

LESC bill analyses are available on the New Mexico Legislature website (www.nmlegis.gov). Bill analyses are prepared by LESC staff for standing education committees of the New Mexico Legislature. LESC does not assume any responsibility for the accuracy of these reports if they are used for other purposes.

LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
55th Legislature, 2nd Session, 2022

Bill Number	<u>HB118</u>	Sponsor	<u>Lente</u>
Tracking Number	<u>.222129.1</u>	Committee Referrals	<u>HEC/HAFC</u>
Short Title	<u>Early Childhood Dept. & Tribal Agreements</u>		
Analyst	<u>Duffy</u>	Original Date	<u>2/7/2022</u>
		Last Updated	<u></u>

BILL SUMMARY

House Bill 118 (HB118) amends the Early Childhood Education and Care Department Act to authorize the Early Childhood Education and Care Department (ECECD) to enter into a joint powers agreement at the request of an Indian nation, tribe or pueblo to plan, conduct, and administer early childhood education and care programs on their lands. HB118 provides that those nations, tribes or pueblos may use their own culturally and linguistically relevant standards, assessments and evaluations for those programs. HB118 also amends the Early Childhood Education and Care Department Act to correct a statutory citation that appears in paragraph H.

FISCAL IMPACT

The bill appropriates \$1.4 million from the general fund to ECECD for expenditure in FY23 to conduct and administer culturally and linguistically relevant early childhood education and care programs on tribal lands. Any unexpended or unencumbered balance remaining at the end of FY23 shall revert to the general fund.

SUBSTANTIVE ISSUES

ECECD currently possesses the authority to enter into a joint powers agreement (JPA) with any of the nations, tribes, or pueblos located in whole or in part in the state of New Mexico under the Joint Powers Agreements Act. However, the department does not currently hold any joint powers agreements with the 23 sovereign nations, tribes and pueblos represented in New Mexico. The department reports that though ECECD and the nations, tribes, and pueblos of New Mexico currently have the ability to enter into a JPA, the department is limited in its capacity to support this type of JPA process. In addition, many of the nations, tribes, and pueblos may not yet have the capacity or workforce to carry out programs through a JPA.

ECECD currently holds 10 memorandums of understanding (MOU) with nations, tribes and pueblos in New Mexico for facility assessments and two intergovernmental agreements (IGA) with the Pueblo of Tesuque and the Navajo Nation, which allows for the pueblo to utilize their own cultural and linguistic standards and implement early intervention services on the Navajo Nation.

ECECD does currently have joint powers JPA's in place for Medicaid and Families FIRST.

The department notes, since ECECD was launched in July 2020, the agency has worked in partnership and close consultation with the state's sovereign governments – in accordance with the objectives and goals laid out in the New Mexico Early Childhood Strategic Plan.

According to the department, within the 23 nations, tribes, and pueblos represented in New Mexico, ECECD currently supports or collaborates with 16 Tribal Head Start grantees, including eight Early Head Starts, 15 Tribal Child Care Development Fund grantees, three Tribal NM PreK grantees, two Tribal Maternal Infant Early Childhood Home Visiting (MIECHV) grantees, 14 Bureau of Indian Education funded Home Visiting Family and Child Engagement (F.A.C.E) programs, 476 early educators from or working in the nations, tribes, and pueblos, two Tribal Early Intervention programs, and two tribal funded early childhood programs, as requested by the tribes.

RELATED BILLS

Relates to HB61, Tribal Agreements with Early Childhood Dept., which mirrors Section 1 of HB118.

SOURCES OF INFORMATION

- LESC Files
- Early Childhood Education and Care Department
- Indian Affairs Department

HD/ctf/mg