

1 SENATE BILL 40

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY

4 Mimi Stewart

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8 FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

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10 AN ACT

11 RELATING TO PUBLIC EDUCATION; REQUIRING K-5 PLUS AND EXTENDED
12 LEARNING TIME PROGRAMS AT ALL PUBLIC SCHOOLS FOR THE 2021-2022
13 SCHOOL YEAR IF IN-PERSON INSTRUCTION IS NOT PROHIBITED BY
14 EXECUTIVE ORDER OR RESOLUTION OF A LOCAL SCHOOL BOARD; MAKING
15 APPROPRIATIONS.

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

18 SECTION 1. TEMPORARY PROVISION--EXTENDED SCHOOL YEAR
19 PROGRAMS FOR 2021-2022 SCHOOL YEAR--LIMITATION.--

20 A. The legislature finds that learning loss during
21 the 2019-2020 and 2020-2021 school years due to public school
22 closures and extended periods of remote learning requires an
23 increase in instructional time once it is safe to return to
24 in-person schooling.

25 B. For the 2021-2022 school year, if in-person

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1 instruction is not prohibited by executive order or resolution
2 of a local school board:

3 (1) each public elementary school shall
4 provide a schoolwide K-5 plus program pursuant to the K-5 Plus
5 Act or an extended learning time program pursuant to Section
6 22-8-23.10 NMSA 1978; and

7 (2) each public school that is not an
8 elementary school as provided in Paragraph (1) of this
9 subsection shall provide a schoolwide extended learning time
10 program pursuant to Section 22-8-23.10 NMSA 1978.

11 C. Prior to approving a school district's or
12 charter school's fiscal year 2022 operating budget, the
13 secretary of public education shall ensure that each school
14 district or charter school has made plans in its operating
15 budget to offer K-5 plus or extended learning time programs for
16 all students.

17 D. A school district or charter school shall apply
18 the provisions of the Attendance for Success Act to additional
19 instructional days required by this section.

20 E. A school district or charter school shall not be
21 denied K-5 plus funding for a student who participates in a K-5
22 plus program and is later transferred into another classroom;
23 provided that the transfer is made in the best interest of the
24 student.

25 F. Notwithstanding the provisions of Section

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1 22-13D-2 NMSA 1978, for the 2021-2022 school year, a school
2 district or charter school that offers a K-5 plus program may
3 add the required additional instructional days prior to the
4 start of the regular school year or at any time during the
5 regular school year.

6 G. Notwithstanding the provisions of Sections
7 22-8-23.11 and 22-8-23.12 NMSA 1978, the number of MEM used to
8 calculate the number of approved K-5 plus program units or
9 extended learning time program units for each school district
10 or charter school with an approved program during the 2021-2022
11 school year shall be calculated using the greater of the
12 average of MEM in each approved public school on the second and
13 third reporting dates of the 2020-2021 school year or the MEM
14 in each approved public school on the first reporting date of
15 the 2021-2022 school year.

16 H. Subject to the availability of funds, nothing in
17 this section shall be construed to prohibit an elementary
18 school from participating in both a K-5 plus program and an
19 extended learning time program.

20 SECTION 2. APPROPRIATIONS.--

21 A. Thirteen million four hundred thousand dollars
22 (\$13,400,000) is appropriated from the public education reform
23 fund to the state equalization guarantee distribution for
24 expenditure in fiscal year 2022 to fund extended learning time
25 programs pursuant to Section 22-8-23.10 NMSA 1978 and Section 1
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1 of this act. The secretary of public education shall consider
2 eligible extended learning time programs and the amount of
3 state funding available for those programs and determine, in
4 consultation with the department of finance and administration,
5 legislative finance committee and legislative education study
6 committee, the MEM that will be used to calculate the number of
7 additional program units for those programs. Any unexpended or
8 unencumbered balance of this appropriation that is not
9 distributed through the extended learning time program factor,
10 calculated by multiplying the final program unit value set for
11 the 2021-2022 school year by the final total extended learning
12 time program units and subtracting that product from thirteen
13 million four hundred thousand dollars (\$13,400,000), shall
14 revert to the public education reform fund.

15 B. One hundred twenty-five million nine hundred
16 thousand dollars (\$125,900,000) is appropriated from the public
17 education reform fund to the state equalization guarantee
18 distribution for expenditure in fiscal year 2022 to fund K-5
19 plus programs pursuant to the K-5 Plus Act and Section 1 of
20 this act. The secretary of public education shall consider
21 eligible K-5 plus programs and the amount of state funding
22 available for K-5 plus programs and determine, in consultation
23 with the department of finance and administration, legislative
24 finance committee and legislative education study committee,
25 the MEM that will be used to calculate the number of additional

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1 program units for those programs. Any unexpended or
2 unencumbered balance of this appropriation that is not
3 distributed through the K-5 plus program factor, calculated by
4 multiplying the final program unit value set for the 2021-2022
5 school year by the total K-5 plus program units and subtracting
6 that product from one hundred twenty-five million nine hundred
7 thousand dollars (\$125,900,000), shall revert to the public
8 education reform fund.

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