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### FISCAL IMPACT REPORT

SPONSOR:	Boitano	DATE TYPED:	02/04/00	HB	
SHORT TITLE:	State Approved Textbook			SB	SJM 12a/SRC
				ANALYST:	Baca

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY00	FY01	FY00	FY01		
	NFI				

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to

### SOURCES OF INFORMATION

SDE

### Synopsis of SRC Amendment

Senate Joint Memorial originally requested that the State Board of Education (SBE) review and adopt *THE BIBLE AND PUBLIC SCHOOLS: A FIRST AMENDMENT GUIDE* as a state-approved textbook. As adopted by the Senate Rules Committee, three significant changes were made and each expands the intent of the memorial.

Instead of "REVIEW AND ADOPT," the amendment adopted by the Senate Rules Committee expands the intent of the memorial by requesting that the SBE "**REVIEW AND APPROVE *THE BIBLE AND PUBLIC SCHOOLS: A FIRST AMENDMENT GUIDE* AND OTHER SIMILAR GUIDE BOOKS AS STATE APPROVED TEXTBOOKS.**"

The amendment also changes the reporting to the Legislative Education Study Committee, but the reporting date remains the unchanged. Instead of reporting "immediately following the formal adoption of curriculum," the SBE is to report "about the review and recommendations for approval of such guide books as state-approved textbooks."

The third change requests that copies of the memorial also be transmitted "for appropriate distribution to local superintendents, principals and teachers statewide."

## SUMMARY

### Synopsis of Bill

Senate Joint Memorial 12 requests that the State Board of Education (SBE) examine the feasibility of adopting *The Bible and Public Schools: A First Amendment Guide* as a state-approved textbook. The Bill also requests that the SBE submit a report to the Legislative Education Study Committee immediately following the formal adoption of curriculum no later than November 1, 1000.

Significant Issues

The memorial cites the U.S. Supreme Court for a ruling that it is permissible, even desirable, to teach the *Holy Bible* in public schools providing the subject matter is presented objectively as part of a secular program of education. Consequently, adoption of this textbook is not deemed in violation of the "separation of church and state doctrine." However, as stated in the SDE analysis, adoption of this, or any other instructional material, must be made pursuant to and consistent with the provisions of the Instructional Materials Act (Section 22-15-1 through Section 22-15-140, NMSA 1978) and regulations adopted by the SBE.

**OTHER SUBSTANTIVE ISSUES**

The SDE analysis states that the textbook could be considered for adoption by the SBE if a publisher submits a request for proposal (RFP) as allowed in SBE regulation NMAC .2.2.2. SDE reports that, to date, no publisher has submitted a bid for adoption of the *Bible and Public Schools: A First Amendment Guide*.

**POSSIBLE QUESTIONS**

If current practices and procedures already allow for adoption of the textbook proposed in the memorial, is it necessary for the SBE to "examine the feasibility" of adoption?

LB/njw