

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

AN ACT

RELATING TO INSTRUCTIONAL MATERIALS; REQUIRING LOCAL POLICIES THAT PROVIDE TEXTBOOKS TO EACH STUDENT FOR EACH CLASS THAT CONFORM TO CURRICULUM REQUIREMENTS AND THAT ALLOW STUDENTS TO TAKE THOSE TEXTBOOKS HOME.

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

Section 1. 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. On or before April 1 of each year, the department shall allocate to each school district, state institution or private school not less than ninety percent of its estimated entitlement as determined from the estimated forty-day 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 forty-day membership bears to the forty-day membership of the entire state. For the purpose of this allocation, additional pupils shall be counted as six pupils. 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.

1 B. On or before January 15 of each year, the
2 department shall recompute each entitlement using the
3 forty-day membership for that year, except for adult basic
4 education, and shall allocate the balance of the annual
5 appropriation adjusting for any over- or under-estimation
6 made in the first allocation.

7 C. An amount not to exceed fifty percent of the
8 allocations attributed to each school district, state
9 institution or adult basic education center may be used for
10 instructional material not included on the multiple list
11 provided for in Section 22-15-8 NMSA 1978. The local
12 superintendent may apply to the department for a waiver of
13 the use of funds allocated for the purchase of instructional
14 material either included or not included on the multiple
15 list. If the waiver is granted, the school district shall not
16 be required to submit a budget adjustment request to the
17 department. Adult basic education centers may expend up to
18 one hundred percent of their instructional material funds for
19 items that are not on the multiple list.

20 D. The department shall establish procedures for
21 the distribution of funds directly to school districts, state
22 institutions and adult basic education centers. Prior to the
23 final distribution of funds to any school district or charter
24 school, the department shall verify that the local school
25 board or governing body has adopted a policy that requires

1 that every student have a textbook for each class that
2 conforms to curriculum requirements and that allows students
3 to take those textbooks home.

4 E. The department shall provide payment to a
5 publisher or depository on behalf of a private school for
6 instructional material included on the multiple list provided
7 for in Section 22-15-8 NMSA 1978.

8 F. A school district, state institution or adult
9 basic education center that has funds remaining for the
10 purchase of instructional material at the end of the fiscal
11 year shall retain those funds for expenditure in subsequent
12 years. Any balance remaining in an instructional material
13 account of a private school at the end of the fiscal year
14 shall remain available for reimbursement by the department for
15 instructional material purchases in subsequent years."

16
17
18
19
20
21
22
23
24
25