

LFC Requester:	Liu
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**AGENCY BILL ANALYSIS
2022 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:
Original **Amendment**
Correction **Substitute**

Date January 31, 2022
Bill No: SB165

Sponsor: Sen. Padilla
Enhance Certain Summer &
Out-of-School Pgms.

Agency Name and Code Number: PED - 924
Person Writing John Sena
Phone 505-570-7816 **Email:** John.Sena@state.nm.us

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY22	FY23		
	\$250.0	Nonrecurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY22	FY23	FY24		
N/A	N/A	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY22	FY23	FY24	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

Synopsis: Senate Bill 165 (SB165) appropriates \$250 thousand to the Public Education Department (PED) to enhance six-week summer schools and out-of-school time programming by including literacy and mathematics enrichment, social-emotional learning, physical wellness and swimming, life and career skills, and individualized tutoring.

The appropriation is limited to kindergarten through 12th grade students from under-resourced families who attend Albuquerque Public Schools (APS)

Participating schools will report on the effect of this enhanced funding on academic achievement and student and family engagement to the PED and the Legislative Education Study Committee (LESC) by October 1, 2024.

FISCAL IMPLICATIONS

SB165 appropriates \$250 thousand to the PED for expenditure in FY23. Any unexpended or unencumbered balance remaining at the end of FY23 shall revert to the general fund.

Under the bill, the PED would essentially be the flow-through entity responsible for creating an application and review process and allocating the funding to selected APS schools.

Appropriations made to individual school districts and charter schools outside of the state equalization guarantee (SEG) have the potential to disequalize funding for New Mexico students. New Mexico’s public school funding formula distributes funding to all school districts and charter schools based on enrollment and other characteristics that affect the cost of running an educational program. Standalone appropriations allocated to school districts outside the SEG could contribute to an unequal playing field for students statewide.

SIGNIFICANT ISSUES

A [study](#) from Johns Hopkins University demonstrates that children experience differences in summer learning and enrichment based on socioeconomic status. Students of higher socioeconomic status continue to make academic gains over the summer, while students of lower socioeconomic status generally start the new school year about where they had been the previous spring, or even behind their levels of performance. This phenomenon has been dubbed “the summer slide” by the Learning Policy Institute and other policy researchers. The Johns Hopkins study recommends that “summer programs for disadvantaged children should supplement academics with a heavy dose of physical activity and enrichment experiences,” a research-based practice that falls within the intent of SB165.

In recent years, New Mexico has made significant investments in extending the school year, particularly for students who are falling behind. School districts are eligible to apply for the Extended Learning Time Program (ELTP) to extend the school year by 10 days, and the K-5 Plus program to extend the school year by 25 days in kindergarten through fifth grade. While the legislature has invested hundreds of millions into the programs since FY20, school districts and charter schools often opt out of participation, resulting in large reversions to the public education reform fund over the past two years. Of the two programs, ELTP tends to be more popular than K-5 Plus among school districts and charter schools, a fact likely attributable to the lower, more attainable number of days, the flexibility of where days can be added to calendars, and the programmatic flexibility within those days.

In FY21, APS and its local charter schools received approximately \$5 million for ELTP and approximately \$700 thousand for K-5 Plus programs. It is unclear whether the \$250 thousand appropriated by SB165 is necessary to support an additional out-of-school enrichment time program.

In addition to state funding, significant federal funds are available for school districts to mitigate learning time lost during the Covid-19 pandemic. In the first round of federal CARES funds, APS was allocated \$26 million and budgeted a majority of those funds toward educational technology, sanitizing supplies, and resources for principals and school leaders. APS spent \$3.2 million on student supports, particularly for special education students. An additional \$5 million of APS's total allocation has not yet been spent. The PED is using its set aside 1 percent of the total allocation (\$9.8 million) to provide comprehensive after-school programming opportunities to students experiencing homelessness, and children and youth in foster care.

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

PED anticipates no administrative impact. SB165 instead requires APS to report on the effect of enhanced funding on academic achievement and student and family engagement.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

N/A

AMENDMENTS

N/A