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AN ACT
RELATING TO PUBLIC SCHOOLS; CHANGING ELIGIBILITY AND TESTING
REQUIREMENTS FOR THE K-3 PLUS PROGRAM; USING TENTH-DAY
ENROLLMENT DATA FOR FUNDING; CLARIFYING NOTICE OF APPLICATION
DEADLINES; DECLARING AN EMERGENCY.

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

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

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

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

B. The "K-3 plus" program is created in the
department to provide funding for additional educational time
for disadvantaged students in kindergarten through third
grade. K-3 plus shall be administered by the department and
shall provide the funding for approved full-day kindergarten
and grades one through three to be extended by at least
twenty-five instructional days, beginning up to two months
earlier than the regular school years.

1 C. K-3 plus shall be conducted in high-poverty
2 public schools. For the purposes of K-3 plus, "high-poverty
3 public school" means a public school in which eighty percent
4 or more of the students are eligible for free or reduced-fee
5 lunch at the time the public school applies for the program
6 or an elementary school with a D or F grade the previous
7 year.

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

16 E. K-3 plus programs shall be funded at no less
17 than thirty percent of the unit value per student. Up to two
18 percent of the money received by a school district shall be
19 used for student recruitment and to ensure regular attendance
20 by K-3 plus students. Funding for individual school programs
21 shall be based on enrollment on the fifteenth day of the
22 program.

23 F. School districts and charter schools that meet
24 the qualifications for K-3 plus funding may submit
25 applications by March 15 for the succeeding fiscal year. The

1 department shall notify all school districts and charter
2 schools by February 1 that applications will be accepted
3 until March 15 and that final funding is contingent on the
4 final unit value set by the secretary. The notification
5 shall include the application and any requirements for
6 supplementary documentation. Applications may be submitted
7 electronically or by mail or other delivery. Schools that
8 are awarded funding for K-3 plus for the next school year
9 shall be notified by April 15 of the calendar year.

10 G. The department shall provide additional
11 professional development for K-3 plus teachers in how young
12 children learn to read. Teachers and educational assistants
13 shall be paid at the same rate and under the same terms for
14 K-3 plus as teachers and educational assistants are paid for
15 regular educational programs.

16 H. Students participating in K-3 plus shall be
17 evaluated at the beginning of K-3 plus, and their progress
18 shall be measured through department-approved summative and
19 formative assessments.

20 I. The department shall establish reporting and
21 evaluation requirements for participating schools, including
22 student and program assessments. The department shall report
23 annually to the legislature and the governor on the efficacy
24 of K-3 plus.

25 J. The department may use up to four percent of

1 any appropriation made by the legislature for K-3 plus for
2 professional development for participating educators and
3 department administrative costs.

4 K. The department shall develop and disseminate
5 information on best practices in the areas of student
6 recruitment, retention and academic success of early
7 learners.

8 L. The secretary shall appoint a "K-3 plus
9 advisory committee" composed of representatives of school
10 districts that participate in K-3 plus and other
11 stakeholders. The advisory committee shall meet twice a year
12 to advise the department on K-3 plus implementation."

13 SECTION 2. EMERGENCY.--It is necessary for the public
14 peace, health and safety that this act take effect
15 immediately.

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