

1 SENATE BILL 206

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

4 John M. Sapien

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7
8 FOR THE LEGISLATIVE FINANCE COMMITTEE

9
10 AN ACT

11 RELATING TO EARLY CHILDHOOD EDUCATION; CHANGING THE COMPOSITION
12 AND TERMS OF THE STATE EARLY LEARNING ADVISORY COUNCIL;
13 REQUIRING LIMITED TERMS FOR COUNCIL MEMBERS; EXPANDING
14 REQUIREMENTS FOR RECOMMENDATIONS BY THE COUNCIL TO THE
15 CHILDREN, YOUTH AND FAMILIES DEPARTMENT AND THE LEGISLATURE;
16 EXTENDING THE SUNSET DATE FOR THE COUNCIL.

17
18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

19 SECTION 1. Section 32A-23A-4 NMSA 1978 (being Laws 2011,
20 Chapter 123, Section 4) is amended to read:

21 "32A-23A-4. STATE EARLY LEARNING ADVISORY COUNCIL
22 CREATED--MEMBERSHIP.--

23 A. The "state early learning advisory council" is
24 created. The council is attached to the department.

25 B. The council consists of [~~fifteen~~] seventeen

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1 members. The secretary of public education or the secretary's
2 designee, the secretary of children, youth and families or the
3 secretary's designee [~~and~~], the director of the head start
4 state collaboration office of the department, the director of
5 the legislative education study committee and the director of
6 the legislative finance committee shall serve ex officio. The
7 remaining members shall be qualified electors and, if
8 appointment is not otherwise provided for in this subsection,
9 shall be appointed by the governor [~~for four-year terms~~
10 ~~expiring on January 1 of the appropriate year~~]. Except as
11 otherwise provided in Section 4 of this 2017 act, terms of
12 council members appointed by the governor before January 1,
13 2018 shall be for four years and terms of council members
14 appointed by the governor on or after January 1, 2018 shall be
15 for two years. Terms shall expire on December 31 of the
16 appropriate year. Council members appointed by the governor
17 shall serve staggered terms as determined by the governor at
18 the time of their initial appointment, and no more than five of
19 the governor's appointees shall be from the same political
20 party. Council members shall not be appointed to serve for
21 more than three terms. Along with the ex-officio members, the
22 council shall consist of the following members:

23 (1) one representative of an institution of
24 higher education;

25 (2) one representative of a local educational

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1 agency;

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

4 (4) [~~two providers~~] one provider of early care
5 and education services [~~at least one of whom shall represent a~~
6 ~~privately owned provider~~];

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

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

12 (7) [~~three~~] two members of the New Mexico
13 business roundtable for educational excellence, appointed by
14 and whose terms shall be set by the roundtable's board of
15 directors; and

16 (8) [~~two~~] four public members, including two
17 public members with knowledge and experience in early childhood
18 care and education.

19 C. Annually, the members shall designate a chair
20 and vice chair from the members of the council.

21 D. A majority of the members constitutes a quorum
22 for the conduct of business. The council shall meet at the
23 call of the chair, and the chair shall coordinate the
24 activities of the council.

25 E. The council may form subcommittees or task

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1 forces needed to make recommendations to the council. Task
2 force members may include [~~individuals~~] persons who are not
3 members of the council but have an interest or expertise in
4 early childhood education, health care or related matters.

5 F. Members of the council shall not be removed
6 except for incompetence, neglect of duty or malfeasance in
7 office. A vacancy in the membership of the council occurring
8 other than by expiration of term shall be filled in the same
9 manner as the original appointment, but for the unexpired term
10 only.

11 G. Council members shall not be paid nor shall they
12 receive per diem and mileage as provided in the Per Diem and
13 Mileage Act."

14 SECTION 2. Section 32A-23A-5 NMSA 1978 (being Laws 2011,
15 Chapter 123, Section 5) is amended to read:

16 "32A-23A-5. COUNCIL AND DEPARTMENT DUTIES.--

17 A. The council is designated as the council
18 required pursuant to the federal Improving Head Start for
19 School Readiness Act of 2007. The council shall fulfill all of
20 the duties required under the federal act for early childhood
21 care and education. The council shall also lead the
22 development or enhancement of a high-quality, comprehensive
23 system of early childhood development and care that ensures
24 statewide coordination and collaboration among the wide range
25 of early childhood programs and services within the state,

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1 including child care, early head start, head start, federal
2 Individuals with Disabilities Education Act programs for
3 preschool, infants and families and pre-kindergarten programs
4 and services.

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

11 C. In addition to the duties assigned to the
12 council under federal law, the council shall:

13 (1) make recommendations to the department and
14 the legislature on the most efficient and effective way to
15 leverage state and federal funding for early childhood care and
16 education, including on grant applications made by the
17 department to benefit the fund; ~~[and]~~

18 (2) make recommendations to the department and
19 the legislature on how to coordinate and align an early
20 childhood care and education system to include child care, pre-
21 kindergarten, home visitation, early head start, head start,
22 early childhood special education, early intervention and
23 family support and to provide New Mexico families with
24 consistent access to appropriate care and education services.

25 In developing recommendations, the council shall:

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

6 (b) consider the provision of a system
7 of seamless transition from prenatal to early childhood
8 programs to kindergarten;

9 (c) take into account [~~a parent's~~] the
10 decisive role of parents in the planning, operation and
11 evaluation of programs that aid families in the care and
12 education of children;

13 (d) examine ways to provide consumer
14 education and accessibility to early childhood care and
15 education resources;

16 (e) consider the advancement of quality
17 early childhood care and education programs [~~in order~~] to
18 support the healthy development of children and [~~preparation~~]
19 to prepare them for [~~their~~] success in school;

20 (f) consider the development of a
21 seamless service delivery system with local points of entry for
22 early childhood care and education programs administered by
23 local, state and federal agencies;

24 (g) ensure effective collaboration with
25 state and local child welfare programs and early childhood

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1 health and behavioral health programs;

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

9 (i) focus on the diversity, cultural
10 heritage and strengths of the families and communities of the
11 state;

12 (j) consider the development of an
13 aligned system of professional development for professionals
14 providing early childhood care and education; and

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

21 (3) make recommendations to the department and
22 the legislature on:

23 (a) statewide coordination of early
24 childhood care and education;

25 (b) delineating and addressing the

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1 current gaps in child care programs and the early childhood
2 care and education system, including child care home
3 visitation, pre-kindergarten, head start, early head start and
4 family infant toddler early intervention services;

5 (c) methods for improving the quality of
6 and increasing the capacity for growth in the early childhood
7 education and care system; and

8 (d) describing pre-kindergarten academic
9 and parenting components."

10 SECTION 3. Section 32A-23A-7 NMSA 1978 (being Laws 2011,
11 Chapter 123, Section 7) is amended to read:

12 "32A-23A-7. TERMINATION OF AGENCY LIFE--DELAYED
13 REPEAL.--The council is terminated on July 1, [2017] 2023
14 pursuant to the provisions of the Sunset Act. The council
15 shall continue to operate pursuant to the provisions of
16 Sections [~~4 and 5 of the Early Childhood Care and Education~~
17 ~~Act~~] 32A-23A-4 and 32A-23A-5 NMSA 1978 until July 1, [2018]
18 2024. Effective July 1, [2018] 2024, Section [~~4 of the Early~~
19 ~~Childhood Care and Education Act~~] 32A-23A-4 NMSA 1978 is
20 repealed."

21 SECTION 4. TEMPORARY PROVISION--TRANSITION OF MEMBERSHIP
22 OF THE STATE EARLY LEARNING ADVISORY COUNCIL.--

23 A. On the effective date of this act, the following
24 members of the state early learning advisory council are no
25 longer members of the council:

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1 (1) of the two providers of early care and
2 education services, appointed pursuant to Paragraph (4) of
3 Subsection B of Section 4 of Chapter 123 of Laws 2011, the
4 provider with the term that expires first; and

5 (2) of the three members of the New Mexico
6 business roundtable for educational excellence, appointed
7 pursuant to Paragraph (7) of Subsection B of Section 4 of
8 Chapter 123 of Laws 2011, the member with the term that expires
9 first.

10 B. Within thirty days of the effective date of this
11 act, the governor shall appoint two new public members to the
12 state early learning advisory council pursuant to Paragraph (8)
13 of Subsection B of Section 1 of this 2017 act. The governor
14 shall determine the initial length of the terms of each of
15 those members, not exceeding three years, to allow for
16 staggered terms. Thereafter, the terms shall be for two years.

17 **SECTION 5. EFFECTIVE DATE.**--The effective date of the
18 provisions of this act is January 1, 2018.