

SENATE, No. 698

STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

Senator M. TERESA RUIZ

District 29 (Essex)

Senator JAMES BEACH

District 6 (Burlington and Camden)

SYNOPSIS

Establishes Department of Early Childhood.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT establishing the Department of Early Childhood as a
2 principal department in the Executive Branch, supplementing
3 Title 52 of the Revised Statutes, and revising various parts of the
4 statutory law.

5

6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:

8

9 1. (New section) Sections 2 through 19 of this act shall be
10 known and may be cited as the "Department of Early Childhood
11 Act."

12

13 2. (New section) There is established in the Executive Branch
14 of the State Government a principal department that shall be known
15 as the Department of Early Childhood.

16

17 3. (New section) As used in this act:

18 "Commissioner" means the Commissioner of Early Childhood.

19 "Department" means the Department of Early Childhood
20 established by this act.

21

22 4. (New section) a. The head and chief administrative officer
23 of the department shall be the Commissioner of Early Childhood.
24 The commissioner shall be a person qualified by training and
25 experience to perform the duties of his office. The commissioner
26 shall be appointed by the Governor, with the advice and consent of
27 the Senate, and shall serve at the pleasure of the Governor during
28 the Governor's term of office and until the appointment and
29 qualification of the commissioner's successor. He shall receive
30 such salary as shall be provided by law and shall devote his entire
31 time and attention to the duties of the office and shall not engage in
32 any other profession or occupation.

33 b. The commissioner shall delegate such of his powers as he
34 deems appropriate for the efficient administration of the
35 department, to be exercised under the commissioner's direction and
36 supervision by one or more deputy commissioners. A deputy
37 commissioner shall devote his entire time and attention to the duties
38 of that office and shall receive such salary as the commissioner
39 deems appropriate.

40

41 5. (New section) Notwithstanding any provision of P.L.1968,
42 c.410 (C.52:14B-1 et seq.) to the contrary, the commissioner may
43 designate an appropriate officer of the department to serve as the
44 final decision maker in any contested case or group of contested
45 cases filed with the Office of Administrative Law. The designation
46 shall be in writing and shall be filed with the Office of
47 Administrative Law. The designation shall remain in effect until
48 amended by the commissioner.

- 1 6. (New section) The commissioner, as administrator and chief
2 executive officer of the department, shall:
- 3 a. Administer the work of the department;
- 4 b. Appoint and remove officers and other personnel employed
5 within the department, subject to the provisions of Title 11A of the
6 New Jersey Statutes, Civil Service, and other applicable statutes,
7 except as herein otherwise specifically provided;
- 8 c. Appoint such deputy and assistant commissioners, directors
9 and other personnel in the unclassified service as the commissioner
10 deems appropriate to receive such compensation as may be
11 provided by law;
- 12 d. Perform, exercise, and discharge the functions, powers and
13 duties of the department through such divisions as may be
14 established by this act or otherwise by law;
- 15 e. Organize the work of the department in such divisions, not
16 inconsistent with the provisions of this act, and in such other
17 organizational units as he may determine to be necessary for
18 efficient and effective operation;
- 19 f. Adopt, issue, and promulgate, in the name of the department,
20 such rules and regulations as may be authorized by law, consistent
21 with the “Administrative Procedure Act,” P.L.1968, c.410
22 (C.52:14B-1 et seq.);
- 23 g. Formulate and adopt rules and regulations for the efficient
24 conduct of the work and general administration of the department,
25 its officers and employees;
- 26 h. Institute or cause to be instituted such legal proceedings or
27 processes as may be necessary to enforce and give effect to any of
28 his powers or duties;
- 29 i. Make such reports of the department’s operation as the
30 Governor or the Legislature shall from time to time request, or as
31 may be required by law;
- 32 j. Coordinate the activities of the department, and the several
33 divisions and other agencies therein, in a manner designed to
34 eliminate overlapping and duplicating functions;
- 35 k. Integrate within the department, so far as practicable, all
36 staff services of the department and of the several divisions and
37 other agencies therein;
- 38 l. Maintain suitable headquarters for the department and such
39 other quarters as are necessary to the proper functioning of the
40 department;
- 41 m. Solicit, apply for, and accept on behalf of the State any
42 contributions, donations of money, goods, services, real or personal
43 property or grants from the federal government or any agency
44 thereof, or from any foundation, corporation, association or
45 individual, and comply with the terms, conditions, and limitations
46 thereof, for any of the purposes of the department;

1 n. Enter into contracts and agreements with public and private
2 entities, as may be appropriate to carry out the purposes of the
3 department;

4 o. Be the request officer for the department within the meaning
5 of such term as defined in P.L.1944, c.112 (C.52:27B-1 et seq.); and

6 p. Perform such other functions as may be prescribed in this act
7 or by any other law.

8

9 7. (New section) The commissioner may make, or cause to be
10 made, such investigations as he deems necessary in the
11 administration of the Department of Early Childhood. For the
12 purpose of any such investigation, he may cause to be examined
13 under oath any and all persons whatsoever and compel by subpoena
14 the attendance of witnesses and the production of such books,
15 records, accounts, papers, and other documents as are appropriate.
16 If a witness fails without good cause to attend, testify, or produce
17 such records or documents as directed in the subpoena, he shall be
18 punished in the manner provided for the punishment of any witness
19 who disobeys a summons or subpoena issued from a court of record
20 in this State.

21

22 8. (New section) All responsibilities of the Department of
23 Education relating to students in grades preschool through three are
24 transferred to the Department of Early Childhood including, but not
25 limited to, those parts of the following programs relating to this age
26 group: teacher licensing; IDEA part B; Title I services; regional
27 achievement centers; migrant and homeless education services;
28 bilingual education services; parent training and information
29 centers; and the New Jersey Council for Young Children.

30

31 9. (New section) All responsibilities of the Department of
32 Human Services relating to children from pregnancy to age eight
33 are transferred to the Department of Early Childhood including, but
34 not limited to, those parts of the following programs relating to this
35 age group: subsidized child care programs and services; child care
36 development block grants; wraparound care; New Jersey First Steps
37 Infant Toddler Initiative; child care resource and referral agencies;
38 childcare workforce registry; New Jersey School-Age Child Care;
39 and New Jersey Inclusive Child Care.

40

41 10. (New section) Except as otherwise provided in P.L. ,
42 c. (C.) (pending before the Legislature as this bill), all
43 responsibilities of the Department of Children and Families relating
44 to children from pregnancy to age eight are transferred to the
45 Department of Early Childhood including, but not limited to, those
46 parts of the following programs relating to this age group: New
47 Jersey Home Visitation Program; Help Me Grow Initiative; Project
48 LAUNCH; New Jersey Strengthening Families Initiative; Project

1 TEACH (Teen Education and Child Health); Parent Linking
2 Program; and Family Success Centers.

3
4 11. (New section) All responsibilities of the Department of
5 Health relating to children from pregnancy to age eight are
6 transferred to the Department of Early Childhood including, but not
7 limited to, those parts of the following programs relating to this age
8 group: Improving Pregnancy Outcomes Program; New Jersey WIC
9 Breastfeeding Services; services for perinatal mood disorders; home
10 visitation programs; early intervention system under Part C of the
11 Individuals with Disabilities Education Act (IDEA), 34 CFR Part
12 303; and NJ Early Care and Education Learning Collaborative
13 Project (NJ ECELC).

14
15 12. (New section) All the functions of the Division of Early
16 Childhood Education in the Department of Education are hereby
17 transferred and assigned to, assumed by, and devolved upon the
18 Department of Early Childhood. To effectuate such transfer there
19 shall also be transferred such officers and employees as are
20 necessary, all appropriations or reappropriations, to the extent of
21 remaining unexpended or unencumbered balances thereof, whether
22 allocated or unallocated and whether obligated or unobligated, and
23 all necessary books, papers, records and property. All rules,
24 regulations, acts, determinations, and decisions in force at the time
25 of such transfer and proceedings or other such matters undertaken,
26 commenced, or pending by or before the Division of Early
27 Childhood Education at the time of such transfer shall continue in
28 force and effect until duly modified, abrogated, or completed by the
29 Department of Early Childhood.

30
31 13. (New section) The Commissioner of Early Childhood, in
32 consultation with the Commissioner of Education, the
33 Commissioner of Human Services, the Commissioner of Children
34 and Families, and the Commissioner of Health, shall develop a
35 schedule for the orderly transfer of programs relating to early
36 childhood and child nutrition to the Department of Early Childhood.

37
38 14. (New section) A proportionate share of the programmatic,
39 administrative, and support staff of the Department of Education,
40 the Department of Human Services, the Department of Children and
41 Families, and the Department of Health supporting the functions,
42 powers and duties transferred under this act are transferred to the
43 Department of Early Childhood.

44 The transfer of specific facilities, resources, and personnel shall
45 be determined by agreement between the Commissioner of
46 Education, the Commissioner of Human Services, the
47 Commissioner of Children and Families, and the Commissioner of
48 Health, after considering the number and type of positions currently

1 used for support for the functions, powers, and duties transferred
2 and the appropriateness of transferring personnel, positions, and
3 funding.

4
5 15. (New section) This act shall be subject to the provisions of
6 the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et
7 seq.), except as may otherwise be provided under this act.

8
9 16. (New section) This act shall not:

10 a. affect the tenure, compensation, and pension rights, if any,
11 of the lawful holder thereof, in any position not specifically
12 abolished herein; and

13 b. alter the term of any member of any board, commission, or
14 public body, not specifically abolished herein, lawfully in office on
15 the effective date of this act, or require the reappointment thereof.

16
17 17. (New section) a. Except as otherwise provided pursuant to
18 this section, any position transferred to the authority of the
19 Department of Early Childhood which prior to the effective date of
20 P.L. , c. (C.) (pending before the Legislature as this bill) was
21 subject by law to a criminal background check, shall continue to be
22 subject to that criminal background check in accordance with the
23 applicable law.

24 b. As appropriate, a department conducting a criminal
25 background check pursuant to subsection a. of this section, shall
26 forward results of the criminal background check to the
27 Commissioner of Early Childhood who shall take appropriate
28 action.

29 c. The provisions of this section shall not apply in the case of
30 any position for which the Commissioner of Early Childhood is
31 given authorization to conduct criminal background checks
32 pursuant to the provisions of P.L. , c. (C.) (pending before the
33 Legislature as this bill).

34
35 18. (New section) Notwithstanding any provision of P.L.1968,
36 c.410 (C.52:14B-1 et seq.) to the contrary, the Commissioner of
37 Early Childhood may, with the approval of the Governor, adopt,
38 immediately upon filing with the Office of Administrative Law,
39 such regulations as the commissioner deems necessary to
40 implement the provisions of this act, which regulations shall be
41 effective for a period not to exceed six months and may, thereafter,
42 be amended, adopted, or readopted by the commissioner in
43 accordance with the requirements of P.L.1968, c.410 (C.52:14B-1
44 et seq.).

45
46 19. Section 2 of P.L.2000, c.139 (C.18A:44-6) is amended to
47 read as follows:

1 2. a. There is established a Division of Early Childhood
2 Education in the Department of **Education** Early Childhood. The
3 administrator and head of the division shall be a person qualified by
4 training and experience to perform the duties of the division and
5 shall devote his entire time to the performance of those duties.

6 b. The division shall be responsible for:

7 (1) setting required standards for early childhood education
8 programs in districts that operate preschool programs for three- and
9 four-year olds that emphasize the quality necessary to meet
10 children's needs, including, but not limited to, standards for teacher
11 qualifications, program design and facilities;

12 (2) identifying and disseminating information on model early
13 childhood education programs that meet and exceed high standards
14 for program quality;

15 (3) **the coordination of early childhood programs and services**
16 **in consultation with the Department of Human Services** (Deleted
17 by amendment, P.L. , c.) (pending before the Legislature as this
18 bill);

19 (4) identifying the amount of funds necessary to implement
20 successful early childhood education programs based on a
21 comprehensive needs assessment;

22 (5) providing assistance, as needed, to school districts in
23 implementing early childhood education programs;

24 (6) implementing the early childhood education orders of the
25 New Jersey Supreme Court in consultation with the Department of
26 Education;

27 (7) overseeing the evaluation and monitoring of early childhood
28 education programs in districts that operate preschool programs for
29 three- and four-year olds; and

30 (8) providing **],** in consultation with the Department of Human
31 Services,**]** an annual report to the Legislature and public on early
32 childhood education.

33 (cf: P.L.2007, c.260, s.70)

34
35 20. Section 3 of P.L.1983, c.492 (C.30:5B-3) is amended to read
36 as follows:

37 3. As used in this act:

38 a. "Child" means any person under the age of 13.

39 b. "Child care center" or "center" means any facility which is
40 maintained for the care, development or supervision of six or more
41 children who attend the facility for less than 24 hours a day. In the
42 case of a center operating in a sponsor's home, children who reside
43 in the home shall not be included when counting the number of
44 children being served. This term shall include, but shall not be
45 limited to, day care centers, drop-in centers, nighttime centers,
46 recreation centers sponsored and operated by a county or municipal
47 government recreation or park department or agency, day nurseries,

1 nursery and play schools, cooperative child centers, centers for
2 children with special needs, centers serving sick children, infant-
3 toddler programs, school age child care programs, employer
4 supported centers, centers that had been licensed by the Department
5 of Human Services prior to the enactment of the "Child Care Center
6 Licensing Act," P.L.1983, c.492 (C.30:5B-1 et seq.) and
7 kindergartens that are not an integral part of a private educational
8 institution or system offering elementary education in grades
9 kindergarten through sixth, seventh or eighth. This term shall not
10 include:

11 (1) (Deleted by amendment, P.L.1992, c.95).

12 (2) A program operated by a private school which is run solely
13 for educational purposes. This exclusion shall include
14 kindergartens, prekindergarten programs or child care centers that
15 are an integral part of a private educational institution or system
16 offering elementary education in grades kindergarten through sixth,
17 seventh or eighth;

18 (3) Centers or special classes operated primarily for religious
19 instruction or for the temporary care of children while persons
20 responsible for such children are attending religious services;

21 (4) A program of specialized activity or instruction for children
22 that is not designed or intended for child care purposes, including,
23 but not limited to, Boy Scouts, Girl Scouts, 4-H clubs, and Junior
24 Achievement, and single activity programs such as athletics,
25 gymnastics, hobbies, art, music, and dance and craft instruction,
26 which are supervised by an adult, agency or institution;

27 (5) Youth camps required to be licensed under the "New Jersey
28 Youth Camp Safety Act," P.L.1973, c.375 (C.26:12-1 et seq.). To
29 qualify for an exemption from licensing under this provision, a
30 program must have a valid and current license as a youth camp
31 issued by the Department of Health **【and Senior Services】**. A youth
32 camp sponsor who also operates a child care center shall secure a
33 license from the Department of **【Children and Families】** Early
34 Childhood for the center;

35 (6) Day training centers operated by or under contract with the
36 Division of Developmental Disabilities within the Department of
37 Human Services;

38 (7) Programs operated by the board of education of the local
39 public school district that is responsible for their implementation
40 and management;

41 (8) A program such as that located in a bowling alley, health spa
42 or other facility in which each child attends for a limited time
43 period while the parent is present and using the facility;

44 (9) A child care program operating within a geographical area,
45 enclave or facility that is owned or operated by the federal
46 government;

1 (10) A family day care home that is registered pursuant to the
2 "Family Day Care Provider Registration Act," P.L.1987, c.27
3 (C.30:5B-16 et seq.); and

4 (11) Privately operated infant and preschool programs that are
5 approved by the Department of Education to provide services
6 exclusively to local school districts for handicapped children,
7 pursuant to N.J.S.18A:46-1 et seq.

8 c. "Commissioner" means the Commissioner of **【Children and**
9 **Families】** Early Childhood.

10 d. "Department" means the Department of **【Children and**
11 **Families】** Early Childhood.

12 e. "Parent" means a natural or adoptive parent, guardian, or any
13 other person having responsibility for, or custody of, a child.

14 f. "Person" means any individual, corporation, company,
15 association, organization, society, firm, partnership, joint stock
16 company, the State or any political subdivision thereof.

17 g. "Sponsor" means any person owning or operating a child
18 care center.

19 (cf: P.L.2006, c.47, s.161)

20

21 21. Section 5 of P.L.1999, c.171 (C.30:5B-5.4) is amended to
22 read as follows:

23 5. The Commissioner of **【Children and Families】** Early
24 Childhood, pursuant to the "Administrative Procedure Act,"
25 P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt regulations to
26 provide for the implementation by licensed child care centers,
27 registered family day care homes, and unified child care agencies of
28 such procedures as the commissioner deems necessary to effectuate
29 the purposes of subsection f. of section 4 of P.L.1997, c.272
30 (C.30:4I-4).

31 (cf: P.L.2006, c.47, s.162)

32

33 22. Section 1 of P.L.1997, c.254 (C.30:5B-6.1) is amended to
34 read as follows:

35 1. As used in P.L.1997, c.254 (C.30:5B-6.1 et seq.):

36 "Department" means the Department of **【Children and Families】**
37 Early Childhood.

38 "Division" means the Division of Child Protection and
39 Permanency in the Department of Children and Families.

40 "Staff member" means any owner, sponsor, director, or person
41 employed by or working at a child care center on a regularly
42 scheduled basis during the center's operating hours, including full-
43 time, part-time, voluntary, contract, consulting, and substitute staff,
44 whether compensated or not.

45 "Child care center" or "center" means any facility which is
46 maintained for the care, development or supervision of six or more
47 children under 13 years of age who attend the facility for less than

1 24 hours a day, and which is subject to State licensure or life-safety
2 approval, pursuant to the provisions of the "Child Care Center
3 Licensing Act," P.L.1983, c.492 (C.30:5B-1 to 30:5B-15).
4 (cf: P.L.2012, c.16, s.117)

5

6 23. Section 1 of P.L.2000, c.77 (C.30:5B-6.10) is amended to
7 read as follows:

8 1. As used in sections 1 through 7 and 9 through 12 of
9 P.L.2000, c.77 (C.30:5B-6.10 et seq.):

10 "Child care center" or "center" means any facility which is
11 maintained for the care, development, or supervision of six or more
12 children under 13 years of age who attend the facility for less than
13 24 hours a day, and which is subject to State licensure or life-safety
14 approval pursuant to P.L.1983, c.492 (C.30:5B-1 et seq.).

15 "Department" means the Department of **【Children and Families】**
16 Early Childhood.

17 **【"Division" means the Division of Child Protection and**
18 **Permanency in the Department of Children and Families.】**

19 "Staff member" means a person 18 years of age or older who
20 owns, sponsors, or directs a child care center, or who is employed
21 by or works in a child care center on a regularly scheduled basis
22 during the center's operating hours, including full-time, part-time,
23 voluntary, contract, consulting, and substitute staff, whether
24 compensated or not.

25 (cf: P.L.2012, c.16, s.118)

26

27 24. Section 3 of P.L.1987, c.27 (C.30:5B-18) is amended to read
28 as follows:

29 3. As used in this act:

30 a. "Certificate of registration" means a certificate issued by the
31 department to a family day care provider, acknowledging that the
32 provider is registered pursuant to the provisions of this act.

33 b. "Department" means the Department of **【Children and**
34 **Families】** Early Childhood.

35 c. "Family day care home" means a private residence in which
36 child care services are provided for a fee to no less than three and
37 no more than five children at any one time for no less than 15 hours
38 per week; except that the department shall not exclude a family day
39 care home with less than three children from voluntary registration.
40 A child being cared for under the following circumstances is not
41 included in the total number of children receiving child care
42 services:

43 (1) The child being cared for is legally related to the provider;
44 or

45 (2) Care is being provided as part of an employment agreement
46 between the family day care provider and an assistant or substitute
47 provider where no payment for the care is being provided.

1 d. "Family day care provider" means a person at least 18 years
2 of age who is responsible for the operation and management of a
3 family day care home.

4 e. "Family day care sponsoring organization" means an agency
5 or organization which contracts with the department to assist in the
6 registration of family day care providers in a specific geographical
7 area.

8 f. "Monitor" means to visit a family day care provider to
9 review the provider's compliance with the standards established
10 pursuant to this act.

11 (cf: P.L.2006, c.47, s.166)

12

13 25. Section 1 of P.L.2009, c.299 (C.30:5B-22.1) is amended to
14 read as follows:

15 1. The Legislature finds and declares that:

16 a. Family child care providers in the State of New Jersey
17 provide an invaluable and essential service to working parents and
18 guardians by providing a healthy, safe and productive environment
19 for their children while they are engaged in work or training;

20 b. The State recognizes the importance of these services and
21 recognizes the need to continue and improve both the quality of
22 care and the living and working conditions of the providers;

23 c. The Department of **【Children and Families】** Early
24 Childhood is vested with the authority to regulate and set standards
25 for the registration of family child care homes, and **【the Department**
26 **of Human Services】** it also provides funding for the administration
27 and enforcement of the operation of family child care homes,
28 establishes reimbursement rates, and administers child care subsidy
29 services for the Child Care Development Fund;

30 d. To ensure quality standards of care, it is in the public
31 interest for New Jersey to maintain a child care delivery system that
32 encourages the recruitment and retention of quality family child
33 care providers to deliver these vital services;

34 e. In 2006, a majority of family child care providers selected a
35 union to be their representative by individually signed authorization
36 cards, and the State Board of Mediation certified the Child Care
37 Workers Union (CCWU), a union formed by the American
38 Federation of State, County and Municipal Employees, AFL-CIO
39 (AFSCME) and the Communications Workers of America, AFL-
40 CIO (CWA) to be the providers' exclusive majority representative;
41 and

42 f. The State subsequently entered into an agreement with the
43 CCWU in its capacity as exclusive majority representative for the
44 family child care providers.

45 (cf: P.L.2009, c.299, s.1)

46

47 26. Section 2 of P.L.2009, c.299 (C.30:5B-22.2) is amended to
48 read as follows:

1 2. a. The Commissioner of the Department of Human Services
2 or, if applicable, the Commissioner of [the Department of Children
3 and Families] Early Childhood, on behalf of the State of New
4 Jersey, shall, in a timely manner, meet in good faith with a
5 recognized exclusive majority representative of all family child care
6 providers who are registered and approved as family day care
7 providers pursuant to P.L.1987, c.27 (C.30:5B-16 et seq.), for the
8 purpose of entering into an agreement, or negotiating a renewal or
9 extension, with any agreed upon modifications, of any agreement in
10 effect upon the effective date of this act, regarding reimbursement
11 rates, collection and payment of fees, dispute resolution, reporting
12 procedures, benefits, health and safety conditions, and any other
13 matters that would improve recruitment and retention of qualified
14 family child care providers and the quality of the programs they
15 provide, subject to the provisions of this section. Although family
16 child care providers are not State employees, the subjects which
17 may be included in an agreement shall be consistent with the areas
18 which are considered negotiable for public employees who are
19 subject to the provisions of the "New Jersey Employer-Employee
20 Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.). Nothing in
21 this act shall require that an agreement be reached on any particular
22 matter, provided the parties act in good faith.

23 b. The purpose of this section is to permit family child care
24 providers to select an exclusive majority representative to represent
25 them as provided in this section. This act is intended by the
26 Legislature to provide state action immunity under federal and State
27 antitrust laws for any actions of the State, or joint actions of family
28 child care providers and their exclusive majority representative, to
29 the extent those actions are authorized by this act. The protections
30 and prohibitions regarding unfair practices provided by section 1 of
31 P.L.1974, c.123 (C.34:13A-5.4) shall apply to any family child care
32 providers subject to this act, to the State as their employer, and to
33 their employee organizations, representatives or agents.

34 c. Any agreement entered into, renewed or extended pursuant
35 to this section shall be embodied in writing, shall be binding upon
36 the State of New Jersey, and shall provide for the payment of union
37 dues and representation fees in a manner consistent with the
38 provisions of the "New Jersey Employer-Employee Relations Act,"
39 P.L.1941, c.100 (C.34:13A-1 et seq.) which apply to the payment of
40 union dues and representation fees by public employees.

41 d. For the purposes of this act, "family child care provider"
42 shall include all in-home, voluntary, registered, approved family
43 friend and neighbor caregivers and nationally accredited child care
44 providers included in any agreement entered into under the
45 provisions of Executive Order 23, signed August 2, 2006.
46 (cf: P.L.2009, c.299, s.2)

1 27. Section 4 of P.L.2009, c.299 (C.30:5B-22.4) is amended to
2 read as follows:

3 4. No action may be taken under this act that would derogate
4 from the status, functions or authority of the Department of Human
5 Services in its capacity as Lead Agency pursuant to the State Plan
6 for Child Care Development Services filed by the Commissioner of
7 Human Services with the U.S. Secretary of Health and Human
8 Services. No provision of this act shall supersede the authority of
9 the Commissioner of **【the Department of Children and Families】**
10 Early Childhood under the provisions of P.L.1987, c.27 (C.30:5B-
11 16 et seq.).

12 (cf: P.L.2009, c.299, s.4)

13

14 28. Section 10 of P.L.1987, c.27 (C.30:5B-25) is amended to
15 read as follows:

16 10. The Commissioner of **【Children and Families】** Early
17 Childhood shall, pursuant to the "Administrative Procedure Act,"
18 P.L. 1968, c. 410 (C. 52:14B-1 et seq.), adopt regulations necessary
19 to implement the provisions of this act.

20 (cf: P.L.2006, c.47, s.167)

21

22 29. Section 3 of P.L.1993, c.350 (C.30:5B-25.3) is amended to
23 read as follows:

24 3. a. The Division of Child Protection and Permanency in the
25 Department of Children and Families shall conduct a search of its
26 child abuse registry to determine if a report of child abuse or
27 neglect has been filed, pursuant to section 3 of P.L.1971, c.437
28 (C.9:6-8.10), involving a person registering as a prospective
29 provider or a household member of the prospective provider or as a
30 current provider or household member of the current provider.

31 b. The division shall conduct the search only upon receipt of
32 the prospective or current provider or household member's written
33 consent to the search. If the person refuses to provide his consent,
34 the family day care sponsoring organization shall deny the
35 prospective or current provider's application for a certificate or
36 renewal of registration.

37 c. The division shall advise the sponsoring organization of the
38 results of the child abuse registry search within a time period to be
39 determined by the Department of **【Children and Families】** Early
40 Childhood.

41 d. The **【department】** Department of Early Childhood shall not
42 issue a certificate or renewal of registration to a prospective or
43 current provider unless **【the department has first determined that】** a
44 determination has been made that no substantiated charge of child
45 abuse or neglect against the prospective or current provider or
46 household member is found during the child abuse registry search.

47 (cf: P.L.2012, c.16, s.121)

1 30. Section 4 of P.L.1993, c.350 (C.30:5B-25.4) is amended to
2 read as follows:

3 4. In accordance with the "Administrative Procedure Act,"
4 P.L.1968, c.410 (C.52:14B-1 et seq.), the Department of **【Children**
5 **and Families】** Early Childhood shall adopt rules and regulations
6 necessary to implement the provisions of sections 1 through 4 of
7 P.L.1993, c.350 (C.30:5B-25.1 through C.30:5B-25.4) including,
8 but not limited to:

9 a. Implementation of an appeals process to be used in the case
10 of the denial of an application for a certificate or for renewal of
11 registration based upon information obtained during a child abuse
12 registry search; and

13 b. Establishment of time limits for conducting a child abuse
14 registry search and providing a family day care sponsoring
15 organization with the results of the search.

16 (cf: P.L.2006, c.47, s.170)

17

18 31. Section 2 of P.L.1993, c.46 (C.30:5B-31) is amended to read
19 as follows:

20 2. a. The Commissioner of **【Human Services】** Early Childhood
21 is authorized to establish criteria for determining financial and
22 programmatic eligibility for child care services subsidized through
23 State and federal funding sources, including provisions for the
24 submission of proof of income and resources, and such other
25 documentation as may be necessary to establish programmatic
26 eligibility.

27 b. The commissioner is authorized to establish resource limits
28 and a sliding fee scale applicable to participants based on income
29 guidelines for all families eligible for subsidized child care services.
30 In setting such fees, the commissioner shall give consideration to
31 maximizing federal funding and to effectively utilizing all State and
32 federal funding sources available for the purpose of subsidizing
33 child care services in New Jersey.

34 c. The commissioner shall adopt such rules and regulations
35 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
36 (C.52:14B-1 et seq.) as are necessary to carry out the purposes of
37 this act.

38 (cf: P.L.1993, c.46, s.2)

39

40 32. Section 1 of P.L.1974, c.55 (C.52:14-15.107) is amended to
41 read as follows:

42 1. Notwithstanding the provisions of the annual appropriations
43 act and section 7 of P.L.1974, c.55 (C.52:14-15.110), the Governor
44 shall fix and establish the annual salary, not to exceed \$133,330 in
45 calendar year 2000, \$137,165 in calendar year 2001 and \$141,000
46 in calendar year 2002 and thereafter, for each of the following
47 officers:

1	Title
2	Agriculture Department
3	Secretary of Agriculture
4	Children and Families Department
5	Commissioner of Children and Families
6	Community Affairs Department
7	Commissioner of Community Affairs
8	Corrections Department
9	Commissioner of Corrections
10	<u>Early Childhood Department</u>
11	<u>Commissioner of Early Childhood</u>
12	Education Department
13	Commissioner of Education
14	Environmental Protection Department
15	Commissioner of Environmental Protection
16	Health 【and Senior Services】 Department
17	Commissioner of Health 【and Senior Services】
18	Human Services Department
19	Commissioner of Human Services
20	Banking and Insurance Department
21	Commissioner of Banking and Insurance
22	Labor and Workforce Development Department
23	Commissioner of Labor and Workforce Development
24	Law and Public Safety Department
25	Attorney General
26	Military and Veterans' Affairs Department
27	Adjutant General
28	State Department
29	Secretary of State
30	Transportation Department
31	Commissioner of Transportation
32	Treasury Department
33	State Treasurer
34	Members, Board of Public Utilities
35	(cf: P.L.2010, c.34, s.16)

36
37 33. Section 8 of P.L.2000, c.77 (C.53:1-20.9b) is amended to
38 read as follows:

39 8. a. The Commissioner of **【Children and Families】** Early
40 Childhood is authorized to exchange fingerprint data with, and to
41 receive information from, the Division of State Police in the
42 Department of Law and Public Safety and the Federal Bureau of
43 Investigation.

44 Upon receipt of the criminal history record information for an
45 applicant or staff member of a child care center from the Federal
46 Bureau of Investigation and the Division of State Police, the
47 Department of **【Children and Families】** Early Childhood shall
48 notify the applicant or staff member, as applicable, and the child

1 care center, in writing, of the applicant's or staff member's
2 qualification or disqualification for employment or service under
3 P.L.2000, c.77 (C.30:5B-6.10 et al.). If the applicant or staff
4 member is disqualified, the convictions that constitute the basis for
5 the disqualification shall be identified in the written notice to the
6 applicant or staff member. The applicant or staff member shall
7 have 14 days from the date of the written notice of disqualification
8 to challenge the accuracy of the criminal history record information.
9 If no challenge is filed or if the determination of the accuracy of the
10 criminal history record information upholds the disqualification, the
11 Department of **【Children and Families】** Early Childhood shall
12 notify the center that the applicant or staff member has been
13 disqualified from employment.

14 b. The Division of State Police shall promptly notify the
15 Department of **【Children and Families】** Early Childhood in the
16 event an applicant or staff member who was the subject of a
17 criminal history record background check conducted pursuant to
18 subsection a. of this section, is convicted of a crime or offense in
19 this State after the date the background check was performed. Upon
20 receipt of such notification, the Department of **【Children and**
21 **Families】** Early Childhood shall make a determination regarding
22 the employment of the applicant or staff member.

23 (cf: P.L.2006, c.47, s.201)

24

25 34. This act shall take effect on July 1, 2016.

26

27

28

STATEMENT

29

30 This bill establishes as a new principal department within the
31 Executive Branch, the Department of Early Childhood.

32 The bill transfers the functions of the current Division of Early
33 Childhood Education in the Department of Education to the
34 Department of Early Childhood. In addition, the bill transfers to the
35 new department:

- 36 • all responsibilities of the Department of Education relating
37 to students in grades preschool through three including, but
38 not limited to, those parts of the following programs
39 relating to this age group: teacher licensing; IDEA part B;
40 Title I services; regional achievement centers; migrant and
41 homeless education services; bilingual education services;
42 parent training and information centers; and the New Jersey
43 Council for Young Children;
- 44 • all responsibilities of the Department of Human Services
45 relating to children from pregnancy to age eight, including
46 but not limited to, those parts of the following programs
47 relating to this age group: subsidized child care programs

- 1 and services; child care development block grants;
2 wraparound care; New Jersey First Steps Infant Toddler
3 Initiative; child care resource and referral agencies;
4 childcare workforce registry; New Jersey School-Age child
5 care; and New Jersey Inclusive Child Care;
- 6 • all responsibilities of the Department of Children and
7 Families relating to children from pregnancy to age eight
8 including, but not limited to, those parts of the following
9 programs relating to this age group: New Jersey Home
10 Visitation Program; Help Me Grow Initiative; Project
11 LAUNCH; New Jersey Strengthening Families Initiative;
12 Project TEACH (Teen Education and Child Health); Parent
13 Linking Program; and Family Success Centers; and
 - 14 • all responsibilities of the Department of Health relating to
15 children from pregnancy to age eight, including but not
16 limited to, those parts of the following programs relating to
17 this age group: Improving Pregnancy Outcomes Program;
18 New Jersey WIC Breastfeeding Services; services for
19 perinatal mood disorders; home visitation programs; early
20 intervention system under Part C of the Individuals with
21 Disabilities Education Act (IDEA); and NJ Early Care and
22 Education Learning Collaborative Project (NJ ECELC).

23 The bill transfers all the functions of the Department of Children
24 and Families regarding the licensing of child care centers and the
25 registration of family child care providers to the new Department of
26 Early Childhood.

27 The bill requires the Commissioner of Early Childhood, in
28 consultation with the Commissioners of Education, Human
29 Services, Children and Families, and Health, to develop a schedule
30 for the orderly transfer of programs relating to early childhood and
31 child nutrition to the new department.