

HOUSE BILL 130

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

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This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO PUBLIC SCHOOL FINANCE; CREATING THE K-12 PLUS PROGRAM; PROVIDING ADDITIONAL PROGRAM UNITS FOR PUBLIC SCHOOLS THAT INCREASE THE NUMBER OF INSTRUCTIONAL DAYS BEYOND ONE HUNDRED EIGHTY DAYS FOR A FIVE-DAY SCHOOL WEEK AND MORE THAN ONE HUNDRED FIFTY-FIVE DAYS FOR A FOUR-DAY SCHOOL WEEK; DEFINING INSTRUCTIONAL HOURS AND PROFESSIONAL HOURS; REPEALING THE K-5 PLUS ACT AND EXTENDED LEARNING TIME PROGRAM UNITS.

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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.--

A. Except as otherwise provided in this section, [regular] students shall be in [school-directed] school 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 or, for full-day programs, five and one-half hours per day or nine hundred ninety hours per year;~~

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

~~(3) grades seven through twelve, six hours per day or one thousand eighty hours]~~ one thousand one hundred forty instructional hours per year, except half-day kindergarten, which shall have five hundred fifty instructional hours per year.

B. An instructional hour is a period at school during which students receive instruction aligned to academic content and performance standards and includes:

(1) a school program set forth in Sections

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22-13-1 and 22-13-1.1 NMSA 1978;

(2) enrichment programs that focus on problem solving and cognitive skills development;

(3) content that provides technical knowledge, skills and competency-based applied learning;

(4) research- or evidence-based social, emotional or academic interventions; and

(5) instruction that occurs at the same time breakfast is served or consumed in accordance with the breakfast after the bell program or federal requirements.

[B.] C. Up to ~~[thirty-three hours of the full-day kindergarten program may be used for home visits by the teacher or for parent-teacher conferences. Up to twenty-two hours of grades one through six programs may be used for home visits by the teacher or for parent-teacher conferences. Up to twelve hours of grades seven through twelve programs may be used to consult with parents to develop next step plans for students and for parent-teacher conferences]~~ sixty instructional hours per school year may be used for professional work hours, which may be embedded during the course of a normal school day. A "professional work hour" means time during which a teacher participates in professional work aligned to challenging academic content and performance standards, including:

(1) home visiting or parent-teacher conferences;

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(2) educator training or professional development; and

(3) mentorship, coaching and collaboration between school employees.

[G-] D. Nothing in this section precludes a local school board from setting a school year or the length of school days in excess of the minimum requirements established by Subsection A of this section.

[D-] E. The secretary may waive the minimum length of school days in those school 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.

[E-] F. Notwithstanding any other provision of this section, provided that instruction occurs simultaneously, time when breakfast is served or consumed pursuant to a state or federal program shall be deemed to be time in a school-directed program and is part of the instructional day."

SECTION 2. Section 22-8-9 NMSA 1978 (being Laws 1967, Chapter 16, Section 63, as amended by Laws 2019, Chapter 206, Section 10 and by Laws 2019, Chapter 207, Section 10) is amended to read:

"22-8-9. BUDGETS--MINIMUM REQUIREMENTS.--

A. An operating budget for a school district shall

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not be approved by the department if the educational plan does not provide for:

(1) a school year and school day that includes instructional hours and professional work hours as provided in Section 22-2-8.1 NMSA 1978; and

(2) a pupil-teacher ratio or class or teaching load as provided in Section 22-10A-20 NMSA 1978.

B. The department shall, by rule, 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."

SECTION 3. A new section of the Public School Finance Act is enacted to read:

"[NEW MATERIAL] K-12 PLUS PROGRAM UNITS--ADDITIONAL PROGRAM UNITS.--

A. A public school operating on a five-day calendar that provides more than one hundred eighty days of instruction, and a public school operating on a four-day calendar that provides more than one hundred fifty-five days of instruction, shall be considered a "K-12 plus school". Each school district or charter school with a K-12 plus school shall be eligible to receive program units for students in that public school.

Hf11→~~B. Each instructional day above the number of instructional days specified in Subsection A of this section shall be considered an additional day. The department shall~~

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~~annually calculate the number of program units to which each school district and charter school is entitled by completing the following calculation for every school:~~

~~MEM x Additional Days x 0.012.~~←Hf11

Hf11→"B. The number of K-12 plus program units is determined by multiplying the MEM in department-approved K-12 plus schools by the cost differential factor of twelve thousandths and the number of instructional days provided between:

(1) one hundred eighty-one and one hundred ninety instructional days for a public school with a five-day school week; and

(2) one hundred fifty-six and one hundred sixty-five instructional days for a public school with a four-day school week.

C. The number of K-12 plus program units is determined by multiplying the MEM in department-approved K-12 plus schools by the cost differential factor of sixteen thousandths and the number of instructional days provided between:

(1) one hundred ninety-one and two hundred five instructional days for a public school with a five-day school week; and

(2) one hundred sixty-six and one hundred

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seventy-five instructional days for a public school with a
four-day school week.←Hf11

Hf11→G.←Hf11 Hf11→D.←Hf11 A school district is
eligible for the total number of program units calculated in
this manner for every K-12 plus school in that school district.

Hf11→B.←Hf11 Hf11→E.←Hf11 No later than October
15 of each year, a school district or charter school that
wishes to establish a new K-12 plus school for the next fiscal
year shall submit to the department the actual number of
students participating in each of its K-12 plus schools in the
current year and an estimate of the number of students that the
school district or charter school expects will participate in
each K-12 plus school in the next year.

Hf11→E.←Hf11 Hf11→F.←Hf11 No later than November
15 of each year, the department shall notify the legislature of
the number of students participating in K-12 plus schools in
the current school year and the number of students projected to
participate in K-12 plus schools in the next school year."

SECTION 4. Section 22-8-18 NMSA 1978 (being Laws 1974,
Chapter 8, Section 8, as amended by Laws 2019, Chapter 206,
Section 13 and by Laws 2019, Chapter 207, Section 13) is
amended to read:

"22-8-18. PROGRAM COST CALCULATION--LOCAL
RESPONSIBILITY.--

A. The total program units for the purpose of
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computing the program cost shall be calculated by multiplying the sum of the program units itemized as Paragraphs (1) and (2) in this subsection by the staffing cost multiplier and adding the program units itemized as Paragraphs (3) through [~~(16)~~] (15) in this subsection. The itemized program units are as follows:

- (1) early childhood education;
- (2) basic education;
- (3) special education, adjusted by subtracting the units derived from membership in class D special education programs in private, nonsectarian, nonprofit training centers;
- (4) bilingual multicultural education;
- (5) fine arts education;
- (6) elementary physical education;
- (7) size adjustment;
- (8) at-risk;
- (9) enrollment growth or new district adjustment;
- (10) special education units derived from membership in class D special education programs in private, nonsectarian, nonprofit training centers;
- (11) national board for professional teaching standards certification;
- (12) home school student;
- (13) home school student activities;

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(14) charter school student activities; and

(15) [~~K-5~~] K-12 plus [~~and~~

~~(16) extended learning time]~~.

B. The total program cost calculated as prescribed in Subsection A of this section includes the cost of early childhood, special, bilingual multicultural, fine arts and vocational education and other remedial or enrichment programs. It is the responsibility of the local school board or governing body of a charter school to determine its priorities in terms of the needs of the community served by that board. Except as otherwise provided in this section, funds generated under the Public School Finance Act are discretionary to local school boards and governing bodies of charter schools; provided that the special program needs as enumerated in this section are met; and provided further that the department shall ensure that the local school board or governing body of a charter school is prioritizing resources for the public school toward proven programs and methods linked to improved student achievement."

SECTION 5. REPEAL.--Sections 22-8-23.10, 22-8-23.11 and 22-13D-1 through 22-13D-4 NMSA 1978 (being Laws 2019, Chapter 206, Section 16 and Laws 2019, Chapter 207, Section 16; Laws 2019, Chapter 206, Section 17 and Laws 2019, Chapter 207, Section 17; Laws 2019, Chapter 206, Section 2 and Laws 2019, Chapter 207, Section 2; Laws 2019, Chapter 206, Section 3 and Laws 2019, Chapter 207, Section 3; Laws 2019, Chapter 206,

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Section 4 and Laws 2019, Chapter 207, Section 4; and Laws 2019, Chapter 206, Section 5 and Laws 2019, Chapter 207, Section 5, as amended) are repealed.

SECTION 6. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2023.

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