

1 HOUSE BILL 623

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO CHILD CARE; PROVIDING FOR A VOLUNTARY EARLY  
12 CHILDHOOD CARE PROVIDERS PROGRAM; CREATING REQUIREMENTS TO  
13 CONTRACT; PROVIDING REPORTING REQUIREMENTS; CREATING THE EARLY  
14 CHILDHOOD CARE WORKFORCE FUND; CREATING THE EARLY CHILDHOOD  
15 CARE WORKFORCE REVIEW BOARD; MAKING AN APPROPRIATION.  
16

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

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

20 "32A-23A-1. SHORT TITLE.--~~[This act]~~ Chapter 32A, Article  
21 23A NMSA 1978 may be cited as the "Early Childhood Care and  
22 Education Act"."

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

25 "32A-23A-2. DEFINITIONS.--As used in the Early Childhood

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1 Care and Education Act:

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

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

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

8 D. "early childhood care worker" means an employee  
9 of an eligible provider;

10 E. "eligible provider" means a person licensed by  
11 the department that provides early childhood care services;

12 [~~D-~~] F. "fund" means the early childhood care and  
13 education fund;

14 [~~E-~~] G. "pre-kindergarten" means a voluntary  
15 developmental readiness program for children who have attained  
16 their fourth birthday prior to September 1; [~~and~~]

17 H. "review board" means the early childhood care  
18 workforce review board; and

19 [~~F-~~] I. "secretary" means the secretary of  
20 children, youth and families."

21 SECTION 3. A new section of the Early Childhood Care and  
22 Education Act is enacted to read:

23 "[NEW MATERIAL] VOLUNTARY EARLY CHILDHOOD CARE PROVIDERS  
24 PROGRAM--CONTRACTS--CONTRACT MONITORING--RESEARCH.--

25 A. With the assistance of the review board, the

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1 department shall develop and implement a voluntary program for  
2 the provision of early childhood care services throughout the  
3 state and the development of the early childhood care  
4 workforce. The voluntary early childhood care providers  
5 program shall promote high-quality curricular, employment and  
6 professional standards to ensure the retention and development  
7 of the early childhood care workforce.

8 B. The department shall promulgate rules on early  
9 childhood care services, including the development of the early  
10 childhood care workforce, and shall review the process for  
11 contract awards and for the expenditure and use of contract  
12 funds.

13 C. The department shall assign staff to work in  
14 cooperation with the review board on the development and  
15 implementation of the program and on the monitoring of contract  
16 awards. The department shall provide professional development  
17 training to eligible providers.

18 D. The department may contract with experienced,  
19 qualified professional development organizations to assist the  
20 department in developing and supporting a high-quality early  
21 childhood care workforce. In evaluating a contract with a  
22 professional development organization, the department shall  
23 consider the organization's ability to:

24 (1) provide basic and advanced professional  
25 development training services and supportive services to early

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1 childhood care workers;

2 (2) attract individuals interested in  
3 employment and advancement within the early childhood care  
4 workforce;

5 (3) offer apprenticeships through approved  
6 apprenticeship programs;

7 (4) provide mentor services and tailored  
8 professional development plans for early childhood care  
9 workers;

10 (5) verify the completion of professional  
11 development training services by early childhood care workers;

12 (6) provide services to diverse and  
13 historically underrepresented communities; and

14 (7) meet other reasonable standards as  
15 determined by the department.

16 E. The department shall provide an annual report to  
17 the governor and the legislature on the progress of the state's  
18 voluntary early childhood care providers program."

19 SECTION 4. A new section of the Early Childhood Care and  
20 Education Act is enacted to read:

21 "[NEW MATERIAL] EARLY CHILDHOOD CARE WORKFORCE REVIEW  
22 BOARD--CREATED--DUTIES.--

23 A. The department shall create an "early childhood  
24 care workforce review board" to assist the department in the  
25 development of high-quality curricular, employment and

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1 professional standards to ensure the retention and development  
2 of the early childhood care workforce through the department's  
3 voluntary early childhood care providers program, including:

4 (1) the minimum professional standards for  
5 early childhood care workers to receive a minimum hourly wage  
6 of twelve dollars (\$12.00);

7 (2) a wage and career ladder for early  
8 childhood care workers that considers a worker's education,  
9 experience, certification or licensure, participation in  
10 professional development scholarship programs, use of a second  
11 language in a classroom and other credentials;

12 (3) a diversity of culturally, linguistically  
13 and developmentally appropriate curricula for early childhood  
14 care programs;

15 (4) a diversity of professional development  
16 opportunities, including the delivery system for that  
17 professional development;

18 (5) other initiatives necessary to recruit and  
19 retain a high-quality early childhood care workforce; and

20 (6) any other recommendations or assistance  
21 requested by the department.

22 B. The review board shall consist of nine members  
23 who shall be appointed by the secretary. The review board  
24 shall include representation from the following groups:

25 (1) the head start collaboration office;

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1 (2) licensed early childhood care providers;

2 (3) parents of children enrolled in licensed  
3 early childhood care facilities;

4 (4) community organizations that advocate on  
5 behalf of early childhood care services;

6 (5) public post-secondary educational  
7 institutions offering an early childhood care education program  
8 that leads to licensure of providers and employees;

9 (6) tribal education institutions;

10 (7) current early childhood care workers who  
11 are recommended by professional development organizations and  
12 reflect the demographics of the current early childhood care  
13 workforce; and

14 (8) other members as the secretary deems  
15 necessary from time to time to serve on the review board in an  
16 advisory capacity.

17 C. The secretary or the secretary's designated  
18 representative shall serve as the chair of the review board.  
19 The review board shall meet at the call of the chair. A simple  
20 majority of the review board members constitutes a quorum.

21 D. Members of the review board shall receive no  
22 compensation for their services, but shall be allowed per diem  
23 and mileage pursuant to the provisions of the Per Diem and  
24 Mileage Act.

25 E. The department shall provide staff support for

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1 the review board in the performance of its duties."

2 SECTION 5. A new section of the Early Childhood Care and  
3 Education Act is enacted to read:

4 "[NEW MATERIAL] REQUESTS FOR PROPOSALS--CONTRACTS FOR  
5 SERVICES.--

6 A. The department shall publish a request for  
7 proposals or a request for applications for early childhood  
8 care services.

9 B. Eligible providers shall submit proposals or  
10 applications for early childhood care services to the  
11 department. An eligible provider's proposal or application  
12 shall include a description of the services that will be  
13 provided, including:

14 (1) how those services meet department  
15 standards;

16 (2) the number of children the eligible  
17 provider can serve;

18 (3) site and floor plans and a description of  
19 the facilities;

20 (4) a description of the qualifications, day,  
21 hourly pay, monthly hours and experience of the early childhood  
22 care workers for each site;

23 (5) the plan for promoting continuing training  
24 and professional development of early childhood care workers;

25 (6) the plan for communicating with and

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1 involving parents in the voluntary early childhood care  
2 providers program;

3 (7) how those services meet the continuum of  
4 services to children; and

5 (8) other relevant information requested by  
6 the department.

7 C. The department shall accept and evaluate  
8 proposals or applications for funding for early childhood care  
9 based on the information provided pursuant to Subsection B of  
10 this section.

11 D. Funding criteria shall be determined by the  
12 current operating costs of an eligible provider and whether the  
13 eligible provider satisfies the high-quality curricular,  
14 employment and professional standards as determined by the  
15 department and review board pursuant to Section 4 of this 2019  
16 act, including:

17 (1) a minimum hourly wage of twelve dollars  
18 (\$12.00) for all employees; and

19 (2) the implementation of employee wage and  
20 career ladders.

21 E. A contract or agreement with an eligible  
22 provider shall specify and ensure that funds shall not be used  
23 for any religious, sectarian or denominational purposes,  
24 instruction or material."

25 SECTION 6. A new section of the Early Childhood Care and

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1 Education Act is enacted to read:

2 "[NEW MATERIAL] EARLY CHILDHOOD CARE WORKFORCE FUND--  
3 CREATED.--The "early childhood care workforce fund" is created  
4 as a nonreverting fund in the state treasury. The fund shall  
5 consist of appropriations, income from investment of the fund,  
6 gifts, grants and donations. The fund shall be administered by  
7 the department, and money in the fund is appropriated to the  
8 department to carry out the provisions of the voluntary early  
9 childhood care providers program pursuant to Section 3 of this  
10 2019 act. Disbursements from the fund shall be by warrant of  
11 the secretary of finance and administration upon vouchers  
12 signed by the secretary of children, youth and families or the  
13 secretary's authorized representative."

14 SECTION 7. APPROPRIATION.--Fourteen million dollars  
15 (\$14,000,000) is appropriated from the general fund to the  
16 early childhood care workforce fund for expenditure in fiscal  
17 year 2020 and subsequent fiscal years for the children, youth  
18 and families department to develop and implement the voluntary  
19 early childhood care providers program. Any unexpended or  
20 unencumbered balance remaining at the end of a fiscal year  
21 shall not revert to the general fund.