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AN ACT

RELATING TO PUBLIC SCHOOLS; CLARIFYING THAT LOCAL SCHOOL
BOARDS AND GOVERNING BODIES OF CHARTER SCHOOLS SHALL
DETERMINE THE TOTAL NUMBER OF INSTRUCTIONAL DAYS PER YEAR AND
THE NUMBER OF INSTRUCTIONAL DAYS PER WEEK THAT STUDENTS ARE
REQUIRED TO BE IN SCHOOL PROGRAMS; DECLARING AN EMERGENCY.

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 2023, Chapter 19,
Section 1 and by Laws 2023, Chapter 84, Section 22) is
amended to read:

"22-2-8.1. SCHOOL YEAR--LENGTH OF SCHOOL DAY--MINIMUM--
LOCAL SCHOOL BOARD OR GOVERNING BODY OF A CHARTER SCHOOL
AUTHORITY.--

A. Except as otherwise provided in this section,
students shall be in school programs, exclusive of lunch, for
a minimum of one thousand one hundred forty instructional
hours per year, except half-day kindergarten, which shall
have five hundred fifty instructional hours per year;
provided that the local school board of a school district or
governing body of a charter school shall determine the total
number of instructional days per year and the number of
instructional days per week that students shall be in school
programs.

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

4 (1) a school program set forth in Sections
5 22-13-1 and 22-13-1.1 NMSA 1978;

6 (2) enrichment programs that focus on
7 problem solving and cognitive skills development;

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

10 (4) research- or evidence-based social,
11 emotional or academic interventions; and

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

15 C. Up to sixty instructional hours per school year
16 for elementary grades and thirty instructional hours for
17 middle and high school grades may be used for professional
18 work hours, which may be embedded during the course of a
19 normal school day. A "professional work hour" means time
20 during which a teacher participates in professional work
21 aligned to challenging academic content and performance
22 standards, including:

23 (1) home visiting or parent-teacher
24 conferences;

25 (2) educator training or professional

1 development; and

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

4 D. Nothing in this section precludes a local
5 school board from setting a school year or the length of
6 school days in excess of the minimum requirements established
7 by Subsection A of this section.

8 E. The secretary may waive the minimum length of
9 school days in those school districts where such minimums
10 would create undue hardships as defined by the department as
11 long as the school year is adjusted to ensure that students
12 in those school districts receive the same total
13 instructional time as other students in the state.

14 F. Notwithstanding any other provision of this
15 section, provided that instruction occurs simultaneously,
16 time when breakfast is served or consumed pursuant to a state
17 or federal program shall be deemed to be time in a school-
18 directed program and is part of the instructional day.

19 G. Every general election and regular local
20 election shall be a school holiday for students and staff at
21 each public school in this state."

22 **SECTION 2. APPLICABILITY.**--This act applies to the
23 2025-2026 and subsequent school years.

24 **SECTION 3. EMERGENCY.**--It is necessary for the public
25 peace, health and safety that this act take effect

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