

LFC Requester:

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AGENCY BILL ANALYSIS  
2017 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

[LFC@NMLEGIS.GOV](mailto:LFC@NMLEGIS.GOV)

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*{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 2/11/17

Bill No: HB163

Sponsor: Rep. Debra M. Sariñana  
Rep. Angelica Rubio

Agency Code: 924

Short Title: SCHOOL GRADE TEST  
SCORES & UNEXCUSED  
ABSENCES

Person Writing Christopher Ruskowski  
Email \_\_\_\_\_

Phone: \_\_\_\_\_

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY17	FY18		

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY17	FY18	FY19		

(Parenthesis ( ) Indicate Expenditure Decreases)

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

	<b>FY17</b>	<b>FY18</b>	<b>FY19</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

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

**SECTION III: NARRATIVE**

**BILL SUMMARY**

Synopsis: House Bill 163 adds new requirements discounting student achievement in reading and math of a student with eight or more unexcused absences from a school’s grade or a teacher’s evaluation.

**FISCAL IMPLICATIONS**

**SIGNIFICANT ISSUES**

New language provides that a public school actively enforcing the Compulsory School Attendance Law within its available resources shall not be held accountable for student performance of students with eight or more unexcused absences in the school year, or four or more absences in a given semester.

HB 163 does not define and seek to outline what constitutes “active enforcement,” nor does it seek to clarify how local entities should handle different types of student absences. The bill may also conflict with the Compulsory School Attendance Law, which uses ten or more unexcused absences to indicate habitual truancy. The bill does not specify whether the absences must be consecutive or can be nonconsecutive, nor does it cite any research or evidence explaining the eight-absence threshold. The bill also does not acknowledge the conflict of interest it creates for districts, schools, and educators, given that improved student attendance is part of the state’s school accountability system.

The bill introduces a new section to the School Personnel Act that provides that a teacher’s evaluation shall not include student growth from standards-based assessments or end-of-course exams for a student who has eight or more unexcused absences in the school year or four or more unexcused absences in a semester. Absences are already taken into account through the student growth model currently used in the NMTEACH evaluation system, and in the School Grades system that assesses student growth in a similar fashion.

The threshold assigned in the bill may create significant equity and student protection issues. Given that “active enforcement” is not defined, the net effect of the bill is to hold no school, district, or educator accountable for hundreds of New Mexico’s students whose absences reflect a greater need for support.

## **PERFORMANCE IMPLICATIONS**

The bill will require changes to the School Grading methodology excluding student performance results for certain students. Changes to the calculation methodology will weaken longitudinal comparisons. An unintended consequence may be the encouragement of additional absences for historically lower-performing students or neglect for chronically absent students as a strategy to improve a school's grade or a teacher's evaluation.

## **ADMINISTRATIVE IMPLICATIONS**

None identified.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

HB 163 may conflict with the Compulsory School Attendance Law that refers to ten or more unexcused absences.

## **TECHNICAL ISSUES**

None identified.

## **OTHER SUBSTANTIVE ISSUES**

None identified.

## **ALTERNATIVES**

None identified.

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

None identified.

## **AMENDMENTS**

None proposed.