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November 14, 2005

MEMORANDUM

TO: Legislative Education Study Committee

FR: Kathleen Forrer

**RE: STAFF BRIEF: EARLY CHILDHOOD EDUCATION: PRE-KINDERGARTEN
PROGRESS REPORT AND COST PROJECTIONS FOR FY 07**

The *General Appropriation Act of 2005* appropriates \$4.0 million to establish a voluntary pre-kindergarten program and includes language requiring "the public education department and the children, youth and families department [to] develop criteria to determine if the program results in improved student readiness for schools using scientific methods." The 2005 Interim Workplan of the Legislative Education Study Committee (LESC) includes a presentation on the progress being made by the Public Education Department (PED) and the Children, Youth and Families Department (CYFD) in implementing and evaluating pre-kindergarten programs in FY 06 and an estimate of the cost of maintaining and/or expanding the number of approved pre-kindergarten programs in FY 07.

Issues:

- Endorsed by the LESL and enacted in 2005, the *Pre-Kindergarten Act* (see Attachment) 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 CYFD and 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.

- 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.”
- The 2005 Legislature appropriated a total of nearly \$5.0 million to implement New Mexico PreK (\$4.0 million for a pre-kindergarten pilot program for FY 05, FY 06, and FY 07; and \$950,000 for pre-kindergarten services for FY 05 and FY 06). However, the “Pre-Kindergarten Program Expenditure Plan” submitted by the Department of Finance and Administration (DFA) to the LESC on July 1 budgets the entire \$4.95 million, including \$180,000 for a statewide PreK evaluation, for expenditure in FY 05 and FY 06.
- CYFD and PED have both indicated that there will be three levels of pre-kindergarten evaluation. The first level of evaluation will consist of a teacher-administered assessment, *Get it, Got it, Go*, which measures a child’s developmental growth and predicts later success at learning to read. The second level of evaluation will assess whether a pre-kindergarten program has met its unique program goals; data will be gathered through annual reporting and ongoing contract monitoring. The third level of evaluation will be a statewide external evaluation conducted by a contractor to determine if the pre-kindergarten program results in improved student readiness for school.
- On June 15, 2005, the Office of Education Accountability 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 testimony to the LESC at its August 2005 meeting, Dr. Kurt Steinhaus, Deputy Secretary, Office of the Governor, stated that in addition to assessing students in the program, based on the results of *Get It, Got It, Go*, the successful bidder would be required to use the *Early Childhood Environment Rating Scale, Revised* (ECERS-R), which assesses seven program aspects: space and furnishings; personal care routines; language-reasoning; activities; interactions; program structure; and parents and staff.

- According to an October 28, 2005 update on pre-kindergarten issued by the Office of the Governor, the National Institute for Early Education Research (NIEER), which is located at Rutgers University (“The State University of New Jersey”), has been selected to conduct the evaluation of New Mexico’s PreK program. For the initial contract year, NIEER will:
 - randomly select 500 four-year-olds from across the state during spring 2006 and conduct observations in 28 classrooms;
 - conduct teacher interviews; and
 - observe children for seven commonly recognized measures of appropriate development. (In its response to the RFP, NIEER states that “child outcomes are defined in terms of developmental progress as well as preparation for kindergarten, with particular emphasis on prerequisite literacy, numeracy, and social skills necessary for school success.”)

- If the evaluation is funded for a second year, NIEER will compare 500 four-year-olds in the 2006-2007 pre-kindergarten program with 500 five-year-olds who attended the previous year. Utilizing an analytical method known as a “regression-discontinuity” design, the researchers will be able to evaluate the effectiveness of the program in advancing child development.

- In addition to the study being done by NIEER, the Office of the Governor also reports that the Early Intervention Research Institute (EIRI) at Utah State University, a subcontractor on the project, will conduct a companion study centered in the communities housing state-funded pre-kindergarten programs; EIRI researchers will conduct interviews at both the community and state levels and will lead focus groups.

- Prior to developing a cost estimate for FY 07, the Office of the Governor conducted a telephone survey of other states with existing pre-kindergarten programs to determine (1) whether or not the states funded transportation, facilities, startup costs, and instructional materials and (2) whether or not the implementation of a pre-kindergarten program has resulted in a cost savings with regard to child-care assistance. According to data provided by the Office of the Governor, 14 states¹ responded. Executive staff noted the following pattern of responses:
 - **Transportation:** Half of the states supply the school districts with a portion of the funds needed to transport the children in pre-K programs (e.g. \$100/child in Arkansas). In several states, school districts choose whether or not to provide transportation, and in two states funding is only provided for low income children/districts. In some states (e.g. Florida), no transportation is provided at all. Several states that do not help to provide transportation (e.g. New York) commented that this was a mistake.
 - **Facilities:** Approximately half the states provide funds for facility construction in general. Two states (Arkansas and New Jersey) only provide funds for construction in low income districts. Of the states that do not provide funds for facility construction, two states (Illinois and North Carolina) stated that they could change their policy in the [near] future.

¹ Arkansas, California, Florida, Georgia, Hawaii, Illinois, Kansas, Massachusetts, New Jersey, New York, North Carolina, Ohio, Texas, and Wisconsin.

- **Startup Cost:** Most states (notable exceptions of Hawaii and New York) provide startup costs for new programs, ranging from \$5,000/new program in Arkansas to \$10,000 per new classroom (20 children) in Illinois (which might be doubled soon).
- **Instructional Materials:** Half the states have separate funds to provide pre-K instructional materials and the other half do not (the funds for their instructional materials are included in their overall budget).
- **Savings:** In most states, the pre-K program did not result in savings in child-care assistance. However, several of the states said that they still expected savings in the future.

Background:

- As it has 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. Steinhaus will provide cost projections for the continued implementation and/or expansion of New Mexico PreK in FY 07; Dr. Mary-Dale Bolson, Secretary, CYFD, and Dr. Veronica C. García, Secretary of Public Education, will provide an update on the status of pre-kindergarten programs approved for school year 2005-2006; and Dr. W. Steven Barnett, Director, NIEER, will explain the methodology NIEER and EIRI will use to evaluate New Mexico PreK.

Questions the committee may wish to consider:

1. How have CYFD and PED monitored “pre-kindergarten contracts to ensure the effectiveness of child-centered, developmentally appropriate practices and outcomes”? What have both departments learned from the process?
2. What type of data are approved New Mexico PreK programs required to provide CYFD and PED? How will the data be validated? What use will be made of the data?
3. Of all of the four-year-old children in New Mexico, how many are not currently enrolled in some type of pre-kindergarten program?
4. Are there national standards for pre-kindergarten facilities? If so, what are they?
5. What factors will be used by the external evaluators to measure the success or lack thereof of New Mexico PreK?
6. When do NIEER and EIRI expect to have an evaluation report available?
7. Are the cost projections being presented to the committee subject to change prior to the 2006 legislative session? If so, when will the final recommendations be available?

ARTICLE 23 Pre-Kindergarten Act

Sec. 32A-23-1. Short title.	Sec. 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.

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-23-2. 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.

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-23-3. 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.

IV, § 23, is effective June 17, 2005, 90 days after

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

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.

IV, § 23, is effective June 17, 2005, 90 days after

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

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.

Cross reference. — For Title 1 schools, see 20 U.S.C.

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

Sections 6301 *et seq.*

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

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 adjournment of the legislature.
Effective dates. — Laws 2005, ch. 170 contains no 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 2005 through 2007 shall be divided equally between the public education department and the children, youth and families department.
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.
Temporary provision. — Laws 2005, ch. 170, § 9, adds a temporary provision which provides that any money