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AN ACT

RELATING TO PUBLIC EDUCATION; RENAMING THE TECHNOLOGY FOR
EDUCATION ACT AS THE DIGITAL EQUITY IN EDUCATION ACT;
PROVIDING DEFINITIONS; PROVIDING PUBLIC EDUCATION DEPARTMENT
DUTIES; PROVIDING RULEMAKING AUTHORITY; REPEALING THE
EDUCATION TECHNOLOGY OPPORTUNITY PROGRAM AND OTHER SECTIONS
OF THE NMSA 1978.

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, as amended) is amended to read:

"22-15A-1. SHORT TITLE.--Chapter 22, Article 15A NMSA
1978 may be cited as the "Digital Equity in Education Act"."

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

"22-15A-2. DEFINITIONS.--As used in the Digital Equity
in Education Act:

A. "council" means the council on technology in
education;

B. "digital citizenship" means the safe, ethical,
responsible and informed use of technology and encompasses a
range of skills and literacies, including internet safety,
privacy and security; recognition and reporting of
cyberbullying; online reputation management; communication
skills; information literacy; and creative credit and

1 copyright;

2 C. "digital equity" means a condition in which
3 every learner has the information, support and skills to
4 equitably access affordable, reliable and high-speed
5 internet; adequate internet-enabled devices; digital literacy
6 training; quality technical support; and evidence-based
7 applications and content designed to facilitate both
8 self-sufficient and collaborative learning;

9 D. "educational technology" means all applications
10 of technology in the learning process, including internet
11 connectivity, digital information, electronic devices and
12 evidence-based software applications used to facilitate and
13 enhance teaching and learning;

14 E. "large school district" means a school district
15 with a membership of twelve thousand or more students, using
16 an average of the membership on the second and third
17 reporting dates of the prior year; and

18 F. "small school district" means a school district
19 with a membership of fewer than twelve thousand students,
20 using an average of the membership on the second and third
21 reporting dates of the prior year."

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

24 "22-15A-4. DEPARTMENT DUTIES.-- The department shall:

25 A. administer the provisions of the Digital Equity

1 in Education Act;

2 B. require school districts and charter schools to
3 develop, implement and submit to the department educational
4 technology plans for utilizing educational technology in the
5 school system, which shall include descriptions of:

6 (1) how digital equity is being addressed
7 for students;

8 (2) the replacement and repair process for
9 devices issued to students, teachers and families;

10 (3) internet service connectivity support,
11 including access to internet services for at-risk students;

12 (4) information technology support available
13 to students, teachers and parents;

14 (5) professional development provided to
15 teachers regarding digital citizenship;

16 (6) cybersecurity protection provided for
17 the devices and applications issued to teachers and students;
18 and

19 (7) identity protection provided to teachers
20 and students; and

21 C. promulgate rules to establish parameters and
22 procedures for distributions from the educational technology
23 fund."

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

1 "22-15A-5. COUNCIL ON TECHNOLOGY IN EDUCATION--
2 CREATED--PURPOSE.--The "council on technology in education"
3 is created. The council shall advise the department
4 regarding the establishment of appropriate educational
5 technology standards, technology-enhanced curricula,
6 instruction, appropriations for educational technology and
7 methods for addressing digital equity in public schools."

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

10 "22-15A-6. COUNCIL MEMBERSHIP.--

11 A. The council shall be composed of thirteen
12 members. Members shall be appointed by the department for
13 terms of four years. As designated by the department at the
14 time of initial appointment, the terms of four members shall
15 expire at the end of two years, the terms of four members
16 shall expire at the end of three years and the terms of five
17 members shall expire at the end of four years.

18 B. When appointing members, the department shall
19 appoint:

20 (1) one member from state government who
21 shall have expertise in information technology;

22 (2) the director of the office of broadband
23 access and expansion of the department of information
24 technology or the director's designee;

25 (3) two members who shall have expertise in

1 school district administration, one member who shall be from
2 a large school district and one member who shall be from a
3 small school district;

4 (4) two members who shall have expertise in
5 providing technology-based instruction in elementary or
6 secondary schools;

7 (5) one member from a large school district
8 who shall have expertise in the education of Native American,
9 English language learner, low-income or special education
10 students;

11 (6) one member from a small school district
12 who shall have expertise in the education of Native American,
13 English language learner, low-income or special education
14 students;

15 (7) one member who shall be a parent of a
16 school-age child;

17 (8) two members who shall be public school
18 secondary students, one member who shall be from a large
19 school district and one member from a small school district;
20 and

21 (9) two members at large.

22 C. In making appointments to the council, the
23 department shall give due consideration to gender and
24 ethnicity to achieve a membership representative of the
25 geographic and cultural diversity of New Mexico.

1 D. Members of the council shall elect a chair from
2 among the membership. The council shall meet at the call of
3 the chair not less than quarterly.

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

8 **SECTION 6.** Section 22-15A-7 NMSA 1978 (being Laws 1994,
9 Chapter 96, Section 7, as amended by Laws 2007, Chapter 292,
10 Section 8 and by Laws 2007, Chapter 293, Section 8) is
11 amended to read:

12 "22-15A-7. COUNCIL DUTIES.--The council shall:

13 A. advise the department on implementation of the
14 provisions of the Digital Equity in Education Act;

15 B. work with the department to conduct periodic
16 assessments of the need for educational technology in the
17 public school system to support on-site and distance learning
18 and make recommendations to the department on how to meet
19 those needs; and

20 C. promote the collaborative development and
21 implementation of educational technologies, projects and
22 practices to enhance on-site and distance learning
23 instruction capabilities."

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

1 "22-15A-8. EDUCATIONAL TECHNOLOGY FUND--CREATED.--The
2 "educational technology fund" is created in the state
3 treasury. Money in the fund is appropriated to the
4 department for the purpose of implementing the provisions of
5 the Digital Equity in Education Act. Money in the fund shall
6 be distributed by the department for the purposes stated in
7 the Digital Equity in Education Act to school districts and
8 charter schools for educational technology. Money in the
9 fund shall only be expended pursuant to warrants issued by
10 the department of finance and administration pursuant to
11 vouchers signed by the secretary. Money in the fund shall
12 not revert at the end of the fiscal year."

13 **SECTION 8. REPEAL.--**

14 A. Sections 22-15A-3 and 22-15A-9 through 22-15A-
15 13 NMSA 1978 (being Laws 1994, Chapter 96, Sections 3, 9 and
16 10, Laws 2005, Chapter 222, Sections 2 and 3, and Laws 2007,
17 Chapter 292, Section 10 and Laws 2007, Chapter 293, Section
18 10, as amended) are repealed.

19 B. Sections 22-15B-1 and 22-15B-2 NMSA 1978 (being
20 Laws 1999, Chapter 234, Sections 1 and 2) are repealed.

21 **SECTION 9. EFFECTIVE DATE.--**The effective date of the
22 provisions of this act is July 1, 2023. _____