

1 HOUSE BILL 130

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

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8 FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

9
10 AN ACT

11 RELATING TO PUBLIC SCHOOL FINANCE; CREATING THE K-12 PLUS
12 PROGRAM; PROVIDING ADDITIONAL PROGRAM UNITS FOR PUBLIC SCHOOLS
13 THAT INCREASE THE NUMBER OF INSTRUCTIONAL DAYS BEYOND ONE
14 HUNDRED EIGHTY DAYS FOR A FIVE-DAY SCHOOL WEEK AND MORE THAN
15 ONE HUNDRED FIFTY-FIVE DAYS FOR A FOUR-DAY SCHOOL WEEK;
16 DEFINING INSTRUCTIONAL HOURS AND PROFESSIONAL HOURS; REPEALING
17 THE K-5 PLUS ACT AND EXTENDED LEARNING TIME PROGRAM UNITS.

18
19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

20 SECTION 1. Section 22-2-8.1 NMSA 1978 (being Laws 1986,
21 Chapter 33, Section 2, as amended by Laws 2011, Chapter 35,
22 Section 1 and by Laws 2011, Chapter 154, Section 1) is amended
23 to read:

24 "22-2-8.1. SCHOOL YEAR--LENGTH OF SCHOOL DAY--
25 MINIMUM.--

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1 A. Except as otherwise provided in this section,
2 ~~[regular]~~ students shall be in ~~[school-directed]~~ school
3 programs, exclusive of lunch, for a minimum of ~~[the following]:~~

4 ~~(1) kindergarten, for half-day programs, two~~
5 ~~and one-half hours per day or four hundred fifty hours per year~~
6 ~~or, for full-day programs, five and one-half hours per day or~~
7 ~~nine hundred ninety hours per year;~~

8 ~~(2) grades one through six, five and~~
9 ~~one-half hours per day or nine hundred ninety hours per year;~~
10 ~~and~~

11 ~~(3) grades seven through twelve, six hours per~~
12 ~~day or one thousand eighty hours]~~ one thousand one hundred
13 forty instructional hours per year, except half-day
14 kindergarten, which shall have five hundred fifty instructional
15 hours per year.

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

19 (1) a school program set forth in Sections
20 22-13-1 and 22-13-1.1 NMSA 1978;

21 (2) enrichment programs that focus on problem
22 solving and cognitive skills development;

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

25 (4) research- or evidence-based social,

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1 emotional or academic interventions; and

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

5 ~~[B.] C. Up to [thirty-three hours of the full-day~~
6 ~~kindergarten program may be used for home visits by the teacher~~
7 ~~or for parent-teacher conferences. Up to twenty-two hours of~~
8 ~~grades one through six programs may be used for home visits by~~
9 ~~the teacher or for parent-teacher conferences. Up to twelve~~
10 ~~hours of grades seven through twelve programs may be used to~~
11 ~~consult with parents to develop next step plans for students~~
12 ~~and for parent-teacher conferences] sixty instructional hours
13 per school year may be used for professional work hours, which
14 may be embedded during the course of a normal school day. A
15 "professional work hour" means time during which a teacher
16 participates in professional work aligned to challenging
17 academic content and performance standards, including:~~

18 (1) home visiting or parent-teacher
19 conferences;

20 (2) educator training or professional
21 development; and

22 (3) mentorship, coaching and collaboration
23 between school employees.

24 ~~[C.] D.~~ D. Nothing in this section precludes a local
25 school board from setting a school year or the length of school

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1 days in excess of the minimum requirements established by
2 Subsection A of this section.

3 ~~[D-]~~ E. The secretary may waive the minimum length
4 of school days in those school districts where such minimums
5 would create undue hardships as defined by the department as
6 long as the school year is adjusted to ensure that students in
7 those school districts receive the same total instructional
8 time as other students in the state.

9 ~~[E-]~~ F. Notwithstanding any other provision of this
10 section, provided that instruction occurs simultaneously, time
11 when breakfast is served or consumed pursuant to a state or
12 federal program shall be deemed to be time in a school-directed
13 program and is part of the instructional day."

14 **SECTION 2.** Section 22-8-9 NMSA 1978 (being Laws 1967,
15 Chapter 16, Section 63, as amended by Laws 2019, Chapter 206,
16 Section 10 and by Laws 2019, Chapter 207, Section 10) is
17 amended to read:

18 "22-8-9. BUDGETS--MINIMUM REQUIREMENTS.--

19 A. An operating budget for a school district shall
20 not be approved by the department if the educational plan does
21 not provide for:

22 (1) a school year and school day that includes
23 instructional hours and professional work hours as provided in
24 Section 22-2-8.1 NMSA 1978; and

25 (2) a pupil-teacher ratio or class or teaching

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1 load as provided in Section 22-10A-20 NMSA 1978.

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

6 SECTION 3. A new section of the Public School Finance Act
7 is enacted to read:

8 "[NEW MATERIAL] K-12 PLUS PROGRAM UNITS--ADDITIONAL
9 PROGRAM UNITS.--

10 A. A public school operating on a five-day calendar
11 that provides more than one hundred eighty days of instruction,
12 and a public school operating on a four-day calendar that
13 provides more than one hundred fifty-five days of instruction,
14 shall be considered a "K-12 plus school". Each school district
15 or charter school with a K-12 plus school shall be eligible to
16 receive program units for students in that public school.

17 B. Each instructional day above the number of
18 instructional days specified in Subsection A of this section
19 shall be considered an additional day. The department shall
20 annually calculate the number of program units to which each
21 school district and charter school is entitled by completing
22 the following calculation for every school:

23 MEM x Additional Days x 0.012.

24 C. A school district is eligible for the total
25 number of program units calculated in this manner for every
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1 K-12 plus school in that school district.

2 D. No later than October 15 of each year, a school
3 district or charter school that wishes to establish a new K-12
4 plus school for the next fiscal year shall submit to the
5 department the actual number of students participating in each
6 of its K-12 plus schools in the current year and an estimate of
7 the number of students that the school district or charter
8 school expects will participate in each K-12 plus school in the
9 next year.

10 E. No later than November 15 of each year, the
11 department shall notify the legislature of the number of
12 students participating in K-12 plus schools in the current
13 school year and the number of students projected to participate
14 in K-12 plus schools in the next school year."

15 SECTION 4. Section 22-8-18 NMSA 1978 (being Laws 1974,
16 Chapter 8, Section 8, as amended by Laws 2019, Chapter 206,
17 Section 13 and by Laws 2019, Chapter 207, Section 13) is
18 amended to read:

19 "22-8-18. PROGRAM COST CALCULATION--LOCAL
20 RESPONSIBILITY.--

21 A. The total program units for the purpose of
22 computing the program cost shall be calculated by multiplying
23 the sum of the program units itemized as Paragraphs (1) and (2)
24 in this subsection by the staffing cost multiplier and adding
25 the program units itemized as Paragraphs (3) through [~~16~~]

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1 (15) in this subsection. The itemized program units are as
2 follows:

- 3 (1) early childhood education;
- 4 (2) basic education;
- 5 (3) special education, adjusted by subtracting
6 the units derived from membership in class D special education
7 programs in private, nonsectarian, nonprofit training centers;
- 8 (4) bilingual multicultural education;
- 9 (5) fine arts education;
- 10 (6) elementary physical education;
- 11 (7) size adjustment;
- 12 (8) at-risk;
- 13 (9) enrollment growth or new district
14 adjustment;
- 15 (10) special education units derived from
16 membership in class D special education programs in private,
17 nonsectarian, nonprofit training centers;
- 18 (11) national board for professional teaching
19 standards certification;
- 20 (12) home school student;
- 21 (13) home school student activities;
- 22 (14) charter school student activities; and
- 23 (15) [~~K-5~~] K-12 plus [~~and~~
24 ~~(16) extended learning time~~].

25 B. The total program cost calculated as prescribed

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1 in Subsection A of this section includes the cost of early
2 childhood, special, bilingual multicultural, fine arts and
3 vocational education and other remedial or enrichment programs.
4 It is the responsibility of the local school board or governing
5 body of a charter school to determine its priorities in terms
6 of the needs of the community served by that board. Except as
7 otherwise provided in this section, funds generated under the
8 Public School Finance Act are discretionary to local school
9 boards and governing bodies of charter schools; provided that
10 the special program needs as enumerated in this section are
11 met; and provided further that the department shall ensure that
12 the local school board or governing body of a charter school is
13 prioritizing resources for the public school toward proven
14 programs and methods linked to improved student achievement."

15 SECTION 5. REPEAL.--Sections 22-8-23.10, 22-8-23.11 and
16 22-13D-1 through 22-13D-4 NMSA 1978 (being Laws 2019, Chapter
17 206, Section 16 and Laws 2019, Chapter 207, Section 16; Laws
18 2019, Chapter 206, Section 17 and Laws 2019, Chapter 207,
19 Section 17; Laws 2019, Chapter 206, Section 2 and Laws 2019,
20 Chapter 207, Section 2; Laws 2019, Chapter 206, Section 3 and
21 Laws 2019, Chapter 207, Section 3; Laws 2019, Chapter 206,
22 Section 4 and Laws 2019, Chapter 207, Section 4; and Laws 2019,
23 Chapter 206, Section 5 and Laws 2019, Chapter 207, Section 5,
24 as amended) are repealed.

25 SECTION 6. EFFECTIVE DATE.--The effective date of the
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1 provisions of this act is July 1, 2023.

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