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**LEGISLATIVE EDUCATION STUDY COMMITTEE**  
**BILL ANALYSIS**  
**53rd Legislature, 1st Session, 2017**

|                        |                                      |                            |                |
|------------------------|--------------------------------------|----------------------------|----------------|
| <b>Bill Number</b>     | <u>SB323/SECS</u>                    | <b>Sponsor</b>             | <u>SEC</u>     |
| <b>Tracking Number</b> | <u>.206791.1</u>                     | <b>Committee Referrals</b> | <u>SEC/SFC</u> |
| <b>Short Title</b>     | <u>Early Kindergarten Enrollment</u> |                            |                |
| <b>Analyst</b>         | <u>Simon</u>                         | <b>Original Date</b>       | <u>2/15/17</u> |
|                        |                                      | <b>Last Updated</b>        | <u></u>        |

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**BILL SUMMARY**

Synopsis of Bill

Senate Education Committee Substitute for Senate Bill 323 (SB323/SECS) would give local school boards the option to enroll four-year-old children in kindergarten if the child turns five on or before December 15 of the school year and the child is assessed to be ready for kindergarten. SB323/SECS makes students enrolling early in kindergarten eligible for formula funding.

**FISCAL IMPACT**

SB323/SECS does not contain an appropriation. SB323/SECS amends the Public School Finance Act to allow school districts to generate program units for students enrolling early in kindergarten. This could increase the number of program units generated through the public school funding formula. Without an increase in appropriations to the state equalization guarantee (SEG) distribution, an increase in the number of units would dilute the unit value, impacting school districts and charter schools statewide.

It is not clear at this time how many local school boards would choose to adopt a policy allowing children to enroll early in kindergarten or how many children would qualify as kindergarten ready. The Legislative Finance Committee notes the fiscal impact could be as much as \$4.9 million, assuming 8,500 children were born between September 1 and December 15 and 10 percent of those children are judged to be kindergarten ready.

**SUBSTANTIVE ISSUES**

SB323/SECS allows a local school board to adopt a policy that would allow early enrollment in a kindergarten program. To qualify for early enrollment, a child must be born between September 1 and December 15 and must be evaluated for kindergarten readiness based on the child's cognitive, social, physical, and language development skills. School districts are given the flexibility to choose the assessment tool used to assess a child's readiness for early enrollment. It is not clear if a school district may limit its early enrollment policy, such as allowing early enrollment only on a space-available basis.

SB323/SECS does not define school readiness and statute does not currently contain a definition but the Public Education Department (PED) policy defines school readiness as “the degree to which a child is prepared with the skills, knowledge, and behaviors that are linked to success in school.” PED has developed an assessment tool for kindergarten readiness. The kindergarten observation tool (KOT) is an observational assessment used to determine what students know upon entering kindergarten and is designed to help inform kindergarten curriculum and instruction to best reflect the needs of students. The KOT is aligned to New Mexico’s early learning guidelines and assesses the following six development domains through observation: physical development, health, and well-being; literacy; numeracy; scientific conceptual understanding; self, family, and community; and approaches to understanding learning.

All school districts are required to use the KOT to evaluate kindergarten students during the K-3 Plus program or during the first 30 days of the regular school year, and kindergarten teachers are trained to evaluate students using federal Race to the Top funds. Because the KOT is used after the start of the school year, it may not be appropriate for determining a child’s readiness for early enrollment. Although many school districts may choose to assess students based on the KOT standards for kindergarten readiness, SB323/SECS allows “qualified staff” to determine kindergarten readiness and would not require the assessment used by school districts to meet the KOT standards.

SB323/SECS does not appear to apply to charter schools. SB323/SECS allows a “local school board” to adopt a policy but does not include the governing boards of charter schools.

## **TECHNICAL ISSUES**

PED has noted that the language “fall between September 1 and December 15” (page 6, line 25 through page 7, line 1) could be interpreted to mean a birthday of September 2 through December 14. Additionally, PED notes the phase-in of full-day kindergarten, which occurred between 2000 and 2005 (page 5, line 21 through page 6, line 15), could be removed from statute.

## **RELATED BILLS**

HM15, Allow School Academic Acceleration, which requests PED to study options to allow early enrollment into kindergarten.

HB354, Expand “School-Age Person” Definition, would require school districts to allow “gifted” students to enroll early in kindergarten.

## **SOURCES OF INFORMATION**

- LESC Files
- PED

**JWS/rab**