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FISCAL IMPACT REPORT

SPONSOR Armstrong/Dow **LAST UPDATED** _____
ORIGINAL DATE 2/19/25
BILL
SHORT TITLE Instructional Days in School Year **NUMBER** House Bill 65/ec
ANALYST Liu

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT*

(dollars in thousands)

Agency/Program	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
School Boards		Indeterminate but minimal				General Fund

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent analysis of this legislation.

Relates to House Bill 238

Sources of Information

LFC Files

Legislative Education Study Committee (LESC) Files

Agency Analysis was Solicited but Not Received From
Public Education Department (PED)

SUMMARY

Synopsis of House Bill 65

House Bill 65 amends Section 22-2-8.1. NMSA 1978, making local school boards and governing bodies of charter schools responsible for determining the total number of instructional days per year and number of instructional days per week that students will be in school programs. The bill includes an emergency clause, which would make the law become effective immediately on signature by the governor.

FISCAL IMPLICATIONS

The bill does not contain an appropriation but requires governing boards for school districts and charter schools to set school calendars. Extensions of the school calendar through additional instructional days may pose additional costs to the state from the generation of new K-12 Plus program units in the public school funding formula; however, general public resistance to longer school years suggests this is unlikely.

SIGNIFICANT ISSUES

In 2008, the Legislature commissioned the American Institutes for Research (AIR) to study and determine the cost of a sufficient education for all public schools in New Mexico. Findings suggested at the time that state support for public schools should increase by \$335.8 million to extend the school year, add afterschool hours, provide summer programs, reduce class sizes, and hire appropriate school personnel. The most expensive component of AIR's cost proposal was extending the school year to include 185 instructional days for students and four planning days for teachers (about 1,512 hours).

In 2009, the Legislature appropriated \$14 million to the state equalization guarantee (SEG) distribution for schools to add one additional instructional day. However, a 2018 LFC evaluation found school calendars had instead shrunk by about 3 days between FY09 and FY18. Despite funding to expand the school year, schools had shortened calendars by moving from a 5-day school week to a 4-day school week schedule or by decreasing total days while adding minutes to each day.

In 2018, the 1st Judicial District Court ruled in the *Martinez-Yazzie* education sufficiency lawsuit that New Mexico's education system was not constitutionally sufficient nor uniform for all students. The court found evidence-based interventions that added instructional time like prekindergarten, K-3 Plus extended school year, summer school, afterschool, and extended learning time programs could help students close achievement gaps. Additionally, high-quality teachers serving at-risk students were necessary. However, the state had not provided sufficient funding to cover programming for all students needing intervention, and administrative hurdles and timing of funds limited some participation in the interventions. The court also found the state lacked adequate numbers of quality educators and school leaders to provide appropriate instruction and support for at-risk students, noting the state should increase compensation and training for teachers to provide a constitutionally-sufficient education.

In response to the court's findings, the Legislature significantly increased at-risk funding, educator pay, and early childhood programming in FY20. Additionally, the state expanded its existing instructional time intervention, K-3 Plus to K-5 Plus, which allowed all elementary schools to add 25 school days, and created a new Extended Learning Time (ELT) program, which allowed any school to add 10 school days, afterschool programming, and 80 hours of professional development. Additionally, voters passed a constitutional amendment in 2022 that increased land grant permanent fund distributions to expand early childhood education, boost funding for at-risk students, raise teacher pay, and extend the school year. Despite these investments, participation in K-5 Plus and ELT fell short of appropriation levels, and schools reverted over half a billion dollars from these two programs over the course of four years.

In FY24, the state replaced K-5 Plus and ELT programs with a K-12 Plus funding formula factor and new annual requirements of 1,140 instructional hours, which allowed elementary schools to count 60 professional work hours toward the requirement but only 30 hours for middle and high schools. Legislative amendments in the 2023 legislative session changed the secondary allowance (originally 60 hours) in response to concerns that staggered transportation schedules in some districts would require fewer professional work hours for secondary schools.

As a result of “blending” instructional time requirements with professional work hours, PED flagged in FY24 that nearly half of districts and charter schools had reduced the number of school hours and days in their calendar that year. Many schools had already provided more instructional time than the new minimums and had reduced time in response to the new law. Others began counting more professional work time as instructional time based on the new definition and provided fewer classroom hours with students. Still, about half of schools increased instructional days and hours.

In response, the Public Education Department (PED) proposed a new rule requiring schools to provide at least 180 days of instruction if they failed to meet reading proficiency and growth targets. The New Mexico School Superintendents Association, in conjunction with 53 school boards and four charter school governing boards, filed for a temporary restraining order and injunction of PED’s 180-day rule. On February 3, 2025, the 5th Judicial District Court ruled in favor of the superintendents, nullifying the department’s rule because of conflicts with existing statutes and legislative intent. Currently, PED has 30 days to respond to the court order.

In general, research suggests both the quantity and quality of instructional time matters for student academic achievement. Given historic resistance to increasing classroom time and school calendars, it is unlikely this bill would increase instructional time.

In light of recent reported drops in national student reading and math scores, national research reports have indicated learning loss and larger achievement gaps were caused by disruptions during the Covid-19 pandemic. Most studies point to the effects of school closures, high absenteeism, classroom disruptions, and inefficient teaching practices as variables leading to lower academic achievement. Recent LFC evaluations on learning time and attendance have been aligned with these findings, indicating the amount of instructional time and the quality of that instructional time matter for student achievement—particularly for at-risk students.

In recent years, more school districts have switched to a 4-day school week calendar to reduce operating costs, attract teachers, increase time for instructional planning, and improve attendance. In 2009, about 120 districts nationwide were operating a 4-day week compared to 876 districts in 2023. In New Mexico, this transition was stalled between FY19 and FY24 by language in the General Appropriations Act prohibiting new districts or charters from switching to a 4-day school week. The surge in shorter school weeks nationwide has increased the number of studies and attention on the model, which generally suggest the change to the 4-week schedule may:

- Result in lower student achievement, particularly in the long run and in urban areas,
- Not save much money, considering employee salaries and benefits,
- Not substantively change student attendance rates,
- Result in higher staff morale, and
- Be associated with fewer fights and bullying incidents in high school.

Notably, schools that deliver an equal amount or more instructional time to their students after the change do not see the same negative impacts that districts with shorter days see.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

This bill relates to House Bill 238, which authorizes middle and high schools to count an additional 30 professional work hours as instructional hours.

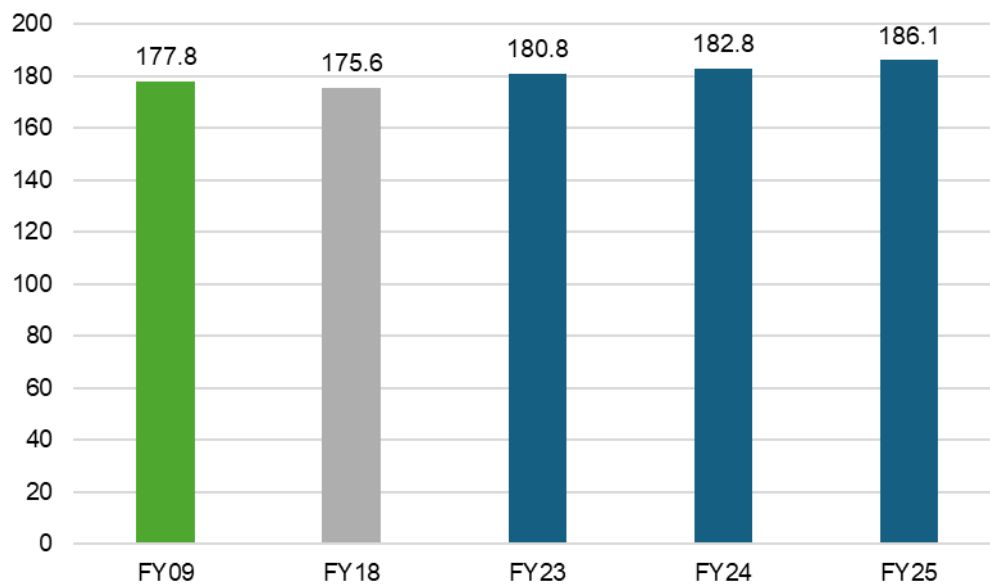
TECHNICAL ISSUES

The bill amends Section 22-2-8.1. NMSA 1978, a section of law describing powers of PED and the Public Education Commission, to give governing boards of districts and charters the authority to set school calendars. As such, this creates more ambiguity about whether governing boards or PED have jurisdiction over instructional time. For example, in Subsection E of this section, the statute refers to PED’s secretary having the authority to waive the minimum length of school days.

OTHER SUBSTANTIVE ISSUES

The average number of school days has continued to increase in recent years, following a dip in days reported in 2018. However, new reported calendar data beginning in FY24 includes professional workdays, which masks potential net increases in classroom days.

Average New Mexico School Days



Source: PED, LFC Files

School District and Charter School Instructional Calendars

LOCAL EDUCATIONAL AGENCY	FY25 Agency Type	FY25 School Week	FY24 Average Days	FY25 Average Days
Alamogordo	District	5-Day	183	184
Albuquerque	District	5-Day	182	189
ACE Leadership High School	Local Charter	5-Day	190	191
Albuquerque Charter Academy	Local Charter	4-Day	174	175
The Albuquerque Talent Development Charter	Local Charter	4-Day	167	185
Alice King Community School	Local Charter	4-Day	169	171
Christine Duncan Heritage Academy	Local Charter	4-Day	181	187
Cien Aguas International	Local Charter	5-Day	175	187
Coral Community Charter	Local Charter	5-Day	195	193
Corrales International	Local Charter	5-Day	193	194
Digital Arts and Technology Academy	Local Charter	5-Day	183	191
East Mountain High School	Local Charter	5-Day	187	196
El Camino Real Academy	Local Charter	5-Day	198	205
Gilbert L. Sena Charter High School	Local Charter	5-Day	195	195
Gordon Bernell Charter	Local Charter	5-Day	174	200
Health Leadership High School	Local Charter	5-Day	185	190
International School At Mesa Del Sol	Local Charter	5-Day	193	188
La Academia de Esperanza	Local Charter	5-Day	186	185
Los Puentes Charter	Local Charter	5-Day	184	186
Mark Armijo Academy	Local Charter	5-Day	182	183
Montessori of the Rio Grande	Local Charter	5-Day	185	181
Mountain Mahogany Community School	Local Charter	5-Day	191	193
Native American Community Academy	Local Charter	5-Day	174	189
New America School	Local Charter	4-Day	170	175
New Mexico International School	Local Charter	5-Day	180	167
Public Academy for Performing Arts	Local Charter	5-Day	172	174
Robert F. Kennedy Charter	Local Charter	5-Day	193	191
Siembra Leadership High School	Local Charter	5-Day	194	194
South Valley Academy	Local Charter	5-Day	191	191
Technology Leadership High School	Local Charter	5-Day	185	189
Voz Collegiate Preparatory Charter School	Local Charter	5-Day	199	199
William W. and Josephine Dorn Charter	Closed		181	
Animas	District	4-Day	155	155
Artesia	District	5-Day	182	177
Aztec	District	5-Day	166	184
Mosaic Academy Charter	Local Charter	5-Day	185	185
Belen	District	5-Day	189	189
Bernalillo	District	5-Day	189	191
Bloomfield	District	5-Day	177	185
Capitan	District	4-Day	159	162
Carlsbad	District	5-Day	181	187
Jefferson Montessori Academy	Local Charter	5-Day	188	183
Carrizozo	District	4-Day	154	157
Central Consolidated	District	5-Day	182	184
Chama	District	4-Day	171	171
Cimarron	District	4-Day	154	158
Moreno Valley High	Local Charter	4-Day	153	152
Clayton	District	5-Day	178	179
Cloudcroft	District	4-Day	154	154
Clovis	District	5-Day	176	182
Cobre Consolidated	District	4-Day	167	165
Corona	District	4-Day	156	158
Cuba	District	5-Day	195	193
Deming	District	5-Day	186	187

School District and Charter School Instructional Calendars

LOCAL EDUCATIONAL AGENCY	FY25 Agency Type	FY25 School Week	FY24 Average Days	FY25 Average Days
Deming Cesar Chavez	Local Charter	4-Day	156	156
Des Moines	District	5-Day	180	180
Dexter	District	5-Day	183	188
Dora	District	4-Day	151	155
Dulce	District	5-Day	184	184
Elida	District	4-Day	152	155
Espanola	District	5-Day	181	184
Estancia	District	5-Day	180	184
Eunice	District	5-Day	182	184
Farmington	District	5-Day	172	187
Floyd	District	4-Day	159	156
Fort Sumner	District	4-Day	154	158
Gadsden	District	5-Day	182	183
Gallup	District	5-Day	191	190
Grady	District	4-Day	152	157
Grants	District	5-Day	181	184
Hagerman	District	5-Day	183	184
Hatch	District	5-Day	184	187
Hobbs	District	5-Day	183	190
Hondo	District	4-Day	152	152
House	District	4-Day	147	153
Jal	District	4-Day	157	156
Jemez Mountain	District	4-Day	163	165
Jemez Valley	District	4-Day	159	160
Lake Arthur	District	5-Day	191	191
Las Cruces	District	5-Day	188	189
Las Vegas City	District	5-Day	186	187
Logan	District	4-Day	150	151
Lordsburg	District	4-Day	156	158
Los Alamos	District	5-Day	191	194
Los Lunas	District	5-Day	191	190
Loving	District	4-Day	160	161
Lovington	District	5-Day	191	193
Magdalena	District	4-Day	151	152
Maxwell	District	4-Day	151	151
Melrose	District	4-Day	156	159
Mesa Vista	District	4-Day	158	157
Mora	District	4-Day	168	167
Moriarty-Edgewood	District	5-Day	184	190
Mosquero	District	4-Day	148	154
Mountainair	District	4-Day	155	157
Pecos	District	5-Day	187	190
Penasco	District	4-Day	164	167
Pojoaque	District	5-Day	183	178
Portales	District	5-Day	172	183
Quemado	District	4-Day	156	161
Questa	District	4-Day	155	156
Raton	District	5-Day	182	183
Reserve	District	4-Day	159	157
Rio Rancho	District	5-Day	190	189
Roswell	District	5-Day	193	193
Sidney Gutierrez Middle	Local Charter	5-Day	190	190
Roy	District	4-Day	147	152
Ruidoso	District	5-Day	168	182

School District and Charter School Instructional Calendars

LOCAL EDUCATIONAL AGENCY	FY25 Agency Type	FY25 School Week	FY24 Average Days	FY25 Average Days
San Jon	District	4-Day	150	152
Santa Fe	District	5-Day	173	181
Academy For Technology and Classics	Local Charter	5-Day	180	182
Santa Rosa	District	4-Day	158	164
Silver City	District	5-Day	172	174
Socorro	District	4-Day	168	161
Cottonwood Valley Charter	Local Charter	5-Day	174	175
Springer	District	4-Day	156	156
Taos	District	5-Day	182	180
Anansi Charter School	Local Charter	5-Day	185	191
Taos Municipal Charter	Local Charter	5-Day	188	192
Tatum	District	4-Day	162	164
Texico	District	4-Day	163	157
Truth or Consequences	District	5-Day	189	188
Tucumcari	District	4-Day	157	157
Tularosa	District	5-Day	182	186
Vaughn	District	4-Day	158	158
Wagon Mound	District	4-Day	156	156
West Las Vegas	District	5-Day	187	188
Rio Gallinas School	Local Charter	5-Day	190	189
Zuni	District	5-Day	187	186
21st Century Public Academy	State Charter	5-Day	170	186
Aces Technical Charter School	State Charter	5-Day	196	197
Albuquerque Institute of Math and Science	State Charter	5-Day	169	185
Albuquerque Bilingual Academy	State Charter	5-Day	193	191
Albuquerque Collegiate Charter School	State Charter	5-Day	189	194
Albuquerque School of Excellence	State Charter	5-Day	186	190
Albuquerque Sign Language Academy	State Charter	5-Day	182	186
Aldo Leopold Charter	State Charter	5-Day	184	182
Alma D'Arte Charter	State Charter	5-Day	179	183
Altura Preparatory School	State Charter	5-Day	171	173
Amy Biehl Charter High School	State Charter	5-Day	183	177
Cesar Chavez Community School	State Charter	5-Day	191	189
Cottonwood Classical Prep	State Charter	5-Day	184	192
DEAP	State Charter	5-Day	176	188
Dream Dine	State Charter	5-Day	189	189
Estancia Valley Classical Academy	State Charter	5-Day	182	186
Explore Academy - Albuquerque	State Charter	5-Day	191	196
Explore Academy - Las Cruces	State Charter	5-Day	188	198
Explore Academy - Rio Rancho	State Charter	5-Day	179	197
Horizon Academy West	State Charter	4-Day	157	160
Hozho Academy	State Charter	5-Day	199	203
J. Paul Taylor Academy	State Charter	5-Day	192	195
La Academia Dolores Huerta	State Charter	5-Day	185	186
La Tierra Montessori School	Closed		179	
Las Montanas Charter	State Charter	4-Day	162	165
Mccurdy Charter School	State Charter	5-Day	175	179
Middle College High School	State Charter	5-Day	166	166
Mission Achievement And Success	State Charter	5-Day	187	186
Monte del Sol Charter	State Charter	5-Day	176	196
Montessori Elementary School	State Charter	5-Day	192	192
New America School - Las Cruces	State Charter	4-Day	164	164
New Mexico Academy for the Media Arts	State Charter	5-Day	184	183
New Mexico Connections Academy	State Charter	5-Day	185	185

School District and Charter School Instructional Calendars

LOCAL EDUCATIONAL AGENCY	FY25 Agency Type	FY25 School Week	FY24 Average Days	FY25 Average Days
New Mexico School for the Arts	State Charter	5-Day	187	187
North Valley Academy	State Charter	5-Day	166	185
Pecos Cyber Academy	State Charter	5-Day	193	193
Raices Del Saber Xinachtli Community	State Charter	5-Day	188	190
Red River Valley Charter School	State Charter	4-Day	163	165
Rio Grande Academy of Fine Arts	State Charter	5-Day	205	191
Roots And Wings Community	State Charter	4-Day	177	181
Sandoval Academy of Bilingual Education	State Charter	5-Day	191	190
San Diego Riverside Charter	State Charter	5-Day	183	187
School Of Dreams Academy	State Charter	5-Day	186	186
Six Directions Indigenous School	State Charter	5-Day	165	177
Solare Collegiate Charter School	State Charter	5-Day	193	198
South Valley Prep	State Charter	5-Day	185	190
Southwest Aeronautics Mathematics and Science	State Charter	5-Day	192	192
Southwest Preparatory Learning Center	State Charter	5-Day	190	190
Southwest Secondary Learning Center	State Charter	5-Day	175	183
Taos Academy	State Charter	4-Day	176	176
Taos Integrated School of Arts	State Charter	4-Day	155	160
Taos International School	State Charter	5-Day	184	186
The Ask Academy	State Charter	4-Day	156	157
The Great Academy	State Charter	5-Day	172	179
The MASTERS Program	State Charter	5-Day	179	202
Thrive Community School	State Charter	5-Day	158	189
Tierra Adentro	State Charter	5-Day	190	187
Tierra Encantada Charter School	State Charter	4-Day	176	182
Turquoise Trail Charter School	State Charter	5-Day	182	188
Vista Grande High School	State Charter	5-Day	184	186
Walatowa Charter High	State Charter	5-Day	199	200

Note: Average days include days with instructional and professional work hours.

Source: PED, LFC Files