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December 12, 2006

MEMORANDUM

TO: Legislative Education Study Committee

FR: Kathleen Forrer

RE: STAFF BRIEF: NEW MEXICO PREK EXTERNAL PROGRAM EVALUATION

The 2006 Interim Workplan of the Legislative Education Study Committee (LESC) includes a presentation from the National Institute for Early Education Research (NIEER) at Rutgers University on the institute's initial evaluation of New Mexico PreK.

Issues:

- Endorsed by the LESC and enacted in 2005, the *Pre-Kindergarten Act* (see Attachment 1) establishes a voluntary program of pre-kindergarten services for four-year-old children offered by public schools, tribes or pueblos, Head Start centers, and licensed private providers. Known as New Mexico PreK, the program is to be administered jointly by the Children, Youth and Families Department (CYFD) and the Public Education Department (PED).
- Pre-kindergarten services provided through New Mexico PreK must include a curriculum that addresses the total developmental needs of the child – physical, cognitive, social, and emotional – and that includes aspects of health care, nutrition, safety, the needs of the family, and multicultural and linguistic sensitivity, in coordination with other resources for families.

- In all, the Legislature has appropriated \$14.4 million in General Fund revenue to implement New Mexico PreK in FY 06 and FY 07:
 - The 2005 Legislature appropriated a total of \$4.95 million: \$4.0 million, which was equally divided between CYFD and PED, for a pre-kindergarten pilot program; and \$950,000 to the Department of Finance and Administration (DFA) for pre-kindergarten services.
 - The 2006 Legislature appropriated a total of \$9.5 million: \$4.0 million each to CYFD and PED (\$3,995,800 after “sanding”) for the pre-kindergarten program and an additional \$1.5 million to PED for “one-time pre-kindergarten start-up costs for developmentally appropriate equipment and classroom safety improvements.”
- In addition to the \$9.5 million in General Fund revenue, the 2006 Legislature also appropriated \$4.0 million in severance tax bond receipts to PED “to plan, design, construct, equip and furnish pre-kindergarten classrooms statewide.” According to PED, the bonds have been sold, and the receipts will be divided evenly between PED and CYFD. PED sent an application to every school district with an approved New Mexico PreK program; the deadline for submission was November 17, 2006.
- For FY 08, PED is requesting a total of \$25.5 million in General Fund revenue to support New Mexico PreK: a total of \$18.0 million in recurring funds for program support (\$9.0 million each to PED and CYFD) and \$7.5 million in nonrecurring funds for pre-kindergarten start-up costs. Backup documentation provided by the department indicates that PED is also requesting an additional \$5.0 million for capital outlay.
- The *Pre-Kindergarten Act* requires CYFD and PED to “monitor pre-kindergarten contracts to ensure the effectiveness of child-centered, developmentally appropriate practices and outcomes” and to “provide an annual report to the governor and the legislature on the progress of the state’s voluntary pre-kindergarten program.”
- According to CYFD and PED, New Mexico PreK is subject to three levels of pre-kindergarten evaluation: a teacher-administered assessment that “looks at child growth and development in all major domains; monitoring by CYFD and PED staff to ensure that programs are meeting the goals specified in their proposals; and a statewide external evaluation conducted by a contractor to determine if the pre-kindergarten program results in improved student readiness.
- On June 15, 2005, the Office of Education Accountability (OEA) issued a request for proposals (RFP) for a “comprehensive program evaluation” of New Mexico PreK to be based on an assessment of the following components:
 - the growth and progress of individual children measured by developmentally appropriate assessment methods and instruments, including *Get It Got It Go!*;
 - a review and analysis of individual programs using a statewide perspective for findings such as trends, continuity across programs and consistency with research-based practice; and

- the success of the New Mexico PreK initiative in meeting its purposes of:
 - increasing access to voluntary high-quality pre-kindergarten programs;
 - providing developmentally appropriate activities for New Mexico children;
 - expanding early childhood community capacity;
 - supporting linguistically and culturally appropriate curriculum; and
 - focusing on school readiness.

The RFP included an option of renewing the initial contract on an annual basis for up to three additional years.

- In fall 2005, the state selected the NIEER at Rutgers University to conduct an external, statewide evaluation of New Mexico’s PreK program. In testimony to the LESC in October 2006, the Secretary of Public Education stated that, in conducting the evaluation, NIEER is using a regression-discontinuity design in which the new PreK cohort is the control, or “pretest” group, against which entering kindergarten students who are alumni of the previous year’s PreK program (the “posttest” group) are assessed. The Secretary also indicated that NIEER has conducted similar studies in five other states: Michigan, New Jersey, Oklahoma, South Carolina, and West Virginia.
- For school year 2005-2006, New Mexico PreK providers were required to administer the *Get It Got It Go!* Assessment, which was specifically mentioned in the RFP issued to select the external evaluator. However, a task force appointed in August 2005 by the Lieutenant Governor to review best practices concluded “that no single assessment would be sufficient to measure success at the level of the child, the program, and the State as a whole.” As a consequence, the task force recommended that the use of *Get It Got It Go!* not be required of providers for school year 2006-2007 but that “criterion-referenced portfolio documentation ... be used for every child in every New Mexico PreK program.”
- In a description of the evaluation procedures provided by NIEER and included in *Implementing the Pre-Kindergarten (PreK) Act: 2005-2006 Annual Report*, NIEER states that the following assessments, in English or Spanish as required, were used during spring 2006:
 - Peabody Picture Vocabulary Test, 3rd Edition;
 - PreK Comprehensive Test of Phonological & Print Processing;
 - The Woodcock-Johnson Tests of Achievement, 3rd Edition Subtest 10 Applied Problems;
 - Early Childhood Environment Rating Scale;
 - Support for Early Literacy Assessment;
 - PreK Classroom Mathematics Inventory, and
 - Teacher interviews.

NIEER indicates that “the child assessments took an average of approximately 25 minutes per child, and took place at the child’s school, in a room or area appropriate for testing.”

- In addition to the assessments listed above, NIEER also indicates that “data from children’s expressive vocabulary scores on the *Get It Got It Go!* Assessment will be included in the study to the fullest extent possible.”

- On January 3, 2007, PED will conduct a public hearing in Santa Fe on a proposed rule subtitled “Pre-kindergarten Program.” The proposed rule (see Attachment 2) outlines the ways in which PED and CYFD shall collaborate in administering the pre-kindergarten program and reiterates statute with regard to program requirements and to the criteria to be used in evaluating responses to the annual RFP. Although the proposed rule does include a reference to compliance monitoring of programs, it does not address how or if programs will be evaluated in terms of quality and student outcomes.

Background:

- As it had during every interim since 1998, the LESC heard testimony during the 2004 interim about early childhood education (ECE). In one respect, the testimony during the 2004 interim was the result of a hearing during the 2003 interim. At that time, the LESC heard testimony from the Child Development Board and CYFD in response to two joint memorials that the LESC had endorsed during the 2003 session calling for better alignment of early care education programs in New Mexico. One of the outcomes of this testimony was the realization that no single entity had responsibility for or oversight of the various state and federal ECE services offered in New Mexico.
- Consequently, the LESC considered legislation that would have given such authority to the Child Development Board, but the committee decided instead to accept a written proposal from CYFD that the Child Development Board “provide the LESC with a comprehensive New Mexico State Early Learning Plan” to implement universal access to pre-kindergarten programs. At the first of two hearings during the 2004 interim, the Chair of the Child Development Board presented a draft of the Early Learning Plan. In addition to receiving the draft Early Learning Plan, the committee heard testimony from the Lieutenant Governor, the Secretary of Public Education, and the Secretary of CYFD about New Mexico PreK, an initiative of the executive branch to implement a voluntary preschool program for four-year-old children in New Mexico beginning with school year 2005-2006.
- In their subsequent testimony, the Secretary of Public Education and the Secretary of CYFD explained several refinements that they had made since the first hearing during the interim in an attempt to address some of the concerns that had been raised. Among other points, they indicated their plans for continued emphasis upon the voluntary nature of the program and the inclusion of private providers; a more concerted effort toward workforce development; some possibilities for leasing facilities; more clearly defined membership and responsibilities of the early childhood community councils, as well as some options for their geographic boundaries; a framework for state-level governance and oversight; and a clearer distinction between the roles and responsibilities of PED and CYFD.
- Passed by the 2005 Legislature, the *Pre-Kindergarten Act* is the result of the executive initiative, the LESC’s previous work on early childhood education, the two hearings held by the LESC during the 2004 interim, and further refinement of the proposed legislation through the collaborative efforts of the Legislature, the Executive, and the staffs of the LESC, PED, CYFD, and the Office of the Governor.

Presenters:

Dr. Jason T. Hustedt, Assistant Research Professor, NIEER, will report the initial results of the institute's continuing evaluation of the outcomes attributable to the implementation of New Mexico's voluntary pre-kindergarten program. Dr. Jack Tweedie, Group Director, Children and Families Program, National Conference of State Legislatures, will provide the committee with questions the members may wish to consider in determining future directions for New Mexico PreK.

Questions the committee may wish to consider:

1. In using a regression-discontinuity design, how has NIEER ensured that the two groups of children are sufficiently alike in demographic and other characteristics that the effects of the various pre-kindergarten programs can be accurately isolated and measured?
2. How do the results of NIEER's study of New Mexico PreK compare with the results of the studies conducted by the institute in Michigan, New Jersey, Oklahoma, South Carolina, and West Virginia?
3. What implications do the results of the NIEER evaluation have for the continued implementation of New Mexico PreK?
4. According to the RFP issued in June 2005 by OEA, one of the purposes of the external evaluation is to provide "a review and analysis of individual programs using a statewide perspective for findings such as trends, continuity across programs and consistency with research-based practice." How has NIEER addressed this issue? How will the assessments of individual programs be used in determining future directions for New Mexico PreK? When will these assessments be made available to the Legislature?

ARTICLE 23
Pre-Kindergarten Act

Sec.	Sec.
32A-23-1. Short title.	32A-23-5. Pre-kindergarten; eligibility.
32A-23-2. Findings and purpose.	32A-23-6. Requests for proposals; contracts for services.
32A-23-3. Definitions.	32A-23-7. Program funding.
32A-23-4. Voluntary pre-kindergarten; interagency cooperation; contracts; contract monitoring; research.	32A-23-8. Funds created; administration.

32A-23-1. Short title.

This act may be cited as the “Pre-Kindergarten Act”.

History: Laws 2005, ch. 170, § 1.	IV, § 23, is effective June 17, 2005, 90 days after adjournment of the legislature.
Effective dates. — Laws 2005, ch. 170 contains no effective date provision, but, pursuant to N.M. Const., art.	

32A-23-2. Findings and purpose.

The legislature finds that:

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

History: Laws 2005, ch. 170, § 2.	IV, § 23, is effective June 17, 2005, 90 days after adjournment of the legislature.
Effective dates. — Laws 2005, ch. 170 contains no effective date provision, but, pursuant to N.M. Const., art.	

32A-23-3. Definitions.

As used in the Pre-Kindergarten Act [32A-23-1 NMSA 1978]:

- 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 department and the public education department acting jointly;
- C. “early childhood development specialist” means the adult responsible for working directly with four-year-old children in implementing pre-kindergarten services;
- D. “eligible provider” means a person licensed by the children, youth and families 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 fourth birthday prior to September 1; and

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

History: Laws 2005, ch. 170, § 3.

Effective dates. — Laws 2005, ch. 170 contains no effective date provision, but, pursuant to N.M. Const., art.

IV, § 23, is effective June 17, 2005, 90 days after adjournment of the legislature.

32A-23-4. Voluntary pre-kindergarten; interagency cooperation; contracts; contract monitoring; research.

A. The children, youth and families department and the public education department 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 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 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 shall provide technical assistance to eligible providers.

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

History: Laws 2005, ch. 170, § 4.

Effective dates. — Laws 2005, ch. 170 contains no effective date provision, but, pursuant to N.M. Const., art.

IV, § 23, is effective June 17, 2005, 90 days after adjournment of the legislature.

32A-23-5. Pre-kindergarten; eligibility.

Pre-kindergarten services may be provided by public schools or eligible providers on a per-child reimbursement rate in communities with the highest percentage of public elementary schools that are designated as Title 1 schools and that serve the highest percentage of public elementary students who are not meeting the proficiency component required for calculating adequate yearly progress.

History: Laws 2005, ch. 170, § 5.

Effective dates. — Laws 2005, ch. 170 contains no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, is effective June 17, 2005, 90 days after adjournment of the legislature.

Cross reference. — For Title 1 schools, see 20 U.S.C. Sections 6301 *et seq.*

32A-23-6. Requests for proposals; contracts for services.

A. Each department shall publish a request for proposals for pre-kindergarten services.

B. Eligible providers shall submit proposals for pre-kindergarten services to each department. An eligible provider proposal shall include a description of the services that will be provided, including:

- (1) how those services meet children, youth and families department standards;
- (2) the number of 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 parents in the pre-kindergarten program;
- (7) how those services meet the continuum of services to children; and
- (8) other relevant information requested by the departments.

C. The public education department shall accept and evaluate proposals from school districts for funding for pre-kindergarten. The children, youth and families department shall accept and evaluate proposals from other eligible providers.

D. For funding purposes, proposals shall be evaluated on the percentage and number of public elementary schools in the community that are not meeting the proficiency component required for calculating adequate yearly progress and that are serving children, at least sixty-six percent of whom live within the attendance zone of a Title 1 elementary school. Additional funding criteria include:

- (1) the number of four-year-olds residing in the community and the number of 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 four-year-olds in the community;
 - (6) the qualifications of eligible providers in the community;
 - (7) staff professional development plans;
 - (8) the capacity of local organizations and persons interested in and involved in programs and services for 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 with an eligible provider shall specify and ensure that funds shall not be used for any religious, sectarian or denominational purposes, instruction or material.

History: Laws 2005, ch. 170, § 6.

Effective dates. — Laws 2005, ch. 170 contains no effective date provision, but, pursuant to N.M. Const., art.

IV, § 23, is effective June 17, 2005, 90 days after adjournment of the legislature.

32A-23-7. Program funding.

The children, youth and families department shall reimburse eligible providers that are not offered in a public school. The public education department shall reimburse eligible providers that are public school programs.

History: Laws 2005, ch. 170, § 7. IV, § 23, is effective June 17, 2005, 90 days after
Effective dates. — Laws 2005, ch. 170 contains no adjournment of the legislature.
effective date provision, but, pursuant to N.M. Const., art.

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 [32A-23-1 NMSA 1978]. Disbursements from the fund shall be 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 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 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 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.

History: Laws 2005, ch. 170, § 8. appropriated for pre-kindergarten programs in fiscal years
Effective dates. — Laws 2005, ch. 170 contains no 2005 through 2007 shall be divided equally between the
effective date provision, but, pursuant to N.M. Const., art. public education department and the children, youth and
IV, § 23, is effective June 17, 2005, 90 days after families department.
adjournment of the legislature.

Temporary provision. — Laws 2005, ch. 170, § 9,
adds a temporary provision which provides that any money

TITLE 6 PRIMARY AND SECONDARY EDUCATION
CHAPTER 30 EDUCATIONAL STANDARDS - GENERAL REQUIREMENTS
PART 9 PRE-KINDERGARTEN PROGRAM

6.30.9.1 ISSUING AGENCY: Public Education Department
 [6.30.9.1 NMAC - N, xx/xx/2007]

6.30.9.2 SCOPE: This rule applies to all school districts, public schools, including charter schools.
 [6.3 0.9.2 NMAC - N, xx/xx/2007]

6.30.9.3 STATUTORY AUTHORITY: Sections 22-2-1, 22-2-2, NMSA 1978; Pre-Kindergarten Act 32A-23-1 to 32A-23-8, NMSA 1978.
 [6.30.9.3 NMAC - N, xx/xx/2007]

6.30.9.4 DURATION: Permanent
 [6.3 0.9.4 NMAC - N, xx/xx/2007]

6.30.9.5 EFFECTIVE DATE: xx/xx/2007, unless a later date is cited at the end of a section.
 [6.30.9.5 NMAC - N, xx/xx/2007]

6.30.9.6 OBJECTIVE: This rule seeks to implement a state funded pre-kindergarten program through the public education department and addresses collaboration with the children, youth and families department, program requirements, pre-kindergarten eligibility, requests for proposals and contracts for services, and administration of funds.
 [6.3 0.9.6 NMAC - N, xx/xx/2007]

6.30.9.7 DEFINITIONS:

- 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. “CYFD” means the children, youth and families department.
- C. “Department” means the public education department or PED.
- D. “Early childhood development specialist” means the adult responsible for working directly with four-year-old children in implementing pre-kindergarten services.
- E. “Eligible provider” means a person licensed by the children, youth and families department that provides early childhood developmental readiness services or preschool special education, or is a public school, tribal program or head start program.
- F. “Pre-kindergarten or pre-k” mean a voluntary developmental readiness program for children who have attained their fourth birthday prior to September 1.
- G. “Pre-k program” means a voluntary program for the provision of pre-k services throughout the state that addresses the total developmental needs of preschool children, including physical, cognitive, social and emotional needs, and shall include health care, nutrition, safety and multicultural sensitivity.
- H. “Request for proposal or RFP” means all documents, including those attached or incorporated by reference, used for soliciting proposals pursuant to the procurement code (see 13.1.1 through 13.1.199 NMSA 1978).
- I. “Tribe” means an Indian nation, tribe or pueblo located in New Mexico.

[6.3 0.9.7 NMAC - N, xx/xx/2007]

6.30.9.8 COLLABORATION WITH CYFD: The PED shall collaborate with the CYFD in the development and implementation of a voluntary program for the provision of pre-kindergarten services throughout the state. Such collaboration shall include but not be limited to:

- A. development and issuance of the RFP;
- B. training and technical assistance provided to pre-k program supervisors and program staff;
- C. collection of program data that is not identifiable to an individual student;
- D. reporting to the governor and legislative committees regarding implementation and progress;
- E. contacting the CYFD prior to recommending any changes to the Pre-Kindergarten Act or this rule.

[6.30.9.8 NMAC - N, xx/xx/2007]

6.30.9.9 REQUIREMENTS: The CYFD and PED shall cooperate in the development and implementation of a voluntary program for the provision of pre-k services throughout the state. The pre-k 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. In order to implement the pre-k program, the PED shall:

- A. award program funds through an RFP process to public school districts and schools, including charter schools;
- B. provide technical assistance to providers to ensure effectiveness;
- C. ensure that funds shall not be used for any religious, sectarian or denominational purposes, instruction or material;
- D. ensure communities being served are meeting eligibility requirements based on the funding criteria of the Pre-Kindergarten Act;
- E. monitor programs for compliance with the pre-k law, rule and contract to include scheduled and unscheduled visits and any necessary corrective actions; and
- F. determine public school requirements for licensure or teaching endorsements for pre-k program early childhood development specialists and staff.

[6.3 0.9.9 NMAC - N, xx/xx/2007]

6.30.9.10 PRE-KINDERGARTEN ELIGIBILITY: Children who turn four years old before September 1 are eligible to participate in pre-k programs.

[6.30.9.10 NMAC - N, xx/xx/2007]

6.30.9.11 REQUESTS FOR PROPOSALS AND CONTRACTS FOR PRE-K SERVICES: The PED shall:

- A. issue an RFP for pre-k services to serve eligible four-year-old children through public school programs;
- B. ensure that the proposal contains a detailed description of the services that are to be provided, including:
 - (1) how those services shall meet pre-k program standards;
 - (2) the number of four-year-old children that shall be served;
 - (3) a description of the facilities along with site and floor plans;
 - (4) additional revenue sources and funding amounts available for the pre-k program;
 - (5) a description of the qualifications and experience of the early childhood development specialists for each site;
 - (6) the plan for communicating with and involving parents in the program;
 - (7) how program services meet the continuum of services to children; and
 - (8) any other relevant information requested by the department.

[6.30.9.11 NMAC - N, xx/xx/2007]

HISTORY OF 6.30.9 NMAC: [RESERVED]