

Your Question:

You asked if any states passed or considered new broadband or device access legislation in the 2021 session. You also mentioned legislation that framed broadband access as part of the right to a public education.

Our Response:

The COVID-19 pandemic has illuminated the benefits and necessity of closing digital divides. In the 2021 legislative session, we've tracked significant legislative activity related to broadband expansion and device availability. Education Commission of the States released a Policy Brief on [Broadband Access and the Digital Divides](#), with information and policy examples on efforts to expand broadband infrastructure, internet subscriptions and adequate devices for students in many states

Many states have leveraged federal funds to support closing digital divides. While there is no comprehensive list of states that have used federal K-12 relief aid to supplant funds, the National Conference on State Legislatures has summarized how states have awarded Governor's Emergency Education Relief ([GEER](#)) funds and the state set-aside for Elementary and Secondary School Emergency Relief ([ESSER](#)) funds. These investments appear to largely be new proposals for increasing technology and expanding internet access and broadband.

Below we provide 2021 state policy examples related to broadband expansion and technology generally. For additional examples, use our [State Education Policy Tracking](#) tool to search the issue area "Technology." We also link to a couple resources that cover technology expansion for education from 2020 below.

State Examples: Broadband Expansion

Arkansas: [S.B. 74](#) (Enacted) Permits a government entity, including school districts, to acquire, construct, furnish, equip, own, operate, sell, convey, lease, rent, let, assign, dispose of, contract for, or otherwise deal in facilities and apparatus, among other services, data services, broadband services, and/or wireless telecommunications services. The bill includes an emergency clause in recognition of the importance for these services to provide education.

Florida: [H.B. 1239](#) (Enacted) Recognizes the importance that broadband access plays in education and outlines various strategies to support broadband expansion, including: (1) enlisting planning teams to support schools to expand broadband access by applying for federal grants and (2) developing geographic information system maps to identify areas that lack broadband or sufficient broadband speed, and the process includes collaborating with education institutions.

Indiana: [S.B. 377](#) (Enacted) Establishes the Indiana Broadband Connectivity Program. The program is responsible for expanding the availability of broadband internet access and assessing student access to broadband.

New Mexico: [S.B. 377](#) (Enacted) Appropriates funds for FY 2021 to FY 2026 for the development of statewide broadband to support education. [H.B. 10](#) (Enacted) Creates the "Connect New Mexico" fund to develop, expand and support digital inclusion. Public educational institutions are eligible to apply for these grants.

Texas: [H.B. 3853](#) (Enacted) Facilitates the expansion of broadband services to unserved and underserved areas for, among other reasons, the importance of broadband for education. [H.B. 5](#) (Enacted) Establishes a program to award grants, low-interest loans and other financial incentives to applicants for the purpose of expanding access to and

adoption of broadband service in designated areas determined to be eligible areas, with priority given to institutions of higher education. It also instructs the broadband development office to examine broadband service needs related to public education and instructs the office of broadband development to create a broadband map that includes whether or not public school campuses have access to broadband.

State Examples: Access to Digital Devices

Idaho: [H. 386](#) (Enacted) Appropriates \$26,500,000 from the Public School Income Fund to be distributed for classroom technology, classroom technology infrastructure, wireless technology infrastructure, and learning management systems that assist teachers and students in effective and efficient instruction or learning.

Maryland: [H.B. 1372](#) (Enacted) Expands funding for technology. The target per pupil foundation amount under the state foundation program is increased, beginning in FY 2025, to cover specified educational technology costs. In using these additional funds, local boards of education must prioritize the purchase of digital devices.

Texas: [H.B. 1525](#) (Enacted) Instructs the education agency to provide assistance to schools to ensure that all students have access to internet services and provides one-time funding for reimbursements to school districts for technology acquisitions.

Washington: [H.B. 1365](#) (Enacted) Subject to state funding, the office of the superintendent of public instruction 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.

Additional Resources

- State Information Request: [CARES Act Funding for Technology](#). This response includes examples of how states used CARES Act dollars to provide technology equipment for remote learning, a few examples of broadband access and resources to track how states spent dollars in 2020.
- State Information Request: [Broadband Access Expansion](#). This response includes information on the digital divide, how states utilized federal funding for broadband access and remote learning expansion, and examples of state policies using state funds to expand student broadband access in 2020.