

1 **EARLY CARE AND LEARNING COORDINATION**

2 **AMENDMENTS**

3 2018 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Rebecca Chavez-Houck**

6 Senate Sponsor: Ann Millner

7

8 **LONG TITLE**

9 **General Description:**

10 This bill creates a commission in the Department of Workforce Services and an
11 advisory council in the Department of Health.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ defines terms;
- 15 ▶ creates the Governor's Early Childhood Commission (commission) in the
16 Department of Workforce Services;
- 17 ▶ creates the Early Childhood Utah Advisory Council (council) in the Department of
18 Health;
- 19 ▶ describes the membership and the duties of the commission and the council; and
- 20 ▶ provides sunset dates.

21 **Money Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 None

25 **Utah Code Sections Affected:**

26 AMENDS:

27 **63I-1-226**, as last amended by Laws of Utah 2017, Chapters 177 and 443



28 [63I-1-235](#), as last amended by Laws of Utah 2017, Chapters 128 and 469

29 ENACTS:

30 [26-62-101](#), Utah Code Annotated 1953

31 [26-62-102](#), Utah Code Annotated 1953

32 [26-62-201](#), Utah Code Annotated 1953

33 [26-62-202](#), Utah Code Annotated 1953

34 [26-62-203](#), Utah Code Annotated 1953

35 [35A-3-209](#), Utah Code Annotated 1953

36 [35A-3-210](#), Utah Code Annotated 1953



38 *Be it enacted by the Legislature of the state of Utah:*

39 Section 1. Section [26-62-101](#) is enacted to read:

40 **CHAPTER 62. EARLY CHILDHOOD UTAH ADVISORY COUNCIL**

41 **Part 1. General Provisions**

42 **26-62-101. Title.**

43 This chapter is known as the "Early Childhood Utah Advisory Council."

44 Section 2. Section [26-62-102](#) is enacted to read:

45 **26-62-102. Definitions.**

46 As used in this chapter:

47 (1) "Commission" means the Governor's Early Childhood Commission created in

48 Section [35A-3-209](#).

49 (2) "Council" means the Early Childhood Utah Advisory Council created in Section

50 [26-62-201](#).

51 Section 3. Section [26-62-201](#) is enacted to read:

52 **Part 2. Early Childhood Utah Advisory Council**

53 **26-62-201. Early Childhood Utah Advisory Council.**

54 (1) There is created the Early Childhood Utah Advisory Council.

55 (2) The council is composed of the following 15 voting members:

56 (a) a representative of the Bureau of Childhood Development appointed by the
57 executive director of the department;

58 (b) a representative of the Office of Child Care appointed by the executive director of

59 the Department of Workforce Services;

60 (c) a representative of the State Board of Education appointed by the superintendent of
61 public instruction;

62 (d) a representative of the Division of Substance Abuse and Mental Health appointed
63 by the executive director of the Department of Human Services;

64 (e) a representative from the department with expertise in early intervention services
65 appointed by the executive director of the department;

66 (f) a representative of a local education agency appointed by the president of the Utah
67 School Board Association;

68 (g) a representative of the Utah Head Start State Collaboration Office appointed by the
69 executive director of the Department of Workforce Services;

70 (h) a representative of the Utah Head Start Association appointed by the association;

71 (i) the following three members, who may not be employees of the state, appointed by
72 the executive director of the department:

73 (i) an early childhood health care provider;

74 (ii) an early childhood mental health care services provider; and

75 (iii) a provider of early childhood family support services; and

76 (j) four members with expertise related to early childhood needs or services appointed
77 by the cochairs with the approval of the council.

78 (3) A member described in Subsections (2)(a) through (2)(h) shall serve on the council
79 until a new representative is appointed by the appointing authority.

80 (4) A member described in Subsections (2)(i) and (2)(j) is appointed to the council for
81 a four-year term unless a member is appointed to complete an unexpired term.

82 (5) If a vacancy occurs in the advisory committee membership for any reason, a
83 replacement may be appointed for the unexpired term.

84 (6) A majority of the voting members of the council constitutes a quorum of the
85 council at any meeting, and the action of the majority of voting members present is the action
86 of the council.

87 (7) The voting members of the council shall annually select two cochairs of the
88 council.

89 (8) The cochairs are responsible for conducting meetings of the council and shall serve

90 as members of the commission.

91 (9) The council shall meet at least four times a year at the request of the cochairs.

92 (10) The cochairs may appoint additional nonvoting members to the council with the
93 approval of the council.

94 (11) The cochairs may remove a member for the following reasons:

95 (a) missing two consecutive meetings; or

96 (b) being unable or unwilling to carry out the member's assigned responsibilities.

97 (12) The department shall provide staff support to the council.

98 Section 4. Section **26-62-202** is enacted to read:

99 **26-62-202. Early Childhood Utah Advisory Council -- Duties.**

100 (1) The council shall serve as an entity dedicated to improving and coordinating the
101 quality of programs and services for children in accordance with the Improving Head Start for
102 School Readiness Act of 2007, 42 U.S.C. Sec. 9837b.

103 (2) The council shall advise the commission and, on or before September 1, annually
104 provide to the commission:

105 (a) a statewide needs assessment concerning the quality and availability of early
106 childhood education, health, and development programs and services for children in early
107 childhood;

108 (b) a statewide assessment concerning the availability of high-quality pre-kindergarten
109 services for low-income children; and

110 (c) a statewide strategic report addressing the activities mandated by the Improving
111 Head Start for School Readiness Act of 2007, 42 U.S.C. Sec. 9837b, including:

112 (i) identifying opportunities for and barriers to collaboration and coordination among
113 federally funded and state-funded child health and development, child care, and early
114 childhood education programs and services, including collaboration and coordination among
115 state agencies responsible for administering such programs;

116 (ii) evaluating the overall participation of children in existing federal, state, and local
117 child care programs and early childhood health, development, family support, and education
118 programs;

119 (iii) recommending how to implement a unified data collection system for public early
120 childhood education and development programs and services throughout the state;

121 (iv) recommending statewide professional development and career advancement plans
122 for early childhood educators and service providers in the state, including an analysis of the
123 capacity and effectiveness of programs at two- and four-year public and private institutions of
124 higher education that support the development of early childhood educators; and

125 (v) recommending improvements to the state's early learning standards and
126 high-quality comprehensive early learning standards.

127 Section 5. Section **26-62-203** is enacted to read:

128 **26-62-203. Reimbursement for council members.**

129 A member of the council may not receive compensation or benefits for the member's
130 service, but may receive per diem and travel expenses in accordance with:

131 (1) Section [63A-3-106](#);

132 (2) Section [63A-3-107](#); and

133 (3) rules made by the Division of Finance in accordance with Sections [63A-3-106](#) and
134 [63A-3-107](#).

135 Section 6. Section **35A-3-209** is enacted to read:

136 **35A-3-209. Creation of the Governor's Early Childhood Commission.**

137 (1) As used in this section and Section [35A-3-210](#):

138 (a) "Advisory council" means the Early Childhood Utah Advisory Council created in
139 Section [26-62-201](#).

140 (b) "Commission" means the Governor's Early Childhood Commission created in
141 Subsection (2).

142 (c) (i) "Early childhood" refers to a child five years of age or younger.

143 (ii) "Early childhood" includes a child in utero.

144 (2) There is created the Governor's Early Childhood Commission consisting of the
145 following 17 members:

146 (a) the lieutenant governor, who shall serve as chair of the commission;

147 (b) the executive director of the department or the deputy director if designated by the
148 executive director, who shall serve as vice chair of the commission;

149 (c) the executive director of the Department of Health or the deputy director if
150 designated by the executive director;

151 (d) the executive director of the Department of Human Services or the deputy director

152 if designated by the executive director;

153 (e) the state superintendent of public instruction or the deputy superintendent if
154 designated by the superintendent;

155 (f) the commissioner of higher education or the associate commissioner if designated
156 by the commissioner;

157 (g) the supervisor of the Utah Head Start State Collaboration Office;

158 (h) the executive director of the Utah School Superintendents Association;

159 (i) the executive director of the State Commission on Criminal and Juvenile Justice;

160 (j) the two cochairs of the advisory council;

161 (k) the president of the Utah Chapter of the American Academy of Pediatrics;

162 (l) the governor's education advisor; and

163 (m) the following four members appointed by the chair of the commission with the
164 approval of the commission:

165 (i) a practitioner with expertise in early childhood behavioral health;

166 (ii) a community leader representing young children from racial or ethnic minorities;

167 (iii) a representative of a business involved in early childhood matters; and

168 (iv) an academic expert in the field of early childhood development.

169 (3) Each member of the commission appointed under Subsection (2)(m) shall be
170 appointed for a four-year term unless a member is appointed to complete an unexpired term.

171 (4) The commission chair may remove a commission member appointed under
172 Subsection (2)(m) and appoint a replacement:

173 (a) if the member is unable or unwilling to carry out the member's assigned
174 responsibilities; or

175 (b) for good cause.

176 (5) The commission chair:

177 (a) is responsible for the call and conduct of meetings;

178 (b) shall call and hold meetings of the commission at least quarterly;

179 (c) shall call additional meetings upon request by a majority of the commission's
180 members; and

181 (d) may delegate duties to the vice chair.

182 (6) A majority of the members of the commission constitutes a quorum of the

183 commission at any meeting and the action of the majority of members present is the action of
184 the commission.

185 (7) The department shall provide staff support to the commission.

186 (8) A member of the commission may not receive compensation or benefits for the
187 member's service, but may receive per diem and travel expenses in accordance with:

188 (a) Section [63A-3-106](#);

189 (b) Section [63A-3-107](#); and

190 (c) rules made by the Division of Finance in accordance with Sections [63A-3-106](#) and
191 [63A-3-107](#).

192 Section 7. Section **35A-3-210** is enacted to read:

193 **35A-3-210. Duties of Governor's Early Childhood Commission.**

194 (1) The commission's responsibilities include:

195 (a) establishing and facilitating improved coordination between state agencies and
196 community partners that provide services to children in early childhood;

197 (b) sharing and analyzing data and information regarding early childhood in the state;

198 (c) developing and coordinating a comprehensive delivery system for children in early
199 childhood that addresses the following four service areas:

200 (i) family support and safety;

201 (ii) health and development;

202 (iii) early learning; and

203 (iv) economic development; and

204 (d) identifying opportunities for and barriers to the alignment of standards, rules,
205 policies, and procedures across programs and agencies that support children in early childhood.

206 (2) To fulfill the responsibilities described in Subsection (1), the commission shall:

207 (a) study, evaluate, and report on the status and effectiveness of policies, procedures,
208 and programs that provide services to children in early childhood;

209 (b) carefully consider the reporting and information provided by the advisory council;

210 (c) study and evaluate policies, procedures, and programs implemented by other states
211 and nongovernmental entities that address the needs of children in early childhood;

212 (d) identify policies, procedures, and programs that are impeding efforts to help
213 children in early childhood in the state and recommend and implement changes to those

214 policies and procedures;

215 (e) recommend policy, procedure, and program changes to address the needs of
216 children in early childhood;

217 (f) develop methods for using interagency data to inform comprehensive policy and
218 budget decisions relating to early childhood services;

219 (g) establish and facilitate coordination among state agencies, including coordination
220 of funding resources, to meet the needs established in the annual needs assessment provided by
221 the advisory council;

222 (h) make recommendations on how to ensure the state's interagency data system
223 infrastructure allows for statewide needs assessments regarding the quality and availability of
224 early childhood services; and

225 (i) develop strategies and monitor efforts concerning:

226 (i) increasing school readiness;

227 (ii) improving access to child care and early education programs; and

228 (iii) improving family and community engagement in early childhood education and
229 development.

230 (3) In fulfilling the commission's duties, the commission may collaborate with:

231 (a) the State Workforce Development Board;

232 (b) the Utah Data Research Advisory Board;

233 (c) the Utah Intergenerational Welfare Reform Commission;

234 (d) the Child Care Advisory Committee;

235 (e) the State Commission on Criminal and Juvenile Justice; and

236 (f) other boards, commissions, and councils that exist within the state's executive
237 branch that address services for children in early childhood.

238 (4) In fulfilling the commission's duties, the commission may:

239 (a) request and receive, from any state or local governmental agency or institution,
240 information relating to early childhood, including reports, audits, data, projections, and
241 statistics; and

242 (b) appoint special advisory groups to advise and assist the commission.

243 (5) Members of a special advisory group described in Subsection (4)(b):

244 (a) shall be appointed by the commission;

245 (b) may include:
 246 (i) members of the commission; and
 247 (ii) individuals from the private or public sector; and
 248 (c) may not receive reimbursement or pay for work done in relation to the special
 249 advisory group.

250 (6) A special advisory group created in accordance with Subsection (4)(b) shall report
 251 to the commission on the progress of the special advisory group.

252 (7) (a) The commission shall annually provide a report to the department for inclusion
 253 in the department's annual written report described in Section [35A-1-109](#).

254 (b) The commission's report shall:

255 (i) describe how the commission fulfilled its statutory duties during the year;

256 (ii) describe the commission's progress in developing and coordinating a
 257 comprehensive delivery system of services for children in early childhood; and

258 (iii) include recommendations on how the state should act to address issues related to
 259 providing services for children in early childhood.

260 Section 8. Section **63I-1-226** is amended to read:

261 **63I-1-226. Repeal dates, Title 26.**

262 (1) Section [26-1-40](#) is repealed July 1, 2019.

263 (2) Title 26, Chapter 9f, Utah Digital Health Service Commission Act, is repealed July
 264 1, 2025.

265 (3) Section [26-10-11](#) is repealed July 1, 2020.

266 (4) Title 26, Chapter 33a, Utah Health Data Authority Act, is repealed July 1, 2024.

267 (5) Title 26, Chapter 36a, Hospital Provider Assessment Act, is repealed July 1, 2019.

268 (6) Title 26, Chapter 36b, Inpatient Hospital Assessment Act, is repealed July 1, 2021.

269 (7) Section [26-38-2.5](#) is repealed July 1, 2017.

270 (8) Section [26-38-2.6](#) is repealed July 1, 2017.

271 (9) Title 26, Chapter 56, Hemp Extract Registration Act, is repealed July 1, 2021.

272 (10) Title 26, Chapter 62, Early Childhood Utah Advisory Council, is repealed July 1,
 273 2023.

274 Section 9. Section **63I-1-235** is amended to read:

275 **63I-1-235. Repeal dates, Title 35A.**

276 (1) Sections [35A-3-309](#) and [35A-3-310](#) are repealed July 1, 2023.

277 (2) Subsection [35A-4-312](#)(5)(p) is repealed July 1, 2019.

Legislative Review Note
Office of Legislative Research and General Counsel