AMENDED IN SENATE JULY 19, 1995

AMENDED IN SENATE JULY 10, 1995

AMENDED IN SENATE JUNE 21, 1995

AMENDED IN SENATE JUNE 12, 1995

AMENDED IN ASSEMBLY JUNE 1, 1995

AMENDED IN ASSEMBLY MAY 2, 1995

AMENDED IN ASSEMBLY APRIL 25, 1995

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL No. 1302

Introduced by Assembly Member Kevin Murray
(Coauthor: Assembly Member Morrow)

February 23, 1995

An act to amend the heading of Article 15 (commencing with Section 51870) of Chapter 5 of Part 28 of, to amend Sections 51870, 51871, 51872, 51873, 51875, 51876, 51877, and 51881 of, and to repeal Sections 51878, 51879, 51880, and 51882 of, the Education Code, relating to education technology, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1302, as amended, K. Murray. Education technology.

(1) Existing law, the Morgan-Farr-Quackenbush Educational Technology Act of 1992 (hereafter the act), has

the primary mission of ensuring that the procurement and use of technology is clearly guided by the needs of pupils, and the act is established to accomplish specific purposes, including providing access to education technology to every learner. The act provides for school-based education technology grants to develop, adopt, or expand existing technological applications to support general education, English acquisition, and non-English-speaking parent education programs pursuant to specified conditions. These grants include school-based educational technology grants, research and development project grants, educational technology dissemination project grants, and instructional video services grants. Existing law also declares the Legislature's intent that all school facilities construction projects be designed and constructed to maximize the use of educational technology.

This bill would change the name of the act to the Morgan-Farr-Quackenbush Education Technology Act of 1992 and would specify that the act has, as one of its purposes, providing access to education technology to every learner, including a learner with exceptional needs. The bill would also repeal the specific provisions pertaining to research and development project grants, educational technology dissemination project grants, and instructional video services grants. The bill would provide that school districts, county offices of education, and state special schools may apply to the State Board of Education to participate in grant programs related to education technology, and would make related changes.

(2) Existing law provides that contracts and grants shall be provided to new and existing regional consortia and agencies, including the California Technology Project, to assist in the planning, implementation, evaluation and dissemination of information on exemplary technology-based practices, programs, and products. Existing law specifies that as a condition to receiving this funding, the regional agencies are to provide assistance to grant recipients, as specified.

The bill would specify that grants shall be provided to regional consortia and agencies to assist in the planning, implementation, and evaluation of comprehensive support services for schools and that regional consortia shall assist

school districts and county offices of education to plan for and implement school-based education technology grants.

(3) The bill would authorize the Public Utilities Commission to allocate $35,000,000 for the purposes of telecommunications development in public schools, as described in a specified decision of the commission, thereby imposing a tax. The bill would require the commission to order that $35,000,000 be deposited into the Education Technology Trust Fund, as specified. The bill would appropriate $35,000,000 to the Office of Public School Construction from the amount deposited in the Education Technology Trust Fund. The bill would authorize the State Allocation Board to allocate the $35,000,000 described above, and would provide that the State Allocation Board allocate the money for specified purposes. The bill would provide that the immediately mentioned provisions shall not become operative until a specified decision of the California Supreme Court is rendered or a stay imposed by the California Supreme Court is otherwise lifted.

(4) Under existing law, the Education Council for Technology in Learning consists of 11 members, appointed as specified. Under existing law, the council has various duties, including recommending standards and procedures to the State Board of Education for administration of the act.

This bill would add 2 members to the council, appointed as specified, and would revise the aforementioned duty of the council to include recommending to the governing boards of each education segment and the State Librarian priorities for disbursement of funds in implementing education technology and criteria for selecting grant recipients, as well as standards and procedures for the administration of the act to assure connectivity between and among all segments of education and public libraries and external networks.

(5) Existing law requires the Education Council for Technology in Learning to establish an expert communications task force to develop a phased-in plan for a statewide telecommunications network with specified components.

This bill would repeal that provision and instead would require the council to develop a phased-in plan for funding

and implementing a statewide telecommunications network of networks to provide connectivity between and among all segments of education and public libraries and external networks.

(6) The bill would provide that it would become operative only if AB 1519 of the 1995–96 Regular Session of the Legislature is enacted and contains specified provisions.

(7) The bill would declare that it is to take effect immediately as an urgency statute.

Vote: $^{2}/_{3}$. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

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

SECTION 1. (a) The Legislature finds and declares the following:

(1) The future success of California's economy and the future welfare of its citizens rest upon the ability of the public and private sectors to work together to increase the employment skills and competitiveness of its people and to stimulate economic growth.

(2) To improve the employment capabilities and competitiveness of the people requires a strong commitment to high quality education. Increases in the productivity and effectiveness of the education and library system are essential to upgrading the quality of the existing education system.

(3) The development of an advanced state-of-the-art telecommunications infrastructure, utilizing modern information processing technology, in the education and library systems, linked locally, nationally, and internationally to businesses, residences, and other public and private services, is essential for achieving a quality educational system in a cost-effective manner.

(4) The development of an advanced state-of-the-art telecommunications infrastructure is essential to promoting the economic competitiveness of the state, improving the literacy and employment skill levels of its citizens, and ensuring the future vitality of its educational and library systems.

(5) California, the birthplace of the personal computer and home to Silicon Valley, is the third worst state in the nation in providing computers for its students.

(6) That California must assume a position of economic leadership and national prominence in the information age by adopting a major statewide policy to provide funding for a school and library information infrastructure development program has been recognized by the following:

(A) In 1989, the Legislature established the California Planning Commission to produce the California Master Plan for Educational Technology.

(B) In 1992, the Legislature authorized implementation of the recommendations contained in the Master Plan for Educational Technology, including a governance structure, grants to elementary and secondary schools, and plans for establishment of an integrated data, voice, and video network known as the Golden State Educational Network (GSEN).

(C) In 1993, the Legislature required the Public Utilities Commission to develop rules, procedures, orders, and strategies to provide the state's education institutions with access to advanced communications services.

(D) In November 1993, the Public Utilities Commission published a Telecommunications Infrastructure Report to the Governor recommending the creation of a program to provide one hundred fifty million dollars ($150,000,000) annually to bring advanced communications to schools and libraries.

(E) In January 1994, the California Business Roundtable recommended the integration of technology into the curriculum and instruction in the elementary and secondary schools and the community colleges.

(7) An interim investment on the part of the state is needed to unite, integrate, and expand the previous investments in educational technology by the private and public sectors.

(8) An economic development investment on the part of the state is needed to leverage, provide matching

funds, and encourage additional investments in educational technology products and services by the private and public sectors.

(9) California must dedicate itself to bring technology to all public classrooms, school libraries, administrative offices, and library facilities so that the state's current and future workers are included in the information age revolution.

(10) The state's four public education segments, which include more than 7,600 elementary and secondary schools, 106 community colleges, and 22 California State University campuses, together with approximately 800 public libraries and 7,600 school libraries, should be designated as the backbone of community learning centers for the 21st century in order to provide all citizens of the state with access to information resources.

(b) It is the intent of the Legislature to:

(1) Develop and secure funding for a school and library information infrastructure development program through state appropriations, liaisons with federal agencies, public/private partnerships, regulatory policies, and incentives for participation by telecommunications and information technology providers. To the extent that private sector involvement is mandated, the program will be competitively neutral to ensure no unfair burden or advantage.

(2) Regularly assess the use and effectiveness of this program to ensure access and efficient utilization by students, teachers, and information seekers in the state.

(3) Provide these funds to supplement programs which are already being funded, and not to be substituted for existing funding.

SEC. 2. The heading of Article 15 (commencing with Section 51870) of Chapter 5 of Part 28 of the Education Code is amended to read:

Article 15. The Morgan-Farr-Quackenbush Education Technology Act of 1992

SEC. 3. Section 51870 of the Education Code is amended to read:

51870. The Morgan-Farr-Quackenbush Education Technology Act of 1992 has the primary mission of ensuring that the procurement and use of technology is clearly guided by the needs of pupils, and is hereby established for the purpose of accomplishing all of the following:

(a) Using education technology as a means of facilitating learning, including English language acquisition for the non-English-speaking pupil population and access to the core curriculum for English learners.

(b) Using technology to facilitate non-English-speaking parent education.

(c) Fostering collaboration between public elementary and secondary schools and postsecondary education institutions in the use and development of technology to address pupil and faculty needs.

(d) Providing access to education technology to every learner, including a learner with exceptional needs, faculty member, and staff member.

(e) Providing equity of access to ongoing training and support of information technology resources for use in the teaching/learning process.

(f) Establishing a coordinating council for education technology to be known as the Education Council for Technology in Learning.

(g) Promoting the establishment of the Industry Council for Technology in Learning.

(h) Establishing a statewide administrative information system.

(i) Providing for the integration and consolidation of a statewide voice, video, and data network that meets the communication needs of California education.

(j) Establishing a statewide instructional and informational resources system for learners, faculty, and administrators.

(k) Establishing a statewide pupil information system.

(*l*) Providing for ongoing external evaluation of the impact of existing technology and programs established by this article on meeting learner and staff needs.

(m) Providing substantial and sustained public, as well as identifying private, funding for the purposes of this article.

SEC. 4. Section 51871 of the Education Code is amended to read:

51871. For the purposes of this article, the following terms shall have the following meanings, unless the context otherwise requires:

(a) ‘‘Education segments’’ means the public elementary and secondary school system, the community college system, the California State University, and the University of California.

(b) ‘‘Technology’’ means technology-based materials, equipment, systems, and networks.

SEC. 5. Section 51872 of the Education Code is amended to read:

51872. The Education Council for Technology in Learning is hereby established and shall perform all of the following duties:

(a) Promote the use of education technology to meet the needs of limited-English-speaking pupils and non-English-speaking parents.

(b) Ensure that the recommendations made in the California State Masterplan for Educational Technology are considered in implementing education technology programs pursuant to this act.

(c) Collaborate with education institutions, professional educational associations, and business in recommending priorities for funding and in identifying needs for technology use in education.

(d) Recommend to the governing boards of each education segment and the State Librarian priorities for the use of education technology and for disbursement of

funds in implementing education technology priorities, as well as standards and procedures for the administration of this article, including, but not limited to, standards for technology-based resources, projects, programs, practices or products to be adopted or adapted, and standards and criteria by which to evaluate the technology-based programs to assure connectivity between and among all education segments and public libraries and external networks, including Internet.

(e) Recommend exemplary programs, practices, or products based on the criteria established in subdivision (d).

(f) Develop a phased-in plan for funding and implementing a statewide telecommunications education network of networks that provides connectivity between and among all education segments and public libraries and external networks, including Internet. Pupils and learners shall have access to the information resources available on the statewide education system of networks at every learning location, including public schools, community colleges, university campuses, and public libraries.

(g) Work with representatives of the governing bodies of the education segments to develop recommendations or strategies for the coordination, administration, and evaluation of education technology programs and resources.

(h) Work with representatives of the governing bodies of the education segments to identify strategies to coordinate statewide voice, video, and data telecommunications systems that may be accessed by the education segments.

(i) Assist in the establishment of the Industry Council for Technology in Learning, a California nonprofit corporation, as recommended by the Blue Ribbon Panel of the Industry Education Council of California. The corporation would receive private funds and allocate these private funds and resources to support and augment technology-based programs and projects established under this article. It is the intent of the

Legislature that the Education Council for Technology in Learning have at least four of its members representing education serving on the Industry Council for Technology in Learning.

SEC. 6. Section 51873 of the Education Code is amended to read:

51873. (a) The Superintendent of Public Instruction, with the advice of the Education Council for Technology in Learning, shall administer this article. The duties of the superintendent shall include the following:

(1) Making recommendations to the State Board of Education on education technology plans, policies, programs, and activities.

(2) Providing staff to the Education Council for Technology in Learning.

(3) Providing support for the statewide coordination, administration, and evaluation of collaborative education technology programs and resources among regional groups, institutions of higher education, school districts, businesses, and other agencies. Funding to the State Department of Education for support of state administration, including staffing and necessary operating expenses, shall be provided through the annual Budget Act.

(b) The California Community Colleges, the California State University, the University of California, and the State Librarian are encouraged to commit resources in their respective budgets for use in collaborating with the public elementary and secondary school system through the Education Council for Technology in Learning to further the goals of this article.

SEC. 7. Section 51874 of the Education Code is amended to read:

51874. (a) The Education Council for Technology in Learning shall consist of 13 members who shall be appointed as follows:

(1) The Superintendent of Public Instruction shall appoint one representative from a county office of education.

(2) The Governor shall appoint one practicing public school administrator from an organization representing California administrators, one business representative with experience in applications of technology, one practicing public school elementary teacher from an organization representing California teachers, one library media specialist from an association representing library media specialists, one public member with expertise in the application of technology, and one member of the faculty of a public postsecondary institution. The Governor, in consultation with the President of the University of California, the Chancellor of the California State University, and the Chancellor of the California Community Colleges, shall appoint two additional members representing public postsecondary institutions.

(3) The Senate Rules Committee shall appoint one business representative with experience in applications of technology and one practicing public school secondary teacher from an organization representing technology-using educators.

(4) The Speaker of the Assembly shall appoint one business representative with experience in applications of technology and one practicing public school elementary teacher from an organization representing California teachers.

(b) Members shall serve two-year terms, with the exception of the initial appointment of the three teachers and the three business representatives, who shall serve for three years to facilitate a staggered appointment schedule in order to ensure continuity. No member shall serve for more than one term.

(c) No private business entity shall have more than one of its officers or employees serving as a member of the council. In making the appointments, the Governor, the President pro Tempore of the Senate, and the Speaker of the Assembly shall consult and cooperate so that not more than one representative of any single private business entity is serving on the council at any time.

(d) Members shall be knowledgeable about applications of technology in an educational setting and shall be selected based on documentation of that experience.

(e) Every effort shall be made to ensure that the gender, ethnic, and racial composition of the council reflects the gender, racial, and ethnic composition of the population of the State of California and that the council is representative of the cultural and geographic diversity of the state.

(f) Members shall serve without compensation, except that members shall be reimbursed for necessary reasonable expenses incurred in the performance of their duties.

(g) The members shall be subject to the conflict-of-interest provisions of the Political Reform Act of 1974, as set forth in Title 9 (commencing with Section 81000) of the Government Code.

(h) The Executive Director of the California Postsecondary Education Commission shall appoint one nonvoting liaison to the Education Council for Technology in Learning. The President of the State Board of Education shall appoint one nonvoting liaison to the Education Council for Technology in Learning.

(i) Costs incurred by the Education Council for Technology in Learning in compliance with this article, shall be payable from funds appropriated for the purposes of this article in the annual Budget Act.

(j) The Education Council for Technology in Learning may use up to one-half of one percent of the funds appropriated in the annual Budget Act for the purposes of this article to contract for additional services. Costs incurred through the Department of General Services associated with the contract for the purchase or materials or blueprints in accordance with this article shall be payable from funds appropriated for the purposes of this article.

SEC. 8. Section 51875 of the Education Code is amended to read:

51875. (a) As a condition to receiving funding pursuant to this article, the duties of the Superintendent of Public Instruction shall include, but not be limited to, the following:

(1) Providing for executive level staff to administer the programs and to represent the segment before the Education Council for Technology in Learning.

(2) Advising the Education Council for Technology in Learning on education technology plans, policies, programs, and activities.

(3) Ensuring that all education initiatives, reform efforts, advisories, and guidelines include appropriate and effective integration of technology.

(4) Promoting the use of technology to support state goals for faculty and staff development, curriculum reform, administration of instructional programs, and testing and evaluation procedures.

(5) Collaborating with other education segments to support the implementation of the state's master plan for educational technology developed pursuant to former Article 15 (commencing with Section 51870) as it existed on December 31, 1992.

(6) Establishing guidelines for the upgrading of existing and new learning facilities to accommodate the installation of current and future technologies.

(7) Collaborate with public postsecondary institutions and other appropriate agencies to encourage credential candidates and credentialed personnel to receive intensive instruction in the use of technology to enhance curriculum, instruction, and schoolsite management.

(b) In addition to the contract and grant programs specified in this article, the following leadership and support activities may be funded under this article by the Superintendent of Public Instruction, and by the other education segments, to the extent that funds are made available to those education segments:

(1) Using education technology, including telecommunications, to further statewide educational objectives for instruction, staff development, administration, and testing and evaluation procedures.

(2) Supporting staff development.

(3) Assessing multimedia products and determining priorities for the development of multimedia products required to support critical educational needs.

(4) Coordinating and implementing the statewide purchase, licensing, and leasing of equipment and technology-based resources, as needed.

(5) Procuring, developing, disseminating, and reviewing technology-based programs and products.

(6) Facilitating intensive courses of study for educational personnel in effective uses of technology to enhance curriculum, instruction, and administration.

SEC. 9. Section 51876 of the Education Code is amended to read:

51876. School districts, county offices of education, and state special schools may apply to the State Board of Education to participate in grant programs related to education technology, including, but not limited to, grants under Sections 51877 and 51881, research and development grants, and education technology dissemination project grants. Regional consortia and agencies may apply to the board to participate in the grant program described in Section 51881. The State Board of Education shall select grant recipients on the basis of criteria recommended by the Education Council for Technology in Learning.

SEC. 10. Section 51877 of the Education Code is amended to read:

51877. (a) School-based education technology grants shall be provided to school districts and county offices of education, as specified in Section 51876, for the purposes of developing, adapting, or expanding existing technological applications to support general education, English acquisition, and non-English-speaking parent education programs. Priority shall be given to applicants whose projects involve collaboration with a postsecondary education institution.

(b) Funding shall be allocated on a per project basis, based upon pupil enrollment at the applicant schoolsite.

(c) Not less than 30 percent of each project's funding shall be used for staff development, local planning, and evaluation activities.

(d) Each grant recipient is encouraged to solicit resources from business and industry.

(e) Each grant recipient shall develop a technology use plan, as follows:

(1) The plan shall be consistent with district level or local planning for education technology, and, in the case of school districts, and county offices of education, shall support the local and state curriculum frameworks.

(2) Each plan shall be developed in concert with local planning procedures and plans, to include school improvement plans, school development plans, and other established state and federally mandated planning procedures.

(3) Each plan shall include a planning, staff development, and evaluation component.

(f) Each grant recipient shall provide an annual evaluation to the appropriate governing body, and to the Education Council for Technology in Learning on the level of implementation, and the impact of the project on teaching and learning.

(g) The minimum funding level for necessary small schools that receive funding pursuant to Article 4 (commencing with Section 42280) of Chapter 7 of Part 24 shall not be less than four thousand dollars ($4,000) per school, adjusted annually for inflation.

SEC. 11. Section 51878 of the Education Code is repealed.

SEC. 12. Section 51879 of the Education Code is repealed.

SEC. 13. Section 51880 of the Education Code, as added by Section 2 of Chapter 1309 of the Statutes of 1992, is repealed.

SEC. 14. Section 51881 of the Education Code, as added by Section 2 of Chapter 1309 of the Statutes of 1992, is amended to read:

51881. Grants shall be provided to regional consortia and agencies to assist in the planning, implementation,

and evaluation of comprehensive support services for schools, including, but not limited to, staff development, information management and dissemination, technical assistance, telecommunications infrastructure development, and coordination with other federal, state, and local programs. Regional consortia shall also assist school districts and county offices of education to plan for and implement school-based education technology grants as specified in Sections 51876 and 51877.

SEC. 15. Section 51882 of the Education Code, as added by Section 2 of Chapter 1309 of the Statutes of 1992, is repealed.

SEC. 16. The State Allocation Board is hereby authorized and empowered to make the allocations described in Section 17 of this act.

SEC. 17. (a) On or after January 1, 1993, the Public Utilities Commission is authorized to allocate thirty-five million dollars ($35,000,000) for the purpose of telecommunications development in public schools, including the development of the infrastructure, the purchase or lease of computer hardware or the acquisition of software, and staff development, as described in the Commission's Decision, 94-08-030, issued August 3, 1994, in the Matter of the Investigation on the Commission's own motion into the Pacific Telesis Group's Spinoff Proposal (hereafter ''Commission's Decision''). The Public Utilities Commission shall order that thirty-five million dollars ($35,000,000) from moneys being held pursuant to the Commission's Decision be deposited into the Education Technology Trust Fund created pursuant to Section 11601 of the Education Code. The thirty-five million dollars ($35,000,000) deposited into the California Education Technology Trust Fund pursuant to this section is hereby appropriated to the Office of Public School Construction without regard to fiscal year for allocation by the State Allocation Board for allocation as follows:

(1) An amount equal to 6.0 percent of the amounts transferred pursuant to this section shall be allocated for

staff development technology grants described in Section 11607 of the Education Code.

~~(2) An amount equal to 2.12 percent of the moneys transferred pursuant to this section shall be allocated for the purpose of the demonstration technology grant program described in Section 11609 of the Education Code.~~

~~(3) An amount equal to 89.0~~

(2) An amount equal to 92.12 percent of the moneys transferred pursuant to this section shall be allocated for the technology implementation grants described in Section 11605 of the Education Code.

~~(4)~~

(3) An amount equal to 1.88 percent of the moneys transferred pursuant to this section shall be allocated for the technology implementation grants described in Section 11606 of the Education Code.

~~(5) An amount equal to 1.0 percent of the moneys transferred pursuant to this section shall be allocated to the Office of Public School Construction for the administration of Chapter 17 (commencing with Section 11600) of Part 7.5 of the Education Code.~~

(b) It is the intent of the Legislature that the mechanism of allocating moneys for education technology set forth in subdivision (a) shall only be applicable to the moneys described in that subdivision and shall not be applicable to the allocation of any other moneys for education technology under the Morgan-Farr-Quackenbush Education Technology Act of 1992.

(c) This section shall not become operative until the California Supreme Court issues its decision in Assembly of the State of California v. Public Utilities Commission, No. S044844, or the court's stay in that matter is otherwise lifted.

SEC. 18. Except as to funds authorized to be allocated pursuant to Section 17, it is not the intent of the Legislature to authorize the Public Utilities Commission to allocate any rate refunds or money derived from rate

refunds for program purposes rather than to reimburse those funds to ratepayers.

SEC. 19. This act shall become operative only if Assembly Bill 1519 of the 1995–96 Regular Session of the Legislature is enacted and enacts the Education Technology Grant Program Act of 1996. If Assembly Bill 1519 is not enacted, or as enacted does not enact the Education Technology Grant Program Act of 1996, this act shall not become operative.

SEC. 20. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to make funds available at the earliest possible time for purposes of urgently needed education technology for public schools, it is necessary that this act take effect immediately.

O