



**AFT New Mexico** AFL-CIO  
*A Union of Professionals*

An affiliate of the  
American Federation  
of Teachers, AFL-CIO

Higher Education  
PSRP  
Teachers

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December 7, 2023

Policy Division  
New Mexico Public Education Department, Room 101  
300 Don Gaspar Avenue,  
Santa Fe, New Mexico 87501

Re: "6.10.5 NMAC, Instructional Time Requirements"

NM PED Policy Division:

Please accept the below comments on the proposed new administrative "6.10.5 NMAC, Instructional Time Requirements":

*AFT New Mexico is submitting this letter in strong opposition of the proposed revisions to the New Mexico Public Schools Instructional Time Requirements.*

### **House Bill 130 and Increased Instructional Time**

During the 2023 Legislative Session, *less than nine months ago*, significant debate, collaboration, and compromise centered on the extension of New Mexico's school instructional calendars through increases to instructional time. New Mexico educational stakeholders, including our union, our partners at NEA-NM, the Coalition of Educational Leaders, the New Mexico School Boards Association, parents, educators, and other community voices resoundingly agreed that New Mexico educational outcomes required additional instructional time to best serve our students and communities.

This shared value led to the adoption of House Bill 130, which increased the minimum number of instructional hours to 1140 statewide, but further incentivized local school districts to add additional instructional hours, based on community and district needs. The legislation also preserved the ability for local school districts to structure their school calendars to meet local community needs, i.e., a 4-day school week.

House Bill 130 also acknowledged the well-researched importance of professional collaboration among educators and the longitudinal evidence that this use of time improves not only student outcomes, but also teaching practice and growth. The legislation also acknowledged the benefits of professional development, parent-teacher conferences, and other efforts to enrich instructional time in our schools.

House Bill 130 represented a compromise among educational stakeholders, including the Lujan Grisham administration, to achieve our collective goal of improving student outcomes while preserving local control and decision-making for all New Mexico districts and communities.

### **Opposition to Proposed Amendments**

Our union's opposition to the proposed amendments center on two sections of the draft rule, specifically 6.10.5.8 C.1-3 and 6.10.5.8 H.

#### 6.10.5.8 C.1-3:

The proposed amendments in these sections undermine the flexibility for districts to compose school calendars which meet the unique needs of their community's values and goals. By returning to a focus on instructional days as opposed to instructional hours reverts our progress backwards and away from local flexibility and control.



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Additionally, these amendments penalize districts and communities who have opted to institute a four-day school week.

This change, if implemented, will disproportionately impact our rural schools and students, resulting in higher educator turnover, longer ride times for student transportation, and increased district costs, while simultaneously overriding locally created calendars which are a product of parental surveys, deep calendar committee work, and the balancing of educational needs.

6.10.5.8 H:

The proposed amendments in *Section H* also undermine local decision making and are in contravention to data supporting professional collaboration as a method to improve student outcomes and hone educator skills. By removing professional work hours from the total calculation of 1140 instructional hours, the New Mexico Public Education Department is disincentivizing districts from incorporating this powerful tool into their overall professional development plan. Requiring opportunities for professional development and professional work hours to exist outside of the minimum instructional hour requirements unnecessarily lengthens the school year for educators, exacerbates already tight operational budgets, and does not acknowledge the value of continuing education and professional skill development for our educator workforce.

Both cited amendments are in direct conflict with the plain reading and spirit of House Bill 130, which was passed unanimously in the New Mexico House of Representatives, passed by the New Mexico State Senate (34-6), and signed into law by Governor Michelle Lujan Grisham on March 16, 2023.

### **Transparency of Proposed Rulemaking**

We have deep concerns about the willingness of the New Mexico Public Education Department to radically attempt to alter state statute through administrative rule making less than a year after the adoption of House Bill 130. Setting aside the legalities of this scenario, which we question, we are concerned about the reversion to a centralized, rote, one-size-fits-all approach to public education.

New Mexico's educational stakeholders and practitioners saw the opportunity in House Bill 130 because it represented local control, best educational practices, the recognition of unique district needs, and importantly compromise, including amendments suggested by the Lujan Grisham Administration.

### **A Step Backwards**

We urge the New Mexico Public Education Department to withdraw these proposed changes, or at a minimum remove amendments 6.10.5.8 C.1-3 and 6.10.5.8 H so that this proposal conforms to state law, as established by House Bill 130.

Ultimately, our profession and our union will always advocate for a public education system which supports our students' needs, community values, and our member educators. We believe these amendments are an end-run around the legislative process and would encourage the Department to seek these changes through a normal process, debated in open sessions, and evaluated by our elected lawmakers, many of whom are experts themselves in education.



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Finally, as we consistently noted during the Martinez Administration, the scheduling of in-person rule-making hearings during the school day disenfranchises thousands of educators from having a say in the governance of their profession and their ability to best serve their students.

We encourage the Lujan Grisham Administration against reversing course and undercutting the many positive changes we have made together in the last six years and keep our collective focus on best serving our students, families, and New Mexico communities by honoring the practitioners and experts in our educational system.

Sincerely,

Whitney Holland  
President, AFT New Mexico