

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/CS/SB 116

SPONSOR: Governmental Oversight and Productivity Committee, Education Committee and Senator Clary

SUBJECT: Education Technology Advisory Council

DATE: March 4, 2004 REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Dormady</u>	<u>O'Farrell</u>	<u>ED</u>	<u>Fav/CS</u>
2.	<u>Wilson</u>	<u>Wilson</u>	<u>GO</u>	<u>Fav/CS</u>
3.	_____	_____	<u>AED</u>	_____
4.	_____	_____	<u>AP</u>	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

## I. Summary:

Committee Substitute for CS/SB 116 creates the Florida Teaching and Learning Technology Initiative in the Florida Department of Education (DOE). This initiative is generally designed to enhance public education through the provision of wireless technology devices to students for use in the classroom. The bill requires the Department of Education to issue an invitation to bid or request for proposals from technology vendors to provide technology hardware, software, content and support to school districts as the state's partner under the auspices of the Florida Teaching and Learning Technology Initiative. The bill establishes a 7-member technology evaluation committee that would review bids or proposals and recommend a vendor to the Department of Education, Office of Educational Technology, to serve as the state's partner in the initiative. The Office of Educational Technology would choose the state partner in consultation with the State Technology Office.

Under the bill's provisions, the Department of Education would administer 10 grants to school districts for the purchase of technology and services from the state partner. The grants would be 3-year grants, subject to appropriation, and would be initially implemented in the 2004-2005 school year. The bill also requires the Department of Education to issue a second invitation to bid or request for proposals for an independent party to evaluate the Florida Teaching and Learning Technology Initiative. This independent contractor would be required to report annually to the Governor, the Speaker of the House of Representatives, and the President of the Senate by August 31 of each program year, beginning in 2005.

The bill provides that it will be implemented only to the extent specifically funded and authorized by law.

This bill creates a new section of the Florida Statutes.

The bill will take effect upon becoming law.

## II. Present Situation:

***Technology in Education Generally.*** Technological advances continue to shape educational practices in the United States and Florida. As of 2002, 12 states had established online high school programs and 5 others were in the process of establishing such programs. Twenty-five states currently permit the creation of cyber charter schools.<sup>1</sup> Additionally, as of May, 2003, 12 states and the District of Columbia had instituted a computerized exam or a pilot project to evaluate computer-based testing.<sup>2</sup> Technology may also be used for the location of online content to enhance curricula or to provide professional development training for teachers.

***Technology in Education in Florida.*** Florida is comparable to most states in its use of educational technology, and is more advanced in some areas. The Florida Virtual School, for example, is the largest state-sponsored online high school in the nation, enrolling students from every county in Florida. Its enrollment in 2002-2003 was approximately 6,000 students, an increase of approximately 2,000 students over 2001-2002.<sup>3</sup> In brick-and-mortar schools, 71 percent of teachers statewide permitted their students to use computers during class time in 2003, and 79 percent of schools had at least half their teachers using computers daily for course preparation and teaching. In 2003, Florida schools had approximately 3.5 students per instructional computer and approximately 7.5 students per instructional computer in the classroom.<sup>4</sup>

Currently, the State Board of Education and the Florida Department of Education (DOE) provide oversight for technology issues concerning Florida's K-12 schools, including compliance with the educational technology requirements set forth in the federal government's No Child Left Behind Act of 2001. The Division of Accountability, Research and Measurement within the DOE currently conducts activities related to developing effective methods of measuring student achievement and learning to use technology. Additionally, the Office of Educational Technology within the DOE promotes the use of technology to enhance education and improve student performance.

The Florida Legislature has also established the Digital Divide Council<sup>5</sup> to focus on remedies for the disparity in access to technology resources that often exists between students, particularly students from families with different levels of income. A digital divide can also result from differing family education levels, from differences in age, gender, race, ethnicity, location, or family structure (single or dual-parent families), and as a result of disabilities.

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<sup>1</sup> "E-Defining Education," *Education Week on the Web*, May 9, 2002, at [www.edweek.org/sreports/tc02/article.cfm?slug=35execsumh21](http://www.edweek.org/sreports/tc02/article.cfm?slug=35execsumh21).

<sup>2</sup> "Pencils Down: Technology's Answer to Testing," *Education Week on the Web*, May 8, 2003, at <http://www.edweek.org/sreports/tc03/article.cfm?slug=35exec.h22>.

<sup>3</sup> "Pencils Down: Technology's Answer to Testing," *Education Week on the Web*, May 8, 2003, at [http://www.edweek.org/sreports/tc03/state\\_profile.cfm?slug=35fl.h22](http://www.edweek.org/sreports/tc03/state_profile.cfm?slug=35fl.h22).

<sup>4</sup> "Pencils Down: Technology's Answer to Testing," *Education Week on the Web*, May 8, 2003, at [http://www.edweek.org/sreports/tc03/state\\_data.cfm?slug=35fl\\_data.h22](http://www.edweek.org/sreports/tc03/state_data.cfm?slug=35fl_data.h22).

<sup>5</sup> Section 445.049, F.S.

### III. Effect of Proposed Changes:

This bill creates the Florida Teaching and Learning Technology Initiative (FTLTI) within the Department of Education. This initiative is generally designed to enhance public education through the provision of wireless technology devices to students for use in the classroom, and it contemplates developing a public-private partnership between the Department of Education and a chosen technology vendor to provide technology hardware, software and support to 10 chosen school districts.

**Administration.** The bill requires the Department of Education, Office of Educational Technology (OET) to administer the FTLTI. The OET is specifically required to:

- Develop a public-private partnership between the Department of Education and an educational technology vendor to offer a learning solutions technology package to school districts, including without limitation, hardware, software, digital content, professional development, service and support
- Provide grants to school districts in connection with the FTLTI (subject to appropriation)
- Consider the recommendations of the technology evaluation committee established pursuant to the bill, and
- Independently provide for the evaluation of program activities.

**Technology Evaluation Committee.** The Commissioner of Education is required to appoint, by August 16, 2004, seven members of a technology evaluation committee to review partnership proposals from technology vendors. The members of the technology committee must include:

- A representative from the Florida Association of School Administrators
- The chair of the Florida Task Force for Providing Laptops Universally for Learning
- A representative from an urban local chamber of commerce recommended by the Board of Governors of the Florida Chamber of Commerce
- A representative from a suburban local economic development council recommended by the Florida Economic Development Council, Inc.
- A teacher from a local school district
- A representative from the Florida Alliance for Assistive Services and Technology, and
- The Executive Director of the Florida Learning Alliance.

This time frame for appointment of the committee (the requirement that it be completed by August 16, 2004) may be somewhat short, in light of the fact that the Commissioner of Education will be relying on non-governmental parties such as the Board of Governors of the Florida Chamber of Commerce for member recommendations according to the bill's requirements.

Committee members are appointed for a 12-month term. The committee is required to meet monthly as needed or upon the call of the chair, who will be selected by a majority vote of the committee members. All records of committee motions and votes must be made available to the public, and all meetings of the committee must be open to the public. Committee members will be reimbursed for per diem and travel expenses.

The committee is required to review all bids or proposals received from potential vendors under the bill and make a recommendation for selection of a vendor to the OET no later than November 15, 2004.

***Evaluation of Proposals.*** The Department of Education is required to issue an invitation to bid or request for proposals in accordance with s. 287.057, F.S., no later than August 16, 2004, to identify the vendor that will partner with the Department of Education under the FTLTI. All bids or proposals must be submitted to the technology evaluation committee for review, but the OET, in consultation with the Florida State Technology Office, will make the decision as to what vendor is chosen.

The bill specifies criteria that must be used to evaluate vendors who submit bids or proposals to become the state partner, including without limitation:

- Experience in implementing school-based wireless technology projects
- Ability to deliver a learning technology package for elementary and secondary school students and teachers
- Experience in developing results-based education solutions to increase student achievement and professional development for teachers
- Ability to use existing technology infrastructures within school districts and regions
- Ability to provide a wireless or mobile technology device with digital media capability that is capable of connecting to a wireless network and accessing schools' networks and the Internet, from within the school and from remote connections outside the school
- Provision of a program manager to serve as the primary contact person for the Department of Education and school districts on the project

Because the bill clearly contemplates use of wireless technology to access networks and the Internet from remote connections outside the school, which may be in the home, it will be important for school districts to ensure in using their grants that digital divide issues do not preclude some students from participating in assignments from home (e.g., if the home does not have telephone access.)

***Grants.*** Subject to appropriation of funds, the OET is required to administer 10 grants to school districts pursuant to the initiative. These grants are required to be used initially for providing wireless or mobile technology devices with digital media capability, related technology, and related services to students at grade levels 3, 6, 9 or 10 and their teachers, with expansion to other grades over the course of the grant term. Three grants will be made to large school districts, four grants will be made to medium-sized school districts, and three grants will be made to small school districts. The Department of Education is required to establish criteria for determining what characteristics categorize school districts as small, medium or large for purposes of the section. The Department of Education is required to publicize the grants to school districts once available.

Each grant is for a 3-year term, subject to yearly appropriation of funds from the Legislature. Grant proposals by school districts must be evaluated under the following criteria, without limitation:

- The district's plan for improving learning through the use of wireless technology
- The district's ability to provide highly qualified teachers to implement the program, and
- The district's plan to share information and findings related to grant activities with other school districts.

School districts receiving grants must provide a 25 percent match in the funds received, in either cash or equivalent-value services, to cover required training programs and professional development for teachers in implementing the program. Districts may use their grant money to purchase or lease technology from vendors other than the state partner, but will only receive 75 percent of the grant amount in such instance. Other vendors chosen by districts must meet the eligibility criteria for such vendors set forth in the bill.

***Independent Program Evaluation.*** The OET is required to issue an invitation to bid or request for proposals by September 30, 2004, for an independent contractor to evaluate the FTLTI. Criteria to be used by the independent contractor in evaluating the FTLTI include, without limitation:

- Improvement in student academic achievement related to the FTLTI programs
- Improvement in student engagement related to the FTLTI programs
- Improvement in parental involvement related to the FTLTI programs
- The economic impact of the FTLTI on communities around the state
- Improvement in the development of students' critical thinking, problem solving and teamwork skills related to the FTLTI programs, and
- Satisfaction of school districts and the OET with the state partner.

The independent evaluator is required to report annually to the Governor, the Speaker of the House of Representatives, and the President of the Senate by August 31 of each program year, beginning in 2005 and ending in 2007.

***Implementation.*** The bill provides that it will be implemented only to the extent specifically funded and authorized by law.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

##### **B. Public Records/Open Meetings Issues:**

None.

##### **C. Trust Funds Restrictions:**

None.

**V. Economic Impact and Fiscal Note:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The fiscal impact of CS/SB 116 will depend directly on the size of the grants awarded to school districts, which is not specified in the bill; accordingly, it is not possible to determine the cost of implementing the bill's provisions. Costs for the bill will include funds for the grants as well as funds for other expenses related to the bill, including payment of the independent program evaluator and payment of per diem and travel expenses for members of the technology evaluation committee established by the bill. The Department of Education has previously estimated expenses for this type of committee at \$500 per member per meeting. Because the number of meetings of the committee is not set by the bill – they are required to meet monthly as needed – this cost is not currently determinable, but will necessarily be limited due to the restricted nature of the committee's work and the members' 12-month fixed terms.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The worldwide information technology consulting firm of Gartner, Inc., issued a research brief in 2002 on the scope of mobile personal computing services in the classroom setting.<sup>6</sup> The brief noted the strong increase in wireless services in the K-12 setting and noted the state governments of Maine and Michigan as assertive initial sponsors of wireless technology for their student populations, although recent budget difficulties have constrained some of the growth. The top five personal computing vendors, as measured by market share in the K-12 market compiled by Gartner through 2002, are Dell (37%); Apple (19%), Hewlett-Packard (17%); Gateway (7%); and all others (17%). The report noted the post-secondary education market to be relatively saturated with desktop personal computers but that wireless posed other difficulties which would detract from its quick adoption in that setting. Increased market share of wireless products has eroded sales of desk based models.

Because the bill employs the phrase “. . . professional development, services, and support” to describe the possible scope of vendor engagement, affected district schools will have to examine the effect this technology application has on their own computing infrastructure. To the extent that wireless technology, offered on a fully bundled basis, duplicates its own support systems,

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<sup>6</sup>Chung, A., et. al., “Mobile PCs in the Classroom: Adoption Accelerates,” Gartner Dataquest Research Brief (October 23, 2002).

the district may have to decide whether its organization should deliver these services internally or contract for them externally through the selected vendor or other third-party.

The Florida Learning Alliance is a consortium of 34 small and rural school districts and the Florida Virtual School.<sup>7</sup> The Alliance administers a five-year, \$10 million federal educational technology grant on behalf of its 229-member high and middle schools.

The Florida Council on Instructional Technology Leaders is a voluntary membership organization composed of district school board educational technology staff.<sup>8</sup>

The Florida Alliance for Assistive Services and Technology was founded in 1992 through a grant received by the Division of Vocational Rehabilitation in the former Department of Labor and Employment Security. It became a private not-for-profit corporation in 1997 and advocates for persons with disabilities.<sup>9</sup>

The Laptops and Learning Task Force scheduled the issuance of a report of its activities on or before February 15, 2004. None has been received yet.

The bill creates what it calls a “Florida Teaching and Learning Technology Initiative” within the Department of Education. The term “Teaching and Technology Initiative” is a term used by the University of Florida’s College of Education<sup>10</sup> to describe its faculty’s activities in technology augmented classroom education. While the terms are different, they describe essentially similar activities in two separate, state-funded organizations with no apparent connection.

#### **VIII. Amendments:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill’s sponsor or the Florida Senate.

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<sup>7</sup> [www.fllearningalliance.org](http://www.fllearningalliance.org).

<sup>8</sup> [www.fcitl.org](http://www.fcitl.org).

<sup>9</sup> [www.faast.org](http://www.faast.org).

<sup>10</sup> [www.coe.ufl.edu](http://www.coe.ufl.edu).