

## 6.10.5 NMAC, School Instructional Time Requirements Guidance and Frequently Asked Questions

Together, statute and rule require a minimum of 1,140 instructional hours and a minimum of 180 instructional days per school year. Up to 60 professional work hours for elementary teachers and 30 professional work hours for secondary teachers may be included in the 1,140 instructional hours. Instructional days for students must be counted in full days (at least 5.5 hours excluding lunch) or half days (at least 3.5 hours excluding lunch). Instructional days cannot exceed 7.5 hours. The rule allows for exemptions to the 180-day requirement for those school districts and charter schools that meet reading, language arts growth, or achievement targets.

This document provides guidance and summarizes questions about [6.10.5 NMAC, School Instructional Time Requirements](#).

### General

**1 Question** Where can I find a copy of the final, adopted rule?

**Answer** The rule was published in the [New Mexico Register](#) on March 26, 2024.

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**2 Question** Where can I see the public comments submitted to the Public Education Department (PED) and department's responses to the comments?

**Answer** All public comments are available on this [Proposed Rulemaking](#) webpage.

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**3 Question** When will calendars be approved?

**Answer** School calendars will be approved by the PED School Budget Bureau in the normal timeline, except for those proposed calendars with fewer than 180 instructional days. Once the exemption data becomes available in June, the department will approve calendars with fewer than 180 instructional days for those school districts and charter schools that qualify. The agency will send budget adjustment request memos to school districts and charter schools that meet exemption requirements. School districts and charter schools that submit multiple calendars but do not meet the exemption requirements will also be notified.

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Calendar Requirements

**4 Question** What is the difference between an instructional day and a school day?

**Answer** Instructional days have between 5.5 and 7.5 instructional hours with students. School days have at least 5.5 hours of instructional hours with students, professional work hours, or a combination of both. All instructional days are school days, but not all school days are instructional days.

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**5 Question** If a school calendar has 180 instructional days, does it still have to meet the instructional hour requirements?

**Answer** Yes. Calendars must include at least 1,140 instructional hours, some of which may be used for teacher professional work hours.

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**6 Question** Will schools have to eliminate early release days or lengthen instructional days?

**Answer** The rule establishes minimum total hour requirements for half days and full days, but daily schedules and course offerings are locally determined, and schedules may be constructed in a variety of combinations to meet the minimum requirements.

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**7 Question** Can an instructional day for part of the student population count toward the 180 instructional day requirement and K-12 Plus?

**Answer** No. Except for the case of graduating seniors, all students are expected to attend an instructional day. If only part of the student population, such as students with a failing grade, is expected to attend, then the day would not count toward K-12 Plus days or toward the minimum 180 instructional day requirement. Similarly, if some students are released after four hours of instruction and some are expected to remain at school for another two hours, this day would count as one-half an instructional day for K-12 Plus and one-half day for the minimum 180 instructional day requirement.

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## Professional Work Hours

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. When calculating a school's total number of instructional hours, time shall not be double-counted as both instructional hours with students and professional work hours.

**8 Question** How many professional development hours or days are required?

**Answer** There is no minimum number of professional work hours or days that are required.

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**9 Question** May professional work hours be included in the minimum 180 instructional days?

**Answer** Up to two days of parent-teacher conferences count toward the minimum 180 instructional days. School calendars must include 180 instructional days, either as full days with a minimum of 5.5 instructional hours with students, or half days with a minimum of 3.5 instructional hours with students. A school district or charter school may decide to include professional work hours for staff on these days before or after the instructional hours with students.

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**10 Question** Can school calendars include early release for students so teachers may participate in professional development?

**Answer** Yes. See Example 1 in Appendix A.

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## Charter Schools

[The Charter Schools Act](#) requires the PED to waive requirements or rules and provisions of the Public School Code pertaining to the length of school days.

**11 Question** Does the rule apply to charter schools already operating under the length-of-school-day waiver?

**Answer** Yes. The length of school day is the only requirement in the rule that is waived as a non-discretionary waiver. Charter schools still must meet all other requirements of the rule, including the 1,140 instructional hour requirement and the 180 instructional day requirement for the school year.

**12 Question** How is K-12 Plus funding affected by the length of day waiver?

**Answer** Only full days that are a minimum of 5.5 hours and half days that are a minimum of 3.5 hours are counted toward K-12 plus funding. See Appendix A for examples.

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### Early College High Schools

**13 Question** What qualifies as an early college high school for the minimum 180-day exemption in the rule?

**Answer** Only calendars for schools in which all the students are enrolled in a PED-approved [early college high school program](#) will qualify for this exemption.

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### Performance Criteria for Exemption to the 180-Day Minimum

For each school district or charter school requesting an exemption, the school district or charter school must demonstrate a minimum 95% participation rate on the MSSA-ELA and SAT-ELA assessments. Proficiency is calculated by dividing the sum of all MSSA-ELA and SAT-ELA tests scoring proficient or advanced in the school district or charter school by the number of MSSA-ELA and SAT-ELA tests taken in the school district or charter school. These results are reported to school districts and charter schools in the Cognia Impact Report. Growth will be calculated by subtracting the 2023 proficiency rate from the 2024 proficiency rate.

Exemptions will be granted based on the following four categories:

Category 1. If a school district or charter school has an overall reading, language arts proficiency rate below 45 percent in spring 2024, then the school district or charter school must have demonstrated at least 15 percentage points of growth in reading, language arts achievement.

Category 2. If a school district or charter school has an overall reading, language arts proficiency rate greater than or equal to 45 percent and less than 65 percent in spring

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2024, then the school district or charter school must have demonstrated at least 10 percentage points of growth in reading, language arts achievement.

Category 3. If a school district or charter school has an overall reading, language arts proficiency rate greater than or equal to 65 percent and less than 80 percent in spring 2024, then the school district or charter school must have demonstrated at least 8 percentage points of growth in reading, language arts achievement.

Category 4. If a school district or charter school has an overall reading, language arts proficiency rate greater than or equal to 80 percent in spring 2024, then the school district or charter school will be exempt from the 180-day requirement regardless of growth.

### Example 1: School District A

- 2024 Reading, language arts achievement: 57 percent
- 2023 Reading, language arts achievement: 44 percent

School District A scored 45 percent or more but less than 65 percent in reading, language arts achievement in 2024 and so must demonstrate at least 10 percentage points of growth to receive an exemption to the 180 instructional day requirement. The school district's growth of 13 percentage points exceeds the minimum 10 percentage points of growth and so all schools within the school district are eligible for the exemption.

### Example 2: School District B

- 2024 Reading, language arts achievement: 80 percent
- 2023 Reading, language arts achievement: 86 percent

School District B scored 80 percent or more in reading, language arts achievement in 2024 and so is eligible for an exemption to the 180 instructional-day requirement regardless of growth. All schools in the school district are eligible for the exemption.

### Example 3: School District C

- 2024 Reading, language arts achievement: 65 percent
- 2023 Reading, language arts achievement: 58 percent

School District C scored 65 percent or more but less than 80 percent in reading, language arts achievement in 2024 and so must demonstrate at least 8 percentage points of growth to receive an exemption to the 180 instructional day requirement. The school district's growth of 7 percentage points is less than the required 8 percentage points and so no schools within the school district are eligible for the exemption.

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**14 Question** Schools do not get the results of spring assessments until May or June. When will school districts and charter schools know if they qualify for an exemption to the 180-day minimum requirement?

**Answer** The data to determine eligibility for an exemption will be available in June. School districts and charter schools that seek an exemption must submit calendars that comply with the rule, but may submit secondary calendars that they would adopt if they qualify for the exemption.

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**15 Question** Do schools with four-day calendars also need to meet the 180-day minimum requirement?

**Answer** Unless a school with a four-day calendar qualifies for the exemption to the 180-instructional-day minimum, the calendar must meet this requirement.

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**16 Question** If exemption requirements are met, does the rest of the rule apply?

**Answer** Yes. School districts and charter schools that meet proficiency and growth criteria are only exempt from the 180-day minimum requirement. The 1,140 instructional hour minimum is still required.

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### Snow Days

**17 Question** How do snow days impact school calendars under the rule?

**Answer** The school calendar must be modified when weather-related closures reduce the number of instructional days below the minimum 180, or when they reduce the number of instructional hours below the minimum 1,140 hours. The amended calendar must have at least 180 instructional days, at least 1,140 instructional hours, and the same number of K-12 Plus funding days as approved by the department in the original calendar.

However, due to hardship such as severe acts of nature, the Secretary

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may waive, on a case-by-case basis, for a current school year, the length of instructional day requirement and the minimum instructional days requirement. A district would then adjust its calendar to ensure it still meets the requirement for a minimum of 1,140 instructional hours.

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### Remote Instruction

**18 Question** What limits and exceptions are there for remote learning?

**Answer** With a few exceptions, no more than four instructional days, may be remote learning, and at least half of the remote instructional hours must be synchronous instruction. Exceptions include charter schools in accordance with their charter, or optional instructional programs and schools without attendance boundaries that are created by a school district, which include alternative schools designed to provide primarily remote learning.

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**19 Question** Is it considered a remote learning day if some students are at school and some are remote learning?

**Answer** Yes. If some student groups are at school while other student groups are not expected to come to the school building and are remote learning, that counts as remote learning for purposes of the calendar.

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### K-12 Plus Funding

**20 Question** Does the new rule provide for K-12 Plus funding?

**Answer** Yes. Schools on five-day calendars with 181 to 205 school days and schools on four-day calendars with 156 to 176 school days generate K-12 Plus program units for eligible students in kindergarten through twelfth grade.

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**21 Question** What type of calendar days qualify for K-12 Plus funding?

**Answer** Instructional days and school days qualify for K-12 Plus funding. However, only 60 professional work hours in elementary schools and 30 professional work hours at secondary schools may count toward K-12 plus funding.

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**22 Question** How does K-12 Plus funding work?

**Answer** The funding for K-12 Plus differs between a four-day school week and a five-day school week.

Schools with four-day calendars receive K-12 Plus funding for days 156 through 175 days.

- The calculation for days 156-165 is:  
Membership \* Unit Value \* .012 \* number of days
- The calculation for days 166-175 is:  
Membership \* Unit Value \* .016 \* number of days

Schools with five-day calendars receive K-12 Plus funding for days 181 through 205 days.

- The calculation for days 181-190 is:  
Membership \* Unit Value \* .012 \* number of days
- The calculation for days 191-205 is:  
Membership \* Unit Value \* .016 \* number of days



Appendix A  
Examples

## Example 1

In this example, students receive instructional time in the morning, and professional development happens in the afternoon, after students leave.

- 3.5 hours count as a half day, toward the 180-day minimum
- 5.5 hours count toward the 1,140hour minimum, so long as the 30 or 60 hours of maximum professional work time has not been exceeded
- The whole day may count toward K12 Plus funding, so long as the 30 or 60 hours of maximum professional work time has not been exceeded

Instructional Hours with Students	Instructional Day	Professional Work Hours	School Day
3.5 Hours	Half Day	2 Hours	Full Day

## Example 2

In this example, students receive instruction in the morning and the afternoon, and professional development happens after students leave.

- 5.5 hours count as 1 day toward the 180-day minimum
- 7.5 hours count toward the 1,140hour minimum, so long as the 30 or 60 hours of maximum professional work time has not been exceeded
- The whole day may count toward K12 Plus funding, so long as the 30 or 60 hours of maximum professional work time has not been exceeded

Instructional Hours with Students	Instructional Day	Professional Work Hours	School Day
5.5 Hours	Full Day	2 Hours	Full Day

## Example 3

In this example, students receive instruction in the morning and the afternoon.

- 5.5 hours count as 1 day toward the 180-day minimum
- 5.5 hours count toward the 1,140-hour minimum
- The whole day may count toward K-12 Plus funding

Instructional Hours with Students	Instructional Day	Professional Work Hours	School Day
5.5 Hours	Full Day	0 Hours	Full Day

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### Appendix B

The table below provides Cognia Impact Report information about the participation rate and the percentage of proficient students for the spring 2023 ELA assessments in the MSSA and the SAT. The table also provides the ELA proficiency targets for school districts and charter schools to meet the minimum threshold for an exemption to the 180 instructional day requirement in 6.10.5 NMAC.

School District or Charter School	ELA 2023 Participation Rate 95%	ELA 2023 Percent Proficient	Exemption Target for 2024 ELA Proficiency
21st Century Public Academy	Yes	67	75
Abq School Of Excellence	Yes	57	65
Abq Sign Language Academy	Yes	21	36
Aces Technical Charter School	Yes	35	45
Alamogordo	Yes	43	53
Albuquerque	Yes	40	50
Albuquerque Bilingual Academy	Yes	34	45
Albuquerque Collegiate Charter School	Yes	68	76
Albuquerque Institute of Math & Science	Yes	94	80
Aldo Leopold Charter	Yes	63	71
Alma D'Arte Charter	No	37	47
Altura Preparatory School	Yes	80	80
Amy Biehl Charter 1	Yes	44	54
Animas	Yes	31	45
Artesia	Yes	45	55
Aztec	Yes	38	48
Belen	Yes	35	45
Bernalillo	Yes	25	40
Bloomfield	Yes	28	43
Capitan	Yes	50	60
Carlsbad	Yes	36	46
Carrizozo	Yes	37	47
Central Consolidated	Yes	22	37
Cesar Chavez Community School	No	4	19
Chama	Yes	21	36
Cimarron	Yes	43	53
Clayton	Yes	47	57
Cloudcroft	Yes	54	64
Clovis	Yes	34	45
Cobre Consolidated	Yes	31	45
Corona	Yes	62	70
Cuba	Yes	13	28

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School District or Charter School	ELA 2023 Participation Rate 95%	ELA 2023 Proficiency Percentage	Exemption Target for 2024 ELA Proficiency
DEAP	Yes	10	25
Deming	Yes	26	41
Des Moines	Yes	77	80
Dexter	Yes	35	45
Dora	Yes	50	60
Dulce	Yes	12	27
Elida	Yes	40	50
Española	Yes	23	38
Estancia	No	35	45
Estancia Valley Classical Academy	Yes	51	61
Eunice	Yes	26	41
Explore Academy	Yes	61	69
Explore Academy Las Cruces	Yes	45	55
Farmington	Yes	35	45
Floyd	Yes	39	49
Ft Sumner	Yes	44	54
Gadsden	Yes	32	45
Gallup	Yes	28	43
Grady	Yes	60	68
Grants	Yes	29	44
Hagerman	Yes	35	45
Hatch	Yes	22	37
Hobbs	Yes	32	45
Hondo	Yes	30	45
Horizon Academy West	Yes	54	64
House	Yes	38	48
Hozho Academy	Yes	30	45
J Paul Taylor Academy	Yes	61	69
Jal	Yes	26	41
Jemez Mountain	Yes	19	34
Jemez Valley	No	18	33
La Academia Dolores Huerta	No	36	46
La Tierra Montessori School	No	26	41
Lake Arthur	Yes	34	45
Las Cruces	Yes	38	48
Las Montaña's Charter	No	28	43
Las Vegas City	Yes	30	45
Logan	Yes	45	55
Lordsburg	Yes	26	41
Los Alamos	Yes	72	80

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School District or Charter School	ELA 2023 Participation Rate 95%	ELA 2023 Proficiency Percentage	Exemption Target for 2024 ELA Proficiency
Los Lunas	Yes	36	46
Loving	Yes	44	54
Lovington	Yes	31	45
Magdalena	Yes	31	45
Maxwell	Yes	65	73
McCurdy Charter School	Yes	30	45
Media Arts Collaborative Charter	Yes	43	53
Melrose	Yes	58	66
Mesa Vista	Yes	36	46
Middle College 1 Charter - Gallup	Yes	55	65
Mission Achievement and Success	Yes	52	62
Monte Del Sol Charter	Yes	41	51
Montessori Elementary School	Yes	70	78
Mora	Yes	30	45
Moriarty-Edgewood	Yes	44	54
Mosquero	Yes	30	45
Mountainair	Yes	29	44
New America School - Las Cruces	No	25	40
New Mexico Connections Academy	No	35	45
NM School for Arts	Yes	89	80
North Valley Academy Charter	Yes	30	45
Pecos	Yes	29	44
Peñasco	Yes	37	47
Pojoaque	Yes	33	45
Portales	Yes	37	47
Quemado	Yes	51	61
Questa	Yes	29	44
Raices Del Saber Xinachtli Community School	Yes	39	49
Raton	Yes	39	49
Red River Valley Charter School	Yes	35	45
Reserve	Yes	59	67
Rio Rancho	Yes	50	60
Roots and Wings Community	Yes	52	62
Roswell	Yes	36	46
Roy	Yes	79	80
Ruidoso	Yes	38	48
San Jon	Yes	39	49
Sandoval Academy of Bilingual Education	Yes	45	55
Santa Fe	Yes	37	47
Santa Rosa	Yes	42	52

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School District or Charter School	ELA 2023 Participation Rate 95%	ELA 2023 Proficiency Percentage	Exemption Target for 2024 ELA Proficiency
School Of Dreams Academy	Yes	27	42
Silver City	Yes	41	51
Six Directions Indigenous School	No	17	32
Socorro	Yes	33	45
Solare Collegiate Charter School	Yes	34	45
South Valley Prep	Yes	26	41
Southwest Preparatory Learning Center	Yes	43	53
Southwest Secondary Learning Center	No	31	45
Springer	Yes	30	45
SW Aeronautics Mathematics and Science	Yes	51	61
Taos	Yes	43	53
Taos Academy	Yes	55	65
Taos Integrated School of The Arts	Yes	51	61
Taos International School	Yes	23	38
Tatum	Yes	42	52
Texico	Yes	63	71
The Ask Academy	Yes	68	76
The Great Academy	No	21	36
The Masters Program	No	67	75
Tierra Adentro	Yes	41	51
Tierra Encantada Charter School	Yes	33	45
Truth or Consequences	No	31	45
Tucumcari	Yes	37	47
Tularosa	Yes	27	42
Turquoise Trail Charter School	Yes	31	45
Vaughn	Yes	29	44
Wagon Mound	Yes	26	41
Walatowa Charter High	No	11	26
West Las Vegas	Yes	28	43
Zuni	Yes	24	39