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AN ACT

RELATING TO PUBLIC EDUCATION; SPECIFYING HOW INSTRUCTIONAL
TIME IS CALCULATED FOR K-5 PLUS AND EXTENDED LEARNING TIME
PROGRAMS.

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

SECTION 1. Section 22-8-23.10 NMSA 1978 (being Laws
2019, Chapter 206, Section 16 and Laws 2019, Chapter 207,
Section 16) is amended to read:

"22-8-23.10. EXTENDED LEARNING TIME PROGRAM.--

A. A school district or charter school is eligible
for additional program units if it establishes within its
department-approved educational plan a schoolwide extended
learning time program that meets the requirements of this
section.

B. Program eligibility requires:

(1) except as provided in Subsections C and
D of this section, a minimum of one hundred ninety
instructional days per school year or ten additional
instructional days per school year, whichever requires the
addition of the fewest number of instructional days, with at
least five and one-half instructional hours per instructional
day for kindergarten through sixth grade and at least six
instructional hours per day for seventh through twelfth
grade;

1 (2) after-school program opportunities for
2 academic learning, extracurricular or enrichment programming
3 for students that do not supplant federally funded programs;
4 and

5 (3) a minimum of eighty noninstructional
6 hours per school year for professional development for
7 instructional staff.

8 C. An extended learning time program in a school
9 district operating a four-day school week in fiscal year 2019
10 or in a school district with fewer than one thousand MEM
11 operating a four-day school week may include:

12 (1) a minimum of one hundred sixty
13 instructional days per school year or eight additional
14 instructional days per school year, whichever requires the
15 addition of the fewest number of instructional days, with at
16 least six and one-half hours per instructional day for
17 kindergarten through sixth grade and at least seven
18 instructional hours per instructional day for seventh through
19 twelfth grade;

20 (2) after-school program opportunities for
21 academic learning, extracurricular or enrichment programming
22 for students that do not supplant federally funded programs;
23 and

24 (3) a minimum of eighty noninstructional
25 hours per school year for professional development for

1 instructional staff.

2 D. With department approval, an elementary school
3 that qualifies for extended learning time program units that
4 also has a qualifying K-5 plus program may structure the
5 school year to provide the additional instructional days
6 required pursuant to the applicable subsection of this
7 section by extending the total number of instructional hours
8 provided by the elementary school by no fewer than fifty-five
9 additional instructional hours.

10 E. The additional instructional days required for
11 an extended learning time program shall be implemented for
12 all students in a participating public school and shall be
13 considered an extended school calendar for all students in
14 each participating school.

15 F. A school district or charter school that
16 qualified for extended learning time program units in the
17 prior fiscal year shall not be required to add more
18 instructional days in the current school year than it did in
19 the prior school year to qualify for program units in the
20 current school year if the school district or charter school
21 provides the same or more total instructional days and total
22 instructional hours than it provided in the prior school
23 year.

24 G. The number of additional units to which a
25 school district or charter school is entitled under this

1 section is computed in the following manner:

2 MEM x 0.11."

3 SECTION 2. Section 22-8-23.11 NMSA 1978 (being Laws
4 2019, Chapter 206, Section 17 and Laws 2019, Chapter 207,
5 Section 17) is amended to read:

6 "22-8-23.11. K-5 PLUS PROGRAM UNITS.--The number of
7 K-5 plus program units is determined by multiplying the MEM
8 in department-approved K-5 plus schools by the cost
9 differential factor of 0.3; provided that the cohort of
10 students in a K-5 plus public school that spans two fiscal
11 years shall be funded for participation in the required
12 additional instructional days in a single fiscal year."

13 SECTION 3. Section 22-13D-2 NMSA 1978 (being Laws 2019,
14 Chapter 206, Section 3 and Laws 2019, Chapter 207, Section 3)
15 is amended to read:

16 "22-13D-2. K-5 PLUS--ELIGIBILITY--REQUIREMENTS.--

17 A. A school district or charter school may apply
18 to participate in the K-5 plus program and is eligible to
19 receive program units for students enrolled in elementary
20 schools approved by the department to participate in the K-5
21 plus program. In approving schools for participation in K-5
22 plus, the department shall prioritize elementary schools:

23 (1) in which eighty percent or more of the
24 elementary school's students are eligible for free or
25 reduced-fee lunch;

1 (2) that are low-performing elementary
2 schools; and

3 (3) that meet criteria established by
4 department rule.

5 B. Each K-5 plus school shall:

6 (1) except as provided in Subsection C of
7 this section, provide no fewer than two hundred five
8 instructional days per school year or twenty-five additional
9 instructional days per school year, whichever requires the
10 addition of the fewest number of instructional days, to all
11 elementary school students enrolled in the elementary school;

12 (2) provide a good-faith attempt to keep
13 students with the same teacher and cohort of students during
14 K-5 plus and the regular school year and minimize mid-year
15 transfers to only those transfers that are in the best
16 interest of the student;

17 (3) include additional professional
18 development for teachers teaching at a K-5 plus school in
19 how young children learn to read; and

20 (4) be considered an extended school
21 calendar for all students in each participating school.

22 C. An elementary school operating a four-day
23 school week shall provide no fewer than one hundred
24 seventy-five instructional days per school year or twenty
25 additional instructional days per school year, whichever

1 requires the addition of the fewest number of instructional
2 days to all elementary students enrolled in the elementary
3 school.

4 D. A school district or charter school that
5 qualified for K-5 plus program units in the prior fiscal year
6 shall not be required to add more instructional days to the
7 current school year to qualify for program units in the
8 current school year if the school district or charter school
9 provides the same or more total instructional days and total
10 instructional hours than it provided in the prior school
11 year.

12 E. An elementary school is ineligible for K-5 plus
13 program units if it fails to meet the requirements of this
14 section."

15 SECTION 4. Section 22-13D-3 NMSA 1978 (being Laws 2019,
16 Chapter 206, Section 4 and Laws 2019, Chapter 207, Section 4)
17 is amended to read:

18 "22-13D-3. K-5 PLUS--OVERSIGHT--REPORTING.--The
19 department shall:

20 A. enforce the provisions of the K-5 Plus Act;

21 B. issue rules for the development and
22 implementation of K-5 plus schools;

23 C. assist school districts and charter schools in
24 developing and evaluating K-5 plus schools;

25 D. develop and disseminate information on best

1 practices in the area of academic success of early learners;

2 E. establish reporting and evaluation
3 requirements, including student and program assessments, for
4 K-5 plus schools;

5 F. annually report to the legislature and the
6 governor on the efficacy of K-5 plus schools; and

7 G. establish a K-5 plus advisory committee
8 composed of representatives of school districts and charter
9 schools that have K-5 plus schools, the legislative education
10 study committee, the legislative finance committee and other
11 stakeholders. The advisory committee shall meet twice a year
12 to advise the department on K-5 plus implementation."

13 SECTION 5. Section 22-13D-4 NMSA 1978 (being Laws 2019,
14 Chapter 206, Section 5 and Laws 2019, Chapter 207, Section 5)
15 is amended to read:

16 "22-13D-4. K-5 PLUS--APPLICATION.--

17 A. School districts and charter schools that wish
18 to establish a new K-5 plus school shall apply through their
19 annual educational plans submitted to the department pursuant
20 to the Public School Finance Act.

21 B. For public schools that previously offered a
22 K-5 plus program, each school district and charter school, in
23 lieu of submitting an application in its annual educational
24 plan, shall notify the department of its intent to provide
25 the K-5 plus program and no formal application shall be

1 required.

2 C. For planning purposes, no later than October 15
3 of each year, a school district or charter school that wishes
4 to apply for a new K-5 plus school for the next fiscal year
5 shall submit to the department the actual number of students
6 participating in its approved K-5 plus schools in the current
7 year and an estimate of the number of students the school
8 district or charter school expects will participate in each
9 K-5 plus school in the next year. Nothing in this subsection
10 shall be construed to prohibit the department from approving
11 a new K-5 plus school in a school district or charter school
12 that did not submit the information required by this
13 subsection to the department if sufficient funding is
14 available to fund the school.

15 D. No later than November 15 of each year,
16 the department shall notify the legislature of the number
17 of students participating in K-5 plus schools in the
18 current school year and of the number of students projected
19 to participate in K-5 plus schools in the next school
20 year."

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