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HOUSE BILL 543

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Pauline K. Gubbels

AN ACT

RELATING TO EDUCATION; AMENDING THE TECHNOLOGY FOR EDUCATION
ACT TO ALLOW ACCREDITED PRIVATE SCHOOLS TO RECEIVE A
DISTRIBUTION FROM THE EDUCATIONAL TECHNOLOGY FUND; CLARIFYING
THE DEFINITION OF EDUCATIONAL TECHNOLOGY.

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

Section 1. Section 22-15A-2 NMSA 1978 (being Laws 1994,
Chapter 96, Section 2) is amended to read:

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

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

underscored material = new
[bracketed material] = delete

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1 D. "educational technology" means tools that do
2 not purport to teach religious tenets, doctrines or worship
3 used in the educational process that constitute learning
4 resources and may include closed circuit television systems,
5 educational television and radio broadcasting, cable
6 television, satellite, copper and fiber optic transmission,
7 computer, video and audio laser and CD ROM discs, video and
8 audio tapes or other technologies and the training,
9 maintenance, equipment and computer infrastructure
10 information, techniques and tools used to implement technology
11 in classrooms and library and media centers. "

12 Section 2. 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 of the state board, the bureau shall:

16 A. administer the provisions of the Technology for
17 Education Act;

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

24 C. assist school districts and accredited private
25 schools to develop and implement a strategic, long-term plan

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[bracketed material] = delete

- 1 for utilizing educational technology in the school system;
- 2 D. upon approval of a school district's or
- 3 accredited private school's technology plan, make
- 4 distributions to school districts from the educational
- 5 technology fund;
- 6 E. recommend funding mechanisms that will support
- 7 the development and maintenance of an effective educational
- 8 technology infrastructure in the state;
- 9 F. promote collaboration among government,
- 10 business, educational organizations and telecommunications
- 11 entities to expand and improve the use of technology in
- 12 education;
- 13 G. assess and determine the educational technology
- 14 needs of school districts and accredited private schools; and
- 15 H. provide staff support for and coordinate the
- 16 activities of the council. "

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

- 19 "22-15A-7. COUNCIL DUTIES. --The council shall:
- 20 A. advise the bureau on implementation of the
 - 21 provisions of the Technology for Education Act;
 - 22 B. work with the bureau to conduct periodic
 - 23 assessments of the need for educational technology in the
 - 24 public school system and in accredited private schools and
 - 25 make recommendations to the state board on how to meet those

underscored material = new
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1 needs;

2 C. promote the collaborative development and
3 implementation of educational technologies, projects and
4 practices to enhance instruction capabilities in primary and
5 secondary schools;

6 D. develop and recommend to the state board a
7 statewide plan to infuse educational technology into the
8 public school system and in accredited private schools in
9 support of state and national education goals; and

10 E. provide assistance to the bureau in review of
11 school district and accredited private school technology
12 plans. "

13 Section 4. Section 22-15A-9 NMSA 1978 (being Laws 1994,
14 Chapter 96, Section 9) is amended to read:

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

16 A. Upon annual review and approval of a school
17 district's or accredited private school's educational
18 technology plan, the bureau shall determine a separate
19 distribution from the educational technology fund for each
20 school district and accredited private school.

21 B. On or before July 31 of each year, the bureau
22 shall distribute money in the educational technology fund
23 directly to each school district and accredited private school
24 in an amount equal to ninety percent of the district's or
25 accredited private school's estimated entitlement as

underscored material = new
[bracketed material] = delete

1 determined by the projected membership for the school year. A
2 school district's or accredited private school's entitlement
3 is that portion of the total amount of the annual
4 appropriation that the projected membership bears to the
5 projected membership of the state. Kindergarten membership
6 shall be calculated on a one-half full-time-equivalent basis.

7 C. On or before January 30 of each year, the
8 bureau shall recompute each entitlement using the final funded
9 membership for that year and shall allocate the balance of the
10 annual appropriation adjusting for any over- or under-
11 projection of membership.

12 D. Any school district or accredited private
13 school receiving funding pursuant to the Technology for
14 Education Act is responsible for the purchase, distribution,
15 use and maintenance of educational technology.

16 E. As used in this section, "membership" means the
17 total enrollment of qualified students, as defined in the
18 Public School Finance Act, on the current roll of class or
19 school on a specified day. The current roll is established by
20 the addition of original entries and re-entries minus
21 withdrawals. Withdrawal of students, in addition to students
22 formally withdrawn from the public school, includes students
23 absent from the public school for as many as ten consecutive
24 school days. "

25 Section 5. Section 22-15A-10 NMSA 1978 (being Laws 1994,

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Chapter 96, Section 10) is amended to read:

"22-15A-10. ANNUAL REPORT. -- Annually, at a time specified by the department of education, each local school district or accredited private school receiving distributions from the educational technology fund shall file a report with the department of education regarding distributions received, expenditures made and educational technology obtained by the district or accredited private school and such other related information as may be required by the department of education. "

HOUSE EDUCATION COMMITTEE SUBSTITUTE FOR
HOUSE BILL 543

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

AN ACT

RELATING TO EDUCATION; AMENDING THE TECHNOLOGY FOR EDUCATION
ACT TO ALLOW ACCREDITED PRIVATE SCHOOLS TO RECEIVE A
DISTRIBUTION FROM THE EDUCATIONAL TECHNOLOGY FUND; CLARIFYING
THE DEFINITION OF EDUCATIONAL TECHNOLOGY; MAKING AN
APPROPRIATION.

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. Any qualified student or person eligible to
become a qualified student attending an accredited private
school in any grade from first through the twelfth grade of
instruction is entitled to the free use of software
technology.

. 128440A. 1

1 B. Software technology shall be distributed to
2 accredited private schools as agents for the benefit of
3 students entitled to the free use of the software technology.

4 C. Any accredited private school is responsible
5 for distribution of the software technology for use by
6 eligible students and for the safekeeping of the software
7 technology. "

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

10 "22-15A-2. DEFINITIONS. -- As used in the Technology for
11 Education Act:

12 A. "accredited private school" means a school that
13 has been accredited in compliance with a state board approved
14 process and accrediting agency;

15 ~~A.]~~ B. "bureau" means the education technology
16 bureau in the department of education;

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

18 ~~C.]~~ D. "council" means the council on technology
19 in education; ~~and~~

20 ~~D.]~~ E. "educational technology" means tools used
21 in the educational process that constitute learning resources
22 and may include closed circuit television systems, educational
23 television and radio broadcasting, cable television,
24 satellite, copper and fiber optic transmission, computer,
25 video and audio laser and CD ROM discs, video and audio tapes

1 or other technologies and the training, maintenance, equipment
 2 and computer infrastructure information, techniques and tools
 3 used to implement technology in classrooms and library and
 4 media centers; and

5 F. "software technology" means computer software,
 6 video and audio laser and CD ROM discs, video and audio tapes
 7 used to enhance learning by students that do not purport to
 8 teach religious tenets, doctrines or worship. "

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

11 "22-15A-4. BUREAU DUTIES. --In accordance with the
 12 policies and regulations of the state board, the bureau shall:

13 A. administer the provisions of the Technology for
 14 Education Act;

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

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

24 D. upon approval of a school district's or
 25 accredited private school's technology plan, make

. 128440A. 1

1 distributions to school districts from the educational
2 technology fund;

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

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

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

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

14 Section 4. Section 22-15A-6 NMSA 1978 (being Laws 1994,
15 Chapter 96, Section 6) is amended to read:

16 "22-15A-6. COUNCIL MEMBERSHIP. --

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

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

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

3 (2) three members who shall have expertise in
4 school district administration;

5 (3) two members who shall have expertise in
6 providing instructional services in post-secondary, technical-
7 vocational or adult education;

8 (4) three members who shall have expertise in
9 providing instructional services in elementary or secondary
10 schools;

11 (5) two members who shall be parents of
12 school-age children;

13 (6) one member who shall be a [~~public school~~]
14 secondary student;

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

17 (8) [~~two members~~] one member from the
18 accredited private school sector; and

19 (9) one member at large.

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

24 D. Members of the council shall elect a chairman
25 from among the membership. The council shall meet at the call

1 of the chairman not less than quarterly.

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

6 Section 5. Section 22-15A-7 NMSA 1978 (being Laws 1994,
7 Chapter 96, Section 7) is amended to read:

8 "22-15A-7. COUNCIL DUTIES. --The council shall:

9 A. advise the bureau on implementation of the
10 provisions of the Technology for Education Act;

11 B. work with the bureau to conduct periodic
12 assessments of the need for educational technology in the
13 public school system and in accredited private schools and
14 make recommendations to the state board on how to meet those
15 needs;

16 C. promote the collaborative development and
17 implementation of educational technologies, projects and
18 practices to enhance instruction capabilities in primary and
19 secondary schools;

20 D. develop and recommend to the state board a
21 statewide plan to infuse educational technology into the
22 public school system and in accredited private schools in
23 support of state and national education goals; and

24 E. provide assistance to the bureau in review of
25 school district and accredited private school technology

1 plans. "

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

4 "22-15A-9. EDUCATIONAL TECHNOLOGY FUND-- DISTRIBUTION. --

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

9 B. On or before July 31 of each year, the bureau
10 shall distribute money in the educational technology fund
11 directly to each school district in an amount equal to ninety
12 percent of the district's estimated entitlement as determined
13 by the projected membership for the school year. A school
14 district's entitlement is that portion of the total amount of
15 the annual appropriation that the projected membership bears
16 to the projected membership of the state. Kindergarten or
17 accredited private school membership shall be calculated on a
18 one-half full-time-equivalent basis.

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

24 D. Any school district or accredited private
25 school receiving funding pursuant to the Technology for

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1 Education Act is responsible for the purchase, distribution,
2 use and maintenance of educational technology.

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

12 Section 7. Section 22-15A-10 NMSA 1978 (being Laws 1994,
13 Chapter 96, Section 10) is amended to read:

14 "22-15A-10. ANNUAL REPORT. -- Annually, at a time
15 specified by the department of education, each local school
16 district or accredited private school receiving distributions
17 from the educational technology fund shall file a report with
18 the department of education regarding distributions received,
19 expenditures made and educational technology obtained by the
20 district or accredited private school and such other related
21 information as may be required by the department of
22 education. "

23 Section 8. APPROPRIATION. -- Eighty-two thousand dollars
24 (\$82,000) is appropriated from the general fund to the state
25 department of public education for expenditure in fiscal year

1 2000 for the purpose of administering the provisions of the
2 Technology for Education Act. Any unexpended or unencumbered
3 balance remaining at the end of fiscal year 2000 shall revert
4 to the general fund.

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HEC/HB 543

**FORTY- FOURTH LEGISLATURE
FIRST SESSION, 1999**

March 5, 1999

Mr. Speaker:

Your EDUCATION COMMITTEE, to whom has been referred

HOUSE BILL 543

**has had it under consideration and reports same with
recommendation that it DO NOT PASS, but that**

**HOUSE EDUCATION COMMITTEE SUBSTITUTE FOR
HOUSE BILL 543**

**DO PASS, and thence referred to the APPROPRIATIONS AND
FINANCE COMMITTEE.**

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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

HEC/HECS 543

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Respectfully submitted,

Rick Miera, Chairman

Adopted _____

(Chief Clerk)

Not Adopted _____

(Chief Clerk)

Date _____

The roll call vote was 11 For 0 Against

Yes: 11

Excused: Gonzales, Miera, Williams

Absent: Burpo, Marquardt

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