

HOUSE BILL 146

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

Sheryl Williams Stapleton

AN ACT

RELATING TO INSTRUCTIONAL MATERIALS; BROADENING THE DEFINITION OF "INSTRUCTIONAL MATERIAL"; REQUIRING TIMELY ALLOCATIONS; LIMITING THE APPLICATION OF THE MULTIPLE LIST; ELIMINATING A PROVISION REQUIRING TEXTBOOKS FOR EACH STUDENT.

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

SECTION 1. 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;

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

C. "instructional material" means school textbooks

.198701.1

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 and other educational media that are used as the basis for
2 instruction, including combinations of textbooks, learning
3 kits, original source material from subject experts,
4 supplementary material, [~~and~~] electronic media and resources
5 that support digital learning formats and educational programs,
6 whether or not on the multiple list;

7 D. "multiple list" means a written list of those
8 instructional materials approved by the department;

9 E. "membership" means the total enrollment of
10 qualified students on the [~~fortieth day~~] October reporting date
11 of the school year entitled to the free use of instructional
12 material pursuant to the Instructional Material Law;

13 F. "additional [~~pupil~~] student" means a [~~pupil~~]
14 student in a school district's, state institution's or private
15 school's current year's certified [~~forty day~~] October reporting
16 date membership above the number certified in the school
17 district's, state institution's or private school's prior
18 year's [~~forty day~~] October reporting date membership;

19 G. "school district" includes [~~state-chartered~~]
20 charter schools; and

21 H. "other classroom materials" means materials
22 other than textbooks that are used to support direct
23 instruction to students."

24 SECTION 2. Section 22-15-9 NMSA 1978 (being Laws 1967,
25 Chapter 16, Section 213, as amended) is amended to read:

.198701.1

underscored material = new
[bracketed material] = delete

1 "22-15-9. DISTRIBUTION OF FUNDS FOR INSTRUCTIONAL
2 MATERIAL.--

3 A. [~~On or before~~] No later than April 1 of each
4 year, the department shall allocate to each school district,
5 state institution or private school as agent not less than
6 ninety percent of its estimated entitlement as determined from
7 the estimated [~~forty-day~~] October reporting date membership for
8 the next school year. A school district's, state institution's
9 or private school's entitlement is that portion of the total
10 amount of the annual appropriation less a deduction for a
11 reasonable reserve for emergency expenses that its [~~forty-day~~]
12 October reporting date membership bears to the [~~forty-day~~]
13 October reporting date membership of the entire state. For the
14 purpose of this allocation, additional [~~pupils~~] students shall
15 be counted as six [~~pupils~~] students. The allocation for adult
16 basic education shall be based on a full-time equivalency
17 obtained by multiplying the total previous year's enrollment by
18 .25. The department shall transfer the amount of the
19 allocation for adult basic education to the adult basic
20 education fund.

21 B. [~~On or before~~] No later than January 15 of each
22 year, the department shall recompute each entitlement using the
23 [~~forty-day~~] October reporting date membership for that year,
24 except for adult basic education, and shall allocate the
25 balance of the annual appropriation adjusting for any over- or

.198701.1

underscored material = new
[bracketed material] = delete

1 under-estimation made in the first allocation.

2 C. ~~[An amount not to exceed fifty percent of the~~
3 ~~allocations attributed to]~~ Each school district, charter school
4 or state institution may ~~[be used for]~~ choose instructional
5 material not included on the multiple list provided for in
6 Section 22-15-8 NMSA 1978 ~~[and up to twenty-five percent of~~
7 ~~this amount may be used for other classroom materials. The~~
8 ~~local superintendent may apply to the department for a waiver~~
9 ~~of the use of funds allocated for the purchase of instructional~~
10 ~~material either included or not included on the multiple list.~~
11 ~~If the waiver is granted, the school district shall not be~~
12 ~~required to submit a budget adjustment request to the~~
13 ~~department].~~

14 D. Private schools may expend up to fifty percent
15 of their instructional material funds for items that are not on
16 the multiple list; provided that no funds shall be expended for
17 religious, sectarian or nonsecular materials; and provided
18 further that all instructional material purchases shall be
19 through an in-state depository.

20 ~~[D.]~~ E. The department shall establish procedures
21 for the distribution of funds directly to school districts and
22 state institutions. ~~[Prior to the final distribution of funds~~
23 ~~to any school district or charter school, the department shall~~
24 ~~verify that the local school board or governing body has~~
25 ~~adopted a policy that requires that every student have a~~

.198701.1

underscored material = new
[bracketed material] = delete

1 ~~textbook for each class that conforms to curriculum~~
2 ~~requirements and that allows students to take those textbooks~~
3 ~~home.]~~

4 ~~[E.]~~ F. The department shall provide payment to an
5 in-state depository on behalf of a private school for
6 instructional material.

7 ~~[F.]~~ G. A school district or state institution
8 that has funds remaining for the purchase of instructional
9 material at the end of the fiscal year shall retain those
10 funds for expenditure in subsequent years. Any balance
11 remaining in an instructional material account of a private
12 school at the end of the fiscal year shall remain available
13 for reimbursement by the department for instructional
14 material purchases in subsequent years."