



STATE OF NEW MEXICO
PUBLIC EDUCATION DEPARTMENT
300 DON GASPAR AVE.
SANTA FE, NEW MEXICO 87501-2786
Telephone (505) 827-5800
www.ped.state.nm.us

ARSENIO ROMERO PH.D.
SECRETARY OF EDUCATION

MICHELLE LUJAN GRISHAM
GOVERNOR

March 7, 2024

MEMORANDUM

TO: Superintendents, Charter School Leaders

FROM: Arsenio Romero, Ph.D., Secretary of Education

RE: **6.10.5 NMAC, School Instructional Time Requirements**

The New Mexico Public Education Department (PED) will submit the proposed rule 6.10.5 NMAC, School Instructional Time Requirements, to the New Mexico Register for adoption on March 14, 2024, with revisions that reflect feedback received during the public comment period. The rule will take effect on July 1, 2024.

These revisions are designed to improve student outcomes and offer flexibility for school calendars. The final rule will include:

- **Four-day school week calendars.** The revisions to the proposed rule allow for four-day school week calendars.
- **Exemptions for early college high schools.** Early college high schools will be exempt from the minimum 180 instructional day requirement.
- **Exemptions for school districts and charter schools with growth in reading, language arts.** Schools will be eligible for exemptions from the minimum 180 instructional-day requirement under the revised rule based on reading, language arts proficiency and growth as determined by the Secretary.
- **Minimum daily attendance for high school students.** High school students will be required to attend at least 3.5 instructional hours (not class periods) daily, unless they provide evidence of participating for an equivalent amount of time in an apprenticeship, a work study program, a dual-credit program, employment, community service, or similar activities.

Reading, language arts achievement is foundational to learning in all subjects. Exemptions to the 180 instructional day minimum for school year 2024-2025 calendars will be granted based on district wide or charter school wide proficiency rates in school year 2023-2024 and proficiency growth from school years 2022-2023 to 2023-2024. Reading achievement will be rounded to the nearest whole number and will be based on state accountability assessments, including the New Mexico Measures of Student Success and Achievement, the Scholastic Aptitude Test, and, for any K-2 only charter schools, iStation.

To be exempt from the minimum 180 instructional days in the 2024-2025 school year, a school district or charter school will meet one of the criteria below.

- If a school district or charter school has an overall reading, language arts proficiency rate below 45 percent, then the school district or charter school must demonstrate at least 15 percentage points of growth in reading, language arts achievement.
- 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, then the school district or charter school must demonstrate at least 10 percentage points of growth in reading, language arts achievement.
- 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, then the school district or charter school must demonstrate at least 8 percentage points of growth in reading, language arts achievement.
- If a school district or charter school has an overall reading, language arts proficiency rate greater than or equal to 80 percent, then the school district or charter school will be exempt from the 180 instructional-day requirement regardless of growth.

Examples of Exemptions

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.

Reading, language arts proficiency data will become available after the submission of school calendars to the PED. School districts and charter schools seeking an exemption to the 180 instructional-day requirement will be required to submit to the PED for approval two calendars for the 2024-2025 school year: one that meets all calendar requirements, including the 180 instructional day requirement, and one with the desired calendar days but that meets all other calendar requirements. Calendars will receive conditional approval and when proficiency rates and proficiency growth are finalized in the summer, the department will notify those school districts and charter schools approved for the 180 instructional day exemptions. School districts and charter schools must receive community feedback on both calendars prior to submission to the PED.

Thank you for the feedback many of you provided on the proposed rule. My team and I have spent considerable time reviewing the feedback and the new draft rule is stronger for your efforts.

AR/gf/dt

Enc: (6.10.5 NMAC with Revisions)