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HOUSE BILL 74

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

Gail Armstrong and Brian G. Baca and Harlan Vincent

AN ACT

RELATING TO PUBLIC SCHOOLS; CLARIFYING THAT LOCAL SCHOOL BOARDS AND GOVERNING BODIES OF CHARTER SCHOOLS SHALL DETERMINE THE TOTAL NUMBER OF INSTRUCTIONAL DAYS PER YEAR AND THE NUMBER OF INSTRUCTIONAL DAYS PER WEEK THAT STUDENTS ARE REQUIRED TO BE IN SCHOOL PROGRAMS.

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 2023, Chapter 19, Section 1 and by Laws 2023, Chapter 84, Section 22) is amended to read:

"22-2-8.1. SCHOOL YEAR--LENGTH OF SCHOOL DAY--MINIMUM--
LOCAL SCHOOL BOARD OR GOVERNING BODY OF A CHARTER SCHOOL
AUTHORITY.--

A. Except as otherwise provided in this section,

1 students shall be in school programs, exclusive of lunch, for a
2 minimum of one thousand one hundred forty instructional hours
3 per year, except half-day kindergarten, which shall have five
4 hundred fifty instructional hours per year; provided that the
5 local school board of a school district or governing body of a
6 charter school shall determine the total number of
7 instructional days per year and the number of instructional
8 days per week that students shall be in school programs.

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

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

14 (2) enrichment programs that focus on problem
15 solving and cognitive skills development;

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

18 (4) research- or evidence-based social,
19 emotional or academic interventions; and

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

23 C. Up to sixty instructional hours per school year
24 for elementary grades and thirty instructional hours for middle
25 and high school grades may be used for professional work hours,

1 which may be embedded during the course of a normal school day.

2 A "professional work hour" means time during which a teacher
3 participates in professional work aligned to challenging
4 academic content and performance standards, including:

5 (1) home visiting or parent-teacher
6 conferences;

7 (2) educator training or professional
8 development; and

9 (3) mentorship, coaching and collaboration
10 between school employees.

11 D. Nothing in this section precludes a local school
12 board from setting a school year or the length of school days
13 in excess of the minimum requirements established by Subsection
14 A of this section.

15 E. The secretary may waive the minimum length of
16 school days in those school districts where such minimums would
17 create undue hardships as defined by the department as long as
18 the school year is adjusted to ensure that students in those
19 school districts receive the same total instructional time as
20 other students in the state.

21 F. Notwithstanding any other provision of this
22 section, provided that instruction occurs simultaneously, time
23 when breakfast is served or consumed pursuant to a state or
24 federal program shall be deemed to be time in a school-directed
25 program and is part of the instructional day.

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G. Every general election and regular local election shall be a school holiday for students and staff at each public school in this state."