LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
54th Legislature, 1st Session, 2019

Bill Number	SB202/SJCS/aSFC	**Sponsor**	SJC
Tracking Number	.214337.4	**Committee Referrals**	SPAC/SJC/SFC
Short Title	Child & Family Databank Act		
		Original Date	2/1/19
Analyst	Bedeaux	**Last Updated**	3/8/19

BILL SUMMARY

Synopsis of SFC Amendment

Senate Judiciary Committee Substitute for Senate Bill 202 as amended by the Senate Finance Committee (SB202/SJCS/aSFC) would no longer make an appropriation to the Department of Health to enable the creation of the child and family databank and staff the child and family databank commission.

Synopsis of Original Bill

SB202/SJCS would enact the Child and Family Databank Act, an act to coordinate the data collection, storage, and sharing efforts among several state agencies to better implement evidence-based policymaking pursuing better outcomes for at-risk children and families.

SB202/SJCS/aSFC would create the child and family databank commission. The commission, consisting of 16 appointed members and administratively attached to the Department of Health (DOH), would be responsible for building the infrastructure to support data sharing and access. In developing processes for data storage and transmission, the commission would be required to protect individually identifiable information in accordance with all applicable privacy and security laws. The commission would be authorized to promulgate rules to ensure compliance with the provisions of the bill. The databank commission would also be required to hire an executive director and other optional staff to analyze and publish reports using data within the databank.

The state agencies required to share data in the databank would be the Human Services Department (HSD), DOH, the Public Education Department (PED) the Children, Youth and Families Department (CYFD), the New Mexico Corrections Department, the Aging and Long-Term Services Department, and the Administrative Office of the Courts. Additional agencies may be involved in hosting the databank, like the Department of Information Technology.

SB202/SJCS/aSFC would make it a misdemeanor to disclose information released to the databank in violation of state or federal laws.

FISCAL IMPACT

SB202/SJCS/aSFC does not contain an appropriation.

DOH, HSD, PED, and CYFD would be required to create a position of "databank policy officer" to liaise with the child and family databank commission. The agencies estimate each individual position would cost between $75 thousand and $85 thousand including benefits, creating a statewide cost of $300 thousand to $340 thousand per year.

One agency or other entity selected to be the databank host will be required to hire staff to handle data cleaning, linkage, and security, and will be required to facilitate research requests if assigned by the databank commission. DOH analysis on SB202/SJCS/aSFC estimates the agency would require at least three positions in addition to its databank policy officer: an information technology specialist; an epidemiologist; and an economist or data analyst.

The bill allows the databank commission to charge fees for researchers wishing to access data within the databank. The fees will be established in rule, so it is unclear to what extent they will offset the costs incurred by the commission's activities. Additionally, while the bill specifically states researchers will be charged fees for databank access, it is unclear if agencies, school districts, or other groups will be charged fees to access the databank.

SUBSTANTIVE ISSUES

SB202/SJCS/aSFC would create a framework for evidence-based policymaking based on the identification of risk factors, and could greatly improve the state's efforts to reduce problems like child abuse and neglect, truancy, dropouts, homelessness, crime and recidivism. However, the technical requirements of such a database and the legal intricacies of data sharing agreements and privacy laws like the *Health Insurance Portability and Accountability Act of 1996* (HIPAA) and the *Family Educational Rights and Privacy Act* (FERPA) make the development of such a databank challenging.

Child and Family Databank Commission and Commission Staff. The formation of a databank commission would facilitate collaboration among named state agencies and ensure the databank anonymizes data, allows data to be linked between agencies, and is accessible by agency staff, stakeholders, and researchers. The commission may hire staff to serve the commission in an analytical role, using data to identify risk factors of vulnerable families, evaluating existing programs and policies, developing evidence-based programs and policies, quantifying outcomes of program participants, and developing a strategic plan to address questions about agency programs.

Early Childhood Integrated Data System. The Early Childhood Integrated Data System (ECIDS) is a data management system that sought to integrate data from DOH, PED, and CYFD to help track child outcomes over time. By assigning a unique identifier to each child, the integrated system was designed to combine data across all early learning programs, including home visiting, child care, prekindergarten, preschool special education, Head Start, and the Family Infant Toddler Program. The interagency data would be able to identify short and long term outcomes of early learning interventions for continuous improvement in programs. DOH indicates ECIDS now has six years of data, which will be used for planning and resource allocation and measuring longitudinal outcomes, including the impact of early learning experiences at kindergarten entry. ECIDS was funded through a federal Race to the Top grant that ended December 2017, but work

on the integrated data system has been able to continue with a $5.4 million award from the U.S. Department of Health and Human Services for the Preschool Development Grant Birth through Five, a grant program that helps states design and implement an early care and education system based on a needs assessment, a strategic planning process, and stakeholder engagement.

While the ECIDS is still a work-in-progress, SB202/SJCS/aSFC would be duplicative of CYFD, PED, and DOH efforts. If the databank commission begins to build the infrastructure for the databank including other agencies, it may wish to consider how it could build upon the foundation created with the ECIDS, and whether the $5.4 million Preschool Development Grant can be used to develop SB202/SJCS/aSFC's databank.

Individual Identification and Support Efforts. Though not required by PED, many individual schools and school districts use early warning systems to identify and support at-risk students. The systems rely on student attendance and academic achievement data to identify students who are likely to drop out of school, allowing teachers and administrators to intervene and support those students. However, PED has yet to coordinate a statewide early warning system, giving the department limited options when using data to identify schools for support. The SB202/SJCS/aSFC databank would contain a large number of risk factors that could be used to coordinate a statewide support network.

Most PED interventions occur at the school and school district levels, such as the department's data, accountability, sustainability, and high achievement (NM DASH) plans for schools. The department has limited capacity to provide student-level interventions, but the department's Priority Schools Bureau provides schools and school districts with a framework to implement student-level interventions. To maximize the databank's effectiveness, schools and school districts would benefit from unlimited access to data for the students they serve. However, SB202/SJCS/aSFC does not allow databank access to schools and school districts specifically, and it is unclear whether schools and school districts would be charged fees for the data.

Identifying students in need of support is only half the battle; the state will also need to optimize how at-risk students are supported after their identification. PED engages in efforts to reduce the number of students dropping out, but the efforts are largely uncoordinated and produce mixed results. For example, for the past several years, PED has sent a portion of its recurring "below-the-line" funding directly to school districts and charter schools to employ truancy and dropout prevention coaches. Truancy and dropout prevention coaches are not organized under a coordinated PED program, which may explain why the outcomes of the program vary regionally. A 2017 joint accountability report by LESC and the Legislative Finance Committee found that the state spent $3.3 million on truancy and dropout prevention coaches in FY16. In schools where truancy and dropout prevention coaches were effective, the percent of students truant reduced from 38 percent to 19 percent, but with less effective coaches, the truancy rate actually increased from 15 percent to 25 percent. While the presence of coordinated data gives agencies a better opportunity to support students, agencies will also need to improve their capacity to provide effective interventions.

Unique Identifiers. SB202/SJCS/aSFC would not require the establishment of a unique identifier for every individual in the databank. The inclusion of a unique identifier for each individual greatly improves the ability to track how many programs an individual participates in, leading to more accountability within the databank. However, unique identifiers for individuals may also pose a significant technical challenge to interagency communication and collaboration.

ADMINISTRATIVE IMPLICATIONS

Data Sharing. SB202/SJCS/aSFC would require named state agencies to share the data shown in the table below, requiring a significant amount of technical and legal forethought on the part of the databank commission and all of the bill's named agencies. Many of the agencies submitted analyses noting concerns that data privacy agreements and federal laws are complicated enough that they may prohibit the agency's ability to share data. For instance, HSD's analysis of SB202/SJCS/aSFC notes the transfer of supplemental nutrition assistance program (SNAP) data is prohibited by federal law. The databank commission will need to spend a significant amount of time understanding the legal intricacies of data-sharing to ensure the state maintains compliance with relevant privacy laws.

Data Sharing Requirements of State Agencies under SB202/SJCS/aSFC

Department of Health	Human Services Department	Public Education Department	Children, Youth and Families Department	New Mexico Corrections Department	Sentencing Commission and AOC
• Demographics of individuals to whom DOH provides services • Vital records and statistics; • Inpatient hospital discharge data; • Emergency department usage; • Emergency medical services data; • Environmental health and injury data; and • FIT program participation data.	• Demographics of recipients of medical assistance; • Medicaid data, including fee-for-service and managed care organization data; • SNAP data; • Cash assistance data; • Utility payment assistance data; • Child support enforcement data; and • Behavioral health services data.	• Student attendance; • Student demographics; • Graduation rates; • Student proficiency in math, reading, and science; • Teacher training and qualifications; • Student and teacher disciplinary information; • Course offerings; • Post-secondary data; and • "Other information relevant to the well-being of children and families in the state."	• Demographics on families and individuals to whom the department provides services or intervention; • Juvenile justice data; • Behavioral health services data; • Early childhood services, including prekindergarten, home visiting, daycare, family nutrition, and Head Start; • Protective services division data, including foster care, adoptions, child abuse and neglect, permanency planning, and youth services.	• Inmate and parolee demographics; • Offender intake and sentencing; • Probation and parole data; • Community reentry and integration data; • Recidivism rates.	• Court records and sentencing information. **Aging and Long Term Services Department** • Data related to kinship care programs

Source: LESC Analysis of SB202/SJCS/aSFC

DOH analysis on SB202/SJCS/aSFC indicates the department is prepared to host the databank and currently has a collaborative data sharing relationship with PED, CYFD, and HSD. DOH notes it would require a significant amount of resources to execute core functions like cleaning data, developing reports, developing a public-facing data dashboard, and expanding existing systems to incorporate the new data. DOH would also be required to enter a cooperation agreement with the newly-created child and family databank commission, allowing the commission access to the databank. If DOH acts as the databank host, SB202/SJCS/aSFC allows DOH to use data for its own research and evaluation.

OTHER SIGNIFICANT ISSUES

New Mexico Appleseed. New Mexico Appleseed, a nonprofit organization leading the legislative effort behind SB202/SJCS/aSFC, explains its argument for an interagency databank on its website: children and families receiving supports from multiple state agencies often have the poorest outcomes and cost the state the most money. The nonprofit notes each year, 16 thousand families cost the state $900 million on expensive services like police, incarceration, emergency medical services, and foster care, but see few positive outcomes from the investment.

Other State Approaches. A report by the National Center for Education Statistics (NCES) highlights several models states can use to create an ECIDS. SB202/SJCS/aSFC would be classified as a "centralized" model, where early childhood data is consolidated into one database. NCES notes the creation of such a database involves extracting data from many agencies, matching the data and establishing linkages, transforming the data into a singular cross-system representation, and loading it into a database structure designed for early childhood program usage. Other state database models include a federated model, in which all appropriate data is uploaded but is not linked to produce matched data files, and all data remain independent, and a hybrid model, where appropriate data is uploaded but linkages are established.

Minnesota, in a collaboration between its education, human services, and health departments, recently completed its Early Childhood Longitudinal Data System (ECLDS) and its Statewide Longitudinal Education Data System (SLEDS). Both systems are accessible online by the public. ECLDS includes reports for early childhood education participation and completion, demographics of children and families, and third grade academic achievement, while SLEDS focus is high school among many other reports that can be exported in PDFs and spreadsheet format.

RELATED BILLS

Substantively duplicates HB173/HJCS, Child and Family Databank Act.

SOURCES OF INFORMATION

- LESC Files
- Human Services Department (HSD)
- Department of Health (DOH)
- Public Education Department (PED)
- Children, Youth and Families Department (CYFD)
- New Mexico Corrections Department (NMCD)
- Administrative Office of the Courts (AOC)
- Department of Information Technology (DoIT).

TB/mc/mhg