

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

**6.10.5.1            ISSUING AGENCY:** Public Education Department  
[12-31-98, 07-30-99; 6.10.5.1 NMAC - Rn, 6 NMAC 11.4.1, 12-29-00; A, 11-13-09]

**6.10.5.2            SCOPE:** This rule applies to school districts and charter schools.  
[12-31-98; 6.10.5.2 NMAC - Rn, 6 NMAC 11.4.2, 12-29-00; A, 11-13-09]

**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 and 22-22-1 et seq. NMSA 1978.  
[12-31-98; 6.10.5.3 NMAC - Rn, 6 NMAC 11.4.3, 12-29-00; A, 11-13-09]

**6.10.5.4            DURATION:** Permanent  
[12-31-98; 6.10.5.4 NMAC - Rn, 6 NMAC 11.4.4, 12-29-00]

**6.10.5.5            EFFECTIVE DATE:** December 31, 1998, unless a later date is cited at the end of a section.  
[12-31-98; 6.10.5.5 NMAC - Rn, 6 NMAC 11.4.5, 12-29-00]

**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.  
[12-31-98; 6.10.5.6 NMAC - Rn, 6 NMAC 11.4.6, 12-29-00; A, 11-13-09]

**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.

[6.10.5.7 NMAC - N, 11-13-09; A, 03-31-10]

**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 thirty-six minutes per day;

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

(c) if in grades seven through twelve, 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 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 twelve, 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 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.  
[12-31-98; 6.10.5.8 NMAC - Rn, 6 NMAC 11.4.8, 12-29-00; A, 11-13-09; A, 03-31-10]

**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.

[6.10.5.9 NMAC - N, 03-31-10]

**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.