

LOS ANGELES UNIFIED SCHOOL DISTRICT

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BOC INFORMATION TECHNOLOGY TASK FORCE REPORT

November 18, 2013

TO: LAUSD School Construction Bond Citizens' Oversight Committee

cc: Dr. Gary Anderson, Joseph Buchman, Thomas Rubin

FROM: BOC Information Technology Task Force

RE: The District's Common Core Technology Project ("CCTP") Phase 2 Proposal

A. Introduction

The BOC Information Technology Task Force ("IT TF") is composed of five members of the School Construction Bond Citizens' Oversight Committee ("BOC"): Steve English (the Task Force Chair), Scott Folsom, John Naimo, Quynh Nguyen, and Stuart Magruder. The IT TF was formed on June 19, 2013, by the BOC Chair as an *ad hoc* subcommittee of the BOC, and directed to study the District's proposals for implementation of Phase 2 of the Common Core Technology Project ("CCTP") and to report back to the BOC with any findings and recommendations when the District presented Phase 2 of the CCTP. Since it was established, the IT TF has met seven times, most recently on November 13, 2013.

During the IT TF meetings, each of which typically lasted several hours, the IT TF members heard presentations from most District offices involved in the CCTP, questioned District representatives extensively, and had lengthy and candid working discussions amongst themselves and with BOC staff and counsel after District representatives had been excused from the room. In addition, IT TF members spent many hours individually in the study of District-provided materials and in self-directed research. IT TF members also made many visits to schools that already had, or were undergoing transition to, digital education programs, talked

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with parents, teachers, principals, and students, and participated in CCTP training sessions. Three IT TF members also attended and participated in meetings of Board of Education committees, specifically the BOE's Common Core Technology Project Committee; the Budget, Facilities and Audit Committee; and the Curriculum, Instruction and Assessment Committee wherein CCTP issues were extensively discussed.

In its investigations the IT TF pursued a multitude of inquiries, either directly or through BOC staff, into a variety of subject areas, including the legal issues related to the use of bond funds for the tablets, pedagogy, actual device costs per unit, the Apple contract, student security, teacher and parent training, and post-implementation financing arrangements.

The IT TF has also had the benefit of the very extensive knowledge that the BOC's staff, and to a much lesser extent the BOC's Chair, have accumulated about the CCTP and related programs since September 2012 when the CCTP was first announced. Most notably, Mr. Rubin, Mr. Buchman and the BOC's Chair have had numerous and extensive exchanges with the District's Superintendent, the Office of the General Counsel, the Deputy Superintendent of Instruction, the Common Core Technology Project office; the Office of the Chief Financial Officer, the Information Technology Division, the Facilities Service Division, and the School Police. The BOC Chair and Dr. Anderson also made a day-long visit to the Riverside Unified School District where they were taken by the Superintendent of that district to see a number of schools that have implemented its take-home-device-for-every-student program.

Throughout this process the District has been responsive to our requests for information, although as will be seen in our Statement of Concerns and Recommendations for the CCTP, in Section C of this report below, there are still important questions that --in our view-- should be more fully addressed before the District proceeds to a full scale implementation of its proposed \$1 billion program. To its credit the District has also been responsive to many suggestions from the BOC's staff, particularly Mr. Rubin, and to a lesser extent the BOC's Chair, concerning the implementation of the CCTP over the last 18 months. Most notably, at our suggestion the District deferred its original district-wide implementation plans in favor of a phased roll out starting with a relatively small number of schools, and it agreed to postpone the final decision as to whether it should proceed with a full implementation until after the first phase was well underway. Also, the District's current Five Year Plan for financing the CCTP owes much to Mr. Rubin's detailed requests for long term financial information, although as we note below, a number of financial questions should be more fully addressed before the District proceeds to a full scale implementation.

This report was written by the Task Force Chair. While it accurately reflects the IT TF's operative conclusions with respect to the District's proposal, the individual members of the task force do not necessarily concur in every aspect of the report, except as expressly stated herein

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B. Summary of District Proposal and Task Force Conclusions

When the IT TF was established, it was anticipated that the District would seek the BOC's approval of plans for a full scale implementation of the CCTP starting in January 2014 at an approximate implementation cost of \$1 billion. Recently, however, the District has changed course, and it is now requesting that the BOC approve a greatly scaled back plan to proceed with the project in the near future. The ultimate goal of a district-wide program remains the same, but instead of asking for approval of a full scale implementation program now, the District seeks for the near term only a modest expansion of the relatively small scale Phase I implementation that began last summer. In terms of bond funding this expansion, now referred to as the "Phase 2 and 1L proposal," has four components:

(1) the purchase of approximately 25,000 tablets to equip 38 schools for Phase 2 of the CCTP during the Spring Semester of the current academic year;

(2) the purchase of approximately 49,000 "physical keyboards" for all students in grades 2 through 12 and half of the K-1 students at Phase 1 and 2 schools¹;

(3) the purchase of approximately 28,000 tablets for principals and certified staff at all remaining (non-Phase 1) LAUSD schools by April 2014;

(4) the purchase of approximately 2,000 tablet carts and 67,000 tablets so that schools with inadequate technology can participate in field tests of a national Common Core assessment in the coming Spring Semester; and

(5) the purchase of laptops sufficient to equip every teacher and student at seven non-Phase 1 or 2 high schools with those devices in the Spring Semester for the purpose of analyzing the effectiveness of laptops relative to tablets as learning and assessment devices for high school students. These seven high schools are referred to as "Phase 1L" schools.

The District has also extended its project implementation timeline to allow for a comprehensive evaluation of the CCTP program to be based on information gathered from the Phase 1 and Phase 2 schools. The results of this evaluation will be reviewed by the District and the BOC before the District proceeds with any further phases of the program. Although the District's proposal is not explicit on this point, we should insist that the BOC be provided with the results of the evaluation before the BOC is asked to approve the expenditure of bond funds for any aspect of this project beyond Phase 2.

¹ This aspect of the District's current proposal was not part of the Phase 2 plan submitted to the IT TF at its last meeting on November 13. Accordingly, this report does not address that aspect of the proposal.

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At its November 13 meeting the IT TF members agreed that the decision came down to three basic alternatives:

- Recommend approval of the Phase 2 and 1L proposal as presented;
- Recommend against approval of any part of the Phase 2 and 1L proposal at this time;
- Recommend approval of a reduced version of the Phase 2 and 1L proposal.

After extensive discussion, the matter was put to a vote, with the following result:

- Recommend approval of the Phase 2 and 1L proposal as presented: No votes
- Recommend against approval of any part of the Phase 2 and 1L proposal at this time: Two votes
- Recommend approval of a reduced version of the Phase 2 and 1L proposal: Three votes

All of the IT TF members then agreed on the parts of the Phase 2 and 1L proposal that should not be recommended for BOC approval at this time. The parts not recommended for approval were:

- a. the purchase of approximately 28,000 tablets for principals and certified staff at all remaining (non-Phase 1) LAUSD schools by April 2014; and
- b. the purchase of approximately 2,000 tablet carts and 67,000 tablets so that schools with inadequate technology can participate in field tests of a national Common Core assessment in the coming Spring Semester.

The reasons for the IT TF recommendation against these parts of the Phase 2 and 1L proposal are set forth below in Section D of this report. It is important to note that the IT TF is not opposed to these parts of the proposal *in concept*; rather, it believes that

- a. The proposed provision of tablets to principals and certified staff at all LAUSD schools by April 2014 is premature, and
- b. As presented to the IT TF on November 13, the proposed provision of tablets and carts to every school with inadequate technology so they can participate in national assessment field tests in the coming Spring Semester is not sufficiently detailed.

It is the view of the IT TF that these negative aspects of the proposal may be remedied if they were brought back to the BOC at an appropriate time and with appropriate detail.

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The Task Force unanimously concurred in the Statement Concerns and Recommendations in Section C,² but some members had additional concerns and recommendations beyond the ones stated there. We believe it is appropriate for those members to express their views on these points at the BOC meeting on November 20. We also believe it is appropriate for all members of the Task Force to express their views on these recommendations at the same meeting.

Accordingly we recommend that the BOC only approve two of the five proposed aspects of the Phase 2 implementation at this time (the addition of 38 schools and the parallel laptop program). We express no opinion with respect to the proposed keyboard purchase because it was not presented for our review. Also we support, but recommend some changes to, the program evaluation provisions contained in the Board of Education's November 12 Resolution concerning the Phase 2 and 1L proposal. Those recommended changes are specified in Part C 1 below. A copy of the BOE Resolution is attached as an appendix to this report.

C.Statement of Concerns and Recommendations For the Common Core Technology Project

Our five month review of the District's CCTP program, as proposed and as implemented through Phase 1, has given rise to a number of concerns, which is to be expected for a new program of this scope and magnitude. Notwithstanding these concerns the members of the Task Force have been positively impressed with many aspects of the program, and the great -- possibly revolutionary-- potential for technologically enhanced teaching and learning. We have not undertaken to list the many positive aspects of the program in this report -- we will leave that to the District and its professional educators -- so the absence of such a listing in this report should not be counted against the program. Rather, we list here only our concerns, which we understand to be our job.

1.Program Design.

We appreciate that District staff has done a remarkable job in overcoming many challenges and adeptly handling a great many of the complex aspects of CCTP planning and implementation to date. Nevertheless, we are concerned that the academic and technical aspects of the program have been hurriedly structured, and not completely worked through and that reasonable alternative approaches have not been fully considered. To address this concern we recommend that the Board of Education transfer to the Office of the Inspector General the responsibility for the evaluation process described in the BOE's November 12

²Except that paragraph 2, which pertains to certain legal questions, was --with the consent of the Task Force Members- drafted by the Task Force Chair and BOC counsel based in part on materials received from the District 's General Counsel after the Task Force's last meeting on November 13, 2013.

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Resolution (and the procurement process related thereto) as soon as possible. The Inspector General should also be authorized to engage one or more independent consultants and prepare with their assistance a comprehensive evaluation of the program to be delivered to the Board of Education and the BOC no later than March 2015 (or such later date as the Inspector General may propose) with recommendations as to whether and to what extent it would be reasonable for the District to proceed with Phase 3 of the project, and whether and to what extent the plans for that Phase should be modified. We also recommend that within a reasonable time in advance of the Inspector General's report, the District should take the following actions concerning the design of the program:³

- a. The District should study and report its findings with respect to the available options for selecting additional types of devices and educational software for CCTP, including software that is commonly utilized in the business and academic worlds such as Microsoft™ Office™.
- b. The District should report its plan to allow individual schools and/or teachers to modify the access filters on student devices to fulfill academic purposes.
- c. The District should study and report its findings concerning the desirability and feasibility of allowing students in the higher grade levels, to have a greater range of device options including take-home laptop devices instead of take-home tablets.
- d. The District should study and report its findings concerning the desirability and feasibility of loading onto each student's device a digitized copy of that student's textbooks (for example in PDF format).
- e. The District should develop and present its proposed policies and plans for students who lack internet access at home to assist such students' families to acquire such access or to insure that such students are not disadvantaged by the lack of internet access at home.
- f. The District should study and report its findings concerning the feasibility of a bring-your-own-device option whereby (1) a variety of student and teacher owned devices are approved for classroom use; (2) the contents of approved student and teacher owned devices would be separated between, (i) LAUSD academic materials, which would be under District controls similar to District-owned devices, and (ii) personal content, which the District would not control or have access to, except in specified extraordinary

³ Subsequent to the IT TF's last meeting on November 13, 2013, the District's Phase 2 and Phase 1L proposal was presented on November 16, 2013. Some of the recommended actions in this list have been incorporated into that the District's proposal.

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situations; and (3) the conditions for the use of software for personal applications and data permitted on-campus would be specified.

g. The District should report its CCTP related plans for LAUSD Charter Schools, including, but not limited to, its plans to support different options to charter schools, and its plans for the sharing and exchange of CCTP curricular materials and best practices between charter schools and traditional schools.

h. The District should outline its plans for digital education in its early and adult education programs.

i. The District should study and provide a plan for training of and communication with teachers and parents, including: easily accessible feedback loop; continuing education beyond initial rollout; and recommendations on healthy levels of screen time and how to supervise appropriate usage.

2. Legal.

On November 15, 2013, after months of discussions with the Office of the General Counsel ("OGC") and many requests for a legal opinion supporting the District's use of bond funds to pay for the majority of costs associated with the CCTP, the OGC issued a written reasoned memorandum opinion stating, among other things, that after performing its due diligence, including, but not limited to, conducting several telephone meetings with and reviewing past communications from the District's bond counsel, in the OGC's opinion there is legal support for the use of bond funds to purchase devices such as tablets for the purpose of equipping schools with those devices, to purchase the software packages to be used on the devices, and to allow students, teachers and staff to take the devices home. We find this opinion acceptable. The IT TF remains concerned, however, that the law in this area is somewhat unsettled and that the purchase of these devices with bond funds, particularly for the purpose of replacing used, non-serviceable devices in 3-5 years, may not be permissible under California or Federal law. To address this concern we recommend that the District obtain an express and comprehensive reasoned opinion from the District's bond counsel confirming the propriety of using bond funds, not only for mobile learning devices and educational software for CCTP purposes, but also for the cost of replacing these items in later years. Or, alternatively, the District should obtain an Internal Revenue Service Revenue Ruling on the federal tax law aspects of the bond funding of CCTP-related expenses.

3. Bond Repayment Schedule.

We are concerned that the repayment schedule for any bonds issued to finance the CCTP be

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reasonably related to the expected life of the assets acquired with the proceeds from such bonds. While this fits with established District practice, we believe that an express confirmation of the District's intent to follow that practice here would be helpful to the public.

4. Bond Program Opportunity Cost.

We are concerned that the District has not calculated or analyzed the impact that the CCTP would have on the District's needs for other bond-funded projects. To address this need we recommend that:

- a. The District study and report back to the BOC no later than 30 days in advance of its next bond issuance concerning the impact of the bond-funded CCTP on the timing and the extent of non-CCTP bond-funded projects (we suggest that this be presented as a schedule of the availability of bond funding for non-CCTP capital projects by time period under two alternative scenarios: (i) CCTP proceeds under the most recent plan at the time of this analysis, or (ii) CCTP does not so proceed, but that non-CCTP enhancements comprehended by the Measure Q plan in 2008, as updated, are included); and
- b. The District adopt a School Upgrade Program in the near future sufficient to allow the District to proceed with planning, design, and execution of school modernization projects for the next three years.

5. Pearson Materials.

We are concerned that the District has not yet received and reviewed all of the Pearson lessons for which it has contracted, nor has it been made clear to us whether the District is entitled to receive and use all of these lessons if it orders less than a set number of Apple devices. To address these concerns we recommend as follows:

- a. The IT TF has been advised that the Pearson contract for the second semester will be complete on January 1, 2014. We request that the District obtain and review all of the Pearson lessons for which it has contracted no later than March 1, 2014; and
- b. As soon as possible District should clarify, and if necessary renegotiate, the Apple/Pearson contract to specify that the District will have access to the full range of Pearson's CCTP curricular materials on district-purchased Apple devices when they are needed regardless of the number of devices the District elects to purchase in the future.

6. Post Implementation Costs.

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We are concerned that the District does not have a clear and realistic funding plan for the district-wide implementation of this project beyond the initial rollout. To address this concern we recommend that before proceeding to Phase 3 the District augment its CCTP Five Year Plan so that it includes:

- a. A clear statement of the projected total and continuing annual and cyclical post-implementation costs of the CCTP including, but not limited to, the costs of (1) replacing used, non-serviceable devices in three to five years, and (2) the electronic curricular material the District will be acquiring to use for subjects not covered in the material to be acquired from Pearson under the present contract, and to replace or update the Pearson material when its current license to that material expires;
- b. More comprehensive, realistic provisions for covering the costs referred to in subparagraph a above, with year-by-year detailing showing the funds that will be available for non-CCTP expenditures with and without CCTP implementation.
- c. An analysis of the anticipated change in the amounts now spent for the purchase of traditional textbooks and digital media currently available outside of the CCTP; and
- d. An analysis of the effect of the proposed CCTP implementation on e-rate funding and spending.

D. Recommendations Concerning the District's Proposal for Our November 20 Meeting

As set forth in Section 7.6 of our Memorandum of Understanding with the District, it is the BOC's responsibility "to recommend against the expenditure of bond funds when...a project or family of projects appears to be impermissible or imprudent." Although we do not find that any part of the District's Phase 2 and Phase 1L proposal is impermissible, several parts of that proposal, as presented, seem to us to be imprudent.

Imprudence in our view is something about which reasonable men and women should be able to agree and take the necessary steps to avoid. Thus, if reasonable men and women disagree as to whether one course of action or another should be followed, it is possible that neither course is imprudent. Accordingly, it is not the role of the BOC to substitute its judgment for the judgment of the District or the Board of Education on questions where reasonable men and women might be expected to disagree. Rather, when we recommend against a proposal because it is imprudent, we do so because we have determined that it is so inadvisable that reasonable men and women would generally agree that the proposal should be disapproved.

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With respect to the specific aspects of the District's Phase 2 and Phase 1L proposal,⁴ our determinations are as follows:

1. The proposed purchase of approximately 25,000 tablets to equip 38 schools for Phase 2 of the CCTP is not impermissible or imprudent. This is a relatively small step that would enable the District to continue and better evaluate an important program. The selection of Phase 1 schools was driven in large part by considerations relating to the technological, i.e., digital wireless, capacity of the selected campuses. In the selection of Phase 2 schools the District has given more attention to fulfilling its obligation to equity and access as mandated by the Office of Civil Rights consent agreement, and the need to understand the impact of classroom technology modernization among a wider spectrum of lower and higher performing schools. Also, through the Phase 2 rollout the District will be able to apply the lessons learned in Phase 1 and better determine the extent to which it has improved its operating plan as a result of the Phase 1 experience.

2. We urge the BOC to recommend against the proposed Phase 2 purchase of 48,741 tablets for "remaining principals and certificated staff at all LAUSD campuses by April." A purchase of that magnitude seems imprudent. We appreciate that it may be useful for devices to be distributed to principals and teachers some months ahead of the time when they are to be given to students. Nevertheless, under the District's current CCTP timeline, schools in Phase 3 may not get student devices until September 2015, and a large number may not get student devices until September 2016. If the District would like to use bond funds for the purchase of devices for advance distribution to principals and students at some Phase 3 schools before the evaluation process discussed in C.1 above is completed, we suggest that it apply to the BOC for its recommendations concerning that purchase at an appropriate future date.

3. We urge the BOC to recommend against the proposed Phase 2 purchase of 1,928 storage/charging carts and 67,480 tablets at this time. A purchase of that magnitude seems imprudent. The District has said that this purchase is needed so that schools with inadequate technology can participate in the field tests of Smarter Balanced Assessment Consortium scheduled for Spring 2014. It is clear the District must participate in the test, but we question the calculation of the number of devices needed. It may be correct, but it has not been adequately explained to us. Nor does it appear that the District has considered how the size of the proposed purchase might be reasonably reduced through alternative steps such as the use of existing computer lab and library facilities, the use of existing facilities of other schools on co-located and nearby campuses, and the movement of devices between campuses during the

⁴ We made no determination concerning the proposed purchase of keyboards for Phase 1 and Phase 2 schools because that proposal was not presented to us as of November 13, the date of our last meeting.

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multi-week testing period. We suggest that the District reapply to the BOC at its next meeting with a well-supported proposal for a reasonably sized purchase of carts and devices sufficient to enable the District to fully participate in the field tests of Smarter Balanced Assessment Consortium scheduled for Spring 2014. Considering that Phase 1, Phase 1L and Phase 2 schools will already be equipped for that assessment, and that the Phase 3 rollout may not occur until September 2015, after the District has made an extensive evaluation of the entire program, we suggest the District consider whether and to what extent it is prudent for the tablets purchased to enable participation in the assessment be loaded with Pearson educational content at this time.

4. The proposal to equip seven non-Phase 1 or Phase 2 high schools with laptops for the purpose of analyzing the effectiveness of laptops relative to tablets as learning and assessment devices for high school students is not impermissible or imprudent. It appears to be a modest step that would enable the District to continue and better evaluate an important program. Nevertheless, we have not been advised concerning the number of devices needed for this purpose or whether the proposal includes a reasonable amount of funding for other related costs, such as the provision of electrical power to desks, or additional batteries. We expect that this information can be provided to the BOC in time for its November 20 meeting.

In conclusion we wish to thank the many District staff members who have devoted many hours to providing the information we have needed in our work. We have been much impressed by the dedication of these staff members. And we are very grateful for the opportunity to advise the BOC on these questions of great importance to the District, its students, teachers, support and administrative staff, parents and taxpayers.

Report Submitted by
the Chair of the BOC Information Technology Task Force

APPENDIX
BOARD OF EDUCATION CCTP RESOLUTION
NOVEMBER 12, 2013

Ms. Ratliff – Student Success Through an Evaluation-Based Common Core Technology Project

Now, be it

Resolved, That the Los Angeles Unified School District shall focus on Phase 1 and 2 of the Common Core Technology Project during academic years 2013-2014 and 2014-2015. All necessary policies, protocols, and practices related to the technology project shall be determined during Phase 1 and 2, including parental liability, the development of effective parent training modules geared to each school span (elementary, middle and high school), and a detailed procedure for school-based decision-making regarding whether to allow students to take the devices home (with the inclusion of a parental opt-out provision). The Governing Board of the Los Angeles Unified School District directs the Superintendent to bring the abovementioned policies, protocols and practices to the Board for review prior to the conclusion of Phase 2;

Resolved further, That the Board directs the Superintendent to purchase a keyboard for every Phase 1 and 2 high school student, middle school student, and 3rd, 4th, 5th, and 6th grader that needs one to better inform us of the academic possibilities provided by keyboards and to allow the keyboards to be used during testing. The Superintendent shall go before the Bond Oversight Committee as necessary and appropriate regarding this clause within 45 days, and return to the Board in no less than 65 days with the necessary funding/allocation details for implementation;

Resolved further, That the Board directs the Superintendent to contract with an evaluator to evaluate the use of iPads at Phase 1 and 2 schools, to analyze and evaluate the many programs that are being conducted across the District that involve other devices and supplemental and core curriculum, such as the use of laptops for students at Ivanhoe Elementary School, the use of Springboard supplemental curriculum at Francis Polytechnic High School, the use of Google Chromebooks at KIPP charter middle schools in South Los Angeles and East Los Angeles, and the use of ST Math at several schools; and to evaluate the use of laptops at Phase 1L schools described in the following Resolved;

Resolved further, That in light of the fact that our ninth graders are now responsible for meeting the A-G college entrance requirements with a "C" grade or better, the Board directs the Superintendent to establish a separate pilot program, Phase 1L, which shall be developed in conjunction with key stakeholders, particularly parents, for up to seven non-Phase 1 and 2 high schools which shall serve as Phase 1L schools. Participation shall be voluntary and limited to

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one high school per Board District. Office of Civil Rights consent decree high schools shall be encouraged to participate. The Phase 1L schools shall provide a laptop to every teacher and student; the laptop may go home if the parents agree; the program shall include Common Core aligned software in ELA and mathematics chosen by teachers and administrators at the school site; and Phase 1L shall include information regarding all free Wi-Fi locations in the school neighborhood and an investigation regarding the feasibility, cost, and possible benefit of providing home Wi-Fi access or subsidized home Wi-Fi access. The Board can then compare the lessons learned in iPad Phase 1 and 2 high schools with Phase 1L high schools as we move into future phases. The Superintendent shall go before the Bond Oversight Committee as necessary and appropriate regarding this clause within 45 days, and return to the Board in no less than 65 days with the necessary funding/allocation details for implementation;

Resolved further, That the Superintendent provide the District and Board with an evaluation in the 2013-2014 academic school year, or some portion of the next school year as determined by the evaluator, related to Phase 1 and 2 comparing the 47 Phase 1 and 2 iPad schools, the District schools that use other forms of technology and supplemental and/or curriculum and the Phase 1L schools in the pilot described in Resolved 4. The District shall use the information learned from the evaluations to draft well-crafted, data-driven next phases that may or may not be a continuation of the Apple/Pearson contract and that may or may not involve devices in addition to iPads, if the research shows other devices are the best technology for our students at particular grades levels or schools;

Resolved further, That the contract and contract evaluation process be undertaken through the appropriate vehicles;

Resolved further, That the Superintendent be authorized to submit the Common Core Technology Plan, as outlined in Board Report 71-13/14 and revised to include the provisions of this Resolution, to the Citizens' Bond Oversight Committee; and, be it finally

Resolved, That the Administration, Office of General Counsel, and the Board undertake a quality review of the current Apple contract and bring all recommended revisions and edits to the Board for consideration as deemed appropriate.