

1 SENATE BILL 378

2 **51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO PUBLIC SCHOOL FINANCE; MAKING THE K-3 PLUS PROGRAM
12 PART OF THE STATE EQUALIZATION GUARANTEE DISTRIBUTION;
13 AMENDING, REPEALING AND ENACTING CERTAIN SECTIONS OF THE NMSA
14 1978.

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16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 SECTION 1. Section 22-8-18 NMSA 1978 (being Laws 1974,
18 Chapter 8, Section 8, as amended) is amended to read:

19 "22-8-18. PROGRAM COST CALCULATION--LOCAL
20 RESPONSIBILITY.--

21 A. The total program units for the purpose of
22 computing the program cost shall be calculated by multiplying
23 the sum of the program units itemized as Paragraphs (1) through
24 (6) in this subsection by the instructional staff training and
25 experience index and adding the program units itemized as

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1 Paragraphs (7) through [~~(13)~~] (14) in this subsection. The
2 itemized program units are as follows:

3 (1) early childhood education;
4 (2) basic education;
5 (3) special education, adjusted by subtracting
6 the units derived from membership in class D special education
7 programs in private, nonsectarian, nonprofit training centers;

8 (4) bilingual multicultural education;
9 (5) fine arts education;
10 (6) elementary physical education;
11 (7) size adjustment;
12 (8) at-risk program;
13 (9) enrollment growth or new district
14 adjustment;

15 (10) special education units derived from
16 membership in class D special education programs in private,
17 nonsectarian, nonprofit training centers;

18 (11) national board for professional teaching
19 standards certification;

20 (12) K-3 plus;
21 [~~(12)~~] (13) home school student activities;

22 and

23 [~~(13)~~] (14) charter school student activities.

24 B. The total program cost calculated as prescribed
25 in Subsection A of this section includes the cost of early

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1 childhood, special, bilingual multicultural, fine arts and
2 vocational education and other remedial or enrichment programs.
3 It is the responsibility of the local school board or governing
4 body of a charter school to determine its priorities in terms
5 of the needs of the community served by that board. Except as
6 otherwise provided in this section, funds generated under the
7 Public School Finance Act are discretionary to local school
8 boards and governing bodies of charter schools; provided that
9 the special program needs as enumerated in this section are
10 met; and provided [~~however~~] further that if a public school has
11 been rated D or F for two consecutive years, the department
12 shall ensure that the local school board or governing body of a
13 charter school is prioritizing resources for the public school
14 toward proven programs and methods linked to improved student
15 achievement until the public school earns a C or better for two
16 consecutive years."

17 SECTION 2. A new section of the Public School Finance Act
18 is enacted to read:

19 "[NEW MATERIAL] K-3 PLUS PROGRAM UNITS.--The number of K-3
20 plus program units is determined by multiplying the number of
21 approved students in programs implemented in accordance with
22 the provisions of Section 22-13-28 NMSA by the cost
23 differential factor of 0.3."

24 SECTION 3. Section 22-13-28 NMSA 1978 (being Laws 2007,
25 Chapter 12, Section 1, as amended) is amended to read:

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1 "22-13-28. K-3 PLUS--ELIGIBILITY--APPLICATION--REPORTING
2 AND EVALUATION.--

3 A. The six-year K-3 plus pilot project has
4 demonstrated that increased time in kindergarten and the early
5 grades narrows the achievement gap between disadvantaged
6 students and other students and increases cognitive skills and
7 leads to higher test scores for all participants.

8 B. The "K-3 plus" program is created [~~in the~~
9 ~~department~~] to provide funding for additional educational time
10 for disadvantaged students in kindergarten through third grade.
11 K-3 plus shall be administered by the department and shall
12 provide the funding for approved full-day kindergarten and
13 grades one through three to be extended by at least twenty-five
14 instructional days, beginning up to two months earlier than the
15 regular school years; provided that a school receiving funding
16 generated through the K-3 plus differential shall not reduce
17 the number of instructional hours in a day or hours in the
18 school year below those provided for in Section 22-2-8.1 NMSA
19 1978.

20 C. K-3 plus shall be conducted in high-poverty
21 public schools. For the purposes of K-3 plus, "high-poverty
22 public school" means a public school in which eighty-five
23 percent or more of the students are eligible for free or
24 reduced-fee lunch or that has received two consecutive grades
25 of D or F under the A-B-C-D-F Schools Rating Act at the time

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1 the public school applies for the program.

2 D. The department shall promulgate rules for
3 application requirements and procedures and criteria for
4 evaluating applications. In evaluating applications for K-3
5 plus, the department shall grant priority to those schools with
6 research-based, scientific reading strategies and programs. An
7 applicant shall demonstrate that its K-3 plus program will meet
8 all department standards and employ only qualified teachers and
9 other staff.

10 E. ~~[K-3 plus programs shall be funded at no less~~
11 ~~than thirty percent of the unit value per student. Up to two~~
12 ~~percent of the money received by a school district shall be~~
13 ~~used for student recruitment and to ensure regular attendance~~
14 ~~by K-3 plus students]~~ The department shall annually determine
15 the programs and the resultant number of K-3 plus students that
16 will receive state financial support in accordance with funding
17 available in each school year.

18 F. Schools that are awarded funding for K-3 plus
19 for the next school year shall be notified by April 15 of the
20 calendar year.

21 G. The department shall provide additional
22 professional development for K-3 plus teachers in how young
23 children learn to read. Teachers and educational assistants
24 shall be paid at the same rate and under the same terms for K-3
25 plus as teachers and educational assistants are paid for

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1 regular educational programs.

2 H. Students participating in K-3 plus shall be
3 evaluated at the beginning of K-3 plus, and their progress
4 shall be measured through standardized assessments as follows:

5 (1) in literacy, an assessment approved and
6 provided by the department that measures the acquisition of
7 reading skills, including phonological awareness, phonics,
8 spelling, reading fluency, vocabulary and comprehension in
9 kindergarten and in grades one through three; and

10 (2) in numeracy, in grades three and four.

11 I. The department shall establish reporting and
12 evaluation requirements for participating schools, including
13 student and program assessments. The department shall report
14 annually to the legislature and the governor on the efficacy of
15 K-3 plus.

16 ~~[J. The department may use up to four percent of~~
17 ~~any appropriation made by the legislature for K-3 plus for~~
18 ~~professional development for participating educators and~~
19 ~~department administrative costs.~~

20 ~~K.]~~ J. The department shall develop and disseminate
21 information on best practices in the areas of student
22 recruitment, retention and academic success of early learners.

23 ~~[L.]~~ K. The secretary shall appoint a "K-3 plus
24 advisory committee" composed of representatives of school
25 districts that participate in K-3 plus and other stakeholders.

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1 The advisory committee shall meet twice a year to advise the
2 department on K-3 plus implementation."

3 SECTION 4. TEMPORARY PROVISION--TRANSFER OF FUNDS.--Any
4 unexpended or unencumbered balance remaining in the K-3 plus
5 fund on the effective date of the provisions of this act shall
6 be transferred to the public school fund.

7 SECTION 5. REPEAL.--Section 22-13-28.1 NMSA 1978 (being
8 Laws 2012, Chapter 21, Section 2) is repealed.

9 SECTION 6. EFFECTIVE DATE.--The effective date of the
10 provisions of this act is July 1, 2013.