

New Mexico

Public Education Department

**REVISED: 03.05.2025**

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| **Instructional Hours** |

**Waiver rEQUEST**

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| **Instructions**: Please complete this form electronically from the superintendent, charter school administrator, or designee. Email to: **Waivers.PED@state.nm.us** in Word document format.**Note**: The response boxes expand automatically as you add text. |
| District/Charter School: |
| Superintendent or Charter School Administrator: |
| Mailing Address: | State: NM | Zip Code: |
| Phone: | Fax: | Email: |

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| Secondary Contact: | Title: |
| Phone: | Fax: | Email: |
| Date Submitted: |  |

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| Does local school board policy require board approval prior to this request?   | [ ]  Yes | [ ]  No |
| If yes, has board approval been obtained? | [ ]  Yes | [ ]  No |
| Date of board approval: |  |

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| **Applicable Statute and/or State Rule** |
| **22-8-9. Budgets; minimum requirements.** A.     A budget for a school district shall not be approved by the department that does not provide for: (1)     a school year consisting of at least one hundred eighty full instructional days or the equivalent thereof, exclusive of any release time for in-service training; or (2)     a variable school year consisting of a minimum number of instructional hours established by the state board [department] ; and (3)     a pupil-teacher ratio or class or teaching load as provided in [Section 22-10A-20](http://nxt.ella.net/NXT/gateway.dll?f=xhitlist$xhitlist_x=Advanced$xhitlist_vpc=first$xhitlist_xsl=querylink.xsl$xhitlist_sel=title;path;content-type;home-title$xhitlist_d=%7bnewmex%7d$xhitlist_q=%5bfield%20folio-destination-name:'22-10A-20'%5d$xhitlist_md=target-id=0-0-0-38361) NMSA 1978. B.     The state board [department] shall, by rule, establish the requirements for an instructional day, the standards for an instructional hour and the standards for a full-time teacher and for the equivalent thereof.  |

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| **22-2-8.1. Length of school day; minimum.** A.     Except as otherwise provided in this section, regular students shall be in school-directed programs, exclusive of lunch, for a minimum of the following: (1)     kindergarten, for half-day programs, two and one-half hours per day or four hundred fifty hours per year or, for full-day programs, five and one-half hours per day or nine hundred ninety hours per year; (2)     grades one through six, five and one-half hours per day or nine hundred ninety hours per year; and (3)     grades seven through twelve, six hours per day or one thousand eighty hours per year. B.     Thirty-three hours of the full-day kindergarten program may be used for home visits by the teacher or for parent-teacher conferences. Twenty-two hours of grades one through five programs may be used for home visits by the teacher or for parent-teacher conferences. C.     Nothing in this section precludes a local school board from setting length of school days in excess of the minimum requirements established by Subsection A of this section. D.     The state superintendent [secretary] may waive the minimum length of school days in those districts where such minimums would create undue hardships as defined by the state board [department]. |

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| **NMAC 6.29.1.9 Procedural Requirements** |
| I. Length of school day and year.  (1) The district or charter school shall be in compliance with length of school day and year requirements as defined in Section 22-2-8.1 NMSA 1978. Within statutory requirements, the local board or governing body of a charter school determines the length of the school year, which includes equivalent hours. The local board or governing body of a charter school may delegate this authority to the superintendent or charter school administrator who, in turn, may delegate to others. (2) Time for home visits/parent-teacher conferences. The local board or governing body of a charter school may designate a prescribed number of hours within the school year for home visits or parent conferences up to the following maximum hours: kindergarten: 33 hours; grades 1 through 5: 22 hours; and grades 7 through 12: 12 hours. When grade 6 is in an elementary school, the hours for grades 1 through 5 apply; when grade 6 is in a middle/junior high school, the hours for grades 7 through 12 apply. (3) All students shall be in school-directed programs, exclusive of lunch, for a minimum of the following: (a) kindergarten, for half-day programs: two and one-half (2 and 1/2) hours per day or 450 hours per year; or, for full-day programs: five and one-half (5 and 1/2) hours per day or 990 hours per year; (b) grades one through six: five and one-half (5 and 1/2) hours per day or 990 hours per year; and (c) grades seven through twelve: six (6) hours per day or 1,080 hours per year. (4) Testing and assessments are considered part of instructional hours. One group of students cannot be dismissed while another group of students is testing, unless the students being dismissed already have approved extended-day plans in place for participating in the minimum instructional hours required. (5) Dismissing students or closing school for staff development and participation in other non-instructional activities does not count toward the minimum instructional hours required. This time is to be built into a district and school schedule as an add-on. Early-release days may be built into a district or charter school calendar when the minimum instructional hours' requirement is otherwise being met. (6) The student lunch period each day shall be at least thirty (30) minutes. Lunch recess shall not be counted as part of the instructional day. (7) Districts or charter schools may request a waiver from the secretary if the minimum length of school day requirement creates an undue hardship. Such requests shall be submitted using the department's *instructional hours waiver request form*. This form shall include: name of superintendent; district/school; mailing address; phone; fax; email address; name of a secondary contact person including the same information; date of submission; local board policy requirement and approval, if required; date of board approval; statement of applicable district or charter school policy and rationale for request. Requests shall provide documentation that the following conditions exist: (a) the educational, societal or fiscal consequences of operating the minimum length of a school day/year significantly impede the district's ability to provide a quality educational program; and (b) the district or charter school has thoroughly investigated alternatives other than shortening the length of a school day/year in order to address the identified concerns. (8) When an emergency arises and the emergency affects the required hours, the local superintendent or charter school administrator shall request in writing approval from the secretary regarding the manner in which the lost instructional hours will be made up, or requesting an exemption from the required instructional hours. |

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| **Applicable District or Charter School Policy** |
| **Instructions**: Insert specific local policy here: |
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| **Rationale for Request** |
| **Instructions**: Explain how the district/school went below the required number of hours and what the plan is to make up the time. If this is a request for an exemption from making up the time, please describe the undue hardship in detail. |
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| **For PED Internal Use Only** |
| Reviewed by:  | Date:  |
| **Rationale for Approval:**  |
| Concur with staff recommendations for approvalMariana D. PadillaSecretary of Public Education | Date: |
| **Rationale for Non-Approval:** |
| Concur with staff recommendations for non-approvalMariana D. PadillaSecretary of Public Education | Date:  |

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