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SENATE BILL 171

**53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018**

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	[ <del>1.2</del> ] <u>1.38</u>
13	2 and 3	[ <del>1.18</del> ] <u>1.357</u>
14	4 [ <del>through 6</del> ] <u>and 5</u>	[ <del>1.045</del> ] <u>1.202</u>
15	[ <del>7</del> ] <u>6</u> through 12	1.25."

16 SECTION 4. APPLICABILITY.--The provisions of this act  
17 apply to the 2020-2021 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-third 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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