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SENATE BILL 743

**47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006**

INTRODUCED BY

Linda M. Lopez

AN ACT

RELATING TO EDUCATION; ALLOWING ACCREDITED PRIVATE SCHOOLS TO  
RECEIVE DISTRIBUTIONS FROM THE EDUCATIONAL TECHNOLOGY FUND;  
AMENDING AND ENACTING SECTIONS OF THE TECHNOLOGY FOR EDUCATION  
ACT.

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 SCHOOL ACCESS TO TECHNOLOGY FOR  
EDUCATION.--Upon bureau approval of a private school's  
educational technology plan, a private school shall:

- A. establish and implement an effective review and  
monitoring process of the plan by its own staff members and  
experts in the field of educational technology on behalf of its  
students;

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1           B. conduct regular self-assessments of its  
2 educational technology plan to minimize burdens on the bureau  
3 in its administration of the provisions of the Technology for  
4 Education Act;

5           C. cooperate with the activities and requirements  
6 of the bureau and the council;

7           D. promote collaboration with governments, business  
8 and educational organizations and telecommunications entities  
9 to improve and expand the use of technology in education; and

10          E. participate in a periodic review of the working  
11 relationship among the department, the bureau and the private  
12 school to ensure that the provisions of the Technology for  
13 Education Act are being met."

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

16          "22-15A-2. DEFINITIONS.--As used in the Technology for  
17 Education Act:

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

20           B. "chief" means the chief of the bureau;

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

23           D. "educational technology" means tools used in the  
24 educational process that constitute learning resources and may  
25 include closed circuit television systems, educational

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

8 E. "private school" means a private school that has  
9 been accredited in compliance with a department-approved  
10 process and that elects to receive a distribution from the  
11 educational technology fund."

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

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

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

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

24 C. assist school districts to develop and implement  
25 a strategic, long-term plan for [~~utilizing~~] using educational

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1 technology [~~in the school system~~];

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

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

8 F. promote collaboration among government,  
9 business, educational organizations and telecommunications  
10 entities to [~~expand and~~] improve the use of technology in  
11 education;

12 G. assess and determine the educational technology  
13 needs of school districts and private schools; and

14 H. provide staff support for and coordinate the  
15 activities of the council."

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

18 "22-15A-5. COUNCIL ON TECHNOLOGY IN EDUCATION--CREATED--  
19 PURPOSE.--The "council on technology in education" is created.  
20 The council shall advise the bureau, the [~~state board~~]  
21 department and the legislature regarding the establishment of  
22 appropriate educational technology standards, technology-  
23 enhanced curricula, instruction, appropriations for educational  
24 technology and administrative resources and services for the  
25 public and private schools."

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

3           "22-15A-6. COUNCIL MEMBERSHIP.--

4           A. The council shall be composed of seventeen  
5 members. Members shall be appointed by the [~~state board~~]  
6 secretary for terms of four years. As designated by the [~~state~~  
7 ~~board~~] department at the time of initial appointment, the terms  
8 of five members shall expire at the end of two years, the terms  
9 of five members shall expire at the end of three years and the  
10 terms of seven members shall expire at the end of four years.

11           B. When appointing members, the [~~state board~~]  
12 secretary shall appoint:

13                   (1) one member who shall have expertise in  
14 state government;

15                   (2) three members who shall have expertise in  
16 school district administration;

17                   (3) two members who shall have expertise in  
18 providing instructional services in post-secondary, technical-  
19 vocational or adult education;

20                   (4) three members who shall have expertise in  
21 providing instructional services in elementary or secondary  
22 schools;

23                   (5) two members who shall be parents of  
24 school-age children;

25                   (6) one member who shall be a [~~public school~~]

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1 secondary student in a public or private school;

2 (7) three members who shall have expertise in  
3 educational technology; ~~and~~

4 (8) ~~[two members]~~ one member at large; and

5 (9) one member who has expertise in private  
6 schools.

7 C. In making appointments to the council, the  
8 ~~[state board]~~ department shall give due consideration to gender  
9 and ethnicity and attempt to achieve a membership  
10 representative of the geographic and cultural diversity of New  
11 Mexico.

12 D. Members of the council shall elect a ~~[chairman]~~  
13 chair from among the membership. The council shall meet at the  
14 call of the ~~[chairman]~~ chair not less than quarterly.

15 E. Members of the council shall receive per diem  
16 and mileage pursuant to the provisions of the Per Diem and  
17 Mileage Act, but shall receive no other compensation,  
18 perquisite or allowance."

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

21 "22-15A-7. COUNCIL DUTIES.--The council shall:

22 A. advise the bureau on implementation of the  
23 provisions of the Technology for Education Act;

24 B. work with the bureau to conduct periodic  
25 assessments of the need for educational technology in the

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1 public school system and private schools and make  
2 recommendations to the [~~state board~~] department on how to meet  
3 those needs;

4 C. promote the collaborative development and  
5 implementation of educational technologies, projects and  
6 practices to enhance instruction capabilities;

7 D. develop and recommend to the [~~state board~~]  
8 department a statewide plan to infuse educational technology  
9 into the public school system and private schools in support of  
10 state and national education goals; and

11 E. provide assistance to the bureau in review of  
12 school district and private school technology plans."

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

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

16 A. Upon annual review and approval of a school  
17 district's educational technology plan, the bureau shall  
18 determine a separate distribution from the educational  
19 technology fund for each school district.

20 B. On or before July 31 of each year, the bureau  
21 shall distribute money in the educational technology fund  
22 directly to each school district in an amount equal to ninety  
23 percent of the school district's estimated adjusted entitlement  
24 calculated pursuant to Subsection C of this section. A school  
25 district's unadjusted entitlement is that portion of the total

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1 amount of the annual appropriation that the projected  
2 membership bears to the projected membership of the state.  
3 Kindergarten membership shall be calculated on a one-half full-  
4 time-equivalent basis.

5 C. A school district's estimated adjusted  
6 entitlement shall be calculated by the bureau using the  
7 following procedure:

8 (1) a base allocation is calculated by  
9 multiplying the total annual appropriation by seventy-five  
10 thousandths percent;

11 (2) the estimated adjusted entitlement amount  
12 for a school district whose unadjusted entitlement is at or  
13 below the base allocation shall be equal to the base  
14 allocation. For a school district whose unadjusted entitlement  
15 is higher than the base allocation, the estimated adjusted  
16 entitlement shall be calculated pursuant to Paragraphs (3)  
17 through (6) of this subsection;

18 (3) the total projected membership in those  
19 school districts that will receive the base allocation pursuant  
20 to Paragraph (2) of this subsection is subtracted from the  
21 total projected state membership;

22 (4) the total of the estimated adjusted  
23 entitlement amounts that will be distributed to those school  
24 districts receiving the base allocation pursuant to Paragraph  
25 (2) of this subsection is subtracted from the total

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1 appropriation;

2 (5) the projected membership for the district  
3 is divided by the result calculated pursuant to Paragraph (3)  
4 of this subsection; and

5 (6) the estimated adjusted entitlement amount  
6 for the school district equals the number calculated pursuant  
7 to Paragraph (5) of this subsection multiplied by the value  
8 calculated pursuant to Paragraph (4) of this subsection.

9 D. The bureau shall annually fix a means of  
10 distributing funds to approved private schools, ensuring that  
11 each approved private school shall receive an equitable amount  
12 compared with other private schools and with approved school  
13 districts.

14 [~~D.~~] E. On or before January 30 of each year, the  
15 bureau shall recompute each adjusted entitlement using the  
16 final funded membership for that year and, without making any  
17 additional reductions, shall allocate the balance of the annual  
18 appropriation adjusting for any over- or under-projection of  
19 membership.

20 [~~E.~~] F. A school district or private school  
21 receiving funding pursuant to the Technology for Education Act  
22 is responsible for the purchase, distribution, use and  
23 maintenance of educational technology.

24 [~~F.~~] G. As used in this section, "membership" means  
25 the total enrollment of qualified students, as defined in the

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1 Public School Finance Act, on the current roll of class or  
2 school on a specified day. The current roll is established by  
3 the addition of original entries and reentries minus  
4 withdrawals. Withdrawal of students, in addition to students  
5 formally withdrawn from the public school, includes students  
6 absent from the public school for as many as ten consecutive  
7 school days."

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

10 "22-15A-10. ANNUAL REPORT.--Annually, at a time specified  
11 by the department [~~of education~~], each school district  
12 receiving distributions from the educational technology fund  
13 shall file a report with the department [~~of education~~]  
14 regarding distributions received, direct legislative  
15 appropriations for educational technology made and not  
16 rejected, expenditures made and educational technology obtained  
17 by the district and such other related information as may be  
18 required by the department [~~of education~~]. A private school  
19 shall submit an annual report meeting specifications as  
20 required by the bureau."

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