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FISCAL IMPACT REPORT

ORIGINAL DATE 2/2/09

SPONSOR Boitano LAST UPDATED _____ HB _____

SHORT TITLE Limit School Calendar Days SB 134

ANALYST Varela

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
	\$0.0		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Public Education (PED)

Department of Finance and Administration (DFA)

SUMMARY

Synopsis of Bill

Senate Bill 134 amends Section 22-2-8.1(C) NMSA 1978 to include a provision that prohibits lengthening schools' days by less than one-half hour per day once the school year has begun. It also changes wording in Section 22-2-8.1(D) NMSA 1978 to conform to the current executive structure; i.e., deletes "state superintendent" and replaces it with "secretary," and deletes "state board" and replaces it with "department."

FISCAL IMPLICATIONS

Senate Bill 134 carries no appropriation and has no fiscal impact to the general fund.

SIGNIFICANT ISSUES

PED states that school calendars are built to meet the minimum number of school days required in statute, 180 or the equivalent number of hours (Section 22-8-9(A)(1) and (2) NMSA1978). The equivalent number of hours include: 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; grades one through six, five and one-half hours per day or nine hundred ninety hours per year; and grades seven through twelve, six hours

per day or one thousand eighty hours per year (Section 22-2-8.1 (A) NMSA1978). Calendars have extra days built in for emergency closures. In recent years, the extra days that were built in were not sufficient to match the instructional days actually lost to inclement weather or other emergencies. In an attempt to satisfy the required instructional minimum days or hours without staying in session beyond the scheduled closing dates, districts have added a few minutes to school days. While this practice may technically comply with existing law, it is questionable whether students are receiving the benefit of actual instructional hours with these incremental increases.

This bill would require districts that face similar situations in the future to either significantly extend instructional time in the day or to find an alternate solution to meet the minimum requirements.

At present, schools also count passing periods as class time, and the Legislature may wish to consider excluding passing periods in addition to the lunch period.

ADMINISTRATIVE IMPLICATIONS

PED would have to amend its rules to conform to this change in the law. The proposed changes to PED’s “Standards for Excellence” rule (to be re-promulgated as 6.29.1 NMAC) do not contain language that tracks this bill.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

According to PED, this bill conflicts with a Legislative Education Study Committee’s Discussion Draft bill that addresses the public school funding formula. This bill also conflicts with a PED-sponsored bill that is currently in draft form. Each of these bills amends the same section of existing law but in different ways. If the conflicting sections of the bills are not reconciled and the bills are enacted, only the last bill signed would be the one that becomes law.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

If Senate Bill 134 is not enacted, school districts will continue to adjust their calendars in increments of any size at any time during the year.

AMENDMENTS

On page 1, line 20 after “lunch”, add “and passing periods”.

PV/mc