HB233

165304-2

By Representatives South, Faulkner, Hill (M), Weaver, McCutcheon and Rowe

RFD: State Government

First Read: 11-MAR-15
ENROLLED, An Act,

To amend Sections 26-24-1, 26-24-2, 26-24-3, 26-24-4, 26-24-5, 26-24-6, 26-24-20, 26-24-22, 26-24-23, 26-24-30, and 26-24-34 of the Code of Alabama 1975, relating to the Department of Children's Affairs and the Commissioner of the Department of Children's Affairs; to change the name of the department to the Department of Early Childhood Education; to change the name of the commissioner to the Secretary of the Department of Early Childhood Education; and to expand the duties of the secretary to include the development of a cohesive and comprehensive system of high quality early learning and care.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 26-24-1, 26-24-2, 26-24-3, 26-24-4, 26-24-5, 26-24-6, 26-24-20, 26-24-22, 26-24-23, 26-24-30, and 26-24-34 of the Code of Alabama 1975, are amended to read as follows:

"§26-24-1.

"The (a) Commencing on the effective date of the act amending this section, the Department of Children's Affairs is created shall be known as the Department of Early Childhood Education. The department is a part of the Executive Department of state government, principally established to
(b) All references to the Department of Children's Affairs and to the Commissioner of the Department of Children's Affairs in this code are changed to the Department of Early Childhood Education and the Secretary of the Department of Early Childhood Education, respectively. All other laws, rules, regulations, and legal references of any kind to the Department of Children's Affairs or to the Commissioner of the Department of Children's Affairs shall be changed to the Department of Early Childhood Education or the Secretary of the Department of Early Childhood Education, respectively when this code is next reprinted and in other laws, rules, regulations, and legal references as is appropriate, timely, and economically feasible.

§26-24-2.

(a) The department shall be headed by and shall be under the direction, supervision, and control of an officer who shall be known and designated as the Commissioner of Children's Affairs Secretary of Early Childhood Education. The commissioner secretary shall be responsible to the Governor for the administration of the department.

(b) The commissioner secretary shall be appointed by and shall hold office at the pleasure of the Governor.
"(c) Vacancies in the office of commissioner secretary for any reason shall be filled by the Governor.

"(d) The salary of the commissioner secretary shall be fixed by the Governor at a sum comparable to salaries paid similar officers in state government.

"(e) Before entering upon the discharge of duties, the commissioner secretary shall take the constitutional oath of office and shall execute to the State of Alabama a bond, to be approved by the Governor, in an amount to be fixed by the Governor, but not less than ten thousand dollars ($10,000), conditioned upon the faithful performance of his or her duties. The premiums on the bond shall be paid out of the State Treasury.

"(f) The commissioner secretary shall devote full time to the official duties of the office and shall not hold another office under the government of the United States, or any other state, or of this state or of any political subdivision thereof, during his or her incumbency in the office. The commissioner secretary shall not hold any position of trust or profit, the conduct of which shall interfere or be inconsistent with his or her duties as commissioner secretary pursuant to this article.

"§26-24-3.

"The duties of the commissioner secretary shall include, but not be limited to, all of the following:
"(1) Advising the Governor and the Legislature in matters relating to the coordination of services for children under the age of 19.

"(2) Serving as a liaison between the Governor and state agencies providing programs or services for children.

"(3) Educating and informing legislators and other elected officials about issues affecting children.

"(4) Coordinating local effort by creating a network of existing local and community groups and advocates dedicated to children to enable beneficial organizations throughout the state to assist and educate each other.

"(5) Actively seeking and applying for federal and private grants to fund children's programs.

"(6) Establishing a repository for information on programs other than education programs offered by the Department of Education for K-12 in Alabama, which offer services for, or are for the benefit of, or in any way affect Alabama's children, including, but not limited to, the Department of Human Resources, the Department of Mental Health, Rehabilitation Services, the Department of Public Health, the Department of Youth Services, the Children's Trust Fund, the Alabama Department of Economic and Community Affairs, the Alcoholic Beverage Control Board, the Department of Public Safety, and the Child Abuse and Neglect Prevention Board.
"(7) Preparing and submitting to the Governor and the Legislature annual reports on activities and expenditures of state and local agencies related to children; all state, local, and federal funding available for children's programs other than education programs offered by the Department of Education for K-12; and recommendations of proposed legislation on the most efficient utilization of resources available in order to maximize services provided to children.

"(8) Preparing or causing to be prepared, and submitting for approval and adoption by the Children's Policy Council, legislation required to meet the unmet needs of children by further development and improvement of children services.

"(9) Review the budget requests for children's services of any state agency that administers children's programs other than education programs offered by the Department of Education for K-12.

"(10) Develop a cohesive and comprehensive system of high quality early learning and care.

"§26-24-4.

"(a) All functions and duties of the department shall be exercised by the commissioner secretary acting alone or by and through any administrative division or officer or employee that the commissioner secretary may designate. The commissioner secretary shall have all power and authority
necessary or convenient to carry out the functions and duties of the department.

"(b) The commissioner secretary may request any state or local agency or department which administers programs, other than education programs offered by the Department of Education for K-12, that directly affect Alabama's children to submit to the commissioner secretary information deemed necessary by the commissioner secretary to evaluate and assess the relationship between children's programs and the effectiveness of those programs, other than education programs offered by the Department of Education for K-12.

"(c) The commissioner secretary may establish a data base of services offered by the several state and local agencies, and develop a system to provide for better coordination of services.

"(d) The commissioner secretary shall work with the state and county children's policy councils and the state and county children's services facilitation teams in order to ensure that a comprehensive coordinated effort is in place to provide for children's services.

§26-24-5.

"In the performance of the functions and duties of the office and in the exercise of the powers and authorities, the commissioner secretary and all other officers and
employees of the department shall be subject to all legal restrictions, limitations, and conditions and penalties, civil and criminal, with respect to the performance of those functions and duties and the exercise of those powers and authorities.

"§26-24-6.

"The Governor may provide office space for the use of the department, commissioner secretary, and staff of either. The commissioner secretary may employ and secure the necessary staff, supplies, and materials to carry out this article, subject to the approval of the Governor, and pursuant to the state Merit System.

"§26-24-20.

"The Office of School Readiness is created within the Department of Children's Affairs Early Childhood Education. The office shall have the duties, responsibilities, functions, powers, and authority set forth in this article and as otherwise provided by law.

"§26-24-22.

"(a) The chief administrative and executive officer of the office shall be the director, who shall be appointed by and serve at the pleasure of the Governor Secretary of the Department of Early Childhood Education. The director shall be responsible for the performance and exercise of the duties, responsibilities, functions, powers, and authority imposed
upon the director and the office by law and as directed by the secretary. The director shall be in the unclassified service of the state Merit System and shall receive a salary in an amount to be determined by the governor secretary. The director shall employ an assistant who shall also serve in the unclassified position of the state Merit System.

"(b) The director shall employ all qualified personnel of the office, subject to the state Merit System.

"§26-24-23.

"The Office of School Readiness shall do all of the following:

"(1) Establish criteria and administer such programs and services as may be necessary for the operation and management of a voluntary prekindergarten program.

"(2) Administer such programs and services as may be necessary for the operation and management of preschool and certain child development programs coordinating with the Department of Education for the inclusion of preschool special education.

"(3) Ensure that the prekindergarten program provides a developmentally appropriate preschool program emphasizing growth in language and literacy, math concepts, science, arts, physical development, and personal and social competence.
"(4) Receive and disperse any funds appropriated to
the office from the Legislature for the establishment,
operation, and administration of the prekindergarten program.
The budget of the office shall be part of the Department of
Children's Affairs Early Childhood Education.

"(5) Assist local units of administration in this
state so as to assure the proliferation of services under this
article.

"(6) Coordinate with the regulatory division for the
licensing of child care centers and with the administration of
the United States child and adult care food programs at the
child care centers participating in the prekindergarten
program.

"(7) Issue annual reports to the Governor,
secretary, and the Legislature concerning the administration
and operation of the prekindergarten program.

"(8) Provide leadership for enhancement of school
readiness in this state by aggressively establishing a unified
approach to the state's efforts toward enhancement of school
readiness. In support of this effort, the office may develop
and implement specific strategies that address the state's
school readiness programs.

"(9) Safeguard the effective use of federal, state,
local, and private resources to achieve the highest possible
level of school readiness for the state's children.
"(10) Provide technical assistance to local programs.

"(11) Assess gaps in services.

"(12) By January 2001, adopt a system for measuring school readiness that provides objective data regarding the expectations for school readiness, and establish a method for collecting the data and guidelines for using the data. The measurement, the data collection, and the use of the data must serve the statewide school readiness goals. The criteria for determining which data to collect should be the usefulness of the data to state policymakers and local programs' administrators in administering programs and allocating state funds, and must include the tracking of school readiness system information back to individual school readiness programs to assist in determining program effectiveness.

"§26-24-30.

"(a) The Alabama Children's Policy Council is hereby created and shall consist of the following members: Three appointees from business and industry made by the Governor; the Lieutenant Governor; the Speaker of the House of Representatives; two members of the Alabama Senate, one appointed by the Lieutenant Governor and one appointed by the President Pro Tempore of the Senate; two members of the House of Representatives appointed by the Speaker of the House of Representatives; the Chief Justice of the Supreme Court of
Alabama; the legal advisor to the Governor; the Attorney General; the President of the Juvenile and Family Court Judges' Association; the Commissioner of the Department of Corrections; the President of the District Attorneys' Association; the President of the Chief Juvenile Probation Officers' Association; the Commissioner of the Department of Human Resources; the Administrative Director of Courts; the Commissioner Secretary of the Department of Children's Affairs Early Childhood Education; the Commissioner of the Department of Mental Health; the Executive Director of the Department of Youth Services; the State Superintendent of Education; the State Health Officer; the Executive Director of the Alabama Children's Trust Fund; the President of the Alabama Parent-Teachers Association; the Director of the Alabama Department of Economic and Community Affairs; the Commissioner of the Department of Rehabilitation Services; the Commissioner of the Alabama Medicaid Agency; the Director of the Department of Public Safety; the Administrator of the Alcoholic Beverage Control Board; the Director of the Office of School Readiness; the Director of Voices for Alabama's Children; the Director of A Journey to Manhood; the President of A Coalition of 100 Black Women; the President of 21st Century Youth Leadership Program; the Director of the Children First Foundation; the Director of the Multiple Needs Child Office; and five persons to be appointed by the Alabama Children's Policy Council. The
appointed members of the Alabama Children's Policy Council shall reflect the racial, gender, geographic, urban/rural, and economic diversity of the state. All appointments are subject to Senate confirmation and shall be effective until acted upon by the Senate.

"(b) The Commissioner Secretary of the Department of Children's Affairs Early Childhood Education shall serve as chair and the Chief Justice of the Supreme Court of Alabama as vice chair. The five Alabama Children's Policy Council appointees and the three appointees of the Governor shall serve on the Alabama Children's Policy Council for two years from October 1 following their appointment and until their successors are selected, and may be reappointed for additional terms. Any vacancies in the appointed positions shall be filled in like manner as their predecessor and shall serve for a full term and until their successors are selected. If the Alabama Children's Policy Council deems it necessary or advisable, it may elect other officers and adopt bylaws. The vice chair and any other officers of the Alabama Children's Policy Council, other than the chair, shall hold these offices for a period as designated by the Alabama Children's Policy Council, or for so long as they remain members of the Alabama Children's Policy Council. The Alabama Children's Policy Council shall meet at the call of the chair at least once annually prior to September 1 of each fiscal year, and at
other times as, in the opinion of the chair, additional
meetings are needed.

"(c) It shall be the duty of the Alabama Children's
Policy Council and the Chief Justice of the Supreme Court of
Alabama to review the report prepared by the Department of
Children's Affairs Early Childhood Education pursuant to
Section 26-24-34 and to make recommendations as it deems
necessary and appropriate to the Governor and Legislature by
October 1 of each fiscal year. It shall also be the duty of
the Alabama Children's Policy Council to develop a state
resource guide, which may be automated, including procedural
information concerning how to access these services. This
guide shall be distributed to departments, agencies, and
organizations serving children, as well as the county
children's policy councils in each county of the state and the
general public.

"§26-24-34.

"The duties of the county children's policy council
shall include, but not be limited to, the following: Reviewing
the needs of children in the county and the responsibilities
assigned each department or agency by law; determining areas
of responsibility and identifying areas of duplication or
conflict between departments and agencies in the county;
identifying local resources and developing, in conjunction
with the Department of Children's Affairs Early Childhood
Education, and up-dating annually, a local resource guide to services available to children which shall include procedural information concerning how to access those local services; articulating and communicating to the local community the needs of children; and submitting an annual report to the Department of Children's Affairs Early Childhood Education by July 1 of each year on the local services provided to children, local needs of children, and recommendations of the county children's policy council based on data from the previous fiscal year ending September 30. The Department of Children's Affairs Early Childhood Education shall then, by September 1 of each year, submit its summary recommendations based on the reports, along with a copy of each local report to the Alabama Children's Policy Council. The local resource guides shall be used by the Alabama Children's Policy Council in compiling a state resource guide, which may be automated and shall be distributed to the general public and to agencies and organizations serving children."

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.
Speaker of the House of Representatives


President and Presiding Officer of the Senate

I hereby certify that the within Act originated in and was passed by the House 09-APR-15.

Jeff Woodard
Clerk

Senate 05-MAY-15 Passed