

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

AN ACT

RELATING TO EDUCATION; PROVIDING FOR OPTIONAL FULL-DAY
KINDERGARTEN PROGRAMS; MAKING AN APPROPRIATION.

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

(3) grades seven through twelve, six hours

1 per day or one thousand eighty hours per year.

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

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

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

11 "22-8-19. EARLY CHILDHOOD EDUCATION PROGRAM UNITS.--

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

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

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

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

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

10 B. The department of education shall require
 11 schools with full-day kindergarten programs to conduct age-
 12 appropriate assessments to determine the placement of
 13 students at instructional level and the effectiveness of
 14 child-centered, developmentally appropriate kindergarten.

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

D. Full-day kindergarten programs shall be phased

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underscored material = new
 [bracketed material] = delete

1 in over a five-year period as follows with priority given to
2 those districts that serve children in schools with the
3 highest proportion of students most in need based upon
4 indicators in the at-risk factor:

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

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

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

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

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

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

