

STATE OF NEW MEXICO

Children, Youth and Families Department

**OPERATIONAL BYLAWS OF THE
NEW MEXICO EARLY LEARNING ADVISORY COUNCIL**

Adopted on: March 12, 2012
Amendments approved on: May 21, 2012

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**ARTICLE I
Purpose**

Section 1 - Name

The name of this body shall be the “New Mexico Early Learning Advisory Council” referred hereafter in these articles as The Early Learning Advisory Council (“the Council”).

Section 2 – Authority

The Early Learning Advisory Council (“the Council”) is established pursuant to the Early Childhood Care and Education Act signed by Governor Susana Martinez on April 7, 2011, as provided for in Public Law 110-134, Section 642B of the Federal Improving Head Start for School Readiness Act of 2007.

Section 3 – Purpose

The Council shall lead the development or enhancement of a high-quality, aligned, comprehensive system of early childhood development and care, that ensures statewide coordination and collaboration among the wide range of early childhood programs and services within the state, including child care, Early Head Start, Head Start, Federal Individuals with Disabilities Education Act programs for preschool, infants and families and pre-kindergarten programs and services.

**ARTICLE II
Mission Statement**

Every child in New Mexico will have an equal opportunity for success in school based upon equitable access to an aligned and high quality early learning system.

**ARTICLE III
Duties/Functions**

Section 1- Council Duties

In addition to the duties assigned to the Council under Federal Law and State Law, the Council shall assist and make recommendations to Children, Youth and Families Department (referred hereafter as “the department”) and the legislature on:

- III-1-1 The most efficient and effective way to leverage state and federal funding for early childhood care and education, including on grant applications made by the department to benefit the fund.
- III-1-2 How to coordinate and align an Early Childhood Care and Education System to include: Child Care, Pre-Kindergarten, Home Visitation, Early Head Start, Head Start, Early Childhood Special Education, Early Intervention and Family Support. And how to provide New Mexico families with consistent access to appropriate care and education services.
- III-1-3 In developing recommendations, the Council shall:
- (a) Consider how to consolidate and coordinate resources and public funding streams for early childhood care and education and ensure the accountability and coordinated development of all early childhood care and education services.
 - (b) Consider a system of seamless transition from prenatal to early childhood programs to kindergarten.
 - (c) Take into account a parent's decisive role in the planning, operation and evaluation of programs that aid families in the care and education of children.
 - (d) Examine ways to provide consumer education and accessibility to early childhood care and education resources.
 - (e) Consider the advancement of quality early childhood care and education programs in order to support the healthy development of children and preparation for their success in school.
 - (f) Consider the development of a seamless service delivery system with local points of entry for early childhood care and education programs administered by local, state and federal agencies.
 - (g) Ensure effective collaboration with state and local child welfare programs and early childhood health and behavioral health programs.
 - (h) Consider how to develop and manage effective data collection systems to support the necessary functions of a coordinated system of early childhood care and education. Track children through the education system from prenatal to early childhood to kindergarten to higher education, in order to enable accurate evaluation of the impact of early childhood care and education.
 - (i) Focus on the diversity, cultural heritage and strengths of the families and communities of the state.
 - (j) Consider the development of an aligned system of professional development for professionals providing early childhood care and education.
 - (k) Consider the establishment of an administrative framework to promote the development of high quality early childhood care and education services that are staffed by well-qualified professionals and are available in every community for all families that express a need for them.
- III-1-4 The Council will relate to the Executive Branch and the NM Legislature.

III-1-5 The Council will be embedded within the Early Childhood Services Division of the Children Youth and Families Department.

Section 2- Role of Department Staff

The Children, Youth and Families Department, through the Office of Child Development as the Lead Agency, shall make available: staff, meeting space, materials and other resources to support the work of the Council.

**ARTICLE IV
Membership**

Section 1 – Membership

The Council consists of fifteen members. The Secretary of Public Education or the Secretary's Designee, the Secretary of Children, Youth and Families or the Secretary's Designee and the Director of the Head Start State Collaboration Office of the Department shall serve ex-officio. The remaining members shall be qualified electors and, if appointment is not otherwise provided in this subsection, shall be appointed by the Governor. No more than five of the Governor's appointees shall be from the same political party.

IV-1-1 Along with the ex-officio members, the council shall consist of the following members:

- (a) One representative of an institution of higher education.
- (b) One representative of a Local Educational Agency.
- (c) One representative from a Head Start or Early Head Start organization;
- (d) Two providers of early care and education services.
- (e) One representative of a state agency responsible for programs under Section 619 or Part C of the Federal Individuals with Disabilities Education Act.
- (f) One representative of the state agency responsible for children's health or mental health care issues.
- (g) Three members of the New Mexico Business Roundtable for Educational Excellence, appointed by and whose terms shall be set by the Roundtable's Board of Directors.
- (h) Two public members with knowledge and experience in early childhood care and education.

Section 2 – Term

Members of the Council will be appointed by the Governor for four-year terms expiring on January 1 of the appropriate year. Council members appointed by the Governor shall serve staggered terms as determined by the Governor at the time of their initial appointment. The Secretary of Public Education (or designee), the Secretary of Children, Youth and Families (or designee) and the Director of the Head Start State Collaboration Office of the Department who serve ex-officio shall continue to serve as long as they remain in that position.

Section 3 – Termination/Resignation

Any member desiring to resign from the Council shall submit a letter of resignation to the Governor through the Council's Chair.

IV-3-1 Members of the Council shall not be removed except for incompetence, neglect of duty or malfeasance in office. A vacancy in the membership of the Council occurring other than by expiration of term shall be filled in the same manner as the original appointment, but for the unexpired term only.

IV-3-2 Any duly appointed member who misses two consecutive regular meetings within a calendar year without justification and/or prior notification to the Chair shall receive a recommendation for dismissal from membership on the Council to the Governor's Office.

Section 4 – Officers

There shall be two officers of the Council, a Chair and a Vice-Chair elected by the membership of the Council.

IV-4-1 The Chair and Vice-Chair shall be elected by majority vote at the first official Council meeting and at the last designated meeting of the calendar year thereafter.

IV-4-2 The Chair and Vice-Chair shall not be representatives of the Lead Agency.

IV-4-3 The term of the Chair and Vice-Chair shall be a two year period.

IV-4-4 The Chair and Vice-Chair terms must be staggered.

IV-4-5 The Chair and Vice Chair shall not serve in their capacity for more than two consecutive terms.

IV-4-6 Removal of an officer requires a 2/3 majority vote of voting members present, provided they constitute a quorum.

Section 5 - Compensation

Council members shall not be paid nor shall they receive per diem and mileage as provided in the Per Diem and Mileage Act.

Section 6 – Conflict of Interest

No member of the Council, or designee, shall vote on any matter which would provide direct financial benefit to that member or otherwise give the appearance of a conflict of interest under State or Federal Law.

ARTICLE V Meetings

Section 1 – Frequency

- V-1-1 The Council shall hold open meetings at least quarterly at the call of the Chair.
- V-1-2 Public hearings shall be held annually or according to the stipulations of Section 642B of the Federal Improving Head Start for School Readiness Act of 2007.
- V-1-3 The Council may conduct two retreats for strategic planning purposes.
- V-1-4 The Chair may call a Special Meeting of the Council.

Section 2 – Meeting Notice

- V-2-1 Notice of regular Council meetings will be given, at least two weeks prior to the day of the meeting.
- V-2-2 The notice shall include the Agenda for the meeting, and the record of the preceding meeting
- V-2-3 Meetings will be announced in accordance with the Council's Open Meeting Policy (Addendum 1). With the following guidelines:

The Office of Child Development and the Public Information Officer (PIO) of the Children, Youth and Families Department will provide reasonable notice (at least 7 days prior) to the public, Children, Youth and Families Department, State Board of Education, State Department of Education, Department of Health, the Environment Department, Human Services Department, child development personnel, school districts, appropriate professional associations, and known interested parties of pending action by the Council.

Section 3: Conduct of Meeting

- V-3-1 All meetings of the Council shall be open, pursuant to the Open Meetings Act (10-15-1) as adopted by the Council (Addendum 1). This policy shall be reviewed annually.
- V-3-2 A quorum shall consist of a simple majority of voting members.
- V-3-3 In order to hold a vote in the Council meeting, a quorum must be established.
- V-3-4 The Chair or Vice-chair shall preside at all meetings. In their absence, a temporary presiding officer shall be selected by the membership.

V-3-5 The presiding officer shall neither introduce nor second a motion.

V-3-6 Motions shall require seconding.

V-3-7 A motion shall be in order as long as no previous motion is on the floor.

V-3-8 A motion shall require a simple majority voting members present to pass.

V-3-9 Minutes shall be taken at all open sessions of the Council.

V-3-10 A member of the Council may participate in a meeting by means of a conference telephone or other similar communication equipment when it is otherwise impossible for the member to attend the meeting in person.

a) Provided that:

- Each member participating by conference telephone can be identified when speaking.
- All participants are able to hear each other at the same time and members of the public attending the meeting are able to hear.
- And participants can hear any member of the public body who speaks during the meeting.

b) A member of the Council who participates under the provisions of this bylaw shall be counted in determining whether a quorum exists.

Section 4 - Council Agenda

V-4-1 An agenda will be formulated by the Executive Committee.

V-4-2 The Agenda will be distributed to members of the Council at least two weeks prior to the meeting.

V-4-3 Any member of the Council may submit an item for the agenda through the Chair.

V-4-4 Items may be added to, or deleted from, the agenda at the beginning of a meeting by concurrence of a majority of those Council members present.

V-4-5 Interested parties, other than Council members asking for the inclusion of an agenda item must present the item in writing to the Chair at least 14 calendar days prior to the designated meeting.

Section 5 - Absences

V-5-1 A member who is unable to attend a Council meeting may not send an alternate or proxy.

V-5-2 The Chair of the Council may excuse any member of the Council from any meeting for reasons determined valid by the Chair.

V-5-3 Two unexcused absences from regular meetings by a member during a calendar year will require a recommendation by the Council to the Governor regarding that member's continuation on the Council.

ARTICLE VI
Committees and Task Forces

Section 1 – Formation of Committees and Task Forces

VI-1-1 The Council will designate and appoint by resolution adopted by the majority of the Council, Committees and Task Forces as deemed necessary.

VI-1-2 All recommendations by a Committee or Task Force will be reported to the Council in accordance with the timelines and format set forth by the Council.

VI-1-3 All recommendations by a Committee or Task Force are subject to revision by the Council.

VI-1-4 Council acceptance of a Committee and Task Force report does not constitute Council action until such time as a motion is made, seconded and adopted pursuant to the provisions of these Bylaws

Section 2 – Membership of the Committee and Task Force

VI-2-1 One member of the Council shall be part of the committee and task force as appointed by the Council.

VI-2-2 Non Council members can be appointed to serve on a Committee or Task Force.

VI-2-3 Council members are encouraged to serve on at least one Council Committee or Task Force.

VI-2-4 The Council Chair and Vice-Chair can serve as ex officio members of any Council Committee or Task Force.

VI-2-5 Council members will recruit parents to be part of a Council Committee or Task Force.

Section 3 – Executive Committee

The Council Executive Committee shall:

VI-3-1 Consist of Chair, Vice-Chair and one Council appointed member (and The Office of Child Development Bureau Chief who will serve as ex-officio member).

VI-3-2 Meet at least once prior to the meeting to set the agenda.

VI-3-3 Meet other times as deemed necessary by the Chair to address matters at hand.

VI-3-4 Plan Strategic Planning Summits.

VI-3-5 Perform assigned tasks of the Council.

VI-3-6 Act on behalf of the Council when asked.

VI-3-7 Report to the Council any official actions taken by the Executive Committee.

**ARTICLE VII
Amendments**

Section 1 - Amendments of Bylaws

VII-1-1 Amendment to the Bylaws shall be made by a 2/3 majority vote of voting members present, provided they constitute a quorum taken at any regular or special meeting.

VII-1-2 Written notice of the substance of the proposed change must be provided to the members of the Council at least two weeks prior to such meeting.

VII-1-3 Amendments shall become effective upon adoption by the Council.

**ARTICLE VIII
Applicability**

Section 1 – Robert's Rules of Order

In the event that procedures for a particular matter are not covered by these Bylaws, the Chair may make reference to Robert's Rules of Order.

Section 2 – Effective Day

These Bylaws shall become effective and adopted upon Council approval at the first regular Council meeting.

Addendum 1

EARLY LEARNING ADVISORY COUNCIL

OPEN MEETINGS POLICY

The Open Meetings Act, Section 10-15-1, et seq., New Mexico Statutes Annotated 1978, requires each New Mexico public body subject to the Act to determine annually, in a public meeting, what shall constitute reasonable notice to the public of its meetings. Pursuant thereto, the following policy is hereby adopted by the EARLY LEARNING ADVISORY COUNCIL.

I. REGULAR MEETINGS

The Early Learning Advisory Council deems notice to the public of its regular meetings to be reasonable when a copy of the proposed agenda for the meeting is deposited for mailing or otherwise placed for distribution to individuals, organizations, and news media at least seven calendar days before the meeting. The Council reserves the right to add items to, or delete items from, the agenda during its meetings.

II. SPECIAL MEETINGS

Recognizing that reasonableness varies with circumstances and that special meetings sometimes must be called on short notice, the Council finds that reasonable notice of its special meetings will depend primarily upon the amount of time available for providing notice after a decision to call a special meeting has been made. The following procedures shall govern the provision of public notice of special meetings of the Council. The Council reserves the right to add items to, or delete items from, the agenda during its meetings.

- A. The Council deems notice of its special meetings to be reasonable when the procedures for notice of regular meetings are followed within the time specified. This method shall be used when time and other circumstances reasonably permit.
- B. The Council shall deem public notice to be reasonable when:

1. The agenda indicating the subject(s) to be considered is placed for special delivery mailing, or otherwise placed for expedited distribution, to the individuals, organizations, and news media at least five (5) calendar days before the meetings; or
2. The same is delivered or emailed, deposited with a carrier or courier service for delivery, or transmitted by telefax, to the individuals, organizations, and news media at least seventy-two (72) hours before the meeting.

III. EMERGENCY MEETINGS

An emergency meeting is a special meeting called under circumstances, which demand immediate action, or where detrimental delay and loss may reasonably be expected to result from adherence to any of the periods of notice described above. Although the Council will avoid emergency meetings whenever possible, such circumstances occasionally may arise. The Council deems notice to the public of emergency meetings to be reasonable if oral notice of the meeting, indicating the subject(s) to be considered, is (are) given to the news media (Associated Press, The New Mexican, the Albuquerque Journal and/or Tribune, the Las Cruces Sun News, three Albuquerque television stations, and KOB-R (Roswell)) as soon as is practicable, but in any event at least six (6) hours before the meeting. The Council reserves the right to consider other than announced matters, if necessary.

IV. OPTIONAL SUPPLEMENTATION OF SHORT-NOTICE PROCEDURES

When any procedure less extensive than distribution of notice to those listed in Exhibit I in the distribution lists, Council may solicit public service announcements or the purchase of commercial spot announcements regarding the scheduled meeting from selected radio and television stations in each quadrant of New Mexico.

V. EXPIRATION

This Policy shall expire on March 12, 2013.