

1 SENATE BILL 379

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

3 INTRODUCED BY

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8 FOR THE LEGISLATIVE FINANCE COMMITTEE

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10 AN ACT

11 RELATING TO HUMAN SERVICES; ENACTING THE CHILD CARE ASSISTANCE
12 ACCOUNTABILITY ACT; REQUIRING THE CHILDREN, YOUTH AND FAMILIES
13 DEPARTMENT TO ESTABLISH THE CHILD CARE ASSISTANCE
14 ACCOUNTABILITY PROGRAM; PROVIDING FOR RULEMAKING.

15
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 SECTION 1. A new section of the Children's Code is
18 enacted to read:

19 "[NEW MATERIAL] SHORT TITLE.--This act may be cited as the
20 "Child Care Assistance Accountability Act"."

21 SECTION 2. A new section of the Children's Code is
22 enacted to read:

23 "[NEW MATERIAL] DEFINITIONS.--As used in the Child Care
24 Assistance Accountability Act:

25 A. "child care assistance" means assistance

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1 administered by the department that provides child care through
2 the child care assistance accountability program as the primary
3 service delivery strategy through a contract with the
4 department and that offers services based on income criteria to
5 parents with children who have not yet entered kindergarten;

6 B. "culturally and linguistically appropriate"
7 means taking into consideration the culture, customs and
8 language of an eligible family;

9 C. "department" means the children, youth and
10 families department;

11 D. "eligible family" means a family that receives
12 child care assistance through the department; and

13 E. "evidence-based quality rating tool" means a
14 reliable, validated observational instrument linked through
15 research to student achievement and development."

16 SECTION 3. A new section of the Children's Code is
17 enacted to read:

18 "[NEW MATERIAL] CHILD CARE ASSISTANCE ACCOUNTABILITY
19 PROGRAM--REQUIREMENTS.--

20 A. The department shall provide a statewide
21 infrastructure for child care assistance to support child care
22 through the child care assistance accountability program, which
23 shall:

24 (1) establish a consistent statewide system of
25 child care assistance;

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1 (2) provide a common framework for service
2 delivery and accountability across all child care assistance
3 programs;

4 (3) deliver a variety of educational,
5 developmental, referral and other support services for eligible
6 families with children who have not yet entered kindergarten;

7 (4) be designed to promote child well-being,
8 early education and an emphasis on school readiness while also
9 supporting working families and families going to school;

10 (5) provide voluntary access based on income;
11 and

12 (6) allow for the collection, aggregation and
13 analysis of common data.

14 B. Any child care assistance program under the
15 child care assistance accountability program shall:

16 (1) be research-based and grounded in
17 relevant, empirically based best practices and knowledge to
18 measure if and ensure that:

19 (a) children are nurtured by their
20 parents and caregivers;

21 (b) children are physically and mentally
22 healthy;

23 (c) children are safe;

24 (d) families are connected to formal and
25 informal supports in their communities; and

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- 1 (e) children are ready for school;
- 2 (2) have comprehensive child care standards
- 3 that ensure high-quality service delivery and continuous
- 4 quality improvement;
- 5 (3) demonstrate significant, sustained
- 6 positive outcomes;
- 7 (4) follow program standards that specify the
- 8 purpose, outcomes, duration and frequency of services that
- 9 constitute the program;
- 10 (5) follow a research-based curriculum that is
- 11 aligned with all of the developmental domains as outlined in
- 12 the New Mexico early learning guidelines;
- 13 (6) employ a well-trained and competent staff
- 14 and provides that staff with continual professional supervision
- 15 and development;
- 16 (7) operate within an organization that
- 17 ensures compliance with child care assistance accountability
- 18 standards;
- 19 (8) continually evaluate student and program
- 20 performance to ensure fidelity to the program standards;
- 21 (9) collect data on program activities and
- 22 program outcomes; and
- 23 (10) be culturally and linguistically
- 24 appropriate."

25 SECTION 4. A new section of the Children's Code is
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1 enacted to read:

2 "[NEW MATERIAL] CHILD CARE ASSISTANCE ACCOUNTABILITY
3 PROGRAM--REPORTING.--

4 A. The department shall ensure that all programs
5 participating in the child care assistance accountability
6 program adhere to stated program outcomes and objectives by
7 implementing a system to rate the quality of participating
8 programs based upon health and safety standards, staff
9 qualifications and training, child-to-provider ratios,
10 implementation of quality improvement activities, adherence to
11 state-approved early learning guidelines and other department-
12 approved criteria; and either:

13 (1) accreditation by an external private
14 organization approved by the department that meets the same
15 requirements for the highest level of quality; or

16 (2) health and safety standards and a
17 validated score on an evidence-based quality rating tool by a
18 department-approved independent evaluator.

19 B. The department shall implement a rating scale
20 using at least three and no more than five levels of quality to
21 rate a child care assistance program and use the ratings to pay
22 higher rates for higher-rated individual child care assistance
23 programs under the child care assistance accountability
24 program.

25 C. Programs participating in the child care

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- 1 assistance accountability program shall:
- 2 (1) promote positive parenting practices;
 - 3 (2) enhance children's social-emotional and
 - 4 language development;
 - 5 (3) support children's cognitive and physical
 - 6 development;
 - 7 (4) improve coordination of referrals for, and
 - 8 the provision of, other community resources and supports for
 - 9 eligible families;
 - 10 (5) increase children's readiness to succeed
 - 11 in school; and
 - 12 (6) improve child health outcomes.

13 D. When the department authorizes funds through

14 payments, contracts or grants that are used for child

15 assistance programs under the child care assistance

16 accountability program, the department shall include language

17 regarding child care in its funding agreement contract or grant

18 that is consistent with the provisions of the Child Care

19 Assistance Accountability Act.

20 E. The department, the legislative finance

21 committee and the department of finance and administration, in

22 accordance with the provisions of the Accountability in

23 Government Act, shall:

- 24 (1) develop an outcomes measurement plan to
- 25 monitor outcomes for children and families receiving services

1 through child care assistance programs;

2 (2) develop indicators that measure each
3 objective established in the Child Care Assistance
4 Accountability Act; and

5 (3) complete and submit the outcomes
6 measurement plan by July 1, 2015 to the legislature, the
7 governor and the state early learning advisory council.

8 F. Beginning July 1, 2016 and annually thereafter,
9 the department shall produce an annual outcomes report to the
10 governor, the legislature and the state early learning advisory
11 council that shall include:

12 (1) the goals and achieved outcomes of the
13 child care assistance accountability program implemented
14 pursuant to the Child Care Assistance Accountability Act; and

15 (2) the following data:

16 (a) the number and type of child care
17 assistance programs that the department has funded;

18 (b) the stated reasons that families
19 have applied for child care assistance;

20 (c) the number of eligible children
21 served, including the monthly average and the total served;

22 (d) the total eligible children served
23 by region;

24 (e) the demographic data on eligible
25 families and children served;

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1 (f) the percentage of children receiving
2 child care assistance by quality level and provider type;

3 (g) the average monthly participation by
4 eligible children in the child care assistance accountability
5 program;

6 (h) for children who participate in the
7 child care assistance accountability program: 1) any evidence
8 of an increase in school readiness, child development and
9 literacy; 2) the percentage of children who enter kindergarten
10 ready to learn, as measured by a kindergarten entry assessment;
11 3) the percentage of children who are proficient at third grade
12 reading and math; 4) the percentage of children who are
13 retained in kindergarten, first grade, second grade or third
14 grade; 5) the percentage of children who participate in special
15 education; 6) the percentage of children receiving regular
16 immunizations; 7) the percentage of children receiving regular
17 well-child exams, as recommended by the American academy of
18 pediatrics; 8) the number of children identified with potential
19 developmental delay and, of those, the number who began
20 services within two months of screening; and 9) evidence that
21 children receive regular meals;

22 (i) for child care assistance programs
23 participating in the child care assistance accountability
24 program: 1) screening of provider staff and other adults in
25 close proximity to locations for provision of care; 2) staff

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1 retention rates; 3) staff wages; and 4) staff certification and
2 education levels;

3 (j) evidence that families are engaged;
4 and

5 (k) any additional reporting agreed upon
6 by all parties to the agreement."

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