

AMENDED IN SENATE JUNE 21, 2000
AMENDED IN SENATE JUNE 29, 1999
AMENDED IN ASSEMBLY MAY 28, 1999
AMENDED IN ASSEMBLY MAY 19, 1999
AMENDED IN ASSEMBLY MAY 3, 1999
AMENDED IN ASSEMBLY APRIL 26, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 701

**Introduced by Assembly Members ~~Rod Pacheco, Cunneen,~~
~~and Lempert~~**
(Coauthors: ~~Senators Alpert and Monteith~~) *Member
Lempert*

February 24, 1999

~~An act to add Chapter 1.5 (commencing with Section 60125) to, and to add Article 2.5 (commencing with Section 60230) to Chapter 2 of, Part 33 of the Education Code, relating to instructional materials.—An act to amend Section 17316 of the Education Code, relating to school facilities.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 701, as amended, ~~Rod Pacheco~~ *Lempert*. ~~Instructional materials: technology-based instructional materials~~ *School facilities: certified architect or structural engineer.*

Under existing law, contracts entered into by and between a school governing board and any certified architect or

structural engineer are required to provide that plans, specifications, and estimates are property of the school district.

This bill would make the plans, including, but not limited to, record drawings, specifications, and estimates the property of the school district only as they relate to the project for which the certified architect or structural engineer was retained. The bill would preclude the contract from transferring or waiving the certified architect's or structural engineer's copyrights, including all common-law and other reserved rights in the documents, unless expressly transferred or waived.

~~Existing law requires the State Board of Education to adopt basic instructional materials for use in kindergarten and grades 1 to 8, inclusive, for use by governing boards of school districts and includes within the definition of "instructional materials" technology-based materials.~~

~~Existing law establishes the Curriculum Development and Supplemental Materials Commission and requires the commission to develop criteria for evaluating instructional materials submitted for adoption, study and evaluate instructional materials submitted for adoption, and recommend to the State Board of Education instructional materials that it approves for adoption.~~

~~This bill would establish the California Instructional Technology Clearinghouse, administered by the State Department of Education, in consultation with an advisory body designated by the State Board of Education, as an electronic repository of information on technology-based supplemental instructional materials to ensure the continuous review, electronic cataloging, and dissemination of information about the technology-based supplemental instructional materials to all schools in California. The bill would require the State Board of Education to approve a contract with a school district, county superintendent of schools, nonprofit public or private agency or consortia of agencies to prepare the California Instructional Technology Clearinghouse data base, and would require the contracting entity to accomplish certain requirements including, among others, developing criteria in consultation with the California~~



~~Instructional Technology Clearinghouse for the evaluation of technology-based supplemental instructional materials.~~

~~The bill would require the Chairperson of the State Board of Education to establish an advisory panel, to be available on an ongoing basis, for the purpose of reviewing enhancements to technology-based instructional materials that have been approved by the board within a 2 to 6 month period. The bill would require this advisory panel to review enhancements and to make recommendations to the Curriculum Development and Supplemental Materials Commission within 2 to 6 months of receiving the enhancement to an adopted technology-based instructional material. The bill would require the advisory panel, if it determines that any enhancement that it reviews is significantly out of conformity with the criteria initially used in adopting the technology-based instructional material to report that finding to the State Board of Education.~~

~~This bill would provide that its provisions be implemented in any fiscal year in which funds are appropriated for that purpose.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes no. State-mandated local program: no.~~

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

1 ~~SECTION 1. Chapter 1.5 (commencing with Section~~
2 ~~SECTION 1. Section 17316 of the Education Code is~~
3 ~~amended to read:~~
4 17316. (a) Any contract entered into by and between
5 the governing board of any school district and any
6 certified architect or structural engineer pursuant to
7 Section ~~39148~~ 17302 shall provide that all plans, *including,*
8 *but not limited to, record drawings, specifications, and*
9 *estimates prepared pursuant thereto, shall be and remain*
10 *the property of the school district for the purposes of*
11 *repair, maintenance, renovation, modernization, or*
12 *other purposes, only as they relate to the project for*
13 *which the certified architect or structural engineer was*
14 *retained.*



1 (b) The contract set forth in subdivision (a) shall not
 2 be construed to transfer or waive the certified architect's
 3 or structural engineer's copyrights over these documents,
 4 including, but not limited to, all common law, statutory,
 5 and other reserved rights, unless the certified architect or
 6 structural engineer expressly transfers or waives these
 7 rights through the written contract, including, but not
 8 limited to, a written addendum or amendment.

9 ~~60125) is added to Part 33 of the Education Code, to read:~~

10

11 CHAPTER 1.5.— CALIFORNIA INSTRUCTIONAL TECHNOLOGY
 12 CLEARINGHOUSE

13

14 ~~60125. The Legislature finds and declares the~~
 15 ~~following:~~

16 (a) ~~California continues to invest in technology for use~~
 17 ~~in classrooms; yet a recent national study documents that~~
 18 ~~while up to 40 percent of the nation's classrooms are~~
 19 ~~equipped with computers and have access to the~~
 20 ~~Internet, less than 20 percent of classroom teachers feel~~
 21 ~~comfortable with, or use, the technology.~~

22 (b) ~~A major reason that technology is not being used~~
 23 ~~effectively is that educators do not have sufficient access~~
 24 ~~to information and staff development training about~~
 25 ~~programs, practices, software, Internet content and video~~
 26 ~~needed to apply the technology to their teaching~~
 27 ~~practices.~~

28 ~~60126. The California Instructional Technology~~
 29 ~~Clearinghouse is hereby established as an electronic~~
 30 ~~repository of information on technology-based~~
 31 ~~supplemental instructional materials to ensure the~~
 32 ~~continuous review, electronic cataloging, and~~
 33 ~~dissemination of information about technology-based~~
 34 ~~supplemental instructional materials to all schools in~~
 35 ~~California.~~

36 ~~60127. (a) The State Department of Education shall~~
 37 ~~administer the California Instructional Technology~~
 38 ~~Clearinghouse, in consultation with an advisory body~~
 39 ~~designated by the State Board of Education. The board~~
 40 ~~shall approve a contract with a school district, county~~



1 superintendent of schools, nonprofit public or private
2 agency, or consortia of agencies to prepare the California
3 Instructional Technology Clearinghouse data base.

4 (b) The entity that enters into a contract pursuant to
5 subdivision (a) shall review technology-based
6 supplemental instructional materials to ensure that they
7 are consistent with the criteria adopted by the State
8 Board of Education and that those supplemental
9 materials are aligned with board-adopted statewide
10 academic content standards and technology. The
11 California Instructional Technology Clearinghouse in
12 consultation with the contracting entity, shall establish
13 criteria for review of technology-based supplemental
14 instructional materials, that shall include a review of both
15 content and technical features. The review criteria of
16 technology-based supplemental instructional materials
17 shall be submitted to, and be approved by, the
18 Curriculum Development and Supplemental Materials
19 Commission.

20 (c) The California Instructional Technology
21 Clearinghouse shall adapt the existing technology-based
22 materials evaluation processes presently utilized by the
23 clearinghouse established pursuant to funds provided by
24 Article 15 (commencing with Section 51870.5) of Chapter
25 5 of Part 28, and review materials on a timely basis. The
26 review shall be aligned with existing criteria used for
27 instructional materials adopted by the State Board of
28 Education and the results shall subsequently be published
29 in a form and manner usable by teachers.

30 60128. The contracting entity selected pursuant to
31 subdivision (a) of Section 60127 shall be responsible for
32 accomplishing all of the following:

33 (a) Consulting with the California Instructional
34 Technology Clearinghouse in developing criteria for the
35 evaluation of technology-based supplemental
36 instructional materials. The criteria shall be based on the
37 state curriculum standards, quality, accuracy, and
38 evidence of effectiveness in promoting learning.

39 (b) Reviewing technology-based supplemental
40 instructional materials including video, software,



1 multimedia, and Internet content of any combination
2 thereof for instructional value.

3 (e) Reviewing and suggesting strategies for local
4 educational agencies to use in planning, using, and
5 evaluating technology-based supplemental instructional
6 materials.

7 (d) Ensuring that rural and underserved schools and
8 districts are able to access and use the information.

9 (e) The California Instructional Technology
10 Clearinghouse shall develop a process for submission to
11 the California Instructional Technology Clearinghouse of
12 technology-based supplemental instructional materials.

13 (f) The California Instructional Technology
14 Clearinghouse shall complete its review of any
15 technology-based supplemental instructional materials
16 within 90 calendar days of its submission.

17 60129. The California Instructional Technology
18 Clearinghouse shall assist county offices of education, the
19 lead agencies of the California Technology Assistance
20 Project, the regional professional development consortia,
21 and the other regional service agencies in disseminating
22 information regarding access to, and the instructional use
23 of, the technology-based supplemental instructional
24 materials reviewed by the California Instructional
25 Technology Clearinghouse.

26 60130. (a) The California Instructional Technology
27 Clearinghouse shall not charge any fees for its services;
28 nor shall it charge for receiving or reviewing submissions
29 of technology-based supplemental instructional
30 materials.

31 (b) The California Instructional Technology
32 Clearinghouse shall pursue all other forms of financial
33 support not in violation of this section.

34 SEC. 2. Article 2.5 (commencing with Section 60230)
35 is added to Chapter 2 of Part 33 of the Education Code,
36 to read:
37



1 Article 2.5. ~~Review of Enhancements to~~
2 ~~Technology-Based Instructional Materials~~

3
4 60230. ~~(a) The Chairperson of the State Board of~~
5 ~~Education shall establish an advisory panel, to be~~
6 ~~available on an ongoing basis, for the purpose of~~
7 ~~reviewing enhancements to technology-based~~
8 ~~instructional materials that have been adopted by the~~
9 ~~board within a two to six month period. For the purpose~~
10 ~~of this section, an enhancement to an adopted~~
11 ~~technology-based instructional material includes, but is~~
12 ~~not limited to, the following:~~

13 ~~(1) An update or revision to an adopted~~
14 ~~technology-based instructional material.~~

15 ~~(2) Additional materials on how to utilize adopted~~
16 ~~technology-based instructional materials, such as training~~
17 ~~materials or on-line help.~~

18 ~~(3) Content updates a web-based adopted~~
19 ~~technology-based instructional material.~~

20 ~~(b) The advisory panel established pursuant to~~
21 ~~subdivision (a) shall review and make recommendations~~
22 ~~to the Curriculum Development and Supplemental~~
23 ~~Materials Commission within two to six months of~~
24 ~~receiving the enhancement to an adopted~~
25 ~~technology-based instructional material. In addition to~~
26 ~~reviewing enhancements that are submitted to it for~~
27 ~~review, the advisory panel shall review websites~~
28 ~~maintained based on adopted technology-based~~
29 ~~instructional materials several times during each year to~~
30 ~~determine whether enhancements provided on those~~
31 ~~websites meet the criteria used in initially adopting the~~
32 ~~technology-based instructional material.~~

33 ~~(c) To the extent not in conflict with any other law, the~~
34 ~~advisory panel, with the consent of the State Board of~~
35 ~~Education may delegate its responsibilities for reviewing~~
36 ~~enhancements to adopted technology-based~~
37 ~~instructional materials to the Curriculum Development~~
38 ~~and Supplemental Materials Commission or to the State~~
39 ~~Department of Education.~~



1 ~~(d) In conducting a review of enhancements to~~
2 ~~adopted technology based instructional materials, the~~
3 ~~advisory panel shall utilize the same criteria that were~~
4 ~~initially used in adopting the technology based~~
5 ~~instructional materials.~~

6 ~~(e) If the advisory panel determines that any~~
7 ~~enhancement that it reviews is significantly out of~~
8 ~~conformity with the criteria initially used in adopting the~~
9 ~~technology based instructional material it shall report~~
10 ~~that finding to the State Board of Education.~~

11 ~~SEC. 3. Sections 1 and 2 of this act shall be~~
12 ~~implemented in any fiscal year in which funds are~~
13 ~~appropriated for that purpose in the annual Budget Act~~
14 ~~or any other act.~~

