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HOUSE BILL 296

**50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

INTRODUCED BY

Rhonda S. King

AN ACT

RELATING TO EARLY CHILDHOOD EDUCATION; ENACTING THE EARLY  
CHILDHOOD CARE AND EDUCATION ACT; CREATING THE STATE EARLY  
LEARNING ADVISORY COUNCIL AND SETTING FORTH ITS DUTIES;  
CREATING A FUND.

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

**SECTION 1. SHORT TITLE.**--This act may be cited as the  
"Early Childhood Care and Education Act".

**SECTION 2. DEFINITIONS.**--As used in the Early Childhood  
Care and Education Act:

A. "council" means the state early learning  
advisory council;

B. "department" means the children, youth and  
families department;

C. "early childhood" means from prenatal to the age

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1 of five years;

2 D. "fund" means the early childhood care and  
3 education fund;

4 E. "pre-kindergarten" means a voluntary  
5 developmental readiness program for children who have attained  
6 their fourth birthday prior to September 1; and

7 F. "secretary" means the secretary of children,  
8 youth and families.

9 SECTION 3. FINDINGS AND PURPOSE.--

10 A. The legislature finds that an early childhood  
11 care and education system is vital in ensuring that every New  
12 Mexico child is eager to learn and ready to succeed by the time  
13 that child enters kindergarten, that high-quality early  
14 learning experiences have been proven to prepare children for  
15 success in school and later in life and that cost-benefit  
16 research demonstrates a high return on investment for money  
17 spent on early childhood care and education for at-risk  
18 children.

19 B. The legislature further finds that, to be  
20 successful, an early childhood care and education system should  
21 be:

22 (1) developmentally, culturally and  
23 linguistically appropriate and include the implementation of  
24 program models, standards and curriculum based on research and  
25 best practices;

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1 (2) data-driven, including the identification  
2 and prioritization of communities most at risk while striving  
3 to make the system universally available to all those who wish  
4 to participate;

5 (3) accountable through developmentally  
6 appropriate methods of measuring, reporting and tracking a  
7 child's growth and development and the improvement of the  
8 system's programs;

9 (4) accessible, especially to those children  
10 most at risk for school failure;

11 (5) of the highest possible quality through  
12 the utilization of qualified practitioners who have completed  
13 specialized training in early childhood growth, development and  
14 learning that is specific to the practitioner's role in the  
15 system and the maintenance of quality rating methods for the  
16 programs in the system;

17 (6) fully aligned within each community to  
18 ensure the most efficient and effective use of resources by  
19 combining funding sources and supporting seamless transitions  
20 for children within the system and for children transitioning  
21 into kindergarten;

22 (7) family-centered by recognizing that  
23 parents are the first and most important teachers of their  
24 children and providing the support and referrals necessary for  
25 parents to assume this critical role in their child's

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1 development; and

2 (8) a partnership between the state and  
3 private individuals or institutions with an interest or  
4 expertise in early childhood care and education.

5 C. The purpose of the Early Childhood Care and  
6 Education Act is to establish a comprehensive early childhood  
7 care and education system through an aligned continuum of state  
8 and private programs, including home visitation, early  
9 intervention, child care, early head start, head start, early  
10 childhood special education, family support and pre-  
11 kindergarten, and to maintain or establish the infrastructure  
12 necessary to support quality in the system's programs.

13 SECTION 4. STATE EARLY LEARNING ADVISORY COUNCIL  
14 CREATED--MEMBERSHIP.--

15 A. The "state early learning advisory council" is  
16 created. The council is attached to the department.

17 B. The council consists of fifteen members. The  
18 secretary of public education or the secretary's designee, the  
19 secretary of children, youth and families or the secretary's  
20 designee and the director of the head start state collaboration  
21 office of the department shall serve ex officio. The remaining  
22 members shall be qualified electors and, if appointment is not  
23 otherwise provided in this subsection, shall be appointed by  
24 the governor for four-year terms expiring on January 1 of the  
25 appropriate year. Council members appointed by the governor

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1 shall serve staggered terms as determined by the governor at  
2 the time of their initial appointment, and no more than five  
3 of the governor's appointees shall be from the same political  
4 party. Along with the ex-officio members, the council shall  
5 consist of the following members:

6 (1) one representative of an institution of  
7 higher education;

8 (2) one representative of a local educational  
9 agency;

10 (3) one representative from a head start or  
11 early head start organization;

12 (4) one provider of early care and education  
13 services;

14 (5) one representative of a state agency  
15 responsible for programs under Section 619 or Part C of the  
16 federal Individuals with Disabilities Education Act;

17 (6) one representative of the state agency  
18 responsible for children's health or mental health care issues;

19 (7) three members of the New Mexico business  
20 roundtable for educational excellence, appointed by and whose  
21 terms shall be set by the roundtable's board of directors; and

22 (8) three public members with knowledge and  
23 experience in early childhood care and education.

24 C. Annually, the members shall designate a chair  
25 and vice chair from the members of the council.

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1           D. A majority of the members constitutes a quorum  
2 for the conduct of business. The council shall meet at the  
3 call of the chair, and the chair shall coordinate the  
4 activities of the council.

5           E. The council may form subcommittees or task  
6 forces needed to make recommendations to the council. Task  
7 force members may include individuals who are not members of  
8 the council but have an interest or expertise in early  
9 childhood education, health care or related matters.

10           F. Members of the council shall not be removed  
11 except for incompetence, neglect of duty or malfeasance in  
12 office. A vacancy in the membership of the council occurring  
13 other than by expiration of term shall be filled in the same  
14 manner as the original appointment, but for the unexpired term  
15 only.

16           G. Council members shall not be paid nor shall they  
17 receive per diem and mileage as provided in the Per Diem and  
18 Mileage Act.

19           **SECTION 5. COUNCIL AND DEPARTMENT DUTIES.--**

20           A. The council is designated as the council  
21 required pursuant to the federal Improving Head Start for  
22 School Readiness Act of 2007. The council shall fulfill all  
23 the duties required under the federal act for early childhood  
24 care and education. The council shall also lead the  
25 development or enhancement of a high-quality, comprehensive

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1 system of early childhood development and care that ensures  
2 statewide coordination and collaboration among the wide range  
3 of early childhood programs and services within the state,  
4 including child care, early head start, head start, federal  
5 Individuals with Disabilities Education Act programs for  
6 preschool, infants and families and pre-kindergarten programs  
7 and services.

8 B. The council and department may apply for and  
9 accept gifts, grants, donations or bequests for the fund from  
10 any source, public or private, and enter into contracts or  
11 other transactions with any federal or state agency, any  
12 private organization or any other source in furtherance of the  
13 purpose of the Early Childhood Care and Education Act.

14 C. In addition to the duties assigned to the  
15 council under federal law, the council shall:

16 (1) make recommendations to the department and  
17 the legislature on the most efficient and effective way to  
18 leverage state and federal funding for early childhood care and  
19 education, including on grant applications made by the  
20 department to benefit the fund; and

21 (2) make recommendations to the department and  
22 the legislature on how to coordinate and align an early  
23 childhood care and education system to include child care, pre-  
24 kindergarten, home visitation, early head start, head start,  
25 early childhood special education, early intervention and

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1 family support and to provide New Mexico families with  
2 consistent access to appropriate care and education services.

3 In developing recommendations, the council shall:

4 (a) consider how to consolidate and  
5 coordinate resources and public funding streams for early  
6 childhood care and education and ensure the accountability and  
7 coordinated development of all early childhood care and  
8 education services;

9 (b) consider a system of seamless  
10 transition from prenatal to early childhood programs to  
11 kindergarten;

12 (c) take into account a parent's  
13 decisive role in the planning, operation and evaluation of  
14 programs that aid families in the care and education of  
15 children;

16 (d) examine ways to provide consumer  
17 education and accessibility to early childhood care and  
18 education resources;

19 (e) consider the advancement of quality  
20 early childhood care and education programs in order to support  
21 the healthy development of children and preparation for their  
22 success in school;

23 (f) consider the development of a  
24 seamless service delivery system with local points of entry for  
25 early childhood care and education programs administered by

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1 local, state and federal agencies;

2 (g) ensure effective collaboration with  
3 state and local child welfare programs and early childhood  
4 health and behavioral health programs;

5 (h) consider how to develop and manage  
6 effective data collection systems to support the necessary  
7 functions of a coordinated system of early childhood care and  
8 education and track children through the education system from  
9 prenatal to early childhood to kindergarten to higher  
10 education, in order to enable accurate evaluation of the impact  
11 of early childhood care and education;

12 (i) focus on the diversity, cultural  
13 heritage and strengths of the families and communities of the  
14 state;

15 (j) consider the development of an  
16 aligned system of professional development for professionals  
17 providing early childhood care and education; and

18 (k) consider the establishment of an  
19 administrative framework to promote the development of high-  
20 quality early childhood care and education services that are  
21 staffed by well-qualified professionals and are available in  
22 every community for all families that express a need for them.

23 SECTION 6. EARLY CHILDHOOD CARE AND EDUCATION FUND--  
24 CREATED--PURPOSE--ADMINISTRATION--GRANT APPLICATIONS.--

25 A. The "early childhood care and education fund" is

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1 created as a nonreverting fund in the state treasury. The fund  
2 shall be administered by the department and shall consist of  
3 gifts, grants, donations and bequests made to the fund.

4 B. Money in the fund is subject to appropriation by  
5 the legislature to the department for awarding grants to the  
6 council and early childhood care and education providers for  
7 carrying out the provisions of the Early Childhood Care and  
8 Education Act.

9 C. The department shall adopt rules on  
10 qualifications for grants and specify the format, procedure and  
11 deadlines for grant applications. For grants to early  
12 childhood care and education providers, the council shall  
13 review all grant applications and submit those applications  
14 recommended for final approval to the secretary.

15 D. Disbursements from the fund shall be made upon  
16 vouchers issued and signed by the secretary or the secretary's  
17 designee upon warrants drawn by the secretary of finance and  
18 administration.