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State Capitol North, 325 Don Gaspar, Suite 200
Santa Fe, New Mexico 87501
Phone: (505) 986-4591 Fax: (505) 986-4338
<http://www.nmlegis.gov/lcs/lesc/lescdefault.aspx>



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January 20, 2014

MEMORANDUM

TO: Legislative Education Study Committee (LESC); and
Legislative Finance Committee (LFC)

FR: LESC Staff

**RE: STAFF REPORT: REVIEW OF SELECTED COMPONENTS OF THE
INSTRUCTIONAL MATERIAL PROCESS**

INTRODUCTION

During the 2013 interim, the Legislative Education Study Committee (LESC) staff was requested to meet with the Legislative Finance Committee (LFC) staff to coordinate activities related to a 2013 LFC workplan program evaluation of the Instructional Material Fund and education technology in New Mexico. After discussing specific elements of the methodology that the LFC staff planned to use and the timeline for the project, LESC staff decided to work on a separate review guided by past LESC discussions regarding the instructional material process. As a result, the review of the instructional material process by the LESC staff took the form of this staff report.

In its examination of the instructional material process, this report alludes to current law – the *Instructional Material Law* – to rule of the Public Education Department (PED) – Section 6.75.2 of the *New Mexico Administrative Code* in administrative rule (PED rule), which includes by reference the Manual of Procedures: Public School Accounting and Budgeting – Supplement 9 (PSAB 9).

This staff report reviews the following selected components of the instructional material process:

- the administration of the instructional material adoption process;
- the distribution of instructional material allocations;
- special provisions for charter schools;
- oversight of the *Instructional Material Law*;
- the role of the in-state depository; and
- the 2010 General Obligation (G.O.) bond for school books and instructional material.

Most of the above sections are structured in the following way:

- interim LESC discussions;
- relevant provisions in law and PED rule (including PSAB 9); and
- current conditions.

To conclude, this staff report contains:

- a section providing potential actions that the LESC, LFC, and/or Legislature may wish to consider taking with regard to the instructional material process; and
- seven attachments, including:
 - **Attachment 1:** the *Instructional Material Law*;
 - **Attachment 2:** *Section 6.75.2 of the New Mexico Administrative Code*;
 - **Attachment 3:** *Adoption Cycle Chart*;
 - **Attachment 4:** *Instructional Material Fund Appropriation History*;
 - **Attachment 5a:** *Instructional Material Initial Allocation 2013-2014*;
 - **Attachment 5b:** *Explanation of PED Allocation Calculations*;
 - **Attachment 6:** *Conditions for Adjustment to Initial Allocation*; and
 - **Attachment 7:** *School Awards (SY 2011-12)*.

ADMINISTRATION OF THE INSTRUCTIONAL MATERIALS ADOPTION PROCESS

Interim LESC Discussions

In the 2005 interim, the LESC reviewed endorsed legislation that was enacted to amend the *Instructional Material Law* to:

- require PED, by rule, to establish a summer review process of core/basal instructional material in the content area under adoption that is facilitated by content area experts and that:
 - ensures instructional material purchased from the multiple list meets PED's standards and benchmarks;
 - utilizes Level 2 and 3-A teachers as reviewers; and
 - includes Level 1 teachers, students in teacher preparation programs, parents, and community representatives.

During the June 2005 LESC interim meeting, PED staff reported that, to implement the requirements of law, the department:

- developed a rule, effective June 1, 2005;
- held a workshop with private schools on May 13, 2005; and
- coordinated and conducted the first Instructional Materials Summer Review Institute from June 5-10, 2005 at the College of Santa Fe for the review and adoption of science, health, and physical education materials for school year 2006-2007.

PED staff also emphasized that teachers who participated in the summer review process indicated that the process was one of the best professional development activities of their career, primarily because of the opportunity to collaborate with highly qualified content experts from around the state.

More recently, during the June 2012 LESC interim meeting, the committee heard testimony from PED staff indicating that, while the FY 13 appropriation to the Instructional Material Fund was determined based on the adoption of science, health, and physical education materials that had been reviewed during the Summer Review Institute, the Public School Support recommendations of the department for FY 13 would be used for materials aligned with the Common Core State Standards.¹ Then, in testimony to the House Education Committee during the 2012 legislative session, PED staff indicated that the FY 13 materials would be focused on reading.

As a result of these discussions, this section of the staff report will review the adoption process for instructional material with a focus on the Summer Review Institute.

¹ The 2012 Legislature appropriated \$1.5 million to address the need for science materials to be available for low-performing schools. During the September 2012 interim LESC meeting, PED staff were requested to update the committee on the distribution of this appropriations. LESC minutes to that meeting indicated that a distribution had not yet been determined.

Relevant Provisions

Current Law

- The *Instructional Material Law* requires that a process for the adoption of instructional material on the multiple list at the state level be established to include the following:
 - a summer review institute where “basal” materials in the content area under review are reviewed;
 - Level 2 and Level 3-A teachers as reviewers of record, provided that Level 1 teachers, college students completing teacher preparation programs, parents, and community leaders are recruited and partnered with the reviewers of record;
 - scoring and ranking of the reviewed materials primarily against how well they align with state academic content and performance standards, with the understanding that research-based effectiveness may also be considered; and
 - the adoption of supplementary materials that are not under review.

PED Rule

Administrative rule delineates particular “Responsibilities of the Department” as related to the adoption of instructional materials that require the department to ensure that:

- there be one annual adoption;
- material adopted be for a six-year period; and
- the subject area at each annual adoption consist of those subject areas whose adoption period expires at the end of the year during which the adoption is conducted.

Among its other provisions, PED rule requires:

- PED to conduct an annual summer review institute during the first full week of June each year for the review of core/basal texts submitted for the current adoption;
- PED to:
 - appoint Level 2 and Level 3-A teachers who are endorsed in the content area under review as reviewers and, to the extent possible, select them proportionally across the state;
 - appoint Level 2 and Level 3-A teachers as facilitators of review teams;
 - appoint community members, parents, Level 1 teachers, and students preparing for careers as teachers to observe the review;
 - contract with qualified vendors to arrange venue management and provide for meals, lodging, and compensation consistent with prevailing rates for facilitators and reviewers; and
 - where appropriate, reimburse other personnel who have contracted or agreed to provide services such as clerical support for mileage, room and board, and meal reimbursement not to exceed state standards for meal reimbursement;

- printed and digital materials reviewed to be judged and scored for alignment with New Mexico standards and benchmarks and consistency with generally accepted taxonomies along with other relevant criteria as determined by the Chief of the Instructional Materials Bureau;
- educational digital media to be reviewed in the same manner as print materials with certain additional criteria;
- materials, upon completion of the review, to be recommended to the Secretary of Public Education for adoption by a panel of reviewers and department staff; and
- the Secretary of Public Education to authorize adoption of instructional materials no later than August 1 of each adoption cycle.

Current Conditions

Currently, according to the Instructional Material Bureau (IMB) website, PED is operating off the schedule for the instructional material adoption highlighted in Table 1, below. **Attachment 1** shows the exact adoption cycle table from the IMB website.

TABLE 1. Instructional Material Adoption Cycle

Subject Area(s)	Current Adoption		Upcoming Adoption Cycle	
	Adoption Institute	Contract Period for Adopted Material	Adoption Institute	Contract Period for Adopted Material
CTE, Driver Ed	June 2007	2008-2013	June 2013	2014-2019
9-12 ELA/Reading, CORE Reading Intervention, Modern, Classical and Native Languages	June 2008	2009-2014	June 2014	2015-2020
K-8 ELA/Reading, CORE Reading Intervention, Modern, Classical and Native Languages	June 2009	2010-2015	June 2015	2016-2021
K-12 Social Studies, Library/Reference, NM Native American Art and Culture	June 2010	2011-2016	June 2016	2017-2022
K-12 Science, Health, Physical Education	June 2011	2012-2017	June 2017	2018-2023
K-12 Math, K-12 Arts (Music, Theatre, Dance, Art)	June 2012	2013-2018	June 2018	2019-2024

DATA SOURCE: Public Education Department, Instructional Materials Bureau, January 2014.

LESC – 1/2014

2013 Adoption

In discussions with LFC staff related to scheduling meetings with IMB staff at PED, it was stated that there was only one individual staffing the bureau – a contractor hired by PED to manage the instructional material process and bureau. According to an interview held in December 2013 with the PED contractor, the department conducted the Summer Review Institute in 2013 for Career Technical Education and Driver Education instructional materials and adopted a “multiple list” of approved educational materials.² The contractor stated, however, that the multiple list was adopted in late August or early September, and recognized that it was after the

² As of January 15, 2013, the multiple list is available on the IMB website.

August 1 deadline required in PED rule. It appears to be a priority of the PED contractor to meet that deadline in the upcoming adoption cycle.

Overall, according to the PED contractor, in 2013 PED fulfilled most of the requirements laid out in statute and administrative rule for the annual adoption. A request for applications (RFA) with the required components was provided and the Summer Review Institute was held in Albuquerque. It appears that qualified candidates from the appropriate content areas were hired as reviewers of record for the review teams. When asked by LESC staff about the involvement of parents, Level 1 teachers and students preparing for careers as teachers; however, the PED contractor indicated that they were not included as observers at the Summer Review Institute.

See Page 22, Potential Action #2

DISTRIBUTION OF INSTRUCTIONAL MATERIALS ALLOCATIONS

Interim LESC Discussions

In the *General Appropriation Act* of each year, the Legislature appropriates general fund dollars to the Instructional Material Fund from a portion of the expected receipts of federal *Mineral Leasing Act* revenue in the forthcoming fiscal year, as required by the *Public School Finance Act*. **Attachment 2** provides the appropriation amounts since FY 00.

This appropriation forms the basis of providing instructional materials to eligible students statewide. That money is then allocated through a formula specified in the *Instructional Material Law* and distributed by PED. Every interim, the LESC requests and receives a report from PED on the allocation and distribution of the Instructional Material Fund appropriation.

Additionally, the LESC considers the appropriation request for instructional material each year through the PED public school support recommendations for the following fiscal year, which is due to the Department of Finance and Administration (DFA) on or before November 30, as required in the *Public School Finance Act*.

Historically, the LESC has also examined the adequacy of appropriations for instructional material and the allocation calculation in statute. For instance, in 1999, the LESC had endorsed a bill that changed the allocation calculation for additional pupils to a six-times multiplier to reflect the six-year adoption cycle, which was advocated by the State Board of Education.

As it relates to the department's administration of the *Instructional Material Law*, this section of the report will discuss PED's role in:

- the allocation and distribution timeline;
- the allocation calculation; and
- appropriations requests.

Allocation and Distribution Timeline

Relevant Provisions

The process for allocating money from the Instructional Material Fund is detailed within the *Instructional Material Law* along with the rules promulgated by PED. A timeline of the allocation process as described in statute or rule is included in Table 2, on the next page.

Table 2. Timeline of Instructional Material Fund Allocations

Date	Action
Prior to April 1	Notwithstanding the possibility of a special session, the Legislature will have made an appropriation to the Instructional Material Fund for the next fiscal year.
April 1 (PED Rule)	Private/nonpublic schools must have submitted their applications for consideration of instructional material funding for the following school year.
On or before April 1 ¹ (Statute and PED Rule)	PED shall allocate to each school district, state institution, or private school as agent not less than 90 percent of its estimated entitlement as determined from the estimated 40-day membership for the next school year.
July 1	At the start of the fiscal year, the initial allocation becomes available for use.
On or before January 15 (Statute and PED Rule ²)	PED shall recompute each entitlement using the 40-day membership for that year, except for adult basic education, and shall allocate the remaining 10 percent balance of the annual appropriation, adjusting for any over- or under-estimation made in the first allocation.

¹ PED typically provides initial allocation information to schools at its Spring Budget Workshop.

² PSAB 9 lists the date of this allocation as January 31.

The allocation and distribution of funds could be interpreted as two distinct concepts within the context of the *Instructional Material Law*. The allocation describes how much money each public school, state institution, and nonpublic school is entitled to receive; the distribution is the actual receipt of the allocation by the public school, state institution, or nonpublic school. Neither law nor PED rule details a specific timeline for the distribution of funds.

Current Condition

According to final audited trial balance summaries for the Instructional Material Fund from FY 09 through FY 12 and the preliminary trial balance summary for FY 13 retrieved through SHARE, the state’s financial management system, it appears that PED has:

- distributed the initial 90 percent allocation in the first month of the fiscal year only once, in FY 09; and
- in the other years, distributed the initial 90 percent allocation as late as September, the third month of the state’s fiscal year.

Guidance in PSAB 9 suggests that public schools, state institutions, and nonpublic schools should place orders of instructional material by April 15 in order to have those materials ready for the start of the school year. However, rule also requires that purchase orders may not be

issued prior to July 1 for any funds that are part of the new allocation, and furthermore, that obligations may be made with available funds only.

As a result of initial distributions coming as late as the third month of the fiscal year in FY 10 through FY 13, it is unclear whether schools' purchases or the instructional material depositories' cash flows have been negatively affected. However, PED staff noted that it has not received any complaints over the timeliness of its distributions.

Although PED is required by law to make the final 10 percent allocation by January 15, the SHARE trial balance summaries suggest that the final distribution has actually occurred in either May or June for each of the five fiscal years for which data were obtained. Eligible educational institutions might not be able to spend the final portion of their allocation in such limited time.

A forthcoming LFC program evaluation of the *Instructional Material Law* has found that some school districts retain year-end instructional material cash balances that are large relative to their annual allocations. This finding might be explained, in part, due to the timing of instructional material distributions; school districts might not be able to spend the final portion of their allocation in such limited time, and they might need to retain some balances across fiscal years to pay for obligations in advance of the school year, but prior to when PED releases the initial distribution.

Allocation Calculation

Relevant Provisions

Current Law

Provisions of the *Instructional Material Law* define the instructional material entitlement for each eligible educational institution as:

- the portion of the total appropriation, less a deduction for a reasonable emergency reserve, that its 40-day membership bears to the 40-day membership of the entire state; where,
- additional pupils³ shall be counted as six pupils; and
- the adult basic education entitlement is based on a full-time equivalent membership of 0.25 multiplied by the previous year's enrollment.

According to statute, the entitlement is then broken down between two separate allocations:

- (1) On or before April 1 of each year, PED shall allocate not less than 90 percent of the *estimated* entitlements;
 - the estimated entitlement is based on the estimated 40-day membership for the next school year.

³ The term "additional pupil" is defined in the *Instructional Material Law* as "a pupil in a school district's, state institution's, or private school's current year's certified forty-day membership above the number certified in the school district's, state institution's, or private school's prior year's forty-day membership."

- (2) On or before January 15 of each year, PED shall allocate the balance of the annual appropriation based on *actual* entitlements;
- the actual entitlement is recomputed based on the certified 40-day membership for that year, except for adult basic education; and
 - allocations are adjusted for any over- or under-estimation in the first allocation.

PED Rule

Compiled PED rule remains silent on the allocation process. However, PSAB 9, among its other provisions, refers to the allocation process at least nine separate times. Being generally consistent with other references in that document, provisions on pg. 26 of PSAB 9 state:

- “On or before April 1 of each fiscal year, the PED shall allocate to each school district, charter district, charter school, non-public and state supported school, not less than 90% of the estimated entitlement based on the prior year forty-day membership”; and
- “On or before January 31 of each year, the PED shall re-compute each entitlement using the forty-day membership for the current year, and shall allocate the balance of the annual appropriation compensating for any over- or under-estimation made in the first allocation. Any additional pupil shall be counted as six pupils.”

Current Condition

PED provided LESC staff with the spreadsheets used to calculate the initial and final allocation for FY 13, and the initial allocation for FY 14. LESC staff have included the initial allocation spreadsheet for FY 14 as **Attachment 5a**, which has been reformatted for ease of presentation. Additionally, **Attachment 5b** describes the calculations of that spreadsheet in a verbal form.

Based on the calculations within those allocation spreadsheets, LESC staff were able to identify potential issues with the allocations as calculated by PED, including:

- separate allocations and distributions for locally chartered charter schools;
- additional pupils not being counted correctly; and
- unprescribed adjustments to initial allocations.

Separate Allocations for Locally Chartered Charter Schools

The *Instructional Material Law* provides for allocations only to “each school district, state institution or private school.” “School district” is defined to include state-chartered charter schools. Under those provisions, for the purposes of the allocation, locally chartered charter schools are considered only to the extent that their membership is included within the membership of their chartering school district.

In its calculation of initial and final allocations, it appears that PED does not include locally chartered charter school membership within district enrollment. Instead, PED calculates a separate allocation for each locally chartered charter school, and school district enrollment includes only non-charter schools.

Based on interviews with PED staff, it appears that PED distributes instructional materials funds directly to locally chartered charter schools. The practice of calculating an allocation for locally chartered charter schools separate from their chartering district may make the statutory calculation of additional pupils more difficult to complete.

Additional Pupils

Statute defines the entitlement as the portion of the total appropriation that its 40-day membership bears to the 40-day membership of the entire state, requiring that additional pupils count as six pupils in this membership count. The reason for this six-times multiplier is to provide schools with sufficient funding to purchase a full cycle's worth of material for students that had not been enrolled in the prior year.⁴

It appears that PED has not counted additional pupils as more than one pupil in membership counts for the purposes of these allocations since FY 10.⁵ Not allocating the required funds for additional pupils may have impeded the ability of schools to meet statutory obligations providing for the free use of instructional material by students.

However, it is unclear whether the amounts appropriated in those fiscal years would have sufficiently funded additional pupils. If insufficient funds were appropriated for additional pupils, a correction of the calculation might have resulted in a redistribution among schools, but not more money overall.

Unprescribed Adjustment to Initial Allocations

In PED's calculation of the initial allocation described in **Attachment 5b**, items (4)(i) and (4)(ii) outline an adjustment made by PED to the allocations for certain schools, which may differ from what is set out in law. Shown in more detail in **Attachment 6**, the condition for applying this adjustment reduces to:

$$\text{Estimated MEM} < 1.081 \times (\text{Average MEM of Prior Two Years})$$

In other words:

- if the school's estimated enrollment is greater than or equal to 8.1 percent larger than the average of the two previous years, the school receives no adjustment to its allocation; and
- if the school's estimated enrollment is less than 8.1 percent larger than the average of the two previous years, it receives a dollar adjustment to its allocation, which could be positive or negative, equal to:

$$6 \times [\text{Estimated MEM} - (\text{Average MEM of Current and Prior Two Years})]$$

⁴ Prior to FY 00, the adjustment for additional pupils had been a four-times multiplier. The State Board of Education had advocated for a change to a six-times multiplier to reflect the six-year adoption cycle. This change was enacted by Laws 1999, Chapter 237, Section 1.

⁵ Even though PED increased membership based on additional pupils for FY 09 and FY 10, it appears that PED did so incorrectly. Based on the FY 09 and FY 10 final allocation spreadsheets, additional pupils appear to have actually counted as seven pupils, not six.

SPECIAL PROVISIONS FOR CHARTER SCHOOLS

Interim LESC Discussions

The LESC has historically been interested in provisions related to charter schools. During every interim since the enactment of the *Charter Schools Act*, the committee has heard testimony on charter schools; and the committee has endorsed legislation related to charter schools during most legislative sessions since then. The LESC has also maintained an interest in the relationship between charter schools and traditional public schools. As one example, during the 2012 legislative session the committee endorsed successful legislation that extended for another school year a temporary waiver provision modeled on language in the *Charter Schools Act*. As a means of addressing fiscal constraints at that time, this legislation allowed the Secretary of Public Education to grant for school districts waivers of certain requirements in law and PED rule that are automatically granted to charter schools, one of which was the purchase of instructional material.

As a result of the LESC's continued interest in charter schools, this section will review the exemption given to charter schools for purchasing instructional materials.

Relevant Provisions

Current Law

The *Charter Schools Act* requires PED to:

- waive requirements or rules and provisions of the *Public School Code* pertaining to:
 - individual class load;
 - teaching load;
 - length of school day;
 - staffing patterns;
 - subject areas;
 - **purchase of instructional material**; [emphasis added]
 - evaluation standards for school personnel;
 - school principal duties; and
 - driver's education.

PED Rule

PSAB 9 specifies that charter schools have:

- 100 percent discretionary authority to purchase on or off the adopted list; and
- no limitations as to whether instructional materials are core/basal or supplementary.

Among its other provisions, PSAB 9 also makes disbursement from the Instructional Material Fund contingent on the entities' compliance with:

- the *Instructional Materials Law*;
- other PED rule requirements;
- current legislative requirements; and
- timely submission of IMB Annual Budget Report and IMB Inventory reports.

Current Conditions

PED Contractor

Based on an interview with the PED contractor managing IMB, all charter schools are exempted from purchasing requirements established in the *Instructional Material Law*. As a result, charter schools have full discretionary use of instructional material funds. When asked by LESC staff whether the instructional material allocation still had to be used on instructional material as defined by current law, the PED contractor answered in the affirmative. Assuming this is the case, the instructional material allocation would still need to be spent on items that conform to the following definition of instructional material:

“‘Instructional material’ means school textbooks and other educational media that are used as the basis for instruction, including combinations of textbooks, learning kits, supplementary material and electronic media.”

Interviews with Charter School Administrators

LESC staff also conducted interviews with administrators from one locally chartered charter school and one state-chartered charter school to determine how they use their instructional material fund allocations.

Staff from the locally chartered charter school indicated that it:

- had only just received its first allocation in the previous year;
- had not yet spent it; and
- intends to use it for online and internet-based instructional materials.

Staff from the state-chartered charter school stated that it:

- had used past allocations for digital and online content, including licenses to use certain web-based curriculum;
- would likely continue to expend instructional material allocations in this way; and
- had not received enough through the allocation to cover all of the costs of online instructional material.

OVERSIGHT OF THE INSTRUCTIONAL MATERIALS LAW

Interim LESC Discussions

Oversight of the provisions of the *Instructional Material Law* by the IMB has been of interest to both the LESC and the LFC for many years. In November of 1999, a joint audit report of instructional material presented to a joint meeting of the LESC and LFC, focused on the “effectiveness of the Instructional Material Bureau Oversight.” At the time, the audit made 11 findings, including findings highlighting:

- confusing and contradictory regulations;
- a lack of oversight ensuring districts were receiving the lowest price offered in the country for particular materials on the multiple list; and
- that the bureau knew of instances of noncompliance, but did not withhold or withdraw instructional materials funds for those entities out of compliance.

At that time, a LESC committee member expressed concern about monitoring the prices of textbooks on the state adoption list and the Superintendent of Schools stated that it was the responsibility of the department to monitor textbook prices.

Based on these comments, this section of the staff report reviews the IMB’s oversight functions.

Relevant Provisions

Current Law

The *Instructional Material Law*:

- creates an “instructional material bureau” (IMB) within PED that is responsible for:
 - enforcing rules for handling, safekeeping, and distributing the instructional material funds, materials, and inventory;
 - ensuring that accounting procedures are followed by school districts, state institutions, and private schools;
 - withdrawing or withholding the use of instructional material in case of existing violations or noncompliance with law or rule; and
 - enforcing rules relating to the use and operation of the instructional material depository;
- requires the appointment of a chief of the IMB;
- requires PED to submit a budget for the upcoming fiscal year to DFA showing the expenditures for instructional materials using instructional material funds, including reasonable transportation charges and emergency expenses;
- requires PED to receive an annual report from the governing authorities of all entities receiving instructional material funds that includes the following information:

- an itemized list of instructional materials purchased by the eligible entity, by vendor;
 - the total cost of the instructional material;
 - the average per-student cost; and
 - the year-end cash balance; and
- requires PED to provide, upon request, a report to PED concerning the administration and execution of the *Instructional Materials Law*.

PED Rule

Compiled PED rule further requires the department to:

- ensure that entities receiving instructional material funds:
 - maintain an itemized list of instructional material purchased by districts and, if applicable, by school; and
 - are provided training on the process of obtaining funds, ordering materials, receiving funds, returning funds for sold or lost materials, and completing the annual report; and
- authorizes the IMB to:
 - develop, implement and maintain procedures that require that the state receive the lowest price offered for materials; and
 - provide additional guidance, clarification and direction to promote effective, efficient and equitable processes pertaining to the free use of instructional materials through supplemental material (PSAB 9) that is to be compiled and revised annually and issued as a supplement to rule.

Current Conditions

Interviews with PED

According to an interview with the PED contractor, the department is currently operating without an IMB chief or acting IMB chief. As a contractor, the individual stated that the primary responsibilities in the contract are programmatic and relate to the adoption process. This arrangement has included:

- ensuring that the Summer Review Institute was executed effectively;
- ensuring that accredited private/nonpublic schools were able to apply for instructional material funding; and
- working with accredited private/nonpublic schools who had incomplete components of their application to finalize necessary sections and receive funding.

When LESC staff asked the PED contractor about the appointment of a Chief of the IMB, the contractor stated that she was unable to comment on this topic. Later, in a meeting, the Deputy Secretary of Finance and Operations indicated that the department is currently engaged in the

process of hiring a full-time Chief. The expected timeline for hiring someone to fulfill this role, however, was not specified and appears to remain uncertain.

The PSAB 9 guidance document that is available on the IMB website indicates that the document was last revised in 2011. The PED contractor indicated that this is the most updated version of the document.

With regard to the department ensuring that the prices for items on the multiple list are the lowest in the nation, PED staff stated that publishers with material included on the multiple list are required to sign a contract that requires the publisher to notify the state upon a drop in price. The agreement requires the publisher to provide the state with the lowest listed price for the material being sold in the United States. Beyond the provisions in the publisher contracts, however, the PED contractor stated that no one is currently monitoring that the state is receiving the lowest listed price and commented that a review of that nature could potentially be very time consuming.

The PED contractor also responded to questions regarding training for school staff. In the past, the contractor indicated that it appeared the IMB held trainings during the Spring Budget Workshop. At the 2013 Spring Budget Workshop, however, the PED contractor stated, that training on instructional material was not provided. It appears that an instructional material training is anticipated for the 2014 Spring Budget Workshop.

In addition, one oversight requirement mandated by the *Instructional Material Law*, cited earlier, is unclear as currently written. The following section of the *Instructional Material Law* requires PED to report to itself:

“upon request, the department of education [public education department] shall make reports to the state board [department] concerning the administration and execution of the Instructional Material Law”

It appears that this requirement was made prior to the State Board of Education being dissolved and occurred due to the insertion of a “department” annotation used to replace all references to the State Board of Education.

See Page 22, Potential Actions #2 and #3

THE ROLE OF THE IN-STATE DEPOSITORY

Interim LESC Discussion

At least since 2005, the LESC has discussed the role of in-state depositories related to the purchase of instructional material by accredited private/nonpublic schools.

During the June 2005 interim LESC meeting, the committee discussed the amendments to the *Instructional Material Law* that required PED to make direct payments to book depositories or publishers on behalf of each accredited private/nonpublic school rather than distributing funds to these schools on a reimbursement basis.

In 2009, the committee heard testimony from LESC staff that the provisions of the *Instructional Material Law* relating to accredited private/nonpublic schools had been amended during the 2009 legislative session to require these schools to purchase all instructional materials from an in-state depository.

Then, in 2012, the committee discussed the provisions in law that require instructional material end-of-the-year balances for a private school to remain available for material purchases in subsequent years. Concerns were expressed that PED was unable to provide private schools with an accurate accounting of end-of-the-year balances for these schools. PED staff reported that the issues related to cash balances were caused by two situations:

- a \$4.0 million appropriation to PED for Assessment and Test Development that included a \$3.0 million funds sweep from instructional material fund balances; and
- one in-state depository ceasing operation without reconciling transactions with PED.

This section of the report will, therefore, focus on the current role of the in-state depositories for accredited private/nonpublic schools.

Relevant Provisions

Current Law

The *Instructional Material Law*:

- guarantees the free use of instructional material to any qualified student or person eligible to become a qualified student attending a public school, a state institution, or a private school approved by PED in any grade from 1 through 12;
- requires recipients of instructional material pursuant to this law to be responsible for the:
 - distribution of instructional material to be used by eligible students; and
 - safekeeping of instructional material;
- requires PED to provide payment to an in-state depository on behalf of a private school for instructional material; and

- makes reference to “instructional material depositories” but does not define the term.

PED Rule

Compiled PED rule specifies that:

- the term “New Mexico instructional material depository” means a facility authorized through application to the bureau chief to serve as an agent representing multiple publishers and other educational entities for the purpose of managing district/school instructional material orders. The depository is responsible for accounting, acquisition, storage, distribution, and disposition of adopted and supplemental instructional material;
- accredited private/nonpublic schools are eligible for instructional material funds, but they must apply every two years; and
- accredited private/nonpublic schools may only purchase items of instructional material through a New Mexico instructional material depository or in-state distribution point.

Current Conditions

Depository Staff

Currently, Archway Depository is the only operating depository in the state. In a meeting with staff from the LFC and Archway Depository, it was noted that the depository offers its services not only to accredited private/nonpublic schools, but to all schools in the state and notes the following benefits from purchasing through the depository:

- lower shipping fees;
- more direct access to publishers;
- the depository staff’s familiarity with New Mexico’s instructional material process; and
- the readiness of depository staff to act as additional advocates for the school district if issues arise in the process of purchasing instructional materials.

Depository staff indicated that, in years leading up to FY 11, the depository staff had led trainings for school personnel, including those of accredited private/nonpublic schools, during the PED Spring Budget Workshop. Since that time, however, PED has not requested that staff from the in-state depository lead this training.

PED Contractor

Conversations with the contractor revealed that the bureau had not been staffed since at least the spring of 2013 and has had multiple vacancies in recent years. A forthcoming LFC program evaluation has further details on the last time the bureau was fully staffed. Based on a review by LESC staff on orders completed through Archway Depository, it appears that some eligible accredited private/nonpublic schools did not make purchases in FY 13. Conversations with the PED contractor indicated that some eligible accredited private/nonpublic schools simply have not applied for instructional material funding. Further discussion with the PED contractor specified that the IMB is currently seeking to improve communication with accredited private/nonpublic schools regarding the availability of funds and to inform them about the application process.

Accredited Private/Nonpublic School Staff

In order to gather more information to determine why eligible accredited private/nonpublic schools may not be applying for or expending available funds, LESC staff interviewed administrators from two eligible accredited private/nonpublic schools.

- One individual indicated that one of the causes might be a lack of outreach and training from PED on how to apply for available instructional material funds. Another indicated that past situations that limited available year-end cash balances may be leading some eligible schools to save their allocation amounts for larger, more expensive instructional material purchases.
- Additionally, one individual noted that the purchasing process through the in-state depository generally works well and is a reasonable way to conduct the process for accredited private/nonpublic schools.

See Page 22, Potential Action #2

THE 2010 G.O. BOND FOR SCHOOL BOOKS AND INSTRUCTIONAL MATERIALS

Interim LESC Discussion

In the November 2012 interim meeting of the LESC, the committee discussed the provisions of legislation that was enacted (Laws 2010, Ch. 3) authorizing the issuance of general obligation (G.O.) bonds upon voter approval for certain public school initiatives, including \$2.0 million to purchase school books and instructional materials statewide.

During the discussion, LESC staff reported that:

- in November of 2010, voters statewide approved the G.O. bonds for these purposes by a margin of 60.86 percent “For” and 39.14 percent “Against; and
- in October of 2012, PED issued a memorandum stating that “awards to purchase books and instructional materials [would be given] to schools which received a letter grade of ‘A’ or [to those] recognized as a ‘Top Growth’ school.”

In response to a committee member’s question as to how the awards were funded, Ms. Hanna Skandera, Secretary-designate of Public Education, stated that the 2010 G.O. bond proceeds were distributed for this purpose.

Minutes from that meeting indicate that committee members:

- commented that the language in the legislation authorizing those bonds specified that the funds were to be used in schools statewide, rather than a few, select schools; and
- questioned the legality of spending G.O. bond proceeds in order to reward “Top Growth” and “A” schools.⁶

This section of the report, therefore, focuses on the concerns raised by LESC members.

Interview with Legislative Council Service Staff

LESC staff consulted with staff from the Legislative Council Service (LCS) to address the above concerns from LESC members. The conversation focused on whether the provisions and the language in the ballot question from the *2010 Capital Projects General Obligation Bond Act* allowed PED to distribute the G.O. bond proceeds to select schools rather than to all schools statewide.⁷ According to the *2010 Capital Projects General Obligation Bond Act*, part of the funds from the G.O. bond proceeds would go to PED to be expended in the following way:

“two million (\$2,000,000) to purchase school books and instructional materials statewide.”

⁶ A review of the use of the G.O. bond proceeds based on the LESC’s staff report titled “A-F School Grading System Update” indicates that 88 schools in 41 school districts along with nine state-chartered charter schools in New Mexico received varying allocations of these funds (see **Attachment 9**).

⁷ There are more than 800 schools statewide.

According to LCS staff, it appears that, because the term “statewide” was used rather than a phrase such as “all public schools statewide,” PED may have had the latitude to distribute the G.O. bond proceeds for instructional materials to select schools, in this case, public schools that PED designated as “Top Growth” and “A” schools based on the A-F School Grading System.

The comments from LESC committee members, however, appear to indicate that the legislative intent behind this language may not entirely align with the way in which PED expended the G.O. bond proceeds.

See Page 22, Potential Action #1

POTENTIAL ACTIONS THE COMMITTEES MAY WISH TO CONSIDER

Based on the results of this review, the committees may wish to consider the following potential actions:

- 1) when considering legislation authorizing the issuance of G.O. bonds to provide distributions to public schools statewide, ensure that the language clarifies whether the proceeds are for all public schools or selected public schools;
- 2) require PED to provide an annual report to the committees outlining PED's administration of the *Instructional Material Law* and related PED rule, including:
 - a. requirements for:
 - i. conducting the Summer Review Institute;
 - ii. calculating the per-student cost for the annual adoption;
 - iii. updating the PSAB 9;
 - iv. providing outreach relating to the application process; and
 - v. other requirements as requested; and
 - b. staffing levels within the IMB; and
- 3) direct LESC and LFC staff to conduct a follow-up review of the instructional materials process and provide a report, including potential policy considerations, to the committees prior to the 2015 legislative session.

22-15-1. Short title.

Sections 22-15-1 through 22-15-14 NMSA 1978 may be cited as the "Instructional Material Law".

History: 1953 Comp., § 77-13-1, enacted by Laws 1967, ch. 16, § 205; 1975, ch. 270, § 1; 2005, ch. 80, § 1.

Cross references. — For courses of instruction generally, see 22-13-1 NMSA 1978 et seq.

The 2005 amendment, effective April 4, 2005, made no changes to this section.

ANNOTATIONS

Am. Jur. 2d, A.L.R. and C.J.S. references. — 68 Am. Jur. 2d Schools § 318 et seq.

Furnishing free textbooks to sectarian school or student therein, 93 A.L.R.2d 986.

22-15-2. Definitions.

As used in the Instructional Material Law [22-15-1 through 22-15-14 NMSA 1978]:

- 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 and other educational media that are used as the basis for instruction, including combinations of textbooks, learning kits, supplementary material and electronic media;
- D. "multiple list" means a written list of those instructional materials approved by the department;
- E. "membership" means the total enrollment of qualified students on the fortieth day of the school year entitled to the free use of instructional material pursuant to the Instructional Material Law;
- F. "additional pupil" means a pupil in a school district's, state institution's or private school's current year's certified forty-day membership above the number certified in the school district's, state institution's or private school's prior year's forty-day membership;
- G. "school district" includes state-chartered charter schools; and
- H. "other classroom materials" means materials other than textbooks that are used to support direct instruction to students.

History: 1953 Comp., § 77-13-2, enacted by Laws 1967, ch. 16, § 206; 1975, ch. 270, § 2; 1993, ch. 226, § 35; 2005, ch. 80, § 2; 2006, ch. 94, § 47; 2007, ch. 285, § 1.

The 2007 amendment, effective June 15, 2007, added Subsection H.

The 2006 amendment, effective July 1, 2007, added Subsection G to define school district.

The 2005 amendment, effective April 4, 2005, changed the definition of "instructional material" to textbooks and media that are used as the basis for instruction, including combinations of textbooks, kits, supplementary material and electronic media.

The 2003 amendment, effective June 20, 2003, substituted "of" for "in" following "material bureau" in Subsection A; and added "including on-line resources, distance learning media and productivity software" at the end of Subsection C.

22-15-3. Bureau; chief.

A. The "instructional material bureau" is created within the department of education [public education department].

B. With approval of the state board [department], the state superintendent [secretary] shall appoint a chief of the bureau.

History: 1953 Comp., § 77-13-3, enacted by Laws 1967, ch. 16, § 207; 1975, ch. 270, § 3; 1993, ch. 226, § 36.

Bracketed material. — The bracketed material was inserted by the compiler and is not part of the law.

Laws 2004, ch. 25, § 27, provided that all references to the superintendent of public instruction shall be deemed references to the secretary of public education and all references to the former state board of education or state department of education shall be deemed references to the public education department. See 9-24-15 NMSA 1978.

The 1993 amendment, effective July 1, 1993, rewrote the catchline, which formerly read "Division director; surety bond"; substituted "instructional material bureau" for "state instructional material division" in Subsection A; substituted "chief of the bureau" for "director of the division to be known as the 'state instructional material director'"; and deleted former Subsection C, pertaining to the official bond of the director.

22-15-4. Bureau; duties.

Subject to the policies and rules of the department, the bureau shall:

A. administer the provisions of the Instructional Material Law [22-15-1 through 22-15-14 NMSA 1978];

B. enforce rules for the handling, safekeeping and distribution of instructional material and instructional material funds and for inventory and accounting procedures to be followed by school districts, state institutions and private schools pursuant to the Instructional Material Law;

C. withdraw or withhold the privilege of participating in the free use of instructional material in case of any violation of or noncompliance with the provisions of the Instructional Material Law or any rules adopted pursuant to that law;

D. enforce rules relating to the use and operation of instructional material depositories in the instructional material distribution process; and

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

History: 1953 Comp., § 77-13-4, enacted by Laws 1967, ch. 16, § 208; 1975, ch. 270, § 4; 1993, ch. 226, § 37; 1997, ch. 100, § 1; 2005, ch. 80, § 3; 2009, ch. 221, § 3.

The 2009 amendment, effective July 1, 2010, in Subsection B, after "and private schools", deleted "and adult basic education centers".

The 2005 amendment, effective April 4, 2005, added Subsection E to require the bureau to enforce rules that require local school boards to implement a process that ensures parents and community members are involved in the instructional material review process.

The 1997 amendment, effective July 1, 1998, inserted "and instructional material funds" in Subsection B.

The 1993 amendment, effective July 1, 1993, substituted "Bureau" and "bureau" for "Division" and "division" in the catchline and introductory paragraph; inserted "and regulations" in the introductory paragraph; deleted "adopt and" at the beginning of Subsection B; and added Subsection D, making related grammatical changes.

22-15-5. Instructional material fund.

A. The state treasurer shall establish a nonreverting fund to be known as the "instructional material fund". The fund consists of appropriations, gifts, grants, donations and any other money credited to the fund. The fund shall be administered by the department, and money in the fund is appropriated to the department to carry out the provisions of the Instructional Material Law [22-15-1 through 22-15-14 NMSA 1978].

B. The instructional material fund shall be used for the purpose of paying for the cost of purchasing instructional material pursuant to the Instructional Material Law. Transportation charges for the delivery of instructional material to a school district, a state institution or a private school as agent and emergency expenses incurred in providing instructional material to students may be included as a cost of purchasing instructional material. Charges for rebinding of used instructional material that appears on the multiple list pursuant to Section 22-15-8 NMSA 1978 may also be included as a cost of purchasing instructional material.

History: 1953 Comp., § 77-13-5, enacted by Laws 1967, ch. 16, § 209; 1975, ch. 270, § 5; 1992, ch. 76, § 1; 1997, ch. 100, § 2; 2009, ch. 221, § 4.

The 2009 amendment, effective July 1, 2010, in Subsection A, added the last sentence; in Subsection B, after "a private school as agent", deleted "or an adult basic education center".

The 1997 amendment, effective July 1, 1998, made a stylistic change in Subsection B.

The 1992 amendment, effective May 20, 1992, inserted "a" preceding "state institution" in the second sentence of Subsection B and added the third sentence of that subsection.

22-15-6. Disbursements from the instructional material fund.

Disbursements from the instructional material fund shall be by warrant of the department of finance and administration upon vouchers issued by the department of education [public education department].

History: 1953 Comp., § 77-13-6, enacted by Laws 1967, ch. 16, § 210; 1975, ch. 270, § 6; 1993, ch. 226, § 38.

Bracketed material. — The bracketed material was inserted by the compiler and is not part of the law.

Laws 2004, ch. 25, § 27, provided that all references to the superintendent of public instruction shall be deemed references to the secretary of public education and all references to the former state board of education or state department of education shall be deemed references to the public education department. See 9-24-15 NMSA 1978.

The 1993 amendment, effective July 1, 1993, substituted "department of education" for "director".

22-15-7. Students eligible; distribution.

A. Any qualified student or person eligible to become a qualified student attending a public school, a state institution or a private school approved by the department in any grade from first through the twelfth grade of instruction is entitled to the free use of instructional material. Any student enrolled in an early childhood education program as defined by Section 22-13-3 NMSA 1978 or person eligible to become an early childhood education student as defined by that section attending a private early childhood education program approved by the department is entitled to the free use of instructional material.

B. Instructional material shall be distributed to school districts, state institutions and private schools as agents for the benefit of students entitled to the free use of the instructional material.

C. Any school district, state institution or private school as agent receiving instructional material pursuant to the Instructional Material Law [22-15-1 through 22-15-14 NMSA 1978] is responsible for distribution of the instructional material for use by eligible students and for the safekeeping of the instructional material.

History: 1953 Comp., § 77-13-7, enacted by Laws 1967, ch. 16, § 211; 1975, ch. 270, § 7; 1977, ch. 99, § 1; 1993, ch. 226, § 39; 1997, ch. 100, § 3; 2003, ch. 394, § 5; 2009, ch. 221, § 5.

Cross references. — For transfer of usable materials, see 22-15-10 NMSA 1978.

For the transfer of powers and duties of the former state board of education, see 9-24-15 NMSA 1978.

The 2009 amendment, effective July 1, 2010, in Subsection A, deleted the last sentence which provided that any student in a basic education program approved by the commission on higher education was entitled to the free use of instructional material from the instructional material bureau; in Subsection B, after "private schools", deleted "and adult basic education centers"; and in Subsection C, after "private school as agent", deleted "and adult basic education centers".

The 2003 amendment, effective April 8, 2003, in Subsection A, substituted "commission on higher education" for "state board" following "approved by the" and added "from the instructional material bureau of the department of education" at the end.

The 1997 amendment, effective July 1, 1998, in Subsection C, made a stylistic change and substituted "by" for "of".

The 1993 amendment, effective July 1, 1993, in Subsection A, substituted "22-13-3 NMSA 1978" for "77-11-2 NMSA 1953" and made a minor stylistic change in the second sentence.

ANNOTATIONS

Right to inspect instructional material. — Local school boards have no authority to prohibit citizens of the state from inspecting instructional material used in a public school within the district. 1988 Op. Att'y Gen. No.88-37.

22-15-8. Multiple list; selection; review process.

A. The department shall adopt a multiple list to be made available to students pursuant to the Instructional Material Law [22-15-1 through 22-15-14 NMSA 1978]. At least ten percent of instructional material on the multiple list concerning language arts and social studies shall contain material that is relevant to the cultures, languages, history and experiences of multi-ethnic students. The department shall ensure that parents and other community members are involved in the adoption process at the state level.

B. Pursuant to the provisions of the Instructional Material Law, each school district, state institution or private school as agent may select instructional material for the use of its students from the multiple list adopted by the department. Local school boards shall give written notice to parents and other community members and shall invite parental involvement in the adoption process at the district level. Local school boards shall also give public notice, which notice may include publication in a newspaper of general circulation in the school district.

C. The department shall establish by rule an instructional material review process for the adoption of instructional material on the multiple list. The process shall include:

- (1) a summer review institute at which basal materials in the content area under

adoption will be facilitated by content and performance experts in the content area and reviewed by reviewers;

(2) that level two and level three-A teachers are reviewers of record; provided that level one teachers, college students completing teacher preparation programs, parents and community leaders will be recruited and partnered with the reviewers of record;

(3) that reviewed materials shall be scored and ranked primarily against how well they align with state academic content and performance standards, but research-based effectiveness may also be considered; and

(4) the adoption of supplementary materials that are not reviewed.

D. Participants in the summer review institute shall receive a stipend commensurate with the level of responsibility and participation as determined by department rule.

E. The department shall charge a processing fee to vendors of instructional materials not to exceed the retail value of the instructional material submitted for adoption.

History: 1953 Comp., § 77-13-8, enacted by Laws 1967, ch. 16, § 212; 1975, ch. 270, § 8; 1986, ch. 33, § 31; 1993, ch. 226, § 40; 1997, ch. 100, § 4; 2003, ch. 146, § 1; 2005, ch. 80, § 4; 2009, ch. 221, § 6.

Cross references. — For contracts with publishers for purchase and delivery of materials on list, see 22-15-13 NMSA 1978.

The 2009 amendment, effective July 1, 2010, in Subsection B, after "private school as agent", deleted "and adult basic education centers".

The 2005 amendment, effective April 4, 2005, added Subsection C to require the department to establish an instructional review process for the adoption of instructional material on a multiple list; provided in new Subsection D that participants in the summer review institute shall receive a stipend as determined by department rule; and in new Subsection E, required the department to charge a processing fee to vendors of instructional material.

The 2003 amendment, effective June 20, 2003, added the second sentence of Subsection A, pertaining to ten percent of instructional material on the multiple list concerning language arts and social studies.

The 1997 amendment, effective July 1, 1998, made a stylistic change in Subsection B.

The 1993 amendment, effective July 1, 1993, inserted "and other community members" in the second sentences of Subsections A and B.

ANNOTATIONS

Right to inspect instructional material. — Local school boards have no authority to prohibit citizens of the state from inspecting instructional material used in a public school within the district. 1988 Op. Att'y Gen. No. 88-37.

22-15-8.1. Instructional material adoption fund.

The "instructional material adoption fund" is created in the state treasury. The fund consists of fees charged to publishers to review their instructional materials, income from investment of the fund, gifts, grants and donations. Money in the fund shall not revert to any other fund at the end of a fiscal year. The fund shall be administered by the department and money in the fund is appropriated to the department to pay expenses associated with adoption of instructional material for the multiple list.

History: Laws 2005, ch. 80, § 5.

Emergency clauses. — Laws 2005, ch. 80, § 8 contained an emergency clause and was approved April 4, 2005.

22-15-8.2. Reading materials fund; created; purpose; applications.

A. The "reading materials fund" is created in the state treasury. The fund consists of appropriations, gifts, grants and donations. Money in the fund shall not revert to any other fund at the end of a fiscal year. The fund shall be administered by the department, and money in the fund is appropriated to the department to assist public schools that want to change their reading programs from the current adoption. Money in the fund shall be disbursed on warrant of the secretary of finance and administration pursuant to vouchers signed by the secretary of public education or the secretary's authorized representative.

B. A school district that wants to use a scientific research-based core comprehensive, intervention or supplementary reading program may apply to the department for money from the reading materials fund to purchase the necessary instructional materials for the selected program. A school district may apply for funding for its reading program if:

(1) core and supplemental materials are highly rated by either the Oregon reading first center or the Florida center for reading research or the materials are listed in the international dyslexia association's framework for informed reading and language instruction;

(2) the district selects no more than two comprehensive published core reading programs; and

(3) the district has established a professional development plan describing how it will provide teachers with professional development and ongoing support in the effective use of the selected instructional materials.

History: Laws 2006, ch. 58, § 1.

Effective dates. — Laws 2006, ch. 58 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective May 17, 2006, 90 days after adjournment of the legislature.

22-15-9. Distribution of funds for instructional material.

A. On or before April 1 of each year, the department shall allocate to each school district, state institution or private school as agent not less than ninety percent of its estimated entitlement as determined from the estimated forty-day membership for the next school year. A school district's, state institution's or private school's entitlement is that portion of the total amount of the annual appropriation less a deduction for a reasonable reserve for emergency expenses that its forty-day membership bears to the forty-day membership of the entire state. For the purpose of this allocation, additional pupils shall be counted as six pupils. The allocation for adult basic education shall be based on a full-time equivalency obtained by multiplying the total previous year's enrollment by .25. The department shall transfer the amount of the allocation for adult basic education to the adult basic education fund.

B. On or before January 15 of each year, the department shall recompute each entitlement using the forty-day membership for that year, except for adult basic education, and shall allocate the balance of the annual appropriation adjusting for any over- or under-estimation made in the first allocation.

C. An amount not to exceed fifty percent of the allocations attributed to each school district or state institution may be used for instructional material not included on the multiple list provided for in Section 22-15-8 NMSA 1978, and up to twenty-five percent of this amount may be used for other classroom materials. The local superintendent may apply to the department for a waiver of the use of funds allocated for the purchase of instructional material either included or not included on the multiple list. If the waiver is granted, the school district shall not be required to submit a budget adjustment request to the department. Private schools may expend up to fifty percent of their instructional material funds for items that are not on the multiple list; provided that no funds shall be expended for religious, sectarian or nonsecular materials; and provided further that all instructional material purchases shall be through an in-state depository.

D. The department shall establish procedures for the distribution of funds directly to school districts and state institutions. Prior to the final distribution of funds to any school district or charter school, the department shall verify that the local school board or governing body has adopted a policy that requires that every student have a textbook for each class that conforms to curriculum requirements and that allows students to take those textbooks home.

E. The department shall provide payment to an in-state depository on behalf of a private school for instructional material.

F. A school district or state institution that has funds remaining for the purchase of instructional material at the end of the fiscal year shall retain those funds for expenditure in subsequent years. Any balance remaining in an instructional material account of a private school at the end of the fiscal year shall remain available for reimbursement by the department for instructional material purchases in subsequent years.

History: 1953 Comp., § 77-13-9, enacted by Laws 1967, ch. 16, § 213; 1969, ch. 180, § 26; 1975, ch. 270, § 9; 1977, ch. 99, § 2; 1979, ch. 125, § 1; 1992, ch. 76, § 2; 1993, ch. 226, § 41; 1997, ch. 100, § 5; 1999, ch. 237, § 1; 2005, ch. 80, § 6; 2007, ch. 284, § 1.; 2007, ch. 285, § 2; 2009, ch. 221, § 7.

Cross references. — For annual reports, see 22-15-12 NMSA 1978.

The 2009 amendment, effective July 1, 2010, in Subsection A, added the last sentence; in Subsection C, after "state institution", deleted "or adult basic education center"; at the beginning of the fourth sentence, deleted "Adult basic education centers" and added "Private schools"; after "may expend up to", deleted "one hundred" and added "fifty"; and in the last sentence, after "multiple list", added the remainder of the sentence; in Subsection D, after "state institutions" deleted "and adult basic education centers"; in Subsection E, after "provide payment to", deleted "a publisher or" and added "an in-state"; and at the end of the sentence, deleted "included on the multiple list provided for in Section 22-15-8 NMSA 1978"; and in Subsection F, after "state institution" deleted "or adult basic education center".

The 2007 amendment, effective June 15, 2007, in Subsection C provided that up to twenty-five percent of the funds appropriated by instructional materials to also be used for other classroom materials.

The 2005 amendment, effective April 4, 2005, in Subsection A, changed the deadline for allocations of entitlements from July 1 to April 1 of each year; in Subsection C, increased the amount of allocations that may be used for instructional material from thirty to fifty percent and provides for a waiver of the use of funds allocated for instructional material; in Subsection D, required the department make payment to the publisher or depository on behalf of a private school for instructional material on the multiple list; and in Subsection E, provided that funds remaining for the purchase of instructional material at the end of the fiscal year shall be retained and used in subsequent year.

The 1999 amendment, effective June 18, 1999, in Subsection A, added the third sentence and deleted the last sentence which read: "For the purpose of this allocation, additional pupils shall be counted as four pupils".

The 1997 amendment, effective July 1, 1998, added "Distribution of Funds for" in the section heading; deleted former Subsection A, relating to the establishment of separate instructional material accounts; redesignated the first paragraph of former Subsection B as Subsection A; in the first sentence of Subsection A, deleted "credit" following "allocate" and deleted "the instructional material account of" preceding "each", and deleted "transportation charges and" preceding "emergency" in the second sentence; redesignated the second paragraph of former Subsection B as Subsection B; in Subsection B, in the first sentence, substituted "adjusting" for "compensating" and deleted "of credit" following "under-estimation", and deleted the former second sentence, relating to disposition of funds remaining for the allocation; rewrote Subsection C; added Subsection D and redesignated former Subsection D as Subsection E; and rewrote Subsection E.

The 1993 amendment, effective July 1, 1993, substituted "department of education" for "division" throughout the section; substituted "not less than ninety percent" for "equal to ninety percent" in the first sentence of the first paragraph of Subsection B; deleted the former third sentence of the first paragraph of Subsection B, which read "Kindergarten MEM shall be calculated on a .5 full-time equivalent basis"; rewrote Subsection C; and substituted "expenditure" for "requisitioning against" near the end of Subsection D.

The 1992 amendment, effective May 20, 1992, substituted "forty-day membership" for "forty-day average daily membership" several times throughout the section; in Subsection B made minor stylistic

changes in the first and second sentences and substituted "MEM" for "ADM" in the third sentence; and, in Subsection C, inserted "including the rebinding of used instructional material" in the first and second sentences.

ANNOTATIONS

Textbooks for student in private schools. — The public education department's payment of public money for textbooks that are provided to students attending private schools, including sectarian and denominational schools, may violate Article IX, Section 14 and Article XII, Section 3 of the New Mexico Constitution. 2010 Op. Att'y Gen. No. 10-06.

22-15-10. Sale or loss or return of instructional material.

A. With the approval of the chief, instructional material acquired by a school district, state institution or private school pursuant to the Instructional Material Law [22-15-1 through 22-15-14 NMSA 1978] may be sold at a price determined by officials of the school district, state institution or private school. The selling price shall not exceed the cost of the instructional material to the state.

B. A school district, state institution or private school may hold the parent or student responsible for the loss, damage or destruction of instructional material while the instructional material is in the possession of the student. A school district may withhold the grades, diploma and transcripts of the student responsible for damage or loss of instructional material until the parent or student has paid for the damage or loss. When a parent or student is unable to pay for damage or loss, the school district shall work with the parent or student to develop an alternative program in lieu of payment. Where a parent is determined to be indigent according to guidelines established by the department, the school district shall bear the cost.

C. A school district or state institution that has funds remaining for the purchase of instructional material at the end of the fiscal year shall retain those funds for expenditure in subsequent years.

D. All money collected by a private school for the sale, loss, damage or destruction of instructional material received pursuant to the Instructional Material Law shall be sent to the department.

E. Upon order of the chief, a school district, state institution or private school shall transfer to the department or its designee instructional material, purchased with instructional material funds, that is in usable condition and for which there is no use expected by the respective schools.

History: 1953 Comp., § 77-13-10, enacted by Laws 1967, ch. 16, § 214; 1975, ch. 270, § 10; 1989, ch. 280, § 1; 1993, ch. 226, § 42; 1997, ch. 100, § 6; 2009, ch. 221, § 8.

Cross references. — For transfer of powers and duties of former chief of public school finance, see 9-6-3.1 NMSA 1978.

For transfer of the powers and duties of the former state board and department of education, see 9-24-15 NMSA 1978.

The 2009 amendment, effective July 1, 2010, in Subsections A, B and E, after "private school", deleted "or adult basic education center"; in Subsection C, after "state institution" deleted "or adult basic education center"; in Subsection B, in the first, second and third sentences, after "parent", deleted "guardian"; and in the last sentence, after "parent", deleted "or guardian".

The 1997 amendment, effective July 1, 1998, substituted "acquired by" for "distributed to" in Subsection A; in Subsection B, deleted "as agent" following "center" in the first sentence and deleted "of education" in the last sentence; added Subsection C and redesignated the remaining subsections accordingly; rewrote Subsection D; in Subsection E, deleted "as ordered" following "transfer" and substituted "purchased with" for "purchased from the"; and made stylistic changes throughout the section.

The 1993 amendment, effective July 1, 1993, substituted "chief" for "director" in Subsections A and D; substituted "department of education" and "department" for "division" in Subsections C and D; added the final sentence of Subsection C; and made a minor stylistic change in Subsection D.

The 1989 amendment, effective June 16, 1989, added the last three sentences in Subsection B and made minor stylistic changes.

22-15-11. Record of instructional material.

Each school district, state institution or private school shall keep accurate records of all instructional material, including cost records, on forms and by procedures prescribed by the bureau.

History: 1953 Comp., § 77-13-11, enacted by Laws 1967, ch. 16, § 215; 1975, ch. 270, § 11; 1997, ch. 100, § 7; 2009, ch. 221, § 9.

The 2009 amendment, effective July 1, 2010, after "private school", deleted "or adult basic education center".

The 1997 amendment, effective July 1, 1998, deleted former Subsection A, which read: "The division shall keep accurate records of the cost of all instructional material distributed pursuant to the Instructional Material Law", deleted the Subsection B designation, and substituted "including cost records" for "distributed to it pursuant to the Instructional Material Law".

22-15-12. Annual report.

Annually, at a time specified by the department, each local school board of a school district and each governing authority of a state institution or private school acquiring instructional material pursuant to the Instructional Material Law [22-15-1 through 22-15-14 NMSA 1978] shall file a report with the department that includes an itemized list of instructional material purchased by the eligible entity, by vendor; the total cost of the instructional material; the average per-student cost; and the year-end cash balance.

History: 1953 Comp., § 77-13-12, enacted by Laws 1967, ch. 16, § 216; 1975, ch. 270, § 12;

1993, ch. 226, § 43; 1997, ch. 100, § 8; 2005, ch. 80, § 7; 2009, ch. 221, § 10.

The 2009 amendment, effective July 1, 2010, after "private school", deleted "or adult basic education center".

The 2005 amendment, effective April 4, 2005, required eligible entities to file a report that includes an itemized list of instructional material purchased by the entity by vendor, the total cost of the material, the average per-student cost and the year-end cash balance.

The 1997 amendment, effective July 1, 1998, substituted "acquiring" for "receiving".

The 1993 amendment, effective July 1, 1993, substituted "department of education" for "division" in two places and deleted former Subsections A to C, pertaining to contents of the annual report.

22-15-13. Contracts with publishers.

A. The department may enter into a contract with a publisher or a publisher's authorized agent for the purchase and delivery of instructional material selected from the multiple list adopted by the department.

B. Payment for instructional material purchased by the department shall be made only upon performance of the contract and the delivery and receipt of the instructional material.

C. Each publisher or publisher's authorized agent contracting with the state for the sale of instructional material shall agree:

(1) to file a copy of each item of instructional material to be furnished under the contract with the department with a certificate attached identifying it as an exact copy of the item of instructional material to be furnished under the contract;

(2) that the instructional material furnished pursuant to the contract shall be of the same quality in regard to paper, binding, printing, illustrations, subject matter and authorship as the copy filed with the department; and

(3) that if instructional material under the contract is sold elsewhere in the United States for a price less than that agreed upon in the contract with the state, the price to the state shall be reduced to the same amount.

D. Each contract executed for the acquisition of instructional material shall include the right of the department to transcribe and reproduce instructional material in media appropriate for the use of students with visual impairment who are unable to use instructional material in conventional print and form. Publishers of adopted textbooks also shall be required to provide those materials to the department or its designated agent in an electronic format specified by the department that is readily translatable into Braille and also can be used for large print or speech access within a time period specified by the department.

E. Beginning with instructional material for the 2013-2014 school year, publishers of instructional material on the multiple list shall be required to provide those materials in both written and electronic formats.

History: 1953 Comp., § 77-13-13, enacted by Laws 1967, ch. 16, § 217; 1975, ch. 270, § 13; 1993, ch. 156, § 6; 1993, ch. 226, § 44; 2011, ch. 114, § 1.

Cross references. — For transfer of the powers and duties of the former state board and department of education, see 9-24-15 NMSA 1978.

The 2011 amendment, effective June 17, 2011, added Subsection E to require publishers to provide instructional material in both written and electronic format beginning with the 2013-2014 school year.

The 1993 amendment, effective July 1, 1993, substituted "authorized agent" for "representative" in Subsections A and C.

ANNOTATIONS

Am. Jur. 2d, A.L.R. and C.J.S. references. — 79 C.J.S. Schools and School Districts §§ 491, 492.

22-15-14. Reports; budgets.

A. Annually, the department of education [public education department] shall submit a budget for the ensuing fiscal year to the department of finance and administration showing the expenditures for instructional material to be paid out of the instructional material fund, including reasonable transportation charges and emergency expenses.

B. Upon request, the department of education [public education department] shall make reports to the state board [department] concerning the administration and execution of the Instructional Material Law [22-15-1 through 22-15-14 NMSA 1978].

History: 1953 Comp., § 77-13-14, enacted by Laws 1967, ch. 16, § 218; 1975, ch. 270, § 14; 1993, ch. 226, § 45.

Bracketed material. — The bracketed material was inserted by the compiler and is not part of the law.

Laws 2004, ch. 25, § 27, provided that all references to the superintendent of public instruction shall be deemed references to the secretary of public education and all references to the former state board of education or state department of education shall be deemed references to the public education department. See 9-24-15 NMSA 1978.

Cross references. — For instructional material fund generally, see 22-15-5 NMSA 1978.

The 1993 amendment, effective July 1, 1993, substituted "department of education" for "division" in Subsections A and B.

TITLE 6 PRIMARY AND SECONDARY EDUCATION
CHAPTER 75 INSTRUCTIONAL MATERIALS AND TECHNOLOGY
PART 2 RELATING TO THE PUBLIC EDUCATION DEPARTMENT INSTRUCTIONAL
MATERIAL BUREAU

6.75.2.1 ISSUING AGENCY: Public Education Department
[6.75.2.1 NMAC - Rp, 6.75.2.1 NMAC, 10/15/10]

6.75.2.2 SCOPE: This rule governs the procedures for the adoption, purchase, and delivery of instructional material.
[6.75.2.2 NMAC - Rp, 6.75.2.2 NMAC, 10/15/10]

6.75.2.3 STATUTORY AUTHORITY: This rule is promulgated pursuant to Sections 9-24-8, 22-2-1, 22-15-4, and 22-15-8 NMSA 1978.
[6.75.2.3 NMAC - Rp, 6.75.2.3 NMAC, 10/15/10]

6.75.2.4 DURATION: Permanent
[6.75.2.4 NMAC - Rp, 6.75.2.4 NMAC, 10/15/10]

6.75.2.5 EFFECTIVE DATE: October 15, 2010, unless a later date is cited at the end of a section.
[6.75.2.5 NMAC - Rp, 6.75.2.5 NMAC, 10/15/10]

6.75.2.6 OBJECTIVE: This rule is designed to facilitate the adoption, requisition and distribution of instructional material.
[6.75.2.6 NMAC - Rp, 6.75.2.6 NMAC, 10/15/10]

6.75.2.7 DEFINITIONS:

- A. "Adoption" means authorization by the secretary of a multiple list of core/basal instructional materials and a list of supplemental materials for use in the schools.
- B. "Adoption cycle" means the six year adoption cycle as described in Subsection B of 6.75.2.8 NMAC.
- C. "Alternative format" means the exact duplicate version of the title submission in a format or language other than the original version; examples of alternative formats include CD-ROM, software, online or web based, DVD, compact video or audio disc, video or audio tape.
- D. "Basal" means the materials that constitute the necessary instructional components of a course of study, generally including a student edition, a teacher edition, and workbooks.
- E. "BIE" means the bureau of Indian education of the United States department of education.
- F. "Bundles/packages" means supplemental instructional material packaged together for retail, identified and labeled as: "teacher support", "student support" or "classroom support".
- G. "Challenge to title score" means a written, publisher-submitted document challenging the final score of a title submitted for consideration as an adopted core/basal text.
- H. "Chief" means the bureau chief of the state instructional material bureau.
- I. "Classroom kit" means the packaging of supplemental student support materials which provide exact duplicate items per student for whole class instruction and is sold as one retail price.
- J. "Core" means those subjects for which the department has developed content standards and benchmarks.
- K. "Data" refers to a collection of information, electronic or non-electronic. Data can also refer to raw facts, figures or symbols.
- L. "Department" means the New Mexico public education department.
- M. "Depository" or "textbook depository" - see New Mexico instructional material depository.
- N. "Digital direct instruction course/program" means computer based instruction in which courses use software as the primary delivery method of instruction. The digital instructor provides direct instruction to the student. The classroom instructor primarily provides support rather than instruction. A text book may or may not be required. These courses will be accepted as supplemental material only; they will not be accepted as core/basal material for the review process.

O. “Digital learning content” means technology application information incorporated within the content of the core/basal instructional material for the purpose of supporting development of technological knowledge and skills that students can then apply to all curriculum areas.

P. “Distribution” means transporting to the schools those items of instructional material on the multiple list requisitioned by a particular school or school district.

Q. “Educational media” means print, digital, or electronic material providing or conveying information to the student or otherwise containing intellectual content and contributing to the learning process. Educational courseware or programming that is the primary provider of instruction as well as of information is not included in this definition.

R. “Educational digital media” means a digital system of instructional material, computer software, interactive videodisc, magnetic media, CD-ROM, DVD, computer courseware, online services, electronic media, or other means of conveying information to the student or otherwise containing intellectual content that contributes to the learning process. Educational courseware or programming that is the primary provider of instruction as well as of information is not included in this definition.

S. “Electronic record” means a computer generated item such as an email message, a document file, an image file, etc., received and stored in a form only an electronic device can process.

T. “Eligible entities” means education entities that may participate in the state-funded instructional material program, including:

- (1) all public schools and districts, charter schools, and state-supported schools; and
- (2) non-public schools that have applied and been approved for participation in the program.

U. “Email” means:

- (1) a system that enables users to compose, transmit, receive and manage electronic messages and images across wired or wireless computer networks and through gateways connecting to other local area networks;
- (2) a message transmitted electronically over a communications network.

V. “Form E, Version CB” means the publisher’s form for the submission of core/basal titles of teacher and student editions and student workbooks.

W. “Form E, Version SP” means the publisher’s form for the submission of supplemental materials, including bundles, packages, classroom kits, kits, sets, libraries, and collections.

X. “Governing authority” means the governing authority of a state agency, a public two-year post secondary institution, or a non-public school accredited by the department.

Y. “In-state distribution point”. See “New Mexico instructional materials in-state distribution point”

Z. “Instructional material” means school textbooks, educational digital media, electronic books, and other technology that are used as the basis for instruction, including combinations of textbooks, learning kits, supplemental material, and other educational technology (not to include computers, laptops, handheld computers, or other devices used to access instructional material content).

AA. “Instructional material bureau” means that unit established within the department pursuant to the Instructional Material Law.

BB. “Instructional material summer review institute” means the annual review of all submitted core/basal instructional materials conducted required by 22-15-8 NMSA 1978. The institute is conducted by the bureau during the first full week of June.

CC. “Kit” means supplemental instructional material packaged together for one retail price.

DD. “Local school board” means the governing body of a school district or, as appropriate, the governing authority of a charter school.

EE. “Multiple list” means an adopted authorized list of core/basal instructional materials and an adopted authorized list of supplemental instructional materials for use in the schools approved annually, by August 1, by the secretary of education.

FF. “New Mexico instructional material in-state distribution point” means a facility or a set of procedures developed and maintained by a publisher, used by only that publisher, meeting the criteria established in Subsection C of 6.75.2.12 NMAC and authorized through application to the bureau chief, for the purpose of facilitating distribution of that publisher’s instructional materials within New Mexico. The distribution point is responsible for accounting, acquisition, storage, distribution and disposition of adopted textbooks and supplemental instructional materials.

GG. “New Mexico instructional material depository” means a facility authorized through application to the bureau chief to serve as an agent representing multiple publishers and other educational entities for the purpose of managing district/school instructional material orders. The depository is responsible for accounting, acquisition, storage, distribution and disposition of adopted and supplemental instructional materials.

HH. “New Mexico regional review center” means a state authorized location where samples of instructional materials are received from publishers and made available to evaluators, teachers and educational practitioners. The review center is responsible for storage, disposition and inventory of current adopted textbooks and supplemental instructional materials.

II. “Non public school” as used in instructional material law means a secondary or elementary school operated and supported by private individuals, private organizations, corporations, or federal agencies rather than by local or state government or by local or state public agency. Examples include private sectarian schools, private nonsectarian schools, and BIE schools.

JJ. “Online course/program” means computer based instruction in which courses use the internet as the primary delivery method of information. A text book is required and all other materials, as well as, instructional support provided by an on-site instructor.

KK. “Online direct instruction course/program” means computer based instruction in which courses use the internet as the primary delivery method of instruction. The cyber instructor provides direct instruction to the student. The classroom instructor primarily provides support rather than instruction. A text book may or may not be required. These courses will be accepted as supplemental submissions only; they will not be accepted as core/basal submissions for the review process.

LL. “Packages/bundles” means supplemental instructional material packaged together as a single unit of purchase, identified and labeled as “teacher support”, “student support” and “classroom support”.

MM. “Professional development” means the process of increasing the professional capabilities of staff by providing training and educational opportunities.

NN. “Protest” - see “challenge to title score”

OO. “Permanent records” means records that are preserved in an archive.

PP. “Public record” means all books, papers, maps, photographs or other documentary materials, regardless of physical form or characteristics, made or received by any agency in pursuance of law or in connection with the transaction of public business, preserved or appropriate for preservation, by the agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the government, or because of the informational and historical value of the data contained therein. (Public Records Act, Section 14-3-2 NMSA 1978)

QQ. “Publisher’s agreement” means an agreement between the department and the publisher or publisher’s agent to provide certain material at the lowest price for the use of students in New Mexico schools and including a penalty for failure to perform.

RR. “Review set” means core/basal instructional materials organized for the purpose of a grade level title submission: student edition, teacher edition, student workbook, and alternative format(s).

SS. “Reading intervention program” as used in instructional material law means instructional materials specifically organized and intended to support a program of instruction to develop increased reading skills of struggling readers.

TT. “Regional review center” - See New Mexico regional review center

UU. “Request for applications (RFA)” means the written notice issued by the department to all publishers listing the subjects for which they will adopt material in a specific year and the terms and conditions under which applications from publishers to supply such material will be considered.

VV. “Requisition” means a list of items from the multiple list that local school boards or governing authorities wish to purchase. Such a list must be in a format specified by the in-state distributors and must be transmitted to the in-state distribution point before it becomes a requisition.

WW. “Review” means a standardized process examining submitted core/basal instructional materials to determine the extent of the material’s alignment with the requirements of instructional material law and therefore its suitability for adoption under instructional material law. There are four categories of review.

(1) A “review” is conducted during the annual summer review institute (institute) by a panel of three highly qualified teachers who have been selected for this purpose.

(2) A “second review” is conducted during the annual summer review institute for all titles submitted for review that did not achieve a 90% alignment score, but that achieved or exceeded an 80% score. The second review is conducted by a different panel of three highly qualified teachers in order to validate scores and ensure that titles receive a full opportunity to meet adoption requirements.

(3) A “departmental review” is a third review that may be convened for any submitted title at the chief’s discretion. It may be conducted during the institute or at a later time. The departmental review is conducted by a panel of three department administrators in order to ensure the reliability and validity of the review process.

XX. “Review set” means the student edition, teacher edition and student workbook for a title that has been submitted for adoption.

YY. “Set” means supplemental curriculum or instructional materials packaged together as a single unit, with one retail price.

ZZ. “Special review” means a review of new material that is not conducted during the summer review institute, but is conducted within twelve months of the secretary’s authorization of the adoption. It may be convened at the request of a publisher with the approval of the chief, or for other reasons as determined by the chief. The special review is conducted by a panel of three highly qualified teachers who have been selected for this purpose. If requested by a publisher, the cost of the special review is borne by the publisher.

AAA. “Substitution” means the replacement of an item under publisher’s agreement with a revised edition of the item.

BBB. “Summer review institute” - see “instructional material summer review institute”

CCC. “Supplement 9” means the written set of administrative requirements developed by the instructional material bureau to provide guidance regarding regulations, policy and general procedures for districts, charter schools, non-public schools, state-supported schools and publishers to participate in the “free use of instructional material” program.

DDD. “Supplemental materials” means materials used to reinforce, enrich, or extend the basic program of instruction; including ancillary items referenced as, bundles, packages, kits, classroom kits, sets, libraries, and collections.

EEE. “Waiver” means a process by which a district may request authorization to use instructional material money allocated for the purchase of core/basal materials to purchase supplemental instructional materials. [6.75.2.7 NMAC - Rp, 6.75.2.7 NMAC, 10/15/10]

6.75.2.8 REQUIREMENTS: RESPONSIBILITIES OF THE DEPARTMENT

A. Annual adoption. There shall be one (1) annual adoption, provided however, that the department may allow other adoptions upon a finding that an emergency is determined to exist.

B. Material shall be adopted for a period of six years. The subject area of each annual adoption shall consist of those subject areas whose adoption period expires at the end of the year during which the adoption is conducted.

C. The department will issue the request for applications (RFA). The RFA shall specify:

- (1) timelines for adoption, requisition, and distribution of instructional material;
- (2) length of publisher’s agreement;
- (3) a submission fee to be collected by the department not to exceed the retail value of the materials submitted for adoption; and
- (4) such other terms and conditions as the department determines.

D. The chief, subject to review by the department, may reject any application that fails to comply fully with the provisions of the request for applications, or may reject any or all applications.

E. The department may accept any conforming application which is determined to be most advantageous to the state, considering the educational value of material, cost to state, reliability of the publisher, and all other significant factors.

F. The department shall conduct an annual summer review institute during the first full week of June each year for the review of core/basal texts submitted for the current adoption.

G. In conducting the summer review institute, the department shall:

- (1) appoint highly qualified teachers (licensure levels 2 and 3-A) who are endorsed in the content areas under review as the reviewers of record; to the extent possible, reviewers will be selected proportionally across the state from the eight local school board regions and Albuquerque;
- (2) appoint highly qualified teachers (licensure levels 2 and 3-A) as facilitators of the review teams;
- (3) appoint New Mexico community members, parents, level one teachers, and students preparing for careers as teachers to observe the reviewers of record in the review;
- (4) contract with qualified vendors to arrange venue management and to provide for meals, lodging and compensation consistent with prevailing rates for facilitators and reviewers; and
- (5) where appropriate as determined by the chief, reimburse other personnel who have contracted or agreed to provide services such as clerical support, process management, additional supervision or training for mileage, provided they meet state qualification standards for mileage reimbursement, and provide room and board and meal reimbursement not to exceed state standards for meal reimbursement.

H. Printed and digital materials under review shall be scored according to the extent of their alignment with state content and performance standards, pedagogy consistent with current educational taxonomies, and other relevant criteria.

I. The department shall develop and use a standardized review form incorporating the scoring rubric and space for the publishers' alignment citations and the reviewer's scores.

J. The review form shall be divided into two sections.

K. Section I shall consist of citations showing alignment with New Mexico standards and benchmarks and shall include scorable performance indicators for all relevant standards and benchmarks consistent with Bloom's taxonomy or other generally accepted taxonomies as determined by the content bureau.

L. Section II shall consist of citations showing that the material under review meets other relevant criteria, including but not limited to:

- (1) is built around effective pedagogy and instructional design;
- (2) incorporates the principles of culturally responsive pedagogy and differentiated instruction;
- (3) incorporates and reflects current educational taxonomies supporting the development of higher order thinking skills;
- (4) has no factual error;
- (5) has no religious affiliation or partisanship;
- (6) has no cultural bias or gender bias;
- (7) demonstrates and reflects images, references and points of view reflecting a multicultural society;
- (8) integrates digital learning content within the text;
- (9) supports differentiated or personalized learning through style, pace, or needs;
- (10) can be adapted or configured by teacher to meet evolving needs;
- (11) supports accountability through integration of assessments and content; and
- (12) provides both formative and summative assessment opportunities.

M. Core/basal materials may also be scored on the basis of research-based, data proven effectiveness, publisher-provided professional development, pedagogy consistent with current educational taxonomies and other relevant criteria as determined by the bureau chief or developed in consultation with the content bureau and other highly qualified educational practitioners.

N. The materials under review shall be scored as follows.

(1) Core/basal materials that achieve a final total score of 90% or higher alignment with state content and performance standards and other relevant criteria may be considered for recommendation to the secretary for adoption as core/basal materials.

(2) Core/basal materials that score less than 90% alignment but greater than 80% with state content and performance standards and other relevant criteria shall be re-assessed by a second panel of reviewers for validation of the score.

(3) The chief, subject to the review of the department, may also convene a departmental panel of reviewers in order to ensure the validity and reliability of the review process.

(4) Core/basal materials that score less than 90% alignment with state content and performance standards and other relevant criteria will be recommended to the secretary for adoption as supplemental.

(5) Submitted supplemental titles may also be considered for recommendation to the secretary for adoption as supplemental materials.

O. Educational digital media. The contract, review, and evaluation process and standards involving digital, electronic, or web-based materials and media shall be the same as print materials, with these qualifications.

(1) Educational digital media shall comply with current interoperability standards; and any other specifications deemed necessary by the chief for an appropriate and effective review of educational digital media.

(2) Equipment such as computer hardware, technology devices or equipment intended to deliver or display the material but which are not instructional materials shall not be offered free or at reduced prices with instructional materials. This includes but is not limited to computers, laptops, handheld devices, microscopes, CD/DVD players, overhead or LCD projectors, electronic whiteboards, phone/music/transmitting and listening devices, and cameras.

(3) Publishers are required to provide to the instructional material bureau at the time of the review any hardware, software, or special equipment which may be needed for a review of instructional material.

(4) Publishers will be responsible for costs associated with the provision of needed hardware, software or special equipment.

(5) Materials requiring proprietary equipment provided by or through the publisher will not be considered for adoption.

P. Subsequent to the review, materials will be recommended to the secretary for adoptions by a panel of reviewers and department staff. The secretary will authorize adoption of instructional materials no later than August 1 of each adoption cycle.

Q. Pursuant to Section 22-15-13 NMSA 1978, the department may enter into a publisher's agreement for the purchase and delivery of instructional material selected from the multiple list adopted by the department.

R. Administration. It is the responsibility of the instructional material bureau to administer the provisions of the Instructional Material Law (22-15-1 NMSA 1978). The bureau shall issue such additional guidance, clarification and direction as deemed necessary by the chief to promote effective, efficient and equitable processes for all bureau responsibilities pertaining to the free use of instructional materials. This material shall be compiled or revised annually and issued as a supplement to 6.75.2 NMAC. The supplement is hereby incorporated by reference as if fully set out within this document. In addition, the bureau shall develop, implement and maintain procedures to address the requirements that:

(1) funds are efficiently allocated by the instructional material bureau to districts, charter schools, and state-supported schools using estimated forty-day membership for the next school year;

(2) funds are efficiently allocated by the instructional material bureau for non-public schools using estimated forty day membership for the next school year;

(3) funds are efficiently disbursed by the flowthrough bureau of the administrative services division to districts, charter schools, and state-supported schools;

(4) funds are efficiently reimbursed by flowthrough bureau of the administrative services division to depositories on behalf of non-public schools after determining that the materials purchased meet state requirements;

(5) schools wishing to use instructional material funds to purchase non-adopted materials are provided with examples and assistance in determining whether the desired materials are allowed under instructional material law; and

(6) the state is receiving the lowest price offered for materials.

S. Pursuant to Subsections A and B of 22-15-4 NMSA 1978 the bureau shall, at the discretion of the chief, conduct periodic audits of the instructional material accounts and textbook inventories required under Subsections E and F of 6.75.2.9 NMAC and by Paragraphs (3) through (5) of Subsection C of 6.75.2.10 NMAC, of any entities receiving funds under the provisions of Instructional Material Law.

T. Pursuant to Subsection C of 22-15-4 NMSA 1978 the bureau shall withdraw or withhold the privilege of participating in the free use of instructional material in case of any violation of or noncompliance with the provisions of the Instructional Material Law or any rules adopted pursuant to that law.

U. The department shall consider for approval, requests for waiver by the local superintendent to use funds allocated for the purchase of adopted core/basal instructional material to purchase non-adopted or supplemental material. The request shall include the specific materials to be purchased, the cost of the purchase and justification for the purchase relating to the improved performance of students.

[6.75.2.8 NMAC - Rp, 6.75.2.8 NMAC, 10/15/10]

6.75.2.9 REQUIREMENTS: RESPONSIBILITIES OF LOCAL SCHOOL BOARDS OR GOVERNING AUTHORITIES

A. Each local school board shall develop and implement a process for the selection of instructional materials and shall ensure that parents and other community members are involved in the implementation of this process.

B. Schools and districts must submit to authorized New Mexico depositories or authorized New Mexico in-state distribution points all requisitions for instructional materials for the next school year no later than March 31, unless justification is provided. Delivery schedules are to be as follows.

(1) For core and supplemental instructional materials requisitions received by the New Mexico depository or in-state distribution point prior to March 31 of each year, delivery to schools shall be made by the later of the following dates: within thirty (30) days prior to the beginning of classes, or by July 1.

(2) Core and supplemental orders received after March 31 will be delivered by the later of the following dates: within sixty (60) days after the receipt of the order or August 1.

(3) For free instructional material requisitions received by the New Mexico depository or in-state distribution point prior to March 31, delivery to schools shall be made by the later of the following dates: within thirty (30) days prior to the beginning of classes, or by July 1.

(4) Free instructional material requisitions received after March 31 will be delivered by the later of the following dates: within sixty (60) days after the receipt of the order or August 1.

C. Each public school district, charter school, and state institution may purchase items of instructional material as defined herein and not on the state-adopted list by issuing a purchase order to the publisher or the publisher's authorized agent. The entity is responsible for payment to the vendor/publisher, etc. The cost of the items, plus transportation charges, will be charged to the supplemental funds (50 % of the total allocation) line item of the entity's instructional material allocation.

D. If entities do not receive their orders on a timely basis, they shall provide to the bureau written documented evidence of ordering dates and other pertinent information as required by the department.

E. Annually, at a time specified by the department, each local school board of a school district and each governing authority of a state institution or non-public school acquiring instructional material pursuant to the Instructional Material Law (22-15-1 to 22-15-14 NMSA 1978) shall file a report with the department. The annual report shall include the total instructional material allocation received, the average per pupil cost, year-end cash balances and other documentation as required by the department.

F. Pursuant to the Instructional Material Law (22-15-1 to 22-15-14 NMSA 1978), each local school board of a school district and each governing authority of a state institution or non-public school shall keep an itemized list of instructional materials purchased by school and publisher.

G. Disposal of instructional materials.

(1) Out of adoption (older than 6 years). Instructional material deemed unusable/obsolete does not require PED-IMB approval to discard or donate. These items may be disposed of at the district/school's discretion.

(2) In-adoption (still within the 6 year cycle).

(a) A district/school wishing to discard, donate or give away instructional material still listed on the NM multiple adoption list that must obtain PED-IMB approval. The request shall include a letter justifying the request to discard, donate or give the items away and an inventory listing of the materials shall be provided to the chief.

(b) A district/school wishing to sell instructional material that is under adoption does not require PED-IMB approval. All funds received from the sale of the material must be remitted to PED-IMB for redeposit in the school's/district's instructional material account.

(3) Upon order of the chief, a school/district, state institution, or non public school shall transfer to the department or its designee instructional material purchased with instructional material funds that is in usable condition and for which there is no use expected by the respective schools.

H. All entities receiving monies for instructional materials will be provided training on the process of obtaining funds, ordering materials, receiving funds, returning funds for sold or lost materials, and completing the annual report.

[6.75.2.9 NMAC - Rp, 6.75.2.9 NMAC, 10/15/10]

6.75.2.10 REQUIREMENTS: RESPONSIBILITIES OF NON-PUBLIC SCHOOLS

A. Instructional material funds shall be distributed to nonpublic schools as agents for the benefit of students entitled to the free use of the instructional material (22-15-7 NMSA 1978).

B. Eligibility to participate in the free use of instructional materials is authorized by application to the chief. Application must be made by April 1 preceding the first school year for which participation is requested.

(1) Upon approval, the non-public school is authorized to participate in the fund for two consecutive years.

(2) Application to renew participation for an additional two years must be made by April 1 in the second year of participation.

C. Funding is dependent upon the nonpublic school meeting the following requirements.

(1) Provide all information requested on the initial application and on all applications for renewal.

(2) Submit a 40-day membership count annually.

(3) Submit an annual instructional material budget report by August 1.

(4) Submit an annual instructional material inventory report by August 1.

(5) Submit requested reports as deemed necessary by the bureau.

(6) If the nonpublic school shows no instructional material budget activity by November 15th of the school year, the school's participation in the free instructional material process will be suspended for the remainder of the school year. To reinstate the funding for the following school year the school must complete a re-application process before February.

D. The non-public school as agent receiving instructional material pursuant to the Instructional Material Law (22-15-1 NMSA 1978) is responsible for distribution of the instructional material for use by eligible students and for the safekeeping of the instructional material.

E. The non-public school may select instructional material for the use of its students from the multiple list adopted by the department. Each non-public school may also purchase items of instructional material as defined herein and not on the state-adopted list provided such purchases are made through a New Mexico instructional material depository or a New Mexico in-state distribution point.

F. Schools must submit all instructional materials requisitions for the next school year no later than March 31, unless justification is provided. Delivery schedules are the same as specified in Paragraphs (1) through (4) of Subsection B of 6.75.2.9 NMAC.

G. The department shall provide payment to a publisher or depository on behalf of a non-public school for instructional material as defined above.

H. Any balance remaining in an instructional material account of a non-public school at the end of the fiscal year shall remain available for reimbursement by the department for instructional material purchases in subsequent years.

I. Disposal of instructional materials.

(1) If closure of a non-public school is imminent, the school shall inform the chief in writing within 30-days of closure. Disposal of instructional material purchased with state instructional material funds shall follow these procedures.

(2) Out of adoption (older than 6 years). Instructional material deemed unusable/obsolete does not require PED-IMB approval to discard or donate. These items may be disposed of at the nonpublic school's discretion.

(3) In-adoption (still within the 6 year cycle)

(a) A nonpublic school wishing to discard, donate or give away instructional material still listed on the NM multiple adoption list must obtain PED-IMB approval. The request shall include a letter of justification and the request to discard, donate or give the items away and an inventory listing of the materials

(b) A nonpublic school wishing to sell instructional material that is under adoption must obtain PED-IMB approval. All funds received from the sale of the material must be remitted to PED-IMB.

(4) Upon order of the chief, a school district, state institution, or non public school shall transfer to the department or its designee instructional material purchased with instructional material funds that is in usable condition and for which there is no use expected by the respective schools.

J. All money collected by a non-public school for the sale, loss, damage or destruction of instructional material received pursuant to the Instructional Material Law shall be sent to the department of education.

K. The non-public school as agent receiving instructional material shall keep accurate records of all instructional material, including cost records, on forms and by procedures prescribed by the division.

L. Annually, at a time specified by the department, each governing authority of a non-public school acquiring instructional material pursuant to the Instructional Material Law shall file a report with the department that includes an itemized list of instructional material purchased, by vendor; the total cost of the instructional material; the average per-student cost; and the year-end cash balance.

[6.75.2.10 NMAC - N, 10/15/10]

6.75.2.11 REQUIREMENTS: RESPONSIBILITIES OF PUBLISHERS

A. Publisher's agreements shall be returned to the department fully executed by the publisher no later than thirty (30) days after receipt by the publisher. Failure to return the fully executed publisher's agreement may result in the rejection of the publisher's application.

B. Publisher's agreements shall be for a period of six (6) years, except where material is necessary for:

- (1) the completion or update of a series or educational media previously adopted; or
- (2) the transfer of a subject from one section to another.

C. The publisher's agreement shall:

(1) require that the publisher agrees to furnish and provide distribution to the schools the instructional material submitted and adopted;

(2) require that the publisher agrees to keep sufficient stock at the designated New Mexico instructional material depository or New Mexico instructional material in-state distribution point to assure delivery in accordance with the timelines set forth in this regulation;

(3) require that if delivery of instructional material is delayed beyond deadlines established in 6.75.2.12 NMAC or specified in correspondence to the publisher by the chief, the publisher shall pay the NMPED

\$100 per day for each day delivery is delayed, up to a maximum of \$10,000 per title, as liquidated damages, to include instructional materials labeled/promoted as being of no cost or at reduced price;

(4) require that the publisher (or designee) agrees to bill the public school districts, charter schools and state supported schools for instructional material ordered;

(5) require that the publisher (or designee) agrees to bill the New Mexico public education department on the behalf of the nonpublic schools;

(6) require that all materials submitted for adoption and sale in the state of New Mexico conform to the requirements of the Consumer Product Safety Improvement Act;

(7) require that the publisher agrees to submit files of adopted instructional materials that conform to the national instructional material accessibility standard (NIMAS) at no additional cost to the national instructional material accessibility center (NIMAC) repository at the American printing house for the blind (Section 22.15.26-29 NMSA, 1978 "Braille Access Act", and 6.75.4 NMAC);

(8) require the publisher to maintain, for three years after the termination or expiration of the agreement, or after any court proceedings involving this agreement, copies of all billings generated under this agreement.

D. Qualifications.

(1) Publishers are required to provide to the instructional material bureau at the time of the review any hardware, software, or special equipment which may be needed for a review of instructional material.

(2) Publishers will be responsible for costs associated with the provision of needed hardware, software or special equipment.

(3) Items of instructional material, including accompanying material, must be in proof format by the adoption date and in finished format by May 1 immediately preceding the annual instructional material summer review institute.

(4) Substitutions of new or revised editions will be allowed by the chief:

(a) only if the substitution will be advantageous to the user schools;

(b) subject to all terms and conditions of the original publisher's agreement, including price;

and

(c) upon a determination by the chief that the proposed changes are minor, the new edition is substantially the same material as the old edition, and a special review is not necessary.

(5) Software updates that improve functionality, performance, or accuracy may be allowed after review by the chief.

(6) Materials designated by the publisher on the final approved list as free or reduced cost material and services such as teachers' editions, workbooks, duplicating masters, in service training, consultants, etc., will be made available at no cost or at a reduced cost to any schools that adopt its instructional material.

(7) Free or reduced cost materials or service may not include computer hardware, technology devices or equipment intended to deliver or display the material but which are not instructional materials. This includes but is not limited to computers, laptops, handheld devices, microscopes, CD/DVD players, overhead or LCD projectors, electronic whiteboards, phone/music/transmitting and listening devices, and cameras.

(8) Any free or reduced cost material or service described on the state adoption list and made available at no cost or at a reduced cost to a school that adopts its instructional material will be made available on an equitable basis to all schools that adopt its instructional material.

(9) The quantity of free or reduced price material provided shall be calculated according to the number of teachers using the material, and not according to the amount of material purchased.

(10) The publisher shall make no offer of free or reduced price material or services that have not been designated as such on the final approved list.

(11) If the publisher fails to list all free or reduced price material and services the publisher will be suspended from participation in the New Mexico instructional material process until such time as the department determines that the publisher shall be allowed to resume participation.

(12) If the publisher fails to make available at no cost or at a reduced cost to all schools the same material or service that is offered or provided at no cost or at a reduced cost to any school, the publisher will be suspended from participation in the New Mexico instructional material process until such time as the department determines that the publisher shall be allowed to resume participation.

E. The publisher shall designate a New Mexico instructional material depository meeting the criteria established in Subsection C of 6.75.2.12 NMAC or a New Mexico in-state distribution point meeting the criteria established in Subsection C of 6.75.2.13 NMAC for the distribution of instructional material and to act as the agent for the publisher for requisition, billing, and receipt of payments for the purchase of instructional material.

F. The publisher shall provide samples of core/basal student and teacher instructional materials as well as other material they deem necessary to provide adequate instruction to designated regional review centers within thirty (30) days of the finalization of a publisher's agreement.

G. The publisher shall reduce the price of instructional material under publisher's agreement in New Mexico when prices are reduced elsewhere in the United States so that no such item or items shall at any time be sold in New Mexico at a higher wholesale price than received for items elsewhere in the United States, like conditions prevailing.

H. The publisher shall ensure the use of the international standard book number (ISBN) system where applicable.

I. Publishers are prohibited from conducting a pilot program in which schools receive free materials and professional development during the eighteen (18) month period previous to the official date of adoption of those materials (August 1 for each cycle).

J. Challenges to review scores must be filed by the publisher within ten working days of receipt of the price agreement from the department.

[6.75.2.11 NMAC - Rp, 6.75.2.10 NMAC, 10/15/10]

6.75.2.12 REQUIREMENTS: RESPONSIBILITIES OF NEW MEXICO INSTRUCTIONAL MATERIAL DEPOSITORIES

A. It is the responsibility of depositories to distribute instructional materials to schools and districts in a timely and accurate fashion and to ensure the following.

(1) For core and supplemental instructional materials requisitions received by the New Mexico depository or in-state distribution point prior to March 31 of each year, delivery to schools shall be made by the later of the following dates: within thirty (30) days prior to the beginning of classes, or by July 1.

(2) Core and supplemental orders received after March 31 will be delivered by the later of the following dates: within sixty (60) days after the receipt of the order or August 1.

(3) For free instructional material requisitions received by the New Mexico depository or in-state distribution point prior to March 31, delivery to schools shall be made by the later of the following dates: within thirty (30) days prior to the beginning of classes, or by July 1.

(4) Free instructional material requisitions received after March 31 will be delivered by the later of the following dates: within sixty (60) days after the receipt of the order or August 1.

B. The depositories will provide training to all entities receiving monies for instructional materials on the online process for ordering instructional materials.

C. Depositories must meet the following requirements:

(1) financial viability adequate to ensure performance of all obligations under a contract between the publisher and the depository for the purpose of distributing instructional material to schools and school districts within New Mexico;

(2) warehouse facilities, including location, equipment, and staffing patterns, adequate to ensure performance of all obligations under a contract between the publisher and the depository for the purpose of distributing instructional material to schools and school districts within New Mexico;

(3) procedures, systems and capacity to interface directly with an approved online ordering, inventory and reporting system to receive and process instructional material orders;

(4) procedures, systems and capacity to communicate such reports as the department may require in the automated format as established by the department; and

(5) sufficient inventory of instructional material to fill requisitions in accordance with the timelines set forth in this regulation.

[6.75.2.12 NMAC - Rp, 6.75.2.11 NMAC, 10/15/10]

6.75.2.13 REQUIREMENTS: Responsibilities of in-state distribution points

A. It is the responsibility of publishers operating in-state distribution points to distribute instructional materials to schools and districts in a timely and accurate fashion and to ensure the following.

(1) For core and supplemental instructional materials requisitions received by the New Mexico depository or in-state distribution point prior to March 31 of each year, delivery to schools shall be made by the later of the following dates: within thirty (30) days prior to the beginning of classes, or by July 1.

(2) Core and supplemental orders received after March 31 will be delivered by the later of the following dates: within sixty (60) days after the receipt of the order or August 1.

(3) For free instructional material requisitions received by the New Mexico depository or in-state distribution point prior to March 31, delivery to schools shall be made by the later of the following dates: within thirty (30) days prior to the beginning of classes, or by July 1.

(4) Free instructional material requisitions received after March 31 will be delivered by the later of the following dates: within sixty (60) days after the receipt of the order or August 1.

B. The publisher operating the in-state distribution point will provide training to all entities receiving monies for instructional materials on the process for ordering instructional materials.

C. In-state distribution points must meet the following requirements:

(1) financial viability adequate to ensure performance of all obligations described in Paragraphs (1) through (4) of Subsection A of 6.75.2.13 NMAC for distributing instructional material to schools and school districts within New Mexico;

(2) storage and shipping facilities and procedures adequate to ensure performance of all obligations under Paragraphs (1) through (4) of Subsection A of 6.75.2.13 NMAC for distributing instructional material to schools and school districts within New Mexico;

(3) contractual arrangements with a New Mexico instructional material depository to receive, process and forward instructional material orders through an approved online ordering, inventory and reporting system, or procedures, systems and capacity to interface directly with an approved online ordering, inventory and reporting system to receive and process instructional material orders;

(4) procedures, systems and capacity to communicate such reports as the department may require in the automated format as established by the department; and

(5) sufficient inventory of instructional material to fill requisitions in accordance with the timelines set forth in this regulation.

[6.75.2.13 NMAC - Rp, 6.75.2.11 NMAC, 10/15/10]

6.75.2.14 UNOBLIGATED AND UNEXPENDED INSTRUCTIONAL MATERIAL BALANCES

A. Instructional material funds allocated to a school district or state institution during any fiscal year and not obligated or expended prior to the close of that fiscal year are available to the school district or state institution for expenditure in subsequent fiscal years. Funds meeting this definition shall be budgeted and expended in subsequent fiscal years consistent with the requirements of Subsection C of Section 22-15-9 NMSA 1978.

B. Any balance remaining in an instructional material account of a non-public school at the end of a fiscal year remains available for reimbursement by the department for multiple list instructional material purchases in subsequent fiscal years.

[6.75.2.14 NMAC - Rp, 6.75.2.12 NMAC, 10/15/10]

HISTORY OF 6.75.2 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives:

SDE 75-2, (Certificate No. 75-2) Regulation Relating to the State Department of Education Instructional Materials Division, filed 6-4-75.

SDE 77-2, Regulation Relating to the State Department of Education Instructional Materials Division, filed 2-7-77.

SBE 79-12, Relating to the State Department of Education Instructional Material Division, Procedures for the Adoption, Purchase and Delivery of Instructional Material, filed 9-21-79.

SBE Regulation No. 83-5, Relating to the State Department of Education Instructional Material Division - Procedures for the Adoption, Purchase, and Delivery of Instructional Material, filed 8-31-83.

SBE Regulation 93-20, Relating to the State Department of Education Instructional Materials Bureau - Procedures for the Adoption, Purchase, and Delivery of Instructional Material, filed 10-19-93.

History of Repealed Material:

6.75.2 NMAC, Relating to the Public Education Department Instructional Material Bureau, filed 11-1-2000 - Repealed effective 1-31-2006.

6.75.2 NMAC, Relating to the Public Education Department Instructional Material Bureau, filed 1-13-2006 - Repealed effective 10-15-2010.

ATTACHMENT 3

Subject Area(s)	Current Adoption		Upcoming Adoption Cycle					
	Adoption Institute	Contract Period for Adopted Material	Adoption Institute	Contract Period for Adopted Material	Initial Allocation for Subject Area	For FY		Earliest Delivery Date**
						(School Year)		
CTE, Driver Ed	Jun-07	2008-2013	Jun-13	2014 - 2019	Apr-14	FY15 (14/15)		1-Jul-14
9-12 ELA/Reading, CORE Reading Intervention, Modern, Classical and Native Languages	Jun-08	2009-2014	Jun-14	2015 - 2020	Apr-15	FY16 (15/16)		1-Jul-15
K-8 ELA/Reading, CORE Reading Intervention, Modern, Classical and Native Languages	Jun-09	2010-2015	Jun-15	2016 - 2021	Apr-16	FY17 (16/17)		1-Jul-16
K-12 Social Studies, Library/Reference, NM Native American Art and Culture	Jun-10	2011-2016	Jun-16	2017 - 2022	Apr-17	FY18 (17/18)		1-Jul-17
K-12 Science, Health, Physical Education	Jun-11	2012-2017	Jun-17	2018 - 2023	Apr-18	FY19 (18/19)		1-Jul-18
K-12 Math	Jun-12	2013-2018	Jun-18	2019 - 2024	Apr-19	FY20 (19/20)		1-Jul-19
K-12 Arts (Music, Theatre, Dance, Art)								

** Orders may be placed after the initial allocation is published; however, delivery cannot occur until on or after the first day of the new Fiscal Year Deliveries that occur prior to July 1 will be charged to the current fiscal year and NOT to the upcoming fiscal year.

Instructional Material Fund Appropriation History

Fiscal Year	Instructional Materials Appropriation	Adopted Subject ¹
2013	\$ 26,975.8	Science
2012	\$ 15,092.8	Grades K-12 Social Studies, Health Education and Physical Education
2011	\$ 14,603.2	Grades K-8 Language Arts/Reading; Grades K- 8 Modern, Classical and Native Languages; Grades K-8 Reading Intervention Programs
2010	\$ 16,230.4	Grades 9-12 Language Arts/Reading; Grades 9-12 Modern, Classical and Native Languages; Grades 9-12 Reading Intervention Programs
2009	\$ 39,020.0	Career Prep, Driver Education, and Adult Basic Education
2008	\$ 37,224.9	Math, Music, and Arts
2007	\$ 32,965.4	Science, Health, and Physical Education

¹ Based on annual Public School Support recommendations from the Public Education Department.

INSTRUCTIONAL MATERIAL INITIAL ALLOCATION 2013-2014

A	B		C	D	F	G = Formula (see Att. X)	H = G x 0.5		I = G x 0.5	
	FY 2011 40 DAY MEMBERSHIP	FY 2012 40 DAY MEMBERSHIP	FY 2013 40 DAY MEMBERSHIP	PRIOR YEAR (FY2013) ADJUSTMENT	INITIAL ALLOCATION based on \$/MEM of: \$53.47	ADOPTED (50%)	NON-ADOPTED (50%)			
PUBLIC SCHOOLS:										
Alamogordo Public Schools	6,291.00	6,317.0	6,016.0	0.00	320,495.29	\$160,248	\$160,247			
Albuquerque Public Schools	93,793.0	88,304.0	86,645.0	0.00	4,614,887.63	\$2,307,444	\$2,307,444			
Animas Public Schools	222.0	227.0	181.0	(92.76)	8,510.47	\$4,255	\$4,255			
Artesia Public Schools	3544.0	3,658.0	3,578.0	0.00	191,206.87	\$95,603	\$95,604			
Aztec Municipal Schools	3327.0	3,254.0	3,160.0	0.00	168,428.37	\$84,214	\$84,214			
Belien Consolidated Schools	4627.0	4,553.0	4,308.0	0.00	229,200.55	\$114,600	\$114,601			
Bernalillo Public Schools	3083.0	3,190.0	2,982.0	0.00	158,815.55	\$79,408	\$79,408			
Bloomfield Public Schools	3002.0	3,028.0	2,954.0	0.00	157,692.52	\$78,846	\$78,847			
Capitan Public Schools	510.0	489.0	479.0	0.00	25,527.88	\$12,764	\$12,764			
Carlsbad Municipal Schools	5882.0	5,911.0	5,926.0	0.00	316,953.42	\$158,477	\$158,476			
Carrizozo Municipal Schools	161.0	145.0	138.0	0.00	7,318.21	\$3,659	\$3,659			
Central Consolidated Schools	6274.0	6,602.0	5,968.0	0.00	317,200.96	\$158,600	\$158,601			
Chama Valley Schools	400.0	328.0	376.0	0.00	20,150.96	\$10,075	\$10,076			
Cimarron Public Schools	423.0	323.0	344.0	0.00	18,276.07	\$9,138	\$9,138			
Clayton Municipal Schools	550.0	549.0	499.0	0.00	26,477.19	\$13,239	\$13,238			
Cloudcroft Municipal Schools	413.0	406.0	375.0	0.00	19,911.49	\$9,956	\$9,955			
Clovis Municipal Schools	8477.0	8,806.0	8,410.0	0.00	448,837.24	\$224,419	\$224,418			
Cobre Consolidated Schools	1287.0	1,390.0	1,231.0	0.00	65,487.79	\$32,744	\$32,744			
Corona Public Schools	73.0	73.0	75.0	0.00	4,017.90	\$2,009	\$2,009			
Cuba Independent Schools	619.0	539.0	550.0	0.00	29,289.92	\$14,645	\$14,645			
Deming Public Schools	5406.0	5,279.0	5,175.0	0.00	276,012.97	\$138,006	\$138,007			
Des Moines Public Schools	74.0	79.0	85.0	0.00	4,544.55	\$2,272	\$2,273			
Dexter Public Schools	1024.0	1,013.0	964.0	0.00	51,322.56	\$25,661	\$25,662			
Dora Public Schools	269.0	253.0	223.0	0.00	11,770.76	\$5,885	\$5,886			
Dulce Public Schools	684.0	711.0	701.0	0.00	37,493.18	\$18,747	\$18,746			
Elida Municipal Schools	119.0	142.0	128.0	0.00	6,833.56	\$3,417	\$3,417			
Espanola Public Schools	4333.0	4,159.0	3,795.0	0.00	201,096.84	\$100,548	\$100,549			
Espanola Public Schools	867.0	852.0	808.0	0.00	42,993.97	\$21,497	\$21,497			
Eunice Public Schools	576.0	618.0	614.0	0.00	32,895.70	\$16,448	\$16,448			
Farmington Public Schools	10485.0	10,673.0	10,571.0	0.00	565,149.77	\$282,575	\$282,575			
Floyd Municipal Schools	226.0	219.0	228.0	0.00	12,212.09	\$6,106	\$6,106			
Fort Sumner Public Schools	305.0	313.0	289.0	0.00	15,371.47	\$7,686	\$7,685			
Gadsden Independent Schools	13904.0	14,050.0	13,606.0	0.00	725,964.98	\$362,982	\$362,983			
Gallup-McKinley County Schools	11777.0	12,110.0	11,274.0	0.00	600,209.88	\$300,105	\$300,105			
Grady Public Schools	106.0	111.0	88.0	(607.83)	4,115.12	\$2,058	\$2,057			
Grants-Cibola County Schools	3509.0	3,669.0	3,508.0	0.00	187,232.30	\$93,616	\$93,616			
Hagerman Public School	430.0	436.0	432.0	0.00	23,093.01	\$11,547	\$11,546			
Hatch Valley Schools	1338.0	1,363.0	1,278.0	0.00	68,038.66	\$34,019	\$34,020			
Hobbs Public Schools	8262.0	8,698.0	8,926.0	0.00	479,015.34	\$239,508	\$239,507			
Hondo Valley Public Schools	166.0	161.0	146.0	0.00	7,735.93	\$3,868	\$3,868			

INSTRUCTIONAL MATERIAL INITIAL ALLOCATION 2013-2014

A	B		C		D		F		G = Formula (see Att. X)		H = G x 0.5		I = G x 0.5	
	FY 2011 40 DAY MEMBERSHIP	FY 2012 40 DAY MEMBERSHIP	FY 2013 40 DAY MEMBERSHIP	PRIOR YEAR (FY2013) ADJUSTMENT	INITIAL ALLOCATION based on \$/MEM of: \$53.47	ADOPTED (50%)	NON-ADOPTED (50%)							
House Public Schools	87.0	92.0	63.0	(1,194.69)	2,067.63	\$1,034	\$1,034	\$1,034						
Jal Public Schools	399.0	377.0	403.0	0.00	21,626.52	\$10,813	\$10,813	\$10,814						
Jemez Mountain Schools	300.0	299.0	263.0	0.00	13,915.38	\$6,958	\$6,958	\$6,957						
Jemez Valley Public Schools	496.0	355.0	351.0	0.00	18,468.32	\$9,234	\$9,234	\$9,234						
Lake Arthur Public Schools	134.0	140.0	138.0	0.00	7,382.21	\$3,691	\$3,691	\$3,691						
Las Cruces Public Schools	24597.0	24,800.0	24,050.0	0.00	1,283,246.66	\$641,623	\$641,623	\$641,624						
Las Vegas City Schools	1885.0	1,833.0	1,804.0	0.00	96,231.42	\$48,116	\$48,116	\$48,115						
Las Vegas West Public School	1737.0	1,530.0	1,494.0	0.00	79,319.17	\$39,660	\$39,660	\$39,659						
Logan Public Schools	237.0	305.0	264.0	0.00	14,086.84	\$7,043	\$7,043	\$7,044						
Lordsburg Public Schools	578.0	544.0	500.0	0.00	26,488.65	\$13,244	\$13,244	\$13,245						
Los Alamos Public Schools	3410.0	3,519.0	3,481.0	0.00	186,178.74	\$93,089	\$93,089	\$93,090						
Los Lunas Public Schools	8469.0	8,450.0	8,229.0	0.00	439,054.02	\$219,527	\$219,527	\$219,527						
Loving Public Schools	570.0	616.0	595.0	0.00	31,819.86	\$15,910	\$15,910	\$15,910						
Lovington Public Schools	3127.0	3,374.0	3,388.0	0.00	181,690.46	\$90,845	\$90,845	\$90,845						
Magdalena Public Schools	417.0	385.0	344.0	0.00	18,164.07	\$9,082	\$9,082	\$9,082						
Maxwell Public Schools	85.0	86.0	106.0	0.00	5,667.32	\$2,834	\$2,834	\$2,833						
Melrose Public Schools	204.0	229.0	191.0	(420.52)	9,689.36	\$4,845	\$4,845	\$4,844						
Mesa Vista Cons. Schools	392.0	390.0	384.0	0.00	20,502.68	\$10,251	\$10,251	\$10,252						
Mora Public Schools	508.0	500.0	484.0	0.00	25,797.21	\$12,899	\$12,899	\$12,898						
Moriarty Public Schools	3354.0	3,231.0	2,887.0	0.00	152,732.34	\$76,366	\$76,366	\$76,366						
Mosquero Public Schools	46.0	47.0	40.0	(24.10)	2,088.51	\$1,044	\$1,044	\$1,045						
Mountainair Public Schools	298.0	291.0	277.0	0.00	14,739.89	\$7,370	\$7,370	\$7,370						
Pecos Independent Schools	485.0	620.0	590.0	0.00	31,394.53	\$15,697	\$15,697	\$15,698						
Penasco Independent Schools	2035.0	447.0	415.0	0.00	21,984.10	\$10,992	\$10,992	\$10,992						
Pojoaque Valley Schools	2965.0	2,012.0	1,893.0	0.00	100,687.83	\$50,344	\$50,344	\$50,344						
Portales Public Schools	2965.0	3,037.0	2,878.0	0.00	153,381.16	\$76,691	\$76,691	\$76,690						
Quemado Public Schools	159.0	147.0	157.0	0.00	8,410.05	\$4,205	\$4,205	\$4,205						
Questa Independent Schools	511.0	397.0	381.0	0.00	20,078.28	\$10,039	\$10,039	\$10,039						
Raton Public Schools	1249.0	1,255.0	1,090.0	0.00	57,629.19	\$28,815	\$28,815	\$28,814						
Reserve Public Schools	173.0	153.0	154.0	0.00	8,197.66	\$4,099	\$4,099	\$4,099						
Rio Rancho	16530.0	16,858.0	16,699.0	0.00	892,837.18	\$446,419	\$446,419	\$446,418						
Roswell Independent Schools	9903.0	10,118.0	9,862.0	0.00	526,680.87	\$263,340	\$263,340	\$263,341						
Roy Public Schools	40.0	40.0	38.0	0.00	2,023.68	\$1,012	\$1,012	\$1,012						
Ruidoso Public Schools	2216.0	2,135.0	2,081.0	0.00	110,883.31	\$55,442	\$55,442	\$55,441						
San Jon Public Schools	132.0	128.0	121.0	0.00	6,433.30	\$3,217	\$3,217	\$3,216						
Santa Fe City Schools	13988.0	12,529.0	12,628.0	0.00	672,637.91	\$336,319	\$336,319	\$336,319						
Santa Rosa Consolidated Schools	628.0	623.0	630.0	0.00	33,701.14	\$16,851	\$16,851	\$16,850						
Silver City Consolidated Schools	2995.0	3,035.0	2,998.0	0.00	160,220.99	\$80,110	\$80,110	\$80,111						
Socorro Public Schools	1899.0	1,765.0	1,680.0	0.00	89,213.72	\$44,607	\$44,607	\$44,607						
Springer Municipal Schools	202.0	188.0	187.0	0.00	9,966.01	\$4,983	\$4,983	\$4,983						
Taos Municipal Schools	2963.0	2,495.0	2,486.0	0.00	131,942.76	\$65,971	\$65,971	\$65,972						

INSTRUCTIONAL MATERIAL INITIAL ALLOCATION 2013-2014

A	B	C	D	F	G = Formula (see Att. X)	H = G x 0.5 ADOPTED (50%)	I = G x 0.5 NON-ADOPTED (50%)
	FY 2011 40 DAY MEMBERSHIP	FY 2012 40 DAY MEMBERSHIP	FY 2013 40 DAY MEMBERSHIP	PRIOR YEAR (FY2013) ADJUSTMENT	INITIAL ALLOCATION based on \$/MEM of: \$53.47		
Tatum Public Schools	315.0	332.0	317.0	0.00	16,922.50	\$8,461	\$8,462
Texico Public Schools	545.0	546.0	547.0	0.00	29,251.52	\$14,626	\$14,626
Truth or Consequences Public Schools	1367.0	1,353.0	1,289.0	0.00	68,632.78	\$34,316	\$34,317
Tucuman Public Schools	1045.0	1,058.0	1,003.0	0.00	53,431.70	\$26,716	\$26,716
Tularosa Public Schools	900.0	897.0	868.0	0.00	46,285.89	\$23,143	\$23,143
Vaughn Public Schools	102.0	114.0	105.0	0.00	5,601.86	\$2,801	\$2,801
Wagon Mound Public Schools	64.0	79.0	66.0	(120.90)	3,385.81	\$1,693	\$1,693
Zuni Public Schools	1337.0	1,275.0	1,258.0	0.00	67,067.36	\$33,534	\$33,533
TOTAL PUBLIC SCHOOLS	323,401	317,974	309,191	(3,260.80)	16,481,629.30	8,240,815.00	8,240,814.30

CHARTER SCHOOLS:

Academia de Lengua y Cultura	83.0	74.0	86.0	0.00	4,598.02	\$2,299	\$2,299
Academy for Tech & Classics	364.0	354.0	369.0	0.00	19,768.70	\$9,884	\$9,885
Academy of Trades & Tech. (Youth Build)	157.0	136.0	88.0	(1,942.15)	2,528.80	\$1,264	\$1,265
Alb. Inst. For Math (High Tech High)	272.0	302.0	312.0	0.00	16,681.18	\$8,341	\$8,340
Albuquerque School of Excellence	214.0	292.0	316.0	0.00	16,895.04	\$8,448	\$8,447
Alb. Talent Dev. Secondary	151.0	124.0	135.0	0.00	7,207.82	\$3,604	\$3,604
Aldo Leopold	100.0	116.0	84.0	(1,159.23)	3,235.85	\$1,618	\$1,618
Alma D'Arte	176.0	189.0	189.0	0.00	10,130.94	\$5,065	\$5,066
Amy Biehl Charter High School	278.0	294.0	292.0	0.00	15,635.87	\$7,818	\$7,818
Anansi Charter School	110.0	112.0	115.0	0.00	6,164.51	\$3,082	\$3,083
Anthony Charter School	68.0	83.0	57.0	(1,071.42)	1,902.10	\$951	\$951
Bataan Military Academy	130.0	124.0	130.0	0.00	6,962.49	\$3,481	\$3,481
Career Academic Tech. Academy (CLOSED 7/1/12)	141.0	144.0	N/A	0.00	0.00	\$0	\$0
Carifios de los Ninios	197.0	233.0	219.0	0.00	11,724.90	\$5,862	\$5,863
Cesar Chavez (Albq.)	183.0	189.0	202.0	0.00	10,799.99	\$5,400	\$5,400
Cesar Chavez (Denning)	148.0	138.0	146.0	0.00	7,817.93	\$3,909	\$3,909
Christine Duncan	121.0	115.0	115.0	0.00	6,136.51	\$3,068	\$3,069
Cien Aguas International School	165.0	225.0	257.0	0.00	13,740.58	\$6,870	\$6,871
Coral Community Center (ABQ)	n/a	210.0	45.0	(10,239.53)	(8,328.59)	-\$4,164	-\$4,165
Corrales International School	177.0	205.0	220.0	0.00	11,762.37	\$5,881	\$5,881
Cottonwood Charter School	170.0	170.0	170.0	0.00	9,089.10	\$4,545	\$4,544
Cottonwood Classical Prep	357.0	450.0	542.0	0.00	28,978.20	\$14,489	\$14,489
Creative Education Preparatory #1	175.0	179.0	173.0	0.00	9,233.50	\$4,617	\$4,616
Gil H. Sena High School (Creative Prep #2)	176.0	177.0	178.0	0.00	9,522.82	\$4,761	\$4,762
Digital Arts & Tech. (Alb. Charter Voc.)	281.0	322.0	295.0	0.00	15,746.27	\$7,873	\$7,873
East Mountain Charter High School	359.0	366.0	366.0	0.00	19,582.30	\$9,791	\$9,791
El Camino Rael (Horizon Academy South)	488.0	432.0	362.0	(344.35)	18,618.09	\$9,309	\$9,309
Estancia Valley Classical Academy (Estancia/Moriarty)	n/a	285.0	293.0	0.00	15,689.34	\$7,845	\$7,844
Gordon Bernal Charter	311.0	437.0	685.0	0.00	36,623.74	\$18,312	\$18,312
Health and Leadership High School (APS)			110.0	0.00	5,881.18	\$2,941	\$2,940
Horizon Academy West	412.0	435.0	437.0	0.00	23,418.34	\$11,709	\$11,709
International School Mesa Del Sol	116.0	170.0	261.0	0.00	13,954.45	\$6,977	\$6,977
Jefferson Montessori	164.0	169.0	204.0	0.00	10,906.92	\$5,453	\$5,454

INSTRUCTIONAL MATERIAL INITIAL ALLOCATION 2013-2014

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	FY 2011 40 DAY MEMBERSHIP	FY 2012 40 DAY MEMBERSHIP	FY 2013 40 DAY MEMBERSHIP	PRIOR YEAR (FY2013) ADJUSTMENT	INITIAL ALLOCATION based on \$/MEM of: \$53.47	ADOPTED (50%)	NON-ADOPTED (50%)							
J Paul Taylor Academy (Las Cruces-K-6)	140.0	157.0	175.0	0.00	9,356.43	\$4,678	\$4,678							
La Academia de Esperanza	294.0	302.0	351.0	0.00	18,766.32	\$9,383	\$9,383							
La Academia Dolores	120.0	118.0	133.0	0.00	7,110.89	\$3,555	\$3,555							
La Jicarita Community School (Penasco)	n/a	45.0	50.0	0.00	2,673.27	\$1,337	\$1,337							
La Luz del Monte (Southwest Intermediate Learning)	112.0	112.0	113.0	0.00	6,045.58	\$3,023	\$3,023							
La Promesa	190.0	251.0	303.0	0.00	16,199.99	\$8,100	\$8,100							
La Resolana Leadership	64.0	63.0	77.0	0.00	4,116.83	\$2,058	\$2,058							
La Tierra Montessori School of Arts & Sciences (Española)	n/a	70.0	74.0	0.00	3,968.43	\$1,984	\$1,984							
Las Montanas Charter	301.0	300.0	226.0	(2,388.06)	9,397.10	\$4,698	\$4,698							
Lindrith Area Heritage	17.0	22.0	24.0	0.00	1,283.17	\$642	\$642							
Los Puentes	182.0	181.0	196.0	0.00	10,537.20	\$5,269	\$5,269							
McCurdy School (Española)	246.0	584.0	503.0	0.00	26,893.05	\$13,447	\$13,447							
Media Arts Collaborative	175.0	177.0	199.0	0.00	10,639.60	\$5,320	\$5,320							
Middle College	62.0	63.0	63.0	0.00	3,370.31	\$1,685	\$1,685							
Mission Achievement (ABQ)	n/a	192.0	107.0	(4,354.45)	1,111.34	\$556	\$556							
Monte del Sol	364.0	354.0	382.0	0.00	20,515.75	\$10,258	\$10,258							
Montessori Elementary	340.0	359.0	382.0	0.00	20,423.75	\$10,212	\$10,212							
Montessori of the Rio Grande	192.0	198.0	199.0	0.00	10,655.60	\$5,328	\$5,328							
Moreno Valley	82.0	89.0	92.0	0.00	4,944.81	\$2,472	\$2,472							
Mosaic Academy	180.0	180.0	180.0	0.00	9,623.76	\$4,812	\$4,812							
Mountain Mahogany	147.0	170.0	205.0	0.00	10,960.39	\$5,480	\$5,480							
Native American Community	391.0	407.0	381.0	0.00	20,298.28	\$10,149	\$10,149							
New Mexico International School	120.0	95.0	133.0	0.00	7,110.89	\$3,555	\$3,555							
New Mexico School for Architecture, Const. & Engineering (ACE Leadership High School)	105.0	199.0	285.0	0.00	15,237.61	\$7,619	\$7,619							
New Mexico Connections Academy (Santa Fe)			500.0	0.00	26,732.65	\$13,366	\$13,367							
New Mexico School for the Arts	135.0	183.0	191.0	0.00	10,211.87	\$5,106	\$5,106							
New Mexico Virtual Academy (Farmington)			489.0	0.00	26,144.54	\$13,072	\$13,073							
Alice King Community (North Alb. Comm. Co-op)	251.0	305.0	326.0	0.00	17,429.69	\$8,715	\$8,715							
North Valley Academy	484.0	497.0	454.0	0.00	24,127.25	\$12,064	\$12,063							
Nuestros Valores	133.0	114.0	109.0	0.00	5,769.72	\$2,885	\$2,885							
Pub. Acad. For Performing Arts	339.0	346.0	366.0	0.00	19,662.30	\$9,831	\$9,831							
Ralph Bunch	89.0	100.0	104.0	0.00	5,560.39	\$2,780	\$2,780							
Red River Valley	59.0	62.0	65.0	0.00	3,493.25	\$1,747	\$1,746							
Rio Gallinas Charter School	108.0	105.0	95.0	0.00	5,033.20	\$2,516	\$2,516							
Robert F. Kennedy	270.0	268.0	193.0	(2,739.51)	7,275.30	\$3,638	\$3,637							
Roots and Wings	35.0	43.0	50.0	0.00	2,673.27	\$1,337	\$1,336							
S.I.A. Tech	301.0	269.0	297.0	0.00	15,927.20	\$7,964	\$7,963							
Sage Montessori Charter School (ABQ)	n/a	350.0	149.0	(11,439.35)	(4,076.01)	-\$2,038	-\$2,038							
San Diego Riverside	103.0	101.0	92.0	0.00	4,878.81	\$2,439	\$2,440							
School of Dreams Academy	181.0	255.0	326.0	0.00	17,429.69	\$8,715	\$8,715							
Sidney Gutierrez	60.0	64.0	65.0	0.00	3,487.25	\$1,744	\$1,743							
South Valley Academy	229.0	242.0	253.0	0.00	13,596.72	\$6,798	\$6,799							
South Valley Preparatory School	88.0	124.0	147.0	0.00	7,859.40	\$3,930	\$3,929							
SW Aeronautics, Mathematics & Science (ABQ)	n/a	220.0	276.0	0.00	14,756.43	\$7,378	\$7,378							
Southwest Primary	105.0	105.0	104.0	0.00	5,556.39	\$2,778	\$2,778							

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	FY 2011 40 DAY MEMBERSHIP	FY 2012 40 DAY MEMBERSHIP	FY 2013 40 DAY MEMBERSHIP	PRIOR YEAR (FY2013) ADJUSTMENT	INITIAL ALLOCATION based on \$/MEM of: \$53.47		
Southwest Secondary	276.0	280.0	280.0	0.00	14,978.29	\$7,489	\$7,489
Taos Academy	127.0	144.0	162.0	0.00	8,661.38	\$4,331	\$4,330
Taos Integrated School of the Arts	89.0	118.0	140.0	0.00	7,485.14	\$3,743	\$3,742
Taos Municipal Charter	202.0	212.0	213.0	0.00	11,412.11	\$5,706	\$5,706
The Albuquerque Sign Language Academy	46.0	66.0	71.0	0.00	3,796.04	\$1,898	\$1,898
The ASK Academy	116.0	133.0	170.0	0.00	9,089.10	\$4,545	\$4,544
The Great Academy	n/a	177.0	227.0	0.00	12,136.62	\$6,068	\$6,069
The Learning Community Charter School	215.0	195.0	164.0	(207.66)	8,396.66	\$4,198	\$4,199
The Masters Program	127.0	143.0	156.0	0.00	8,340.59	\$4,170	\$4,171
The New America School (ABQ)	329.0	398.0	425.0	0.00	22,722.76	\$11,361	\$11,362
The New America School (Las Cruces)	n/a	150.0	235.0	0.00	12,564.35	\$6,282	\$6,282
Tierra Adentro	153.0	183.0	205.0	0.00	10,960.39	\$5,480	\$5,480
Tierra Encatada (Charter School 37)	134.0	180.0	220.0	0.00	11,762.37	\$5,881	\$5,881
Turquoise Trail	465.0	461.0	463.0	0.00	24,754.44	\$12,377	\$12,377
Twenty First Cent.	235.0	243.0	232.0	0.00	12,375.95	\$6,188	\$6,188
Uplift Community (Gallup)	n/a	120.0	103.0	0.00	5,455.93	\$2,728	\$2,728
Village Academy (CLOSING 7/1/13)	37.0	40.0	N/A	(461.15)	0.00	\$0	\$0
Vista Grande	110.0	97.0	80.0	(197.37)	3,985.86	\$1,993	\$1,993
Walatowa	67.0	58.0	59.0	0.00	3,140.45	\$1,570	\$1,570
William W. & Joseph Dorn Community School (ABQ)	n/a	90.0	10.0	(5,094.41)	(4,799.75)	-\$2,400	-\$2,400
TOTAL CHARTER SCHOOLS	15,766.0	19,180.0	20,552.0	(41,638.62)	1,054,597.54	527,298.00	527,299.54
PRIVATE SCHOOLS							
Abundant Life Christian School			No App/ No AC	0.00	0.00	\$0	\$0
Acts Christian Academy			No App/ No AC	0.00	0.00	\$0	\$0
Agape Community Christian School	23.0	23.0	Ineligible	0.00	0.00	\$0	\$0
Alamo Navajo Elem. & H.S.	300.0	300.0	Ineligible	0.00	0.00	\$0	\$0
Albuquerque Academy	1,100.0	1,122.0	1,126.0	0.00	60,261.94	\$30,131	\$30,131
Albuquerque Christian School	232.0	218.0	190.0	0.00	10,018.41	\$5,009	\$5,009
All Saints Catholic School	71.0	63.0	57.0	0.00	3,007.52	\$1,504	\$1,504
Annunciation Elementary	423.0	416.0	427.0	0.00	22,859.69	\$11,430	\$11,430
Atsa Biyaazh Community	239.0	234.0	241.0	0.00	12,903.14	\$6,452	\$6,451
Baca Community School	351.0	334.0	Ineligible	0.00	0.00	\$0	\$0
Beclabito Day School	83.0	78.0	61.0	0.00	3,183.38	\$1,592	\$1,591
Bosque Preparatory School	549.0	529.0	539.0	0.00	28,817.80	\$14,409	\$14,409
Bread Springs Day School	100.0	100.0	Ineligible	0.00	0.00	\$0	\$0
Calvary Chapel Christian (Belén)			142.0	0.00	7,592.07	\$3,796	\$3,796
Calvary Christian Academy (Albq)	n/a	133.0	132.0	0.00	7,054.42	\$3,527	\$3,527
Calvary West Christian (La Union)			No App/ No AC	0.00	0.00		
Chamisa Mesa HS	6.0	6.0	Ineligible	0.00	0.00	\$0	\$0
Chi Chil Tah/Jones Ranch Community School	119.0	119.0	Ineligible	0.00	0.00	\$0	\$0
Christ Lutheran School	132.0	120.0	112.0	0.00	5,932.11	\$2,966	\$2,966
Christ the King Lutheran			Ineligible	0.00	0.00	\$0	\$0
Chuska (Chi'oshngai Comm.) School			Ineligible	0.00	0.00	\$0	\$0
Clovis Christian Schools	212.0	196.0	219.0	0.00	11,768.90	\$5,884	\$5,885

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College Heights Kindergarten			No App/No AC	0.00	0.00	\$0	\$0
Congregation Albert Early Childhood			No App/No AC	0.00	0.00	\$0	\$0
Cottonwood Montessori School	95.0	102.0	120.0	0.00	6,415.84	\$3,208	\$3,208
Cross of Hope Schools	0.0		Ineligible	0.00	0.00		
Crownpoint Community School	373.0	373.0	Ineligible	0.00	0.00	\$0	\$0
Crystal Boarding School			Ineligible	0.00	0.00	\$0	\$0
Desert Academy	172.0	176.0	178.0	0.00	9,532.82	\$4,766	\$4,767
Desert Hills RTC	18.0	27.0	13.0	0.00	657.05	\$329	\$328
Desert Montessori			No App/No AC	0.00			
Desert Springs Christian Academy			No App/No AC	0.00			
Dibe Yazhi Habitiin Oita', Inc.	n/a	127.0	123.0	0.00	6,564.23	\$3,282	\$3,282
DZILTH-NA-O-DITH-HLE School	195.0	195.0	199.0	0.00	10,655.60	\$5,328	\$5,328
Eastern Hills Baptist	274.0	272.0	260.0	0.00	13,848.98	\$6,924	\$6,925
Emmanuel Baptist Academy			No App/No AC	0.00	0.00	\$0	\$0
Evangel Christian Academy	217.0	240.0	200.0	0.00	10,579.06	\$5,290	\$5,289
Faith Christian School			No App/No AC	0.00	0.00	\$0	\$0
Fr. James Hay Elementary School	44.0	74.0	30.0	0.00	1,487.96	\$744	\$744
Gallup Catholic School	165.0	130.0	112.0	0.00	5,846.11	\$2,923	\$2,923
Gallup Christian School			No App/No AC	0.00	0.00	\$0	\$0
Gateway Christian School	218.0	216.0	248.0	0.00	13,259.40	\$6,630	\$6,629
Gospel Light Baptist Academy			No App/No AC	0.00	0.00	\$0	\$0
Grace Baptist Academy			No App/No AC	0.00	0.00	\$0	\$0
inventory)			79.0	0.00	4,223.76	\$2,112	\$2,112
Guadalupe Montessori School			Ineligible	0.00	0.00	\$0	\$0
Higher Ground Academy			No App/No AC	0.00	0.00	\$0	\$0
Holy Child Catholic School	39.0	39.0	Ineligible	0.00	0.00	\$0	\$0
Holy Cross School (SANTA CRUZ)	127.0	115.0	96.0	0.00	5,032.67	\$2,517	\$2,517
Holy Ghost School	198.0	193.0	201.0	0.00	10,768.53	\$5,384	\$5,385
Hope Christian Schools	1,325.0	1,382.0	1,414.0	0.00	75,841.95	\$37,921	\$37,921
Hope Connection School	82.0	68.0	53.0	0.00	2,745.66	\$1,373	\$1,373
Immanuel Lutheran	172.0	167.0	163.0	0.00	8,688.85	\$4,344	\$4,345
Isleta Elementary School	182.0	190.0	191.0	0.00	10,231.87	\$5,116	\$5,116
Jemez Day School	133.0	138.0	144.0	0.00	7,733.00	\$3,867	\$3,866
Junction Christian Academy			No App/No AC	0.00	0.00	\$0	\$0
Laguna Elementary School	241.0	228.0	Ineligible	0.00	0.00	\$0	\$0
Laguna Middle School	143.0	128.0	95.0	0.00	4,917.20	\$2,459	\$2,458
Las Cruces Academy			No App/No AC	0.00	0.00	\$0	\$0
Las Cruces Catholic Schools	221.0	213.0	211.0	0.00	11,257.18	\$5,629	\$5,628
Legacy Academy (Albq)			172.0	0.00	9,196.03	\$4,598	\$4,598
Community Christian School)	100.0	123.0	124.0	0.00	6,629.70	\$3,315	\$3,315
Manzano Day School	421.0	428.0	430.0	0.00	23,012.08	\$11,506	\$11,506
Mariano Lake Community			205.0	0.00	10,960.39	\$5,480	\$5,480
Menaul School	177.0	185.0	184.0	0.00	9,849.62	\$4,925	\$4,925
Mescalero Apache	501.0	518.0	Ineligible	0.00	0.00	\$0	\$0
Mesilla Valley Christian Schools	487.0	425.0	340.0	0.00	17,714.20	\$8,857	\$8,857
Monte Vista Christian School			No App/No AC	0.00	0.00	\$0	\$0

INSTRUCTIONAL MATERIAL INITIAL ALLOCATION 2013-2014

A	B	C	D	F	G = Formula (see Att. X)	H = G x 0.5 ADOPTED (50%)	I = G x 0.5 NON-ADOPTED (50%)
	FY 2011 40 DAY MEMBERSHIP	FY 2012 40 DAY MEMBERSHIP	FY 2013 40 DAY MEMBERSHIP	PRIOR YEAR (FY2013) ADJUSTMENT	INITIAL ALLOCATION based on \$/MEM of: \$53.47		
Mountain View West	31.0	32.0	46.0	0.00	2,459.40	\$1,230	\$1,229
Navlity of the Blessed Virgin Mary (New)	3.0	5.0	Ineligible	0.00	0.00	\$0	\$0
Navajo Preparatory School	192.0	238.0	Ineligible	0.00	0.00	\$0	\$0
Nenahnezad Community School (Bia) (B)	167.0	170.0	163.0	0.00	8,692.85	\$4,346	\$4,347
New Mexico Military Institute	416.0	408.0	420.0	0.00	22,487.43	\$11,244	\$11,243
New Sunrise Regional Treatment Center	15.0	15.0	Ineligible	0.00	0.00	\$0	\$0
Onkay O'Wingeh (San Juan Day School)	58.0	58.0	Ineligible	0.00	0.00	\$0	\$0
Ojo Encino Day School	192.0	187.0	173.0	0.00	9,183.50	\$4,592	\$4,591
Our Lady of Assumption	168.0	168.0	162.0	0.00	8,637.38	\$4,319	\$4,318
Our Lady of Fatima	151.0	138.0	144.0	0.00	7,697.00	\$3,849	\$3,848
Pathways Academy	24.0	24.0	Ineligible	0.00	0.00	\$0	\$0
Pinehill (Ramah Navajo)	289.0	266.0	264.0	0.00	14,060.84	\$7,030	\$7,031
Prince of Peace Lutheran			No App/No AC	0.00	0.00	\$0	\$0
Pueblo Pintado Community School			Ineligible	0.00	0.00	\$0	\$0
Queen of Heaven School	162.0	162.0	116.0	0.00	6,017.98	\$3,009	\$3,009
Rehoboth Christian School	470.0	455.0	443.0	0.00	23,607.13	\$11,804	\$11,803
Rio Grande School	132.0	130.0	134.0	0.00	7,176.35	\$3,588	\$3,588
Rock Christian Academy			No App/No AC	0.00	0.00	\$0	\$0
Sacred Heart Elem. (Farmington)	108.0	108.0	Ineligible	0.00	0.00	\$0	\$0
Salam Academy	57.0	60.0	70.0	0.00	3,742.57	\$1,871	\$1,872
San Felipe Catholic School(ALB)	214.0	201.0	203.0	0.00	10,835.46	\$5,418	\$5,417
San Felipe Pueblo Elementary School	427.0	401.0	402.0	0.00	21,445.05	\$10,723	\$10,722
San Ildefonso	48.0	38.0	No Enrollment	0.00	0.00	\$0	\$0
Sandia Preparatory School	661.0	648.0	625.0	0.00	33,297.82	\$16,649	\$16,649
Sandia View Elementary			No App/No AC	0.00	0.00	\$0	\$0
Sanostee Day School	45.0	46.0	66.0	0.00	3,528.71	\$1,764	\$1,765
Santa Clara Day School	136.0	138.0	Ineligible	0.00	0.00	\$0	\$0
Santa Fe Indian School	652.0	637.0	630.0	0.00	33,625.14	\$16,813	\$16,812
Santa Fe Preparatory School	324.0	310.0	304.0	0.00	16,201.45	\$8,101	\$8,100
Santa Fe School for the Arts and Sciences	0.0		Ineligible	0.00	0.00	\$0	\$0
Santa Fe Waldorf School	n/a	230.0	189.0	(591.64)	9,390.30	\$4,695	\$4,695
Santo Nino	296.0	282.0	261.0	0.00	13,842.45	\$6,921	\$6,921
Shiprock Northwest High School	224.0	198.0	222.0	0.00	11,913.30	\$5,957	\$5,956
Sky City Community School	216.0	227.0	205.0	0.00	10,894.39	\$5,447	\$5,447
Solomon Schechter Day School	62.0	60.0	43.0	0.00	2,227.01	\$1,114	\$1,113
St. Anthony Indian School	92.0	105.0	114.0	0.00	6,095.05	\$3,048	\$3,047
St. Bonaventure (Blessed Kateri)	177.0	161.0	154.0	0.00	8,173.66	\$4,087	\$4,087
St. Charles Borromeo School	277.0	239.0	Ineligible	0.00	0.00	\$0	\$0
St. Edward School	71.0	62.0	61.0	0.00	3,239.38	\$1,620	\$1,619
St. Francis Elem. School (LUMBERTON)	75.0	80.0	96.0	0.00	5,132.67	\$2,566	\$2,567
St. Francis of Assisi (GALLUP)	84.0	73.0	72.0	0.00	3,823.50	\$1,912	\$1,912
St. Helena Elem. School	71.0	41.0	40.0	0.00	2,074.61	\$1,037	\$1,038
St. Joseph School	51.0	44.0	48.0	0.00	2,568.33	\$1,284	\$1,284
St. Luke Lutheran Preschool and K			18.0	0.00	962.38	\$481	\$481
St. Mary's Elem & High School(ALB)	511.0	503.0	484.0	0.00	25,785.21	\$12,893	\$12,892
St. Mary's Elementary School (BELEN)	131.0	119.0	108.0	0.00	5,706.25	\$2,853	\$2,853
St. Michael's/All Angels Episcopal (Albq)			No App/No AC	0.00	0.00	\$0	\$0

INSTRUCTIONAL MATERIAL INITIAL ALLOCATION 2013-2014

A	B	C	D	F	G = Formula (see Att. X)	H = G x 0.5 ADOPTED (50%)	I = G x 0.5 NON-ADOPTED (50%)
	FY 2011 40 DAY MEMBERSHIP	FY 2012 40 DAY MEMBERSHIP	FY 2013 40 DAY MEMBERSHIP	PRIOR YEAR (FY2013) ADJUSTMENT	INITIAL ALLOCATION based on \$/MEM of: \$53.47		
St. Michael's High School	752.0	690.0	658.0	0.00	34,928.17	\$17,464	\$17,464
St. Pius X High School	814.0	814.0	737.0	0.00	39,095.93	\$19,548	\$19,548
St. Theresa of Avila School	86.0	82.0	58.0	0.00	2,996.99	\$1,498	\$1,499
St. Therese School (ALB)	129.0	124.0	122.0	0.00	6,504.77	\$3,252	\$3,253
St. Thomas Aquinas	412.0	406.0	401.0	0.00	21,407.59	\$10,704	\$10,704
Sunset Mesa Schools, Inc.	306.0	291.0	288.0	0.00	15,356.01	\$7,678	\$7,678
Tsuya Elementary And Middle School	n/a	90.0	No Enrollment	0.00	0.00	\$0	\$0
Laos Day School	158.0	160.0	161.0	0.00	8,615.91	\$4,308	\$4,308
Te Tsu Geh Oweenge (Tesuque School)	18.0	18.0	Ineligible	0.00	0.00	\$0	\$0
Temple Baptist Academy	92.0	79.0	CLOSED	0.00	0.00	\$0	\$0
Temple Beth Shalom (Preschool)			No App/No AC	0.00	0.00	\$0	\$0
The Tutorial School			No App/No AC	0.00	0.00	\$0	\$0
Tohaali' Community School			No Enrollment	0.00	0.00	\$0	\$0
To'Hajjile Community School			Ineligible	0.00	0.00	\$0	\$0
Torreon Christian School			Ineligible	0.00	0.00	\$0	\$0
Tse'i'ah'i' Community School			No Enrollment	0.00	0.00	\$0	\$0
Valley Christian Academy	163.0	163.0	CLOSED	0.00	0.00	\$0	\$0
Victory Christian School	643.0	643.0	Ineligible	0.00	0.00	\$0	\$0
Wingate Elementary	550.0	578.0	Ineligible	0.00	25,269.88	\$12,635	\$12,635
Wingate High School	75.0	62.0	479.0	0.00	3,461.25	\$1,731	\$1,730
Zuni Christian Reform School			65.0	0.00			
TOTAL PRIVATE SCHOOLS	21,938	22,175	18,334	(591.64)	976,097.32	488,053.00	488,044.32

STATE SUPPORTED SCHOOLS	FY 2011	FY 2012	FY 2013	FY 2011	FY 2012	FY 2013	FY 2011	FY 2012	FY 2013
Foothill High School-YDDC	153.0	153.0	139.0	0.00	7,375.68	\$3,688	\$3,688	\$3,688	\$3,688
JP Taylor Center (Aztec Youth)	43.0	43.0	39.0	0.00	2,069.15	\$1,035	\$1,035	\$1,034	\$1,034
Mimbres School (Child Psychiatrics)	20.0	20.0	15.0	(120.54)	661.44	\$331	\$331	\$330	\$330
New Mexico School for the Deaf	96.0	96.0	91.0	0.00	4,845.34	\$2,423	\$2,423	\$2,422	\$2,422
NM Sch. for Visually Handicapped	31.0	31.0	34.0	0.00	1,817.82	\$909	\$909	\$909	\$909
Sequoyah Adolescent Center	36.0	36.0	30.0	(60.87)	1,519.09	\$760	\$760	\$759	\$759
TOTAL STATE SUPPORTED	379.0	379.0	348.0	(181.41)	18,288.52	9,146.00	9,146.00	9,142.52	9,142.52
GRAND TOTAL	361,484	359,708	348,425	(45,672)	18,530,613	9,265,312	9,265,312	9,265,301	9,265,301

Legend:	No App/No AC	School did not submit a timely application or is not accredited for SY13-14
	Ineligible	School did not comply with required submission of reports; ineligible for all funding
	Ineligible	School submitted required reports after deadline; ineligible for FY13-14 funding
	CLOSED	School no longer in operation as of FY13-14
	No Enrollment	School did not provide enrollment data

Total Approp.	\$	20,975,800
Less: HED Portion	\$	(277,300.00)
Adjusted Approp.	\$	20,698,500
Adjustment Factor		0.9
Base		\$18,628,650
Student Est Pop FY12-13		348,425.00
Est Final Per Diem (inc A)		59.40

Population	FY14 Budget
K-12 Students	20,698,500.00
Adult Basic Education	277,300.00
Total	20,975,800.00

Explanation of PED Allocation Calculations

The initial (April 1) allocation is calculated as follows:

- (1) Subtract the Adult Basic Education (ABE) allocation from the total appropriation;
- (2) Multiply the resulting sum by 90.0 percent to obtain an adjusted appropriation;
- (3) Divide the adjusted appropriation by the statewide 40th-day enrollment of the current¹ school year to obtain the initial per student rate; and
- (4) Calculate the initial allocation for each school district, charter school, state institution, and non-public school in the following manner:
 - i. if 95.0 percent of the beneficiary's 40th-day enrollment of the current school year is greater than or equal to the average 40th-day enrollment for the current and two prior school years, then:
 - (a) Multiply the initial per student rate by the 40th-day enrollment of the current year; and
 - (b) Subtract the prior year adjustment, if any; or
 - ii. if 95.0 percent of the beneficiary's 40th-day enrollment of the current school year is less than the average 40th-day enrollment for the current and two prior school years, then:
 - (a) Multiply the initial per student rate by the 40th-day enrollment of the current school year;
 - (b) Add six times the difference between the 40th-day enrollment of the current school year and the average 40th-day enrollment for the current and two prior school years; and
 - (c) Subtract the prior year adjustment, if any.

The final (January 15) allocation is calculated as follows:

- (1) Subtract the following amounts from the total appropriation to obtain an adjusted appropriation:
 - i. the Adult Basic Education (ABE) allocation;
 - ii. amounts paid to ineligible non-public schools during the initial allocation; and
 - iii. two times the sum of negative prior year adjustments statewide;
- (2) Divide the adjusted appropriation by the statewide 40th-day enrollment of the current school year to obtain the final per student rate;
- (3) Calculate the final allocation for each school district, charter school, state institution, and non-public school by multiplying the final per student rate by the 40th-day enrollment of the current school year; and
- (4) Calculate an adjustment for the following fiscal year by subtracting the initial allocation from the final allocation.

¹ The term, "current school year," is used for both the initial and final allocation, but the initial allocation occurs in the school year preceding the final allocation, and thus the term refers to two different time periods for each context.

Conditions for Adjustment to Initial Allocation

The initial allocation spreadsheet for FY 14¹ applies an adjustment to the initial allocation when:

$$(0.95 * MEM_{13}) < AVERAGE(MEM_{11}, MEM_{12}, MEM_{13})$$

This inequality can be simplified as follows:

- (1) $(95/100) \times MEM_{13} < (1/3) \times (MEM_{11} + MEM_{12} + MEM_{13})$
- (2) $MEM_{13} < (100/285) \times (MEM_{11} + MEM_{12}) + (100/285) \times MEM_{13}$
- (3) $MEM_{13} - (100/285) \times MEM_{13} < (100/285) \times (MEM_{11} + MEM_{12})$
- (4) $(185/285) \times MEM_{13} < (100/285) \times (MEM_{11} + MEM_{12})$
- (5) $MEM_{13} < (100/185) \times (MEM_{11} + MEM_{12})$
- (6) $MEM_{13} < (200/185) \times (MEM_{11} + MEM_{12}) \times (1/2)$
- (7) $MEM_{13} < 1.081 \times AVERAGE(MEM_{11}, MEM_{12})$

This simplified inequality shows that an adjustment is applied when MEM₁₃ is less than 8.1 percent larger than the average MEM of the preceding two years. Conversely, schools with greater than 8.1 percent growth in MEM₁₃ over the average MEM of the preceding two years received no adjustment.

It could also be shown that this adjustment will exist and be positive when:

$$1.081 \times AVERAGE(MEM_{11}, MEM_{12}) > MEM_{13} > AVERAGE(MEM_{11}, MEM_{12})$$

Conversely, the adjustment will exist and be negative when:

$$1.081 \times AVERAGE(MEM_{11}, MEM_{12}) > AVERAGE(MEM_{11}, MEM_{12}) > MEM_{13}$$

¹ The FY 13 initial allocation spreadsheet also contains the same calculations, but uses membership data from earlier fiscal years, FY 10-12.

SCHOOL AWARDS

(SY 2011-12)

ATTACHMENT 7

District	School	Preliminary Grade	Final Grade	Award Qualifier	Student Membership	Award Amount
Alamogordo	Holloman Middle	B	A	Grade	178	\$10,771.13
Alamogordo	Holloman Primary	C	B	Unknown	293.75	\$17,775.39
Alamogordo	Mountain View Middle	D	B	Growth	476	\$28,803.69
Albuquerque	Alice King Community School	A	A	Grade	305	\$18,456.15
Albuquerque	Early College Academy	A	A	Grade	185.5	\$11,224.97
Albuquerque	Ernie Pyle Middle	D	B	Growth	674	\$40,785.06
Albuquerque	Jackson Middle	D	B	Growth	626.5	\$37,910.74
Albuquerque	James Monroe Middle	D	B	Growth	976.5	\$59,089.92
Albuquerque	La Cueva High	A	A	Grade	1893	\$114,549.13
Albuquerque	Montessori of the Rio Grande Charter	D	B	Growth	199	\$12,041.88
Albuquerque	Sandia Base Elementary	F	B	Growth	524.5	\$31,738.52
Albuquerque	The Family School	A	A	Grade	231	\$13,978.26
Albuquerque	Tony Hillerman Middle	F	B	Growth	935.5	\$56,608.93
Albuquerque	School for Integrated Academics and Technologies Charter	F	C	Growth	284.5	\$17,215.65
Animas	Animas 7-12 School	C	A	Growth	116.5	\$7,049.64
Belen	The Family School	A	A	Grade	84	\$5,083.00
Capitan	Capitan Middle	D	B	Growth	138	\$8,350.65

SCHOOL AWARDS

(SY 2011-12)

District	School	Preliminary Grade	Final Grade	Award Qualifier	Student Membership	Award Amount
Carlsbad	Puckett Elementary	B	A	Grade	217.5	\$13,161.35
Cimarron	Cimarron Elementary	C	A	Growth	61	\$3,691.23
Cimarron	Eagle Nest Elementary	B	A	Grade	87.5	\$5,294.80
Cimarron	Eagle Nest Middle	B	A	Grade	70	\$4,235.84
Cloudcroft	Cloudcroft Middle	B	A	Grade	88	\$5,325.05
Clovis	Sandia Elementary	D	B	Growth	425.5	\$25,747.84
Clovis	Yucca Middle	D	B	Growth	623	\$37,698.95
Clovis	Zia Elementary	B	A	Grade	499.5	\$30,225.72
Deming	Red Mountain Middle	D	B	Growth	757.5	\$45,837.81
Des Moines	Des Moines High	B	A	Grade	32.5	\$1,966.64
Dexter	Dexter Middle	F	C	Growth	222	\$13,433.65
Dora	Dora Elementary	B	A	Grade	100.75	\$6,096.58
Elida	Elida High	C	A	Grade & Growth	62.5	\$3,782.00
Estancia	Estancia Valley Learning Center	F	C	Growth	34	\$2,057.41
Floyd	Floyd Middle	D	B	Growth	74	\$4,477.88
Gadsden	Anthony Elementary	B	A	Grade	423.25	\$25,611.68
Gadsden	Chaparral Middle	D	B	Growth	551	\$33,342.09
Grady	Grady Middle	D	B	Growth	25	\$1,512.80
Grants	Mesa View Elementary	D	B	Growth	424	\$25,657.07

SCHOOL AWARDS

(SY 2011-12)

District	School	Preliminary Grade	Final Grade	Award Qualifier	Student Membership	Award Amount
Hobbs	Mills Elementary	F	C	Growth	460.5	\$27,865.76
Jal	Jal Jr High	F	C	Growth	60	\$3,630.72
Las Cruces	Camino Real Middle	D	B	Growth	626.5	\$37,910.74
Las Cruces	Cesar E. Chavez Elementary	D	B	Growth	493.75	\$29,877.78
Las Cruces	Conlee Elementary	F	C	Growth	536.5	\$32,464.66
Las Cruces	Highland Elementary	C	A	Growth	712	\$43,084.51
Las Cruces	Monte Vista Elementary	A	A	Grade	436.5	\$26,413.47
Las Cruces	Picacho Middle	D	B	Growth	826.5	\$50,013.13
Las Cruces	Sierra Middle	D	B	Growth	837	\$50,648.51
Las Cruces	University Hills Elementary	F	B	Growth	346.75	\$20,982.52
Las Cruces	White Sands Elementary	D	B	Growth	257.25	\$15,566.70
Las Cruces	White Sands Middle	C	B	Unknown	114	\$6,898.36
Logan	Logan Middle	D	B	Growth	55	\$3,328.16
Los Alamos	Barranca Mesa Elementary	B	A	Grade	387.5	\$23,448.38
Los Alamos	Los Alamos High	A	A	Grade	1090	\$65,958.03
Los Alamos	Mountain Elementary	A	A	Grade	441.25	\$26,700.90
Los Alamos	Pinon Elementary	B	A	Grade	368.25	\$22,283.53
Maxwell	Maxwell Elementary	F	C	Growth	52.5	\$3,176.88
Melrose	Melrose Junior	B	A	Grade	34	\$2,057.41
Moriarty-Edgewood	Edgewood Elementary	A	A	Grade	290.25	\$17,563.59

SCHOOL AWARDS

(SY 2011-12)

District	School	Preliminary Grade	Final Grade	Award Qualifier	Student Membership	Award Amount
Moriarty-Edgewood	Edgewood Middle	A	A	Grade	307	\$18,577.17
Moriarty-Edgewood	Mountainview Elementary	D	B	Growth	342	\$20,695.09
Portales	Brown Early Childhood Center	C	C	Unknown	301.25	\$18,229.23
Quemado	Quemado Elementary	D	B	Growth	61	\$3,691.23
Quemado	Quemado High	D	B	Growth	71	\$4,296.35
Questa	Roots & Wings Community	B	A	Grade	42.5	\$2,571.76
Raton	Raton Middle	D	B	Growth	254.5	\$15,400.29
Reserve	Reserve High	B	A	Grade	65.5	\$3,963.53
Roswell	Berrendo Elementary	F	B	Growth	449.5	\$27,200.12
Roswell	Berrendo Middle	C	A	Grade & Growth	665	\$40,240.45
Roswell	Sidney Gutierrez Middle	A	A	Grade	62.5	\$3,782.00
Santa Fe	Atalaya Elementary	D	B	Growth	219.5	\$13,282.37
Santa Fe	Chaparral Elementary	F	B	Growth	412	\$24,930.93
Santa Fe	Ramirez Thomas Elementary	F	C	Growth	453	\$27,411.92
Santa Fe	Wood-Gormley Elementary	A	A	Grade	420	\$25,415.02
Santa Rosa	Anton Chico Middle	D	B	Growth	27	\$1,633.82
Socorro	Midway Elementary	D	B	Growth	108.5	\$6,565.55
Socorro	San Antonio Elementary	D	B	Growth	73	\$4,417.37
Springer	Miranda Junior High	B	A	Grade	44	\$2,662.53
State Charter	Albuquerque Institute of Math & Science	A	A	Grade	291	\$17,608.98

SCHOOL AWARDS

(SY 2011-12)

District	School	Preliminary Grade	Final Grade	Award Qualifier	Student Membership	Award Amount
State Charter	Cottonwood Classical Preparatory Charter	A	A	Grade	444	\$26,867.31
State Charter	East Mountain High Charter	B	A	Grade	365.5	\$22,117.12
State Charter	NM School For the Arts	C	A	Grade & Growth	177	\$10,710.62
State Charter	North Valley Academy Charter	F	B	Growth	488.5	\$29,560.09
State Charter	South Valley Prep	D	B	Growth	124	\$7,503.48
State Charter	Southwest Intermediate Learning Center	A	A	Grade	111.5	\$6,747.08
State Charter	Taos Integrated School of the Arts	D	B	Growth	121.5	\$7,352.20
State Charter	Tierra Adentro	F	C	Growth	178.5	\$10,801.38
Taos	Anansi Charter School	A	A	Grade	111.5	\$6,747.08
Taos	Taos Municipal Charter	A	A	Grade	213	\$12,889.05
Tatum	Tatum Jr High	B	A	Grade	48	\$2,904.57
Tucumcari	Tucumcari Middle	D	B	Growth	222.5	\$13,463.91

Notes: SY2011-12 student membership is calculated using the average of the 80day (2nd reporting period) and 120day (3rd) reporting period.

Source: Public Education Department

LESC 11/5/12