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

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

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

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

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

(4) accessible, especially to those children
most at risk for school failure;

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

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

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

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

C. The purpose of the Early Childhood Care and
Education Act is to establish a comprehensive early childhood
care and education system through an aligned continuum of
state and private programs, including home visitation, early
intervention, child care, early head start, head start, early
childhood special education, family support and pre-
kindergarten, and to maintain or establish the infrastructure
necessary to support quality in the system's programs.

SECTION 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 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 in this
subsection, shall be appointed by the governor for four-year
terms expiring on January 1 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. 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 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 who are not 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 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
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
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
childhood care and education and ensure the accountability and coordinated development of all early childhood care and education services;

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

(c) take into account a parent's decisive role 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 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
effective data collection systems to support the necessary
functions of a coordinated system of early childhood care and
education and 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.

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

   A. The "early childhood care and education fund"
is created as a nonreverting fund in the state treasury. The
fund shall be administered by the department and shall
consist of gifts, grants, donations and bequests made to the
B. Money in the fund is subject to appropriation by the legislature to the department for awarding grants to the council and early childhood care and education providers for carrying out the provisions of the Early Childhood Care and Education Act.

C. The department shall adopt rules on qualifications for grants and specify the format, procedure and deadlines for grant applications. For grants to early childhood care and education providers, the council shall review all grant applications and submit those applications recommended for final approval to the secretary.

D. Disbursements from the fund shall be made upon vouchers issued and signed by the secretary or the secretary's designee upon warrants drawn by the secretary of finance and administration.

SECTION 7. TERMINATION OF AGENCY LIFE--DELAYED REPEAL.--The council is terminated on July 1, 2017 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 until July 1, 2018. Effective July 1, 2018, Section 4 of the Early Childhood Care and Education Act is repealed.