

PROPOSED AMENDMENT - STRIKETHROUGH

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Underline represents language the Department is proposing to add.

TITLE 6 PRIMARY AND SECONDARY EDUCATION CHAPTER 10 PUBLIC SCHOOL ADMINISTRATION - PROCEDURAL REQUIREMENTS PART 5 SCHOOL ~~CALENDAR~~ INSTRUCTIONAL TIME REQUIREMENTS

6.10.5.1 ISSUING AGENCY: Public Education Department, hereinafter the department.
[6.10.5.1 NMAC – Rp, 6.10.5.1 NMAC, 1/16/2024]

6.10.5.2 SCOPE: This rule applies to school districts and charter schools.
[6.10.5.2 NMAC – Rp, 6.10.5.2 NMAC, 1/16/2024]

6.10.5.3 STATUTORY AUTHORITY: ~~[This rule is promulgated pursuant to]~~ Sections 9-24-8, 22-2-1, 22-2-2, 22-2-8.1, 22-8-23.14, 22-13-1, 22-13-1.1, 22-13C-10, and 22-22-1 et seq. NMSA 1978.
[6.10.5.3 NMAC – Rp, 6.10.5.3 NMAC, 1/16/2024]

6.10.5.4 DURATION: Permanent.
[6.10.5.4 NMAC – Rp, 6.10.5.4 NMAC, 1/16/2024]

6.10.5.5 EFFECTIVE DATE: ~~[December 31, 1998]~~ January 16, 2024, unless a later date is cited at the end of a section.
[6.10.5.5 NMAC – Rp, 6.10.5.5 NMAC, 1/16/2024]

6.10.5.6 OBJECTIVE: ~~[This rule establishes criteria for establishing a variable school calendar pursuant to the Variable School Calendar Act (Sections 22-22-1 to 22-22-6 NMSA 1978) and for determining a school year]~~
This rule establishes criteria for determining the length of a school year and day, instructional hours for students, and professional work hours for teachers; and for establishing a school calendar for the school year.
[6.10.5.6 NMAC – Rp, 6.10.5.6 NMAC, 1/16/2024]

6.10.5.7 DEFINITIONS:

~~_____ A. “Condensed year calendar” means a calendar for a school district, school or charter school operating on a four day schedule each week.~~

~~_____ B. “Department” means the public education department.~~

~~_____ C. “Local board” means a board of education of a school district or a governing body of a charter school.~~

~~_____ D. “Secretary” means the secretary of the New Mexico public education department.~~

~~_____ E. “Variable school calendar” means a calendar for a school district, school or charter school operating on a 10, 11 or 12 month period or portions thereof in excess of nine months, which permits student attendance on a staggered schedule.]~~

_____ A. “Instructional day” means a calendar day designated by the local board for instructional hours with students that meets the length of school day requirements in Subsection D of Section 8 of this rule but shall not include professional work hours.

_____ B. “Instructional hour” is a period at school 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.

_____ C. “K-12 plus day” means a calendar day designated by the local board as an instructional day or a school day that is scheduled in excess of the minimum requirement of 180 instructional days specified in Section 8 of this rule.

_____ D. “Local board” means a board of education of a school district or a governing body of a charter school.

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E. "Optional instructional programs" means a school district instructional program in which eligible students may enroll instead of participating in the general course of study offered by the local school.

F. "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.

G. "Public schools" means school districts and charter schools.

H. "Remote instruction" means when students are engaged with the curriculum through an online platform while not physically at the school site.

I. "School day" means a calendar day designated by the local board that may include either instructional hours with students or professional work hours or a combination of instructional hours with students and professional work hours.

J. "Secretary" means the secretary of the public education department.

K. "Synchronous remote instruction" means remote instruction when students are receiving instruction by teachers on an online platform in real time.

[6.10.5.7 NMAC – Rp, 6.10.5.7 NMAC, 1/16/2024]

6.10.5.8 REQUIREMENTS: [While department approval is not required, any local board planning to operate under a condensed year or variable school calendar shall justify a decision to implement such a calendar based upon the results of public input and other considerations as set forth in this section.

A. Approval procedure: To operate under a condensed year or variable school calendar, the local board shall, at a duly noticed public meeting held prior to the condensed year or variable school calendar's implementation date, declare in a detailed written resolution its intention to operate under a condensed year or variable school calendar.

(1) The local board's approval procedure shall include the following:

(a) an identification of the schools, by grade level, to be operated under the calendar;

(b) public input at a public meeting on how student and school achievement and financial issues would be impacted by the proposed condensed year or variable school calendar;

(c) public input at a public meeting on the anticipated impact of the proposed condensed year or variable school calendar upon the school district, charter school, family and community;

(d) public input at a public meeting on the impact of the proposed condensed year or variable school calendar on: facilities, capital needs, operational budget, transportation services, personnel needs, staffing patterns, and instructional programs within the school district or charter school;

(e) verification of substantial community support for implementation of the proposed condensed year or variable school calendar; and

(f) public input at a public meeting on how the proposed condensed year or variable school calendar will ensure that a school year will consist of the minimum number of full instructional days required by Paragraphs (1) and (2) of Subsection B of 6.10.5.8 NMAC.

(2) Any resolution adopted by the local board to implement a condensed year or variable school calendar shall contain an assurance that each of the criteria set forth in Subsection A of 6.10.5.8 NMAC have been satisfied.

B. Length of school day beginning with the 2011-2012 school year:

(1) Beginning with the 2011-2012 school year, school districts and charter schools operating under a condensed year calendar shall operate under a calendar consisting of at least 150 full instructional days per year exclusive of lunch and any release time for in-service training. Specifically, students shall be in school directed programs, exclusive of lunch, for a minimum of the following:

(a) if in kindergarten for half day programs, three hours per day or for full day programs six hours and 36 minutes per day;

(b) if in grades one through six, six hours and 36 minutes per day; and

(c) if in grades seven through 12, seven hours and 12 minutes per day.

(2) Beginning with the 2011-2012 school year, school districts and charter schools that operate on a regular or variable calendar, shall operate under a calendar consisting of at least 180 full instructional

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~~days per year exclusive of lunch and any release time for in-service training. Specifically, students shall be in school directed programs, exclusive of lunch, for a minimum of the following:~~

~~_____ (a) _____ if in kindergarten for half day programs, two and one half hours per day or, for full day programs, five and one half hours per day;~~

~~_____ (b) _____ if in grades one through six, five and one half hours per day; and~~

~~_____ (c) _____ if in grades seven through 12, six hours per day.~~

~~_____ (3) _____ School districts and charter schools may establish a school year or length of school days in excess of the minimum requirements established in this section provided that they do so only after holding a duly noticed public meeting at which public input is permitted. Charter schools shall not be required to obtain permission from their authorizer to extend their school year or length of school days but shall provide them with written notice of the proposed change prior to implementation. Budget implications should be carefully addressed when consideration is given to exceeding the minimum requirements.~~

~~_____ C. _____ Days or parts of days that are lost to weather where Days or parts of days that are lost to weather where that weather related loss exceeds two hours, or lost to in-service training or lost to other events that are not school directed programs shall be made up so that students receive a full instructional school year.~~

~~_____ D. _____ Upon approval of scheduling by the school principal, teachers may:~~

~~_____ (1) _____ use up to 33 hours of the full day kindergarten program for home visits or for parent-teacher conferences;~~

~~_____ (2) _____ use up to 22 hours of grades one through six programs for home visits or for parent-teacher conferences;~~

~~_____ (3) _____ use up to 12 hours of grades seven through 12 for consultation with parents or to develop student next step plans.~~

~~_____ E. _____ Length of school day requirements during the 2010-2011 school year shall be satisfied by complying with the minimum requirements set forth in Section 22-2-8.1, NMSA 1978 as they existed in law prior to the 2009 changes that contained a delayed year effect. School districts and charter schools may, however, voluntarily commence complying with the new requirements set forth in Subsection B of 6.10.5.8 NMAC above.~~

~~_____ F. _____ The secretary may, on a case by case basis, waive the minimum length or number of school days where such minimums would create undue hardships provided that the school year is adjusted to ensure that students in the requesting school district or charter school receive the same total instructional time as students in the same grade elsewhere in the state. A hardship shall include but not be limited to:~~

~~_____ (1) _____ severe and prolonged acts of nature that render travel dangerous or impractical;~~

~~_____ (2) _____ natural disasters that affect a community after which rescue, repair and grieving are critical to the community's recovery;~~

~~_____ (3) _____ community or statewide health emergencies as where warnings about pandemics or epidemics have been issued by the department of health or the department;~~

~~_____ (4) _____ the passing or prolonged illness of key school staff;~~

~~_____ (5) _____ violent or other disruptive acts committed on school property that necessitate a lockdown or closure of a school.~~

~~_____ G. _____ No waiver request need be made to the secretary where, if based upon hardship, a school district or charter school declares a district-wide or school delay of two hours or less.]~~

A. All students shall be in instructional hours, exclusive of lunch, lunch recess, and lunch passing periods, for a minimum of 1,140 instructional hours per school year. Secondary students shall attend a minimum of four class periods per instructional day, unless a secondary student provides evidence of participating for an equivalent amount of time in an apprenticeship, a work study program, or in employment. Instructional hour requirements for students with individualized education programs (IEP) shall follow the requirements of the IEP.

B. Remote instruction may comprise no more than four instructional days, or 32 hours per school year, and at least fifty percent of remote instruction must be synchronous remote instruction, except for:

_____ (1) _____ hardships included in Subsection G of this section; or

_____ (2) _____ optional instructional programs, charter schools in accordance with the contract between the school and its chartering authority, or schools without attendance boundaries.

C. Beginning with the 2024-2025 school year:

_____ (1) _____ all public school calendars shall include at least 180 instructional days per school year, exclusive of teacher professional work hours;

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~~(2) all public schools shall schedule more than fifty percent of school weeks as five-day school weeks; and~~

~~(3) all public schools shall be deemed to operate on five-day school weeks for the purposes of K-12 plus program funding calculations in Section 9 of this rule.~~

~~D. The length of instructional days and school days shall be a minimum of five and one-half instructional hours per full day and a minimum of three and one-half instructional hours per half day. Instructional days shall be no longer than seven and one-half instructional hours.~~

~~E. Student lunch time shall be a minimum of 30 minutes. Lunch recess and passing periods to and from lunch do not qualify as instructional hours.~~

~~F. When instructional hours are lost to weather or other events that cause the total school year instructional hours to drop below 1,140, or that cause a reduction in the total number of instructional days or school days, the school calendar shall be amended so that students receive a full school year pursuant to Subsection A of this section and so that the number of scheduled K-12 plus days are maintained.~~

~~G. The secretary may, due to hardship and on a case-by-case basis, waive for the current school year the length of instructional days provided that the school year is adjusted to ensure that the students receive a minimum of 1,140 instructional hours per school year. A hardship shall include but not be limited to:~~

~~(1) severe acts of nature;~~

~~(2) natural disasters that affect a community after which rescue, repair, and grieving are critical to the community's recovery;~~

~~(3) community or statewide health emergencies, where warnings about pandemics or epidemics have been issued by the department of health or the department;~~

~~(4) the passing or prolonged illness of key school staff; or~~

~~(5) violent or other disruptive acts committed on school property that necessitate a lockdown or necessitate total or partial closure of a school.~~

~~H. Up to 60 instructional hours per school year for primary grades and up to 30 instructional hours for secondary grades may be used for professional work hours, provided that professional work hours are scheduled before, after, or on a day other than the required minimum 180 instructional days. When calculating a school's total number of instructional hours, time shall not be double counted as both instructional hours for student learning and professional work hours.~~

[6.10.5.8 NMAC – Rp, 6.10.5.8 NMAC, 1/16/2024]

6.10.5.9 ~~[TEMPORARY PROVISION: Due to the passage of Laws 2010, Chapter 68 during the 2010 second session of the 49th legislature which finds that school districts need flexibility to meet state fiscal solvency requirements, for the 2009-2010 through 2011-2012 school years, the secretary may waive requirements in the Public School Code and corresponding rules pertaining to the length of school day.~~

~~A. No waiver under this provision may be granted or acted upon prior to May 19, 2010.~~

~~B. No waiver granted pursuant to this provision may extend beyond the end of the 2011-2012 school year.~~

~~C. The department shall monitor the issuance or denial of any such waivers.~~

~~D. The secretary shall report to the legislative education study committee and the legislative finance committee on any issues or actions of a school district that appear to adversely affect student learning.]~~ **K-12 PLUS PROGRAM:**

A. Each school district or charter school with board-approved calendars longer than 180 instructional days shall be eligible to receive K-12 plus program units for students in kindergarten through twelfth grade.

B. The number of K-12 plus program units is determined by multiplying the membership in each eligible school by:

(1) the cost differential factor of 0.012 and then by the number of K-12 plus days between 181 and 190 days; and

(2) the cost differential factor of 0.016 and then by the number of K-12 plus days between 191 and 205 days.

C. No later than October 15 of each year, a school district or charter school that wishes to adopt a calendar of between 181 and 205 instructional days for the next fiscal year shall submit to the department the actual number of students enrolled in each of its schools in the current year and an estimate of the number of students that the school district or charter school expects to be enrolled in each school in the next year.

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[6.10.5.9 NMAC – Rp, 6.10.5.9 NMAC, 1/16/2024]

HISTORY OF 6.10.5 NMAC:

Pre-NMAC History: The material in this regulation was derived from that previously filed with the State Records Center and Archives under State Board of Education Regulation 93-24, Variable School Calendar Application, Review and Reporting Process, filed March 3, 1994; and State Board of Education Regulation 92-3, Variable School Calendar Application, Review and Reporting Process, filed April 3, 1992.

Other History of 6.10.5 NMAC:

6.10.5 NMAC – School Calendar Requirements, filed 12/31/1998 was repealed and replaced by 6.10.5 NMAC – School Instructional Time Requirements, effective 1/16/2024.

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