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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.

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

1 C. K-3 plus shall be conducted upon application
2 in:

3 (1) a high-poverty elementary school in
4 which eighty percent or more of the students are eligible for
5 free or reduced-fee lunch at the time the school applies for
6 the program;

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

11 (3) an elementary school that serves
12 students in specific grade levels between kindergarten and
13 third grade that is not otherwise eligible that receives
14 students from or sends students to another elementary school
15 that is eligible and participating in the regular course of
16 the school district attendance zoning.

17 D. The department shall prioritize funding to
18 school districts and charter schools that keep students that
19 participate in K-3 plus with the same teacher and cohort of
20 students during the regular school year.

21 E. The department shall promulgate rules for
22 application requirements and procedures and criteria for
23 evaluating applications. In evaluating applications for K-3
24 plus, the department shall grant priority to those schools
25 with research-based, scientific reading strategies and

1 programs. An applicant shall demonstrate that its K-3 plus
2 program will meet all department standards and employ only
3 qualified teachers and other staff.

4 F. K-3 plus programs shall be funded at no less
5 than thirty percent of the unit value per student. Up to two
6 percent of the money received by a school district shall be
7 used for student recruitment and to ensure regular attendance
8 by K-3 plus students. Funding for individual school programs
9 shall be based on enrollment on the fifteenth day of the
10 program.

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

23 H. The department shall provide additional
24 professional development for K-3 plus teachers in how young
25 children learn to read. Teachers and educational assistants

1 shall be paid at the same rate and under the same terms for
2 K-3 plus as teachers and educational assistants are paid for
3 regular educational programs.

4 I. Students participating in K-3 plus shall be
5 evaluated at the beginning of K-3 plus, and their progress
6 shall be measured through department-approved summative and
7 formative assessments.

8 J. 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
12 of K-3 plus.

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

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

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

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

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