



# MODEL POLICY

## *Digital Access Survey Act*

### *ExcelinEd Policy Toolkit - 2021*

*This document contains model policy for the Digital Access Survey Act (the Act).*

#### SUMMARY

The Digital Access Survey Act requires local educational agencies (LEAs) to assess and evaluate the internet access and device needs of its student population, via a mechanism for data collection (e.g., a survey).

The state education agency (SEA) will require LEAs to assess and report student internet and device access needs, including availability of at-home connectivity, devices and related tech support, for students, educators and families. The data will be collected annually by the LEA and reported to the SEA.

The SEA will aggregate all LEA connectivity and device access needs data and review the key findings from the data collected. The SEA will determine the prevalent gaps, prioritizing underserved and unserved communities. The SEA shall develop and disseminate a report concerning the key findings, and will outline strategic support, funding and infrastructure necessary to close the gaps. The report will be shared with the Governor, Legislature and the public by [Date], as determined by the SEA.

#### MODEL LEGISLATION - DIGITAL ACCESS SURVEY ACT

Be in enacted by the (State):

I. Short title

This act shall be known and may be cited as the “Digital Access Survey Act,” (the “Act”).

II. Legislative Purpose

The purpose of the Act is to:

- a. Ensure every child has access to a high-quality internet connection and digital device, in order to offer online learning to meet the student’s instructional day requirement; and
- b. Evaluate, identify, and prioritize strategies (including support, funding and infrastructure) to close the digital connectivity and digital device gaps, particularly for students in underserved and unserved communities.

III. Definitions

As used in this section, the terms have the following meaning.

- a. Connectivity is defined as the primary form of internet access for the resident;
- b. Digital Device is defined as an internet-enabled device such as a laptop, tablet, or computer the student most often uses to complete schoolwork at home<sup>1</sup>;
- c. Device Access is defined as the primary learning device, either a personal device or school-provided;
- d. Ease of Use of Digital Device is defined as the level of effort it would require the student to use the device;

---

<sup>1</sup> A digital device does not include a mobile phone or smart phone. An adequate, internet-enabled device sufficient to complete schoolwork would include a laptop, tablet, or computer, as defined by leading [researchers](#) in 2020.



- e. Internet Access in residence is defined as the students' ability to access the internet or primary learning device at home;
- f. Internet Access Type in residence is defined as the primary type of internet services (including: Fiber, Cable, DSL, Microwave, Satellite, Dial-up; Personal hotspot/smartphone; or School-provided hotspot) used at the residence;
- g. Internet Performance is defined as the students' ability to stream a video on their primary learning device without interruption and may be measured by quality of the connection; and
- h. Technical Support needs related to Installing and/or Monitoring Internet Access or Devices is defined as the additional information technology-related services and training the student, educator or family would benefit from when connecting to the Internet and using Digital Devices.

#### IV. Student Online Learning Needs Survey Conducted by LEAs

- a. The SEA will require all local education agencies (LEAs) to collect, at minimum, "common data elements"<sup>2</sup> on an annual basis, through a data collection mechanism, or as part of the regular data collection efforts established for the student information system (SIS) of each LEA.
- b. Common data elements collected by the LEA will include, at minimum, the following for each student and educator:
  - i. Digital Device;
  - ii. Device Access;
  - iii. Ease of Use of Digital Device;
  - iv. Internet Access in residence;
  - v. Internet Access Type in residence;
  - vi. Internet Performance; and
  - vii. Technical Support needs related to Installing and/or Monitoring Internet Access or Devices.

The LEA will submit, at minimum, the data elements referenced in Section IV, part b to the department by [date].

#### V. Student Online Learning Needs Review and Reporting by SEA

- a. The SEA, or an entity as identified and determined to support the SEA and/or serve in an advisory capacity, will aggregate and review LEA data and build key findings on where the clear gaps in online learning are.
- b. The SEA or supporting entity will report, at minimum, the following as a result of the data collected in section IV from the LEAs:
  - i. The number and percentage of students who have and do not have Internet Access in residence;
  - ii. The number and percentage of educators or other related staff who use online learning for instruction, who do and do not have Internet Access in residence;

---

<sup>2</sup> Common data elements and respective definitions are referenced in: [Restart and Recovery: Home Digital Access Data Collection: Blueprint for State Education Leaders](#) by CCSSO and EducationSuperHighway.



- iii. The number of students served by each respective type of Internet Access (including whether it is a robust or adequate speed<sup>3</sup>) in residence;
- iv. The number and percentage of students with and without a Digital Device to complete schoolwork at home, separately identifying the number with either a personal device or a school-provided device;
- v. The number of students sharing a Digital Device with anyone else in the household; and
- vi. The number of students who were and were not able to access the Internet on their Digital Device in residence.

The data shall be reported in the aggregate and disaggregated by district and by subgroup, including, but not limited to student demographic data and socio-economic status.

c. The SEA will serve in a capacity deemed in compliance with all federal<sup>4</sup> and state privacy laws when participating in the mechanism for data collection.

#### VI. Student Online Learning Needs Report Published by the SEA

- a. Annually, the SEA will draft a report detailing the findings of the digital connectivity and device needs data.
- b. The SEA will review the data collected and work with the LEAs to identify the key findings and strategic solutions (including support, funding and infrastructure), detailing how to close the gaps in digital connectivity and devices.
- c. The report will include a timeline by when the SEA and each LEA propose to make progress toward closing the digital connectivity and device gaps identified.
- d. The SEA will submit to the Governor, Legislature and the public a report with the key findings.

### ADDITIONAL CONSIDERATIONS

This language is intended to be modified to meet the needs of the state specific context. ExcelinEd is willing to consult with policymakers to adapt the policy based on input from in-state partners. This is not intended to be used at the federal level.

<sup>3</sup> As defined by the Federal Communication Commission's definition of quality and speed of connectivity.

<sup>4</sup> The provisions of Family Educational Rights and Privacy Act (FERPA), 20 U.S.C.s.1232g pertaining to student records and any similar state legislation apply to this section.