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FISCAL IMPACT REPORT

SPONSOR	Sapien	ORIGINAL DATE	02/02/17	
		LAST UPDATED	02/09/17	HB
	State Early Learning Education Advisory Council			
SHORT TITLE	Changes	SB	206/aSEC	
		ANALYST	Klundt	

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		NFI				

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Public Education Department (PED)
 Children, Youth and Families Department (CYFD)
 Human Services Department (HSD)
 Department of Health (DOH)

SUMMARY

Synopsis of SEC Amendment

The amendment to SB206 changes the composition of the Early Learning Advisory Council, increasing the council to seventeen members from the various early childhood sectors.

- SB206a restores the original language of the bill which stipulates that two members be providers of early care and education services, with at least one of these representing a privately-owned provider. In contrast,
 - Head Start has one representative.
 - LEAs (local education authorities) have only one representative. The LEA member must represent all 89 school districts and the state charter schools.
 - There is also only one member representing **either** the agency responsible for IDEA Part B, Section 619 preschool special education which is administered by PED **or** IDEA Part C early intervention for infants and toddlers which is administered by Department of Health. These are very different programs administered by two state agencies.
- In addition, the amendment decreases the number of public members from four to three. The original Early Learning Advisory Committee Act that will sunset on June 30, 2017,

had two public members.

- The other changes make the section of the bill on term length congruent with the changes in membership.

Synopsis of Original Bill

This bill extends the sunset date for the Early Learning Advisory Council (ELAC), changes the composition and term of the council, requires term limits, and expands requirements for recommendation by the council to the Children, Youth and Families Department (CYFD).

FISCAL IMPLICATIONS

No appropriation is included in this bill. Previously, CYFD reported there is no fiscal impact for convening ELAC.

The council does not have an appropriation, but are allowed to apply for and accept grants, donations, gifts, or bequests from any source, public or private. The council may enter into contracts or other transactions with any federal or state agency, any private organization or any other source in furtherance of the purpose of the Early Childhood Care and Education Act. Council members may not be paid, nor can they collect mileage or per diem.

SIGNIFICANT ISSUES

ELAC, created under the Early Childhood Care and Education Act must “make recommendations to the department and the legislature on 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 to provide New Mexico families with consistent access to appropriate care and education services...”, “...“ensure effective collaboration with state and local child welfare programs and early childhood health and behavioral health programs” and “consider the advancement of quality early childhood care and education programs in order to support the healthy development of children...” The Early Childhood Care and Education Act also gives authority to the ELAC to establish subcommittees composed of ELAC members as well as experts in the field.

In addition to extending the sunset of ELAC, this bill increases the membership from fifteen to seventeen members to include the directors of the Legislative Education Study Committee and the Legislative Finance Committee. This bill also limits the terms of membership to four years if appointed before January 1, 2018 and two years if appointed on or after January 1, 2018, and shall not be appointed to serve for more than three terms. The composition of the council was also amended by this bill to include four public members by increasing two additional public council members (such as parents).

Finally, this bill requires ELAC to make recommendations to the department and Legislature on statewide coordination of the early care and education system delineating and addressing current gaps in services, methods improving the quality and capacity of services, and describing prekindergarten academic and parenting components.

PERFORMANCE IMPLICATIONS

PED reported the council's expanded role in "describing pre-kindergarten academic and parenting components" may impact the PED's strategic goal to increase the percentage of students in grades K-3 demonstrating growth in reading proficiency.

ADMINISTRATIVE IMPLICATIONS

SB 206 lists one of the duties of the council is to "assist the department" (CYFD) in "describing pre-kindergarten academic and parenting components." PED believes this appears to contradict language in the Pre-Kindergarten Act that requires CYFD and PED to develop and implement the pre-kindergarten program, including promulgating rules, state policies and standards.

32A-23-4. Voluntary pre-kindergarten; interagency cooperation; contracts; contract monitoring; research.

A. The children, youth and families department and the public education department shall cooperate in the development and implementation of a voluntary program for the provision of pre-kindergarten services throughout the state. The pre-kindergarten program shall address the total developmental needs of preschool children, including physical, cognitive, social and emotional needs, and shall include health care, nutrition, safety and multicultural sensitivity.

B. The departments shall collaborate on promulgating rules on pre-kindergarten services, including state policies and standards and shall review the process for contract awards and for the expenditure and use of contract funds.

Amendment

CYFD recommended the following composition of the Council:

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

- (1) One representative of an institution of higher education;
- (2) One representative of a local educational agency;
- (3) One representative from a head start or early head start organization, preferably the President of the New Mexico Head Start Association.
- (4) One child care provider
- (5) One representative of a state agency responsible for programs under Section 619 or Part C of the federal Individuals with Disabilities Education Act;
- (6) One representative of the state agency responsible for children's health or mental health care issues;
- (7) One 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;
- (8) Two parents of who are current consumers of the early learning system
- (9) One provider of the New Mexico Home Visiting Program
- (10) One provider of New Mexico PreK program (PED or CYFD provider)
- (11) One public members with knowledge and experience in early childhood care and education."