

SENATE EDUCATION COMMITTEE SUBSTITUTE FOR  
SENATE BILL 575

**51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

AN ACT

RELATING TO PUBLIC SCHOOLS; INCREASING THE MINIMUM  
INSTRUCTIONAL HOURS IN A SCHOOL YEAR; RECONCILING MULTIPLE  
AMENDMENTS TO THE SAME SECTION OF LAW IN LAWS 2011; MAKING AN  
APPROPRIATION.

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.--

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:~~

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

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

8                   ~~(3) grades seven through twelve, six hours per~~  
9 ~~day or one thousand eighty hours per year]~~ In a school year,  
10 public school students shall be in programs, exclusive of  
11 lunch, for the following minimum instructional hours:

12                   (1) for students in kindergarten attending  
13 half-day programs, five hundred instructional hours and, for  
14 students in kindergarten attending full-day programs, one  
15 thousand one hundred instructional hours;

16                   (2) for students in grades one through six,  
17 one thousand one hundred instructional hours; and

18                   (3) for students in grades seven through  
19 twelve, one thousand two hundred instructional hours.

20                   B. For a school that follows a regular school year  
21 calendar, a school year consists of a minimum of two hundred  
22 instructional days that provide the minimum instructional hours  
23 established in Subsection A of this section in four ten-week  
24 quarters evenly spaced in a calendar year. For a school that  
25 follows a variable school calendar pursuant to the Variable

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1 School Calendar Act, the department shall approve a school's  
2 requested length and number of instructional days in a school  
3 year that provides the minimum instructional hours established  
4 in Subsection A of this section in four quarters evenly spaced  
5 in a calendar year.

6 ~~[B-]~~ C. The following programs may count toward the  
7 calculation of the minimum instructional hours in a school  
8 year:

9 (1) professional development programs provided  
10 by the school district;

11 (2) up to thirty-three hours of the full-day  
12 kindergarten program may be used for home visits by the teacher  
13 or for parent-teacher conferences;

14 (3) up to twenty-two hours of grades one  
15 through six programs may be used for home visits by the teacher  
16 or for parent-teacher conferences; and

17 (4) up to twelve hours of grades seven through  
18 twelve programs may be used to consult with parents to develop  
19 next step plans for students and for parent-teacher  
20 conferences.

21 D. Days or hours when no instruction is given due  
22 to weather, in-service training, teacher planning and  
23 preparation or other events that are not programs set forth in  
24 Subsection C of this section shall not count toward the  
25 calculation of minimum instructional hours.

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1           ~~[G.]~~ E. Nothing in this section precludes a local  
2 school board or the governing body of a charter school from  
3 ~~[setting a school year or the length of school days in excess~~  
4 ~~of]~~ increasing the number of minimum [requirements]  
5 instructional hours established ~~[by Subsection A of]~~ in this  
6 section.

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

13           ~~G.]~~ F. Notwithstanding any other provision of  
14 this section, provided that instruction occurs  
15 simultaneously, time when breakfast is served or consumed  
16 pursuant to a state or federal program shall be deemed to be  
17 time in a program ~~[and is part of the instructional day]~~ that  
18 counts toward the calculation of minimum instructional  
19 hours."

20           SECTION 2. APPROPRIATION.--Two hundred sixty-one  
21 million one hundred thirty-four thousand dollars  
22 (\$261,134,000) is appropriated from the general fund to the  
23 state equalization guarantee for expenditure in fiscal year  
24 2014 to provide for twenty instructional days. Any  
25 unexpended or unencumbered balance remaining at the end of

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1 fiscal year 2014 shall revert to the general fund.

2 SECTION 3. EFFECTIVE DATE.--The effective date of the  
3 provisions of this act is July 1, 2013.

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