

LFC Requester:	Sunny Liu
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**AGENCY BILL ANALYSIS
2017 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: Date 2/17/17
Original **Amendment** **Bill No:** HB241hec
Correction **Substitute**

Rep. Jason C. Harper
Rep. Dennis J. Roch
Rep. Stephanie Garcia Richard **Agency Code:** 924
Sen. Craig W. Brandt
Rep. Christine Trujillo

Sponsor: _____
Short Title: USE OF ATTENDANCE IN TEACHER EVALUATIONS **Person Writing:** Matt Pahl
Phone: 470-9909 **Email:** matt.pahl@state.nm.us

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)

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(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:

HB241hec updates the language on page 2 lines 7-17 to remove the requirement of the original bill that teachers submit documentation from a medical provider for sick leave that last 3 or more consecutive days.

HB241 seeks to amend Section 22-10A-19 of NMSA to add a paragraph addressing the use and inclusion of teacher attendance in teacher evaluation.

FISCAL IMPLICATIONS

HB241hec has the same fiscal implications as the original bill.

HB241 may have an unintended fiscal impact on districts based on data collected by PED during the 2015-2016 school year regarding teacher absences and the cost to districts.

2015-2016 school year:

- 2328 of 19851 teachers missed 10 or more days
- Estimating that 2328 teachers averaged 15 days absent (35370 days absent)
- Substitute teachers to cover these classrooms for 7 hours a day at \$9.50 per hour for a total cost of \$66.50 per day
- $35370 \times 66.50 = \$2,352,105$ spent by districts
- 35370×7 hours per day = 247,950 instructional hours lost

SIGNIFICANT ISSUES

HB241hec has the same significant issues as the original bill.

HB241 would impact the current evaluation system that allows teachers to miss up to three days before having an impact on their evaluation rating. Teachers in the current system can miss the 10 days provided for in HB241 and still achieve a rating of “effective”.

The attendance policy in the current evaluation system has saved school districts and charter schools \$3.6 million, and has provided for over 400,000 of additional instructional hours.

The attendance policy in the NMTEACH evaluation is also credited with creating a significant change in habitually absentee rates among teachers. According to the U.S. Office of Civil Rights, in 2012 47% of New Mexico teachers were absent more than 10 school days prior to the implementation of the system. For the 2015-16 school year, that rate was found to be 12%. This has significantly increased teacher/student interactions.

HB241 seeks to amend Section 22-10A-19 of NMSA to limit the use of teacher attendance in teacher evaluations. HB241 gives individual districts and charters, through collective bargaining, the ability to decide whether or not to allow teacher attendance as a multiple measure for teacher evaluation; by allowing this flexibility HB241 would cause the evaluation not to be uniform across the state thus causing inconsistencies on how all teachers are rated.

Further, by providing an option for attendance to be included in the evaluations, HB241 violates the School Personnel Act. The Act requires teacher's evaluation system to be a Highly-Objective Uniform Statewide Standard Evaluation. An optional attendance requirement would not make the system uniform, a requirement under law.

In addition HB241 states that a teacher's use of up to ten days of sick leave and personal leave days shall not have an impact on the teachers' evaluation. Not all districts and charters differentiate leave days, so including this language may have an unfair impact on some teachers.

HB241 also leaves open to interpretation when a teacher is abusing the sick leave allowed by the district; this may cause some teachers to be judged unfairly based on a view taken at the district level. This again would remove the uniformity of the evaluation system throughout the state.

PERFORMANCE IMPLICATIONS

The attendance provision in teacher evaluations has had a significant impact on teacher attendance in the state, despite being worth only 5% of their evaluation. This has created more student/teacher days in the classroom together to increase student achievement, and saved the state \$3.6 million in savings by not hiring substitute teachers.

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

An additional data point to take into consideration when evaluating HB241 is the impact that missed instruction may have on students. Taking a high school teacher into consideration a typical teacher would have on average 160 students which equates to 160 instructional hours per day. If a teacher misses 10 days in a school year that is a loss of 1,600 instructional hours, these lost hours cannot be replaced by having a substitute in the classroom.

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS