

HOUSE EDUCATION COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 208

51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

AN ACT

RELATING TO PUBLIC EDUCATION; MAKING CONSISTENT THE AMOUNT OF  
THE UNIT VALUE TO BE USED TO DETERMINE ANNUAL K-3 PLUS PROGRAM  
REIMBURSEMENT; EXPANDING ELIGIBILITY; PROVIDING FOR  
PRIORITIZATION; 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.

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

9           ~~[G. K-3 plus shall be conducted in high-poverty  
10 public schools. For the purposes of K-3 plus, "high-poverty  
11 public school" means a public school in which eighty percent or  
12 more of the students are eligible for free or reduced-fee lunch  
13 at the time the public school applies for the program or an  
14 elementary school with a D or F grade the previous year.]~~

15           C. K-3 plus shall be conducted in public schools in  
16 the following priority order:

17                   (1) public schools in which eighty percent or  
18 more of the students are eligible for free or reduced-fee lunch  
19 at the time the public school applies for the program;

20                   (2) elementary schools with a D or F grade the  
21 previous year pursuant to the A-B-C-D-F Schools Rating Act; and

22                   (3) if there is a balance in the K-3 plus fund  
23 after funding the first two priorities, public schools with a  
24 descending percentage of students eligible for free or reduced-  
25 fee lunch at the time the public school applies for the

1 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, pursuant to Subsection C of this section, the department  
6 shall grant priority to those schools with research-based,  
7 scientific reading strategies and programs. An applicant shall  
8 demonstrate that its K-3 plus program will meet all department  
9 standards and employ only qualified teachers and other staff.

10 E. K-3 plus programs shall be funded at no less  
11 than thirty percent of the unit value per student based upon  
12 the preliminary unit value set by the secretary for the next  
13 school year. Up to two percent of the money received by a  
14 school district shall be used for student recruitment and to  
15 ensure regular attendance by K-3 plus students. Funding for  
16 individual school programs shall be based on enrollment on the  
17 fifteenth day of the program.

18 F. School districts and charter schools that meet  
19 the qualifications for K-3 plus funding may submit applications  
20 by March 15 for the succeeding fiscal year. The department  
21 shall notify all school districts and charter schools by  
22 February 1 that applications will be accepted until March 15  
23 and that final funding is ~~[contingent on]~~ based upon the  
24 ~~[final]~~ preliminary unit value set by the secretary for the  
25 next school year. The notification shall include the

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1 application and any requirements for supplementary  
2 documentation. Applications may be submitted electronically or  
3 by mail or other delivery. Schools that are awarded funding  
4 for K-3 plus for the next school year shall be notified by  
5 April 15 of the calendar year.

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

12 H. Students participating in K-3 plus shall be  
13 evaluated at the beginning of K-3 plus, and their progress  
14 shall be measured through department-approved summative and  
15 formative assessments.

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

21 J. The department may use up to four percent of any  
22 appropriation made by the legislature for K-3 plus for  
23 professional development for participating educators and  
24 department administrative costs.

25 K. The department shall develop and disseminate

1 information on best practices in the areas of student  
2 recruitment, retention and academic success of early learners.

3 L. The secretary shall appoint a "K-3 plus advisory  
4 committee" composed of representatives of school districts that  
5 participate in K-3 plus and other stakeholders. The advisory  
6 committee shall meet twice a year to advise the department on  
7 K-3 plus implementation."

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

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