

I. SALE/DISPOSAL OF IM PURCHASED WITH IM FUNDING

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

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.

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

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:
 - Required communication-An official request submitted on letterhead should be mailed to IMB Chief, Anthony Burns, 300 Don Gaspar – Room G14, 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.
 - Inventory listing of the materials including: Publisher, copyright, ISBN numbers, quantity and sale price per item and total.
 - 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 or applicable 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 of Instructional Material

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. It is recommended that the district/school will donate the materials to other non-profit educational entities, local agencies, or organizations for use but not resell them.

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, Anthony Burns, 300 Don Gaspar – Room G14, 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.