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FISCAL IMPACT REPORT

SPONSOR Gonzales/Correa ORIGINAL DATE 1/21/22
Hemphill LAST UPDATED 2/7/22 HB _____

SHORT TITLE Early Childhood Education Dept. Authorizations SB 38/aSJC

ANALYST Klundt

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY22	FY23	FY24	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		NFI				

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Early Childhood Education and Care Department (ECECD)

Developmental Disabilities Council (DDC)

SUMMARY

Synopsis of Senate Judiciary Amendment

Senate Judiciary amendment for Senate Bill 38 (SB38) inserts on page 10, line 25, after the period, "The department shall promulgate rules for the investigation and determination of qualifications." In addition to, on page 17, line 20, after "care", insert ", or the secretary's designee".

Synopsis of Bill

SB38 provides additional authority to ECECD for the following:

- (1) Background Check Authority - The bill transfers background check authority for child care workers from the Children, Youth, and Families Department (CYFD), which previously conducted child care worker criminal background checks, to ECECD;
- (2) Membership in Behavioral Health Collaborative - The bill establishes ECECD as an independent member of the New Mexico Behavioral Health Collaborative;
- (3) Membership in the New Mexico Developmental Disabilities Council - The bill establishes the ECECD Cabinet Secretary as a permanent member of the New Mexico Developmental

Disabilities Council (DDC);

(4) Child Care Licensing Authority - The bill establishes ECECD as the department with regulatory and licensing authority over child care facilities and registered homes, and removes CYFD jurisdiction over child care licensing and regulation and

(5) Transfers Duty to Convene Family Infant Toddler (FIT) Interagency Coordinating Council (ICC) from the Department of Health (DOH) to ECECD.

FISCAL IMPLICATIONS

No fiscal impact identified.

SIGNIFICANT ISSUES

ECECD reported SB38 would provide authority to conduct the Department's essential functions and responsibilities as mandated by federal law and the state Early Childhood Education and Care Act of 2019, which consolidated all early childhood programs and services in New Mexico state government under a single cabinet-level department.

ECECD stated the bill transfers background check authority for child care workers from the Children Youth and Families Department (CYFD), which previously conducted child care worker criminal background checks, to ECECD. The independent authority to conduct background checks on child care workers will align the department with the terms of the federal Child Care and Development Block Grant (CCDBG) statute.

The department reported by establishing ECECD as an independent member of the New Mexico Behavioral Health Collaborative the department could better align ECECD's behavioral health focused programs (e.g., Family Infant Toddler, Families FIRST, and home visiting) with the state's behavioral health system.

The bill also establishes the ECECD Cabinet Secretary as a permanent member of the New Mexico Developmental Disabilities Council (DDC). ECECD stated the department is comprised of programs that were previously part of CYFD, DOH and PED, all of which are named member of the DDC. If ECECD is not named an independent member of the DDC, ECECD's programs lose the statutorily intended benefit of DDC membership.

SB38 establishes ECECD as the department with regulatory and licensing authority over child care facilities and registered homes, and removes CYFD jurisdiction over child care licensing and regulation.

Finally, the bill transfers the duty from DOH to ECECD to convene the Family Infant Toddler (FIT) Interagency Coordinating Council (ICC). The FIT program is currently administered by ECECD.

TECHNICAL ISSUES

The New Mexico Developmental Disabilities Council (DDC) includes secretaries of multiple state agencies, "or the secretary's designee." The proposed bill adds the Secretary of New

Mexico Early Childhood Care and Education Department as a member of the Council but does not include the language “or the secretary’s designee.” This language is important so that the secretary may appoint a proxy to vote on behalf of the agency when they are not available to attend Council meetings.

KK/rl/acv