

## Assembly Bill No. 2706

### CHAPTER 681

An act to amend Sections 51870, 51871.5, 52295.20, 52295.25, and 52295.30 of, to add Section 52295.36 to, to amend, repeal, and add Section 52295.35 of, to repeal Sections 51871.3 and 51871.4 of, the Education Code, relating to education technology.

[Approved by Governor September 22, 2004. Filed with Secretary of State September 22, 2004.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 2706, Berg. Education technology.

(1) Existing law terminated the Commission on Technology in Learning on January 1, 2003. The Commission on Technology in Learning was established to make policy recommendations to the State Board of Education in areas including statewide planning for technology, dissemination of technology resources, and the development of guidelines to aid in the ongoing comprehensive statewide evaluation of technology, telecommunications, and distance learning programs.

This bill would repeal the obsolete provisions that established the commission and specified its duties.

(2) Existing law requires the State Department of Education to administer a regionalized network of technical assistance to school and school districts on the implementation of education technology. Existing law requires the State Department of Education to administer provisions governing education technology and authorizes school districts, county offices of education, and state special schools to apply to the State Board of Education to participate in grant programs related to education technology. Existing law requires a school district to have a technology plan as a precondition to receiving a technology grant administered by the State Department of Education.

This bill would require the Superintendent of Public Instruction to ensure school districts have access to technical assistance, as specified.

(3) Existing law establishes the Education Technology Grant Program of 2002 to provide grants to eligible school districts, county offices of education, and charter schools for purposes of implementing and supporting a comprehensive system that effectively uses technology to improve pupil academic achievement. Existing law bases eligibility for grant funds in part on the number or percentage of children in a school district who are from families with an income below the federally



established poverty line. Existing law prioritizes the award of grants and gives first priority to middle and junior high schools, second priority to elementary schools, and third priority to other schools that serve pupils in grades 4 to 8, inclusive.

This bill would require the Superintendent of Public Instruction to seek a federal waiver to allow eligibility for small and rural school districts to be based on income information used for free and reduced cost meals and not on federal census data and would delete the priorities in the award of grants. The bill would require the State Department of Education to provide priority scoring to small school districts in reviewing grant applications.

Existing law requires that grant applicants within each of 11 regions compete against other applicants from that region and requires the amount of funding available to each region to be determined based on the proportionate enrollment of pupils in grades 4 to 8, inclusive, in eligible schools from that region.

This bill would set the minimum amount of a grant for a region at \$1,000,000 or 2% of available grant funds, whichever amount is greater. If a region is allocated more funding than is needed for its eligible applicants, the Superintendent of Public Instruction may develop a policy to ensure that all funding is distributed to other regions for their eligible but unfunded applicants.

*The people of the State of California do enact as follows:*

SECTION 1. Section 51870 of the Education Code is amended to read:

51870. For the purposes of this article, “technology” means technology-based materials, equipment, systems, and networks.

SEC. 2. Section 51871.3 of the Education Code is repealed.

SEC. 3. Section 51871.4 of the Education Code is repealed.

SEC. 4. Section 51871.5 of the Education Code is amended to read:

51871.5. (a) It is the intent of the Legislature that education technology planning be accomplished in the most comprehensive manner possible. To that end, the current practice of developing education technology plans for each funding program should be replaced with a comprehensive local planning process that will enable school districts to apply for grants on an ongoing basis and assist in utilizing available education technology programs.

(b) On or after January 1, 2005, as a precondition to receiving a technology grant administered by the State Department of Education, a school district shall have a current three to five year education technology plan. The State Board of Education may waive this



requirement if it determines that the applicant school district made a good faith effort to develop a plan, but for reasons beyond its control, the district cannot develop the plan before receipt of the technology grant.

(c) On or after January 1, 2005, the Superintendent of Public Instruction shall ensure that each school district has access to technical assistance and an approved online technology plan builder that the department determines is in compliance with state and federal requirements.

(d) The State Department of Education shall maintain a record of school districts that have a three to five year education technology plan and shall make that information available to interested public agencies.

SEC. 5. Section 52295.20 of the Education Code is amended to read:

52295.20. (a) The Education Technology Grant Program of 2002 is hereby established to provide grants to eligible school districts, county offices of education, or charter schools for purposes of implementing and supporting a comprehensive system that effectively uses technology to improve pupil academic achievement.

(b) As used in this chapter, “using technology to improve pupil academic achievement” means using technology and technology-based resources that are aligned with state adopted instructional materials, curriculum frameworks, and academic content standards adopted by the State Board of Education as a fundamental tool for both teaching and learning throughout the curriculum to help pupils meet or exceed the state academic content standards adopted by the State Board of Education.

(c) For purposes of Part D of Title II of the federal No Child Left Behind Act of 2001 (Public Law 107-110), a formula grant of insufficient size is a formula grant of six thousand dollars (\$6,000) or less in any fiscal year.

SEC. 6. Section 52295.25 of the Education Code is amended to read:

52295.25. (a) Eligibility for a grant pursuant to this chapter shall be limited to a school district or a consortium of school districts that meets all of the following criteria:

(1) The school district, or the school districts in the consortium, are among the school districts in the state with the highest number or percentage of children from families with an income below the poverty line established by the federal Director of the Office of Management and Budget, as annually revised by the Secretary of Health and Human Services. The Superintendent of Public Instruction shall seek a waiver to allow eligibility for small and rural school districts to be based on



income information used for free and reduced cost meals and not on federal census data.

(2) The school district, consortium of school districts, county office of education, or direct-funded charter school meets either of the following criteria:

(A) The school district or consortium of school districts operates one or more schools identified under Section 1116 of the federal No Child Left Behind Act of 2001 (Public Law 107-110).

(B) The school district or consortium of school districts have a substantial need for assistance in acquiring and using technology.

(b) The grant awarded may only be used to serve pupils in grades 4 to 8, inclusive.

(c) For purposes of paragraph (2) of subdivision (a), “direct-funded charter school” means a charter school for which a state warrant is drawn in favor of the county superintendent of schools who has jurisdiction over the local educational agency that granted the school’s charter and deposited in the appropriate fund or account of the charter school.

SEC. 7. Section 52295.30 of the Education Code is amended to read:

52295.30. (a) The Superintendent of Public Instruction shall administer this program and the application process for the award of grants. The Superintendent of Public Instruction, with the approval of the State Board of Education, shall award grants on a competitive basis. All grants funded pursuant to this chapter shall comply with the requirements of Part D of Title II of the federal No Child Left Behind Act of 2001 (Public Law 107-110). The amount of each grant shall be calculated as described in Section 52295.35.

(b) The department shall develop a process to provide priority scoring to small school districts in reviewing grant applications. This process shall address unique issues related to small school districts including, but not limited to, the size of the school district, its current access to technology, and the pupil population served by the district.

(c) The Superintendent of Public Instruction may adopt emergency regulations in order to administer the Education Technology Grant Program of 2002 and allocate program funds.

(d) This chapter shall be implemented only to the extent of the amount of moneys from federal funds appropriated for the purposes of this chapter in the annual Budget Act or other legislation.

SEC. 8. Section 52295.35 of the Education Code is amended to read:

52295.35. (a) Applicants within each of the 11 California Technology Assistance Project regions shall compete against other applicants from that region. The amount of funding for grants available



to each region shall be determined based upon the proportionate enrollment of pupils in grades 4 to 8, inclusive, in eligible schools from that region.

(b) Grants shall be awarded to a school district for a school or schools specified in the program application. All grant funds shall be spent in a manner consistent with the local educational agency technology plan, pursuant to subdivision (a) of Section 51871.5 and subdivision (a) of Section 2414 of Part D of Title II of the No Child Left Behind Act of 2001 (Public Law 107-110), and program application and shall be used for the specific school or schools included in the approved application.

(c) The initial one-time implementation grant for a school selected to receive a grant shall be calculated based upon three hundred dollars (\$300) per pupil for pupils in grades 4 to 8, inclusive. An additional three hundred dollars (\$300) per pupil for pupils in grade 9 may be allocated if the school includes grade 9 pupils and the school did not receive funding for these pupils under the Digital High School Education Technology Grant Act of 1997 (Chapter 8.5 (commencing with Section 52250)). Upon recommendation from the department, the State Board of Education may adopt criteria that establish fixed minimum grant levels for a small school.

(d) Subject to availability of federal funding appropriated for competitive grants under Part D of Title II of the federal No Child Left Behind Act of 2001 (Public Law 107-110), any grant recipient that successfully completes the initial grant shall receive an additional one-time grant of forty-five dollars (\$45) per pupil in grades 4 to 8, inclusive, at the school or schools selected for funding. The purpose of this funding shall be to continue implementation of the grant recipients' approved technology plan in a manner consistent with the requirements of Part D of Title II of the federal No Child Left Behind Act of 2001 (Public Law 107-110), including plans to sustain the use of technology as a tool in improving teaching and pupil academic achievement once the grant period ends.

(e) This section shall become inoperative on July 1, 2005, and, as of January 1, 2006, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2006, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 9. Section 52295.35 is added to the Education Code, to read:

52295.35. (a) Applicants within each of the 11 California Technology Assistance Project regions shall compete against other applicants from that region. The amount of funding for grants available to each region shall be determined based upon the proportionate enrollment of pupils in grades 4 to 8, inclusive, in eligible schools from that region, but a region shall not be allocated less than one million



dollars (\$1,000,000) or 2 percent of available grant funds, whichever amount is greater.

(b) If a region is allocated more funding than is needed for its eligible applicants, the Superintendent of Public Instruction may develop a policy to ensure that all funding is distributed to other regions for their eligible but unfunded applicants.

(c) Grants shall be awarded to an eligible school district for the eligible school or schools specified in the program application. All grant funds shall be spent in a manner consistent with the local educational agency technology plan, pursuant to subdivision (a) of Section 51871.5 and subdivision (a) of Section 2414 of Part D of Title II of the No Child Left Behind Act of 2001 (Public Law 107-110), and the program application and shall be used for the eligible school or schools specified in the approved application.

(d) The initial one-time implementation grant for a school selected to receive a grant shall be calculated based upon three hundred dollars (\$300) per pupil for pupils in grades 4 to 8, inclusive. Upon recommendation from the department, the State Board of Education may adopt criteria that establish fixed minimum grant levels for a small school.

(e) Subject to availability of federal funding appropriated for competitive grants under Part D of Title II of the federal No Child Left Behind Act of 2001 (Public Law 107-110), any grant recipient that successfully completes the initial grant shall receive an additional one-time grant of forty-five dollars (\$45) per pupil in grades 4 to 8, inclusive, at the school or schools selected for funding. The purpose of this funding shall be to continue implementation of the grant recipients' approved technology plan in a manner consistent with the requirements of Part D of Title II of the federal No Child Left Behind Act of 2001 (Public Law 107-110), including plans to sustain the use of technology as a tool in improving teaching and pupil academic achievement once the grant period ends.

(f) This section shall become operative July 1, 2005.

SEC. 10. Section 52295.36 is added to the Education Code, to read:

52295.36. (a) The amount of a grant may not be less than twenty-five thousand dollars (\$25,000), nor more than sixty percent of the funds available in the region.

(b) Subject to availability of federal funding appropriated for competitive grants under Part D of Title II of the federal No Child Left Behind Act of 2001 (Public Law 107-110), the duration of the grant shall be consistent with the federal requirements.



(c) This section is operative on July 1, 2005.

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