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SENATE BILL 564

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Linda M. Lopez

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 telecommunications  
25 entities to improve and expand the use of technology in

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1 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-1 NMSA 1978 (being Laws 1994,  
7 Chapter 96, Section 1) is amended to read:

8 "22-15A-1. SHORT TITLE. -- ~~[This act]~~ Chapter 22, Article  
9 15A NMSA 1978 may be cited as the "Technology for Education  
10 Act". "

11 Section 4. Section 22-15A-2 NMSA 1978 (being Laws 1994,  
12 Chapter 96, Section 2) is amended to read:

13 "22-15A-2. DEFINITIONS. -- As used in the Technology for  
14 Education Act:

15 A. "accredited private school" means a school that  
16 has been accredited in compliance with a state board-approved  
17 process and accrediting agency;

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

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

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

23 ~~D.]~~ E. "educational technology" means tools used in  
24 the educational process that constitute learning resources and  
25 may 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 F. "software technology" means computer software,  
9 video and audio laser and CD ROM discs or video and audio tapes  
10 used to enhance learning by students and that do not purport to  
11 teach religious tenets, doctrines or worship. "

12 Section 5. 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, the bureau  
16 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 schools and accredited  
21 private schools and coordinate technology-related education  
22 activities with other state agencies, the federal government,  
23 business consortia and public or private agencies or  
24 individuals;

25 C. assist school districts and accredited private

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1 schools to develop and implement a strategic, long-term plan  
2 for [~~utilizing~~] using educational technology [~~in the school~~  
3 ~~system~~];

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

8 E. recommend funding mechanisms that will support  
9 the development and maintenance of an effective educational  
10 technology infrastructure in the state;

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

15 G. assess and determine the educational technology  
16 needs of school districts and accredited private schools; and

17 H. provide staff support for and coordinate the  
18 activities of the council."

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

21 "22-15A-6. COUNCIL MEMBERSHIP. --

22 A. The council shall be composed of seventeen  
23 members. Members shall be appointed by the state board for  
24 terms of four years. As designated by the state board at the  
25 time of initial appointment, the terms of five members shall

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1 expire at the end of two years, the terms of five members shall  
2 expire at the end of three years and the terms of seven members  
3 shall expire at the end of four years.

4 B. When appointing members, the state board shall  
5 appoint:

6 (1) one member who shall have expertise in  
7 state government;

8 (2) three members who shall have expertise in  
9 school district administration;

10 (3) two members who shall have expertise in  
11 providing instructional services in post-secondary, technical-  
12 vocational or adult education;

13 (4) three members who shall have expertise in  
14 providing instructional services in elementary or secondary  
15 schools;

16 (5) two members who shall be parents of  
17 school-age children;

18 (6) one member who shall be a ~~[public school]~~  
19 secondary student in a public or accredited private school;

20 (7) three members who shall have expertise in  
21 educational technology; ~~[and]~~

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

23 (9) one member who has expertise in accredited  
24 private schooling.

25 C. In making appointments to the council, the state

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1 board shall give due consideration to geographic location,  
2 gender and ethnicity of members to achieve a membership  
3 representative of the [~~geographic and cultural~~] diversity of  
4 New Mexico.

5 D. Members of the council shall elect a chairman  
6 from among the membership. The council shall meet at the call  
7 of the chairman not less than quarterly.

8 E. Members of the council shall receive per diem  
9 and mileage pursuant to the provisions of the Per Diem and  
10 Mileage Act, but shall receive no other compensation,  
11 perquisite or allowance. "

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

14 "22-15A-7. COUNCIL DUTIES. --The council shall:

15 A. advise the bureau on implementation of the  
16 provisions of the Technology for Education Act;

17 B. work with the bureau to conduct periodic  
18 assessments of the need for educational technology in the  
19 public school system and in accredited private schools and make  
20 recommendations to the state board on how to meet those needs;

21 C. promote the collaborative development and  
22 implementation of educational technologies, projects and  
23 practices to enhance instruction capabilities;

24 D. develop and recommend to the state board a  
25 statewide plan to infuse educational technology into the public

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1 school system and accredited private schools in support of  
2 state and national education goals; and

3 E. provide assistance to the bureau in review of  
4 school district and accredited private school technology  
5 plans. "

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

8 "22-15A-9. EDUCATIONAL TECHNOLOGY FUND-- DISTRIBUTION. --

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

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

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1           C. After calculation of a school district's  
2 unadjusted entitlement as provided in Subsection B of this  
3 section, the bureau shall calculate a base allocation for each  
4 school district by multiplying the total annual appropriation  
5 by a base equity factor of seventy-five thousandths of one  
6 percent. The adjusted entitlement amount for each school  
7 district whose entitlement falls at or below the base  
8 allocation amount shall be an amount equal to the base  
9 allocation. The bureau shall then subtract from the total  
10 annual appropriation amount the total of the adjusted  
11 entitlement amounts calculated for distribution to those school  
12 districts that will receive the base allocation amounts and  
13 subtract from the total projected state membership the  
14 membership of those school districts that will receive the base  
15 allocation amount. The adjusted entitlement amount for each of  
16 the remaining school districts and accredited private schools  
17 shall be the amount of the adjusted annual appropriation that  
18 the projected membership of each remaining school district and  
19 accredited private school bears to the projected membership of  
20 all remaining school districts and accredited private schools.

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

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1 E. ~~[Any]~~ A school district or accredited private  
2 school receiving funding pursuant to the Technology for  
3 Education Act is responsible for the purchase, distribution,  
4 use and maintenance of educational technology.

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

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

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

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may be required by the department of education. "