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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
55th Legislature, 1st Session, 2021

Bill Number	<u>HB184/aHEC/aHAFC/ aSEC</u>	Sponsor	<u>Romero, GA, Dow, Sweetser, Lente, Garratt</u>
Tracking Number	<u>.219176.1</u>	Committee Referrals	<u>HEC/HAFC;SEC/SFC</u>
Short Title	<u>K-5 Plus Funding & Uses</u>		
Analyst	<u>Hoxie</u>	Original Date	<u>1/30/2021</u>
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BILL SUMMARY

Synopsis of SEC Amendment

The Senate Education Committee amendment to House Bill 184 as amended by the House Education and Appropriations and Finance committees strikes all House Education Committee amendments, House Appropriations and Finance Committee amendments, and original bill language.

HB184/aHEC/aHAFC/aSEC creates a two-year “elementary instructional time pilot project” allowing elementary schools to add 140 instructional hours to a school calendar. The pilot project will measure both the effect of additional instructional time on academic performance and program uptake of elementary schools when participating in a program that extends learning time through extended school days. To be eligible for the additional elementary instructional time pilot project, an elementary school shall be a high-poverty, low-performing school that requires all students in all grades participate in the pilot project. Prior to the addition of instructional hours required by the pilot project, students must receive no fewer than the minimum number of instructional hours required by Section 22-2-8.1 NMSA 1978 or the number of instructional hours and instructional days provided in the 2018-2019 school year, whichever is greater.

Synopsis of HAFC Amendment

The House Appropriations and Finance Committee amendment to House Bill 184 (HB184/aHEC/aHAFC) ensures school districts provide the same number of instructional days and instructional hours as was provided in the 2018-2019 school year prior to adding Extended Learning Time and K-5 Plus equivalent hours.

The original bill required school districts to provide the minimum number of statutory hours per day and per year before adding additional instructional hours for an Extended Learning Time Program. However, many school districts and charter schools already meet the minimum statutory required hours per day. Without the amendment, a school district or charter school could be funded for an Extended Learning Time Program and not add additional time to their schedules.

HB184/aHEC/aHAFCS increases the hourly requirement for each additional instructional day for Extended Learning Time Programs to 7 hours per instructional day for kindergarten through sixth grade students and at least 7.5 hours per instructional day for seventh through 12th grade students.

Synopsis of HEC Amendment

The House Education Committee amendment to House Bill 184 (HB184/aHEC) adds language that allows school district and charter schools to implement an Extended Learning Time Program using equivalent hours or 10 additional instructional days if school districts meet a minimum instructional day requirement.

Synopsis of Original Bill

House Bill 184 (HB184) enacts a provision allowing equivalent instructional hours to be used for qualifying K-5 Plus extended school year programs. School districts and charter schools must meet a minimum instructional day requirement in the regular school year prior to implementing a K-5 Plus program through equivalent hours. The bill limits the stacking of K-5 Plus and Extended Learning Time Programs. The bill mandates a reporting date for generating K-5 Plus funds.

FISCAL IMPACT

The bill does not contain an appropriation.

The SEC amendment changes the bill's provisions to establish an elementary instructional time pilot project. HB2/HAFCS/aSFC includes \$20 million from public education reform fund for this pilot - \$10 million for FY22 and \$10 million for FY23. The amendment further authorizes PED to budget up to \$400 thousand of the appropriation for administrative costs related to the pilot.

A participating elementary school shall be funded at no more than thirty percent of the preliminary unit value per participating student. For example, at the 2020-2021 unit value, this pilot project would generate \$1359.5 per participating student.

SUBSTANTIVE ISSUES

Additional Elementary Instruction Time Pilot Project. HB184/aHEC/aHAFCS/aSEC creates a two-year pilot project to provide an extended learning time program adding 140 instructional hours for all students in a participating elementary school. The pilot project will study the effects of additional instructional time on academic performance and the efficacy of giving elementary schools the flexibility to add extended learning time as instructional hours. To be eligible for the pilot project, a high-poverty, low performing elementary school shall require all students in all grades to participate in the project and evaluate students at the beginning of the school year and during the school year through assessments approved by the Public Education Department (PED). PED shall administer the program and develop an application process. The bill further requires PED to evaluate schools participating in the pilot project and report to the Legislature and governor.

Extending Instructional Days. HB184/aHEC/aHAFCS/aSEC provides an option for elementary schools to participate in a pilot extending learning time project through the addition of 140 instructional hours. To be eligible for the elementary instructional time pilot project, a school must meet a minimum instructional day requirement or provide the same 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 prior to the addition of elementary instructional pilot project hours.

HB184/aHEC/aHAFC/aSEC also requires school districts and charter schools to consider the additional instructional hours for an elementary instructional time pilot project to be implemented schoolwide for all students in the public school.

OTHER SIGNIFICANT ISSUES

Martinez and Yazzie Lawsuit. Provisions of HB184/aHEC/aHAFC/aSEC may help New Mexico resolve ongoing litigation regarding the sufficiency and uniformity of the public education system in New Mexico. The court ruling in the consolidated *Martinez-Yazzie* education sufficiency lawsuit acknowledged extended learning time could reduce learning loss and help close achievement gaps between at-risk students and their peers but noted schools lacked funding for these programs: “evidence demonstrates money spent on classroom instruction programs such as K-5 Plus, extended school year, and quality teachers can all improve the performance of at-risk students and overcome the gap caused by their backgrounds.”

Programs that extend learning time have been a pillar of the Legislature’s education reform efforts since the court’s ruling in the *Martinez-Yazzie* lawsuit. Extended instructional time is regarded as an evidence-based strategy associated with improved learning outcomes for students. Research finds this is particularly true for students considered at-risk as defined by the *Martinez and Yazzie* lawsuit, including students who are economically disadvantaged, Native American students, English learners, and students with disabilities. Recognizing this, the Legislature has made significant investments in programs that extend learning time for students.

Addressing Learning Loss. A Legislative Finance Committee (LFC) report estimates a learning loss of between four and 12 months for students due to school closures in spring 2020. This does not take into account any learning loss from remote learning in fall 2020. National research shows remote learning is on average less effective than in-person learning and students who come from low-income backgrounds struggle even more with online learning. With the vast majority of students in New Mexico remaining in remote learning settings throughout the fall semester of the 2020-2021 school year, the LFC report predicts New Mexico’s existing achievement gap will widen. Public schools and charter schools who apply to participate in the additional elementary instructional time pilot project can provide additional time to support students most at-risk of falling academically behind their peers.

Requested Flexibility Around Instructional Days. Statewide adoption of programs extending learning time remains a challenge for school districts and charter schools across New Mexico. For example, the Public Education Department notes participation in K-5 Plus – an extended learning time program funding students for an additional 25 instructional days prior to the start of the regular school year – has been far below expectations, and school districts and charter schools have left significant portions of appropriations unspent. Since FY20, approximately \$200 million in unspent K-5 Plus funds has reverted to the public school reform fund. School districts and charter schools have cited various reasons for opting out of any K-5 Plus programming. Among the reasons were the inability to adhere to the cohort requirements for K-5 Plus (requiring K-5 Plus students to remain with the same teacher during the regular school year), a lack of buy-in on the part of staff, and resistance from community members who felt adding 25 school days during the summer conflicted with other community priorities. Of the 141 school districts and charter schools in New Mexico, only 40 districts and charter schools participated in K-5 Plus programming in FY20 and only 13 districts and 18 charter schools chose to participate in FY21.

RELATED BILLS

HB184/aHEC/aHAFC/aSEC is related to SB40, which requires all students to participate in a K-5 Plus program or Extended Learning Time Programs during the 2021-2022 school year provided that in-person learning is allowed.

SOURCES OF INFORMATION

- LESC Files
- Legislative Finance Committee Files
- Public Education Department

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