

SENATE EDUCATION COMMITTEE SUBSTITUTE FOR
HOUSE BILL 310

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

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.

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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 C. 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-five~~
12 eighty percent or more of the students are eligible for free or
13 reduced-fee lunch at the time the public school applies for the
14 program or an elementary school with a D or F grade the
15 previous year.

16 D. The department shall promulgate rules for
17 application requirements and procedures and criteria for
18 evaluating applications. In evaluating applications for K-3
19 plus, the department shall grant priority to those schools with
20 research-based, scientific reading strategies and programs. An
21 applicant shall demonstrate that its K-3 plus program will meet
22 all department standards and employ only qualified teachers and
23 other staff.

24 E. K-3 plus programs shall be funded at no less
25 than thirty percent of the unit value per student. Up to two

1 percent of the money received by a school district shall be
2 used for student recruitment and to ensure regular attendance
3 by K-3 plus students. Funding for individual school programs
4 shall be based on enrollment on the tenth day of the program.

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

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

23 H. Students participating in K-3 plus shall be
24 evaluated at the beginning of K-3 plus, and their progress
25 shall be measured through [~~standardized~~] summative and

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1 formative assessments. [~~as follows:~~

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

7 ~~(2) in numeracy, in grades three and four.]~~

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

13 J. The department may use up to four percent of any
14 appropriation made by the legislature for K-3 plus for
15 professional development for participating educators and
16 department administrative costs.

17 K. The department shall develop and disseminate
18 information on best practices in the areas of student
19 recruitment, retention and academic success of early learners.

20 L. The secretary shall appoint a "K-3 plus advisory
21 committee" composed of representatives of school districts that
22 participate in K-3 plus and other stakeholders. The advisory
23 committee shall meet twice a year to advise the department on
24 K-3 plus implementation."

25 **SECTION 2. EMERGENCY.--**It is necessary for the public

1 peace, health and safety that this act take effect immediately.

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