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**PUBLIC EDUCATION DEPARTMENT
BILL ANALYSIS
2023 REGULAR SESSION**

SECTION I: GENERAL INFORMATION

Check all that apply:

Original X **Amendment**
Correction **Substitute**

Date Prepared: 02/17/23
Bill No: HB401

Sponsor: Baca
Short Title: RENAME TECHNOLOGY FOR EDUCATION ACT

Agency Name and Code
Number: PED - 924
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY23	FY24		
None	None	N/A	NFA

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY23	FY24	FY25		
None	None	None	N/A	NFA

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	None	None	None	None	N/A	NFA

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: House Bill 401 (HB401) renames the Technology for Education Act as Digital Equity in Education Act and requires school districts and charter schools to submit to the Public Education Department (PED) educational technology plans for how digital equity is being

addressed for students in the school system. The bill changes the membership requirements of the Council on Technology in Education and requires the Council to advise PED on methods for addressing digital equity in public schools.

The bill repeals several sections of the current Technology for Education Act, including Section 22-15A-3 NMSA 1978, which creates the Education Technology Bureau, thus dissolving that bureau and reassigning its duties to the larger PED. The bill also repeals the section requiring reports from school districts to PED regarding educational technology fund distributions; the section addressing the development of educational technology standards and corrections of educational technology deficiencies; the section that creates the educational technology deficiency correction fund; and the section prioritizing the replacement of obsolete computers.

The effective date of the bill is July 1, 2023.

FISCAL IMPLICATIONS

HB401 does not contain an appropriation.

The Executive Budget and PED recommendation for FY24 includes a categorical appropriation of \$42.1 million for educational technology in schools.

The bill repeals Section 22-15A-9 NMSA 1978, which establishes parameters for calculations of distributions from the educational technology fund. Section 8 of the bill, amending Section 22-15A-8 NMSA 1978, which creates the fund, requires that money in the fund be distributed by PED to school districts and charter schools for educational purposes, leaving these matters up to the department, which would be required to promulgate rules to establish parameters and procedures for distributions from the fund.

SIGNIFICANT ISSUES

Current law requires PED to assist school districts with the educational technology plans, but does not require school districts to submit them. This change adds accountability to school districts' development of educational technology plans, which would ensure consistent and comprehensive support to students and reduce inequities across the state.

K-12 education has transformed substantially with the surge of hybrid and remote learning. Having the right technology and resources is important for students' learning experience and development. Digital equity is about making sure all school-aged children have the basic resources—broadband internet and computer access—to meaningfully participate in remote learning from home, regardless of situation or condition. Digital inclusion involves the activities necessary to ensure equitable access to and use of information and communication technologies for participation in social and economic life including for education, social services, health, social and community participation. The fallout from the COVID-19 highlighted the nation's digital divide, which has exacerbated deep inequities in every community across the United States. For many school districts, reliance on remote (mostly digital) instruction has continued well past the pandemic. But remote learning requires digital technologies, access to broadband internet and one-to-one (1:1) computer devices, which an estimated 13.5 million school-age children (ages 5-17) lack. This digital divide threatens to widen pre-existing inequities and the opportunity to learn, putting the nation's most underserved school-aged children at risk. Federal funding has allowed schools to pay for devices and connectivity for students, but when the federal funding ends, districts will need support to replace old devices and ensure connectivity

for at-risk students. The [US Department of Education](#) recommends supporting families who may be new to the internet and professional development for educators to make effective use of technology in education.

[The American Community Survey](#) (ACS), using Census data, estimated that one quarter of all school-aged children live in households without broadband access or a web-enabled device such as a computer or tablet. This inequity occurs across historic divisions of race, socioeconomic status, and geography. Native American students and students of color are much less likely to experience full connectivity than White students. Under-resourced school-aged children are much less likely to have access to either broadband internet or a computer device other than a smartphone. Other inequities include students living in rural areas; in under-resourced households (below the federal poverty threshold); in homes that rent; and whose parents lack a high school diploma or GED. The persistence of the pandemic poses additional challenges, as students who are more likely to have a parent who can be at home have more access than those who do not. Many educators across the country also lack sufficient digital technologies, which limits their ability to reach their students.

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

The bill requires school districts and charter schools to submit educational technology plans with descriptions of:

1. how digital equity is being addressed for students;
2. the replacement and repair process for devices issued to students, teachers and families;
3. internet service connectivity support, including access to internet services for at-risk students;
4. information technology support available to students, teachers and parents;
5. professional development provided to teachers regarding digital citizenship;
6. cybersecurity protection provided for the devices and applications issued to teachers and students; and
7. identity protection provided to teachers and students.

PED would be required to:

- administer the provisions of the Digital Equity in Education Act;
- distribute money in the Educational Technology Fund to school districts and charter schools for educational technology, defined as all applications of technology in the learning process, including internet connectivity, digital information, electronic devices and evidence-based software applications used to facilitate and enhance teaching and learning; and
- promulgate rules to establish parameters and procedures for distributions from the Educational Technology Fund.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

None.

AMENDMENTS

None.