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HOUSE BILL 166

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,
2000**

INTRODUCED BY

Pauline K. Gubbels

AN ACT

RELATING TO EDUCATION; AMENDING THE TECHNOLOGY FOR EDUCATION
ACT TO ALLOW ACCREDITED PRIVATE SCHOOLS TO RECEIVE A
DISTRIBUTION FROM THE EDUCATIONAL TECHNOLOGY FUND; CLARIFYING
THE DEFINITION OF EDUCATIONAL TECHNOLOGY; MAKING AN
APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Technology for
Education Act is enacted to read:

"[NEW MATERIAL] PRIVATE SCHOOLS--ELIGIBILITY.--

A. Any qualified student or person eligible to
become a qualified student attending an accredited private
school in any grade from first through the twelfth grade of
instruction is entitled to the free use of software
technology.

B. Software technology shall be distributed to

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1 accredited private schools as agents for the benefit of
2 students entitled to the free use of the software technology.

3 C. Any accredited private school is responsible
4 for distribution of the software technology for use by
5 eligible students and for the safekeeping of the software
6 technology."

7 Section 2. Section 22-15A-2 NMSA 1978 (being Laws 1994,
8 Chapter 96, Section 2) is amended to read:

9 "22-15A-2. DEFINITIONS.--As used in the Technology for
10 Education Act:

11 A. "accredited private school" means a school that
12 has been accredited in compliance with a state-board-approved
13 process and accrediting agency;

14 ~~[A.]~~ B. "bureau" means the education technology
15 bureau in the department of education;

16 ~~[B.]~~ C. "chief" means the chief of the bureau;

17 ~~[C.]~~ D. "council" means the council on technology
18 in education; ~~[and~~

19 ~~D.]~~ E. "educational technology" means tools used
20 in the educational process that constitute learning resources
21 and may include closed circuit television systems,
22 educational television and radio broadcasting, cable
23 television, satellite, copper and fiber optic transmission,
24 computer, video and audio laser and CD-ROM discs, video and
25 audio tapes or other technologies and the training,
maintenance, equipment and computer infrastructure
information, techniques and tools used to implement

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1 technology in classrooms and library and media centers; and
2 F. "software technology" means computer software,
3 video and audio laser and CD-ROM discs, video and audio tapes
4 used to enhance learning by students that do not purport to
5 teach religious tenets, doctrines or worship."

6 Section 3. Section 22-15A-4 NMSA 1978 (being Laws 1994,
7 Chapter 96, Section 4) is amended to read:

8 "22-15A-4. BUREAU DUTIES.--In accordance with the
9 policies and regulations of the state board, the bureau
10 shall:

11 A. administer the provisions of the Technology for
12 Education Act;

13 B. develop a statewide plan for the integration of
14 educational technology into the public schools and accredited
15 private schools and coordinate technology-related education
16 activities with other state agencies, the federal government,
17 business consortia and public or private agencies or
18 individuals;

19 C. assist school districts and accredited private
20 schools to develop and implement a strategic, long-term plan
21 for utilizing educational technology in the school system;

22 D. upon approval of a school district's or
23 accredited private school's technology plan, make
24 distributions to school districts from the educational
25 technology fund;

E. recommend funding mechanisms that will support
the development and maintenance of an effective educational

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1 technology infrastructure in the state;

2 F. promote collaboration among government,
3 business, educational organizations and telecommunications
4 entities to expand and improve the use of technology in
5 education;

6 G. assess and determine the educational technology
7 needs of school districts and accredited private schools; and

8 H. provide staff support for and coordinate the
9 activities of the council."

10 Section 4. Section 22-15A-6 NMSA 1978 (being Laws 1994,
11 Chapter 96, Section 6) is amended to read:

12 "22-15A-6. COUNCIL MEMBERSHIP.--

13 A. The council shall be composed of seventeen
14 members. Members shall be appointed by the state board for
15 terms of four years. As designated by the state board at the
16 time of initial appointment, the terms of five members shall
17 expire at the end of two years, the terms of five members
18 shall expire at the end of three years and the terms of seven
19 members shall expire at the end of four years.

20 B. When appointing members, the state board shall
21 appoint:

22 (1) one member who shall have expertise in
23 state government;

24 (2) three members who shall have expertise
25 in school district administration;

(3) two members who shall have expertise in
providing instructional services in post-secondary,

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1 technical-vocational or adult education;

2 (4) three members who shall have expertise
3 in providing instructional services in elementary or
4 secondary schools;

5 (5) two members who shall be parents of
6 school-age children;

7 (6) one member who shall be a [~~public~~
8 ~~school~~] secondary student;

9 (7) three members who shall have expertise
10 in educational technology; [~~and~~]

11 (8) [~~two members~~] one member at large; and

12 (9) one member from an accredited private
13 school.

14 C. In making appointments to the council, the
15 state board shall give due consideration to geographic
16 origin, gender and ethnicity to achieve a membership
17 representative of the [~~geographic and~~] cultural diversity of
18 New Mexico.

19 D. Members of the council shall elect a chairman
20 from among the membership. The council shall meet at the
21 call of the chairman not less than quarterly.

22 E. Members of the council shall receive per diem
23 and mileage pursuant to the provisions of the Per Diem and
24 Mileage Act, but shall receive no other compensation,
25 perquisite or allowance."

Section 5. Section 22-15A-7 NMSA 1978 (being Laws 1994,
Chapter 96, Section 7) is amended to read:

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"22-15A-7. COUNCIL DUTIES.--The council shall:

A. advise the bureau on implementation of the provisions of the Technology for Education Act;

B. work with the bureau to conduct periodic assessments of the need for educational technology in the public school system and in accredited private schools and make recommendations to the state board on how to meet those needs;

C. promote the collaborative development and implementation of educational technologies, projects and practices to enhance instruction capabilities in primary and secondary schools;

D. develop and recommend to the state board a statewide plan to infuse educational technology into the public school system and in accredited private schools in support of state and national education goals; and

E. provide assistance to the bureau in review of school district and accredited private school technology plans."

Section 6. Section 22-15A-9 NMSA 1978 (being Laws 1994, Chapter 96, Section 9) is amended to read:

"22-15A-9. EDUCATIONAL TECHNOLOGY FUND--DISTRIBUTION.--

A. Upon annual review and approval of a school district's or accredited private school's educational technology plan, the bureau shall determine a separate distribution from the educational technology fund for each school district or accredited private school.

.131109.1

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1 B. On or before July 31 of each year, the bureau
2 shall distribute money in the educational technology fund
3 directly to each school district or accredited private school
4 in an amount equal to ninety percent of the district's or
5 accredited private school's estimated entitlement as
6 determined by the projected membership for the school year.
7 A school district's or accredited private school's
8 entitlement is that portion of the total amount of the annual
9 appropriation that the projected membership bears to the
10 projected membership of the state. Kindergarten or
11 accredited private school membership shall be calculated on a
12 one-half full-time equivalent basis.

13 C. On or before January 30 of each year, the
14 bureau shall recompute each entitlement using the final
15 funded membership for that year and shall allocate the
16 balance of the annual appropriation adjusting for any over-
17 or under-projection of membership.

18 D. Any school district or accredited private
19 school receiving funding pursuant to the Technology for
20 Education Act is responsible for the purchase, distribution,
21 use and maintenance of educational technology.

22 E. As used in this section, "membership" means the
23 total enrollment of qualified students, as defined in the
24 Public School Finance Act, or enrollment in accredited
25 private schools on the current roll of class or school on a
specified day. The current roll is established by the
addition of original entries and re-entries minus

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1 withdrawals. Withdrawal of students, in addition to students
2 formally withdrawn from the public school or accredited
3 private school, includes students absent from the public
4 school or accredited private school for as many as ten
5 consecutive school days."

6 Section 7. Section 22-15A-10 NMSA 1978 (being Laws
7 1994, Chapter 96, Section 10) is amended to read:

8 "22-15A-10. ANNUAL REPORT.--Annually, at a time
9 specified by the department of education, each local school
10 district or accredited private school receiving distributions
11 from the educational technology fund shall file a report with
12 the department of education regarding distributions received,
13 expenditures made and educational technology obtained by the
14 school district or accredited private school and such other
15 related information as may be required by the department of
16 education."

17 Section 8. APPROPRIATION.--Eighty-two thousand dollars
18 (\$82,000) is appropriated from the general fund to the state
19 department of public education for expenditure in fiscal year
20 2001 for the purpose of administering the provisions of the
21 Technology for Education Act. Any unexpended or unencumbered
22 balance remaining at the end of fiscal year 2001 shall revert
23 to the general fund.