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HOUSE BILL 364

45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

INTRODUCED BY

Pauline K. Gubbels

AN ACT

RELATING TO EDUCATION; ALLOWING ACCREDITED PRIVATE SCHOOLS TO
RECEIVE A DISTRIBUTION FROM THE EDUCATIONAL TECHNOLOGY FUND.

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

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

"22-15A-1. SHORT TITLE. -- [~~This act~~] Chapter 22, Article
15A NMSA 1978 may be cited as the "Technology for Education
Act". "

Section 2. 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

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1 kindergarten through twelfth grade of instruction is entitled
2 to the free use of software technology.

3 B. Software technology shall be distributed to
4 accredited private schools as agents for the benefit of
5 students entitled to the free use of the software technology.

6 C. An accredited private school is responsible for
7 distribution of the software technology for use by eligible
8 students and for the safekeeping of the software technology."

9 Section 3. A new section of the Technology for Education
10 Act is enacted to read:

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

15 A. establish and implement an effective review and
16 monitoring process by their own staff members and experts in
17 the field of educational technology;

18 B. develop comprehensive educational technology
19 plans in accordance with bureau rules;

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

24 D. cooperate with the activities and requirements
25 of the bureau and the council;

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1 E. promote collaboration among the accredited
2 private school community and governments, business
3 organizations, educational organizations and
4 telecommunications entities to expand and improve the use of
5 technology in education; and

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

10 Section 4. Section 22-15A-2 NMSA 1978 (being Laws 1994,
11 Chapter 96, Section 2) is amended to read:

12 "22-15A-2. DEFINITIONS. --As used in the Technology for
13 Education Act:

14 A. "accredited private school" means a school that
15 has been accredited in compliance with a state-board-approved
16 process and accrediting agency;

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

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

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

22 ~~D.]~~ E. "educational technology" means tools used
23 in the educational process that constitute learning resources
24 and may include closed circuit television systems, educational
25 television and radio broadcasting, cable television,

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1 satellite, copper and fiber optic transmission, computer,
2 video and audio laser and CD-ROM discs, video and audio tapes
3 or other technologies and the training, maintenance, equipment
4 and computer infrastructure information, techniques and tools
5 used to implement technology in classrooms and library and
6 media centers; and

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

11 Section 5. Section 22-15A-4 NMSA 1978 (being Laws 1994,
12 Chapter 96, Section 4) is amended to read:

13 "22-15A-4. BUREAU DUTIES. --In accordance with the
14 policies and [~~regulations~~] rules of the state board, the
15 bureau shall:

16 A. administer the provisions of the Technology for
17 Education Act;

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

24 C. assist school districts and accredited private
25 schools to develop and implement a strategic, long-term plan

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1 for ~~[utilizing]~~ using educational technology ~~[in the school~~
2 ~~system]~~;

3 D. upon approval of a school district's or
4 accredited private school's technology plan, make
5 ~~[distributions to school districts]~~ a distribution from the
6 educational technology fund;

7 E. recommend funding mechanisms that ~~[will]~~
8 support the development and maintenance of an effective
9 educational technology infrastructure in the state;

10 F. promote collaboration among government,
11 business, educational organizations and telecommunications
12 entities to expand and improve the use of technology in
13 education;

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

16 H. provide staff support for and coordinate the
17 activities of the council. "

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

20 "22-15A-6. COUNCIL MEMBERSHIP. --

21 A. The council shall be composed of seventeen
22 members. Members shall be appointed by the state board for
23 terms of four years. As designated by the state board at the
24 time of initial appointment, the terms of five members shall
25 expire at the end of two years, the terms of five members

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1 shall expire at the end of three years and the terms of seven
2 members shall expire at the end of four years.

3 B. When appointing members, the state board shall
4 appoint:

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

7 (2) three members who shall have expertise in
8 school district administration;

9 (3) two members who shall have expertise in
10 providing instructional services in post-secondary, technical-
11 vocational or adult education;

12 (4) three members who shall have expertise in
13 providing instructional services in elementary or secondary
14 schools;

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

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

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

21 (8) one member who has expertise in
22 accredited private schooling; and

23 ~~[(8) two members]~~ (9) one member at large.

24 C. In making appointments to the council, the
25 state board shall give due consideration to geographic

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1 location, gender and ethnicity of members to achieve a
2 membership representative of the [~~geographic and cultural~~]
3 diversity of New Mexico.

4 D. Members of the council shall elect a chairman
5 from among the membership. The council shall meet at the call
6 of the chairman not less than quarterly.

7 E. Members of the council shall receive per diem
8 and mileage pursuant to the provisions of the Per Diem and
9 Mileage Act, but shall receive no other compensation,
10 perquisite or allowance. "

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

13 "22-15A-7. COUNCIL DUTIES. --The council shall:

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

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

21 C. promote the collaborative development and
22 implementation of educational technologies, projects and
23 practices to enhance instruction capabilities;

24 D. develop and recommend to the state board a
25 statewide plan to infuse educational technology into the

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1 public school system and accredited private schools in support
2 of state and national education goals; and

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

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

8 "22-15A-9. EDUCATIONAL TECHNOLOGY FUND--DISTRIBUTION.--

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

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

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1 C. After calculation of a school district's
2 unadjusted entitlement as provided in Subsection B of this
3 section, the bureau shall calculate a base allocation for each
4 school district by multiplying the total annual appropriation
5 by a base equity factor of seventy-five thousandths of one
6 percent. The adjusted entitlement amount for each school
7 district whose entitlement falls at or below the base
8 allocation amount shall be an amount equal to the base
9 allocation. The bureau shall then subtract from the total
10 annual appropriation amount the total of the adjusted
11 entitlement amounts calculated for distribution to those
12 school districts that will receive the base allocation amounts
13 and subtract from the total projected state membership the
14 membership of those school districts that will receive the
15 base allocation amount. The adjusted entitlement amount for
16 each of the remaining school districts and accredited private
17 schools shall be the amount of the adjusted annual
18 appropriation that the projected membership of each remaining
19 school district and accredited private school bears to the
20 projected membership of all remaining school districts and
21 accredited private schools.

22 D. On or before January 30 of each year, the
23 bureau shall recompute each adjusted entitlement using the
24 final funded membership for that year and shall allocate the
25 balance of the annual appropriation adjusting for any over- or

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1 under- projection of membership.

2 E. Any school district or accredited private
3 school receiving funding pursuant to the Technology for
4 Education Act is responsible for the purchase, distribution,
5 use and maintenance of educational technology.

6 F. As used in this section, "membership" means the
7 total enrollment of qualified students, as defined in the
8 Public School Finance Act, on the current roll of class or
9 public school or the total enrollment of accredited private
10 school students on a specified day. The current roll is
11 established by the addition of original entries and re-entries
12 minus withdrawals. Withdrawal of students, in addition to
13 students formally withdrawn from the public school or
14 accredited private school, includes students absent from the
15 public school or accredited private school for as many as ten
16 consecutive school days. "

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

19 "22-15A-10. ANNUAL REPORT.-- Annually, at a time
20 specified by the department of education, each [~~local~~] school
21 district and accredited private school receiving
22 [~~distributions~~] a distribution from the educational technology
23 fund shall file a report with the department of education
24 regarding [~~distributions~~] the distribution received,
25 expenditures made and educational technology obtained by the

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1 school district or accredited private school and such other
2 related information as may be required by the department of
3 education. "

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