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AB-1053 Educational technology: evaluation and selection. (2025-2026)

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AMENDED IN ASSEMBLY APRIL 21, 2025

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CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

ASSEMBLY BILL

NO. 1053

Introduced by Assembly Member Zbur

February 20, 2025

An act to add ~~Section 60049~~ *Sections 60003 and 60004* to the Education Code, relating to ~~pupil instruction~~ *educational technology*.

LEGISLATIVE COUNSEL'S DIGEST

AB 1053, as amended, Zbur. ~~Instructional materials: digital supplemental instructional materials.~~ *Educational technology: evaluation and selection.*

Existing law states the intent of the Legislature to provide for the adoption and selection of quality instructional materials for use in elementary and secondary schools and requires each governing board of a school district to provide for substantial teacher involvement in the selection of instructional materials and to promote the involvement of parents and other members of the community in the selection of instructional materials. Existing law authorizes the governing board of a school district, when adopting instructional materials for use in school, to include relevant technology-based materials, defined for these purposes to mean basic or supplemental instructional materials that are designed for use by pupils and teachers as learning resources and that require the availability of electronic equipment in order to be used as a learning resource, as provided.

~~This bill would require the governing board or body of a local educational agency, defined to be a school district, county office of education, charter school, or educational joint powers authority, to, before adopting and using digital supplemental instructional materials or approving the expenditure of public funds for licensure, purchase, or other use of digital supplemental instructional materials, (1) convene a publicly noticed workgroup consisting of specified personnel to evaluate the proposed digital supplemental instructional materials and (2) consider the reported evaluation from the workgroup, as provided. The bill would require the workgroup to evaluate, among other things, the cost of the materials and the impact the materials will have on the behavioral health of pupils, and to report its findings to the governing board or body of the local educational agency. To the extent that this bill would impose additional duties on local officials or local educational agencies, the bill would impose a state-mandated local program.~~

This bill would require the governing board or body of each school district, county office of education, and charter school to provide for substantial teacher involvement in the evaluation and selection of educational technology, as defined, that is required to be used by all teachers or all paraprofessionals of the local educational agency, and to promote the involvement of parents and other members of the community in the evaluation and selection process. By imposing additional duties on local educational agencies, the bill would impose a state-mandated local program. The bill would require the Superintendent of Public Instruction, on or before January 1, 2027, to develop, and post on the State Department of Education's internet website, best practices and resources to guide school districts, county offices of education, charter schools, and joint powers authorities providing educational services in the evaluation and selection of educational technology that is required to be used by all teachers or all paraprofessionals, as specified. The bill would, commencing January 1, 2027, encourage school districts, county offices of education, and charter schools to follow those best practices for the evaluation and selection of educational technology.

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.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. *The Legislature finds and declares all of the following:*

(a) It is the intent and purpose of the Legislature to provide for substantial teacher input in the evaluation and selection of quality educational technology for use by local educational agencies.

(b) Due to the common needs and interests of the citizens of this state and the nation, there is a need to establish best practices and resources to guide the local selection of educational technology by local educational agencies.

(c) The governing board or body of a local educational agency has the responsibility to evaluate and select educational technology that is appropriate to its courses of study, supports pupil academic achievement, respects the academic freedom and autonomy of educators to meet the needs of individual pupils, avoids inequitable access to learning, and is aligned with the academic content standards adopted by the State Board of Education.

SEC. 2. *Section 60003 is added to the Education Code, to read:*

60003. *(a) The governing board or body of a local educational agency shall provide for substantial teacher involvement in the evaluation and selection of educational technology, as defined in paragraph (1) of subdivision (a) of Section 60004, that is required to be used by all teachers or all paraprofessionals of the local educational agency, and shall promote the involvement of parents and other members of the community in the evaluation and selection process. Commencing January 1, 2027, local educational agencies are encouraged to follow best practices for the evaluation and selection of educational technology developed by the Superintendent pursuant to Section 60004.*

(b) For purposes of this section, "local educational agency" means a school district, county office of education, or charter school.

SEC. 3. *Section 60004 is added to the Education Code, to read:*

60004. *(a) For purposes of this section, the following definitions apply:*

(1) "Educational technology" means educational software in the form of downloadable or web-based applications or other digital formats that is used to manage information, instruction, attendance, pupil grades and assessment data, notifications, and communication with parents.

(2) "Local educational agency" means a school district, county office of education, charter school, or joint powers authority providing educational services.

(b) On or before January 1, 2027, the Superintendent shall develop, and post on the department's internet website, best practices and resources to guide local educational agencies in the evaluation and selection of educational technology that is required to be used by all teachers or all paraprofessionals of the local educational agency. The best practices and resources identified by the Superintendent shall address all of the following:

(1) User interface and agency, including the extent to which the design of the product interface and user experience helps teachers quickly and reliably achieve instructional goals and the impact of the product on the workload of teachers.

(2) Learning design, including the extent to which the product has features that promote design and customization of learning activities in ways that align with research-based best practices.

(3) Digital pedagogy, including the extent to which the product is designed to support the development of pupils' digital age learning skills, capacities, and knowledge.

(4) Inclusivity and equity, including the extent to which the product helps teachers provide instruction that is relevant to pupils of many cultures, backgrounds, and abilities, and support pupil motivation and agency in the learning process.

(5) Assessment and data, including the extent to which the product uses assessments that generate data to inform teachers about pupil knowledge and provide pupils feedback.

(6) Privacy and security of data, including the extent to which the product complies with privacy requirements of state and federal law, whether or not the software allows for the selling of data or surveillance of pupils or teachers, and whether or not there is regular human oversight in the processing, evaluation, collection, and safeguarding of pupil performance and other pupil information.

SEC. 4. 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.

SECTION 1. Section 60049 is added to the Education Code, to read:

~~60049.(a)It is the intent and purpose of the Legislature in enacting this section to provide for the adoption and selection of quality digital supplemental instructional materials for use by local educational agencies:~~

~~(b)The Legislature hereby recognizes that because of the common needs and interests of the citizens of this state and the nation, there is a need to establish broad minimum standards and general educational guidelines for the selection of digital supplemental instructional materials for local educational agencies, but that because of economic, geographic, physical, political, educational, and social diversity, specific choices about digital supplemental instructional materials may need to be made at the local level:~~

~~(c)The Legislature further recognizes that the governing board or body of a local educational agency has the responsibility to establish courses of study and that if they use digital supplemental instructional materials, they must choose materials that are appropriate to their courses of study, support pupil academic achievement, respect the academic freedom and autonomy of educators to meet the needs of individual pupils, avoid inequitable access to learning, and are aligned with the academic content standards adopted by the state board:~~

~~(d)The governing board or body of a local educational agency shall, before adopting and using digital supplemental instructional materials or approving the expenditure of public funds for licensure, purchase, or other use of digital supplemental instructional materials, do both of the following:~~

~~(1)(A)Convene a publicly noticed workgroup consisting of at least two employed teachers, two classified employees that perform paraeducator duties or aid in classroom instruction, and one employee that is tasked with managing the informational technology needs of the local educational agency:~~

~~(B)The workgroup shall evaluate the proposed digital supplemental instructional materials and report its findings to the governing board or body of the local educational agency. At a minimum, the workgroup shall evaluate all of the following, as applicable:~~

~~(i)The cost, including any tools to use the materials, maintenance, and long term reliability:~~

~~(ii)The academic benefit to pupils and the percentage of pupils that will benefit from the materials:~~

~~(iii)The impact on all of the following:~~

~~(I)Instructional time in the classroom:~~

~~(II)The local educational agency's homework policy, as encouraged by Section 52000:~~

~~(III)The behavioral health of pupils:~~

~~(IV)The workload of educators:~~

~~(iv)The academic and social integrity of the company and its materials:~~

~~(v)The interests of superintendents, trustees, board or body members, or other administrative or elected officers of the local educational agency that are required to be reported pursuant to Article 3 (commencing with Section 87300) of Chapter 7 of Title 9 of the Government Code and that may be linked to a vendor of digital supplemental instructional materials:~~

~~(vi)How the software complies with privacy standards in current law, whether or not the software allows for the selling of data, and whether or not the software may be used for the surveillance of pupils or teachers:~~

~~(vii)The extent to which the use of the software promotes or upholds equity for pupils and recognizes technological access or disparity in digital literacy among a diverse pupil population:~~

~~(viii)Whether or not there is regular human oversight in the processing, evaluation, collection, and safeguarding of pupil performance and other pupil information:~~

~~(C)Before the workgroup reports an evaluation pursuant to subparagraph (B), the workgroup shall solicit information from parents, teachers, classified employees, and pupils regarding their experience using the proposed digital supplemental instructional materials and consider this information when reporting to the governing board or body of the local educational agency:~~

~~(2)Consider the reported evaluation from the workgroup:~~

~~(e)It is the intent of the Legislature that the workgroup's reported findings to the governing board or body of the local educational agency will ensure that expenditures for digital supplemental instructional materials reflect the best interest of pupils, use of public funds, and the autonomy of educators to best meet the needs of pupils:~~

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

~~(1)"Digital supplemental instructional materials" means any digital educational software, including, but not limited to, providing information, lessons, attendance tracking, examinations, grades, notifications, or other communications among educators, parents, or pupils, through the use of a downloadable application, a web-based application, or other digital format:~~

~~(2)"Local educational agency" means a school district, county office of education, charter school, or educational joint powers authority:~~

~~SEC. 2.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:~~