

**LEGISLATIVE EDUCATION STUDY COMMITTEE  
BILL ANALYSIS**

**Bill Number:** CS/SB 575

**51st Legislature, 1st Session, 2013**

**Tracking Number:** .193845.1

**Short Title:** School Year Minimum Instructional Hours

**Sponsor(s):** Senator Joseph Cervantes and Other

**Analyst:** Sarah Amador-Guzman

**Date:** March 20, 2013 (revised)

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**SENATE EDUCATION COMMITTEE SUBSTITUTE FOR SENATE BILL 575**

**Bill Summary:**

CS/SB 575 amends the *Public School Code* to:

- expand the minimum number of instructional hours required in a school year for kindergarten through twelfth grade (also known as K-12), as follows:
  - 500 instructional hours for half-day kindergarten programs;
  - 1,100 instructional hours for full-day kindergarten programs;
  - 1,100 instructional hours for grades 1 through 6;
  - 1,200 instructional hours for grades 7 through 12; and
- set a minimum standard for instructional days for schools following a regular school year calendar of 200 instructional days in four 10-week quarters evenly spaced in a calendar year;
- require the Public Education Department (PED) to approve a school year calendar for schools with a variable schedule;
- allow certain programs to count toward the calculation of the minimum instructional hours in a school year, such as kindergarten home visits;
- prohibit certain acts or events from counting toward the calculation for minimum instructional hours;
- allow school boards or charter school governing bodies to increase the number of instructional hours; and
- make an appropriation.

CS/SB 575 has an effective date of July 1, 2013.

**Fiscal Impact:**

\$261.1 million is appropriated from the General Fund to the State Equalization Guarantee (SEG) distribution (commonly referred to as the Public School Funding Formula) to provide for 20 additional instructional days at a daily cost of approximately \$13.05 million. Any unexpended or unencumbered balance remaining at the end of FY 14 shall revert to the General Fund.

## **Substantive Issues:**

In New Mexico, the K-3 Plus program already extends the school year by 25 instructional days for grades K-3 and has demonstrated improvement in student outcomes.

- During the 2012 interim, the Legislative Education Study Committee (LESC) heard a report from the Start Smart K-3 Plus Project at Utah State University, providing some findings from a five-year longitudinal study that examines the effect of the program on student achievement and the cost-benefit aspects of the program. For school years 2011-2012 and 2012-2013, approximately 1,700 New Mexican students in eight districts are served by the Start Smart K-3 Plus Project, with half of the students randomly assigned to an intervention group and half randomly assigned to a control group.
- With a caveat that some of the data are preliminary, the evaluator testified that strong and statistically significant outcome effects of the Start Smart K-3 Plus program were found in broad reading, broad writing, basic math, and expressive vocabulary. In terms of kindergarten readiness, participants in the intervention group received higher percentile ranks than those in the control group.
- These results are similar to those reported in December 2011, when the LESC heard testimony from two of the leaders the Start Smart K-3 Plus Project. Initial results, according to this testimony, indicated that the program was increasing student achievement in reading, math, and writing and that it had the potential of reducing the need for and cost of remediation in later grades.

CS/SB 575 could have similar impacts on additional grades that are currently not being served by the K-3 Plus program.

## **Background:**

### ***Variable School Calendar***

The *Variable School Calendar Act* defines a “variable school calendar” as a calendar that extends school operations over a 10-, 11-, or 12-month period or portions thereof in excess of nine months, which permits pupil attendance on a staggered schedule. A variable or alternate school calendar generally consists of 180 instructional days with continuous learning and frequent short breaks throughout the year. This type of schedule, also known as an Alternate Calendar, is currently in operation at school districts like Albuquerque Public Schools (APS). The elementary schools from APS that are currently following this type of schedule include:

- Cochiti;
- Duranes;
- Eugene Field;
- M.A. Binford;
- Mark Twain;
- Navajo;
- Oñate; and
- S.R. Marmon.

## ***Related Legislation***

In 2009, legislation was enacted that required, effective school year 2010-2011, that school calendars consist of 180 full instructional days for a regular school year calendar and 150 full instructional days for a variable school year, excluding release time for in-service training.

As presented in testimony to the LESC several times during the 2009 interim, these imminent requirements raised a number of issues:

- For one, there was concern that, during the budget approval process for school year 2009-2010, a number of school districts and charter schools felt compelled to change their school calendars in the current school year, a year earlier than the effective date of the 2009 legislation.
- For another, staff testimony indicated that more than half of the school districts and charter schools would be required to add instructional days in school year 2010-2011 to satisfy the requirements of the 2009 legislation.
- Staff testimony also indicated a wide range of per-day costs at the districts and charter schools surveyed.

To address these concerns, LESC-endorsed legislation was enacted in 2010 to delay the implementation of the 2009 legislation until school year 2011-2012. To study the effect of the delayed school calendar legislation, the 2010 Legislature also passed SJM 12, *Study School Calendars*, which requests that the Office of Education Accountability (OEA), in collaboration with PED, school districts, charter schools, school boards and governing bodies, teacher and employee representatives, and parent representatives study current practices and issues related to school calendars and the length of a school day, including:

- scheduling and making up time lost due to inclement weather or pandemic illness;
- scheduling teacher planning time and professional development activities; and
- the impact of various school calendar options and scheduling practices on:
  - teachers;
  - learning time and achievement of students;
  - school operations; and
  - school district budgetary needs.

To address the memorial, OEA formed a work group comprising 31 representatives of public school districts, charter schools, the business community, public education professional organizations, PED, as well as the Legislature and legislative agencies, including the LESC.

Based on school district calendar data provided by PED, as well as input from school districts and educational professional associations, the work group recommended that the 2009 amendments to the *Public School Code* requiring a minimum number of instructional days be:

- repealed, or
- indefinitely delayed until such time that further study of both the costs to districts and charter schools and the impact on student and teacher performance has been completed and the results presented to the Legislature for further consideration.

In 2011, LESC-endorsed legislation was enacted to repeal the provisions enacted in 2009 that required a school year to:

- consist of 180 full instructional days for a regular school calendar; or
- 150 days for a variable school calendar; and
- be exclusive of professional development days and adjustments for cancelled days due to inclement in weather.

Also in 2011, legislation that did not pass was introduced to amend the *Public School Code* to increase the number of required instructional days beginning with school year 2012-2013.

Among its provisions, the legislation would have:

- required that a regular school year consist of at least 200 full instructional days in four quarters of 10 five-day weeks throughout the calendar year; and
- provided that days or parts of days that were lost due to weather, in-service training, or other events that are not school-directed programs be made up so that students were given a full instructional school year.

**Committee Referrals:**

SEC/SFC

**Related Bills:**

SB 378 *K-3 Plus Equalization Guarantee Distribution*

\*CS/HB 310 *K-3 Program Eligibility*