



COMPETITIVE STATE PROCUREMENT FOR DIGITAL EDUCATIONAL RESOURCES ACT

Model Policy
ExcelinEd Policy Toolkit - 2023

COMPETITIVE STATE PROCUREMENT FOR DIGITAL EDUCATIONAL RESOURCES ACT

Section 1. Short Title

This act shall be known and may be cited as the “Competitive State Procurement for Digital Educational Resources Act,” (the “Act”).

Section 2. Legislative Purpose

The purpose of this Act is to establish a comprehensive framework for statewide competitive procurement of digital educational devices and software as well as broadband service for school and district buildings. This policy streamlines the contracting process for school districts, maximizes the value of taxpayer dollars, and promotes equitable access to high-quality education technology resources.

Section 3. Definitions

- 1) As used in this Act, these terms have the following meanings:
 - a. **Broadband Service:** High-speed internet connectivity at the bandwidth recommended by the Federal Communications Commission (FCC) for school or home access, as appropriate.
 - b. **Charter Schools:** Public charter schools in this state.
 - c. **Digital Educational Devices:** Laptops, tablets, or desktop computers provided to students or teachers for school-related purposes. This definition does not include smartphones.
 - d. **Digital Educational Software:** Software applications, online platforms, digital content, learning management systems, and other technology-based software designed to support teaching and learning activities in K-12 schools.
 - e. **School Districts:** Local educational agencies responsible for managing and administering public schools within the state.

Section 4. Competitive Procurement Process

- 1) The State Education Department [or a state’s designated authority] shall establish a competitive procurement process for digital educational software and devices and broadband services to school district buildings.
- 2) The procurement process shall be open to all vendors offering these products and services that meet the State's minimum standards for quality, security, privacy, and compliance with relevant federal and state laws and regulations.
- 3) The procurement process shall meet all requirements set forth by the State Procurement Office as well as relevant laws and regulations.
- 4) The evaluation of vendor submissions shall consider factors such as functionality, usability, scalability, interoperability, support services, data security, privacy protections, pricing, and the capacity to meet the needs of diverse districts.
- 5) The state shall ensure transparency in the procurement process, including clear guidelines, timelines, and evaluation criteria communicated to vendors and school districts.
- 6) The state may seek feedback from school districts on their specific needs and priorities to inform the procurement process.

Section 5. State-Negotiated Contract Agreements

- 1) The state shall negotiate competitive pricing and favorable terms for bulk purchases of digital educational software and devices and broadband services to school district and charter school buildings.



- 2) The state shall negotiate master contracts or framework agreements with selected vendors, outlining the terms, conditions, and pricing for school district purchases.
- 3) The state shall periodically review and update the negotiated pricing to ensure continued competitiveness and best value for school districts.
- 4) The state shall establish mechanisms for ongoing monitoring, evaluation, and feedback from school districts to assess the effectiveness of the procurement process and make necessary improvements.
- 5) The state shall periodically review the implementation and outcomes of the competitive procurement process for digital educational devices and software and broadband connectivity. The state may consider feedback from school districts, vendors, and other stakeholders. Based on the review findings, the state may conduct new competitive procurement processes to address emerging needs, technological advancements, and evolving best practices.

Section 6. Optional District Participation

- 1) School districts may opt to purchase digital education devices and software and broadband services through the state's master contracts or framework agreements.
- 2) Districts may reference state master contracts or framework agreements to expedite their individual procurement processes, reducing administrative burden and ensuring consistent terms and pricing.
- 3) The State Education Department shall provide guidance, technical assistance, and training to school districts on the competitive procurement process and the effective implementation of the products or services purchased through the state master contracts or framework agreements.
- 4) School districts that choose not to purchase available items or services via the state's master contracts or framework agreements shall be responsible for their individual procurement processes, subject to relevant laws and regulations.

Section 7. Effective Date

- 1) This Act shall take effect on [date] and shall apply to all subsequent procurement processes for digital educational devices and software and broadband connectivity for K-12 education buildings conducted by the State.