

**LEGISLATIVE EDUCATION STUDY COMMITTEE  
BILL ANALYSIS**

**Bill Number:** HB 407

**50th Legislature, 1st Session, 2011**

**Tracking Number:** .184624.1

**Short Title:** Increase Number of School Days

**Sponsor(s):** Representative Joseph Cervantes and Others

**Analyst:** Peter B. van Moorsel

**Date:** March 15, 2011

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**Bill Summary:**

HB 407 amends current provisions in the *Public School Code* relating to the length of a school year to require that:

- beginning with school year 2012-2013, a regular school year consists of at least 200 full instructional days in four quarters of 10 five-day weeks provided throughout the entire calendar year;
- days or parts of days that are lost to weather, in-service training, or other events that are not school-directed programs be made up so that students are given a full instructional school year;
- regular students be in school-directed programs, exclusive of lunch or any release time for in-service training, for a minimum of the following during the school year:
  - for half-day kindergarten programs: 2½ hours per day;
  - for full-day kindergarten programs: 5½ hours per day;
  - for grades 1 through 6: 5½ hours per day; and
  - for grades 7 through 12: six hours per day.
- the Public Education Department (PED) provide for the length and number of school days:
  - for schools on a four-day week; and
  - for school year 2011-2012, for schools on a variable school year calendar; and
- the *Variable School Calendars Act*<sup>1</sup> be repealed, effective July 1, 2012.

**Fiscal Impact:**

HB 407 does not contain an appropriation.

However, LESC staff estimate that the fiscal impact of HB 407 may be nearly \$258 million, calculated as follows:

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<sup>1</sup> The *Variable School Calendar Act* defines a “variable school calendar” as a calendar for school or school district operations extending over a 10-, 11-, or 12-month period or portions thereof in excess of nine months, which permits pupil attendance on a staggered schedule.

- Based on a 180-instructional day calendar, HB 407 would require the addition of 20 instructional days.
- LESC staff estimate that if all school districts were to add one additional instructional day, the additional cost would be approximately \$12.89 million, based on FY 11 budgeted operational and pupil transportation expenditures.
- Therefore: **20 x \$12.89 million = \$257.8 million**

### **Fiscal Issues:**

Currently CS/HB 2a et al., the *General Appropriation Act of 2011*, contains a reduction to public school support of \$12.2 million, equivalent to the cost of one non-instructional day.

### **Substantive Issues:**

The Public Education Department (PED) notes in its analysis of HB 407 that school districts would be required to make major changes to the following:

- standardized testing schedules;
- union contracts;
- teacher contracts; and
- bus driver contracts.

In addition, PED reports that it would have to re-schedule monitoring of district activities and reporting schedules.

Finally, PED notes the following potential issues that could result from the enactment of HB 407:

- Parents with children in public schools could have to re-arrange family, work, child-care, and vacation schedules to accommodate the new extended school year.
- The state farming, tourism, ranching, and other industries that depend on the summer employment of students could be impacted.
- Universities may have to reschedule student teacher assignments and college admission application procedures.
- In conjunction with the New Mexico Activities Association (NMAA), school districts would potentially have to devise new athletic competition schedules which may be difficult to correlate with out-of-state competitions.

### **Background:**

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 passed by the 2010 Legislature and signed by the Governor that delayed 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 to 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.

A related bill introduced in the 50<sup>th</sup> Legislature, 1<sup>st</sup> Session, SB 145 would repeal the provisions of the 2009 legislation, and conflict with the provisions of HB 407.

**Related Bills:**

HB 555a *Delay School Day & Year Length Changes*

SB 145a *Clarify School Year & Day Length*