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July 14, 2014

MEMORANDUM

TO: Legislative Education Study Committee

FR: Ian Kleats

RE: STAFF BRIEF: EARLY CHILDHOOD: K-3 PLUS UPDATE

INTRODUCTION

Enacted in 2007, K-3 Plus began as a six-year pilot program that extends the school year in kindergarten through grade 3 by at least 25 instructional days. The program is intended to demonstrate the academic and social benefits of increased classroom time in kindergarten and the early grades. In 2012, the K-3 Plus provisions were amended to convert the program from a pilot project to an established Public Education Department (PED) program, which has been evaluated by Start Smart K-3 Plus Project, Utah State University (USU).

This staff brief includes:

- an overview of previous Start Smart K-3 Plus Project findings;
- FY 15 legislative appropriations for K-3 Plus;
- the status of recent proposed rulemaking for K-3 Plus; and
- background of the K-3 Plus Program.

PRESENTER

LESC staff has arranged for Dr. Damon Cann, principal investigator for the Start Smart K-3 Plus project, to present updated preliminary findings about the effectiveness of K-3 Plus on student achievement.

OVERVIEW OF PREVIOUS START SMART K-3 PLUS PROJECT FINDINGS

At the December 2012 interim meeting of the LESC, the committee heard testimony from an evaluator from USU working on the Start Smart K-3 Plus Project. The evaluator testified that the project is a federally funded study examining the effect of K-3 Plus on student achievement and the cost-benefit aspects of the program. He also described the design behind the study, which is a randomized controlled trial in which students are randomly assigned to an intervention group and to a control group in order to eliminate selection bias.

The study has followed approximately 1,700 students in eight districts, with half of the students randomly assigned to the intervention group and half randomly assigned to the control group. This testimony further noted that one school district had withdrawn from the study, reducing the number of kindergarten student participants.

With a caveat that some of the data are preliminary, the USU evaluator testified that strong and statistically significant outcome effects of the Start Smart K-3 Plus program were found in broad reading, broad writing, basic math, and expressive vocabulary. In terms of kindergarten readiness, participants in the intervention group received higher percentile ranks than those in the control group.

Addressing the question whether the effects of the program endure over time, the evaluator testified that small effects in reading, math, writing, and vocabulary were found for students in first grade, but they were not statistically significant at the 95 percent level of confidence. To answer the question more fully, USU will:

- gather more data;
- follow the students for a longer period of time; and
- examine whether certain subgroups may benefit more than others.

Finally, the USU testimony identified several lessons that the research staff had learned, among them that:

- early notification of families helps because in the second year the sample size was doubled by sending information to families sooner; and
- student participation requires student and family interest and availability, schools that offer the program, and resources to run the program.

FY 15 LEGISLATIVE APPROPRIATIONS FOR K-3 PLUS

K-3 Plus is currently funded as an appropriation to the statutorily created “K-3 Plus Fund” administered by PED. The *General Appropriations Act of 2014* included:

- \$21,281,500 appropriated for the K-3 Plus program; and
- language requiring that PED use the final unit value set for school year 2013-2014 as the basis for funding June, July, and August 2014 K-3 Plus programs.

Statute requires that K-3 Plus programs are funded at no less than 30 percent of the unit value per student based on enrollment at each individual school program on the 15th day of the program.

Based on a final unit value for school year 2013-2014 of \$3,817.55, each participating student would generate at least \$1,145.26.

According to the PED website:

- on February 7, 2014, application forms were sent to school districts and charter schools;
- on March 15, 2014, applications were due into PED; and
- on April 15, 2014, districts were notified of awards.

Further information on the administration of the K-3 Plus program and its FY 15 appropriation is expected to be provided by PED staff at the October 2014 LESC meeting in a presentation of recurring and non-recurring related appropriations to the department.

STATUS OF RECENT PROPOSED RULEMAKING FOR K-3 PLUS

At the April 2014 meeting of the LESC, the committee received an administrative rulemaking update, which included proposed rules for K-3 Plus. LESC staff noted a number of potential drafting issues in the rules as proposed, including:

- defined terms that do not appear outside the definition section of the rule, such as “enrollment” and “screening assessment”;
- inconsistent reference to the length of the school year, which is measured in statute in hours, rather than days;
- a missing section between sections 6.30.12.8 and 6.30.12.10;
- incorporation by reference of the Common Core State Standards, exclusive of the 15 percent additional standards adopted by New Mexico in English language arts for English language learners;
- lack of clarity, in the section detailing assessment requirements, regarding which assessments are to be administered at which point in the program;
- minor auxiliary verb usage issues, with “will,” “must,” and “should” being used instead of “may” or “shall”; and
- lack of clarity regarding whether the final funding is to be based on the initial or final unit value:
 - the enabling statute that established the K-3 Plus Program¹ states that funding for the program shall be *contingent* upon the *final* unit value; however,
 - the rule states that the be funded based on at least 30 percent of the *initial* unit value for one program unit, with final funding *based* upon the number of students enrolled (on the fifteenth day) who have been in attendance for 10 or more days. (Emphasis added.)

As of July 14, 2014, the proposed K-3 Plus rules have not been finalized.

¹ 22-13-28(F) NMSA 1978.

BACKGROUND

History of the K-3 Plus Program

In 2003, legislation was enacted to create the Kindergarten Plus pilot project in four school districts as a three-year study administered by PED. Kindergarten Plus extended the school year 40 days for participating kindergarteners for the purpose of demonstrating that additional time in kindergarten narrows the achievement gap between disadvantaged students and other students.

In 2006, LESC-endorsed legislation was enacted to amend the statute to extend the Kindergarten Plus pilot project to a six-year study and to expand the project beyond the original four school districts to allow applications by any other school district with high-poverty schools, where 85 percent or more of the students are eligible for free or reduced lunch.

In 2007, legislation endorsed by the LESC was enacted to create 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 was 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. K-3 Plus, which is administered by PED, provides additional time on literacy, numeracy, and social skills development of the participants.

In 2012, LESC-endorsed legislation was enacted to convert K-3 Plus from a pilot project to an established program in PED. As a permanent program, the provisions in law:

- affirm that the K-3 Plus pilot project has demonstrated that additional instructional days in the regular school year in kindergarten through third grade narrow the achievement gap between disadvantaged students and other students, increase cognitive skills, and lead to higher test scores for all participants;
- require the program to begin up to two months earlier than the regular school year;
- require PED to grant priority to schools with research-based, scientific reading strategies;
- require that K-3 Plus programs be funded at no less than 30 percent of the unit value per student;
- require the funded school district to use up to 2.0 percent of the money received for student recruitment and to ensure regular attendance by K-3 Plus students;
- require that schools that are awarded funding be notified by April 15;
- require PED to report annually to the Legislature and the Governor on the efficacy of the project;
- require PED to develop and disseminate information on best practices in student recruitment, retention, and academic success of early learners;
- require the Secretary of Public Education to appoint the K-3 Plus Advisory Committee, comprising representatives of participating school districts and other stakeholders;
- require the advisory committee to meet twice yearly to advise PED on the implementation of K-3 Plus;
- create a non-reverting K-3 Plus Fund, administered by PED;

- require the money in the fund to be used for K-3 Plus programs, K-3 Plus-related professional development, and department administrative costs; and
- require that unexpended or unencumbered balance of the FY 12 appropriation for K-3 Plus shall not revert to the General Fund but shall be transferred to the K-3 Plus Fund.

An Overview of State Funding for the K-3 Plus Program

Since 2008, the Legislature has appropriated a total of approximately \$81.9 million in General Fund revenue to fund the K-3 Plus Program:

- \$7.2 million for expenditure in FY 08:
 - for school year 2007-2008, PED allocated \$7,145,809; and
 - PED approved 54 programs serving 5,069 students in 17 school districts.
- \$7.2 million for expenditure in FY 09:
 - for school year 2008-2009, PED allocated \$5,613,848;
 - PED approved 92 programs serving 6,996 students in 25 school districts; and
 - in addition, the Legislature appropriated \$3.0 million in Temporary Assistance for Needy Families funds, which were vetoed.
- \$8.5 million for expenditure in FY 10:
 - as a result of the special session in October 2009, however, this appropriation was reduced by 6.5 percent to \$7.9 million;
 - for school year 2009-2010, PED allocated \$5,613,848; and
 - PED approved 93 programs serving 8,053 students in 25 school districts.
- \$5.5 million for expenditure in FY 11:
 - in the 2010 special session, the appropriation was reduced by 0.544 percent to \$5,470,100. After the 3.244 percent reduction in August 2010, \$5,292,600 was available for K-3 Plus;
 - for school year 2010-2011, PED allocated \$5,121,992; and
 - PED approved 62 programs serving 5,816 students in 19 districts, plus one state-chartered charter school.
- \$5.3 million for expenditure in FY 12:
 - for school year 2011-2012, PED allocated \$3,702,615; and
 - PED approved 50 programs serving 4,564 students in 14 districts, plus one state-chartered charter school.

- \$11.0 million for expenditure in FY 13:
 - for school year 2012-2013, PED allocated \$8,902,829; and
 - PED approved 75 programs serving 7,163 students in 20 districts and one state-chartered charter school.

- \$15.9 million for expenditure in FY 14 – according to testimony to the LESC during the 2013 interim:
 - for school year 2013-2014, PED allocated \$4.95 million in increased funding; and
 - 16,000 students from 140 schools in 32 districts and two state-chartered charter schools were projected to participate in the program.

- \$21.3 million for expenditure in FY 15.