HOUSE BILL 86

54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020

INTRODUCED BY

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AN ACT

RELATING TO CHILD CARE; PROVIDING FOR A VOLUNTARY EARLY
CHILDHOOD CARE AND EDUCATION WORKFORCE SUPPORT PROGRAM; FUNDING
COMPENSATION INCENTIVES BASED ON WAGE AND CAREER LADDERS FOR
CERTAIN EARLY CHILDHOOD CARE AND EDUCATION TEACHERS AND STAFF;
PROVIDING FOR CONTRACTING WITH NONPROFIT INSTITUTIONS; CREATING
THE EARLY CHILDHOOD CARE AND EDUCATION WORKFORCE FUND; MAKING
AN APPROPRIATION.

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

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

"32A-23A-2. DEFINITIONS.--As used in the Early Childhood
Care and Education Act:

A. "advanced credentials" includes education and
training to enhance the knowledge, skills and competencies

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needed to support the health, learning, development and school

success of children from birth to age five;

B. "advisory council" means the council convened

pursuant to Section 9-29-11 NMSA 1978;

[A.] C. "department" means the early childhood

education and care department;

[B.] D. "early childhood" means the period of a

person's life from birth to age five;

E. "early childhood care and education teacher and

staff" means an employee of an eligible provider;

F. "eligible provider" means a center, home-based

provider or pre-kindergarten provider licensed by the

department to provide early childhood care and education

services and that receives state child care subsidies;

[C.] G. "fund" means the early childhood care and

education fund; [and]

H. "high-need areas" means communities with median

household incomes below two hundred percent of the federal

poverty level or communities where the existing capacity of

early childhood care and education providers is insufficient to

serve the area's population of child care subsidy program-

eligible children; and

[D.] I. "secretary" means the secretary of early

childhood education and care."

SECTION 2. A new section of the Early Childhood Care and

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underscored material = new
[bracketed material] = delete

1   Education Act is enacted to read:

2   "[NEW MATERIAL] VOLUNTARY EARLY CHILDHOOD CARE AND

3   EDUCATION WORKFORCE SUPPORT PROGRAM.--

4   A.   The advisory council shall develop a voluntary

5   early childhood care and education workforce support program to

6   provide compensation incentives to early childhood care and

7   education teachers and staff who have attained advanced

8   credentials or are engaged in professional development toward

9   advanced credentials. The career and wage ladder established

10   in the workforce development plan developed by the advisory

11   council shall set forth a schedule of compensation incentives

12   designed to yield overall hourly compensation for participants

13   between fifteen dollars ($15.00) and twenty-three dollars

14   ($23.00).

15   B.   The department shall perform an annual

16   performance evaluation of the voluntary early childhood care

17   and education workforce support program. The evaluation shall

18   include the program's impact on the:

19   (1) reduction in the rate of employment

20   turnover for early childhood care and education teachers and

21   staff;

22   (2) promotion of continuing training and

23   professional development for early childhood care and education

24   teachers and staff; and

25   (3) provision of early childhood care and

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1   education services in high-need areas.

2   C.   The department shall submit the findings of the

3   annual performance evaluation to the legislative education

4   study committee prior to October 1 of each year."

5   SECTION 3.   A new section of the Early Childhood Care and

6   Education Act is enacted to read:

7   "[NEW MATERIAL] COMPENSATION INCENTIVES FOR ELIGIBLE

8   PROVIDERS--CONTRACTS WITH CERTAIN NONPROFITS.--

9   A.   The department shall contract with one or more

10   nonprofit institutions to administer the compensation

11   incentives. Compensation incentives shall be provided to

12   eligible participants no less than once every three months.

13   B.   Early childhood care and education teachers and

14   staff who earn less than an hourly wage of twenty-three dollars

15   ($23.00) and have been employed for thirty-five hours or more

16   per week for at least one month by an eligible provider may

17   apply for compensation incentives. Resources shall be

18   prioritized to support early childhood care and education

19   teachers and staff who are employed by eligible providers

20   serving the highest percentage of children whose parents

21   receive child care subsidies from the department.

22   C.   The department shall contract with nonprofit

23   institutions that:

24   (1)   demonstrate familiarity with the state's

25   child care subsidy programs;

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(2)   have relationships with educational

institutions that offer degrees in early childhood education;

and

(3)   exhibit familiarity with the cultures of

the state's early childhood care and education workforce and

are proficient in the languages spoken by the workforce.

D.   The contracting institution's duties shall

include:

(1)   conducting outreach regarding the program

to early childhood care and education teachers and staff;

(2)   receiving and approving applications from

early childhood care and education teachers and staff and

verifying their eligibility and employment;

(3)   providing counseling to assist early

childhood care and education teachers and staff in securing the

appropriate professional development, as well as scholarships

and other available supports to mitigate or eliminate any

financial or other burdens related to their participation in

professional development;

(4)   providing the compensation incentives

pursuant to the schedule established by the council; and

(5)   informing and obtaining from eligible

providers a certification stating that the provider will not:

(a)   consider the program funding to

reduce or otherwise supplant the compensation provided by the

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1   employer; and

2   (b) deny raises or other compensation

3   that the employer would have otherwise provided to qualified

4   staff."

5   SECTION 4. A new section of the Early Childhood Care and

6   Education Act is enacted to read:

7   "[NEW MATERIAL] EARLY CHILDHOOD CARE AND EDUCATION

8   WORKFORCE FUND--CREATED.--The "early childhood care and

9   education workforce fund" is created as a nonreverting fund in

10   the state treasury. The fund consists of appropriations to the

11   fund, income from investment of the fund, gifts, grants and

12   donations. The fund shall be administered by the department,

13   and money in the fund is appropriated to the department to

14   carry out the provisions of the voluntary early childhood care

15   and education workforce support program pursuant to Section 2

16   of this 2020 act. Disbursements from the fund shall be by

17   warrant of the secretary of finance and administration upon

18   vouchers signed by the secretary of early childhood education

19   and care or the secretary's authorized representative."

20   SECTION 5. APPROPRIATION.--Eighteen million dollars

21   ($18,000,000) is appropriated from the general fund to the

22   early childhood care and education workforce fund for

23   expenditure in fiscal year 2021 and subsequent fiscal years for

24   the early childhood education and care department to develop

25   and implement the voluntary early childhood care and education

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workforce support program. Any unexpended or unencumbered

balance remaining at the end of a fiscal year shall not revert

to the general fund.

　　　　SECTION 6.　EFFECTIVE DATE.--The effective date of the

provisions of this act is July 1, 2020.

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