

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: CS/SB 620

51st Legislature, 1st Session, 2013

Tracking Number: .193758.1

Short Title: Education Technology Equipment

Sponsor(s): Senator John M. Sapien

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SENATE EDUCATION COMMITTEE SUBSTITUTE FOR SENATE BILL 620

Bill Summary:

CS/SB 620 amends the *Public School Capital Outlay Act* to:

- define the term “education technology equipment,” as tools used in the educational process that constitute learning and administrative resources, and may include:
 - closed-circuit television systems;
 - educational television and radio broadcasting and cable television;
 - satellite, copper wire, and fiber-optic transmission;
 - network connection devices and digital communications equipment, including voice, video, and data equipment;
 - computer hardware and software, including software licenses, data storage fees, and other technologies and services;
 - local and remote servers;
 - other computer infrastructure;
 - portable media such as discs and drives that contain data for electronic storage and playback;
 - maintenance equipment; and
 - any other techniques and tools used to implement technology in schools and related facilities;
- remove references to the *No Child Left Behind Act*, to use state grants provided for charter school lease payments as a match to obtain federal grants, pursuant to this act;
- add language requiring the Public School Capital Outlay Council (PSCOC) to:
 - expend \$200 million during FY 14 through FY 18 for “education technology equipment” allowing school districts to:
 - purchase;
 - install;
 - maintain; and
 - upgrade equipment; and

- grant funding for “education technology equipment” to school districts and charter schools using an application process guided by the following criteria:
 - the application should include itemized costs and details on how the equipment is needed to meet state or federal education requirements; and
 - the Public School Facilities Authority (PSFA) will verify the information in the application and rank the application based on a minimum of the following considerations:
 - ◆ the availability of alternative funding; and
 - ◆ the existing education technology infrastructure of the school district along with the size and location of the district;
 - upon the completion of a public hearing, the PSCOC may grant applications on a priority basis established in rule and award either full or partial grants; and
 - grants must be expended within two years of the allocation;
- require school districts to prove they have made 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; and
- allow the PSCOC to consider adjusting a school districts local share match if the district has fewer than an average of 800 full-time-equivalent students enrolled in the district the prior school year.

Fiscal Impact:

CS/SB 620 does not contain an appropriation; instead it provides guidelines for expending a proportion of the Public School Capital Outlay Fund (PSCOF).

Substantive Issues:

Among its provisions, CS/SB 620:

- expands the use of the PSCOF to include “education technology equipment” which may diminish capacity to fund other capital improvements or other allowable uses of the fund;
- allows the PSCOC additional authority to grant awards to school districts; and
- permits the PSCOC to consider an additional factor in adjusting a school districts local share match.

Background:

Public School Capital Outlay Act

The purpose of the *Public School Capital Outlay Act* is to ensure that, through a standards-based process for all school districts, the physical condition and capacity, educational suitability and technology infrastructure of all public school facilities in New Mexico meet an adequate level statewide. Additionally, the act requires the design, construction, and maintenance of school sites and facilities emphasis safety, functionality, and durability in order meet the educational responsibility of establishing a learning environment where students can achieve success.

Education Technology Equipment Act

The purpose of the *Education Technology Equipment Act* is to implement the provision of Article 9, Section 11 of the Constitution of New Mexico, which declares that a school district may create a debt by entering into a lease-purchase arrangement to acquire education technology equipment without submitting the proposition to a vote of the qualified electors of the school district.

Charter Schools

Current provisions in the *Public School Buildings Act* began requiring as of July 1, 2007, that a resolution submitted to the qualifying electors must include capital improvement funding for a locally chartered or state-chartered charter school located within the school district if the:

- charter school timely provides the necessary information to the school district for inclusion on the resolution that identifies the capital improvements of the charter school for which the revenue proposed to be produced will be used; and
- capital improvements are included in the five-year facilities plan.

Technology for Education Act

The purpose of the *Technology for Education Act* is to:

- establish the Education Technology Bureau within the Public Education Department (PED) (*no longer in existence*);
- create the Council on Technology in Education with 17 members appointed by PED for terms of four years; and
- create the Educational Technology Fund in the state treasury.

Public School Capital Improvements Act

The purpose of the *Public School Capital Improvements Act* (SB 9) or commonly referred to as the “two-mill levy,” is to create a funding mechanism that allows districts to ask local voters to approve a property levy of up to two mills for a maximum of six years. Funds generated through imposition of the two-mill levy must be used for:

- building, remodeling, making additions to, providing equipment for, or furnishing public school buildings;
- purchasing or improving public school grounds;
- maintaining public school buildings or public school grounds, including the purchasing or repairing of maintenance equipment, participating in the facility information management system as required by the *Public School Capital Outlay Act* and including payments under contract with regional education cooperatives for maintenance support services and expenditures for technical training and certification for maintenance and facilities management personnel, but excluding salary expenses of school district employees;
- purchasing activity vehicles for transporting students to extracurricular activities; and
- purchasing computer software and hardware for student use in public school classrooms.

Public School Buildings Act

The purpose of the *Public School Buildings Act* (HB 33), allows districts to impose a tax not to exceed 10-mills for a maximum of six years on the net taxable value of property upon approval of qualified voters. Subject to certain limitations, these funds are to be used for:

- building, remodeling, making additions to, providing equipment for, or furnishing public school buildings;
- payments made pursuant to a financing agreement between a school district or a charter school for the leasing of a building or other real property with an option to purchase for a price that is reduced according to payments made;
- purchasing or improving public school grounds;
- purchasing activity vehicles for transporting students to and from extracurricular activities, provided that this authorization for expenditure does not apply to school districts with a student MEM greater than 60,000; or
- administering the projects undertaken pursuant to items 1 and 3 of this section, including expenditures for facility maintenance software, project management software, project oversight, and district personnel specifically related to administration of projects funded by the *Public School Buildings Act*, provided that expenditures pursuant to this subsection do not exceed 5.0 percent of the total project costs.

Committee Referrals:

SEC/SFC

Related Bills:

CS/SB 147 *Education Technology Definitions*
SB 186 *Payment of School Lease-Purchase Arrangements*
SB 519 *Charter School Education Tech Act Proceeds*
HB 264 *School District Building Systems Needs*
HB 268aa *School District Funding Match Waivers*
CS/HB 289 *Local Proceeds for School District Employees*
CS/HB 660 *Education Technology Definitions (Identical)*