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AN ACT

RELATING TO EDUCATION; ENACTING THE STATEWIDE CYBER ACADEMY
ACT; PROVIDING POWERS AND DUTIES; PROVIDING STANDARDS FOR
ALLOCATING THE EDUCATIONAL TECHNOLOGY DEFICIENCY CORRECTION
FUND.

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

Section 1. A new section of the Public School Code is
enacted to read:

"SHORT TITLE.--Sections 1 through 7 of this act may be
cited as the "Statewide Cyber Academy Act"."

Section 2. A new section of the Public School Code is
enacted to read:

"DEFINITIONS.--As used in the Statewide Cyber Academy
Act:

A. "course provider" means a person that supplies
educational course content for distance learning courses;

B. "distance learning course" means an educational
course that is taught where the student and primary
instructor are separated by time or space and linked by
technology;

C. "distance learning student" means a qualified
student as defined in Section 22-8-2 NMSA 1978 who is
enrolled in one or more distance learning courses for credit;

D. "learning management system" means a software

1 application that facilitates online instruction and
2 interaction between teachers and distance learning students;

3 E. "local distance learning site" means a school
4 district or charter school that offers and grants credit for
5 distance learning courses to distance learning students
6 enrolled in the school district or charter school;

7 F. "primary enrolling district" means the school
8 district or charter school in which the distance learning
9 student is enrolled;

10 G. "regional host" means an educational
11 institution, school district or other entity selected by the
12 statewide cyber academy to coordinate the delivery of
13 distance learning courses within a broad geographic region of
14 the state;

15 H. "service center" means the single central
16 facility where administrative and management functions of the
17 statewide cyber academy are physically located in New Mexico;
18 and

19 I. "statewide cyber academy" means the
20 department's collaborative program that offers distance
21 learning courses to all local distance learning sites."

22 Section 3. A new section of the Public School Code is
23 enacted to read:

24 "STATEWIDE CYBER ACADEMY CREATED.--The "statewide cyber
25 academy" program is created in the department. The statewide

1 cyber academy is a collaborative program among the
2 department, the higher education department,
3 telecommunications networks and representatives of other
4 state agencies engaged in providing distance education. The
5 statewide cyber academy shall provide distance learning
6 courses for grades six through twelve and professional
7 development for teachers, instructional support providers and
8 school administrators."

9 Section 4. A new section of the Public School code is
10 enacted to read:

11 "DEPARTMENT RULES.--The department shall promulgate
12 rules to carry out the provisions of the Statewide Cyber
13 Academy Act."

14 Section 5. A new section of the Public School Code is
15 enacted to read:

16 "STATEWIDE CYBER ACADEMY--DUTIES.--The statewide cyber
17 academy shall:

18 A. establish a distance learning course delivery
19 system that is efficient and cost-effective and that uses a
20 statewide service center and regional hosts to provide
21 approved distance learning courses;

22 B. select regional hosts based on pre-existing
23 experience and capacity to facilitate the delivery of
24 distance educational programs, including public
25 post-secondary educational institutions, regional education

1 cooperatives and school districts;

2 C. provide technical and program support to
3 regional hosts and local distance learning sites;

4 D. ensure that all distance learning courses
5 offered by course providers are taught by highly qualified
6 teachers or members of the faculty of accredited
7 post-secondary educational institutions and meet state
8 academic content and performance standards;

9 E. provide for reasonable and equitable means to
10 allocate the costs of distance learning courses among the
11 statewide cyber academy, the course providers and the school
12 districts whose students are enrolled in a distance learning
13 course;

14 F. give first priority to the delivery of distance
15 learning courses for credit to distance learning students who
16 have the greatest need because of geographic location or
17 circumstances in which a school district may have difficulty
18 delivering essential course instruction due to financial
19 restraints or lack of highly qualified teachers; provided
20 that in fiscal year 2008 the statewide cyber academy shall
21 include, among those distance learning students who are
22 determined to have the greatest need, distance learning
23 students served by school districts that are members of
24 regional education cooperatives three, eight and nine;

25 G. ensure that the statewide cyber academy's

1 learning management system is compatible with school district
2 and department data collection, analysis and reporting
3 systems;

4 H. ensure that all deficiencies in the
5 infrastructure, hardware and software in the statewide cyber
6 academy are corrected in accordance with educational
7 technology adequacy standards pursuant to Section 22-15A-11
8 NMSA 1978;

9 I. comply with all rules governing privacy and
10 confidentiality of student records for secure record storage;

11 J. offer distance learning courses to distance
12 learning students;

13 K. offer professional development via distance
14 learning, using a learning management system;

15 L. assist the council on technology in education
16 in its development of the statewide plan required by Section
17 22-15A-7 NMSA 1978, including a statewide cyber academy plan
18 that addresses short- and long-range goals;

19 M. define and coordinate the roles and
20 responsibilities of the collaborating agencies to establish a
21 distance learning governance and accountability framework;
22 and

23 N. conduct an annual evaluation and provide an
24 annual report to the department and the legislature that
25 includes a detailed report of expenditures; a description of

1 services provided, including the number and location of local
2 distance learning sites, public schools and distance learning
3 students served; the courses offered; the credits generated
4 by local distance learning sites; and student and teacher
5 accountability reporting data."

6 Section 6. A new section of the Public School Code is
7 enacted to read:

8 "DISTANCE LEARNING STUDENTS.--

9 A. A student must be enrolled in a public school
10 or a state-supported school and must have the permission of
11 the student's local distance education learning site to
12 enroll in a distance learning course. A distance learning
13 student shall only be counted in the student's primary
14 enrolling district for the purpose of determining the
15 membership used to calculate a school district's state
16 equalization guarantee. A student shall have only one
17 primary enrolling district.

18 B. A home school student may participate in the
19 statewide cyber academy by enrolling for one-half or more of
20 the minimum course requirements approved by the department
21 for public school students in the school district in which
22 the student resides; or, if the student is enrolled for less
23 than one-half of the minimum course requirements, the student
24 may participate in the statewide cyber academy by paying not
25 more than thirty-five percent of the current unit value per

1 curricular unit.

2 C. A student enrolled in a nonpublic school may
3 participate in the statewide cyber academy if the school in
4 which the student is enrolled enters into a contract with the
5 school district in which the nonpublic school is located.

6 D. A student who is detained in or committed to a
7 juvenile detention facility or a facility for the long-term
8 care and rehabilitation of delinquent children may
9 participate in the statewide cyber academy if the facility in
10 which the student is enrolled enters into a contract with the
11 school district in which the facility is located."

12 Section 7. A new section of the Public School Code is
13 enacted to read:

14 "EVALUATION OF REGIONAL EDUCATION COOPERATIVE DISTANCE
15 LEARNING NETWORKS.--A network developed by regional education
16 cooperatives three, eight and nine shall serve as a regional
17 host in fiscal year 2008. The statewide cyber academy shall
18 provide a preliminary report to the governor and the
19 legislature by January 1, 2008 on the quality and
20 cost-effectiveness of the provision of distance learning
21 courses by the regional education cooperatives. At the end
22 of fiscal year 2008, the statewide cyber academy shall
23 prepare a final report on the quality and cost-effectiveness
24 of services provided, including whether the services
25 increased the rigor of school district and charter school

1 curricula, and make recommendations for the expansion to
2 other regional education cooperatives."

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

5 "22-15A-7. COUNCIL DUTIES.--The council shall:

6 A. advise the bureau on implementation of the
7 provisions of the Technology for Education Act;

8 B. work with the bureau to conduct periodic
9 assessments of the need for educational technology in the
10 public school system to support on-site and distance learning
11 and make recommendations to the department on how to meet
12 those needs;

13 C. promote the collaborative development and
14 implementation of educational technologies, projects and
15 practices to enhance on-site and distance learning
16 instruction capabilities;

17 D. develop and recommend to the department a
18 statewide plan to infuse educational technology into the
19 public school system in support of state and national
20 education goals, including a statewide cyber academy plan
21 that states short- and long-range goals for distance
22 learning; and

23 E. provide assistance to the bureau in review of
24 school district technology plans to support on-site and
25 distance learning."

1 Section 9. Section 22-15A-11 NMSA 1978 (being Laws
2 2005, Chapter 222, Section 2) is amended to read:

3 "22-15A-11. EDUCATIONAL TECHNOLOGY DEFICIENCIES--
4 CORRECTION.--

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

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

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

20 D. After a public hearing and to the extent that
21 money is available in the educational technology deficiency
22 correction fund, the bureau shall approve allocations from
23 the fund on the established priority basis and, working with
24 the school district and pursuant to the Procurement Code,
25 enter into contracts to correct the deficiencies.

1 E. No allocation shall be made pursuant to this
2 section unless:

3 (1) the method for prioritizing projects
4 developed by the bureau has been reviewed and approved by the
5 council;

6 (2) the school district has agreed to
7 consult and coordinate with the public school facilities
8 authority before installing any educational technology
9 infrastructure;

10 (3) the council has approved the proposed
11 allocation; and

12 (4) for the 2009 and subsequent fiscal
13 years, the initial assessment required in the Technology for
14 Education Act has been verified by an independent third party
15 as determined in consultation with the public school capital
16 outlay council.

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

22 Section 10. A new section of the Technology for
23 Education Act is enacted to read:

24 "OBSOLETE COMPUTER REPLACEMENT.--To the extent that
25 money has been appropriated to replace functionally obsolete

1 computers and network devices in public schools, including
2 charter schools, on a five-year cycle, the bureau shall base
3 allocations on a ratio of one computer to three students in
4 each school. Prior to making allocations, the bureau shall
5 compile and maintain an inventory of computer and network
6 devices in public schools, including charter schools, and
7 develop a methodology for prioritizing the replacement of
8 computers and network devices to ensure that state money is
9 expended in the most prudent manner possible consistent with
10 the original purpose."

11 Section 11. RECOMPILATION.--Section 22-13-27 NMSA 1978
12 (being Laws 2003, Chapter 162, Section 2) is recompiled into
13 the Statewide Cyber Academy Act. _____

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