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**LEGISLATIVE EDUCATION STUDY COMMITTEE**  
**BILL ANALYSIS**  
**56th Legislature, 1st Session, 2023**

<b>Bill Number</b>	<u>HB401</u>	<b>Sponsor</b>	<u>Baca, B</u>
<b>Tracking Number</b>	<u>.224318.1SA</u>	<b>Committee Referrals</b>	<u>HEC/HGEIC</u>
<b>Short Title</b>	<u>Rename Technology for Education Act</u>		
<b>Analyst</b>	<u>Bedeaux</u>	<b>Original Date</b>	<u>2/27/23</u>
		<b>Last Updated</b>	<u></u>

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**BILL SUMMARY**

Synopsis of Bill

House Bill 401 (HB401) makes several changes to the Technology for Education Act to create the “Digital Equity in Education Act.”

HB401 defines digital equity as “a condition in which every learner has the information, support and skills to equitably access affordable, reliable and high-speed internet; adequate internet-enabled devices; digital literacy training; quality technical support; and evidence-based applications and content designed to facilitate both self-sufficient and collaborative learning.”

HB401 strikes the current statutory definition of educational technology and replaces it with: “all applications of technology in the learning process, including internet connectivity, digital information, electronic devices and evidence-based software applications used to facilitate and enhance teaching and learning.”

HB401 would require school districts and charter schools to develop an educational technology plan, which must include descriptions of the following:

- 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.

The bill would require the Public Education Department (PED) to promulgate rules and establish parameters for distributions from the educational technology fund.

HB401 would amend an existing provision of law establishing the “Council on Technology in Education,” redefining the council’s purpose to focus on digital equity. The council would be made

up of 13 members, including representation from state government, school districts, teachers, parents, and students. The council must advise PED on implementation of the Digital Equity in Education Act, assess educational technology needs, and promote collaborative best practices for the use of educational technology.

HB401 amends the authorizing statute of the 1994 “educational technology fund” to provide that the fund’s purpose is to implement the Digital Equity in Education Act.

Finally, the bill repeals a number of defunct sections of the Technology for Education Act, including a section establishing an “education technology bureau” at PED, a section providing for distributions from the education technology fund, and sections creating the “educational technology deficiencies correction” program. The bill also repeals the defunct “educational technology opportunity program,” signed into law in 1999.

## **FISCAL IMPACT**

HB401 does not contain an appropriation.

According to information in the Statewide Human Resources and Accounting Reporting System (SHARE), the 1994 educational technology fund has a current balance of \$183 thousand, and the educational technology deficiencies correction fund (which HB401 would eliminate) has a balance of \$60.23.

The House Appropriations and Finance Committee Substitute for House Bills 2 and 3 (HB2/HAFCS) includes a \$12 million appropriation to the state equalization guarantee (SEG), New Mexico’s public school funding formula, for instructional materials and educational technology. Money appropriated to the SEG is discretionary; while school districts and charter schools could choose to spend these funds to implement the provisions of the Digital Equity in Education Act, there is no requirement to do so.

HB2/HAFCS also extends the deadline for expenditure of a \$10 million appropriation from the public education reform fund for emergency educational technology needs statewide through FY24. According to information in SHARE, \$8.9 million of the \$10 million appropriation has not been spent. While the appropriation is not housed in the educational technology fund, its intent serves many of the purposes of the HB401. PED has encumbered \$8.7 million the funds to contract with Regional Educational Cooperative (REC) IX to provide information technology (IT) services, support, and infrastructure in New Mexico school districts. The statement of work notes that REC IX will collaborate with all other RECs to ensure services are delivered statewide. The remaining \$1.3 million is encumbered with Albuquerque Public Schools to provide IT staffing, purchase digital devices, and improve internet access.

Regarding access to educational technology, PED data suggests approximately 51 thousand New Mexico students are either “unserved” or “underserved.” PED estimates the cost of connecting these students would be approximately \$46 million. The cost of connecting only those students in the 23 *Martinez-Yazzie* focus districts (See “**Substantive Issues.**”) is approximately \$33 million. Additionally, approximately 16 thousand students lack an internet-capable device for school work. PED estimates the cost of those devices average \$500 per student, resulting in a statewide cost of \$8 million. These devices must be replaced periodically; PED and the Council on Technology in Education will likely develop standards to ensure recurring educational technology costs are considered.

**SUBSTANTIVE ISSUES**

On May 18, 2021, the 1st Judicial District Court issued a supplementary ruling in the ongoing *Martinez* and *Yazzie* consolidated lawsuit, finding that inequitable access to educational technology contributed to gaps in learning among English learners, economically disadvantaged students, Native American students, and special education students. This was especially true throughout the Covid-19 pandemic, where access to the internet became synonymous with access to education. The court ruled that it is the state’s responsibility to ensure students in the 23 court-identified *Martinez-Yazzie* “focus districts” have access to three critical components of a thriving educational technology ecosystem:

1. A high speed internet connection;
2. An internet capable device; and
3. Sufficient IT staffing.

Since the ruling, PED has worked to ensure students have sufficient internet access. PED’s efforts have largely focused on leveraging federal funds through the [NM Student Connect](#) initiative. The initiative leveraged \$2.6 million per month in internet access awards to approximately 52 thousand low-income families as well as an additional \$67 million in grants to school districts to purchase devices and hot spots. Many districts have also used discretionary SEG funding and local general obligation bond revenue to purchase devices and connectivity hot spots for students.

HB401 is based on practices relied upon during the NM Student Connect initiative. The initiative found its greatest success in helping districts identify disconnected students and create a plan to connect them. Individual school district plans mapped a number of locations in the district that were lacking internet service or a personal device and offered cost estimates for connecting all of the locations. See **Figure 1** below. By requiring *all* New Mexico school districts to author digital equity plans, rather than only the 23 *Martinez-Yazzie* focus districts, HB401 could improve the state’s ability to provide internet service to students in rural and low income urban areas of the state. Moreover, the data would give PED a reliable foundation on which to make awards from the educational technology fund.

**Figure 1. Sample Cost Estimates to Connect All Students in One District**  
Las Cruces Public Schools NM Student Connect Plan

Product	Number of units	Equipment cost per unit	Total equipment cost	Monthly cost per unit	Service cost for 10 months	Total cost
Connectivity (Comcast)	16,198	\$0	\$0	\$10	\$1,619,800	\$1,619,800
Connectivity (hotspots) <sup>2</sup>	3,156	\$60	\$189,360	\$15	\$473,400	\$662,760
Connectivity (Starlink)	1,189	\$500	\$594,500	\$100	\$1,189,000	\$1,783,500
Devices <sup>3</sup>	11,500	\$400	\$4,600,000	\$0	\$0	\$4,600,000
<b>Total</b>			<b>\$5,383,860</b>		<b>\$3,282,200</b>	<b>\$8,666,060</b>

Source: LESC Files

PED began collecting data on student connectivity in the 2021-2022 school year through the Student and Teacher Accountability Reporting System (STARS). Despite the new data collection efforts, a presentation to the Legislative Education Study Committee (LESC) from the Public School Facilities Authority and the Office of Broadband Access and Expansion noted current federal data on the number of disconnected households did not consider a number of rural and tribal locations in the state.

## **ADMINISTRATIVE IMPLICATIONS**

HB401 creates a new reporting requirement for New Mexico public schools via the submission of annual educational technology plans. Educational technology plans would be required to include the following information:

- 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.

It is likely that after school district and charter schools' digital equity plans are initially approved, they will only need minor amendments in subsequent years.

The new reporting requirements may conflict with ongoing efforts to reduce reporting requirements. During the 2022 legislative interim, LESC heard testimony from several school district officials that reporting requirements are burdensome, costing teachers and school administrators valuable time and interfering with students' education. In May 2022, the Governor signed [Executive Order 2022-058](#), directing PED to reduce public school reporting requirements by 25 percent. Since then, PED has worked to identify the purpose of current reporting requirements, eliminate redundancies, and streamline inefficiencies. To coincide with current PED efforts to reduce requirements, school districts' digital equity plans would need to seamlessly integrate into schools' current data collection processes.

PED would be required to promulgate rules to establish parameters and procedures for distributions from the educational technology fund.

## **SOURCES OF INFORMATION**

- LESC Files
- Public Education Department (PED)
- Public School Facilities Authority (PSFA)
- Department of Information Technology (DoIT)

**TB/mca/cf/mb**