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Purpose: Explore school district implementation of K-5 Plus and extended learning time programs in FY20 and FY21

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Expected Outcome: Understand the challenges and successful strategies in the implementation of K-5 Plus and extended learning time programs in FY20 and FY21

Extended Learning Time Programs and K-5 Plus Programs in FY20 and FY21

Given the academic achievement gap between students from historically disadvantaged backgrounds and their peers, the Legislature's funding of evidence-based programs that extend learning time for students is an important component of bringing about greater educational equity to the state's education system. Since the consolidated *Martinez* and *Yazzie* lawsuit ruling, the Legislature appropriated \$182.4 million in FY20 and \$151.3 million in FY21 to K-5 Plus, which extends learning time by 25 days for elementary students, and extended learning time programs which add 10 additional instructional days for participating elementary through high school students. The Public Education Department (PED) notes these programs help students develop a great comfort with school, benefiting them both academically and socially.

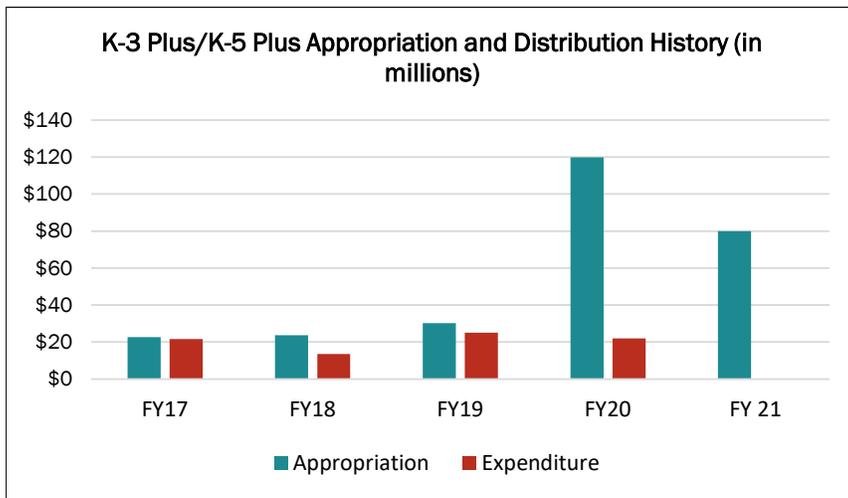
Despite increased funding, implementation challenges led to lower than projected uptake of both K-5 Plus and extended learning time programs. This is also evident in the consolidated *Yazzie* and *Martinez* lawsuit litigant school districts, where uptake for both programs remained largely flat between FY19 and FY20, with the exception of the Moriarty-Edgewood School District which added extended learning time program membership in FY20. PED's Summer 2020 cancelation of both K-5 Plus and extended learning time programs leaves FY21 program participation uncertain. Laws 2020 (1st S.S.), Chapter 5 (House Bill 1) requires school districts to submit assurance documents to provide updated information on participation in both programs; this information will be available from PED at the end of August 2020. In addition to long standing concerns, COVID-19 has exacerbated uptake challenges raising the question if this is the most effective way to provide additional learning time.

A Legislative Finance Committee (LFC) [report](#) estimates a learning loss of three months to a year for students due to spring school closures. This learning loss does not impact all students equally; students experiencing poverty and homelessness, English learners, and children with disabilities are likely to experience greater learning loss than their peers. Previous research shows that programs that extend learning can help mitigate learning loss and it is therefore important for school districts and charter schools to prioritize evidence-based programs that extend learning. Recognizing the need for evidence based programs to mitigate this learning loss, the Legislature provided for K-5 Plus and extended learning time program flexibility during the 2020-2021 school year.

Research shows K-5 Plus is more effective when it does not operate as a summer school program and when student cohorts remain the same throughout the year. An independent evaluation of the K-3 Plus program conducted by Utah State University found it was important for student success that the program be implemented with fidelity – students have the same teacher for the program as they have during the regular school year, and that the program operates as an extension of the school year. Section 22-13D-2 NMSA 1978 enacted these evidence-based provisions, requiring programs to be implemented with fidelity to best practices.

K-5 Plus Program Implementation

Plaintiffs in the consolidated *Martinez* and *Yazzie* lawsuit argued K-3 Plus programs “have not been funded to the extent that all at-risk children can participate in such programs.” In response, the Legislature expanded the K-3 Plus program to K-5 Plus, providing an additional 25 instructional days to participating elementary students and moved the program into the public school funding formula to provide for more stable funding. The Legislature also enacted provisions meant to ensure high-quality programs would be available to the state’s at-risk students and appropriated enough money to fully fund every low-income, low-performing school to provide K-5 Plus to all of their elementary students.



Fiscal Year 2020 K-5 Plus Programs. The 2019 General Appropriation Act included \$120 million for K-5 Plus programs for the 2019-2020 school year and moved the program into the public school funding formula to provide for more stable funding. During the 2019 legislative session, staff estimated this would fund approximately 87 thousand students to participate in K-5 Plus programs. Initial data provided to LESC in 2019 indicated 21 thousand students would participate in FY20 K-5 Plus programs, or about 24 percent of the students that could be funded. See LESC staff brief from

November 24, 2019. Updated numbers from PED show only 15.9 thousand students were funded to participate K-5 Plus programs in FY20, or about 18 percent of funded students. Only \$22 million of the \$120 million K-5 Plus appropriation was distributed to school districts and charter schools by the funding formula. Recognizing there could be fewer students participating in the K-5 Plus program than the Legislature included funding for, the Legislature required any portion of the \$120 million appropriation that remained undistributed at the end of FY20 to revert to the public education reform fund, which would make nonrecurring funding available for reform initiatives in FY21 and continue to allow for program expansion in FY21; \$98 million reverted to the public education reform fund at the end of FY20.

School districts noted the requirements to ensure students stay with their K-5 Plus cohort during the regular school year, the short implementation period, and challenges with adjusting the school calendar as factors leading to the low uptake of K-5 Plus programs in FY20. Program flexibility could positively support school districts in building participation in the K-5 Plus program. The Legislature may need to act to provide additional flexibility for school districts and charter schools. While maintaining best practices - including keeping students with the same teacher as part of a cohort model - is important, it is equally important that programs are implemented in the manner that shows the best improvement in student outcomes. The Legislature should only consider those policies that allow school districts and charter schools to build toward full implementation of the programs with fidelity. For example, the Legislature could consider using balances in the public education reform fund to provide program funding for school districts and

charter schools that are not able to meet all statutory requirements in the first year of implementation, but that intend to operate programs with fidelity within a few years.

FY21 K-5 Plus Program Implementation. In November 2019 PED projected almost 50 thousand students would participate in K-5 Plus programs in Summer 2020. Consequently, the Legislature held the K-5 Plus appropriation flat during the 2020 regular session and maintained language that would require unallocated K-5 Plus funds to revert to the public education reform fund. This appropriation would have funded more than 80 thousand students. However, with COVID-19 school closures and PED’s cancellation of Summer 2020 programs, the Legislature reduced the FY21 appropriation by \$40 million, leaving \$79.9 million, or enough money to fund 59 thousand students, during the 2020-2021 school year. K-5 Plus allocations in FY21 could also be affected by language in the 2020 General Appropriation Act, providing that if the appropriation for extended learning time programs is insufficient to meet the number of programs in the state, up to \$35 million of the general fund appropriation for K-5 plus programs can be used to fund extended learning time programs. Unless membership numbers outpace previous years, a reversion of K-5 Plus funds to the public education reform fund can be anticipated at the end of FY21.

PED anticipated that many school districts and charter schools would implement K-5 Plus programs in FY21. However, due to the public health emergency, PED canceled K-5 Plus programs for all summer programs scheduled to run between July 1, 2020, and June 30, 2021, through a [memorandum](#) released to school districts and charter schools on May 20, 2020. During the 2020 special legislative session, the Legislature recognized the loss of instructional time from COVID-19 school closures and provided K-5 Plus program flexibility, including allowing the secretary of PED to waive 10 days of the program for districts that implement school wide programs (Laws 2020 (1st S.S.) Chapter 5), to support school districts and charter schools to make up for the learning loss through programs that extended learning time. PED is currently working with school districts and charter schools on assurance documents detailing their plan for participating in K-5 Plus programs during the 2020-2021 school year. It is currently unclear how PED will fully fund membership and growth in school districts and charter schools when programs for the year were canceled in May.

Extended Learning Time Program Implementation

Laws 2019, Chapters 206 and 207 enacted Section 22-8-23.10 NMSA 1978, a new extended learning time (ELTP) program funding formula factor in the Public School Finance Act that provides funding to school districts and charter schools that increase instructional time and provide professional development time for educators. To receive ELTP funding, a school must provide at least 190 days – 160 days for school districts operating a four-day school week, at least 80 hours of professional development time for teachers, and after-school programs. Original bill language required 190 or 160 instructional days, though the governor vetoed the word “instructional”; PED has interpreted this to mean a school district or charter school that wants to enact an ELTP must provide an additional 10 instructional days, in addition to professional development time, and opportunities for afterschool enrichment.

Fiscal Year 2020 Extended Learning Time Program Implementation. The 2019 General Appropriation Act included \$62.5 million for extended learning time programs for the 2019-2020 school year. During the 2019 legislative session, staff estimated this would fund approximately 124 thousand students to participate in programs during FY20. In November 2019 based on school

According to PED, school districts and charter schools taking advantage of Extended learning time and K-5 Plus programs see many innovative teaching approaches stemming from the extended learning time. Dulce Independent School District cultivated a partnership with the Jicarilla Apache Game and Fish introducing students to conservation efforts while Bernalillo Public Schools utilized ELTP funds to provide technology for students to create movies, connecting the program to New Mexico's film production industry. PED noted that some K-5 Plus and ELTP programs utilize project based learning and social emotional teaching practices which enhances student learning and engagement.

district and charter school interest, PED anticipated only 81 thousand students would actually participate in FY20 ELTPs, or about 65 percent of number of students that could be funded. Updated numbers from PED show 83.3 thousand students were funded to participate in ELTPs in FY20, or 67 percent of funded students, resulting in allocation of \$42.2 million for ELTPs through the public school funding formula in FY20. Recognizing there could be fewer students participating in the new ELTP program than the Legislature included funding for, the Legislature required any portion of the \$62.5 million appropriation for ELTPs that remained undistributed at the end of FY20 to revert to the public education reform fund, which would make nonrecurring funding available for reform initiatives in FY21 and would also ensure ELTP program expansion would continue in FY21; \$20.1 million reverted to the public education reform fund at the end of FY20.

FY 2021 Extended Learning Time Program Implementation. The 2020 General Appropriation Act allocated \$71.4 million for extended learning time programs for the 2020-2021 school year. Recognizing there could be increased interest in extended learning time programs, the Legislature increased extended learning time program funding by \$8.9 million compared with FY20. Staff estimated this would fund approximately 143 thousand students to participate in extended learning time programs during FY21. Up to 35 million in additional extended learning time program funds during FY21 can come from K-5 Plus allocation if K-5 Plus programs are undersubscribed. The 2020 General Appropriation Act allows up to \$35 million of the general fund appropriated for distribution to K-5 plus programs to be used for extended learning time programs. This would fund an additional 70 thousand students. As in the previous fiscal year, the Legislature required any portion of the \$71.4 million appropriation for extended learning time programs that remained undistributed at the end of FY21 to revert to the public education reform fund.

In November 2019 PED projected almost 190 thousand students would participate in extended learning time programs during the 2020-2021 school year. Consequently, the Legislature added \$8.9 million to extended learning time program appropriation and maintained language that requires unallocated extended learning time funds to revert to the public education reform fund. Recognizing the need for extended learning time programs to account for COVID-19 school closure learning loss, the Legislature fully maintained the \$71.4 million appropriation during the 2020 special legislative session. Additionally, Laws 2020 (1st S.S.), Chapter 5 (House Bill 1) requires school districts or charter schools choosing not to add 10 additional instructional days to provide written notification to PED, LFC, and LESC detailing how lost instructional time from the 2018-2019 school year will be recovered. This written notification has not been provided to LESC yet. Extended learning time program membership for the 2020-2021 school year remains unclear. PED is currently working with school districts and charter schools to complete assurance documents detailing extended learning time programs. Updated extended learning time program membership numbers are expected to be made available to LESC by the end of August 2020.

Next Steps

Research shows additional learning time can improve student outcomes. By extending the school year through K-5 Plus and extended learning time programs, teachers have additional time to support students most at-risk of falling academically behind. Both programs have the added benefit of increasing teacher pay; PED estimates that teachers receive a 14 percent pay increase from K-5 Plus programs and a 6 percent teacher pay increase from extended learning time programs.

While COVID-19 created additional challenges, school districts and charter schools were not able to take advantage of either K-5 Plus or extended learning time programs prior to the public health emergency. While implementation challenges elevated by school leaders are valid, if school districts and charter schools are not able to implement programs that extended instructional time quickly enough to support students currently enrolled, the Legislature might consider rethinking K-5 Plus and extended learning time programs. The Legislature may want to make these programs mandatory or mandate a minimum number of instructional days. New Mexico currently mandates a minimum number of instructional hours. Thirty-one states, including the highest performing states in the country, mandate a 180-day calendar. New Mexico has the opportunity to expand the number of required school days. High-performing school systems international, such as Finland and Japan, have longer school calendars than those in the United States. Using an estimated cost of \$16.5 million per instructional day, the combined appropriations for K-5 Plus and extended learning time programs would fund nine additional instructional days for every student statewide. Extended calendars allow teachers the flexibility to explore material deeply allowing children the opportunity to master a topic or skill.