

1 HB233
2 165304-1
3 By Representatives South, Faulkner, Hill (M), Weaver,
4 McCutcheon and Rowe
5 RFD: State Government
6 First Read: 11-MAR-15

2
3
4
5
6
7
8 SYNOPSIS: This bill would change the name of the
9 Department of Children's Affairs to the Department
10 of Early Childhood Education.

11 This bill would change the name of the
12 Commissioner of the Department of Children's
13 Affairs to the Secretary of the Department of Early
14 Childhood Education.

15 This bill would also expand the duties of
16 the secretary to include the development of a
17 cohesive and comprehensive system of high quality
18 early learning and care.

19
20 A BILL

21 TO BE ENTITLED

22 AN ACT

23
24 To amend Sections 26-24-1, 26-24-2, 26-24-3,
25 26-24-4, 26-24-5, 26-24-6, 26-24-20, 26-24-22, 26-24-23,
26 26-24-30, and 26-24-34 of the Code of Alabama 1975, relating
27 to the Department of Children's Affairs and the Commissioner

1 of the Department of Children's Affairs; to change the name of
2 the department to the Department of Early Childhood Education;
3 to change the name of the commissioner to the Secretary of the
4 Department of Early Childhood Education; and to expand the
5 duties of the secretary to include the development of a
6 cohesive and comprehensive system of high quality early
7 learning and care.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9 Section 1. Sections 26-24-1, 26-24-2, 26-24-3,
10 26-24-4, 26-24-5, 26-24-6, 26-24-20, 26-24-22, 26-24-23,
11 26-24-30, and 26-24-34 of the Code of Alabama 1975, are
12 amended to read as follows:

13 "§26-24-1.

14 "The (a) Commencing on the effective date of the act
15 amending this section, the Department of Children's Affairs is
16 created shall be known as the Department of Early Childhood
17 Education. The department is a part of the Executive
18 Department of state government, principally established to
19 enable the Governor to effectively and efficiently coordinate
20 efforts and programs to serve children throughout the state.

21 "(b) All references to the Department of Children's
22 Affairs and to the Commissioner of the Department of
23 Children's Affairs in this code are changed to the Department
24 of Early Childhood Education and the Secretary of the
25 Department of Early Childhood Education, respectively. All
26 other laws, rules, regulations, and legal references of any
27 kind to the Department of Children's Affairs or to the

1 Commissioner of the Department of Children's Affairs shall be
2 changed to the Department of Early Childhood Education or the
3 Secretary of the Department of Early Childhood Education,
4 respectively when this code is next reprinted and in other
5 laws, rules, regulations, and legal references as is
6 appropriate, timely, and economically feasible.

7 "§26-24-2.

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

14 "(b) The ~~commissioner~~ secretary shall be appointed
15 by and shall hold office at the pleasure of the Governor.

16 "(c) Vacancies in the office of ~~commissioner~~
17 secretary for any reason shall be filled by the Governor.

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

21 "(e) Before entering upon the discharge of duties,
22 the ~~commissioner~~ secretary shall take the constitutional oath
23 of office and shall execute to the State of Alabama a bond, to
24 be approved by the Governor, in an amount to be fixed by the
25 Governor, but not less than ten thousand dollars (\$10,000),
26 conditioned upon the faithful performance of his or her

1 duties. The premiums on the bond shall be paid out of the
2 State Treasury.

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

12 "§26-24-3.

13 "The duties of the ~~commissioner~~ secretary shall
14 include, but not be limited to, all of the following:

15 "(1) Advising the Governor and the Legislature in
16 matters relating to the coordination of services for children
17 under the age of 19.

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

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

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

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

1 "(6) Establishing a repository for information on
2 programs other than education programs offered by the
3 Department of Education for K-12 in Alabama, which offer
4 services for, or are for the benefit of, or in any way affect
5 Alabama's children, including, but not limited to, the
6 Department of Human Resources, the Department of Mental
7 Health, Rehabilitation Services, the Department of Public
8 Health, the Department of Youth Services, the Children's Trust
9 Fund, the Alabama Department of Economic and Community
10 Affairs, the Alcoholic Beverage Control Board, the Department
11 of Public Safety, and the Child Abuse and Neglect Prevention
12 Board.

13 "(7) Preparing and submitting to the Governor and
14 the Legislature annual reports on activities and expenditures
15 of state and local agencies related to children; all state,
16 local, and federal funding available for children's programs
17 other than education programs offered by the Department of
18 Education for K-12; and recommendations of proposed
19 legislation on the most efficient utilization of resources
20 available in order to maximize services provided to children.

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

26 "(9) Review the budget requests for children's
27 services of any state agency that administers children's

1 programs other than education programs offered by the
2 Department of Education for K-12.

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

5 "§26-24-4.

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

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

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

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

6 "§26-24-5.

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

15 "§26-24-6.

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

22 "§26-24-20.

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

1 "§26-24-22.

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

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

16 "§26-24-23.

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

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

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

1 "(3) Ensure that the prekindergarten program
2 provides a developmentally appropriate preschool program
3 emphasizing growth in language and literacy, math concepts,
4 science, arts, physical development, and personal and social
5 competence.

6 "(4) Receive and disperse any funds appropriated to
7 the office from the Legislature for the establishment,
8 operation, and administration of the prekindergarten program.
9 The budget of the office shall be part of the Department of
10 ~~Children's Affairs~~ Early Childhood Education.

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

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

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

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

1 "(9) Safeguard the effective use of federal, state,
2 local, and private resources to achieve the highest possible
3 level of school readiness for the state's children.

4 "(10) Provide technical assistance to local
5 programs.

6 "(11) Assess gaps in services.

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

19 "§26-24-30.

20 "(a) The Alabama Children's Policy Council is hereby
21 created and shall consist of the following members: Three
22 appointees from business and industry made by the Governor;
23 the Lieutenant Governor; the Speaker of the House of
24 Representatives; two members of the Alabama Senate, one
25 appointed by the Lieutenant Governor and one appointed by the
26 President Pro Tempore of the Senate; two members of the House
27 of Representatives appointed by the Speaker of the House of

1 Representatives; the Chief Justice of the Supreme Court of
2 Alabama; the legal advisor to the Governor; the Attorney
3 General; the President of the Juvenile and Family Court
4 Judges' Association; the Commissioner of the Department of
5 Corrections; the President of the District Attorneys'
6 Association; the President of the Chief Juvenile Probation
7 Officers' Association; the Commissioner of the Department of
8 Human Resources; the Administrative Director of Courts; the
9 ~~Commissioner~~ Secretary of the Department of ~~Children's Affairs~~
10 Early Childhood Education; the Commissioner of the Department
11 of Mental Health; the Executive Director of the Department of
12 Youth Services; the State Superintendent of Education; the
13 State Health Officer; the Executive Director of the Alabama
14 Children's Trust Fund; the President of the Alabama
15 Parent-Teachers Association; the Director of the Alabama
16 Department of Economic and Community Affairs; the Commissioner
17 of the Department of Rehabilitation Services; the Commissioner
18 of the Alabama Medicaid Agency; the Director of the Department
19 of Public Safety; the Administrator of the Alcoholic Beverage
20 Control Board; the Director of the Office of School Readiness;
21 the Director of Voices for Alabama's Children; the Director of
22 A Journey to Manhood; the President of A Coalition of 100
23 Black Women; the President of 21st Century Youth Leadership
24 Program; the Director of the Children First Foundation; the
25 Director of the Multiple Needs Child Office; and five persons
26 to be appointed by the Alabama Children's Policy Council. The
27 appointed members of the Alabama Children's Policy Council

1 shall reflect the racial, gender, geographic, urban/rural, and
2 economic diversity of the state. All appointments are subject
3 to Senate confirmation and shall be effective until acted upon
4 by the Senate.

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

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

15 "§26-24-34.

16 "The duties of the county children's policy council
17 shall include, but not be limited to, the following: Reviewing
18 the needs of children in the county and the responsibilities
19 assigned each department or agency by law; determining areas
20 of responsibility and identifying areas of duplication or
21 conflict between departments and agencies in the county;
22 identifying local resources and developing, in conjunction
23 with the Department of ~~Children's Affairs~~ Early Childhood
24 Education, and up-dating annually, a local resource guide to
25 services available to children which shall include procedural
26 information concerning how to access those local services;
27 articulating and communicating to the local community the

1 needs of children; and submitting an annual report to the
2 Department of ~~Children's Affairs~~ Early Childhood Education by
3 July 1 of each year on the local services provided to
4 children, local needs of children, and recommendations of the
5 county children's policy council based on data from the
6 previous fiscal year ending September 30. The Department of
7 ~~Children's Affairs~~ Early Childhood Education shall then, by
8 September 1 of each year, submit its summary recommendations
9 based on the reports, along with a copy of each local report
10 to the Alabama Children's Policy Council. The local resource
11 guides shall be used by the Alabama Children's Policy Council
12 in compiling a state resource guide, which may be automated
13 and shall be distributed to the general public and to agencies
14 and organizations serving children."

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