

Assembly Bill No. 1560

Passed the Assembly September 8, 2021

Chief Clerk of the Assembly

Passed the Senate September 2, 2021

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2021, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Sections 33132.1, 33132.2, and 33132.3 to the Education Code, and to add Section 12100.8 to the Public Contract Code, relating to distance learning.

LEGISLATIVE COUNSEL'S DIGEST

AB 1560, Daly. Distance learning: pupil access: computing devices and broadband internet service.

(1) Existing law establishes a system of public elementary and secondary education in this state, and authorizes local educational agencies throughout the state to provide instruction to pupils in kindergarten and grades 1 to 12, inclusive. Existing law establishes procedures for the apportionment of state funds to these local educational agencies. Existing law, for purposes of calculating apportionments for the 2020–21 fiscal year, requires a local educational agency to offer in-person instruction and authorizes these agencies to offer distance learning, as specified.

This bill would require the Superintendent of Public Instruction to, on or before April 1, 2022, and annually thereafter, survey each school district, county office of education, and charter school and report to the Legislature on the number of pupils without computing devices that meet the minimum performance standard for distance learning, as established by the Superintendent, and on the number of pupils from households without residential broadband service. To the extent responding to the survey would impose additional duties on local educational agencies, the bill would impose a state-mandated local program. Contingent upon an appropriation, the bill would authorize the Superintendent to provide each eligible pupil in kindergarten or any of grades 1 to 12, inclusive, of a local educational agency with a computing device that meets the minimum performance standard for distance learning, as established by the Superintendent, in order to participate in distance learning. The bill would require the Superintendent to maintain on the Superintendent's internet website, and distribute to certain entities, a list of broadband service options available for eligible low-income Californians, including service options offered voluntarily by broadband service providers and broadband service

options offered by providers participating in the state lifeline program administered by the Public Utilities Commission, the Emergency Broadband Benefit and Emergency Connectivity Fund programs administered by the Federal Communications Commission, or similar public subsidy programs, as provided.

(2) Existing law requires contracts for the acquisition of information technology goods and services related to information technology projects, as defined, to be made by or under the supervision of the Department of Technology.

Contingent upon an appropriation, the bill would authorize the department to enter into a sponsored service agreement, as defined, on behalf of a school district, county office of education, or charter school with a broadband service provider for the purpose of providing residential broadband service to eligible pupils in kindergarten or any of grades 1 to 12, inclusive, of a local educational agency, as provided. The bill would require a local educational agency electing to participate in a sponsored service agreement to provide the broadband service provider with certain information on eligible pupil households that consent to providing the information so the provider can determine if the household is within the provider's service area and does not currently subscribe to broadband service. The bill would require information provided under these provisions to be confidential and would prohibit that information from being publicly disclosed or used by the provider for any purpose unrelated to providing service under the sponsored service agreement.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

(1) To close the digital divide in California, it is critical for the state to take a leadership role and do all it can to encourage Californians to adopt broadband in order to effectively implement distance learning for K–12 pupils during the COVID-19 pandemic, assist unemployed and underemployed Californians to seek employment opportunities, allow employees to work from home, and use telemedicine to the greatest extent possible.

(2) Education is a fundamental right under the California Constitution. The equal protection clause of the California Constitution, subdivision (a) of Section 7 of Article I, and subdivision (a) of Section 16 of Article IV of the California Constitution bar the state from maintaining the public school system in a manner that denies some pupils the basic educational necessities provided to other pupils.

(3) Prepandemic, the California cable industry offered low-cost broadband service to qualifying California residents without any government assistance or monetary subsidies for several years. The Superintendent of Public Instruction should take an active role in working with local educational entities to connect qualifying K–12 households.

(4) All state agencies and departments must proactively use the resources available to them to encourage Californians to adopt broadband. As part of its mission, the Department of Technology should partner with educational entities to identify K–12 pupils needing residential broadband service and ensure they get connected in order to effectively participate in a distance learning program.

(b) The COVID-19 pandemic has exposed California's vulnerabilities to major social and economic disruptions. Those persons, businesses, and entities that adopted broadband before the pandemic have fared significantly better than those that have not accepted the digital world. It is the intent of the Legislature that government take an active role to close the digital divide by connecting as many Californians as possible with the internet using the resources available.

SEC. 2. Section 33132.1 is added to the Education Code, to read:

33132.1. (a) On or before April 1, 2022, and annually thereafter, the Superintendent shall survey each school district, county office of education, and charter school and report to the

Legislature on the number of pupils without computing devices that meet the minimum performance standard for distance learning, as established by the Superintendent, and on the number of pupils from households without residential broadband service.

(b) A report to be submitted pursuant to subdivision (a) shall be submitted in compliance with Section 9795 of the Government Code.

SEC. 3. Section 33132.2 is added to the Education Code, to read:

33132.2. (a) Contingent upon an appropriation in the annual Budget Act or another statute for this purpose, the Superintendent may provide each eligible pupil in kindergarten or any of grades 1 to 12, inclusive, of a school district, county office of education, or charter school with a computing device that meets the minimum performance standard for distance learning, as established by the Superintendent, in order to participate in distance learning.

(b) The Superintendent shall develop a standard to determine which pupils are eligible to receive a computing device under this section. At a minimum, a pupil who qualifies for the federal National School Lunch Program shall be eligible.

SEC. 4. Section 33132.3 is added to the Education Code, to read:

33132.3. (a) The Superintendent shall maintain a list of broadband service options available for eligible low-income Californians, including service options offered voluntarily by broadband service providers and broadband service options offered by providers participating in the state lifeline program administered by the Public Utilities Commission, the Emergency Broadband Benefit and Emergency Connectivity Fund programs administered by the Federal Communications Commission, or similar public subsidy programs.

(b) The Superintendent shall maintain the list described in subdivision (a) on the Superintendent's internet website and shall distribute the list to the department, county offices of education, school districts, charter schools, and other education organizations with the request that the list be distributed to all pupils and their families connected to those entities.

(c) In order to be included in the list maintained and distributed by the Superintendent pursuant to subdivisions (a) and (b), a provider that voluntarily offers broadband service to eligible

low-income Californians shall provide the Superintendent current information about the terms of service offerings, and update that information as necessary.

SEC. 5. Section 12100.8 is added to the Public Contract Code, to read:

12100.8. (a) Contingent upon an appropriation in the annual Budget Act or another statute for this purpose, the Department of Technology may enter into a sponsored service agreement on behalf of any local educational agency with a broadband service provider for the purpose of providing residential broadband service to eligible pupils in kindergarten or any of grades 1 to 12, inclusive, of a local educational agency.

(b) The Department of Technology, in consultation with the State Department of Education and any participating local educational agency, shall develop a standard to determine which pupils are eligible to receive broadband service under a sponsored service agreement. At a minimum, a pupil who qualifies for the federal National School Lunch Program shall be eligible.

(c) A local educational agency that elects to participate in a sponsored service agreement shall provide the broadband service provider with information on eligible pupil households that consent to providing the information so the provider can determine if the household is within the provider's service area and does not currently subscribe to broadband service. The information provided shall be limited to only that information, such as an address, required to provide service and to verify initial and continued eligibility.

(d) Information provided by a local educational agency to a broadband service provider for purposes of a sponsored service agreement is confidential and shall not be publicly disclosed or used by the provider for any purpose unrelated to providing service under the sponsored service agreement.

(e) For purposes of this section, the following definitions apply:

(1) "Local educational agency" means a school district, county office of education, or charter school.

(2) "Sponsored service agreement" means a contract, entered into by the Department of Technology through a competitive process and paid for by the Department of Technology, that enables local educational agencies to offer broadband service from a broadband service provider to eligible pupils in kindergarten or

any of grades 1 to 12, inclusive, without the pupils or their families being billed by the provider.

SEC. 6. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Approved _____, 2021

Governor