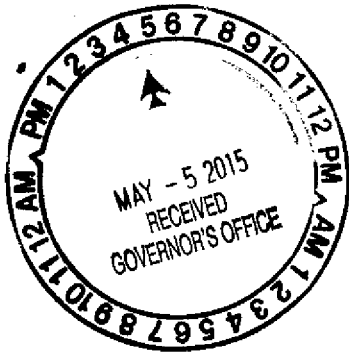


ACT No. 2015- 160

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.

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Speaker of the House of Representatives



President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 09-APR-15.

Jeff Woodard
Clerk

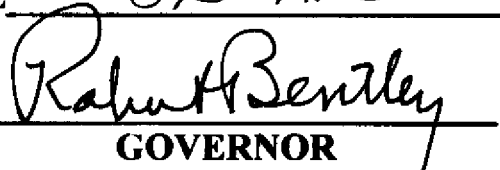
Senate

05-MAY-15

Passed

APPROVED May 11, 2015

TIME 8:15 AM


GOVERNOR

Alabama Secretary Of State

Act Num....: 2015-160
Bill Num....: H-233

Recv'd 05/11/15 02:06pmSLF

- 10 SPONSOR _____ 28
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HOUSE ACTION (OVER) 5A **2011**

DATE: 3-11

RD 1 RFD 56

REPORT OF STANDING COMMITTEE

This bill having been referred by the House to its standing committee on State Government was acted upon by such committee in session and returned therefrom to the House with the recommendation that it be Passed w/amend(s) w/sub this 18th day of March 2011.

Mark W. Supple, Chairperson

DATE: 3-18 **2011**

RF _____ **RD 2 CAL**

DATE: _____ **20**

RE-REFERRED RE-COMMITTED

Committee _____

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, HB 233.

YEAS 96 NAYS 0

JEFF WOODARD,
Clerk

SENATE ACTION **2011**

FURTHER SENATE ACTION (OVER) 5-1-11

DATE: _____

RD 1 RFD GA

This Bill was referred to the Standing Committee of the Senate on GA

and was acted upon by such Committee in session and is by order of the Committee returned therefrom with a favorable report w/amd(s) 0 w/sub 0 w/leng sub 0 by a vote of 7 yeas 0 nays 0 abstain 0

this 21 day of April 2011

James W. Kelley, Chairperson

DATE: 4-28 **2011**

RF FAV **RD 2 CAL**

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, HB 233.

YEAS 26 NAYS 0

PATRICK HARRIS,
Secretary

DATE: 5-5-11 **RD 3 at length**

PASSED **PASSED AS AMENDED**

YEAS 26 NAYS 0

And was ordered returned forthwith to the House.

PATRICK HARRIS,
Secretary

DATE: _____ **20**

INDEFINITELY POSTPONED YEARS _____ NAYS _____

DATE: _____ **20**

RECONSIDERED YEARS _____ NAYS _____