HOUSE BILL REPORT
E2SHB 1365

As Passed Legislature

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.
Senate Amended.
Passed Senate: 4/10/21, 36-13.
Senate Amended.
House Refused to Concur.
Senate Receded/Amended.
Passed Senate: 4/22/21, 30-19.
House Concurred.
Passed House: 4/23/21, 61-36.
Passed Legislature.

Brief Summary of Engrossed Second Substitute Bill

- Directs the Office of the Superintendent of Public Instruction (OSPI) to

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This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

develop and administer a technology grant program to help schools attain a universal 1:1 student to learning device ratio and to support staff, students, and families in using technology to support student learning.

- Requires each educational service district to 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.

- Directs the OSPI to survey school districts and report to the Legislature with technology levy information.

- Requires the OSPI to report to the Legislature biennially with a summary of technology initiative information and recommendations.

- Directs the OSPI to establish a grant program to support media literacy and digital citizenship and to convene two regional conferences on this topic.

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 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.

Educational Technology Learning Standards. The state learning standards for educational technology literacy and technology fluency identify the knowledge and skills that all public school students need to know and be able to do in the areas of technology and technology literacy. "Technology literacy" is defined in statute as the ability to responsibly, creatively, and effectively use appropriate technology to communicate; access, collect, manage, integrate, and evaluate information; solve problems and create solutions; build and share knowledge; and improve and enhance learning in all subject areas and experiences. Statute specifies that technology fluency builds upon technology literacy and is demonstrated when students: apply technology to real-world experiences; adapt to changing technologies; modify current and create new technologies; and personalize technology to meet personal needs, interests, and learning styles.

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. The teacher-librarian must collaborate as an instructional partner to help all students meet the content goals in all subject areas, and assist high school students completing high school and beyond plans required for graduation. In addition, 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.

Educational Technology Resources and Policies. Legislation enacted in 2016 and 2017 directed the development of resources and policies related to educational technology. First, the OSPI was required to convene an advisory committee to develop best practices and recommendations for instruction in digital citizenship, Internet safety, and media literacy, and to create a web-based location with links to the recommendations. An OSPI resource document defines media literacy as the ability to access, analyze, evaluate, create and act using a variety of forms of communication. The OSPI was also directed to identify and develop open educational resources to support digital citizenship, media literacy, and Internet safety in schools, where the media literacy resources consist of a balance of sources and perspectives. Open educational resources are teaching and learning materials in the public domain or released under an open license that permits their free use, adaptation, and sharing.

Second, the Washington State School Directors' Association (WSSDA) was directed to revise its model policy and procedures on electronic sources and Internet safety to better support digital citizenship, media literacy, and Internet safety in schools. Finally, school districts were required to annually review policies and procedures on electronic resources and Internet safety considering best practices and other resources, as well as the WSSDA model policy and procedures.

Media Literacy Grant Program. The 2019-21 Operating Budget appropriated $150,000 in each fiscal year to the OSPI to establish the media literacy grant program. The 2020 Supplemental Operating Budget appropriated an additional $70,000 to the OSPI for five media literacy pre-conferences that coincide with the OSPI's regional conferences in social studies, English language arts, health, and technology. The supplemental operating budget also directed the OSPI to develop a plan for identifying and supporting a group of 100 kindergarten through grade 12 (K-12) media literacy champions who are K-12 professionals that promote, support, and provide media literacy education in their school districts, and to report to the Legislature by the end of the year. These provisions in the supplemental operating budget were vetoed by the Governor.

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.

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.

In addition, by November 1, 2022, the OSPI must survey districts, collect, data, and provide a report to the Legislature that contains, at a minimum, the following: (1) a list of districts that have a separate technology levy; (2) the total amount of funding generated by the technology levies; and (3) a detailed breakdown on how the funds generated by the technology levies are being used.

Media Literacy and Digital Citizenship Grants. Subject to state funding, and until July 31, 2031, the OSPI must establish a grant program for the purposes of supporting media literacy and digital citizenship through school district leadership teams. The OSPI must establish and publish criteria for the grant program, and may accept gifts, grants, or endowments from public or private sources for the grant program.

For a school district to qualify for a grant, the grant proposal must provide that the grantee create a district leadership team that develops a curriculum unit on media literacy or digital citizenship, or both, that may be integrated into social studies, English language arts, or

health. In developing the curriculum unit, school districts are encouraged to work with school district teacher-librarians or a school district library information technology program, if applicable. The developed curriculum unit must be made available as an open educational resource. Grant recipients are expected to evaluate the curriculum unit they develop.

Up to 10 grants per year must be for establishing media literacy professional learning communities with the purpose of sharing best practices in media literacy. These grant recipients must develop an online presence for their community to model new strategies and to share ideas, challenges, and successful practices. These grant recipients must also attend group meetings convened by the OSPI for the purpose of sharing best practices and strategies in media literacy education.

At least one grant awarded in each award cycle must be for developing and using a curriculum that contains a focus on synthetic media as a major component. "Synthetic media" means an image, an audio recording, or a video recording of an individual's appearance, speech, or conduct that has been intentionally manipulated with the use of digital technology in a manner to create a realistic but false image, audio, or video.

A school district that receives a grant under this program is not prohibited from receiving a grant in subsequent grant cycles.

Media Literacy and Digital Citizenship Regional Conferences. Subject to state funding, and until July 31, 2031, the OSPI must convene two regional conferences on the subject of media literacy and digital citizenship. The conferences should highlight the work performed by the recipients of the grant program, as well as best practices in media literacy and digital citizenship. The locations for conferences must include one site in Western Washington and one site in Eastern Washington.

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.