

Early Childhood Education Care Department (ECECD)
New Mexico PreK Grant Application FY24



Early Care, Education, and Nutrition Division
NEW MEXICO PREK

Please reference Notice of Funding Opportunity (NOFO) available at <https://www.nmeccd.org/prekgrant/> for submission and other information needed to complete this application.

SECTION I ORGANIZATION INFORMATION – ALL INFORMATION IS REQUIRED

Legal Name of Eligible Organization/Applicant*		County*
<input type="checkbox"/> TRIBAL	<input type="checkbox"/> LICENSED CHILD CARE CENTER	<input type="checkbox"/> LICENSED CHILD CARE HOME
<input type="checkbox"/> HEAD START	<input type="checkbox"/> SCHOOL DISTRICT	<input type="checkbox"/> CHARTER SCHOOL

How many PreK Sites are you proposing in your application? * please note, for applications with more than two sites, applicants will need to attach one additional "Section II: Eligible Applicant Site Information" PDF form, available on the ECECD PreK Grant Website

Number of sites:

AUTHORIZED REPRESENTATIVE

Provide information for Owner/Superintendent/Charter Director/Program Director – this person must sign application in Section XII

Authorized Representative Name*		Title*
Physical Address*		Mailing Address if Different than Physical Address*
City*	State	Zip*
Email Address*		Cell Phone/Main Contact Phone Number*
Alternate Phone		

NM PREK PROGRAM COORDINATOR/ADMINISTRATOR

Provide information for the person who will administer the PreK Program. This can be the same person as above if needed.

Contact Name*		Title
Physical Address		Mailing Address if Different than Physical Address
City	State	Zip
Email Address*		Cell Phone/Main Contact Phone Number*
Alternate Phone		

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SECTION II ELIGIBLE APPLICANT SITE INFORMATION (USE THE TEMPLATE ON THE ECECD PREK GRANT WEBSITE TO ADD ATTACHMENTS FOR ADDITIONAL SITES BEYOND THE TWO BELOW)		
Site #1 Information		
Site Name*	Name Of Contact Person*	
Street Address*	City*	
Telephone Number	Email Address	
Community Based ECECD Licensed Facility Information		
<i>This section is only for sites with a child care license</i>		
Are You a Licensed Eligible applicant? <input type="checkbox"/> Yes <input type="checkbox"/> No	Child Care License Number	License Expiration Date
*ECECD LICENSED FACILITIES: You must disclose if your program has been subject to conditions of operation and/or monetary sanctions under child care licensing regulations or deemed non-compliant within the past two years. Failure to do so will automatically disqualify your application. Depending on the Conditions of Operations and/or severity of the sanction, you may still be disqualified.		
*Is your program currently or has it been subject to conditions of operation and/or monetary sanctions under child care licensing regulations within the past two years? *		
<input type="checkbox"/> Yes <input type="checkbox"/> No		
Site #2 Information		
Site Name*	Name Of Contact Person*	
Street Address*	City*	
Telephone Number	Email Address	
Community Based ECECD Licensed Facility Information		
<i>This section is only for sites with a child care license</i>		
Are You a Licensed Eligible applicant? <input type="checkbox"/> Yes <input type="checkbox"/> No	Child Care License Number	License Expiration Date
*ECECD LICENSED FACILITIES: You must disclose if your program has been subject to conditions of operation and/or monetary sanctions under child care licensing regulations or deemed non-compliant within the past two years. Failure to do so will automatically disqualify your application. Depending on the Conditions of Operations and/or severity of the sanction, you may still be disqualified.		
*Is your program currently or has it been subject to conditions of operation and/or monetary sanctions under child care licensing regulations within the past two years? *		
<input type="checkbox"/> Yes <input type="checkbox"/> No		

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SECTION III CURRENT AND/OR PROPOSED FUNDED SLOTS – ALL INFORMATION IS REQUIRED

Complete the below based on these definitions:

New applicant: An eligible applicant that has never received NM PreK funding.

Existing applicant: An eligible applicant that currently has a NM PreK grant/agreement with ECECD.

Renewal Request: An eligible applicant that has a contract for NM PreK services that expires June 30, 2023. An eligible applicant is considered a new applicant and must complete an entirely new application.

Expansion Request: A request by a currently NM PreK funded provider to expand and/or add additional slots, classrooms, sites, and or eligible applicant types.

Conversion Request: An eligible applicant's request by a current NM PreK funded program to change existing Basic or Early Basic slots to Extended or Extended Plus options.

Each NM PreK program option is defined below. Each applicant must select their program options in the application and demonstrate how they will meet the requirements of each program option. Each applicant must also ensure that it includes salary parity for classroom educators as part of its application. All program options, aside from the Head Start-specific options, are available to all Community and School-Based PreK applicants.

A. New Mexico PreK Extended (Full Day) 4-year-olds

- Services must be provided Monday through Friday. (request for exceptions must be clearly explained in the application).
- Children must turn 4 years old before **September 1, 2023**, and not be age-eligible for kindergarten.
- Provide 1080 Instructional hours **and** 90 hours of family engagement for a total of 1170 PreK hours.
- Minimum 6.5 hours per day, maximum 7 hours per day.
- Maximum group size: 20 children
- 1:10 adult to child ratio.
- **\$10,300 reimbursement per PreK student**

B. New Mexico PreK Early Extended (Full Day) 3-year-olds

- Services must be provided Monday through Friday. (any request for exceptions must be clearly explained in the application).
- Children must turn 3 years old before September 1, 2023.
- Provide 1080 Instructional hours and 90 hours of family engagement – 1170 total hours.
- Minimum 6.5 hours per day, maximum 7 hours per day.
- Maximum group size: 16 children.
- 1:8 adult to child ratio.
- **\$12,300 reimbursement per PreK student.**

C. New Mexico PreK Mixed Age Extended (Full Day)

- Services must be provided Monday through Friday. (any request for exceptions must be clearly explained in the application).
- Children must be 3 or 4 years of age before September 1, 2023 and not be age-eligible for kindergarten.
- Provide 1080 Instructional hours and 90 hours of family engagement and family education – 1170 hours total.
- Minimum 6.5 hours per day, maximum 7 hours per day.
- Group Size: 16 children maximum.
- 1:8 adult to child ratio.
- **\$12,300 reimbursement per PreK student.**

D. New Mexico PreK Extended Plus (Full Day) 4-year-olds

- Services must be provided Monday through Friday. (any request for exceptions must be clearly explained in the application).
- Children must be 4 years old before September 1, 2023, and not be age-eligible for kindergarten.
- Provide 1380 hours of instruction and 90 hours of family engagement and family education – 1470 hours total.
- Minimum 6.5 hours per day, maximum 8 hours per day.
- Group Size: 20 children maximum.
- 1:10 adult to child ratio.
- **\$14,300 reimbursement per PreK student.**

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E. New Mexico PreK Early Extended Plus (Full Day) 3-year-olds

- Services must be provided Monday through Friday. (any request for exceptions must be clearly explained in the application).
- Children must turn 3 years old before September 1, 2023.
- Provide 1380 Instructional hours and 90 hours of family engagement – 1470 total hours.
- Minimum 6.5 hours per day, maximum 8 hours per day.
- Group size: 16 children maximum.
- 1:8 adult to child ratio.
- **\$15,750 reimbursement per PreK student.**

F. New Mexico PreK Mixed Extended Plus (Full Day) 3 and 4-year-olds

- Services must be provided Monday through Friday. (any request for exceptions must be clearly explained in the application).
- Children must be 3 years old before September 1, 2023, or be 4 years old before September 1, 2023, and not be age-eligible for kindergarten.
- Provide 1380 instructional hours and 90 hours of family engagement and family education – 1470 hours total.
- Minimum 6.5 hours per day, maximum 8 hours per day.
- Group Size: 16 children maximum.
- 1:8 adult to child ratio.
- **\$15,750 reimbursement per PreK student.**

Head Start Grantee Options ONLY:

In addition to program options A-F above, the following options are only available to existing Region 11 (tribal) and Region 6 Head Start Grantees These options are new for FY24.

G. Dual Enrollment Extended Option

- This option is for Head Start programs to extend to or maintain 1080 instructional hours annually and for children to be dually enrolled in both Head Start and NM PreK.
- The dual enrollment program will require compliance with both head start and NM PreK standards.
- For each child dually enrolled, the program will be paid the difference between the head start per child rate and the NM PreK per child rate (\$12,300)

H. Dual Enrollment Extended Plus Option

- This option is for Head Start programs to extend to 1380 instructional hours annually and for children to be dually enrolled in both Head Start and NM PreK.
- The dual enrollment program will require compliance with both head start and NM PreK standards.
- For each child dually enrolled, the program will be paid the difference between the head start per child rate and the NM PreK per child rate (\$15,700)

I. Blended Enrollment Extended Option

- This option is for Head Start programs to serve non-Head Start NM PreK-only children who are being served within the same classroom with Head Start or dually enrolled children for 1080 instructional hours annually.
- Each NM PreK-only slot will receive the full 3-year old/Mixed-Age Extended rate (\$12,300).

J. Blended Enrollment Extended Plus Option

- This option is for Head Start programs to serve non-Head Start NM PreK-only children who are being served within the same classroom with Head Start or dually enrolled children for 1380 instructional hours annually.
- Each NM PreK-only slot will receive the full 3-year old/Mixed-Age rate (\$15,700).

SELECT TYPE OF REQUEST PER DESCRIPTIONS ABOVE*: Check all that Apply

- New Program Renewal Request Expansion Request
- Conversion Request of program Type (*Basic/Early Basic program type to Extended/Early Extended program type ONLY*)

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SELECT PROGRAM OPTION PER DESCRIPTIONS ABOVE* : Check all that Apply

- A. Extended (4s) B. Early Extended (3s) C. Extended Mixed Age (3s and 4s)
 D. Extended Plus (4s) E. Early Extended Plus (3s) F. Extended Mixed Age Plus (3s and 4s)

HEAD START GRANTEE ONLY:

- G. Dual Enrollment Extended H. Dual Enrollment Extended Plus
 I. Blended Enrollment Extended J. Blended Enrollment Extended Plus

Proposed PreK First Day of School* (MM/DD/YYYY)

Proposed PreK Last Day of School* (MM/DD/YYYY)

Proposed PreK Session Start Time* (AM/PM)

Proposed PreK Session End Time* (AM/PM)

Proposed PreK Days of Operation*

- MONDAY TUESDAY WEDNESDAY THURSDAY FRIDAY

If proposing less than 5 days a week M-F schedule, please briefly explain why this is necessary below:

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SECTION IV SLOTS BY SITE AND TYPE – ALL INFORMATION IS REQUIRED														
		<p align="center">TOTAL NUMBER OF PREK FUNDED SLOTS* Include Renewal, Expansion, Change of Program Options AND/OR Conversion Requests. List specific funded program type slots. Include Program Option Type abbreviated in () – Basic (B), Extended (Ext), Extended Plus (Ext Plus), Dual Enrollment Extended (DE Ext, DE Ext Plus), Blended Enrollment Extended and Extended Plus (BE Ext, BE Ext Plus)</p>												
Site Name	# Classrooms	Early Prekindergarten (3 Year Olds)			Mixed Prekindergarten (3 & 4 Year Olds)			Prekindergarten (4 Year Olds)			Head Start Dual and Blended Enrollment (3 & 4 Year Olds)			Total Funded Slots for FY24
		Current Funded Slots	New (Proposed) Funded Slots	Total Funded Slots for FY24	Current Funded Slots	New (Proposed) Funded Slots	Total Funded Slots for FY24	Current Funded Slots	New (Proposed) Funded Slots	Total Funded Slots for FY24	Current Funded Slots	New (Proposed) Funded Slots	Total Funded Slots for FY24	
Example: 123 Preschool	4	16 Ext	32 Ext Plus	48	0	23 Ext Plus	23	10 Ext	10 Ext	20	N/A	N/A	N/A	91

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SECTION V ELIGIBLE APPLICANT USE OF GRANT FUNDS AND PROPOSED BUDGET INFORMATION - 10 Points

School-Based eligible applicants will have the Public Education Department retain fiscal agent status. As such, for the fiscal year 2024 all disbursements, operating budget approval, and requests for reimbursements will continue to be submitted to the Public Education Department (PED). For the purposes of this application, maintained and overseen by ECECD, school-based eligible applicants are to submit the budget to the PED Operating Budget Management System (OBMS).

Community-Based Eligible applicants will provide a proposed budget of how you will use the PreK Grant funding. *This budget is for application purposes only. If awarded, eligible applicant will work with ECECD staff to develop a working budget based on actual funded amount.*

INSTRUCTIONS – Budget must reflect the TOTAL number of funded slots listed in Section IV

1. All numbers **must** be rounded to the nearest dollar. *(Make certain all figures and calculations are correct.)*
2. Only fill out one budget form per eligible applicant.
3. Budget justifications must be filled out for every line item.
4. Cost allocation is for eligible applicants that have one or more non-PreK funded classrooms and are sharing costs such as rent, utilities etc. A percentage of the total cost will be allocated to PreK, and the rest paid out of the eligible applicant’s non- PreK Budget. *(Please add the cost allocations to the budget justifications as needed.)*
5. Field Trips would be allocated under miscellaneous costs line item. *(Field Trips are not allowed under transportation funding.)*
6. Funds may not be used for any religious, sectarian, or denominational purposes, instruction, or materials.

Examples of Unallowable Costs: Purchase or lease of land, purchase of buildings and structures, major remodeling of building and structures (\$5,000 or more per item).

ADDITIONAL FUNDING REQUESTS – Transportation and Start Up and Safety

All applicants are eligible to apply for the additional funding requests based on the criteria below.

Transportation and Start Up & Safety Funding Criteria

Transportation funds and Start Up and Safety funds will only be awarded to applicants who are chosen to provide primary services and will be awarded based on the number of children served.

Start Up & Safety Funding (Up to \$25,000 per classroom) is a onetime award for applicants who have never received NM PreK funding. Existing eligible applicants that are requesting expansion for a new site or new classroom are eligible for Start Up & Safety Funding.

Transportation Funding (\$1,000 per child) is a per-child award amount for applicants in areas where there is not alternative transportation options and children will not be able to attend the program without transportation support.

Curriculum Funding (\$5,000 per classroom) available to new and renewal programs for curriculum purchase and curriculum training

If you are requesting transportation funding and/or start-up and safety funds, please complete the response sections below for each section for which you are requesting funds. Include types of costs, purchases, and number of children. All costs must be cost allocated and relate to the program option (Extended, Early Extended, or Mixed Extended) for which you are applying.

Transportation shall correlate with the number of children you are proposing to serve. Start Up & Safety shall correlate to the number of classrooms and children you are proposing for services.

Examples of Allowable Transportation Costs: Fuel & oil, parts and maintenance of transportation vehicle, vehicle insurance Examples of Allowable Start Up and Safety Costs: Furniture & fixtures, information, classroom materials, furniture, and technology for educators to track and monitor student outcomes

Examples of Unallowable Start Up and Safety Costs: Acquisition, construction, or renovation costs, capital outlay items (\$5,000 or more per item), organized fund raising, out of state travel, purchase and/or lease of transportation vehicle, field trips.

Transportation Funding Additional Information

Number of Children Proposed for Transportation Services				
Identify number of locations needing transportation <i>(do NOT include site name)</i>	EARLY EXTENDED / EXTENDED PLUS 3 YEAR OLDS	MIXED EXTENDED/ EXTENDED PLUS 3- & 4-YEAR OLDS	EXTENDED/ EXTENDED PLUS 4 YEAR OLDS	DUAL OR BLENDED EXTENDED/ EXTENDED PLUS HEAD START

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NM PREK PROPOSED BUDGET		
PERSONNEL SERVICES AND EMPLOYEE BENEFITS		
Line-Item Name	Budget Amount	Budget Justification
Permanent Position Full/Part-Time Annual Salaries	\$	
Temporary Position Full/Part-Time Annual Salaries	\$	
Employee Benefits <i>(include type of benefits offered in justification)</i>	\$	
TOTAL	\$	
IN-STATE EMPLOYEE TRAVEL		
Line-Item Name	Budget Amount	Budget Justification
Employee In-State Mileage and Fares	\$	
Employee In-State Meals and Lodging	\$	
TOTAL	\$	
MAINTENANCE		
Line-Item Name	Budget Amount	Budget Justification
Maintenance-Furniture & Equipment	\$	
Maintenance- Building & Structures	\$	
Maintenance- Property Insurance	\$	
Reportable Other Maintenance	\$	
TOTAL	\$	
SUPPLIES		
Line-Item Name	Budget Amount	Budget Justification
Supplies-Office Supplies	\$	
Supplies- Educational Supplies (Min. of \$200 Per Child)	\$	
Supplies- Inventory Exempt	\$	
TOTAL	\$	
OTHER OPERATING COSTS		
Line-Item Name	Budget Amount	Budget Justification
Printing & Photographic	\$	
Postage & Mail	\$	
Utilities	\$	
Rent Of Land & Building	\$	
Rent Of Equipment	\$	
Telecommunications	\$	
Subscriptions & Dues	\$	
Employee Training	\$	
Advertising	\$	
Furniture & Fixtures	\$	
TOTAL	\$	

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OTHER COSTS		
Line-Item Name	Budget Amount	Budget Justification
Admin. Overhead (7% of Eligible applicant Services)	\$	
Miscellaneous Other Expenses	\$	
TOTAL	\$	
TRANSPORTATION FOR CHILDREN (IF APPLICABLE – if not requesting, indicate \$0) (for transportation to and from school of NM PreK children only)		
Line-Item Name	Budget Amount	Budget Justification
Transportation-Fuel & Oil	\$	
Transportation-Parts & Maintenance		
Transportation-Insurance		
Transportation-Driver salaries and benefits, if applicable (cost allocated if non-PreK children are transported)		
Transportation-Other: car seats, health, and safety, etc.		
TOTAL	\$	
START UP AND SAFETY (IF APPLICABLE- if not requesting, indicate \$0) (for applicants who have never received NM PreK funding or expanding new classrooms)		
Line-Item Name	Budget Amount	Budget Justification
Furniture or Fixtures	\$	
Information Technology		
Other		
TOTAL	\$	
GRAND TOTAL	\$	

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SECTION VIII ELIGIBLE APPLICANT RESPONSE (ALL RESPONSES MUST BE CONTAINED IN THIS SPACE AND NUMBERED)

A. DEFINE THE NEED FOR HIGH QUALITY NM PREK SERVICES* – 15 Points

NM Prek services increase access to voluntary high quality early care and education services within your community.

1. Describe in detail your funding proposal. Include:
 - (a) the number of existing number of slots and classrooms
 - (b) the new number of slots and classrooms you are proposing to serve.
 - (c) the total number of existing and new slots and classrooms you are proposing to serve.
2. Describe the unmet need for PreK services in your community or geographic region. Including:
 - (a) how you determined that unmet need,
 - (b) how your proposal will meet that unmet need including the number and age(s) of the children you propose to serve.

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SECTION VIII ELIGIBLE APPLICANT RESPONSE CONTINUED
(ALL RESPONSES MUST BE CONTAINED IN THIS SPACE AND NUMBERED)

B. COLLABORATIVE EFFORTS TO ENSURE THE FULL PARTICIPATION OF EACH CHILD* – 20 Points

PreK Eligible applicants must collaborate to support the establishment of a seamless continuum of quality early care, and education programs in their respective communities.

1. Please state your plan to collaborate with other early care and education programs in your community and school district, including:
 - (a) how you plan to measure, track, and demonstrate that collaboration and
 - (b) how that collaboration will:
 - (i) strengthen early childhood partnerships and
 - (ii) to ensure families have access to needed resources that meet their needs.

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SECTION VIII ELIGIBLE APPLICANT RESPONSE CONTINUED
(ALL RESPONSES MUST BE CONTAINED IN THIS SPACE AND NUMBERED)

C. IMPLEMENTING CONTINUOUS QUALITY IMPROVEMENT PLAN* – 25 Points

PreK Eligible applicants create specific goals and objectives to ensure continuous quality improvement.

1. Please describe your plan to implement continuous quality improvement including:
 - (a) ongoing professional development that includes accountability and tracking of required education and training,
 - (b) goals for family engagement and family education
 - (c) family satisfaction survey(s),
 - (d) policy or procedure that demonstrates a reflective and responsive approach to the family satisfaction survey,
 - (e) Environmental Assessment used to plan for optimal learning opportunities,
 - (f) Observational Assessment Process and Documentation using NM Early Learning Guidelines including ongoing support, accountability and a quality assurance review of this process and documentation, and
 - (g) Participation in Practice-Based Coaching and/or consultation, including required release time for teachers to meet with Practice-Based Coach and/or consultant.

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SECTION VIII ELIGIBLE APPLICANT RESPONSE CONTINUED
(ALL RESPONSES MUST BE CONTAINED IN THIS SPACE AND NUMBERED)

D. ELIGIBLE APPLICANT ADMINISTRATION* – 25 Points

The eligible applicant ensures compliance with the administrative tasks in the implementation of the NM PreK Program Standards

1. Facilities. Describe in specific detail your facility(ies), including:

- (a) location,
- (b) layout of existing and proposed PreK classroom(s), including:
 - i. learning center,
 - ii. what age-appropriate materials support learning outcomes
 - iii. parent information center
 - iv. where children will store personal belongings
 - v. bathroom/toileting facilities (number of toilets, changing tables and sinks),
 - vi. playground, and
 - vii. other such facilities

2. Regulatory Compliance: Please describe your plan to ensure compliance with NM PreK program regulatory standards, including compliance with:

- (a) data entry requirements and expectations
- (b) budget and finance responsibilities, include additional sources of funding (ex. Head Start funding, foundation funding, grants, etc.)
- (c) health and safety guidelines
- (d) social-emotional and developmentally appropriate best practices
- (e) requirements for developmental and health screenings
- (f) requirements to provide a fully inclusive environment (including procedures and practices), and
- (g) requirements to provide a culturally and linguistically responsive curriculum.
- (h) identify what research-based curriculum your program uses

3. Full Funded Enrollment:

- (i) Describe how the eligible applicant will meet and maintain full funded enrollment, including:
 - (i) recruitment plan, and
 - (ii) enrollment plan
- (j) Please state how (including strategies and action plans) your program prioritizes enrollments of:
 - (i) children experiencing homelessness,
 - (ii) children in foster care, and
 - (iii) children who live in Title 1 school boundaries.

4. PreK Compliance for Existing Programs:

- (b) Describe if you have current programmatic findings of non-compliance and program deficiencies on current contracts/agreements/grants (including serious audit exceptions relating to fiscal procedures). Indicate if your program is on a current PreK corrective action plan.

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SECTION IX PRIORITY CRITERIA POINTS

Indicate which of the following applies to your program:

PreK Community Saturation Priority Criteria

Are your site(s) located in a district that serves less than 75% of 4-year-olds? (see Notice of Funding Opportunity for list) – 15 additional points (if PreK or Mixed Age PreK is included in application)

Yes No

Are your site(s) located in a district that serves less than 25% of 3-year-olds? (see Notice of Funding Opportunity for list) – 10 additional points (if Early PreK or Mixed Age PreK is included in application)

Yes No

PreK Geographic Saturation Priority Criteria

Are your sites located in an area that meets one of more of the following criteria? Check all that apply – 10 additional points

- is located within a school district that is classified a micro school district or a rural school district.
- is located with a community defined as a child care desert (see definition below)
- is in a location that does not have access to a community-based child care within a 20-mile radius.
- is in a location that does not have access to Head Start services within a 20-mile radius.

SECTION X REQUIRED ATTACHMENTS

The following attachments must be applications. **Failure to attach required items will disqualify the application.**

1. Attach a diagram or sketch of the proposed classroom that shows the location of the various learning centers for each program option for which you are applying.
2. Attach resumes for Center Directors, PreK Coordinators/Administrators, and Lead Teachers related to the requirements for each application, such as early childhood education and care experience.
3. School-Based PreK Eligible Applicants: attach a copy of your E-Occupancy certificate for your proposed PreK program or facility. If your PreK program facility does not have E-Occupancy, please attach your proposed facility layout and how you plan to meet E-Occupancy.

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SECTION XI TERMS

ALL APPLICANTS THAT RECEIVE A GRANT MUST AGREE TO THE FOLLOWING TERMS:

Termination

A. Grounds. ECECD may terminate this Grant of Award for convenience or cause. The Awardee may only terminate this Grant of Award based upon the ECECD's uncured, material breach of this Agreement.

B. Notice. ECECD Opportunity to Cure.

1. ECECD shall give Awardee written notice of termination at least thirty (30) days prior to the intended date of termination.

2. The Awardee shall give ECECD written notice of termination at least thirty (30) days prior to the intended date of termination, which notice shall (i) identify all the Department's material breaches of this Grant of Award upon which the termination is based and (ii) state what ECECD must do to cure such material breaches. Awardee's notice of termination shall only be effective (i) if ECECD does not cure all material breaches within the thirty (30) day notice period or (ii) in the case of material breaches that cannot be cured within thirty (30) days, ECECD does not, within the thirty (30) day notice period, notify the Awardee of its intent to cure and begin with due diligence to cure the material breach.

3. The Grant of Award may be terminated immediately upon written notice to the Awardee (i) if the Awardee becomes unable to perform the services contracted for, as determined by the ECECD; (ii) if, during the term of this Grant of Award, the Awardee is suspended or debarred by the State Purchasing Agent; or (iii) the Grant of Award is terminated pursuant to, "Appropriations", of this Section VI-TERMS.

C. Liability. Except as otherwise expressly allowed or provided under this Grant of Award, ECECD's sole liability upon termination shall be to pay for acceptable work performed prior to the Awardee's receipt or issuance of a notice of termination; provided, however, that a notice of termination shall not nullify or otherwise affect either party's liability for pre-termination defaults under or breaches of this Grant of Award. The Awardee shall submit an invoice for such work within thirty (30) days of receiving or sending the notice of termination. THIS PROVISION IS NOT EXCLUSIVE AND DOES NOT WAIVE ECECD'S OTHER LEGAL RIGHTS AND REMEDIES CAUSED BY THE AWARDEE'S DEFAULT/BREACH OF THIS GRANT OF AWARD.

D. Termination Management. Immediately upon receipt by either ECECD or the Awardee of notice of termination of this Grant of Award, the Awardee shall: 1) not incur any further obligations for salaries, services or any other expenditure of funds under this Grant of Award without the written approval of ECECD; 2) comply with all directives issued by ECECD in the notice of termination as to the performance of work under this Grant of Award; and 3) take such action as ECECD shall direct for the protection, preservation, retention or transfer of all property titled to the Department and records generated under this Grant of Award. Any non-expendable personal property or equipment provided to or purchased by the Awardee with contract funds shall become the property of ECECD upon termination and shall be submitted to the Department as soon as practicable.

Fund Accountability-

The parties shall provide strict accountability of all monies made subject to the grant of award. The awardee shall maintain fiscal records, follow generally accepted accounting principles, and account for all receipts and disbursements of funds transferred to the awardee pursuant to this grant of award. The awardee will include all monies made subject to this grant of award in an annual audit if required by federal or state of New Mexico law, to be completed by an outside auditing agency. The awardee will provide ECECD with a copy of the annual audit.

Maintenance of Records

The awardee shall maintain detailed time and expenditure records that indicate the date; time, nature, and cost of services rendered during the grant of award's term and effect and retain them for a period of three (3) years from the date of final payment under this grant of award. The records shall be subject to inspection by ECECD, the general services department/state purchasing division and the state auditor. ECECD shall have the right to audit billings both before and after payment. Payment under this grant of award shall not foreclose the right of ECECD to recover excessive or illegal payments.

Confidentiality

Any confidential information provided to or developed by the awardee in the performance of this grant of award shall be kept confidential and shall not be made available to any individual or organization by the awardee without the prior written approval of ECECD.

Amendment

A. This grant of award shall not be altered, changed, or amended except by instrument in writing executed by the parties hereto and all other required signatories.

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B. If ECECD proposes an amendment to the Grant of Award to unilaterally reduce funding due to budget or other considerations, the Awardee shall, within thirty (30) days of receipt of the proposed Amendment, have the option to terminate the Grant of Award, pursuant to the termination provisions as set forth in "Termination", of this Section VI-TERMS, or to agree to the reduced funding.

Assignment

The Awardee shall not assign or transfer any interest in this Grant of Award or assign any claims for money due or to become due under this Grant of Award without the prior written approval of the ECECD.

Applicable Law

The laws of the State of New Mexico shall govern this Grant of Award, without giving effect to its choice of law provisions. Venue shall be proper only in a New Mexico court of competent jurisdiction in accordance with NMSA 1978, § 38-3-1 (G). By execution of this Grant of Award, Awardee acknowledges and agrees to the jurisdiction of the courts of the State of New Mexico over any and all lawsuits arising under or out of any term of this Grant of Award.

Liability

Each party shall be solely responsible for fiscal or other sanctions occasioned as a result of its own violation or alleged violation of requirements applicable to the performance of the Grant of Award. Each party shall be liable for its actions according to this Grant of Award subject to the immunities and limitations of the New Mexico Tort Claims Act, NMSA 1978, § 41-4-1, et. seq., as amended.

Execution of Documents

ECECD and the Awardee agree to execute any document(s) necessary to implement the terms of this Grant of Award.

Equal Opportunity Compliance

The Awardee agrees to abide by all federal and state laws and rules and regulations, and executive orders of the Governor of the State of New Mexico, pertaining to equal employment opportunity. In accordance with all such laws of the State of New Mexico, the Awardee assures that no person in the United States shall, on the grounds of race, religion, color, national origin, ancestry, sex, age, physical or mental handicap, or serious medical condition, spousal affiliation, sexual orientation or gender identity, be excluded from employment with or participation in, be denied the benefits of, or be otherwise subjected to discrimination under any eligible applicant or activity performed under this Grant of Award. If Awardee is found not to be in compliance with these requirements during the life of this Grant of Award, Awardee agrees to take appropriate steps to correct these deficiencies.

Workers Compensation

The Awardee agrees to comply with state laws and rules applicable to workers compensation benefits for its employees. If the Awardee fails to comply with the Workers Compensation Act and applicable rules when required to do so, this Grant of Award may be terminated by ECECD.

New Mexico Employees Health Coverage (Governmental entities are excluded from this provision)

A. If Awardee has, or grows to, six (6) or more employees who work, or who are expected to work, an average of at least 20 hours per week over a six (6) month period during the term of the Grant of Award, Awardee certifies, by signing this award, to have in place, and agrees to maintain for the term of the Grant of Award, health insurance for those employees if the expected annual value in the aggregate of any and all Grant of Awards between Awardee and the State exceed \$250,000 dollars.

B. Awardee agrees to maintain a record of the number of employees who have (a) accepted health insurance; (b) declined health insurance due to other health insurance coverage already in place; or (c) declined health insurance for other reasons. These records are subject to review and audit by a representative of the State of New Mexico.

C. Awardee agrees to advise all employees of the availability of State publicly financed health care coverage.

Background Checks

Community-Based Programs: Awardees that have or could have primary custody of children for at least twenty hours per week are required under NMSA 1978, § 32A-15-1, et seq.; NMSA 1978 § 9- 29-8 (H); NMAC 8.8.3, et. seq. and other applicable regulations to have background checks completed on all operators, employees, staff member, volunteers, or student interns. All Information Technology (IT) Awardees are also required to undergo a background check. The Awardee must comply with the fingerprint based criminal background investigation process, as per current ECECD policy. The applicant for the background check is required to pay all related fees. Nationwide as well as state abuse and neglect background

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checks on required individuals will be conducted in accordance with NMAC 8.8.3 and all other applicable state and federal regulations and standards. An eligibility letter must be in the IT Awardee, Awardee operator, employee, staff member, volunteer or student intern's personnel file prior to that individual having access to data or having any direct contact with children participating in eligible applicants delivered by ECECD or any Awardee providing services for the Department. **School-Based Programs:** 22-10A-5 governs background checks for all licensed school employees, including contracted employees (i.e., instructional support programs). [Licensure Background Information – New Mexico Public Education Department \(state.nm.us\)](#). **Tribal Programs:** Awardees shall follow the local tribal regulatory authority procedures to receive a federal background check.

Appropriations

The terms of this Grant of Award are contingent upon sufficient appropriations and authorization by the Legislature of New Mexico for the performance of this Grant of Award. If sufficient appropriations and authorization are not made by the Legislature, this Grant of Award shall terminate immediately upon written notice being given by ECECD to the Awardee. ECECD's decision as to whether sufficient appropriations are available shall be accepted by the Awardee and shall be final.

Sub-Contracts

The awardee shall not subcontract any portion of the services to be performed under this Grant of Award without the prior written approval by the Procuring Agency Secretary or Designee. No such subcontract shall relieve the primary awardee from any obligations and liabilities under this Grant of Award, nor shall subcontract obligate direct payment from the Procuring Agency. Grant Awardee must notify subcontractors that they are subject to Article VIII - Maintenance of Records of this agreement.

Performance Measures

1. PreK programs must achieve and maintain 95% of funded enrollment within the first 30 days.
2. PreK programs must provide a minimum of 90 hours of family engagement and education activities annually.
3. PreK programs will demonstrate support of families to ensure their child attends regularly (at least 85% of time).
4. PreK programs must ensure each PreK participant has current health screenings completed within 90 days of from the date of enrollment
5. PreK programs must ensure each PreK participant has a current developmental screening completed within 45 days from the date of enrollment.
6. PreK personnel must complete observations of each child's progress in all developmental areas and in multiple settings, to evaluate the effect of the eligible applicant on the child's development and learning. Children will be assessed a minimum of three times during the eligible applicant year.
7. PreK personnel must meet degree requirements or must be enrolled in 6-credits in a college degree program that will lead to meeting the required degree requirements.

SECTION XII ATTESTATION

- ELIGIBLE APPLICANT, THROUGH ITS AUTHORIZED REPRESENTATIVE, HEREBY ATTESTS THAT, IF AWARDED THE SUBJECT GRANT, APPLICANT WILL PROVIDE THE SERVICES SET FORTH IN THIS GRANT APPLICATION.
- ELIGIBLE APPLICANT, THROUGH ITS AUTHORIZED REPRESENTATIVE, HEREBY ATTESTS THAT ALL INFORMATION PROVIDED IN THIS APPLICATION IS, TO THE BEST OF YOUR KNOWLEDGE, COMPLETE AND ACCURATE.

Signature (Authorized Representative) *

Print Name*

Title*