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December 12, 2005

**MEMORANDUM**

**TO:** Legislative Education Study Committee

**FR:** Frances R. Maestas

**RE: STAFF BRIEF: CORRECT EDUCATIONAL TECHNOLOGY DEFICIENCIES, HB 511**

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The 2005 Interim Workplan of the Legislative Education Study Committee (LESC) includes a report on the progress of the Educational Technology Bureau at the Public Education Department (PED) in developing and implementing a standards-based process for funding educational technology needs based on the provisions of an LESC-endorsed measure, HB 511, *Correct Educational Technology Deficiencies*, that was recommended by the 2004 Public School Capital Outlay Task Force and enacted during the 2005 legislative session (see Attachment 1, Laws 2005, Chapter 222).

**Issues:**

- 2005 legislation (HB 511) amended the *Technology for Education Act* by adding a new section with the following requirements:
  - By September 1, 2005, the Educational Technology Bureau at PED, with the advice of the Council on Technology in Education (CTE) and the office of the Chief Information Officer, must define and develop minimum educational technology standards to supplement the adequacy standards developed by the Public School Capital Outlay Council (PSCOC).
  - School districts must conduct a self-assessment of the outstanding educational technology deficiencies in their schools and to provide cost estimates for correcting the deficiencies.

- The Educational Technology Bureau must develop a methodology for prioritizing projects to correct the deficiencies, and to approve, when money becomes available, allocations for deficiency correction projects from the Educational Technology Deficiency Fund.
- By December 1, 2005, PED must report to the Legislature and the Governor:
  - (1) summarizing the educational technology adequacy standards and methodology to prioritize projects;
  - (2) describing the outstanding educational technology deficiencies, and
  - (3) estimating the cost of correcting these deficiencies.

**Background:**

- Enacted in 1994, the *Technology for Education Act* (see Attachment 2) provided for the creation of the Educational Technology Bureau at PED. Among its statutory duties, the act requires the bureau to:
  - assess and determine the educational technology needs of school districts; and
  - assist school districts to develop and implement a strategic, long-term plan for utilizing educational technology in the school system.
- The act also established the Educational Technology Fund, which serves as the mechanism to distribute funds to school districts statewide on a per-pupil basis based on the 40<sup>th</sup> day count of student enrollment. In 2005, the \$5.0 million appropriation of the Legislature to the fund provided school districts with an allocation of \$15.97 per pupil for school year 2005-2006. Since its inception, the Legislature has provided approximately \$53.8 million to the Educational Technology Fund; in most years, the appropriation has been \$5.0 million each year to the fund.

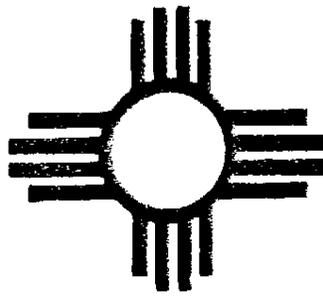
**Presenters:**

For this presentation, Mr. Tom Ryan, Co-Chair, CTE; Dr. Carmen Gonzales, Former Chair, CTE; and Dr. Catherine Cross Maple, Deputy Secretary of Learning and Accountability, PED, will discuss the activities and progress of PED and CTE in developing a standards-based process to correct educational technology deficiencies as required in the 2005 amendments (HB 511).

**Questions the committee may wish to consider:**

1. In past years, how has PED assessed and determined the educational technology needs of school districts?
2. As required in current law, how has PED assisted school districts to develop and implement a strategic, long-term plan for utilizing educational technology in the school system?
3. How will the activities listed in questions 1 and 2 assist PED in implementing a process to correct educational technology deficiencies?

4. How will PED validate the self-assessment and cost estimate for correcting educational technology deficiencies in each school district?
5. How will the minimum standards for educational technology conform to the PSCOC adequacy standards for public school capital outlay?
6. How will distributions from the Educational Technology Deficiency Fund, when dollars are appropriated, differ from the allocations currently being provided to school districts from the Educational Technology Fund?
7. How will the establishment of an Educational Technology Deficiency Fund affect the appropriation to the Educational Technology Fund?
8. Once educational technology deficiencies have been identified and corrected, how will PED ensure that minimum standards for educational technology are maintained?



The Legislature  
of the  
State of New Mexico

47th Legislature, 1st Session

LAWS 2005

CHAPTER 222

HOUSE BILL 511, as amended

Introduced by

REPRESENTATIVE RICK MIERA  
REPRESENTATIVE ROBERTO "BOBBY" J. GONZALES  
REPRESENTATIVE LARRY A. LARRAÑAGA

FOR THE PUBLIC SCHOOL CAPITAL OUTLAY  
TASK FORCE



# Chapter 222

## AN ACT

1  
2 RELATING TO EDUCATIONAL TECHNOLOGY; PROVIDING FOR THE  
3 IDENTIFICATION AND CORRECTION OF EDUCATIONAL TECHNOLOGY  
4 DEFICIENCIES; CREATING THE EDUCATIONAL TECHNOLOGY DEFICIENCY  
5 CORRECTION FUND.

6  
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

10 "22-15A-1. SHORT TITLE.--Chapter 22, Article 15A NMSA  
11 1978 may be cited as the "Technology for Education Act"."

12 Section 2. A new section of the Technology for  
13 Education Act, Section 22-15A-11 NMSA 1978, is enacted to  
14 read:

15 "22-15A-11. EDUCATIONAL TECHNOLOGY DEFICIENCIES--  
16 CORRECTION.--

17 A. No later than September 1, 2005, the bureau,  
18 with the advice of the council and the office of the chief  
19 information officer, shall define and develop minimum  
20 educational technology adequacy standards to supplement the  
21 adequacy standards developed by the public school capital  
22 outlay council, for school districts to use to identify  
23 outstanding serious deficiencies in educational technology  
24 infrastructure.

25 B. A school district shall use the standards to

1 complete a self-assessment of the outstanding educational  
2 technology deficiencies within the school district and provide  
3 cost projections to correct the outstanding deficiencies.

4 C. The bureau shall develop a methodology for  
5 prioritizing projects that will correct the deficiencies.

6 D. After a public hearing and to the extent that  
7 money is available in the educational technology deficiency  
8 correction fund, the bureau shall approve allocations from the  
9 fund on the established priority basis and, working with the  
10 school district and pursuant to the Procurement Code, enter  
11 into contracts to correct the deficiencies.

12 E. In entering into contracts to correct  
13 deficiencies pursuant to this section, the bureau shall  
14 include such terms and conditions as necessary to ensure that  
15 the state money is expended in the most prudent manner  
16 possible consistent with the original purpose."

17 Section 3. A new section of the Technology for  
18 Education Act is enacted to read:

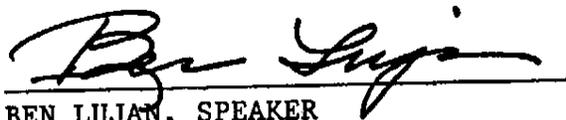
19 "EDUCATIONAL TECHNOLOGY DEFICIENCY CORRECTION FUND.--The  
20 "educational technology deficiency correction fund" is created  
21 in the state treasury. The fund shall consist of money  
22 appropriated, distributed or transferred to the fund by law.  
23 Earnings from investment of the fund shall be credited to the  
24 fund. Money in the fund is appropriated to the education  
25 technology bureau for the purpose of making allocations to

1 correct educational technology deficiencies pursuant to  
2 Section 22-15A-11 NMSA 1978. Except as otherwise provided,  
3 any unexpended or unencumbered balance remaining at the end of  
4 a fiscal year shall not revert. Disbursements from the fund  
5 shall be made upon warrants drawn by the secretary of finance  
6 and administration pursuant to vouchers signed by the chief of  
7 the education technology bureau."

8 Section 4. TEMPORARY PROVISION--REPORT.--No later than  
9 December 1, 2005, the education technology bureau of the  
10 public education department shall prepare a report summarizing  
11 the educational technology adequacy standards and methodology  
12 to prioritize projects, describing the outstanding educational  
13 technology deficiencies and estimating the cost of correcting  
14 the deficiencies. The report shall be submitted to the  
15 governor, the legislature and appropriate interim legislative  
16 committees.

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BEN LUJAN, SPEAKER  
HOUSE OF REPRESENTATIVES



STEPHEN R. ARIAS, CHIEF CLERK  
HOUSE OF REPRESENTATIVES



DIANE D. DENISH, PRESIDENT  
SENATE



MARGARET LARRAGOITE, CHIEF CLERK  
SENATE

Approved by me this 6<sup>th</sup> day of April, 2005



BILL RICHARDSON, GOVERNOR  
STATE OF NEW MEXICO

**ARTICLE 15A**  
**Technology for Education**

## Section

22-15A-1	Short title.
22-15A-2	Definitions.
22-15A-3	Bureau established; chief appointed.
22-15A-4	Bureau duties.
22-15A-5	Council on technology in education; created; purpose.
22-15A-6	Council membership.
22-15A-7	Council duties.
22-15A-8	Educational technology fund; created.
22-15A-9	Educational technology fund; distribution.
22-15A-10	Annual report.
22-15A-11	Educational technology deficiencies; correction.
22-15A-12	Educational technology deficiency correction fund

**22-15A-1. Short title.**

Chapter 22, Article 15A NMSA 1978 may be cited as the "Technology for Education Act".

**History:** Laws 1994, ch. 96, § 1; 2005, ch. 222, § 1.

**The 2005 amendment**, effective June 17, 2005, adds the statutory reference of the act.

**22-15A-2. Definitions.**

As used in the Technology for Education Act [22-15A-1 to 22-15A-10 NMSA 1978]:

- A. "bureau" means the education technology bureau in the department of education;
- B. "chief" means the chief of the bureau;
- C. "council" means the council on technology in education; and
- D. "educational technology" means tools used in the educational process that constitute learning resources and may include closed circuit television systems, educational television and radio broadcasting, cable television, satellite, copper and fiber optic transmission, computer, video and audio laser and CD ROM [CD-ROM] discs, video and audio tapes or other technologies and the training, maintenance, equipment and computer infrastructure information, techniques and tools, used to implement technology in classrooms and library and media centers.

**History:** Laws 1994, ch. 96, § 2.

**Bracketed material.** — The bracketed word "CD-ROM" was inserted by the compiler. It was not enacted by the legislature and is not a part of the law.

**22-15A-3. Bureau established; chief appointed.**

- A. The "education technology bureau" is created within the department of education.

B. With the approval of the state board, the state superintendent shall appoint a chief of the bureau.

**History:** Laws 1994, ch. 96, § 3.

#### **22-15A-4. Bureau duties.**

In accordance with the policies and regulations of the state board, the bureau shall:

A. administer the provisions of the Technology for Education Act [22-15A-1 to 22-15A-10 NMSA 1978];

B. develop a statewide plan for the integration of educational technology into the public schools and coordinate technology-related education activities with other state agencies, the federal government, business consortia and public or private agencies or individuals;

C. assist school districts to develop and implement a strategic, long-term plan for utilizing educational technology in the school system;

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

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

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

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

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

**History:** Laws 1994, ch. 96, § 4.

#### **22-15A-5. Council on technology in education; created; purpose.**

The "council on technology in education" is created. The council shall advise the bureau, the state board and the legislature regarding the establishment of appropriate educational technology standards, technology-enhanced curricula, instruction, appropriations for educational technology and administrative resources and services for the public schools.

**History:** Laws 1994, ch. 96, § 5.

#### **22-15A-6. Council membership.**

A. The council shall be composed of seventeen members. Members shall be appointed by the state board for terms of four years. As designated by the state board at the time of initial appointment, the terms of five members shall expire at the end of two years, the terms of five members shall expire at the end of three years and the terms of seven members shall expire at the end of four years.

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

- (1) one member who shall have expertise in state government;
- (2) three members who shall have expertise in school district administration;
- (3) two members who shall have expertise in providing instructional services in post-secondary, technical-vocational or adult education;
- (4) three members who shall have expertise in providing instructional services in elementary or secondary schools;
- (5) two members who shall be parents of school-age children;
- (6) one member who shall be a public school secondary student;
- (7) three members who shall have expertise in educational technology; and
- (8) two members at large.

C. In making appointments to the council, the state board shall give due consideration to gender and ethnicity to achieve a membership representative of the geographic and cultural diversity of New Mexico.

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

E. Members of the council shall receive per diem and mileage pursuant to the provisions of the Per Diem and Mileage Act [10-8-1 to 10-8-8 NMSA 1978] but shall receive no other compensation, perquisite or allowance.

**History:** Laws 1994, ch. 96, § 6.

#### **22-15A-7. Council duties.**

The council shall:

A. advise the bureau on implementation of the provisions of the Technology for Education Act [22-15A-1 to 22-15A-10 NMSA 1978];

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

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

D. develop and recommend to the state board, a statewide plan to infuse educational technology into the public school system in support of state and national education goals; and

E. provide assistance to the bureau in review of school district technology plans.

**History:** Laws 1994, ch. 96, § 7.

**22-15A-8. Educational technology fund; created.**

The "educational technology fund" is created in the state treasury. Money in the fund is appropriated to the department of education for the purpose of implementing the provisions of the Technology for Education Act [22-15A-1 to 22-15A-10 NMSA 1978]. Money in the fund shall be distributed in the manner provided in the Technology for Education Act. Money in the fund shall only be expended pursuant to warrants issued by the department of finance and administration pursuant to vouchers signed by the chief or the state superintendent. Money in the fund shall not revert at the end of the fiscal year but shall remain to the credit of the fund.

**History:** Laws 1994, ch. 96, § 8.

**22-15A-9. Educational technology fund; distribution.**

A. Upon annual review and approval of a school district's educational technology plan, the bureau shall determine a separate distribution from the educational technology fund for each school district.

B. On or before July 31 of each year, the bureau shall distribute money in the educational technology fund directly to each school district in an amount equal to ninety percent of the school district's estimated adjusted entitlement calculated pursuant to Subsection C of this section. A school district's unadjusted entitlement is that portion of the total amount of the annual appropriation that the projected membership bears to the projected membership of the state. Kindergarten membership shall be calculated on a one-half full-time-equivalent basis.

C. A school district's estimated adjusted entitlement shall be calculated by the bureau using the following procedure:

(1) a base allocation is calculated by multiplying the total annual appropriation by seventy-five thousandths percent;

(2) the estimated adjusted entitlement amount for a school district whose unadjusted entitlement is at or below the base allocation shall be equal to the base allocation. For a school district whose unadjusted entitlement is higher than the base allocation, the estimated adjusted entitlement shall be calculated pursuant to Paragraphs (3) through (6) of this subsection;

(3) the total projected membership in those school districts that will receive the base allocation pursuant to Paragraph (2) of this subsection is subtracted from the total projected state membership;

(4) the total of the estimated adjusted entitlement amounts that will be distributed to those school districts receiving the base allocation pursuant to Paragraph (2) of this subsection is subtracted from the total appropriation;

(5) the projected membership for the district is divided by the result calculated pursuant to Paragraph (3) of this subsection; and

(6) the estimated adjusted entitlement amount for the school district equals the number calculated pursuant to Paragraph (5) of this subsection multiplied by the value calculated pursuant to Paragraph (4) of this subsection.

D. On or before January 30 of each year, the bureau shall recompute each adjusted entitlement using the final funded membership for that year and, without making any additional reductions, shall allocate the balance of the annual appropriation adjusting for any over- or under-projection of membership.

E. A school district receiving funding pursuant to the Technology for Education Act [22-15A-1 NMSA 1978] is responsible for the purchase, distribution, use and maintenance of educational technology.

F. As used in this section, "membership" means the total enrollment of qualified students, as defined in the Public School Finance Act [22-8-1 NMSA 1978], on the current roll of class or school on a specified day. The current roll is established by the addition of original entries and reentries minus withdrawals. Withdrawal of students, in addition to students formally withdrawn from the public school, includes students absent from the public school for as many as ten consecutive school days.

History: Laws 2005, ch. 274, § 3.

**The 2000 amendment**, effective May 17, 2000, in Subsection B, inserted "adjusted" following "district's estimated", substituted "calculated pursuant to Subsection C of this section" for "as determined by the projected membership for the school year" in the first sentence and inserted "unadjusted" following "school district's" in the second sentence; added present Subsection C and redesignated the remaining subsections accordingly; and inserted "adjusted" preceding "entitlement" in present Subsection D.

**The 2003 amendment**, effective April 4, 2003, rewrote Subsection C and inserted "without making any additional reductions" preceding "shall allocate" in Subsection D.

**The 2004 amendment**, effective May 19, 2004, amended Subsection C to rewrite Paragraph (7) to substitute for "legislative council service" the "department of finance and administration" and to add at the end of the paragraph "An appropriation made in a fiscal year shall be deemed to be accepted by a school district unless, prior to July 15 of the fiscal year following the appropriation, the district notifies the department of finance and administration and the public education department that the district is rejecting the appropriation" and to amend Paragraph (10) to substitute "the immediately two preceding" for "prior" preceding "fiscal years".

**The 2005 amendment**, effective April 6, 2005, provides in Subsection C(6) that the estimated adjusted entitlement amount for the school district equals the number calculated pursuant to Subsection C(5) multiplied by the value calculated pursuant to Subsection C(6) and deletes former Subsections C(7) through (13).

## **22-15A-10. Annual report.**

Annually, at a time specified by the department of education, each school district receiving distributions from the educational technology fund shall file a report with the department of education regarding distributions received, direct legislative appropriations for educational technology made and not rejected, expenditures made and educational technology obtained by

the district and such other related information as may be required by the department of education.

**History:** Laws 1994, ch. 96, § 10; 2003, ch. 147, § 12.

**The 2003 amendment**, effective April 4, 2003, substituted "each school district" for "each local school district" and inserted "direct legislative appropriations for educational technology made and not rejected" following "distributions received".

### **22-15A-11. Educational technology deficiencies; correction.**

A. No later than September 1, 2005, the bureau, with the advice of the council and the office of the chief information officer, shall define and develop minimum educational technology adequacy standards to supplement the adequacy standards developed by the public school capital outlay council, for school districts to use to identify outstanding serious deficiencies in educational technology infrastructure.

B. A school district shall use the standards to complete a self-assessment of the outstanding educational technology deficiencies within the school district and provide cost projections to correct the outstanding deficiencies.

C. The bureau shall develop a methodology for prioritizing projects that will correct the deficiencies.

D. After a public hearing and to the extent that money is available in the educational technology deficiency correction fund, the bureau shall approve allocations from the fund on the established priority basis and, working with the school district and pursuant to the Procurement Code [13-1-28 NMSA 1978], enter into contracts to correct the deficiencies.

E. In entering into contracts to correct deficiencies pursuant to this section, the bureau shall include such terms and conditions as necessary to ensure that the state money is expended in the most prudent manner possible consistent with the original purpose.

**History:** Laws 2005, ch. 222, § 2.

**Effective dates.** — Laws 2005, ch. 222 contains no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, is effective June 17, 2005, 90 days after adjournment of the legislature.

**Temporary provision.** — Laws 2005, ch. 222, § 4, adds a temporary provision which provides that no later than December 1, 2005, the education technology bureau of the public education department shall prepare a report summarizing the educational technology adequacy standard, describing the outstanding educational technology deficiencies and estimating the cost of correcting the deficiencies and that the report shall be submitted to the governor, the legislature and appropriate interim legislative committees.

### **22-15A-12. Educational technology deficiency correction fund**

The "educational technology deficiency correction fund" is created in the state treasury. The fund shall consist of money appropriated, distributed or transferred to the fund by law. Earnings from investment of the fund shall be credited to the fund. Money in the fund is appropriated to the education technology bureau for the purpose of making allocations to correct educational

technology deficiencies pursuant to Section 22-15A-11 NMSA 1978. Except as otherwise provided, any unexpended or unencumbered balance remaining at the end of a fiscal year shall not revert. Disbursements from the fund shall be made upon warrants drawn by the secretary of finance and administration pursuant to vouchers signed by the chief of the education technology bureau.

History: Laws 2005, ch. 222, § 3.

**Effective dates.** — Laws 2005, ch. 222 contains no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, is effective June 17, 2005, 90 days after adjournment of the legislature.

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