

1 SENATE BILL 413

2 **50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

3 INTRODUCED BY

4 Cynthia Nava

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10 AN ACT

11 RELATING TO INSTRUCTIONAL MATERIALS; GIVING SCHOOL DISTRICTS
12 CONTROL OVER SELECTION OF INSTRUCTIONAL MATERIALS.

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

15 SECTION 1. Section 22-15-9 NMSA 1978 (being Laws 1967,
16 Chapter 16, Section 213, as amended) is amended to read:

17 "22-15-9. DISTRIBUTION OF FUNDS FOR INSTRUCTIONAL
18 MATERIAL.--

19 A. On or before April 1 of each year, the
20 department shall allocate to each school district, state
21 institution or private school as agent not less than ninety
22 percent of its estimated entitlement as determined from the
23 estimated forty-day membership for the next school year. A
24 school district's, state institution's or private school's
25 entitlement is that portion of the total amount of the annual

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1 appropriation less a deduction for a reasonable reserve for
2 emergency expenses that its forty-day membership bears to the
3 forty-day membership of the entire state. For the purpose of
4 this allocation, additional pupils shall be counted as six
5 pupils. The allocation for adult basic education shall be
6 based on a full-time equivalency obtained by multiplying the
7 total previous year's enrollment by .25. The department shall
8 transfer the amount of the allocation for adult basic education
9 to the adult basic education fund.

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

16 C. [~~An amount not to exceed fifty~~] One hundred
17 percent of the allocations attributed to each school district
18 or state institution may be used for instructional material not
19 included on the multiple list provided for in Section 22-15-8
20 NMSA 1978, and up to twenty-five percent [~~of this amount~~] may
21 be used for other classroom materials. [~~The local~~
22 ~~superintendent may apply to the department for a waiver of the~~
23 ~~use of funds allocated for the purchase of instructional~~
24 ~~material either included or not included on the multiple list.~~
25 ~~If the waiver is granted, the school district shall not be~~

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1 ~~required to submit a budget adjustment request to the~~
2 ~~department.]~~ Private schools may expend up to fifty percent of
3 their instructional material funds for items that are not on
4 the multiple list; provided that no funds shall be expended for
5 religious, sectarian or nonsecular materials; and provided
6 further that all instructional material purchases shall be
7 through an in-state depository.

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

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

20 F. A school district or state institution that
21 has funds remaining for the purchase of instructional
22 material at the end of the fiscal year shall retain those
23 funds for expenditure in subsequent years. Any balance
24 remaining in an instructional material account of a private
25 school at the end of the fiscal year shall remain available

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1 for reimbursement by the department for instructional
2 material purchases in subsequent years."

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