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SENATE BILL 288

52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016

INTRODUCED BY

Joseph Cervantes

AN ACT

RELATING TO PUBLIC SCHOOLS; INCREASING THE MINIMUM
INSTRUCTIONAL HOURS AND DAYS IN A SCHOOL YEAR FOR STUDENTS IN
KINDERGARTEN THROUGH SIXTH GRADE.

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

SECTION 1. Section 22-2-8.1 NMSA 1978 (being Laws 1986,
Chapter 33, Section 2, as amended by Laws 2011, Chapter 35,
Section 1 and by Laws 2011, Chapter 154, Section 1) is amended
to read:

"22-2-8.1. SCHOOL YEAR--~~[LENGTH OF SCHOOL DAY]~~ MINIMUM
INSTRUCTIONAL HOURS AND DAYS.--

~~[A. Except as otherwise provided in this section,
regular students shall be in school-directed programs,
exclusive of lunch, for a minimum of the following:~~

~~(1) kindergarten, for half-day programs, two~~

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1 ~~and one-half hours per day or four hundred fifty hours per year~~
2 ~~or, for full-day programs, five and one-half hours per day or~~
3 ~~nine hundred ninety hours per year;~~

4 ~~(2) grades one through six, five and~~
5 ~~one-half hours per day or nine hundred ninety hours per year;~~
6 and

7 ~~(3) grades seven through twelve, six hours per~~
8 ~~day or]~~

9 A. Within three hundred sixty-five calendar days,
10 the following instructional hours or days shall be provided in
11 a school year:

12 (1) for students in kindergarten through fifth
13 grade, at least one thousand one hundred twenty-seven and one-
14 half instructional hours or five and one-half instructional
15 hours per day for two hundred five days; and

16 (2) for students in sixth through twelfth
17 grades, at least one thousand eighty instructional hours [per
18 year] or six instructional hours per day for one hundred eighty
19 days.

20 B. The following programs may count toward the
21 calculation of the minimum instructional hours in a school year
22 set forth in Subsection A of this section:

23 ~~[B.]~~ (1) up to thirty-three hours of the
24 ~~[full-day]~~ kindergarten program ~~[may be used]~~ for home visits
25 by the teacher or for parent-teacher conferences;

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1 (2) up to twenty-two hours of [~~grades one~~
2 ~~through six~~] first through sixth grade programs [~~may be used~~]
3 for home visits by the teacher or for parent-teacher
4 conferences; and

5 (3) up to twelve hours of [~~grades seven~~
6 ~~through twelve~~] seventh through twelfth grade programs [~~may be~~
7 ~~used~~] to consult with parents to develop next step plans for
8 students and for parent-teacher conferences.

9 C. Days or hours when no instruction is given due
10 to lunchtime, recess, weather-related school delays or
11 cancellations, in-service training, teacher planning and
12 preparation or other events that are not educational programs
13 or other programs set forth in Subsection B of this section
14 shall not count toward the calculation of minimum instructional
15 hours and days.

16 [~~G.~~] D. Nothing in this section precludes a local
17 school board from [setting a school year or the length of
18 school days in excess of the minimum requirements established
19 by] providing a greater number of instructional hours or days
20 than required in Subsection A of this section.

21 [~~D.~~ ~~The secretary may waive the minimum length of~~
22 ~~school days in those school districts where such minimums would~~
23 ~~create undue hardships as defined by the department as long as~~
24 ~~the school year is adjusted to ensure that students in those~~
25 ~~school districts receive the same total instructional time as~~

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1 ~~other students in the state.]~~

2 E. ~~[Notwithstanding any other provision of this~~
3 ~~section]~~ Provided that instruction occurs simultaneously, time
4 when breakfast is served or consumed pursuant to a state or
5 federal program shall be deemed to be time in a school-directed
6 program ~~[and is part of the instructional day]~~ that counts
7 toward the calculation of minimum instructional hours.

8 F. School breaks shall be evenly scheduled to the
9 extent practicable."

10 SECTION 2. Section 22-8-19 NMSA 1978 (being Laws 1974,
11 Chapter 8, Section 9, as amended) is amended to read:

12 "22-8-19. EARLY CHILDHOOD EDUCATION PROGRAM UNITS.--

13 A. The number of early childhood education program
14 units is determined by multiplying the early childhood
15 education MEM by the cost differential factor ~~[1.44. Early~~
16 ~~childhood education students enrolled in half-day kindergarten~~
17 ~~programs shall be counted for 0.5 early childhood MEM. Early~~
18 ~~childhood education students enrolled in full-day kindergarten~~
19 ~~programs shall be counted for 1.0 early childhood education~~
20 ~~MEM]~~ 1.656.

21 B. For the purpose of calculating early childhood
22 education program units, developmentally disabled three- and
23 four-year-old students shall be counted in early childhood
24 education membership. No developmentally disabled three- or
25 four-year-old student shall be counted for more than 0.5 early

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1 childhood education MEM."

2 SECTION 3. Section 22-8-20 NMSA 1978 (being Laws 1991,
3 Chapter 85, Section 3, as amended by Laws 1993, Chapter 2,
4 Section 1 and by Laws 1993, Chapter 226, Sections 21 and 22 and
5 also by Laws 1993, Chapter 228, Sections 2 and 3) is amended to
6 read:

7 "22-8-20. BASIC PROGRAM UNITS.--The number of basic
8 program units is determined by multiplying the basic program
9 MEM in each grade by the corresponding cost differential factor
10 as follows:

11	<u>Grades</u>	<u>Cost Differential Factor</u>
12	1	[1.2] <u>1.38</u>
13	2 and 3	[1.18] <u>1.357</u>
14	4 [through 6] <u>and 5</u>	[1.045] <u>1.202</u>
15	[7] <u>6</u> through 12	1.25."

16 SECTION 4. APPLICABILITY.--The provisions of this act
17 apply to the 2018-2019 and subsequent school years.

18 SECTION 5. CONTINGENT EFFECTIVE DATE.--The provisions of
19 this act shall become effective upon certification by the
20 secretary of state that the constitution of New Mexico has been
21 amended as proposed by a joint resolution of the second session
22 of the fifty-second legislature entitled "A JOINT RESOLUTION
23 PROPOSING AN AMENDMENT TO ARTICLE 12, SECTION 7 OF THE
24 CONSTITUTION OF NEW MEXICO TO PROVIDE FOR AN ADDITIONAL ANNUAL
25 DISTRIBUTION OF ONE PERCENT OF THE PERMANENT FUNDS, OF WHICH

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1 THE AMOUNT DISTRIBUTED FROM THE PERMANENT SCHOOL FUND SHALL BE
2 USED TO LENGTHEN THE SCHOOL DAY AND SCHOOL YEAR AS PROVIDED BY
3 LAW."

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