HOUSE BILL REPORT
E2SHB 1365

As Passed House:

March 1, 2021

Title: An act relating to procuring and supporting appropriate computers and devices for public school students and instructional staff.

Brief Description: Procuring and supporting appropriate computers and devices for public school students and instructional staff.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Gregerson, Stonier, Ramos, Callan, Simmons, Johnson, J., Taylor, Lovick, Leavitt, Ortiz-Self, Berg, Fitzgibbon, Ryu, Morgan, Wicks, Tharinger, Duerr, Ormsby, Hansen, Berry, Dolan, Valdez, Cody, Bronoske, Senn, Bateman, Bergquist, Kloba, Riccelli, Davis, Macri, Ramel, Harris-Talley, Pollet and Sells).

Brief History:

Committee Activity:

Education: 2/15/21 [DPS];

Appropriations: 2/18/21, 2/19/21 [DP2S(w/o sub ED)].

Floor Activity:

Passed House: 3/1/21, 59-39.

Brief Summary of Engrossed Second Substitute Bill

- Directs, subject to state funding, the Office of the Superintendent of Public Instruction (OSPI) to develop and administer a technology grant program to advance the following objectives: (1) attain a universal 1:1 student to learning device ratio; (2) expand technical support and training of school and district staff in using technology to support student learning; and (3) develop district-based and school-based capacity to assist students and their families in accessing and using technology to support student learning.

- Requires each educational service district (ESD) to provide technology

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consultation, procurement, and training according to specified requirements, and allows procurement to be performed in consultation and contract with the Department of Enterprise Services.

- Requires the OSPI to report to the Legislature biennially with a summary of the activities performed by the ESDs, the status of the state's progress to accomplish its stated objectives, and an update of innovative and collaborative activities occurring across the state to support widespread technology literacy and fluency, as well as student universal access to learning devices.

HOUSE COMMITTEE ON EDUCATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Santos, Chair; Dolan, Vice Chair; Walsh, Assistant Ranking Minority Member; Berg, Bergquist, Callan, Ortiz-Self, Rude, Steele and Stonier.

Minority Report: Do not pass. Signed by 1 member: Representative McCaslin.

Minority Report: Without recommendation. Signed by 2 members: Representatives Ybarra, Ranking Minority Member; McEntire.

Staff: Megan Wargacki (786-7194).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by 19 members: Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp, Cody, Dolan, Fitzgibbon, Frame, Hansen, Johnson, J., Lekanoff, Pollet, Ryu, Senn, Springer, Stonier, Sullivan and Tharinger.

Minority Report: Do not pass. Signed by 7 members: Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler, Dye, Hoff and Schmick.

Minority Report: Without recommendation. Signed by 7 members: Representatives MacEwen, Assistant Ranking Minority Member; Boehnke, Caldier, Harris, Jacobsen, Rude and Steele.

Staff: James Mackison (786-7104).

Background:

State Education Technology Plan. In 1993 education reform legislation was enacted. Among other things, this legislation directed the Office of the Superintendent of Public Instruction (OSPI), to the extent state funds are appropriated, to develop, implement, and update every two years, a state kindergarten through grade 12 education technology plan. "Education technology" is defined as the effective use of electronic and optical tools, including telephones, and electronic and optical pathways in helping students learn.

The stated purpose of the technology plan is to coordinate and expand the use of education technology in the common schools of the state. At a minimum, the plan must address: (1) the provision of technical assistance to schools and school districts for the planning, implementation, and training of staff in the use of technology in curricular and administrative functions; (2) the continued development of a network to connect school districts, institutions of higher learning, and other sources of online information; and (3) methods to equitably increase the use of education technology by students and school personnel throughout the state. To assist in the development and implementation of the technology plan, the OSPI was directed to appoint an educational technology advisory committee.

Regional Educational Technology Support Centers. The 1993 legislation also directed the educational service districts (ESDs) to establish, subject to available funding, regional educational technology support centers for the purpose of providing ongoing educator training, school district cost-benefit analysis, long-range planning, network planning, distance learning access support, and other technical and programmatic support. The state has not provided funding for these centers since 2013.

Teacher-Librarians and School Library Information and Technology Programs. School library information and technology programs, staffed by teacher-librarians, provide a broad, flexible array of services, resources, and instruction that support student mastery of the state learning standards in all subject areas and the implementation of the school district's school improvement plan. Among other things, teacher-librarians may provide information management instruction to students and staff about how to effectively use emerging learning technologies for school and lifelong learning, as well as in the appropriate use of computers and mobile devices in an educational setting.

Technology Procurement. The Department of Enterprise Services has established processes for state agencies to purchase, and lease when applicable, information technology goods and services.

Summary of Engrossed Second Substitute Bill:

Technology Grants. Subject to state funding, the Office of the Superintendent of Public Instruction (OSPI) must develop and administer a technology grant program to advance the

following objectives: (1) attain a universal 1:1 student to learning device ratio; (2) expand technical support and training of school and district staff in using technology to support student learning; and (3) develop district-based and school-based capacity to assist students and their families in accessing and using technology to support student learning.

"Learning device" is defined as an Internet-accessible computer, tablet, or other device, with an appropriate operating system, software applications, and data security, that can be used to access curricula, educational web applications and websites, and learning management systems, and with telecommunications capabilities sufficient for videoconferencing.

The following entities, individually or in cooperation, may apply to the OSPI for a technology grant: a public school, which includes a charter public school, and a state-tribal compact school; a school district; an educational service district (ESD); the Washington Center for Deaf and Hard of Hearing Youth; and the state School for the Blind.

At a minimum, grant applications must include: (1) the applicant's technology plan for accomplishing the goals of the grant program, the applicant's student demographics, including the percent of students eligible for free and reduced-price meals, and any specialized technology needs of the applicant's students, such as students with disabilities and English learners who may need adaptive or assistive technologies; and (2) a description of pre-existing programs and funding sources used by the applicant to provide learning devices to students, staff, or both.

When ranking and selecting applicants, the OSPI must prioritize both of the following: (1) applicants without pre-existing programs to provide a device for every student and that have 30 percent or more students eligible for free and reduced-price meals; and (2) applicants with students who have specialized technology needs. When selecting applicants, the OSPI must, to the extent possible, select applicants representing geographic diversity.

Technology Consultation, Procurement, and Training. Each ESD must provide technology consultation, procurement, and training to local public schools and school districts, the Washington Center for Deaf and Hard of Hearing Youth, and the state School for the Blind. Each ESD must consult with teacher-librarians through school library information and technology programs to provide these services and may provide these services cooperatively with other ESDs.

Technology consultation involves providing technical assistance and guidance related to technology needs and financing, and may include consultation with other entities, including consultation and contract with the Department of Enterprise Services.

Technology procurement involves negotiating purchasing and leasing of learning devices and peripheral devices, learning management systems, cybersecurity protection, device insurance, and other technology-related goods and services. When selecting goods and

services for procurement, the ESD must consider a variety of student needs, as well as accessibility, age appropriateness, privacy and security, data storage and transfer capacity, and telecommunications capability.

Technology training involves developing and offering direct services related to staff development and capacity building to provide digital navigation services to students and their families. The ESDs must seek to consult teacher-librarians and other relevant information technology programs to determine where there is a need and focus for this training. Technology training may be provided on a fee-for-service basis. Technology training may be offered to child care providers.

Data Collection and Reporting. By November 1, 2022, and by November 1 every even year thereafter, the OSPI must provide a report to the Legislature with:
1. a summary of collected and analyzed data related to: (a) technology consultation, procurement, and training provided by the ESDs; (b) the OSPI technology grants; and (c) biennial surveys on school and district progress to accomplish the objectives of the technology grant;
2. the status of the state's progress in accomplishing the following: (a) accelerate student access to learning devices and related goods and services; (b) expand training programs and technical assistance on using technology to support student learning; and (c) build the capacity of schools and districts to support digital navigation services for students and their families;
3. recommendations for improving the administration and oversight of the technology grants, consultation, procurement, and training; and
4. an update on the innovative and collaborative activities occurring in communities across the state to support widespread public technology literacy and fluency, as well as student universal access to learning devices.

Repealer. Statutes related to education technology plans and regional education technology support centers, as well as associated intent language and funding provisions are repealed.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed. However, the bill null and void unless funded in the budget.

Staff Summary of Public Testimony (Education):

(In support—from testimony on HB 1450, which is identical to HB 1365 except for the title, on February 2, 2021) Some communities were already experiencing digital inequities before the COVID-19 pandemic and the digital divide has only worsened during the pandemic. Achieving digital equity is critical for student success long after the pandemic ends. Kids

need these tools to be successful in whatever path they choose, whether that is going to college or working on a farm.

Prior to the pandemic, nearly one in 10 students lived in households without learning devices, with low-income and students of color most likely to lack devices. Even before the pandemic, students needed access to the Internet to do regular homework. A cell phone is not adequate for doing homework.

An example of digital inequity is that some households do not have the bandwidth for all members to video conference at the same time. It is not enough to say that it is the school's responsibility to provide devices, the connectivity and Internet speed issues also need to be addressed.

The bill provides students with access to and support for the digital tools they need. It provides staff with the technology support, training, and access they need to support a diverse population of students and families. It enables a coordinated response from the system by encouraging collaboration with districts, educational service districts (ESDs), and community-based organizations.

The ESDs are helping to navigate many of the challenges school districts have faced. While the bill does not address broadband access, it does address an Internet accessible device for students as part of their basic education. The ESDs normally do not provide device procurement on behalf of districts. However, the ESDs recently procured personal protective equipment for districts.

The system needs to use best practices and to collaborate and coordinate. Digital literacy and digital skill building are also important and part of this is keeping kids safe through cybersecurity and from cyberbullying. Community-based organizations can help collect data so that a digital equity plan can be developed and implemented

The funding for devices is complicated; some districts have already been providing devices, and some will only be providing devices now. In addition, some districts have purchased devices using technology levies and some have used federal money. There are 100,000 students who still need devices. The bill seeks to provide the funds for student devices through a grant program. There is a risk of a large unfunded mandate to school districts if the funds generated by the new tax are not sufficient. Rather than a grant program, the purchase of devices should be like books and part of the materials, supplies, and operating costs allocation that is part of the prototypical school funding model.

(Opposed—from testimony on HB 1450, which is identical to HB 1365 except for the title, on February 2, 2021) The problem may not be the devices, but the wireless conditions that those devices use. There is a lack of student responsibility for the devices. If a student loses or damages the devices, they will just get a new one. There is also a concern about paying for the program with a new tax.

The bill is well intentioned, but there are federal programs being launched that will address many of the issues raised in the bill. The wireless industry understands the need to keep students connected. The Federal Communications Commission has been allocated $3.2 billion to address connectivity issues and device issues. Eligible households can receive up to $50 per month subsidy for services and devices, and a one-time $100 subsidy for devices.

(Other—from testimony on HB 1450, which is identical to HB 1365 except for the title, on February 2, 2021) Digital equity is more complex than purchasing devices and training educators. There are concerns with the proscriptive language about student liability for damage or loss of devices. Some schools have mitigated the cost and impact of damage to devices on families. Students experiencing poverty and homelessness will likely suffer these punishments more often than other students. Stipulations limiting liability for willful loss or damage are not enough and are likely to be unfairly applied the same way that other school discipline disproportionately impacts students of color.

In practice, when students are issued their own device, loss and damage rates were less than 3 percent. Provisions for some loss should be built in and districts should be allowed to define and manage their own acceptable use and loss policies.

Providing devices to each student and staff is essential to close the digital divide. The digital navigator program will support students and families with technical assistance and staff with training necessary to fully engage students. The grant program will be of great support to districts and it is important to prioritize awards to ensure that the most disadvantaged students are served first. There are concerns about the funding mechanism.

Staff Summary of Public Testimony (Appropriations):

(In support) Digital equity is necessary for economic opportunity and social change. This policy will help students furthest from educational opportunity to access and receive support for learning devices. It also provides staff with the training they need to help students.

This provides much needed support, but it is missing coordination with teacher librarians. School library information technology programs are in place, and they have been working during the pandemic to help students and coordinate. Districts with these programs have benefited. Librarians in these programs know how to manage technology resources, procurements, and provide training. Not all schools have these programs. Students with teacher librarians are better equipped to use and have greater access to technology.

The Office of the Superintendent of Public Instruction has coordinated efforts to improve digital equity, which will be further helped by the bill. Economies of scale can be achieved by developing shared procurement processes with the educational school districts, particularly for districts that are smaller and may lack technology staff and expertise.

(Opposed) None.

Persons Testifying (Education): (In support—from testimony on HB 1450, which is identical to HB 1365 except for the title, on February 2, 2021) Nancy Chamberlain, Washington State PTA; Paula Sardinas, Washington Build Back Black Alliance; Angela Jones, Washington STEM; and Michelle Price, North Central Educational Service District.

(Opposed—from testimony on HB 1450, which is identical to HB 1365 except for the title, on February 2, 2021) Jeff Pack; and Gerry Keegan, CTIA.

(Other—from testimony on HB 1450, which is identical to HB 1365 except for the title, on February 2, 2021) Mark Ray; and Logan Endres, Washington State School Directors' Association.

Persons Testifying (Appropriations): Representative Gregerson, prime sponsor; Angela Jones, Washington STEM; Carolyn Logue, Washington Library Association; and Dennis Small, Office of the Superintendent of Public Instruction.

Persons Signed In To Testify But Not Testifying (Education): Jenny Plaja, Office of the Superintendent of Public Instruction; Mark Johnson, Washington Retail Association; Dave Mastin, Association of Washington Business; and Carolyn Logue, Washington Library Association.

Persons Signed In To Testify But Not Testifying (Appropriations): None.