

1 AN ACT

2 RELATING TO EARLY CHILDHOOD EDUCATION; CHANGING THE
3 COMPOSITION AND TERMS OF THE STATE EARLY LEARNING ADVISORY
4 COUNCIL; REQUIRING LIMITED TERMS FOR COUNCIL MEMBERS;
5 EXPANDING REQUIREMENTS FOR RECOMMENDATIONS BY THE COUNCIL TO
6 THE CHILDREN, YOUTH AND FAMILIES DEPARTMENT AND THE
7 LEGISLATURE; EXTENDING THE SUNSET DATE FOR THE COUNCIL.

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

10 SECTION 1. Section 32A-23A-4 NMSA 1978 (being Laws
11 2011, Chapter 123, Section 4) is amended to read:

12 "32A-23A-4. STATE EARLY LEARNING ADVISORY COUNCIL
13 CREATED--MEMBERSHIP.--

14 A. The "state early learning advisory council" is
15 created. The council is attached to the department.

16 B. The council consists of seventeen members. The
17 secretary of public education or the secretary's designee,
18 the secretary of children, youth and families or the
19 secretary's designee, the director of the head start state
20 collaboration office of the department, the director of the
21 legislative education study committee and the director of the
22 legislative finance committee shall serve ex officio. The
23 remaining members shall be qualified electors and, if
24 appointment is not otherwise provided for in this subsection,
25 shall be appointed by the governor. Except as otherwise

1 provided in Section 4 of this 2017 act, terms of council
2 members appointed by the governor before January 1, 2018
3 shall be for four years and terms of council members
4 appointed by the governor on or after January 1, 2018 shall
5 be for two years. Terms shall expire on December 31 of the
6 appropriate year. Council members appointed by the governor
7 shall serve staggered terms as determined by the governor at
8 the time of their initial appointment, and no more than five
9 of the governor's appointees shall be from the same political
10 party. Council members shall not be appointed to serve for
11 more than three terms. Along with the ex-officio members,
12 the council shall consist of the following members:

13 (1) one representative of an institution of
14 higher education;

15 (2) one representative of a local
16 educational agency;

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

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

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

25 (6) one representative of the state agency

1 responsible for children's health or mental health care
2 issues;

3 (7) two members of the New Mexico business
4 roundtable for educational excellence, appointed by and whose
5 terms shall be set by the roundtable's board of directors;
6 and

7 (8) three public members, including two
8 public members with knowledge and experience in early
9 childhood care and education.

10 C. Annually, the members shall designate a chair
11 and vice chair from the members of the council.

12 D. A majority of the members constitutes a quorum
13 for the conduct of business. The council shall meet at the
14 call of the chair, and the chair shall coordinate the
15 activities of the council.

16 E. The council may form subcommittees or task
17 forces needed to make recommendations to the council. Task
18 force members may include persons who are not members of the
19 council but have an interest or expertise in early childhood
20 education, health care or related matters.

21 F. Members of the council shall not be removed
22 except for incompetence, neglect of duty or malfeasance in
23 office. A vacancy in the membership of the council occurring
24 other than by expiration of term shall be filled in the same
25 manner as the original appointment, but for the unexpired

1 term only.

2 G. Council members shall not be paid nor shall
3 they receive per diem and mileage as provided in the Per Diem
4 and Mileage Act."

5 SECTION 2. Section 32A-23A-5 NMSA 1978 (being
6 Laws 2011, Chapter 123, Section 5) is amended to read:

7 "32A-23A-5. COUNCIL AND DEPARTMENT DUTIES.--

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

21 B. The council and department may apply for and
22 accept gifts, grants, donations or bequests for the fund from
23 any source, public or private, and enter into contracts or
24 other transactions with any federal or state agency, any
25 private organization or any other source in furtherance of

1 the purpose of the Early Childhood Care and Education Act.

2 C. In addition to the duties assigned to the
3 council under federal law, the council shall:

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

9 (2) make recommendations to the department
10 and the legislature on how to coordinate and align an early
11 childhood care and education system to include child care,
12 pre-kindergarten, home visitation, early head start, head
13 start, early childhood special education, early intervention
14 and family support and to provide New Mexico families with
15 consistent access to appropriate care and education services.

16 In developing recommendations, the council shall:

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

22 (b) consider the provision of a system
23 of seamless transition from prenatal to early childhood
24 programs to kindergarten;

25 (c) take into account the decisive role

1 of parents in the planning, operation and evaluation of
2 programs that aid families in the care and education of
3 children;

4 (d) examine ways to provide consumer
5 education and accessibility to early childhood care and
6 education resources;

7 (e) consider the advancement of quality
8 early childhood care and education programs to support the
9 healthy development of children and to prepare them for
10 success in school;

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

15 (g) ensure effective collaboration with
16 state and local child welfare programs and early childhood
17 health and behavioral health programs;

18 (h) consider how to develop and manage
19 effective data collection systems to support the necessary
20 functions of a coordinated system of early childhood care and
21 education, and to track children through the education system
22 from prenatal to early childhood to kindergarten to higher
23 education, in order to enable accurate evaluation of the
24 impact of early childhood care and education;

25 (i) focus on the diversity, cultural

1 heritage and strengths of the families and communities of the
2 state;

3 (j) consider the development of an
4 aligned system of professional development for professionals
5 providing early childhood care and education; and

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

12 (3) make recommendations to the department
13 and the legislature on:

14 (a) statewide coordination of early
15 childhood care and education;

16 (b) delineating and addressing the
17 current gaps in child care programs and the early childhood
18 care and education system, including child care home
19 visitation, pre-kindergarten, head start, early head start
20 and family infant toddler early intervention services;

21 (c) methods for improving the quality
22 of and increasing the capacity for growth in the early
23 childhood education and care system; and

24 (d) describing pre-kindergarten
25 academic and parenting components."

1 SECTION 3. Section 32A-23A-7 NMSA 1978 (being
2 Laws 2011, Chapter 123, Section 7) is amended to read:

3 "32A-23A-7. TERMINATION OF AGENCY LIFE--DELAYED
4 REPEAL.--The council is terminated on July 1, 2023 pursuant to
5 the provisions of the Sunset Act. The council shall continue
6 to operate pursuant to the provisions of Sections 32A-23A-4
7 and 32A-23A-5 NMSA 1978 until July 1, 2024. Effective
8 July 1, 2024, Section 32A-23A-4 NMSA 1978 is repealed."

9 SECTION 4. TEMPORARY PROVISION--TRANSITION OF
10 MEMBERSHIP OF THE STATE EARLY LEARNING ADVISORY COUNCIL.--

11 A. On the effective date of this act, of the three
12 members of the New Mexico business roundtable for educational
13 excellence appointed to the state early learning advisory
14 council pursuant to Paragraph (7) of Subsection B of Section 4
15 of Chapter 123 of Laws 2011, the member with the term that
16 expires first is no longer a member of the council.

17 B. Within thirty days of the effective date of
18 this act, the governor shall appoint one new public member to
19 the state early learning advisory council pursuant to
20 Paragraph (8) of Subsection B of Section 1 of this 2017 act.
21 The governor shall determine the initial length of the term of
22 that member, not exceeding three years, to allow for staggered
23 terms. Thereafter, a term of that member shall be for two
24 years.

25 SECTION 5. EFFECTIVE DATE.--The effective date of the

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provisions of this act is January 1, 2018. _____