

SENATE EDUCATION COMMITTEE SUBSTITUTE FOR  
SENATE BILL 563

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

AN ACT

RELATING TO PUBLIC SCHOOLS; INCREASING THE MINIMUM  
INSTRUCTIONAL HOURS AND DAYS IN A SCHOOL YEAR.

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  
and one-half hours per day or four hundred fifty hours per year~~

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

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

6 ~~(3) grades seven through twelve]~~

7 A. In a school year, public school students shall  
8 be in educational programs, exclusive of lunch, for the  
9 following minimum instructional hours:

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

14 (2) for students in the sixth grade, five and  
15 one-half hours per day or nine hundred ninety hours per year;  
16 and

17 (3) for students in seventh through twelfth  
18 grades, six hours per day or one thousand eighty hours per  
19 year.

20 B. For a school that follows a regular school year  
21 calendar, a school year consists of a minimum of two hundred  
22 five instructional days for kindergarten through fifth grade  
23 that provide the minimum instructional hours established in  
24 Paragraph (1) of Subsection A of this section as evenly spaced  
25 in a balanced calendar as practicable. For a school that

1 follows a variable school calendar pursuant to the Variable  
2 School Calendar Act, the department shall approve a school's  
3 requested length and number of instructional days in a school  
4 year that provides the minimum instructional hours established  
5 in Paragraph (1) of Subsection A of this section as evenly  
6 spaced in a balanced calendar as practicable.

7 C. The following programs may count toward the  
8 calculation of the minimum instructional hours in a school  
9 year:

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

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

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

21 D. Days or hours when no instruction is given due  
22 to weather, in-service training, teacher planning and  
23 preparation or other events that are not educational programs  
24 or other programs set forth in Subsection C of this section  
25 shall not count toward the calculation of minimum instructional

1 hours and days.

2           ~~[G.]~~ E. Nothing in this section precludes a local  
3 school board from ~~[setting a school year or the length of~~  
4 ~~school days in excess of]~~ increasing the number of minimum  
5 ~~[requirements]~~ instructional hours and days established ~~[by~~  
6 ~~Subsection A of]~~ in this section.

7           ~~[D. The secretary may waive the minimum length of~~  
8 ~~school days in those school districts where such minimums would~~  
9 ~~create undue hardships as defined by the department as long as~~  
10 ~~the school year is adjusted to ensure that students in those~~  
11 ~~school districts receive the same total instructional time as~~  
12 ~~other students in the state.~~

13           ~~G.]~~ F. Notwithstanding any other provision of this  
14 section, provided that instruction occurs simultaneously, time  
15 when breakfast is served or consumed pursuant to a state or  
16 federal program shall be deemed to be time in a school-directed  
17 program ~~[and is part of the instructional day]~~ that counts  
18 toward the calculation of minimum instructional hours."

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

21           "22-8-19. EARLY CHILDHOOD EDUCATION PROGRAM UNITS.--

22           A. The number of early childhood education program  
23 units is determined by multiplying the early childhood  
24 education MEM by the cost differential factor ~~[1.44. Early~~  
25 ~~childhood education students enrolled in half-day kindergarten~~

1 ~~programs shall be counted for 0.5 early childhood MEM]~~ 1.656.

2 Early childhood education students enrolled in [~~full-day~~]  
 3 kindergarten programs shall be counted for 1.0 early childhood  
 4 education MEM.

5 B. For the purpose of calculating early childhood  
 6 education program units, developmentally disabled three- and  
 7 four-year-old students shall be counted in early childhood  
 8 education membership. No developmentally disabled three- or  
 9 four-year-old student shall be counted for more than 0.5 early  
 10 childhood education MEM."

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

16 "22-8-20. BASIC PROGRAM UNITS.--The number of basic  
 17 program units is determined by multiplying the basic program  
 18 MEM in each grade by the corresponding cost differential factor  
 19 as follows:

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

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1 SECTION 4. APPLICABILITY.--The provisions of this act  
2 apply to the 2017-2018 and subsequent school years.

3 SECTION 5. CONTINGENT EFFECTIVE DATE.--The provisions of  
4 this act shall become effective upon certification by the  
5 secretary of state that the constitution of New Mexico has been  
6 amended as proposed by a joint resolution of the first session  
7 of the fifty-second legislature entitled "A JOINT RESOLUTION  
8 PROPOSING TO AMEND ARTICLE 12, SECTION 7 OF THE CONSTITUTION OF  
9 NEW MEXICO TO PROVIDE FOR AN ADDITIONAL DISTRIBUTION FROM THE  
10 LAND GRANT PERMANENT FUND TO IMPLEMENT AND MAINTAIN A LONGER  
11 SCHOOL YEAR FOR PUBLIC SCHOOL STUDENTS IN KINDERGARTEN THROUGH  
12 FIFTH GRADE."

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[~~bracketed material~~] = delete