

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 THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
ALLOWING INSTRUCTIONAL MATERIAL FUNDS TO BE USED FOR
MATERIALS OTHER THAN TEXTBOOKS.

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, supplementary material and electronic media;

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 fortieth day of the school year
entitled to the free use of instructional material pursuant
to the Instructional Material Law;

F. "additional pupil" means a pupil in a school

1 district's, state institution's or private school's current
2 year's certified forty-day membership above the number
3 certified in the school district's, state institution's or
4 private school's prior year's forty-day membership;

5 G. "school district" includes state-chartered
6 charter schools; and

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

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

12 "22-15-9. DISTRIBUTION OF FUNDS FOR INSTRUCTIONAL
13 MATERIAL.--

14 A. On or before April 1 of each year, the
15 department shall allocate to each school district, state
16 institution or private school not less than ninety percent of
17 its estimated entitlement as determined from the estimated
18 forty-day membership for the next school year. A school
19 district's, state institution's or private school's
20 entitlement is that portion of the total amount of the annual
21 appropriation less a deduction for a reasonable reserve for
22 emergency expenses that its forty-day membership bears to the
23 forty-day membership of the entire state. For the purpose of
24 this allocation, additional pupils shall be counted as six
25 pupils. The allocation for adult basic education shall be

1 based on a full-time equivalency obtained by multiplying the
2 total previous year's enrollment by .25.

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

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

24 D. The department shall establish procedures for
25 the distribution of funds directly to school districts, state

1 institutions and adult basic education centers. The
2 department shall provide payment to a publisher or depository
3 on behalf of a private school for instructional material
4 included on the multiple list provided for in Section 22-15-8
5 NMSA 1978.

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