

LFC Requester:	Sunny Liu
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**AGENCY BILL ANALYSIS
2019 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply: Date 2/6/19
 Original Amendment Bill No: HB45/hfl/aa
 Correction Substitute

Sponsor: Rep. Sheryl Williams Stapleton Agency Code: 924
 Short Title: INSTRUCTIONAL MATERIAL DEFINITIONS & FUNDING Person Writing Daniel Manzano
 Phone: 505-670-3820 Email Daniel.Manzano@state.nm.us

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY19	FY20		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY19	FY20	FY21		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

HB45/hfl/aa amends the language on page 3 by replacing “No Child Left Behind Act of 2001” with “Every Student Succeeds Act.” The Every Student Succeeds Act was signed into United States federal law on December 10, 2015 and replaced the No Child Left Behind Act of 2001. The amendment beginning on page 4 and throughout HB45/hfl/aa replaces “second” with “first” in reference to the membership reporting date. HB45/hfl/aa inserts language for providing instructional materials for private school students based upon certain conditions.

FISCAL IMPLICATIONS

The amendment would require PED to receive certifications from each of the 89 school districts and 100 charter schools annually in order to determine whether sufficient instructional material funds were available. In addition, PED would need to create a process in rule for allocating to the private schools and for determining eligibility. This administrative work would require and additional Business Operations Specialist within the Instructional Material Bureau at a starting annual salary of \$40,201.00.

SIGNIFICANT ISSUES

Current statute uses the terms “forty-day” to describe when enrollment is reported for determining membership eligibility for students entitled to the free use of instructional material. By replacing “second” with “first”, HB45/hfl/aa allows for adequate time between collecting the enrollments in the first reporting date, which is generally in October, and PED having to statutorily “recompute” each entitlement “no later than January 15.”

The average per student instructional material allocation has decreased from FY07 to the present. In FY07, the instructional material allocation was \$84.00 per student. The largest amount in recent years was \$108.00 per student in FY09. For FY19, the allocation is \$38.00 per student. The average allocation from FY05 to FY09 was approximately \$94.00 per student. The average allocation from FY10 to FY19 was approximately \$53.00 per student. It is not clear in the bill the measure that districts will use in order to determine sufficient funding. The allocation per student could be one measure for determining sufficient funding or it could be a subjective determination.

The amendment does not indicate how PED will determine whether a private school

discriminates “based on race, religion, color, national origin, ancestry, gender, sexual orientation, gender identity or physical or mental disability.”

The amendment does not specifically address Bureau of Indian Education (BIE) schools. BIE schools have been historically defined as “private schools” based upon statute 22-1-2-K, “private school means a school, other than a home school, that offers on-site programs of instruction and that is not under the control, supervision or management of a local school board.”

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

None.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

None.

AMENDMENTS

None.