

## Assembly Bill No. 1519

### CHAPTER 9

An act to add Chapter 17 (commencing with Section 11600) to Part 7.5 of the Education Code, relating to education technology, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 9, 1996. Filed  
with Secretary of State February 9, 1996.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 1519, Morrow. Education technology.

Existing law establishes various programs for the introduction of education technology into the classroom, including, among other programs, the Morgan-Farr-Quackenbush Educational Technology Act of 1992, which has as its primary mission ensuring that the procurement and use of technology is clearly guided by the needs of pupils.

This bill would establish the Education Technology Grant Program of 1996 (grant program), to be repealed as specified, for the purposes of awarding technology implementation grants on a 50% matching basis to school districts and county offices of education maintaining kindergarten and grades 1 to 12, inclusive, for the wiring of and between classrooms, as specified, and the purchase of hardware and software necessary to utilize telecommunications and information services for instructional purposes. The Education Technology Trust Fund would be created for the purposes of that grant program. The bill would specify that of the total sum of moneys appropriated from the Education Technology Trust Fund by the bill and AB 1302 of the 1995-96 Regular Session, 34% shall be allocated to school districts having pupils enrolled in grades 9 to 12, inclusive, and 50% shall be allocated to school districts having pupils enrolled in kindergarten and grades 1 to 8, inclusive, and to county offices of education. The bill would require the State Allocation Board, in consultation with the State Department of Education, to develop a formula for the allocation of technology implementation grants to applicant school districts and county offices of education. The bill would provide for a waiver of the matching requirement by the State Allocation Board if the State Department of Education makes a determination of financial hardship. Applicant school districts and county offices of education would be required to include certain information in their applications for technology implementation grants.

This bill would require the State Allocation Board to award technology implementation grants and would require the Office of Public School Construction to administer the grant program.

This bill would authorize the Public Utilities Commission to allocate \$17,500,000 for the purpose 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 \$17,500,000 be deposited into the Education Technology Trust Fund. The bill would appropriate \$17,500,000 to the State Allocation Board from the amount deposited in the Education Technology Trust Fund for allocation by the board for technology implementation grants and administrative costs, as specified.

This bill would provide that it would become operative only if AB 1302 of the 1995–96 Regular Session is enacted and contains specified provisions.

This bill would declare that it is to take effect immediately as an urgency statute.

Appropriation: yes.

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

SECTION 1. Chapter 17 (commencing with Section 11600) is added to Part 7.5 of the Education Code, to read:

CHAPTER 17. EDUCATION TECHNOLOGY GRANT PROGRAM

11600. This act shall be known and may be cited as the Education Technology Grant Program Act of 1996.

11601. The State Allocation Board and the State Department of Education are hereby authorized and empowered to make the allocations described in Section 2 of the act adding this section.

11602. (a) The Education Technology Trust Fund is hereby created in the State Treasury for the purposes of this chapter. Only those moneys identified in Section 2 of the act adding this section and in Section 18 of Assembly Bill 1302 of the 1995–96 Regular Session of the Legislature shall be deposited into the fund for the purposes of this chapter and, upon appropriation by the Legislature, shall be available to fund grants authorized by the State Allocation Board and State Board of Education, as appropriate.

(b) Of the total sum of moneys appropriated from the fund by the act adding this section and by Assembly Bill 1302 of the 1995–96 Regular Session of the Legislature, 1 percent shall be allocated for administrative costs of the Office of Public School Construction and the State Department of Education, combined, for administering technology implementation grants and staff development technology grants.



11603. (a) The State Allocation Board shall award technology implementation grants and the Office of Public School Construction, as staff to the State Allocation Board, shall administer the grant program to school districts maintaining kindergarten and grades 1 to 12, inclusive, and to county offices of education that operate community schools, in accordance with this chapter. The State Allocation Board may adopt rules and regulations as necessary for the administration and implementation of this chapter.

(b) Of the total sum of moneys appropriated from the Education Technology Trust Fund by the act adding this section and Assembly Bill 1302 of the 1995–96 Regular Session of the Legislature, 34 percent shall be allocated to school districts having pupils enrolled in grades 9 to 12, inclusive.

(c) Of the total sum of moneys appropriated from the Education Technology Trust Fund by the act adding this section and Assembly Bill 1302 of the 1995–96 Regular Session of the Legislature, 50 percent shall be allocated to school districts having pupils enrolled in kindergarten and grades 1 to 8, inclusive, and to county offices of education.

(d) To ensure that the greatest use of the technology implementation grant funds is derived by the pupils enrolled in public schools, not less than 90 percent of the grant amount shall be expended for the actual wiring of and between classrooms, school auditoriums, school libraries, and conference rooms, or the purchase of hardware and software necessary to utilize telecommunications and information services for instructional purposes, or any of the above.

11603.1. (a) The State Allocation Board, in consultation with the State Department of Education, shall develop a formula for the allocation of technology implementation grants to applicant school districts and county offices of education. The formula shall include a minimum base funding per schoolsite and additional funding based on the number of pupils enrolled at each schoolsite. The State Allocation Board shall allocate funds to districts and county offices of education whose applications contain all of the following information:

(1) The number of students enrolled at each schoolsite in the district.

(2) A description of the extent to which parents, teachers, and the community were involved in preparing the district's technology plan.

(3) A description of the instructional uses and benefits that will occur as a result of using technology in the instructional program.

(4) A method of evaluating the benefits derived from using technology in the instructional program.

(5) A description of access to the Internet by pupils.

(6) A timeline for implementing the technology plan.



(7) An estimate of the total project costs, including a description of the amount to be paid by the technology implementation grant and the amount to be paid by the school district or county office of education.

(8) The extent to which schools in the school district have acquired technology tools and telecommunications infrastructure through other sources.

(b) The State Allocation Board and the State Department of Education shall give first priority for funding to those schools and school districts that have minimal or no telecommunications infrastructure or communications systems. Schools without need shall not be funded.

11603.2. The State Allocation Board shall allocate technology implementation grants to eligible school districts and county offices of education for the following purposes:

(a) The wiring of and between classrooms, school auditoriums, school libraries, and conference rooms at a schoolsite in accordance with guidelines established by the State Allocation Board and State Department of Education.

(b) The purchase of hardware and software necessary to utilize telecommunications and information services for instructional purposes.

11603.3. Funds for technology implementation grants shall be provided on a matching basis that requires the applicant school district or county office of education to contribute at least 50 percent of the cost of the technology implementation plan submitted to the State Allocation Board pursuant to Section 11603.1. An applicant district or county office of education may count toward its local matching share, in-kind services such as teacher labor, the fair market value of donated equipment raised from local sources, or other services outlined in the plan. The State Allocation Board may waive all or a portion of this local matching requirement if the State Department of Education determines that the requirement would impose a financial hardship on the applicant district. The State Department of Education shall base its determination of financial hardship on factors including, but not necessarily limited to, all of the following:

(a) Whether the objectives and cost of the school district's or county office of education's proposed technology implementation plan are reasonable.

(b) The overall financial condition of the school district or county office of education, including other competing demands for funds.

(c) The extent to which the school district or county office of education has taken advantage of available funding sources, including the per-pupil block grant funds appropriated by Section 54 of Chapter 308 of the Statutes of 1995, that may be used for educational technology purposes.



(d) The extent to which the school district or the county office of education has made reasonable efforts to raise additional cash or in-kind donations from local sources.

11608. No funding shall be provided to a community schoolsite that is not owned by the county office of education except for the purchase or lease of computer hardware or the acquisition of computer software.

11609. This chapter shall remain in effect only until the earlier of the date upon which all funds deposited in the Education Technology Trust Fund, pursuant to the act adding this chapter and Assembly Bill 1302 of the 1995–96 Regular Session of the Legislature, are expended or five years from the date on which the act adding this chapter becomes effective.

SEC. 2. On or after January 1, 1993, the Public Utilities Commission is authorized to allocate seventeen million five hundred thousand dollars (\$17,500,000) 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 seventeen million five hundred thousand dollars (\$17,500,000) from moneys being held pursuant to the Commission’s Decision be deposited into the Education Technology Trust Fund created in Section 11602 of the Education Code. Seventeen million five hundred thousand dollars (\$17,500,000) deposited in the Education Technology Fund is hereby appropriated to the State Allocation Board without regard to fiscal year for allocation by the board for development of the infrastructure and purchase or lease of computer hardware or software pursuant to Section 11603 of the Education Code, including administrative costs as specified in Section 11602 of the Education Code.

(b) This section appropriates only those funds identified in this section and shall not become operative until the California Supreme Court issues its decision in the Assembly of the State of California v. Public Utilities Commission, No. SO44844, or the court’s stay in that matter is otherwise lifted.

SEC. 3. Except as to funds authorized to be allocated pursuant to Section 2 of this act and Section 18 of Assembly Bill 1302 of the 1995–96 Regular Session of the Legislature, 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. 4. This act shall become operative only if Assembly Bill 1302 of the 1995–96 Regular Session of the Legislature is enacted and



contains provisions relating to the awarding of technology implementation grants and staff development technology grants to school districts and county offices of education. If Assembly Bill 1302 is not enacted, or as enacted does not contain these provisions, this act shall not become operative.

SEC. 5. 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 Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to provide schools with classroom technology to improve pupil learning at the earliest possible time, and to make California schools competitive with those of other states that invest more in education technology, it is necessary that this act take effect immediately.

