

TITLE 6 PRIMARY AND SECONDARY EDUCATION
CHAPTER 30 EDUCATIONAL STANDARDS - GENERAL REQUIREMENTS
PART 12 K-5 PLUS PROGRAM

6.30.12.1 ISSUING AGENCY: Public Education Department, hereinafter the department.
[6.30.12.1 NMAC – Rp/E, 6.30.12.1 NMAC, 6/14/2019]

6.30.12.2 SCOPE: This rule applies to all school districts and public schools, including charter schools.
[6.30.12.2 NMAC - Rp/E, 6.30.12.2 NMAC, 6/14/2019]

6.30.12.3 STATUTORY AUTHORITY: Section 22-1-2 NMSA 1978.
[6.30.12.3 NMAC - Rp/E, 6.30.12.3 NMAC, 6/14/2019]

6.30.12.4 DURATION: Permanent.
[6.30.12.4 NMAC - Rp/E, 6.30.12.4 NMAC, 6/14/2019]

6.30.12.5 EFFECTIVE DATE: June 14, 2019, unless a later date is cited at the end of a section.
[6.30.12.5 NMAC - Rp/E, 6.30.12.5 NMAC, 6/14/2019]

6.30.12.6 OBJECTIVE: This rule provides criteria for the development and implementation of the K-5 plus program in order to maximize successful outcomes for students and to facilitate the transition from the K-3 Plus Act to the K-5 Plus Act. Development and implementation includes assisting school districts and charter schools as they build capacity to offer K-5 plus programs. Development and implementation also includes assessing and evaluating K-5 plus programs.
[6.30.12.6 NMAC - Rp/E, 6.30.12.6 NMAC, 6/14/2019]

6.30.12.7 DEFINITIONS:

A. “Capacity” means having the appropriate numbers of teachers and students participating in the K-5 plus program to meet program eligibility requirements.

B. “Evidence-based scientific math strategies and program” means instructional strategies and mathematics programs that apply rigorous, systematic, and objective procedures to obtain valid measures relevant to math instruction and that are developmentally appropriate and integrate standards for mathematical practices.

C. “Evidence-based scientific reading strategies and program” means instructional strategies and reading programs that apply rigorous, systematic, and objective procedures to obtain valid knowledge relevant to reading development, reading instruction, and reading difficulties.

D. “High-priority schools” means, for the purpose of the K-5 plus program, a public school:
(1) in which eighty percent or more of the elementary school’s students are eligible for free or reduced-fee lunch at the time the public school applies for the K-5 plus program;
(2) that is a low-performing elementary school;
(3) that participated in K-3 plus or K-5 plus programs in the most recent school year;
(4) that is identified as a comprehensive support and improvement school; or
(5) that is identified as a targeted support and improvement school.

E. “Instructional day” means at least five and one-half instructional hours per day for kindergarten through sixth grade and at least six instructional hours per day for seventh through twelfth grade.

F. “K-5 plus program” means a voluntary program, for approved full-day kindergarten classes and classes in grades one through five, that extends the school year by 25 or more additional instructional days for the purpose of literacy and numeracy instruction. The additional 25 or more instructional days will commence prior to the regular school year.

G. “Local education agency or “LEA” means a school district, or a locally chartered, or state-chartered charter school.

H. “Multi-layered system of support” means an umbrella framework that encompasses response to intervention and positive behavioral intervention and supports.

I. “Progress monitoring” means a scientifically-based practice that teachers use to evaluate the effectiveness of their instruction for individual students and their entire class through:

- (a) the identification of goals;
- (b) measurement of progress toward meeting those goals, comparing expected and actual rates of learning; and
- (c) adjustments in instruction.

J. “School-wide” means the program is offered in kindergarten and grades one through five, or as many of those grade levels as an elementary school has.

K. “Screening assessment” means the standardized assessment administered multiple times per year for all students to assess specific skills and to identify academically at-risk students.

L. “Secretary” means the secretary of public education.
[6.30.12.7 NMAC - Rp/E, 6.30.12.7 NMAC, 6/14/2019]

6.30.12.8 PROGRAM DEVELOPMENT AND IMPLEMENTATION: The department shall support schools in their capacity-building to increase participation in the K-5 plus program. Capacity-building includes professional development, curriculum development, teacher recruitment, parent and family outreach, assessment, and program design and evaluation.

[6.30.12.8 NMAC - Rp/E, 6.30.12.8 NMAC, 6/14/2019]

6.30.12.9 PROGRAM ELIGIBILITY:

A. To be eligible for K-5 plus program units a school shall commit to:

- (1) providing 25 or more additional instructional days of K-5 plus programming prior to the start of the regular school year;
- (2) keeping students that participate in the K-5 plus program with the same teacher and cohort of students for the following regular school year;
- (3) providing K-5 plus teachers additional professional development on how young children learn to read; and
- (4) implementing the program school-wide.

B. Schools shall pay for a teacher’s salary and professional development in the event a school cannot meet the requirement in Paragraph (2) of Subsection A of 6.30.12.9 NMAC. The remaining K-5 programming elements must be delivered. This option is available for no more than two teachers per school.

C. Temporary flexibility may be granted to ensure sustainable programs.
[6.30.12.9 NMAC - Rp/E, 6.30.12.9 NMAC, 6/14/2019]

6.30.12.10 PROGRAM ELEMENT - INSTRUCTION:

A. K-5 plus programs for kindergarten and grades one through five shall include:

- (1) a daily classroom schedule with time for all students to practice independent reading;
- (2) instruction and intervention provided to students based on screening assessment data to guide instruction to meet student needs;
- (3) a comprehensive evidence-based early literacy core basal reading program or intervention in alignment with the English language arts common core state standards established in 6.29.13.8 NMAC that:
 - (a) identify the concepts and skills necessary to establish the foundation of success in early reading;
 - (b) include instructional strategies that ensure children learn identified concepts and skills; and
 - (c) include key early literacy skills instruction including but not limited to phonological awareness, phonics, reading fluency, vocabulary, comprehension, and writing to support comprehension.
- (4) a sequential comprehensive, developmentally appropriate early mathematics program that aligns with the mathematics common core state standards established in 6.29.14 NMAC that:
 - (a) identify the concepts and skills necessary to establish the foundation of success in early mathematics; and
 - (b) include instructional strategies that ensure children learn identified concepts and skills; and
- (5) implementation of the department’s multi-layered system of support.

B. Schools shall provide intervention services in literacy and numeracy for students enrolled in the K-5 plus program who are not meeting grade level requirements.
[6.30.12.10 NMAC - Rp/E, 6.30.12.10 NMAC, 6/14/2019]

6.30.12.11 PROGRAM ELEMENT - ASSESSMENT:

A. K-5 plus schools shall administer a common screening assessment for student literacy that diagnoses the acquisition of reading skills, including phonemic awareness, letter knowledge, alphabetic decoding, vocabulary, spelling, comprehension and fluency.

B. The screening assessment in accordance with the requirements of this section shall be administered to students participating in the K-5 plus program at the following times:

- (1) beginning of the K-5 plus program;
- (2) end of the K-5 plus program;
- (3) beginning of the regular school year;
- (4) middle of the regular school year; and
- (5) end of the regular school year.

[6.30.12.11 NMAC - Rp/E, 6.30.12.11 NMAC, 6/14/2019]

6.30.12.12 PROFESSIONAL DEVELOPMENT:

A. The LEA shall provide professional development to K-5 plus teachers in the following areas:

- (1) early literacy research and its implications for instruction for phonemic awareness, letter knowledge, alphabetic decoding, vocabulary, spelling, comprehension and fluency in kindergarten and grades one through five;
- (2) best practices of culturally and linguistically responsive instruction, including instruction for English language learners; and
- (3) best practices in early mathematics instruction.

B. To support successful implementation of K-5 plus programs the department shall develop and disseminate information on best practices in the areas of professional development, curriculum development, teacher recruitment, parent and family outreach, assessment, and program design.

[6.30.12.12 NMAC - Rp/E, 6.30.12.12 NMAC, 6/14/2019]

6.30.12.13 APPLICATION AND REVIEW PROCESS:

A. Pursuant to the K-5 Plus Act, the department shall review all applications for approval. Priority will be given to those schools identified as high-priority schools. Applicants that meet the application deadlines will be approved based on demonstration of the capacity to meet K-5 plus program requirements as set forth in statute, regulation and department guidance, provided there is sufficient funding.

B. No later than October 15 of each year, a school district or charter school that wishes to apply for a new K-5 plus program for the next fiscal year shall submit to the department the actual number of students who participated in its K-5 plus programs in the current calendar year and an estimate of the number of students the school district or charter school expects will participate in the K-5 plus programs in the next calendar year. The department shall not approve a new K-5 plus program unless the school district or charter school notifies the department of its intent to start a new program as required by Subsection B of 6.30.12.13 NMAC.

C. No later than November 15 of each year, the department shall notify the legislature of the number of students participating in K-5 plus programs in the current school year and of the number of students projected to participate in K-5 plus programs in the next school year.

[6.30.12.13 NMAC - Rp/E, 6.30.12.13 NMAC, 6/14/2019]

6.30.12.14 FUNDING MECHANISMS:

A. Funding for individual school K-5 plus programs shall be calculated based on the approved number of students in attendance on a date prescribed by the department, multiplied by the cost differential factor of 0.3.

B. Any additional services for students with disabilities required by the individualized education program may be paid for by the district special education budget. School districts shall meet the maintenance of effort requirements at 34 CFR Section 300.203, of the Individuals with Disabilities Education Act (IDEA). The expenditure levels for special education and related services shall be maintained or shall exceed the previous year, unless a district has allowable exceptions under 34 CFR Section 300.204 or is allowed to reduce maintenance of

effort pursuant to 34 CFR Section 300.205. School districts may use IDEA funds only for the excess cost of providing special education and related services for students with disabilities.
[6.30.12.14 NMAC - Rp/E, 6.30.12.14 NMAC, 6/14/2019]

6.30.12.15 EVALUATION AND REPORTING AND AUDITING:

A. Schools shall comply with annual and interim reports as required by the department for student and program assessment and evaluation.

B. All students participating in K-5 plus shall be reported to the department through the department's data collection and reporting system. Required fields include the following:

- (1) daily attendance;
- (2) demographic information;
- (3) services rendered under the multi-layered system of support;
- (4) assigned teacher; and
- (5) number of years the student has participated in the K-5 plus program.

C. The department may request additional information regarding staffing, endorsements, licensure levels, program elements, class roster reports, professional development activities, parent and family involvement activities, implementation successes and challenges, and suggested modifications.

D. Site monitoring visits by the department or by evaluators designated by the department shall be conducted. District and school personnel shall attend site visits as needed as determined by the department.

E. The department shall report annually to the legislature and the governor on the development and progress of the K-5 plus program.

F. The department shall establish a K-5 plus advisory committee composed of representatives of school districts and charter schools that participate in the K-5 plus program, the legislative education study committee, the legislative finance committee and other stakeholders. The advisory committee shall meet twice a year to advise the department on K-5 plus implementation.

[6.30.12.15 NMAC – N/E, 6/14/2019]

HISTORY OF 6.30.12 NMAC:

6.30.12 NMAC, K-3 Plus Program, filed 10/30/2014, was repealed and replaced by 6.30.12 NMAC, K-5 Plus Program, effective 6/14/2019.