

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

## FISCAL IMPACT REPORT

ORIGINAL DATE 02/26/09  
 LAST UPDATED 03/06/09    HB \_\_\_\_\_

SPONSOR Campos

SHORT TITLE Study Out-Of-School Time CYFD Department    SM 38/aSEC

ANALYST Peery-Galon

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

	FY09	FY10	FY11	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
<b>Total</b>		Minimal		Minimal	Nonrecurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Children, Youth and Families Department (CYFD)  
 Public Education Department (PED)

#### No Responses Received From

Governor's Office  
 Lieutenant Governor's Office  
 Association of Counties  
 New Mexico Municipal League

### SUMMARY

#### Synopsis SEC Amendment

The Senate Education Committee amendment for Senate Memorial 318 includes the Public Education Department in the collaboration process to study the merits of creating an out-of-school time division within CYFD, and identifies the New Mexico community foundation and other providers of after-school programs for inclusion in the consultation process of the study. This amendment requires the study to recommend ways to develop and disseminate standards for quality programs and identify ways to expand out-of-school time services for children, rather than develop these standards and expansions.

#### Synopsis of Original Bill

Senate Memorial 38 requests the Children, Youth and Families Department (CYFD) collaborate with the Children's Cabinet to study the merits and feasibility of creating an out-of-school time division in CYFD. The department is to consult with a forum for youth in the community that maintains a network of out-of-school time providers in conducting the study. The study is to

identify ways in which an out-of-school time program can streamline funding through the centralization of all out-of-school time programs within the state. The study is also to develop and disseminate standards for quality programs and identify ways to expand out-of-school time services for children. CYFD is to call upon existing out-of-school time providers to continue to offer these vital services while the study is being conducted.

### **FISCAL IMPLICATIONS**

CYFD noted the memorial does not include an appropriation. The cost of the study would have to be absorbed by the department.

PED stated the Senate Education Committee amendment for Senate Memorial 318 would require the department to collaborate with CYFD and the Children's Cabinet to study the merits and feasibility of creating an out-of-school time division within CYFD. PED noted this would take approximately 200 hours of staff time with an estimated total cost of \$6.6 thousand.

### **SIGNIFICANT ISSUES**

CYFD noted the he memorial does not identify an end date for the study nor does it require the department to report out the results of the study.

CYFD reported the Afterschool Alliance in an evaluation of over 50 studies of after school programs identifies three factors as benefits from out-of-school time programs. These benefits include:

- Quality after school programs improve school attendance, engagement in learning, test scores, and grades;
- Frequency and duration of after school participation increases benefits; and
- High-risk youth show the greatest benefits.

CYFD noted the peak hours for juvenile crime are between the hours of 3 p.m. and 6 p.m. These are also the hours when children are most likely to become victims of crime, be in an automobile accident, smoke, drink alcohol, or use drugs (Fight Crime: Invest in Kids, 2006).

CYFD reported the National Institute on Out-of-School Time (NIOST) reports that it is likely the new administration under President Obama plans to quadruple funding for Early Head Start programs as well as increase funding for Head Start. In addition, plans to double funding for the 21<sup>st</sup> Century Community Learning Centers, a program that supports the creation of community learning centers that provide academic enrichment opportunities during non-school hours for children, particularly students who attend high-poverty and low-performing schools.

PED noted it currently administers funds and has oversight of multiple after-school enrichment sites identified as Before- and/or After-School Physical Activity and Nutrition programs (state funds) for school-aged youth and 21<sup>st</sup> Century Community Learning Centers (federal funds). PED provides technical assistance opportunities and training to funded sites. Additionally, PED collaborates with the New Mexico Community Foundation on a statewide initiative, the Elev8 New Mexico demonstration phase with five middle schools in the state. Neither PED nor the New Mexico Community Foundation is identified as collaborative partners in this study which, if passed, could create the possibility of duplicity regarding after-school programs.

PED provided the following information regarding after school programs:

- **The PED After School Enrichment Programs** - The After-School Enrichment Program is designed to provide after-school programs including the following: (1) academic enrichment tutoring activities, (2) quality physical activity programs, (3) quality nutrition education programs and (4) transportation for students where needed to participate in the programs. The goal is to promote and support critical thinking and collaborative techniques that allow students to successfully develop academic skills, pursue useful knowledge and help prevent obesity. After-school enrichment programs should be designed to provide safe structured environments for students outside of the regular school day. They are housed in schools and typically staffed with both school and community-based personnel.
- **The PED Before and/or After School Physical Activity and Nutrition Programs** - The Before- and/or After-School Physical Activity and Nutrition Program is designed to provide before- and/or after-school programs including the following: (1) quality physical activity programs and (2) quality nutrition education programs. The goal of the program is to provide accessibility to quality physical activity and nutrition education programs in areas where these programs do not exist or are limited in order to help prevent obesity. Before- and/or after-school physical activity and nutrition programs provide safe structured environments for students outside of the regular school day. They are housed in schools and typically staffed with both school and community-based personnel.
- **21<sup>st</sup> Century Community Learning Centers** - This program supports the creation of community learning centers that provide academic enrichment opportunities during non-school hours for children, particularly students who attend high-poverty and low-performing schools. The program helps students meet state and local student standards in core academic subjects, such as reading and math; offers students a broad array of enrichment activities that can complement their regular academic programs; and offers literacy and other educational services to the families of participating children.
- **The New Mexico Community Foundation** - Elev8 New Mexico partners with local and national organizations to implement a comprehensive, evidence-based program that includes and integrates three “best practices” to provide direct support and services and appealing learning activities to middle school students and their families before/after school, on some weekends and in the summer. A statewide initiative, the Elev8 New Mexico demonstration phase is being implemented over four years in five diverse middle schools: Gadsden Middle School (by the Mexico border); Laguna Middle School (Pueblo of Laguna); the Native American Community Academy (an Albuquerque charter school); and Grant and Wilson Middle Schools (in urban Albuquerque).

## **PERFORMANCE IMPLICATIONS**

CYFD’s mission emphasizes a focus on early intervention strategies to prevent youth from becoming involved in the juvenile justice system.

## **ADMINISTRATIVE IMPLICATIONS**

Without an appropriation, CYFD noted it would incur significant administrative responsibilities to conduct this study including the development and dissemination of standards for services it does not currently provide.

**OTHER SUBSTANTIVE ISSUES**

PED stated it is vital that the department, currently administering and guiding the After-School Enrichment and the Anti-Obesity Programs that directly work with public and charter schools serving grades K-12, be listed as part of the collaboration in the study. Furthermore, the New Mexico Community Foundation, Elev8 New Mexico works with partners with local and national organizations to implement a comprehensive, evidence-based program that includes and integrates three “best practices” to provide direct support and services and appealing learning activities to middle school students and their families before/after school, on some weekends and in the summer. It would be beneficial to list the New Mexico Community Foundation to be part of the collaboration in the study.

PED noted the proposed legislation requests the study to “develop and disseminate standards for quality programs.” These standards would be considered the rules of the state agencies (the Children, Youth and Families Department and/or the Public Education Department). The New Mexico State Rules Act 14-4-2 defines rule as “rule means any rule, regulation, order, standard, statement of policy...”. Therefore, if an agency adopts standards they should do it by rule making. PED stated it is not appropriate for a study group to develop and disseminate standards. The study can recommend ways to develop and disseminate rules to the state agencies.

CYFD reported many out-of-school programs are administered by the Public Education Department, including the 21<sup>st</sup> Century Community Learning Centers.

**ALTERNATIVES**

CYFD noted as an alternative to the current memorial, the department could work with the New Mexico Forum for Youth, the Out-of-School Network, other community groups and private foundations, and the Public Education Department to review the current funding structure, develop program quality standards and strategies for expanding these services.

PED stated an alternative to memorial would be to list the PED and the New Mexico Community Foundation as collaborative partners in this study.

RPG/mc