

<b>LFC Requester:</b>	<b>Kelly Klundt</b>
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**AGENCY BILL ANALYSIS  
2017 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:**

**[LFC@NMLEGIS.GOV](mailto:LFC@NMLEGIS.GOV)**

*and*

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*{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

*Check all that apply:*

**Original**        **Amendment**        **Date**    02/08/2017  
**Correction**        **Substitute**        **Bill No:**    SB206sec

**Sponsor:**    Senator John M. Sapien    **Agency Code:**    924  
**Short Title:**    STATE EARLY LEARNING ADVISORY COUNCIL CHANGES    **Person Writing**    Matt Pahl  
**Phone:**    470-9909    **Email**    Matt.pahl@state.nm.u

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY17	FY18		
N/A	N/A	N/A	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY17	FY18	FY19		
N/A	N/A	N/A	N/A	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY17</b>	<b>FY18</b>	<b>FY19</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>	N/A	N/A	N/A	N/A	N/A	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: None as of 1/31/2017  
 Duplicates/Relates to Appropriation in the General Appropriation Act Not as of 1/31/2017

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

Synopsis: The amendment to SB206 changes the composition of the Early Learning Advisory Council. While still increasing the council to seventeen members, this amendment adjusts the membership from the various early childhood sectors.

- SB206a restores the original language of the bill which stipulates that two members be providers of early care and education services, with at least one of these representing a privately-owned provider. This action again tilts the balance of the council toward private childcare providers. In contrast,
  - Head Start has one representative.
  - LEAs (local education authorities) have only one representative. The LEA member must represent all 89 school districts and the state charter schools.
  - There is also only one member representing **either** the agency responsible for IDEA Part B, Section 619 preschool special education which is administered by PED **or** IDEA Part C early intervention for infants and toddlers which is administered by Department of Health. These are very different programs administered by two state agencies.
- In addition, the amendment decreases the number of public members from four to three. The original Early Learning Advisory Committee Act that will sunset on June 30, 2017, had two public members.
- The other changes make the section of the bill on term length congruent with the changes in membership.

Synopsis: SB206 changes the composition and terms of the Early Learning Advisory Council and requires limited terms for council members, SB206 also expands the requirements for recommendations by the council to the Children, Youth, and Families Department and the legislature as well as extends the sunset date for the council.

#### **FISCAL IMPLICATIONS**

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**

**SB206** expands the council from fifteen to seventeen members and changes the membership to:

- Add the director of the legislative education study committee (LESC) and the director of the legislative finance committee (LFC) as ex officio members. (The only current ex officio members are the secretary of the Children, Youth, and Families Department, or designee, and the secretary of the Public Education Department, or designee.)
- Reduce the number of early care and education providers from two to one and removes the requirement that at least one represent a privately-owned program
- Reduce the number of council members from the New Mexico Business Roundtable for Educational Excellence from three to two
- Increase the number of public members from two to four, including two public members with knowledge and experience in early childhood; while not stating whether these members could be early care and education providers, school district personnel, or a legislator
- Allow that no more than five of the governor’s appointees may be from the same political party
- Restrict council members to three terms

With the exception of the four ex officio members listed above, all other members are qualified electors and are appointed by the governor for four-year terms. The terms of council members appointed by the governor before January 1, 2018 shall be for four years. SB206 changes the terms of council members appointed by the governor on or after January 1, 2018 which shall be for two years. Terms shall expire on December 31 of the appropriate year. Council members appointed by the governor shall serve staggered terms.

SB206 expands the duties of the council 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.”

## **PERFORMANCE IMPLICATIONS**

The council’s expanded role in “describing pre-kindergarten academic and parenting components” may impact the PED’s strategic goal to increase the percentage of students in grades K-3 demonstrating growth in reading proficiency.

## **ADMINISTRATIVE IMPLICATIONS**

SB206 lists one of the duties of the council is to “assist the department” (CYFD) in “describing pre-kindergarten academic and parenting components.” This appears to contradict language in the Pre-Kindergarten Act that requires CYFD and PED to develop and implement the pre-kindergarten program, including promulgating rules, state policies and standards.

**32A-23-4. Voluntary pre-kindergarten; interagency cooperation; contracts; contract monitoring; research.**

A. The children, youth and families department and the public education department shall cooperate in the development and implementation of a voluntary program for the provision of pre-kindergarten services throughout the state. The pre-kindergarten program shall address the total developmental needs of preschool children, including physical, cognitive, social and emotional needs, and shall include health care, nutrition, safety and multicultural sensitivity.

B. The departments shall collaborate on promulgating rules on pre-kindergarten services, including state policies and standards and shall review the process for contract awards and for the expenditure and use of contract funds.

In addition, the two departments, the CYFD and the PED, have established the New Mexico Early Learning Guidelines, which are the standards and benchmarks for pre-kindergarten children and include the academic expectations. The PED and CYFD have also worked together to develop the PreK Program Standards, which delineate the requirements for family engagement activities.

### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

The Pre-kindergarten Act (see above)

### **TECHNICAL ISSUES**

None as of 1/31/.2017

### **OTHER SUBSTANTIVE ISSUES**

### **ALTERNATIVES**

### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

**The Early Learning Advisory Council will sunset on July 1, 2017.**

### **AMENDMENTS**

None as of 1/31/2017