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SENATE BILL

**50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

INTRODUCED BY

DISCUSSION DRAFT

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

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1 of five years;

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

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

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

9 SECTION 3. FINDINGS AND PURPOSE.--

10 A. The legislature finds that an early childhood  
11 care and education system is vital in ensuring that every New  
12 Mexico child is eager to learn and ready to succeed by the time  
13 that child enters kindergarten, and that high-quality early  
14 learning experiences have been proven to prepare children for  
15 success in school and later in life.

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

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

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

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1 to participate;

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

6 (4) of the highest possible quality through  
7 utilization of qualified practitioners who have completed  
8 specialized training in early childhood growth, development and  
9 learning that is specific to the practitioner's role in the  
10 system;

11 (5) fully aligned within each community to  
12 ensure the most efficient and effective use of resources by  
13 combining funding sources and supporting seamless transitions  
14 for children in the system and for children transitioning into  
15 kindergarten;

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

21 (7) a partnership between the state and  
22 private institutions with expertise in early childhood care and  
23 education.

24 C. The purpose of the Early Childhood Care and  
25 Education Act is to establish a comprehensive early childhood

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1 care and education system through an aligned continuum of state  
2 and private programs, including home visitation, early  
3 intervention, child care, early head start, head start, early  
4 childhood special education, family support and pre-  
5 kindergarten.

6 SECTION 4. STATE EARLY LEARNING ADVISORY COUNCIL  
7 CREATED--MEMBERSHIP.--

8 A. The "state early learning advisory council" is  
9 created. The council is attached to the department.

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

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

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1 (2) one representative of a local educational  
2 agency;

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

5 (4) one provider of early childhood education  
6 and development programs;

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 issues;  
12 and

13 (7) six public members with knowledge and  
14 experience in early childhood care and education.

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

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

21 E. The council may form subcommittees or task  
22 forces needed to make recommendations to the council. Task  
23 force members may include individuals who are not members of  
24 the council but have expertise in early childhood education,  
25 health care or related matters.

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

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

10 SECTION 5. COUNCIL AND DEPARTMENT DUTIES.--

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

24 B. The council and department may apply for and  
25 accept gifts, grants, donations or bequests for the fund from

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1 any source, public or private, and enter into contracts or  
2 other transactions with any federal or state agency, any  
3 private organization or any other source in furtherance of the  
4 purpose of the Early Childhood Care and Education Act.

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

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

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

20 (a) consider how to consolidate and  
21 coordinate resources and public funding streams for early  
22 childhood care and education and ensure the accountability and  
23 coordinated development of all early childhood care and  
24 education services;

25 (b) consider a system of seamless

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1 transition from prenatal to early childhood programs to  
2 kindergarten;

3 (c) take into account a parent's  
4 decisive role in the planning, operation and evaluation of  
5 programs that aid families in the care and education of  
6 children;

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

10 (e) consider the advancement of quality  
11 early childhood care and education programs in order to support  
12 the healthy development of children and preparation for their  
13 success in school;

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

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

21 (h) consider how to develop and manage  
22 effective data collection systems to support the necessary  
23 functions of a coordinated system of early childhood care and  
24 education and track children through the education system from  
25 prenatal to early childhood to kindergarten to higher

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1 education, in order to enable accurate evaluation of the impact  
2 of early childhood care and education;

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

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

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

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

16 A. The "early childhood care and education fund" is  
17 created as a nonreverting fund in the state treasury. The fund  
18 shall be administered by the department and shall consist of  
19 gifts, grants, donations and bequests made to the fund.

20 B. Money in the fund is subject to appropriation by  
21 the legislature to the department for awarding grants to the  
22 council and early childhood care and education providers for  
23 carrying out the provisions of the Early Childhood Care and  
24 Education Act.

25 C. The department shall adopt rules on

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1 qualifications for grants and specify the format, procedure and  
2 deadlines for grant applications. For grants to early  
3 childhood care and education providers, the council shall  
4 review all grant applications and submit those applications  
5 recommended for final approval to the secretary.

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