

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 2/7/17
Original **Amendment** _____ **Bill No:** SB140
Correction _____ **Substitute** _____

Sponsor: Senator Craig W. Brandt **Agency Code:** 924
Short SCHOOL DISTRICT **Person Writing** _____
Title: FLEXIBILITY **Phone:** _____ **Email** _____

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: Senate Bill 140 (SB140) requires the Public Education Department (PED) waive requirements or rules pursuant to the Public School Code for school districts that receive a school district grade of A or B for its school district report card for two consecutive years pursuant to the Assessment and Accountability Act. In addition, SB140 requires PED to waive requirements for schools that are not charter schools and receive a grade of A or B for two consecutive years pursuant to the School Rating Act.

FISCAL IMPLICATIONS

SIGNIFICANT ISSUES

The Secretary currently has the authority to waive reasonable requests of the various components included as part of SB140 in Section 22-2-2.1, including requirements related to accreditation, length of the school day, individual class loads, subject areas, instructional materials, graduation, personnel evaluation, and other requirements that impede innovation.

SB140 does not provide for a waiver application process. Without a waiver application process, districts and/or schools aren't required to engage in the critical vision-setting and planning process, which could hinder their ability to successfully implement reforms tied to specific flexibilities. Therefore, their efforts, while possessing the potential to be successful, could ultimately not yield the results they seek and lead them to return under the PED requirements umbrella.

The timing of the school grades, which are released in July, don't provide enough time to effectively plan for and implement specific flexibilities stipulated in SB-140. An established timeline in the bill that allows districts to plan for how they would take advantage of alleviating themselves of requirements in the public school code would allow those districts to take better advantage of the flexibility.

SB140 focuses on districts and not schools. This focus can create a scenario where struggling schools within a high-performing district do not have the structures in place to lift their performance and are left behind their district peers. These schools may continue to struggle under a new, more open framework.

Teacher quality, both between and within schools, varies. Therefore, as currently written, there could be teachers who are Minimally Effective or Ineffective that are allowed to bypass the NMTEACH system, which is in place to support educator development. The bill could be strengthened to require all educators in schools granted flexibilities that receive an Ineffective or Minimally Effective rating continue to be held to current NMTEACH observation and student achievement results until they achieve an Effective rating for two consecutive years.

PERFORMANCE IMPLICATIONS

There could be substantial performance implications due to Senate Bill 140. For districts and schools that consistently perform at the A or B level, there are clearly teachers doing good work in the building. However, if the school or district receives blanket flexibility from numerous provisions, their ability to continue to deliver great results for kids is unknown. This is particularly true as it relates to teacher and principal evaluation, where there remain ineffective and minimally effective educators in the building, who subsequently won't get the support they need to improve their craft.

ADMINISTRATIVE IMPLICATIONS

There are significant administrative implications associated with Senate Bill 140. First, there is no mechanism to document or support LEAs that utilize the flexibility associated with this bill. As such, monitoring and supporting each component, such as instructional materials dollars, can prove problematic.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Districts will still have the authority to apply to the Secretary for flexibilities under current law.

AMENDMENTS

It is recommended that the bill be altered to focus on school flexibility rather than districts. It is at the school site where flexibilities could be leveraged, and it would ensure every school with flexibility earned it on their own merits. Further, it would ensure that low-performing schools did not earn flexibilities.