

AMENDED IN SENATE AUGUST 31, 2009

AMENDED IN SENATE JULY 14, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1398

Introduced by Assembly Member Blumenfield

(Principal coauthor: Senator Ashburn)

(Coauthor: ~~Assembly Member Fletcher~~ Coauthors: Assembly

Members Fletcher and Torlakson)

**(Coauthor: ~~Senator Padilla~~ Coauthors: Senators Alquist, Denham, and
Padilla)**

February 27, 2009

An act to amend Section 60010 of the Education Code, relating to instructional materials.

LEGISLATIVE COUNSEL'S DIGEST

AB 1398, as amended, Blumenfield. Technology-based materials.

Existing law defines specified terms used in provisions of law related to instructional materials, including technology-based materials. Existing law defines technology-based materials as basic or supplemental instructional materials that are designed as learning resources and that require the availability of electronic equipment in order to be used. However, the technology-based materials do not include the electronic equipment required to make use of those materials.

This bill would revise the definition of technology-based materials to specify that they may include the electronic equipment required in order to use them if that equipment is to be used by pupils and teachers as a learning resource. This bill would provide that its provisions not be construed to relieve a school district of the obligation to provide

pupils with sufficient textbooks or instructional materials, as specified. The bill would prohibit a school district from procuring this electronic equipment pursuant to the bill if a county office of education determines that the district is out of compliance with this obligation.

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

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

1 SECTION 1. Section 60010 of the Education Code is amended
2 to read:
3 60010. For purposes of this part, the following terms have the
4 following meanings unless the context in which they appear clearly
5 requires otherwise:
6 (a) “Basic instructional materials” means instructional materials
7 that are designed for use by pupils as a principal learning resource
8 and that meet in organization and content the basic requirements
9 of the intended course.
10 (b) “Commission” means the Curriculum Development and
11 Supplemental Materials Commission.
12 (c) “Curriculum framework” means an outline of the components
13 of a given course of study designed to provide state direction to
14 school districts in the provision of instructional programs.
15 (d) “District board” means the board of education or governing
16 board of a county, city and county, city, or other district that has
17 the duty to provide for the education of the children in its county,
18 city and county, city, or district.
19 (e) “Elementary school” means all public schools in which
20 instruction is given through grade 8 or in any one or more of those
21 grades.
22 (f) “Governing boards” means the state board and any one or
23 more district boards.
24 (g) “High school” means all public schools other than
25 elementary schools in which instruction is given through grade
26 12, or in any one or more of those grades.
27 (h) “Instructional materials” means all materials that are
28 designed for use by pupils and their teachers as a learning resource
29 and help pupils to acquire facts, skills, or opinions or to develop
30 cognitive processes. Instructional materials may be printed or

1 nonprinted, and may include textbooks, technology-based
2 materials, other educational materials, and tests.

3 (i) “Nonpublic school” means a school that both satisfies the
4 requirements of Section 48222, and is exempt from taxation under
5 Section 214 of the Revenue and Taxation Code.

6 (j) “School official” means a member of a governing board, a
7 city, county, city and county, or district superintendent of schools,
8 and a principal, teacher, or other employee under his or her charge.

9 (k) “State board” means the State Board of Education.

10 (l) “Supplementary instructional materials” means instructional
11 materials designed to serve, but not be limited to, one or more of
12 the following purposes, for a given subject, at a given grade level:

13 (1) To provide more complete coverage of a subject or subjects
14 included in a given course.

15 (2) To provide for meeting the various learning ability levels
16 of pupils in a given age group or grade level.

17 (3) To provide for meeting the diverse educational needs of
18 pupils with a language disability in a given age group or grade
19 level.

20 (4) To provide for meeting the diverse educational needs of
21 pupils reflective of a condition of cultural pluralism.

22 (m) (1) “Technology-based materials” means basic or
23 supplemental instructional materials that are designed for use by
24 pupils and teachers as learning resources and that require the
25 availability of electronic equipment in order to be used as a learning
26 resource. Technology-based materials include, but are not limited
27 to, software programs, video disks, compact disks, optical disks,
28 video and audio tapes, lesson plans, and data bases.

29 (2) Technology-based materials do not include the electronic
30 equipment required to make use of those materials, unless that
31 equipment is to be used by pupils and teachers as a learning
32 resource. *However, this shall not be construed to authorize a school*
33 *district to replace computers or related equipment in an existing*
34 *computer lab or allow a school district to establish a new computer*
35 *lab.*

36 (3) Nothing in this subdivision shall be construed to relieve a
37 school district of the obligation to provide pupils with sufficient
38 textbooks or instructional materials pursuant to paragraph (1) of
39 subdivision (c) of Section 60119. If a county office of education
40 determines that a school district is out of compliance with

1 paragraph (1) of subdivision (c) of Section 60119, that school
2 district is not authorized to procure electronic equipment pursuant
3 to paragraph (2) of this subdivision.

4 (n) “Test” means a device used to measure the knowledge or
5 achievement of pupils.

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