

HOUSE BILL 193

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

INTRODUCED BY

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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 HUMAN SERVICES; ENACTING THE EARLY CHILDHOOD CARE ACCOUNTABILITY ACT; REQUIRING THE CHILDREN, YOUTH AND FAMILIES DEPARTMENT TO ESTABLISH EARLY CHILDHOOD CARE PROGRAM STANDARDS; PROVIDING FOR RULEMAKING AND REPORTING.

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

**SECTION 1.** A new section of the Children's Code is enacted to read:

"[NEW MATERIAL] SHORT TITLE.--This act may be cited as the "Early Childhood Care Accountability Act"."

**SECTION 2.** A new section of the Children's Code is

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enacted to read:

"[NEW MATERIAL] DEFINITIONS.--As used in the Early Childhood Care Accountability Act:

A. "child care assistance" means the assistance administered by the department that provides child care through the child care assistance program for school-aged children as the primary service delivery strategy through a contract with the department that offers services based on income and need for care to parents with children who are school-aged, as department rules define "school-aged";

B. "culturally and linguistically appropriate" means taking into consideration the culture, customs and language of an eligible family;

C. "early childhood care assistance" means assistance administered by the department that provides child care through the child care assistance program for children under five years of age as the primary service delivery strategy through a contract with the department and that offers services based on income criteria and need for care to parents with children who have not yet entered kindergarten;

D. "eligible family" means a family that receives early childhood care assistance or child care assistance through the department;

E. "licensed child care program" means a publicly or privately funded program that:

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(1) provides child care in the state in accordance with department standards to school-aged children, as department rules define "school-aged"; and

(2) is licensed by the department;

F. "licensed early childhood care program" means a publicly or privately funded program that provides child care in accordance with department standards to children under five years of age in the state and that is licensed by the department; and

G. "licensed exempt child care program" means a child care home or facility that is exempt from child care licensing requirements pursuant to the Public Health Act."

**SECTION 3.** A new section of the Children's Code is enacted to read:

"[NEW MATERIAL] LICENSED EARLY CHILDHOOD CARE PROGRAMS-- REQUIREMENTS.--

A. The department shall adopt and promulgate rules to establish specific standards for licensure and registration of licensed early childhood care programs that provide care for children from birth to five years of age. As part of these standards, the department shall establish and implement a voluntary rating scale and determine levels that accord with levels of service quality. The standards shall ensure that the health, safety, social-emotional support, school readiness and staff qualifications components are consistent in accordance

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with the tier levels that the department has established by rule. The department shall use the tiered ratings it has established to pay higher rates for higher-rated individual licensed early childhood care program providers. Standards for licensed early childhood care programs shall:

- (1) specify the purpose and outcomes of services that constitute the program;
- (2) define high-quality service delivery and continuous quality improvement;
- (3) provide a common framework for early childhood care service delivery and accountability across all early childhood care programs;
- (4) be designed to promote child well-being, early education, social-emotional support and an emphasis on school readiness;
- (5) allow for the collection, aggregation and analysis of common data;
- (6) be grounded in best practices geared toward optimal health and developmental outcomes; and
- (7) establish foundational and continuing education requirements for staff.

B. A licensed early childhood care program shall:

- (1) ensure the health and safety of children while they are in care;
- (2) comply with the department's background

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check requirements for all staff members, educators and volunteers in licensed early childhood care programs;

- (3) provide positive discipline and guidance;
- (4) continually evaluate program performance;
- (5) collect data on program activities and

outcomes for reporting Hf11→, in accordance with the tier levels that the department has established in rule,←Hf11

pursuant to Section 4 of the Early Childhood Care Accountability Act;

(6) be culturally and linguistically appropriate;

(7) measure the promotion of positive development and appropriate early childhood educational practices Hf11→as provided, in accordance with the tier levels that the department has established in rule,←Hf11 pursuant to

Section 4 of the Early Childhood Care Accountability Act;

(8) ensure that enrolled children are up-to-date with immunizations, in accordance with state law;

(9) train staff on reporting any suspected child abuse and neglect to the department's protective services division and to local authorities;

(10) ensure that the program has established and shared with parents a curriculum statement that supports school readiness; and

(11) follow a curriculum that is aligned with

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child development functional areas, including the New Mexico early learning guidelines, in accordance with the tier levels that the department has established by rule."

SECTION 4. A new section of the Children's Code is enacted to read:

"[NEW MATERIAL] LICENSED EARLY CHILDHOOD CARE PROGRAMS--REPORTING.--Beginning December 31, 2019 and annually thereafter, the department shall produce an annual outcomes report for the legislature and the governor that includes:

A. the goals and achieved outcomes of the licensed early childhood care program standards implemented pursuant to the Early Childhood Care Accountability Act; and

B. the following data:

(1) the number of substantiated incidents and substantiated complaints received for each licensed early childhood care program rating level;

(2) the income levels of eligible families statewide receiving early childhood care assistance;

(3) the stated reasons that eligible families have applied for early childhood care assistance;

(4) the percentage of children receiving early childhood care assistance by quality level and provider type;

(5) the average annual enrollment in early childhood care assistance;

(6) the percentage of children participating

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in early childhood care assistance who have one or more substantiated child abuse cases while participating in early childhood care assistance;

(7) by rating level, any evidence of an increase in school readiness, child development and literacy among children receiving early childhood care assistance;

(8) the number and type of licensed early childhood care programs statewide;

(9) the capacity in licensed early childhood care programs by rating level;

(10) the number of children enrolled in licensed early childhood care programs who participate in the child and adult care food program;

(11) the percentage of children enrolled in licensed early childhood care programs receiving health and developmental screenings or assessments in accordance with department rules; and

(12) the percentage of children enrolled in licensed early childhood care programs who have received health or developmental screenings or assessments as department rules require who are referred to services."

**SECTION 5.** A new section of the Children's Code is enacted to read:

"[NEW MATERIAL] APPLICABILITY.--The provisions of this act shall not be construed to apply to the licensure or regulation

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of child care assistance, any licensed child care program or  
licensed exempt child care program."

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