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SECRETARY OF EDUCATION

MICHELLE LUJAN GRISHAM
GOVERNOR

April 6, 2023

MEMORANDUM (UPDATE)

TO: Superintendents, Charter School Leaders, Business Managers, School Boards, Governing Councils

FROM: Dr. Arsenio Romero, Secretary of Education

RE: **HB 130 – Increase in Instructional Hours and K-12 Plus Guidance (UPDATE)**

The purpose of this memo is to provide guidance on HB 130 for the upcoming school year. The new law, as enacted by HB 130, increases the amount of student learning hours, allows a specific number of teacher professional work hours and establishes funding for the K-12 Plus program, which will replace extended learning and K-5 Plus programs. PED is encouraging all LEAs to be innovative in using additional instructional hours for initiatives such as out of school time programs incorporated into the school day, industry partnerships including work-based learning or apprenticeship programs and time devoted to student health and wellness. The agency is also encouraging LEAs to make use of additional funding for K-12 Plus initiatives such as calendar reform or balanced calendars and summer programs. Please note that this guidance is pending Governor Lujan Grisham's signature of HB 2, the General Appropriations Act. March 18, 2023 was the last day of the 2023 Regular Legislative Session, and the Governor has until April 7, 2023 to review and sign bills sent to her desk.

Minimum Total Annual Instructional Hours Requirements

Grade	Minimum Student Learning Hours	Maximum Professional Work Hours that may be included	Minimum Total Instructional Hours
Elementary Grades	1,080	60	1,140
Middle and High School Grades	1,110	30	1,140

Definitions

Student Learning Hours

Time where regular students are at school in school-directed programs, exclusive of lunch, during which students receive instruction aligned to academic content and performance standards and includes:

- (1) a school program set forth in Sections 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

Professional Work Hours

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;
- (3) mentorship, coaching and collaboration between school employees; and
- (4) collaborative reviews of data and student work

Professional work hours cannot be counted toward the minimum required total instructional hours if the professional work hours are also during student learning hours (hours cannot be double counted).

Elementary Grades

A school that contains any combination of grade levels below Grade 7.

Example: Glitter Elementary School Grades K-6
 Straw Hat Charter School Grades K-3
 Sixth Grade Music School Grade 6

Middle and High School Grades

A school that contains any grade level above Grade 6.

Example: Amazing High School Grades 9-12
 ABC Intermediate School Grades 6-8
 Robin Nico Charter Academy Grades K-8
 Shapes Charter School Grades K-9

A middle or high school that also includes any grade lower than Grade 7 may submit a second calendar for the lower grades that includes up to 60 hours of professional work hours as instructional hours.

K-12 Plus School

A school in a district or a charter school whose calendar consists of greater than 180 days for a 5-day week or greater than 155 days for a 4-day week.

Optional K-12 Plus Program

K-12 Plus Program Tier 1			K-12 Plus Program Tier 2		
Calendar	Days	Program Units	Calendar	Days	Program Units
5-day week	>=181 <=190	MEM * 0.012 * days	5-day week	>=191 <=205	MEM * 0.016 * days
4-day week	>=156 <=165		4-day week	>=166 <=175	

Days

Calculating days for the purposes of the K-12 Plus program the minimum student learning hours or professional work hours per day is five and one-half (5.5) hours. For early release days, the minimum hours per day is three and one-half (3.5) hours. Early release days are counted as half school days when calculating total school days. Any combination of student learning hours and professional work hours equal to or greater than 3.5 hours will count as a half day. Any combination of student learning hours and professional work hours equal to or greater than 5.5 hours will count as a full day.

Additionally, each eight hours of out-of-school time activities for intervention and enrichment may count as an instructional day for the purposes of K-12 plus provided that:

- 1) the program is offered to all students and targets students scoring below proficient;
- 2) program content is standards aligned;
- 3) each qualifying out-of-school time activity shall be a minimum of two continuous hours in duration;
- 4) transportation to and from qualifying out of school time activities is provided by the school;
- 5) the duration of qualifying out-of-school time activities dedicated to intervention is equal to or greater than the time dedicated to enrichment;
- 6) healthy snacks are provided to all students in an out-of-school time activity.

Time in out-of-school time programs does not count toward the 1140 instructional hour minimum.

Healthy snacks are items that include whole grains, fresh fruits and vegetables with no added sugars, i.e. nuts, whole wheat crackers, light popcorn and fruit cups without syrup.

Examples of out-of-school time activities include summer school, high-dosage tutoring, STEM activities such as robotics or engineering projects, health and wellness activities such as yoga or disc golf and other standards-based activities.

Membership (MEM)

For school year 2023-2024, the K-12 Plus program cost, will be based on proposed MEM per participating K-12 Plus schools along with proposed additional days in excess of 180 or 155. The proposed MEM will be adjusted by the PED using actual first reporting period (40D) MEM.

For school year 2024-2025 and beyond, each existing K-12 Plus school's program cost will be based on the average MEM of the prior year's second reporting period (80D) and third reporting periods (120D). For each new K-12 Plus school, the K-12 Plus program cost, will be based on proposed MEM per participating K-12 Plus schools along with proposed additional days in excess of 180 or 155. The proposed MEM will be adjusted by the PED using actual first reporting period (40D) MEM.

Estimations for 2023-2024

Any district or charter school that plans to participate in the K-12 Plus Program should complete the enclosed calendar form no later than Friday, April 14, 2023. The form collects information on 2023-2024 calendar days and an estimated number of students for 2023-2024 40D who will participate in each K-12 Plus school. K-12 Plus schools within a school district must adopt the same extended calendar. Districts and charters may upload the form to the School Budget Bureau (SBB) File Transfer Site (FTS) in the FY23 -> FY24 OpBud -> LEA Submission folder. A district or charter school not planning to participate in the K-12 Plus Program may submit their calendar form on their budget due date.

Any district or charter school that plans to submit a second middle or high school calendar to allow for grades lower than Grade 7 to include 60 hours of professional work hours as instructional hours should complete the following Google Form.

https://docs.google.com/forms/d/e/1FAIpQLSdEvv9Kc_PMIR7MskpDdsiC8zuFPymUWrWPQS3EnoN86UvRrw/viewform?usp=sf_link

Once the form is complete, School Budget Bureau will email an individualized calendar template to accommodate the request.

Any district or charter that plans to participate in out-of-school time activities should complete the upcoming form that will be made available on the School Budget Bureau website

<https://webnew.ped.state.nm.us/bureaus/school-budget/budget-workbook-and-budget-files/>.

The form will collect information on the 2023-2024 hours of out-of-school time activities and will calculate the qualifying days toward the K-12 Plus program. Districts and charters may upload the form to the School Budget Bureau (SBB) File Transfer Site (FTS) in the FY23 -> FY24 OpBud -> LEA Submission folder.

Calendar Changes

Any approved calendar may be changed during the year. Calendar changes must be board approved prior to notifying the department.

Superintendent/Charter Leader must submit a letter to the Director of SBB requesting the calendar change and include a copy of the current calendar along with a copy of the proposed calendar. The letter must indicate the differences between the two calendars and explain why the change is necessary.

Student learning hours and professional work hours that are lost to weather, unforeseen circumstances or to other events that would put a school below the minimum required number of instructional hours must be made up.

For K-12 Plus schools that lose days due to weather, unforeseen circumstances or to other events where the loss drops the student learning hours and professional work hours per day below 5.5 hours, the days must be made up so the school still qualifies for their funding under the K-12 Plus program.

For questions, please contact: Sara Cordova, Director of School Budget at (505) 469-3717 or sara.cordova3@ped.nm.gov, or Gregory Frostad, Interim Director of Policy and Legislative Affairs, at (505) 470-5752 or gregory.frostad@ped.nm.gov.

FAQs

Our school is not a K-12 Plus school, and has an instructional calendar of 1150 hours. If we have a snow day, does the school need to make up the instructional hours?

No. Schools only need to make up missed hours if it would put them below the 1140 instructional hour minimum requirement.

Our school is a K-12 Plus school, and has an instructional calendar of 1150 hours. If we have a snow day, does the school need to make up the instructional hours?

Yes. To get the additional funding for the instructional day, an additional day would need to be added to the calendar.

Our school is not a K-12 Plus school, and has an instructional calendar 1140 hours. If we have a delay day, does the school need to make up the instructional hours?

Yes. Schools must have at least 1140 instructional hours in the year and if a snow day or delay day drops the school below the required minimum, the time must be made up.

Our school is a K-12 Plus school, and has an instructional calendar 1150 hours. If we have a delay day, does the school need to make up the instructional hours?

Likely. If the modified school day is now less than 5.5 hours but more than 3.5 hours, another half day would need to be added to the calendar.

Must we use professional work time as part of our 1140 instructional hours?

No.

Can we only have 30/60 hours of professional work time?

No. You can have as much professional work time as needed, but only 30/60 may count toward the instructional hour minimum.

We have a K-12 school or district. Can we use one calendar with 60 hours of professional development?

No. All grades, above grade 6, may only use 30 hours of professional work time toward instructional hour minimums. A school or district may have one calendar that makes use of 30 hours, or may have two calendars.

Can schools have a one-week break (or longer) during the school year?

Yes. Schools may schedule their calendar days as best meets the needs of the school and community.

AR/sc

Enc. (1): 2023-2024 Elementary School Calendar
 2023-2024 Middle and High School Calendar