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STATE OF NEW JERSEY

217th LEGISLATURE



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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

As reported by the Senate Education Committee on March 7, 2016, with amendments.



An Act establishing the Department of Early Childhood as a principal department in the Executive Branch, supplementing Title 52 of the Revised Statutes, and revising various parts of the statutory law.

Be It Enacted by the Senate and General Assembly of the State of New Jersey:

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

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

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

“Commissioner” means the Commissioner of Early Childhood.

“Department” means the Department of Early Childhood established by this act.

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

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

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

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

a. Administer the work of the department;

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

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

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

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

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

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

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

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

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

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

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

m. Solicit, apply for, and accept on behalf of the State any contributions, donations of money, goods, services, real or personal property or grants from the federal government or any agency thereof, or from any foundation, corporation, association or individual, and comply with the terms, conditions, and limitations thereof, for any of the purposes of the department;

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

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

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

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

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

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

10. (New section) Except as otherwise provided in P.L. , c. (C. ) (pending before the Legislature as this bill), all responsibilities of the Department of Children and Families relating to children from pregnancy to age eight are transferred to the Department of Early Childhood including, but not limited to, those parts of the following programs relating to this age group: New Jersey Home Visitation Program; Help Me Grow Initiative; Project LAUNCH; New Jersey Strengthening Families Initiative; Project TEACH (Teen Education and Child Health); Parent Linking Program; and Family Success Centers.

11. (New section) All responsibilities of the Department of Health relating to children from pregnancy to age eight are transferred to the Department of Early Childhood including, but not limited to, those parts of the following programs relating to this age group: Improving Pregnancy Outcomes Program; New Jersey WIC Breastfeeding Services; **1**services for perinatal mood disorders;**1** home visitation programs; early intervention system under Part C of the Individuals with Disabilities Education Act (IDEA), 34 CFR Part 303; and NJ Early Care and Education Learning Collaborative Project (NJ ECELC).

**1[**12. (New section) All responsibilities of the Department of Agriculture relating to child nutrition are transferred to the Department of Early Childhood including, but not limited to, those parts of the following programs relating to child nutrition: school nutrition programs; fresh fruit and vegetable program; child and adult care food program; summer food service program; farm to school program; and farm to school and school garden fund tax check off.**]1**

**1[**13.**]** 12.**1** (New section) All the functions of the Division of Early Childhood Education in the Department of Education are hereby transferred and assigned to, assumed by, and devolved upon the Department of Early Childhood. To effectuate such transfer there shall also be transferred such officers and employees as are necessary, all appropriations or reappropriations, to the extent of remaining unexpended or unencumbered balances thereof, whether allocated or unallocated and whether obligated or unobligated, and all necessary books, papers, records and property. All rules, regulations, acts, determinations, and decisions in force at the time of such transfer and proceedings or other such matters undertaken, commenced, or pending by or before the Division of Early Childhood Education at the time of such transfer shall continue in force and effect until duly modified, abrogated, or completed by the Department of Early Childhood.

**1[**14.**]** 13.**1** (New section) The Commissioner of Early Childhood, in consultation with the Commissioner of Education, the Commissioner of Human Services, the Commissioner of Children and Families, **1**and**1** the Commissioner of Health, **1[**and the Secretary of Agriculture,**]1** shall develop a schedule for the orderly transfer of programs relating to early childhood and child nutrition to the Department of Early Childhood.

**1[**15.**]** 14.**1** (New section) A proportionate share of the programmatic, administrative, and support staff of the Department of Education, the Department of Human Services, the Department of Children and Families, **1**and**1** the Department of Health **1[**, and the Department of Agriculture**]1** supporting the functions, powers and duties transferred under this act are transferred to the Department of Early Childhood.

The transfer of specific facilities, resources, and personnel shall be determined by agreement between the Commissioner of Education, the Commissioner of Human Services, the Commissioner of Children and Families, **1**and**1** the Commissioner of Health, **1[**and the Secretary of Agriculture,**]1** after considering the number and type of positions currently used for support for the functions, powers, and duties transferred and the appropriateness of transferring personnel, positions, and funding.

**1[**16**]** 15.**1** (New section) This act shall be subject to the provisions of the “State Agency Transfer Act,” P.L.1971, c.375 (C.52:14D-1 et seq.), except as may otherwise be provided under this act.

**1[**17.**]** 16.**1** (New section) This act shall not:

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

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

**1[**18.**]** 17.**1** (New section) a. Except as otherwise provided pursuant to this section, any position transferred to the authority of the Department of Early Childhood which prior to the effective date of P.L. , c. (C. ) (pending before the Legislature as this bill) was subject by law to a criminal background check, shall continue to be subject to that criminal background check in accordance with the applicable law.

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

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

**1[**19.**]** 18.**1** (New section) Notwithstanding any provision of P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the Commissioner of Early Childhood may, with the approval of the Governor, adopt, immediately upon filing with the Office of Administrative Law, such regulations as the commissioner deems necessary to implement the provisions of this act, which regulations shall be effective for a period not to exceed six months and may, thereafter, be amended, adopted, or readopted by the commissioner in accordance with the requirements of P.L.1968, c.410 (C.52:14B-1 et seq.).

**1[**20.**]** 19.**1** Section 2 of P.L.2000, c.139 (C.18A:44-6) is amended to read as follows:

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

b. The division shall be responsible for:

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

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

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

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

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

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

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

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

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

**1[**21.**]** 20.**1** Section 3 of P.L.1983, c.492 (C.30:5B-3) is amended to read as follows:

3. As used in this act:

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

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

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

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

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

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

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

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

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

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

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

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

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

c. "Commissioner" means the Commissioner of **[**Children and Families**]** Early Childhood.

d. "Department" means the Department of **[**Children and Families**]** Early Childhood.

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

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

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

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

**1[**22.**]** 21.**1** Section 5 of P.L.1999, c.171 (C.30:5B-5.4) is amended to read as follows:

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

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

**1[**23.**]** 22.**1** Section 1 of P.L.1997, c.254 (C.30:5B-6.1) is amended to read as follows:

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

"Department" means the Department of **[**Children and Families**]** Early Childhood.

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

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

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

(cf: P.L.2012, c.16, s.117)

**1[**24.**]** 23.**1** Section 1 of P.L.2000, c.77 (C.30:5B-6.10) is amended to read as follows:

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

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

"Department" means the Department of **[**Children and Families**]** Early Childhood.

**[**"Division" means the Division of Child Protection and Permanency in the Department of Children and Families.**]**

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

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

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

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

b. The advisory council shall:

(1) Review rules and regulations or proposed revisions to existing rules and regulations governing the licensing of child care centers;

(2) Review proposed statutory amendments governing the licensing of child care centers and make recommendations to the commissioner;

(3) Advise the commissioner on the administration of the licensing responsibilities under this act;

(4) Advise the Commissioners of Human Services and Children and Families and other appropriate units of State government on the needs, priorities, programs, and policies relating to child care throughout the State;

(5) Study and recommend alternative resources for child care; and

(6) Facilitate employer supported child care through information and technical assistance.

c. The advisory council may accept from any governmental department or agency, public or private body, or any other source grants or contributions to be used in carrying out its responsibilities under P.L.1983, c.492 (C.30:5B-1 et seq.).

(cf: P.L.2012, c.16, s.119)**]1**

**1[**26.**]** 24.**1** Section 3 of P.L.1987, c.27 (C.30:5B-18) is amended to read as follows:

3. As used in this act:

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

b. "Department" means the Department of **[**Children and Families**]** Early Childhood.

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

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

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

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

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

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

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

**1[**27.**]** 25.**1** Section 1 of P.L.2009, c.299 (C.30:5B-22.1) is amended to read as follows:

1. The Legislature finds and declares that:

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

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

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

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

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

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

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

**1[**28.**]** 26.**1** Section 2 of P.L.2009, c.299 (C.30:5B-22.2) is amended to read as follows:

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

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

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

d. For the purposes of this act, "family child care provider" shall include all in-home, voluntary, registered, approved family friend and neighbor caregivers and nationally accredited child care providers included in any agreement entered into under the provisions of Executive Order 23, signed August 2, 2006.

(cf: P.L.2009, c.299, s.2)

**1[**29.**]** 27.**1** Section 4 of P.L.2009, c.299 (C.30:5B-22.4) is amended to read as follows:

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

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

**1[**30.**]** 28.**1** Section 10 of P.L.1987, c.27 (C.30:5B-25) is amended to read as follows:

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

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

**1[**31.**]** 29.**1** Section 3 of P.L.1993, c.350 (C.30:5B-25.3) is amended to read as follows:

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

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

c. The division shall advise the sponsoring organization of the results of the child abuse registry search within a time period to be determined by the Department of **[**Children and Families**]** Early Childhood.

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

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

**1[**32.**]** 30.**1** Section 4 of P.L.1993, c.350 (C.30:5B-25.4) is amended to read as follows:

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

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

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

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

**1[**33.**]** 31.**1** Section 2 of P.L.1993, c.46 (C.30:5B-31) is amended to read as follows:

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

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

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

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

**1[**34.**]** 32.**1** Section 1 of P.L.1974, c.55 (C.52:14-15.107) is amended to read as follows:

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

Title

Agriculture Department

Secretary of Agriculture

Children and Families Department

Commissioner of Children and Families

Community Affairs Department

Commissioner of Community Affairs

Corrections Department

Commissioner of Corrections

Early Childhood Department

Commissioner of Early Childhood

Education Department

Commissioner of Education

Environmental Protection Department

Commissioner of Environmental Protection

Health **[**and Senior Services**]** Department

Commissioner of Health **[**and Senior Services**]**

Human Services Department

Commissioner of Human Services

Banking and Insurance Department

Commissioner of Banking and Insurance

Labor and Workforce Development Department

Commissioner of Labor and Workforce Development

Law and Public Safety Department

Attorney General

Military and Veterans' Affairs Department

Adjutant General

State Department

Secretary of State

Transportation Department

Commissioner of Transportation

Treasury Department

State Treasurer

Members, Board of Public Utilities

(cf: P.L.2010, c.34, s.16)

**1[**35.**]** 33.**1** Section 8 of P.L.2000, c.77 (C.53:1-20.9b) is amended to read as follows:

8. a. The Commissioner of **[**Children and Families**]** Early Childhood is authorized to exchange fingerprint data with, and to receive information from, the Division of State Police in the Department of Law and Public Safety and the Federal Bureau of Investigation.

Upon receipt of the criminal history record information for an applicant or staff member of a child care center from the Federal Bureau of Investigation and the Division of State Police, the Department of **[**Children and Families**]** Early Childhood shall notify the applicant or staff member, as applicable, and the child care center, in writing, of the applicant's or staff member's qualification or disqualification for employment or service under P.L.2000, c.77 (C.30:5B-6.10 et al.). If the applicant or staff member is disqualified, the convictions that constitute the basis for the disqualification shall be identified in the written notice to the applicant or staff member. The applicant or staff member shall have 14 days from the date of the written notice of disqualification to challenge the accuracy of the criminal history record information. If no challenge is filed or if the determination of the accuracy of the criminal history record information upholds the disqualification, the Department of **[**Children and Families**]** Early Childhood shall notify the center that the applicant or staff member has been disqualified from employment.

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

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

**1[**36**]** 34.**1** This act shall take effect on July 1, 2016.