

Julia Hosford Barnes, P.C.

Legal Memorandum

To: PEC
From: Julia Barnes
Re: Memo on Instructional Materials
Date: 4/12/24

Question: Can the PEC issue guidance requiring that schools provide chrome books or other similar technology to its students free of charge? Yes.

State authorized charter schools should be paying for chrome books or similar materials for their students. The cost can be high for this equipment as the chrome books are known not to last long and need to be replaced frequently. There is a great deal of support in law that virtual education is required as part of the curriculum at both the State and Federal level. In order to provide this instruction, the technology is needed.

In addition to federal laws on educational requirement, at the state level, the following citations are example to support a guidance letter:

The Digital Equity in Education Act, 25-15A.-1, NMSA, requires that each school have a plan with the Public Education Department regarding technology. 25-15A-4 outlines:

The department shall:

A. administer the provisions of the Digital Equity in Education Act;

B. require school districts and charter schools to develop, implement and submit to the department educational technology plans for utilizing educational technology in the school system, which shall include 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;*

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The New Mexico content standards require digital instruction. For example, NMAC 6.29.13.8 CONTENT STANDARDS FOR ENGLISH LANGUAGE ARTS, Grades K-5, requires:

E. Writing standards: Production and distribution of writing.

(1) Kindergarten students will apply digital tools to gather, evaluate, and use information.

(2) Grade 1 students will apply digital tools to gather, evaluate, and use information.

(3) Grade 2 students will:

(a) apply digital tools to gather, evaluate, and use information;

(b) use digital media and environments to communicate and work collaboratively.

F. Writing standards: text type and purposes. In grades 3, 4, and 5 students will use digital media environments to communicate and work collaboratively, including at a distance, to support individual learning and to contribute to the learning of others.

NMAC 6.75.2.8 INSTRUCTIONAL MATERIAL ELIGIBLE FOR ADOPTION has guidelines for digital materials being provided to students.

If needed we can do a complete search of the requirements that would support a guidance letter. However, I believe it is clear that the school must provide the technology.

