

**LEGISLATIVE EDUCATION STUDY COMMITTEE  
BILL ANALYSIS**

**Bill Number: \*HB 73a**

**50th Legislature, 1st Session, 2011**

**Tracking Number: .183507.1**

**Short Title: Early K-3 Plus Pilot Fund Early Allocation**

**Sponsor(s): Representative Mimi Stewart and Others**

**Analyst: Craig J. Johnson**

**Date: March 1, 2011**

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**FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE**

**AS AMENDED**

**The House Education Committee amendment:**

- declares an emergency in the title of the bill;
- strikes House Consumer and Public Affairs Committee Amendment 2;
- adds language to allocate up to 90 percent of each school's K-3 Plus allocation on or before June 1; and
- makes the provisions of HB 73a, if enacted, effective immediately.

**The House Consumer and Public Affairs Committee amendment replaces the language in the original bill by directing the Public Education Department to:**

- allocate up to 50 percent of each school's K-3 Plus allocation on or before June 1;
- on or before January 15, recompute each allocation using the first reporting date; and
- allocate the balance of the appropriation adjusting for any over or under estimation made in the first allocation.

**The amendment also strikes the phrase "if money is available." from the bill title.**

**Original Bill Summary:**

HB 73 amends the *Public School Code* to require the Public Education Department (PED) to allocate up to 50 percent of a school's K-3 Plus allocation before June 1, if the Legislature makes funds available prior to the start of a fiscal year.

**Fiscal Impact:**

HB 73 does not contain an appropriation.

**Fiscal Issues:**

Beginning in 2007, the Legislature has supported the K-3 Plus program by appropriating recurring dollars to PED in Section 4 (fiscal year appropriations) of the *General Appropriation*

*Act* (GAA). However, as evident by the title of Section 4, appropriations are not available for expenditure prior to the effective date of a fiscal year (July 1) unless statute provides for an earlier allocation.

### **Technical Issues:**

To ensure that some amount of K-3 Plus funds are available before the start of the fiscal year, the sponsor may wish to consider amending HB 73 to require PED to allocate K-3 Plus funds before the start of the fiscal year even if those appropriations are contained in Section 4 of the GAA.

### **Substantive Issues:**

Schools participating in the K-3 Plus pilot program are required to add a minimum of 25 instructional days to the regular school year “beginning up to two months earlier than other classes.” As a result, K-3 Plus programs may start prior to July 1. However, the funds appropriated by the Legislature to pay for these programs are not available for use until July 1. Districts have requested that PED ask that funding for FY 12 be made available before June 1, 2011 so that districts may purchase supplies and materials and contract with staff to begin work in June 2011.

### **Background:**

- In 2007, the Legislature enacted legislation creating K-3 Plus, a six-year pilot project that extends the school year in kindergarten through third grade by at least 25 instructional days, starting up to two months earlier than other classes. Patterned after Kindergarten Plus, the K-3 Plus pilot project is designed to demonstrate that increased time in kindergarten and the early grades narrows the achievement gap between disadvantaged students and other students, increases cognitive skills, and leads to higher test scores for all participants. The program, which is administered by PED, provides additional time on literacy, numeracy, and social skills development of the participants.
- A staff report to the Legislative Education Study Committee (LESC) in the 2010 interim indicated that:
  - since FY 08, approximately \$27.6 million has been appropriated by the Legislature to support the K-3 Plus program;
  - an average of 6,500 students have been served each year; and
  - for school year 2010-2011, PED approved 62 K-3 Plus programs, serving 5,816 students in 19 districts, plus one state-chartered charter school.

LESC staff testimony also addressed the external program evaluation of K-3 Plus, noting that the Early Intervention Research Institute recently received approximately \$19.1 million in funding to conduct a full evaluation of the K-3 Plus program in partnership with New Mexico State University and four school districts.

### **Related Bills:**

None as of January 21, 2011.