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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
57th Legislature, 1st Session, 2025

Bill Number	<u>*HB65</u>	Sponsor	<u>Armstrong</u>
Tracking Number	<u>.229119.1</u>	Committee Referrals	<u>HEC/HGEIC; SEC</u>
Short Title	<u>Instructional Days in School Year</u>		
Analyst	<u>Bedeaux</u>	Original Date	<u>2/18/2025</u>
		Last Updated	<u>3/13/2025</u>

BILL SUMMARY

Synopsis of Bill

House Bill 65 with emergency clause (*HB65) would amend existing school calendar requirements to provide that local school boards and charter school governing bodies have the authority to determine the total number of instructional days per year and days per week students are required to spend in school programs. *HB65 would be applicable to the 2025-2026 school year (SY26) and subsequent school years.

*HB65 contains an emergency clause and would become effective immediately upon signature by the governor.

FISCAL IMPACT

*HB65 does not contain an appropriation.

SUBSTANTIVE ISSUES

*HB65 would codify school districts' and charter schools' authority to set their own school calendars. Historically, New Mexico's local school boards and charter school governing bodies have been given the authority to establish calendars that meet the minimum requirement of 1,140 instructional hours. In practice, this has resulted in 89 school districts and 99 charter schools with varying start dates, end dates, and day lengths designed to meet local communities' needs. Some school districts require five days of school per week, while others reach the minimum hour requirement in four-day school weeks by providing longer school days.

[Laws 2023, Chapter 19 \(House Bill 130\)](#) increased the minimum number of instructional hours schools were required to provide from 990 hours in elementary schools and 1,080 hours in secondary schools to 1,140 hours in all schools. The law also established the K-12 Plus program, which provides additional funding for school districts with more than 180 days, or 155 days for school districts on a four-day school week. In designing the law, the Legislature left certain language vague to provide school districts and charter schools the flexibility to set local calendars

that met their individual needs. However, in promulgating rules to implement the law, the Public Education Department (PED) established rules that exceeded the letter of the law.

PED proposed rules at [NMAC 6.10.5, School Calendar Requirements](#), requiring that “all public schools... shall have calendars with at least 180 days.” The rule effectively prohibited many school districts from participating in four-day school weeks. In public comment on the rule, stakeholders pointed out that the new requirement prevented school districts from setting their own calendars, explained how four-day school weeks help attract and retain teachers in rural New Mexico, and cited [evidence](#) that the length of the school week does not have a significant impact on student achievement. Despite [thousands of pages of overwhelmingly negative public comment](#), PED adopted the rule to be effective July 1, 2024, stating “nothing in statute prevents the agency from continuing to require a minimum of 180-day school calendars.”

In April 2024, the New Mexico School Superintendents Association, 53 school districts, and four charter schools filed a lawsuit challenging PED’s rule in the 9th Judicial District Court. After an initial hearing, the court found sufficient grounds to issue a temporary restraining order preventing the implementation of the new rule for SY25. Recently, in February 2025, the court issued a [final order](#) in the case in favor of the plaintiffs, reaffirming school boards’ authority to set local school calendars. In the order, the court emphasized “the Legislature’s clear intention to allow local flexibility while still requiring 1,140 instructional hours with no requirement for a specific number of days.”

Even with the ruling in place, the issue may not be settled. [PED issued a statement](#) in response to the court’s decision indicating the department may decide to appeal the ruling to the New Mexico Supreme Court:

“PED is dissatisfied with the most recent decision from the 9th Judicial District Court. PED firmly believes that our students can achieve better educational outcomes when we maximize learning opportunities, as the rule intended. PED is currently in the process of reviewing the decision for the purposes of determining the appropriate next steps.”

*HB65 would reify the 9th Judicial District Court’s order in state law, establishing formal authority for local school boards and charter school governing bodies to set the number of days per year and days per week students are required to attend school.

ADMINISTRATIVE IMPLICATIONS

PED would be required to amend NMAC 6.10.5, School Calendar Requirements, to reflect local school boards’ and charter schools’ authority to set the minimum number of days per year and days per week.

OTHER SIGNIFICANT ISSUES

For several years, the Legislature has included language in the annual General Appropriation Act preventing school districts from providing fewer instructional hours than they provided in the previous school year. Because *HB65 applies only to school days, the bill will not conflict with language historically included in HB2.

RELATED BILLS

Related to HB238, Middle and High School Professional Work Hours, which would increase the allowance of professional work hours in secondary schools from 30 hours to 60 hours.

SOURCES OF INFORMATION

- LESC Files
- Administrative Office of the Courts (AOC)
- Public Education Department (PED)

TB/aa/mca/jkh