

AN ACT

RELATING TO SCHOOL LIBRARY MATERIALS; PROVIDING FOR
DISTRIBUTION OF SCHOOL LIBRARY MATERIALS TO GOVERNMENTALLY
CONTROLLED SCHOOLS.

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

Section 1. Section 22-15C-2 NMSA 1978 (being Laws 2003,
Chapter 149, Section 2, as amended) is amended to read:

"22-15C-2. DEFINITIONS.--As used in the School Library
Material Act:

A. "additional student" means a student in the
certified forty-day membership of the current year for a
school district or state institution above the number
certified in the forty-day membership of the prior year for
the school district or state institution;

B. "bureau" means the instructional material
bureau of the department;

C. "bureau of Indian education" means the bureau
of Indian education of the United States department of the
interior;

D. "fund" means the school library material fund;

E. "governmentally controlled school" means a
bureau of Indian education school that is governmentally owned
and controlled, is located in New Mexico, provides instruction
for first through twelfth grades and is not sectarian or

denominational;

F. "library material processing" means cataloging of school library material, including in electronic format, according to nationally accepted standards, and the application of bar code labels and call-number classification labels to the material;

G. "membership" means the total enrollment of qualified students on the fortieth day of the school year entitled to the free use of school library material pursuant to the School Library Material Act;

H. "qualified student" means a public school or governmentally controlled school student who:

(1) has not graduated from high school;

(2) is regularly enrolled in one-half or more of the minimum course requirements approved by the department for public school students or by the bureau of Indian education for students enrolled in a governmentally controlled school; and

(3) in terms of age:

(a) is at least five years of age prior to 12:01 a.m. on September 1 of the school year; or

(b) is at least three years of age at any time during the school year and is receiving special education services pursuant to regulation of the department;

I. "school library material" means books and other

educational media, including online reference and periodical databases, that are made available in a school library to students for circulation and use in the library; and

J. "school district" includes state-chartered charter schools."

Section 2. Section 22-15C-3 NMSA 1978 (being Laws 2003, Chapter 149, Section 3) is amended to read:

"22-15C-3. SCHOOL LIBRARY MATERIAL FUND--CREATION.--The "school library material fund" is created in the state treasury. The purpose of the fund is to provide an account from which the department may distribute money to school districts, state institutions and governmentally controlled schools to pay for the cost of purchasing school library material. The cost of purchasing school library material may include shipping and handling charges for the delivery of school library material. The fund shall consist of appropriations, gifts, grants, donations and bequests. Money in the fund is appropriated to the department to pay for the cost of purchasing school library material. Disbursements from the fund shall be by warrant of the secretary of finance and administration upon vouchers signed by the secretary or the secretary's designated representative. Money in the fund shall not revert to the general fund at the end of a fiscal year."

Section 3. Section 22-15C-4 NMSA 1978 (being Laws 2003,

Chapter 149, Section 4) is amended to read:

"22-15C-4. ADMINISTRATION OF THE SCHOOL LIBRARY MATERIAL FUND--BUREAU--DUTIES.--Subject to the policies and rules of the department, the bureau shall:

A. administer the provisions of the School Library Material Act;

B. enforce rules for the handling, safekeeping and distribution of school library material and money from the fund;

C. enforce inventory and accounting procedures to be followed by school districts, state institutions and governmentally controlled schools; and

D. withdraw or withhold the privilege of participating in the free use of school library material in case of noncompliance with the provisions of the School Library Material Act or rules adopted pursuant to that act."

Section 4. Section 22-15C-5 NMSA 1978 (being Laws 2003, Chapter 149, Section 5) is amended to read:

"22-15C-5. STUDENTS ELIGIBLE--DISTRIBUTION.--

A. A qualified student or person eligible to become a qualified student attending a public school, a state institution or a governmentally controlled school in a grade from the first through the twelfth grade of instruction is entitled to the free use of school library material. A student enrolled in an early childhood education program as

defined in Section 22-13-3 NMSA 1978 is also entitled to the free use of school library material.

B. A school district, a state institution or a governmentally controlled school shall purchase school library material as an agent for the benefit of students entitled to the free use of school library material.

C. A school district, a state institution or a governmentally controlled school receiving school library material pursuant to the School Library Material Act is responsible for circulation of the school library material for use by eligible students and for the safekeeping of the school library material."

Section 5. Section 22-15C-6 NMSA 1978 (being Laws 2003, Chapter 149, Section 6, as amended) is amended to read:

"22-15C-6. DISTRIBUTION OF MONEY FOR SCHOOL LIBRARY MATERIAL.--

A. On or before July 1 of each year, the department shall allocate from the fund at least ninety percent of the estimated entitlement for each school district, state institution or governmentally controlled school as determined from the estimated forty-day membership for the next school year to each school district, state institution and governmentally controlled school. The entitlement of a school district, a state institution or a governmentally controlled school is the 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. Additional students shall be counted as six students for the purpose of the allocation.

B. On or before January 15 of each year, the department shall recompute each entitlement using the forty-day membership for that year and shall allocate the balance of the annual appropriation adjusting for any over- or under-estimation made in the first allocation.

C. The department shall establish procedures to distribute funds directly to school districts, state institutions and governmentally controlled schools.

D. A school district, a state institution or a governmentally controlled school that has funds remaining for the purchase of school library material at the end of a fiscal year shall retain those funds for expenditure in subsequent years."

Section 6. Section 22-15C-7 NMSA 1978 (being Laws 2003, Chapter 149, Section 7) is amended to read:

"22-15C-7. SALE OR LOSS OR RETURN OF SCHOOL LIBRARY MATERIAL.--

A. With the approval of the bureau, school library material acquired by a school district, a state institution or a governmentally controlled school pursuant to the School

Library Material Act may be sold at a price determined by officials of the school district, state institution or governmentally controlled school. The selling price shall not exceed the cost of school library material to the state.

B. A school district, a state institution or a governmentally controlled school may hold a parent, guardian or student responsible for loss, damage or destruction of school library material while the school library material is in the possession of a student. A school district or a governmentally controlled school may withhold the grades, diploma and transcripts of a student responsible for damage or loss of school library material until the parent, guardian or student has paid for the damage or loss. When a parent, guardian or student is unable to pay for the damage or loss, the school district shall work with the parent, guardian or student to develop an alternative program in lieu of payment. Where a parent or guardian is determined to be indigent according to guidelines established by the department, the school district shall bear the cost.

C. A school district, a state institution or a governmentally controlled school that has funds remaining for the purchase of school library material at the end of a fiscal year shall retain the funds for expenditure in subsequent years."

Chapter 149, Section 8) is amended to read:

"22-15C-8. RECORD OF SCHOOL LIBRARY MATERIAL.--A school district, a state institution or a governmentally controlled school shall keep an accurate record of school library material that includes a cost record. A school district, a state institution or a governmentally controlled school shall comply with record-keeping procedures prescribed by the bureau."

Section 8. Section 22-15C-9 NMSA 1978 (being Laws 2003, Chapter 149, Section 9) is amended to read:

"22-15C-9. ANNUAL REPORT.--Annually, at a time specified by the department, each local school district, state institution or governmentally controlled school acquiring school library material pursuant to the School Library Material Act shall file a report with the department."

Section 9. Section 22-15C-10 NMSA 1978 (being Laws 2003, Chapter 149, Section 10) is amended to read:

"22-15C-10. REPORTS--BUDGETS.--

A. Annually, the department shall submit a budget for the next fiscal year to the department of finance and administration showing expenditures for school library material to be paid from the fund, including reasonable shipping and handling charges and library material processing expenses.

B. Upon request, the department shall make reports

to the public education commission concerning the
administration and execution of the School Library Material

Act."

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