

(H. B. 1896)

(No. 44)

(Approved January 27, 2006)

AN ACT

To amend Section 9 of Reorganization Plan No. 1 of July 28, 1995, as amended, in order to provide that every child care and development service provider who receives Commonwealth and federal funds shall guarantee, subject to the demand for services, that at least ten (10) percent of their enrollment space shall be available for children with special needs or developmental deficiencies and to direct the Integral Care and Development of Childhood Administration to establish regulations geared toward ensuring compliance with this Act and for other related purposes.

STATEMENT OF MOTIVES

Act No. 179 of August 1, 2003 amended Reorganization Plan No. 1 of July 28, 1995, with the main purpose of creating the Integral Care and Development of Childhood Administration.

Section 9 of the above Reorganization Plan, as amended, established a series of powers in harmony with the purpose of the present legislation. Without it being construed as a limitation, the Legislature provided that said Administration shall be in charge of the federal programs known as Head Start, Early Head Start, and Child Care; providing integral services for children and their families; supporting programs operated by municipal governments or private entities, of overseeing compliance with Act No. 252 of 2000, and developing programs and functions according to the public policy of the Department of the Family.

This Act confers an additional duty to the Integral Care and Development of Childhood Administration, which complements the guarantees had by children with special needs or developmental deficiencies. It is well known that there is a need to improve and extend care and development services to such a special sector of the child population.

In view of the above, it is necessary for the Legislature to establish that every child care and development service provider who receives Commonwealth and federal funds or loans shall guarantee, that subject to the demand for services, at least ten (10) percent of their enrollment space shall be available to children with special needs or developmental deficiencies as these terms are defined by the Federal Head Start and/or Child Care and Development Fund, programs and to direct the Integral Care and Development of Childhood Administration to establish regulations geared toward ensuring compliance with this Act.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- Section 9 of Reorganization Plan No. 1 of July 28, 1995, as amended, is hereby amended, to read as follows:

“Section 9.- Administration for the Integral Care and Development of Childhood

The Secretary in consultation with the Governor shall appoint the Administrator, and a salary or remuneration will be established for him/her according to the usual norms of the Commonwealth of Puerto Rico for positions of an equal or similar nature. The Administrator shall report directly to the Secretary.

The Administration for the Integral Care and Development of Childhood and its Administrator shall be in charge, without limitation, of the Head Start federal programs and those related to the Child Care and

Development Block Grant Fund Act, P.L. 101-508, aimed toward the integral care and development of minors in early formative stages. The Administration shall develop its programs and promote its services in an integral manner for minors and their families, and under the direction of the Secretary, it shall coordinate its operations and services with the other components of the Department. Additionally, they shall harmonize and adjust the working plans according to the directives of the Secretary, which shall be approved by the latter.

The Administration shall acknowledge and give support to the Head Start and Early Head Start programs, which are presently operated by municipal governments, inter-municipal consortia, and private entities, assuring them, to the extent that federal legislation and assignments allow, the same or more appropriations of funds and operational autonomy than they have today.

The Administration, in turn, shall oversee compliance with Act No. 252 of 2000.

The Administration shall oversee that every public and private organization that provides child care and development services and receives Commonwealth or federal funds or loans from the Child Care and Development Program, guarantees, that subject to the demand for services, at least ten (10) percent of their enrollment space shall be available for children with special needs or developmental deficiencies as these terms are defined by the federal Head Start and/or Child Care and Development Fund programs. The Child Care and Development Program shall prepare a Strategic Training Plan and a Technical Assistance System for inclusive child care and development. The Integral Care and Development of Childhood Administration shall establish collaboration agreements with

government and private agencies that may collaborate in the implementation of this Act. The Administration shall develop a promotion and orientation plan with the Office of Licenses of the Department of the Family in order to promote more inclusive child care and development centers.

In addition to developing its programs and functions according to applicable federal law, the Administration shall abide by the public policy and the rules established by the Secretary.”

Section 2.- The Integral Care and Development of Childhood Administration is hereby directed to promulgate regulations in order to ensure compliance with this Act, which shall include, without it being construed as a limitation, the imposition of administrative fines and the permanent prohibition to obtain Commonwealth funds or financial assistance of any kind to any service provider who fails to comply with the provisions of this Act or its regulations.

Section 3.- This Act shall take effect on July 1, 2006.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 44 (H.B. 1896) of the 3rd Session of the 15th Legislature of Puerto Rico:

AN ACT to amend Section 9 of Reorganization Plan No. 1 of July 28, 1995, as amended, in order to provide that every child care and development service provider who receives Commonwealth and federal funds shall guarantee, subject to the demand for services, that at least ten (10) percent of their enrollment space shall be available for children with special needs or developmental deficiencies and to direct the Integral Care and Development of Childhood Administration to establish regulations geared toward ensuring compliance with this Act and for other related purposes,

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, today 28th of August of 2006.

Francisco J. Domenech
Director