

**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, 1/31/2007]

6.30.9.2 SCOPE: This rule applies to all school districts, public schools, including charter schools.
[6.30.9.2 NMAC - N, 1/31/2007]

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, 1/31/2007]

6.30.9.4 DURATION: Permanent
[6.30.9.4 NMAC - N, 1/31/2007]

6.30.9.5 EFFECTIVE DATE: 1/31/2007, unless a later date is cited at the end of a section.
[6.30.9.5 NMAC - N, 1/31/2007]

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 applications, and administration of funds.
[6.30.9.6 NMAC - N, 1/31/2007; A, 06/13/2014]

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 licensed teacher" means the adult responsible for working directly with four-year-old children in implementing pre-kindergarten services and holding valid licensure issued by the PED in one or more of the following:
 - (1) licensure in early childhood education from birth through grade 3
 - (2) licensure in early child hood education from birth through pre-K;
 - (3) early childhood education pre-K through grade 3.
- 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 application or RFA" means all documents, including those attached or incorporated by reference, used for soliciting applications for pre-k programs.
- I. "Tribe" means an Indian nation, tribe or pueblo located in New Mexico.

[6.30.9.7 NMAC - N, 1/31/2007; A, 6/13/2014]

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 RFA;
- B. training and technical assistance provided to pre-k program administrators 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, 1/31/2007; A, 6/13/2014]

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 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 agreement to include scheduled and unscheduled visits and any necessary corrective actions; and
- F. determine public school requirements for teacher and educational assistant licensure for pre-k programs.

[6.30.9.9 NMAC - N, 1/31/2007; A, 6/13/2014]

6.30.9.10 PRE-KINDERGARTEN ELIGIBILITY: Children who turn four years old before September 1 and are not age eligible for kindergarten are eligible to participate in pre-k programs. Pre-kindergarten services may be provided by public schools on a per-child reimbursement rate in communities with public elementary schools that are designated as Title I schools.

[6.30.9.10 NMAC - N, 1/31/2007; A, 6/13/2014]

6.30.9.11 REQUESTS FOR APPLICATIONS AND AGREEMENTS FOR PRE-K SERVICES: The PED shall:

- A. issue a RFA for pre-k services to serve eligible four-year-old children through public school programs and charter schools;
- 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 licensed teacher 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.
- C. for funding purposes, ensure that at least 66% of the children served live within the attendance zone of a Title I elementary school.

[6.30.9.11 NMAC - N, 1/31/2007; A, 6/13/2014]

HISTORY OF 6.30.9 NMAC: [RESERVED]