

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: *SB 159aaa

51st Legislature, 2nd Session, 2014

Tracking Number: .194690.3

Short Title: Education Technology Infrastructure Funding

Sponsor(s): Senator Jacob Candelaria and Representative Mimi Stewart

Analyst: Ian Kleats

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FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AS AMENDED

The Senate Floor amendments allows the Public School Capital Outlay Council (PSCOC) to adjust the school district's share of education technology deficiency correction project costs, rather than reduce or waive it.

The Senate Finance Committee amendments:

- strike the Senate Education Committee amendments;
- change the definition of "education technology infrastructure" to mean the physical hardware used to interconnect education technology equipment for school districts and school buildings necessary to support broadband connectivity as determined by PSCOC, rather than as defined in the *Education Technology Equipment Act*;
- strike Section 5 of SB 159, which prescribes certain education technology duties of the Public Education Department (PED); and
- strike Section 6 of SB 159, which repealed the *Technology for Education Act*.

The Senate Education Committee amendments clarify that the department duties specified in Section 5 of the original bill are duties of the PED.

Original Bill Summary:

SB 159 repeals the *Technology for Education Act* and amends the *Public School Capital Outlay Act* to define "education technology infrastructure"; establish an education technology infrastructure deficiency corrections initiative and provide for allocations through the initiative in FY 14 through FY 19 under certain conditions; and assign duties to PED.

Among its provisions, which are outlined by section, SB 159:

- introduces a definition for "education technology infrastructure" (**Section 1**);
- dedicates up to \$10.0 million per year from the Public School Capital Outlay Fund (PSCOF) in FY 14 through FY 19 for education technology infrastructure deficiency corrections (**Section 2**);

- allows the PSCOC to adjust the local share of public school capital projects when a school district has made a good-faith effort to use all of its local resources, rather than having exhausted all local resources (**Section 3**);
- allows PSCOC to allocate funds for education technology infrastructure deficiency correction projects, and requires that PSCOC develop a methodology and standards for those projects (**Section 4**); and
- assigns certain duties to PED related to education technology (**Section 5**).

Section 1 amends definitions in the *Public School Capital Outlay Act* to include a definition for “education technology infrastructure,” which means:

- the physical hardware used to interconnect education technology equipment for school districts and school buildings as defined in the *Education Technology Equipment Act*.

Section 2 amends a section of the *Public School Capital Outlay Act* relating to the PSCOF to allow:

- up to \$10.0 million to be expended each year in FY 14 through FY 19 from the PSCOF for education technology infrastructure deficiency corrections pursuant to the provisions of **Section 4**; and
- provided that funding allocated must be expended within three years of allocation.

Section 3 amends a section of the *Public School Capital Outlay Act* pertaining to the adjustments to the local share of capital outlay projects as determined by the PSCOC to require that the PSCOC:

- determine that a school district has a “good-faith effort” in using all of the local resources before the PSCOC will adjust a school districts local share match, required for grant assistance approval.

Section 4 enacts a new section of the *Public School Capital Outlay Act* which:

- requires that, no later than September 1, 2014, PSCOC define and develop:
 - minimum adequacy standards for an education technology infrastructure deficiency correction and determining reasonable costs for correcting those deficiencies;
 - a methodology for prioritizing education technology infrastructure deficiency correction projects; and
 - a methodology for determining a school district’s share of the project’s cost; and
- allows the PSCOC to approve allocations from the PSCOF for education technology infrastructure deficiency correction projects pursuant to the amendments provided in **Section 2**, provided that:
 - the PSCOC may reduce or waive a school district’s share of the project’s cost in accordance with the provisions amended in **Section 3** or the methodology developed by PSCOC for determining a school district’s share of the project’s cost.

Section 5 enacts a new section of the *Public School Capital Outlay Act* to require that PED:

- develop and implement a statewide plan for integration of education technology into public schools, and coordinate technology-related education activities with other state agencies, the federal government, business consortia, and others;
- assist school districts and state-chartered charter schools to develop and implement strategic, long-term education technology plans;
- approve school districts and state-chartered charter schools strategic education technology plans;
- recommend funding mechanisms and partnerships with other state agencies that will support an effective education technology infrastructure in the state;
- promote collaboration between government, business, educational organizations, and telecommunications entities to expand and improve the use of technology in education; and
- assess and determine technology needs for school districts and state-chartered charter schools.

Section 6 repeals the *Technology for Education Act* in its entirety.

*SB 159 contains an emergency clause.

Fiscal Impact:

SB 159 does not contain an appropriation; instead it provides guidelines for expending a portion of the PSCOF.

Fiscal Issues:

Because of the amounts dedicated by SB 159 from PSCOF for education technology infrastructure deficiency corrections, available funding for current programs under the *Public School Capital Outlay Act* would be decreased by the \$10.0 million for FY 14 through FY 19. According to the Public School Facilities Authority (PSFA) bill analysis, the redirection of these funds could impair the statewide facility condition index of public school buildings.

Substantive Issues:

At its August 2013 interim meeting, the Legislative Education Study Committee (LESC) heard testimony regarding school readiness for computer-based testing for assessments based on the Common Core State Standards that will commence in school year 2014-2015 through the Partnership for Assessment of Readiness for College and Careers (PARCC), of which New Mexico is a member state.

According to the PSFA bill analysis, PED has estimated it will cost the state approximately \$8.4 million to purchase computers needed to administer the PARCC assessment, an estimate which does not include other technology infrastructure needs. Dedicating a portion of the PSCOF for education technology infrastructure may allow school districts to address those costs.

Technical Issues:

On Page 11, lines 7-12, SB 159 allows up to \$10.0 million to be expended each year in FY 14 through FY 19 from the PSCOF for education technology infrastructure deficiency corrections. However, SB 159 gives the PSCOC until September 1, 2014 to develop:

- minimum adequacy standards for an education technology infrastructure deficiency correction and determining reasonable costs for correcting those deficiencies;
- a methodology for prioritizing education technology infrastructure deficiency correction projects; and
- a methodology for determining a school district's share of the project's cost.

It is unclear whether the PSCOC would be able to fulfill those requirements in time to allocate grant awards for projects before FY 15.

Committee Referrals:

SCC/SEC/SFC/HEC

Related Bills:

FL/SB 6 *Charter School Share of Ed. Technology Act*

HB 68a *School Capital Outlay for Building Systems*

HB 149 *School Capital Outlay for Building Systems*

*HB 260 *Education Technology Infrastructure Funding (Identical)*