

**NEW MEXICO  
PUBLIC EDUCATION DEPARTMENT  
INSTRUCTIONAL MATERIAL  
BUREAU**

**SUPPLEMENT 9  
ADMINISTRATIVE REQUIREMENTS  
PROFESSIONAL SERVICES AND  
PROCEDURES FOR PREPARING  
INSTRUCTIONAL MATERIAL BUDGETS**

**APRIL 2011**

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## INTRODUCTION

**The goal of the Instructional Material Bureau is to provide schools access to superior instructional materials that are aligned to the New Mexico Content Standards and meet the needs of diverse student populations.**

*“The bureau shall issue such additional guidance, clarification and direction as deemed necessary by the chief to promote effective, efficient and equitable processes for all bureau responsibilities pertaining to the free use of instructional materials. This material shall be compiled or revised annually and issued as a supplement to 6.75.2 NMAC. The supplement is hereby incorporated by reference as if fully set out within this document (6.75.2.8 NMAC).”*

The Instructional Material Bureau (IMB) staff looks forward to working with you to provide effective, high quality educational materials for your students. The selection of appropriate instructional materials aligned to New Mexico content standards and benchmarks is fundamental to improved academic achievement for all New Mexico students.

We hope you will find that these administrative and budget procedures expedite and organize your instructional materials review, purchase, distribution, maintenance, and disposal processes. Please read this entire manual to familiarize yourself with the Instructional Material Bureau’s processes and forms. Feel free to contact us to assist you in your efforts to follow these procedures, and please visit our website periodically for additional updates, resources, news, and requirements at <http://ped.state.nm.us/InstructionalMaterial/index.html>

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The New Mexico Public Education Department (PED) is authorized under Sections 22-15-1 through 22-15-31, NMSA, 1978 Compilation, to adopt a multiple list of instructional materials and distribute funds directly to local school districts, charter districts, charter schools, and state supported schools. Instructional material funding for private schools is paid directly to the New Mexico Instructional Material Depositories and in-state publishers by the PED.

All education agencies (except Non-Public schools) are responsible for the processing of instructional material purchases directly to the New Mexico Instructional Material Depository, In-State Distribution Point and to the in-state publishers. In turn, all agencies (except Non-Public schools) are also responsible for the payment of invoices for instructional material purchases directly to the New Mexico Instructional Material Depository, In-State Distribution Point and to the in-state publishers when payment is due. Private schools process their instructional material purchases directly to the New Mexico Instructional Material Depositories, and thereafter the depositories invoice PED directly for payment.

### Important Notes:

● **There are two different funds:** The **Instructional Material Fund** is used to purchase materials used as the basis for instruction. The **School Library Fund** is used for Library and AV materials purchased for use in operating libraries and Resource/AV Media Centers.

● **Contact Information** - It is your responsibility to update your contact information and email address with the IMB. **New information and IMB updates** will be sent electronically to your e-mail address and will be posted on IMB website at <http://ped.state.nm.us/InstructionalMaterial/index.html> - please check this site often!

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# I. INSTRUCTIONAL MATERIAL-GENERAL PROCEDURES

## DEFINITIONS

- A.** “Adoption” means authorization by the secretary of a multiple list of core/basal instructional materials and a list of supplemental materials for use in the schools.
- B.** “Adoption cycle” means the six year adoption cycle as described in Subsection B of 6.75.2.8 NMAC.
- C.** “Alternative format” means the exact duplicate version of the title submission in a format or language other than the original version; examples of alternative formats include CD-ROM, software, online or web based, DVD, compact video or audio disc, video or audio tape.
- D.** “Basal” means the materials that constitute the necessary instructional components of a course of study, generally including a student edition, a teacher edition, and workbooks.
- E.** “BIE” means the bureau of Indian education of the United States department of education.
- F.** “Bundles/packages” means supplemental instructional material packaged together for retail, identified and labeled as: “teacher support”, “student support” or “classroom support”.
- G.** “Challenge to title score” means a written, publisher-submitted document challenging the final score of a title submitted for consideration as an adopted core/basal text.
- H.** “Chief” means the bureau chief of the state instructional material bureau.
- I.** “Classroom kit” means the packaging of supplemental student support materials which provide exact duplicate items per student for whole class instruction and is sold as one retail price.
- J.** “Core” means those subjects for which the department has developed content standards and benchmarks.
- K.** “Data” refers to a collection of information, electronic or non-electronic. Data can also refer to raw facts, figures or symbols.
- L.** “Department” means the New Mexico public education department.
- M.** “Depository” or “textbook depository” - see New Mexico instructional material depository.
- N.** “Digital direct instruction course/program” means computer based instruction in which courses use software as the primary delivery method of instruction. The digital instructor provides direct instruction to the student. The classroom instructor primarily provides support rather than instruction. A text book may or may not be required. These courses will be accepted as supplemental material only; they will not be accepted as core/basal material for the review process.
- O.** “Digital learning content” means technology application information incorporated within the content of the core/basal instructional material for the purpose of supporting development of technological knowledge and skills that students can then apply to all curriculum areas.
- P.** “Distribution” means transporting to the schools those items of instructional material on the multiple list requisitioned by a particular school or school district.
- Q.** “Educational media” means print, digital, or electronic material providing or conveying information to the student or otherwise containing intellectual content and contributing to the learning process. Educational courseware or programming that is the primary provider of instruction as well as of information is not included in this definition.
- R.** “Educational digital media” means a digital system of instructional material, computer software, interactive videodisc, magnetic media, CD-ROM, DVD, computer courseware, online services, electronic media, or other means of conveying information to the student or otherwise containing intellectual content that contributes to the learning process. Educational courseware or programming that is the primary provider of instruction as well as of information is not included in this definition.
- S.** “Electronic record” means a computer generated item such as an email message, a document file, an image file, etc., received and stored in a form only an electronic device can process.
- T.** “Eligible entities” means education entities that may participate in the state-funded instructional material program, including:
- (1) all public schools and districts, charter schools, and state-supported schools; and
  - (2) non-public schools that have applied and been approved for participation in the program.

- U.** “Email” means:
- (1) a system that enables users to compose, transmit, receive and manage electronic messages and images across wired or wireless computer networks and through gateways connecting to other local area networks;
  - (2) a message transmitted electronically over a communications network.
- V.** “Form E, Version CB” means the publisher’s form for the submission of core/basal titles of teacher and student editions and student workbooks.
- W.** “Form E, Version SP” means the publisher’s form for the submission of supplemental materials, including bundles, packages, classroom kits, kits, sets, libraries, and collections.
- X.** “Governing authority” means the governing authority of a state agency, a public two-year post secondary institution, or a non-public school accredited by the department.
- Y.** “In-state distribution point”. See “New Mexico instructional materials in-state distribution point”
- Z.** “Instructional material” means school textbooks, educational digital media, electronic books, and other technology that are used as the basis for instruction, including combinations of textbooks, learning kits, supplemental material, and other educational technology (not to include computers, laptops, handheld computers, or other devices used to access instructional material content).
- AA.** “Instructional material bureau” means that unit established within the department pursuant to the Instructional Material Law.
- BB.** “Instructional material summer review institute” means the annual review of all submitted core/basal instructional materials conducted required by 22-15-8 NMSA 1978. The institute is conducted by the bureau during the first full week of June.
- CC.** “Kit” means supplemental instructional material packaged together for one retail price.
- DD.** “Local school board” means the governing body of a school district or, as appropriate, the governing authority of a charter school.
- EE.** “Multiple list” means an adopted authorized list of core/basal instructional materials and an adopted authorized list of supplemental instructional materials for use in the schools approved annually, by August 1, by the secretary of education.
- FF.** “New Mexico instructional material in-state distribution point” means a facility or a set of procedures developed and maintained by a publisher, used by only that publisher, meeting the criteria established in Subsection C of 6.75.2.12 NMAC and authorized through application to the bureau chief, for the purpose of facilitating distribution of that publisher’s instructional materials within New Mexico. The distribution point is responsible for accounting, acquisition, storage, distribution and disposition of adopted textbooks and supplemental instructional materials.
- GG.** “New Mexico instructional material depository” means a facility authorized through application to the bureau chief to serve as an agent representing multiple publishers and other educational entities for the purpose of managing district/school instructional material orders. The depository is responsible for accounting, acquisition, storage, distribution and disposition of adopted and supplemental instructional materials.
- HH.** “New Mexico regional review center” means a state authorized location where samples of instructional materials are received from publishers and made available to evaluators, teachers and educational practitioners. The review center is responsible for storage, disposition and inventory of current adopted textbooks and supplemental instructional materials.
- II.** “Non public school” as used in instructional material law means a secondary or elementary school operated and supported by private individuals, private organizations, corporations, or federal agencies rather than by local or state government or by local or state public agency. Examples include private sectarian schools, private nonsectarian schools, and BIE schools.
- JJ.** “Online course/program” means computer based instruction in which courses use the internet as the primary delivery method of information. A text book is required and all other materials, as well as, instructional support provided by an on-site instructor.
- KK.** “Online direct instruction course/program” means computer based instruction in which courses use the internet as the primary delivery method of instruction. The cyber instructor provides direct instruction to the student. The classroom instructor primarily provides support rather than instruction. A text book may or may not be required. These courses will be accepted as supplemental submissions only; they will not be accepted as core/basal submissions for the review process.
- LL.** “Packages/bundles” means supplemental instructional material packaged together as a single unit of purchase, identified and labeled as “teacher support”, “student support” and “classroom support”.
- MM.** “Professional development” means the process of increasing the professional capabilities of staff by providing training and educational opportunities.

- NN.** “Protest” - see “challenge to title score”
- OO.** “Permanent records” means records that are preserved in an archive.
- PP.** “Public record” means all books, papers, maps, photographs or other documentary materials, regardless of physical form or characteristics, made or received by any agency in pursuance of law or in connection with the transaction of public business, preserved or appropriate for preservation, by the agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the government, or because of the informational and historical value of the data contained therein. (Public Records Act, Section 14-3-2 NMSA 1978)
- QQ.** “Publisher’s agreement” means an agreement between the department and the publisher or publisher’s agent to provide certain material at the lowest price for the use of students in New Mexico schools and including a penalty for failure to perform.
- RR.** “Review set” means core/basal instructional materials organized for the purpose of a grade level title submission: student edition, teacher edition, student workbook, and alternative format(s).
- SS.** “Reading intervention program” as used in instructional material law means instructional materials specifically organized and intended to support a program of instruction to develop increased reading skills of struggling readers.
- TT.** “Regional review center” - See New Mexico regional review center
- UU.** “Request for applications (RFA)” means the written notice issued by the department to all publishers listing the subjects for which they will adopt material in a specific year and the terms and conditions under which applications from publishers to supply such material will be considered.
- VV.** “Requisition” means a list of items from the multiple list that local school boards or governing authorities wish to purchase. Such a list must be in a format specified by the in-state distributors and must be transmitted to the in-state distribution point before is becomes a requisition.
- WW.** “Review” means a standardized process examining submitted core/basal instructional materials to determine the extent of the material’s alignment with the requirements of instructional material law and therefore its suitability for adoption under instructional material law. There are four categories of review.
- (1) A “review” is conducted during the annual summer review institute (institute) by a panel of three highly qualified teachers who have been selected for this purpose.
  - (2) A “second review” is conducted during the annual summer review institute for all titles submitted for review that did not achieve a 90% alignment score, but that achieved or exceeded an 80% score. The second review is conducted by a different panel of three highly qualified teachers in order to validate scores and ensure that titles receive a full opportunity to meet adoption requirements.
  - (3) A “departmental review” is a third review that may be convened for any submitted title at the chief’s discretion. It may be conducted during the institute or at a later time. The departmental review is conducted by a panel of three department administrators in order to ensure the reliability and validity of the review process.
- XX.** “Review set” means the student edition, teacher edition and student workbook for a title that has been submitted for adoption.
- YY.** “Set” means supplemental curriculum or instructional materials packaged together as a single unit, with one retail price.
- ZZ.** “Special review” means a review of new material that is not conducted during the summer review institute, but is conducted within twelve months of the secretary’s authorization of the adoption. It may be convened at the request of a publisher with the approval of the chief, or for other reasons as determined by the chief. The special review is conducted by a panel of three highly qualified teachers who have been selected for this purpose. If requested by a publisher, the cost of the special review is borne by the publisher.
- AAA.** “Substitution” means the replacement of an item under publisher’s agreement with a revised edition of the item.
- BBB.** “Summer review institute” - see “instructional material summer review institute”
- CCC.** “Supplement 9” means the written set of administrative requirements developed by the instructional material bureau to provide guidance regarding regulations, policy and general procedures for districts, charter schools, non-public schools, state-supported schools and publishers to participate in the “free use of instructional material” program.
- DDD.** “Supplemental materials” means materials used to reinforce, enrich, or extend the basic program of instruction; including ancillary items referenced as, bundles, packages, kits, classroom kits, sets, libraries, and collections.

EEE. “Waiver” means a process by which a district may request authorization to use instructional material money allocated for the purchase of core/basal materials to purchase supplemental instructional materials.

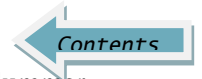


## **NEW MEXICO INSTRUCTIONAL MATERIAL ADOPTION CYCLE**

The New Mexico selection and adoption process of instructional material is based on a six year cycle which rotates the content areas under review. The following chart is organized by listing the sequential adoption years and the content areas selected for adoption within that year. The cycle repeats itself after six years. For further details, please visit our web site: [www.ped.nm.us/InstructionalMaterial/index.html](http://www.ped.nm.us/InstructionalMaterial/index.html).

| <b>Subject Area (s)</b>   | <b>Request for Proposal/ Agreement</b> | <b>Historic Adoption Year</b> | <b>Next Adoption Cycle</b> | <b>Legislative Funding</b> | <b>Funding Allocation for Schools</b> | <b>Fiscal Year for Spending</b> |
|---|--|-------------------------------|----------------------------|----------------------------|---------------------------------------|---------------------------------|
| <b>Career Tech.<br/>A.B.E. Driver Ed.</b>   | <b>December 2006</b>                   | <b>2007</b>                   | <b>2013</b>                | <b>Jan. 2008</b>           | <b>Spring 2008</b>                    | <b>July 2008-09</b>             |
| <b>Language<br/>Arts/Read CORE<br/>Reading<br/>Intervent.<br/>(9-12)<br/>Modern,<br/>Classical,<br/>&amp; Native<br/>Language</b> | <b>August 2007</b>                     | <b>2008</b>                   | <b>2014</b>                | <b>Jan. 2009</b>           | <b>Spring 2009</b>                    | <b>July 2009-10</b>             |
| <b>Language<br/>Arts/Read CORE<br/>Reading<br/>Intervent.<br/>(K-8)<br/>Modern, Classical,<br/>&amp; Native<br/>Language</b>      | <b>August 2008</b>                     | <b>2009</b>                   | <b>2015</b>                | <b>Jan. 2010</b>           | <b>Spring 2010</b>                    | <b>July 2010-11</b>             |
| <b>Social Studies,<br/>Library/<br/>Reference,<br/>NM Native<br/>Amer. Art &amp;<br/>Culture</b>                                  | <b>August 2009</b>                     | <b>2010</b>                   | <b>2016</b>                | <b>Jan. 2011</b>           | <b>Spring 2011</b>                    | <b>July 2011-12</b>             |
| <b>Science,<br/>Health, &amp;<br/>Physical<br/>Education</b>  | <b>August 2010</b>                     | <b>2011</b>                   | <b>2017</b>                | <b>Jan. 2012</b>           | <b>Spring 2012</b>                    | <b>July 2012-13</b>             |
| <b>Math<br/>The Arts<br/>Music,<br/>Theatre, Dance,<br/>Art</b>   | <b>August 2011</b>                     | <b>2012</b>                   | <b>2018</b>                | <b>Jan. 2013</b>           | <b>Spring 2013</b>                    | <b>July 2013-14</b>             |

## **OVERVIEW OF INSTRUCTIONAL MATERIAL ADOPTION PROCESS**



In accordance with Instructional Material Law 22-15-8 NMSA 1978, the Instructional Material Summer Review Institute is to review, for approval by the Secretary of Education, core/basal instructional materials addressed as the State Adopted Multiple List. Materials under review must comply with, but not be limited to:

- Align to State Standards and/or other criteria deemed appropriate
- Reflect research-based effectiveness studies
- Guarantee “best price” for instructional materials over a six (6) year cycle

- (1) The department will issue the request for proposals (RFP): The RFP shall specify:
- (a) The schedule disseminated with the Request for Applications will establish timelines for adoption, requisition, and distribution of instructional material;
  - (b) Length of contract;
  - (c) A submission fee to be collected by the department equal to the retail value of the Materials submitted for adoption. Fees for classroom kits shall be equal to the retail per pupil (based on 20 pupils per class) value of the material; and
  - (d) Such other terms and conditions as the department determines.
- (2) The chief, subject to review by the department, may reject any proposal that fails to comply fully With the provisions of the request for proposals, or may reject any or all proposals.

B. The annual summer review institute. The department shall conduct an annual summer review Institute during the first full week of June each year for the review of core/basal texts submitted for the current adoption.

### **Summer Review Institute Instructional Material Review Criteria**

Core/basal textbooks bid for adoption must meet the following criteria:

1. Align to the New Mexico Content Standards, Benchmarks, and Performance Standard
2. Built around effective pedagogy and instructional design.
  - a. Research and evidence-based effectiveness and efficacy studies
  - b. Incorporates the principles of culturally responsive pedagogy and differentiated instruction.
  - c. Free of factual errors.
  - d. Free of religious affiliation or partisanship.
  - e. Free of cultural bias, gender bias.
  - f. Demonstrates and reflects images, references and points of view reflecting a multicultural society.
3. Integration of digital learning content within the text.
4. Flexibility
  - Supports differentiated or personalized learning through style, pace, or needs.
  - Can be adapted or configured by teacher to meet evolving needs.
5. Accountability:
  - Supports accountability through integration of assessments and content.
  - Provides both formative and summative assessment opportunities.

Please visit our IMB website, <http://www.ped.state.nm.us/InstructionalMaterial/index.html> for the **Instructional Material Adoption Framework**.



## Common Core Standards

The Common Core State Standards Initiative is a state-led effort coordinated by the National Governors Association Center for Best Practices (NGA Center) and the Council of Chief State School Officers (CCSSO). The standards were developed in collaboration with teachers, school administrators, and experts, to provide a clear and consistent framework to prepare our children for college and the workforce.

In New Mexico the K-12 Mathematics and English/Language Arts Common Core Standards were adopted in 2010 for implementation beginning in 2011. The adoption of the standards in other subject areas is in progress.

The Instructional Material Bureau, in order to ensure that materials adopted under the old standards would remain viable under the Common Core Standards, added additional criteria to adoption reviews beginning with the Grades 9-12 Language Arts adoption in 2008. These additional criteria have been added, with appropriate modifications, to the 2009 Grades K-8 Language Arts adoption, the 2010 K-12 Social Studies adoption, and the 2011 K-12 Science adoption.

The math adoption scheduled for 2012 will be the first New Mexico adoption using the Common Core Standards.

## CURRICULUM PILOT PROGRAMS

Publishers and districts/schools are prohibited from conducting a pilot program in which schools receive free materials and/or professional development during the eighteen (18) month period previous to the official date of adoption of those materials (August 1 for each cycle).

| <b>Adoption Schedule</b>  | <b>Historic Adoption Year</b> | <b>No Pilot Programs After</b> | <b>Next Adoption Cycle</b> | <b>No Pilot Programs After</b> |
|---|-------------------------------|--------------------------------|----------------------------|--------------------------------|
| Career Tech, Adult Basic and Driver Ed  | August 1, 2007                | February 1, 2006               | 2013                       | February 1, 2012               |
| 9-12 Language Arts/Reading, CORE Reading Intervention, Modern, Classical and Native Languages | August 1, 2008                | February 1, 2007               | 2014                       | February 1, 2013               |
| K-8 Language Arts/ Reading, CORE Reading Intervention, Modern, Classical and Native Languages | August 1, 2009                | February 1, 2008               | 2015                       | February 1, 2014               |
| Social Studies, Library/Reference, NM Native American Art and Culture                         | August 1, 2010                | February 1, 2009               | 2016                       | February 1, 2015               |
| Science, Health, and Physical Education   | August 1, 2011                | February 1, 2010               | 2017                       | February 1, 2016               |
| Mathematics and the Arts (Music, Theatre, Dance, Art)   | August 1, 2012                | February 1, 2011               | 2018                       | February 1, 2017               |

## **2011 NEW MEXICO PUBLIC EDUCATION RESOURCE CONTACT LIST**

### 2011 New Mexico Public Education Contact Listing

**This list of resource contacts was prepared for the stakeholders participating with the Instructional Material Bureau. Please reference your questions to the following experts:**

Charter Schools (New Schools, Funding)

**Corina Chavez: Education Administrator / Charter School Division / 827-6973 / [corina.chavez1@state.nm.us](mailto:corina.chavez1@state.nm.us)**

Curriculum Content Standards Math & Science

**Claudia Ahlstrom / Program Manager / 476-1881 / [claudia.ahlstrom@state.nm.us](mailto:claudia.ahlstrom@state.nm.us)**

Curriculum Content Standards / Language Arts / Social Studies / Advance Placement / Library GO Bonds / Arts

**Vicky A. Breen / Educational Consultant / 827-6559 / [vicky.breen@state.nm.us](mailto:vicky.breen@state.nm.us)**

Disposal or Sale of Instructional Materials (Districts, Charters, State Supported, Non-Public Schools)

**Cia Tapia: Administrative Assistant / Instructional Material Bureau / 827-6415 / [cesaria.tapia1@state.nm.us](mailto:cesaria.tapia1@state.nm.us)**

**Larry Bemserderfer: Education Administrator / Instructional Material Bureau / 827-3869 / [larryp.bemesderfer@state.nm.us](mailto:larryp.bemesderfer@state.nm.us)**

**Supplement 9 Guidebook / <http://www.ped.state.nm.us/InstructionalMaterial/index.html>**

Dual Credit & Dual Credit Fund (Formula, Funding)

**Melissa Lomax: Program Manager / Career Tech & Workforce Education Bureau / 827-1808 [melissa.lomax@state.nm.us](mailto:melissa.lomax@state.nm.us)**

**Anya Dozier Enos: PED High School Redesign Coordinator / 827-8058 / [anya.dozierenos@state.nm.us](mailto:anya.dozierenos@state.nm.us)**

**David Padilla / Administrative Assistant / Instructional Support Bureau / 827-6578 / [davidv.padilla@state.nm.us](mailto:davidv.padilla@state.nm.us)**

Home Schools (Funding, Processes)

**Corina Chavez: Education Administrator / Charter School Division / 827-6973 / [corina.chavez1@state.nm.us](mailto:corina.chavez1@state.nm.us)**

iSTAR Ordering System

**Desa Rogers / Office Manager / Archway Depository / 1-888-223-2665 / [Desa\\_Rogers@archway.com](mailto:Desa_Rogers@archway.com)**

**Brian Albright / Senior Account Director / Archway Depository / 763-488-6890 / [brian\\_albright@archway.com](mailto:brian_albright@archway.com)**

Instructional Material Adoption (Calendar, Alignment Forms, Effectiveness Studies)

**Larry Bemserderfer: Education Administrator / Instructional Material Bureau / 827-3869 / [larryp.bemesderfer@state.nm.us](mailto:larryp.bemesderfer@state.nm.us)**

Instructional Material OBMS Revenue & Expenditure Codes

**Sally Wilkinson: Bureau Chief / Instructional Material Bureau / 827-6415 / [sally.wilkinson@state.nm.us](mailto:sally.wilkinson@state.nm.us)**

**Larry Bemserderfer: Education Administrator / Instructional Material Bureau / 827-3869 / [larryp.bemesderfer@state.nm.us](mailto:larryp.bemesderfer@state.nm.us)**

**Danny Torres: Budget Analyst Senior / School Budget & Finance Analysis Bureau / 827-3891 / [danny.torres@state.nm.us](mailto:danny.torres@state.nm.us)**

Instructional Material Budget and Fiscal (Balances, Paid Amounts)

**Susan Lucero: Bureau Chief / General Manger / Flow through Bureau / 827-3848 / [susan.lucero@state.nm.us](mailto:susan.lucero@state.nm.us)**

**Juan Certain: Financial Coordinator / Unit Chief / Flow through Bureau / 827-5562 /**  
[juan.certain@state.nm.us](mailto:juan.certain@state.nm.us)

Instructional Material Funding Formula (Calculations)

**Sally Wilkinson: Bureau Chief / Instructional Material Bureau / 476-0315 /**  
[sally.wilkinson@state.nm.us](mailto:sally.wilkinson@state.nm.us)

Instructional Material Annual Budget Reporting (Annual Budget Reports)

**Cia Tapia: Administrative Assistant / Instructional Material Bureau /827-6415 /**  
[cesaria.tapia1@state.nm.us](mailto:cesaria.tapia1@state.nm.us)

**Larry Bemesderfer: Education Administrator / Instructional Material Bureau / 827-3869 /**  
[larryp.bemesderfer@state.nm.us](mailto:larryp.bemesderfer@state.nm.us)

Instructional Material Advisory Council (Quarterly Meetings)

**Sally Wilkinson: Bureau Chief / Instructional Material Bureau / 827-6415 /**  
[sally.wilkinson@state.nm.us](mailto:sally.wilkinson@state.nm.us)

**Larry Bemesderfer: Education Administrator / Instructional Material Bureau / 827-3869 /**  
[larryp.bemesderfer@state.nm.us](mailto:larryp.bemesderfer@state.nm.us)

**Cia Tapia: Administrative Assistant / Instructional Material Bureau /827-6415 /**  
[cesaria.tapia1@state.nm.us](mailto:cesaria.tapia1@state.nm.us)

Instructional Material Annual Inventory Report (Annual Reporting Requirements)

**Cia Tapia: Administrative Assistant / Instructional Material Bureau /827-6415 /**  
[cesaria.tapia1@state.nm.us](mailto:cesaria.tapia1@state.nm.us)

**Larry Bemesderfer: Education Administrator / Instructional Material Bureau / 827-3869 /**  
[larryp.bemesderfer@state.nm.us](mailto:larryp.bemesderfer@state.nm.us)

Instructional Material Budget Waiver Request

**Sally Wilkinson: Bureau Chief / Instructional Material Bureau / 827-6415 /**  
[sally.wilkinson@state.nm.us](mailto:sally.wilkinson@state.nm.us)

**Please go to the following web-site:**

[http://www.ped.state.nm.us/admin.personnel/waiver\\_requests.html](http://www.ped.state.nm.us/admin.personnel/waiver_requests.html)

Instructional Material for Visually Impaired Students

**Denise Koscielniak / Program Director / 827-1458 /** [denise.koscileniak@state.nm.us](mailto:denise.koscileniak@state.nm.us)

Legislation and Instructional Material Law

**Sally Wilkinson: Bureau Chief / Instructional Material Bureau / 827-6415 /**  
[sally.wilkinson@state.nm.us](mailto:sally.wilkinson@state.nm.us)

**Larry Bemesderfer: Education Administrator / Instructional Material Bureau / 827-3869 /**  
[larryp.bemesderfer@state.nm.us](mailto:larryp.bemesderfer@state.nm.us)

**Cia Tapia: Administrative Assistant / Instructional Material Bureau /827-6415 /**  
[cesaria.tapia1@state.nm.us](mailto:cesaria.tapia1@state.nm.us)

New Mexico Depository

**Archway Depository / 1600 First Street / 1-888-223-2665 / 505-766-9721**

**Brian Albright / Senior Account Director / Archway Depository / 763-488-6890 /**  
[brian\\_albright@archway.com](mailto:brian_albright@archway.com)

**Desa Rogers / Office Manager / Archway Depository / 1-888-223-2665 /**  
[Desa\\_Rogers@archway.com](mailto:Desa_Rogers@archway.com)

New Mexico In-State Distribution Points

Please go to the following web-site: <http://www.ped.state.nm.us/InstructionalMaterial/index.html>

New Mexico Review Centers for Instructional Material

Please go to the following web-site: <http://www.ped.state.nm.us/InstructionalMaterial/index.html>  
Reference: [Regional Review Centers](#)

Non-Public Schools Instructional Material Fund (Application, Budget Reports, Inventory Reports)

Susan Lucero: Bureau Chief / General Manger / Flow through Bureau / 827-3848 /  
[susan.lucero@state.nm.us](mailto:susan.lucero@state.nm.us)

Juan Certain: Financial Coordinator / Unit Chief / Flow through Bureau / 827-5562 /  
[juan.certain@state.nm.us](mailto:juan.certain@state.nm.us)

Cia Tapia: Administrative Assistant / Instructional Material Bureau /827-6415 /  
[cesaria.tapia1@state.nm.us](mailto:cesaria.tapia1@state.nm.us)

Public Information Requests

Beverly Friedman / Public Information Officer / 827-6661 /[beverly.friedman@state.nm.us](mailto:beverly.friedman@state.nm.us)

Bernadette Tennyson / Executive Secretary & Administrative Assistant / Finance & Operations /  
827-6519 / [Bernadette.tennyson@state.nm.us](mailto:Bernadette.tennyson@state.nm.us)

Publisher Caravans

Erica Bearman / Scholastic Publishers / 505-250-7426 / [EBearman@Scholastic.com](mailto:EBearman@Scholastic.com)

Publisher Sales Representatives

Please go to the following web-site: <http://www.ped.state.nm.us/InstructionalMaterial/index.html>

Review Centers for Instructional Material

Please go to the following web-site: <http://www.ped.state.nm.us/InstructionalMaterial/index.html>

Student Enrollment (40 day numbers / Districts / Charters / Non-Public)

Minerva Carrera: Program Manger / Information Technology Division / 827-6532 /  
[minvera.carrera@state.nm.us](mailto:minvera.carrera@state.nm.us)

Supplement 9 / Instructional Material Administrative Guide Please go to the following web-site:

<http://www.ped.state.nm.us/InstructionalMaterial/index.html>

Reference: [Supplement 9 Guidebook](#)



## FREQUENTLY ASKED QUESTIONS

For your reference and convenience we have provided the following basic information that has been requested by our stakeholders.

### 1. What curriculum areas will the legislature fund for SY 2011-2012?

The SY year 2011- 2012 Instructional Material Fund allocation will be for the purchase of instructional materials in:

- (a) Social Studies;
- (b) Library/Reference; and
- (c) New Mexico Native American Art and Culture

- (d) Districts will continue to receive their funding for student growth and purchase of consumable materials for both elementary and secondary schools in addition to the cycle allocation.

On April 15 elementary and secondary schools will place their instructional material orders.

## 2. Can I order "off the adoption cycle"?

There is no rule against ordering instructional materials "off the adoption cycle", as long as there is a reasonable explanation, such as, when students are added to the school and there is a need for additional books, or if there is a need for reoccurring consumable materials orders, or the school has reconfigured and needs different instructional materials at multiple levels. For example, if a school is going to change their entire math program and do it off the cycle there needs to be some justification as to why and how will community input be solicited in the review of those materials before the selection is determined by the district. I would also think that if that were to happen, a superintendent would be providing approval for the initiative.

- Pricing: the pricing agreement we have ensures the adoption price for the six year cycle.
- If the material is not on the state adoption list it must be purchased with supplemental monies not to exceed 50% of the instructional material allocation.
- Schools need to make those "on cycle" purchases as a first priority.
- My questions to schools that may want to spend that allocation on something else other than the new adoption: How are you meeting the new curriculum standards? What instructional materials are used in classrooms? Is there evidence that standards are being taught? Where are those materials housed? Are there teacher lesson plans?

It is important that the district ensures that good materials are on hand, aligned with the content standards, and used for instruction. 22-15-1 NMSA 1978 requires the Instructional Material Bureau to:

- A. enforce rules for the handling, safekeeping and distribution of instructional material and instructional material funds and for inventory and accounting procedures to be followed by school districts, state institutions, private schools and adult basic education centers pursuant to the Instructional Material Law;
- B. withdraw or withhold the privilege of participating in the free use of instructional material in case of any violation of or noncompliance with the provisions of the Instructional Material Law or any rules adopted pursuant to that law;

To fulfill the requirements in the statute, the Instructional Material Bureau is required to conduct periodic audits of district instructional material inventories and spending. If an audit of District X indicated that they didn't have suitable materials for career readiness we would need to investigate and possibly take the actions indicated in statute for noncompliance.

## **"People are telling us that we cannot do this until after the textbook adoption list comes out in August, but that will be too late. Is this true?"**

Wrong, the school may purchase instructional programs anytime throughout the year. They may use Instructional Material monies or Title 1 monies or other monies in general fund, etc.

**Bottom line; districts/schools may order on or off the adoption cycle as needed and they may use both their core and supplemental monies to do so.**

## 3. If I have a textbook system from a publisher not listed on the adoption list, am I prohibited from requesting the material and/or will funding be denied for textbooks not listed on the website list?

You are not prohibited to do so provided the following requirements are met:

- Public schools -Your district (not school) must spend at least 50% of their instructional material allocation on the adopted Core/basal materials listed on the state adoption list, however keep in mind that also listed are the adopted supplementary materials so don't

- confuse them. They are in separate categories and have separate requirements.
- Therefore, one may do what you suggest above as long as the total purchases of the district do not exceed 50% of the districts IM allocation.
- You will need to speak to your principal to make sure these guidelines are followed at the district level and your order will not compromise their compliance.

If you are a PRIVATE SCHOOL THERE ARE DIFFERENT RULES FOR YOU. Please email me back.

#### **4. Can a school buy supplemental material with a core budget and vice versa?**

Schools can not purchase Supplemental materials with Core/basal monies without an approved “Budget Waiver Request”. Districts and schools must follow the budget formula: no less than 50% spent on core basal materials. They could spend all 100% of their IM Fund on Core basal if they elected and none on Supplemental.

#### **5. Can Instructional Material funds to be used to purchase online textbooks. The statutory and administrative requirements for online textbooks/programs are the same as for printed texts:**

- At least 50% of the instructional material allocation must be used to purchase adopted core/basal materials on the multiple list.
- Up to 50% of the instructional material allocation may be spent on supplemental materials either on or off the adopted multiple list.

When publishers submit titles for adoption, they must show all the formats they want to include for each title; if the title includes online or digital formats (we refer to these as alternative formats), those formats are adopted along with the printed book. Whenever this happens the included formats will be listed on the state adoption multiple list.

Conversely, if online or digital formats weren’t included by the publisher, they are not part of the adoption. Therefore if the format you are looking at is not listed for that adopted title, then that format has not been adopted and core/basal money may not be used to purchase it. You may use your Supplementary instructional material budget to make those purchases. In addition, program costs for the online curriculum programs, such as, NM- IDEAL may also be purchased with Instructional Material funds.

#### **6. Can the PED mandate how a school spends their Instructional Material money?**

- The Priority School Bureau has the authority to mandate intervention programs and may also require the use of certain instructional programs. Given that, they also fund through Title I for school improvement initiatives, meaning they could or do expect schools to purchase these instructional materials with that funding.
- Instructional Material Bureau has allocations for 50/50 funding for public districts/schools. That means they must expend at least 50% of they allocation for ADOPTED core/basal instructional materials which are on the PED multiple list. So, this means they may use the remaining 50% of their allocation for additional inst. materials on or off the adoption list. This formula only applies to the allocation we provide (Instructional Material Fund). Districts/schools also use other monies (school improvement, Title 1, general fund, etc.) to purchase instructional materials.

#### **7. Where can we review the instructional materials before we decide which one to purchase?**

You have several different opportunities to review instructional materials before you make your choices:

##### **A. New Mexico Instructional Material Review Centers**

- There are eight review centers across the state. They are located in Albuquerque (2), Farmington, Hobbs, Las Cruces, Las Vegas, Silver City, and Portales. Complete contact

information is available on the Instructional Material Bureau website and in Supplement 9, Attachments. [www.ped.state.nm.us/div/learn.serv/im/index.html](http://www.ped.state.nm.us/div/learn.serv/im/index.html) .

- The centers, which are generally operated in conjunction with a local college or university, maintain collections of adopted instructional materials and make them available for examination. Be sure to call the center ahead of time to check whether they have the particular item(s) you are interested in.

**B. Request Examination Copies**

- Publishers will often respond to a serious inquiry about a book or a program by providing an examination copy. In cases when a review center doesn't have what you are looking for, try contacting your publisher's representative to discuss your needs.

**C. Fall Book Caravan**

- Each year the publishers of adopted materials take their materials to several locations around the state. This is the Fall Book Caravan and it includes displays of the materials together with presentations and discussions where you can get the answers to many of your questions. As an example, a caravan itinerary might include two days in Albuquerque and one day each in Farmington, Roswell and Las Cruces. Schedules and locations are announced no later than the prior spring.

**D. Summer Review Institute**

- Although it takes place before the adoptions are decided and announced, the annual Review Institute held the first week of June is a good place to get a first look at what's new in the market.

**E. Current Users**

- Finally, current users can be an excellent source of information. Unless the material is entirely new, it might be already in use in another district. If you are having trouble locating a district that uses a particular book or program, call the Instructional Material Bureau and we'll see what we can do to help.

**F. Additional Information**

The Instructional Material Bureau website provides some additional useful information to help in your selections.

- *Evaluation Rubrics* are available for all adoptions beginning with the 9-12 Language Arts adoption. These are the rubrics used at the summer Review Institute; they aligned with state standards, they incorporate items of culturally appropriate pedagogy and support for English Language Learners, and they provide examples of what to look for when you are evaluating instructional material.
- *Review of Effectiveness Studies* will be available beginning with the K-8 Language Arts adoption. Publishers must submit descriptions and results of studies that have been conducted for their materials. The Instructional Material Bureau works with an independent education laboratory to look at these studies and determine whether they are valid. The results, and additional comments when appropriate, will then be posted on our website.

**8. Is there a list of instructional materials that we could use to place our orders?**

- a. The Instructional Material Bureau does not make recommendations or advocate for particular publishers. We fulfill the obligation of the review process and submit a multiple list for authorization of the Secretary of Education for state adoption of the Multiple List.
- b. iSTAR, managed by Archway Depository, has the most current list of publications, both adopted and non-adopted. Call, 1-888-223-2665 for assistance and Password, or go to their web site.
- c. You can contact the many regional publisher representatives for details of their programs and available samples.

- d. You may go to our web site, for the current adoption postings and for specific publisher's Regional representative contact information. <http://www.ped.state.nm.us/InstructionalMaterial/index.html>,
- e. When you contact the publisher, I suggest that you ask which other schools are using the program within the state. Then contact those schools/teachers and get the inside information as to it's effectiveness with students, keeping in mind the population you serve.

### **9. How do I get my instructional material balance?**

All educational entities are responsible for tracking their own cash balances and maintaining budget records. The balance should also match the ending cash balance on the required Annual Instructional Material Budget Report. The contact number for questions: Susan Lucero, 827-3848

1. District and Charter schools may acquire their Instructional Material balance from their annual finalized audit. The balance in line item 14000 should be the amount that is submitted on a BAR through the OBMS system. This is what is typically known as "carry-over". This amount should also be the ending cash balance on the required Annual Instructional Material Budget Report.
2. Non-Public schools should verify their balance with the Fiscal Flow-through Bureau. The balance should match the ending cash balance on the required Annual Instructional Material Budget Report.

#### **3. Instructional Material Budget and Fiscal** (Balances, Paid Amounts, Account Information)

Susan Lucero: Bureau Chief / General Manger / Flow through Bureau / 827-3848 / [susan.lucero@state.nm.us](mailto:susan.lucero@state.nm.us)

Juan Certain : Financial Coordinator / Unit Chief / Flow through Bureau / 827-5562 / [juan.certain@state.nm.us](mailto:juan.certain@state.nm.us)

### **10. What is the timeframe for submitting an Instructional Material Budget Waiver Request?**

There is no deadline set for this request; you may submit it whenever it is appropriate based on your own purchasing schedules and requirements. The dates specified in statute and rule are dates by which we must take certain actions regarding the allocation of funding for instructional materials and are not be confused with the waiver request process. A waiver request does not affect your allocation and may be submitted at any time (but it must be approved prior to purchasing the material that is the subject of the waiver).

Please note that processing a submitted waiver request may take some time (depending on the nature of the request), so it would be prudent to allow three to four weeks for a final decision. Most likely you would receive a decision more quickly than that, but there have been requests that took a full two months to evaluate. The final decision is made by Secretary García and we take considerable care to ensure that she has adequate and accurate information upon which to base her decision.

### **11. Are there publisher or state restrictions for schools to sell adopted textbooks?**

Yes, there are state restrictions. There are no publisher restrictions. You must write the Bureau Chief of Instructional Materials regarding your request and provide justification to receive approval to sell or dispose of "in adoption" material. Please attach an inventory list of the materials in question using the Annual Inventory" form on our web page. You can not sell the materials above the original publisher's cost. If approved, the money generated from the sale must go into your instructional materials fund; please review Supplement 9 for further details. It is located on our web site: <http://www.ped.state.nm.us/InstructionalMaterial/index.html>.

### **12. How do I get special instructional materials for my visually impaired student?**

Please contact the PED Special Education Division, 827-1458, for the specific process to follow regarding the purchase and ordering of the modified instructional materials you need for the student.

- o In accordance with the Braille Access Act 22.15.26-29 and 6.75.4, NMAC, a Publisher must submit NIMAS-conformant files of any printed instructional

materials published subsequent to July 19, 2006 which is submitted for adoption on the NMPED multiple list, at no additional cost, and on or before delivery of the printed instructional materials to the NIMAC repository at the American Printing House for the Blind.

- The NMPED and its agencies shall have the right to transcribe and reproduce the instructional material furnished pursuant to this Agreement in Braille, large print, recordings or other media for the use of visually disabled students unable to use the instructional material in conventional print form.
- Such right shall include those corrections, revisions and other modifications as may be required by the NMPED or its agencies. For printed instructional materials published prior to July 19, 2006, the Publisher shall be responsible for providing, when requested, in an electronic format agreed upon between the requesting entity and the publisher, an electronic copy of the instructional material which can then be used for conversion to Braille and other alternative formats for use by visually disabled students unable to use the instructional material in conventional print form.

**13. I am seeking information about school library access to the Instructional Materials funds to support the approved curriculum materials selected by our school district. Are there funds set aside for the school libraries to acquire supportive instructional materials that may be checked out by teachers to use in support of teaching?**

There are School Library funds but not for the purpose you are describing. The school must use the Instructional Material allocation, not the School Library fund, for all instructional material for the classroom, including teacher resource materials. These are two separate budgets with separate purchase requirements. The funds for the school library are allocated to the district for the purpose of purchasing library books.

The school can use the IM funds to purchase audio/visual resources, textbooks, classroom kits, teacher resource materials and supplemental books that may be checked out to teachers as “supportive materials”. The school library may act as the central clearing house and store/circulate the materials however; they are not library materials and would be inventoried on your IM Annual Inventory Report submitted annually to the IMB.

Please refer to Supplement 9, Administrator’s Guide to Budgets. If you did not get a copy at Spring Budget Workshop it is on our web site: <http://www.ped.state.nm.us/InstructionalMaterial/index.html>. This should give you the information you are looking for.

**14. How does HB 911, "Uniform Curricula in Each School District", influence the curriculum and selection of the instructional materials for the district?**

Standards and Benchmarks govern curricula. House Bill 911 is alluding to vertical and horizontal alignment with grade levels across the district ensuring that all students are being equally prepared to be assessed on the NM standards based assessment. In other words, the math standards being taught in grade 5 at Bell Elementary will be the same at Chaparral Elementary, grade 5, and will occur within the same time frame. Many districts have a “curriculum calendar” which is aligned to the standards for all core subject areas.

The choice of textbooks and program implementation is the result of professional dialogues and collaborative agreement between the school and district. The dynamics of demographics, student mobility and economic factors are to be considered, as well as other criteria, when determining what instructional materials and instructional methods will best meet the academic needs of the students within that school/district. The district is responsible for the final decision as to what schools may purchase for instruction. They (the district administration) could determine that one specific textbook will be used for math across the district. The authority to make that decision is not new to district administration.

The state PED is not making that determination. How instructional delivery occurs is exercised by the professional judgment of the teacher and should be modified when appropriate, based on continuous short term assessment data.

**15. Can you send the publishers a letter providing our school's tax exemption status?**

If a school is exempt from tax, they would need to provide the publisher a nontaxable transaction certificate indicating the nature of their tax exemption, i.e., Are they a religious or charitable organization? Etc. Our agency would not provide a blanket letter providing tax exemption on behalf of the schools. Through an application process with the New Mexico Taxation and Revenue Department, each school is provided a supply of nontaxable transaction certificates (NTTC), to be issued to vendors for the suitable purpose. The publisher will need to contact the individual schools for this certificate.



**2011**



**1. Now that my budget is automatically entered into iSTAR, how will you know the amount of carryover?**

*This year, you will enter your carryover numbers into OBMS as part of your initial instructional material budget and we will enter that amount into iSTAR. Since iSTAR will immediately begin tracking your spending, next year's (FY13) carryover amount will be automatically entered into iSTAR. Please note that carryover monies will retain the same core/basal and supplemental categories as the original allocation. Archway's Spring Budget Workshop PowerPoint presentation provides an excellent overview of this process and can be downloaded from the Instructional Material Bureau website <http://www.ped.state.nm.us/InstructionalMaterial> under "2011 Spring Budget Workshop" after April 12th.*

**2. Must I limit my purchases only to what's available through iSTAR?**

*Districts, charter schools, and state supported schools may purchase materials that are not available through the iSTAR purchasing system; however, it will then be your responsibility to enter any such materials into the iSTAR inventory system. Non public schools are required to purchase both core and supplemental materials through iSTAR when using Instructional Material Fund monies.*

**3. Am I still required to order "free" or "gratis" materials through iSTAR?**

*Yes, any "free" or "gratis" materials must also be ordered through iSTAR. You can find additional guidance in Archway's "iSTAR User Guide," available at the Instructional Material Bureau website <http://www.ped.state.nm.us/InstructionalMaterial> under "Spring Budget Workshop".*

**4. How do I know what free materials I'm entitled to receive?**

*This is a very important question in New Mexico, where we have so many small districts and schools. Instructional material law was first written to ensure that all students have access to*

current, high quality instructional material. A teacher with a class of ten students who orders only ten books must therefore have access to the same materials, including “free” materials, as a teacher with three classes of thirty students who orders ninety books. **You should never be denied free materials due to a small order size; the Teacher’s Edition offered for FREE is ordered by the number of classroom teachers at the grade level, not the number of student textbooks purchased.**

### **Your rights Are Protected in the Publisher’s Agreement and in Instructional Material Law**

The PED agreement signed by every adopted publisher specifies that the accompanying free materials shall be provided to any school that adopts the material:

**FREE OR REDUCED COST MATERIAL.** The Publisher agrees that materials designated on the request for proposals bid list and final approved list... as free or reduced cost material and/or services... will be made available at no cost or at

a reduced cost to any schools that adopt its instructional material.

The Publisher further agrees that any free or reduced cost material and/or service described on the state adoption list and made available at no cost or at a reduced cost to a school which adopts its instructional material will be made available on an equitable basis to all schools which adopt its instructional material. **Also, the teacher’s edition that is offered for FREE is ordered by the number of classroom teachers at the grade level, not the number of student textbooks purchased.**

*If the Publisher... fails to make available the free or reduced price material and/or service that is provided at no cost or at a reduced cost to one or more schools that adopt its instructional material, the Publisher will be suspended from participation in the New Mexico instructional material process until such time as the NMPED determines that the Publisher shall be allowed to resume participation. This provision does not waive any other legal rights of the NMPED.’*

➤ Current NMAC rule confirms that anything described in the contract as free must be free to all schools:

#### **6.75.2.11 (D) REQUIREMENTS: RESPONSIBILITIES OF PUBLISHERS**

*Free or reduced cost materials or service may not include computer hardware, technology devices or equipment intended to deliver or display the material but which are not instructional materials. This includes but is not limited to computers, laptops, handheld devices, microscopes, CD/DVD players, overhead or LCD projectors, electronic whiteboards, phone/music/transmitting and listening devices, and cameras.*

*(8) Any free or reduced cost material or service described on the state adoption list and made available at no cost or at a reduced cost to a school that adopts its instructional material will be made available on an equitable basis to all schools that adopt its instructional material.*

*(9) The quantity of free or reduced price material provided shall be calculated according to the number of teachers using the material, and not according to the amount of material purchased.*

*(10) The publisher shall make no offer of free or reduced price material or services that have not been designated as such on the final approved list.*

### **5. When should I place my instructional material orders in iSTAR to be able to receive**

**them before the start of school?**

*Districts, charter schools, and state supported schools may place their orders with one of the NM Instructional Material Depositories or directly to the publisher. Instructional materials purchase orders (P.O.) are not sent to the Public Education Department. In order to receive instructional material orders before the start of a new school year, orders should be made by April 15th to the depository. Purchase orders may not be issued prior to July 1<sup>st</sup> for any funds that are part of the new allocation. Obligations may be made with available funds only.*

*The NM Instructional Material Depositories have agreed to this process and will not prepare any invoices until July 1<sup>st</sup>; this provides a guarantee that all orders received prior to April 15<sup>th</sup> will be available for delivery no later than August 1<sup>st</sup>. It is the entity’s responsibility to ensure that all new instructional materials are available for students’ use on or before the start of school that year.*

**6. What should I do if I have problems with receiving my orders?**

*If there is a complication in this process and the delivery is not made, the district/school should first check the iSTAR instructional material order to verify that it was properly placed. Then, contact the Publisher’s Sales Representative or Archway Depository 1-888-223-2665 for assistance.*

*If those interventions do not lend a positive result, the district/school should contact the Instructional Material Bureau Chief, Sally A. Wilkinson, 476-0315 or email: [sally.wilkinson@state.nm.us](mailto:sally.wilkinson@state.nm.us).*

You will also find a great deal of useful information in the **2011 Supplement 9**, available on the Instructional Material website at <http://www.ped.state.nm.us/InstructionalMaterial>. If you can’t find the answers you need at these sources, feel free to contact us at (505) 827-6415.

**SPECIAL EMERGENCY REVIEW AND ADOPTION (REQUESTED BY PUBLISHERS)**  
**Special Emergency Review and Substitution Policy**

If the newest “updated” version of the textbook is a completely different book from the one that was reviewed and adopted by NM then a request for a Special Emergency Review is appropriate and is submitted by the publisher.

**(6.75.2.8 NMAC EXERPT)**

There shall be one (1) annual adoption, provided however, *that the department may allow other adoptions upon a finding that an emergency is determined to exist.*

(3) The department may accept any conforming proposal which is determined to be most advantageous to the state, considering the educational value of material, cost to state, reliability of the publisher, and all other significant factors.

Request for the PED to administer a “Special Emergency Review” must comply with the following:

- currently have a contract with IMB in the content area
- requested by the publisher’s representative in writing
- must request deviation from the adoption cycle and be supported with evidence as to why such action is justified rather than requesting a substitution in the second year of the contract
- agree to fund the review at the cost determined by the IMB to conduct the review

- provide ISBN number for the title submission

A “Special Emergency Review” Request must be submitted to: New Mexico Public Education Department, Secretary of Education, Hanna Skandera, Jerry Apodaca Building, 300 Don Gaspar, Santa Fe, New Mexico 87501.

Upon receipt of the above information, and authorization of the Secretary of Education, the Publisher will be required to submit:

- Three copies of the Publisher’s Alignment Documents, Form F
- Three copies of both the Student and Teacher edition of the title
- Publisher submission fee paid by corporate check
- Publisher Forms, A-I completed and submitted prior to the emergency review

**SUBSTITUTION OF AN ADOPTED TITLE (POLICY REQUIREMENTS)**

If the latest “update” is cosmetic or has little content change, and the publisher has a current PED contract for the content area adoption, then there may be a request by the publisher for a “Substitution” of the textbook.

- 1.) Letter from the publisher’s representative indicating the justification for substitution
- 2.) Required Attachments:
  - Outline of details including the specific changes made within the text and the exact page numbers to find that information
  - Contact page and final Signature page from the original NM textbook contract
  - New contact information (if appropriate)
- 3.) Submission of the original textbook
- 4.) Submission of the newer textbook to replace the original
- 5.) Expect a four to six week period for the information to be reviewed and final determination made.
- 6.) Once the substitution has been approved, the publisher must submit a new “Form E Spreadsheet” with the newer title information.

Mail completed packet to: New Mexico Public Education Department  
 Jerry Apodaca Education Building G-12  
 Instructional Material Bureau, Director  
 Sally A. Wilkinson  
 300 Don Gaspar  
 Santa Fe, New Mexico 87501



**PETITION FOR REVIEW**

This is a formal process that an ‘interested party’ initiates to resolve or clarify a dispute/conflict/inquiry that is within the Instructional Materials Bureau’s prevue and responsibility. The party may implement the Petition process by using the Petition Form on the IMB web site. It shall be the responsibility of the ‘interested party’ to support the Petition by referencing Rule, Statute and /or Supplement 9 as relevant to the issue. The ‘interested party’ shall provide any outstanding evidence for consideration. The Petition for Review must be submitted to the Instructional Material Bureau Chief. The Instructional Material Bureau Chief will review and investigate the alleged violation and submit a formal report to the Secretary of Education and the parties involved.

**INSTRUCTIONAL MATERIAL BUREAU ADVISORY COUNCIL**

The Instructional Material Bureau Advisory Council (IMBAC) goal is to collaborate with stakeholders in building a continuous improvement system to support our mutual interests in the academic success of New Mexico's students.

In an effort to ensure that clear communication for sharing of ideas is established, the Public Education Department, Instructional Material Bureau (IMB) cordially invites the National Association of School Textbook Association (NASTA) representative and statewide stakeholders representing New Mexico districts and the community at large, to the Instructional Material Bureau Advisory Council meetings.

These meetings address the review and adoption process for instructional material and provides the venue for discourse on issues and concerns, as well as, informative dialogues and implementation strategies that benefit students, teachers, district administrators, publishers, vendors, state depositories and review centers in guiding decisions that are data-driven and in the best interest of the students.

### **BUDGET WAIVER REQUEST PROCESS –INSTRUCTIONAL MATERIAL FUND**

The budget waiver request process was developed for districts to convert their instructional materials funds that have been allocated for the purchase of adopted core/basal instructional materials to be applied to the purchase of supplementary instructional materials that are or are not on the adopted multiple list. The approval of the request would allow districts to expend more than 50% of their total allocation on supplementary instructional materials.

The completed Instructional Material Budget Waiver Request Form (using the Waiver Request Form on the PED web site) is submitted for approval to the New Mexico Public Education Department, Secretary of Education, Hanna Skandera, Jerry Apodaca Building, 300 Don Gaspar, Santa Fe, New Mexico 87501.

### **DISTRIBUTION AND ELIGIBILITY FOR INSTRUCTIONAL MATERIAL FUNDS**

Instructional materials shall be distributed to school districts, charter districts, charter schools, state supported schools and non-public schools as agents for the benefit of the students entitled to the free use of instructional materials. Eligibility is based on compliance with all requirements authorized by the Secretary of Education, Instructional Material Law and Supplement 9.

Any school district, charter district, charter school, state supported school, and non-public school as agent receiving instructional material is responsible for the distribution of instructional material for use by eligible students and for the safekeeping of the instructional material. Additionally, all agencies are responsible for maintaining a local inventory of instructional materials purchased with state IM funds (except consumable materials).

- Statute 22.15.9 D: Requires local school boards or local governing boards to provide textbooks to each student for each class that conforms to curriculum requirements and to also allow students to take those textbooks home. School districts and Charter schools are required to adopt a policy to allow students to have textbooks and to be able to take them home when necessary.
  - The Public Education Department (PED) will verify that a policy is in place prior to releasing final instructional material funding.
- Statute 22.15.11: Requires each school district, state institution, private school to keep accurate records of all instructional material, including cost records, on forms and by procedures prescribed by the division.
- The Public Education Department (PED) will verify that inventory, cost records and procedures are in place through random instructional material audits conducted at sites.
- Each educational entity receiving IM funds must submit an Annual Instructional Material Inventory report prior to August 1.

- Each educational entity receiving IM funds must submit an Annual Instructional Material Budget report prior to August 1.
- Instructional Material Bureau requires each school district, charter district, and charter school to keep accurate records of all instructional material cost and budget records, and shall submit all budget requests (initial, adjusted, and Budget Adjustment Requests) for instructional materials referencing the new Uniform Chart of Accounts (UCOA) using the electronic budget system [Operating Budget Management System, OBMS] provided by the New Mexico Public Education Department.
- Instructional Material Bureau requires each state institution and non-public school to keep accurate records of all instructional material cost and budget records, and shall submit all budget requests on forms and by procedures prescribed by the Fiscal division and submitted to the Flow Through Bureau.



### **ELIGIBLE DISTRICTS**

Any public school accredited by the Public Education Department in any grade from first through the twelfth grade of instruction is entitled to the free use of instructional material.

- Disbursement of the Instructional Material Fund is contingent on the entity’s compliance with NM Public School Code 22-15; 6.75.2 NMAC, current legislative requirements and timely submissions of IMB Annual Budget Report and IMB Inventory reports.
- Disbursement of the School Library Fund is contingent on the entity’s compliance with NM Public School Code 22-15; 6.75.5 NMAC, and Supplement 9.

### **ELIGIBLE CHARTER SCHOOLS**

Any charter school accredited by the Public Education Department in any grade from first through the twelfth grade of instruction is entitled to the free use of instructional material.

- Disbursement of the Instructional Material Fund is contingent on the entity’s compliance with NM Public School Code 22-15; 6.75.2 NMAC, current legislative requirements and timely submissions of IMB Annual Budget Report and IMB Inventory reports.
- Disbursement of the School Library Fund is contingent on the entity’s compliance with NM Public School Code 22-15; 6.75.5 NMAC, and Supplement 9.

### **ELIGIBLE NON-PUBLIC SCHOOLS**

Any non-public school with a current Instructional Material Fund Application and currently accredited by the Public Education Department in any grade from first through the twelfth grade of instruction is entitled to the free use of instructional material.

- Disbursement of the Instructional Material Fund is contingent on the entity’s compliance with NM Public School Code 22-15; 6.75.2 NMAC, current legislative requirements and timely submissions of IMB Annual Budget Report and IMB Inventory reports.
- Disbursement of the School Library Fund for Bureau of Indian Education schools is contingent on the entity compliance with NM Public School Code 22-15; 6.75.5 NMAC, and Supplement 9.

### **ELIGIBLE STATE SUPPORTED SCHOOLS**

Any state supported school accredited by the Public Education Department in any grade from first through the twelfth grade of instruction is entitled to the free use of instructional material.

- Disbursement of the Instructional Material Fund is contingent on the entity's compliance with NM Public School Code 22-15; 6.75.2 NMAC, current legislative requirements and timely submissions of IMB Annual Budget Report and IMB Inventory reports.
- Disbursement of the School Library Fund is contingent on the entity's compliance with NM Public School Code 22-15; 6.75.5 NMAC, and Supplement 9.

## **NEW MEXICO ELIGIBLE STUDENTS**

Any student attending a public school, a charter school district, a charter school, a state supported school, or a non-public school accredited by the Public Education Department in any grade from kindergarten through the twelfth grade of instruction is entitled to the free use of instructional material.

Kindergarten membership (MEM) shall be calculated on a 1.0 full-time equivalent basis. Any child enrolled in an early childhood education program as defined by Section 22-13-3(D), NMSA, 1978 Compilation, or person eligible to become an early childhood education student as defined by that section attending a private early childhood education program approved by the Secretary of Education is entitled to free use of instructional material. Pursuant to Section 22-13-3(D), NMSA, 1978 Compilation, "early childhood education program means kindergarten programs for every child who has attained his fifth birthday prior to September 1 of the school year, except those children who are eligible for and participating in federal head start programs in any class B county with a population in excess of ninety-five thousand, established by a local school board for the development or enrichment of persons within the school district."

Pre-schoolers are not included in the funding formula, and should not be counted in the District/school submission of the 40<sup>th</sup> ADM for the purposes of Instructional Material Funding.

## **ALLOCATION AND DISBURSEMENT**

Disbursement of the Instructional Material Fund is contingent on the entity's compliance with NM Public School Code 22-15; 6.75.2 NMAC, current legislative requirements and timely submissions of IMB Annual Budget Report and IMB Inventory reports.

- The district/school's total annual instructional materials budget is comprised of their initial allocation, carryover dollars, and final adjusted allocation for each school year.
- All Districts, State Supported Schools, Charter Districts and Charter Schools may exercise Statute 22.15.9 (H): "allow districts/schools to expend up to 25% of the discretionary allocation (expenditure code 56111) for materials not approved on the multiple list for the purchase of "Other Classroom Materials". Non-Public schools, private schools, and governmentally controlled schools are not included in this provision.
- Statute 22.15.9 D: Requires local school boards or local governing boards to provide textbooks to each student for each class that conforms to curriculum requirements and to also allow students to take those textbooks home. School districts and Charter schools are required to adopt a policy to allow students to have textbooks and to be able to take them home when necessary.
- All schools and districts that receive or benefit from Instructional Material Funds must submit to the Instructional Material Bureau both required annual reports, the Annual Budget Report and the Annual Inventory report, prior to August 1 of the school year. Failure to do so may result in suspension of funding.
- New non-public schools must submit an Instructional Material Fund Application for school year

before April 1 of the previous school year.

- All non-public schools must renew their application with the Instructional Material Bureau every two years and must maintain an active account with the PED to receive instructional material funds.
- The Public Education Department will suspend the non-public school's privileges for Instructional Material funding if there has been no budget activity by November 15<sup>th</sup> of the school year. To reinstate Instructional Material funding for the following school year the non-public school must complete the application process before February. The PED will not release payments to the New Mexico Instructional Material depository on the behalf of the non-public school after December 31<sup>st</sup> of the current school year.

### **Initial Allocation**

On or before April 1 of each fiscal year, the PED shall allocate to each school district, charter district, charter school, non-public and state supported school, not less than 90% of the estimated entitlement based on the prior year forty-day membership.

- **Budgeting in Carryover Dollars:** When public and charter districts'/schools' annual audits are finalized by the state auditors, they must submit a Budget Adjustment Request (BAR) for the full amount to PED. This BAR must be accompanied with a copy of the audit page showing the district/school's cash balance. Submit all budget requests (initial, adjusted, and Budget Adjustment Requests) for instructional materials referencing the new Uniform Chart of Accounts (UCOA) using the electronic budget system [Operating Budget Management System, OBMS] provided by the Public Education Department.

### **Adjusted Balance of the Final Annual Appropriation**

On or before January 31 of each year, the PED shall re-compute each entitlement using the forty-day membership for the current year, and shall allocate the balance of the annual appropriation compensating for any over-or under-estimation made in the first allocation. Any additional pupil shall be counted as six pupils.

- Statute 22.15.9 D: Requires local school boards or local governing boards to provide textbooks to each student for each class that conforms to curriculum requirements and to also allow students to take those textbooks home. School districts and Charter schools are required to adopt a policy to allow students to have textbooks and to be able to take them home when necessary.
- The Public Education Department (PED) will verify that a policy is in place prior to releasing final instructional material funding.
- Disbursement of the **Adjusted Balance of the Final Annual Appropriation** is contingent on the entity's compliance with NM Public School Code 22-15; 6.75.2 NMAC, current legislative requirements and timely submissions of IMB Annual Budget Report and IMB Inventory reports of the previous school year.

### **Annual Appropriation for Following School Year**

On or before April of each year, the PED shall compute the following school year's annual appropriation and notify schools of this amount to assist them in completing their instructional material orders.

It is expected that instructional materials will be available for student/classroom use on the first day of school annually. To expedite this process districts and schools are urged to submit their instructional material orders to the depository by April 15, using the previous year's allocation to estimate the available funding. Purchase orders may not be issued until the start of the new fiscal year, July 1, for any funds that are part of the new allocation.

- Per the State Director of Budget and the Department of Finance & Administration State

Controller (2009), to comply with requirements of the Procurement Code please note the following:

At the top of the purchase order, include both of the following statements:

1. "Subject to availability of Appropriation" and
2. "Will not accept delivery prior to June 30."

## **ALLOCATIONS AND PURCHASES REQUIREMENTS**



- ❖ **Public Schools**-The districts receive an initial 90% allocation based on the 40<sup>th</sup> day ADM projection for the district. In the second semester districts receive the adjusted 10% of the IM allocation based on the actual 40<sup>th</sup> day ADM. A minimum of 50% may be spent on core/basal instructional materials and those must be on the PED authorized adopted list. A maximum of 50% may be used to purchase supplemental materials on or off the PED authorized adopted list.
- ❖ **State Supported Schools**- The state supported school receives an initial 90% allocation based on the 40<sup>th</sup> day ADM projection for the district. In the second semester districts receive the adjusted 10% of the IM allocation based on the actual 40<sup>th</sup> day ADM. A minimum of 50% may be spent on core/basal instructional materials and those must be on the PED authorized adopted list. A maximum of 50% may be used to purchase supplemental materials on or off the PED authorized adopted list.
- ❖ **Charter School**-The charter school receives an **initial 90% allocation** based on the 40<sup>th</sup> day ADM projection for the school. In the second semester charter schools receive the adjusted 10% of the IM allocation based on the actual 40<sup>th</sup> day ADM. The charter school has 100% discretionary authority to purchase on or off the PED authorized adopted list. There are no limitations as to whether instructional materials are core/basal or supplementary.
- ❖ **Non-Public schools**-The private school receives an **initial 90% allocation** based on the 40<sup>th</sup> day ADM projection for the school. In the second semester the private school receives the adjusted 10% of the IM allocation based on the actual 40<sup>th</sup> day ADM. A minimum of 50% may be spent on core/basal instructional materials and those must be on the PED authorized adopted list. A maximum of 50% may be used to purchase supplemental materials on PED authorized adopted list. All orders must be submitted through the depository for payment by the PED.

## **AUTOMATED CLEARINGHOUSE (ACH) AUTHORIZATION AGREEMENT**

The Authorization Agreement for ACH transfer Form, PED Form No. 570, is used to notify the PED of the instructions to wire payments directly into the appropriate bank account of an entity. The Authorization Agreement allows the PED to implement the necessary accounting and processing procedures to wire transfer payments into the account of the schools and other educational entities in lieu of issuing a state warrant for the reimbursement of funds and cash advances.

When a change occurs, either in a bank account number or financial institution, it is the entity's responsibility to submit a PED Form No. 570 to the PED requesting a change in ACH wiring instructions. Notification must be received at least ten (10) days prior to the scheduled monthly distribution. This will ensure that appropriate transfer of funds is sent to the correct financial institution so transfers do not have to be made from one account/bank to another.

## **INSTRUCTIONAL MATERIAL ORDERS**

Districts, charter schools and state supported schools may place their orders with one of the NM Instructional Material Depositories or directly to the publisher. Instructional materials purchase orders (P.O.) are not sent to the Public Education Department. In order to receive instructional material orders before the start of a new school year, orders should be made by April 15<sup>th</sup> to the depository. Purchase

orders may not be issued prior to July 1<sup>st</sup> for any funds that are part of the new allocation. Obligations may be made with available funds only.

The NM Instructional Material Depositories have agreed to this process and will not prepare any invoices until July 1<sup>st</sup>; this provides a guarantee that all orders received prior to April 15 will be available for delivery no later than August 1<sup>st</sup>. It is the entity's responsibility to ensure that all new instructional materials are available for students' use on or before the start of school that year.

#### **6.75.2.12 REQUIREMENTS: RESPONSIBILITIES OF NEW MEXICO INSTRUCTIONAL MATERIAL DEPOSITORIES**

A. It is the responsibility of depositories to distribute instructional materials to schools and districts in a timely and accurate fashion and to ensure that:

(1) For core and supplemental instructional materials requisitions received by the New Mexico Depository or In-State Distribution Point prior to April 15 of each year, delivery to schools shall be made by the later of the following dates: within thirty (30) days prior to the beginning of classes, or by July 1.

(2) Core and supplemental orders received after April 15 will be delivered by the later of the following dates: within sixty (60) days after the receipt of the order or August 1.

(3) For free instructional material requisitions received by the New Mexico Depository or In-State Distribution Point prior to April 15, delivery to schools shall be made by the later of the following dates: within thirty (30) days prior to the beginning of classes, or by July 1.

(4) Free instructional material requisitions received after April 15 will be delivered by the later of the following dates: within sixty (60) days after the receipt of the order or August 1.

B. The depositories will provide training to all entities receiving monies for instructional materials on the online process for ordering instructional materials.

Districts/schools that have problems receiving their orders from the depositories on time and/or receiving free materials from publishers:

- If there is a complication in this process and the delivery is not made, the district/school should first check the iSTAR instructional material order to verify that it was properly placed. Then contact the Publisher's Sales Representative for assistance.
- If those interventions do not lend a positive result the district/school should contact the Instructional Material Bureau Chief, Sally A. Wilkinson, 476-0315 or email: [sally.wilkinson@state.nm.us](mailto:sally.wilkinson@state.nm.us).

### **INSTRUCTIONAL MATERIAL ORDERING PROCESS**



**iSTAR\*Online** is your Instructional Material acquisition resource. If you do not have a current password for this system or you would like to request training, you may contact ARCHWAY DEPOSITORY: Desa Rogers, 1-888-223-2665.

The iSTAR system allows you to search database by ISBN, title, category, subcategory, publisher, grade level, or adoption status. The iSTAR budget features provide better spending controls and detailed accounting information.

ARCHWAY Depository is required by the New Mexico Public Education Department to monitor district and school instructional material budgets by the submission of semi-annual and annual expenditure and balance reports to the Instructional Material Bureau. As a result of our collaboration and to ensure fiscal accountability the general procedures for entering districts' and schools' instructional material budget have been reorganized. There are now separate identifiers for the budget source, such as, Instructional Material Fund, Title 1 Fund, etc. In addition, there will be categorical identification of budgets, such as, core revenue, supplementary revenue and carry over revenue.

Beginning March 2011, ARCHWAY will enter the Initial IM Allocation (90% SY allocation) into the iSTAR\* Online system for districts and schools. Thereafter, districts and schools will access their iSTAR budgets and provide any additional information necessary to verify the account information.

### **iSTAR Procedures for Instructional Material Budgets**

- Budgets for ALL districts will be entered by Archway for all state-allocated funds for the fiscal year 2011-2012 forward.
- For ALL Public Schools and Non-Public Schools
  - 50% of the allocated funds will be set up as CORE budget
  - 50% of the allocated funds will be set as SUPPLEMENTARY budget
- For Charter Schools
  - 100% of the allocated funds will be set up as SUPPLEMENTARY budget
- All schools may create additional budgets to designate additional funds.
- Orders processed manually (i.e. Santa Fe) must have a budget selected or default to the Primary CORE and SUPP.
- Only authorized users or administrators can make changes against primary CORE and SUPPLEMENTARY budgets. This will only be at the state or depository level.
- Only titles marked as CORE can be used against the CORE budget. Any CORE titles ordered will be charged against the CORE budget unless the budget used is overridden at the time of ordering.
- Ordering any non-CORE or SUPPLEMENTARY material against a CORE budget will be disallowed until an Instructional Material Budget Waiver Request has been approved by the Secretary of Education.

### **INSTRUCTIONAL MATERIAL “FREE” ORDERS WITH PURCHASE**

- NMAC 6.75.2.11D(9) states that “The quantity of free or reduced price material provided shall be calculated according to the number of teachers using the material, and not according to the amount of material purchased.”
- Districts and Schools will place their orders for the “free” instructional material through the Depository using the iSTAR system when placing their core and supplementary orders.
- Publishers will access the ordering information through iSTAR system and will ship the materials directly to the district/school.
- If there is a complication in this process and the delivery is not made, the district/school should first check the iSTAR instructional material order to verify that it was properly placed. Then contact the Publisher’s Sales Representative for assistance.
- If those interventions do not lend a positive result the district/school should contact the Instructional Material Bureau Chief, Sally A. Wilkinson, 476-0315 or email: [sally.wilkinson@state.nm.us](mailto:sally.wilkinson@state.nm.us).

### **INSTRUCTIONAL MATERIAL ANNUAL INVENTORY REPORT**

Note: This requirement only pertains to purchases made with the Instructional Material Fund.

The PED-IMB began utilizing a new inventory/disposal system in 2007-2008 school year. With the cooperation of ARCHWAY depository all instructional materials ordered through ARCHWAY will be reported to the Instructional Material bureau through the depository reporting system. Districts/schools will not submit those items in their inventory reports, due August 1.

All other **materials not ordered through ARCHWAY Depository** will then become the responsibility of the district/school to be added to the inventory list supplied by ARCHWAY. Districts/schools will

facilitate this process by accessing ARCHWAY'S website (i-STAR) and entering their items *not* purchased through ARCHWAY.

All schools/entities must have all materials not ordered through ARCHWAY on the Annual Inventory Form for submission by August 1 of each school year.

## **INSTRUCTIONAL MATERIAL TEXTBOOK DISPOSAL SYSTEM**



Please note: Upon order of the chief, a school district, state institution, and non-public school shall transfer to the department or its designee, instructional material purchased with instructional material funds, that is in usable condition and/or expired copyright and for which there is no use expected by the respective schools.

### **Sale of Instructional Material**

1. **Section 22-15-10.A** - Public School Code states that “With approval of the chief” (Director of Instructional Material), instructional material acquired by a school district, charter school, state institution, and non-public school pursuant to the Instructional Material Law may be sold at a price determined by officials of the school district, charter school, state institution, and non-public school. The selling price shall not exceed the cost of the instructional material to the state.”
2. The sale of textbooks must be determined appropriate and therefore the following requirements must be met by the school/district:
  1. Required communication-An official request submitted on letterhead should be mailed to IMB Chief, Sally A. Wilkinson, 300 Don Gaspar – Room G12A, Santa Fe, New Mexico 87501. The letter to request to sell the items including justification must have the signature of the superintendent and/or governing board president. The letter must include the identification of the recipient of those items.
  2. Inventory listing of the materials including: Publisher, copyright, ISBN numbers, quantity and sale price per item and total.
  3. Reassurance that the sale price does not exceed the initial cost of the material.
3. The money from the sale of textbooks reverts to the district’s Instructional Material Fund.
  - NM Instructional Material Fund is categorical funding; therefore, any revenues received from the sale of instructional material must be added back into your instructional material fund. A Budget Adjustment Request (BAR) posted through the OBMS system is required for this IM fund increase.
  - Per the “anti-donation” clause, schools/districts are NOT allowed to donate instructional material to any organization that will sell them. The materials may certainly be donated to other non-profit educational agencies, schools, and organizations that will use them but not resell them.
  - **Non-Public Schools Only: Section 22-15-10. D** - Public School Code states that “All money collected by a **private** school for the sale, loss, damage, or destruction of instructional material received pursuant to the Instructional Material Law (22-15-1 to 22-15-14 NMSA 1978) shall be sent to the New Mexico Department of Education.” Please identify the amount collected for the sale, loss, damage, or destruction of instructional material with a check made payable to the Public Education Department - to be enclosed with your Annual Instructional Material Budget report.

## Disposal Request Procedures

Please note: Upon order of the chief, a school district, state institution, and non-public school shall transfer to the department or its designee, instructional material purchased with instructional material funds that is in usable condition and/or expired copyright for which there is no use expected by the respective schools.

- ❖ **Out of Adoption** (textbooks older than 6 years). Instructional Material which is deemed unusable/obsolete does **not** require PED-IMB approval to discard or donate. These items may be disposed of at the district/school's discretion. PED-IMB strongly encourages posting these "free" items on the IMB web site. If the items are not requested in the 30-day time frame, it is recommended that the district/school will donate the materials to other non-profit educational entities or local agencies for use.
- ❖ **In Adoption** (textbooks still within the 6 year cycle) Instructional material still listed on the NM multiple adoption list that a district/school wishes to discard, donate or give away **require** PED-IMB approval. The following requirements must be met:
  - Required communication- An official request submitted on letterhead should be mailed to IMB Chief, Sally A. Wilkinson, 300 Don Gaspar – Room G12A, Santa Fe, New Mexico 87501. The request letter to donate or give the items away, free of charge must include justification and the signature of the superintendent and/or governing board president. The letter must include the identification of the recipient of those free items.
  - Inventory listing of the materials including: Publisher, copyright, ISBN numbers, quantity and retail price per item and total.

We have a service on our IMB web site to provide a list donated instructional materials. With your permission we would place the textbooks on the web site for schools to claim. Please contact our office.

## Loss or Damage to Textbooks

**Section 22-15-10.B** - Public School Code states that *“a school district, state institution or private school may hold the parent, guardian, or student responsible for the loss, damage or destruction of instructional material while the instructional material is in the possession of the student. A school district may hold the grades, diploma, and transcripts of the student responsible for damage or loss of instructional 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 the guidelines established by the state board, the local school district shall bear the cost.”*

## THE INSTRUCTIONAL MATERIAL ANNUAL BUDGET REPORT

- Due August 1 of each school year.
- Required for all Educational Entities receiving Instructional Material funds



## MANDATORY SUBMISSION OF THE IM BUDGET REPORT TO REMAIN ELIGIBLE FOR FUNDING

The Annual Instructional Material Budget Report consists of the Instructional Material Fund and the School Library Fund, when applicable:

- Initial Allocation and Final allocation
- Carry over funds

- Interest earned
- Expenditures
- Outstanding encumbrances
- Total remaining Fund Balance

The Instructional Material Annual Budget Report documents the expenditures of the Instructional Material Fund for the previous school year. The downloadable two-page report form is available on the IMB website. This report must be submitted electronically by email to Cesaria Tapia at [cesaria.tapia1@state.nm.us](mailto:cesaria.tapia1@state.nm.us) before August 1, of the year.

**(No hard copies will be accepted; the annual report must be completed and submitted electronically.)**



**OBJECT DEFINITIONS**

**14000 INSTRUCTIONAL MATERIAL FUND                      FUNCTION 1000**

**REVENUE CODES**

**43207 ADOPTED CORE/BASAL INSTRUCTIONAL MATERIALS – Minimum of 50%**

Revenue allocated to the district/school for the purchase of core/basal instructional materials adopted for use in the schools that have been approved by the Secretary of Education for the state adopted multiple list.

**43211 SUPPLEMENTAL INSTRUCTIONAL MATERIALS – Maximum of 50%**

Revenue allocated to the district/school for the purchase of supplemental instructional materials that have been approved by the Secretary of Education for the state adopted multiple list and/or for the purchase of instructional materials not on the state adopted multiple list.

**41953 INSURANCE RECOVERIES**

Insurance recoveries for the replacement of personal, real property, and/or equipment.

**41980 REFUNDS/REIMBURSEMENTS PRIOR YEAR**

Refunds/reimbursements from prior year expenditures.

**41500 INTEREST**

Earnings from all deposits and investments. Such earnings/receipts shall be credited to the revenue account that provided the cash for investment.

**Note:** Any additional revenue must be reported to PED via a Budget Adjustment Request (BAR) for budget approval and to be expended.

**11111 UNRESTRICTED CASH**

IM Budget carry-over monies from previous year.

## EXPENDITURE CODES

**56107 CORE/BASAL INSTRUCTIONAL MATERIAL- Minimum of 50% purchased from the state-adopted multiple list.** Expenditures for books, textbooks, and periodicals prescribed and available for general use, including reference books listed on the State adopted multiple list. This includes the cost of workbooks, textbook binding or repairs, and textbooks that are purchased to be resold or rented. Also recorded here are the costs of binding or other repairs to school library books.

**56111 SUPPLEMENTAL INSTRUCTIONAL MATERIAL – Maximum of 50% purchased from the State adopted multiple list and/or from materials not on the multiple list.** Expenditures for approved supplementary materials on the state adopted multiple list and/or for books, textbooks, and periodicals prescribed and available for general use, including reference books that may be purchased from the State adopted multiple list and/or from materials not on the multiple list. This includes the cost of workbooks, textbook binding or repairs, and textbooks that are purchased to be resold or rented. Also recorded here are the costs of binding or other repairs to school library books.

**56108 OTHER CLASSROOM MATERIALS – 25% of Supplemental Material allocation (from object code 56111) Defined in SB 1225.** Expenditures for classroom supplies and materials other than textbooks that are used by the teacher and/or the student to enhance student instruction and the classroom learning environment. This fund may be used to include instructional materials for tactile learning, enrichment activities, remediation instruction and class projects, such as paper, art supplies, posters, charts, maps, textbook supplements, science supplies, math manipulatives, classroom libraries, etc

**56109 ONLINE COURSE SUBSCRIPTIONS**

**56113 PURCHASED INSTRUCTIONAL MATERIAL SOFTWARE**



## II. ELIGIBLE ENTITIES-GENERAL PROCEDURES

### ❖ PUBLIC SCHOOLS

#### ALLOCATION AND DISBURSEMENT

Disbursement of the Instructional Material Fund is contingent on the entity's compliance with NM Public School Code 22-15; 6.75.2 NMAC, current legislative requirements and timely submissions of IMB Annual Budget Report and IMB Inventory reports.

- The district's total annual Instructional Material Budget is comprised of their initial allocation, carryover dollars, and final adjusted allocation for each school year.
- The district's total annual School Library Budget is comprised of their initial allocation, carryover dollars, and final adjusted allocation for each school year.
- All Districts, State Supported, and Charter Schools may exercise Statute 22.15.9 (H): "allow districts/schools to expend up to 25% of the discretionary allocation (expenditure code 56111) for

materials not approved on the multiple list for the purchase of “Other Classroom Materials”.

- Statute 22.15.9 D: Requires local school boards or local governing boards to provide textbooks to each student for each class that conforms to curriculum requirements and to also allow students to take those textbooks home. School districts and Charter schools are required to adopt a policy to allow students to have textbooks and to be able to take them home when necessary.
- The Public Education Department (PED) will verify that inventory, cost records and procedures are in place through random instructional material audits conducted at sites.
- Each educational entity receiving IM funds must submit an Annual Instructional Material Inventory report prior to August.
- Each educational entity receiving IM funds must submit an Annual Instructional Material Budget report prior to August.

### **Initial Allocation**

On or before April 1 of each fiscal year, the PED shall allocate to each school district, charter district, charter school, private school or state supported school, not less than 90% of the estimated entitlement based on the prior year forty-day membership. The allocation calculations and the resulting disbursements are the responsibility of the Flowthrough Bureau of PED.

### **Budgeting in Carryover Dollars**

When public and charter districts’/schools’ annual audits are finalized by the state auditors, they must submit a Budget Adjustment Request (BAR) through the state's OBMS system full amount to PED. This BAR must be accompanied with a copy of the audit page showing the district/school’s cash balance.

### **Adjusted Balance of the Annual Appropriation**

On or before January 31 of each year, the PED shall re-compute each entitlement using the forty-day membership for the current year, and shall allocate the balance of the annual appropriation compensating for any over–or under–estimation made in the first allocation. The allocation calculations and the resulting disbursements are the responsibility of the Flowthrough Bureau of PED. Any additional pupil shall be counted as six pupils.

- Statute 22.15.9 D: Requires local school boards or local governing boards to provide textbooks to each student for each class that conforms to curriculum requirements and to also allow students to take those textbooks home. School districts and Charter schools are required to adopt a policy to allow students to have textbooks and to be able to take them home when necessary.
- The Public Education Department (PED) will verify that a policy is in place prior to releasing final instructional material funding.

### **Annual Appropriation for Following School Year**

On or before April of each year, the PED shall compute the following school year’s annual appropriation and notify schools of this amount to assist them in completing their instructional material orders.

It is expected that instructional materials will be available for student/classroom use on the first day of school annually. To expedite this process districts and schools are urged to submit their instructional material orders to the depository by April 15, using the previous year’s allocation to estimate the available funding. Purchase orders may not be issued until the start of the new fiscal year, July 1, for any funds that are part of the new allocation.

## **ALLOCATIONS AND PURCHASE REQUIREMENTS**

**Public Schools**-The districts receive an initial 90% allocation based on the 40<sup>th</sup> day ADM projection for the district. In the second semester districts receive the adjusted 10% of the IM allocation based on the actual 40<sup>th</sup> day ADM. A minimum of 50% may be spent on core/basal instructional materials and those must be on the PED authorized adopted list. A maximum of 50% may be used to purchase supplemental

materials on or off the PED authorized adopted list.



## **BUDGET DEVELOPMENT & REPORTING PROCEDURES**

District and Charter schools may acquire their Instructional Material balance from their annual finalized audit. The balance in line item 14000 should be the amount that is submitted on a BAR through the OBMS system. This is what is typically known as “carry-over”. This amount should also be the ending cash balance on the required Annual Instructional Material Budget Report.

Instructional Material funds may only be spent on instructional material items, **and** all funds allocated annually plus any carryover balances should be expended. A public school shall submit all budget requests (initial, adjusted, and Budget Adjustment Requests) for instructional materials referencing the new Uniform Chart of Accounts (UCOA) using the electronic budget system [Operating Budget Management System, OBMS] provided by the Public Education Department. The UCOA is located on the PED web site.

The School Budget Bureau is responsible for issuing the appropriate Identification numbers to districts for the OBMS system.

Hard copy submissions will not be accepted.

School districts must include their cash balance as part of their annual budget. The cash carryover amount **must** be utilized for instructional materials, including those items that are not on the multiple list and shall be budgeted in the respective budget object. The instructional material allocation is budgeted in the 14000 Fund/Sub-fund.

Earnings (interest) from all deposits and investments shall be credited to the revenue account that provided the funds for investments, pending BAR approval.

## **DOCUMENTS REQUIRED FOR BUDGET PREPARATION**

1. Administrative requirements and procedures for preparing instructional material budgets.
2. Instructional Material requirements for UCOA submissions.
3. Instructional Material Allocation chart.

## **RECOMMENDED PROCEDURES FOR PREPARING THE BUDGET**

- 1) Before you prepare your budget, carefully review the Instructional Material Tentative Allocation Formula for the upcoming School Year.
- 2) Review object definitions.
- 3) Consider:
  - ❑ At least 50 % of the identified allocation shall be budgeted in objects **56107**.
  - ❑ School districts may budget up to 50% of the identified allocation in objects **56111**.
  - ❑ School districts may budget up to 25% of object code 56111 for “Other classroom materials”; in **56108**.
  - ❑ Estimated un-obligated cash balances may be budgeted in objects **56107** and **56111**.
  - ❑ Unliquidated obligations shall be budgeted in the appropriate object.

## **REPORTING PROCEDURES & REQUIREMENTS**

### **LOST OR DAMAGED BOOKS**

Money collected for the sale, loss, damage, or destruction of instructional material shall be deposited in the local instructional material fund and reported at the end of the fiscal year in the final annual report.

### **PROGRAM BUDGET ADJUSTMENT REQUESTS (BAR)**

- A budget adjustment requires PED approval and may take up to two weeks to finalize the authorization to make the budget changes.
- School districts will need to submit a BAR through the state OBMS for the following reasons:
  1. Increases or decreases in budget.
  2. To budget any interest earned.
  3. Adjust actual audited cash balance.
  4. Budgeting in Carryover Dollars: When public and charter districts'/schools' annual audits are finalized by state auditors, they must submit a Budget Adjustment Request (BAR) for the full amount to PED. This BAR must be accompanied with a copy of the audit page showing the district/school's cash balance.

### **TRANSFERS**

Transfers to the following object codes do not require PED approval and may be made at the local level:

- **Transfers from the Object Code #56111 SUPPLEMENTAL INSTRUCTIONAL MATERIALS** to Object Code #56107 ADOPTED CORE/BASAL INSTRUCTIONAL MATERIALS
- **Transfers from the Object Code #56111 SUPPLEMENTAL INSTRUCTIONAL MATERIALS** to Object Code #56108 OTHER CLASSROOM MATERIALS

NOTE: The Object Code #56107 ADOPTED CORE/BASAL INSTRUCTIONAL MATERIALS portion of the 50% allocation can only be used to purchase adopted core/basal items from the state multiple list. An “**Instructional Material Budget Waiver Request**” is needed to eliminate this constraint and requires PED approval. Please refer to that section of Supplement 9 for further details.



## **PUBLIC SCHOOL/DISTRICT INSTRUCTIONAL MATERIAL ANNUAL BUDGET REPORT**

### **Instructional Material Law (22-15-1 to 22-15-14, NMSA 1978)**

As required in Public School Code, Section 22-15-12 Annual Report requests that “annually, at a time specified by the Public Education Department, each local school board of a school district and each governing authority of a state institution, or private school acquiring instructional material pursuant to the Instructional Material Law (22-15-1 to 22-15-14 NMSA 1978) shall file a report with the PED.”

### **6.75/2 NMAC**

Section 6.75.2.9(1) of **6.75.2 NMAC: Responsibilities of Local School Boards or Governing Authorities**, states that “Annually, at a time specified by the department, each local school board of a school district and each governing authority of a state institution, or private school acquiring instructional material pursuant to the Instructional Material Law [22-15-1 to 22-15-14 NMSA 1978] shall file a report with the department. The annual report shall

include the total instructional material allocation received, the average per pupil cost, and year-end cash balances and other documentation as required by the department.”



This is an electronic form. Download and save before filling it out.

## 2010-2011 Annual Instructional Material Budget Report Public Schools

**Instructions for use:**

Enter all requested information. Save completed form and attach to an email addressed to: [larryp.bemesderfer@state.nm.us](mailto:larryp.bemesderfer@state.nm.us) with the subject "(District name) Annual IM Report"

District:  Date:

**Budget Director Contact Information**

Name/Title:

Street Address:  City/State/Zip:

Email:  Phone:  Fax:

**Superintendent Contact Information**

Name/Title:

Street Address:  City/State/Zip:

Email:  Phone:  Fax:

**This report is due August 1<sup>st</sup> at the Instructional Material Bureau.**

This form is available online at <http://www.ped.state.nm.us/InstructionalMaterial>

### Why do we require this report?

*"Annually, at a time specified by the department, each local school board of a school district and each governing authority of a state institution, or private school acquiring instructional material pursuant to the Instructional Material Law [22-15-1 NMSA 1978] shall file a report with the department that includes an itemized list of instructional material purchased by the eligible entity, by vendor; the total cost of the instructional material; the average per-student cost; and the year-end cash balance." (22-15-12 NMSA 1978)*

### Instructions

- ✓ Complete all items. All entries must be typed. Do not submit a handwritten report.
- ✓ Send the completed report as an attachment to [larryp.bemesderfer@state.nm.us](mailto:larryp.bemesderfer@state.nm.us).
- ✓ The subject line of the email should be: "(District name) IM Report"



## ❖ CHARTER SCHOOL DISTRICTS AND CHARTER SCHOOLS

### ALLOCATION AND DISBURSEMENT

Disbursement of the Instructional Material Fund is contingent on the entity's compliance with NM Public School Code 22.15, 6.75.2 NMAC, current legislative requirements and timely submissions of IMB Annual Budget Report and IMB Inventory reports.

- The charter school's total annual instructional materials budget is comprised of their initial allocation, carryover dollars, and final adjusted allocation for each school year.
- The charter school's total annual School Library Budget is comprised of their initial allocation, carryover dollars, and final adjusted allocation for each school year.
- All Districts, State Supported, ABE and Charter Schools may exercise Statute 22.15.9 (H): "allow districts/schools to expend up to 25% of the discretionary allocation (expenditure code 56111) for materials not approved on the multiple list for the purchase of "Other Classroom Materials".
- Statute 22.15.9 D: Requires local school boards or local governing boards to provide textbooks to each student for each class that conforms to curriculum requirements and to also allow students to take those textbooks home. School districts and Charter schools are required to adopt a policy to allow students to have textbooks and to be able to take them home when necessary.
- The Public Education Department (PED) will verify that inventory, cost records and procedures are in place through random instructional material audits conducted at sites.
- Each educational entity receiving IM funds must submit an Annual Instructional Material Inventory report prior to August.
- Each educational entity receiving IM funds must submit an Annual Instructional Material Budget report prior to August.

#### **Initial Allocation**

On or before April 1 of each fiscal year, the PED shall allocate to each school district, charter district, charter school, non-public school, governmentally controlled school, or state supported school, not less than 90% of the estimated entitlement based on the prior year forty-day membership. **The allocation calculations and the resulting disbursements are the responsibility of the Flowthrough Bureau of PED.**

#### **Budgeting in Carryover Dollars**

When the public and charter districts'/schools' annual audits are finalized by state auditors, they must submit a Budget Adjustment Request (BAR) through the state OBMS system for the full amount to the PED. This BAR must be accompanied with a copy of the audit page showing the district/school's cash balance.

#### **Adjusted Balance of the Annual Appropriation**

On or before January 31 of each year, the PED shall re-compute each entitlement using the forty-day membership for the current year and shall allocate the balance of the annual appropriation compensating for any over-or under-estimation made in the first allocation. **The allocation calculations and the resulting disbursements are the responsibility of the Flowthrough Bureau of PED.** Any additional pupil shall be counted as six pupils.

- Statute 22.15.9 D: Requires local school boards or local governing boards to provide textbooks to each student for each class that conforms to curriculum requirements and to also allow students to take those textbooks home. School districts and Charter schools are required to adopt a policy to allow students to have textbooks and to be able to take them home when necessary.
- The Public Education Department (PED) will verify that a policy is in place prior to releasing final instructional material funding.

### **Annual Appropriation for Following School Year**

On or before April of each year, the PED shall compute the following school year's annual appropriation and notify schools of this amount to assist them in completing their instructional material orders.

It is expected that instructional materials will be available for student/classroom use on the first day of school annually. To expedite this process districts and schools are urged to submit their instructional material orders to the depository by April 15, using the previous year's allocation to estimate the available funding. Purchase orders may not be issued until the start of the new fiscal year, July 1, for any funds that are part of the new allocation.

### **ALLOCATIONS AND PURCHASES REQUIREMENTS**

- ❖ The charter schools receive an initial 90% allocation based on the 40<sup>th</sup> day ADM projection for the school. In the second semester charters receive the adjusted 10% of the IM allocation based on the actual 40<sup>th</sup> day ADM. Charter schools have 100% discretionary use of their funds.
- ❖ The charter school's total annual School Library Budget is comprised of their initial allocation, carryover dollars, and final adjusted allocation for each school year.

### **DEVELOPMENT & REPORTING PROCEDURES**

Instructional material funds may only be spent on instructional material items, **and** all funds allocated annually plus any carryover balances should be expended. A charter school shall submit all budget requests (initial, adjusted, and Budget Adjustment Request) for instructional materials via the new Uniform Chart of Accounts electronic budget system provided by the Public Education Department. A hard copy submission will not be accepted.

The new school year allocation plus any carryover balance shall be budgeted and used to purchase instructional material items. A charter district and a charter school may use 100% of the allocation to purchase instructional material items that are not on the adopted multiple list.

Charter school districts and charter schools must include their cash balance as part of their annual budget. The cash carryover amount **must** be utilized for instructional material items, including those items that are not on the multiple list and shall be budgeted in the respective budget object. The instructional material allocation is budgeted in the 14000 Fund/sub-fund.

**Earnings (interest) from all deposits and investments shall be credited to the revenue account that provided the funds for investments, pending BAR approval.**

### **DOCUMENTS REQUIRED FOR BUDGET PREPARATION**

1. Administrative requirements and procedures for preparing instructional material budgets.
2. Instructional Material budget requirements for UCOA submissions.
3. Instructional Material Allocation Chart.

### **RECOMMENDED PROCEDURES FOR PREPARING THE BUDGET**

District and Charter schools may acquire their Instructional Material balance from their annual finalized audit. The balance in line item 14000 should be the amount that is submitted on a BAR through the

OBMS system. This is what is typically known as “carry-over”. This amount should also be the ending cash balance on the required Annual Instructional Material Budget Report.

1. Before you prepare your budget, carefully review the Instructional Material Tentative Allocation Formula for the upcoming School Year.
2. Reviews object definitions .
3. Consider:
  - ❑ Charter school districts and charter schools may budget their respective revenue in any of the identified objects (**56107, 56111, and 56108**).
  - ❑ Estimated un-obligated cash balances may be budgeted in object codes **56107, 56111, and 56108**.
  - ❑ Unliquidated obligations shall be budgeted in the appropriate object.

## **REPORTING PROCEDURES & REQUIREMENTS**

### **LOST OR DAMAGED BOOKS**

A charter school district and a charter school may hold the parent, guardian, or student responsible for the loss, damage, or destruction of instructional materials while the materials were in the possession of the student. A charter school district and a charter school may withhold the grades, diploma, and transcripts of the student responsible until the parent, guardian, or student has paid for the damage or loss. When the parent, guardian, or student is unable to pay for the damage or loss, the school district shall work with them to develop an alternative plan in lieu of payment. When a parent or guardian is determined to be indigent, the charter school district and/or the charter school shall bear the cost.

**Money collected for the sale, loss, damage, or destruction of instructional material shall be deposited in the local instructional material fund and reported at the end of the fiscal year in the final annual report.**

### **PROGRAM BUDGET FORM**

Charter Schools will need to submit a BAR for the following reasons:

1. Increases or decreases in budget.
2. To budget any interest earned.
3. Adjust actual audited cash balance.

Transfers from the object #56111 SUPPLEMENTAL INSTRUCTIONAL MATERIALS to object code #56107 ADOPTED CORE/BASAL INSTRUCTIONAL MATERIALS to object code #56108 OTHER CLASSROOM MATERIALS may be made at the local level and DO NOT require approval from the PED.

## **Charter School Instructional Materials Annual Budget Report**

### **Instructional Material Law (22-15-1 to 22-15-14, NMSA 1978)**

As required in Public School Code, Section 22-15-12 Annual Report requests that “annually, at a time specified by the Public Education Department, each local school board of a school district and each governing authority of a state institution, or private school acquiring instructional material pursuant to the Instructional Material Law (22-15-1 to 22-15-14 NMSA 1978) shall file a report with the PED.”

### **6.75/2 NMAC**

Section 6.75.2.9(1) of **6.75.2 NMAC: Responsibilities of Local School Boards or Governing Authorities**, states that “Annually, at a time specified by the department, each local school board of a school district and each governing authority of a state institution, or private school acquiring instructional material pursuant to the Instructional Material Law [22-15-1 to 22-15-14 NMSA 1978] shall file a report with the department. The annual report shall

include the total instructional material allocation received, the average per pupil cost, and year-end cash balances and other documentation as required by the department.”



**This is an electronic form. Download and save before filling it out.**

## 2010-11 Annual Instructional Material Budget Report Charter Schools

**Instructions for use:**

Enter all requested information. Save completed form and attach to an email addressed to: [larry.bemesderfer@state.nm.us](mailto:larry.bemesderfer@state.nm.us) with the subject "(School name) Annual IM Report"

School:  Date:

**Budget Director Contact Information**

Name/Title:

Street Address:  City/State/Zip:

Email:  Phone:  Fax:

**Superintendent Contact Information**

Name/Title:

Street Address:  City/State/Zip:

Email:  Phone:  Fax:

**This report is due August 1<sup>st</sup> to the Instructional Material Bureau.**

This form is available online at <http://www.ped.state.nm.us/InstructionalMaterial>

### Why do we require this report?

*"Annually, at a time specified by the department, each local school board of a school district and each governing authority of a state institution, or private school acquiring instructional material pursuant to the Instructional Material Law [22-15-1 NMSA 1978] shall file a report with the department that includes an itemized list of instructional material purchased by the eligible entity, by vendor; the total cost of the instructional material; the average per-student cost; and the year-end cash balance." (22-15-12 NMSA 1978)*

### Instructions

- ✓ Complete all items. All entries must be typed. Do not submit a handwritten report.
- ✓ Send the completed report as an attachment to [larry.bemesderfer@state.nm.us](mailto:larry.bemesderfer@state.nm.us).
- ✓ The subject line of the email should be: "(School name) IM Report"



## ❖ STATE SUPPORTED SCHOOLS

### ❖ ALLOCATION AND DISBURSEMENT

Disbursement of the Instructional Material Fund is contingent on the entity's compliance with NM Public School Code 22.15, 6.75.2 NMAC, current legislative requirements and timely submissions of IMB Annual Budget Report and IMB Inventory reports.

- The school's total annual instructional materials budget is comprised of their initial allocation, carryover dollars, and final adjusted allocation for each school year.
- The school's total annual School Library Budget is comprised of their initial allocation, carryover dollars, and final adjusted allocation for each school year.
- All Districts, State Supported and Charter Schools may exercise Statute 22.15.9 (H): "allow districts/schools to expend up to 25% of the discretionary allocation (expenditure code 56111) for materials not approved on the multiple list for the purchase of "Other Classroom Materials".
- The Public Education Department (PED) will verify that inventory, cost records and procedures are in place through random instructional material audits conducted at sites.
- Each educational entity receiving IM funds must submit an Annual Instructional Material Inventory report prior to August.
- Each educational entity receiving IM funds must submit an Annual Instructional Material Budget report prior to August.

#### **Initial Allocation**

On or before April 1 of each fiscal year, the PED shall allocate to each school district, charter district, charter school, private school or state supported school, not less than 90% of the estimated entitlement based on the prior year forty-day membership. The allocation calculations and the resulting disbursements are the responsibility of the Flowthrough Bureau of PED.

#### **Budgeting in Carryover Dollars**

When public and charter districts'/schools' annual audits are finalized by the state auditors, they must submit a Budget Adjustment Request (BAR) to the Flowthrough Bureau for the full amount to PED. This BAR must be accompanied with a copy of the audit page showing the district/school's cash balance.

#### **Adjusted Balance of the Annual Appropriation**

On or before January 31 of each year, the PED shall re-compute each entitlement using the forty-day membership for the current year and shall allocate the balance of the annual appropriation compensating for any over-or under-estimation made in the first allocation. The allocation calculations and the resulting disbursements are the responsibility of the Flowthrough Bureau of PED. Any additional pupil shall be counted as six pupils.

#### **Annual Appropriation for Following School Year**

On or before April of each year, the PED shall compute the following school year's annual appropriation and notify schools of this amount to assist them in completing their instructional material orders.

It is expected that instructional materials will be available for student/classroom use on the first day of school annually. To expedite this process districts and schools are urged to submit their instructional material orders to the depository by April 15, using the previous year's allocation to estimate the available funding. Purchase orders may not be issued until the start of the new fiscal year, July 1, for any funds that are part of the new allocation.

## **ALLOCATIONS AND PURCHASES REQUIREMENTS**

- The state supported schools receive an initial 90% allocation based on the 40<sup>th</sup> day ADM projection for the district. In the second semester districts receive the adjusted 10% of the IM allocation based on the actual 40<sup>th</sup> day ADM. A minimum of 50% may be spent on core/basal instructional materials and those must be on the PED authorized adopted list. A maximum of 50% may be used to purchase supplemental materials on or off the PED authorized adopted list.
- The school's total annual School Library Budget is comprised of their initial allocation, carryover dollars, and final adjusted allocation for each school year.

## **BUDGET DEVELOPMENT & REPORTING PROCEDURES**

Instructional material funds may only be spent on instructional material items, **and** all funds allocated annually plus carryover dollars should be expended. Each state supported school shall establish their tentative budget based on the revenue generated by the instructional material allocation formula. Cash carry over must be included in the annual budget. Each state supported school will budget their revenue as appropriate to meet identifiable instructional material needs. The budget must be submitted to the Instructional Material Bureau for approval **by June 20<sup>th</sup>** of each year.

Earnings (interest) from all deposits and investments shall be credited to the revenue account that provided the funds for investments, pending Budget Adjustment Request (BAR) approval.

## **PREPARATION FOR CASH BALANCE**

- 100% cash balance will be allowed to carry over into the next year.
- A copy of June's entity cash reconciliation report **must** be electronically submitted to the PED Financial Coordinator Susan Lucero, (susan.lucero@state.nm.us) by **August 1**. This will authorize and allow the entities to start spending cash balances.
- Estimated un-obligated cash balances may be budgeted in the **Instructional Materials** category.
- Unliquidated obligations shall be budgeted in the appropriate category.

## **DOCUMENTS REQUIRED FOR BUDGET PREPARATION**

1. Administrative requirements and procedures for preparing instructional material budgets.
2. Instructional Material Allocation Chart.

## **RECOMMENDED PROCEDURES FOR PREPARING THE BUDGET**

1. Before you prepare your budget, carefully review the Instructional Material Tentative Allocation Formula for the upcoming School Year.
2. Consider:
  - At least 50 % of the identified allocation shall be budgeted for Core/Basal Materials–50%.
  - State Supported Schools may budget up to 50% of the identified allocation in Supplementary instructional materials –50%.
  - Estimated un-obligated cash balances must be budgeted in Core/Basal materials 50% and Supplementary instructional materials–50%.
  - All Districts, State Supported, and Charter schools may exercise Statute 22.15.9 (H):“allow districts/schools to expend up to 25% of the discretionary allocation (expenditure code 56111) for

- materials not approved on the multiple list for the purchase of “Other Classroom Materials”.
- Unliquidated obligations shall be budgeted in the appropriate category.

## **REPORTING PROCEDURES & REQUIREMENTS**

### **LOST OR DAMAGED BOOKS**

A state institution may hold the parent, guardian, or student responsible for the loss, damage, or destruction of instructional materials while the materials were in the possession of the student.

**Money collected for the sale, loss, damage, or destruction of instructional material shall be deposited in the local instructional material fund and reported at the end of the fiscal year in the final annual report.**

|   |
|---|
| <h2 style="text-align: center;"><b>State Supported School Instructional Materials<br/>Annual Budget Report</b></h2> |
|---|

### **Instructional Material Law (22-15-1 to 22-15-14, NMSA 1978)**

As required in Public School Code, Section 22-15-12 Annual Report requests that “annually, at a time specified by the Public Education Department, each local school board of a school district and each governing authority of a state institution, or private school acquiring instructional material pursuant to the Instructional Material Law (22-15-1 to 22-15-14 NMSA 1978) shall file a report with the PED.”

### **6.75/2 NMAC**

Section 6.75.2.9(1) of **6.75.2 NMAC: Responsibilities of Local School Boards or Governing Authorities**, states that “Annually, at a time specified by the department, each local school board of a school district and each governing authority of a state institution, or private school acquiring instructional material pursuant to the Instructional Material Law [22-15-1 to 22-15-14 NMSA 1978] shall file a report with the department. The annual report shall include the total instructional material allocation received, the average per pupil cost, and year-end cash balances and other documentation as required by the department.”



This is an electronic form. Download and save before filling it out.

## 2010-2011 Annual Instructional Material Budget Report State Supported Schools

### Instructions for use:

Enter all requested information. Save completed form and attach to an email addressed to: [larryp.bemesderfer@state.nm.us](mailto:larryp.bemesderfer@state.nm.us) with the subject "(District name) Annual IM Report"

District:  Date:

### Budget Director Contact Information

Name/Title:

Street Address:  City/State/Zip:

Email:  Phone:  Fax:

### Superintendent Contact Information

Name/Title:

Street Address:  City/State/Zip:

Email:  Phone:  Fax:

**This report is due August 1<sup>st</sup> at the Instructional Material Bureau.**

This form is available online at <http://www.ped.state.nm.us/InstructionalMaterial>

### Why do we require this report?

*"Annually, at a time specified by the department, each local school board of a school district and each governing authority of a state institution, or private school acquiring instructional material pursuant to the Instructional Material Law [22-15-1 NMSA 1978] shall file a report with the department that includes an itemized list of instructional material purchased by the eligible entity, by vendor; the total cost of the instructional material; the average per-student cost; and the year-end cash balance." (22-15-12 NMSA 1978)*

### Instructions

- ✓ Complete all items. All entries must be typed. Do not submit a handwritten report.
- ✓ Send the completed report as an attachment to [larryp.bemesderfer@state.nm.us](mailto:larryp.bemesderfer@state.nm.us).
- ✓ The subject line of the email should be: "(District name) IM Report"



**2010-11 Annual Instructional Material Budget Report  
State Supported Schools – Page 2**

School:

| ITEM   | ADOPTED 56107 | SUPPLEMENTAL 56111 and 56108 | Online subscriptions (NM IDEAL) 56109 | Online subscriptions (Other) 56109 | Purchased Inst Mat <sup>1</sup> Software 56113 | LIBRARY 56114 | TOTAL |
|--|---------------|------------------------------|---------------------------------------|------------------------------------|--|---------------|-------|
| 2010-11 Allocation                               |               |                              |                                       |                                    |  | NA            |       |
| Carryover from 2009-10                           |               |                              |                                       |                                    |  |               |       |
| Recoveries from lost, damaged or destroyed books |               |                              |                                       |                                    |  |               |       |
| Interest earned on IM funds                      |               |                              |                                       |                                    |  |               |       |
| Outstanding Encumbrances                         |               |                              |                                       |                                    |  |               |       |
| Purchases through <b>iSTAR<sup>®</sup>Online</b> |               |                              |                                       |                                    |  |               |       |
| Purchases direct from publishers                 |               |                              |                                       |                                    |  |               |       |
| Ending Cash Balance 6/30/11                      |               |                              |                                       |                                    |  |               |       |

**Other Funds Used \*\***

| Funding Source | Amount |
|----------------|--------|
|                |        |
|                |        |
|                |        |
|                |        |

\*\*This information is being requested for the sole purpose of advocating for increased instructional material funding

**Additional Information required**

- Average cost per student:  (TOTAL 56107, 56111 AND 56108 EXPENDITURES ÷ NUMBER OF STUDENTS SERVED)
- Expenditures for SUPPLEMENTAL 56108 items:
- Depository used:
- How would you rate this depository?
 

|                          |                          |                          |                          |                          |                          |                          |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Poor                     |                          |                          |                          |                          |                          | Excellent                |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 1                        | 2                        | 3                        | 4                        | 5                        | 6                        |                          |



If you have any questions about completing or submitting this report, contact:

Cia Tapia: phone (505) 827-6415      email [cesaria.tapia1@state.nm.us](mailto:cesaria.tapia1@state.nm.us)  
 Larry Bemserderfer: phone (505) 827-3869      email [larry.bemserderfer@state.nm.us](mailto:larry.bemserderfer@state.nm.us)



## **❖ NON-PUBLIC SCHOOLS, PRIVATE SCHOOLS AND GOVERNMENTALLY CONTROLLED SCHOOLS**

Disbursement of the Instructional Material Fund is contingent on the non-public schools', private school's and governmentally controlled schools' compliance with NM Public School Code 22-15; 6.75.2 NMAC, current legislative requirements and timely submissions of required reports and documents.

IMB funding is dependent upon each school's compliance with PED required annual report information submitted annually. Failure to report the following information may result in the immediate suspension of instructional material funding for the current and subsequent school year:

- (1) PED 40-Day Student Membership Report; submission of the PED Data Collection electronic Membership Report, before January 1
- (2) Annual Instructional Material Budget Report; submission to Instructional Material Bureau, before August 1, and
- (3) Current Instructional Material Fund Application & copy of current accreditation form(s). Schools must submit an Instructional Material Fund Application and renew it every two years. Applications for the upcoming school year must be submitted prior to April 1.

- Schools must maintain an active account with the PED to receive annual instructional material funds. The Public Education Department will suspend the non-public schools, private schools and governmentally controlled schools' privileges for Instructional Material funding if there has been no expenditure activity by November 15<sup>th</sup> of the school year.

### **Instructional Material Fund Eligibility Procedures**

The school's total annual instructional materials budget is comprised of their initial allocation, carryover dollars, and final adjusted allocation for each school year.

- The Public Education Department will suspend the school's privileges for Instructional Material funding if there has been no expenditure activity by November 15<sup>th</sup> of the school year. To reinstate Instructional Material funding for the following school year the non-public schools, private schools and governmentally controlled schools must complete the application process before April 1.
- The PED will not release payments to the depository on the behalf of the school after December 31<sup>st</sup> of the current school year.

### **Instructional Material Fund Eligibility Reports**

The Public Education Department (PED) will verify that inventory, cost records and procedures are in place through random instructional material audits conducted at sites.

- Each educational entity receiving IM funds must submit an Annual 40-day PED Student Membership Report.
- Each educational entity receiving IM funds must submit an Annual Instructional Material Budget report.
- Each educational entity receiving IM funds must update the Instructional Material Inventory Report using the iSTAR system prior to August 1.

### **Initial Allocation**

On or before April 1 of each fiscal year, the PED shall allocate to each eligible school district, charter district, charter school, non-public, private school, governmentally controlled school and state supported school, not less than 90% of the estimated entitlement based on the prior year forty-day membership. **The allocation calculations and the resulting disbursements are the responsibility of the Flowthrough Bureau of PED.**

#### **Adjusted Balance of the Annual Appropriation**

On or before January 31 of each year, the PED shall re-compute each entitlement using the forty-day membership for the current year and shall allocate the balance of the annual appropriation compensating for any over–or under–estimation made in the first allocation. **The allocation calculations and the resulting disbursements are the responsibility of the Flowthrough Bureau of PED.**

#### **Annual Appropriation for Following School Year**

On or before April of each year, the PED shall compute the following school year’s annual appropriation and notify schools of this amount to assist them in completing their instructional material orders.

It is expected that instructional materials will be available for student/classroom use on the first day of school annually. To expedite this process districts and schools are urged to submit their instructional material orders to the depository by April 15, using the previous year’s allocation to estimate the available funding. Purchase orders may not be issued until the start of the new fiscal year, July 1, for any funds that are part of the new allocation.

### **ALLOCATIONS AND PURCHASES REQUIREMENTS**

- The eligible non-public schools, private schools and governmentally controlled schools receive an initial 90% allocation based on the 40<sup>th</sup> day ADM projection for the school. In the second semester the school receives the adjusted 10% of the IM allocation based on the actual 40<sup>th</sup> day ADM.
- All instructional material purchases must be made through the state depository, Archway.
- A minimum of 50% may be spent on core/basal instructional materials and those must be on the PED authorized adopted list. A maximum of 50% may be used to purchase supplemental materials on PED authorized adopted list. Orders must be submitted through the depository for payment by the PED.
- Schools are strongly encouraged to maintain copies of all records for purchases made with Instructional Material funds and to also maintain a “running balance” of their Instructional Materials fund.

### **BUDGET REQUIREMENTS**

The following will apply to all eligible non-public schools, private schools and governmentally controlled schools that are receiving Instructional Material funds:

- All educational entities are responsible for tracking their own cash balances and maintaining budget records. The balance should also match the ending cash balance on the required Annual Instructional Material Budget Report.
- Schools should verify their balance with the Public education Department Fiscal Flow Through Bureau, 827-3848. The balance should match the ending cash balance on the required Annual Instructional Material Budget Report.
- The Public Education Department will suspend the non-public schools, private schools and governmentally controlled schools’ privileges for Instructional Material funding if there has been no expenditure activity by November 15<sup>th</sup> of the school year. To reinstate Instructional Material funding for the following school year the school must complete the application process

before February.

- The Public Education Department will *not* reimburse payments to the depository on the behalf of the private school after December 31<sup>st</sup> of the current school year.
- All non-public schools, private schools and governmentally controlled schools must submit an Instructional Material Fund Application and renew it every two years. Applications for the upcoming school year must be submitted prior to April 1.
- Budget allocations are contingent on timely submissions of the school's 40-day PED Student Membership Count; submission IMB Annual Budget Report and IMB Inventory reports, due August 1.

## **BUDGET DEVELOPMENT**

Instructional material funds may only be spent on instructional material items, **and** all funds allocated annually plus any carryover dollars should be expended. The PED will provide each school with their tentative allocation based on the revenue generated by the instructional material allocation formula. **The allocation calculations and the resulting disbursements are the responsibility of the Flowthrough Bureau of PED.**

The PED will directly pay depositories for adopted materials purchased by private schools through the state depository. Requests from private schools for direct reimbursements will not be funded.

## **LOST OR DAMAGED BOOKS**

A school may hold the parent, guardian, or student responsible for the loss, damage, or destruction of instructional materials while the materials were in the possession of the student. **All money collected by a private school for the sale, loss, damage or destruction of instructional material received pursuant to the Instructional Material Law shall be sent to the PED.**

## **CASH DISBURSEMENTS PROCESS**

The PED will directly pay depositories for materials purchased by private schools. Contact the Fiscal Flow Through Bureau, 827-3848, for verification of balance and invoice information.

## **CLOSURE OF A PRIVATE SCHOOL**

**Section 6.75.2.10: RESPONSIBILITIES OF NON-PUBLIC SCHOOLS** Responsibilities of Local Schools Boards or Governing Authorities, states that "If closure of a non-public school is imminent, the school shall inform the chief in writing within 30-days of closure." Disposal of instructional material purchased with state Instructional Material funds shall follow these procedures:

- 1.) Letter from the school's representative providing details of the closure.  
Required Attachments:
  - i. Outline of details; including the specific plans for the disposal, donation or sale of textbooks and the timeline for closure; with signatures from the governing board
  - ii. Current contact information and
  - iii. New contact information (if appropriate)
  - iv. Submission of textbook inventory; inclusive of the publisher, title, ISBN, and quantity
- 2.) Expect a four to six week period for the information to be reviewed and final determination made. Additional information may be requested.
- 3.) Once the plan has been approved, the school board will be notified.

Mail completed packet to: New Mexico Public Education Department  
Instructional Material Bureau, Director  
Sally A. Wilkinson  
300 Don Gaspar  
Santa Fe, New Mexico 87501

## **REQUIRED NON-PUBLIC, PRIVATE AND GOVERNMENTALLY CONTROLLED SCHOOLS' FUNDING APPLICATION PROCESS**

- A. Beginning August 1, 2008, all Private Schools are required to fill out a new Instructional Material Fund Application, and renew it every 2 years. The application form includes the following:
  - Name of Private School, address
  - Instructional Material Contact at school (e-mail)
  - Student enrollment numbers
  - Intent to participate (current accreditation certificate enclosed )
  - Signature of Private School Chief Administrator
- B. New Private Schools to open for the Fall semester must have their Instructional Material Fund Application submitted before April 1 of the previous school year.
- C. Complete this web-based application online from the PED/IMB website;  
<http://ped.state.nm.us/InstructionalMaterial/index.html>
- D. Please e-mail the Instructional Material Fund Application form to: [cesaria.tapia1@state.nm.us](mailto:cesaria.tapia1@state.nm.us) AND MAIL A HARD COPY TO THE Bureau Chief with the current Accreditation Certificate.
- E. The Instructional Material Fund application form is included in the “Attachment” section of this manual, page 56.

|  |
|--|
| <p><b>Non-Public Schools, Private Schools and<br/>Governmentally Controlled Schools<br/>Instructional Materials Annual Budget Report</b></p> |
|--|

### **Instructional Material Law (22-15-1 to 22-15-14, NMSA 1978)**

As required in Public School Code, Section 22-15-12 Annual Report requests that “annually, at a time specified by the Public Education Department, each local school board of a school district and each governing authority of a state institution, or private school acquiring instructional material pursuant to the Instructional Material Law (22-15-1 to 22-15-14 NMSA 1978) shall file a report with the PED.”

### **6.75/2 NMAC**

Section 6.75.2.9(1) of **6.75.2 NMAC: Responsibilities of Local School Boards or Governing Authorities**, states that “Annually, at a time specified by the department, each local school board of a school district and each governing authority of a state institution, or private school acquiring instructional material pursuant to the Instructional Material Law [22-15-1 to 22-15-14 NMSA 1978] shall file a report with the department. The annual report shall include the total instructional material allocation received, the average per pupil cost, and year-end cash balances and other documentation as required by the department.”



This is an electronic form. Download and save before filling it out.

## 2010 - 2011 Annual Instructional Material Budget Report Non-public and Governmentally Controlled/BIE Schools

### Instructions for use:

Enter all requested information. Save completed form and attach to an email addressed to:  
[larryp.bemesderfer@state.nm.us](mailto:larryp.bemesderfer@state.nm.us) with the subject "(your school name) IM Report"

School:  Date:

Check here if BIE or BIE Grant School:

### Budget Director Contact Information

Name/Title:

Street Address:  City/State/Zip:

Email:  Phone:  Fax:

### Superintendent Contact Information

Name/Title:

Street Address:  City/State/Zip:

Email:  Phone:  Fax:

**This report is due August 1<sup>st</sup> at the Instructional Material Bureau.**

This form is available online at <http://www.ped.state.nm.us/InstructionalMaterial>

### Why do we require this report?

*"Annually, at a time specified by the department, each local school board of a school district and each governing authority of a state institution, or private school acquiring instructional material pursuant to the Instructional Material Law [22-15-1 NMSA 1978] shall file a report with the department that includes an itemized list of instructional material purchased by the eligible entity, by vendor; the total cost of the instructional material; the average per-student cost; and the year-end cash balance." (22-15-12 NMSA 1978)*

### Instructions

- ✓ Complete all items. All entries must be typed. Do not submit a handwritten report.
- ✓ Send the completed report as an attachment to [larryp.bemesderfer@state.nm.us](mailto:larryp.bemesderfer@state.nm.us).
- ✓ The subject line of the email should be: "(School name) IM Report"



**2010-11 Annual Instructional Material Budget Report  
Non Public/Governmentally Controlled/BIE Schools  
Page 2**

School:

| ITEM  | ADOPTED<br>56107 | SUPPLEMENTAL<br>56111 and<br>56108 | Online<br>subscriptions<br>(NM IDEAL)<br>56109 | Online<br>subscriptions<br>(Other)<br>56109 | Purchased<br>Inst Mat'l<br>Software<br>56113 | TOTAL |
|---|------------------|------------------------------------|--|---|--|-------|
| 2010-11 Allocation                                  |                  |                                    |  |   |  |       |
| Carryover from 2009-10                              |                  |                                    |  |   |  |       |
| Recoveries from lost, damaged or<br>destroyed books |                  |                                    |  |   |  |       |
| Interest earned on IM funds                         |                  |                                    |  |   |  |       |
| Outstanding Encumbrances                            |                  |                                    |  |   |  |       |
| Expenditures  |                  |                                    |  |   |  |       |
| Ending Cash Balance 6/30/11                         |                  |                                    |  |   |  |       |

**Other Funds Used \*\***

| Funding Source | Amount |
|----------------|--------|
|                |        |
|                |        |
|                |        |
|                |        |

\*\*This information is being requested for the sole purpose of advocating for increased instructional material funding

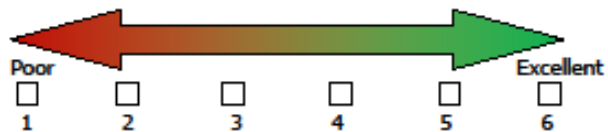
**Additional Information required**

1. Average cost per student:  (TOTAL 56107, 56111 AND 56108 EXPENDITURES ÷ NUMBER OF STUDENTS SERVED)

2. Expenditures for SUPPLEMENTAL 56108 items:

3. Depository used:

4. How would you rate this depository?



If you have any questions about completing or submitting this report, contact:

Cia Tapia: phone (505) 827-6415      email [cesaria.tapia1@state.nm.us](mailto:cesaria.tapia1@state.nm.us)  
 Larry Bemserderfer: phone (505) 827-3869      email [larryv.bemesderfer@state.nm.us](mailto:larryv.bemesderfer@state.nm.us)



## III. SCHOOL LIBRARY MATERIAL FUND

### INTRODUCTION

**Eligibility:** A qualified student attending a public school, governmentally controlled school or a state institution 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.

A school district, charter school, governmentally controlled or state institution shall purchase school library material as an agent for the benefit of students entitled to the free use of school library material. The cost of purchasing school library material may include shipping and handling charges for the delivery of school library material. All funds allocated annually plus carryover dollars should be expended.

School Library Materials funds may only be spent on school library material items, such as:

- Library books
- Reference books for the library
- Library processing materials
- Educational media
- Magazine subscriptions
- Periodical data bases
- Online Reference data bases
- Inventory Data Bases

No hardware, furniture, or equipment purchases can be made with School Library Funds.

A school district, charter school, governmentally controlled school and state institution 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.

### GENERAL PROCEDURES

#### DEFINITIONS

**Additional student**-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

**Bureau**-the instructional material bureau of the New Mexico Public Education Department

**Fund**-the School Library Material Fund, 14000; Function 2000

**Library Books**-printed, digital and electronic books

**Library material processing**-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

**Magazine subscriptions- Magazines, periodicals, glossies or serials** are publications which may be printed or electronic, generally published on a regular schedule, containing a variety of articles, generally financed by advertising, by a purchase price, by pre-paid magazine subscriptions, or all three. Magazines can be distributed through the mail; through sales by newsstands, bookstores or online.

**Membership** - means the total enrollment of qualified students on the fortieth (40<sup>th</sup>) day of the school year entitled to the free use of school library material pursuant to the School Library Material Act

**Qualified student**-a public school, governmentally controlled school, or state supported 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 Secretary of Education for public school students; and
- (3) is at least five years of age prior to 12:01 a.m. on September 1 of the school year; or
- (4) 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 Public Education Department

**School library material** - books, e-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.

## **DISTRIBUTION**

On or before July 1 of each year, the New Mexico Public Education Department shall distribute from the fund at least ninety percent of the estimated entitlement for each school district, charter school, governmentally controlled school and state institution as determined from the estimated forty-day membership for the next school year to each school district and state institution. The entitlement of a school district, charter school, governmentally controlled school or state institution 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.

On or before January 31 of each year, the New Mexico Public Education Department shall re-compute 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.

A school district, charter school, governmentally controlled school or state institution 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. Schools are strongly encouraged to spend all dollars allocated annually.

## **SALE OF SCHOOL LIBRARY MATERIAL**

1. The money from the sale of library books/materials reverts to the district's School Library Fund.

- NM State School Library funding is categorical funding; therefore, any revenues received from the sale of textbooks must be added back into your district instructional material fund. A Budget Adjustment Request (BAR) is required for this IM fund increase.
  - Per the “anti-donation” clause, schools/districts are NOT allowed to donate library books/materials to any organization that will sell them. The books/materials may certainly be donated to other agencies, schools, organizations that will use them but not resell them.
2. With the approval of the Instructional Material Bureau Chief, school library material acquired by a school district, charter school, governmentally controlled school or state institution pursuant to the School Library Material Act may be sold at a price determined by officials of the school district, charter school, or state institution. The selling price shall not exceed the cost of school library material to the state. The sale of library books/materials must be determined appropriate and therefore the following requirements must be met by the school/district:
1. A letter of justification and the request to sell the items with signature of the superintendent and/or governing board president.
  2. Inventory listing of the /books/materials; including Publisher, ISBN, quantity
  3. Reassurance that the sale price does not exceed the initial cost of the material

An e-mail or hard copy request should be sent to IMB Chief, Sally A. Wilkinson, at [sally.wilkinson@state.nm.us](mailto:sally.wilkinson@state.nm.us) or 300 Don Gaspar – Room G12A, Santa Fe, NM 87501.

### **LOSS OR DAMAGE OF SCHOOL LIBRARY MATERIAL**

A school district, charter school, governmentally controlled school or state institution 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 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 Secretary of Education, the school district shall bear the cost.

### **RECORD OF SCHOOL LIBRARY MATERIAL**

A school district, governmentally controlled school or state institution shall keep an accurate record locally of school library material that includes a cost record. A school district or state institution shall comply with record-keeping procedures prescribed by the bureau. As determined by the Instructional Material Bureau random inventory audits will be conducted at sites.

|                             |                   |                      |
|-----------------------------|-------------------|----------------------|
| <b>❖ OBJECT DEFINITIONS</b> | <b>14000 Fund</b> | <b>Function 2000</b> |
|-----------------------------|-------------------|----------------------|

**The Instructional Material Annual Budget Report consists of the Instructional Material Fund and the School Library Fund.**

**Note:** You may not transfer funds from the School Library Fund to the Instructional Material Fund **and** you may not transfer IM funds to the School Library fund. These are two **different, separate** programs with two different, separate funding expenditure codes.

## **REVENUE CODE**

### **43202 PED STATE FLOW THROUGH GRANTS**

Revenue from the State appropriated grants that flow through the Public Education Department.

## **EXPENDITURE CODE**

### **56114 Library and Audio-Visual**

Supplies used in the library such as catalog cards, charge slips, rubber stamps, display letters, stationary, postage and other materials used in operating library and audio-visual/media centers.

This includes cost of school library books, pamphlets, encyclopedias, reference books, periodicals and newspapers for general use by students in library/media centers.

**Note:** You may not transfer funds from the Library fund to the IM fund **and** you may not transfer IM funds to the Library fund. These are two **different, separate** programs with two different, separate funding expenditure codes.



## IV. REGULATIONS & POLICY

### NEW MEXICO DISTRICT REQUIREMENTS

#### **Instructional Material Law (22-15-1 to 22-15-14, NMSA 1978)**

22-15-4 E

##### **22-15-4. Bureau; duties.**

Subject to the policies and regulations of the department, the bureau shall:

- A. administer the provisions of the Instructional Material Law [22-15-1 NMSA 1978];
- B. enforce rules for the handling, safekeeping and distribution of instructional material and instructional material funds and for inventory and accounting procedures to be followed by school districts, state institutions, and private schools pursuant to the Instructional Material Law;
- C. withdraw or withhold the privilege of participating in the free use of instructional material in case of any violation of or noncompliance with the provisions of the Instructional Material Law or any rules adopted pursuant to that law;
- D. enforce rules relating to the use and operation of instructional material depositories in the instructional material distribution process; and
- E. enforce rules that require local school boards to implement a process that ensures that parents and other community members are involved in the instructional material review process.

#### **Instructional Material Law (22-15-7 B. C. NMSA 1978)**

- B. Instructional material shall be distributed to school districts, state institutions, and private schools as agents for the benefit of students entitled to the free use of the instructional material.
- C. Any school district, state institution, private school as agent, receiving instructional material pursuant to the Instructional Material Law [22-15-1 NMSA 1978] is responsible for distribution of the instructional material for use by eligible students and for the safekeeping of the instructional material

#### **Instructional Material Law (22-15-8 B. C. NMSA 1978)**

B. Pursuant to the provisions of the Instructional Material Law, each school district, state institution, or private school as agent may select instructional material for the use of its students from the multiple list adopted by the department. Local school boards shall give written notice to parents and other community members and shall invite parental involvement in the adoption process at the district level. Local school boards shall also give public notice, which notice may include publication in a newspaper of general circulation in the school district.

#### **Instructional Material Law (22-15-12 NMSA 1978)**

As required in Public School Code, Annual Report requests that “annually, at a time specified by the Public Education Department, each local school board of a school district and each governing authority of a state institution, or private school acquiring instructional material pursuant to the Instructional Material Law (22-15-1 to 22-15-14 NMSA 1978) shall file a report with the PED.”

**Instructional Material Law (22-15-9 D, NMSA 1978):**

Requires local school boards or local governing boards to provide textbooks to each student for each class that conforms to curriculum requirements and to also allow students to take those textbooks home. School districts and Charter schools are required to adopt a policy to allow students to have textbooks and to be able to take them home when necessary.

**Instructional Material Law (22-15-11, NMSA 1978):**

Requires each school district, state institution, or private school to keep accurate records of all instructional material, including cost records, on forms and by procedures prescribed by the division.

**Instructional Material Law (22-15-14, NMSA 1978):**

A. Annually, the department of education [public education department] shall submit a budget for the ensuing fiscal year to the department of finance and administration showing the expenditures for instructional material to be paid out of the instructional material fund, including reasonable transportation charges and emergency expenses.

B. Upon request, the department of education [public education department] shall make reports to the state board [department] concerning the administration and execution of the Instructional Material Law [22-15-1 NMSA 1978].



**RULE 6.75.3 NMAC**

**6.75.2.8 REQUIREMENTS: RESPONSIBILITIES OF THE DEPARTMENT**

A. Annual adoption. There shall be one (1) annual adoption, provided however, that the department may allow other adoptions upon a finding that an emergency is determined to exist.

B. Material shall be adopted for a period of six years. The subject area of each annual adoption shall consist of those subject areas whose adoption period expires at the end of the year during which the adoption is conducted.

C. The department will issue the request for applications (RFA). The RFA shall specify:

- (1) timelines for adoption, requisition, and distribution of instructional material;
- (2) length of publisher’s agreement;
- (3) a submission fee to be collected by the department not to exceed the retail value of the materials submitted for adoption; and
- (4) such other terms and conditions as the department determines.

D. The chief, subject to review by the department, may reject any application that fails to comply fully with the provisions of the request for applications, or may reject any or all applications.

E. The department may accept any conforming application which is determined to be most advantageous to the state, considering the educational value of material, cost to state, reliability of the publisher, and all other significant factors.

F. The department shall conduct an annual summer review institute during the first full week of June each year for the review of core/basal texts submitted for the current adoption.

G. In conducting the summer review institute, the department shall:

- (1) appoint highly qualified teachers (licensure levels 2 and 3-A) who are endorsed in the content areas under review as the reviewers of record; to the extent possible, reviewers will be selected proportionally across the state from the eight local school board regions and Albuquerque;

(2) appoint highly qualified teachers (licensure levels 2 and 3-A) as facilitators of the review teams;

(3) appoint New Mexico community members, parents, level one teachers, and students preparing for careers as teachers to observe the reviewers of record in the review;

(4) contract with qualified vendors to arrange venue management and to provide for meals, lodging and compensation consistent with prevailing rates for facilitators and reviewers; and

(5) where appropriate as determined by the chief, reimburse other personnel who have contracted or agreed to provide services such as clerical support, process management, additional supervision or training for mileage, provided they meet state qualification standards for mileage reimbursement, and provide room and board and meal reimbursement not to exceed state standards for meal reimbursement.

H. Printed and digital materials under review shall be scored according to the extent of their alignment with state content and performance standards, pedagogy consistent with current educational taxonomies, and other relevant criteria.

I. The department shall develop and use a standardized review form incorporating the scoring rubric and space for the publishers' alignment citations and the reviewer's scores.

J. The review form shall be divided into two sections.

K. Section I shall consist of citations showing alignment with New Mexico standards and benchmarks and shall include scorable performance indicators for all relevant standards and benchmarks consistent with Bloom's taxonomy or other generally accepted taxonomies as determined by the content bureau.

L. Section II shall consist of citations showing that the material under review meets other relevant criteria, including but not limited to:

(1) is built around effective pedagogy and instructional design;

(2) incorporates the principles of culturally responsive pedagogy and differentiated instruction;

(3) incorporates and reflects current educational taxonomies supporting the development of higher order thinking skills;

(4) has no factual error;

(5) has no religious affiliation or partisanship;

(6) has no cultural bias or gender bias;

(7) demonstrates and reflects images, references and points of view reflecting a multicultural society;

(8) integrates digital learning content within the text;

(9) supports differentiated or personalized learning through style, pace, or needs;

(10) can be adapted or configured by teacher to meet evolving needs;

(11) supports accountability through integration of assessments and content; and

(12) provides both formative and summative assessment opportunities.

M. Core/basal materials may also be scored on the basis of research-based, data proven effectiveness, publisher-provided professional development, pedagogy consistent with current educational taxonomies and other relevant criteria as determined by the bureau chief or developed in consultation with the content bureau and other highly qualified educational practitioners.

N. The materials under review shall be scored as follows.

(1) Core/basal materials that achieve a final total score of 90% or higher alignment with state content and performance standards and other relevant criteria may be

considered for recommendation to the secretary for adoption as core/basal materials.

(2) Core/basal materials that score less than 90% alignment but greater than 80% with state content and performance standards and other relevant criteria shall be re-assessed by a second panel of reviewers for validation of the score.

(3) The chief, subject to the review of the department, may also convene a departmental panel of reviewers in order to ensure the validity and reliability of the review process.

(4) Core/basal materials that score less than 90% alignment with state content and performance standards and other relevant criteria will be recommended to the secretary for adoption as supplemental.

(5) Submitted supplemental titles may also be considered for recommendation to the secretary for adoption as supplemental materials.

O. Educational digital media. The contract, review, and evaluation process and standards involving digital, electronic, or web-based materials and media shall be the same as print materials, with these qualifications.

(1) Educational digital media shall comply with current interoperability standards; and any other specifications deemed necessary by the chief for an appropriate and effective review of educational digital media.

(2) Equipment such as computer hardware, technology devices or equipment intended to deliver or display the material but which are not instructional materials shall not be offered free or at reduced prices with instructional materials. This includes but is not limited to computers, laptops, handheld devices, microscopes, CD/DVD players, overhead or LCD projectors, electronic whiteboards, phone/music/transmitting and listening devices, and cameras.

(3) Publishers are required to provide to the instructional material bureau at the time of the review any hardware, software, or special equipment which may be needed for a review of instructional material.

(4) Publishers will be responsible for costs associated with the provision of needed hardware, software or special equipment.

(5) Materials requiring proprietary equipment provided by or through the publisher will not be considered for adoption.

P. Subsequent to the review, materials will be recommended to the secretary for adoptions by a panel of reviewers and department staff. The secretary will authorize adoption of instructional materials no later than August 1 of each adoption cycle.

Q. Pursuant to Section 22-15-13 NMSA 1978, the department may enter into a publisher's agreement for the purchase and delivery of instructional material selected from the multiple list adopted by the department.

R. Administration. It is the responsibility of the instructional material bureau to administer the provisions of the Instructional Material Law (22-15-1 NMSA 1978). The bureau shall issue such additional guidance, clarification and direction as deemed necessary by the chief to promote effective, efficient and equitable processes for all bureau responsibilities pertaining to the free use of instructional materials. This material shall be compiled or revised annually and issued as a supplement to 6.75.2 NMAC. The supplement is hereby incorporated by reference as if fully set out within this document. In addition, the bureau shall develop, implement and maintain procedures to address the requirements that:

(1) funds are efficiently allocated by the instructional material bureau to districts, charter schools, and state-supported schools using estimated forty-day membership for the next school year;

- (2) funds are efficiently allocated by the instructional material bureau for non-public schools using estimated forty day membership for the next school year;
- (3) funds are efficiently disbursed by the flowthrough bureau of the administrative services division to districts, charter schools, and state-supported schools;
- (4) funds are efficiently reimbursed by flowthrough bureau of the administrative services division to depositories on behalf of non-public schools after determining that the materials purchased meet state requirements;
- (5) schools wishing to use instructional material funds to purchase non-adopted materials are provided with examples and assistance in determining whether the desired materials are allowed under instructional material law; and
- (6) the state is receiving the lowest price offered for materials.

S. Pursuant to Subsections A and B of 22-15-4 NMSA 1978 the bureau shall, at the discretion of the chief, conduct periodic audits of the instructional material accounts and textbook inventories required under Subsections E and F of 6.75.2.9 NMAC and by Paragraphs (3) through (5) of Subsection C of 6.75.2.10 NMAC, of any entities receiving funds under the provisions of Instructional Material Law.

T. Pursuant to Subsection C of 22-15-4 NMSA 1978 the bureau shall withdraw or withhold the privilege of participating in the free use of instructional material in case of any violation of or noncompliance with the provisions of the Instructional Material Law or any rules adopted pursuant to that law;

U. The department shall consider for approval, requests for waiver by the local superintendent to use funds allocated for the purchase of adopted core/basal instructional material to purchase non-adopted or supplemental material. The request shall include the specific materials to be purchased, the cost of the purchase and justification for the purchase relating to the improved performance of students.

[6.75.2.8 NMAC - Rp, 6.75.2.8 NMAC, 09/15/10]



**6.75.2.9 REQUIREMENTS: RESPONSIBILITIES OF LOCAL SCHOOL BOARDS OR GOVERNING AUTHORITIES**

A. Each local school board shall develop and implement a process for the selection of instructional materials and shall ensure that parents and other community members are involved in the implementation of this process.

B. Schools and districts must submit to authorized New Mexico depositories or authorized New Mexico in-state distribution points all requisitions for instructional materials for the next school year no later than April 15, unless justification is provided. Delivery schedules are to be as follows.

(1) For core and supplemental instructional materials requisitions received by the New Mexico depository or in-state distribution point prior to April of each year, delivery to schools shall be made by the later of the following dates: within thirty (30) days prior to the beginning of classes, or by July 1.

(2) Core and supplemental orders received after April 15 will be delivered by the later of the following dates: within sixty (60) days after the receipt of the order or August 1.

(3) For free instructional material requisitions received by the New Mexico depository or in-state distribution point prior to April 15, delivery to schools shall be made by the later of the following dates: within thirty (30) days prior to the beginning of classes, or by July 1.

(4) Free instructional material requisitions received after April 15 will be

delivered by the later of the following dates: within sixty (60) days after the receipt of the order or August 1.

C. Each public school district, charter school, and state institution may purchase items of instructional material as defined herein and not on the state-adopted list by issuing a purchase order to the publisher or the publisher's authorized agent. The entity is responsible for payment to the vendor/publisher, etc. The cost of the items, plus transportation charges, will be charged to the supplemental funds (50 % of the total allocation) line item of the entity's instructional material allocation.

D. If entities do not receive their orders on a timely basis, they shall provide to the bureau written documented evidence of ordering dates and other pertinent information as required by the department.

E. Annually, at a time specified by the department, each local school board of a school district and each governing authority of a state institution or non-public school acquiring instructional material pursuant to the Instructional Material Law (22-15-1 to 22-15-14 NMSA 1978) shall file a report with the department. The annual report shall include the total instructional material allocation received, the average per pupil cost, year-end cash balances and other documentation as required by the department.

F. Pursuant to the Instructional Material Law (22-15-1 to 22-15-14 NMSA 1978), each local school board of a school district and each governing authority of a state institution or non-public school shall keep an itemized list of instructional materials purchased by school and publisher.

G. Disposal of instructional materials.

(1) Out of adoption (older than 6 years). Instructional material deemed unusable/obsolete does not require PED-IMB approval to discard or donate. These items may be disposed of at the district/school's discretion.

(2) In-adoption (still within the 6 year cycle).

(a) A district/school wishing to discard, donate or give away instructional material still listed on the NM multiple adoption list that must obtain PED-IMB approval. The request shall include a letter justifying the request to discard, donate or give the items away and an inventory listing of the materials shall be provided to the chief.

(b) A district/school wishing to sell instructional material that is under adoption does not require PED-IMB approval. All funds received from the sale of the material must be remitted to PED-IMB for redeposit in the school's/district's instructional material account.

(3) Upon order of the chief, a school/district, state institution, or non public school shall transfer to the department or its designee instructional material purchased with instructional material funds that is in usable condition and for which there is no use expected by the respective schools.

H. All entities receiving monies for instructional materials will be provided training on the process of obtaining funds, ordering materials, receiving funds, returning funds for sold or lost materials, and completing the annual report.

[6.75.2.9 NMAC - Rp, 6.75.2.9 NMAC, 10/15/10]

#### **6.75.2.10 REQUIREMENTS: RESPONSIBILITIES OF NON-PUBLIC SCHOOLS**

A. Instructional material funds shall be distributed to nonpublic schools as agents for the benefit of students entitled to the free use of the instructional material (22-15-7 NMSA 1978).

B. Eligibility to participate in the free use of instructional materials is authorized by application to the chief. Application must be made by April 1 preceding the first school year for which participation is requested.

(1) Upon approval, the non-public school is authorized to participate in the fund for two consecutive years.

(2) Application to renew participation for an additional two years must be made by April 1 in the second year of participation.

C. Funding is dependent upon the nonpublic school meeting the following requirements.

(1) Provide all information requested on the initial application and on all applications for renewal.

(2) Submit a 40-day membership count annually.

(3) Submit an annual instructional material budget report by August 1.

(4) Submit an annual instructional material inventory report by August 1.

(5) Submit requested reports as deemed necessary by the bureau.

(6) If the nonpublic school shows no instructional material budget activity by November 15th of the school year, the school's participation in the free instructional material process will be suspended for the remainder of the school year. To reinstate the funding for the following school year the school must complete a re-application process before February.

D. The non-public school as agent receiving instructional material pursuant to the Instructional Material Law (22-15-1 NMSA 1978) is responsible for distribution of the instructional material for use by eligible students and for the safekeeping of the instructional material.

E. The non-public school may select instructional material for the use of its students from the multiple list adopted by the department. Each non-public school may also purchase items of instructional material as defined herein and not on the state-adopted list provided such purchases are made through a New Mexico instructional material depository or a New Mexico in-state distribution point.

F. Schools must submit all instructional materials requisitions for the next school year no later than April 15, unless justification is provided. Delivery schedules are the same as specified in Paragraphs (1) through (4) of Subsection B of 6.75.2.9 NMAC.

G. The department shall provide payment to a publisher or depository on behalf of a non-public school for instructional material as defined above.

H. Any balance remaining in an instructional material account of a non-public school at the end of the fiscal year shall remain available for reimbursement by the department for instructional material purchases in subsequent years.

I. Disposal of instructional materials.

(1) If closure of a non-public school is imminent, the school shall inform the chief in writing within 30-days of closure. Disposal of instructional material purchased with state instructional material funds shall follow these procedures.

(2) Out of adoption (older than 6 years). Instructional material deemed unusable/obsolete does not require PED-IMB approval to discard or donate. These items may be disposed of at the nonpublic school's discretion.

(3) In-adoption (still within the 6 year cycle)

(a) A nonpublic school wishing to discard, donate or give away instructional material still listed on the NM multiple adoption list must obtain PED-IMB approval. The request shall include a letter of justification and the request to discard, donate or

give the items away and an inventory listing of the materials

(b) A nonpublic school wishing to sell instructional material that is under adoption must obtain PED-IMB approval. All funds received from the sale of the material must be remitted to PED-IMB.

(4) Upon order of the chief, a school district, state institution, or non public school shall transfer to the department or its designee instructional material purchased with instructional material funds that is in usable condition and for which there is no use expected by the respective schools.

J. All money collected by a non-public school for the sale, loss, damage or destruction of instructional material received pursuant to the Instructional Material Law shall be sent to the department of education.

K. The non-public school as agent receiving instructional material shall keep accurate records of all instructional material, including cost records, on forms and by procedures prescribed by the division.

L. Annually, at a time specified by the department, each governing authority of a non-public school acquiring instructional material pursuant to the Instructional Material Law shall file a report with the department that includes an itemized list of instructional material purchased, by vendor; the total cost of the instructional material; the average per-student cost; and the year-end cash balance.

[6.75.2.10 NMAC - N, 10/15/10]



#### **6.75.2.11 REQUIREMENTS: RESPONSIBILITIES OF PUBLISHERS**

A. Publisher's agreements shall be returned to the department fully executed by the publisher no later than thirty (30) days after receipt by the publisher. Failure to return the fully executed publisher's agreement may result in the rejection of the publisher's application.

B. Publisher's agreements shall be for a period of six (6) years, except where material is necessary for:

(1) the completion or update of a series or educational media previously adopted;

or

(2) the transfer of a subject from one section to another.

C. The publisher's agreement shall:

(1) require that the publisher agrees to furnish and provide distribution to the schools the instructional material submitted and adopted;

(2) require that the publisher agrees to keep sufficient stock at the designated New Mexico instructional material depository or New Mexico instructional material in-state distribution point to assure delivery in accordance with the timelines set forth in this regulation;

(3) require that if delivery of instructional material is delayed beyond deadlines established in 6.75.2.12 NMAC or specified in correspondence to the publisher by the chief, the publisher shall pay the NMPED \$100 per day for each day delivery is delayed, up to a maximum of \$10,000 per title, as liquidated damages, to include instructional materials labeled/promoted as being of no cost or at reduced price;

(4) require that the publisher (or designee) agrees to bill the public school districts, charter schools and state supported schools for instructional material ordered;

(5) require that the publisher (or designee) agrees to bill the New Mexico public education department on the behalf of the nonpublic schools;

(6) require that all materials submitted for adoption and sale in the state of New Mexico conform to the requirements of the Consumer Product Safety Improvement Act;

(7) require that the publisher agrees to submit files of adopted instructional materials that conform to the national instructional material accessibility standard (NIMAS) at no additional cost to the national instructional material accessibility center (NIMAC) repository at the American printing house for the blind (Section 22.15.26-29 NMSA, 1978 “Braille Access Act”, and 6.75.4 NMAC);

(8) require the publisher to maintain, for three years after the termination or expiration of the agreement, or after any court proceedings involving this agreement, copies of all billings generated under this agreement.

D. Qualifications.

(1) Publishers are required to provide to the instructional material bureau at the time of the review any hardware, software, or special equipment which may be needed for a review of instructional material.

(2) Publishers will be responsible for costs associated with the provision of needed hardware, software or special equipment.

(3) Items of instructional material, including accompanying material, must be in proof format by the adoption date and in finished format by May 1 immediately preceding the annual instructional material summer review institute.

(4) Substitutions of new or revised editions will be allowed by the chief:

(a) only if the substitution will be advantageous to the user schools;

(b) subject to all terms and conditions of the original publisher’s agreement, including price; and

(c) upon a determination by the chief that the proposed changes are minor, the new edition is substantially the same material as the old edition, and a special review is not necessary.

(5) Software updates that improve functionality, performance, or accuracy may be allowed after review by the chief.

(6) Materials designated by the publisher on the final approved list as free or reduced cost material and services such as teachers' editions, workbooks, duplicating masters, in service training, consultants, etc., will be made available at no cost or at a reduced cost to any schools that adopt its instructional material.

(7) Free or reduced cost materials or service may not include computer hardware, technology devices or equipment intended to deliver or display the material but which are not instructional materials. This includes but is not limited to computers, laptops, handheld devices, microscopes, CD/DVD players, overhead or LCD projectors, electronic whiteboards, phone/music/transmitting and listening devices, and cameras.

(8) Any free or reduced cost material or service described on the state adoption list and made available at no cost or at a reduced cost to a school that adopts its instructional material will be made available on an equitable basis to all schools that adopt its instructional material.

(9) The quantity of free or reduced price material provided shall be calculated according to the number of teachers using the material, and not according to the amount of material purchased.

(10) The publisher shall make no offer of free or reduced price material or services that have not been designated as such on the final approved list.

(11) If the publisher fails to list all free or reduced price material and services the publisher will be suspended from participation in the New Mexico instructional material process until such time as the department determines that the publisher shall be allowed to resume

participation.

(12) If the publisher fails to make available at no cost or at a reduced cost to all schools the same material or service that is offered or provided at no cost or at a reduced cost to any school, the publisher will be suspended from participation in the New Mexico instructional material process until such time as the department determines that the publisher shall be allowed to resume participation.

E. The publisher shall designate a New Mexico instructional material depository meeting the criteria established in Subsection C of 6.75.2.12 NMAC or a New Mexico in-state distribution point meeting the criteria established in Subsection C of 6.75.2.13 NMAC for the distribution of instructional material and to act as the agent for the publisher for requisition, billing, and receipt of payments for the purchase of instructional material.

F. The publisher shall provide samples of core/basal student and teacher instructional materials as well as other material they deem necessary to provide adequate instruction to designated regional review centers within thirty (30) days of the finalization of a publisher's agreement.

G. The publisher shall reduce the price of instructional material under publisher's agreement in New Mexico when prices are reduced elsewhere in the United States so that no such item or items shall at any time be sold in New Mexico at a higher wholesale price than received for items elsewhere in the United States, like conditions prevailing.

H. The publisher shall ensure the use of the international standard book number (ISBN) system where applicable.

I. Publishers are prohibited from conducting a pilot program in which schools receive free materials and professional development during the eighteen (18) month period previous to the official date of adoption of those materials (August 1 for each cycle).

J. Challenges to review scores must be filed by the publisher within ten working days of receipt of the price agreement from the department.

[6.75.2.11 NMAC - Rp, 6.75.2.10 NMAC, 10/15/10]



### **6.75.2.12 REQUIREMENTS: RESPONSIBILITIES OF NEW MEXICO INSTRUCTIONAL MATERIAL DEPOSITORIES**

A. It is the responsibility of depositories to distribute instructional materials to schools and districts in a timely and accurate fashion and to ensure the following.

(1) For core and supplemental instructional materials requisitions received by the New Mexico depository or in-state distribution point prior to April 15 of each year, delivery to schools shall be made by the later of the following dates: within thirty (30) days prior to the beginning of classes, or by July 1.

(2) Core and supplemental orders received after April 15 will be delivered by the later of the following dates: within sixty (60) days after the receipt of the order or August 1.

(3) For free instructional material requisitions received by the New Mexico depository or in-state distribution point prior to April 15, delivery to schools shall be made by the later of the following dates: within thirty (30) days prior to the beginning of classes, or by July 1.

(4) Free instructional material requisitions received after April 15 will be delivered by the later of the following dates: within sixty (60) days after the receipt of the order or August 1.

B. The depositories will provide training to all entities receiving monies for instructional materials on the online process for ordering instructional materials.

- C. Depositories must meet the following requirements:
- (1) financial viability adequate to ensure performance of all obligations under a contract between the publisher and the depository for the purpose of distributing instructional material to schools and school districts within New Mexico;
  - (2) warehouse facilities, including location, equipment, and staffing patterns, adequate to ensure performance of all obligations under a contract between the publisher and the depository for the purpose of distributing instructional material to schools and school districts within New Mexico;
  - (3) procedures, systems and capacity to interface directly with an approved online ordering, inventory and reporting system to receive and process instructional material orders;
  - (4) procedures, systems and capacity to communicate such reports as the department may require in the automated format as established by the department; and
  - (5) sufficient inventory of instructional material to fill requisitions in accordance with the timelines set forth in this regulation.
- [6.75.2.12 NMAC - Rp, 6.75.2.11 NMAC, 10/15/10]



**6.75.2.13 REQUIREMENTS: RESPONSIBILITIES OF IN-STATE DISTRIBUTION POINTS**

A. It is the responsibility of publishers operating in-state distribution points to distribute instructional materials to schools and districts in a timely and accurate fashion and to ensure the following.

- (1) For core and supplemental instructional materials requisitions received by the New Mexico depository or in-state distribution point prior to April 15 of each year, delivery to schools shall be made by the later of the following dates: within thirty (30) days prior to the beginning of classes, or by July 1.
- (2) Core and supplemental orders received after April 15 will be delivered by the later of the following dates: within sixty (60) days after the receipt of the order or August 1.
- (3) For free instructional material requisitions received by the New Mexico depository or in-state distribution point prior to April 15, delivery to schools shall be made by the later of the following dates: within thirty (30) days prior to the beginning of classes, or by July 1.
- (4) Free instructional material requisitions received after April 15 will be delivered by the later of the following dates: within sixty (60) days after the receipt of the order or August 1.

B. The publisher operating the in-state distribution point will provide training to all entities receiving monies for instructional materials on the process for ordering instructional materials.

- C. In-state distribution points must meet the following requirements:
- (1) financial viability adequate to ensure performance of all obligations described in Paragraphs (1) through (4) of Subsection A of 6.75.2.13 NMAC for distributing instructional material to schools and school districts within New Mexico;
  - (2) storage and shipping facilities and procedures adequate to ensure performance of all obligations under Paragraphs (1) through (4) of Subsection A of 6.75.2.13 NMAC for distributing instructional material to schools and school districts within New Mexico;
  - (3) contractual arrangements with a New Mexico instructional material depository to receive, process and forward instructional material orders through an approved online

ordering, inventory and reporting system, or procedures, systems and capacity to interface directly with an approved online ordering, inventory and reporting system to receive and process instructional material orders;

(4) procedures, systems and capacity to communicate such reports as the department may require in the automated format as established by the department; and

(5) sufficient inventory of instructional material to fill requisitions in accordance with the timelines set forth in this regulation.

[6.75.2.13 NMAC - Rp, 6.75.2.11 NMAC, 10/15/10]



#### **6.75.2.14 UNOBLIGATED AND UNEXPENDED INSTRUCTIONAL MATERIAL BALANCES**

A. Instructional material funds allocated to a school district or state institution during any fiscal year and not obligated or expended prior to the close of that fiscal year are available to the school district or state institution for expenditure in subsequent fiscal years. Funds meeting this definition shall be budgeted and expended in subsequent fiscal years consistent with the requirements of Subsection C of Section 22-15-9 NMSA 1978.

B. Any balance remaining in an instructional material account of a non-public school at the end of a fiscal year remains available for reimbursement by the department for multiple list instructional material purchases in subsequent fiscal years.

[6.75.2.14 NMAC - Rp, 6.75.2.12 NMAC, 10/15/10]

#### **HISTORY OF 6.75.2 NMAC:**

**Pre-NMAC History:** The material in this part was derived from that previously filed with the State Records Center and Archives:

SDE 75-2, (Certificate No. 75-2) Regulation Relating to the State Department of Education Instructional Materials Division, filed 6-4-75.

SDE 77-2, Regulation Relating to the State Department of Education Instructional Materials Division, filed 2-7-77.

SBE 79-12, Relating to the State Department of Education Instructional Material Division, Procedures for the Adoption, Purchase and Delivery of Instructional Material, filed 9-21-79.

SBE Regulation No. 83-5, Relating to the State Department of Education Instructional Material Division - Procedures for the Adoption, Purchase, and Delivery of Instructional Material, filed 8-31-83.

SBE Regulation 93-20, Relating to the State Department of Education Instructional Materials Bureau - Procedures for the Adoption, Purchase, and Delivery of Instructional Material, filed 10-19-93.

#### **History of Repealed Material:**

6.75.2 NMAC, Relating to the Public Education Department Instructional Material Bureau, filed 11-1-2000 - Repealed effective 1-31-2006.

6.75.2 NMAC, Relating to the Public Education Department Instructional Material Bureau, filed 1-13-2006 - Repealed effective 10-15-2010.



## **INSTRUCTIONAL MATERIAL FUND BUDGET WAIVER REQUEST PROCESS**

The INSTRUCTIONAL MATERIAL FUND BUDGET WAIVER REQUEST process was developed for districts to convert their instructional materials funds that have been allocated for the purchase of adopted core/basal instructional materials to be applied to the purchase of supplementary instructional materials that are or are not on the adopted multiple list. The approval of the request would allow districts to expend more than 50% of their total allocation on supplementary instructional materials. The deadline for an Instructional Material Fund Waiver request is January 1<sup>st</sup> of the school year.

The completed Instructional Material Fund Waiver Request Form (using the Waiver Request Form on the IMB web site) is submitted for approval to the New Mexico Public Education Department, Secretary of Education, Hanna Skandera, Jerry Apodaca Building, 300 Don Gaspar, Santa Fe, New Mexico 87501.

### **6.75.2.9 REQUIREMENTS: RESPONSIBILITIES OF LOCAL SCHOOL BOARDS OR GOVERNING AUTHORITIES**

A. Each local school board shall develop and implement a process for the selection of instructional materials and shall ensure that parents and other community members are involved in the implementation of this process.

B. Schools and districts must submit to authorized New Mexico Depositories or authorized New Mexico In-State Distribution Points all requisitions for instructional materials for the next school year no later than April 15, unless justification is provided. . Delivery schedules are to be:

(1) For core and supplemental instructional materials requisitions received by the New Mexico Depository or In-State Distribution Point prior to April 15 of each year, delivery to schools shall be made by the later of the following dates: within thirty (30) days prior to the beginning of classes, or by July 1.

(2) Core and supplemental orders received after April 15 will be delivered by the later of the following dates: within sixty (60) days after the receipt of the order or August 1.

(3) For free instructional material requisitions received by the New Mexico Depository or In-State Distribution Point prior to April 15, delivery to schools shall be made by the later of the following dates: within thirty (30) days prior to the beginning of classes, or by July 1.

(4) Free instructional material requisitions received after April 15 will be delivered by the later of the following dates: within sixty (60) days after the receipt of the order or August 1.

C. Each public school district, charter school, and state institution may purchase items of instructional material as defined herein and not on the state-adopted list by issuing a purchase order to the publisher or the publisher's authorized agent. The entity is responsible for payment to the vendor/publisher, etc. The cost of the items, plus transportation charges, will be charged to the supplemental funds (50 % of the total allocation) line item of the entity's instructional material allocation.

D. If entities do not receive their orders on a timely basis, they shall provide to the bureau written documented evidence of ordering dates and/or other pertinent information as required by the department.

E. Annually, at a time specified by the department, each local school board of a school district and each governing authority of a state institution or non-public school acquiring instructional material pursuant to the Instructional Material Law [22-15-1 to 22-15-14 NMSA 1978] shall file a report with the department. The annual report shall include the total instructional material allocation received, the average per pupil cost, and year-end cash balances and other documentation as required by the department.

F. Pursuant to the Instructional Material Law [22-15-1 to 22-15-14 NMSA 1978] , each local school board of a school district and each governing authority of a state institution or non-public school shall keep an itemized list of instructional materials purchased by school and publisher.

G. Disposal of Instructional Materials.

(1) Out of Adoption (older than 6 years). Instructional Material deemed unusable/obsolete does not require PED-IMB approval to discard or donate. These items may be disposed of at the district/school's discretion.

(2) In-Adoption (still within the 6 year cycle).

(a) A district/school wishing to discard, donate or give away instructional material still listed on the NM multiple adoption list that must obtain PED-IMB approval. The request shall include a letter justifying the request to discard, donate or give the items away and an inventory listing of the materials shall be provided to the chief.

(b) A district/school wishing to sell instructional material that is under adoption does not require PED-IMB approval. All funds received from the sale of the material must be remitted to PED-IMB for redeposit in the school's/district's instructional material account.

(3) Upon order of the chief, a school/district, state institution, or non public school shall transfer to the department or its designee instructional material purchased with instructional material funds that is in usable condition and for which there is no use expected by the respective schools.

H. All entities receiving monies for instructional materials will be provided training on the process of obtaining funds, ordering materials, receiving funds, returning funds for sold or lost materials, and completing the annual report.

[6.75.2.9 NMAC - Rp, 6.75.2.9 NMAC, 01-31-10; A, 05-15-06]

**6.75.2.10 REQUIREMENTS: RESPONSIBILITIES OF NON-PUBLIC SCHOOLS**

A. Instructional material funds shall be distributed to nonpublic schools as agents for the benefit of students entitled to the free use of the instructional material. [22-15-7 NMSA 1978]

B. Eligibility to participate in the free use of instructional materials is authorized by application to the chief. Application must be made by April 1 preceding the first school year for which participation is requested.

(1) Upon approval, the non-public school is authorized to participate in the fund for two consecutive years.

(2) Application to renew participation for an additional two years must be made by April 1 in the second year of participation.

C. Funding is dependent upon the nonpublic school meeting the following requirements:

(1) Submit a 40-day membership count annually.

(2) Submit an Annual Instructional Material Budget Report by August 1.

(3) Submit an Annual Instructional Material Inventory Report by August 1.

(4) If the nonpublic school shows no instructional material budget activity by November 15th of the school year, the school's participation in the free instructional material process will be suspended for the remainder of the school year. To reinstate the funding for the following school year the school must complete a re-application process before February.

D. The non-public school as agent receiving instructional material pursuant to the Instructional Material Law [22-15-1 NMSA 1978] is responsible for distribution of the instructional material for use by eligible students and for the safekeeping of the instructional material.

E. The non-public school may select instructional material for the use of its students from the multiple list adopted by the department. Each non-public school may also purchase items of instructional material as defined herein and not on the state-adopted list provided such purchases are made through a New Mexico Instructional Material Depository or a New Mexico In-State Distribution Point.

F. Schools must submit all instructional materials requisitions for the next school year no later than April 15, unless justification is provided. Delivery schedules are the same as specified in 6.75.2.9 NMAC Section B (1) through (4).

G. The department shall provide payment to a publisher or depository on behalf of a non-public school for instructional material as defined above.

H. Any balance remaining in an instructional material account of a non-public school at the end of the fiscal year shall remain available for reimbursement by the department for instructional material purchases in subsequent years.

I. Disposal of Instructional Materials.

(1) If closure of a non-public school is imminent, the school shall inform the chief in writing within 30-days of closure. Disposal of instructional material purchased with state Instructional Material funds shall follow these procedures:

(2) Out of Adoption (older than 6 years). Instructional Material deemed unusable/obsolete does not require PED-IMB approval to discard or donate. These items may be disposed of at the nonpublic school's discretion.

(3) In-Adoption (still within the 6 year cycle)

(a) A nonpublic school wishing to discard, donate or give away instructional material still listed on the NM multiple adoption list must obtain PED-IMB approval. The request shall include a letter of justification and the request to discard, donate or give the items away and an inventory listing of the materials

(b) A nonpublic school wishing to sell instructional material that is under adoption must obtain PED-IMB approval. All funds received from the sale of the material must be remitted to PED-IMB.

(4) Upon order of the chief, a school district, state institution, or non public school shall transfer to the department or its designee instructional material purchased with instructional material funds that is in usable condition and for which there is no use expected by the respective schools.

J. All money collected by a non-public school for the sale, loss, damage or destruction of instructional material received pursuant to the Instructional Material Law shall be sent to the department of education.

K. The non-public school as agent receiving instructional material shall keep accurate records of all instructional material, including cost records, on forms and by procedures prescribed by the division.

L. Annually, at a time specified by the department, each governing authority of a non-public school acquiring instructional material pursuant to the Instructional Material Law shall file a report with the department that includes an itemized list of instructional material purchased, by vendor; the total cost of the instructional material; the average per-student cost; and the year-end cash balance.

[6.75.2.10 NMAC - Rp, 6.75.2.10 NMAC, 01-31-10; A, 05-15-06]



## **NEW MEXICO INSTRUCTIONAL MATERIAL DEPOSITORY REQUIREMENTS**

### **Instructional Material Law (22-15-4 D NMSA 1978)**

Subject to the policies and regulations of the department, the bureau shall enforce the rules relating to the use and operation of instructional material distribution process.

### **6.75.2.12 REQUIREMENTS: RESPONSIBILITIES OF NEW MEXICO INSTRUCTIONAL MATERIAL DEPOSITORIES**

C. It is the responsibility of depositories to distribute instructional materials to schools and districts in a timely and accurate fashion and to ensure that:

(1) For core and supplemental instructional materials requisitions received by the New Mexico Depository or In-State Distribution Point prior to April 15 of each year, delivery to schools shall be made by the later of the following dates: within thirty (30) days prior to the beginning of classes, or by July 1.

(2) Core and supplemental orders received after April 15 will be delivered by the later of the following dates: within sixty (60) days after the receipt of the order or August 1.

(3) For free instructional material requisitions received by the New Mexico Depository or In-State Distribution Point prior to April 15, delivery to schools shall be made by the later of the following dates: within thirty (30) days prior to the beginning of classes, or by July 1.

(4) Free instructional material requisitions received after April 15 will be delivered by the later of the following dates: within sixty (60) days after the receipt of the order or August 1.

D. The depositories will provide training to all entities receiving monies for instructional materials on the online process for ordering instructional materials.

E. Depositories must meet the following requirements:

(1) financial viability adequate to ensure performance of all obligations under a contract between the publisher and the depository for the purpose of distributing instructional material to schools and school districts within New Mexico;

(2) warehouse facilities, including location, equipment, and staffing patterns, adequate to ensure performance of all obligations under a contract between the publisher and the depository for the purpose of distributing instructional material to schools and school districts within New Mexico;

(3) procedures, systems and capacity to interface directly with an approved online ordering, inventory and reporting system to receive and process instructional material orders;

(4) procedures, systems and capacity to communicate such reports as the department may require in the automated format as established by the department; and

(5) sufficient inventory of instructional material to fill requisitions in accordance with the timelines set forth in this regulation.

[6.75.2.12 NMAC - Rp, 6.75.2.12 NMAC, 01-31-10]

### **6.75.2.13 REQUIREMENTS: RESPONSIBILITIES OF IN-STATE DISTRIBUTION POINTS**

A. It is the responsibility of publishers operating in-state distribution points to distribute instructional materials to schools and districts in a timely and accurate fashion and to ensure that:

(1) For core and supplemental instructional materials

(2) requisitions received by the New Mexico Depository or In-State Distribution Point prior to April 15 of each year, delivery to schools shall be made by the later of the following dates: within thirty (30) days prior to the beginning of classes, or by July 1.

(3) Core and supplemental orders received after April 15 will be delivered by the later of the following dates: within sixty (60) days after the receipt of the order or August 1.

(4) For free instructional material requisitions received by the New Mexico Depository or In-State Distribution Point prior to April 15, delivery to schools shall be made by the later of the following dates: within thirty (30) days prior to the beginning of classes, or by July 1.

(5) Free instructional material requisitions received after April 15 will be delivered by the later of the following dates: within sixty (60) days after the receipt of the order or August 1.

B. The publisher operating the in-state distribution point will provide training to all entities receiving monies for instructional materials on the process for ordering instructional materials.

C. In-state distribution points must meet the following requirements:

(1) financial viability adequate to ensure performance of all obligations described in Section A, paragraphs (1) through (4) of 6.75.2.13 NMAC for distributing instructional material to schools and school districts within New Mexico;

(2) storage and shipping facilities and/or procedures adequate to ensure performance of all obligations under Section A, paragraphs (1) through (4) of 6.75.2.13 NMAC for distributing instructional material to schools and school districts within New Mexico;

(3) contractual arrangements with a New Mexico Instructional Material Depository to receive, process and forward instructional material orders through an approved online ordering, inventory and reporting system, or procedures, systems and capacity to interface directly with an approved online ordering, inventory and reporting system to receive and process instructional material orders;

(4) procedures, systems and capacity to communicate such reports as the department may require in the automated format as established by the department; and

(5) sufficient inventory of instructional material to fill requisitions in accordance with the timelines set forth in this regulation.

## **SUPPLEMENT 9, ADMINISTRATIVE REQUIREMENTS**

### **New Mexico Instructional Material Depository Definition:**

**New Mexico Instructional Material Depository-** by approved application, a state designated distribution point serving as an agent representing multiple publishers and other educational entities for the purpose of managing district/school instructional material orders. The depository is responsible for accounting, acquisition, storage, distribution and disposition of adopted textbooks and supplementary instructional materials.

Application for state authorization as a New Mexico Instructional Material Depository is available at [sally.wilkinson@state.nm.us](mailto:sally.wilkinson@state.nm.us) .

## **REGIONAL REVIEW CENTER REQUIREMENTS**

### **Instructional Material Law (22-15-4 D NMSA 1978)**

Subject to the policies and regulations of the department, the bureau shall enforce the rules relating to the use and operation of instructional material distribution process.

### **Regulation 6.75.2.7 N NMAC**

N. “Regional review center” means a designated location where samples of instructional materials will be received and made available to evaluators.

### **Regulation 6.75.2.10 G NMAC**

G. The publisher is required to provide samples of core/basal student and teacher instructional materials as well as other material they deem necessary to provide adequate instruction to the designated regional review centers within thirty (30) days of the finalization of a contract.

## **SUPPLEMENT 9, ADMINISTRATIVE REQUIREMENTS**

### **Definition:**

**New Mexico Regional Review Centers-**is a state designated location where samples of instructional materials may be received and made available to evaluators, teachers and educational practitioners. The Review Center is responsible for storage and disposition of current adopted textbooks and supplementary instructional materials.

## **PUBLISHER REQUIREMENTS**

### **Instructional Material Law (22-15-13 NMSA 1978)**

A. The state board [department] may enter into a contract with a publisher or a publisher's authorized agent for the purchase and delivery of instructional material selected from the multiple list adopted by the state board.

B. Payment for instructional material purchased by the state board [department] shall be made only upon performance of the contract and the delivery and receipt of the instructional material.

C. Each publisher or publisher's authorized agent contracting with the state for the sale of instructional material shall agree:

(1) to file a copy of each item of instructional material to be furnished under the contract with the state board [department] with a certificate attached identifying it as an exact copy of the item of instructional material to be furnished under the contract;

(2) that the instructional material furnished pursuant to the contract shall be of the same quality in regard to paper, binding, printing, illustrations, subject matter and authorship as the copy filed with the state board; and

(3) that if instructional material under the contract is sold elsewhere in the United States for a price less than that agreed upon in the contract with the state, the price to the state shall be reduced to the same amount.

### **Instructional Material Law (22-15-26-31 NMSA 1978)**

**BRaille ACCESS ACT** This act [22-15-26 to 22-15-31 NMSA 1978] may be cited as the "Braille Access Act".

### **Regulation 6.75.4.6 NMAC Braille Access Act**

**OBJECTIVE:** This regulation governs the procedures for the adoption, purchase, and delivery of instructional material in compliance with the Braille Access Act, Sections 22-15-26 to 22-15-31 NMSA 1978, through provision of alternate accessible format materials and incorporates the federal standards of the Individuals with Disabilities Education Improvement Act of 2004, 20 U.S.C. Section 1400 et seq. (IDEA). [6.75.4.6 NMAC – N, 12/14/2006]

#### **6.75.2.11 REQUIREMENTS: RESPONSIBILITIES OF PUBLISHERS**

A. Publisher's agreements shall be returned to the department fully executed by the publisher no later than thirty (30) days after receipt by the publisher. Failure to return the fully executed publisher's agreement may result in the rejection of the publisher's application.

B. Publisher's agreements shall be for a period of six (6) years, except where material is necessary for:

(1) the completion or update of a series or educational media previously adopted; or,

(2) the transfer of a subject from one section to another.

C. The Publisher's agreement shall:

(1) require that the publisher agrees to furnish and provide distribution to the schools the instructional material submitted and adopted;

(2) require that the publisher agrees to keep sufficient stock at the designated New Mexico instructional material depository or New Mexico instructional material in-state distribution point to assure delivery in accordance with the timelines set forth in this regulation;

(3) require that if delivery of instructional material is delayed beyond deadlines established in NMAC 6.75.2.12 or specified in correspondence to the publisher by the chief, the publisher shall pay the NMPED \$100 per day for each day delivery is delayed, up to a

maximum of \$10,000 per title, as liquidated damages, to include instructional materials labeled/promoted as being of no cost or at reduced price.

(4) require that the publisher (or designee) agrees to bill the public school districts, charter schools and state supported schools for instructional material ordered.

(5) require that the publisher (or designee) agrees to bill the New Mexico Public Education Department on the behalf of the nonpublic schools.

(6) Require that all materials submitted for adoption and sale in the state of New Mexico conform to the requirements of the Consumer Product Safety Improvement Act.

(7) Require that the publisher agrees to submit files of adopted instructional materials that conform to the National Instructional Material Accessibility Standard (NIMAS) at no additional cost to the National Instructional Material Accessibility Center (NIMAC) repository at the American Printing House for the Blind. (Section 22.15.26-29 NMSA, 1978 “Braille Access Act”, and 6.75.4 NMAC)

(8) Require the publisher to maintain, for three years after the termination or expiration of the agreement, or after any court proceedings involving this agreement, copies of all billings generated under this agreement.

D. Qualifications.

(1) Publishers are required to provide to the instructional material bureau at the time of the review any hardware, software, or special equipment which may be needed for a review of instructional material.

(2) Publishers will be responsible for costs associated with the provision of needed hardware, software or special equipment.

(3) Items of instructional material, including accompanying material, must be in proof format by the adoption date and in finished format by May 1 immediately preceding the annual instructional material summer review institute.

(4) Substitutions of new or revised editions will be allowed by the chief:

(a) only if the substitution will be advantageous to the user schools;

(b) subject to all terms and conditions of the original publisher’s agreement, including price; and,

(c) upon a determination by the chief that the proposed changes are minor, the new edition is substantially the same material as the old edition, and a special review is not necessary.

(d) Software updates that improve functionality, performance, or accuracy may be allowed after review by the chief.

(5) . Materials designated by the publisher on the final approved list as free or reduced cost material and/or services such as teachers' editions, workbooks, duplicating masters, in service training, consultants, etc., will be made available at no cost or at a reduced cost to any schools that adopt its instructional material.

(6) Free or reduced cost materials and/or service may not include computer hardware, technology devices or equipment intended to deliver or display the material but which are not instructional materials. This includes but is not limited to computers, laptops, handheld devices, microscopes, CD/DVD players, overhead or LCD projectors, electronic whiteboards, phone/music/transmitting and listening devices, and cameras.

(7) Any free or reduced cost material and/or service described on the state adoption list and made available at no cost or at a reduced cost to a school that adopts its instructional material will be made available on an equitable basis to all schools that adopt its instructional material.

(8) The quantity of free or reduced price material provided shall be calculated according to the number of teachers using the material, and not according to the amount of material purchased.

(9) The publisher shall make no offer of free or reduced price material or services that have not been designated as such on the final approved list.

(10) If the publisher fails to list all free or reduced price material and services the publisher will be suspended from participation in the New Mexico instructional material process until such time as the department determines that the publisher shall be allowed to resume participation.

(11) If the publisher fails to make available at no cost or at a reduced cost to all schools the same material and/or service that is offered or provided at no cost or at a reduced cost to any school, the publisher will be suspended from participation in the New Mexico instructional material process until such time as the department determines that the publisher shall be allowed to resume participation.

E. The publisher shall designate a New Mexico Instructional Material Depository meeting the criteria established in Subsection C of 6.75.2.12 NMAC or a New Mexico In-State Distribution Point meeting the criteria established in Subsection C of 6.75.2.13 NMAC for the distribution of instructional material and to act as the agent for the publisher for requisition, billing, and receipt of payments for the purchase of instructional material.

F. The publisher shall provide samples of core/basal student and teacher instructional materials as well as other material they deem necessary to provide adequate instruction to designated regional review centers within thirty (30) days of the finalization of a publisher's agreement.

G. The publisher shall reduce the price of instructional material under publisher's agreement in New Mexico when prices are reduced elsewhere in the United States so that no such item or items shall at any time be sold in New Mexico at a higher wholesale price than received for items elsewhere in the United States, like conditions prevailing.

H. The publisher shall ensure the use of the international standard book number (ISBN) system where applicable.

I. Publishers are prohibited from conducting a pilot program in which schools receive free materials and professional development during the eighteen (18) month period previous to the official date of adoption of those materials (August 1 for each cycle).

J. Challenges to review scores must be filed by the publisher within ten working days of receipt of the price agreement from the department.

6.75.2.11 NMAC – Rp, 6.75.2.11 NMAC, 01-31-10]

### **SUBSTITUTION POLICY REQUIREMENTS:**

- 1) Letter from the publisher's representative indicating the justification for substitution
- 2) Required Attachments:
  - a. Outline of details including the specific changes made within the text and the exact page numbers to locate that information
  - b. Original Contact page and final Signature page from the original NM Instructional Material/Textbook contract
  - c. New contact information ( if appropriate)
- 3) Submission of the original textbook that was adopted
- 4) Submission of the newer textbook to replace the original
- 5) Expect a four to six week period for the information to be reviewed and final determination made.
- 6) Exception for Substitution: When the adopted textbook/instructional material has been significantly altered a substitution of the newer text will not be allowed. The publisher may request a "Special Emergency Review" and must agree to incur the cost of the review process.

Mail completed packet to:

New Mexico Public Education Department  
Jerry Apodaca Education Building, G-12

Instructional Material Bureau, Director  
Sally A. Wilkinson  
300 Don Gaspar  
Santa Fe, New Mexico 87501

## **SPECIAL EMERGENCY REVIEW AND ADOPTION**

### (6.75.2.8 NMAC EXERPT)

There shall be one (1) annual adoption, provided however, *that the department may allow other adoptions upon a finding that an emergency is determined to exist.*

(3) The department may accept any conforming proposal which is determined to be most advantageous to the state, considering the educational value of material, cost to state, reliability of the publisher, and all other significant factors.

Request for the PED to administer a “Special Emergency Review” must comply with the following:

- currently have a contract with IMB in the content area
- requested by the publisher’s representative in writing
- must request deviation from the adoption cycle and be supported with evidence as to why such action is justified rather than requesting a substitution in the second year of the contract
- agree to fund the review at the cost determined by the IMB to conduct the review

A “Special Emergency Review” Request must be submitted to: New Mexico Public Education Department, Secretary of Education, Hanna Skandera, Jerry Apodaca Building, 300 Don Gaspar, Santa Fe, New Mexico 87501.

## **INSTRUCTIONAL MATERIAL BUREAU ADVISORY COUNCIL (IMBAC)**

### **Mission**

- A forum for sharing of ideas regarding the review and adoption process for instructional material.

### **Participants**

- New Mexico Educational Publishers Association, American Association of Publishers, NM Public Education Department and statewide stakeholders representing New Mexico districts and the community at-large.
- Quarterly Meetings

### **Purpose**

As part of the initiative to refine the adoption process and ‘raising the bar’ providing ONLY those publications that reflect New Mexico Standards and Benchmarks, and supplement materials that address the diversity and cultures of our children, the Instructional Material Bureau will be hosting the Instructional Material Bureau Advisory Council meeting for publishers, district and school leadership, and other stakeholders in a collaborative effort to implement a forum for discourse encompassing data-driven decisions in instructional material adoptions and purchases.

### **Invitation**

Your input is essential in assuring the excellence of information presented to our students and fiscal responsibility to the community. Your expertise would be appreciated and valued in this conversation. Please accept this invitation to attend these meetings. The IMBAC meeting schedule is on our web site.

**Instructional Material Law (22-15-4 D NMSA 1978)**

Subject to the policies and regulations of the department, the bureau shall enforce the rules relating to the use and operation of instructional material distribution process.

**Instructional Material Law (22-15-8 A NMSA 1978)**

A. The department shall adopt a multiple list to be made available to students pursuant to the Instructional Material Law [22-15-1 NMSA 1978]. At least ten percent of instructional material on the multiple list concerning language arts and social studies shall contain material that is relevant to the cultures, languages, history and experiences of multi-ethnic students. The department shall ensure that parents and other community members are involved in the adoption process at the state level.



## **V. ATTACHMENTS**

- 1) New Mexico Instructional Material Depositories and  
New Mexico Instructional Material In-State Distribution  
Centers**
- 2) New Mexico Regional Review Centers**
- 3) Approved and Not Approved Materials for Purchase**
- 4) Instructional Material Fund Budget Waiver Request Form**
- 5) Petition for Review Form**
- 6) Non-Public School, Private School and Governmentally  
Controlled School Application**

**ATTACHMENT 1**

**NEW MEXICO INSTRUCTIONAL MATERIAL DEPOSITORIES**

**Music Mart, Inc.**

**General Manager: Joe Keith**

**3301 Carlisle Blvd. NE**

**Albuquerque, NM 87110**

**Toll Free: 800-545-6204**

**Phone: (505) 889-9777**

**Fax: (505) 889-9070**

**Website: <http://www.musicmart.com>**

**Archway Depository (formerly Resolve)**

**General Manager: Brian Allbright**

**1600 First Street**

**Albuquerque, NM 87102**

**Toll Free: 888-223-2665**

**Phone: (505) 766-9721**

**Fax: (505) 766-9781**

**Website: <http://nm.resolvecorporation.com/default.html>**



## NEW MEXICO INSTRUCTIONAL MATERIAL IN-STATE DISTRIBUTION POINTS

### **About Books, Inc.**

**General Manager: Karen Landwerlen**

**3715 Mesilla Hills Drive**

**Las Cruces, New Mexico 88005**

**office: (800) 526-3312**

**fax: (800) 687-2178**

**e-mail: [aboutbooks@zianet.com](mailto:aboutbooks@zianet.com)**

### **University of New Mexico Press**

**General Manager: Robert Schuetz**

**1312 Basehart Rd. S.E.**

**Albuquerque, New Mexico 87106-4363**

**Office: (505) 277-2346**

**fax: (505) 272-7141**

**e-mail: [unmpress@unm.edu](mailto:unmpress@unm.edu)**



## NEW MEXICO REGIONAL REVIEW CENTERS

Available online at: <http://www.ped.state.nm.us/InstructionalMaterial/index.html>

### 1) Albuquerque Public Schools

Mailing Address:

Albuquerque Public School  
Library/Instructional Materials Services  
Albuquerque, NM 87106  
Phone: 505-848-8888

### Collection Housed at:

Region Instructional Materials Center  
APS Montgomery Complex  
3315 Louisiana Blvd. NE  
Albuquerque, NM 87110  
Phone: 880-8249, ext. 146

#### Review Center

**Deborah (Debbie) Macias** [macias\\_d@aps.edu](mailto:macias_d@aps.edu)

Manager of Library Services (505) 848-8888

#### Adoptions

**Cathy Lucas** [lucas\\_c@aps.edu](mailto:lucas_c@aps.edu)

Manager of Instructional Materials

Phone: (505) 872-6873

### 2) New Mexico State University\*

**Dr. Jennifer Villa** [jvilla@nmsu.edu](mailto:jvilla@nmsu.edu)

LRC 505 646-2513

Direct line 505 646-2513

Fax 505 646-5436

Website: <http://education.nmsu.edu/lrc>

\*Temporary parking permit required for visitors to NMSU Campus. Go to website for information to obtain this permit.

#### **Mailing Address:**

New Mexico State University  
Learning Resource Center  
PO Box 30001, MSC 3LRC  
Las Cruces, NM 88003

#### **Shipping Address:**

New Mexico State University  
Learning Resource Center  
1220, Stewart Street  
Room 310, O'Donnell Hall  
Las Cruces, NM 88003

### 3) University of the Southwest

**Ms. Cyndi Garrison, Tech Services** [cgarrison@usw.edu](mailto:cgarrison@usw.edu)

John McCance, Library Director  
Scarborough Memorial Library  
6610 Lovington Highway #T30  
Hobbs, NM 88240

Phone: 575-392-6561 Ext. 1067  
Fax: 575-392-6006

**4) New Mexico Highlands University**

**Ms. Alice Menzor** [menzor\\_alice@nmhu.edu](mailto:menzor_alice@nmhu.edu)

Education Building  
Curriculum Library  
Las Vegas, NM 87701  
Phone: 505-454-3234  
Fax: 505-454-3384

**5) University of New Mexico**

**Ms. Leslie Chamberlain** [Saticoy@unm.edu](mailto:Saticoy@unm.edu)

Tireman Library Room 119  
MSC 05 3040  
College of Education  
Travelstead Hall  
1 University of New Mexico  
Albuquerque New Mexico 87131-0001  
Office phone: 505-277-7260  
Message phone: 505-277-6384  
Fax: 505-277-8427

**6) Western New Mexico University**

**Crescent Rodgers** [rodgersc@wnmu.edu](mailto:rodgersc@wnmu.edu)

School of Education  
Silver City NM 88062  
Phone: 505-538-6404 or 538-6416

**7) Eastern New Mexico University**

**Ms. Judy Shearer** [judy.shearer@enmu.edu](mailto:judy.shearer@enmu.edu)

Instructional Resource Center  
Golden Library, Station #32  
Portales, NM 88130  
Phone: 505-562-2258



### ATTACHMENT 3

### INSTRUCTIONAL MATERIAL FUND, Expenditure Codes 56107, 56108 & 56111

|   |  |
|---|--|
| All of the approved materials are for students' classroom use only and must support current curriculum objectives.              | Expenditures of the Instructional Material Fund must be consistent with these guidelines. Failure to do so will result in the withdrawal of eligibility of the fund and sanctions against the district / school. |
| <b>MATERIALS USING CORE/BASAL OR SUPPLEMENTAL IM FUNDS<br/>(EXPENDITURE CODES 56107, 56111, 56113, OR 56109)</b>                |  |
| <b>APPROVED</b>   | <b>NOT APPROVED</b>  |
| ART SUPPLIES AND MATERIALS - instructional materials and curriculum supplies  | AUDIO EQUIPMENT such as sound laboratories, boom boxes, microphone, headphones, radios, CD players, public address or broadcast system   |
| CALCULATORS with batteries  | APPLIANCES - Small or large  |
| EDUCATIONAL MEDIA such as software, e-books, pre-recorded by publisher cassette tapes, CD's, DVD or Blu-Ray disks, slides, etc. | ASSESSMENTS, testing programs  |
| GED sample exams  | AUDIOVISUAL EQUIPMENT such as televisions, VCR's, projectors, DVD players, Blu-Ray players, smart boards   |
| INSTRUCTIONAL SUPPORT such as classroom kits, teacher resource kits, literature collections                                     | BLANK MEDIA such as audio and video tapes, diskettes   |
| LABORATORY SUPPLIES such as lab manuals, lab supplies, workbooks, consumable materials and supplies, etc.                       | CAPITAL PURCHASES OR IMPROVEMENT such as building improvements, classroom improvements, outdoor storage units  |
| MUSICAL INSTRUMENTS (other than band instruments) for classroom use   | COMPUTERS and related or similar equipment such as printers, web cams, external hard drives, monitors, netbooks, laptops, e-readers, tablet notebooks, carrying cases, stands, wall mounts, etc.                 |
| ONLINE or web-based courses,  | FIELD TRIPS  |
| REFERENCE AND RESOURCE materials such as maps, globes, novels, trade books, subscriptions, periodical publications              | FURNITURE such as desks, computer stands, filing cabinets, printer stands, monitor stands, shelves, indoor storage units, etc.   |
| SPORT AND EXERCISE equipment for physical education classes   | GENERAL OFFICE SUPPLIES OR EQUIPMENT such as copiers, telephones, general educator supplies (paper, pencils/pens, notebooks, etc.)   |
| STUDENT SUPPORT such as agenda books; graphic organizers, etc.  | MUSICAL INSTRUMENTS for extracurricular (i.e. non-classroom) use   |
| SUPPLEMENTAL print materials  | PERSONNEL SERVICES   |
| TEXTBOOKS - pupil edition, teacher's edition, and big books   | PHOTOGRAPHY EQUIPMENT such as cameras, processing equipment  |
|   | SPORTS EQUIPMENT for extracurricular (i.e. non-classroom) use  |
|   | UNIFORMS AND COSTUMES - such as athletic, band, chorus, theater and orchestra  |
| <b>SUPPLEMENTAL MATERIALS USING EXPENDITURE CODE 56108 FOR "OTHER CLASSROOM MATERIALS"</b>                                      |  |
| All of the approved materials are for students' classroom use only and must support current curriculum objectives.              |  |
| ART MATERIALS such as clay, ceramic glaze, firing kiln, paints, easels, brushes, etc.   | ALL ITEMS LISTED AS <u>NOT APPROVED</u> for EXPENDITURE CODES 56107, 56111, 56113, AND 56109 are also <u>not approved</u> for expenditure code 56108.  |

|  |   |
|--|---|
| CLASSROOM SUPPLIES such as graph paper, copier paper (for classroom use), transparencies, blackline masters, manipulatives, models, etc. | PROJECT MATERIALS OR EQUIPMENT such as lumber, steel, auto parts, machine tools, etc. |
| GRAPHIC MATERIALS such as visual guides, charts, maps, themed or topical bulletin board materials, etc.                                  |   |
| LAB SUPPLIES such as test tubes, slides, mounts, etc.  |   |
| MUSIC SUPPLIES AND MATERIALS such as sheet music, metronomes, strings, reeds, cleaning cloths, music stands, etc.                        |   |
| PROJECT MATERIALS such as hamster habitats, ant farms, for student classroom projects  |   |

## INSTRUCTIONAL MATERIAL FUNDING CODES

### 14000 INSTRUCTIONAL MATERIAL FUND FUNCTION 1000 REVENUE CODES

#### 43207 ADOPTED CORE/BASAL INSTRUCTIONAL MATERIALS – Minimum of 50%

Revenue allocated to the district/school for the purchase of core/basal instructional materials adopted for use in the schools that have been approved by the Secretary of Education for the state adopted multiple list.

#### 43211 SUPPLEMENTAL INSTRUCTIONAL MATERIALS – Maximum of 50%

Revenue allocated to the district/school for the purchase of supplemental instructional materials that have been approved by the Secretary of Education for the state adopted multiple list and/or for the purchase of instructional materials not on the state adopted multiple list.

#### 41953 INSURANCE RECOVERIES

Insurance recoveries for the replacement of personal, real property, and/or equipment.

#### 41980 REFUNDS/REIMBURSEMENTS PRIOR YEAR

Refunds/reimbursements from prior year expenditures.

#### 41500 INTEREST

Earnings from all deposits and investments. Such earnings/receipts shall be credited to the revenue account that provided the cash for investment.

**Note:** Any additional revenue must be reported to PED via a Budget Adjustment Request (BAR) for budget approval and to be expended.

#### 11111 UNRESTRICTED CASH

IM Budget carry-over monies from previous year.

### EXPENDITURE CODES

- 56107 CORE/BASAL INSTRUCTIONAL MATERIAL- Minimum of 50% purchased from the State adopted multiple list.
- 56111 SUPPLEMENTAL INSTRUCTIONAL MATERIAL – Maximum of 50% purchased from the State adopted multiple list and/or from materials not on the multiple list.
- 56108 OTHER CLASSROOM MATERIALS – 25% of Supplemental Material allocation (from object code 56111) Defined in SB 1225.
- 56109 ONLINE COURSE SUBSCRIPTIONS
- 56113 PURCHASED INSTRUCTIONAL MATERIAL SOFTWARE

### 14000 SCHOOL LIBRARY FUND

REVENUE CODE 43202

### FUNCTION 2000

EXPENDITURE CODE 56144

**ATTACHMENT 4**

**New Mexico Public Education Department**

**Instructional Material Fund**

**BUDGET WAIVER REQUEST**

*Instructions: Please complete this form electronically and submit it via e-mail to Sheila Hyde at [sheila.hyde@state.nm.us](mailto:sheila.hyde@state.nm.us) from the Superintendent's or designee's e-mail. Note: the boxes automatically expand as you add text.*

Superintendent: \_\_\_\_\_

District/School (if applicable): \_\_\_\_\_

Mailing Address: \_\_\_\_\_ ST:   NM   Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

LEA Instructional Material Contact: \_\_\_\_\_ Title: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ ST:   NM   Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

Date of Submission: \_\_\_\_\_

**IF USING MULTIPLE WAIVERS, PLEASE USE A SEPARATE REQUEST FOR EACH.**

**APPLICABLE STATUTE AND/OR STATE RULE:**

**22-15-9. Distribution of Funds for Instructional Materials**

- 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.
- 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. An amount not to exceed fifty percent of the allocations attributed to each school district or state institution may be used for instructional material not included on the multiple list provided for in Section [22-15-8](#) NMSA 1978. The local superintendent may apply to the department for a waiver of the use of funds allocated for the purchase of instructional material either included or not included on the multiple list. If the waiver is granted, the school district shall not be required to submit a budget adjustment request to the department.
- D. Requires local school boards or local governing boards to provide textbooks to each student for each class that conforms to curriculum requirements and to also allow students to take those textbooks home. School districts will have to adopt a policy to allow students to have textbooks and to be able to take them home when necessary.
- H. Allows districts/schools to expend up to 25% of the discretionary allocation (object code 56111) for materials not approved on the multiple list for the purchase of "Other Classroom Materials".

*This box auto-expands.*

***Please complete all of the requested information:***

***1) Number of students to be effected by this request:***

***2) Subject/course areas to be purchased through this request:***

***3) Address Adequate Yearly Progress (AYP) information(please include answers to the following questions):***

***a. Is the school currently achieving AYP?***

***b. If the school is not making AYP, what challenges that relate to instructional materials are the school facing?***

***c. How will the transfer of funds assist in meeting those challenges?***

*This box auto-expands.*

***4) Provide a budget justification and describe materials to be purchased with the dollar amount of funds to be moved from the Core/Basal expenditure code 56107.***

*This box auto-expands.*

**5) Describe the appropriateness of these materials for your students. Provide a rationale with quantitative and qualitative data that supports your request.**

*This box auto-expands.*

**6) Provide procedures of how NM Standards and Benchmarks will be addressed and evaluated if the waiver is approved.**

*This box auto-expands.*

| FOR PED INTERNAL USE ONLY:                          |  | PED PS # |
|---|--|----------|
| Reviewed by:  |  | Date:    |
| <b>RATIONALE FOR APPROVAL:</b>                      |  | Date:    |
| Concur with staff recommendations for approval:     |  | Date:    |
| Hanna Skandera<br>Secretary of Education            |  |          |
| <b>RATIONALE FOR NON-APPROVAL:</b>                  |  | Date:    |
| Concur with staff recommendations for non-approval: |  | Date:    |
| Hanna Skandera<br>Secretary of Education            |  |          |
| Returned to Superintendent by:                      |  | Date:    |

**ATTACHMENT 5**

**INSTRUCTIONAL MATERIAL BUREAU  
PETITION FOR REVIEW FORM**

A "Petition for Review" Request must be submitted to: New Mexico Public Education Department, Secretary of Education, Hanna Skandera, Jerry Apodaca Building, 300 Don Gaspar, Santa Fe, New Mexico 87501.

**PETITION FOR REVIEW**

A process that an 'interested party' initiates to resolve or clarify a dispute/conflict/inquiry that is within the Instructional Materials Bureau's prevue and responsibility shall implement the Petition process (using the Petition Form on the IMB web site). It shall be the responsibility of the 'interested party' to support the Petition by referencing Rule, Statute and /or Supplement 9 as relevant to the issue. The 'interested party' shall provide any outstanding evidence for consideration. The Instructional Material Bureau Chief will review the alleged violation and submit a formal report to the Secretary of Education and the parties involved.

**Date:** \_\_\_\_\_  
**Person completing this form (please print):** \_\_\_\_\_  
**Title and affiliation:** \_\_\_\_\_  
\_\_\_\_\_  
**Address:** \_\_\_\_\_  
**E-Mail:** \_\_\_\_\_  
**Phone:** \_\_\_\_\_ **Fax:** \_\_\_\_\_

**Please complete all of the requested information:**

- **Rationale for inquiry/complaint-**
  
- **Reference to Rule, Statute and/or Supplement 9-**
  
- **Extenuating evidence-**
  
- **Suggested resolution(s)-**

**Please sign:**

\_\_\_\_\_ **Signature of Petitioner**

\_\_\_\_\_ **Date**



**ATTACHMENT 6**



**STATE OF NEW MEXICO  
PUBLIC EDUCATION DEPARTMENT  
300 DON GASPAR  
SANTA FE, NEW MEXICO 87501-2786  
Telephone (505) 827-5800  
[www.ped.state.nm.us](http://www.ped.state.nm.us)**

HANNA SKANDERA  
SECRETARY OF EDUCATION

SUSANNA MARTINEZ  
GOVERNOR

**SCHOOL YEAR 2011-12 and 2012-13  
NON PUBLIC SCHOOLS, PRIVATE SCHOOLS & GOVERNMENTALLY CONTROLLED SCHOOLS  
INSTRUCTIONAL MATERIAL FUND APPLICATION**

**THIS APPLICATION MUST BE SUBMITTED NO LATER THAN APRIL 1, 2011**

**REQUIRED PRIVATE SCHOOL FUNDING APPLICATION PROCESS**

Beginning August 1, 2008, all non-public schools, private schools and governmentally controlled schools are required to renew their eligibility for participation in the free instructional material program every two years. Upon approval, this application renews eligibility for participation in SY 2011-12 and SY 2012-13. Please complete this application and submit it with a current Accreditation Certificate before April 1 to the Instructional Material Bureau. Please note: The deadline is the same for new non-public and private schools expected to open for the Fall semester. They must also have their Instructional Material Fund Application submitted before April 1 of the previous school year to be eligible for funding for the approaching school year.

Please mail the Instructional Material Fund Application and Accreditation Certificate to the Instructional Material Bureau Chief with your signature and e-mail an electronic copy of the application to: [cesaria.tapia1@state.nm.us](mailto:cesaria.tapia1@state.nm.us)

**PART 1. ADMINISTRATION INFORMATION**

**Choose only one of the following descriptors by typing an "X":**

Bureau of Indian Education School

Religious Denominational School

Private Non-Profit School

Private for Profit School

|  |                          |
|--|--------------------------|
| School Name:   | Date of Application:     |
| Mailing Address:   | City, State, ZIP:        |
| Street Address (if different):                           | City, State, ZIP:        |
| Principal/Director:                                      | Telephone Number:        |
| Email Address:   | Second Telephone Number: |
| Contact Person for Instructional Material Annual Report: | Phone Number:            |
| Email Address:   | Second Telephone Number: |

**PART 2. SCHOOL INFORMATION**

Grade levels ( all that apply): K 1 2 3 4 5 6  
7 8 9 10 11 12

Year Established:

Accredited By:                      Date:

**Current Membership by Grade Level:** (list individually)

|   |                      |   |                      |       |                      |
|---|----------------------|---|----------------------|-------|----------------------|
| K | <input type="text"/> | 4 | <input type="text"/> | 8     | <input type="text"/> |
| 1 | <input type="text"/> | 5 | <input type="text"/> | 9     | <input type="text"/> |
| 2 | <input type="text"/> | 6 | <input type="text"/> | 10    | <input type="text"/> |
| 3 | <input type="text"/> | 7 | <input type="text"/> | 11    | <input type="text"/> |
|   |                      |   |                      | 12    | <input type="text"/> |
|   |                      |   |                      | TOTAL | <input type="text"/> |

**OPTIONAL: Current Assigned Teaching Staff:** List by Grade Level and the Teacher's full name. Teachers may be listed in multiple grade levels.

|   |                      |   |                      |    |                      |
|---|----------------------|---|----------------------|----|----------------------|
| K | <input type="text"/> | 4 | <input type="text"/> | 8  | <input type="text"/> |
| 1 | <input type="text"/> | 5 | <input type="text"/> | 9  | <input type="text"/> |
| 2 | <input type="text"/> | 6 | <input type="text"/> | 10 | <input type="text"/> |
| 3 | <input type="text"/> | 7 | <input type="text"/> | 11 | <input type="text"/> |
|   |                      |   |                      | 12 | <input type="text"/> |

**TOTAL TEACHERS ON STAFF:**

**TOTAL ADMINISTRATORS AND OFFICE STAFF:**

**Exceptional Funding Sources:**

Does the school charge an annual student registration fee?                      If so, how much is charged per student?

Does the school charge a student tuition fee?                      If so, how much is charged annually per student?

Does the school receive monetary donations?                      If so, how much money was donated last year?

Does the school receive other state or federal funding, such as, National School Lunch and Title 1 grants?

Please provide additional details:

**PART 3. INFORMATION ABOUT FUNDING AND PURCHASING REQUIREMENTS**

**ALLOCATION AND DISBURSEMENT**

Disbursement of the Instructional Material Fund is contingent on the non-public schools', private school's and governmentally controlled schools' compliance with NM Public School Code 22-15; 6.75.2 NMAC, current legislative requirements and timely submissions of required reports and documents.

IMB funding is dependent upon each school's compliance with PED required annual report information submitted annually. Failure to report the following information may result in the immediate suspension of instructional material funding for the current and subsequent school year:

- (1) **PED 40-Day Student Membership Report; submission of the PED Data Collection electronic Membership Report, before January 1**

- (2) **Annual Instructional Material Budget Report; submission to Instructional Material Bureau, before August 1, and**
- (3) Current Instructional Material Fund Application & copy of current accreditation form(s). Schools must submit an Instructional Material Fund Application and renew it every two years. Applications for the upcoming school year must be submitted prior to April 1.
- (4) Schools must maintain an active account with the PED to receive annual instructional material funds.

### **Instructional Material Fund Eligibility Procedures**

The school's total annual instructional materials budget is comprised of their initial allocation, carryover dollars, and final adjusted allocation for each school year.

- The Public Education Department will suspend the school's privileges for Instructional Material funding if there has been no expenditure activity by November 15<sup>th</sup> of the school year. To reinstate Instructional Material funding for the following school year the private school must complete the application process before April 1.
- The PED will not release payments to the depository on the behalf of the school after December 31<sup>st</sup> of the current school year.

### **Instructional Material Fund Eligibility Reports**

The Public Education Department (PED) will verify that inventory, cost records and procedures are in place through random instructional material audits conducted at sites.

- Each educational entity receiving IM funds must submit an Annual 40-day PED Student Membership Report.
- Each educational entity receiving IM funds must submit an Annual Instructional Material Budget report.
- Each educational entity receiving IM funds must update the Instructional Material Inventory Report using the iSTAR system prior to August 1.

### **Initial Allocation**

On or before April 1 of each fiscal year, the PED shall allocate to each eligible school district, charter district, charter school, non-public, private school, governmentally controlled school and state supported school, not less than 90% of the estimated entitlement based on the prior year forty-day membership.

### **Adjusted Balance of the Annual Appropriation**

On or before January 31 of each year, the PED shall re-compute each entitlement using the forty-day membership for the current year and shall allocate the balance of the annual appropriation compensating for any over-or under-estimation made in the first allocation.

### **Annual Appropriation for Following School Year**

On or before April of each year, the PED shall compute the following school year's annual appropriation and notify schools of this amount to assist them in completing their instructional material orders.

It is expected that instructional materials will be available for student/classroom use on the first day of school annually. To expedite this process districts and schools are urged to submit their instructional material orders to the depository by April 15, using the previous year's allocation to estimate the available funding. Purchase orders may not be issued until the start of the new fiscal year, July 1, for any funds that are part of the new allocation.

### **ALLOCATIONS AND PURCHASES REQUIREMENTS**

- The eligible non-public schools, private schools and governmentally controlled schools receive an initial 90% allocation based on the 40<sup>th</sup> day ADM projection for the school. In the second semester the school receives the adjusted 10% of the IM allocation based on the actual 40<sup>th</sup> day ADM.
- All instructional material purchases must be made through the state depository, Archway.
- A minimum of 50% may be spent on core/basal instructional materials and those must be on the PED authorized adopted list. A maximum of 50% may be used to purchase supplemental materials on PED authorized adopted list. Orders must be submitted through the depository for payment by the PED.
- Schools are strongly encouraged to maintain copies of all records for purchases made with Instructional Material funds and to also maintain a "running balance" of their Instructional Materials fund.

### **BUDGET REQUIREMENTS**

The following will apply to all eligible non-public schools, private schools and governmentally controlled schools that are receiving Instructional Material funds:

- All educational entities are responsible for tracking their own cash balances and maintaining budget records. The balance should also match the ending cash balance on the required Annual Instructional Material Budget Report.

- Schools should verify their balance with the Fiscal Flow Through Bureau. The balance should match the ending cash balance on the required Annual Instructional Material Budget Report.
- The Public Education Department will suspend the non-public school's, private school's and governmentally controlled school's privileges for Instructional Material funding if there has been no expenditure activity by November 15<sup>th</sup> of the school year. To reinstate Instructional Material funding for the following school year the school must complete the application process before February.
- The Public Education Department will *not* reimburse payments to the depository on the behalf of the school after December 31<sup>st</sup> of the current school year.
- All non-public schools, private schools and governmentally controlled schools must submit an Instructional Material Fund Application and renew it every two years. Applications for the upcoming school year must be submitted prior to April 1.
- Budget allocations are contingent on timely submissions of the school's 40-day PED Student Membership Count; submission IMB Annual Budget Report and IMB Inventory reports, due August 1.

### **BUDGET DEVELOPMENT**

Instructional material funds may only be spent on instructional material items, **and** all funds allocated annually plus any carryover dollars should be expended. The PED will provide each school with their tentative allocation based on the revenue generated by the instructional material allocation formula. The allocation calculations and the resulting disbursements are the responsibility of the Flowthrough Bureau of PED.

The PED will directly pay depositories for adopted materials purchased by non-public schools, private schools and governmentally supported schools through the state depository. Requests from non-public schools, private schools and governmentally controlled schools for direct reimbursements will not be funded.

### **Lost or Damaged Books**

A school may hold the parent, guardian, or student responsible for the loss, damage, or destruction of instructional materials while the materials were in the possession of the student. All money collected by a non-public schools, private schools and governmentally supported schools for the sale, loss, damage or destruction of instructional material received pursuant to the Instructional Material Law shall be sent to the PED.

### **CASH DISBURSEMENTS PROCESS**

The PED will directly pay depositories for materials purchased by non-public schools, private schools and governmentally controlled schools. Contact the Fiscal Flow Through Bureau, 827-3848, for verification of balance and invoice information.

### **CLOSURE OF A PRIVATE SCHOOL**

Section 6.75.2.8B (6) of Public Education Department (PED) Regulation 6.75.2 NMAC:

**Responsibilities of Local Schools Boards or Governing Authorities, states that "If closure of a private school [non-public schools, private schools and governmentally supported schools] is eminent the school shall contact the Director in writing within 30 days of closure to obtain the approval to dispose of materials either by sale or return to the bureau. Should the school sell material purchased with state funds, the monies received must be remitted to the Instructional Material Bureau."**

- 4.) Letter from the school's representative providing details of the closure.  
Required Attachments:
  - v. Outline of details; including the specific plans for the disposal, donation or sale of textbooks and the timeline for closure; with signatures from the governing board
  - vi. Current contact information and
  - vii. New contact information (if appropriate)
  - viii. Submission of textbook inventory; inclusive of the publisher, title, ISBN, and quantity
  - ix.
- 5.) Expect a four to six week period for the information to be reviewed and final determination made. Additional information may be requested.
- 6.) Once the plan has been approved, the school board will be notified.

Mail completed packet to: New Mexico Public Education Department  
Instructional Material Bureau  
Sally A. Wilkinson, Bureau Chief  
300 Don Gaspar  
Santa Fe, New Mexico 87501

Please review all of the information you have provided and make certain that all areas have been completed and the details and figures

are accurate.

#### PART 4. CERTIFICATION

- I have completed all of the information requested and I confirm its accuracy.
- I have read the above information and agree to the requirements and conditions.
- I have attached a current copy of the school Accreditation Certificate to this request.

\_\_\_\_\_  
*Principal/ Director's Signature*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Business Manager's Signature*

\_\_\_\_\_  
*Date*

- 1.) Please mail the signed, completed application and required Accreditation document to:  
**NM Public Education Department  
Instructional Material Bureau  
Sally A. Wilkinson, Bureau Chief  
300 Don Gaspar  
Santa Fe, NM 87501**
- 2.) In addition, please e-mail the Instructional Material Fund Application to: [cesaria.tapia1@state.nm.us](mailto:cesaria.tapia1@state.nm.us)
- 3.) Please make a copy of your application documents for your file.

*You will receive a written confirmation from the Instructional Material Bureau staff once the information you have provided has been verified. We look forward to working with you and your staff to provide superior quality instructional materials for your students.*

**THIS APPLICATION MUST BE SUBMITTED NO LATER THAN APRIL 1, 2011**