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AN ACT

RELATING TO EARLY CHILDHOOD EDUCATION; ENACTING THE EARLY  
CHILDHOOD CARE AND EDUCATION ACT; CREATING THE STATE EARLY  
LEARNING ADVISORY COUNCIL AND SETTING FORTH ITS DUTIES;  
CREATING A FUND.

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

SECTION 1. SHORT TITLE.--This act may be cited as the  
"Early Childhood Care and Education Act".

SECTION 2. DEFINITIONS.--As used in the Early Childhood  
Care and Education Act:

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

B. "department" means the children, youth and  
families department;

C. "early childhood" means from prenatal to the  
age of five years;

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

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

F. "secretary" means the secretary of children,  
youth and families.

SECTION 3. FINDINGS AND PURPOSE.--

1           A. The legislature finds that an early childhood  
2 care and education system is vital in ensuring that every New  
3 Mexico child is eager to learn and ready to succeed by the  
4 time that child enters kindergarten, that high-quality early  
5 learning experiences have been proven to prepare children for  
6 success in school and later in life and that cost-benefit  
7 research demonstrates a high return on investment for money  
8 spent on early childhood care and education for at-risk  
9 children.

10           B. The legislature further finds that, to be  
11 successful, an early childhood care and education system  
12 should be:

13                   (1) developmentally, culturally and  
14 linguistically appropriate and include the implementation of  
15 program models, standards and curriculum based on research  
16 and best practices;

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

21                   (3) accountable through developmentally  
22 appropriate methods of measuring, reporting and tracking a  
23 child's growth and development and the improvement of the  
24 system's programs;

25                   (4) accessible, especially to those children

1 most at risk for school failure;

2 (5) of the highest possible quality through  
3 the utilization of qualified practitioners who have completed  
4 specialized training in early childhood growth, development  
5 and learning that is specific to the practitioner's role in  
6 the system and the maintenance of quality rating methods for  
7 the programs in the system;

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

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

18 (8) a partnership between the state and  
19 private individuals or institutions with an interest or  
20 expertise in early childhood care and education.

21 C. The purpose of the Early Childhood Care and  
22 Education Act is to establish a comprehensive early childhood  
23 care and education system through an aligned continuum of  
24 state and private programs, including home visitation, early  
25 intervention, child care, early head start, head start, early

1 childhood special education, family support and pre-  
2 kindergarten, and to maintain or establish the infrastructure  
3 necessary to support quality in the system's programs.

4 SECTION 4. STATE EARLY LEARNING ADVISORY COUNCIL  
5 CREATED--MEMBERSHIP.--

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

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

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

25 (2) one representative of a local

1 educational agency;

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

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

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

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

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

17 (8) two public members with knowledge and  
18 experience in early 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

1 forces needed to make recommendations to the council. Task  
2 force members may include individuals who are not members of  
3 the council but have an interest or expertise in early  
4 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 5. COUNCIL AND DEPARTMENT DUTIES.--

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

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

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

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

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

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

23 In developing recommendations, the council shall:

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

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

4 (b) consider a system of seamless  
5 transition from prenatal to early childhood programs to  
6 kindergarten;

7 (c) take into account a parent's  
8 decisive role in the planning, operation and evaluation of  
9 programs that aid families in the care and education of  
10 children;

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

14 (e) consider the advancement of quality  
15 early childhood care and education programs in order to  
16 support the healthy development of children and preparation  
17 for their success in school;

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

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

25 (h) consider how to develop and manage



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

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

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

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

19 SECTION 6. EARLY CHILDHOOD CARE AND EDUCATION FUND--  
20 CREATED--PURPOSE--ADMINISTRATION--GRANT APPLICATIONS.--

21 A. The "early childhood care and education fund"  
22 is created as a nonreverting fund in the state treasury. The  
23 fund shall be administered by the department and shall  
24 consist of gifts, grants, donations and bequests made to the  
25 fund.

