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SENATE BILL 72

**48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

INTRODUCED BY

Cynthia Nava

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO CHILDREN; PROVIDING FOR TRANSPORTATION OF PRE-KINDERGARTEN STUDENTS TO PUBLIC SCHOOLS AND PRIVATE PROVIDERS; PROVIDING FOR TRANSPORTATION OF STUDENTS PARTICIPATING IN KINDERGARTEN PLUS.

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

Section 1. Section 22-2-20 NMSA 1978 (being Laws 2003, Chapter 130, Section 1, as amended) is amended to read:

"22-2-20. KINDERGARTEN PLUS--PILOT PROJECT--ELIGIBILITY--APPLICATION--REPORTING AND EVALUATION--CREATING A FUND.--

A. The "kindergarten plus" pilot project is created as a six-year study that extends the kindergarten year by up to four months for participating students and measures the effect of additional time on literacy, numeracy and social skills development. The purpose of kindergarten plus is to

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1 demonstrate that increased time in kindergarten narrows the  
2 achievement gap between disadvantaged students and other  
3 students and increases cognitive skills and leads to higher  
4 test scores for all participants.

5 B. The pilot project shall be administered by the  
6 department and shall provide the funding for approved full-day  
7 kindergarten programs to be extended by at least forty  
8 instructional days, beginning approximately two months earlier  
9 and ending approximately two months later than other classes.  
10 For the first year, the pilot project shall begin July 1 and  
11 run two hundred twenty instructional days; in the second and  
12 third years, kindergarten plus may begin or end at any time  
13 that provides for the same number of instructional days.

14 C. Kindergarten plus shall be conducted in the  
15 Albuquerque, Gallup-McKinley, Gadsden and Las Cruces school  
16 districts and may be conducted in any other school district  
17 with high-poverty schools. For the remainder of the pilot  
18 project, the original pilot school districts may expand their  
19 kindergarten plus programs by adding additional classes or  
20 schools or both. Full-day kindergarten programs in high-  
21 poverty public schools in those school districts are eligible  
22 to apply for kindergarten plus. For the purposes of  
23 kindergarten plus, "high-poverty school" means a public school  
24 in which eighty-five percent or more of the students are  
25 eligible for free or reduced fee lunch.

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1           D. The department shall determine application  
2 requirements and procedures and criteria for evaluating  
3 applications. An applicant must demonstrate that its  
4 kindergarten plus program will meet all department standards  
5 and employ only qualified teachers and other staff. The  
6 department shall provide additional professional development  
7 for kindergarten plus teachers in how young children learn to  
8 read. Teachers and educational assistants shall be paid at the  
9 same rate and under the same terms for kindergarten plus as  
10 teachers and educational assistants are paid for regular full-  
11 day kindergarten programs.

12           E. Students participating in kindergarten plus  
13 shall be evaluated at the beginning of kindergarten plus, and  
14 their progress in literacy shall be measured through  
15 standardized assessments in kindergarten and in first grade.

16           F. Children participating in kindergarten plus are  
17 eligible for transportation to and from the program site for  
18 the duration of the additional instructional days approved by  
19 the department. Transportation funding shall be included in  
20 the school district's transportation distribution from the  
21 public school fund.

22           [F.] G. The department shall establish reporting  
23 and evaluation requirements for participating schools,  
24 including student and program assessments. The department  
25 shall provide interim and final reports annually to the

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1 legislature and the governor on the efficacy of the pilot  
2 project.

3 ~~[G-]~~ H. In addition to legislative appropriations  
4 for the pilot project, the department shall seek public and  
5 private grants and donations. Grants and donations shall be  
6 deposited in the "kindergarten plus fund", created in the state  
7 treasury. Income from investment of the fund shall be  
8 deposited in the fund. The department shall administer the  
9 fund, and money in the fund is appropriated to the department  
10 to carry out the purposes of the pilot project. Money shall be  
11 expended in accordance with the terms of the grants and  
12 donations. Unless otherwise specified by the terms of a grant  
13 or donation, money in the fund at the end of the pilot project  
14 shall revert to the general fund. Expenditures from the fund  
15 shall be by warrants of the secretary of finance and  
16 administration drawn pursuant to vouchers signed by the  
17 secretary of public education or the secretary's authorized  
18 representative."

19 Section 2. Section 22-8-26 NMSA 1978 (being Laws 1967,  
20 Chapter 16, Section 76, as amended) is amended to read:

21 "22-8-26. TRANSPORTATION DISTRIBUTION.--

22 A. Money in the transportation distribution of the  
23 public school fund shall be used only for the purpose of making  
24 payments to each school district or state-chartered charter  
25 school for the to-and-from school transportation costs of:

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1                   (1) students in grades kindergarten through  
2 twelve attending public school within the school district or  
3 state-chartered charter school [~~and of~~];

4                   (2) three- and four-year-old children who meet  
5 the department-approved criteria and definition of  
6 developmentally disabled; [~~and for transportation of~~]

7                   (3) four-year-old children who are enrolled in  
8 a department-approved pre-kindergarten program pursuant to the  
9 Pre-Kindergarten Act;

10                   (4) children participating in a department-  
11 approved kindergarten plus program; and

12                   (5) students to and from their regular  
13 attendance centers and the place where vocational education  
14 programs are being offered.

15                   B. In the event a school district's or state-  
16 chartered charter school's transportation allocation exceeds  
17 the amount required to meet obligations to provide  
18 [~~to-and-from~~] transportation [~~three- and four-year-old~~  
19 ~~developmentally disabled transportation and vocational~~  
20 ~~education transportation~~] as provided in Subsection A of this  
21 section, fifty percent of the remaining balance shall be  
22 deposited in the transportation emergency fund.

23                   C. Of the excess amount retained by the school  
24 district or state-chartered charter school, at least  
25 twenty-five percent shall be used for to-and-from

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1 transportation-related services, excluding salaries and  
2 benefits, and up to twenty-five percent may be used for other  
3 transportation-related services, excluding salaries and  
4 benefits as defined by rule of the department.

5 D. In the event the sum of the proposed  
6 transportation allocations to each school district or state-  
7 chartered charter school exceeds the amounts in the  
8 transportation distribution, the allocation to each school  
9 district or state-chartered charter school shall be reduced in  
10 the proportion that the school district or state-chartered  
11 charter school allocation bears to the total statewide  
12 transportation distribution.

13 E. A local school board or governing body of a  
14 state-chartered charter school, with the approval of the state  
15 transportation director, may provide additional transportation  
16 services pursuant to Section 22-16-4 NMSA 1978 to meet  
17 established program needs.

18 F. Nothing in this section prohibits the use of  
19 school buses to transport the general public pursuant to the  
20 Emergency Transportation Act."

21 Section 3. Section 22-16-4 NMSA 1978 (being Laws 1967,  
22 Chapter 16, Section 222, as amended) is amended to read:

23 "22-16-4. SCHOOL BUS ROUTES--LIMITATIONS--EXCEPTIONS--  
24 MINIMUM REQUIREMENTS.--

25 A. Bus routes shall be established by the local

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1 school district.

2 B. Except as provided in Subsections C and D of  
3 this section, no school bus route shall be maintained for  
4 distances less than:

5 (1) one mile one way for students in pre-  
6 kindergarten and grades kindergarten through six;

7 (2) one and one-half miles one way for  
8 students in grades seven through nine; and

9 (3) two miles one way for students in grades  
10 ten through twelve.

11 C. In school districts having hazardous walking  
12 conditions as determined by the local school board and  
13 confirmed by the state transportation director, students [~~of~~  
14 ~~any grade~~] may be transported a lesser distance than that  
15 provided in Subsection B of this section. General standards  
16 for determining hazardous walking conditions shall be  
17 established by the [~~state~~] program support and student  
18 transportation division of the department [~~of education with~~  
19 ~~the approval of the state board~~], but the standards shall be  
20 flexibly and not rigidly applied by the local school board and  
21 the state transportation director to prevent accidents and help  
22 ensure student safety.

23 D. Exceptional children whose handicaps require  
24 transportation and three- and four-year-old children who meet  
25 the [~~state board~~] department-approved criteria and definition

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1 of developmentally disabled may be transported a lesser  
2 distance than that provided in Subsection B of this section."

3 Section 4. Section 32A-23-1 NMSA 1978 (being Laws 2005,  
4 Chapter 170, Section 1) is amended to read:

5 "32A-23-1. SHORT TITLE.--~~[This act]~~ Chapter 32A, Article  
6 23 NMSA 1978 may be cited as the "Pre-Kindergarten Act"."

7 Section 5. A new section of the Pre-Kindergarten Act is  
8 enacted to read:

9 "[NEW MATERIAL] TRANSPORTATION.--

10 A. Four-year-old children enrolled in an approved  
11 pre-kindergarten program are eligible for transportation to and  
12 from the program site.

13 B. Transportation funding for children enrolled in  
14 programs approved by the public education department shall be  
15 included in the school district's transportation distribution  
16 from the public school fund.

17 C. Subject to the same limitations provided for  
18 public schools in Section 22-16-4 NMSA 1978, transportation  
19 costs incurred by an eligible provider for children enrolled in  
20 programs approved by the children, youth and families  
21 department shall be reimbursed from the children, youth and  
22 families pre-kindergarten fund. The children, youth and  
23 families department shall include projected pre-kindergarten  
24 transportation costs as part of its annual appropriation  
25 request submitted to the state budget division of the

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1 department of finance and administration."

2 Section 6. EFFECTIVE DATE.--The effective date of the  
3 provisions of this act is July 1, 2007.

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