

FIFTY-FOURTH LEGISLATURE
FIRST SESSION, 2019

SB 22/a

February 25, 2019

Mr. President:

Your **EDUCATION COMMITTEE**, to whom has been referred

**SENATE RULES COMMITTEE SUBSTITUTE FOR
SENATE BILL 22**

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. On page 1, line 12, after "TRANSFERRING", insert "CERTAIN".
2. On page 1, lines 14 and 15, strike "EARLY PRE-KINDERGARTEN AND".
3. On page 7, line 10, strike "early pre-kindergarten,".
4. On page 19, line 18, strike "early pre-kindergarten and".
5. On pages 25 through 34, strike Sections 19 through 24 in their entirety and insert in lieu thereof the following new sections:

"SECTION 19. Section 32A-23-2 NMSA 1978 (being Laws 2005, Chapter 170, Section 2) is amended to read:

"32A-23-2. FINDINGS [~~AND PURPOSE~~].--The legislature finds that:

A. special needs are present among the state's population of three- and 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."

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SECTION 20. Section 32A-23-3 NMSA 1978 (being Laws 2005, Chapter 170, Section 3) is amended to read:

"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~~] early childhood education and care department and the public education department acting jointly;

C. "early childhood development specialist" means the adult responsible for working directly with three- and four-year-old children in implementing pre-kindergarten services;

D. "eligible provider" means a person licensed by the [~~children, youth and families~~] early childhood education and care 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 third or fourth birthday prior to September 1; and

F. "tribe" means an Indian nation, tribe or pueblo located in New Mexico."

SECTION 21. Section 32A-23-4 NMSA 1978 (being Laws 2005, Chapter 170, Section 4) is amended to read:

"32A-23-4. VOLUNTARY PRE-KINDERGARTEN--INTERAGENCY COOPERATION--CONTRACTS--CONTRACT MONITORING--RESEARCH.--

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A. The [~~children, youth and families department and the public education department~~] departments 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 coordinate with federal head start agencies to avoid duplication of effort and maximize the use of available resources in the implementation of pre-kindergarten.

~~[G.]~~ D. 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~~] statewide voluntary pre-kindergarten 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~~] departments' staff shall provide technical assistance to eligible providers.

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

SECTION 22. Section 32A-23-5 NMSA 1978 (being Laws 2005, Chapter 170, Section 5, as amended) is amended to read:

"32A-23-5. PRE-KINDERGARTEN--ELIGIBILITY.--Pre-kindergarten

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services may be provided by public schools or other eligible providers on a per-child reimbursement rate [~~in communities with public elementary schools that are designated as Title I schools~~]."

SECTION 23. Section 32A-23-6 NMSA 1978 (being Laws 2005, Chapter 170, Section 6, as amended) is amended to read:

"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~~] facilities, staff education and experience, revenues and other information as follows:

(1) how [~~those~~] provided services meet [~~children, youth and families~~] early childhood education and care department or public education department standards;

(2) the number of three- and 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

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parents in the pre-kindergarten program;

(7) how [~~those~~] the 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 three- and four-year-olds residing in the community and the number of three- or 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 three- and four-year-olds in the community;

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

(7) staff professional development plans;

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(8) the capacity of local organizations and persons interested in and involved in programs and services for three- and 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."

SECTION 24. Section 32A-23-7 NMSA 1978 (being Laws 2005, Chapter 170, Section 7) is amended to read:

"32A-23-7. PROGRAM FUNDING.--The [~~children, youth and families~~] early childhood education and care department shall reimburse eligible providers for programs that are not offered in [a] public [~~school~~] schools. The public education department shall reimburse eligible providers that are public school programs."

SECTION 25. Section 32A-23-8 NMSA 1978 (being Laws 2005, Chapter 170, Section 8) is amended to read:

"32A-23-8. FUNDS CREATED--ADMINISTRATION.--

A. The "public pre-kindergarten fund" is created as a nonreverting fund in the state treasury. The fund shall consist of appropriations, income from investment of the fund, gifts, grants and donations. The fund shall be administered by the public education department, and money in the fund is appropriated to the department to carry out the provisions of the Pre-Kindergarten Act. Disbursements from the fund shall be

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by warrant of the secretary of finance and administration upon vouchers signed by the secretary of public education or the secretary's authorized representative. The department may use up to ten percent of the money in the fund each year for administrative expenses.

B. The "~~[children, youth and families]~~ early childhood education and care pre-kindergarten fund" is created as a nonreverting fund in the state treasury. The fund shall consist of appropriations, income from investment of the fund, gifts, grants and donations. The fund shall be administered by the ~~[children, youth and families]~~ early childhood education and care department, and money in the fund is appropriated to the department to carry out the provisions of the Pre-Kindergarten Act. Disbursements from the fund shall be by warrant of the secretary of finance and administration upon vouchers signed by the secretary of ~~[children, youth and families]~~ early childhood education and care or the secretary's authorized representative. The department may use up to ten percent of the money in the fund each year for administrative expenses."

SECTION 26. Section 32A-23-9 NMSA 1978 (being Laws 2011, Chapter 126, Section 1) is amended to read:

"32A-23-9. EQUAL DIVISION OF APPROPRIATIONS.--Any money appropriated for pre-kindergarten programs shall be divided equally between the public education department and the ~~[children, youth and families]~~ early childhood education and care department."

6. Renumber the succeeding sections accordingly.
7. On page 54, line 22, after the semicolon, insert "and".
8. On page 54, line 23, after "visiting", strike the

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remainder of the line and insert in lieu thereof a period.

9. On page 54, strike lines 24 and 25 in their entirety.

10. On page 56, lines 21 and 22, strike "the public education department,".

11. On page 57, line 23, strike the second comma and insert in lieu thereof "and" and strike the third comma.

12. On page 57, line 24, strike "32A-23-5, 32A-23-7 and 32A-23-8".

13. On page 57, line 25, strike the second comma and insert in lieu thereof "and".

14. On page 58, strike line 1 through "8".

15. On page 58, line 5, after "7", insert ", 18 through 27", strike "34" and insert in lieu thereof "36", and strike "36" and insert in lieu thereof "38".

16. On page 58, line 7, after "8", insert "through 17, 28", strike "33" and insert in lieu thereof "35", and strike "37" and insert in lieu thereof "39".,

and thence referred to the **FINANCE COMMITTEE**.

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Respectfully submitted,

William P. Soules, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 9 For 0 Against
Yes: 9
No: 0
Excused: None
Absent: None

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