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SENATE BILL 214

55TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2022

INTRODUCED BY

Bill B. O'Neill and Linda M. Lopez

AN ACT

RELATING TO PUBLIC EDUCATION; SPECIFYING HOW INSTRUCTIONAL TIME
IS CALCULATED FOR K-5 PLUS AND EXTENDED LEARNING TIME PROGRAMS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 22-8-23.10 NMSA 1978 (being Laws 2019,
Chapter 206, Section 16 and Laws 2019, Chapter 207, Section 16,
as amended) is amended to read:

"22-8-23.10. EXTENDED LEARNING TIME PROGRAM.--

A. A school district or charter school is eligible
for additional program units if it establishes within its
department-approved educational plan a schoolwide extended
learning time program that meets the requirements of this
section.

B. Program eligibility requires:

(1) except as provided in Subsections C and D

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1 of this section, [~~a minimum of one hundred ninety instructional~~
2 ~~days per school year, or~~] ten additional instructional days per
3 school year or one thousand forty-five instructional hours for
4 kindergarten through sixth grade or one thousand one hundred
5 forty instructional hours for seventh through twelfth grades,
6 whichever requires the addition of the fewest number of
7 instructional days, with at least five and one-half
8 instructional hours per instructional day for kindergarten
9 through sixth grade and at least six instructional hours per
10 day for seventh through twelfth grade;

11 (2) after-school program opportunities for
12 academic learning, extracurricular or enrichment programming
13 for students that do not supplant federally funded programs;
14 and

15 (3) a minimum of eighty noninstructional hours
16 per school year for professional development for instructional
17 staff.

18 C. An extended learning time program in a school
19 district operating a four-day school week in fiscal year 2019
20 or in a school district with fewer than one thousand MEM
21 operating a four-day school week may include:

22 (1) a minimum of one hundred sixty
23 instructional days per school year or eight additional
24 instructional days per school year, whichever requires the
25 addition of the fewest number of instructional days, with at

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1 least six and one-half hours per instructional day for
2 kindergarten through sixth grade and at least seven
3 instructional hours per instructional day for seventh through
4 twelfth grade;

5 (2) after-school program opportunities for
6 academic learning, extracurricular or enrichment programming
7 for students that do not supplant federally funded programs;
8 and

9 (3) a minimum of eighty noninstructional hours
10 per school year for professional development for instructional
11 staff.

12 D. With department approval, an elementary school
13 that qualifies for extended learning time program units that
14 also has a qualifying K-5 plus program may structure the school
15 year to provide the additional instructional days required
16 pursuant to the applicable subsection of this section by
17 extending the total number of instructional hours provided by
18 the elementary school by no fewer than fifty-five additional
19 instructional hours.

20 E. The additional instructional days required for
21 an extended learning time program shall be implemented for all
22 students in a participating public school and shall be
23 considered an extended school calendar for all students in each
24 participating school.

25 F. A school district or charter school that

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1 qualified for extended learning time program units in the prior
2 fiscal year shall not be required to add more instructional
3 days in the current school year than it did in the prior school
4 year to qualify for program units in the current school year if
5 the school district or charter school provides the same or more
6 total instructional days and total instructional hours than it
7 provided in the prior school year.

8 G. The number of additional units to which a school
9 district or charter school is entitled under this section is
10 computed in the following manner:

11 MEM x 0.11."

12 SECTION 2. Section 22-13D-2 NMSA 1978 (being Laws 2019,
13 Chapter 206, Section 3 and Laws 2019, Chapter 207, Section 3,
14 as amended) is amended to read:

15 "22-13D-2. K-5 PLUS--ELIGIBILITY--REQUIREMENTS.--

16 A. A school district or charter school may apply to
17 participate in the K-5 plus program and is eligible to receive
18 program units for students enrolled in elementary schools
19 approved by the department to participate in the K-5 plus
20 program. In approving schools for participation in K-5 plus,
21 the department shall prioritize elementary schools:

22 (1) in which eighty percent or more of the
23 elementary school's students are eligible for free or reduced-
24 fee lunch;

25 (2) that are low-performing elementary

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1 schools; and

2 (3) that meet criteria established by
3 department rule.

4 B. Each K-5 plus school shall:

5 (1) except as provided in Subsection C of this
6 section, provide no fewer than [~~two hundred five instructional~~
7 ~~days per school year, or~~] twenty-five additional instructional
8 days per school year or one thousand one hundred twenty-eight
9 instructional hours for kindergarten through fifth grade,
10 whichever requires the addition of the fewest number of
11 instructional days, to all elementary school students enrolled
12 in the elementary school;

13 (2) provide a good-faith attempt to keep
14 students with the same teacher and cohort of students during
15 K-5 plus and the regular school year and minimize mid-year
16 transfers to only those transfers that are in the best interest
17 of the student;

18 (3) include additional professional
19 development for teachers teaching at a K-5 plus school in how
20 young children learn to read; and

21 (4) be considered an extended school calendar
22 for all students in each participating school.

23 C. An elementary school operating a four-day school
24 week shall provide no fewer than one hundred seventy-five
25 instructional days per school year or twenty additional

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1 instructional days per school year, whichever requires the
2 addition of the fewest number of instructional days to all
3 elementary students enrolled in the elementary school.

4 D. A school district or charter school that
5 qualified for K-5 plus program units in the prior fiscal year
6 shall not be required to add more instructional days to the
7 current school year to qualify for program units in the current
8 school year if the school district or charter school provides
9 the same or more total instructional days and total
10 instructional hours than it provided in the prior school year.

11 E. An elementary school is ineligible for K-5 plus
12 program units if it fails to meet the requirements of this
13 section."

14 SECTION 3. EFFECTIVE DATE.--The effective date of the
15 provisions of this act is July 1, 2022.