

## AMENDMENT - INTEGRATED

This draft reflects what the rule would look like if it is adopted with the proposed changes.

### **TITLE 6            PRIMARY AND SECONDARY EDUCATION** **CHAPTER 10       PUBLIC SCHOOL ADMINISTRATION - PROCEDURAL REQUIREMENTS** **PART 5            SCHOOL 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:** 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:** 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 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.            “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.

**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.

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**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:

**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;

(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 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:

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(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.  
[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.