March 16, 2020

Senators and Representatives,

Following the announcement that all New Mexico public schools will be closed from the end of the school day March 13, 2020 through April 5, 2020, the New Mexico Public Education Department wants to make sure you have information about the implications of closing schools and how PED is working to support school districts and charter schools. Working collaboratively to best protect and serve our students, families, and communities will be critically important during the upcoming school closure.

It is critical that school sites that serve Head Start, that serve aftercare programs run by private providers, and that offer spaces for faith-based organizations stay open as needed. PED is grateful to the Early Childhood Education and Care Department and the private providers as they look at supporting families and our most vulnerable children during this time.

Below are a few of the most important considerations for school districts.

**Instructional Hour Requirements**
The Secretary is waiving statutory instructional hour requirements, so schools will not have to make up instructional time lost to closure. This approach will:
- Allow districts and charter schools to better take advantage of opportunities such as K-5 Plus and Extended Learning Time programs;
- Better position school districts and charter schools to manage labor and pay issues;
- Enable educators to complete summer professional development;
- Reduce conflicts with other summer activities, such as summer internships, camps, and other family plans and educator plans.

Schools that have online or distance learning programs are encouraged to offer those on a voluntary basis during the closure.

**Providing Ongoing Services**
Administrative functions in schools and districts should continue, such as:
- Maintaining food services for students;
- Keeping school-based health centers open;
- Keeping childcare centers in schools open;
- Continuing to provide behavioral health services that can be provided virtually or by phone;
- Maintaining appropriate communication with employees and local bargaining units;
- Continuing school board activities;
- Completing the budget and Education Plan submission and approval process;
Completing PED-required submission and reporting as currently scheduled;
Continuing ongoing facilities and safety operations;
Other activities as required to maintain essential district operations.

Schools that have online or distance learning programs are encouraged to offer those on a voluntary basis during the closure. The PED will be sending information soon that would normally have been covered at the annual Spring Budget Conference.

Caring for our Families
During this difficult time, it is important that schools and districts remain focused on caring for our students and families. Districts and schools should:

- Provide meals to students who qualify for free or reduced lunch. The U.S. Department of Education has granted waivers that enable districts to be reimbursed for breakfast and lunch for all students in school districts and charter schools in which at least 50 percent of students qualify for free or reduced-fee breakfast and lunch;
- Keep school-based health centers open. This will be critical for our communities during this health crisis;
- Continue to provide behavioral health services to students and families that can be provided virtually or by phone;
- Keep childcare centers in schools open. State agencies are considering options to address those needs in our communities.

PED is implementing options to support school districts and charters in distributing meals to students.

Caring for our Employees
School districts and charter schools should continue to pay employees during closure as if school were still in session. School districts and charter schools should work with their local bargaining units and school boards to determine the most appropriate manner to deploy employees during this time. It’s critical to help communities maintain financial security and economic stability during this volatile time. Districts and schools should:

- Maintain wage security for employees. This is a top priority during this time of uncertainty. Each local education agency must make decisions based on local policies and collective bargaining agreements. Everyone must come to the table to take care of employees.
- Considering the health crisis, it is critical that employees’ health insurance not be interrupted.

Technology
- We are taking inventory of distance learning capabilities and infrastructure in schools and districts across the state.

Assessments
- PED will work with school districts and charter schools to extend the testing windows and provide make-up testing windows as needed.
- The department is also working with school sites that host college entrance exams to reschedule.

Athletics
- Athletic practices and competitions will not be held during school closure.
- PED is working with the New Mexico Activities Association to reschedule events and determine qualification requirements for state championship events.
Teacher Evaluations

- We are extending the deadline to evaluate teachers.

Special Education Considerations

- Students with Individualized Education Plans (IEPs) must receive the same educational opportunities as other students. Since school will be closed and instructional hours will not need to be made up, there are no differences for students with IEPs.
- For schools that choose to use distance learning, students with IEPs should receive equitable services. Supports identified on a student’s Individualized Education Program (IEP) must be provided and districts must communicate service changes to Individualized Education Plans. This must be documented through a Prior Written Notice (PWN) and Procedural Safeguards must be attached.
- For IEP meetings that should have occurred during a school closure but were postponed as a result of the closure, documentation must be completed through a Prior Written Notice (PWN) and Procedural Safeguards must be attached.

Tribal Communities

- The PED is partnering with the Indian Affairs Department and the Bureau of Indian Education to support school districts and charter schools serving tribal communities and to support Tribally Led Grant Schools.

Ongoing Questions

The department is researching a number of topics based on questions from superintendents and charter leaders, including working with the Higher Education Department regarding dual credit. Thank you for your patience as we work through these complex issues.

If you have further concerns or questions, please contact Policy Director John Sena at 505-570-7816 or john.sena@state.nm.us.