

1 AN ACT

2 RELATING TO PUBLIC SCHOOL FINANCE; CREATING THE K-12 PLUS  
3 PROGRAM; PROVIDING ADDITIONAL PROGRAM UNITS FOR PUBLIC  
4 SCHOOLS THAT INCREASE THE NUMBER OF INSTRUCTIONAL DAYS BEYOND  
5 ONE HUNDRED EIGHTY DAYS FOR A FIVE-DAY SCHOOL WEEK AND MORE  
6 THAN ONE HUNDRED FIFTY-FIVE DAYS FOR A FOUR-DAY SCHOOL WEEK;  
7 DEFINING INSTRUCTIONAL HOURS AND PROFESSIONAL HOURS;  
8 REPEALING THE K-5 PLUS ACT AND EXTENDED LEARNING TIME PROGRAM  
9 UNITS.

10  
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

16 "22-2-8.1. SCHOOL YEAR--LENGTH OF SCHOOL DAY--  
17 MINIMUM.--

18 A. Except as otherwise provided in this section,  
19 students shall be in school programs, exclusive of lunch, for  
20 a minimum of one thousand one hundred forty instructional  
21 hours per year, except half-day kindergarten, which shall  
22 have five hundred fifty instructional hours per year.

23 B. An instructional hour is a period at school  
24 during which students receive instruction aligned to academic  
25 content and performance standards and includes:

1 (1) a school program set forth in Sections  
2 22-13-1 and 22-13-1.1 NMSA 1978;

3 (2) enrichment programs that focus on  
4 problem solving and cognitive skills development;

5 (3) content that provides technical  
6 knowledge, skills and competency-based applied learning;

7 (4) research- or evidence-based social,  
8 emotional or academic interventions; and

9 (5) instruction that occurs at the same time  
10 breakfast is served or consumed in accordance with the  
11 breakfast after the bell program or federal requirements.

12 C. Up to sixty instructional hours per school year  
13 for elementary grades and thirty instructional hours for  
14 middle and high school grades may be used for professional  
15 work hours, which may be embedded during the course of a  
16 normal school day. A "professional work hour" means time  
17 during which a teacher participates in professional work  
18 aligned to challenging academic content and performance  
19 standards, including:

20 (1) home visiting or parent-teacher  
21 conferences;

22 (2) educator training or professional  
23 development; and

24 (3) mentorship, coaching and collaboration  
25 between school employees.

1 D. Nothing in this section precludes a local  
2 school board from setting a school year or the length of  
3 school days in excess of the minimum requirements established  
4 by Subsection A of this section.

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

11 F. Notwithstanding any other provision of this  
12 section, provided that instruction occurs simultaneously,  
13 time when breakfast is served or consumed pursuant to a state  
14 or federal program shall be deemed to be time in a school-  
15 directed program and is part of the instructional day."

16 SECTION 2. Section 22-8-9 NMSA 1978 (being Laws 1967,  
17 Chapter 16, Section 63, as amended by Laws 2019, Chapter 206,  
18 Section 10 and by Laws 2019, Chapter 207, Section 10) is  
19 amended to read:

20 "22-8-9. BUDGETS--MINIMUM REQUIREMENTS.--

21 A. An operating budget for a school district shall  
22 not be approved by the department if the educational plan  
23 does not provide for:

24 (1) a school year and school day that  
25 includes instructional hours and professional work hours as

1 provided in Section 22-2-8.1 NMSA 1978; and

2 (2) a pupil-teacher ratio or class or  
3 teaching load as provided in Section 22-10A-20 NMSA 1978.

4 B. The department shall, by rule, establish the  
5 requirements for an instructional day, the standards for an  
6 instructional hour and the standards for a full-time teacher  
7 and for the equivalent thereof."

8 **SECTION 3.** A new section of the Public School Finance  
9 Act is enacted to read:

10 "K-12 PLUS PROGRAM UNITS--ADDITIONAL PROGRAM UNITS.--

11 A. A public school operating on a five-day  
12 calendar that provides more than one hundred eighty days of  
13 instruction, and a public school operating on a four-day  
14 calendar that provides more than one hundred fifty-five days  
15 of instruction, shall be considered a "K-12 plus school".  
16 Each school district or charter school with a K-12 plus  
17 school shall be eligible to receive program units for  
18 students in that public school.

19 B. The number of K-12 plus program units is  
20 determined by multiplying the MEM in department-approved K-12  
21 plus schools by the cost differential factor of twelve  
22 thousandths and the number of instructional days provided  
23 between:

24 (1) one hundred eighty-one and one hundred  
25 ninety instructional days for a public school with a five-day

1 school week; and

2 (2) one hundred fifty-six and one hundred  
3 sixty-five instructional days for a public school with a  
4 four-day school week.

5 C. The number of K-12 plus program units is  
6 determined by multiplying the MEM in department-approved K-12  
7 plus schools by the cost differential factor of sixteen  
8 thousandths and the number of instructional days provided  
9 between:

10 (1) one hundred ninety-one and two hundred  
11 five instructional days for a public school with a five-day  
12 school week; and

13 (2) one hundred sixty-six and one hundred  
14 seventy-five instructional days for a public school with a  
15 four-day school week.

16 D. A school district is eligible for the total  
17 number of program units calculated in this manner for every  
18 K-12 plus school in that school district.

19 E. No later than October 15 of each year, a school  
20 district or charter school that wishes to establish a new  
21 K-12 plus school for the next fiscal year shall submit to the  
22 department the actual number of students participating in  
23 each of its K-12 plus schools in the current year and an  
24 estimate of the number of students that the school district  
25 or charter school expects will participate in each K-12 plus

1 school in the next year.

2 F. No later than November 15 of each year, the  
3 department shall notify the legislature of the number of  
4 students participating in K-12 plus schools in the current  
5 school year and the number of students projected to  
6 participate in K-12 plus schools in the next school year."

7 SECTION 4. Section 22-8-18 NMSA 1978 (being Laws 1974,  
8 Chapter 8, Section 8, as amended by Laws 2019, Chapter 206,  
9 Section 13 and by Laws 2019, Chapter 207, Section 13) is  
10 amended to read:

11 "22-8-18. PROGRAM COST CALCULATION--LOCAL  
12 RESPONSIBILITY.--

13 A. The total program units for the purpose of  
14 computing the program cost shall be calculated by multiplying  
15 the sum of the program units itemized as Paragraphs (1) and  
16 (2) in this subsection by the staffing cost multiplier and  
17 adding the program units itemized as Paragraphs (3) through  
18 (15) in this subsection. The itemized program units are as  
19 follows:

- 20 (1) early childhood education;  
21 (2) basic education;  
22 (3) special education, adjusted by  
23 subtracting the units derived from membership in class D  
24 special education programs in private, nonsectarian,  
25 nonprofit training centers;

- 1 (4) bilingual multicultural education;
- 2 (5) fine arts education;
- 3 (6) elementary physical education;
- 4 (7) size adjustment;
- 5 (8) at-risk;
- 6 (9) enrollment growth or new district  
7 adjustment;
- 8 (10) special education units derived from  
9 membership in class D special education programs in private,  
10 nonsectarian, nonprofit training centers;
- 11 (11) national board for professional  
12 teaching standards certification;
- 13 (12) home school student;
- 14 (13) home school student activities;
- 15 (14) charter school student activities; and
- 16 (15) K-12 plus.

17 B. The total program cost calculated as prescribed  
18 in Subsection A of this section includes the cost of early  
19 childhood, special, bilingual multicultural, fine arts and  
20 vocational education and other remedial or enrichment  
21 programs. It is the responsibility of the local school board  
22 or governing body of a charter school to determine its  
23 priorities in terms of the needs of the community served by  
24 that board. Except as otherwise provided in this section,  
25 funds generated under the Public School Finance Act are

1 discretionary to local school boards and governing bodies of  
2 charter schools; provided that the special program needs as  
3 enumerated in this section are met; and provided further that  
4 the department shall ensure that the local school board or  
5 governing body of a charter school is prioritizing resources  
6 for the public school toward proven programs and methods  
7 linked to improved student achievement."

8       **SECTION 5. REPEAL.**--Sections 22-8-23.10, 22-8-23.11 and  
9 22-13D-1 through 22-13D-4 NMSA 1978 (being Laws 2019, Chapter  
10 206, Section 16 and Laws 2019, Chapter 207, Section 16; Laws  
11 2019, Chapter 206, Section 17 and Laws 2019, Chapter 207,  
12 Section 17; Laws 2019, Chapter 206, Section 2 and Laws 2019,  
13 Chapter 207, Section 2; Laws 2019, Chapter 206, Section 3 and  
14 Laws 2019, Chapter 207, Section 3; Laws 2019, Chapter 206,  
15 Section 4 and Laws 2019, Chapter 207, Section 4; and Laws  
16 2019, Chapter 206, Section 5 and Laws 2019, Chapter 207,  
17 Section 5, as amended) are repealed.

18       **SECTION 6. EFFECTIVE DATE.**--The effective date of the  
19 provisions of this act is July 1, 2023. \_\_\_\_\_

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