

STATE OF NEW MEXICO
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August 17, 2009

MEMORANDUM

TO: Legislative Education Study Committee

FR: David Peña

RE: SCHOOL CALENDARS

During the June 2009 Legislative Education Study Committee (LESC) meeting, the committee discussed issues relating to legislation enacted in 2009 that, beginning with school year 2010-2011, requires that a school year consist of 180 full instructional days and 150 full instructional days for districts that are on an approved variable school calendar, exclusive of any release time for in-service training. During this discussion committee members expressed concern that school districts, despite the effective date of this legislation, had been requested by the Public Education Department (PED) staff during the budget approval process for school year 2009-2010 to implement the required instructional days a year earlier.

In response to this concern, LESC staff contacted a number of school districts, including Tucumcari Public Schools. According to school district personnel, PED staff encouraged the district to move to 150 instructional days in school year 2009-2010 and allowed the district to convert a professional day to an instructional day. Because the school district had 149 instructional days in school year 2008-2009, the conversion to 150 instructional days was feasible.

LESC staff also discussed this concern with school personnel from Hobbs Municipal Schools and Albuquerque Public Schools. Staff from Hobbs Municipal Schools reported that additional instructional days were alluded to during discussions with PED budget staff. Albuquerque Public Schools staff, on the other hand, stated that instructional day requirements were not discussed with PED staff during the budget approval process.

For the committee's review, LESC staff requested PED to provide information regarding the contract and instructional days approved for school year 2009-2010. LESC staff then developed a spreadsheet comparing this information to the 2008-2009 school calendars by school district. (See Attachment: *Number of Contract & Instructional Days: Comparison of 2008-2009/2009-2010 School Years*). A review of the comparison by the committee may raise further concerns. For example, the information for Chama Valley Independent Schools indicates that the district decreased its contract and instructional days in school year 2009-2010; however, according to the school district superintendent, the district requested approval of a four-day week rather than a five-day week, primarily to effect budget costs savings. To address this and other committee questions, PED staff has been requested to respond to these issues either before or during the October 2009 LESC interim meeting when approved FY 10 public school budgets will be discussed.

Background

Among its provisions, the legislation enacted by the 2009 Legislature (Laws 2009, Chapter 276, Section 22, as amended):

- requires a school year to consist of at least 180 full instructional days for a regular school year and at least 150 full instructional days for a variable school year calendar, exclusive of any release time for in-service training;
- requires that days or parts of days that are lost to weather, in-service training or other events that are not school-directed programs to be made up so that students are given a full instructional school year;
- requires regular students to be in school-district programs, exclusive of lunch, for a minimum of:
 - 2½ hours for half-day kindergarten;
 - 5½ hours per day for full-day programs;
 - 5½ hours per day for grades 1-6; and
 - 6 hours per day for grades 7-12;
- requires PED to provide for the length and number of school days for a variable school year calendar in accordance with the *Variable School Calendar Act*;
- allows for up to 33 hours of the full-day kindergarten program and up to 22 hours of grades 1-6 programs to be used for home visits by the teacher or for parent teacher conferences;
- for grades 7-12, allows up to 12 hours to be used to consult with parents to develop next-step plans for students and for parent-teacher conferences;
- allows a local school board to set a school year or the length of school days in excess of the minimum requirements;

- allows the Secretary of Public Education to waive the minimum length or number of school days in those districts where such minimums would create undue hardships as defined by the department as long as the school year is adjusted to ensure that students in those school districts receive the same total instructional time as other students in the state; and
- requires PED, by rule, to establish the requirements for an instructional day, the standards for an instructional hour and the standards for a full-time teacher and for the equivalent thereof.

Until it was amended in 2009, the *Public School Code* allowed school districts to adjust the number of instructional days in their school calendar provided that the district meets a minimum number of annual contact hours. However, some legislators became concerned about the effect upon student learning of the practice in some school districts of adding small increments of time to each day in order to satisfy the hourly equivalent of the required number of school days. In addition, a PED analysis of district calendars in school year 2007-2008 found that only 23 of the 89 school districts were providing at least the required number of full instructional days although most were exceeding the minimum number of instructional hours. The 2009 legislation described earlier was in response to these concerns.

Still in effect, however, is the *Variable School Calendar Act*, the purpose of which is to create an opportunity for public schools or school districts to operate beyond a nine-month period in any one calendar year in order to achieve optimum and maximum use of school facilities and personnel.

Number of Contract & Instructional Days: Comparison of 2008-2009/2009-2010 School Years

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District	2008-2009		2009-2010	
	Contract Day	Instructional Day	Contract Day	Instructional Day
Alamogordo Public Schools	184	178	184	172
Albuquerque Public Schools	184	181	184	181
Animas Public Schools	159	151	159	151
Artesia Public Schools	184	181	183	180E 182S
Aztec Municipal Schools	185	181	181	188
Belen Consolidated Schools	182	180	182	180
Bernalillo Public Schools	182	172	182	172
Bloomfield Schools	185	179	185	179
Capitan Municipal Schools	154	145	154	145
Carlsbad Municipal Schools	185	179	183	179
Carrizozo Municipal Schools	179	177	177	175
Central Consolidated Schools	185	178	185	178
Chama Valley Indep. Schools	179	176	160	150
Cimarron Municipal Schools	161	154	160	153
Clayton Municipal Schools	187	179	187	179
Cloudcroft Municipal Schools	178	173	183	178
Clovis Municipal Schools	183	175	183	175
Cobre Consolidated Schools	184	179	184	179
Corona Municipal Schools	156	150	156	150
Cuba Independent Schools	183	170	183	180
Deming Public Schools	183	175	183	175
Des Moines Municipal Schools	185	176	175	171
Dexter Consolidated Schools	184	172	184	174
Dora Consolidated Schools	160	151	160	151
Dulce Independent Schools	186	181	185	180
Elida Municipal Schools	156	151	156	151
Española Public Schools	187	181	185	180E 182E
Estancia Municipal Schools	184	181	183	180
Eunice Municipal Schools	184	174	184	180
Farmington Municipal Schools	185	181	185	176
Floyd Municipal Schools	159	151	159	151
Fort Sumner Municipal Schools	175	169	175	169
Gadsden Independent Schools	183	175	183	176
Gallup-McKinley Cty Schools	184	176	184	180
Grady Municipal Schools	154	147	154	147
Grants-Cibola County Schools	185	180	185	180
Hagerman Municipal Schools	183	173	183	178
Hatch Valley Public Schools	183	174	183	175
Hobbs Municipal Schools	185	181	185	180

Number of Contract & Instructional Days: Comparison of 2008-2009/2009-2010 School Years

Hondo Valley Public Schools	148	145	148	145
House Municipal Schools	153	147	149	145
Jal Public Schools	185	181	184	180
Jemez Mountain Public Schools	171	161	164.5	154.25
Jemez Valley Public Schools	185	180	184	180
Lake Arthur Municipal Schools	189	178	189	178
Las Cruces Public Schools	183	177	182	177
Las Vegas City Public Schools	184	181	183	180
Logan Municipal Schools	154	147	154	147
Lordsburg Municipal Schools	185	179	185	179
Los Alamos Public Schools	186	179	185	178
Los Lunas Public Schools	183	176	180	176
Loving Municipal Schools	184	175	184	179
Lovington Municipal Schools	185	181	185	181
Magdalena Municipal Schools	153	146	160	150
Maxwell Municipal Schools	151	147	151	147
Melrose Public Schools	184	181	183	180
Mesa Vista Consol. Schools	179	170	180	178
Mora Independent Schools	186	174	185	180
Moriarty-Edgwood Mun. School	184	173	184	177
Mosquero Municipal Schools	157	148	150	144
Mountainair Public Schools	184	179	184	180
Pecos Independent Schools	185	176	185	178
Peñasco Independent Schools	184	178	184	179
Pojoaque Valley Public Schools	183	174	183	174
Portales Municipal Schools	184	180	184	180
Quemado Independent Schools	153	147	157	151
Questa Independent Schools	184	181	184	180
Raton Public Schools	184	178	184	180
Reserve Independent Schools	151	147	155	151
Rio Rancho Public Schools	183	178	182	175/E 177/S
Roswell Independent Schools	184	177	182	178
Roy Municipal Schools	151	145	151	145
Ruidoso Municipal Schools	183	181	183	180
San Jon Municipal Schools	153	147	152	146
Santa Fe Public Schools	183	176	182	174
Santa Rosa Consol. Schools	185	179	185	180
Silver Consolidated Schools	183	177	183	177
Socorro Consolidated Schools	188	181	185	181
Springer Municipal Schools	160	152	159	151
Taos Municipal Schools	182	171	182	177
Tatum Municipal Schools	176	172	164	158

Number of Contract & Instructional Days: Comparison of 2008-2009/2009-2010 School Years

Texico Municipal Schools	172	168	172	168
T or C Municipal Schools	183	179	183	175
Tucumcari Public Schools	155	149	155	150
Tularosa Municipal Schools	183	180	183	178
Vaughn Municipal Schools	160	150	160	150
Wagon Mound Public Schools	156	149	156	149
West Las Vegas Public Schools	186	181	185	180
Zuni Public Schools	188	181	188	181