

<b>LFC Requester:</b>	<b>Sunny Liu</b>
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**AGENCY BILL ANALYSIS  
2017 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:**

**[LFC@NMLEGIS.GOV](mailto:LFC@NMLEGIS.GOV)**

*and*

**[DFA@STATE.NM.US](mailto:DFA@STATE.NM.US)**

*{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

Check all that apply: Date 2/09/2017  
**Original**     **Amendment**    \_\_\_\_\_ **Bill No:** SB323  
**Correction**    \_\_\_\_\_ **Substitute**    \_\_\_\_\_

**Sponsor:** Senator Bill Tallman                      **Agency Code:** 924  
**Short**            EARLY KINDERGARTEN                      **Person Writing**            Matt Pahl  
**Title:**            ENROLLMENT                                      **Phone:** 470-9909                      **Email** Matt.pahl@state.nm.u

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY17	FY18		
\$0.0	\$0.0	\$0.0	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY17	FY18	FY19		
\$0.0	\$0.0	\$0.0	\$0.0	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY17</b>	<b>FY18</b>	<b>FY19</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>	\$0.0	\$0.0	\$0.0	\$0.0	N/A	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: NMAC 6.30.5 Optional Full-Day Kindergarten program  
Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE**

**BILL SUMMARY**

Synopsis: SB323 allows early enrollment in kindergarten for children who turn five years old between September 1 and December 15 and requires assessments of kindergarten readiness for those children.

**FISCAL IMPLICATIONS**

SB323 has the potential to enroll many additional children in kindergarten, which would increase MEM and associated units, and decrease the unit value.

**SIGNIFICANT ISSUES**

SB323 requires “qualified staff” to conduct age-appropriate assessments to determine the level of the child’s cognitive, social, physical, and language development. As these tests have the potential to be high stakes, that is, determining whether a child would be allowed to enroll in school, districts may need to purchase standardized test instruments. “Qualified staff” is not defined, so it is unclear as to whether a diagnostician would be required, which could be costly, particularly for districts that contract for these services.

Local school boards will develop a policy of early enrollment.

These children will not qualify to attend New Mexico PreK unless the PreK Act of 2015 is also amended to allow for early enrollment.

The language “fall between September 1 and December 15” is vague and could be interpreted as children with birthdays of September 2 through December 14. This interpretation would eliminate the option of early enrollment for children with a birthday of September 1. Perhaps the language could be changed to “12:01 AM on September 1 through 12:00 PM on December 15” or “with birthdays of September 1 through December 15” provided that was the intent of the sponsor.

**PERFORMANCE IMPLICATIONS**

None

**ADMINISTRATIVE IMPLICATIONS**

None

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

## NMAC 6.30.5 Optional Full-Day Kindergarten program

### **TECHNICAL ISSUES**

The bill would be stronger if the outdated language delineating the phase-in of optional full-day kindergarten was removed. Full-day kindergarten was fully implemented across the state in 2004-05 and PED cannot cease funding as is indicated by the language of the bill as kindergarten students are funded in the same manner as any other grade.

### **OTHER SUBSTANTIVE ISSUES**

These children will not qualify to attend New Mexico PreK unless the PreK Act of 2015 is also amended to allow for early enrollment. As funding for PreK is currently not sufficient to serve all age-eligible four-year-old children, it is not equitable to allow some children to enroll in PreK early, particularly as the possibility exists for that child to not qualify through district testing for early entry into kindergarten. In that case, the parent could ask for another year of PreK, as the child is now age-eligible, resulting in the loss of a PreK space for another child.

### **ALTERNATIVES**

Children could attend New Mexico PreK when age-eligible if the district in which they reside offers the program or if there is a CYFD PreK program in their community.  
Children could attend private school for kindergarten.

### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Children who do not meet the age-requirement will not be allowed to enroll in kindergarten.  
Districts who choose to allow children to enroll early will not receive funding for that student.

### **AMENDMENTS**

None as of 2/7/2017