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November 16, 2009

MEMORANDUM

TO: Legislative Education Study Committee

FR: David Peña *DP*

**RE: STAFF REPORT: FY 10 APPROVED PUBLIC SCHOOL BUDGETS:
SCHOOL CALENDARS**

During the 2009 August interim meeting of the Legislative Education Study Committee (LESC), the committee heard a staff report on legislation enacted in 2009 to require that, beginning with school year 2010-2011, a school year consist of 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. The staff report was in response to committee discussions during the June LESC meeting with regard to discussions between school district and charter school personnel with Public Education Department (PED) staff during the budget approval process for the current school year 2009-2010. Committee members indicated that a number of school districts and charter schools felt compelled to change their school calendars in the current school year, a year earlier than the effective date of the 2009 legislation.

For the committee's review, the staff report included a spreadsheet outlining the number of contract and instructional days included in the 2009-2010 approved budget for each school district and charter school. So that the committee could determine the number of school districts and charter schools that made changes to their school calendar, the spreadsheet also included information from school year 2008-2009.

This staff report is intended to provide the committee with additional information with regard to the implementation of provisions of the 2009 legislation. The report, therefore, includes two attachments for the committee's review that are described below.

Finally, the staff report includes a policy option that the committee may wish to consider relating to the minimum school hours per day per grade level required of students enrolled in a school district or charter school on a variable school calendar.

Attachment 1, *Comparison of School Calendars for 2008-2009 and 2009-2010*

This attachment provides a comparison between school years 2008-2009 and 2009-2010 of the total contract days (which include instructional and professional development days) of each school district and charter school.

Column K delineates compliance with the 2009 legislation requiring a school year to consist of 180 full instructional days for a regular school year and 150 full instructional days for a variable school year calendar. The information indicates that in the next school year (2010-2011), the following will need to implement additional instructional days to meet the requirements of the 2009 legislation:

- 49 of the 89 school districts;
- 34 of the 58 locally chartered charter schools; and
- 5 of the 14 state-chartered charter schools.

To provide the committee with an approximate cost of an instructional day, LESC staff contacted the following school districts and charter schools. Respective school personnel provided the following information:

- **Reserve Public Schools:** added 5 instructional days at estimated cost of \$8,228 per day or a total of \$41,140;
- **Quemado Independent Schools:** added four instructional days at estimated cost of \$7,713 per day or a total of \$30,852; and
- **Artesia Public Schools:** decreased instructional days by one day at estimated cost savings of \$120,000; and
- **Tierra Encantada Charter School (Santa Fe):** added 10 instructional days at estimated cost of \$4,420 per day or a total of \$44,200.

Attachment 2, *School Calendars: A Comparison of Current Law with 2009 Legislation Effective School Year 2010-2011*

This attachment outlines the changes to current law that will become effective in school year 2010-2011 and subsequent school years.

Among its provisions, the 2009 legislation amended the *Public School Code* to:

- add language to define the components for a regular school year and for a variable school year calendar, exclusive of any release time for in-service training;
- require that time lost due to weather, in-service training, or other events be made up in such a way that students are given a full instructional school year;
- delete all references to the total number of hours per grade configuration that are equivalent to a school year;

- allow school districts to establish a school year (not just the length of the school day) that is longer than that provided in statute; and
- allow the Secretary to waive the statutory minimums where such minimums would create undue hardships on a school district, with the added proviso that the school year be adjusted to ensure that students receive the same total instructional time as other students in the state.

The *School Finance Act* was also amended to prohibit a school budget to be approved by PED that does not provide for a school year and school day as outlined in the provisions of the 2009 legislation.

Policy Option

During the August LESC meeting, the committee discussed the amended provisions to the *Public School Code* relating to the minimum hours required by grade level. It was noted, however, that these provisions only considered students on a regular school calendar.

The committee may wish to consider legislation to amend the *Public School Code* to include require minimum grade-level hours for a variable school year calendar.

Comparison of School Calendars for 2008-2009 and 2009-2010

	(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)	(L)
	DISTRICT/CHARTER SCHOOL	2008-2009 Instructional Days	2009-2010 Instructional Days	Difference	2008-2009 Professional Development Days	2009-2010 Professional Development Days	Difference	2008-2009 Total Contract Days	2009-2010 Total Contract Days	Difference	Complies w/ 2009 Provisions	Notes
1	ALAMOGORDO	178	172	-6	6	12	6	184	184	0	No	
2	ALBUQUERQUE	181	181	0	4	4	0	184	184	0	Yes	
3	ACADEMIA DE LENGUA Y CULTURA	181	181	0	6	5	-1	187	186	-1	Yes	
4	ACADEMY OF TRADES & TECHNOLOGY	176	180	4	5	11	6	197	191	-6	Yes	
5	AIMS@UNM	181	173	-8	4	10	6	185	183	-2	No	
6	ALB TALENT DEV SECONDARY	184	149	-35	3	7	4	187	156	-31	No	Converted to a 4 day school week in 2009-2010
7	AMY BIEHL	175	175	0	30	30	0	205	205	0	No	
8	BATAAN MILITARY ACADEMY	181	177	-4	1	4	3	182	181	-1	No	
9	CAREER ACADEMIC TECH ACADEMY	146	146	0	3	4	1	149	150	1	No	
10	CHRISTINE DUNCAN COMMUNITY	155	155	0	5	5	0	160	160	0	Yes	
11	CORRALES INTERNATIONAL	177	180	3	5	10	5	182	190	8	Yes	
12	DIGITAL ARTS & TECH ACADEMY	174	182	8	15	7	-8	189	189	0	Yes	
13	EAST MOUNTAIN	170	178	8	14	5	-9	184	183	-1	No	
14	EL CAMINO RAEL	181	181	0	6	6	0	187	187	0	Yes	
15	GORDON BERNELL	181	181	0	19	12	-7	200	193	-7	Yes	
16	LA ACADEMIA DE ESPERANZA	181	180	-1	5	6	1	186	186	0	Yes	
17	LA LUZ DEL MONTE	181	180	-1	10	10	0	191	190	-1	Yes	
18	LA PROMESA EARLY LEADERSHIP	154	146	-8	4	4	0	158	150	-8	No	
19	LA RESOLANA LEADERSHIP	168	168	0	13	12	-1	181	180	-1	No	
20	LOS PUENTES	173	180	7	10	3	-7	183	183	0	Yes	
21	MONTESSORI ELEMENTARY	168	173	5	7	8	1	175	181	6	No	
22	MONTESSORI OF THE RIO GRANDE	173	173	0	13	14	1	192	187	-5	No	
23	MOUNTAIN MAHOGANY	167	176	9	15	7	-8	182	183	1	No	
24	NATIVE AMERICAN COMM ACAD.	181	181	0	25	25	0	206	206	0	Yes	
25	NORTH ALBUQUERQUE CO-OP COMM.	160	161	2	20	19	-1	179	180	1	Yes	
26	NUESTROS VALORES	181	180	-1	4	5	1	185	185	0	Yes	
27	PUBLIC ACADEMY FOR PERFORMING ARTS	176	169	-7	3	10	7	179	179	0	No	
28	RALPH J. BUNCHE ACADEMY	171	176	5	7	4	-3	178	180	2	No	
29	ROBERT F. KENNEDY	181	180	-1	10	10	0	191	190	-1	Yes	
30	SCHOOL FOR INTEGRATED ACADEMICS & TECH	218	225	7	10	4	-6	228	229	1	Yes	
31	SOUTH VALLEY	169	184	15	32	16	-16	201	200	-1	No	
32	SOUTHWEST PRIMARY	181	180	-1	10	10	0	191	190	-1	Yes	
33	SOUTHWEST SECONDARY	146	155	9	10	10	0	191	190	-1	Yes	
34	THE LRNG COMM CTR	181	181	0	2	2	0	183	183	0	Yes	
35	TWENTY FIRST CENT.	166	163	-3	8	10	2	174	173	-1	No	
36	ANIMAS	151	151	0	8	8	0	159	159	0	Yes	
37	ARTESIA	181	180	-1	3	3	0	184	183	-1	Yes	

ATTACHMENT 1

Comparison of School Calendars for 2008-2009 and 2009-2010

	2008-2009		2009-2010		2008-2009			2009-2010			Complies w/ 2009 Provisions	Notes	
	Instructional Days	Instructional Days	Difference	Professional Development Days	Professional Development Days	Difference	Total Contract Days	Total Contract Days	Difference				
DISTRICT/CHARTER SCHOOL													
38 AZTEC	181	181	0	4	7	3	185	188	3	Yes		38	
39 MOSAIC ACADEMY CHARTER	179	179	0	7	7	0	186	186	0	No		39	
40 BELEN	180	180	0	2	2	0	182	182	0	Yes		40	
41 BERNALILLO	172	172	0	9	10	1	182	182	0	No		41	
42 VILLAGE ACADEMY	173	172	-1	10	10	0	183	182	-1	No		42	
43 BLOOMFIELD	179	179	0	6	6	0	185	185	0	No		43	
44 CAPITAN	145	145	0	9	9	0	154	154	0	No		44	
45 CARLSBAD	179	179	0	6	4	-2	185	183	-2	No		45	
46 JEFFERSON MONT. ACAD.	179	179	0	4	4	0	183	183	0	No		46	
47 CARRIZOZO	177	175	-2	2	2	0	179	177	-2	No		47	
48 CENTRAL CONS.	178	178	0	7	7	0	185	185	0	No		48	
49 CHAMA VALLEY	176	150	-26	6	10	4	179	160	-19	Yes	Converted to a 4 day school week in 2009-2010	49	
50 CIMARRON	154	153	-1	7	7	0	161	160	-1	Yes		50	
51 MORENO VALLEY HIGH	154	153	-1	15	20	5	169	173	4	Yes		51	
52 CLAYTON	179	179	0	8	8	0	187	187	0	No		52	
53 CLOUDCROFT	173	178	5	5	5	0	178	183	5	No		53	
54 CLOVIS	175	177	2	8	6	-2	183	183	0	No		54	
55 COBRE CONS.	179	179	0	5	5	0	184	184	0	No		55	
56 CORONA	150	150	0	6	6	0	156	156	0	Yes		56	
57 CUBA	170	180	10	13	3	-10	183	183	0	Yes		57	
58 DEMING	175	175	0	8	8	0	183	183	0	No		58	
59 DEMING CESAR CHAVEZ	175	180	5	8	3	-5	183	183	0	Yes		59	
60 DES MOINES	176	171	-5	9	4	-5	185	175	-10	No		60	
61 DEXTER	172	176	4	12	8	-4	184	184	0	No		61	
62 DORA	151	151	0	9	9	0	160	160	0	Yes		62	
63 DULCE	181	180	-1	5	5	0	186	185	-1	Yes		63	
64 ELIDA	151	151	0	5	5	0	156	156	0	Yes		64	
65 ESPAÑOLA	181	181	0	6	6	0	187	187	0	Yes		65	
66 CARINOS DE LOS NINOS	180	178	-2	8	9	1	188	187	-1	No		66	
67 ESTANCIA	181	180	-1	3	3	0	184	183	-1	Yes		67	
68 EUNICE	174	180	6	10	4	-6	184	184	0	Yes		68	
69 FARMINGTON	181	176	-5	4	9	5	185	185	0	No		69	
70 FLOYD	151	151	0	8	8	0	159	159	0	Yes		70	
71 FT. SUMNER	169	169	0	6	6	0	175	175	0	No		71	
72 GADSDEN	175	176	1	6	7	1	183	183	0	No		72	
73 ANTHONY CHARTER	NA	180	0	not in operation	4	0	NA	184	0	Yes		73	
74 GALLUP	176	180	4	8	4	-4	184	184	0	Yes		74	
75 MIDDLE COLLEGE HIGH	169	168	-1	8	19	11	240	187	-53	No		75	
76 GRADY	147	147	0	7	7	0	154	154	0	No		76	

Comparison of School Calendars for 2008-2009 and 2009-2010

	2008-2009	2009-2010	2008-2009			2009-2010			2008-2009	2009-2010	Complies w/ 2009 Provisions	Notes
	Instructional Days	Instructional Days	Difference	Professional Development Days	Professional Development Days	Difference	Contract Days	Contract Days	Difference			
DISTRICT/CHARTER SCHOOL												
77 GRANTS	180	180	0	5	4	-1	185	184	-1	Yes	77	
78 HAGERMAN	173	178	5	10	5	-5	183	183	0	No	78	
79 HATCH	174	177	3	9	6	-3	183	183	0	No	79	
80 HOBBS	181	180	-1	4	5	1	185	185	0	Yes	80	
81 HONDO	145	145	0	3	3	0	148	148	0	No	81	
82 HOUSE	147	145	-2	6	4	-2	153	149	-4	No	82	
83 JAL	181	180	-1	4	4	0	185	184	-1	Yes	83	
84 JEMEZ MOUNTAIN	161	154	-7	10	14	4	171	168	-3	Yes	84	
85 LINDRITH AREA HERITAGE	145	145	0	12	12	0	157	157	0	No	85	
86 JEMEZ VALLEY	180	180	0	5	4	-1	185	184	-1	Yes	86	
87 WALATOWA CHARTER HIGH	181	181	0	5	5	0	186	186	0	Yes	87	
88 LAKE ARTHUR	178	178	0	11	11	0	189	189	0	No	88	
89 LAS CRUCES	177	177	0	4	5	2	183	182	-1	No	89	
90 LA ACADEMIA DOLORES HUERTA	169	169	0	11	11	0	180	180	0	No	90	
91 LAS MONTANAS	176	177	1	8	11	3	184	188	4	No	91	
92 LAS VEGAS CITY	181	180	-1	3	3	0	184	183	-1	Yes	92	
93 LOGAN	147	147	0	7	7	0	154	154	0	No	93	
94 LORDSBURG	179	179	0	6	6	0	185	185	0	No	94	
95 LOS ALAMOS	179	178	-1	7	7	0	186	185	-1	No	95	
96 LOS LUNAS	176	176	0	7	4	-3	183	180	-3	No	96	
97 LOVING	175	179	4	11	5	-6	184	184	0	No	97	
98 LOVINGTON	181	181	0	4	4	0	185	185	0	Yes	98	
99 MAGDALENA	146	150	4	7	10	3	153	160	7	No	99	
100 MAXWELL	147	147	0	4	4	0	151	151	0	No	100	
101 MELROSE	181	180	-1	3	3	0	184	183	-1	Yes	101	
102 MESA VISTA	170	178	8	9	2	-7	179	180	1	No	102	
103 MORA	174	180	6	12	5	-7	186	185	-1	No	103	
104 MORIARTY	173	177	4	11	7	-4	184	184	0	No	104	
105 MOSQUERO	148	144	-4	9	6	-3	157	150	-7	No	105	
106 MOUNTAINAIR	179	180	1	5	4	-1	184	184	0	Yes	106	
107 PECOS	178	178	0	7	7	0	185	185	0	No	107	
108 PEÑASCO	181	179	-2	3	5	2	184	184	0	No	108	
109 POJOAQUE	174	174	0	9	9	0	183	183	0	No	109	
110 PORTALES	180	180	0	4	4	0	184	184	0	Yes	110	
111 QUEMADO	147	151	4	6	6	0	153	157	4	Yes	111	

Comparison of School Calendars for 2008-2009 and 2009-2010

	2008-2009		2009-2010		2008-2009		2009-2010		2008-2009		2009-2010		Complies w/ 2009 Provisions	Notes	
	DISTRICT/CHARTER SCHOOL	Instructional Days	Instructional Days	Difference	Professional Development Days	Professional Development Days	Difference	Total Contract Days	Total Contract Days	Difference					
112	QUESTA	181	180	-1	3	4	1	184	184	0	Yes			112	
113	RED RIVER VALLEY	145	145	0	10	10	0	155	155	0	No			113	
114	ROOTS & WINGS	169	163	-6	29	30	1	198	193	-5	No			114	
115	RATON	178	180	2	6	4	-2	184	184	0	Yes			115	
116	RESERVE	147	151	4	4	4	0	151	155	4	Yes			116	
117	RIO RANCHO	178	177	-1	5	5	0	183	182	-1	No			117	
118	ROSWELL	177	178	1	4	4	0	184	182	-2	No			118	
119	SIDNEY GUTIERREZ	177	178	1	4	4	0	184	182	-2	No			119	
120	ROY	145	145	0	6	6	0	151	151	0	No			120	
121	RUIDOSO	181	180	-1	2	3	1	183	183	0	Yes			121	
122	SAN JON	147	146	-1	6	6	0	153	152	-1	No			122	
123	SANTA FE	176	174	-2	7	8	1	183	182	-1	No			123	
124	ACAD FOR TECH & CLASSICS	168	169	1	13	13	0	183	182	-1	No			124	
125	MONTE DEL SOL	172	173	1	11	6	-5	183	179	-4	No			125	
126	TIERRA ENCANTADA	172	182	10	12	10	-2	184	192	8	Yes			126	
127	TURQUOISE TRAIL	174	173	-1	9	9	0	183	182	-1	No			127	
128	SANTA ROSA	179	180	1	6	5	-1	185	185	0	Yes			128	
129	SILVER CITY CONS.	177	177	0	6	6	0	183	183	0	No			129	
130	ALDO LEOPOLD	177	177	0	7	8	1	184	185	1	No			130	
131	SOCORRO	181	181	0	7	4	-3	188	185	-3	Yes			131	
132	COTTONWOOD VALLEY CHARTER	181	181	0	3	3	0	184	184	0	Yes			132	
133	SPRINGER	152	151	-1	8	8	0	160	159	-1	Yes			133	
134	TAOS	171	177	6	11	5	-6	182	182	0	No			134	
135	ANANSI CHARTER	172	172	0	14	14	0	186	186	0	No			135	
136	TAOS CHARTER	170	170	0	13	13	0	183	183	0	No			136	
137	VISTA GRANDE	166	166	0	36	29	-7	202	195	-7	No			137	
138	TATUM	172	158	-14	4	6	2	176	164	-12	No			138	
139	TEXICO	168	168	0	4	4	0	172	172	0	No			139	
140	TRUTH OR CONSEQ.	179	175	-4	4	8	4	183	183	0	No			140	
141	TUCUMCARI	149	150	1	6	5	-1	155	155	0	Yes			141	
142	TULAROSA	180	178	-2	3	5	2	183	183	0	No			142	
143	VAUGHN	150	150	0	10	10	0	160	160	0	Yes			143	
144	WAGON MOUND	149	149	0	7	7	0	156	156	0	No			144	
145	WEST LAS VEGAS	181	180	-1	5	5	0	186	185	-1	Yes			145	
146	RIO GALLINAS CHARTER	173	177	4	13	9	-4	186	186	0	No			146	
147	ZUNI	181	181	0	7	7	0	188	188	0	Yes			147	

Comparison of School Calendars for 2008-2009 and 2009-2010

	2008-2009	2009-2010		2008-2009	2009-2010		2008-2009	2009-2010		Complies	Notes	
	Instructional	Instructional		Professional	Professional		Total	Total		w/ 2009		
DISTRICT/CHARTER SCHOOL	Days	Days	Difference	Development Days	Development Days	Difference	Contract Days	Contract Days	Difference	Provisions		
STATE CHARTERED CHARTER SCHOOLS												
1 CESAR CHAVEZ COMM. (ST. CHARTER)	179	180	1	12	11	-1	191	191	0	Yes		1
2 CIEN AGUAS INT'L SCHOOL (Opened Fall 2009)	NA	181	0	not in operation	14	0	NA	195	0	Yes	New State Charter in 2009-2010	2
3 COTTONWOOD CLASSICAL (ST. CHARTER)	173	174	0	15	15	0	188	189	1	No		3
4 CREATIVE ED. PREP #1 (ST. CHARTER)	181	181	0	6	5	-1	187	186	-1	Yes		4
5 GILBERT L. SENA (ST. CHARTER)	181	181	0	5	6	1	186	187	1	Yes		5
6 HORIZON ACADEMY WEST (ST. CHARTER)	149	149	0	9	9	0	158	158	0	No		6
7 MEDIA ARTS COLLABORATIVE (ST. CHARTER)	181	181	0	22	14	-8	203	195	-8	Yes		7
8 NEW AMERICA (ST. CHARTER)	NA	148	0	not in operation	10	0	NA	158	0	No		8
9 NORTH VALLEY ACADEMY (ST. CHARTER)	181	180	-1	10	10	0	191	190	-1	Yes		9
10 INT'L SCHOOL MESA DEL SOL (ST. CHARTER)	NA	180	0	not in operation	15	0	NA	195	0	Yes		10
11 ALMA D'ARTE STATE CHARTER	173	176	3	10	7	-3	183	183	0	No		11
12 SCHOOL OF DREAMS (ST. CHARTER)	NA	180	0	not in operation	3	0	NA	183	0	Yes	New State Charter in 2009-2010	12
13 SAN DIEGO RIVERSIDE CHARTER (ST. CHARTER)	181	180	-1	6	2	-4	187	182	-5	Yes		13
14 TAOS ACADEMY (ST. CHARTER)	NA	154	0	not in operation	12	0	NA	166	0	Yes		14
STATEWIDE AVERAGE	8	171	0	8	8	-1	180	179	-1			

SCHOOL CALENDARS: COMPARISON OF CURRENT LAW WITH 2009 LEGISLATION EFFECTIVE SCHOOL YEAR 2010-2011

(A) <i>SECTION OF LAW</i>	(B) <i>CURRENT LAW</i>	(C) <i>LAWS 2009, CH. 276 (EFFECTIVE SCHOOL YEAR 2010-2011 AND SUBSEQUENT SCHOOLS YEARS)</i>
<i>Public School Code</i>	[No provision]	Adds language to require: <ul style="list-style-type: none"> • 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; and • that days or parts of days that are lost to weather, in-service training, or other events that are not school-directed programs 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: <ul style="list-style-type: none"> • 2½ hours for half-day kindergarten; • 5½ hours per day for full-day kindergarten; • 5½ hours per day for grades 1-6; and • 6 hours per day for grades 7-12 • 450 hours per year kindergarten half-day programs; • 990 hours per year kindergarten full-day programs; • 990 hours per year grades 1-6; and • 1080 hours per year grades 7-12 	Requires regular students to be in school-district programs, exclusive of lunch, for a minimum of: <ul style="list-style-type: none"> • 2½ hours for half-day kindergarten; • 5½ hours per day for full-day kindergarten; • 5½ hours per day for grades 1-6; and • 6 hours per day for grades 7-12
	Allows a local school board to set the length of school days in excess of the minimum requirements.	Allows a local school board to set a school year or the length of school days in excess of the minimum requirements;
<i>School Finance Act</i>	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 PED.	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.
	Prohibits approval of a school district budget by PED that does not provide for: <ul style="list-style-type: none"> • a school year consisting of at least 180 eighty full instructional days or the equivalent thereof, exclusive of any release time for in-service training; or • a variable school year consisting of a minimum number of instructional hours established by PED; and 	A budget for a school district shall not be approved by the department that does not provide for a school year and school day outlined in the new provisions.