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HOUSE BILL 97

**53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018**

INTRODUCED BY

Rebecca Dow

AN ACT

RELATING TO EARLY CHILDHOOD EDUCATION; CHANGING TERM DURATION AND ESTABLISHING TERM LIMITS OF STATE EARLY LEARNING ADVISORY COUNCIL MEMBERS; EXPANDING REQUIREMENTS FOR RECOMMENDATIONS BY THE COUNCIL TO THE CHILDREN, YOUTH AND FAMILIES DEPARTMENT AND THE LEGISLATURE; EXTENDING THE SUNSET DATE FOR THE COUNCIL.

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

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

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

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

B. The council consists of fifteen members. The secretary of public education or the secretary's designee, the

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1 secretary of children, youth and families or the secretary's  
2 designee and the director of the head start state collaboration  
3 office of the department shall serve ex officio. The remaining  
4 members shall be qualified electors and, if appointment is not  
5 otherwise provided for in this subsection, shall be appointed  
6 by the governor [~~for four-year terms expiring on January 1 of~~  
7 ~~the appropriate year~~]. Terms of council members appointed by  
8 the governor before January 1, 2019 shall be for four years and  
9 terms of council members appointed by the governor on or after  
10 January 1, 2019 shall be for two years. Terms shall expire on  
11 December 31 of the appropriate year. Council members appointed  
12 by the governor shall serve staggered terms as determined by  
13 the governor at the time of their initial appointment, and no  
14 more than five of the governor's appointees shall be from the  
15 same political party. Council members shall not be appointed  
16 to serve for more than three terms. Along with the ex-officio  
17 members, the council shall consist of the following members:

- 18 (1) one representative of an institution of  
19 higher education;
- 20 (2) one representative of a local educational  
21 agency;
- 22 (3) one representative from a head start or  
23 early head start organization;
- 24 (4) two providers of early care and education  
25 services, at least one of whom shall represent a privately

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1 owned provider;

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

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

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

10 (8) two public members with knowledge and  
11 experience in early childhood care and education.

12 C. Annually, the members shall designate a chair  
13 and vice chair from the members of the council.

14 D. A majority of the members constitutes a quorum  
15 for the conduct of business. The council shall meet at the  
16 call of the chair, and the chair shall coordinate the  
17 activities of the council.

18 E. The council may form subcommittees or task  
19 forces needed to make recommendations to the council. Task  
20 force members may include [~~individuals~~] persons who are not  
21 members of the council but have an interest or expertise in  
22 early childhood education, health care or related matters.

23 F. Members of the council shall not be removed  
24 except for incompetence, neglect of duty or malfeasance in  
25 office. A vacancy in the membership of the council occurring

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1 other than by expiration of term shall be filled in the same  
2 manner as the original appointment, but for the unexpired term  
3 only.

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

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

9 "32A-23A-5. COUNCIL AND DEPARTMENT DUTIES.--

10 A. The council is designated as the council  
11 required pursuant to the federal Improving Head Start for  
12 School Readiness Act of 2007. The council shall fulfill all of  
13 the duties required under the federal act for early childhood  
14 care and education. The council shall also lead the  
15 development or enhancement of a high-quality, comprehensive  
16 system of early childhood development and care that ensures  
17 statewide coordination and collaboration among the wide range  
18 of early childhood programs and services within the state,  
19 including child care, early head start, head start, federal  
20 Individuals with Disabilities Education Act programs for  
21 preschool, infants and families and pre-kindergarten programs  
22 and services.

23 B. The council and department may apply for and  
24 accept gifts, grants, donations or bequests for the fund from  
25 any source, public or private, and enter into contracts or

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1 other transactions with any federal or state agency, any  
2 private organization or any other source in furtherance of the  
3 purpose of the Early Childhood Care and Education Act.

4 C. In addition to the duties assigned to the  
5 council under federal law, the council shall:

6 (1) make recommendations to the department and  
7 the legislature on the most efficient and effective way to  
8 leverage state and federal funding for early childhood care and  
9 education, including on grant applications made by the  
10 department to benefit the fund; ~~and~~

11 (2) make recommendations to the department and  
12 the legislature on how to coordinate and align an early  
13 childhood care and education system to include child care, pre-  
14 kindergarten, home visitation, early head start, head start,  
15 early childhood special education, early intervention and  
16 family support and to provide New Mexico families with  
17 consistent access to appropriate care and education services.

18 In developing recommendations, the council shall:

19 (a) consider how to consolidate and  
20 coordinate resources and public funding streams for early  
21 childhood care and education and ensure the accountability and  
22 coordinated development of all early childhood care and  
23 education services;

24 (b) consider the provision of a system  
25 of seamless transition from prenatal to early childhood

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1 programs to kindergarten;

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

6 (d) examine ways to provide consumer  
7 education and accessibility to early childhood care and  
8 education resources;

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

13 (f) consider the development of a  
14 seamless service delivery system with local points of entry for  
15 early childhood care and education programs administered by  
16 local, state and federal agencies;

17 (g) ensure effective collaboration with  
18 state and local child welfare programs and early childhood  
19 health and behavioral health programs;

20 (h) consider how to develop and manage  
21 effective data collection systems to support the necessary  
22 functions of a coordinated system of early childhood care and  
23 education, and to track children through the education system  
24 from prenatal to early childhood to kindergarten to higher  
25 education, in order to enable accurate evaluation of the impact

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1 of early childhood care and education;

2 (i) focus on the diversity, cultural  
3 heritage and strengths of the families and communities of the  
4 state;

5 (j) consider the development of an  
6 aligned system of professional development for professionals  
7 providing early childhood care and education; and

8 (k) consider the establishment of an  
9 administrative framework to promote the development of high-  
10 quality early childhood care and education services that are  
11 staffed by well-qualified professionals and are available in  
12 every community for all families that express a need for them;  
13 and

14 (3) make recommendations to the department and  
15 the legislature on:

16 (a) statewide coordination of early  
17 childhood care and education;

18 (b) delineating and addressing the  
19 current gaps in child care programs and the early childhood  
20 care and education system, including child care home  
21 visitation, pre-kindergarten, head start, early head start and  
22 family, infant, toddler early intervention services;

23 (c) methods for improving the quality of  
24 and increasing the capacity for growth in the early childhood  
25 education and care system; and

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