

HOUSE BILL 401

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

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AN ACT

RELATING TO PUBLIC EDUCATION; RENAMING THE TECHNOLOGY FOR
EDUCATION ACT AS THE DIGITAL EQUITY IN EDUCATION ACT; PROVIDING
DEFINITIONS; PROVIDING PUBLIC EDUCATION DEPARTMENT DUTIES;
PROVIDING RULEMAKING AUTHORITY; REPEALING THE EDUCATION
TECHNOLOGY OPPORTUNITY PROGRAM AND OTHER SECTIONS OF THE NMSA
1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 22-15A-1 NMSA 1978 (being Laws 1994,
Chapter 96, Section 1, as amended) is amended to read:

"22-15A-1. SHORT TITLE.--Chapter 22, Article 15A NMSA
1978 may be cited as the "~~[Technology for]~~ Digital Equity in
Education Act"."

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

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1 "22-15A-2. DEFINITIONS.--As used in the [~~Technology for~~]
2 Digital Equity in Education Act:

3 [~~A. "bureau" means the education technology bureau~~
4 ~~in the department of education;~~

5 [~~B. "chief" means the chief of the bureau;~~

6 G.] A. "council" means the council on technology in
7 education; [and]

8 B. "digital citizenship" means the safe, ethical,
9 responsible and informed use of technology and encompasses a
10 range of skills and literacies, including internet safety,
11 privacy and security; recognition and reporting of
12 cyberbullying; online reputation management; communication
13 skills; information literacy; and creative credit and
14 copyright;

15 C. "digital equity" means a condition in which
16 every learner has the information, support and skills to
17 equitably access affordable, reliable and high-speed internet;
18 adequate internet-enabled devices; digital literacy training;
19 quality technical support; and evidence-based applications and
20 content designed to facilitate both self-sufficient and
21 collaborative learning;

22 D. "educational technology" means [tools used in
23 the educational process that constitute learning resources and
24 may include closed circuit television systems, educational
25 television and radio broadcasting, cable television, satellite,

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1 ~~copper and fiber optic transmission, computer, video and audio~~
2 ~~laser and CD ROM discs, video and audio tapes or other~~
3 ~~technologies and the training, maintenance, equipment and~~
4 ~~computer infrastructure information, techniques and tools used~~
5 ~~to implement technology in classrooms and library and media~~
6 ~~centers] all applications of technology in the learning~~
7 ~~process, including internet connectivity, digital information,~~
8 ~~electronic devices and evidence-based software applications~~
9 ~~used to facilitate and enhance teaching and learning;~~

10 E. "large school district" means a school district
11 with a membership of twelve thousand or more students, using an
12 average of the membership on the second and third reporting
13 dates of the prior year; and

14 F. "small school district" means a school district
15 with a membership of fewer than twelve thousand students, using
16 an average of the membership on the second and third reporting
17 dates of the prior year."

18 SECTION 3. Section 22-15A-4 NMSA 1978 (being Laws 1994,
19 Chapter 96, Section 4) is amended to read:

20 "22-15A-4. ~~[BUREAU]~~ DEPARTMENT DUTIES.--~~[In accordance~~
21 ~~with the policies and regulations of the state board, the~~
22 ~~bureau]~~ The department shall:

23 A. administer the provisions of the ~~[Technology~~
24 ~~for]~~ Digital Equity in Education Act;

25 ~~[B. develop a statewide plan for the integration of~~

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1 ~~educational technology into the public schools and coordinate~~
2 ~~technology-related education activities with other state~~
3 ~~agencies, the federal government, business consortia and public~~
4 ~~or private agencies or individuals;~~

5 ~~G. assist]~~ B. require school districts and charter
6 schools to develop, [and] implement [a strategic, long-term
7 plan] and submit to the department educational technology plans
8 for utilizing educational technology in the school system,
9 which shall include descriptions of:

10 (1) how digital equity is being addressed for
11 students;

12 (2) the replacement and repair process for
13 devices issued to students, teachers and families;

14 (3) internet service connectivity support,
15 including access to internet services for at-risk students;

16 (4) information technology support available
17 to students, teachers and parents;

18 (5) professional development provided to
19 teachers regarding digital citizenship;

20 (6) cybersecurity protection provided for the
21 devices and applications issued to teachers and students; and

22 (7) identity protection provided to teachers
23 and students; and

24 C. promulgate rules to establish parameters and
25 procedures for distributions from the educational technology

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1 fund

2 ~~[D. upon approval of a school district's technology~~
3 ~~plan, make distributions to school districts from the~~
4 ~~educational technology fund;~~

5 ~~E. recommend funding mechanisms that will support~~
6 ~~the development and maintenance of an effective educational~~
7 ~~technology infrastructure in the state;~~

8 ~~F. promote collaboration among government,~~
9 ~~business, educational organizations and telecommunications~~
10 ~~entities to expand and improve the use of technology in~~
11 ~~education;~~

12 ~~G. assess and determine the educational technology~~
13 ~~needs of school districts; and~~

14 ~~H. provide staff support for and coordinate the~~
15 ~~activities of the council]."~~

16 SECTION 4. Section 22-15A-5 NMSA 1978 (being Laws 1994,
17 Chapter 96, Section 5) is amended to read:

18 "22-15A-5. COUNCIL ON TECHNOLOGY IN EDUCATION--CREATED--
19 PURPOSE.--The "council on technology in education" is created.
20 The council shall advise the ~~[bureau the state board and the~~
21 ~~legislature]~~ department regarding the establishment of
22 appropriate educational technology standards, technology-
23 enhanced curricula, instruction, appropriations for educational
24 technology and ~~[administrative resources and services for the~~
25 ~~public schools]~~ methods for addressing digital equity in public

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1 schools."

2 SECTION 5. Section 22-15A-6 NMSA 1978 (being Laws 1994,
3 Chapter 96, Section 6) is amended to read:

4 "22-15A-6. COUNCIL MEMBERSHIP.--

5 A. The council shall be composed of [~~seventeen~~
6 thirteen] members. Members shall be appointed by the [~~state~~
7 board] department for terms of four years. As designated by
8 the [~~state board~~] department at the time of initial
9 appointment, the terms of [~~five~~] four members shall expire at
10 the end of two years, the terms of [~~five~~] four members shall
11 expire at the end of three years and the terms of [~~seven~~] five
12 members shall expire at the end of four years.

13 B. When appointing members, the [~~state board~~]
14 department shall appoint:

15 (1) one member from state government who shall
16 have expertise in [~~state government~~] information technology;

17 (2) the director of the office of broadband
18 access and expansion of the department of information
19 technology or the director's designee;

20 [~~(2) three~~] (3) two members who shall have
21 expertise in school district administration, one member who
22 shall be from a large school district and one member who shall
23 be from a small school district;

24 [~~(3) two members who shall have expertise in~~
25 ~~providing instructional services in post-secondary, technical-~~

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1 ~~vocational or adult education;~~

2 (4) [~~three~~] two members who shall have
3 expertise in providing [~~instructional services~~] technology-
4 based instruction in elementary or secondary schools;

5 (5) one member from a large school district
6 who shall have expertise in the education of Native American,
7 English language learner, low-income or special education
8 students;

9 (6) one member from a small school district
10 who shall have expertise in the education of Native American,
11 English language learner, low-income or special education
12 students;

13 [~~(5) two members~~] (7) one member who shall be
14 [~~parents~~] a parent of a school-age [~~children~~] child;

15 [~~(6) one member~~] (8) two members who shall be
16 [~~a~~] public school secondary [~~student~~] students, one member who
17 shall be from a large school district and one member from a
18 small school district; and

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

21 ~~(8)]~~ (9) two members at large.

22 C. In making appointments to the council, the
23 [~~state board~~] department shall give due consideration to gender
24 and ethnicity to achieve a membership representative of the
25 geographic and cultural diversity of New Mexico.

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1 D. Members of the council shall elect a [~~chairman~~]
2 chair from among the membership. The council shall meet at the
3 call of the [~~chairman~~] chair not less than quarterly.

4 E. Members of the council shall receive per diem
5 and mileage pursuant to the provisions of the Per Diem and
6 Mileage Act, but shall receive no other compensation,
7 perquisite or allowance."

8 SECTION 6. Section 22-15A-7 NMSA 1978 (being Laws 1994,
9 Chapter 96, Section 7, as amended by Laws 2007, Chapter 292,
10 Section 8 and by Laws 2007, Chapter 293, Section 8) is amended
11 to read:

12 "22-15A-7. COUNCIL DUTIES.--The council shall:

13 A. advise the [~~bureau~~] department on implementation
14 of the provisions of the [~~Technology for~~] Digital Equity in
15 Education Act;

16 B. work with the [~~bureau~~] department to conduct
17 periodic assessments of the need for educational technology in
18 the public school system to support on-site and distance
19 learning and make recommendations to the department on how to
20 meet those needs; and

21 C. promote the collaborative development and
22 implementation of educational technologies, projects and
23 practices to enhance on-site and distance learning instruction
24 capabilities.

25 ~~[D. develop and recommend to the department a~~

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1 ~~statewide plan to infuse educational technology into the public~~
2 ~~school system in support of state and national education goals,~~
3 ~~including a statewide cyber academy plan that states short- and~~
4 ~~long-range goals for distance learning; and~~

5 ~~E. provide assistance to the bureau in review of~~
6 ~~school district technology plans to support on-site and~~
7 ~~distance learning.]"~~

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

10 "22-15A-8. EDUCATIONAL TECHNOLOGY FUND--CREATED.--The
11 "educational technology fund" is created in the state treasury.
12 Money in the fund is appropriated to the department [~~of~~
13 ~~education~~] for the purpose of implementing the provisions of
14 the [~~Technology for~~] Digital Equity in Education Act. Money in
15 the fund shall be distributed [~~in the manner provided in the~~
16 ~~Technology for~~] by the department for the purposes stated in
17 the Digital Equity in Education Act to school districts and
18 charter schools for educational technology. Money in the fund
19 shall only be expended pursuant to warrants issued by the
20 department of finance and administration pursuant to vouchers
21 signed by the [~~chief or the state superintendent~~] secretary.
22 Money in the fund shall not revert at the end of the fiscal
23 year [~~but shall remain to the credit of the fund~~]."

24 SECTION 8. REPEAL.--

25 A. Sections 22-15A-3 and 22-15A-9 through 22-15A-13

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1 NMSA 1978 (being Laws 1994, Chapter 96, Sections 3, 9 and 10,
2 Laws 2005, Chapter 222, Sections 2 and 3, and Laws 2007,
3 Chapter 292, Section 10 and Laws 2007, Chapter 293, Section 10,
4 as amended) are repealed.

5 B. Sections 22-15B-1 and 22-15B-2 NMSA 1978 (being
6 Laws 1999, Chapter 234, Sections 1 and 2) are repealed.

7 SECTION 9. EFFECTIVE DATE.--The effective date of the
8 provisions of this act is July 1, 2023.

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