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SENATE BILL 89

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

INTRODUCED BY

Linda M Lopez

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

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

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

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

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1 C. An accredited private school that receives
2 software technology is responsible for distribution of the
3 software technology for use by eligible students and for the
4 safekeeping of the software technology. "

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

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

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

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

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

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

22 E. promote collaboration among the accredited
23 private school community and governments, business
24 organizations, educational organizations and
25 telecommunications entities to improve and expand the use of

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1 technology in education; and

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

6 Section 3. Section 22-15A-2 NMSA 1978 (being Laws 1994,
7 Chapter 96, Section 2) is amended to read:

8 "22-15A-2. DEFINITIONS. -- As used in the Technology for
9 Education Act:

10 A. "accredited private school" means a school that
11 has been accredited in compliance with a state board-approved
12 process and accrediting agency;

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

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

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

18 ~~D.~~] E. "educational technology" means tools used
19 in the educational process that constitute learning resources
20 and may include closed circuit television systems, educational
21 television and radio broadcasting, cable television,
22 satellite, copper and fiber optic transmission, computer,
23 video and audio laser and CD-ROM discs, video and audio tapes
24 or other technologies and the training, maintenance, equipment
25 and computer infrastructure information, techniques and tools

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1 used to implement technology in classrooms and library and
2 media centers; and

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

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

9 "22-15A-4. BUREAU DUTIES. -- In accordance with the
10 policies and [~~regulations~~] rules of the state board, the
11 bureau shall:

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

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

20 C. assist school districts and accredited private
21 schools to develop and implement a strategic, long-term plan
22 for [~~utilizing~~] using educational technology [~~in the school~~
23 ~~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~~] them from the educational
2 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 and expand the use of
9 technology in 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
22 location, gender and ethnicity of members to achieve a
23 membership representative of the [~~geographic and cultural~~]
24 diversity of New Mexico.

25 D. Members of the council shall elect a chairman

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1 from among the membership. The council shall meet at the call
2 of the chairman not less than quarterly.

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

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

9 "22-15A-7. COUNCIL DUTIES. --The council shall:

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

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

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

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

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

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1 plans. "

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

4 "22-15A-9. EDUCATIONAL TECHNOLOGY FUND--DISTRIBUTION.--

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

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

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

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

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

23 E. Any school district or accredited private
24 school receiving funding pursuant to the Technology for
25 Education Act is responsible for the purchase, distribution,

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1 use and maintenance of educational technology.

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

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

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