

HOUSE BILL 97

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

INTRODUCED BY

Rebecca Dow

Pursuant to House Rule 24-1, this document incorporates amendments that have been adopted prior to consideration of this measure by the House. It is a tool to show the amendments in context and is not to be used for the purpose of amendments.

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

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

- (1) one representative of an institution of higher education;
- (2) one representative of a local educational

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agency;

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

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

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

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

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

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

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

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

E. The council may form subcommittees or task forces needed to make recommendations to the council. Task force members may include [~~individuals~~] persons who are not

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members of the council but have an interest or expertise in early childhood education, health care or related matters.

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

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

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

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

A. The council is designated as the council required pursuant to the federal Improving Head Start for School Readiness Act of 2007. The council shall fulfill all of the duties required under the federal act for early childhood care and education. The council shall also lead the development or enhancement of a high-quality, comprehensive system of early childhood development and care that ensures statewide coordination and collaboration among the wide range of early childhood programs and services within the state, including child care, early head start, head start, federal Individuals with Disabilities Education Act programs for

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preschool, infants and families and pre-kindergarten programs and services.

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

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

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

(2) make recommendations to the department and the legislature on how to coordinate and align an early childhood care and education system to include child care, pre-kindergarten, home visitation, early head start, head start, early childhood special education, early intervention and family support and to provide New Mexico families with consistent access to appropriate care and education services. In developing recommendations, the council shall:

(a) consider how to consolidate and coordinate resources and public funding streams for early

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childhood care and education and ensure the accountability and coordinated development of all early childhood care and education services;

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

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

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

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

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

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

(h) consider how to develop and manage

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effective data collection systems to support the necessary functions of a coordinated system of early childhood care and education, and to track children through the education system from prenatal to early childhood to kindergarten to higher education, in order to enable accurate evaluation of the impact of early childhood care and education;

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

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

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

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

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

(b) delineating and addressing the current gaps in child care programs and the early childhood care and education system, including child care HHHHC→, ←HHHC

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home visitation, pre-kindergarten, head start, early head start and family, infant, toddler early intervention services;

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

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

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

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