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FISCAL IMPACT REPORT

SPONSOR Johnson ORIGINAL DATE 02/25/21
LAST UPDATED 03/16/21 HB 287/aHAFC/aSEC
SHORT TITLE Access to Culturally Appropriate Svcs. SB _____
ANALYST Becerra

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY21	FY22	FY23	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	See Fiscal Implications					

(Parenthesis () Indicate Expenditure Decreases)

Relates to HB52, SB233, and SB206

SOURCES OF INFORMATION

LFC Files

Responses Received From

Early Childhood Education and Care Department (ECECD)

Department of Health (DOH)

Children, Youth and Families Department (CYFD)

Public Education Department (PED)

SUMMARY

Synopsis of SEC Amendment

The Senate Education Committee (SEC) amendment to House Bill 287 (HB287) as amended, changes the reporting dates of the taskforce. Under the amended HB287, the taskforce will report its preliminary findings and recommendations to the secretary of public education prior to reporting to the Legislative Education Study Committee by November 1, 2022 and will present its final report, including final findings and recommendations, to the governor, the Legislative Education Study Committee, the Legislative Finance Committee, the Legislative Council Service library and the public by December 31, 2022.

Additionally, the SEC amendment changes the fiscal year appropriation expenditure authorization from FY22 to FY23. It should be noted, the HAFC amendment to HB287 removes the appropriation included in the original bill, thus this amendment is not necessary.

Synopsis of HAFC Amendment

The House Appropriations and Finance Committee (HAFC) amendment to House Bill 287 (HB287) removes the \$150 thousand appropriation included in the original bill.

Synopsis of Original Bill

House Bill 287 (HB287) appropriates \$150 thousand from the general fund to the Public Education Department (PED) to contract for an evaluator and program manager for the social services in public schools task force to conduct an asset mapping and gap analysis to determine the need for and the availability and accessibility of social services in school districts and public schools. The taskforce will exist from the date of appointment until December 31, 2021, when it will present its final report to the governor, the Legislative Education Study Committee (LESC), the Legislative Finance Committee (LFC), the Legislative Council Service library, and the public. The bill defines social services as “services that address students' needs for social, emotional and physical and behavioral health services.”

There is no effective date of this bill. It is assumed that the effective date is 90 days following adjournment of the Legislature.

FISCAL IMPLICATIONS

The House Appropriations and Finance Committee (HAFC) amendment to House Bill 287 (HB287) removes the \$150 thousand appropriation included in the original bill.

HB287 appropriates \$150 thousand from the general fund to PED for expenditure in fiscal year 2022 to contract for an evaluator and program manager for the social services in public schools task force. Any unexpended or unencumbered balance remaining at the end of fiscal year 2022 shall revert to the general fund. This appropriation is identified as nonrecurring as the taskforce will cease to exist on December 1, 2021.

The bill allows public members of the task force to receive per diem and mileage reimbursement as provided for state employees in the Per Diem and Mileage Act and prohibits any other compensation, perquisite or allowance. The bill does not specify a minimum or maximum number of members that can serve on the taskforce, leaving the fiscal impact of per diem and mileage reimbursements undeterminate.

Investments

Although the House Appropriations and Finance Committee substitute for House Bills 2 and 3 does not include an appropriation for PED to fund contracting with an evaluator and program manager for the task force, it does include the following appropriations:

- \$1.7 million for student nutrition and wellness intended to be used for grants to school districts and charter schools for nutrition and wellness programs including grants pursuant to Sections 22-13-13.2 and 22-13C-8 NMSA 1978;
- \$10 million for the community schools fund, and \$3 million for community school initiatives, which the Learning Policy Institute identifies as addressing the need for expanded social and health services for at-risk students and are promising sites for the collaborative development of culturally and linguistically responsive programs;
- \$2 million for career technical education which The Learning Counsel identifies as a strategy to help students develop emotional intelligence through social emotional learning;

- \$2.8 million for teacher professional development that can be used to train teachers in social emotional learning.

The HB2/HAFCS includes nearly \$20 million that can be strategically used to address social emotional learning through various strategies, mechanisms and statewide endeavors.

Additionally, in October 2020, PED, in collaboration with the Department of Health (DOH), received a five-year federal grant of nearly \$12 million to hire more than 400 behavioral health service providers in school districts and charter schools, based on family income, substance abuse rates, student suicide rates and student-provider ratios. The grant includes stipends and increased pay for providers working in the identified schools, with priority given to rural areas and those serving predominantly Native American populations.

SIGNIFICANT ISSUES

Current Efforts. Current PED rules require school districts and charter schools to provide health and physical education, health services, and school counseling. Additional programming may include nutrition, wellness, family-school-community partnerships, healthy environments, and psychological services. During FY21, PED introduced a social-emotional learning framework supportive of restorative justice practices and partnered with the Department of Health’s Office of School and Adolescent Health to provide additional supports for social-emotional learning through teacher trainings on suicide prevention and youth mental health.

On April 23, 2020, the Public Education Department announced a new initiative - ENGAGE New Mexico - aimed at helping students who did not successfully make the transition to remote learning in the wake of Covid-19 disruptions get back on track and finish the school year strong. PED developed and launched the ENGAGE New Mexico project through a partnership with Graduation Alliance, an organization that provides academic and social-emotional support to help students realize their goals of earning a high school diploma.

PERFORMANCE IMPLICATIONS

HB287 requires the task force to present its final report to the governor, the Legislative Education Study Committee (LESC), the Legislative Finance Committee (LFC), the Legislative Council Service library, and the public by December 31, 2021. The report should include:

- A narrative on the findings of the asset mapping and gap analysis;
- An analysis of the barriers preventing school districts from providing access to culturally appropriate social services;
- An analysis of how the task force's asset mapping and gap analysis may be used by other state agencies that provide social services and used by state and local policymakers to improve the provision of social services throughout the state;
- Short-term policy and funding recommendations on how to increase public school at-risk students' access to culturally appropriate social services;
- An analysis of statutory changes needed, including changes to the Public School Finance Act and changes to school and student discipline policies provided for in Chapter 22, Article 5 NMSA 1978; and,
- Long-term policy and funding recommendations on how the state can provide all public school students culturally appropriate and necessary social services within five years.

ADMINISTRATIVE IMPLICATIONS

Provisions within HB287 require that PED convene a social services in public schools task force that includes members from a wide range of state agencies including the Department of Health, Human Services Department, Children, Youth and Families Department, Early Childhood Education and Care Department, and other relevant groups. Collaboration across major agencies as described would require the department to coordinate with all of these agencies and outside entities on the work of the task force and release of its final report by the end of 2021.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Relates to HB52, Bilingual Multicultural Ed Advisory Council.

Relates to SB233, Student Bill of Rights.

Relates to SB206, After School Programs Funding.

TECHNICAL ISSUES

HB287 does not include any description of the roles of the evaluator and program manager and how these positions will assist the work of the task force, leaving unclear how these two positions will contribute to the work of the task force. The sole purpose of the appropriation is for these two positions. It would be beneficial for the bill to include duties and powers of these positions and describe how they will interact with the task force and contribute to the overall purpose of the bill.

MB/sb/al