

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

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ENROLLED, An Act,

To amend Sections 26-24-1, 26-24-2, 26-24-3, 26-24-4, 26-24-5, 26-24-6, 26-24-20, 26-24-22, 26-24-23, 26-24-30, and 26-24-34 of the Code of Alabama 1975, relating to the Department of Children's Affairs and the Commissioner of the Department of Children's Affairs; to change the name of the department to the Department of Early Childhood Education; to change the name of the commissioner to the Secretary of the Department of Early Childhood Education; and to expand the duties of the secretary to include the development of a cohesive and comprehensive system of high quality early learning and care.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§26-24-1.

~~The~~ (a) Commencing on the effective date of the act amending this section, the Department of Children's Affairs is created shall be known as the Department of Early Childhood Education. The department is a part of the Executive Department of state government, principally established to

1 enable the Governor to effectively and efficiently coordinate  
2 efforts and programs to serve children throughout the state.

3 "(b) All references to the Department of Children's  
4 Affairs and to the Commissioner of the Department of  
5 Children's Affairs in this code are changed to the Department  
6 of Early Childhood Education and the Secretary of the  
7 Department of Early Childhood Education, respectively. All  
8 other laws, rules, regulations, and legal references of any  
9 kind to the Department of Children's Affairs or to the  
10 Commissioner of the Department of Children's Affairs shall be  
11 changed to the Department of Early Childhood Education or the  
12 Secretary of the Department of Early Childhood Education,  
13 respectively when this code is next reprinted and in other  
14 laws, rules, regulations, and legal references as is  
15 appropriate, timely, and economically feasible.

16 "§26-24-2.

17 "(a) The department shall be headed by and shall be  
18 under the direction, supervision, and control of an officer  
19 who shall be known and designated as the ~~Commissioner of~~  
20 ~~Children's Affairs~~ Secretary of Early Childhood Education. The  
21 ~~commissioner~~ secretary shall be responsible to the Governor  
22 for the administration of the department.

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

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

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

6           "(e) Before entering upon the discharge of duties,  
7     the ~~commissioner~~ secretary shall take the constitutional oath  
8     of office and shall execute to the State of Alabama a bond, to  
9     be approved by the Governor, in an amount to be fixed by the  
10    Governor, but not less than ten thousand dollars (\$10,000),  
11    conditioned upon the faithful performance of his or her  
12    duties. The premiums on the bond shall be paid out of the  
13    State Treasury.

14          "(f) The ~~commissioner~~ secretary shall devote full  
15    time to the official duties of the office and shall not hold  
16    another office under the government of the United States, or  
17    any other state, or of this state or of any political  
18    subdivision thereof, during his or her incumbency in the  
19    office. The ~~commissioner~~ secretary shall not hold any position  
20    of trust or profit, the conduct of which shall interfere or be  
21    inconsistent with his or her duties as ~~commissioner~~ secretary  
22    pursuant to this article.

23           "§26-24-3.

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

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

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

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

8           "(4) Coordinating local effort by creating a network  
9 of existing local and community groups and advocates dedicated  
10 to children to enable beneficial organizations throughout the  
11 state to assist and educate each other.

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

14           "(6) Establishing a repository for information on  
15 programs other than education programs offered by the  
16 Department of Education for K-12 in Alabama, which offer  
17 services for, or are for the benefit of, or in any way affect  
18 Alabama's children, including, but not limited to, the  
19 Department of Human Resources, the Department of Mental  
20 Health, Rehabilitation Services, the Department of Public  
21 Health, the Department of Youth Services, the Children's Trust  
22 Fund, the Alabama Department of Economic and Community  
23 Affairs, the Alcoholic Beverage Control Board, the Department  
24 of Public Safety, and the Child Abuse and Neglect Prevention  
25 Board.

1           "(7) Preparing and submitting to the Governor and  
2 the Legislature annual reports on activities and expenditures  
3 of state and local agencies related to children; all state,  
4 local, and federal funding available for children's programs  
5 other than education programs offered by the Department of  
6 Education for K-12; and recommendations of proposed  
7 legislation on the most efficient utilization of resources  
8 available in order to maximize services provided to children.

9           "(8) Preparing or causing to be prepared, and  
10 submitting for approval and adoption by the Children's Policy  
11 Council, legislation required to meet the unmet needs of  
12 children by further development and improvement of children  
13 services.

14           "(9) Review the budget requests for children's  
15 services of any state agency that administers children's  
16 programs other than education programs offered by the  
17 Department of Education for K-12.

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

20           "§26-24-4.

21           "(a) All functions and duties of the department  
22 shall be exercised by the ~~commissioner~~ secretary acting alone  
23 or by and through any administrative division or officer or  
24 employee that the ~~commissioner~~ secretary may designate. The  
25 ~~commissioner~~ secretary shall have all power and authority

1 necessary or convenient to carry out the functions and duties  
2 of the department.

3 "(b) The ~~commissioner~~ secretary may request any  
4 state or local agency or department which administers  
5 programs, other than education programs offered by the  
6 Department of Education for K-12, that directly affect  
7 Alabama's children to submit to the ~~commissioner~~ secretary  
8 information deemed necessary by the ~~commissioner~~ secretary to  
9 evaluate and assess the relationship between children's  
10 programs and the effectiveness of those programs, other than  
11 education programs offered by the Department of Education for  
12 K-12.

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

17 "(d) The ~~commissioner~~ secretary shall work with the  
18 state and county children's policy councils and the state and  
19 county children's services facilitation teams in order to  
20 ensure that a comprehensive coordinated effort is in place to  
21 provide for children's services.

22 "§26-24-5.

23 "In the performance of the functions and duties of  
24 the office and in the exercise of the powers and authorities,  
25 the ~~commissioner~~ secretary and all other officers and

1 employees of the department shall be subject to all legal  
2 restrictions, limitations, and conditions and penalties, civil  
3 and criminal, with respect to the performance of those  
4 functions and duties and the exercise of those powers and  
5 authorities.

6 "§26-24-6.

7 "The Governor may provide office space for the use  
8 of the department, ~~commissioner~~ secretary, and staff of  
9 either. The ~~commissioner~~ secretary may employ and secure the  
10 necessary staff, supplies, and materials to carry out this  
11 article, subject to the approval of the Governor, and pursuant  
12 to the state Merit System.

13 "§26-24-20.

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

19 "§26-24-22.

20 "(a) The chief administrative and executive officer  
21 of the office shall be the director, who shall be appointed by  
22 and serve at the pleasure of the ~~Governor~~ Secretary of the  
23 Department of Early Childhood Education. The director shall be  
24 responsible for the performance and exercise of the duties,  
25 responsibilities, functions, powers, and authority imposed



1 upon the director and the office by law and as directed by the  
2 secretary. The director shall be in the unclassified service  
3 of the state Merit System and shall receive a salary in an  
4 amount to be determined by the ~~Governor~~ secretary. The  
5 director shall employ an assistant who shall also serve in the  
6 unclassified position of the state Merit System.

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

9 "§26-24-23.

10 "The Office of School Readiness shall do all of the  
11 following:

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

15 "(2) Administer such programs and services as may be  
16 necessary for the operation and management of preschool and  
17 certain child development programs coordinating with the  
18 Department of Education for the inclusion of preschool special  
19 education.

20 "(3) Ensure that the prekindergarten program  
21 provides a developmentally appropriate preschool program  
22 emphasizing growth in language and literacy, math concepts,  
23 science, arts, physical development, and personal and social  
24 competence.

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

6           "(5) Assist local units of administration in this  
7 state so as to assure the proliferation of services under this  
8 article.

9           "(6) Coordinate with the regulatory division for the  
10 licensing of child care centers and with the administration of  
11 the United States child and adult care food programs at the  
12 child care centers participating in the prekindergarten  
13 program.

14           "(7) Issue annual reports to the Governor,    
15 secretary, and the Legislature concerning the administration  
16 and operation of the prekindergarten program.

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

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

1           "(10) Provide technical assistance to local  
2 programs.

3           "(11) Assess gaps in services.

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

16           "§26-24-30.

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

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

1 appointed members of the Alabama Children's Policy Council  
2 shall reflect the racial, gender, geographic, urban/rural, and  
3 economic diversity of the state. All appointments are subject  
4 to Senate confirmation and shall be effective until acted upon  
5 by the Senate.

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

1 other times as, in the opinion of the chair, additional  
2 meetings are needed.

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

17 "§26-24-34.

18 "The duties of the county children's policy council  
19 shall include, but not be limited to, the following: Reviewing  
20 the needs of children in the county and the responsibilities  
21 assigned each department or agency by law; determining areas  
22 of responsibility and identifying areas of duplication or  
23 conflict between departments and agencies in the county;  
24 identifying local resources and developing, in conjunction  
25 with the Department of ~~Children's Affairs~~ Early Childhood

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

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

