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## FISCAL IMPACT REPORT

LAST UPDATED \_\_\_\_\_  
ORIGINAL DATE 2/27/23

SPONSOR Baca

BILL  
NUMBER House Bill 401

SHORT TITLE Rename Technology for Education Act

ANALYST Liu

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT\* (dollars in thousands)

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
		\$0.0 - \$211.5			Recurring	Federal Funds
			\$0.0 - \$211.5	\$0.0 - \$211.5	Recurring	General Fund
<b>Total</b>		<b>\$0.0 - \$211.5</b>	<b>\$0.0 - \$211.5</b>	<b>\$0.0 - \$211.5</b>	Recurring	Various Funds

Parentheses ( ) indicate expenditure decreases.  
\*Amounts reflect most recent analysis of this legislation.

Relates to House Bill 226

### Sources of Information

LFC Files

Responses Received From  
Public Education Department (PED)  
Public School Facilities Authority (PSFA)  
Department of Information Technology (DoIT)

## SUMMARY

### Synopsis of House Bill 401

House Bill 401 renames the Technology for Education Act as the Digital Equity in Education Act and requires school districts and charter schools to submit educational technology plans to PED. Educational technology plans must include information on student digital equity, student device replacement and repair, internet services and IT support, teacher professional development on digital citizenship, and cybersecurity and identity protection.

The bill requires PED to establish parameters for distributions from the educational technology fund and reconfigures the Council on Technology in Education to 13 members, removing representation from postsecondary experts and adding representation from the Office of Broadband Access and Equity, small and large school districts, and experts in the education of at-risk student groups.

The bill further repeals sections of law relating to PED’s education technology bureau, educational technology fund distributions, annual reports from school districts receiving educational technology fund distributions, educational technology deficiency correction fund distributions, obsolete computer replacement, and educational technology opportunity program. The effective date of this bill is July 1, 2023.

## **FISCAL IMPLICATIONS**

The bill does not contain an appropriation but would require schools to develop educational technology plans and require PED to develop rules for educational technology fund distributions and appoint new members to the Council on Technology in Education.

The HAFC substitute for House Bill 2 includes a \$12 million appropriation to the state equalization guarantee (SEG) distribution to school districts and charter schools for instructional materials and educational technology purchases. Additionally, the substitute extends PED’s budget authority for a \$10 million appropriation from FY23 for emergency educational technology and IT staffing grants to be expended in FY24. The substitute does not include funding for the educational technology fund. Absent an appropriation to this fund, no allocations will occur from the provisions of this bill.

Developing educational technology plans will increase school reporting workloads. Based on FY23 school personnel counts, school districts and charter schools employed 319 FTE categorized as IT/data staff. Larger school districts are better able to absorb the costs of compliance with provisions of this bill; however, PED may need to provide additional technical assistance to smaller school districts or charter schools that have limited IT/data staff. This analysis assumes up to 3 FTE at PED funded at \$211.5 thousand would be sufficient to address the department’s compliance with provisions of this bill.

PED and school districts continue to have access to over \$1 billion in federal emergency relief (ESSER) funding for purposes outlined in the bill.

## **SIGNIFICANT ISSUES**

Laws 1994, Chapter 96, established the Technology for Education Act, creating a bureau in the state board of education responsible for developing a statewide plan for integration of educational technology into the public schools. The act established the educational technology fund and Council on Technology in Education to advise the board on implementation of the act. Today, no such bureau exists within PED and the Council on Technology in Education does not appear to be active.

The Covid-19 pandemic highlighted inequities in digital equity across New Mexico. For many school districts, reliance on remote (mostly digital) instruction has continued well past the pandemic. Federal ESSER funding has allowed schools to pay for devices and connectivity for students but is expected to end in FY24. To date, school districts and charter schools have spent \$97 million of federal ESSER funds to purchase educational technology. As such, districts will need to replace old devices and ensure connectivity for at-risk students with other revenue sources. According to the U.S. Department of Education, New Mexico schools have spent \$470 million of the total \$1.5 billion statewide ESSER allocation, or 30.8 percent.

In FY21, plaintiffs in the *Martinez-Yazzie* education sufficiency lawsuit filed a motion for further relief concerning the state’s failure to provide essential technology to at-risk students during school closures. On May 18, 2021, the court further ordered the state to immediately provide access to digital devices, high-speed Internet, and IT staff for the 23 focus school districts.

## PERFORMANCE IMPLICATIONS

PED notes having the right technology and resources is important for students’ learning experience and development. Digital equity is about making sure all school-aged children have the basic resources—broadband internet and computer access—to meaningfully participate in remote learning from home, regardless of situation or condition. Digital inclusion involves the activities necessary to ensure equitable access to and use of information and communication technologies for participation in social and economic life including for education, social services, health, social and community participation.

## ADMINISTRATIVE IMPLICATIONS

PED notes current law requires the department to assist school districts with educational technology plans but does not require school districts to submit them. Provisions of this bill require school districts and charter schools to develop educational technology plans and requires PED to appoint new members to the Council on Technology in Education. PSFA notes schools will need additional state technical support, additional funding, and qualified staffing to advance robust education technology programs.

The bill requires school districts and charter schools to submit educational technology plans with descriptions of

- How digital equity is being addressed for students;
- The replacement and repair process for devices issued to students, teachers and families;
- Internet service connectivity support, including access to internet services for at-risk students;
- Information technology support available to students, teachers and parents;
- Professional development provided to teachers regarding digital citizenship;
- Cybersecurity protection provided for the devices and applications issued to teachers and students; and
- Identity protection provided to teachers and students.

## RELATIONSHIP

This bill relates to House Bill 226, which exempts instructional materials and other educational media from provisions of the Procurement Code.

## TECHNICAL ISSUES

DoIT notes the bill does not specify how frequently or when educational technology plans must be submitted to PED.