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**LEGISLATIVE EDUCATION STUDY COMMITTEE**  
**BILL ANALYSIS**  
**55th Legislature, 1st Session, 2021**

<b>Bill Number</b>	<u>HB233</u>	<b>Sponsor</b>	<u>Castellano/Montoya, R.E.</u>
<b>Tracking Number</b>	<u>.219137.1</u>	<b>Committee Referrals</b>	<u>HEC/HAFC</u>
<b>Short Title</b>	<u>Internet Access for Teachers</u>		
<b>Analyst</b>	<u>Bedeaux</u>	<b>Original Date</b>	<u>2/9/21</u>
		<b>Last Updated</b>	<u></u>

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**BILL SUMMARY**

Synopsis of Bill

House Bill 233 (HB233) enacts a temporary provision of law requiring the Public Education Department (PED) to provide financial support to teachers to offset the cost of Internet access. The bill requires PED to provide up to \$75 per month to each teacher to cover the cost of Internet services and up to \$150 per month to each teacher with a Wi-Fi hotspot that was not provided by a school district. Teachers who return to in-person teaching would no longer qualify for the stipend. The temporary provision would be effective July 1, 2021, through the termination of the public health emergency declared by the governor in response to Covid-19.

**FISCAL IMPACT**

The bill does not contain an appropriation, though Internet stipends outlined in this bill likely represent an eligible use for PED's federal Covid-19 relief funds, including federal governor's emergency education relief funds.

New Mexico has approximately 20 thousand teachers at public school districts who would qualify for up to \$75 per month under HB233. However, as written, the bill does not require PED to provide reimbursement for teachers' actual Internet expenditures, making teachers eligible for the full \$75 regardless of what they pay for Internet services. Additionally, the bill as written only applies to teachers at school districts, excluding approximately 800 teachers at state-chartered charter schools.

Given these constraints, the bill would cost approximately \$1.5 million per month from July through the remainder of the public health emergency declaration to provide stipends for 20 thousand teachers. The cost may increase depending on the number of teachers using personal Wi-Fi hotspots not provided by school districts, though may also decrease as a number of teachers return to in-person learning.

## **SUBSTANTIVE ISSUES**

HB233 would expand Internet access by providing Internet stipends for each teacher working from home, regardless of the teacher’s level of need. Rather than targeting funding for low-income teachers or teachers currently lacking Internet access, HB233 enacts a program where any teacher who uses Internet to provide remote instruction can apply to PED for a stipend. Since the onset of the Covid-19 pandemic, educators, administrators, and other stakeholders statewide have worked to close the digital divide by funding Wi-Fi hotspots, personal devices, and even subsidized Internet connections.

Many state and federal initiatives have provided funding and resources to expand Internet access, raising questions about how much additional funding is necessary. The New Mexico Homework Gap Team, a collaborative task force of PED, the Department of Information Technology (DoIT), the Public School Facilities Authority, and several other state agencies and regional and tribal actors, have created a Broadband for Students initiative to connect approximately 20 thousand disconnected students, although it is unclear to what extent the initiative is assisting teachers. Additionally, the Public School Capital Outlay Council authorized \$200 thousand to contract with a broadband consulting firm to assist school districts and charter schools in identifying solutions to student and teacher connectivity issues. Also of note, DoIT was awarded a \$1.5 million grant from the U.S. Economic Development Administration to provide technical assistance for broadband development in partnership with local, tribal, and other government entities, but it is unclear whether school districts and charter schools qualify for these funds.

The latest federal Covid-19 relief package included a \$3.2 billion appropriation to fund a Federal Communications Commission program for broadband access for low-income families. The program will provide \$50 per month to subsidize low-income households and \$75 per month to subsidize homes on tribal land. Additionally, the program would fund \$100 per household to purchase an Internet capable device. Funding will be distributed directly to ISPs to connect homes, meaning the responsibility lies with school districts and charter schools to reach out to low-income families and find solutions. The bill also included a \$1 billion appropriation to the federal tribal broadband fund to be distributed at the discretion of the National Telecommunications and Information Administration (NTIA), as well as a \$300 million appropriation for a grant program administered by NTIA to fund broadband in rural areas of the country. The program would issue grants fund partnerships between ISPs and state and local governments and would give priority to projects in rural areas of the country that reach a large number of unserved families.

## **ADMINISTRATIVE IMPLICATIONS**

School districts would be required to collect receipts from each teacher showing actual out-of-pocket expenses on Internet services and would be required to report these expenses to PED.

## **OTHER SIGNIFICANT ISSUES**

Given that the bill enacts a temporary provision of law, definitions in the Public School Code may not automatically apply to the bill, which may create confusion in implementing the law. Most notably, the bill’s provisions only apply to school districts, excluding teachers at charter schools. To ensure public school teachers are treated equally statewide, the sponsors may wish to define “school district” to include state-chartered charter schools. For example, the Public School Capital Outlay Act states,

*“As used in the Public School Capital Outlay Act ... ‘school district’ includes state-chartered charter schools and the constitutional special schools.”*

Also of note, the bill requires Internet stipends for “teachers,” disqualifying educational assistants and other instructional support providers who may provide daily student services using the Internet. While this may be the intent of the bill, the sponsors may wish to define “teachers” in the bill to clarify whether only licensed teachers will be eligible for stipends, or whether other educational support providers may be eligible. As a reference, the Public School Code defines “teacher” as:

*“a person who holds a level one, two or three-A license and whose primary duty is classroom instruction or the supervision, below the school principal level, of an instructional program or whose duties include curriculum development, peer intervention, peer coaching or mentoring or serving as a resource teacher for other teachers.”*

### **RELATED BILLS**

Related to HB86, Native American Library, Internet, and Education, which makes several appropriations to New Mexico tribes, pueblos, and nations for Internet connectivity equipment.

Related to HB141, Ed Infrastructure Technology Definition, which also amends the definition of “education technology infrastructure” in the Public School Capital Outlay Act to include physical hardware and services for remote learning.

Related to \*SB144, Remote Education Technology Infrastructure, which amends the definition of “education technology infrastructure” in the Public School Capital Outlay Act to include the physical hardware and educational resources necessary to establish broadband connectivity among students and teachers at schools and during remote learning.

### **SOURCES OF INFORMATION**

- LESC Files
- Department of Internet Technology (DoIT)

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