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SENATE BILL 81

**52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016**

INTRODUCED BY

Sue Wilson Beffort

AN ACT

RELATING TO PUBLIC SCHOOLS; CREATING THE K-5 PLUS PILOT PROJECT TO PROVIDE EXTENDED INSTRUCTIONAL TIME FOR STUDENTS IN KINDERGARTEN THROUGH FIFTH GRADE IN CERTAIN PUBLIC SCHOOLS; PROVIDING AN APPLICATION PROCESS; REQUIRING REPORTING; MAKING AN APPROPRIATION; DECLARING AN EMERGENCY.

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

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

"NEW MATERIAL K-5 PLUS PILOT PROJECT--PURPOSE-- ELIGIBILITY--APPLICATION--REPORTING AND EVALUATION.--

A. "K-5 plus" is created as a seven-year pilot project that:

(1) extends the school year in participating public schools by at least twenty-five additional days for

1 students in kindergarten through fifth grade; and

2 (2) measures the effect of the provided  
3 additional time on literacy, numeracy and social skills  
4 development.

5 B. The purpose of K-5 plus is to demonstrate that  
6 increased time in kindergarten through fifth grade:

7 (1) narrows the achievement gap between  
8 certain disadvantaged students and other students;

9 (2) better prepares elementary students for  
10 success in middle and high school;

11 (3) improves truancy rates at all school  
12 levels and improves dropout rates in high school; and

13 (4) increases students' cognitive skills and  
14 leads to higher test scores for participants.

15 C. K-5 plus shall be administered by the department  
16 and shall provide funding to successful public school  
17 applicants that extend their school calendars for kindergarten  
18 through fifth grade by at least twenty-five instructional days  
19 prior to the beginning of the regular school year.

20 D. K-5 plus shall be conducted upon application in  
21 public schools at which either eighty percent or more of the  
22 students are eligible for free or reduced-fee lunch or the  
23 school has a D or F school grade at the time the public school  
24 initially applies for the pilot project. Public schools that  
25 conduct K-3 plus programs may apply to participate in the K-5

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1 plus pilot project; however, a public school is not required to  
2 have a current K-3 plus program to apply for the K-5 plus pilot  
3 project. The pilot project shall be conducted in no more than  
4 twenty public schools. Each applicant public school or school  
5 district shall agree that all kindergarten through fifth grade  
6 students in the public school will participate in the pilot  
7 project.

8 E. The department shall determine application  
9 requirements and procedures and criteria for evaluating  
10 applications. In evaluating applications for K-5 plus, the  
11 department shall grant priority to those public schools with  
12 research-based, scientific reading strategies and programs. An  
13 applicant shall demonstrate that its K-5 plus pilot project  
14 will meet all department standards and employ only qualified  
15 teachers and other staff.

16 F. K-5 plus shall be funded at no less than thirty  
17 percent of the final unit value per student established as of  
18 January 31 of the current calendar year. Up to two percent of  
19 the money received by a school district or charter school shall  
20 be used to ensure regular attendance by K-5 plus students.  
21 Funding for individual public schools shall be based on  
22 enrollment on the fifteenth day of the project.

23 G. School districts and charter schools that meet  
24 the qualifications for K-5 plus funding may submit applications  
25 by March 15 for the succeeding fiscal year. The department

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1 shall notify all school districts and charter schools by  
2 February 1 that applications will be accepted until March 15.  
3 The notification shall include the application and any  
4 requirements for supplementary documentation. Applications may  
5 be submitted electronically or by mail or other delivery.  
6 Public schools that are awarded funding for K-5 plus for the  
7 next school year shall be notified by April 15 of the calendar  
8 year.

9 H. The department shall provide additional  
10 professional development for K-5 plus teachers in how children  
11 learn to read. The department may use up to four percent of  
12 any appropriation made by the legislature for the K-5 plus  
13 pilot project for professional development for participating  
14 educators and department administrative costs.

15 I. Teachers and educational assistants shall be  
16 paid at the same rate and under the same terms as teachers and  
17 educational assistants are paid for regular educational  
18 programs.

19 J. Students participating in K-5 plus shall be  
20 evaluated at the beginning of each grade year, and their  
21 progress shall be measured through department-approved  
22 summative and formative assessments.

23 K. The department shall establish and implement  
24 reporting and evaluation requirements for participating public  
25 schools, including students and pilot project assessments. The

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1 department shall provide interim and final reports annually to  
2 the legislature and the governor on the efficacy of K-5 plus.

3 L. In addition to legislative appropriations for  
4 the K-5 plus pilot project, the department, school districts,  
5 public schools and local communities shall seek public and  
6 private gifts, grants and donations to benefit the pilot  
7 project."

8 SECTION 2. TEMPORARY PROVISIONS--RULES AND DEADLINES FOR  
9 FIRST-YEAR K-5 PLUS FUNDING.--The rules promulgated by the  
10 public education department for the K-3 plus program shall  
11 apply to the K-5 plus pilot project until new rules can be  
12 adopted. The provisions of Subsection G of Section 1 of this  
13 act notwithstanding, the department may extend the deadline  
14 date for applications, but such extension shall not interfere  
15 with the April 15 date of notice of awards. The department  
16 shall notify all school districts and charter schools  
17 immediately when this act has become law and provide the school  
18 districts and charter schools with the appropriate deadline  
19 dates for the first year. The legislature encourages the  
20 public education department to notify school districts and  
21 charter schools of a tentative schedule prior to this act being  
22 signed into law.

23 SECTION 3. APPROPRIATION.--Two million dollars  
24 (\$2,000,000) is appropriated from the general fund to the  
25 public education department for expenditure in fiscal year 2017

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1 for the first-year implementation of the K-5 plus pilot  
2 project. Any unexpended or unencumbered balance remaining at  
3 the end of fiscal year 2017 shall revert to the general fund.

4 SECTION 4. EMERGENCY.--It is necessary for the public  
5 peace, health and safety that this act take effect immediately.