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SENATE BILL 141

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,
2000**

INTRODUCED BY

John Arthur Smith

AN ACT

RELATING TO EDUCATION; PROVIDING FOR OPTIONAL FULL-DAY
KINDERGARTEN PROGRAMS; MAKING APPROPRIATIONS; DECLARING AN
EMERGENCY.

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

Section 1. Section 22-2-8.1 NMSA 1978 (being Laws 1986,
Chapter 33, Section 2, as amended) is amended to read:

"22-2-8.1. LENGTH OF SCHOOL DAY--MINIMUM.--

A. Regular students shall be in school-directed
programs, exclusive of lunch, for a minimum of the following:

(1) kindergarten, for half-day programs, two
and one-half hours per day or four hundred fifty hours per
year or, for full-day programs, five and one-half hours per
day or nine hundred ninety hours per year;

(2) grades one through six, five and one-
half hours per day or nine hundred ninety hours per year; and

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1 (3) grades seven through twelve, six hours
2 per day or one thousand eighty hours per year.

3 B. Nothing in this section precludes a local
4 school board from setting length of school days in excess of
5 the minimum requirements established by Subsection A of this
6 section.

7 C. The state superintendent may waive the minimum
8 length of school days in those districts where such minimums
9 would create undue hardships as defined by the state board."

10 Section 2. Section 22-8-19 NMSA 1978 (being Laws 1974,
11 Chapter 8, Section 9, as amended) is amended to read:

12 "22-8-19. EARLY CHILDHOOD EDUCATION PROGRAM UNITS.--

13 A. The number of early childhood education program
14 units is determined by multiplying the early childhood
15 education MEM by the cost differential factor 1.44. [~~No~~
16 ~~early childhood education student shall be counted for more~~
17 ~~than 0.5 early childhood education MEM.] Early childhood
18 education students enrolled in half-day kindergarten programs
19 shall be counted for 0.5 early childhood MEM. Early
20 childhood education students enrolled in full-day
21 kindergarten programs that are approved by the department
22 shall be counted for 1.0 early childhood education MEM.~~

23 B. For the purpose of calculating early childhood
24 education program units, developmentally disabled three- and
25 four-year-old students shall be counted in early childhood
education membership. No developmentally disabled three- or
four-year-old student shall be counted for more than 0.5

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1 early childhood education MEM."

2 Section 3. A new section of the Public School Code is
3 enacted to read:

4 "[NEW MATERIAL] FULL-DAY KINDERGARTEN PROGRAMS.--

5 A. The state board shall adopt rules for the
6 development and implementation of full-day kindergarten
7 programs. Establishment of full-day kindergarten programs
8 shall be voluntary on the part of school districts and
9 student participation shall be voluntary on the part of
10 parents.

11 B. Full-day kindergarten programs shall be phased
12 in over a two-year period as follows:

13 (1) effective with the 2000-2001 school
14 year, one-half of New Mexico's kindergarten classes may be
15 full day; and

16 (2) effective with the 2001-2002 school
17 year, all of New Mexico's kindergarten classes may be full
18 day.

19 C. School districts shall apply to the department
20 of education to receive funding for full-day kindergarten
21 programs. Only school districts operating full-day
22 kindergarten programs approved by the department of education
23 shall receive funding for full-day programs pursuant to
24 Section 22-8-19 NMSA 1978. In granting approval for funding
25 of full-day kindergarten programs, the department of
education shall give preference to school districts with
schools that have the highest proportion of students most in

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1 need based upon the at-risk index and to school districts
2 with available classroom space."

3 Section 4. APPROPRIATIONS.--

4 A. One hundred thousand dollars (\$100,000) is
5 appropriated from the general fund to the state department of
6 public education for expenditure in fiscal year 2000 for the
7 purpose of conducting a professional, independent assessment
8 of the number of classrooms that will be needed to fully
9 implement full-day kindergarten. This assessment shall take
10 into account projected student enrollment with consideration
11 to school districts with declining student enrollment
12 patterns. Any unexpended or unencumbered balance remaining
13 at the end of fiscal year 2000 shall revert to the general
14 fund.

15 B. Thirteen million six hundred seventy-five
16 thousand dollars (\$13,675,000) is appropriated from the
17 general fund to the state department of public education for
18 expenditure in fiscal year 2001 for the purpose of funding
19 additional program units in early childhood education at the
20 program unit value established by the superintendent of
21 public instruction. Any unexpended or unencumbered balance
22 remaining at the end of fiscal year 2001 shall revert to the
23 general fund.

24 Section 5. EMERGENCY.--It is necessary for the public
25 peace, health and safety that this act take effect immediately.