

United States Senate

WASHINGTON, DC 20510

April 6, 2016

The Honorable John King
Secretary
U.S. Department of Education
400 Maryland Avenue SW
Washington, DC 20202

Dear Secretary King:

We write to you today regarding passage of the Every Student Succeeds Act (ESSA) and implementation of key sections of the new law that we supported and helped to design: the Student Support and Academic Enrichment (SSAE) Grants (Section 4101), and the report on student access to digital learning resources outside of the school day (Section 9210). We strongly urge you to ensure that the final ESSA regulations and guidance enable schools and districts to support students who lack home or community Internet access.

Twenty-four hour access to digital learning opportunities has become essential to effective learning and instruction, but as these advancements pick up steam, many students risk being left behind. Whether completing a homework assignment, participating in innovative learning models, communicating with a teacher outside of the school day, or applying to college or a job, access to the Internet and digital learning resources outside of the classroom is now a fundamental educational resource. However, nearly one-third of low-income households with children lack a high-speed connection at home, even though teachers in 96 percent of school districts assign homework that requires Internet use. This divide disproportionately impacts minority, low-income, and rural students, precisely the young people that ESSA is intended to support.

To address this growing divide, often referred to as the “homework gap,” we introduced the Digital Learning Equity Act of 2015 (S. 1606), which would create a pilot program within the U.S. Department of Education (“the Department”) to fund innovative ways to keep students connected to digital resources outside of the school day. Our bill would also require the Department’s Institute for Education Sciences (IES) to conduct a study in order to provide policymakers with more robust data about out-of-school Internet access. The Digital Learning Equity Act was endorsed by more than a dozen organizations, including teachers, state education technology directors, and digital learning advocates.

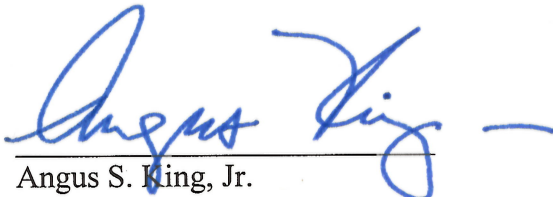
Portions of our bill were adopted without opposition as amendments to the Senate’s Every Child Achieves Act, including a provision to allow funds within the bill’s standalone education technology program to support student access to the Internet outside of the school day. While the conference agreement (ESSA) consolidates education technology programming into Title IV-A’s SSAAE Grants and streamlines the language regarding the allowable use of funding, we strongly believe that Sections 4104(b)(3)(C) and 4109(a)(2)(B) of ESSA as well as the new law’s broad definition of technology under Section 8002(50) allow for the use of SSAAE funds to

support out-of-school Internet access, provided school districts identify this as a need within their communities. We ask that the Department permit this use of funds, as it has previously done under the existing Title I program.¹


Additional data points on the homework gap – how it impacts students and educators within the classroom, the variations in the quality of out-of-school Internet access, and the devices through which students connect to the Internet – are essential to further understanding and addressing its impact. Section 9210 of ESSA, which we authored, underscores congressional interest in acquiring this data. Based upon a similar provision in our Digital Learning Equity Act, this section would require IES to conduct a national study on the state of student access to digital learning resources outside of the classroom, including how a lack of access impacts instructional practice in the classroom and what kinds of innovative strategies are being employed to successfully support student Internet connectivity outside of the school day. We look forward to working closely with IES on the execution of this study and hope that it will help to inform future federal, state, and local efforts to close the homework gap.

Thank you for your attention to this request. We look forward to working with you as the Department initiates the very important implementation of ESSA. Should you have any questions related to this request, please direct your staff to contact Aisha Woodward with Senator King at 202-224-5344 or Dana Richter with Senator Capito at 202-224-6472.

Sincerely,



Angus S. King, Jr.
United States Senator



Shelley Moore Capito
United States Senator

¹ “Examples of Leveraging ESEA and IDEA Funds for Digital Teaching and Learning,” <https://tech.ed.gov/wp-content/uploads/2014/11/Tech-Federal-Funds-Final-V2.pdf>.