

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: SB 668a

52nd Legislature, 1st Session, 2015

Tracking Number: .199806.3

Short Title: Child Care Licensure Recognition

Sponsor(s): Senator Howie C. Morales and Representative Conrad D. James

Analyst: Heidi L. Macdonald

Date: March 20, 2015

AS AMENDED

The Senate Education Committee amendments:

- **add the definition of “montessori” to mean “a child-centered educational method based on scientific observations of children from birth to adulthood”;**
- **strike the provision for reimbursement criteria based on licensure recognition of a national accrediting body whose standards have been approved by at least 10 other state governments;**
- **add language to include Montessori accrediting bodies among those from whom the Children, Youth and Families Department (CYFD) will accept proof of accreditation as sufficient qualification for a licensed child-care center or licensed home provider to receive the highest reimbursement rate paid by CYFD;**
- **remove the option to allow providers of services for voluntary child-care programs to use evidence-based practices rooted in historic or cultural pedagogy;**
- **remove the language that recognizes early childhood teaching certificates issued by a recognized accrediting body or by the US Department of Education (USDE) as the equivalent of a New Mexico child development certificate accepted by CYFD; and**
- **add language that an early childhood teaching certificate issued by an accrediting body recognized by USDE is the equivalent of a child development certificate recognized by the New Mexico professional system.**

Original Bill Summary:

SB 668 amends a section of the *Children, Youth and Families Department Act* to change recognition criteria for licensure purposes of national accrediting bodies for child-care centers and home-based child-care providers.

Specifically, SB 668 removes the requirement that the national accrediting body must be approved by the Children, Youth and Families Department (CYFD), and requires instead that the national accrediting body have its accreditation standards approved by at least 10 other state governments.

Finally, the bill requires CYFD to:

- allow providers of services for voluntary child-care programs to use evidence-based practices rooted in historic or cultural pedagogy; and
- recognize early childhood teaching certificates issued by a recognized accrediting body or by the US Department of Education (USDE) as the equivalent of a New Mexico child development certificate accepted by CYFD.

Fiscal Impact:

SB 668 does not contain an appropriation.

Substantive Issues:

According to the CYFD analysis, 36 states currently approve accrediting entities as a part of their Tiered Quality Rating and Improvement Systems (TQRIS). Other states approve accrediting bodies for other purposes outside their TQRIS. There is no standard criteria used to approve accrediting bodies across these states, and the criteria vary significantly. SB 668 would obligate the state to pay programs a higher rate without having any input regarding the criteria used for the approval of that program's accreditation entity.

CYFD notes that New Mexico currently approves the following seven national accrediting entities:

1. Council on Accreditation for Early Childhood Programs;
2. National Accreditation Commission;
3. National Association for the Education of Young Children (NAEYC);
4. Association for Christian Education International;
5. International Christian Accrediting Association;
6. National Association for Family Child Care (NAFCC); and
7. Council on Accreditation for School Age Programs (COASAP).

Further, CYFD indicates that if SB 668 is enacted:

- only three of the currently approved accrediting entities would be approved:
 - NAEYC, approved in 29 states;
 - COASAP, approved in 15 states; and
 - NAFCC, approved in 26 states; and
- two of the accrediting entities (American Montessori Society and American Montessori International) that are currently exploring approval by New Mexico would not be eligible for approval because these programs would not meet the criteria set forth in the act.

Finally, regarding the requirement that CYFD equate certain other certificates with those accepted by the department, CYFD states that currently there is a procedure in place similar to that used in higher education institutions or the Public Education Department (PED) to determine equivalencies. Individuals with coursework and/or certification are encouraged to submit transcripts and course descriptions to ensure that necessary content has been covered. Following this review, equivalencies are granted if warranted. Requiring the department to accept a

certificate recognized by an accrediting body removes CYFD's discretion to determine whether a certificate is equivalent.

Background:

CYFD Program Certification

According to CYFD, the current standard for the highest level of reimbursement is as follows:

- accreditation by a national early childhood accreditation program approved by the department; or
- demonstration of quality criteria established by the department and validated by a nationally recognized research firm.

The seven early childhood accrediting entities that CYFD has approved (see "Substantive Issues," above) are national leaders in promoting quality early care and education and are highly respected by early childhood practitioners and researchers. Determination of whether an early childhood accrediting entity meets the CYFD's criteria is conducted through a contract with an unbiased third party, the Center for Education Policy and Research (CERP) located at the University of New Mexico College of Education.

Regarding the implementation process, accreditation entities that apply for approval as a recognized entity must submit an application with supporting documentation to CYFD's Office of Child Development. Programs and accrediting entities have been noticed of this requirement and the timelines to come into compliance.

Further, CYFD recently amended its child-care regulations to recognize certain accrediting bodies that met the new state standards. In addition, CYFD established differentiated rates to provide incentives to participate in TQRIS or to become accredited through the newly recognized accrediting body. The deadline is December 31, 2017 for programs accredited through the one entity that has not been approved. These programs have a choice to participate in TQRIS or be accredited through an approved accrediting body.

Currently, there are more than 150 early childhood care and education programs in New Mexico that are accredited through these organizations.

Early Childhood Care and Education Act

In 2011, legislation was enacted to create the *Early Childhood Care and Education Act* (ECCEA) to be administered by CYFD for the purpose of:

- establishing a comprehensive early childhood care and education system through an aligned continuum of state and private programs, including:
 - home visitation;
 - early intervention;
 - child-care;
 - Early Head Start and Head Start;
 - early childhood special education;
 - family support; and
 - pre-kindergarten;

- maintaining or establishing the infrastructure necessary to support quality in the system's programs; and
- creating the Early Learning Advisory Council (ELAC), which is attached to CYFD.

During the 2013 interim, the Legislative Education Study Committee (LESC) heard an update on the implementation of the act. Testimony began with an LESL staff review of the history and provisions of the act, including:

- a review of seven core principles, arising out of collaborative efforts of the New Mexico Business Roundtable (NMBR) and the New Mexico Early Childhood Development Partnership;
- the establishment of the ELAC and its designation as the state's official council for the Head Start program, as required by federal law;
- the membership of the council, comprising three *ex officio* members; three members appointed from, and by, the NMBR Board of Directors; and nine other members, from various other stakeholder groups, appointed for staggered terms by the Governor;
- the creation of the Early Childhood Care and Education Fund, a non-reverting fund administered by the CYFD; and
- requirements that ELAC make recommendations to the Legislature and CYFD on the best manner of leveraging available program funds, as well as general recommendations regarding the coordination and alignment of an early childhood care and education system in New Mexico, with particular attention to several prescribed components.

Race to the Top-Early Learning Challenge Grant

In 2012, the USDE announced that New Mexico was one of five states to receive a Race to the Top-Early Learning Challenge (RTT-ELC) grant. New Mexico received \$25.0 million, to be paid out over four years and to be split between CYFD, PED, and the Department of Health for implementing five areas of education reform:

1. successful state systems;
2. high-quality, accountable programs;
3. promoting early learning and development outcomes for children;
4. a great early childhood education workforce; and
5. measuring outcomes and progress.

During a joint LESL and Legislative Finance Committee interim meeting held in August 2014, PED staff reported that in 2012, New Mexico was awarded a \$37.5 million, four-year grant during the second phase of the federal RTT-ELC program. The purpose of the grant, staff noted, was to help states focus on early learning and development systems for children ages birth through five and build unified approaches to supporting children and families. Staff also noted that key projects in the grant include:

- developing and implementing FOCUS, New Mexico's newly revised TQRIS;
- establishing early childhood investment zones by identifying and prioritizing communities where children are at greatest risk;
- supporting early childhood educators with scholarships and additional training opportunities;

- using kindergarten rubrics in the New Mexico Early Learning Guidelines as criteria for a Kindergarten Readiness Assessment to be used in all New Mexico public schools; and
- building a unified early learning data system.

Finally, the staff stated that the goals of the early learning data system are to:

- provide current information for educators to support education success;
- provide families with the information to make informed program choices for their young children;
- track children’s developmental and educational progress;
- measure the quality and improvement of New Mexico’s early childhood learning system;
- assess the status of young children as they enter kindergarten; and
- track children from their earliest enrollment in early childhood programs through entrance into elementary, middle, and high school, as well as their higher education and the workforce.

Committee Referrals:

SPAC/SEC

Related Bills:

SB 86 *Child Care Teacher Retention*

*SB 559 *Early Childhood Provider Benefit Incentives*

HB 56 *Child Care Teacher Retention*

HB 281 *Child Care Licensure Recognition*

*HB 541 *Early Childhood Provider Benefit Incentives*