

HOUSE BILL 184

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

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This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO PUBLIC SCHOOLS; ~~SEC~~ ~~→~~ ~~ALLOWING AN OPTION TO USE~~
~~EQUIVALENT INSTRUCTIONAL HOURS FOR SEC~~ ~~→~~ ~~HEC~~ ~~→~~ ~~EXTENDED LEARNING~~
~~TIME PROGRAMS AND~~ ~~←~~ ~~HEC~~ ~~←~~ ~~SEC K-5 PLUS UNDER CERTAIN~~
~~CIRCUMSTANCES; LIMITING CO-USE OF K-5 PLUS AND EXTENDED~~
~~LEARNING TIME FOR DETERMINING INSTRUCTIONAL TIME; PROVIDING K-5~~
~~PLUS FUNDING BASED ON PRIOR-YEAR SECOND AND THIRD REPORTING~~
~~DATES.~~ ~~←~~ ~~SEC~~ ~~SEC~~ ~~→~~ ~~CREATING THE ADDITIONAL ELEMENTARY~~
~~INSTRUCTIONAL TIME PILOT PROJECT; SPECIFYING ELIGIBILITY;~~

.219176.1AIC March 19, 2021 (10:53am)

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REQUIRING PARTICIPATION BY ALL STUDENTS IN A PARTICIPATING
ELEMENTARY SCHOOL; REQUIRING ASSESSMENT AND EVALUATION OF
STUDENTS AND THE PILOT PROJECT TO MEASURE THE EFFECT OF
ADDITIONAL TIME ON ACADEMIC SKILL DEVELOPMENT AND THE EFFICACY
OF GIVING ELEMENTARY SCHOOLS THE FLEXIBILITY TO ADD EXTENDED
LEARNING TIME AS INSTRUCTIONAL HOURS INSTEAD OF INSTRUCTIONAL
DAYS. ←SEC

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

SEC → ~~SECTION 1. Section 22-8-23.10 NMSA 1978 (being Laws
2019, Chapter 206, Section 16 and Laws 2019, Chapter 207,
Section 16) 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 SEC → HEC → an ← HEC
HEC → schoolwide ← HEC ← SEC an extended learning time
SEC → HEC → program ← HEC HEC → programs ← HEC ← SEC that
SEC → HEC → meets ← HEC HEC → meet ← HEC ← SEC the requirements of
[Subsection B, C or D of] this section.~~

~~SEC → HAFG → HEC → B. An extended learning time program
shall include:~~

~~(1) a minimum of one hundred ninety days per
school year, with at least five and one-half instructional
hours per instructional day for kindergarten through sixth~~

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~~grade and at least six instructional hours per instructional day for seventh through twelfth grade;~~

~~(2) after-school program opportunities for academic learning or extracurricular enrichment to students that do not supplant federally funded programs; and~~

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

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

~~(1) a minimum of one hundred sixty days per school year with at least six and one-half instructional hours per instructional day for kindergarten through sixth grade and at least seven instructional hours per instructional day for seventh through twelfth grade;~~

~~(2) after-school program opportunities for academic learning or extracurricular enrichment to students that do not supplant federally funded programs; and~~

~~(3) a minimum of eighty noninstructional hours per school year for professional development for instructional staff. ←HEC←HAF←SEC~~

~~SEC→HAF←HEC→B. A school district, or charter~~

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~~school as applicable, may qualify for extended learning time program units if:~~

~~(1) the school district's calendar provides at least the minimum required instructional school day and instructional school year specified in Section 22-2-8.1 NMSA 1978 before the addition of extended learning time programs;~~

~~(2) the participating public school's calendar adds a minimum of ten additional instructional days for extended learning time programs or a minimum of fifty-five instructional hours for kindergarten through sixth grade and a minimum of sixty instructional hours for seventh through twelfth grade;~~

~~(3) the participating public school provides after-school programs for academic learning or extracurricular enrichment and those do not supplant federally funded programs;~~

~~(4) the school district provides a minimum of eighty noninstructional hours per school year for professional development for school district instructional staff; and~~

~~(5) the extended learning time program offered at a participating public school is implemented schoolwide and is considered an extended school calendar for all students in that public school.~~

~~G. A school district that was operating a four-day school week in fiscal year 2019 or a school district with fewer~~

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~~than one thousand MEM operating a four-day school week may qualify for extended learning time programs if:~~

~~(1) the school district's calendar provides at least one hundred fifty instructional days in the instructional school year before the addition of extended learning time programs;~~

~~(2) the participating public school's calendar adds a minimum of ten additional instructional days for extended learning time programs or a minimum of six and one-half instructional hours per instructional day for kindergarten through sixth grade and at least seven instructional hours per instructional day for seventh through twelfth grade; and~~

~~(3) the school district or participating public school meets other requirements of Subsection B of this section.←HEC←H AFC←SEC~~

~~SEC→H AFC→H AFC→B. An extended learning time program shall include:~~

~~(1) a minimum of one hundred ninety days per school year, with at least five and one-half instructional hours per instructional day for kindergarten through sixth grade and at least six instructional hours per instructional day for seventh through twelfth grade;~~

~~(2) after-school program opportunities for academic learning or extracurricular enrichment to students~~

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~~that do not supplant federally funded programs; and~~

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

~~G. An extended learning time program in a school district operating a four-day school week in fiscal year 2019 or in a school district with fewer than one thousand MEM operating a four-day school week shall include:~~

~~(1) a minimum of one hundred sixty days per school year with at least six and one-half instructional hours per instructional day for kindergarten through sixth grade and at least seven instructional hours per instructional day for seventh through twelfth grade;~~

~~(2) after-school program opportunities for academic learning or extracurricular enrichment to students that do not supplant federally funded programs; and~~

~~(3) a minimum of eighty noninstructional hours per school year for professional development for instructional staff.~~ ←HAFCL←HAFCL←SECL

~~SECL→HAFCL→B. A school district, or charter school as applicable, may qualify for extended learning time program units if:~~

~~(1) the public school's calendar provides at least the minimum required instructional day and instructional~~

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~~year specified in Section 22-2-8.1 NMSA 1978 or the number of instructional hours and instructional days provided in the 2018-2019 school year, whichever provides the greater number of total instructional hours for the school year, before the addition of extended learning time programs;~~

~~2) the public school's calendar adds a minimum of ten additional instructional days for extended learning time programs or a minimum of fifty-five instructional hours for kindergarten through sixth grade and a minimum of sixty instructional hours for seventh through twelfth grade;~~

~~(3) the public school provides after-school programs for academic learning or extracurricular enrichment and those do not supplant federally funded programs;~~

~~(4) the school district provides a minimum of eighty noninstructional hours per school year for professional development for school district instructional staff; and~~

~~(5) the extended learning time program offered at a public school is implemented schoolwide and is considered an extended school calendar for all students in that public school.~~

~~G. A school district that was operating a four-day school week in fiscal year 2019 or a school district with fewer than one thousand MEM operating a four-day school week may qualify for extended learning time programs if:~~

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~~(1) the public school's calendar provides at least one hundred fifty instructional days in the instructional school year before the addition of extended learning time programs;~~

~~(2) the public school's calendar adds a minimum of ten additional instructional days for extended learning time programs or a minimum of seven instructional hours per instructional day for kindergarten through sixth grade and at least seven and one-half instructional hours per instructional day for seventh through twelfth grade; and~~

~~(3) the school district or public school meets other requirements of Subsection B of this section. ←HAFG←SEC~~

~~D. With department approval, an elementary school that [has an extended learning time program that] qualifies for extended learning time program units [pursuant to Subsection B or C of this section] that also has a qualifying K-5 plus program [pursuant to the K-5 Plus Act] may structure the school year to provide the additional instructional time required pursuant to the applicable subsection of this section by extending existing instructional days or instructional hours per day; provided that an elementary school that has a qualifying K-5 plus program that provides an equivalent number of instructional hours shall not be allowed to provide additional instructional hours for an extended learning time~~

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~~program, but shall be required to add the number of days to the school calendar to equal one hundred ninety days or one hundred sixty days, as applicable.~~

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

~~MEM x 0.11."~~

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

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

~~A. As used in this section:~~

~~(1) "equivalent number of instructional hours" means additional instructional days multiplied by five and one-half hours; and~~

~~(2) "instructional day" means a school day that is at least five and one-half hours.~~

~~[A.] B. A school district or charter school may apply to participate in the K-5 plus program and is eligible to receive program units for students enrolled in elementary schools approved by the department to participate in the K-5 plus program. In approving schools for participation in K-5 plus, the department shall prioritize elementary schools:~~

~~(1) in which eighty percent or more of the~~

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~~elementary school's students are eligible for free or reduced-fee lunch;~~

~~(2) that are low-performing elementary schools; and~~

~~{(3) that participated in the 2018 K-3 plus or K-5 plus program; and~~

~~(4)} (3) that meet criteria established by department rule.~~

~~[B.] C. Each K-5 plus program shall:~~

~~(1) except as provided in Subsection D of this section, provide no fewer than twenty-five additional instructional days prior to the start of the regular school year;~~

~~(2) keep students that participate in the K-5 plus program with the same teacher and cohort of students during the regular school year;~~

~~(3) include additional professional development for K-5 plus teachers in how young children learn to read; and~~

~~(4) be implemented school-wide.~~

~~D. An elementary school may opt to provide the K-5 plus program as an equivalent number of instructional hours if SEC→HAFG→it provides the same number of instructional hours and instructional days as was provided in the 2018-2019 school~~

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~~year, prior to adding an equivalent number of instructional hours and ← HAF ← SEC it meets the requirements of Subsections C and E of this section.~~

~~E. To qualify for the option to provide K-5 plus as an equivalent number of instructional hours:~~

~~(1) an elementary school operating a school week of five instructional days during the regular elementary school calendar must provide a minimum of one hundred eighty instructional days per regular school year. If the elementary school provides fewer than one hundred eighty instructional days in the regular school year, it must first use its K-5 plus allocation to provide the number of additional days required to meet the one-hundred-eighty-day minimum requirement and then allocate the remaining K-5 plus instructional days as equivalent instructional hours; and~~

~~(2) an elementary school operating a school week of four instructional days during the regular elementary school calendar must provide a minimum of one hundred fifty instructional days per regular school year. If the elementary school provides fewer than one hundred fifty instructional days during the regular school year, it must first use its K-5 plus allocation to provide the number of additional days required to meet the one-hundred-fifty-day minimum requirement and then allocate the remaining K-5 plus instructional days as~~

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~~equivalent instructional hours.~~

~~{C.} F. An elementary school is ineligible for K-5 plus program units if it fails to meet the requirements of {Subsection B of} this section."~~

~~SECTION 3. Section 22-8-23.11 NMSA 1978 (being Laws 2019, Chapter 206, Section 17 and Laws 2019, Chapter 207, Section 17) is amended to read:~~

~~"22-8-23.11. K-5 PLUS PROGRAM UNITS.--The number of K-5 plus program units is determined by multiplying the MEM in department-approved K-5 plus programs by the cost differential factor of 0.3 [For each reporting date] where MEM [in K-5 plus programs shall be equal to the number] is equal to the average of qualified students on [a reporting date chosen by the department] the prior-year second and third reporting dates."←SEC~~

SEC→SECTION 1. A new section of the Public School Code is enacted to read:

"[NEW MATERIAL] ADDITIONAL ELEMENTARY INSTRUCTIONAL TIME PILOT PROJECT--ELIGIBILITY--APPLICATIONS--ASSESSMENTS AND EVALUATIONS.--

A. The "additional elementary instructional time pilot project" is created as a two-year study to provide an extended learning time program of one hundred forty additional instructional hours for all students in an elementary school

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and to measure both the effect of additional time on academic skill development and the efficacy of giving elementary schools the flexibility to add extended learning time as instructional hours instead of instructional days.

B. To be eligible for the additional elementary instructional time pilot project, an elementary school shall:

(1) be:

(a) a high-poverty elementary school in which eighty percent or more of the students are eligible for free or reduced-fee lunch at the time the school applies for the pilot project; or

(b) a low-performing elementary school;

(2) require that all students in all grades participate in the pilot project; and

(3) ensure that students receive no fewer than the minimum number of instructional hours and minimum length of instructional day as provided in Section 22-2-8.1 NMSA 1978 or the number of instructional hours and instructional days provided in the 2018-2019 school year, whichever provides the greater number of total instructional hours for the school year, before the addition of instructional hours required to be provided by the pilot project.

C. The additional elementary instructional time pilot project shall be administered by the department and shall

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provide funding for participating elementary schools to extend their regular instructional hours by at least one hundred forty instructional hours. Eligible elementary schools may apply on forms provided by the department and shall provide the information required by the department to evaluate their applications. The department shall promulgate rules for application requirements and procedures and criteria for evaluating applications.

D. A participating elementary school shall be funded at no more than thirty percent of the preliminary unit value per participating student. Funding for individual school programs shall be based on the MEM in enrolled elementary school programs on the second and third reporting dates of the prior school year; provided that, for the 2021-2022 school year, the number of MEM used to determine grant amounts for a participating elementary school shall be calculated using the greater of the average of MEM in the participating elementary school on the second and third reporting dates of the 2020-2021 school year or the MEM in the participating elementary school on the first reporting date of the 2021-2022 school year.

E. Students at a school participating in the additional elementary instructional time pilot project shall be evaluated at the beginning of the school year, and their progress shall be measured during the school year through

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department-approved summative and formative assessments.

F. The department shall establish reporting and evaluation requirements for participating schools, including student and program assessments. The department shall report annually to the legislative education study committee and the legislative finance committee on the progress of the additional elementary instructional time pilot project and submit a final report, including findings and recommendations, to the governor and the legislature on the effects on academic skill development and the efficacy of giving elementary schools the flexibility to add extended learning time as instructional hours instead of instructional days.

G. The department may use up to four percent of any appropriation made by the legislature for the additional elementary instructional time pilot project for department administrative costs. ←SEC