

**TITLE 8 SOCIAL SERVICES**  
**CHAPTER 18 PRE-KINDERGARTEN PROGRAMS**  
**PART 2 UNIFORM STANDARDS**

**8.18.2.1 ISSUING AGENCY:** Children, Youth and Families Department  
[8.18.2.1 NMAC - N, 01/31/2007]

**8.18.2.2 SCOPE:** This rule applies to all early care and education programs that are licensed by CYFD or other appropriate authority, such as child care centers, head start programs and family child care providers.  
[8.18.2.2 NMAC - N, 01/31/2007]

**8.18.2.3 STATUTORY AUTHORITY:** PRE-KINDERGARTEN ACT, NMSA 1978, 32-A-23-1, et.seq.  
(as amended)  
[8.18.2.3 NMAC - N, 01/31/2007]

**8.18.2.4 DURATION:** Permanent.  
[8.18.2.4 NMAC - N, 01/31/2007]

**8.18.2.5 EFFECTIVE DATE:** 01/31/2007, unless a later date is cited at the end of a section.  
[8.18.2.5 NMAC - N, 01/31/2007]

**8.18.2.6 OBJECTIVE:** This rule seeks to implement a state-funded pre-kindergarten program through children, youth and families department and addresses collaboration with public education department, program requirements, pre-kindergarten eligibility, requests for proposals and contracts for services.  
[8.18.2.6 NMAC - N, 01/31/2007]

**8.18.2.7 DEFINITIONS:** The following definitions are identical to those contained in the Pre-Kindergarten Act unless otherwise specified herein.

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. "Early childhood development specialist" means the adult teacher or teacher assistant responsible for working directly with four-year-old children in implementing pre-kindergarten services.

D. "Eligible provider" means a program licensed by the children, youth and families department that provides early childhood development readiness services or preschool special education, or is a public school, tribal program or head start program.

E. "Pre-kindergarten or pre-k" means a voluntary developmental readiness program for children who have attained their fourth birthday prior to September 1.

F. "Pre-kindergarten program" means a voluntary program for the provision of pre-kindergarten 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.

G. "PED" means the public education department.

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. [13-1-1 through 13-1-199, NMSA 1978]

I. "Tribe" means an Indian nation, tribe or pueblo located in New Mexico.

[8.18.2.7 NMAC - N, 01/31/2007]

**8.18.2.8 COLLABORATION WITH PUBLIC EDUCATION DEPARTMENT:** The children, youth and families and public education departments shall cooperate 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. developing and issuing the RFP;
- B. providing any necessary training to the departments' respective pre-kindergarten teachers and their supervisors;
- 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. reviewing and continued implementation of pre-kindergarten program standards previously developed by the two departments; and
  - F. making joint recommendations with the public education department for legislative changes to the Pre-Kindergarten Act or this rule.
- [8.18.2.8 NMAC - N, 01/31/2007]

**8.18.2.9 REQUIREMENTS:** 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. In order to implement the pre-kindergarten program, CYFD shall:

- A. award program funds through an RFP process to early care and education programs that are licensed by CYFD or other appropriate authority, such as child care centers, head start programs and family child care providers;
  - B. ensure that the facilities' child care licensure is in good standing, including criminal background checks of all eligible providers' employees;
  - C. provide technical assistance to providers to ensure effectiveness of the pre-kindergarten program;
  - D. ensure that communities being served meet eligibility requirements based on funding criteria of the Pre-Kindergarten Act;
  - E. monitor eligible providers through its office of child development for adherence to contract requirements and New Mexico pre-kindergarten program standards developed between the two departments.
- [8.18.2.9 NMAC - N, 01/31/2007]

**8.18.2.10 PRE-KINDERGARTEN ELIGIBILITY:** Children who turn four years old before September 1 are eligible to participate in a pre-kindergarten program.

[8.18.2.10 NMAC - N, 01/31/2007]

**8.18.2.11 REQUESTS FOR PROPOSALS AND CONTRACTS FOR PRE-KINDERGARTEN SERVICES:** CYFD shall:

- A. issue a request for proposals for pre-kindergarten services to serve eligible four-year-old children in their community;
  - B. ensure that the proposal contains a detailed description of the services that are to be provided, including:
    - (1) how those services shall meet child, youth and families department 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) other revenue sources and the amounts that the eligible pre-kindergarten provider receives;
    - (5) a description of the qualifications and experience for each early childhood development staff at the proposed pre-kindergarten site;
    - (6) the plan for communicating with and involving parents/guardians in the pre-kindergarten program;
    - (7) how those services meet the continuum of services; and
    - (8) any other relevant information requested by children, youth and families department or public education department;
  - C. issue contracts which will be initiated by the office of child development and signed by the appropriate persons in which the eligible provider agrees to adhere to all fiscal, curriculum and training requirements;
  - D. issue a contract with an eligible provider that specifies and ensures that funds shall not be used for any religious, sectarian or denominational purposes, instruction or material.
- [8.18.2.11 NMAC - N, 01/31/2007]

**8.18.2.12 UNEXPENDED FUNDS:** Any unexpended funds in CYFD's pre-kindergarten fund shall not revert back to the general fund pursuant to NMSA 1978 Sec. 32A-23-1

[8.18.2.12 NMAC - N, 01/31/2007]

**HISTORY OF 8.18.2 NMAC: [RESERVED]**