

Baldwin/Title II/Amendment #1
Jerry Baldwin
S.H.C.

AMENDMENT NO. _____ Calendar No. _____

Purpose: To award grants to encourage State educational agencies, local educational agencies, and schools to utilize technology to improve student achievement and college and career readiness, the skills of teachers and school leaders, and the efficiency and productivity of education systems at all levels.

IN THE SENATE OF THE UNITED STATES—114th Cong., 1st Sess.

S. _____

To reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by MS. Baldwin (for herself)
Viz: and Mr. Hatch

1 On page 367, between lines 5 and 6, insert the following:
2

3 (10) by inserting after part F the following:

4 **“PART G—INNOVATIVE TECHNOLOGY EXPANDS**
5 **CHILDREN’S HORIZONS (I-TECH)**

6 **“SEC. 5701. PURPOSES.**

7 “The purposes of this part are—

8 “(1) to improve the achievement, academic
9 growth, and college and career readiness of all stu-
10 dents;

1 “(2) to ensure all students have access to per-
2 sonalized, rigorous learning experiences that are
3 supported through technology;

4 “(3) to ensure that educators have the knowl-
5 edge and skills to use technology, including com-
6 puter-based assessments and blended learning strat-
7 egies, to personalize learning;

8 “(4) to ensure district and school leaders have
9 the skills required to implement, and support school-
10 and district-wide approaches for using technology to
11 inform instruction, support teacher collaboration,
12 and personalize learning;

13 “(5) to ensure that students in rural, remote,
14 and underserved areas have the resources to take
15 advantage of high-quality digital learning experi-
16 ences, digital resources, and access to online courses
17 taught by effective educators;

18 “(6) to ensure that students have increased ac-
19 cess to online dual and concurrent enrollment oppor-
20 tunities, career and technical courses, and programs
21 leading to a recognized postsecondary credential (as
22 defined in section 3 of the Workforce Innovation and
23 Opportunity Act (29 U.S.C. 3102)), and courses
24 taught by educators, including advanced coursework;
25 and

1 “(7) to ensure that State educational agencies,
2 local educational agencies, elementary schools, and
3 secondary schools have the technological capacity,
4 infrastructure, and technical support necessary to
5 meet purposes described in paragraphs (1) through
6 (7).

7 **“SEC. 5702. DEFINITIONS.**

8 “In this part:

9 “(1) DIGITAL LEARNING.—The term ‘digital
10 learning’ means any instructional practice that effec-
11 tively uses technology to strengthen a student’s
12 learning experience and encompasses a wide spec-
13 trum of tools and practices, including—

14 “(A) interactive learning resources that en-
15 gage students in academic content;

16 “(B) access to online databases and other
17 primary source documents;

18 “(C) the use of data, data analytics, and
19 information to personalize learning and provide
20 targeted supplementary instruction;

21 “(D) student collaboration with content ex-
22 perts and peers;

23 “(E) online and computer-based assess-
24 ments;

1 “(F) digital learning content, software, or
2 simulations;

3 “(G) access to online courses;

4 “(H) mobile devices for learning in school
5 and at home;

6 “(I) learning environments that allow for
7 rich collaboration and communication;

8 “(J) hybrid or blended learning, which oc-
9 curs under direct instructor supervision at a
10 school or other location away from home and,
11 at least in part, through online delivery of in-
12 struction with some element of student control
13 over time, place, path, or pace;

14 “(K) access to online course opportunities
15 for students in rural or remote areas; and

16 “(L) discovery, modification, and sharing
17 of openly licensed digital learning materials.

18 “(2) ELIGIBLE TECHNOLOGY.—The term ‘eligi-
19 ble technology’ means modern computer, and com-
20 munication technology software, services, or tools,
21 including computer or mobile devices, software appli-
22 cations, systems and platforms, and digital learning
23 content, and related services and supports.

24 “(3) TECHNOLOGY READINESS SURVEY.—The
25 term ‘technology readiness survey’ means a survey

1 completed by a local educational agency that pro-
2 vides standardized information on the quantity and
3 types of technology infrastructure and access avail-
4 able to the students and in the community served by
5 the local educational agency, including computer de-
6 vices, Internet connectivity, operating systems, re-
7 lated network infrastructure, data systems, educator
8 professional learning needs and priorities, and data
9 security.

10 “(4) UNIVERSAL DESIGN FOR LEARNING.—The
11 term ‘universal design for learning’ has the meaning
12 given the term in section 103 of the Higher Edu-
13 cation Act of 1965 (20 U.S.C. 1003).

14 **“SEC. 5703. TECHNOLOGY GRANTS PROGRAM AUTHORIZED.**

15 “(a) IN GENERAL.—From the amounts appropriated
16 under section 5708, the Secretary may reserve not more
17 than 1.5 percent for national activities to support grantees
18 and shall award the remainder to State educational agen-
19 cies to strengthen State and local technological infrastruc-
20 ture and professional learning that supports digital learn-
21 ing through State activities under section 5705(c) and
22 local activities under section 5706(c).

23 “(b) GRANTS TO STATE EDUCATIONAL AGENCIES.—

1 “(1) RESERVATIONS.—From the amounts ap-
2 propriated under section 5708 for any fiscal year,
3 the Secretary shall reserve—

4 “(A) three-fourths of 1 percent for the
5 Secretary of the Interior to provide assistance
6 under this part for schools operated or funded
7 by the Bureau of Indian Education; and

8 “(B) 1 percent to provide assistance under
9 this part to the outlying areas.

10 “(2) GRANT ALLOTMENTS.—From the amounts
11 appropriated under section 5708 for any fiscal year
12 and remaining after the Secretary makes reserva-
13 tions under paragraph (1), the Secretary shall make
14 a grant for the fiscal year to each State educational
15 agency with an approved application under section
16 5704 in an amount that bears the same relationship
17 to such remainder as the amount the State edu-
18 cational agency received under part A of title I for
19 such year bears to the amount all State educational
20 agencies with an approved application under section
21 5704 received under such part for such year.

22 “(c) MINIMUM.—The amount of a grant to a State
23 educational agency under subsection (b)(2) for a fiscal
24 year shall not be less than one-half of 1 percent of the

1 total amount made available for grants to all State edu-
2 cational agencies under such subsection for such year.

3 “(d) REALLOTMENT OF UNUSED FUNDS.—If any
4 State educational agency does not apply for a grant under
5 section 5704 for a fiscal year, or does not use the State
6 educational agency’s entire grant allotment under sub-
7 section (b)(2) for such year, the Secretary shall reallocate the
8 amount of the State educational agency’s grant, or the un-
9 used portion of the grant allotment, to the remaining
10 State educational agencies that use their entire grant
11 amounts under subsection (b)(2) for such year.

12 “(e) MATCHING FUNDS.—

13 “(1) IN GENERAL.—A State educational agency
14 that receives a grant under subsection (b)(2) shall
15 provide matching funds, from non-Federal sources,
16 in an amount equal to 10 percent of the amount of
17 grant funds provided to the State educational agency
18 to carry out the activities supported by the grant.
19 Such matching funds may be provided in cash or in-
20 kind, except that any such in-kind contributions
21 shall be provided for the purpose of supporting the
22 State educational agency’s activities under section
23 5705(c).

24 “(2) WAIVER.—The Secretary may waive the
25 matching requirement under paragraph (1) for a

1 State educational agency that demonstrates that
2 such requirement imposes an undue financial hard-
3 ship on the State educational agency.

4 **“SEC. 5704. STATE APPLICATIONS.**

5 “(a) APPLICATION.—To receive a grant under section
6 5703(b)(2), a State educational agency shall submit to the
7 Secretary an application at such time and in such manner
8 as the Secretary may require and containing the informa-
9 tion described in subsection (b).

10 “(b) CONTENTS.—Each application submitted under
11 subsection (a) shall include the following:

12 “(1) A description of how the State educational
13 agency will meet the following goals:

14 “(A) Use technology to ensure all students
15 achieve college and career readiness and digital
16 literacy, including by providing high-quality
17 education opportunities to economically or geo-
18 graphically isolated student populations.

19 “(B) Provide educators, school leaders,
20 and administrators with the professional learn-
21 ing, tools, devices, content, and resources to—

22 “(i) personalize learning to improve
23 student academic achievement; and

1 “(ii) discover, adapt, and share rel-
2 evant high-quality open educational re-
3 sources.

4 “(C) Enable local educational agencies to
5 build the technological capacity and infrastruc-
6 ture.

7 “(2) An assurance that each local educational
8 awarded a subgrant under this part has conducted
9 a technology readiness survey and will take steps to
10 address the readiness gaps identified not later than
11 3 years after the completion of the survey by the
12 local educational agency.

13 “(3) An assurance that the State educational
14 agency will ensure that the State educational agen-
15 cy’s technology systems and school-based technology
16 systems are interoperable.

17 “(4) An assurance that the State educational
18 agency will consider making content widely available
19 through open educational resources when making
20 purchasing decisions with funds received under this
21 part.

22 “(5) A description of how the State educational
23 agency will award subgrants to local educational
24 agencies under section 5706.

1 “(6) A description of the process, activities, and
2 performance measures that the State educational
3 agency will use to evaluate the impact and effective-
4 ness of the grant and subgrant funds awarded under
5 this part across the State and in each local edu-
6 cational agency.

7 “(7) An assurance that the State educational
8 agency consulted with local educational agencies in
9 the development of the State educational agency’s
10 application under this subsection.

11 “(8) An assurance that the State educational
12 agency will provide matching funds as required
13 under section 5703(e).

14 “(9) An assurance that the State educational
15 agency will protect the privacy and safety of stu-
16 dents and teachers, consistent with requirements of
17 section 444 of the General Education Provisions Act
18 (20 U.S.C. 1232g) (commonly known as the ‘Family
19 Educational Rights and Privacy Act of 1974’) and
20 section 445 of the General Education Provisions Act
21 (20 U.S.C. 1232h).

22 **“SEC. 5705. STATE USE OF GRANT FUNDS.**

23 “(a) RESERVATION FOR SUBGRANTS TO SUPPORT
24 TECHNOLOGY INFRASTRUCTURE.—Each State edu-
25 cational agency that receives a grant under section

1 5703(b)(2) shall expend not less than 90 percent of the
2 grant amount for each fiscal year to award subgrants to
3 local educational agencies in accordance with section
4 5706.

5 “(b) RESERVATION FOR STATE ACTIVITIES.—

6 “(1) IN GENERAL.—A State educational agency
7 shall reserve not more than 10 percent of the grant
8 received under section 5703(b)(2) for the State ac-
9 tivities described in subsection (c).

10 “(2) GRANT ADMINISTRATION.—

11 “(A) IN GENERAL.—Subject to subpara-
12 graph (B), of the amount reserved by a State
13 educational agency under paragraph (1), the
14 State educational agency may reserve for the
15 administration of the grant under this part not
16 more than—

17 “(i) 1 percent in the case of a State
18 educational agency awarding subgrants
19 under section 5706(a)(1); or

20 “(ii) 3 percent in the case of a State
21 educational agency awarding subgrants
22 under section 5706(a)(2).

23 “(B) SPECIAL RULE.—Notwithstanding
24 subparagraph (A), a State educational agency

1 that forms a State purchasing consortium
2 under subsection (d)—

3 “(i) may reserve an additional 1 per-
4 cent to carry out the activities described in
5 subsection (d)(1); and

6 “(ii) may reserve amounts in addition
7 to the percentage described in clause (i) if
8 the State purchasing consortium receives
9 direct approval from the local educational
10 agencies receiving subgrants under section
11 5706(a) from the State educational agency
12 prior to reserving more than the additional
13 percentage authorized under clause (i).

14 “(c) STATE ACTIVITIES.—A State educational agency
15 may use funds described in subsection (b) to carry out
16 each of the following:

17 “(1) Except for the awarding of subgrants in
18 accordance with section 5706, activities described in
19 the State educational agency’s application under sec-
20 tion 5704(b).

21 “(2) Providing technical assistance to local edu-
22 cational agencies to—

23 “(A) identify and address technology readi-
24 ness needs;

1 “(B) use technology, consistent with the
2 principles of universal design for learning, to
3 support the learning needs of all students, in-
4 cluding students who are children with disabil-
5 ities and children who are limited English pro-
6 ficient;

7 “(C) build capacity for principals and local
8 educational agency administrators to support
9 teachers in using data and technology to im-
10 prove teaching and personalize learning;

11 “(D) ensure that contractual requirements
12 for third parties that have access to student
13 data, its storage, or provide analytics on stu-
14 dent data provide privacy protections consistent
15 with the requirements of section 444 of the
16 General Education Provisions Act (20 U.S.C.
17 1232g) (commonly known as the ‘Family Edu-
18 cational Rights and Privacy Act of 1974’); and

19 “(E) provide tools and processes to sup-
20 port the creation, modification, and distribution
21 of open educational resources.

22 “(3) Developing or utilizing research-based or
23 innovative strategies for the delivery of specialized or
24 rigorous academic courses and curricula through the

1 use of technology, including digital learning tech-
2 nologies and assistive technology.

3 “(4) Integrating and coordinating activities
4 under this part with other educational resources and
5 programs across the State.

6 “(5) Disseminating information, including mak-
7 ing publicly available on the website of the State
8 educational agency, promising practices to improve
9 technology instruction, best practices for data secu-
10 rity, and acquiring and implementing technology
11 tools and applications.

12 “(6) Ensuring that teachers, paraprofessionals,
13 library and media personnel, specialized instructional
14 support personnel, and administrators possess the
15 knowledge and skills to use technology to meet the
16 goals described in section 5704(b)(1).

17 “(7) Coordinating with teacher, principal, and
18 school leader preparation programs to ensure that
19 preservice teachers, principals, and school leaders
20 have the skills to implement digital learning pro-
21 grams effectively.

22 “(8) Supporting schools in rural and remote
23 areas to expand access to high-quality digital learn-
24 ing opportunities.

25 “(d) PURCHASING CONSORTIA.—

1 “(1) IN GENERAL.—A State educational agency
2 receiving a grant under section 5703(b)(2) may—

3 “(A) form a State purchasing consortium
4 with 1 or more State educational agencies re-
5 ceiving such a grant to carry out the State ac-
6 tivities described in subsection (c), including
7 purchasing eligible technology;

8 “(B) encourage local educational agencies
9 to form local purchasing consortia under section
10 5706(c)(4); and

11 “(C) promote pricing opportunities to local
12 educational agencies for the purchase of eligible
13 technology that are—

14 “(i) negotiated by the State edu-
15 cational agency or the State purchasing
16 consortium of the State educational agen-
17 cy; and

18 “(ii) available to such local edu-
19 cational agencies.

20 “(2) RESTRICTIONS.—A State educational
21 agency receiving a grant under section 5703(b)(2)
22 shall not—

23 “(A) except for promoting the pricing op-
24 portunities described in paragraph (1)(C), make
25 recommendations to local educational agencies

1 for, or require, use of any specific commercial
2 products and services by local educational agen-
3 cies;

4 “(B) require local educational agencies to
5 participate in a State purchasing consortia or
6 local purchasing consortia; or

7 “(C) use more than the amount reserved
8 under subsection (b) to carry out the activities
9 described in paragraph (1), unless the State
10 educational agency receives approval in accord-
11 ance with subsection (b)(2)(B).

12 **“SEC. 5706. LOCAL SUBGRANTS.**

13 “(a) SUBGRANTS.—

14 “(1) GRANTS TO LOCAL EDUCATIONAL AGEN-
15 CIES.—From the grant funds provided under section
16 5703(b)(2) to a State educational agency that are
17 remaining after the State educational agency makes
18 reservations under section 5705(b) for any fiscal
19 year and subject to paragraph (2), the State edu-
20 cational agency shall award subgrants for the fiscal
21 year to local educational agencies served by the
22 State educational agency and with an approved ap-
23 plication under subsection (b) by allotting to each
24 such local educational agency an amount that bears
25 the same relationship to the remainder as the

1 amount received by the local educational agency
2 under part A of title I for such year bears to the
3 amount received by all such local educational agen-
4 cies under such part for such year, except that no
5 local educational agency may receive less than
6 \$20,000 for a year.

7 “(2) COMPETITIVE GRANTS TO LOCAL EDU-
8 CATIONAL AGENCIES.—If the amount of funds ap-
9 propriated under section 5708 is less than
10 \$300,000,000 for any fiscal year, a State edu-
11 cational agency—

12 “(A) shall not award subgrants under
13 paragraph (1); and

14 “(B) shall—

15 “(i) award subgrants, on a competi-
16 tive basis, to local educational agencies
17 based on the quality of applications sub-
18 mitted under subsection (b), including—

19 “(I) the level of technology readi-
20 ness, as determined by the technology
21 readiness surveys completed by local
22 educational agencies submitting such
23 applications; and

24 “(II) the technology plans de-
25 scribed in subsection (b)(4) and how

1 the local educational agencies with
2 such plans will carry out the align-
3 ment and coordination described in
4 such subsection;

5 “(ii) give priority to local educational
6 agencies that have demonstrated substan-
7 tial need for assistance in acquiring and
8 using technology, based on the agency’s
9 technology readiness survey; and

10 “(iii) give priority to schools that
11 serve students in rural and remote areas,
12 schools in need of improvement and per-
13 sistent lowest achieving schools, or
14 schools with a high percentage of students
15 aged 5 through 17 who are in poverty, as
16 counted in the most recent census data ap-
17 proved by the Secretary, who are eligible
18 for a free or reduced priced lunch under
19 the Richard B. Russell National School
20 Lunch Act, in families receiving assistance
21 under the State program funded under
22 part A of title IV of the Social Security
23 Act, or eligible to receive medical assist-
24 ance under the Medicaid program.

1 “(3) DEFINITION OF LOCAL EDUCATIONAL
2 AGENCY FOR CERTAIN FISCAL YEARS.—For pur-
3 poses of awarding subgrants under paragraph (2),
4 the term ‘local educational agency’ means—

5 “(A) a local educational agency;

6 “(B) an educational service agency; or

7 “(C) a local educational agency and an
8 educational service agency.

9 “(b) APPLICATION.—A local educational agency that
10 desires to receive a subgrant under subsection (a) shall
11 submit an application to the State at such time, in such
12 manner, and accompanied by such information as the
13 State educational agency may require, such as—

14 “(1) a description of how the local educational
15 agency will carry out the goals described in subpara-
16 graphs (A) through (C) of section 5704(b)(1);

17 “(2) a description of the results of the tech-
18 nology readiness survey completed by the local edu-
19 cational agency and a description of the plan for the
20 local educational agency to meet the goals described
21 in paragraph (1) within 3 years of completing the
22 survey;

23 “(3) a description of the local educational agen-
24 cy’s technology plan to carry out paragraphs (1) and
25 (3) and how the agency will align and coordinate the

1 activities under this section with other activities
2 across the local educational agency;

3 “(4) a description of the team of educators who
4 will coordinate and carry out the activities under
5 this section, including individuals with responsibility
6 and expertise in instructional technology, teachers
7 that specialize in supporting students who are chil-
8 dren with disabilities and English learners, school
9 leaders, technology officers, and staff responsible for
10 assessments and data;

11 “(5) a description of how the local educational
12 agency will build capacity for principals and local
13 educational agency administrators to support teach-
14 ers in developing data literacy skills and in imple-
15 menting digital tools to support teaching and learn-
16 ing;

17 “(6) a description of how the local educational
18 agency will procure content and ensure content qual-
19 ity; and

20 “(7) an assurance that the local educational
21 agency will protect the privacy and safety of stu-
22 dents and teachers, consistent with requirements
23 section 444 of the General Education Provisions Act
24 (20 U.S.C. 1232g) (commonly known as the ‘Family
25 Educational Rights and Privacy Act of 1974’).

1 “(c) USE OF FUNDS.—

2 “(1) PROFESSIONAL DEVELOPMENT IN DIGITAL
3 LEARNING.—Subject to paragraph (3), a local edu-
4 cational agency receiving a subgrant under sub-
5 section (a) shall use not less than 50 percent of such
6 funds to carry out professional development, as de-
7 fined in section 9101, in digital learning for teach-
8 ers, principals, school leaders, paraprofessionals, li-
9 brary and media personnel, specialized instructional
10 support personnel, technology coordinators, and ad-
11 ministrators in the use of technology to support stu-
12 dent learning.

13 “(2) TECHNOLOGY INFRASTRUCTURE.—Subject
14 to paragraph (3), a local educational agency receiv-
15 ing a subgrant under subsection (a) shall use not
16 less than 25 percent of such funds to support activi-
17 ties for the acquisition of eligible technology needed
18 to—

19 “(A) except for the activities described in
20 paragraph (1), carry out activities described in
21 the application submitted under subsection (b),
22 including purchasing devices, equipment, and
23 software applications; and

1 “(B) address readiness shortfalls identified
2 under the technology readiness survey com-
3 pleted by the local educational agency.

4 “(3) MODIFICATION OF FUNDING ALLOCA-
5 TIONS.—A State educational agency may authorize a
6 local educational agency to modify the percentage of
7 the local educational agency’s subgrant funds re-
8 quired to carry out the activities described in para-
9 graph (1) or (2) if the local educational agency dem-
10 onstrates that such modification will assist the local
11 educational agency in more effectively carrying out
12 such activities.

13 “(4) PURCHASING CONSORTIA.—Local edu-
14 cational agencies receiving subgrants under sub-
15 section (a) may—

16 “(A) form a local purchasing consortia
17 with other such local educational agencies to
18 carry out the activities described in this sub-
19 section, including purchasing eligible tech-
20 nology; and

21 “(B) use such funds for purchasing eligible
22 technology through a State purchasing con-
23 sortia under section 5706(d).

24 “(5) BLENDED LEARNING PROJECTS.—

1 “(A) IN GENERAL.—A local educational
2 agency receiving a subgrant under subsection
3 (a) may use such funds to carry out a blended
4 learning project, which shall include at least 1
5 of the following activities:

6 “(i) Planning activities, which may in-
7 clude development of new instructional
8 models (including blended learning tech-
9 nology software and platforms), the pur-
10 chase of digital instructional resources, ini-
11 tial professional development activities, and
12 one-time information technology purchases,
13 except that such expenditures may not in-
14 clude expenditures related to significant
15 construction or renovation of facilities.

16 “(ii) Ongoing professional develop-
17 ment for teachers, school leaders, or other
18 personnel involved in the project that is de-
19 signed to support the implementation and
20 academic success of the project.

21 “(B) NON-FEDERAL MATCH.—A local edu-
22 cational agency that carries out a blended
23 learning project under this paragraph shall pro-
24 vide non-Federal matching funds equal to not
25 less than 10 percent of the amount of funds

1 used to carry out such project that shall be
2 used to carry out such project.

3 “(C) DEFINITION OF BLENDED LEARN-
4 ING.—In this paragraph, the term ‘blended
5 learning’ means a formal education program
6 that leverages both technology-based and face
7 to face instructional approaches that—

8 “(i) include an element of online or
9 digital learning, combined with supervised
10 learning time, and student-led learning, in
11 which the elements are connected to pro-
12 vide an integrated learning experience; and

13 “(ii) where students are provided
14 some control over time, path, or pace.

15 **“SEC. 5707. REPORTING.**

16 “(a) LOCAL EDUCATIONAL AGENCIES.—Each local
17 educational agency receiving a subgrant under section
18 5706 shall submit to the State educational agency that
19 awarded such subgrant an annual report the meets the
20 requirements of subsection (c).

21 “(b) STATE EDUCATIONAL AGENCIES.—Each State
22 educational agency receiving a grant under section
23 5703(b)(2) shall submit to the Secretary an annual report
24 that meets the requirements of subsection (c).

1 “(c) REPORT REQUIREMENTS.—A report submitted
2 under subsection (a) or (b) shall include, at a minimum,
3 a description of—

4 “(1) the status of the State educational agen-
5 cy’s plan described in section 5704(b) or the local
6 education agency’s technology plan under section
7 5706(b)(3), as applicable;

8 “(2) the categories of eligible technology ac-
9 quired with funds under this part and how such
10 technology is being used;

11 “(3) the professional learning activities funded
12 under this part, including types of activities and en-
13 tities involved in providing such professional learning
14 to classroom teachers and other staff, such as school
15 librarians; and

16 “(4) the types of programs funded under this
17 part.

18 **“SEC. 5708. AUTHORIZATION.**

19 “There are authorized to be appropriated such sums
20 as may be necessary to carry out this part.”.