

AN ACT

RELATING TO INSTRUCTIONAL MATERIALS; BROADENING THE DEFINITION OF "INSTRUCTIONAL MATERIAL"; REQUIRING TIMELY ALLOCATIONS; LIMITING THE APPLICATION OF THE MULTIPLE LIST; ELIMINATING A PROVISION REQUIRING TEXTBOOKS FOR EACH STUDENT.

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

SECTION 1. Section 22-15-2 NMSA 1978 (being Laws 1967, Chapter 16, Section 206, as amended) is amended to read:

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

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, original source material from primary sources, supplementary material, electronic media and content resources, excluding electronic devices and hardware that support digital learning formats and educational programs, whether or not on the multiple list;

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 October reporting date of the school year entitled to the free use of instructional material pursuant to the Instructional Material Law;

F. "additional student" means a student in a school district's, state institution's or private school's current year's certified October reporting date membership above the number certified in the school district's, state institution's or private school's prior year's October reporting date membership;

G. "school district" includes charter schools; and

H. "other classroom materials" means materials other than textbooks that are used to support direct instruction to students."

SECTION 2. Section 22-15-9 NMSA 1978 (being Laws 1967, Chapter 16, Section 213, as amended) is amended to read:

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

A. No later than 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 October reporting date 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 October reporting date membership bears to the October reporting date membership of the entire state. For the purpose of this allocation, additional students shall be counted as six students. 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. No later than January 15 of each year, the department shall recompute each entitlement using the October reporting date 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. Each school district, charter school or state institution may choose instructional material not included on the multiple list provided for in Section 22-15-8 NMSA 1978.

D. 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.

E. The department shall establish procedures for the distribution of funds directly to school districts and state institutions.

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

G. 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." _____