

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 345

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

INTRODUCED BY

Mimi Stewart

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO EDUCATION; CHANGING HOW INSTRUCTIONAL MATERIAL
ALLOCATIONS ARE CALCULATED, DISTRIBUTED AND EXPENDED.

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

Section 1. Section 22-15-1 NMSA 1978 (being Laws 1967,
Chapter 16, Section 205, as amended) is amended to read:

"22-15-1. SHORT TITLE.--Sections [~~77-13-1 through~~
~~77-13-14 NMSA 1953~~] 22-15-1 through 22-15-14 NMSA 1978 may be
cited as the "Instructional Material Law"."

Section 2. Section 22-15-2 NMSA 1978 (being Laws 1967,
Chapter 16, Section 206, as amended) is amended to read:

"22-15-2. DEFINITIONS.--As used in the Instructional
Material Law:

A. "division" or "bureau" means the instructional
material bureau of the department [~~of education~~];

.149990.1

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 B. "director" or "chief" means the chief of the
2 bureau;

3 C. "instructional material" means school textbooks
4 and other educational media [~~including on-line resources,~~
5 ~~distance learning media and productivity software~~] that are
6 used as the basis for instruction, including combinations of
7 textbooks, learning kits, supplementary material and electronic
8 media;

9 D. "multiple list" means a written list of those
10 instructional materials approved by the [~~state board~~]
11 department;

12 E. "membership" means the average total enrollment
13 of qualified students on the fortieth, eightieth and one
14 hundred twentieth day of the school year entitled to the free
15 use of instructional material pursuant to the Instructional
16 Material Law; and

17 F. "additional [~~pupil~~] student" means a [~~pupil~~]
18 student in a school district's, state institution's or private
19 school's current year's certified forty-day membership above
20 the number certified in the school district's, state
21 institution's or private school's prior year's forty-day
22 membership."

23 Section 3. Section 22-15-4 NMSA 1978 (being Laws 1967,
24 Chapter 16, Section 208, as amended) is amended to read:

25 "22-15-4. BUREAU--DUTIES.--Subject to the policies and
.149990.1

underscored material = new
[bracketed material] = delete

1 regulations of the [~~state board~~] department, the bureau shall:

2 A. administer the provisions of the Instructional
3 Material Law;

4 B. enforce [~~regulations~~] rules for the handling,
5 safekeeping and distribution of instructional material and
6 instructional material funds and for inventory and accounting
7 procedures to be followed by school districts, state
8 institutions, private schools and adult basic education centers
9 pursuant to the Instructional Material Law;

10 C. withdraw or withhold the privilege of
11 participating in the free use of instructional material in case
12 of any violation of or noncompliance with the provisions of the
13 Instructional Material Law or any [~~regulations~~] rules adopted
14 pursuant [~~thereto; and~~] to that act;

15 D. enforce [~~regulations~~] rules relating to the use
16 and operation of instructional material depositories in the
17 instructional material distribution process; and

18 E. enforce rules that require local school boards
19 to implement a process that ensures that parents and other
20 community members are involved in the instructional material
21 review process."

22 Section 4. Section 22-15-9 NMSA 1978 (being Laws 1967,
23 Chapter 16, Section 213, as amended) is amended to read:

24 "22-15-9. DISTRIBUTION OF FUNDS FOR INSTRUCTIONAL
25 MATERIAL.--

.149990.1

underscored material = new
[bracketed material] = delete

1 A. On or before [~~July 1~~] April 15 of each year, the
2 department [~~of education~~] shall allocate to each school
3 district, state institution or private school not less than
4 [~~ninety~~] ninety-five percent of its estimated entitlement for
5 the following year as determined from the [~~estimated forty-day~~
6 ~~membership for the next school year. A school district's,~~
7 ~~state institution's or private school's entitlement is that~~
8 ~~portion of the total amount of the annual appropriation less a~~
9 ~~deduction for a reasonable reserve for emergency expenses that~~
10 ~~its forty-day membership bears to the forty-day membership of~~
11 ~~the entire state. For the purpose of this allocation,~~
12 ~~additional pupils shall be counted as six pupils] membership of
13 the current year. The allocation for adult basic education
14 shall be based on a full-time equivalency obtained by
15 multiplying the total previous year's enrollment by .25.~~

16 B. On or before January 15 of each year, the
17 department [~~of education~~] shall recompute each entitlement
18 using the [~~forty-day membership for that year~~] prior-year
19 membership plus the number of additional students, except for
20 adult basic education, and shall allocate the balance of the
21 annual appropriation adjusting for any over- or under-
22 estimation made in the first allocation. For the purpose of
23 this allocation, additional students shall be counted as six
24 students.

25 C. [~~An amount not to exceed thirty percent of the~~

.149990.1

underscored material = new
[bracketed material] = delete

1 ~~allocations attributed to~~ Each [~~local~~] school district, state
2 institution or adult basic education center may [~~be used for~~
3 ~~instructional material~~] expend up to one hundred percent of its
4 instructional material allocation for items that are not
5 included on the multiple list provided for in Section 22-15-8
6 NMSA 1978. [~~Adult basic education centers may expend up to one~~
7 ~~hundred percent of their instructional material funds for items~~
8 ~~that are not on the multiple list.~~]

9 D. The department [~~of education~~] shall establish
10 procedures for the distribution of funds directly to [~~local~~]
11 school districts, state institutions and adult basic education
12 centers. [~~The department of education shall distribute funds~~
13 ~~to private schools on a reimbursement basis~~] The department
14 shall provide payment to a publisher or depository on behalf of
15 a private school for instructional material included on the
16 multiple list provided for in Section 22-15-8 NMSA 1978.

17 E. A school district, state institution, private
18 school or adult basic education center that has unencumbered
19 funds remaining for the purchase of instructional material at
20 the end of the fiscal year shall retain twenty-five percent of
21 those funds for expenditure in subsequent years. [~~Any balance~~
22 ~~remaining in an instructional material account of a private~~
23 ~~school at the end of the fiscal year shall remain available for~~
24 ~~reimbursement by the department of education for instructional~~
25 ~~material purchases in subsequent years.~~] The department shall

.149990.1

underscored material = new
[bracketed material] = delete

1 use the remaining seventy-five percent as a credit in
2 determining the allocation for instructional material for the
3 following school year."

4 Section 5. Section 22-15-12 NMSA 1978 (being Laws 1967,
5 Chapter 16, Section 216, as amended) is amended to read:

6 "22-15-12. ANNUAL REPORT.--Annually, at a time specified
7 by the department [~~of education~~], each local school board [~~of a~~
8 ~~school district~~] and each governing authority of a state
9 institution, private school or adult basic education center
10 acquiring instructional material pursuant to the Instructional
11 Material Law shall file a report with the department [~~of~~
12 ~~education~~] that includes an itemized list of instructional
13 material purchased by the eligible entity, by vendor; the total
14 cost of the instructional material; the average per-student
15 cost; and the year-end cash balance."