

**LEGISLATIVE EDUCATION STUDY COMMITTEE  
BILL ANALYSIS**

**Bill Number:** SB 569a

**51st Legislature, 1st Session, 2013**

**Tracking Number:** .192377.1

**Short Title:** School District Telecommunication Access

**Sponsor(s):** Senator John M. Sapien

**Analyst:** Travis Dulany

**Date:** March 8, 2013

---

**AS AMENDED**

**The Senate Education Committee amendment:**

- **removes language specifying that the Public Education Department is required to provide telecommunications access, and, in lieu thereof states, “Telecommunications access shall be provided to each school district and charter school..”;**
- **replaces “requests for proposal” with “requests for information”;** and
- **adds the Department of Information Technology to the list of entities that the Public Education Department is to coordinate with in the study of educational opportunity and the maximization of funding sources.**

**Original Bill Summary:**

SB 569 adds a new section to the *Public School Finance Act* to:

- define *telecommunications access* to mean the Public Education Department’s (PED) “provision of high bandwidth internet access, two-way interactive video, telephone, and other remote access and telecommunications services to each school district and charter school”;
- require PED to provide telecommunications access to each school district and charter school for:
  - administration of assessments in accordance with state standards for each grade level and subject area pursuant to state law;
  - distance learning;
  - teacher training; and
  - other educational purposes;
- require that telecommunications access be provided in a standardized manner for all school districts to ensure comparable access to educational opportunities for each student;
- mandate that Requests for Proposals for telecommunications access be from competent, reliable, and experienced service providers that use primarily fiber optic and other high bandwidth transmission media;
- require PED to coordinate with the Public School Capital Outlay Oversight Task Force, the Legislative Finance Committee (LFC), and the Legislative Education Study Committee (LESC) to:

- study the educational opportunity and development potential of providing telecommunications access to all public school students; and
- maximize federal, private, and state funding sources for the purpose of providing telecommunication access to all public school districts and charter schools; and
- by July 31 of each year, require PED to present a report regarding the status of telecommunication access for public schools to the LFC and LESC.

**Fiscal Impact:**

SB 569 makes no appropriation.

**Original Fiscal Issues:**

According to the Department of Information Technology’s (DoIT) website:

- the department currently administers the New Mexico Broadband Mapping Program (NMBMP) and is authorized as the lead agency and applicant to the National Telecommunications and Information Agency State Broadband Data and Development Grant Program;
- the budget for data collection, analysis, updating, verification, and other specified broadband mapping and planning efforts is \$1.8 million; and
- the NMBMP is a five-year commitment that maps broadband availability for New Mexico.

According to prior testimony to the LESC:

- telecommunication funding is currently available for schools and libraries through the federal E-Rate program, which is a tax on each phone and internet connection;
- the E-Rate program works through a reimbursement — the school or library will pay for the entire year and then request a rebate at the end of the year; and
- New Mexico libraries and schools collected \$36.0 million in 2012 and \$31.0 million in 2011 through E-Rate.

**Substantive Issues:**

According to PED, in school year 2014-2015 New Mexico students will be tested on the Common Core State Standards (CCSS) through assessments provided by the Partnership for Assessment of Readiness for College and Careers (PARCC). Based on technical guidance issued by PARCC, the assessments:

- will be computer-based;
- will require that all computers and devices used to administer the test be capable of an internet connection;
- may utilize a web browser, indicating that a reliable, live internet connection is required throughout the duration of the test.

According to DoIT:

- current statute requires DoIT to “enter into necessary agreements to provide, where feasible, a central telephone system, including wide-area telephone service, and related facilities to all executive, legislative, and judicial branches...”;
- a considerable amount of annual DoIT resources are utilized in maintenance and operations of systems to include:
  - negotiation and implementation with telecommunication companies;
  - coordination of services;
  - helpdesk and trouble shooting of services; and
  - billings and collections from service providers and clients; and
- if SB 569 is enacted, PED would either duplicate DoIT’s infrastructure services, or work directly with DoIT to provide the services on behalf of PED.

On this last point, it may be important to note that prior discussions on the topic of information technology by the LESC have pointed toward some confusion regarding who is responsible for telecommunications delivery to schools. While school districts and facilities professionals are responsible for networking and wiring within the building, the actual act of ensuring that connectivity is delivered to the building remains a topic of discussion.

**Background:**

During the 2012 interim, the LESC heard testimony from the Chief Information Officer (CIO) of the Albuquerque Public Schools (APS) district and the CIO of the Public School Facilities Authority (PSFA).

The APS CIO testified about APS information technology needs and noted three areas regarding educational technology:

- online assessments, such as PARCC;
- digital textbooks; and
- digital content, such as searchable web-based content aligned with national standards.

The APS official also noted that APS intends to roll out an information technology improvement plan in two phases. She explained that Phase 1 of the plan includes upgrades to existing wired networks, the installation of high-capacity network routers, the purchase of devices, standardization of network configuration, and the consolidation of 142 school local area networks. Phase 2 of the roll out plan was pending additional PARCC specifications; however, the APS official stated that it will include improvements to security, keyboards, and software.

The PSFA CIO addressed the information technology challenges for public schools, including:

- the ability to meet technology requirements for the CCSS;
- the need for groups to meet the needs and requirements of their respective programs;
- the lack of a clear understanding of all technology requirements and needs, such as:

- educational program delivery;
  - facility operations, administration, and support; and
  - home or external educational programs, studies, and associated support; and
- no standards or guidelines to define adequate broadband service to support education programs and facilities.

Last, in regard to developing a framework for assessing school bandwidth requirements, the PSFA CIO said that one size does not fit all because bandwidth needs vary and the actual throughput depends on variables such as:

- the number of concurrent network users;
- usage patterns;
- types of content; and
- user traffic.

**Committee Referrals:**

SEC/SFC

**Related Bills:**

CS/SB 147aa *Education Technology Definitions*

SB 186 *Payment of School Lease-Purchase Arrangements*

SB 519 *Charter School Education Tech Act Proceeds*