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HOUSE BILL 193

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Pauline K. Gubbels

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

**RELATING TO EDUCATION; AMENDING SECTIONS OF 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.**

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. A qualified student, as defined in the Public
School Finance Act, or person eligible to become a qualified
student attending an accredited private school in a grade from
kindergarten through 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. An accredited private school is responsible for
4 distribution of the software technology for use by eligible
5 students and for the safekeeping of the software technology. "

6 Section 2. A new section of the Technology for Education
7 Act is enacted to read:

8 "[NEW MATERIAL] ACCREDITED PRIVATE SCHOOLS--DUTIES.--In
9 order to foster a cooperative working relationship with the
10 department of education and the bureau, accredited private
11 schools shall:

12 A. establish and implement an effective review and
13 monitoring process by their own staff members and experts in
14 the field of educational technology;

15 B. develop comprehensive educational technology
16 plans in accordance with bureau rules;

17 C. conduct regular self-assessments of their
18 particular educational technology plans to ensure that the
19 burdens on the bureau are minimized in its administration of
20 the provisions of the Technology for Education Act;

21 D. cooperate with the activities and requirements
22 of the bureau and the council;

23 E. promote collaboration among the accredited
24 private school community and governments, business
25 organizations, educational organizations and

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1 telecommunications entities to expand and improve the use of
2 technology in education; and

3 F. participate in a periodic review of the working
4 relationship between the department of education, the bureau
5 and the accredited private school community to ensure that the
6 provisions of the Technology for Education Act are being met. "

7 Section 3. 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, educational
22 television and radio broadcasting, cable television,
23 satellite, copper and fiber optic transmission, computer,
24 video and audio laser and [~~CD-ROM~~] CD-ROM discs, video and
25 audio tapes or other technologies and the training,

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1 maintenance, equipment and computer infrastructure
2 information, techniques and tools used to implement technology
3 in classrooms and library and media centers; and

4 F. "software technology" means computer software,
5 video and audio laser and CD-ROM discs or video and audio
6 tapes used to enhance learning by students and that do not
7 purport to teach religious tenets, doctrines or worship. "

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

10 "22-15A-4. BUREAU DUTIES. -- In accordance with the
11 policies and [~~regulations~~] rules of the state board, the
12 bureau shall:

13 A. administer the provisions of the Technology for
14 Education Act;

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

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

24 D. upon approval of a school district's or
25 accredited private school's technology plan, make

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1 distributions to school districts or accredited private
2 schools from the educational technology fund;

3 E. recommend funding mechanisms that will support
4 the development and maintenance of an effective educational
5 technology infrastructure in the state;

6 F. promote collaboration among government,
7 business, educational organizations and telecommunications
8 entities to expand and improve the use of technology in
9 education;

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

12 H. provide staff support for and coordinate the
13 activities of the council. "

14 Section 5. Section 22-15A-6 NMSA 1978 (being Laws 1994,
15 Chapter 96, Section 6) is amended to read:

16 "22-15A-6. COUNCIL MEMBERSHIP. --

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

24 B. When appointing members, the state board shall
25 appoint:

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

3 (2) three members who shall have expertise in
4 school district administration;

5 (3) two members who shall have expertise in
6 providing instructional services in post-secondary, technical-
7 vocational or adult education;

8 (4) three members who shall have expertise in
9 providing instructional services in elementary or secondary
10 schools;

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

13 (6) one member who shall be a [~~public school~~]
14 secondary student in a public or accredited private school;

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

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

18 (9) one member who has expertise in
19 accredited private schooling.

20 C. In making appointments to the council, the
21 state board shall give due consideration to geographic origin,
22 gender and ethnicity to achieve a membership representative of
23 the [~~geographic and~~] cultural diversity of New Mexico.

24 D. Members of the council shall elect a chairman
25 from among the membership. The council shall meet at the call

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1 of the chairman not less than quarterly.

2 E. Members of the council shall receive per diem
3 and mileage pursuant to the provisions of the Per Diem and
4 Mileage Act, but shall receive no other compensation,
5 perquisite or allowance. "

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

8 "22-15A-7. COUNCIL DUTIES. --The council shall:

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

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

16 C. promote the collaborative development and
17 implementation of educational technologies, projects and
18 practices to enhance instruction capabilities;

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

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

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1 Section 7. Section 22-15A-9 NMSA 1978 (being Laws 1994,
2 Chapter 96, Section 9, as amended) is amended to read:

3 "22-15A-9. EDUCATIONAL TECHNOLOGY FUND--DISTRIBUTION.--

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

9 B. On or before July 31 of each year, the bureau
10 shall distribute money in the educational technology fund
11 directly to each school district or accredited private school
12 in an amount equal to ninety percent of the district's or
13 accredited private school's estimated adjusted entitlement
14 calculated pursuant to Subsection C of this section. A school
15 district's or accredited private school's unadjusted
16 entitlement is that portion of the total amount of the annual
17 appropriation that the projected membership bears to the
18 projected membership of the state. Public kindergarten or
19 kindergarten students in accredited private school membership
20 shall be calculated on a one-half full-time equivalent basis.

21 C. After calculation of a school district's
22 unadjusted entitlement as provided in Subsection B of this
23 section, the bureau shall calculate a base allocation for each
24 school district by multiplying the total annual appropriation
25 by a base equity factor of seventy-five thousandths of one

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1 percent. The adjusted entitlement amount for each school
2 district whose entitlement falls at or below the base
3 allocation amount shall be an amount equal to the base
4 allocation. The bureau shall then subtract from the total
5 annual appropriation amount the total of the adjusted
6 entitlement amounts calculated for distribution to those
7 school districts that will receive the base allocation amounts
8 and subtract from the total projected state membership the
9 membership of those school districts that will receive the
10 base allocation amount. The adjusted entitlement amount for
11 each of the remaining school districts shall be the amount of
12 the adjusted annual appropriation that the projected
13 membership of each remaining district bears to the projected
14 membership of all remaining districts.

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

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

24 F. As used in this section, "membership" means the
25 total enrollment of qualified students, as defined in the

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1 Public School Finance Act, or enrollment in an accredited
2 private school on the current roll of class or school on a
3 specified day. The current roll is established by the
4 addition of original entries and re-entries minus withdrawals.
5 Withdrawal of students, in addition to students formally
6 withdrawn from the public school or accredited private school,
7 includes students absent from the public school or accredited
8 private school for as many as ten consecutive school days. "

9 Section 8. Section 22-15A-10 NMSA 1978 (being Laws 1994,
10 Chapter 96, Section 10) is amended to read:

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