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**LEGISLATIVE EDUCATION STUDY COMMITTEE**  
**BILL ANALYSIS**  
**57th Legislature, 1st Session, 2025**

<b>Bill Number</b>	<u>SB93</u>	<b>Sponsor</b>	<u>Padilla</u>
<b>Tracking Number</b>	<u>.229330.2</u>	<b>Committee Referrals</b>	<u>SEC/SFC</u>
<b>Short Title</b>	<u>Out-of-School Programming</u>		
<b>Analyst</b>	<u>Hicks</u>	<b>Original Date</b>	<u>1/28/2025</u>
		<b>Last Updated</b>	<u>3/4/2025</u>

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## **BILL SUMMARY**

### Synopsis of Bill

Senate Bill 93 (SB93) makes an appropriation of \$20 million to the Public Education Department (PED) to support and expand comprehensive, affordable out-of-school time (OST) programming for public school students in fiscal year 2026 (FY26) and subsequent fiscal years. SB93 provides specific guidance to PED on the division of the total appropriation: \$10 million each for school districts and statewide nonprofit community organizations.

## **FISCAL IMPACT**

The bill appropriates \$20 million from the general fund to PED for expenditure in FY26 and subsequent fiscal years. Any unexpended or unencumbered balance remaining at the end of a fiscal year shall not revert to the general fund.

The House Appropriations and Finance Committee Substitute for House Bills 2 and 3 (HB2/HAFCS) includes \$15 million for affordable, comprehensive out-of-school time programming. Specifically, the general fund appropriation includes \$7 million for a competitive out-of-school time grant program for local and statewide community-based out-of-school programs; \$7 million for in-school programs to provide high-dosage tutoring; and \$1 million for tutoring programs for at-risk students in literacy, science, technology, engineering and math that incorporate social-emotional learning and community service learning.

## **SUBSTANTIVE ISSUES**

OST includes any type of supervised program for youth to attend when school is not in session. This includes summer programs, teen centers, internships, and before-and-after school programs. In New Mexico, students involved in OST programs receive tutoring, develop social emotional skills, participate in physical activities, and explore science, technology, engineering, and math (STEM) disciplines, among other enrichment activities. In addition to the learning opportunities directly afforded by OST programs, student participation in these activities has been [linked](#) to higher in-school attendance, reduced rates of juvenile crime, and improved academic performance.

**Funding of OST Programs.** Funding has also been an area of concern for OST providers across New Mexico. Many OST programs operating in New Mexico relied on federal elementary and secondary school emergency relief (ESSER) III grant funding to offer services to local communities. With the phasing-out of this funding, many OST programs will require new funding sources to continue their work.

The Legislature appropriated \$20 million for OST programs in FY24 to finance programming at 78 school sites (40 operated directly by school districts and charter schools and 38 provided by community-based organizations). However, funding for OST was reduced in FY25. A total of \$15 million was earmarked for OST and high-dosage tutoring, with \$8.5 million specifically designated for the latter. As a result, a total of \$6.5 million was made available for non-tutoring OST programs.

**Equity of Access.** Access to OST remains a challenge for much of the state. The vast majority of [OST providers](#) and programs are concentrated along the Rio Grande corridor, leaving regions of New Mexico with some of the highest rates of poverty and juvenile justice referrals without local OST availability. According to [Afterschool Alliance](#), a nonprofit organization focused on promoting quality afterschool programming, for every New Mexico child participating in an afterschool program, there are three waiting to gain access to one.

**Transportation.** OST providers and advocates frequently point to transportation as a barrier to student participation in OST programs. According to a [2020 survey](#) by the Afterschool Alliance, 56 percent of New Mexico parents polled reported their children did not have safe ways to get to and from afterschool programs. Transportation is of particular importance for families and OST providers in rural areas of New Mexico.

## ADMINISTRATIVE IMPLICATIONS

PED will need to dedicate department staff and resources to distribute this funding.

## OTHER SIGNIFICANT ISSUES

**Public Safety.** OST programming is sometimes promoted as a way to improve public safety. According to the [United States Department of Justice’s Office of Juvenile Justice and Delinquency Prevention](#), violent crime by youth (ages 7-17), per 1,000 youth who commit a violent crime, occurs most frequently in the hours immediately following the end of the school day. 64 percent of violent crimes committed by youth occur on school days, with 18 percent of these violent crimes committed between the hours of 3 p.m. and 7 p.m. Afterschool programming could potentially provide alternative activities for young people during these peak hours of youth violent crime.

## SOURCES OF INFORMATION

- LESC Files
- New Mexico Regional Education Cooperatives Association (NMRECA)
- Public Education Department (PED)