

SENATE EDUCATION COMMITTEE SUBSTITUTE FOR
SENATE BILL 323

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

AN ACT

RELATING TO PUBLIC SCHOOLS; ALLOWING EARLY ENROLLMENT IN
KINDERGARTEN FOR CHILDREN WHO TURN FIVE YEARS OLD BETWEEN
SEPTEMBER 1 AND DECEMBER 15 OF THAT SCHOOL YEAR; REQUIRING
ASSESSMENTS FOR KINDERGARTEN READINESS FOR THOSE CHILDREN;
INCLUDING EARLY ENROLLEES IN THE DEFINITION OF "QUALIFIED
STUDENT" FOR LIMITED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 22-8-2 NMSA 1978 (being Laws 1978,
Chapter 128, Section 3, as amended) is amended to read:

"22-8-2. DEFINITIONS.--As used in the Public School
Finance Act:

- A. "ADM" or "MEM" means membership;
- B. "membership" means the total enrollment of
qualified students on the current roll of a class or school on

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1 a specified day. The current roll is established by the
2 addition of original entries and reentries minus withdrawals.
3 Withdrawals of students, in addition to students formally
4 withdrawn from the public school, include students absent from
5 the public school for as many as ten consecutive school days;
6 provided that withdrawals do not include students in need of
7 early intervention and habitual truants the school district is
8 required to intervene with and keep in an educational setting
9 as provided in Section 22-12-9 NMSA 1978;

10 C. "basic program ADM" or "basic program MEM" means
11 the MEM of qualified students but excludes the full-time-
12 equivalent MEM in early childhood education and three- and
13 four-year-old students receiving special education services;

14 D. "cost differential factor" is the numerical
15 expression of the ratio of the cost of a particular segment of
16 the school program to the cost of the basic program in grades
17 four through six;

18 E. "department" or "division" means the public
19 education department;

20 F. "early childhood education ADM" or "early
21 childhood education MEM" means the full-time-equivalent MEM of
22 students attending approved early childhood education programs;

23 G. "full-time-equivalent ADM" or "full-time-
24 equivalent MEM" is that membership calculated by applying to
25 the MEM in an approved public school program the ratio of the

1 number of hours per school day devoted to the program to six
2 hours or the number of hours per school week devoted to the
3 program to thirty hours;

4 H. "operating budget" means the annual financial
5 plan required to be submitted by a local school board or
6 governing body of a state-chartered charter school;

7 I. "program cost" is the product of the total
8 number of program units to which a school district is entitled
9 multiplied by the dollar value per program unit established by
10 the legislature;

11 J. "program element" is that component of a public
12 school system to which a cost differential factor is applied to
13 determine the number of program units to which a school
14 district is entitled, including but not limited to MEM, full-
15 time-equivalent MEM, teacher, classroom or public school;

16 K. "program unit" is the product of the program
17 element multiplied by the applicable cost differential factor;

18 L. "public money" or "public funds" means all money
19 from public or private sources received by a school district or
20 state-chartered charter school or officer or employee of a
21 school district or state-chartered charter school for public
22 use;

23 M. "qualified student" means a public school
24 student who:

25 (1) has not graduated from high school;

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1 (2) is regularly enrolled in one-half or more
2 of the minimum course requirements approved by the department
3 for public school students; and

4 (3) in terms of age:

5 (a) is at least five years of age prior
6 to 12:01 a.m. on September 1 of the school year or will turn
7 five between September 1 and December 15 of the school year and
8 only for the purpose of funding early enrollment as provided in
9 Section 22-13-3.2 NMSA 1978;

10 (b) is at least three years of age at
11 any time during the school year and is receiving special
12 education services pursuant to rules of the department; or

13 (c) has not reached the student's
14 twenty-second birthday on the first day of the school year and
15 is receiving special education services pursuant to rules of
16 the department; and

17 N. "state superintendent" means the secretary of
18 public education or the secretary's designee."

19 SECTION 2. Section 22-13-3.2 NMSA 1978 (being Laws 2000,
20 Chapter 107, Section 3, as amended) is amended to read:

21 "22-13-3.2. FULL-DAY KINDERGARTEN PROGRAMS--EARLY
22 ADMISSION FOR CERTAIN CHILDREN.--

23 A. The [~~state board~~] department shall adopt rules
24 for the development and implementation of child-centered and
25 developmentally appropriate full-day kindergarten programs.

1 Establishment of full-day kindergarten programs shall be
2 voluntary on the part of school districts, and student
3 participation shall be voluntary on the part of parents.

4 B. The department [~~of education~~] shall require
5 schools with full-day kindergarten programs to conduct age-
6 appropriate assessments to determine the placement of students
7 at instructional level and the effectiveness of child-centered,
8 developmentally appropriate kindergarten.

9 C. The department [~~of education~~] shall monitor
10 full-day kindergarten programs and ensure that they serve the
11 [~~children~~] students most in need based upon indicators in the
12 at-risk index. If the department [~~of education~~] determines
13 that a program is not meeting the benchmarks necessary to
14 ensure the progress of students in the program, the department
15 [~~of education~~] shall notify the school district that failure to
16 meet the benchmarks shall result in the cessation of funding
17 for the following school year. The department [~~of education~~]
18 shall compile the program results submitted by the school
19 districts and make an annual report to the legislative
20 education study committee and the legislature.

21 D. Full-day kindergarten programs shall be phased
22 in over a five-year period as follows with priority given to
23 those school districts that serve [~~children~~] students in
24 schools with the highest proportion of students most in need
25 based upon indicators in the at-risk index or that serve

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1 [children] students by means of grade-level schools that serve
2 an entire school district:

3 (1) effective with the 2000-2001 school year,
4 one-fifth of New Mexico's kindergarten classes may be full day;

5 (2) effective with the 2001-2002 school year,
6 two-fifths of New Mexico's kindergarten classes may be full
7 day;

8 (3) effective with the 2002-2003 school year,
9 three-fifths of New Mexico's kindergarten classes may be full
10 day;

11 (4) effective with the 2003-2004 school year,
12 four-fifths of New Mexico's kindergarten classes may be full
13 day; and

14 (5) effective with the 2004-2005 school year,
15 all of New Mexico's kindergarten classes may be full day.

16 E. School districts shall apply to the department
17 [~~of education~~] to receive funding for full-day kindergarten
18 programs. In granting approval for funding of full-day
19 kindergarten programs, the department [~~of education~~] shall
20 ensure that full-day kindergarten programs are first
21 implemented in schools that have the highest proportion of
22 students most in need based upon the at-risk index and in
23 schools with available classroom space.

24 F. A local school board may adopt a policy to allow
25 children whose fifth birthdays fall between September 1 and

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1 December 15 of the school year to enroll in kindergarten if
2 their skills and maturity level indicate kindergarten
3 readiness. Qualified staff shall determine readiness through
4 the assessment of each child's cognitive, social, physical and
5 language development. If the child qualifies for early
6 enrollment, the kindergarten teacher shall conduct a parent
7 conference at the end of six weeks of school to review the
8 student's progress.

9 G. The school district shall select the assessment
10 tool to be used to assess a child's readiness for early
11 enrollment and other procedures necessary to fulfill the intent
12 of the local school board's policy of early enrollment."

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