



# CLOSING THE DIGITAL DIVIDE IN EDUCATION ACT

*Model Policy*  
*ExcelinEd Policy Toolkit - 2023*

## CLOSING THE DIGITAL DIVIDE IN EDUCATION ACT

### Section 1. Short Title

This act shall be known and may be cited as the “Closing the Digital Divide in Education Act,” (the “Act”).

### Section 2. Legislative Purpose

- 1) The purpose of the Act is to:
  - a. Raise awareness of federal and state broadband subsidy programs to ensure eligible residents, particularly those in households with K-12 students, are aware of the ability to receive such support;
  - b. Prioritize investments of state and federal broadband expansion grants to internet services providers (ISPs) that increase access to broadband internet for educational purposes; and
  - c. Establish an annual state K-12 Broadband Access, Adoption, and Affordability Report that identifies causes of and opportunities to close the digital divide.

### Section 3. Definitions

- 1) As used in this Act, these terms have the following meanings:
  - a. “Bandwidth” is defined as the maximum amount of information that can be transmitted over an internet connection at one time and is provided in megabits per second (Mbps).
  - b. “Broadband” is defined a fixed wireless Internet connection or a satellite Internet connection with an actual bandwidth of at least 100 Mbps downstream and at least 20 Mbps upstream, or as otherwise defined for eligibility by state or federal grant programs.
  - c. “Broadband subsidy program” is a state or federal program designed to defray the cost of obtaining home broadband for eligible residents and includes, but is not limited to, the Federal Communications Commission’s Affordable Connectivity Program (ACP).
  - d. “Digital literacy training” is defined as educational or training programs designed to increase participants’ skills associated with using technology to find, evaluate, organize, create, and communicate information.
  - e. “Educational digital device” is defined as an internet-enabled device such as a laptop, tablet, or computer that a student can use to complete schoolwork and does not include a smartphone.
  - f. “Eligible residents” are residents of this state who meet requirements to participate in state or federal broadband subsidy programs.
  - g. “Eligible students” are students whose families meet requirements to participate in state or federal broadband subsidy programs; for example, K-12 students who participate the U.S. Department of Agriculture’s Free and Reduced-Price School Lunch or School Breakfast Program or who attend Community Eligibility Provision schools or postsecondary students who receive Pell Grants.

### Section 4. Raise Awareness of Broadband Affordability Programs

- 1) To ensure eligible residents in households with children under age 18 are aware of broadband subsidy programs that increase the affordability of home broadband, the (Department of Education) shall:
  - a. Create and post on its website guidance for school districts and for students’ families about eligibility criteria for broadband subsidy programs; and
  - b. Create and post on its website a template eligibility certification that meets the requirements for enrolling in the broadband subsidy program(s) and is able to be customized by local education agencies (LEAs) and public charter schools.



- c. The (Department of Education) may coordinate with the (broadband office) and internet service providers to ensure the template eligibility certification meets standards for program enrollment.
- 2) All local education agencies (LEAs) and public charter schools are required to identify students who are eligible for broadband subsidy programs and distribute the eligibility certification to those students' parents or guardians at least once per school year. The (Department of Education) shall monitor for compliance with this provision.
- 3) Private schools may distribute the eligibility certification to their eligible students.
- 4) The (Higher Education Agency) is encouraged to adapt the eligibility certification for distribution to its eligible students, including Federal Pell Grant recipients.

## Section 5. Prioritize Education in State and Federal Broadband Grant Programs

- 1) The (broadband office) shall consult with state and local education officials, including but not limited to the (Commissioner of Education), (Chair of the State Board of Education), district superintendents, and local school board members, when developing state plans for broadband access, equity, and expansion, and digital literacy training.
- 2) When allocating federal and state broadband expansion grants, the (broadband office) shall establish criteria for scoring grant applications that assign priority weighting to projects that:
  - a. Increase broadband access and bandwidth to school buildings, including public, public charter, and private school locations, and public libraries,
  - b. Provide digital literacy training for students in grades Kindergarten through 12 or related professional development for educators,
  - c. Increase access to and affordability of broadband for households with K-12 students, or
  - d. Meet other educational goals identified in consultation with education officials.
  - e. Notwithstanding paragraph (2) of this section, the (broadband office) shall not establish criteria that conflict with federal grant requirements for the disbursement of federal grants.
- 3) The (broadband office) shall publish all grant requirements and evaluation criteria on its website.
- 4) On or before (date), the (broadband office) shall prepare an annual report concerning the status of carrying out its duties prescribed in this section, including but not limited to a report on each awarded broadband grant and the extent to which it supports educational needs as described in this section.
  - a. The (broadband office) shall submit this report to the Governor and to the Senate and House Standing Committees on Education and (broadband/infrastructure). The State shall post a copy of the report prepared on the website maintained by the State.

## Section 6. Establish an Annual K-12 Broadband Access, Adoption, and Affordability Report

- 1) The (Department of Education) shall establish a method and date by which LEAs and public charter schools shall annually submit data on each student's home access to broadband and an educational digital device through the student information system (SIS) or another data collection method, such as a survey.
- 2) The data shall include, at a minimum:
  - a. Whether the student has access to broadband at home at a bandwidth sufficient to conduct online educational activities, such as homework or virtual tutoring, assigned by the school.
  - b. Whether the student has access to an educational digital device at home for their sole use.
  - c. If the student lacks home broadband access, whether the barrier is due to lack of broadband infrastructure, to the cost of home broadband, to the parent or guardian's decision not to adopt broadband, to the lack of an educational digital device, or to more than one of these causes.
- 3) The (Department of Education) and (broadband office) shall produce an annual joint K-12 Broadband Access, Adoption, and Affordability Report ("K-12 Broadband Report") that tracks state- and district-level trends and needs related to broadband access, adoption, and affordability and makes recommendations to improve K-12 broadband access. The K-12 Broadband Report may include data from such sources as:



- a. The annually reported student-level data described in this section;
  - b. Additional educational data, such as socioeconomic data relevant to qualifying for broadband subsidies;
  - c. Broadband coverage data available at the ISP, state, and federal levels; and
  - d. Eligibility and uptake data on state and federal broadband subsidy programs, particularly among households with K-12 students.
- 4) The (Department of Education) and (broadband office) are authorized to enter into a data-sharing agreement, within the bounds of federal and state privacy laws, to jointly produce the K-12 Broadband Report.