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SENATE BILL 8

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

GLORIA HOWES

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO EDUCATION; PROVIDING FOR THE DISTRIBUTION OF
INSTRUCTIONAL MATERIAL FUNDS DIRECTLY TO LOCAL SCHOOL BOARDS,
STATE INSTITUTIONS AND ADULT BASIC EDUCATION CENTERS; AMENDING
SECTIONS OF THE PUBLIC SCHOOL CODE.

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

Section 1. Section 22-15-4 NMSA 1978 (being Laws 1967,
Chapter 16, Section 208, as amended) is amended to read:

"22-15-4. BUREAU--DUTIES.--Subject to the policies and
regulations of the state board, the bureau shall:

A. administer the provisions of the Instructional
Material Law;

B. enforce regulations for the handling, safekeeping
and distribution of instructional material and instructional
material funds and for inventory and accounting procedures to be

Underscored material = new
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1 followed by school districts, state institutions, private
2 schools and adult basic education centers pursuant to the
3 Instructional Material Law;

4 C. withdraw or withhold the privilege of
5 participating in the free use of instructional material in case
6 of any violation of or noncompliance with the provisions of the
7 Instructional Material Law or any regulations adopted pursuant
8 thereto; and

9 D. enforce regulations relating to the use and
10 operation of instructional material depositories in the
11 instructional material distribution process. "

12 Section 2. Section 22-15-5 NMSA 1978 (being Laws 1967,
13 Chapter 16, Section 209, as amended) is amended to read:

14 "22-15-5. INSTRUCTIONAL MATERIAL FUND. --

15 A. The state treasurer shall establish a fund to be
16 known as the "instructional material fund".

17 B. The instructional material fund shall be used for
18 the purpose of paying for the cost of purchasing instructional
19 material pursuant to the Instructional Material Law.

20 Transportation charges for the delivery of instructional
21 material to a school district, a state institution, a private
22 school as agent or an adult basic education center [~~as agent~~]
23 and emergency expenses incurred in providing instructional
24 material to students may be included as a cost of purchasing
25 instructional material. Charges for rebinding of used

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Underscored material = new
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1 instructional materials that appear on the multiple list
2 pursuant to Section 22-15-8 NMSA 1978 may also be included as a
3 cost of purchasing instructional material."

4 Section 3. Section 22-15-7 NMSA 1978 (being Laws 1967,
5 Chapter 16, Section 211, as amended) is amended to read:

6 "22-15-7. STUDENTS ELIGIBLE--DISTRIBUTION.--

7 A. Any qualified student or person eligible to
8 become a qualified student attending a public school, a state
9 institution or a private school [approved] accredited by the
10 state board in any grade from first through the twelfth grade of
11 instruction is entitled to the free use of instructional
12 material. Any student enrolled in an early childhood education
13 program as defined by Section 22-13-3 NMSA 1978 or person
14 eligible to become an early childhood education student as
15 defined by that section attending a private early childhood
16 education program approved by the state board is entitled to the
17 free use of instructional material. Any student in an adult
18 basic education program approved by the state board is entitled
19 to the free use of instructional material.

20 B. Instructional material shall be distributed to
21 school districts, state institutions, private schools and adult
22 basic education centers as agents for the benefit of students
23 entitled to the free use of the instructional material.

24 C. Any school district, state institution, private
25 school as agent or adult basic education center [~~as agent~~]

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1 receiving instructional material pursuant to the Instructional
2 Material Law is responsible for distribution of the
3 instructional material for use [of] by eligible students and for
4 the safekeeping of the instructional material. "

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

7 "22-15-8. MULTIPLE LIST--SELECTION. --

8 A. The state board shall adopt a multiple list to be
9 made available to students pursuant to the Instructional
10 Material Law. The state board shall ensure that parents and
11 other community members are involved in the adoption process at
12 the state level.

13 B. Pursuant to the provisions of the Instructional
14 Material Law, each school district, state institution, private
15 school as agent or adult basic education center [~~as agent~~] may
16 select instructional material for the use of its students from
17 the multiple list adopted by the state board. Local school
18 boards shall give written notice to parents and other community
19 members and shall invite parental involvement in the adoption
20 process at the district level. Local school boards shall also
21 give public notice, which notice may include publication in a
22 newspaper of general circulation in the school district. "

23 Section 5. Section 22-15-9 NMSA 1978 (being Laws 1967,
24 Chapter 16, Section 213, as amended) is amended to read:

25 "22-15-9. DISTRIBUTION OF FUNDS FOR INSTRUCTIONAL MATERIAL

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1 ~~[ACCOUNTS--CREDIT ALLOCATIONS]. --~~

2 ~~[A. The department of education shall establish a~~
3 ~~separate instructional material account for each school~~
4 ~~district, state institution, private school or adult basic~~
5 ~~education center in the state having students in attendance~~
6 ~~entitled to the free use of instructional material pursuant to~~
7 ~~the Instructional Material Law.~~

8 ~~B.]~~ A. On or before July 1 of each year, the
9 department of education shall allocate ~~[credit]~~ to ~~[the~~
10 ~~instructional material account of]~~ each school district, state
11 institution or private school not less than ninety percent of
12 its estimated entitlement as determined from the estimated
13 forty-day membership for the next school year. A school
14 district's, state institution's or private school's entitlement
15 is that portion of the total amount of the annual appropriation
16 less a deduction for a reasonable reserve for ~~[transportation~~
17 ~~charges and]~~ emergency expenses that its forty-day membership
18 bears to the forty-day membership of the entire state. The
19 allocation for adult basic education shall be based on a
20 full-time equivalency obtained by multiplying the total previous
21 year's enrollment by .25. For the purpose of this allocation,
22 additional pupils shall be counted as four pupils.

23 B. On or before January 15 of each year, the
24 department of education shall recompute each entitlement using
25 the forty-day membership for that year, except for adult basic

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1 education, and shall allocate the balance of the annual
2 appropriation [~~compensating~~] adjusting for any over- or
3 under-estimation [~~of credit~~] made in the first allocation. [~~In~~
4 ~~the event the funds remaining for this allocation are~~
5 ~~insufficient to compensate for an over- or under-estimation of~~
6 ~~credit made in the first allocation, the final recomputed over-~~
7 ~~or under-allocation of credit shall be carried forward by the~~
8 ~~department of education to be credited or debited to the~~
9 ~~allocation for the ensuing school year.]~~

10 C. An amount not to exceed thirty percent of [~~total~~
11 ~~credit~~] the allocations attributed to each [~~individual~~
12 ~~instructional material account shall, at the request of the~~
13 ~~local school district, [or the appropriate governing body and~~
14 ~~institution, shall be distributed directly to each public school~~
15 ~~district]~~ state institution or adult basic education center may
16 be used for instructional [~~materials~~] material not included on
17 the multiple list provided for in Section 22-15-8 NMSA 1978.

18 D. The department of education shall establish
19 procedures for the distribution of funds directly to local
20 school districts, state institutions and adult basic education
21 centers. The department of education shall distribute funds to
22 private schools on a reimbursement basis for instructional
23 material included on the multiple list provided for in Section
24 22-15-8 NMSA 1978.

25 [~~D.-~~] E. [~~Any balance remaining in an instructional~~

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1 ~~material account of~~] A school district, state institution
2 [~~private school~~] or adult basic education center that has funds
3 remaining for the purchase of instructional material at the end
4 of the fiscal year shall ~~[remain available]~~ retain those funds
5 for expenditure in subsequent years. Any balance remaining in
6 an instructional material account of a private school at the end
7 of the fiscal year shall remain available for reimbursement by
8 the department of education for instructional material purchases
9 in subsequent years."

10 Section 6. Section 22-15-10 NMSA 1978 (being Laws 1967,
11 Chapter 16, Section 214, as amended) is amended to read:

12 "22-15-10. SALE OR LOSS OR RETURN OF INSTRUCTIONAL
13 MATERIAL. --

14 A. With the approval of the chief, instructional
15 material [~~distributed to~~] acquired by a school district, state
16 institution, private school or adult basic education center
17 pursuant to the Instructional Material Law may be sold at a
18 price determined by officials of the school district, state
19 institution, private school or adult basic education center.
20 The selling price shall not exceed the cost of the instructional
21 material to the state.

22 B. A school district, state institution, private
23 school or adult basic education center [~~as agent~~] may hold the
24 parent, guardian or student responsible for the loss, damage or
25 destruction of instructional material while the instructional

Underscored material = new
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1 material ~~[was]~~ is in the possession of the student. A school
2 district may withhold the grades, diploma and transcripts of the
3 student responsible for damage or loss of instructional material
4 until the parent, guardian or student has paid for the damage or
5 loss. When a parent, guardian or student is unable to pay for
6 damage or loss, the school district shall work with the parent,
7 guardian or student to develop an alternative program in lieu of
8 payment. Where a parent or guardian is determined to be
9 indigent according to guidelines established by the state board
10 ~~[of education]~~, the local school district shall bear the cost.

11 C. A school district, state institution or adult
12 basic education center that has funds remaining for the purchase
13 of instructional material at the end of the fiscal year shall
14 retain those funds for expenditure in subsequent years.

15 ~~[C.]~~ D. All money collected by a ~~[school district,~~
16 ~~state institution]~~ private school ~~[or adult basic education~~
17 ~~center as agent]~~ for the sale, loss, damage or destruction of
18 instructional material received pursuant to the Instructional
19 Material Law shall be ~~[transmitted]~~ sent to the department of
20 education. ~~[The department shall credit the instructional~~
21 ~~material account of the school district, state institution,~~
22 ~~private school or adult basic education center and deposit the~~
23 ~~money received with the state treasurer for credit to the~~
24 ~~instructional material fund. The department shall account for~~
25 ~~and distribute materials pursuant to procedures established by~~

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1 ~~the department.]~~

2 ~~[D-]~~ E. Upon order of the chief, a school district,
3 state institution, private school or adult basic education
4 center shall transfer ~~[as ordered]~~ to the department of
5 education or its designee instructional material, purchased
6 ~~[from the]~~ with instructional material ~~[fund which]~~ funds, that
7 is in usable condition and for ~~[that]~~ which there is no use
8 expected by the respective schools."

9 Section 7. Section 22-15-11 NMSA 1978 (being Laws 1967,
10 Chapter 16, Section 215, as amended) is amended to read:

11 "22-15-11. RECORD OF INSTRUCTIONAL MATERIAL. -- ~~[A. The~~
12 ~~division shall keep accurate records of the cost of all~~
13 ~~instructional material distributed pursuant to the Instructional~~
14 ~~Material Law.~~

15 ~~B-]~~ Each school district, state institution, private
16 school or adult basic education center shall keep accurate
17 records of all instructional material, ~~[distributed to it~~
18 ~~pursuant to the Instructional Material Law]~~ including cost
19 records, on forms and by procedures prescribed by the division."

20 Section 8. Section 22-15-12 NMSA 1978 (being Laws 1967,
21 Chapter 16, Section 216, as amended) is amended to read:

22 "22-15-12. ANNUAL REPORT. -- Annually, at a time specified
23 by the department of education, each local school board of a
24 school district and each governing authority of a state
25 institution, private school or adult basic education center

1 [receiving] acquiring instructional material pursuant to the
2 Instructional Material Law shall file a report with the
3 department of education. "

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1 FORTY-THIRD LEGISLATURE

2 FIRST SESSION, 1997

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5
6 February 4, 1997

7
8 Mr. President:

9
10 Your EDUCATION COMMITTEE, to whom has been referred

11
12 SENATE BILL 8

13
14 has had it under consideration and reports same with
15 recommendation that it DO PASS, and thence referred to the
16 FINANCE COMMITTEE.

17
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19 Respectfully submitted,

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23 _____
24 Cynthia Nava, Chairman
25

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

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Date _____

The roll call vote was 6 For 1 Against

Yes: 6

No: Rawson

Excused: Boitano, Pinto, Rodriguez

Absent: None

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

SB 8/a

February 14, 1997

Mr. President:

Your FINANCE COMMITTEE, to whom has been referred

SENATE BILL 8

has had it under consideration and reports same with
recommendation that it DO PASS, amended as follows:

1. On page 3, line 9, remove the brackets and line
through "approved" and strike the underscored "accredited".

2. On page 10, between lines 3 and 4, insert the
following new section:

"Section 9. EFFECTIVE DATE. --The effective date of the
provisions of this act is July 1, 1998."

Respectfully submitted,

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**FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996**

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Ben D. Altamirano, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 6 For 0 Against

Yes: 6

No: None

Excused: Aragon, Carraro, Ingle, Lyons, Smith

Absent: None

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State of New Mexico
House of Representatives

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 12, 1997

Mr. Speaker:

Your EDUCATION COMMITTEE, to whom has been referred

SENATE BILL 8, as amended

**has had it under consideration and reports same with
recommendation that it DO PASS, and thence referred to the
APPROPRIATIONS AND FINANCE COMMITTEE.**

Respectfully submitted,

Samuel F. Vigil, Chairman

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

HEC/SB 8, a

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Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 8 For 0 Against

Yes: 8

Excused: Mallory, Miera, Nicely, Weeks, Gonzales

Absent: None

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Underscored material = new
[bracketed material] = delete

State of New Mexico House of Representatives

**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

March 12, 1997

Mr. Speaker:

**Your EDUCATION COMMITTEE, to whom has been referred
SENATE BILL 8, as amended
has had it under consideration and reports same with
recommendation that it DO PASS, and thence referred to the
APPROPRIATIONS AND FINANCE COMMITTEE.**

Respectfully submitted,

Samuel F. Vigil, Chairman

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

HEC/SB 8, a

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Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 8 For 0 Against

Yes: 8

Excused: Mallory, Miera, Nicely, Weeks, Gonzales

Absent: None

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FORTY-THIRD LEGISLATURE

FIRST SESSION

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March 15 1997

HOUSE FLOOR AMENDMENT number _____ to SENATE BILL 8, as amended

Amendment sponsored by Representative Samuel F. Vigil

1. On page 6, Line 17, after the period insert 'Adult basic education centers may expend up to one hundred percent of their instructional material funds for items that are not on the multiple list.'

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FORTY-THIRD LEGISLATURE
FIRST SESSION

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SB 1032

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Samuel F. Vigil

Adopted _____ Not Adopted _____
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