

**SENATE, No. 1454**

**STATE OF NEW JERSEY**  
**217th LEGISLATURE**

INTRODUCED FEBRUARY 16, 2016

**Sponsored by:**  
**Senator M. TERESA RUIZ**  
**District 29 (Essex)**

**SYNOPSIS**

Establishes Department of Early Childhood.

**CURRENT VERSION OF TEXT**

As introduced.



S1454 RUIZ

2

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

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

**S1454 RUIZ**

1 shall be in writing and shall be filed with the Office of  
2 Administrative Law. The designation shall remain in effect until  
3 amended by the commissioner.

4

5 6. (New section) The commissioner, as administrator and chief  
6 executive officer of the department, shall:

7 a. Administer the work of the department;

8 b. Appoint and remove officers and other personnel employed  
9 within the department, subject to the provisions of Title 11A of the  
10 New Jersey Statutes, Civil Service, and other applicable statutes,  
11 except as herein otherwise specifically provided;

12 c. Appoint such deputy and assistant commissioners, directors  
13 and other personnel in the unclassified service as the commissioner  
14 deems appropriate to receive such compensation as may be  
15 provided by law;

16 d. Perform, exercise, and discharge the functions, powers and  
17 duties of the department through such divisions as may be  
18 established by this act or otherwise by law;

19 e. Organize the work of the department in such divisions, not  
20 inconsistent with the provisions of this act, and in such other  
21 organizational units as he may determine to be necessary for  
22 efficient and effective operation;

23 f. Adopt, issue, and promulgate, in the name of the department,  
24 such rules and regulations as may be authorized by law, consistent  
25 with the "Administrative Procedure Act," P.L.1968, c.410  
26 (C.52:14B-1 et seq.);

27 g. Formulate and adopt rules and regulations for the efficient  
28 conduct of the work and general administration of the department,  
29 its officers and employees;

30 h. Institute or cause to be instituted such legal proceedings or  
31 processes as may be necessary to enforce and give effect to any of  
32 his powers or duties;

33 i. Make such reports of the department's operation as the  
34 Governor or the Legislature shall from time to time request, or as  
35 may be required by law;

36 j. Coordinate the activities of the department, and the several  
37 divisions and other agencies therein, in a manner designed to  
38 eliminate overlapping and duplicating functions;

39 k. Integrate within the department, so far as practicable, all  
40 staff services of the department and of the several divisions and  
41 other agencies therein;

42 l. Maintain suitable headquarters for the department and such  
43 other quarters as are necessary to the proper functioning of the  
44 department;

45 m. Solicit, apply for, and accept on behalf of the State any  
46 contributions, donations of money, goods, services, real or personal  
47 property or grants from the federal government or any agency  
48 thereof, or from any foundation, corporation, association or

**S1454 RUIZ**

1 individual, and comply with the terms, conditions, and limitations  
2 thereof, for any of the purposes of the department;

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

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

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

10

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

23

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

32

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

42

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

1 Jersey Home Visitation Program; Help Me Grow Initiative; Project  
2 LAUNCH; New Jersey Strengthening Families Initiative; Project  
3 TEACH (Teen Education and Child Health); Parent Linking  
4 Program; and Family Success Centers.

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

15  
16 12. (New section) All responsibilities of the Department of  
17 Agriculture relating to child nutrition are transferred to the  
18 Department of Early Childhood including, but not limited to, those  
19 parts of the following programs relating to child nutrition: school  
20 nutrition programs; fresh fruit and vegetable program; child and  
21 adult care food program; summer food service program; farm to  
22 school program; and farm to school and school garden fund tax  
23 check off.

24  
25 13. (New section) All the functions of the Division of Early  
26 Childhood Education in the Department of Education are hereby  
27 transferred and assigned to, assumed by, and devolved upon the  
28 Department of Early Childhood. To effectuate such transfer there  
29 shall also be transferred such officers and employees as are  
30 necessary, all appropriations or reappropriations, to the extent of  
31 remaining unexpended or unencumbered balances thereof, whether  
32 allocated or unallocated and whether obligated or unobligated, and  
33 all necessary books, papers, records and property. All rules,  
34 regulations, acts, determinations, and decisions in force at the time  
35 of such transfer and proceedings or other such matters undertaken,  
36 commenced, or pending by or before the Division of Early  
37 Childhood Education at the time of such transfer shall continue in  
38 force and effect until duly modified, abrogated, or completed by the  
39 Department of Early Childhood.

40  
41 14. (New section) The Commissioner of Early Childhood, in  
42 consultation with the Commissioner of Education, the  
43 Commissioner of Human Services, the Commissioner of Children  
44 and Families, the Commissioner of Health, and the Secretary of  
45 Agriculture, shall develop a schedule for the orderly transfer of  
46 programs relating to early childhood and child nutrition to the  
47 Department of Early Childhood.

**S1454 RUIZ**

6

1       15. (New section) A proportionate share of the programmatic,  
2 administrative, and support staff of the Department of Education,  
3 the Department of Human Services, the Department of Children and  
4 Families, the Department of Health, and the Department of  
5 Agriculture supporting the functions, powers and duties transferred  
6 under this act are transferred to the Department of Early Childhood.

7       The transfer of specific facilities, resources, and personnel shall  
8 be determined by agreement between the Commissioner of  
9 Education, the Commissioner of Human Services, the  
10 Commissioner of Children and Families, the Commissioner of  
11 Health, and the Secretary of Agriculture, after considering the  
12 number and type of positions currently used for support for the  
13 functions, powers, and duties transferred and the appropriateness of  
14 transferring personnel, positions, and funding.

15

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

19

20       17. (New section) This act shall not:

21       a. affect the tenure, compensation, and pension rights, if any,  
22 of the lawful holder thereof, in any position not specifically  
23 abolished herein; and

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

27

28       18. (New section) a. Except as otherwise provided pursuant to  
29 this section, any position transferred to the authority of the  
30 Department of Early Childhood which prior to the effective date of  
31 P.L. , c. (C. ) (pending before the Legislature as this bill) was  
32 subject by law to a criminal background check, shall continue to be  
33 subject to that criminal background check in accordance with the  
34 applicable law.

35       b. As appropriate, a department conducting a criminal  
36 background check pursuant to subsection a. of this section, shall  
37 forward results of the criminal background check to the  
38 Commissioner of Early Childhood who shall take appropriate  
39 action.

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

45

46       19. (New section) Notwithstanding any provision of P.L.1968,  
47 c.410 (C.52:14B-1 et seq.) to the contrary, the Commissioner of  
48 Early Childhood may, with the approval of the Governor, adopt,

1 immediately upon filing with the Office of Administrative Law,  
2 such regulations as the commissioner deems necessary to  
3 implement the provisions of this act, which regulations shall be  
4 effective for a period not to exceed six months and may, thereafter,  
5 be amended, adopted, or readopted by the commissioner in  
6 accordance with the requirements of P.L.1968, c.410 (C.52:14B-1  
7 et seq.).

8  
9 20. Section 2 of P.L.2000, c.139 (C.18A:44-6) is amended to  
10 read as follows:

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

16 b. The division shall be responsible for:

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

22 (2) identifying and disseminating information on model early  
23 childhood education programs that meet and exceed high standards  
24 for program quality;

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

29 (4) identifying the amount of funds necessary to implement  
30 successful early childhood education programs based on a  
31 comprehensive needs assessment;

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

34 (6) implementing the early childhood education orders of the  
35 New Jersey Supreme Court in consultation with the Department of  
36 Education;

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

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

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

44  
45 21. Section 3 of P.L.1983, c.492 (C.30:5B-3) is amended to read  
46 as follows:

47 3. As used in this act:

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

1       b. "Child care center" or "center" means any facility which is  
2 maintained for the care, development or supervision of six or more  
3 children who attend the facility for less than 24 hours a day. In the  
4 case of a center operating in a sponsor's home, children who reside  
5 in the home shall not be included when counting the number of  
6 children being served. This term shall include, but shall not be  
7 limited to, day care centers, drop-in centers, nighttime centers,  
8 recreation centers sponsored and operated by a county or municipal  
9 government recreation or park department or agency, day nurseries,  
10 nursery and play schools, cooperative child centers, centers for  
11 children with special needs, centers serving sick children, infant-  
12 toddler programs, school age child care programs, employer  
13 supported centers, centers that had been licensed by the Department  
14 of Human Services prior to the enactment of the "Child Care Center  
15 Licensing Act," P.L.1983, c.492 (C.30:5B-1 et seq.) and  
16 kindergartens that are not an integral part of a private educational  
17 institution or system offering elementary education in grades  
18 kindergarten through sixth, seventh or eighth. This term shall not  
19 include:

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

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

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

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

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

44       (6) Day training centers operated by or under contract with the  
45 Division of Developmental Disabilities within the Department of  
46 Human Services;



1 (7) Programs operated by the board of education of the local  
2 public school district that is responsible for their implementation  
3 and management;

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

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

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

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

17 c. "Commissioner" means the Commissioner of **【Children and**  
18 **Families】** Early Childhood.

19 d. "Department" means the Department of **【Children and**  
20 **Families】** Early Childhood.

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

23 f. "Person" means any individual, corporation, company,  
24 association, organization, society, firm, partnership, joint stock  
25 company, the State or any political subdivision thereof.

26 g. "Sponsor" means any person owning or operating a child  
27 care center.

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

29

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

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

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

41

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

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

45 "Department" means the Department of **【Children and Families】**  
46 Early Childhood.

47 "Division" means the Division of Child Protection and  
48 Permanency in the Department of Children and Families.

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

6 "Child care center" or "center" means any facility which is  
7 maintained for the care, development or supervision of six or more  
8 children under 13 years of age who attend the facility for less than  
9 24 hours a day, and which is subject to State licensure or life-safety  
10 approval, pursuant to the provisions of the "Child Care Center  
11 Licensing Act," P.L.1983, c.492 (C.30:5B-1 to 30:5B-15).  
12 (cf: P.L.2012, c.16, s.117)

13

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

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

18 "Child care center" or "center" means any facility which is  
19 maintained for the care, development, or supervision of six or more  
20 children under 13 years of age who attend the facility for less than  
21 24 hours a day, and which is subject to State licensure or life-safety  
22 approval pursuant to P.L.1983, c.492 (C.30:5B-1 et seq.).

23 "Department" means the Department of **【Children and Families】**  
24 Early Childhood.

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

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

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

34

35 25. Section 14 of P.L.1983, c.492 (C.30:5B-14) is amended to  
36 read as follows:

37 14. a. The Director of the Division of Family Development in the  
38 Department of Human Services, a designee of the Commissioner of  
39 Children and Families, a designee of the Commissioner of Early  
40 Childhood, and the Director of the Division on Women in the  
41 Department of Children and Families shall establish a Child Care  
42 Advisory Council which shall consist of at least 15 individuals who  
43 have experience, training, or other interests in child care issues. To  
44 the extent possible, the directors shall designate members of  
45 existing councils or task forces heretofore established on child care  
46 in New Jersey as the advisory council.

47 b. The advisory council shall:

- 1 (1) Review rules and regulations or proposed revisions to  
2 existing rules and regulations governing the licensing of child care  
3 centers;
- 4 (2) Review proposed statutory amendments governing the  
5 licensing of child care centers and make recommendations to the  
6 commissioner;
- 7 (3) Advise the commissioner on the administration of the  
8 licensing responsibilities under this act;
- 9 (4) Advise the Commissioners of Human Services and Children  
10 and Families and other appropriate units of State government on the  
11 needs, priorities, programs, and policies relating to child care  
12 throughout the State;
- 13 (5) Study and recommend alternative resources for child care;  
14 and
- 15 (6) Facilitate employer supported child care through information  
16 and technical assistance.
- 17 c. The advisory council may accept from any governmental  
18 department or agency, public or private body, or any other source  
19 grants or contributions to be used in carrying out its responsibilities  
20 under P.L.1983, c.492 (C.30:5B-1 et seq.).  
21 (cf: P.L.2012, c.16, s.119)  
22
- 23 26. Section 3 of P.L.1987, c.27 (C.30:5B-18) is amended to read  
24 as follows:
- 25 3. As used in this act:
- 26 a. "Certificate of registration" means a certificate issued by the  
27 department to a family day care provider, acknowledging that the  
28 provider is registered pursuant to the provisions of this act.
- 29 b. "Department" means the Department of **【Children and**  
30 **Families】** Early Childhood.
- 31 c. "Family day care home" means a private residence in which  
32 child care services are provided for a fee to no less than three and  
33 no more than five children at any one time for no less than 15 hours  
34 per week; except that the department shall not exclude a family day  
35 care home with less than three children from voluntary registration.  
36 A child being cared for under the following circumstances is not  
37 included in the total number of children receiving child care  
38 services:
- 39 (1) The child being cared for is legally related to the provider;  
40 or
- 41 (2) Care is being provided as part of an employment agreement  
42 between the family day care provider and an assistant or substitute  
43 provider where no payment for the care is being provided.
- 44 d. "Family day care provider" means a person at least 18 years  
45 of age who is responsible for the operation and management of a  
46 family day care home.
- 47 e. "Family day care sponsoring organization" means an agency  
48 or organization which contracts with the department to assist in the

1 registration of family day care providers in a specific geographical  
2 area.

3 f. "Monitor" means to visit a family day care provider to  
4 review the provider's compliance with the standards established  
5 pursuant to this act.

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

7

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

10 1. The Legislature finds and declares that:

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

15 b. The State recognizes the importance of these services and  
16 recognizes the need to continue and improve both the quality of  
17 care and the living and working conditions of the providers;

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

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

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

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

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

41

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

44 2. a. The Commissioner of the Department of Human Services  
45 or, if applicable, the Commissioner of **【the Department of Children**  
46 **and Families】** Early Childhood, on behalf of the State of New  
47 Jersey, shall, in a timely manner, meet in good faith with a  
48 recognized exclusive majority representative of all family child care

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

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

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

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

42

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

45 4. No action may be taken under this act that would derogate  
46 from the status, functions or authority of the Department of Human  
47 Services in its capacity as Lead Agency pursuant to the State Plan  
48 for Child Care Development Services filed by the Commissioner of

1 Human Services with the U.S. Secretary of Health and Human  
2 Services. No provision of this act shall supersede the authority of  
3 the Commissioner of **【the Department of Children and Families】**  
4 Early Childhood under the provisions of P.L.1987, c.27 (C.30:5B-  
5 16 et seq.).

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

7

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

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

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

15

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

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

25 b. The division shall conduct the search only upon receipt of  
26 the prospective or current provider or household member's written  
27 consent to the search. If the person refuses to provide his consent,  
28 the family day care sponsoring organization shall deny the  
29 prospective or current provider's application for a certificate or  
30 renewal of registration.

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

35 d. The **【department】** Department of Early Childhood shall not  
36 issue a certificate or renewal of registration to a prospective or  
37 current provider unless **【the department has first determined that】** a  
38 determination has been made that no substantiated charge of child  
39 abuse or neglect against the prospective or current provider or  
40 household member is found during the child abuse registry search.

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

42

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

45 4. In accordance with the "Administrative Procedure Act,"  
46 P.L.1968, c.410 (C.52:14B-1 et seq.), the Department of **【Children**  
47 **and Families】** Early Childhood shall adopt rules and regulations  
48 necessary to implement the provisions of sections 1 through 4 of

1 P.L.1993, c.350 (C.30:5B-25.1 through C.30:5B-25.4) including,  
2 but not limited to:

3 a. Implementation of an appeals process to be used in the case  
4 of the denial of an application for a certificate or for renewal of  
5 registration based upon information obtained during a child abuse  
6 registry search; and

7 b. Establishment of time limits for conducting a child abuse  
8 registry search and providing a family day care sponsoring  
9 organization with the results of the search.

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

11

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

14 2. a. The Commissioner of **[Human Services]** Early Childhood  
15 is authorized to establish criteria for determining financial and  
16 programmatic eligibility for child care services subsidized through  
17 State and federal funding sources, including provisions for the  
18 submission of proof of income and resources, and such other  
19 documentation as may be necessary to establish programmatic  
20 eligibility.

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

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

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

33

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

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

42 Title  
43 Agriculture Department  
44 Secretary of Agriculture  
45 Children and Families Department  
46 Commissioner of Children and Families  
47 Community Affairs Department  
48 Commissioner of Community Affairs

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

29  
30 35. Section 8 of P.L.2000, c.77 (C.53:1-20.9b) is amended to  
31 read as follows:

32 8. a. The Commissioner of **【Children and Families】** Early  
33 Childhood is authorized to exchange fingerprint data with, and to  
34 receive information from, the Division of State Police in the  
35 Department of Law and Public Safety and the Federal Bureau of  
36 Investigation.

37 Upon receipt of the criminal history record information for an  
38 applicant or staff member of a child care center from the Federal  
39 Bureau of Investigation and the Division of State Police, the  
40 Department of **【Children and Families】** Early Childhood shall  
41 notify the applicant or staff member, as applicable, and the child  
42 care center, in writing, of the applicant's or staff member's  
43 qualification or disqualification for employment or service under  
44 P.L.2000, c.77 (C.30:5B-6.10 et al.). If the applicant or staff  
45 member is disqualified, the convictions that constitute the basis for  
46 the disqualification shall be identified in the written notice to the  
47 applicant or staff member. The applicant or staff member shall  
48 have 14 days from the date of the written notice of disqualification



1 to challenge the accuracy of the criminal history record information.  
2 If no challenge is filed or if the determination of the accuracy of the  
3 criminal history record information upholds the disqualification, the  
4 Department of **【Children and Families】** Early Childhood shall  
5 notify the center that the applicant or staff member has been  
6 disqualified from employment.

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

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

17  
18 36. This act shall take effect on July 1, 2016.  
19  
20

## 21 STATEMENT

22  
23 This bill establishes as a new principal department within the  
24 Executive Branch, the Department of Early Childhood.

25 The bill transfers the functions of the current Division of Early  
26 Childhood Education in the Department of Education to the  
27 Department of Early Childhood. In addition, the bill transfers to the  
28 new department:

- 29 • all responsibilities of the Department of Education relating  
30 to students in grades preschool through three including, but  
31 not limited to, those parts of the following programs  
32 relating to this age group: teacher licensing; IDEA part B;  
33 Title I services; regional achievement centers; migrant and  
34 homeless education services; bilingual education services;  
35 parent training and information centers; and the New Jersey  
36 Council for Young Children;
- 37 • all responsibilities of the Department of Human Services  
38 relating to children from pregnancy to age eight, including  
39 but not limited to, those parts of the following programs  
40 relating to this age group: subsidized child care programs  
41 and services; child care development block grants;  
42 wraparound care; New Jersey First Steps Infant Toddler  
43 Initiative; child care resource and referral agencies;  
44 childcare workforce registry; New Jersey School-Age child  
45 care; and New Jersey Inclusive Child Care;
- 46 • all responsibilities of the Department of Children and  
47 Families relating to children from pregnancy to age eight  
48 including, but not limited to, those parts of the following

- 1 programs relating to this age group: New Jersey Home  
2 Visitation Program; Help Me Grow Initiative; Project  
3 LAUNCH; New Jersey Strengthening Families Initiative;  
4 Project TEACH (Teen Education and Child Health); Parent  
5 Linking Program; and Family Success Centers;
- 6 • all responsibilities of the Department of Health relating to  
7 children from pregnancy to age eight, including but not  
8 limited to, those parts of the following programs relating to  
9 this age group: Improving Pregnancy Outcomes Program;  
10 New Jersey WIC Breastfeeding Services; home visitation  
11 programs; early intervention system under Part C of the  
12 Individuals with Disabilities Education Act (IDEA); and NJ  
13 Early Care and Education Learning Collaborative Project  
14 (NJ ECELC); and
  - 15 • all responsibilities of the Department of Agriculture relating  
16 to child nutrition including, but not limited to, those parts of  
17 the following programs relating to child nutrition: school  
18 nutrition programs; fresh fruit and vegetable program; child  
19 and adult care food program; summer food service program;  
20 farm to school program; and farm to school and school  
21 garden fund tax check off.

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

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

32 The bill includes an effective date of July 1, 2016.