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SENATE BILL 32

**53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

INTRODUCED BY

Gay G. Kernan

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO PUBLIC EDUCATION; AMENDING THE PUBLIC SCHOOL CODE TO CLARIFY THE ELIGIBILITY OF CERTAIN STUDENTS TO PARTICIPATE IN THE K-3 PLUS PROGRAM; REPEALING THE KINDERGARTEN PLUS PILOT PROJECT SECTION; 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 students in kindergarten through third grade. K-3 plus  
4 shall be administered by the department and shall provide the  
5 funding for approved full-day kindergarten and grades one  
6 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 upon application in:  
10 ~~[high-poverty public schools, schools with a D or F grade the~~  
11 ~~previous year or schools that improved their school grade with~~  
12 ~~the K-3 plus program and wish to continue the program. For the~~  
13 ~~purposes of K-3 plus, "high-poverty public school" means a~~  
14 ~~public school in which eighty percent or more of the students~~  
15 ~~are eligible for free or reduced-fee lunch at the time the~~  
16 ~~public school applies for the program]~~

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

21                 (2) an elementary school with a D or F school  
22 grade at the time of application or schools that improved their  
23 school grade with K-3 plus and wish to continue the program; or

24                 (3) an elementary school that serves students  
25 in specific grade levels between kindergarten and third grade

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1 that is not otherwise eligible that receives students from or  
2 sends students to another elementary school that is eligible  
3 and participating in the regular course of the school district  
4 attendance zoning.

5 D. The department shall prioritize funding to  
6 school districts and charter schools that keep students that  
7 participate in K-3 plus with the same teacher and cohort of  
8 students during the regular school year.

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

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

24 ~~[F-]~~ G. School districts and charter schools that  
25 meet the qualifications for K-3 plus funding may submit

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

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

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

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

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1                   [~~J~~] K. The department may use up to four percent  
2 of any appropriation made by the legislature for K-3 plus for  
3 professional development for participating educators and  
4 department administrative costs.

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

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

14                   **SECTION 2. REPEAL.**--Section 22-2-20 NMSA 1978 (being Laws  
15 2003, Chapter 130, Section 1, as amended) is repealed.

16                   **SECTION 3. EMERGENCY.**--It is necessary for the public  
17 peace, health and safety that this act take effect immediately.