

AN ACT

RELATING TO PUBLIC SCHOOLS; CLARIFYING THE SCHOOL YEAR AND  
LENGTH OF SCHOOL DAY.

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) is amended to read:

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

A. A school year consists of at least one hundred  
eighty full instructional days for a regular school year  
calendar, exclusive of any release time for in-service  
training. A school year consists of at least one hundred  
fifty full instructional days for a variable school year  
calendar, exclusive of any release time for in-service  
training. Except as provided in Subsection D of this section,  
days or parts of days that are lost to weather, in-service  
training or other events that are not school-directed programs  
shall be made up so that students are given a full  
instructional school year.

B. 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, for full-day programs, five and  
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one-half hours per day;

(2) grades one through six, five and one-half hours per day; and

(3) grades seven through twelve, six hours per day.

C. The department shall provide for the length and number of school days for variable school year calendars in accordance with the Variable School Calendar Act.

D. Up to thirty-three hours of the full-day kindergarten program may be used for home visits by the teacher or for parent-teacher conferences. Up to twenty-two hours of grades one through six programs may be used for home visits by the teacher or for parent-teacher conferences. Up to twelve hours of grades seven through twelve programs may be used to consult with parents to develop next step plans for students and for parent-teacher conferences.

E. Nothing in this section precludes a local school board from setting a school year or the length of school days in excess of the minimum requirements established by Subsections A and B of this section.

F. The secretary may waive the minimum length or number of school days in those districts where such minimums would create undue hardships as defined by the department as long as the school year is adjusted to ensure that students in those school districts receive the same total instructional

time as other students in the state."

Section 2. Section 22-8-9 NMSA 1978 (being Laws 1967, Chapter 16, Section 63, as amended) is amended to read:

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

A. A budget for a school district shall not be approved by the department that does not provide for:

(1) a school year and school day as provided in Section 22-2-8.1 NMSA 1978; and

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

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

Section 3. APPLICABILITY.--The provisions of this act apply to the 2010-2011 and subsequent school years. \_\_\_\_\_