

FOR IMMEDIATE RELEASE

January 8, 2024

NM HOUSE REPUBLICANS SAY “NOT SO FAST” TO PED, REJECT NEW RULE CHANGE

SANTA FE, NM – New Mexico’s Public Education Department received widespread scrutiny, statewide, for its recent proposed rule changes for public schools. One of the proposed requirements forces school districts to implement a 5-day instructional week, which sparked overwhelming frustration from students, parents, teachers, and school staff and administrators, many of them vocalizing their dissent in a public forum held in December.

House GOP Caucus Chair, Representative Gail Armstrong, is cosponsoring a bill with Representative Brian Baca (R-Los Lunas) that designates local school boards and governing bodies of charter schools to be recognized as the entity authorized to determine the length of the school year and the number of instructional days that will be offered each week.

Rep. Armstrong, who represents rural school districts, said “While we share PED’s concerns about the state of education in New Mexico, we know that a one-size-fits all approach is wrong for our students and believe in working together to find alternatives so all students can reach their fullest potential.”

In a letter written to Governor Michelle Lujan-Grisham, Reps. Armstrong and Baca explain that PED is overstepping its authority since House Bill 130, which is now law, gave authority to local school districts when deciding on instructional hours which Governor Lujan-Grisham supported. They also mentioned the negative impacts this rule has on various school districts, rural and urban, including increased absenteeism, schools losing teachers who travel long distances to teach in rural New Mexico, and the loss of work-study programs, extracurriculars, and other programs that enrich the learning experience for students.

“Parents, teachers, administrators, and local school boards care about their communities and know what’s best for their students. New Mexicans want local control and Santa Fe needs to listen”, said Rep. Baca.

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Both the letter to the Governor and the bill are attached to this press release.



State of New Mexico
House of Representatives
State Capitol
Santa Fe

January 8, 2024

The Honorable Michelle Lujan Grisham
Governor, State of New Mexico
State Capitol, Room 400
480 Old Santa Fe Trail
Santa Fe, New Mexico 87501

Dear Governor:

We have prefiled House Bill 74 and am writing to request a special message so the bill can be included in the public policy debate during the upcoming 30-day legislative session. The bill designates local school boards and governing bodies of state-chartered charter schools as the entity authorized to determine the length of school year and the number of days school will be offered each week throughout the school year.

After a robust conversation about instructional time during the 2023 legislative session, most legislators and public school stakeholders were left with the impression that instructional time had been settled in favor of instructional hours with the enactment of House Bill 130, leaving the issue of scheduling those hours up to each school district to determine what was best for their community. PED's attempt, however, to mandate a minimum number of instructional days and mandate instruction be offered across five-day weeks most of the year goes far beyond the requirements of House Bill 130, which you supported, and will negatively impact many of our school districts.

Very few of the public comments shared with PED at Mabry Hall on November 18, 2023, as well as those contained in the more than 2,700 pages of written comment sent to the department, supported the draft rule. Families, students, teachers, school leaders, board members, and community members were overwhelmingly opposed to the draft rule. Teachers are threatening to leave their profession and leave isolated rural school districts that effectively use a four-day week as a recruitment tool. Many students will have several hours of to-and-from transportation time added to their schedule each week. Students in rural communities will likely experience more absences just to do routine things, like attend doctor and dentist appointments, because of the distance they have to travel for these basic necessities. Students will lose out on many work-based learning opportunities afforded to them on Fridays in their agrarian communities. And, maybe most important of all, many families will lose critical time with their children if they are required to attend school another day each week.

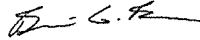
We are encouraged that PED has not yet approved the draft rule, but remain concerned that your budget recommendation is still insisting on the policy. While we share and recognize PED's concerns about the achievement of New Mexico's students, we believe we can work together to identify better alternatives to a one-size-fits-all approach to learning time.

Thank you for your consideration of our request for a special message for House Bill 74.

Sincerely,



Gail Armstrong
State Representative HD 49



Brian Baca
State Representative HD 8

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HOUSE BILL **74**

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

Gail Armstrong

Brian G. Baca

AN ACT

RELATING TO PUBLIC SCHOOLS; CLARIFYING THAT LOCAL SCHOOL BOARDS AND GOVERNING BODIES OF CHARTER SCHOOLS SHALL DETERMINE THE TOTAL NUMBER OF INSTRUCTIONAL DAYS PER YEAR AND THE NUMBER OF INSTRUCTIONAL DAYS PER WEEK THAT STUDENTS ARE REQUIRED TO BE IN SCHOOL PROGRAMS.

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 2023, Chapter 19, Section 1 and by Laws 2023, Chapter 84, Section 22) is amended to read:

"22-2-8.1. SCHOOL YEAR--LENGTH OF SCHOOL DAY--MINIMUM--
LOCAL SCHOOL BOARD OR GOVERNING BODY OF A CHARTER SCHOOL
AUTHORITY.--

A. Except as otherwise provided in this section,

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1 students shall be in school programs, exclusive of lunch, for a
2 minimum of one thousand one hundred forty instructional hours
3 per year, except half-day kindergarten, which shall have five
4 hundred fifty instructional hours per year; provided that the
5 local school board of a school district or governing body of a
6 charter school shall determine the total number of
7 instructional days per year and the number of instructional
8 days per week that students shall be in school programs.

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

12 (1) a school program set forth in Sections
13 22-13-1 and 22-13-1.1 NMSA 1978;

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

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

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

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

23 C. Up to sixty instructional hours per school year
24 for elementary grades and thirty instructional hours for middle
25 and high school grades may be used for professional work hours,

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1 which may be embedded during the course of a normal school day.

2 A "professional work hour" means time during which a teacher
3 participates in professional work aligned to challenging
4 academic content and performance standards, including:

5 (1) home visiting or parent-teacher
6 conferences;

7 (2) educator training or professional
8 development; and

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

11 D. Nothing in this section precludes a local school
12 board from setting a school year or the length of school days
13 in excess of the minimum requirements established by Subsection
14 A of this section.

15 E. The secretary may waive the minimum length of
16 school days in those school districts where such minimums would
17 create undue hardships as defined by the department as long as
18 the school year is adjusted to ensure that students in those
19 school districts receive the same total instructional time as
20 other students in the state.

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

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G. Every general election and regular local election shall be a school holiday for students and staff at each public school in this state."

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