

<b>LFC Requester:</b>	<b>Liu</b>
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**AGENCY BILL ANALYSIS  
2021 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:**

**[LFC@NMLEGIS.GOV](mailto:LFC@NMLEGIS.GOV)**

*and*

**[DFA@STATE.NM.US](mailto:DFA@STATE.NM.US)**

*{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

Check all that apply:  
**Original**     **Amendment**      
**Correction**     **Substitute**   

**Date** 2/16/2021  
**Bill No:** HB184

**Sponsor:** Rep. G. Andres Romero  
**Short Title:** K-5 PLUS FUNDING & USES

**Agency Name and Code**    PED - 924  
**Number:** \_\_\_\_\_  
**Person Writing:**    John Sena  
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY21	FY22		

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY21	FY22	FY23		

(Parenthesis ( ) Indicate Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY21</b>	<b>FY22</b>	<b>FY23</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: SB40, K-5 Plus and Extended Learning at All Schools; and SB131, Discretionary School Funding Program Units.  
Duplicates/Relates to Appropriation in the General Appropriation Act: N/A

**SECTION III: NARRATIVE**

**BILL SUMMARY**

Synopsis: House Bill 184 (HB184) would allow school districts flexibility to add instructional hours, not just instructional days, in order to meet requirements of Extended Learning Time Programs (ELTP) or K-5 Plus programs. The bill would limit which schools are eligible for that flexibility. Lastly, HB184 changes the method for determining K-5 Plus program units. Rather than counting qualifying students on a date determined by the Public Education Department (PED), the bill would allow school districts to use enrollment counts from the second and third reporting dates from the previous school year, effectively funding all students.

**FISCAL IMPLICATIONS**

HB184 does not an appropriation.

There is approximately \$151 million set aside in the State Equalization Guarantee for K-5 Plus and ELTP. The executive recommendation proposes consolidating those funds in order to pay for qualifying programs and make any remaining funds available for use on career technical education and community school initiatives. The Legislative Finance Committee budget recommendation includes an additional \$8.77 million from the general for ELTP and appropriates \$135 million from the Public Education Reform Fund (PERF) to provide ELTP for all schools, provide K-5 Plus for all high-poverty schools, and pilot K-12 Plus programs, which extend the school year by 25 days in secondary grade levels.

**SIGNIFICANT ISSUES**

By the end of the 2020-2021 school year, the Covid-19 pandemic will have forced New Mexico’s schools to provide a mix of in-person and distance learning for more than an entire school year. Despite teachers’ best efforts, most research estimates that students will be significantly behind where they would normally have been if able to attend full-time in-person school. A report from McKinsey & Company, for example, found students may lose between five and nine months of learning by the end of this school year. Students of color, the study found, may lose as many as 12 months of learning.

**K-5 Plus.** New Mexico has funded some sort of extended learning time programming for more than a decade, culminating in the addition of K-5 Plus and ELTP funding to the SEG for FY20. Despite substantial financial investment in both programs, participation has been far below

expectations, and schools districts and charter schools have left significant portions of appropriations unspent. By the end of the 2020-2021 school year, approximately \$200 million unspent K-5 Plus and ELTP funds will have reverted to the PERF.

While research has shown the benefits of additional instructional time, and court findings in the Martinez and Yazzie consolidated lawsuit call for making these programs available to more students, school district and charter school leaders have cited various reasons for opting out of these programs, particularly K-5 Plus. Among the reasons were the inability to adhere to the strict teacher/class cohort requirements of the K-5 Plus statute, 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 LEAs in the state, 43 participated during the 2019-2020 school year. The health pandemic contributed to a precipitous drop, with only 15 LEAs choosing to participate in K-5 Plus for the 2020-2021 school year.

HB184 would allow elementary schools to provide K-5 Plus as an equivalent number of instructional hours if, for five-day school weeks, they provide a minimum of 180 instructional days per school years. If a school does not already provide 180 instructional days, it must use its K-5 Plus allocation to do so and then allocate the remaining instructional days as equivalent hours. An elementary school on a four-day school week must offer a minimum of 150 instructional days or use its K-5 Plus allocation to do so before converting the remaining K-5 Plus days into equivalent instructional hours.

These flexibilities may alleviate some of the issues with the initial implementation of the program. Already, some school districts have used this practice to provide additional professional development for teachers and academic enrichment programming for students without having to significantly extend the length of the school year.

***Preference for ELTP.*** Despite low uptake in K-5 Plus, school districts and charter schools have increasingly opted in to ELTP. This is partly due to the requirement to add only 10 instructional days instead of 25 in K-5 Plus, which school district and charter leaders said was easier to accomplish and received more community support. Of the state's 141 LEAs, 40 participated during the 2019-2020 school year. That number increased to 77 participating LEAs for the 2020-2021 school year.

While HB184 would allow the addition of equivalent instructional hours, the flexibility would not extend to schools that choose to participate in both K-5 Plus and ELTP. Instead, those schools would be required to add 25 days for K-5 Plus and additional instructional hours for ELTP or equivalent instructional hours for the 25 days of K-5 Plus and add the number of days to the school calendar to equal 190, for schools operating a five-day school weeks, or 160 days, for schools on a four-day school week.

## **PERFORMANCE IMPLICATIONS**

N/A

## **ADMINISTRATIVE IMPLICATIONS**

HB184 may require additional administrative duties on the part of the PED because of the variety of implementation models consisting of various combinations of additional instructional days and instructional hours schools could choose.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

HB184 relates to SB40, K-5 Plus and Extended Learning at All Schools; and SB131, Discretionary School Funding Program Units.

**TECHNICAL ISSUES**

N/A

**OTHER SUBSTANTIVE ISSUES**

N/A

**ALTERNATIVES**

N/A

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

N/A

**AMENDMENTS**

N/A