



LFC Requester: Liu

**PUBLIC EDUCATION DEPARTMENT  
BILL ANALYSIS  
2025 REGULAR SESSION**

**SECTION I: GENERAL INFORMATION**

Check all that apply:

Original  Amendment   
Correction  Substitute

Date Prepared: 01/21 /25  
Bill No: HB65

Agency Name and Code: PED - 924

Sponsor: Armstrong

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Short Title: INSTRUCTIONAL DAYS IN SCHOOL YEAR

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**SECTION II: FISCAL IMPACT**

(Parenthesis ( ) Indicate Expenditure Decreases)

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
None	None	N/A	NFA

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
None	None	None	NFA	NFA

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	None	None	None	None	NFA	NFA

Duplicates/Relates to Appropriation in the General Appropriation Act: In addition to prior year funding embedded within the state equalization guarantee for the K-12 plus extended learning time program, there is an additional appropriation of \$15 million in [House Bill 141](#).

## **SECTION III: NARRATIVE**

### **BILL SUMMARY**

Synopsis: \*House Bill 65 (HB65) would grant local school boards of school districts and governing bodies of charter schools the authority to determine the total number of instructional days per year and the number of instructional days per week that students are to be in school programs. The provisions of the bill would apply to the 2025-2026 school year and subsequent school years.

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

### **FISCAL IMPLICATIONS**

This bill does not contain an appropriation.

### **SIGNIFICANT ISSUES**

Statute ([Section 22-2-8.1 NMSA 1978](#)) requires students to be in school programs, exclusive of lunch, for a minimum of 1,140 instructional hours per year. Up to 60 instructional hours per school year for elementary grades and 30 instructional hours for middle and high school grades 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;
- (2) educator training or professional development; and
- (3) mentorship, coaching and collaboration between school employees.

Nothing in the law precludes a school board or governing body from setting a school year or length of school days in excess of the minimum requirements. Subsection 14 of [Section 22-8-23 NMSA 1978](#) awards public schools additional funding for exceeding a certain number of days. Elementary schools with as few as 144 regular instructional days with students can benefit from additional K-12 plus funding.

### **PERFORMANCE IMPLICATIONS**

According to the [National Center for Educational Statistics](#), approximately 60 percent of states require a minimum of 180 instructional days with students. New Mexico has an average 171 instructional days, with some districts having as few as 145 instructional days with students. Nationally, the highest achieving schools have an average school length of 180 instructional days and fewer instructional days are associated with lower achievement. Farbman's (2015) [Case for Improving and Expanding Time in School](#), showed that the average number of school calendar days for the highest performing schools was 180, with fewer days associated with lower average performance. School districts and charter schools that provide fewer school days for students do so not because it is good for student learning, but because adults prefer fewer school days.

## **ADMINISTRATIVE IMPLICATIONS**

The court's findings of facts in the Yazzie Martinez consolidated lawsuit included that "It is necessary for economically disadvantaged students and ELL students to have a longer learning year," and that extended learning time is part of the constitutional duty to provide an adequate education. The court also found that the Public Education Department (PED) is responsible for ensuring the state provides an adequate education. HB65 would remove authority from the PED that may be necessary for the state to meet its constitutional obligation to provide an adequate education.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

Relates to Houe Bill 238, Middle & High School Professional Work Hours, which proposes to amend Section 22-2-8.1 so that up to sixty instructional hours per school year may be used in middle and high school grades for professional work hours. Currently, only 30 such hours are permitted at the middle and high school levels.

## **TECHNICAL ISSUES**

None.

## **OTHER SUBSTANTIVE ISSUES**

Legislative committees have pushed for longer school calendars for many years.

- LESC in 2018 published a report demonstrating that even when instructional hours are the same, schools with fewer instructional days demonstrate less student learning
- LESC in 2019 published a report noting the success of the PED's extended learning time program, K-3+, on student learning
- LFC in a 2023 report suggested that NM students may need 205 additional instructional days to recover from the Covid pandemic
- An AIR report commissioned by the LFC in 2008 recommended an academic school year with 185 instructional days for students

## **ALTERNATIVES**

None.

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

None.

## **AMENDMENTS**

None.