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**LEGISLATIVE EDUCATION STUDY COMMITTEE**  
**BILL ANALYSIS**  
**54th Legislature, 2nd Session, 2020**

**Bill Number** SB251                      **Sponsor** Campos

**Tracking Number** .217054.1              **Committee Referrals** SEC/SFC

**Short Title** Low-Income Youth After School Transportation

**Analyst** Porter    **Original Date** 2/10/2020  
**Last Updated** \_\_\_\_\_

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**BILL SUMMARY**

Synopsis of Bill

Senate Bill 251 (SB251) appropriates \$150 thousand from the general fund to the Public Education Department (PED) for expenditure in FY21 to provide transportation to and from after-school programs for low-income youth.

**FISCAL IMPACT**

The bill appropriates \$150 thousand from the general fund to PED for expenditure in FY21. Any unexpended or unencumbered balance remaining at the end of FY21 shall revert to the general fund.

The House Appropriations and Finance Committee Substitute for House Bills 2 and 3 would appropriate \$116 million for public school transportation statewide, \$3.7 million of which is reserved for transportation of students to extended learning time programs. The appropriation in SB251 would provide additional funds specifically for after-school programs for low-income youth.

**SUBSTANTIVE ISSUES**

School districts are currently able to allocate their transportation funds as needed and are therefore able to use transportation funds for this purpose, should the funding levels permit. After-school programs certified as extended learning time programs (ELTPs), as set forth in Section 22-8-23.10 NMSA 1978, generate additional program units in the public school funding formula, resulting in additional funding. However, an after-school program does not need to be certified for a school to provide transportation to and from the program. Unless otherwise indicated, the Legislature appropriates a lump sum to the transportation distribution and allows flexibility for its expenditure.

Following the passage of Laws 2019, Chapters 206 and 207 (SB1 and HB5), the general appropriation act of 2019 included approximately \$2.7 million for additional transportation

expenses incurred by school districts providing certified ELTPs. However, these funds could not be accessed for after school programs not certified by PED as ELTPs.

Despite increases to transportation distribution appropriations in recent years, some school districts have reported having insufficient funding in their transportation allocations to cover the cost of school transportation operations. In FY18, school districts and charter schools spent \$8.6 million in operational funding on student transportation, and in FY19, school districts budgeted \$7.8 million in operational funding for student transportation. A majority of the operational spending on transportation occurs in a few school districts, including Las Cruces, Los Alamos, and Rio Rancho, while approximately half of New Mexico’s school districts do not spend any operational funds on transportation. Little analysis has been done on how school districts are spending their transportation funding, and it is unclear if these school districts could cut costs in any way. A September 2019 LESC analysis highlighted inequities in the public school funding formula, and noted the state is due for a systemic overhaul in how it funds public school transportation.

### **ADMINISTRATIVE IMPLICATIONS**

PED would have to enforce this program, monitor its eligibility, and wade through the ambiguity found in the bill. A definition for “low-income youth” is lacking, which could make enforceability difficult to achieve. Also unclear is whether the intent of the bill is for after-school programs meant for low-income youth or whether the transportation is meant for low-income youth to attend after-school programs.

### **OTHER SIGNIFICANT ISSUES**

A longitudinal Legislative Finance Committee program evaluation, *Longitudinal Student Performance Analysis - Impact of School, Teacher and Program Interventions*, found New Mexico schools, on average, provide a year’s worth of educational growth for every school year. However, students who start out behind generally stay behind, and a number of studies find this achievement gap is exacerbated by opportunity gaps – differences in academic and learning experiences outside of the classroom. Research has shown up to a 6,000-hour learning gap can develop between poor students and their more affluent peers by sixth grade. After-school programs could help to reduce the out-of-school time opportunity gap for some students.

The district court’s ruling in the *Martinez* and *Yazzie* consolidated lawsuit recognized the value of high-quality extended school programs, such as K-3 Plus and ELTPs, for closing the achievement gap. These programs are part of what the recent National Conference of State Legislatures report, *No Time to Lose*, has recommended as a coordinated effort based on a statewide vision for approaching education, particularly when it comes to meeting the needs of at-risk students.

### **SOURCES OF INFORMATION**

- LESC Files

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