

SENATE EDUCATION COMMITTEE SUBSTITUTE FOR
SENATE BILL 256

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

AN ACT

RELATING TO PUBLIC SCHOOLS; INCREASING THE MINIMUM
INSTRUCTIONAL HOURS AND DAYS IN A SCHOOL YEAR FOR STUDENTS IN
KINDERGARTEN THROUGH SIXTH GRADE.

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 2011, Chapter 35,
Section 1 and by Laws 2011, Chapter 154, Section 1) is amended
to read:

"22-2-8.1. SCHOOL YEAR--~~[LENGTH OF SCHOOL DAY]~~ MINIMUM
INSTRUCTIONAL HOURS AND DAYS.--

~~[A. 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~~

1 ~~and one-half hours per day or four hundred fifty hours per year~~
2 ~~or, for full-day programs, five and one-half hours per day or~~
3 ~~nine hundred ninety hours per year;~~

4 ~~(2) grades one through six, five and~~
5 ~~one-half hours per day or nine hundred ninety hours per year;~~
6 ~~and~~

7 ~~(3) grades seven through twelve, six hours per~~
8 ~~day or]~~

9 A. Within three hundred sixty-five calendar days,
10 the following instructional hours or days shall be provided in
11 a school year:

12 (1) for students in kindergarten through fifth
13 grade, at least one thousand one hundred twenty-seven and one-
14 half instructional hours or five and one-half instructional
15 hours per day for two hundred five days; and

16 (2) for students in sixth through twelfth
17 grades, at least one thousand eighty instructional hours [per
18 year] or six instructional hours per day for one hundred eighty
19 days.

20 B. The following programs may count toward the
21 calculation of the minimum instructional hours in a school year
22 set forth in Subsection A of this section:

23 ~~[B.]~~ (1) up to thirty-three hours of the
24 ~~[full-day]~~ kindergarten program ~~[may be used]~~ for home visits
25 by the teacher or for parent-teacher conferences;

1 (2) up to twenty-two hours of [~~grades one~~
2 ~~through six~~] first through fifth grade programs [~~may be used~~]
3 for home visits by the teacher or for parent-teacher
4 conferences; and

5 (3) up to twelve hours of [~~grades seven~~
6 ~~through twelve~~] sixth through twelfth grade programs [~~may be~~
7 ~~used~~] to consult with parents to develop next step plans for
8 students and for parent-teacher conferences.

9 C. Days or hours when no instruction is given due
10 to lunchtime, recess, weather-related school delays or
11 cancellations or other events that are not educational programs
12 or other programs set forth in Subsection B of this section
13 shall not count toward the calculation of minimum instructional
14 hours and days.

15 [~~G.~~] D. Nothing in this section precludes a local
16 school board from [~~setting a school year or the length of~~
17 ~~school days in excess of the minimum requirements established~~
18 ~~by~~] providing a greater number of instructional hours or days
19 than required in Subsection A of this section.

20 [~~D.~~ ~~The secretary may waive the minimum length of~~
21 ~~school days in those school districts where such minimums would~~
22 ~~create undue hardships as defined by the department as long as~~
23 ~~the school year is adjusted to ensure that students in those~~
24 ~~school districts receive the same total instructional time as~~
25 ~~other students in the state.~~]

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1 E. ~~[Notwithstanding any other provision of this~~
2 ~~section]~~ Provided that instruction occurs simultaneously, time
3 when breakfast is served or consumed pursuant to a state or
4 federal program shall be deemed to be time in a school-directed
5 program ~~[and is part of the instructional day]~~ that counts
6 toward the calculation of minimum instructional hours.

7 F. School breaks shall be evenly scheduled to the
8 extent practicable."

9 SECTION 2. Section 22-8-19 NMSA 1978 (being Laws 1974,
10 Chapter 8, Section 9, as amended) is amended to read:

11 "22-8-19. EARLY CHILDHOOD EDUCATION PROGRAM UNITS.--

12 A. The number of early childhood education program
13 units is determined by multiplying the early childhood
14 education MEM by the cost differential factor ~~[1.44. Early~~
15 ~~childhood education students enrolled in half-day kindergarten~~
16 ~~programs shall be counted for 0.5 early childhood MEM. Early~~
17 ~~childhood education students enrolled in full-day kindergarten~~
18 ~~programs shall be counted for 1.0 early childhood education~~
19 ~~MEM]~~ 1.640.

20 B. For the purpose of calculating early childhood
21 education program units, developmentally disabled three- and
22 four-year-old students shall be counted in early childhood
23 education membership. No developmentally disabled three- or
24 four-year-old student shall be counted for more than ~~[0.5]~~ 1.0
25 early childhood education MEM."

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1 **SECTION 3.** Section 22-8-20 NMSA 1978 (being Laws 1991,
2 Chapter 85, Section 3, as amended by Laws 1993, Chapter 2,
3 Section 1 and by Laws 1993, Chapter 226, Sections 21 and 22 and
4 also by Laws 1993, Chapter 228, Sections 2 and 3) is amended to
5 read:

6 "22-8-20. BASIC PROGRAM UNITS.--The number of basic
7 program units is determined by multiplying the basic program
8 MEM in each grade by the corresponding cost differential factor
9 as follows:

<u>Grades</u>	<u>Cost Differential Factor</u>
1	[1.2] <u>1.367</u>
2 and 3	[1.18] <u>1.344</u>
4 [through 6] <u>and 5</u>	[1.045] <u>1.190</u>
<u>6</u>	<u>1.14</u>
7 through 12	1.25."

16 **SECTION 4.** APPLICABILITY.--The provisions of this act
17 apply to the 2019-2020 and subsequent school years.

18 **SECTION 5.** CONTINGENT EFFECTIVE DATE.--The provisions of
19 this act shall become effective upon certification by the
20 secretary of state that the constitution of New Mexico has been
21 amended as proposed by a joint resolution of the first session
22 of the fifty-third legislature entitled "A JOINT RESOLUTION
23 PROPOSING AN AMENDMENT TO ARTICLE 12, SECTION 7 OF THE
24 CONSTITUTION OF NEW MEXICO TO PROVIDE FOR AN ADDITIONAL ANNUAL
25 DISTRIBUTION OF ONE PERCENT OF THE PERMANENT FUNDS, OF WHICH

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1 THE AMOUNT DISTRIBUTED FROM THE PERMANENT SCHOOL FUND SHALL BE
2 USED TO LENGTHEN THE SCHOOL DAY AND SCHOOL YEAR AS PROVIDED BY
3 LAW."

underscoring material = new
~~[bracketed material]~~ = delete