



# K12+ Program Guidelines Manual

## Introduction

In the 2023 Legislative Session, the New Mexico Legislature passed and Governor Michelle Lujan Grisham signed into law House Bill 130. This bill:

- increases the minimum instructional hours requirement to 1,140 hours for all grade levels;
- allows for up to 60 hours of professional work hours for elementary educators and up to 30 professional work hours for secondary educators to count toward the 1,140 instructional hours requirement; and
- repealed the K5+, Extended Learning Time Program (ELTP) and the K12+ grant programs and replaced them with the new K12+ Program. K12+ will now be funded through the State Equalization Guarantee (SEG), eliminating the need for an application and approval process.

What follows is a guide for implementation of the new instructional hours requirements and the K12+ Program.

## Instructional Hours Requirement

HB130 raises the instructional hours requirement and allows for a limited number of professional work hours to be counted toward the new minimum requirements. The law makes a distinction between elementary grades (K-6, when grade 6 is in an elementary school) and secondary (6-12, when grade 6 is in a secondary school), as illustrated here:

### Minimum Instructional Hours Requirement

Grade Levels	Minimum student learning hours	Maximum professional work hours to count as instructional hours	Minimum Instructional Hours
Elementary Grades	1,080	60	1,140
Secondary Grades	1,110	30	1,140

## **Lunch and Out of School Time (OST)**

Lunch must last at least 30 minutes and cannot be counted as instructional time. Passing time between classes is instructional time, except when going to or coming from lunch. Recess, other than lunch recess, is instructional time. Out of school time (OST) does not count as instructional time toward the required 1,140 hours. Instructional hours start at the first bell and end at the last bell. Though OST does not count toward minimum instructional hours requirements, some OST may be counted toward K12+ participation days which is explained in the K12+ section on page 3 of this document.

## **Both Elementary and Secondary Grades at a School Site**

Schools that have both elementary and secondary grades may submit two calendars to reflect the difference in professional work hours. For example, a school that has grades K-8 may submit an elementary calendar for grades K-6 with 60 professional work hours to count toward the 1,140-hour requirement and a secondary school calendar for grades 7-8 with 30 professional work hours to count toward the 1,140-hours requirement.

## **Professional Work Hours**

Professional work hours may include parent-teacher conferences, home visits, professional collaboration, professional development or training, mentorship and coaching. Professional work hours do not include individual preparation or planning time.

Examples of professional collaboration include the following:

- professional learning communities
- data discussions
- unwrapping standards
- curriculum mapping and sequencing
- vertical and/or horizontal curriculum alignment
- formative assessment development or analysis
- lesson study
- discussions to support inclusionary special education pedagogical practices
- discussions to support implementation of best practices for English language learners
- discussions to support the implementation of high quality instructional materials
- discussions to support behavioral interventions and support systems
- discussions to support the implementation of MLSS in universal core instruction
- targeted and/or intensive interventions
- social emotional supports

## **Counting the Hours**

Hours cannot be double counted, meaning if collaboration occurs during the instructional day over a joint preparation period, for example, it cannot be counted both as student learning time and as professional work time toward the 30 or 60 professional work hours that may be included in the 1,140 instructional hours requirement.

## Counting the Hours (continued)

If there is a school cancellation or delay that drops the annual total instructional hours below 1,140, that time must be made up. If, after the cancellation, the total instructional hours remain above 1,140, it is a local decision as to whether to make up that time, except when K12+ instructional days are impacted.

Professional work hours may exceed the 30- or 60-hour limits. However, any time above the 30- and 60-hour limits will not be counted toward the 1,140 instructional hours minimum requirement. School districts and charter schools may also reach 1,140 hours per year using only student learning hours or fewer professional work hours than the 30- and 60-hour limit. These are local decisions.

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## K12+ Program

The K12+ Program provides additional program units that are funded through the SEG process if the school calendar exceeds certain minimum-day requirements. K12+ is an optional program. The funding formula is illustrated below:

K12+ Program Tier 1			K12+ Program Tier 2		
Calendar	Days	Program Units	Calendar	Days	Program Units
5-day week	181-190	MEM * 0.012 * days	5-day week	191-205	MEM * 0.016 * days
4-day week	156-165		4-day week	166-175	

\*In 23-24, funding is based on an estimate of 23-24 40D MEM and then trued up to 23-24 40D MEM. In 24-25, any programs that existed in 23-24 will utilize 23-24 80D/120D average, while new programs in 24-25 will utilize the above methodology (estimate of 24-25 40D MEM and then trued up to 24-25 40D MEM).

Participation in K12+ is optional and a district with multiple school sites for the same grade levels may only implement one form of K12+ for schools covering the same grade levels. Not all schools with the same grade levels must implement K12+, but those implementing K12+ must have the same calendar and K12+ qualifying out-of-school time activities.

If a school calendar submitted to PED's School Budget Bureau shows that the minimum days for K12+ participation have been met, the district or charter school will be funded according to the K12+ formula. There is no other application or approval process.

### Minimum Instructional Day Requirements

To get credit for a full school day, the instructional day must be at least 5.5 hours long. A half day must be at least 3.5 hours long. OST hours cannot be used to extend the half day into a full day for this purpose. However, a 3.5-hour half-day could be combined with two hours of professional work hours to create one full instructional day for K12+ purposes, so long as the 30-hour or 60-hour professional work time maximums are not exceeded. Days and half days spent on professional work time, up to 30 hours for secondary schools and 60 hours for elementary schools, count toward K12+ calculations.

## **Out-of-School Time (OST)**

Out-of-school time (OST) is defined as any instructional activity that takes place outside the normal school day, such as before the first bell, after dismissal or in the summertime. OST can be counted as additional time toward K12+ if the following conditions are met:

1. the program is offered to all students in all grade levels with no limiting factor or qualifying characteristics, and targets students scoring below proficient;
2. program content is standards aligned;
3. each qualifying out-of-school time activity shall be a minimum of two continuous hours in duration;
4. transportation to and from qualifying out-of-school time activities is provided by the school;
5. the duration of qualifying out-of-school time activities dedicated to intervention is equal to or greater than the time dedicated to enrichment;
6. healthy snacks are provided to all students in an out-of-school time activity;
7. the student-to-instructor ratio does not exceed 15:1;
8. the school district or charter school is not already receiving grant funding, such as 21st Century Community Learning Centers specific to the OST program; and
9. the OST program is completely free to students, and student participation is not predicated upon or tied to any activity for which there is a fee.

## **Counting K12+ OST Toward K12+ Days**

For each eight hours of OST that meets the above criteria, one additional day toward K12+ instructional days will be added up to the maximum number of instructional days, or up to a maximum of six instructional days (whichever is fewer). For example, if two hours of qualifying OST is provided once a week for four weeks, the result would be one extra day calculated toward K12+ participation. Examples of out-of-school time activities include summer school; high-dosage tutoring; STEM activities that feature robotics or engineering projects; educational or work-based activities with community-based organizations, private employers, or government agencies; health and wellness activities that include yoga or disc golf and other standards-based activities.

## **Healthy Snacks**

Healthy snacks are required as part of K12+ OST. Healthy snacks are minimally processed foods that include whole grains, fresh fruits and vegetables with no added sugars. Examples are nuts, whole wheat crackers, light popcorn and fruit cups without syrup.

## **Travel and Overnight Trips**

On field trips and overnight travel, only the time dedicated to the instructional activities can count toward K12+ OST hours. Time spent traveling, sleeping, and eating would not count toward K12+ OST hours, but time spent learning to swim or touring a museum would count.

## **Transportation**

The transportation requirement to and from home to K12+ OST events remains the same for traditional public schools. Regardless of a charter school's normal transportation practices, transportation to and from K12+ OST activities must be provided. Transportation is to be provided to and from school by school bus for those students who live outside the walkable distance from school. If K12+ OST is provided before or after a normal school day, a charter school that does not provide transportation would only need to provide transportation before school for before-school activities or after school for after-school activities.

## **Interventions and Enrichment**

While targeted interventions and enrichment do not qualify as K12+ OST hours individually, if they are combined so that the entire student population is included, they may qualify as K12+ OST hours. Targeted evidence-based interventions may include, but are not limited to, applying evidence-based interventions and data-driven instruction in small-group learning settings and/or instruction with reading or math instructors. Health and wellness interventions may include social or behavioral contracts or guided small-group social work interventions. Enrichment activities could include but are not limited to the following list:

- academic enrichment programs
- literacy activities that emphasize language skills and academic achievement
- science, technology, engineering and mathematics (STEM) activities
- arts and music education activities
- entrepreneurial education programs
- tutoring services, including those provided by senior citizen volunteers, and mentoring programs
- physical activities
- nutrition education activities
- telecommunications and technology education programs
- expanded library service hours
- programs that promote family literacy, including parental involvement
- programs that provide assistance to students who have been truant, suspended or expelled to allow them to improve their academic achievement
- drug and violence prevention programs
- counseling programs
- character education programs

## **Attendance & Calendar**

Attendance must be taken at K12+ OST programs and will be reported to PED.

If a district or charter school participates in K12+ and a day of school is cancelled for weather-related or other unforeseen circumstances, that day must be made up to maintain funding. Similarly, if a scheduled day is reduced to a half day, another half day would need to be added to maintain funding.

## **Attendance & Calendar (continued)**

Any changes to the calendar that occur after submission to the School Budget Bureau (SBB) should be sent to the SBB on district letterhead and accompanied by the school board or charter governing board resolution authorizing the change.

## **Other Funding Sources**

For K12+ OST programs that do not meet the K12+ criteria, there may be other funding sources available. To find other programs that provide funding for OST, please visit <https://nmost.org/>.

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## **K12+ Funding**

The K12+ funding formula is specified in state statute. Funding to implement the new instructional hours minimum and the K12+ program is part of the State Equalization Guarantee (SEG), which is a recurring funding source. Additionally, the legislature appropriated \$60 million in contingency funds from the Public Education Reform Fund to support K12+ implementation should K12+ implementation exceed expectations for school year 2023-2024. Without a statutory change, the new minimum requirements and the K12+ program will continue in perpetuity.

As part of the SEG, K12+ funding has few restrictions. These funds can be used for staff compensation for working additional time, and can pay for transportation and additional nutritional needs, professional development, or any other programmatic costs a district or charter may have.

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## **Instructional Activities**

The only formal programmatic requirement is that K12+ time be aligned to standards. Certified staff should be present to ensure the content ties to curriculum and educational goals. Districts and charter schools are encouraged to address local educational needs. Attention should be paid to addressing culturally and linguistically relevant instruction and providing multi-layered supports to those students who need them. Districts and charters are encouraged to reach out to community partners for assistance in providing quality programs for their students.

In designing a K12+ Program, gaining broad-based support from the staff, the community, and the students gives the program the best opportunity for success. Engaging all the important stakeholders in the planning process will help make a more responsive and effective K12+ Program.

## Reporting

To receive the funding for K12+, districts and charter schools must submit the school calendar (including the optional OST sheet for those with K12+ OST) and MEM submissions to the School Budget Bureau. Beginning in the spring 2024, the Education Plan will include fields dedicated to instructional time and K12+ programming. Districts and charter schools will also report student attendance and staff assignments for K12+ OST to PED.

The PED Community Schools Bureau will send out a short qualitative survey during the latter part of the 2023-24 school year with questions about what programs were implemented and what professional development counted toward K12+, attendance and staff retention. This survey will not affect funding but is designed to ascertain what programs are having the greatest impact.

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## Questions?

**Sara Cordova, School Budget Director:** [sara.cordova3@ped.nm.gov](mailto:sara.cordova3@ped.nm.gov)

**Nathan Williams, K12+ Program Director:** [nathan.williams@ped.nm.gov](mailto:nathan.williams@ped.nm.gov)