

LFC Requester:	Kelly Klundt
-----------------------	---------------------

**AGENCY BILL ANALYSIS
2019 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{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: Date 1/27/19
Original **Amendment** **Bill No:** SB202
Correction **Substitute**

Sponsor: Carlos R. Cisneros **Agency Code:** 924
Short Title: CHILD & FAMILY DATABANK ACT **Person Writing:** Daniel Manzano
Phone: 505-670-3820 **Email:** Daniel.Manzano@state.nm.us

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY19	FY20		
	NA	NA	NA

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY19	FY20	FY21		
NA	NA	NA	NA	NA

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		191.36	191.36	382.72	Recurring	Unclear

(Parenthesis () Indicate Expenditure Decreases)

Duplicates HB173

SECTION III: NARRATIVE

This bill is a duplicate of HB173. This bill seeks to create a data sharing system to facilitate research and program evaluation that can lead to evidence-based policy. This legislation creates a framework that could identify risk factors, prevent problems, analyze measurable benefits, identify future cost savings of programs, and determine effectiveness of programs that serve families and children across state agencies.

BILL SUMMARY

Synopsis: This bill would create a commission administratively attached to the office of the governor, bringing together representatives from state agencies, non-profits, and researchers familiar with institutional review process for human subjects research. The commission would promulgate rules, ensure federal and state privacy laws are adhered to, hire an executive director or contract with a non-profit entity to act as such, and connect data from various state agencies, including Public Education Department.

Under this legislation, PED would be required to share data regarding students and schools including student attendance, student demographics, graduation rates, student achievement including proficiencies in math, reading and science, teacher training and qualifications, student and teacher disciplinary information, course offerings, post-secondary education, and other information relevant to the well-being of children and families in the state.

Each agency would hire a databank policy officer, which is a sophisticated/highly specialized role. The commission would require all researchers using the databank to share a summary of findings and allow agencies a chance to review the findings and comment on or clarify inaccuracies in the publication. The databank would own the data.

FISCAL IMPLICATIONS

There is an appropriation of \$3,738.0 to the office of the governor for fiscal years 2020 and 2021. The fiscal impact on PED would be for one FTE as prescribed in the legislation, it is unclear what the exact dollar amount would be for PED, given that the bill doesn't explicitly require funding for the required FTE. This bill would require PED to develop Extraction, Transformation and Loading (ETL) technology to routinely transfer data to the databank. The cost of the developing the ETL is probably 20% of an FTE for 6 months to work through the unknowns.

PERFORMANCE IMPLICATIONS

PED would need to ensure compliance with the Federal Educational Rights and Privacy Act (FERPA). Extra care would have to be taken to ensure that student privacy in rural districts is

protected. Tribal entities may have their own rules regarding privacy that need to be adhered to when looking at these data. The databank could be leveraged to improve performance of state education policy, given the reach of the system across agencies. It is unclear if this would replace the Early Childhood Integrated Data System (ECIDS) or build upon the cross agency work already underway.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB173

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The state would lose out on the ability to create a cross-agency collaboration that could serve to create sound programmatic and fiscal policy decisions based on quantitative and qualitative data currently housed in various state agencies. PED, CYFD, and DOH are currently engaged in a cross agency Early Childhood Integrated Data System without legislation and the challenges are many, including reliance on grant or one-time funding, and issues of an incomplete contract between agencies. Stated differently, legislation could improve cross agency collaboration by appropriating sufficient funds and describing the databank policy officer so clearly and explicitly recognizing the need for cross agency governance.

AMENDMENTS