

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: HB 296a

50th Legislature, 1st Session, 2011

Tracking Number: .184205.1

Short Title: Early Childhood Care and Education Act

Sponsor(s): Representative Rhonda S. King and Senator John Sapien and Others

Analyst: Pamela Herman

Date: March 1, 2011

AS AMENDED

The House Consumer and Public Affairs Committee amendments:

- increase to two from one the providers of early care and education services represented on the Council, specifying that one must represent a privately owned provider;
- reduce to two from three the public members on the Council; and
- insert a sunset provision terminating the Council on July 1, 2017, but providing that the council shall continue to operate pursuant to the *Early Childhood Care and Education Act* until July 1, 2018.

Original Bill Summary:

HB 296 creates the *Early Childhood Care and Education Act* and a non-reverting Early Childhood Care and Education Fund to be administered by the Children, Youth and Families Department (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; and
- maintaining or establishing the infrastructure necessary to support quality in the system's programs.

Among its provisions, HB 296:

- creates the State Early Learning Advisory Council attached to CYFD, to be:
 - comprised of 15 members, as follows:

- three *ex officio* members:
 - the Secretary of Public Education or designee;
 - the Secretary of CYFD or designee; and
 - the director of the Head Start State Collaboration office within CYFD;

- 12 other members, appointed by the Governor for staggered four-year terms unless otherwise specified, no more than five of whom are from the same political party:
 - one from an institution of higher education;
 - one from a local educational institution;
 - one from a Head Start or Early Head Start organization;
 - one from an early care and education provider;
 - one from the state agency responsible for programs under Section 619 or Part C of the federal *Individuals with Disabilities Education Act (IDEA)*;
 - one from the state agency responsible for children’s health or mental health care issues;
 - three public members with knowledge and experience in early childhood programs; and
 - three appointed by the Board of Directors of the New Mexico Business Roundtable for Educational Excellence;

- empowered to form subcommittees, including non-council members with appropriate expertise or interest, to make recommendations to the council;
- replaced, if vacancies occur other than by expiration of terms, only for unexpired terms;
- not removable except for incompetence, neglect of duty, or malfeasance in office; and
- not eligible for per diem and mileage;

- requires the council to:
 - serve as the required federal Head Start program council;
 - lead development or enhancement of a high-quality system that ensures statewide coordination and collaboration among the specified types of programs;
 - apply for grants and funds from any source, and contract with any federal or state agency or private organization, to further the purposes of the act; and
 - make recommendations to CYFD and the Legislature regarding:
 - how best to leverage state and federal early childhood program funds, including grant applications by CYFD for the Early Childhood Care and Education Fund; and
 - how to coordinate and align all components of the system, including:
 - consolidation and coordination of resources;
 - accountability;
 - seamless transition from prenatal programs through kindergarten;
 - a decisive role for parents in program planning, operation, and evaluation;
 - consumer education and program access;
 - advancement of program quality;

- effective collaboration with state and local child welfare, health, and behavioral health programs;
- an effective data system to track children from prenatal through higher education in order to evaluate system impact;
- diversity, cultural heritage, and strength of families and communities;
- an aligned system of professional development for providers; and
- establishment of an administrative framework to promote development of a high-quality system staffed by well-qualified professionals available in every community for all families that express a need for services.

Fiscal Impact:

HB 296 does not contain an appropriation.

Fiscal Issues:

HB 296 creates the non-reverting Early Childhood Care and Education Fund in the State Treasury to be administered by CYFD, and requires CYFD to adopt rules for qualifications for grants to early childhood providers.

Amended Technical Issues:

The Senate Finance Committee amendments conform SB 120a to HB 296a.

Technical Issues:

The Senate Education Committee amendments to a bill that was identical when introduced, SB 120, *Early Childhood Care & Education Act*:

- increase to two, from one, the number of members on the council who represent a Head Start or Early Head Start organization;
- require that one of the representatives from Head Start or Early Head Start represent a privately owned organization; and
- decrease to two, from three, the number of public members on the council.

The sponsor may wish to consider an amendment to HB 296 so that the language in these two formerly identical bills continues to track.

Substantive Issues:

- CYFD notes in its bill analysis for SB 120, a duplicate of HB 296, that the bill supports the department’s initiatives to:
 - improve the quality, accessibility, and affordability of early childhood programs; and
 - help these programs achieve and maintain high standards.
- Among its other points, the analysis states that:

- there were approximately 5,650 licensed and registered child care providers; 19 Early Head Start and Head Start programs; 284 early childhood IDEA programs; and 51 New Mexico PreK programs in the state in October 2009;
 - many of the same children are provided services by these programs, but the programs are funded through different entities (state, federal, tribal, and private) and governed by different regulations; and
 - each program operates its own database, with no larger system to permit data sharing.
- Finally, CYFD states that aligning early childhood programs would benefit children and families by:
 - better tracking and integrating data to allow identification of gaps in service, vulnerable populations, and ultimately understanding program outcomes for children and families of specific programs;
 - allowing program funding to be streamlined to meet specific needs;
 - increasing family awareness of available services through consistent consumer education;
 - improving qualifications of personnel by aligning professional development;
 - consolidating and coordinating resources and public funding streams to permit their best use; and
 - acknowledging that families play a central role in program planning, operation, and evaluation that sets a foundation for including and considering them in the decisions that affect them.
 - The Public Education Department (PED), which funds and oversees some New Mexico PreK programs and IDEA-funded programs for young children with disabilities, observes that:
 - SB 120 (or, by extension, HB 296) could support better early childhood system integration at the state and community levels;
 - while the vision for an aligned continuum for early childhood programs is worthy of further discussion, the framework established by SB 120 (or HB 296) may be contrary to efforts in the 2010 interim to create efficiencies in state government in tough fiscal times; and
 - many individual programs address specific aspects of the bill's stated purposes. However, PED does not state how the intended coordination and alignment of programs would occur without enactment of SB 120 (or HB 296) or similar legislation.

Related Bills:

SB 120a *Early Childhood Care & Education Act* (Identical)