
Education Committee

HB 1450

Brief Description: Procuring, and supporting the use of, appropriate computers and devices for public school students and instructional staff by levying a tax on wireless devices.

Sponsors: Representatives Gregerson and Stonier.

Brief Summary of Bill

- Directs the educational service districts to establish: (1) a procurement program for student learning devices and appropriate devices for school staff; and (2) a digital navigator program to provide technical assistance and other supports for students, students' families, and school staff.
- Requires the Office of the Superintendent of Public Instruction to: (1) establish a grant program to fund the purchase of student learning devices and appropriate devices for certain school staff; and (2) develop and implement a state plan for reducing technology equity gaps in the public schools.
- Directs the school districts, charter schools, and state-tribal compact schools to provide learning devices to each student and appropriate devices to certain staff, beginning in the 2022-23 school year; and provides that students will not be financially responsible for damage or loss to learning devices, unless the damage or loss was willful.
- Imposes a tax on retail sales of certain smart wireless devices, beginning October 1, 2021.

Hearing Date: 2/2/21

Staff: Megan Wargacki (786-7194) and Nick Tucker (786-7383).

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.

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 (K-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.

Taxation. The Legislature has the power to levy taxes. Major taxes levied by the state include: retail sales and use tax; real estate excise tax; business and occupation tax; public utility tax; property tax. Additionally, the state levies a variety of other taxes including: rental car tax; soft drinks syrup tax; telephone taxes; marijuana excise tax; and vapor products tax. For some taxes, the Legislature has limited the use of revenues raised from the tax to fund specific programs or activities.

Summary of Bill:

Device Procurement Program. The ESDs must jointly establish and implement a procurement program for learning devices for students, appropriate computers for school staff, and associated peripheral devices. Learning devices are defined as internet-accessible computers, tablets, and other devices, with appropriate operating systems, 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 process must allow for procurement of devices, learning management systems, cybersecurity

protection, and device insurance. When selecting learning devices and learning management systems for procurement, the ESDs must consider a variety of student needs, for example accessibility, age appropriateness, security, data storage and transfer capacity, and telecommunications capability.

Device Grant Program. The OSPI must establish the student learning device grant program to provide grants to fund the purchase of student learning devices, appropriate devices for paraeducators, teachers, school counselors, and other certificated instructional staff, as well as associated peripheral devices. The OSPI must align the procurement program with other digital literacy and inclusion efforts ongoing across the state.

Subject to state funding, the OSPI must award grants to applicant school districts, charter schools, and state-tribal education compact schools. The OSPI must evaluate and rank applicants using objective criteria that maximize the number of students with learning devices to reduce technology equity gaps. Grant awards must be prioritized so that new devices are provided to the most disadvantaged students. Awarded grant funds may be used to purchase devices through the ESD procurement process. The OSPI may accept funds from public and private sources for the benefit of the grant program and may expend these funds according to their terms.

Digital Navigator Program. Rather than operating regional educational technology support centers, the ESDs must jointly establish and implement a digital navigator program to provide training and technical support for public school students, their families, and educators to use learning devices.

Subject to state funding, each digital navigator program must provide the following services: (1) technical assistance for administrators, teachers, paraeducators, students, and students' families to securely use learning devices. Language assistance must be provided to students and students' families when needed; (2) training for administrators, teachers, and paraeducators that supports mastery of the skills necessary to fully engage students using learning devices; (3) coordination with community-based organizations that support students who are homeless or in foster care; (4) outreach to communities underserved with regard to the purposes of the program; and (5) device repair and recycle services.

Statutes permitting the OSPI to distribute funds for the educational technology support centers and to expand the education statewide network are repealed.

Required Provision of Devices. Beginning in the 2022-23 school year, school districts, charter schools, and state-tribal compact schools must provide: (1) to each student, a learning device and peripheral devices that meets the unique needs of the student; and (2) to each paraeducator and certificated instructional staff person, appropriate computers and peripheral devices. School districts, charter schools, and state-tribal compact schools are encouraged to purchase devices through the ESD procurement program, and may apply for a device grant from the OSPI.

A student who damage or lose a learning device may not have his or her grades, diploma, or transcripts withheld. Unless the student willfully damaged or lost a learning device, the student may not be required to pay monetary damages or to perform voluntary work instead of monetary payment.

State Plan for Reducing Technology Equity Gaps. Rather than implementing and updating a state K-12 education technology plan, the OSPI must develop and implement a state plan for reducing technology equity gaps in the public schools. The plan must be developed to coordinate and equitably expand the use of learning devices and associated technology in the public schools. Every five years beginning December 1, 2020, the OSPI must submit the plan to the Legislature.

Based on data collected from the public schools, the plan must identify strategies to equitably increase the use of learning devices and associated technology by students, paraeducators, and certificated staff. The OSPI must consult and coordinate with the consolidated technology services agency, the Department of Commerce, the statewide Broadband Office, the Office of Equity, ESDs, school districts, school administrators, and other experts in the areas of technology access and inclusion in schools and communities.

Wireless Device Tax. Beginning October 1, 2021, each retail sale of a smart wireless device is subject to a tax (wireless device tax) equal to: (1) \$2 for a device with a selling price between \$250 and \$1,000; or (2) \$5 for a device with a selling price of \$1,000 or more. A smart wireless device is any type of instrument, device, machine, or equipment that is capable of wireless access to the Internet. The wireless device tax must be stated separately from the selling price on any sales receipt, invoice, or other instrument of sale.

Revenues collected from the tax are deposited in the newly created Learning Device and Technology account. Moneys in the account may only be spent after appropriation and may only be used for the digital navigator program established by the ESDs, the device procurement program established by the ESDs, and the student learning device grant program established by the OSPI.

The wireless device tax is administered by the Department of Revenue (Department) and is subject to the Department's general administrative provisions. The wireless device tax is paid by the buyer of a smart wireless device and is collected and held in trust by the seller of the device. A seller is personally liable to the state for the amount of tax due and is guilty of a misdemeanor if the seller uses wireless device tax funds held in trust for any purpose other than the payment of the tax, such that the funds are not available for payment on the due date to the Department. The Department may pursue payment of the wireless device tax if the tax has been collected by a limited liability business entity but not remitted to the department, even if the business entity has been terminated, dissolved, or abandoned, or is insolvent.

Appropriation: None.

Fiscal Note: Requested on January 29, 2021.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.