

SENATE EDUCATION COMMITTEE SUBSTITUTE FOR  
SENATE BILL 301

**52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

AN ACT

RELATING TO EARLY CHILDHOOD EDUCATION; CREATING THE EARLY  
CHILDHOOD ENDOWMENT FUND; REVISING THE USE OF THE EARLY  
CHILDHOOD CARE AND EDUCATION FUND; REVISING THE DUTIES OF THE  
STATE EARLY LEARNING ADVISORY COUNCIL; MAKING AN APPROPRIATION.

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

**SECTION 1.** Section 32A-23A-1 NMSA 1978 (being Laws 2011,  
Chapter 123, Section 1) is amended to read:

"32A-23A-1. SHORT TITLE.--~~[This act]~~ Chapter 32A, Article  
23A NMSA 1978 may be cited as the "Early Childhood Care and  
Education Act"."

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

"32A-23A-2. DEFINITIONS.--As used in the Early Childhood  
Care and Education Act:

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underscored material = new  
[bracketed material] = delete

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

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

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

7           D. "endowment fund" means the early childhood  
8 endowment fund;

9           ~~[D.]~~ E. "fund" means the early childhood care and  
10 education fund;

11           ~~[E.]~~ F. "pre-kindergarten" means a voluntary  
12 developmental readiness program for children who have attained  
13 their fourth birthday prior to September 1; and

14           ~~[F.]~~ G. "secretary" means the secretary of  
15 children, youth and families."

16           SECTION 3. Section 32A-23A-5 NMSA 1978 (being Laws 2011,  
17 Chapter 123, Section 5) is amended to read:

18           "32A-23A-5. COUNCIL AND DEPARTMENT DUTIES.--

19           A. The council is designated as the council  
20 required pursuant to the federal Improving Head Start for  
21 School Readiness Act of 2007. The council shall fulfill all of  
22 the duties required under the federal act for early childhood  
23 care and education. The council shall also lead the  
24 development or enhancement of a high-quality, comprehensive  
25 system of early childhood development and care that ensures

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1 statewide coordination and collaboration among the wide range  
 2 of early childhood programs and services within the state,  
 3 including child care, early head start, head start, federal  
 4 Individuals with Disabilities Education Act programs for  
 5 preschool, infants and families and pre-kindergarten programs  
 6 and services.

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

13 C. In addition to the duties assigned to the  
 14 council [~~under~~] pursuant to federal law, the council shall:

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

20 (2) make recommendations to the department and  
 21 the legislature on how to coordinate and align an early  
 22 childhood care and education system to include child care, pre-  
 23 kindergarten, home visitation, early head start, head start,  
 24 early childhood special education, early intervention and  
 25 family support and to provide New Mexico families with

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1 consistent access to appropriate care and education services.

2 In developing its recommendations, the council shall:

3 (a) consider how to consolidate and  
4 coordinate resources and public funding streams for early  
5 childhood care and education and ensure the accountability and  
6 coordinated development of all early childhood care and  
7 education services;

8 (b) consider how to provide a system of  
9 seamless transition from prenatal to early childhood programs  
10 to kindergarten;

11 (c) take into account a parent's  
12 decisive role in the planning, operation and evaluation of  
13 programs that aid families in the care and education of  
14 children;

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

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

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

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1 (g) ensure that recommendations provide  
2 for effective collaboration with state and local child welfare  
3 programs and early childhood health and behavioral health  
4 programs;

5 (h) consider how to develop and manage  
6 effective data collection systems to support the necessary  
7 functions of a coordinated system of early childhood care and  
8 education and to track children through the education system  
9 from prenatal to early childhood to kindergarten to higher  
10 education, in order to enable accurate evaluation of the impact  
11 of early childhood care and education;

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

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

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

23 D. The council shall make an annual report to the  
24 legislative education study committee and the legislative  
25 health and human services committee on the council's work

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1 during the year preceding its report and on the council's  
2 recommendations and considerations as provided for in this  
3 section."

4 SECTION 4. Section 32A-23A-6 NMSA 1978 (being Laws 2011,  
5 Chapter 123, Section 6) is amended to read:

6 "32A-23A-6. EARLY CHILDHOOD ENDOWMENT FUND--EARLY  
7 CHILDHOOD CARE AND EDUCATION FUND--CREATED--PURPOSE--  
8 ADMINISTRATION--GRANT APPLICATIONS.--

9 A. The "early childhood endowment fund" is created  
10 as a nonreverting fund in the state treasury. The endowment  
11 fund consists of money that is credited to the endowment fund  
12 pursuant to Subsection C of this section, appropriations, money  
13 otherwise accruing to the endowment fund and income from  
14 investment of the endowment fund. At the end of each fiscal  
15 year, if the amount of income, if any, from that fiscal year's  
16 investment of the endowment fund equals five percent or less of  
17 the corpus of the endowment fund, that amount shall be applied  
18 to the corpus of the endowment fund, and the amount of income,  
19 if any, that exceeds five percent shall be distributed to the  
20 early childhood care and education fund.

21 [~~A.~~] B. The "early childhood care and education  
22 fund" is created as a nonreverting fund in the state treasury.  
23 The fund shall be administered by the department and shall  
24 consist of appropriations, distributions of investment income  
25 from the early childhood endowment fund, gifts, grants,

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1 donations and bequests made to the fund and money that is  
 2 credited to the fund pursuant to Subsection C of this section.  
 3 Money in the fund shall be disbursed on warrants signed by the  
 4 secretary of finance and administration pursuant to vouchers  
 5 signed by the secretary of children, youth and families or the  
 6 secretary's authorized representative. [~~B.~~] Money in the fund  
 7 is subject to appropriation by the legislature to the early  
 8 childhood services program of the department [~~for awarding~~  
 9 ~~grants to the council and early childhood care and education~~  
 10 ~~providers] to provide for nonsectarian early childhood  
 11 education services and home visitation services for the benefit  
 12 of children who are prenatal through five years of age and for  
 13 carrying out the provisions of the Early Childhood Care and  
 14 Education Act.~~

15 C. Notwithstanding reversion provisions of general  
 16 appropriation acts or other laws, at the end of each fiscal  
 17 year, the balance of all agency general fund appropriations  
 18 that are set for reversion shall be credited:

19 (1) first to the early childhood endowment  
 20 fund, up to ten million dollars (\$10,000,000) per year;

21 (2) then to the early childhood care and  
 22 education fund, up to ten million dollars (\$10,000,000) per  
 23 year; and

24 (3) then to the general fund.

25 [~~C.~~] D. The department shall [adopt] promulgate any

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1 ~~necessary rules [on qualifications for grants and specify the~~  
2 ~~format, procedure and deadlines for grant applications. For~~  
3 ~~grants to early childhood care and education providers, the~~  
4 ~~council shall review all grant applications and submit those~~  
5 ~~applications 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] to carry out the purpose of the Early Childhood~~  
10 ~~Care and Education Act."~~

11 SECTION 5. EFFECTIVE DATE.--The effective date of the  
12 provisions of this act is July 1, 2015.