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SENATE BILL 272

**51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014**

INTRODUCED BY

Joseph Cervantes

AN ACT

RELATING TO PUBLIC SCHOOLS; INCREASING THE MINIMUM  
INSTRUCTIONAL HOURS IN A SCHOOL YEAR; 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:~~

~~(1) kindergarten, for half-day programs, two  
and one-half hours per day or four hundred fifty hours per year~~

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1 ~~or, for full-day programs, five and one-half hours per day or~~  
2 ~~nine hundred ninety hours per year;~~

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

6 ~~(3) grades seven through twelve, six hours per~~  
7 ~~day or one thousand eighty hours per year.~~

8 B.] A. In a school year, public school students  
9 shall be in programs, exclusive of lunch, for the following  
10 minimum instructional hours:

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

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

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

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

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1 requested length and number of instructional days in a school  
2 year that provides the minimum instructional hours established  
3 in Subsection A of this section in four quarters evenly spaced  
4 in a calendar year.

5 C. The following programs may count toward the  
6 calculation of the minimum instructional hours in a school  
7 year:

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

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

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

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

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

25 [~~G.~~] E. Nothing in this section precludes a local

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1 school board or the governing body of a charter school from  
2 [~~setting a school year or the length of school days in excess~~  
3 ~~of]~~ increasing the number of minimum [requirements]  
4 instructional hours established [~~by Subsection A of]~~ in this  
5 section.

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

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

18 **SECTION 2. APPROPRIATION.**--Two hundred sixty-one million  
19 one hundred thirty-four thousand dollars (\$261,134,000) is  
20 appropriated from the general fund to the state equalization  
21 guarantee for expenditure in fiscal year 2015 to provide for  
22 twenty additional instructional days. Any unexpended or  
23 unencumbered balance remaining at the end of fiscal year 2015  
24 shall revert to the general fund.

25 **SECTION 3. EFFECTIVE DATE.**--The effective date of the

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1 provisions of this act is July 1, 2014.

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