

1 SENATE BILL 289

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

3 INTRODUCED BY

4 Michael Padilla

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9  
10 AN ACT

11 RELATING TO EARLY CHILDHOOD EDUCATION; ENACTING THE EARLY  
12 CHILDHOOD EDUCATION DEPARTMENT ACT; CREATING THE EARLY  
13 CHILDHOOD EDUCATION DEPARTMENT; PROVIDING POWERS AND DUTIES;  
14 PROVIDING FOR VOLUNTARY PRESCHOOL PROGRAMS FOR CHILDREN FROM  
15 BIRTH TO AGE FIVE; PROVIDING FOR BACKGROUND CHECKS, EMPLOYMENT  
16 PROHIBITIONS AND CONFIDENTIALITY OF RECORDS; TRANSFERRING  
17 PROGRAMS, FUNCTIONS, PERSONNEL, APPROPRIATIONS, MONEY, RECORDS,  
18 PROPERTY, CONTRACTUAL OBLIGATIONS AND STATUTORY REFERENCES;  
19 REPEALING NONCONFORMING SECTIONS OF LAW; PRESCRIBING PENALTIES;  
20 MAKING AN APPROPRIATION.

21  
22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

23 SECTION 1. [NEW MATERIAL] SHORT TITLE.--Sections 1  
24 through 17 of this act may be cited as the "Early Childhood  
25 Education Department Act".

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1           SECTION 2.   ~~[NEW MATERIAL]~~ EARLY CHILDHOOD EDUCATION

2   DEPARTMENT CREATED.--The "early childhood education department"  
3   is created.  The department is a cabinet department and  
4   consists of the:

- 5           A.  administrative services division;
- 6           B.  office of the secretary;
- 7           C.  child care services division;
- 8           D.  child development division; and
- 9           E.  pre-school division, including the pre-

10 kindergarten bureau.

11           SECTION 3.   ~~[NEW MATERIAL]~~ FINDINGS AND PURPOSE.--

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

21           B.  The legislature finds further that to be  
22   successful, an early childhood education system should be:

- 23                   (1)  developmentally, culturally and
- 24   linguistically appropriate and should include the
- 25   implementation of program models, standards and curricula based

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1 on research and best practices;

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

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

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

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

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

23 (7) family-centered by recognizing that  
24 parents are the first and most important teachers of their  
25 children and by providing the support and referrals necessary

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1 for parents to assume this critical role in their child's  
2 development; and

3 (8) a partnership between the state and  
4 persons with an interest or expertise in early childhood  
5 education.

6 C. The purpose of the Early Childhood Education  
7 Department Act is to:

8 (1) establish a comprehensive and voluntary  
9 early childhood education system to provide early childhood  
10 education statewide that improves the developmental, physical,  
11 nutritional, cognitive, social and emotional needs of children;  
12 and

13 (2) administer certain laws and functions of  
14 the children, youth and families department and the public  
15 education department pertaining to early childhood education.

16 SECTION 4. [NEW MATERIAL] DEFINITIONS.--As used in the  
17 Early Childhood Education Department Act:

18 A. "children" means persons from birth to age five,  
19 or older if a specific program requires;

20 B. "community" means an area defined by school  
21 district boundaries, tribal boundaries or joint boundaries of a  
22 school district and tribe or any combination of school  
23 districts and tribes;

24 C. "council" means the early childhood education  
25 council;

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1           D. "culturally and linguistically appropriate"  
2 means taking into consideration the culture, customs and  
3 language of a participating family's home;

4           E. "department" means the early childhood education  
5 department;

6           F. "early childhood education" means programs that  
7 improve the brain development and school-readiness of children,  
8 including:

9                   (1) home visiting;

10                   (2) child care;

11                   (3) preschool and pre-kindergarten; and

12                   (4) parent and family involvement services;

13           G. "eligible provider" means a person certified by  
14 the department as qualified to provide early childhood  
15 education pursuant to a contract in accordance with the  
16 provisions of the Early Childhood Education Department Act and  
17 the Procurement Code. An eligible provider shall not provide  
18 early childhood education to children eligible for services  
19 from the New Mexico school for the blind and visually impaired  
20 or the New Mexico school for the deaf;

21           H. "fund" means the early childhood education fund;

22           I. "home visiting" includes the delivery of  
23 informational, educational, developmental, referral and other  
24 support services for a participating family to promote child  
25 well-being and prevent adverse childhood experiences that

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1 impair brain development and impede school readiness;

2 J. "participating family" means a family that  
3 elects to receive early childhood education for a child;

4 K. "preschool" means a structured, research-based  
5 and developmentally appropriate educational program for  
6 children before they enter kindergarten and includes pre-  
7 kindergarten for four-year-olds delivered the year before  
8 children enter kindergarten;

9 L. "secretary" means the secretary of early  
10 childhood education; and

11 M. "tribe" means an Indian nation, tribe or pueblo  
12 located in New Mexico.

13 SECTION 5. [NEW MATERIAL] SECRETARY--QUALIFICATIONS--  
14 APPOINTMENT--DUTIES--GENERAL POWERS.--

15 A. The chief executive and administrative officer  
16 of the department is the "secretary of early childhood  
17 education", who shall have at least ten years of experience  
18 studying, providing, supervising and administering the  
19 provision of early childhood education and serve in the  
20 executive cabinet after being appointed by the governor with  
21 the advice and consent of the senate.

22 B. An appointed secretary shall serve and have all  
23 of the duties, responsibilities and authority of that office  
24 during the period of time prior to final action by the senate  
25 confirming or rejecting the appointment.

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1           C. The secretary is responsible to the governor for  
2 the operation of the department. It is the secretary's duty to  
3 manage all operations of the department and to administer and  
4 enforce the laws with which the secretary or the department is  
5 charged.

6           D. To perform the secretary's duties, the secretary  
7 has every power expressly enumerated in the law, whether  
8 granted to the secretary, the department or any division of the  
9 department, except when any division is explicitly exempted  
10 from the secretary's power by statute.

11           E. The secretary shall:

12                   (1) exercise general supervisory and  
13 appointing power over all department employees, subject to  
14 applicable personnel laws and regulations;

15                   (2) delegate power to subordinates as the  
16 secretary deems necessary and appropriate, clearly delineating  
17 such delegated power and the limitations to that power;

18                   (3) organize the department into  
19 organizational units as necessary to enable it to function most  
20 efficiently, subject to any provisions of law requiring or  
21 establishing specific organizational units;

22                   (4) within the limitations of available  
23 appropriations and applicable laws, employ and fix the  
24 compensation of those persons necessary to discharge the  
25 secretary's duties;

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1 (5) take administrative action by issuing  
2 orders and instructions, not inconsistent with law, to assure  
3 implementation of and compliance with the provisions of law for  
4 which administration or execution the secretary is responsible  
5 and to enforce those orders and instructions by appropriate  
6 administrative action in the courts;

7 (6) conduct research and studies that will  
8 improve the operation of the department and the provision of  
9 services to the residents of the state;

10 (7) provide for regular courses of instruction  
11 and practical training for employees of the department and  
12 other persons involved in the administration of programs with  
13 the objectives of improving the operations and efficiency of  
14 administration and of promoting comprehensive, coordinated and  
15 culturally sensitive services that address the whole child;

16 (8) prepare an annual budget for the  
17 department;

18 (9) provide cooperation, at the request of  
19 administratively attached agencies and adjunct agencies, to:

20 (a) minimize or eliminate duplication of  
21 services and jurisdictional conflicts;

22 (b) coordinate activities and resolve  
23 problems of mutual concern; and

24 (c) resolve by agreement the manner and  
25 extent to which the department shall provide budgeting,

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1 recordkeeping and related clerical assistance to  
2 administratively attached agencies; and

3 (10) administer the early childhood education  
4 fund.

5 F. The secretary may apply for and receive, with  
6 the governor's approval, in the name of the department any  
7 public or private funds, including United States government  
8 funds, available to the department to carry out its programs,  
9 duties or services.

10 G. The secretary shall make and adopt such  
11 reasonable and procedural rules as may be necessary to carry  
12 out the duties of the department.

13 H. If the secretary certifies to the secretary of  
14 finance and administration that the department has insufficient  
15 state funds to operate any of the programs it administers and  
16 that reductions in services or benefit levels are necessary,  
17 the secretary of early childhood education may engage in  
18 interim rulemaking. Notwithstanding any provision to the  
19 contrary in the State Rules Act, interim rulemaking shall be  
20 conducted pursuant to Subsection E of this section, except  
21 that:

22 (1) the period of notice of public hearing  
23 shall be thirty days;

24 (2) the department shall send individual  
25 notices of the interim rulemaking and of public hearings to

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1 affected providers and beneficiaries;

2 (3) rules promulgated pursuant to the  
3 provisions of this subsection shall be in effect not less than  
4 five days after a public hearing;

5 (4) rules promulgated under this subsection  
6 shall not be in effect for more than ninety days; and

7 (5) if final rules are necessary to replace  
8 the interim rules, the department shall give notice of intent  
9 to promulgate final rules at the time of notice herein. The  
10 final rules shall be promulgated not more than forty-five days  
11 after a public hearing and filed in accordance with the State  
12 Rules Act.

13 SECTION 6. [NEW MATERIAL] DIVISION DIRECTORS.--The  
14 secretary may appoint, with the approval of the governor,  
15 "directors" of such divisions as are established within the  
16 department. Directors are exempt from the Personnel Act.

17 SECTION 7. [NEW MATERIAL] BUREAUS--CHIEFS.--The secretary  
18 may establish within each division such "bureaus" as the  
19 secretary deems necessary to carry out the provisions of the  
20 Early Childhood Education Department Act. The secretary shall  
21 appoint a "chief" to be the administrative head of any such  
22 bureau. The chief and all subsidiary employees of the  
23 department shall be covered by the provisions of the Personnel  
24 Act.

25 SECTION 8. [NEW MATERIAL] ORGANIZATIONAL UNITS OF THE

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1 DEPARTMENT--POWERS AND DUTIES SPECIFIED BY LAW--ACCESS TO  
2 INFORMATION.--Unless expressly exempted from the powers of the  
3 secretary by law, those organizational units of the department  
4 and the officers of those units specified by law shall have all  
5 of the powers and duties enumerated in the specific laws  
6 involved. However, the carrying out of those powers and duties  
7 shall be subject to the direction and supervision of the  
8 secretary, who shall retain the final decision-making authority  
9 and responsibility for the administration of any such laws as  
10 provided in Section 5 of the Early Childhood Education  
11 Department Act.

12 SECTION 9. [NEW MATERIAL] ADVISORY COMMITTEES.--

13 A. The secretary may create advisory committees.  
14 For purposes of this section, "advisory" means furnishing  
15 advice, gathering information, making recommendations and  
16 performing such other activities as may be instructed or  
17 delegated and as may be necessary to fulfill advisory functions  
18 or to comply with federal or private funding requirements and  
19 does not extend to administering a program or function or  
20 setting policy unless specified by law. Advisory committees  
21 shall be appointed in accordance with the provisions of the  
22 Executive Reorganization Act.

23 B. All members of advisory committees appointed  
24 under the authority of this section shall receive as their sole  
25 remuneration for services as an advisory committee member those

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1 amounts authorized under the Per Diem and Mileage Act.

2 SECTION 10. [NEW MATERIAL] DEPARTMENT--DUTIES.--In  
3 addition to other duties provided by law or assigned to the  
4 department by the governor, the department shall:

5 A. develop priorities for department services and  
6 resources based on state policy and national best-practice  
7 standards and local considerations and priorities;

8 B. strengthen collaboration and coordination in  
9 state and local services for child care, home visitation and  
10 early childhood education by integrating critical functions as  
11 appropriate, including service delivery;

12 C. develop and maintain a statewide database,  
13 including tracking of early childhood education provided by or  
14 through the state;

15 D. develop reimbursement criteria for eligible  
16 providers, including correlating the highest reimbursement rate  
17 with and establishing accreditation by a department-approved  
18 national accrediting body;

19 E. conduct biennial assessments of the provision of  
20 early childhood services to identify any gaps or unmet needs;  
21 and

22 F. collaborate with the public education  
23 department; children, youth and families department; and  
24 department of health for the research, identification and  
25 implementation of best practices for delivering services

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1 pursuant to the Early Childhood Education Department Act.

2 SECTION 11. [NEW MATERIAL] PROGRAMMATIC RULES.--The  
3 department shall adopt rules to:

4 A. specify the minimum qualifications and  
5 experience level of an eligible provider, minimum criteria for  
6 selecting an eligible provider and minimum standards for  
7 awarding a contract to an eligible provider;

8 B. establish the goals and objectives to be met by  
9 the department on an annual basis and by eligible providers on  
10 a biannual basis in providing early childhood education;

11 C. specify performance measures for the department  
12 to evaluate eligible providers and to assess the department's  
13 progress in achieving the goals and objectives;

14 D. establish the criteria and procedures for  
15 measuring and certifying the quality of early childhood  
16 provided by each eligible provider; and

17 E. detail the measures to be taken when an eligible  
18 provider fails to meet its biannual goals and objectives or  
19 when the department fails to meet its annual goals.

20 SECTION 12. [NEW MATERIAL] HOME VISITING PROGRAMS--  
21 ACCOUNTABILITY--EXCLUSIONS--CONTRACTING--REPORTING.--

22 A. The department shall provide home visiting  
23 services using a standards-based program that includes periodic  
24 home visits to improve the health, well-being and self-  
25 sufficiency of eligible families.

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1           B. A home visiting program shall provide culturally  
2 and linguistically appropriate, face-to-face visits by nurses,  
3 social workers and other early childhood and health  
4 professionals or by trained and supervised lay workers.

5           C. A home visiting program shall do two or more of  
6 the following:

- 7                   (1) improve child health outcomes;  
8                   (2) promote positive parenting practices;  
9                   (3) build healthy parent and child  
10 relationships;  
11                   (4) enhance children's social-emotional and  
12 language development;  
13                   (5) support children's cognitive and physical  
14 development;  
15                   (6) improve the health of eligible families;  
16                   (7) provide resources and supports that may  
17 help to reduce child maltreatment and injury;  
18                   (8) increase children's readiness to succeed  
19 in school; and  
20                   (9) improve coordination of referrals for, and  
21 the provision of, other community resources and supports for  
22 eligible families.

23           D. The department shall work with the council and  
24 develop internal processes to increase collaboration with other  
25 state agencies, local governments and private entities and

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1 share relevant home visiting data and information. The  
2 processes may include a uniform format for the collection of  
3 data relevant to each home visiting program.

4 E. When the department authorizes funds through  
5 payments, contracts or grants that are used for home visiting  
6 programs, it shall include language regarding home visiting in  
7 its funding agreement contract or grant that is consistent with  
8 the provisions of the Early Childhood Education Department Act  
9 and rules promulgated by the department.

10 SECTION 13. [NEW MATERIAL] ELIGIBLE PROVIDER  
11 REQUIREMENTS--REQUEST FOR PROPOSALS--CONTRACTS.--

12 A. Early childhood education shall be provided  
13 through a school district, a pueblo or tribal entity, the New  
14 Mexico school for the blind and visually impaired, the New  
15 Mexico school for the deaf or an eligible provider.

16 B. Before providing early childhood education  
17 through an eligible provider, the department shall publish a  
18 request for proposals in compliance with the Procurement Code.  
19 The request for proposals shall state:

20 (1) the minimum qualifications and experience  
21 required;

22 (2) the goals and objectives to be met through  
23 the provision of early childhood education;

24 (3) the ages and approximate number of  
25 children to be served; and

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1 (4) any other criteria required by rule of the  
2 department.

3 C. In response to a request for proposals, a person  
4 seeking certification as an eligible provider shall submit a  
5 proposal or application containing:

6 (1) a description of the early childhood  
7 education the person is qualified and prepared to deliver;

8 (2) a description of the methods for providing  
9 early childhood education programs;

10 (3) a description of the qualifications and  
11 experience of the person and the employees of the person;

12 (4) the number and ages of children the person  
13 is qualified and prepared to serve;

14 (5) site and floor plans and a description of  
15 the facilities where early childhood education shall be  
16 provided;

17 (6) a copy of the current declarations page of  
18 any applicable insurance policy;

19 (7) the amounts and the sources of revenue  
20 received in the past from state, federal or private funding  
21 sources; and

22 (8) any other information requested by the  
23 department.

24 D. After a person qualifies as an eligible  
25 provider, the eligible provider shall:

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1 (1) comply with the rules of the early  
2 childhood education department and the public education  
3 department; and

4 (2) submit a written attestation, signed by  
5 the chief administrator of the eligible provider, that the  
6 eligible provider shall not use any distribution or payment  
7 from the fund for any religious, sectarian or denominational  
8 purpose, instruction or materials.

9 E. An eligible provider may deliver early childhood  
10 education to a child at any location permitted by the contract  
11 between the department and the eligible provider.

12 SECTION 14. [NEW MATERIAL] PUBLIC OUTREACH AND NOTICE--  
13 APPLICATION AND ENROLLMENT.--

14 A. The department shall publish notice of the  
15 availability and locations of early childhood education and  
16 information about how to apply for early childhood education on  
17 the department's website and in printed notices made available  
18 to:

19 (1) the maternity ward of each hospital in  
20 sufficient and replenished quantities;

21 (2) the offices of pediatricians in sufficient  
22 and replenished quantities; and

23 (3) public schools in sufficient and  
24 replenished quantities.

25 B. The department shall provide a standardized

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1 enrollment form to be used by a person applying for a child's  
2 enrollment for the receipt of early childhood education.

3 C. The department shall provide a standardized  
4 application form to be used by an eligible provider providing  
5 early childhood education.

6 SECTION 15. [NEW MATERIAL] BACKGROUND CHECKS--CRIMINAL  
7 HISTORY RECORD INVESTIGATIONS--PROCEDURE--CONFIDENTIALITY--  
8 VIOLATION--PROVIDING PENALTIES.--

9 A. The department shall:

10 (1) require fingerprints and nationwide  
11 criminal history record searches for any person who provides  
12 early childhood education pursuant to the provisions of the  
13 Early Childhood Education Department Act and department rule;  
14 and

15 (2) submit fingerprints for each person  
16 required to be fingerprinted pursuant to the Early Childhood  
17 Education Department Act to the department of public safety and  
18 the federal bureau of investigation.

19 B. Eligible providers are responsible for the cost  
20 of obtaining criminal histories on their employees and  
21 volunteers; provided that the facilities or programs may  
22 require the employees or volunteers to pay the costs.

23 C. Criminal histories obtained are confidential and  
24 shall be used only for the purpose of determining the  
25 suitability of an employee or volunteer or prospective employee

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1 or volunteer for employment or service by the department or a  
2 contractor or an employee of a contractor or prospective  
3 contractor; provided that criminal histories shall be released  
4 or disclosed to another agency or person only upon court order  
5 or with the written consent of the person who is the subject of  
6 the criminal history record.

7 D. A person who releases or discloses criminal  
8 history records or information contained in those records in  
9 violation of the provisions of this section is guilty of a  
10 misdemeanor and if convicted shall be sentenced pursuant to the  
11 provisions of Section 31-19-1 NMSA 1978.

12 SECTION 16. [NEW MATERIAL] AUDIT--ACCOUNTABILITY--  
13 REPORTING.--

14 A. Each eligible provider shall be audited annually  
15 by the department.

16 B. By July 15 of each year, the department shall  
17 prepare and submit to the department of finance and  
18 administration, the legislative finance committee and the  
19 legislative education study committee the projected provision  
20 of early childhood education during the upcoming year,  
21 including a:

22 (1) description of the types of early  
23 childhood education to be provided that fiscal year;

24 (2) description of the qualifications and  
25 experience of each employee of an eligible provider expected to

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1 provide early childhood education;

2 (3) description of the purpose of and  
3 educational benefit to be conferred through the provision of  
4 early childhood education;

5 (4) performance-based budget listing projected  
6 expenditures for early childhood education;

7 (5) description of performance targets,  
8 including the:

9 (a) goals and objectives expected to be  
10 achieved by the early childhood education department and each  
11 eligible provider;

12 (b) expected numbers of children and  
13 families to be served in each community; and

14 (c) geographic, economic and other  
15 relevant demographic information about the children expected to  
16 be served; and

17 (6) plan for reaching and enrolling children  
18 who may be eligible for early childhood education.

19 C. By August 31, 2019 and each year thereafter, the  
20 department shall prepare a report to be submitted to the  
21 governor and to be presented to the legislative education study  
22 committee and legislative finance committee on the use of the  
23 fund during the prior fiscal year by providing:

24 (1) a description of the types of early  
25 childhood education services provided;

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1 (2) a list of eligible providers that provided  
2 early childhood education, the qualifications and experience of  
3 each employee of each eligible provider and the amount of  
4 funding from the fund that each eligible provider received;

5 (3) the number of children who received early  
6 childhood education services;

7 (4) the per-child cost, averaged according to  
8 the school district or region in which the child resides, of  
9 providing early childhood education services;

10 (5) geographic, economic and any other  
11 relevant demographic information about the populations of  
12 children served;

13 (6) descriptions of the developmental and  
14 educational gains made by children who received early childhood  
15 education services;

16 (7) the total expenditures from the fund for  
17 early childhood education services; and

18 (8) whether performance targets were  
19 established and met for the provision of early childhood  
20 education.

21 SECTION 17. [NEW MATERIAL] EARLY CHILDHOOD EDUCATION  
22 FUND--CREATION--PURPOSE.--

23 A. The "early childhood education fund" is created  
24 in the state treasury. The fund consists of appropriations,  
25 income from investment of the fund, gifts, grants, donations

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1 and bequests. The fund shall be administered by the  
2 department. Subject to legislative appropriation, money in the  
3 fund is appropriated to the department to carry out the  
4 purposes of the Early Childhood Education Department Act.  
5 Money shall be disbursed on warrant of the secretary of finance  
6 and administration pursuant to vouchers signed by the secretary  
7 of early childhood education or the authorized representative  
8 of the secretary of early childhood education. Money in the  
9 fund shall not revert to the general fund at the end of any  
10 fiscal year.

11 B. Money in the fund shall be used to supplement,  
12 and not supplant, existing revenue sources for early childhood  
13 education services, including other state funding and federal  
14 and private funding.

15 C. The fund shall be used for the following  
16 purposes:

- 17 (1) to provide early childhood education;  
18 (2) for curriculum development and materials  
19 for early childhood education; and  
20 (3) to improve the quality of the provision of  
21 early childhood education.

22 D. If the early childhood education fund is created  
23 in another act of the first session of the fifty-third  
24 legislature, the administration of the fund shall be  
25 transferred to the department.

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1           SECTION 18. Section 9-2A-8 NMSA 1978 (being Laws 1992,  
2 Chapter 57, Section 8, as amended) is amended to read:

3           "9-2A-8. DEPARTMENT--ADDITIONAL DUTIES.--In addition to  
4 other duties provided by law or assigned to the department by  
5 the governor, the department shall:

6           A. develop priorities for department services and  
7 resources based on state policy and national best-practice  
8 standards and local considerations and priorities;

9           B. strengthen collaboration and coordination in  
10 state and local services for children, youth and families by  
11 integrating critical functions as appropriate, including  
12 service delivery, and contracting for services across divisions  
13 and related agencies;

14           C. develop and maintain a statewide database,  
15 including client tracking of services for children, youth and  
16 families;

17           D. develop standards of service within the  
18 department that focus on prevention, monitoring and outcomes;

19           E. analyze policies of other departments that  
20 affect children, youth and families to encourage common  
21 contracting procedures, common service definitions and a  
22 uniform system of access;

23           F. enact [~~regulations~~] rules to control disposition  
24 and placement of children under the Children's Code, including  
25 [~~regulations~~] rules to limit or prohibit the out-of-state

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1 placement of children, including those who have developmental  
2 disabilities or emotional, neurobiological or behavioral  
3 disorders, when in-state alternatives are available;

4 G. develop reimbursement criteria for licensed  
5 child care centers and licensed home providers establishing  
6 that accreditation by a department-approved national  
7 accrediting body is sufficient qualification for the child care  
8 center or home provider pursuant to the Children's Code and  
9 eligible provider pursuant to the Early Childhood Education  
10 Department Act to receive the highest reimbursement rate paid  
11 by the department;

12 H. assume and implement responsibility for  
13 children's mental health and substance abuse services in the  
14 state, coordinating with the human services department and the  
15 department of health;

16 I. assume and implement the lead responsibility  
17 among all departments for domestic violence services;

18 J. implement prevention and early intervention as a  
19 departmental focus;

20 K. conduct biennial assessments of service gaps and  
21 needs and establish outcome measurements to address those  
22 service gaps and needs, including recommendations from the  
23 governor's children's cabinet and the children, youth and  
24 families advisory committee;

25 L. ensure that behavioral health services provided,

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1 including mental health and substance abuse services for  
2 children, adolescents and their families, shall be in  
3 compliance with requirements of Section 9-7-6.4 NMSA 1978; and

4 M. fingerprint and conduct nationwide criminal  
5 history record searches on all department employees, staff  
6 members and volunteers whose jobs involve direct contact with  
7 department clients, including prospective employees and  
8 employees who are promoted, transferred or hired into new  
9 positions, and the superiors of all department employees,  
10 staff members and volunteers who have direct unsupervised  
11 contact with department clients."

12 SECTION 19. Section 32A-22-1 NMSA 1978 (being Laws  
13 2005, Chapter 64, Section 1) is amended to read:

14 "32A-22-1. SHORT TITLE.--~~[This act]~~ Chapter 32A,  
15 Article 22 NMSA 1978 may be cited as the "Children's Cabinet  
16 Act"."

17 SECTION 20. Section 32A-22-2 NMSA 1978 (being Laws  
18 2005, Chapter 64, Section 2) is amended to read:

19 "32A-22-2. CHILDREN'S CABINET CREATED.--

20 A. The "children's cabinet" is created and is  
21 administratively attached to the office of the governor. The  
22 children's cabinet shall meet at least six times each year.

23 B. The children's cabinet shall consist of the  
24 following members:

25 (1) the governor;

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- 1 (2) the lieutenant governor;  
2 (3) the secretary of children, youth and  
3 families;  
4 (4) the secretary of corrections;  
5 (5) the secretary of human services;  
6 (6) the secretary of [~~labor~~] workforce  
7 solutions;  
8 (7) the secretary of health;  
9 (8) the secretary of finance and  
10 administration;  
11 (9) the secretary of economic development;  
12 (10) the secretary of public safety;  
13 (11) the secretary of aging and long-term  
14 services;  
15 (12) the secretary of Indian affairs; [~~and~~]  
16 (13) the secretary of public education; and  
17 (14) the secretary of early childhood  
18 education.

19 C. Each year the children's cabinet shall select  
20 the governor or lieutenant governor to be the [~~chairperson~~]  
21 chair."

22 SECTION 21. Section 32A-23-1 NMSA 1978 (being Laws  
23 2005, Chapter 170, Section 1) is amended to read:

24 "32A-23-1. SHORT TITLE.--[~~This act~~] Chapter 32A,  
25 Article 23 NMSA 1978 may be cited as the "Pre-Kindergarten

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1 Act".

2 SECTION 22. Section 32A-23-3 NMSA 1978 (being Laws  
3 2005, Chapter 170, Section 3) is amended to read:

4 "32A-23-3. DEFINITIONS.--As used in the Pre-  
5 Kindergarten Act:

6 A. "community" means an area defined by school  
7 district boundaries, tribal boundaries or joint boundaries of  
8 a school district and tribe or any combination of school  
9 districts and tribes;

10 B. ~~["departments"]~~ "department" means the  
11 ~~[children, youth and families]~~ early childhood education  
12 department ~~[and the public education department acting~~  
13 ~~jointly]~~;

14 C. "early childhood development specialist" means  
15 the adult responsible for working directly with four-year-old  
16 children in implementing pre-kindergarten services;

17 D. "eligible provider" means a person licensed by  
18 the ~~[children, youth and families]~~ department that provides  
19 early childhood developmental readiness services or preschool  
20 special education, or is a public school, tribal program or  
21 head start program;

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

25 F. "tribe" means an Indian nation, tribe or

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1 pueblo located in New Mexico."

2 SECTION 23. Section 32A-23-4 NMSA 1978 (being Laws  
3 2005, Chapter 170, Section 4) is amended to read:

4 "32A-23-4. VOLUNTARY PRE-KINDERGARTEN--INTERAGENCY  
5 COOPERATION--CONTRACTS--CONTRACT MONITORING--RESEARCH.--

6 A. The ~~[children, youth and families department~~  
7 ~~and the public education department shall cooperate in the~~  
8 ~~development and implementation of]~~ department shall develop  
9 and implement a voluntary program for the provision of pre-  
10 kindergarten services throughout the state. The pre-  
11 kindergarten program shall address the total developmental  
12 needs of ~~[preschool]~~ four-year-old children, including  
13 physical, cognitive, social and emotional needs, and shall  
14 include health care, nutrition, safety and multicultural  
15 sensitivity.

16 B. To address the total development of four-year-  
17 old children participating in the pre-kindergarten program,  
18 the department shall implement program standards and  
19 performance measures to ensure the provision of high-quality  
20 and effective services so that children enter kindergarten  
21 prepared. The department and the public education department  
22 shall coordinate efforts to ensure alignment of program  
23 standards for pre-kindergarten and kindergarten, and each  
24 department shall certify the pre-kindergarten program and  
25 standards prior to implementation. The department and the

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1 public education department shall enter into an agreement to  
2 share data necessary to report on the performance of the  
3 program, including the percentage of pre-kindergarten  
4 participants entering kindergarten that meet total child  
5 development expectations, need special services, are  
6 proficient in reading and math and are retained in any grade  
7 through the third grade.

8 C. The department shall coordinate the pre-  
9 kindergarten program with federal head start agencies to  
10 avoid duplication of effort and to maximize the use of all  
11 available resources.

12 [~~B.~~] D. The [departments shall collaborate on  
13 promulgating] department shall promulgate rules on pre-  
14 kindergarten services, including state policies and  
15 standards, and shall review the process for contract awards  
16 and for the expenditure and use of contract funds.

17 [~~G.~~] E. The [departments] department shall  
18 monitor pre-kindergarten contracts to ensure the  
19 effectiveness of child-centered, developmentally appropriate  
20 practices and outcomes. The [~~departments~~] department shall  
21 assign staff to work on the development and implementation of  
22 the program and on the monitoring of contract awards. The  
23 early childhood training and technical assistance programs of  
24 the [~~children, youth and families department and assigned~~  
25 ~~staff from the public education department staff~~] department

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1 shall provide technical assistance to eligible providers.

2 ~~[D-]~~ F. The ~~[departments]~~ department shall  
3 provide an annual report to the governor and the legislature  
4 on the progress of the state's voluntary pre-kindergarten  
5 program."

6 **SECTION 24.** Section 32A-23-5 NMSA 1978 (being Laws  
7 2005, Chapter 170, Section 5, as amended) is amended to read:

8 "32A-23-5. PRE-KINDERGARTEN--ELIGIBILITY.--Pre-  
9 kindergarten services may be provided by public schools or  
10 other eligible providers on a per-child reimbursement rate in  
11 communities with public elementary schools that are  
12 designated as Title 1 schools."

13 **SECTION 25.** Section 32A-23-6 NMSA 1978 (being Laws  
14 2005, Chapter 170, Section 6, as amended) is amended to read:

15 "32A-23-6. REQUESTS FOR PROPOSALS--CONTRACTS FOR  
16 SERVICES.--

17 A. ~~[Each]~~ The department shall publish a request  
18 for proposals ~~[or a request for applications]~~ that contains  
19 ~~[the same]~~ requested information for pre-kindergarten  
20 services, including for half-day and full-day programs.

21 B. Eligible providers shall submit proposals ~~[or~~  
22 ~~applications]~~ for pre-kindergarten services to the  
23 ~~[appropriate]~~ department. An eligible provider's proposal  
24 ~~[or application]~~ shall include a description of the services  
25 that will be provided, including:

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1 (1) how those services meet [~~children, youth~~  
2 ~~and families department or public education~~] department  
3 standards;

4 (2) the number of four-year-old children the  
5 eligible provider can serve in either half-day or full-day  
6 programs;

7 (3) site and floor plans and a description  
8 of the facilities;

9 (4) revenue sources and amounts other than  
10 state funding available for the pre-kindergarten program;

11 (5) a description of the qualifications and  
12 experience of the early childhood development staff for each  
13 site;

14 (6) the plan for communicating with and  
15 involving parents in the pre-kindergarten program;

16 (7) how those services meet the continuum of  
17 services to children; and

18 (8) other relevant information requested by  
19 the [~~departments~~] department.

20 C. [~~Each~~] The department shall accept and  
21 evaluate proposals [~~or applications~~] for funding for pre-  
22 kindergarten.

23 D. For funding purposes, [~~applications and~~]  
24 proposals shall be evaluated and priority given to programs  
25 in communities with public elementary schools that are

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1 designated as Title 1 schools and that have at least sixty-  
2 six percent of the children served living within the  
3 attendance zone of a Title 1 elementary school. Additional  
4 funding criteria include:

5 (1) the number of four-year-olds residing in  
6 the community and the number of four-year-olds proposed to be  
7 served;

8 (2) the adequacy and capacity of pre-  
9 kindergarten facilities in the community;

10 (3) language and literacy services in the  
11 community;

12 (4) the cultural, historic and linguistic  
13 responsiveness to the community;

14 (5) parent education services available for  
15 parents of four-year-olds in the community;

16 (6) the qualifications of eligible providers  
17 in the community;

18 (7) staff professional development plans;

19 (8) the capacity of local organizations and  
20 persons interested in and involved in programs and services  
21 for four-year-olds and their commitment to work together;

22 (9) the extent of local support for pre-  
23 kindergarten services in the community; and

24 (10) other relevant criteria specified by  
25 ~~[joint]~~ rule of the ~~[departments]~~ department.

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1 E. A contract [~~or agreement~~] with an eligible  
2 provider shall specify and ensure that funds shall not be  
3 used for any religious, sectarian or denominational purposes,  
4 instruction or material."

5 SECTION 26. Section 32A-23-8 NMSA 1978 (being Laws  
6 2005, Chapter 170, Section 8) is amended to read:

7 "32A-23-8. [~~FUNDS~~] FUND CREATED--ADMINISTRATION.--

8 A. The "[~~public~~] pre-kindergarten fund" is  
9 created as a nonreverting fund in the state treasury. The  
10 fund shall consist of appropriations, income from investment  
11 of the fund, gifts, grants and donations. The fund shall be  
12 administered by the [~~public education~~] department, and money  
13 in the fund is [~~appropriated~~] subject to appropriation to the  
14 department to carry out the provisions of the Pre-  
15 Kindergarten Act. Disbursements from the fund shall be by  
16 warrant of the secretary of finance and administration upon  
17 vouchers signed by the secretary of [~~public education~~] early  
18 childhood education or the secretary's authorized  
19 representative. The department may use up to ten percent of  
20 the money in the fund each year for administrative program  
21 support expenses. The remaining minimum ninety percent shall  
22 be distributed to eligible service providers.

23 [~~B. The "children, youth and families pre-~~  
24 ~~kindergarten fund" is created as a nonreverting fund in the~~  
25 ~~state treasury. The fund shall consist of appropriations,~~

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1 ~~income from investment of the fund, gifts, grants and~~  
2 ~~donations. The fund shall be administered by the children,~~  
3 ~~youth and families department, and money in the fund is~~  
4 ~~appropriated to the department to carry out the provisions of~~  
5 ~~the Pre-Kindergarten Act. Disbursements from the fund shall~~  
6 ~~be by warrant of the secretary of finance and administration~~  
7 ~~upon vouchers signed by the secretary of children, youth and~~  
8 ~~families or the secretary's authorized representative. The~~  
9 ~~department may use up to ten percent of the money in the fund~~  
10 ~~each year for administrative expenses.]~~

11 B. On July 1, 2017, money in the children, youth  
12 and families pre-kindergarten fund and the public education  
13 pre-kindergarten fund shall be transferred to the pre-  
14 kindergarten fund."

15 SECTION 27. Section 32A-23-9 NMSA 1978 (being Laws  
16 2011, Chapter 126, Section 1) is amended to read:

17 "32A-23-9. EQUAL DIVISION OF APPROPRIATIONS.--[Any]  
18 Money appropriated for pre-kindergarten programs shall be  
19 divided equally between [the public education department and  
20 the children, youth and families department] public school  
21 programs and private programs to the extent practicable."

22 SECTION 28. Section 32A-23A-1 NMSA 1978 (being Laws  
23 2011, Chapter 123, Section 1) is amended to read:

24 "32A-23A-1. SHORT TITLE.--[This act] Chapter 32A,  
25 Article 23A NMSA 1978 may be cited as the "Early Childhood

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1 Care and Education Act".

2 SECTION 29. Section 32A-23A-2 NMSA 1978 (being Laws  
3 2011, Chapter 123, Section 2) is amended to read:

4 "32A-23A-2. DEFINITIONS.--As used in the Early  
5 Childhood Care and Education Act:

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

8 B. "department" means the [~~children, youth and~~  
9 ~~families~~] early childhood education department;

10 C. "early childhood" means from [~~prenatal~~] birth  
11 to the age of five years;

12 D. "fund" means the early childhood care and  
13 education fund;

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

17 F. "secretary" means the secretary of [~~children,~~  
18 ~~youth and families~~] early childhood education."

19 SECTION 30. Section 32A-23A-3 NMSA 1978 (being Laws  
20 2011, Chapter 123, Section 3) is amended to read:

21 "32A-23A-3. FINDINGS AND PURPOSE.--

22 A. The legislature finds that an early childhood  
23 care and education system is vital [~~in~~] to ensuring that  
24 every New Mexico child is eager to learn and ready to succeed  
25 by the time that child enters kindergarten, that high-quality

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1 early learning experiences have been proven to prepare  
2 children for success in school and later in life and that  
3 cost-benefit research demonstrates a high return on  
4 investment for money spent on early childhood care and  
5 education for at-risk children.

6 B. The legislature further finds that, to be  
7 successful, an early childhood care and education system  
8 should be:

9 (1) developmentally, culturally and  
10 linguistically appropriate and should include the  
11 implementation of program models, standards and curriculum  
12 based on research and best practices;

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

17 (3) accountable through developmentally  
18 appropriate methods of measuring, reporting and tracking a  
19 child's growth and development and the improvement of the  
20 system's programs;

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

23 (5) of the highest possible quality through  
24 the [~~utilization~~] use of qualified practitioners who have  
25 completed specialized training in early childhood growth,

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1 development and learning that is specific to the  
2 practitioner's role in the system and the maintenance of  
3 quality rating methods for the programs in the system;

4 (6) fully aligned within each community to  
5 ensure the most efficient and effective use of resources by  
6 combining funding sources and supporting seamless transitions  
7 for children within the system and for children transitioning  
8 into kindergarten;

9 (7) family-centered by recognizing that  
10 parents are the first and most important teachers of their  
11 children and by providing the support and referrals necessary  
12 for parents to assume this critical role in their child's  
13 development; and

14 (8) a partnership between the state and  
15 private individuals or institutions with an interest or  
16 expertise in early childhood care and education.

17 C. The purpose of the Early Childhood Care and  
18 Education Act is to establish a comprehensive early childhood  
19 care and education system through an aligned continuum of  
20 state and private programs, including home visitation, early  
21 intervention, child care, early head start, head start, early  
22 childhood special education, family support and pre-  
23 kindergarten, and to maintain or establish the infrastructure  
24 necessary to support quality in the system's programs."

25 SECTION 31. Section 32A-23A-4 NMSA 1978 (being Laws

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1 2011, Chapter 123, Section 4) is amended to read:

2 "32A-23A-4. STATE EARLY LEARNING ADVISORY COUNCIL  
3 CREATED--MEMBERSHIP.--

4 A. The "state early learning advisory council" is  
5 created. The council is attached to the department.

6 B. The council consists of [~~fifteen~~] sixteen  
7 members. The secretary of public education or the  
8 secretary's designee, the secretary of [~~children, youth and~~  
9 ~~families~~] early childhood education or the secretary's  
10 designee and the director of the head start state  
11 collaboration office of the department shall serve ex  
12 officio. The remaining members shall be qualified electors  
13 and, if appointment is not otherwise provided for in this  
14 subsection, shall be appointed by the governor for four-year  
15 terms expiring on January 1 of the appropriate year. Council  
16 members appointed by the governor shall serve staggered terms  
17 as determined by the governor at the time of their initial  
18 appointment, and no more than five of the governor's  
19 appointees shall be from the same political party. Along  
20 with the ex-officio members, the council shall consist of the  
21 following members:

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

24 (2) one representative of a local  
25 educational agency;

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

3 (4) two providers of early care and  
4 education services, at least one of whom shall represent a  
5 privately owned provider;

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

9 (6) one representative of the state agency  
10 responsible for children's health or mental health care  
11 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~~] an education-focused business organization; and

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

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

14 SECTION 32. Section 32A-23A-5 NMSA 1978 (being Laws  
15 2011, 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  
20 of the duties required under the federal act for early  
21 childhood care and education. The council shall also lead  
22 the development or enhancement of a high-quality,  
23 comprehensive system of early childhood development and care  
24 that ensures statewide coordination and collaboration among  
25 the wide range of early childhood programs and services

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1 within the state, including child care, early head start and  
2 head start [~~federal Individuals with Disabilities Education~~  
3 ~~Act programs for preschool, infants and families~~] and pre-  
4 kindergarten programs [~~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  
10 the 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  
14 and the legislature on the most efficient and effective way  
15 to leverage state and federal funding for early childhood  
16 care and education, including on grant applications made by  
17 the department to benefit the fund; [~~and~~]

18 (2) make recommendations to the department  
19 and the legislature on how to coordinate and align an early  
20 childhood care and education system to include child care,  
21 pre-kindergarten, home visitation, early head start, head  
22 start, early childhood special education, early intervention  
23 and 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  
4 and coordinated development of all early childhood care and  
5 education services;

6 (b) consider how to provide a system  
7 of seamless transition from prenatal services provided to  
8 pregnant women to early childhood 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  
17 quality early childhood care and education programs [~~in~~  
18 ~~order~~] to support the healthy development of children and  
19 [~~preparation~~] 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  
22 for early childhood care and education programs administered  
23 by local, state and federal agencies;

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

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1 childhood 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  
8 impact 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  
20 them; and

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

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

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 and early head  
4 start."

5 SECTION 33. Section 32A-23B-3 NMSA 1978 (being Laws  
6 2013, Chapter 118, Section 3) is amended to read:

7 "32A-23B-3. HOME VISITING PROGRAMS--ACCOUNTABILITY--  
8 EXCLUSIONS--CONTRACTING--REPORTING.--

9 A. The department shall provide statewide home  
10 visiting services using a standards-based program. The  
11 department shall adopt and promulgate rules by which the  
12 standards-based home visiting program shall operate. The  
13 department may prioritize funding for standards-based  
14 programs with strong evidence of effectiveness and high-risk  
15 populations.

16 B. The department shall fund only standards-based  
17 home visiting programs that include periodic home visits to  
18 improve the health, well-being and self-sufficiency of  
19 eligible families.

20 C. A home visiting program shall provide  
21 culturally and linguistically appropriate, face-to-face  
22 visits by nurses, social workers and other early childhood  
23 and health professionals or by trained and supervised lay  
24 workers.

25 D. A home visiting program shall do two or more

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1 of the following:

- 2 (1) improve prenatal, maternal, infant or  
3 child health outcomes, including reducing preterm births;  
4 (2) promote positive parenting practices;  
5 (3) build healthy parent and child  
6 relationships;  
7 (4) enhance children's social-emotional and  
8 language development;  
9 (5) support children's cognitive and  
10 physical development;  
11 (6) improve the health of eligible families;  
12 (7) provide resources and supports that may  
13 help to reduce child maltreatment and injury;  
14 (8) increase children's readiness to succeed  
15 in school; and  
16 (9) improve coordination of referrals for,  
17 and the provision of, other community resources and supports  
18 for eligible families.

19 E. The department shall work with the early  
20 learning advisory council and develop internal processes that  
21 provide for a greater ability to collaborate with other state  
22 agencies, local governments and private entities and share  
23 relevant home visiting data and information. The processes  
24 may include a uniform format for the collection of data  
25 relevant to each home visiting program.

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1           F. When the department authorizes funds through  
2 payments, contracts or grants that are used for home visiting  
3 programs, it shall include language regarding home visiting  
4 in its funding agreement contract or grant that is consistent  
5 with the provisions of the Home Visiting Accountability Act.

6           G. The department and the providers of home  
7 visiting services, in consultation with one or more experts  
8 in home visiting program evaluation, shall:

9                   (1) jointly develop an outcomes measurement  
10 plan to monitor outcomes for children and families receiving  
11 services through home visiting programs;

12                   (2) develop indicators that measure each  
13 objective established pursuant to Subsection D of this  
14 section; and

15                   (3) complete and submit the outcomes  
16 measurement plan by November 1, 2013 to the legislature, the  
17 governor and the early learning advisory council.

18           H. Beginning January 1, 2014 and annually  
19 thereafter, the department shall produce an annual outcomes  
20 report to the governor, the legislature and the early  
21 learning advisory council.

22           I. The annual outcomes report shall include:

23                   (1) the goals and achieved outcomes of the  
24 home visiting system implemented pursuant to the Home  
25 Visiting Accountability Act; and

- 1 (2) data regarding:
- 2 (a) the cost per eligible family
- 3 served;
- 4 (b) the number of eligible families
- 5 served;
- 6 (c) demographic data on eligible
- 7 families served;
- 8 (d) the duration of participation by
- 9 eligible families in the program;
- 10 (e) the number and type of programs
- 11 that the department has funded;
- 12 (f) any increases in school readiness,
- 13 child development and literacy;
- 14 (g) decreases in child maltreatment or
- 15 child abuse;
- 16 (h) any reductions in risky parental
- 17 behavior;
- 18 (i) the percentage of children
- 19 receiving regular well-child exams, as recommended by the
- 20 American academy of pediatrics;
- 21 (j) the percentage of infants on
- 22 schedule to be fully immunized by age two;
- 23 (k) the number of children that
- 24 received an ages and stages questionnaire and what percent
- 25 scored age appropriately in all developmental domains;

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1 (1) the number of children identified  
2 with potential developmental delay and, of those, how many  
3 began services within two months of the screening; and

4 (m) the percentage of children  
5 receiving home visiting services who are enrolled in high-  
6 quality licensed child care programs."

7 SECTION 34. TEMPORARY PROVISION--TRANSFERS OF  
8 FUNCTIONS, PERSONNEL, APPROPRIATIONS, MONEY, PROPERTY,  
9 CONTRACTUAL OBLIGATIONS AND REFERENCES.--

10 A. On July 1, 2017, all programs, functions,  
11 personnel, appropriations, money, records, furniture,  
12 equipment, supplies and other property belonging to the  
13 following departments shall be transferred to the early  
14 childhood education department:

15 (1) from the children, youth and families  
16 department, the early childhood services division; and

17 (2) from the public education department,  
18 the public pre-kindergarten program.

19 B. On July 1, 2017, all contractual obligations  
20 of the early childhood services division of the children,  
21 youth and families department or pre-kindergarten program of  
22 the public education department shall be deemed contractual  
23 obligations of the early childhood education department.

24 C. On July 1, 2017, all references in law to the  
25 early childhood services division of the children, youth and

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1 families department or the pre-kindergarten program of the  
2 public education department shall be deemed to be references  
3 to the early childhood education department.

4 SECTION 35. REPEAL.--Sections 9-2A-13, 32A-23-7,  
5 32A-23-9 and 32A-23B-1 through 32A-23B-3 NMSA 1978 (being  
6 Laws 1992, Chapter 57, Section 13, Laws 2005, Chapter 170,  
7 Section 7, Laws 2011, Chapter 126, Section 1 and Laws 2013,  
8 Chapter 118, Sections 1 through 3, as amended) are repealed.

9 SECTION 36. EFFECTIVE DATE.--The effective date of the  
10 provisions of this act is July 1, 2017.