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AN ACT

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

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

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

"SHORT TITLE.--This act may be cited as the "Early  
Childhood Care Accountability Act"."

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

"DEFINITIONS.--As used in the Early Childhood Care  
Accountability Act:

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

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

1           C. "early childhood care assistance" means  
2 assistance administered by the department that provides child  
3 care through the child care assistance program for children  
4 under five years of age as the primary service delivery  
5 strategy through a contract with the department and that  
6 offers services based on income criteria and need for care to  
7 parents with children who have not yet entered kindergarten;

8           D. "eligible family" means a family that receives  
9 early childhood care assistance or child care assistance  
10 through the department;

11           E. "licensed child care program" means a publicly  
12 or privately funded program that:

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

16                 (2) is licensed by the department;

17           F. "licensed early childhood care program" means a  
18 publicly or privately funded program that provides child care  
19 in accordance with department standards to children under  
20 five years of age in the state and that is licensed by the  
21 department; and

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

25           **SECTION 3.** A new section of the Children's Code is

1 enacted to read:

2 "LICENSED EARLY CHILDHOOD CARE PROGRAMS--REQUIREMENTS.--

3 A. The department shall adopt and promulgate rules  
4 to establish specific standards for licensure and  
5 registration of licensed early childhood care programs that  
6 provide care for children from birth to five years of age.

7 As part of these standards, the department shall establish  
8 and implement a voluntary rating scale and determine levels  
9 that accord with levels of service quality. The standards  
10 shall ensure that the health, safety, social-emotional  
11 support, school readiness and staff qualifications components  
12 are consistent in accordance with the tier levels that the  
13 department has established by rule. The department shall use  
14 the tiered ratings it has established to pay higher rates for  
15 higher-rated individual licensed early childhood care program  
16 providers. Standards for licensed early childhood care  
17 programs shall:

18 (1) specify the purpose and outcomes of  
19 services that constitute the program;

20 (2) define high-quality service delivery and  
21 continuous quality improvement;

22 (3) provide a common framework for early  
23 childhood care service delivery and accountability across all  
24 early childhood care programs;

25 (4) be designed to promote child well-being,

1 early education, social-emotional support and an emphasis on  
2 school readiness;

3 (5) allow for the collection, aggregation  
4 and analysis of common data;

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

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

9 B. A licensed early childhood care program shall:

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

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

15 (3) provide positive discipline and  
16 guidance;

17 (4) continually evaluate program  
18 performance;

19 (5) collect data on program activities and  
20 outcomes for reporting in accordance with the tier levels  
21 that the department has established in rule, pursuant to  
22 Section 4 of the Early Childhood Care Accountability Act;

23 (6) be culturally and linguistically  
24 appropriate;

25 (7) measure the promotion of positive

1 development and appropriate early childhood educational  
2 practices, in accordance with the tier levels that the  
3 department has established in rule, pursuant to Section 4 of  
4 the Early Childhood Care Accountability Act;

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

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

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

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

17 **SECTION 4.** A new section of the Children's Code is  
18 enacted to read:

19 "LICENSED EARLY CHILDHOOD CARE PROGRAMS--  
20 REPORTING.--Beginning December 31, 2019 and annually  
21 thereafter, the department shall produce an annual outcomes  
22 report for the legislature and the governor that includes:

23 A. the goals and achieved outcomes of the licensed  
24 early childhood care program standards implemented pursuant  
25 to the Early Childhood Care Accountability Act; and

1           B. the following data:

2                   (1) the number of substantiated incidents  
3 and substantiated complaints received for each licensed early  
4 childhood care program rating level;

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

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

9                   (4) the percentage of children receiving  
10 early childhood care assistance by quality level and provider  
11 type;

12                   (5) the average annual enrollment in early  
13 childhood care assistance;

14                   (6) the percentage of children participating  
15 in early childhood care assistance who have one or more  
16 substantiated child abuse cases while participating in early  
17 childhood care assistance;

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

21                   (8) the number and type of licensed early  
22 childhood care programs statewide;

23                   (9) the capacity in licensed early childhood  
24 care programs by rating level;

25                   (10) the number of children enrolled in

1 licensed early childhood care programs who participate in the  
2 child and adult care food program;

3 (11) the percentage of children enrolled in  
4 licensed early childhood care programs receiving health and  
5 developmental screenings or assessments in accordance with  
6 department rules; and

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

11 **SECTION 5.** A new section of the Children's Code is  
12 enacted to read:

13 "APPLICABILITY.--The provisions of this act shall not be  
14 construed to apply to the licensure or regulation of child  
15 care assistance, any licensed child care program or licensed  
16 exempt child care program."

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