

**TITLE 6            PRIMARY AND SECONDARY EDUCATION**  
**CHAPTER 30       EDUCATIONAL STANDARDS - GENERAL REQUIREMENTS**  
**PART 12           K-3 PLUS PROGRAM**

**6.30.12.1           ISSUING AGENCY:** Public Education Department  
[6.30.12.1 NMAC - N, xx/xx/2014]

**6.30.12.2           SCOPE:** This rule applies to all school districts, public schools, including charter schools.  
[6.30.12.2 NMAC - N, xx/xx/2014]

**6.30.12.3           STATUTORY AUTHORITY:** Sections 9-24-8(D) and 22-13-28 NMSA 1978.  
[6.30.12.3 NMAC - N, xx/xx/2014]

**6.30.12.4           DURATION:** Permanent  
[6.30.12.4 NMAC - N, xx/xx/2014]

**6.30.12.5           EFFECTIVE DATE:** xx/xx/2014, unless a later date is cited at the end of a section.  
[6.30.12.5 NMAC - N, xx/xx/2014]

**6.30.12.6           OBJECTIVE:** This rule provides K-3 plus program application requirements and procedures and criteria for evaluating applications.  
[6.30.12.6 NMAC - N, xx/xx/2014]

**6.30.12.7           DEFINITIONS:**

A.        “Award period” means the period of at least 25 additional instructional days provided through the K-3 plus program after the close of one school year and prior to the beginning of the following school year.

B.        “Department” means the public education department or PED.

C.        “Enrollment” means the total number of students in a K-3 plus program who are enrolled on the fifteenth instructional day of the program.

D.        “Evidence-based or research-based scientific reading strategies and programs” mean 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.

E.        “High-poverty public schools” means for the purpose of the K-3 plus program, a public school, including a charter school, in which 80% or more of the students are eligible for free or reduced-fee lunch at the time the public school applies for the K-3 plus program or an elementary school with a D or F grade the previous year as determined in accordance with the A-B-C-D-F Schools Rating Act (Sections 22-2E-1 through 22-2E-4 NMSA 1978) and 6.19.8 NMAC.

F.        “Initial unit value” means that unit value established by the department for the purpose of developing school district and charter school budgets for the next succeeding fiscal year.

G.        “K-3 plus program” means a voluntary program for additional educational time for approved full-day kindergarten and grades one through three students extending the school year at least 25 additional instructional days in literacy and numeracy beginning up to two months earlier than the regular school year.

H.        “Progress monitoring” means assessments conducted between screenings on students who are receiving targeted and intensive interventions to determine whether the student is benefitting from interventions.

I.        “Regular school year” means the district calendar of a minimum of 180 school days or for a minimum of 150 school days for districts on alternative schedules (Section 22-2-8.1 NMSA 1978 and 6.10.5 NMAC).

J.        “Request for application or RFA” means all documents, including those attached or incorporated by reference, used for soliciting applications pursuant to the Procurement Code (Section 13-1-1 through 13-1-199 NMSA 1978).

K.        “Screening assessment” means an assessment conducted three to four times a year for all students to assess specific skills and to identify those at risk academically.

[6.30.12.7 NMAC - N, xx/xx/2014]

**6.30.12.8 PROGRAM ELIGIBILITY:** High poverty public schools are eligible to provide the K-3 plus program for approved full-day kindergarten and grades one through three students. (Section 22-13-28 NMSA 1978).

[6.30.12.9 NMAC - N, x/xx/2014]

**6.30.12.10 PROGRAM ELEMENT - INSTRUCTION:**

A. K-3 plus programs must include:

(1) a daily classroom schedule with at least ninety (90) minutes of literacy instruction provided for kindergarten students and at least one hundred and twenty (120) minutes of literacy instruction provided for students in grades one through three including time for all students to practice independent reading; Instruction and intervention must be provided to students based on assessment data to guide instruction to meet student needs;

(2) a comprehensive research-based early literacy core basal reading program or intervention in alignment with the English language arts common core state standards published by the national governor's association center for best practices and the council of chief state school officers and incorporated by reference in 6.29.13 NMAC that:

(a) identifies the concepts and skills necessary to establish the foundation of success in early reading;

(b) includes instructional strategies that ensure children learn identified concepts and skills;

(d) includes key early literacy skills instruction including but not limited to phonological awareness, phonics, reading fluency, vocabulary, comprehension, and writing to support comprehension;

(3) a sequential comprehensive, developmentally appropriate early mathematics program with at least ninety (90) minutes of instruction provided for students in grades kindergarten through three in alignment with the mathematics common core state standards published by the national governor's association center for best practices and the council of chief state school officers and incorporated by reference in 6.29.14 NMAC that:

(a) identifies the concepts and skills necessary to establish the foundation of success in early mathematics; and

(b) includes instructional strategies that ensure children learn identified concepts and skills; and

(4) implementation of the department's response to intervention (RTI) framework known as *The Three-Tier Model of Student Intervention* in reading and math. The state guidance manual, *The Student Assistance Team and the Three-Tier Model of Student Intervention* shall be the guiding document for districts and schools to use in the implementation of student intervention for academics and behavior for each tier of RTI. (Subsection D 6.29.1.9 NMAC).

B. Schools must provide intervention services in literacy and numeracy for students enrolled in the K-3 Plus program who are not meeting grade level requirements.

[6.30.12.10 NMAC - N, xx/xx/2014]

**6.30.12.11 PROGRAM ELEMENT - ASSESSMENT:**

A. Math and literacy assessments in accordance with the requirements of this section must be administered to students participating in the K-3 plus program at the following times:

(1) beginning of the K-3 plus program;

(2) beginning of the school year;

(3) mid-point of the school year; and

(4) end of the school year.

B. K-3 plus schools must administer a standardized assessment in literacy, approved and provided by the department, that measures the acquisition of reading skills including phonological awareness, phonics, reading fluency, vocabulary and comprehension.

(1) The assessment will include screening, progress monitoring, and end of year measures to assist teachers in planning and providing instruction to meet student needs.

(2) In addition to the assessments required by subsection A of this section, the literacy assessment must be administered during the course of the 25 days of K-3 plus.

[6.30.12.11 NMAC - N, xx/xx/2014]

**6.30.12.12 PROGRAM ELEMENT - PROFESSIONAL DEVELOPMENT:**

A. The department will provide professional development to K-3 Plus teachers in the areas of:

(1) scientific-based early literacy research and its implications for instruction for phonological awareness, phonics, spelling, reading fluency, vocabulary, comprehension, and writing to support comprehension in kindergarten and grades one through three;

(2) best practices of English as a second language (ESL)/English language learner (ELL) instruction;  
and

(3) best practices in early mathematics instruction.

B. To support successful implementation of K-3 plus programs the department will develop and disseminate information on best practices in the areas of student recruitment, retention and academic success of early learners. (Section 22-13-28 NMSA 1978)

[6.30.12.12 NMAC - N, xx/xx/2014]

**6.30.12.13 APPLICATION AND REVIEW PROCESS:**

A. School districts seeking approval for a K-3 plus program for schools shall request department approval through completion and submission of a request for application (RFA) for a June/July/August K-3 plus program.

B. The department will review all such requests for approval and shall grant priority to those schools with evidence-based, scientific reading strategies and programs.

C. The applicant must demonstrate that its K-3 plus program will meet all department standards and employ only qualified teachers and other staff.

D. The department shall notify all schools and charter schools by February 1 that applications will be accepted until March 15 and that final funding is contingent on the initial unit value set by the secretary. The notification shall include the application and any requirements for supplementary documentation.

E. Schools that are awarded funding for K-3 plus for the next school year shall be notified by April 15 of the calendar year.

[6.30.12.13 NMAC - N, xx/xx/2014]

**6.30.12.14 FUNDING:**

A. K-3 plus shall be administered by the department and shall provide the funding for approved full-day kindergarten and grades one through three to be extended by at least 25 instructional days, beginning up to two (2) months earlier than the regular school years. The 25 instructional days must at least equal the total number of hours produced by multiplying the required hours per day as established in Paragraphs (1) and (2) of Subsection A of Section 22-2-8.1 NMSA 1978 by 25.

B. The department will provide notification of application approval by award letter to the district/charter school by April 15.

C. K-3 plus programs shall be funded for each student reported based on no less than thirty percent (30%) of the initial unit value for 1.0 program unit. Final funding is based on the number of students enrolled on the fifteenth day as identified in the student teacher accountability reporting system (STARS) and who have been in attendance for at least ten (10) days of the K-3 plus program.

D. All K-3 Plus program funds shall be paid on a reimbursement basis. Services will be reimbursed once delivered and reimbursement is requested by districts/charter schools.

E. Funding granted under the K-3 plus application must be expended and all RfR be submitted by December 31, of the fiscal year in which the program is conducted. For those schools under an alternative schedule or as agreed upon by the PED will have funds expended and all RfR submitted by June 30 of the fiscal year.

F. K-3 plus program funding may be used to support the following but may not be used to supplant funds designated for year-round expenses:

(1) teacher salaries including instructional coaches, interventionists, and other staff paid at the same district rate and under the same terms as for regular education programs;

(2) educational assistant salaries paid at the same district rate and under the same terms as for regular education programs;

(3) supplies and materials to support extending the instructional program including research-based intervention programs for literacy and numeracy;

(4) recruitment activities and incentives for attendance; up to two percent (2%) of the funds received by a school district or charter school shall be used for student recruitment and to ensure regular attendance by K-3 plus students. (Section 22-13-28 NMSA 1978)

G. The cost of salaries and benefits incurred for any persons serving other programs simultaneous to the K-3 plus program will be cost allocated appropriately and the allocation plan submitted for approval as part of the application:

H. K-3 plus programming for students with disabilities should be paid for by K-3 Plus funds. Additional services as required by the individualized education program (IEP) can be paid for by the district special education budget. School districts must meet the maintenance of effort (MOE) requirements at 34 CFR Sec. 300.203, of the Individuals with Disabilities Education Act (IDEA) regulations. The expenditure levels for special education and related services must be maintained or must exceed the previous year, unless a district has allowable exceptions under 34 CFR Sec. 300.204 or is allowed to reduce MOE pursuant to 34 CFR Sec. 300.205. School districts can only use IDEA funds for the excess cost of providing special education and related services for students with disabilities.

I. Funding in any subsequent award period will be subject to appropriation by the New Mexico legislature.

[6.30.12.14 NMAC - N, xx/xx/2014]

**6.30.12.15 EVALUATION AND REPORTING:**

A. Schools must comply with annual and interim reports as required by the department for student and program assessments. This may require input of assessment data into the department's data collection and reporting system. Assessment information will be required in report format to include demographic data. The department may request additional information regarding staffing, endorsements, and licensure levels, program elements, class roster reports, professional development activities, parent involvement activities, implementation successes and challenges, and suggested modifications.

B. All students participating in K-3 plus must be reported to the department through the department's data collection and reporting system. Required fields will include the following:

- (1) demographic information;
- (2) services rendered under the RtI framework;
- (3) assigned teacher; and
- (4) number of years students have participated in the K-3 plus program.

C. Site monitoring visits by the department or by evaluators designated by the department will be conducted.

D. The department shall report annually to the legislature and the governor on the efficacy of K-3 Plus program. (Section 22-13-28 NMSA 1978)

[6.30.12.15 NMAC - N, xx/xx/2014]

**HISTORY OF 6.30.12 NMAC: [RESERVED]**