

# ASSEMBLY, No. 4178

## STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED JUNE 2, 2022

**Sponsored by:**

**Assemblywoman YVONNE LOPEZ**

**District 19 (Middlesex)**

**Assemblywoman SHANIQUE SPEIGHT**

**District 29 (Essex)**

**Assemblywoman LINDA S. CARTER**

**District 22 (Middlesex, Somerset and Union)**

**Assemblywoman CAROL A. MURPHY**

**District 7 (Burlington)**

**Co-Sponsored by:**

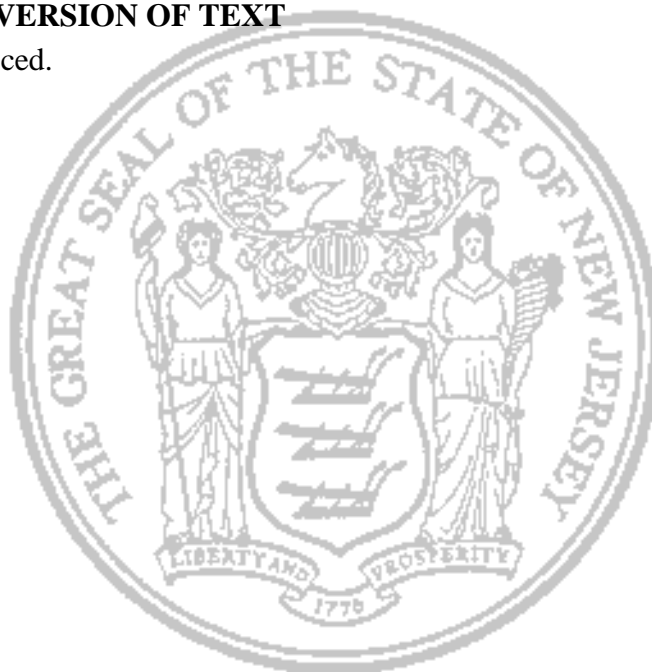
**Assemblywomen McKnight and Reynolds-Jackson**

**SYNOPSIS**

Establishes Department of Early Childhood.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 3/9/2023)**

A4178 LOPEZ, SPEIGHT

2

1 AN ACT establishing the Department of Early Childhood as a  
2 principal department in the Executive Branch, supplementing  
3 Title 52 of the Revised Statutes, and revising various parts of the  
4 statutory law.

5

6 **BE IT ENACTED** by the Senate and General Assembly of the State  
7 of New Jersey:

8

9 1. (New section) Sections 2 through 18 of this act shall be  
10 known and may be cited as the “Department of Early Childhood  
11 Act.”

12

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

16

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

18 “Commissioner” means the Commissioner of Early Childhood.

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

21

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

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

40

41 5. (New section) Notwithstanding any provision of P.L.1968,  
42 c.410 (C.52:14B-1 et seq.) to the contrary, the commissioner may  
43 designate an appropriate officer of the department to serve as the  
44 final decision maker in any contested case or group of contested  
45 cases filed with the Office of Administrative Law. The designation

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

**Matter underlined thus is new matter.**

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

4

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

7 a. Administer the work of the department;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10

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

23

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

32

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

42

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

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

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

16  
17 12. (New section) All the functions of the Division of Early  
18 Childhood Education in the Department of Education are hereby  
19 transferred and assigned to, assumed by, and devolved upon the  
20 Department of Early Childhood. To effectuate such transfer there  
21 shall also be transferred such officers and employees as are  
22 necessary, all appropriations or reappropriations, to the extent of  
23 remaining unexpended or unencumbered balances thereof, whether  
24 allocated or unallocated and whether obligated or unobligated, and  
25 all necessary books, papers, records and property. All rules,  
26 regulations, acts, determinations, and decisions in force at the time  
27 of such transfer and proceedings or other such matters undertaken,  
28 commenced, or pending by or before the Division of Early  
29 Childhood Education at the time of such transfer shall continue in  
30 force and effect until duly modified, abrogated, or completed by the  
31 Department of Early Childhood.

32  
33 13. (New section) The Commissioner of Early Childhood, in  
34 consultation with the Commissioner of Education, the  
35 Commissioner of Human Services, the Commissioner of Children  
36 and Families, and the Commissioner of Health, shall develop a  
37 schedule for the orderly transfer of programs relating to early  
38 childhood and child nutrition to the Department of Early Childhood.

39  
40 14. (New section) A proportionate share of the programmatic,  
41 administrative, and support staff of the Department of Education,  
42 the Department of Human Services, the Department of Children and  
43 Families, and the Department of Health supporting the functions,  
44 powers and duties transferred under this act are transferred to the  
45 Department of Early Childhood.

46 The transfer of specific facilities, resources, and personnel shall  
47 be determined by agreement between the Commissioner of  
48 Education, the Commissioner of Human Services, the

1 Commissioner of Children and Families, and the Commissioner of  
2 Health, after considering the number and type of positions currently  
3 used for support for the functions, powers, and duties transferred  
4 and the appropriateness of transferring personnel, positions, and  
5 funding.

6

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

10

11 16. (New section) This act shall not:

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

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

18

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

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

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

36

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

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

3 2. a. There is established a Division of Early Childhood  
4 Education in the Department of **Education** Early Childhood. The  
5 administrator and head of the division shall be a person qualified by  
6 training and experience to perform the duties of the division and  
7 shall devote his or her entire time to the performance of those  
8 duties.

9 b. The division shall be responsible for:

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

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

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

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

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

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

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

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

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

37

38 20. Section 3 of P.L.1983, c.492 (C.30:5B-3) is amended to read  
39 as follows:

40 3. As used in P.L.1983, c.492 (C.30:5B-1 et seq.):

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

42 b. "Child care center" or "center" means any facility which is  
43 maintained for the care, development, or supervision of six or more  
44 children who attend the facility for less than 24 hours a day. In the  
45 case of a center operating in a sponsor's home, children who reside  
46 in the home shall not be included when counting the number of  
47 children being served. This term shall include, but shall not be

1 limited to, day care centers, drop-in centers, nighttime centers,  
2 recreation centers sponsored and operated by a county or municipal  
3 government recreation or park department or agency, day nurseries,  
4 nursery and play schools, cooperative child centers, centers for  
5 children with special needs, centers serving sick children, infant-  
6 toddler programs, school age child care programs, employer  
7 supported centers, centers that had been licensed by the Department  
8 of Human Services prior to the enactment of the "Child Care Center  
9 Licensing Act," P.L.1983, c.492 (C.30:5B-1 et seq.), and  
10 kindergartens that are not an integral part of a private educational  
11 institution or system offering elementary education in grades  
12 kindergarten through sixth, seventh, or eighth. This term shall not  
13 include:

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

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

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

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

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

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

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

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



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

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

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

11 c. "Commissioner" means the Commissioner of **【Children and**  
12 **Families】** Early Childhood.

13 d. "Department" means the Department of **【Children and**  
14 **Families】** Early Childhood.

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

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

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

22 (cf: P.L.2017, c.131, s.122)

23

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

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

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

35

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

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

39 "Department" means the Department of **【Children and Families】**  
40 Early Childhood.

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

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

1 "Child care center" or "center" means any facility which is  
2 maintained for the care, development or supervision of six or more  
3 children under 13 years of age who attend the facility for less than  
4 24 hours a day, and which is subject to State licensure or life-safety  
5 approval, pursuant to the provisions of the "Child Care Center  
6 Licensing Act," P.L.1983, c.492 (C.30:5B-1 to 30:5B-15).  
7 (cf: P.L.2012, c.16, s.117)

8  
9 23. Section 1 of P.L.2000, c.77 (C.30:5B-6.10) is amended to  
10 read as follows:

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

13 "Child care center" or "center" means any facility which is  
14 maintained for the care, development, or supervision of six or more  
15 children under 13 years of age who attend the facility for less than  
16 24 hours a day, and which is subject to State licensure or life-safety  
17 approval pursuant to P.L.1983, c.492 (C.30:5B-1 et seq.).

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

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

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

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

29  
30 24. Section 3 of P.L.1987, c.27 (C.30:5B-18) is amended to  
31 read as follows:

32 3. As used in this act:

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

36 b. "Department" means the Department of **【Children and**  
37 **Families】** Early Childhood.

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

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

47 or

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

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

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

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

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

15

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

18 1. The Legislature finds and declares that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3       4. No action may be taken under this act that would derogate  
4 from the status, functions or authority of the Department of Human  
5 Services in its capacity as Lead Agency pursuant to the State Plan  
6 for Child Care Development Services filed by the Commissioner of  
7 Human Services with the U.S. Secretary of Health and Human  
8 Services. No provision of this act shall supersede the authority of  
9 the Commissioner of **【the Department of Children and Families】**  
10 Early Childhood under the provisions of P.L.1987, c.27 (C.30:5B-  
11 16 et seq.).

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

13

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

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

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

21

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

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

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

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

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

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

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

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

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

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

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

17

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

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

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

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

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

39

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

42 1. Notwithstanding the provisions of the annual appropriations  
43 act and section 7 of P.L.1974, c.55 (C.52:14-15.110), the annual  
44 salary for each of the following officers shall be \$175,000 in  
45 calendar year 2018 and thereafter:

46 Title

47 Agriculture Department

48 Secretary of Agriculture

- 1 Children and Families Department
- 2 Commissioner of Children and Families
- 3 Community Affairs Department
- 4 Commissioner of Community Affairs
- 5 Corrections Department
- 6 Commissioner of Corrections
- 7 Early Childhood Department
- 8 Commissioner of Early Childhood
- 9 Education Department
- 10 Commissioner of Education
- 11 Environmental Protection Department
- 12 Commissioner of Environmental Protection
- 13 Health Department
- 14 Commissioner of Health
- 15 Human Services Department
- 16 Commissioner of Human Services
- 17 Banking and Insurance Department
- 18 Commissioner of Banking and Insurance
- 19 Labor and Workforce Development Department
- 20 Commissioner of Labor and Workforce Development
- 21 Law and Public Safety Department
- 22 Attorney General
- 23 Military and Veterans' Affairs Department
- 24 Adjutant General
- 25 State Department
- 26 Secretary of State
- 27 Transportation Department
- 28 Commissioner of Transportation
- 29 Treasury Department
- 30 State Treasurer
- 31 Members, Board of Public Utilities
- 32 (cf: P.L.2018, c.14, s.2)

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

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

41 Upon receipt of the criminal history record information for an  
42 applicant or staff member of a child care center from the Federal  
43 Bureau of Investigation and the Division of State Police, the  
44 Department of **【Children and Families】** Early Childhood shall  
45 notify the applicant or staff member, as applicable, and the child  
46 care center, in writing, of the applicant's or staff member's  
47 qualification or disqualification for employment or service under  
48 P.L.2000, c.77 (C.30:5B-6.10 et al.). If the applicant or staff

1 member is disqualified, the convictions that constitute the basis for  
2 the disqualification shall be identified in the written notice to the  
3 applicant or staff member. The applicant or staff member shall  
4 have 14 days from the date of the written notice of disqualification  
5 to challenge the accuracy of the criminal history record information.  
6 If no challenge is filed or if the determination of the accuracy of the  
7 criminal history record information upholds the disqualification, the  
8 Department of **【Children and Families】** Early Childhood shall  
9 notify the center that the applicant or staff member has been  
10 disqualified from employment.

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

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

21

22 34. This act shall take effect on July 1, 2023.

23

24

25

#### STATEMENT

26

27 This bill establishes as a new principal department within the  
28 Executive Branch, the Department of Early Childhood.

29 The bill transfers the functions of the current Division of Early  
30 Childhood Education in the Department of Education to the  
31 Department of Early Childhood. In addition, the bill transfers to the  
32 new department:

33 • all responsibilities of the Department of Education relating  
34 to students in grades preschool through three including, but  
35 not limited to, those parts of the following programs  
36 relating to this age group: teacher licensing; IDEA part B;  
37 Title I services; regional achievement centers; migrant and  
38 homeless education services; bilingual education services;  
39 parent training and information centers; and the New Jersey  
40 Council for Young Children;

41 • all responsibilities of the Department of Human Services  
42 relating to children from pregnancy to age eight, including  
43 but not limited to, those parts of the following programs  
44 relating to this age group: subsidized child care programs  
45 and services; child care development block grants;  
46 wraparound care; New Jersey First Steps Infant Toddler  
47 Initiative; child care resource and referral agencies;



- 1 childcare workforce registry; New Jersey School-Age child  
2 care; and New Jersey Inclusive Child Care;
- 3 • all responsibilities of the Department of Children and  
4 Families relating to children from pregnancy to age eight  
5 including, but not limited to, those parts of the following  
6 programs relating to this age group: New Jersey Home  
7 Visitation Program; Help Me Grow Initiative; Project  
8 LAUNCH; New Jersey Strengthening Families Initiative;  
9 Project TEACH (Teen Education and Child Health); Parent  
10 Linking Program; and Family Success Centers; and
  - 11 • all responsibilities of the Department of Health relating to  
12 children from pregnancy to age eight, including but not  
13 limited to, those parts of the following programs relating to  
14 this age group: Improving Pregnancy Outcomes Program;  
15 New Jersey WIC Breastfeeding Services; services for  
16 perinatal mood disorders; home visitation programs; early  
17 intervention system under Part C of the Individuals with  
18 Disabilities Education Act (IDEA); and NJ Early Care and  
19 Education Learning Collaborative Project (NJ ECELC).
- 20 The bill transfers all the functions of the Department of Children  
21 and Families regarding the licensing of child care centers and the  
22 registration of family child care providers to the new Department of  
23 Early Childhood.
- 24 The bill requires the Commissioner of Early Childhood, in  
25 consultation with the Commissioners of Education, Human  
26 Services, Children and Families, and Health, to develop a schedule  
27 for the orderly transfer of programs relating to early childhood and  
28 child nutrition to the new department.