

1 HOUSE BILL 184

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

3 INTRODUCED BY

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5 and Derrick J. Lente and Joy Garratt  
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10 AN ACT

11 RELATING TO PUBLIC SCHOOLS; ALLOWING AN OPTION TO USE  
12 EQUIVALENT INSTRUCTIONAL HOURS FOR K-5 PLUS UNDER CERTAIN  
13 CIRCUMSTANCES; LIMITING CO-USE OF K-5 PLUS AND EXTENDED  
14 LEARNING TIME FOR DETERMINING INSTRUCTIONAL TIME; PROVIDING K-5  
15 PLUS FUNDING BASED ON PRIOR-YEAR SECOND AND THIRD REPORTING  
16 DATES.

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

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

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

23 A. A school district or charter school is eligible  
24 for additional program units if it establishes within its  
25 department-approved educational plan an extended learning time

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1 program that meets the requirements of [~~Subsection B, C or D~~  
2 ~~of~~] this section.

3 B. An extended learning time program shall include:

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

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

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

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

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

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

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1 that do not supplant federally funded programs; and

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

5 D. With department approval, an elementary school  
6 that ~~[has an extended learning time program that]~~ qualifies for  
7 extended learning time program units ~~[pursuant to Subsection B~~  
8 ~~or C of this section]~~ that also has a qualifying K-5 plus  
9 program ~~[pursuant to the K-5 Plus Act]~~ may structure the school  
10 year to provide the additional instructional time required  
11 pursuant to the applicable subsection of this section by  
12 extending existing instructional days or instructional hours  
13 per day; provided that an elementary school that has a  
14 qualifying K-5 plus program that provides an equivalent number  
15 of instructional hours shall not be allowed to provide  
16 additional instructional hours for an extended learning time  
17 program, but shall be required to add the number of days to the  
18 school calendar to equal one hundred ninety days or one hundred  
19 sixty days, as applicable.

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

23 MEM x 0.11."

24 SECTION 2. Section 22-13D-2 NMSA 1978 (being Laws 2019,  
25 Chapter 206, Section 3 and Laws 2019, Chapter 207, Section 3)

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1 is amended to read:

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

3 A. As used in this section:

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

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

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

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

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

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

22 ~~(4)]~~ (3) that meet criteria established by  
23 department rule.

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

25 (1) except as provided in Subsection D of this

1 section, provide no fewer than twenty-five additional  
2 instructional days prior to the start of the regular school  
3 year;

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

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

10 (4) be implemented school-wide.

11 D. An elementary school may opt to provide the K-5  
12 plus program as an equivalent number of instructional hours if  
13 it meets the requirements of Subsections C and E of this  
14 section.

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

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

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1 equivalent instructional hours; and

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

12 [~~G.~~] F. An elementary school is ineligible for K-5  
13 plus program units if it fails to meet the requirements of  
14 [~~Subsection B of~~] this section."

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

18 "22-8-23.11. K-5 PLUS PROGRAM UNITS.--The number of K-5  
19 plus program units is determined by multiplying the MEM in  
20 department-approved K-5 plus programs by the cost differential  
21 factor of 0.3 [~~For each reporting date~~] where MEM [in K-5 plus  
22 programs shall be equal to the number] is equal to the average  
23 of qualified students on [a reporting date chosen by the  
24 department] the prior-year second and third reporting dates."