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HOUSE BILL 407

**50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

INTRODUCED BY

Joseph Cervantes

AN ACT

RELATING TO PUBLIC SCHOOLS; INCREASING THE NUMBER OF REQUIRED  
INSTRUCTIONAL DAYS BEGINNING WITH THE 2012-2013 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) is amended to read:

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

A. For the 2011-2012 school year, 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] E of

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1 this section, days or parts of days that are lost to weather,  
2 in-service training or other events that are not school-  
3 directed programs shall be made up so that students are given a  
4 full instructional school year.

5 B. Except as otherwise provided in this  
6 section, regular students shall be in school-directed programs,  
7 exclusive of lunch, for a minimum of the following:

8 (1) kindergarten, for half-day programs, two  
9 and one-half hours per day or, for full-day programs, five and  
10 one-half hours per day;

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

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

15 C. Beginning with the 2012-2013 school year, a  
16 regular school year consists of at least two hundred full  
17 instructional days in four quarters of ten five-day weeks  
18 provided throughout the entire calendar year. Days or parts of  
19 days that are lost to weather, in-service training or other  
20 events that are not school-directed programs shall be made up  
21 so that students are given a full instructional school year.  
22 Regular students shall be in school-directed programs,  
23 exclusive of lunch or any release time for in-service training,  
24 for a minimum of the following during the school year:

25 (1) kindergarten, for half-day programs, two

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1 and one-half hours per day, or, for full-day programs, five and  
2 one-half hours per day;

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

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

7 [~~E-~~] D. The department shall provide for the length  
8 and number of school days for schools on a four-day week and,  
9 for school year 2011-2012, for variable school year calendars  
10 in accordance with the Variable School Calendar Act.

11 [~~D-~~] E. Up to thirty-three hours of the full-day  
12 kindergarten program may be used for home visits by the teacher  
13 or for parent-teacher conferences. Up to twenty-two hours of  
14 grades one through six programs may be used for home visits by  
15 the teacher or for parent-teacher conferences. Up to twelve  
16 hours of grades seven through twelve programs may be used to  
17 consult with parents to develop next step plans for students  
18 and for parent-teacher conferences.

19 [~~E-~~] F. Nothing in this section precludes a local  
20 school board from setting a school year or the length of school  
21 days in excess of the minimum requirements established by  
22 Subsections A [~~and B~~] through C of this section.

23 [~~F-~~] G. The secretary may waive the minimum length  
24 or number of school days in those school districts where such  
25 minimums would create undue hardships as defined by the

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1 department as long as the school year is adjusted to ensure  
2 that students in those school districts receive the same total  
3 instructional time as other students in the state."

4 SECTION 2. REPEAL.--Sections 22-22-1 through 22-22-6 NMSA  
5 1978 (being Laws 1972, Chapter 16, Sections 1 through 6, as  
6 amended) are repealed.

7 SECTION 3. EFFECTIVE DATE.--The effective date of the  
8 provisions of this act is July 1, 2012.