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HOUSE BILL

**54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020**

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO CHILD CARE; PROVIDING FOR A VOLUNTARY EARLY CHILDHOOD CARE AND EDUCATION WORKFORCE SUPPORT PROGRAM TO PROVIDE GRANTS TO INCREASE THE WAGES OF EARLY CHILDHOOD CARE AND EDUCATION TEACHERS AND STAFF; CREATING REQUIREMENTS TO APPLY FOR FUNDING; CREATING THE EARLY CHILDHOOD CARE AND EDUCATION WORKFORCE FUND; MAKING AN APPROPRIATION.

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

SECTION 1. Section 32A-23A-2 NMSA 1978 (being Laws 2011, Chapter 123, Section 2, as amended) is amended to read:

"32A-23A-2. DEFINITIONS.--As used in the Early Childhood Care and Education Act:

A. "advanced credentials" includes professional certifications in educational practices, developmental diagnostics, safety, language proficiency or other skills

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1 related to early childhood care and education;

2 B. "advisory council" means the council convened  
3 pursuant to Section 9-29-11 NMSA 1978;

4 [~~A.~~] C. "department" means the early childhood  
5 education and care department;

6 [~~B.~~] D. "early childhood" means the period of a  
7 person's life from [~~birth~~] six weeks of age to age five;

8 E. "early childhood care and education teacher and  
9 staff" means an employee of an eligible provider;

10 F. "eligible provider" means a center, home-based  
11 provider or pre-kindergarten provider licensed by the  
12 department to provide early childhood care and education  
13 services;

14 [~~G.~~] G. "fund" means the early childhood care and  
15 education fund; [~~and~~]

16 H. "high-need areas" means communities with median  
17 household incomes below two hundred percent of the federal  
18 poverty level or communities where the existing capacity of  
19 early childhood care and education providers is insufficient to  
20 serve the area's population of eligible children; and

21 [~~D.~~] I. "secretary" means the secretary of early  
22 childhood education and care."

23 SECTION 2. A new section of the Early Childhood Care and  
24 Education Act is enacted to read:

25 "[NEW MATERIAL] VOLUNTARY EARLY CHILDHOOD CARE AND

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1 EDUCATION WORKFORCE SUPPORT PROGRAM.--

2 A. The advisory council shall develop a voluntary  
3 early childhood care and education workforce support program to  
4 compensate early childhood care and education teachers and  
5 staff who have attained advanced credentials, education or  
6 experience or are engaged in professional development  
7 activities to advance their knowledge and skills. The program  
8 shall provide for a range of hourly wages between fifteen  
9 dollars (\$15.00) and twenty-three dollars (\$23.00) for  
10 participating early childhood care and education teachers and  
11 staff and enhanced compensation in accordance with the  
12 workforce development plan developed by the advisory council.

13 B. The department shall perform an annual  
14 performance evaluation of the voluntary early childhood care  
15 and education workforce support program. The evaluation shall  
16 include the program's impact on the:

17 (1) reduction in the rate of employment  
18 turnover for early childhood care and education teachers and  
19 staff;

20 (2) promotion of continuing training and  
21 professional development for early childhood care and education  
22 teachers and staff; and

23 (3) provision of early childhood care and  
24 education services in high-need areas.

25 C. The department shall submit the findings of the

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1 annual performance evaluation to the legislative education  
2 study committee prior to October 1 of each year."

3 SECTION 3. A new section of the Early Childhood Care and  
4 Education Act is enacted to read:

5 "[NEW MATERIAL] REQUESTS FOR PROPOSALS--CONTRACTS FOR  
6 SERVICES.--

7 A. The department shall publish a request for  
8 proposals or a request for applications for the voluntary early  
9 childhood care and education workforce support program.

10 B. Eligible providers shall submit proposals or  
11 applications to the department. The department may provide  
12 assistance to eligible providers in completing the required  
13 proposals or applications. An eligible provider's proposal or  
14 application shall include a description of the following:

15 (1) how the eligible provider's services meet  
16 department standards;

17 (2) the number of children the eligible  
18 provider can serve and the number of children with state-  
19 subsidized child care contracts that the provider currently  
20 serves;

21 (3) the eligible provider's operating costs  
22 for early childhood care and education services;

23 (4) a description of the qualifications, days  
24 worked, hourly pay, monthly hours, credentials and experience  
25 of the early childhood care and education teachers and staff

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1 for each site;

2 (5) the planned hourly wage increases for  
3 early childhood care and education teachers and staff based on  
4 experience, education and certifications;

5 (6) the plan for promoting continuing training  
6 and professional development of early childhood care and  
7 education teachers and staff;

8 (7) the monthly and annual costs to provide  
9 workforce employment and professional standards as provided by  
10 the department; and

11 (8) other relevant information requested by  
12 the department.

13 C. The department shall accept and evaluate  
14 proposals or applications for funding for early childhood care  
15 based on the information provided pursuant to Subsection B of  
16 this section.

17 D. The department shall award selected eligible  
18 providers with contracts that provide funds sufficient for  
19 increasing staff compensation to the wage levels provided for  
20 in Section 2 of this 2020 act. Funding awards shall be  
21 determined by the current operating costs of an eligible  
22 provider and the additional funding needed for the eligible  
23 provider to pay the higher wage levels as proposed in the  
24 initial application to the department and to compensate the  
25 eligible provider for any other reasonable costs incurred

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1 related to the voluntary early childhood care and education  
2 workforce support program. Contracts shall only be awarded to  
3 eligible providers that meet the following conditions:

4 (1) provide a minimum hourly wage of fifteen  
5 dollars (\$15.00) for all employees; and

6 (2) comply with employee career ladders, wage  
7 structures and professional development in accordance with the  
8 workforce development plan developed by the advisory council.

9 E. The department shall prioritize funding for  
10 eligible providers that operate in high-need areas.

11 F. A contract or agreement with an eligible  
12 provider shall specify and ensure that funds shall not be used  
13 for any religious, sectarian or denominational purposes,  
14 instruction or material."

15 SECTION 4. A new section of the Early Childhood Care and  
16 Education Act is enacted to read:

17 "[NEW MATERIAL] EARLY CHILDHOOD CARE AND EDUCATION  
18 WORKFORCE FUND--CREATED.--The "early childhood care and  
19 education workforce fund" is created as a nonreverting fund in  
20 the state treasury. The fund shall consist of appropriations  
21 to the fund, income from investment of the fund, gifts, grants  
22 and donations. The fund shall be administered by the  
23 department, and money in the fund is appropriated to the  
24 department to carry out the provisions of the voluntary early  
25 childhood care and education workforce support program pursuant

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1 to Section 2 of this 2020 act. Disbursements from the fund  
2 shall be by warrant of the secretary of finance and  
3 administration upon vouchers signed by the secretary of early  
4 childhood education and care or the secretary's authorized  
5 representative."

6 SECTION 5. APPROPRIATION.--Nineteen million dollars  
7 (\$19,000,000) is appropriated from the general fund to the  
8 early childhood care and education workforce fund for  
9 expenditure in fiscal year 2021 and subsequent fiscal years for  
10 the early childhood education and care department to develop  
11 and implement the voluntary early childhood care and education  
12 workforce support program. Any unexpended or unencumbered  
13 balance remaining at the end of a fiscal year shall not revert  
14 to the general fund.

15 SECTION 6. EFFECTIVE DATE.--The effective date of the  
16 provisions of this act is July 1, 2020.