

## **Pre-Kindergarten Act (2015)**

### **32A-23-1. Short title.**

This act may be cited as the "**Pre-Kindergarten Act**".

History: Laws 2005, ch. 170, § 1.

### **32A-23-2. Findings and purpose.**

The legislature finds that:

- A. special needs are present among the state's population of four-year-old children and those needs warrant the provision of pre-kindergarten programs;
- B. participation in quality pre-kindergarten has a positive effect on children's intellectual, emotional, social and physical development; and
- C. pre-kindergarten will advance governmental interests and childhood development and readiness.

History: Laws 2005, ch. 170, § 2.

### **32A-23-3. Definitions.**

As used in the Pre-Kindergarten Act:

- A. "community" means an area defined by school district boundaries, tribal boundaries or joint boundaries of a school district and tribe or any combination of school districts and tribes;
- B. "departments" means the children, youth and families department and the public education department acting jointly;
- C. "early childhood development specialist" means the adult responsible for working directly with four-year-old children in implementing pre-kindergarten services;
- D. "eligible provider" means a person licensed by the children, youth and families department that provides early childhood developmental readiness services or preschool special education, or is a public school, tribal program or head start program;
- E. "pre-kindergarten" means a voluntary developmental readiness program for children who have attained their fourth birthday prior to September 1; and
- F. "tribe" means an Indian nation, tribe or pueblo located in New Mexico.

History: Laws 2005, ch. 170, § 3.

### **32A-23-4. Voluntary pre-kindergarten; interagency cooperation; contracts; contract monitoring; research.**

- A. The children, youth and families department and the public education department shall cooperate in the development and implementation of a voluntary program for the provision of pre-kindergarten services throughout the state. The pre-kindergarten program shall address the total developmental needs of preschool children, including physical, cognitive, social and emotional needs, and shall include health care, nutrition, safety and multicultural sensitivity.
- B. The departments shall collaborate on promulgating rules on pre-kindergarten services, including state policies and standards and shall review the process for contract awards and for the expenditure and use of contract funds.
- C. The departments shall monitor pre-kindergarten contracts to ensure the effectiveness of child-centered, developmentally appropriate practices and outcomes. The departments shall

assign staff to work on the development and implementation of the program and on the monitoring of contract awards. The early childhood training and technical assistance programs of the children, youth and families department and assigned staff from the public education department staff shall provide technical assistance to eligible providers.

D. The departments shall provide an annual report to the governor and the legislature on the progress of the state's voluntary pre-kindergarten program.

History: Laws 2005, ch. 170, § 4.

### **32A-23-5. Pre-kindergarten; eligibility.**

Pre-kindergarten services may be provided by public schools or eligible providers on a per-child reimbursement rate in communities with public elementary schools that are designated as Title 1 schools.

History: Laws 2005, ch. 170, § 5; 2011, ch. 140, § 1.

### **32A-23-6. Requests for proposals; contracts for services.**

A. Each department shall publish a request for proposals or a request for applications that contains the same requested information for pre-kindergarten services.

B. Eligible providers shall submit proposals or applications for pre-kindergarten services to the appropriate department. An eligible provider's proposal or application shall include a description of the services that will be provided, including:

(1) how those services meet children, youth and families department or public education department standards;

(2) the number of four-year-old children the eligible provider can serve;

(3) site and floor plans and a description of the facilities;

(4) revenue sources and amounts other than state funding available for the pre-kindergarten program;

(5) a description of the qualifications and experience of the early childhood development staff for each site;

(6) the plan for communicating with and involving parents in the pre-kindergarten program;

(7) how those services meet the continuum of services to children; and

(8) other relevant information requested by the departments.

C. Each department shall accept and evaluate proposals or applications for funding for pre-kindergarten.

D. For funding purposes, applications and proposals shall be evaluated and priority given to programs in communities with public elementary schools that are designated as Title 1 schools and that have at least sixty-six percent of the children served living within the attendance zone of a Title 1 elementary school. Additional funding criteria include:

(1) the number of four-year-olds residing in the community and the number of four-year-olds proposed to be served;

(2) the adequacy and capacity of pre-kindergarten facilities in the community;

(3) language and literacy services in the community;

(4) the cultural, historic and linguistic responsiveness to the community;

(5) parent education services available for parents of four-year-olds in the community;

(6) the qualifications of eligible providers in the community;

(7) staff professional development plans;

- (8) the capacity of local organizations and persons interested in and involved in programs and services for four-year-olds and their commitment to work together;
- (9) the extent of local support for pre-kindergarten services in the community; and
- (10) other relevant criteria specified by joint rule of the departments.

E. A contract or agreement with an eligible provider shall specify and ensure that funds shall not be used for any religious, sectarian or denominational purposes, instruction or material.

History: Laws 2005, ch. 170, § 6; 2011, ch. 140, § 2.

**32A-23-7. Program funding.**

The children, youth and families department shall reimburse eligible providers that are not offered in a public school. The public education department shall reimburse eligible providers that are public school programs.

History: Laws 2005, ch. 170, § 7.

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