

1 AN ACT
2 RELATING TO EDUCATION; CHANGING HOW INSTRUCTIONAL MATERIAL
3 ALLOCATIONS ARE CALCULATED, DISTRIBUTED AND EXPENDED;
4 PROVIDING FOR FEES; CREATING A FUND; MAKING AN APPROPRIATION;
5 DECLARING AN EMERGENCY.

6
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

10 "22-15-1. SHORT TITLE.--Sections 22-15-1 through
11 22-15-14 NMSA 1978 may be cited as the "Instructional
12 Material Law"."

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

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

17 A. "division" or "bureau" means the instructional
18 material bureau of the department;

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

21 C. "instructional material" means school textbooks
22 and other educational media that are used as the basis for
23 instruction, including combinations of textbooks, learning
24 kits, supplementary material and electronic media;

25 D. "multiple list" means a written list of those

1 instructional materials approved by the department;

2 E. "membership" means the total enrollment of
3 qualified students on the fortieth day of the school year
4 entitled to the free use of instructional material pursuant
5 to the Instructional Material Law; and

6 F. "additional pupil" means a pupil in a school
7 district's, state institution's or private school's current
8 year's certified forty-day membership above the number
9 certified in the school district's, state institution's or
10 private school's prior year's forty-day membership."

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

13 "22-15-4. BUREAU--DUTIES.--Subject to the policies and
14 regulations of the department, the bureau shall:

15 A. administer the provisions of the Instructional
16 Material Law;

17 B. enforce rules for the handling, safekeeping and
18 distribution of instructional material and instructional
19 material funds and for inventory and accounting procedures to
20 be followed by school districts, state institutions, private
21 schools and adult basic education centers pursuant to the
22 Instructional Material Law;

23 C. withdraw or withhold the privilege of
24 participating in the free use of instructional material in
25 case of any violation of or noncompliance with the provisions

1 of the Instructional Material Law or any rules adopted
2 pursuant to that law;

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

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

10 Section 4. Section 22-15-8 NMSA 1978 (being Laws 1967,
11 Chapter 16, Section 212, as amended) is amended to read:

12 "22-15-8. MULTIPLE LIST--SELECTION--REVIEW PROCESS.--

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

22 B. Pursuant to the provisions of the Instructional
23 Material Law, each school district, state institution,
24 private school as agent or adult basic education center may
25 select instructional material for the use of its students

1 from the multiple list adopted by the department. Local
2 school boards shall give written notice to parents and other
3 community members and shall invite parental involvement in
4 the adoption process at the district level. Local school
5 boards shall also give public notice, which notice may
6 include publication in a newspaper of general circulation in
7 the school district.

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

12 (1) a summer review institute at which basal
13 materials in the content area under adoption will be
14 facilitated by content and performance experts in the content
15 area and reviewed by reviewers;

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

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

25 (4) the adoption of supplementary materials

1 that are not reviewed.

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

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

9 Section 5. A new section of the Instructional Material
10 Law, Section 22-15-8.1 NMSA 1978, is enacted to read:

11 "22-15-8.1. INSTRUCTIONAL MATERIAL ADOPTION FUND.--The
12 "instructional material adoption fund" is created in the
13 state treasury. The fund consists of fees charged to
14 publishers to review their instructional materials, income
15 from investment of the fund, gifts, grants and donations.
16 Money in the fund shall not revert to any other fund at the
17 end of a fiscal year. The fund shall be administered by the
18 department and money in the fund is appropriated to the
19 department to pay expenses associated with adoption of
20 instructional material for the multiple list."

21 Section 6. Section 22-15-9 NMSA 1978 (being Laws 1967,
22 Chapter 16, Section 213, as amended) is amended to read:

23 "22-15-9. DISTRIBUTION OF FUNDS FOR INSTRUCTIONAL
24 MATERIAL.--

25 A. On or before April 1 of each year, the

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

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

20 C. An amount not to exceed fifty percent of the
21 allocations attributed to each school district, state
22 institution or adult basic education center may be used for
23 instructional material not included on the multiple list
24 provided for in Section 22-15-8 NMSA 1978. The local
25 superintendent may apply to the department for a waiver of

1 the use of funds allocated for the purchase of instructional
2 material either included or not included on the multiple
3 list. If the waiver is granted, the school district shall not
4 be required to submit a budget adjustment request to the
5 department. Adult basic education centers may expend up to
6 one hundred percent of their instructional material funds for
7 items that are not on the multiple list.

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

15 E. A school district, state institution or adult
16 basic education center that has funds remaining for the
17 purchase of instructional material at the end of the fiscal
18 year shall retain those funds for expenditure in subsequent
19 years. Any balance remaining in an instructional material
20 account of a private school at the end of the fiscal year
21 shall remain available for reimbursement by the department
22 for instructional material purchases in subsequent years."

23 Section 7. Section 22-15-12 NMSA 1978 (being Laws 1967,
24 Chapter 16, Section 216, as amended) is amended to read:

25 "22-15-12. ANNUAL REPORT.--Annually, at a time

1 specified by the department, each local school board of a
2 school district and each governing authority of a state
3 institution, private school or adult basic education center
4 acquiring instructional material pursuant to the
5 Instructional Material Law shall file a report with the
6 department that includes an itemized list of instructional
7 material purchased by the eligible entity, by vendor; the
8 total cost of the instructional material; the average
9 per-student cost; and the year-end cash balance."

10 Section 8. EMERGENCY.--It is necessary for the public
11 peace, health and safety that this act take effect
12 immediately. _____

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