

1 HOUSE BILL 193

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018**

3 INTRODUCED BY

4 Rebecca Dow and Deborah A. Armstrong and Joanne J. Ferrary
5 and Bill Tallman and Howie C. Morales
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10 AN ACT

11 RELATING TO HUMAN SERVICES; ENACTING THE EARLY CHILDHOOD CARE
12 ACCOUNTABILITY ACT; REQUIRING THE CHILDREN, YOUTH AND FAMILIES
13 DEPARTMENT TO ESTABLISH EARLY CHILDHOOD CARE PROGRAM STANDARDS;
14 PROVIDING FOR RULEMAKING AND REPORTING.
15

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

17 SECTION 1. A new section of the Children's Code is
18 enacted to read:

19 "[NEW MATERIAL] SHORT TITLE.--This act may be cited as the
20 "Early Childhood Care Accountability Act"."

21 SECTION 2. A new section of the Children's Code is
22 enacted to read:

23 "[NEW MATERIAL] DEFINITIONS.--As used in the Early
24 Childhood Care Accountability Act:

25 A. "child care assistance" means the assistance

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1 administered by the department that provides child care through
2 the child care assistance program for school-aged children as
3 the primary service delivery strategy through a contract with
4 the department that offers services based on income and need
5 for care to parents with children who are school-aged, as
6 department rules define "school-aged";

7 B. "culturally and linguistically appropriate"
8 means taking into consideration the culture, customs and
9 language of an eligible family;

10 C. "early childhood care assistance" means
11 assistance administered by the department that provides child
12 care through the child care assistance program for children
13 under five years of age as the primary service delivery
14 strategy through a contract with the department and that offers
15 services based on income criteria and need for care to parents
16 with children who have not yet entered kindergarten;

17 D. "eligible family" means a family that receives
18 early childhood care assistance or child care assistance
19 through the department;

20 E. "licensed child care program" means a publicly
21 or privately funded program that:

22 (1) provides child care in the state in
23 accordance with department standards to school-aged children,
24 as department rules define "school-aged"; and

25 (2) is licensed by the department;

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1 F. "licensed early childhood care program" means a
2 publicly or privately funded program that provides child care
3 in accordance with department standards to children under five
4 years of age in the state and that is licensed by the
5 department; and

6 G. "licensed exempt child care program" means a
7 child care home or facility that is exempt from child care
8 licensing requirements pursuant to the Public Health Act."

9 **SECTION 3.** A new section of the Children's Code is
10 enacted to read:

11 "[NEW MATERIAL] LICENSED EARLY CHILDHOOD CARE PROGRAMS--
12 REQUIREMENTS.--

13 A. The department shall adopt and promulgate rules
14 to establish specific standards for licensure and registration
15 of licensed early childhood care programs that provide care for
16 children from birth to five years of age. As part of these
17 standards, the department shall establish and implement a
18 voluntary rating scale and determine levels that accord with
19 levels of service quality. The standards shall ensure that the
20 health, safety, social-emotional support, school readiness and
21 staff qualifications components are consistent in accordance
22 with the tier levels that the department has established by
23 rule. The department shall use the tiered ratings it has
24 established to pay higher rates for higher-rated individual
25 licensed early childhood care program providers. Standards for

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1 licensed early childhood care programs shall:

2 (1) specify the purpose and outcomes of
3 services that constitute the program;

4 (2) define high-quality service delivery and
5 continuous quality improvement;

6 (3) provide a common framework for early
7 childhood care service delivery and accountability across all
8 early childhood care programs;

9 (4) be designed to promote child well-being,
10 early education, social-emotional support and an emphasis on
11 school readiness;

12 (5) allow for the collection, aggregation and
13 analysis of common data;

14 (6) be grounded in best practices geared
15 toward optimal health and developmental outcomes; and

16 (7) establish foundational and continuing
17 education requirements for staff.

18 B. A licensed early childhood care program shall:

19 (1) ensure the health and safety of children
20 while they are in care;

21 (2) comply with the department's background
22 check requirements for all staff members, educators and
23 volunteers in licensed early childhood care programs;

24 (3) provide positive discipline and guidance;

25 (4) continually evaluate program performance;

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1 (5) collect data on program activities and
2 outcomes for reporting pursuant to Section 4 of the Early
3 Childhood Care Accountability Act;

4 (6) be culturally and linguistically
5 appropriate;

6 (7) measure the promotion of positive
7 development and appropriate early childhood educational
8 practices as provided pursuant to Section 4 of the Early
9 Childhood Care Accountability Act;

10 (8) ensure that enrolled children are up-to-
11 date with immunizations, in accordance with state law;

12 (9) train staff on reporting any suspected
13 child abuse and neglect to the department's protective services
14 division and to local authorities;

15 (10) ensure that the program has established
16 and shared with parents a curriculum statement that supports
17 school readiness; and

18 (11) follow a curriculum that is aligned with
19 child development functional areas, including the New Mexico
20 early learning guidelines, in accordance with the tier levels
21 that the department has established by rule."

22 SECTION 4. A new section of the Children's Code is
23 enacted to read:

24 "[NEW MATERIAL] LICENSED EARLY CHILDHOOD CARE PROGRAMS--
25 REPORTING.--Beginning December 31, 2019 and annually

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1 thereafter, the department shall produce an annual outcomes
2 report for the legislature and the governor that includes:

3 A. the goals and achieved outcomes of the licensed
4 early childhood care program standards implemented pursuant to
5 the Early Childhood Care Accountability Act; and

6 B. the following data:

7 (1) the number of substantiated incidents and
8 substantiated complaints received for each licensed early
9 childhood care program rating level;

10 (2) the income levels of eligible families
11 statewide receiving early childhood care assistance;

12 (3) the stated reasons that eligible families
13 have applied for early childhood care assistance;

14 (4) the percentage of children receiving early
15 childhood care assistance by quality level and provider type;

16 (5) the average annual enrollment in early
17 childhood care assistance;

18 (6) the percentage of children participating
19 in early childhood care assistance who have one or more
20 substantiated child abuse cases while participating in early
21 childhood care assistance;

22 (7) by rating level, any evidence of an
23 increase in school readiness, child development and literacy
24 among children receiving early childhood care assistance;

25 (8) the number and type of licensed early

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1 childhood care programs statewide;

2 (9) the capacity in licensed early childhood
3 care programs by rating level;

4 (10) the number of children enrolled in
5 licensed early childhood care programs who participate in the
6 child and adult care food program;

7 (11) the percentage of children enrolled in
8 licensed early childhood care programs receiving health and
9 developmental screenings or assessments in accordance with
10 department rules; and

11 (12) the percentage of children enrolled in
12 licensed early childhood care programs who have received health
13 or developmental screenings or assessments as department rules
14 require who are referred to services."

15 SECTION 5. A new section of the Children's Code is
16 enacted to read:

17 "[NEW MATERIAL] APPLICABILITY.--The provisions of this act
18 shall not be construed to apply to the licensure or regulation
19 of child care assistance, any licensed child care program or
20 licensed exempt child care program."

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