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FISCAL IMPACT REPORT

ORIGINAL DATE 02/16/11

SPONSOR Nava LAST UPDATED _____ HB _____

SHORT TITLE School District Power Over Inst. Material SB 413

ANALYST Haug

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY11	FY12	FY13	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		NFI	NFI			

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Public Education Department (PED)

Higher Education Department (HED)

SUMMARY

Synopsis of Bill

Senate Bill 413 would amend 22-15-9 NMSA 1978 to allow school districts to use 100% of instructional material allocations for material not on the multiple list and allow that up to 25% may be used for other classroom materials without applying for a waiver from the Public Education Department (PED).

FISCAL IMPLICATIONS

Senate Bill 413 contains no appropriation and has no fiscal implications.

SIGNIFICANT ISSUES

The PED states:

Currently, 22-15-9 NMSA 1978 allows the 89 districts flexible use of their instructional materials allocation if the district applies for and receives a waiver from PED.

In 2010, four districts applied for waivers from PED as follows:

Clayton Public Schools moved \$39,795.58 into supplementary expenditures.

Silver City moved \$1,482 into supplementary expenditures.

Gadsden moved \$300,000 into supplementary expenditures.

CYFD Juvenile Justice moved \$6,656 into supplementary expenditures.

In 2009, no districts applied for waivers.

In 2008, one district applied for waivers.

In 2007, no districts applied for waivers.

Currently, all state charter schools are allowed 100% discretion over instructional materials funds.

The Instructional Materials Bureau process for adoption of instructional material on the multiple list is outlined in statute and provides requirements to include: 1) materials relevant to the unique multi-ethnic background of students in New Mexico, 2) parents and communities in the adoption process, and 3) New Mexico standards.

The HED comments that NMHED's Adult Basic Education Division provides oversight for 27 Adult Basic Education (ABE) programs that serve adults 16 years of age and older who function below the high school completion level. SB413 continues to allocate instructional materials funding for ABE students based on only 25% of the programs' previous year's enrollment. This formula allows ABE programs to expend approximately \$8.00 per student for instructional materials during FY11. In practice, the outcome is that funding is inadequate to provide ABE students with instructional materials they may take home for study.

GH/bym