv-  
9                   ices organizations, as the Secretary may  
10                  determine.

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

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

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

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

23                   “(ii) are eligible for a free or reduced  
24                   priced lunch under the Richard B. Russell

1 National School Lunch Act (42 U.S.C.  
2 1751 et seq.);

3 “(iii) are in families receiving assist-  
4 ance under the State program funded  
5 under part A of title IV of the Social Secu-  
6 rity Act (42 U.S.C. 601 et seq.); or

7 “(iv) are eligible to receive medical as-  
8 sistance under the Medicaid program  
9 under title XIX of the Social Security Act  
10 (42 U.S.C. 1396 et seq.);

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

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

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

19 “(6) OUT-OF-SCHOOL INTERNET ACCESS.—The  
20 term ‘out-of-school Internet access’ means a service  
21 provided to an eligible student for out-of-school use  
22 by wire or radio that provides the capability to  
23 transmit data to and receive data from all or sub-  
24 stantially all Internet endpoints, including any capa-  
25 bilities that are incidental to and enable the oper-

1       ation of the communications service, with a speed  
2       and capacity sufficient to facilitate digital learning,  
3       but excluding—

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

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

8       **“SEC. 4403. DEMONSTRATION GRANT PROGRAM AUTHOR-**  
9               **IZED.**

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

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

20       “(c) RURAL AREAS.—From the amounts appro-  
21       priated under section 4405 for a fiscal year, the Secretary  
22       shall reserve not less than 30 percent for grants to eligible  
23       entities that propose to carry out the activities described  
24       in subsection (e)(1) in rural areas, as described in section  
25       6211(b)(1)(A)(ii). The Secretary shall reduce the amount

1 described in this subsection if the Secretary does not re-  
2 ceive a sufficient number of applications that propose to  
3 carry out the activities described in subsection (e)(1) in  
4 rural areas that meet the requirements of subsection (e).

5 “(d) MATCHING FUNDS.—

6 “(1) IN GENERAL.—An eligible entity that is a  
7 State educational agency or includes a State edu-  
8 cational agency, that receives a grant under this sec-  
9 tion shall provide matching funds, from non-Federal  
10 sources (which may be provided in cash or in-kind),  
11 in an amount equal to 10 percent of the amount of  
12 grant funds provided to the eligible entity to carry  
13 out the activities supported by the grant.

14 “(2) WAIVER.—The Secretary may waive the  
15 matching requirement under paragraph (1) for an  
16 eligible entity that demonstrates that such require-  
17 ment imposes an undue financial hardship.

18 “(e) APPLICATION.—To receive a grant under this  
19 section, an eligible entity shall submit to the Secretary an  
20 application at such time and in such manner as the Sec-  
21 retary may reasonably require and containing the fol-  
22 lowing:

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

24 “(A) increase student access to digital  
25 learning opportunities outside of the school day,



1 which may include providing access technology  
2 for eligible students;

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

6 “(C) provide eligible students with nec-  
7 essary training in digital literacy to ensure ap-  
8 propriate and effective use of the digital learn-  
9 ing resources and access technology;

10 “(D) ensure parents, educators, and stu-  
11 dents are informed of appropriate use of the  
12 digital learning resources and access tech-  
13 nology;

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

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

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

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

23 “(3) In the case of an eligible entity that wishes  
24 to award subgrants to local educational agencies or  
25 local educational agencies in partnership with the

1 entities described in subparagraphs (A) through (F)  
2 of section 4402(3)—

3 “(A) a description of how the eligible enti-  
4 ty will award such subgrants; and

5 “(B) an assurance that the eligible entity  
6 consulted with appropriate staff of participating  
7 local educational agencies and the entities de-  
8 scribed in subparagraphs (A) through (F) of  
9 section 4402(3), as applicable, in the develop-  
10 ment of the eligible entity’s application under  
11 this subsection.

12 “(4) A description of the process, activities, and  
13 performance measures that the eligible entity will  
14 use to evaluate the impact and effectiveness of the  
15 grant funds awarded under this part for eligible stu-  
16 dents, including measures of changes in—

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

19 “(B) student participation in the class-  
20 room, including the ability to complete home-  
21 work and take part in innovative learning mod-  
22 els;

23 “(C) student engagement, through such  
24 measures as attendance rates and chronic ab-  
25 senteeism;

1           “(D) student access to postsecondary edu-  
2           cation and workforce opportunities, including  
3           the ability to apply for employment, postsec-  
4           ondary education, and student financial aid pro-  
5           grams; and

6           “(E) any other valid and reliable indicators  
7           of student, educator, or parent engagement or  
8           participation, as determined by the eligible enti-  
9           ty.

10          “(5) A description of the way in which the eligi-  
11          ble entity will solicit and collect meaningful feedback  
12          from participating students, educators, parents, and  
13          school administrators on the effectiveness of the  
14          demonstration program.

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

21          “(7) If the applicant is a State educational  
22          agency or includes a State educational agency, an  
23          assurance that the applicant will provide matching  
24          funds as required under subsection (d).

1       “(f) USE OF FUNDS.—Each eligible entity receiving  
2 a grant under this part shall use the funds awarded to  
3 develop, implement, and evaluate strategies and methods  
4 used to increase student access to digital learning re-  
5 sources at home through such practices as—

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

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

11               “(3) evaluating the effectiveness of the strate-  
12 gies and methods used under this part, through such  
13 means as student, educator, and parent surveys.

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

19       “(h) RESERVATION FOR SUPPORT AND EVALUA-  
20 TION.—

21               “(1) IN GENERAL.—Each eligible entity that re-  
22 ceives a grant under this section may reserve not  
23 more than 8 percent of the grant amount for each  
24 fiscal year to provide technical support to partici-

1       pating schools and for the purposes of conducting  
2       the evaluation described in section 4404.

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

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

11      **“SEC. 4404. EVALUATION.**

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

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

22           “(c) PROHIBITION.—Nothing in this section shall be  
23      construed to prohibit an eligible entity from recording and  
24      submitting additional data or indicators associated with

1 the success of the program executed under the demonstra-  
2 tion authority.

3 **“SEC. 4405. AUTHORIZATION OF APPROPRIATIONS.**

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

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

9 (a) IN GENERAL.—Not later than 18 months after  
10 the date of enactment of this Act, the Director of the In-  
11 stitute of Education Sciences, in consultation with rel-  
12 evant Federal agencies, shall complete a national study on  
13 the educational trends and behaviors associated with ac-  
14 cess to digital learning resources outside of the classroom,  
15 which shall include analysis of extant data and new sur-  
16 veys about students and teachers that provide—

17 (1) a description of the various locations from  
18 which students access the Internet and digital learn-  
19 ing resources outside of the classroom, including  
20 through an after-school or summer program, a li-  
21 brary, and at home;

22 (2) a description of the various devices and  
23 technology through which students access the Inter-  
24 net and digital learning resources outside of the

1 classroom, including through a computer or mobile  
2 device;

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

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

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

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

15 (4) data associated with the causes for a stu-  
16 dent lacking home Internet access;

17 (5) data associated with the proportion of edu-  
18 cators who assign homework or implement innova-  
19 tive learning models that require or are substantially  
20 augmented by a student having out-of-school Inter-  
21 net access and the frequency of the need for such  
22 access;

23 (6) a description of the learning behaviors asso-  
24 ciated with students who lack home Internet access,  
25 including—

1 (A) student participation in the classroom,  
2 including the ability to complete homework and  
3 participate in innovative learning models;

4 (B) student engagement, through such  
5 measures as attendance rates and chronic ab-  
6 senteeism; and

7 (C) a student's ability to apply for employ-  
8 ment, postsecondary education, and financial  
9 aid programs;

10 (7) an analysis of the how a student's lack of  
11 home Internet access impacts the instructional prac-  
12 tice of educators, including—

13 (A) the extent to which educators alter in-  
14 structional methods, resources, homework as-  
15 signments, and curriculum in order to accom-  
16 modate differing levels of out-of-school Internet  
17 access; and

18 (B) strategies employed by educators,  
19 school leaders, and administrators to address  
20 the differing levels of out-of-school Internet ac-  
21 cess among students; and

22 (8) a description of the ways in which State  
23 educational agencies, local educational agencies,  
24 schools, and other entities have developed effective  
25 means to provide students with Internet access out-



1 side of the school day, including partnerships devel-  
2 oped.

3 (b) PUBLIC DISSEMINATION.—The Director of the  
4 Institute of Education Sciences shall widely disseminate  
5 the findings of the study under this section—

6 (1) in a timely fashion;

7 (2) in a form that is understandable, easily ac-  
8 cessible, and publicly available and usable, or adapt-  
9 able for use in, the improvement of educational prac-  
10 tice;

11 (3) through electronic transfer and other  
12 means, such as posting, as available, to the website  
13 of the Institute of Education Sciences, or the De-  
14 partment of Education; and

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

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