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FISCAL IMPACT REPORT

ORIGINAL DATE 1/29/18
 SPONSOR Dow LAST UPDATED 2/7/18 HB 97/aHHSC
 SHORT TITLE Early Learning Advisory Council Changes SB _____
 ANALYST Klunt

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY18	FY19	FY20	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		NFI				

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

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

SUMMARY

Synopsis of HHSC Amendment

The Health and Human Services Committee amendment to House Bill 97 inserts a comma before “home” on page 7 line 20.

Synopsis of Original Bill

House Bill 97 extends the sunset date for the Early Learning Advisory Council (ELAC), stating that the council will continue to operate until July 1, 2024 (the council is currently set to end on July 1, 2018). It further establishes that terms of the council members appointed by the Governor before January 1, 2019 shall be for four years and terms of council members appointed by the Governor on or after January 1, 2019 shall be for two years, and adds language indicating that members cannot be appointed to serve for more than three terms. The composition will continue to be fifteen members.

Additionally, this bill adds language stating that the ELAC should make recommendations regarding statewide coordination of early childhood care and education; gaps in child care

programs and the early childhood care and education system; methods for improving the quality of and increasing the capacity for growth in the early childhood education and care system; and describing pre-kindergarten academic and parenting components.

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

CYFD noted the following:

“This bill does not include parent representation of currently enrolled children and the membership does not guarantee representation of various early learning programs (Home Visiting, PreK providers or programs that do not receive state-federal funds).

CYFD recommends the following composition: (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 member of the New Mexico business community; (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); and (11) One public members with knowledge and experience in early childhood care and education.

There is no reference regarding the accountability of ELAC to either the Executive or Legislature, and delineating outcomes report specifying accomplished goals based on performance each year.

This bill additionally charges ELAC with making recommendations to CYFD and the Legislature, which risks fragmenting the Early Learning System by limiting the Council’s focus to only one of the several agencies that serves young children. The Council needs to work collaboratively with these agencies (DOH, PED, CYFD) to support the alignment of the early learning system while ensuring no duplication of efforts.”

The Public Education Department noted the following:

“The federal Improving Head Start for School Readiness Act that established the requirement for state Early Learning Advisory Committees indicates that Head Start

representation must include Migrant and Seasonal Head Start, as well as American Indian and Alaska Native Head Start. As New Mexico has a large number of American Indian Head Start programs, this population should be represented.

The New Mexico Early Learning Advisory Council (ELAC) was established pursuant to the Early Childhood Care and Education Act signed by Governor Susana Martinez on April 7, 2011, as provided for in Public Law 110-134, Section 642B of the Federal Improving Head Start for School Readiness Act of 2007.

HB97 expands the duties of the council beyond those required by the federal Head Start Improving School Readiness Act of 2007 to include “making recommendations to the department (CYFD) and the legislature on:

- (a) statewide coordination of early childhood care and education;
- (b) delineating and addressing the current gaps in child care programs and the early childhood care and education system, including child care, home visitation, pre-kindergarten, head start, early head start and family infant toddler early intervention services;
- (c) methods for improving the quality of and increasing the capacity for growth in the early childhood education and care system; and
- (d) describing pre-kindergarten academic and parenting components.”

The Federal Improving Head Start for School Readiness Act of 2007 prescribes the duties of Early Learning Advisory Council (listed below). The additional responsibilities above extend the reach beyond the original purpose of the ELAC:

- Conducting periodic statewide needs assessments on the quality and availability of high-quality early care and education (ECE) programs.
- Identifying opportunities for, and barriers to, collaboration and coordination among federally-funded and state-funded ECE programs and services, including collaboration and coordination among state agencies responsible for administering such programs.
- Establishing recommendations for:
 - Developing a statewide, unified data collection system.
 - Creating or enhancing a statewide professional development system and career ladder.
 - Improvements in state early learning standards and undertaking efforts to develop high-quality and comprehensive early learning standards, as appropriate.
 - Increasing participation of children in ECE programs, including outreach to underrepresented and special populations.
- Assessing the capacity and effectiveness of 2- and 4-year institutions of higher education to support the career development of early childhood educators, including the extent to which such institutions have in place articulation agreements, professional development and career advancement plans, and practice or internships for students to spend time in Head Start or pre-kindergarten programs.

ELAC should be comprised of members with strong early childhood backgrounds in order to be the closest support for desired practices and outcomes.

ELAC cannot dictate the use of appropriation of funding.

Duplication of effort occurs when the ELAC takes on responsibilities that are clearly the responsibility of state agencies or individual providers, including LEAs.

Conflicts of interest occur when members advocate for policies to benefit their own businesses; ELAC members must be able to abstain from promoting personal interests.”

RELATIONSHIP

Senate Bill 74 creates an Early Childhood Services Department (ECSD) and assigns responsibility for early childhood programs to ECSD, including coordinating with other bodies on programs, assessing and addressing gaps, and quality improvements.

TECHNICAL ISSUES

CYFD reported to following technical issues:

“On page 7, line 20 there needs to be a comma after child care and before home visitation. Currently, the sentence reads: “...including child care home visitation...”

As child care and home visitation are separate programs, in order to avoid an interpretation concerning an early learning program not currently part of the system, this would need to read: “...including child care, home visitation...” ”

KK/sb/jle/al