

**TITLE 6            PRIMARY AND SECONDARY EDUCATION**  
**CHAPTER 75       INSTRUCTIONAL MATERIALS AND TECHNOLOGY**  
**PART 5            RELATING TO THE IMPLEMENTATION OF THE SCHOOL LIBRARY MATERIAL ACT**

**6.75.5.1            ISSUING AGENCY:** Public Education Department  
[6.75.5.1 NMAC - N, 05-15-06]

**6.75.5.2            SCOPE:** This rule governs the procedures for the allocation, distribution and use of funds to purchase materials for school libraries.  
[6.75.5.2 NMAC - N, 05-15-06]

**6.75.5.3            STATUTORY AUTHORITY:** This rule is promulgated pursuant to Sections 9-24-8 and 22-15C-1 et seq. NMSA 1978.  
[6.75.5.3 NMAC - N, 05-15-06]

**6.75.5.4            DURATION:** Permanent  
[6.75.5.4 NMAC - N, 05-15-06]

**6.75.5.5            EFFECTIVE DATE:** May 15, 2006, unless a later effective date is cited at the end of a section.  
[6.75.5.5 NMAC - N, 05-15-06]

**6.75.5.6            OBJECTIVE:** This rule is designed to facilitate the allocation, distribution and use of funds to purchase materials for school libraries.  
[6.75.5.6 NMAC - N, 05-15-06]

**6.75.5.7            DEFINITIONS:**

A.        “Additional student” means a student in the certified forty-day membership of the current year for a school district, charter school or state institution above the number certified in the forty-day membership of the prior year for the school district, charter school or state institution.

B.        “Bureau” means the instructional material bureau of the department of education.

C.        “Chief” means the chief of the state instructional material bureau.

D.        “Department” means the public education department.

E.        “Fund” means the school library material fund.

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

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

H.        “School library material” means books and other educational media, including online reference and periodical databases, that are made available in a school library to students for circulation and use in the library.  
[6.75.5.7 NMAC - N, 05-15-06]

**6.75.5.8            REQUIREMENTS: RESPONSIBILITIES OF THE DEPARTMENT**

A.        The department will administer the provision of the School Library Material Act [22-15C-1 to 22-15C-10 NMSA 1978] as follows:

(1)       allocate and distribute money to school districts, charter schools and state institutions from the fund to pay for the cost of purchasing school library material; the cost of purchasing school library materials may include shipping and handling charges for the delivery of school library material;

(2)       enforce rules for the handling, safekeeping and distribution of school library material and money from the fund; and

(3)       withdraw or withhold the privilege of participating in the free use of school library material in case of noncompliance with the provisions of the School Library Material Act or this rule.

B.        On or before July 1 of each year, the department shall distribute from the fund at least ninety percent of the estimated entitlement for each school district, charter school or state institution as determined from

the forty-day membership of the previous school year. Additional students shall be counted as six students for the purpose of the allocation.

C. 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 and over- or under-estimation made in the first allocation.

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

[6.75.5.8 NMAC - N, 05-15-06]

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

A. A school district, charter school 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.

B. A school district, charter school or state institution is responsible for circulation of the school library material for use by eligible students and for the safekeeping of the school library material.

C. With the approval of the bureau, school library material may be sold at a price determined by officials of the school district, charter school or state institution. The selling price may not exceed the cost of the material.

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

E. A school district, charter school or state institution shall keep an accurate record 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.

F. Annually, at a time specified by the department, each local school district and state institution acquiring school library material shall file a report with the department.

[6.75.5.9 NMAC - N, 05-15-06]

#### **HISTORY OF 6.75.5 NMAC: [RESERVED]**