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HOUSE BILL 298

**52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

INTRODUCED BY

Christine Trujillo

AN ACT

RELATING TO PUBLIC EDUCATION; REQUIRING THE PUBLIC EDUCATION DEPARTMENT TO ACTIVELY SEEK IN-STATE CONSULTANTS, TESTING COMPANIES AND OTHER EDUCATIONAL SERVICE PROVIDERS WHEN PURCHASING OR CONTRACTING FOR EDUCATIONAL GOODS AND SERVICES; REQUIRING THE DEPARTMENT TO POST TESTING CONTRACTS AND COSTS; LIMITING CERTAIN CONTRACT PROVISIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the Public School Code is enacted to read:

"~~[NEW MATERIAL]~~ DEPARTMENT CONTRACTS--IN-STATE PREFERENCES--POSTING TESTING COMPANY INFORMATION ON WEB SITE.--

A. The department shall actively seek in-state educational consultants, testing companies and other educational goods or services providers to respond to requests

.198885.1

underscoring material = new  
~~[bracketed material] = delete~~

1 for proposals, invitations to bid and other announcements for  
2 consultants or contractors or for other purchases of goods or  
3 services. Sole source contracting shall not be used for  
4 contracts with testing companies.

5 B. All testing proposals and contracts and personal  
6 services contracts shall be posted on the department's web site  
7 within five days of letting the contract. The web site shall  
8 include a running total of contractual money paid to in-state  
9 and out-of-state contractors. A posted testing proposal may be  
10 redacted for proprietary business information; provided that  
11 proprietary business information does not include costs and  
12 payments.

13 C. When posting testing contracts, the post shall  
14 include the cost of each assessment, the time required for each  
15 assessment and the total time required for assessments for the  
16 school year.

17 D. The department shall not enter into any testing  
18 contracts with an agreement or policy that limits the ability  
19 of educators to appropriately review, discuss or comment on any  
20 products or services and that limits the speech of parents,  
21 students or educators. No testing contract shall limit the  
22 ability of teachers, parents and students to discuss the test  
23 after its administration."