

manipulatives from publishers, copyright holders, and designated PED-approved depositories. HB226 would also expand the list of approved sources for instructional materials to include designated PED-approved instructional materials depositories, which offer rigorously evaluated, adopted materials for sale at the lowest price nationally.

FISCAL IMPLICATIONS

The bill does not contain an appropriation.

SIGNIFICANT ISSUES

Section 13-1-98 NMSA 1978 – [Exemptions from Procurement Code](#) – exempts state agencies and local public bodies, including school districts and charter schools, from certain categories of expenses. Selective exemption accelerates the procurement processes where possible without compromising the purposes of the Procurement Code, which are (1) to fairly and equitably treat of all persons involved in public procurement, (2) to maximize the purchasing value of public funds and (3) to provide safeguards for maintaining a procurement system of quality and integrity.

HB226 defines “instructional materials” as “school textbooks and other educational media that are used as the basis for instruction, including combinations of textbooks, learning kits, supplementary materials and electronic media.” The bill adds these types of instructional materials to the list of exempt items when procured from specific types of sources. The bill would expand the list of approved sources of these materials to include not only publishers and copyright holders, but also designated PED-approved instructional material depositories. Instructional material depositories warehouse adopted materials with a memorandum of understanding to sell to school districts and charter schools at the lowest price nationally and with reduced shipping costs, saving school districts up to 5 percent on shipping for each order and reducing materials cost significantly. PED Instructional Materials Bureau engages educators annually in review of core instructional materials, adopting those scoring 80 percent or higher for alignment to state standards, ensuring that high quality materials are available through PED-approved depositories.

PERFORMANCE IMPLICATIONS

Expanding the definition of exempt instructional materials to include hands-on and electronic materials aligns with the PED 2022 Strategic Plan to support research-based, relevant, applied, and experiential learning opportunities. Reducing unnecessary administrative burden to state agencies, school districts, and charter schools contributes to procedural efficiency called for by the 2022 Governor’s Reduction of Administrative Burden Executive Order.

ADMINISTRATIVE IMPLICATIONS

HB226 would reduce school districts and charter schools’ administrative burden when purchasing instructional materials from publishers, copyright holders, and PED-approved depositories.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

TECHNICAL ISSUES

Reference to PED-approved depositories are references to “*designated* PED-approved

depositories”, suggesting that the proposed Procurement Code exception is applicable to only some PED-depositories, those that are “designated.” The bill offers no definition of this term, or any other explanation of how a depository is designated or who so designates them.

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

For large expenditures of instructional materials that are not currently exempt, such as hands-on materials and digital media, procurement can typically take weeks or months, as administrative personnel solicit and document bids from several vendors. The slow process reduces the responsiveness of schools in providing these types of instructional materials when funds become available. The process may also reduce relevance to teaching and learning in the classroom. Teachers may find more readily available resources while they wait for the purchased materials to be delivered to the classroom. This may lower the overall quality of materials used in the classroom. For example, when instructional media are available for free on the Internet, they are likely to be accompanied by advertisements with commercial intent distracting from the learning objectives, and when manipulatives are scrounged or donated, hazardous or unsafe materials may be introduced to the classroom.

AMENDMENTS

The sponsor may wish to consider striking the word, “designated” from references to PED-approved depositories, or offering a definition or other explanation of how depositories are designated and by whom.