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HOUSE BILL 86

54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020

INTRODUCED BY

Christine Trujillo and Patricia Roybal Caballero

AN ACT

RELATING TO CHILD CARE; PROVIDING FOR A VOLUNTARY EARLY
CHILDHOOD CARE AND EDUCATION WORKFORCE SUPPORT PROGRAM; FUNDING
COMPENSATION INCENTIVES BASED ON WAGE AND CAREER LADDERS FOR
CERTAIN EARLY CHILDHOOD CARE AND EDUCATION TEACHERS AND STAFF;
PROVIDING FOR CONTRACTING WITH NONPROFIT INSTITUTIONS; CREATING
THE EARLY CHILDHOOD CARE AND EDUCATION WORKFORCE FUND; MAKING
AN APPROPRIATION.

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

SECTION 1. Section 32A-23A-2 NMSA 1978 (being Laws 2011,
Chapter 123, Section 2, as amended) is amended to read:

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

A. "advanced credentials" includes education and
training to enhance the knowledge, skills and competencies

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1 needed to support the health, learning, development and school
2 success of children from birth to age five;

3 B. "advisory council" means the council convened
4 pursuant to Section 9-29-11 NMSA 1978;

5 [~~A-~~] C. "department" means the early childhood
6 education and care department;

7 [~~B-~~] D. "early childhood" means the period of a
8 person's life from birth to age five;

9 E. "early childhood care and education teacher and
10 staff" means an employee of an eligible provider;

11 F. "eligible provider" means a center, home-based
12 provider or pre-kindergarten provider licensed by the
13 department to provide early childhood care and education
14 services and that receives state child care subsidies;

15 [~~G-~~] G. "fund" means the early childhood care and
16 education fund; [~~and~~]

17 H. "high-need areas" means communities with median
18 household incomes below two hundred percent of the federal
19 poverty level or communities where the existing capacity of
20 early childhood care and education providers is insufficient to
21 serve the area's population of child care subsidy program-
22 eligible children; and

23 [~~D-~~] I. "secretary" means the secretary of early
24 childhood education and care."

25 SECTION 2. A new section of the Early Childhood Care and

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1 Education Act is enacted to read:

2 "[NEW MATERIAL] VOLUNTARY EARLY CHILDHOOD CARE AND
3 EDUCATION WORKFORCE SUPPORT PROGRAM.--

4 A. The advisory council shall develop a voluntary
5 early childhood care and education workforce support program to
6 provide compensation incentives to early childhood care and
7 education teachers and staff who have attained advanced
8 credentials or are engaged in professional development toward
9 advanced credentials. The career and wage ladder established
10 in the workforce development plan developed by the advisory
11 council shall set forth a schedule of compensation incentives
12 designed to yield overall hourly compensation for participants
13 between fifteen dollars (\$15.00) and twenty-three dollars
14 (\$23.00).

15 B. The department shall perform an annual
16 performance evaluation of the voluntary early childhood care
17 and education workforce support program. The evaluation shall
18 include the program's impact on the:

19 (1) reduction in the rate of employment
20 turnover for early childhood care and education teachers and
21 staff;

22 (2) promotion of continuing training and
23 professional development for early childhood care and education
24 teachers and staff; and

25 (3) provision of early childhood care and

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1 education services in high-need areas.

2 C. The department shall submit the findings of the
3 annual performance evaluation to the legislative education
4 study committee prior to October 1 of each year."

5 SECTION 3. A new section of the Early Childhood Care and
6 Education Act is enacted to read:

7 "[NEW MATERIAL] COMPENSATION INCENTIVES FOR ELIGIBLE
8 PROVIDERS--CONTRACTS WITH CERTAIN NONPROFITS.--

9 A. The department shall contract with one or more
10 nonprofit institutions to administer the compensation
11 incentives. Compensation incentives shall be provided to
12 eligible participants no less than once every three months.

13 B. Early childhood care and education teachers and
14 staff who earn less than an hourly wage of twenty-three dollars
15 (\$23.00) and have been employed for thirty-five hours or more
16 per week for at least one month by an eligible provider may
17 apply for compensation incentives. Resources shall be
18 prioritized to support early childhood care and education
19 teachers and staff who are employed by eligible providers
20 serving the highest percentage of children whose parents
21 receive child care subsidies from the department.

22 C. The department shall contract with nonprofit
23 institutions that:

24 (1) demonstrate familiarity with the state's
25 child care subsidy programs;

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1 (2) have relationships with educational
2 institutions that offer degrees in early childhood education;
3 and

4 (3) exhibit familiarity with the cultures of
5 the state's early childhood care and education workforce and
6 are proficient in the languages spoken by the workforce.

7 D. The contracting institution's duties shall
8 include:

9 (1) conducting outreach regarding the program
10 to early childhood care and education teachers and staff;

11 (2) receiving and approving applications from
12 early childhood care and education teachers and staff and
13 verifying their eligibility and employment;

14 (3) providing counseling to assist early
15 childhood care and education teachers and staff in securing the
16 appropriate professional development, as well as scholarships
17 and other available supports to mitigate or eliminate any
18 financial or other burdens related to their participation in
19 professional development;

20 (4) providing the compensation incentives
21 pursuant to the schedule established by the council; and

22 (5) informing and obtaining from eligible
23 providers a certification stating that the provider will not:

24 (a) consider the program funding to
25 reduce or otherwise supplant the compensation provided by the

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1 employer; and

2 (b) deny raises or other compensation
3 that the employer would have otherwise provided to qualified
4 staff."

5 SECTION 4. A new section of the Early Childhood Care and
6 Education Act is enacted to read:

7 "[NEW MATERIAL] EARLY CHILDHOOD CARE AND EDUCATION
8 WORKFORCE FUND--CREATED.--The "early childhood care and
9 education workforce fund" is created as a nonreverting fund in
10 the state treasury. The fund consists of appropriations to the
11 fund, income from investment of the fund, gifts, grants and
12 donations. The fund shall be administered by the department,
13 and money in the fund is appropriated to the department to
14 carry out the provisions of the voluntary early childhood care
15 and education workforce support program pursuant to Section 2
16 of this 2020 act. Disbursements from the fund shall be by
17 warrant of the secretary of finance and administration upon
18 vouchers signed by the secretary of early childhood education
19 and care or the secretary's authorized representative."

20 SECTION 5. APPROPRIATION.--Eighteen million dollars
21 (\$18,000,000) is appropriated from the general fund to the
22 early childhood care and education workforce fund for
23 expenditure in fiscal year 2021 and subsequent fiscal years for
24 the early childhood education and care department to develop
25 and implement the voluntary early childhood care and education

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1 workforce support program. Any unexpended or unencumbered
2 balance remaining at the end of a fiscal year shall not revert
3 to the general fund.

4 SECTION 6. EFFECTIVE DATE.--The effective date of the
5 provisions of this act is July 1, 2020.