

**LEGISLATIVE EDUCATION STUDY COMMITTEE  
BILL ANALYSIS**

**Bill Number:** SB 247a

**51st Legislature, 1st Session, 2013**

**Tracking Number:** .191441.1

**Short Title:** Childhood Development Services Procurement

**Sponsor(s):** Senator Sue Wilson Beffort

**Analyst:** Sarah Amador-Guzman

**Date:** February 12, 2013

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**AS AMENDED**

**The Senate Public Affairs Committee amendment removes the Public Education Department from receiving an exemption from the procurement code. The amendment also removes language regarding the specific types of services that could be purchased and allows procurement by or through the Children, Youth and Families Department to be exempt from provisions of the procurement code for Pre-Kindergarten (Pre-K) services purchased pursuant to the Pre-K Act.**

**Original Bill Summary:**

SB 247 exempts the Children, Youth and Families Department (CYFD) and the Public Education Department (PED) from provisions of the procurement code when Pre-Kindergarten (Pre-K) Funds are used to purchase services. The types of services include support for:

- early childhood development;
- school readiness;
- projects and initiatives designed to improve outcomes for children at-risk for school failure in Title I Schools; and
- projects and initiatives related to the improvement of Pre-K Program:
  - quality;
  - oversight;
  - data collection; and
  - professional development.

**Fiscal Impact:**

SB 247 does not contain an appropriation.

**Substantive Issues:**

According to CYFD, SB 247:

- allows for more equitable access to Pre-K funds in communities that are disadvantaged due to lack of capacity and infrastructure;

- provides an exemption to the procurement process, which is needed to enable the PED and CYFD to conduct a more accessible funding process that would enable all interested programs in the state to apply; and
- allows CYFD staff to support applications from disadvantaged communities where children are most in need of intervention services, like Pre-K.

**Background:**

*New Mexico Pre-K Act*

- mandates that Pre-K Programs prioritize serving at-risk communities; and
- creates two non-reverting funds:
  - Public Pre-Kindergarten Fund, administered by PED; and
  - Pre-Kindergarten Fund, administered by CYFD;
    - up to 10 percent of the money in each fund may be used for administrative expenses by the respective departments; and
    - both funds consist of appropriations, income from investments, gifts, grants, and donations.

*At-risk Communities for Risk of School Failure*

In 2011, PED, CYFD, and the Department of Health began a collaborative endeavor to identify communities within the state where children are most at-risk for school failure. The collaborative effort resulted in the following:

- data was collected regarding risk indicators and communities were ranked based on their degree of risk;
- a gap analysis of state-funded early childhood services was conducted and revealed that the great majority of the communities where children are most at-risk are also communities that are without quality early childhood programs — particularly Pre-K Programs; and
- research showed that communities where children are most at-risk are also communities with a high percentage of Title I schools, because these are schools with a high percentage of children living in poverty.

According to CYFD, typically:

- at-risk communities lack the infrastructure and capacity within the community to organize and respond to a Request for Proposal (RFP);
- social service agencies and schools within at-risk communities are faced with many challenges and are barely maintaining existing services in the community making the RFP process impossible;
- individuals operating social service agencies have never responded to a formal RFP and are intimidated by the process;
- many rural/isolated social service providers don't have internet access or the computer skills to respond to an RFP on line;

- potential respondents in at-risk communities don't have a history of competing for state funds so they aren't aware of the RFP and/or don't view themselves as a viable competitor; and
- many who have responded to RFPs in the past have not been successful and have resigned themselves to not being able to successfully compete in an RFP process.

These findings show that Pre-K Programs are not always reaching the children most disadvantaged and most at-risk for academic failure, which are the children for whom the Pre-K Program was created.

Successful respondents are usually providers in urban areas that often hire professional grant writers. Further investigation has found that there are important common characteristics of communities where children are most at-risk — communities where Pre-K Programs should be located.

**Committee Referrals:**

SPAC/SEC

**Related Bills:**

HJM 19 *J. Paul Taylor Early Childhood Task Force*