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FISCAL IMPACT REPORT

ORIGINAL DATE 02/10/14
SPONSOR Cervantes **LAST UPDATED** _____ **HB** _____

SHORT TITLE Increase Minimum School Instructional Hours **SB** 272

ANALYST Gudgel

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY14	FY15		
	\$261,134.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to Appropriation in the General Appropriation Act

SOURCES OF INFORMATION

LFC Files

Responses Received From
Public Education Department (PED)

SUMMARY

Synopsis of Bill

Senate Bill 272 amends Section 22-2-8.1 NMSA 1978 of the Public School Code to significantly increase the minimum number of instructional hours required annually, impose a minimum of 200 instructional days annually, and require both school districts on regular calendars and school districts on variable calendars to provide instructional time in four quarters evenly spaced throughout the calendar year. The effective date of this bill is July 1, 2014.

FISCAL IMPLICATIONS

The appropriation of \$261.1 million contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal year 2015 shall revert to the general fund.

It appears the bill provides funding at \$15.4 million per additional day for approximately 17 additional instructional days. PED's analysis indicates \$13.1 million per additional day would be sufficient to implement this bill, resulting in the need for only \$222.7 million.

SIGNIFICANT ISSUES

The bill proposes to increase the number of instructional days and impose a minimum of 200 instructional days as follows:

Grades	Current Law Hours	SB272 Hours	SB272 Days
Kindergarten - Half Day	450	500	200
Kindergarten - Full Day	990	1100	200
First - Six	990	1100	200
Seven - Twelve	1080	1200	200

A school district on a regular calendar would be required to provide the minimum instructional hours in four ten-week quarters evenly spaced throughout the calendar year over a minimum of 200 instructional days. A school district with a variable calendar (four-day week) will be required to provide the number of instructional hours required in this bill in four quarters evenly spaced throughout the calendar year.

The bill increases the number of required instructional days by approximately 20 days.

Days or hours when no instruction is given due to weather, in-service training, teacher planning and preparation or other events that are not programs set forth in statute shall not count toward the calculation of minimum instructional hours. Statute currently includes the following in the calculation of minimum instructional hours:

- Up to thirty-three hours of the full-day kindergarten program may be used for home visits by the teacher or for parent-teacher conferences;
- Up to twenty-two hours of grades one through six programs may be used for home visits by the teacher or for parent-teacher conferences; and
- Up to twelve hours of grades seven through twelve programs may be used to consult with parents to develop next step plans for students and for parent-teacher conferences.

The bill explicitly allows professional development programs provided by the school district to count toward the minimum number of instructional hours.

Time on task has been identified as a critical component of improved student achievement, and an important element of this is more time in the classroom with highly effective teachers. A review by LFC, PED, and LESC prior to the 2009 legislative session identified a number of school districts that take advantage of loopholes in statute to reduce the number of days students are actually in the classroom, causing a vast disparity in the number of instructional days districts provide. At the time, approximately 30 of the 67 school districts on a five-day teaching schedule provided less than 180 instructional days with one district providing as few as 160 instructional days. Of those districts on a four-day teaching schedule, 16 of 22 provide less than 150 instructional days.

More recent analysis by LFC staff indicates that, during the 2012-2013 school year, approximately 42 of the 59 school districts on a five-day teaching schedule provided less than 180 instructional day, with one school district providing as few as 162 instructional days. On average, school districts on a five-day teaching schedule provide 177 instructional days and 6

non-instructional professional development days annually. No school district currently provides 200 instructional days including professional development days. On average, those 59 school districts would be required to add 17 additional days.

School districts on a variable school calendar (four-day school week) would be required to meet the minimum hours but will be able to determine how many days their school calendar will be. It is likely that they would need to increase the number of days they are providing instruction and professional development by the same amount as school districts that follow a regular school calendar.

On average, the bill provides approximately \$15.4 million per additional day needed.

PED's analysis notes the bill eliminates the ability of the Secretary to waive the minimum length of the school day; however, the bill eliminates the minimum hourly requirements currently in statute and simply requires a total number of hours to be met within a minimum of 200 school days.

ADMINISTRATIVE IMPLICATIONS

Contracts for teachers, aides, administrators, office support staff, cafeteria and custodial staff will have to be re-written to cover the extended period beginning with the 2014-2015 school year. PED notes school districts and the department may not be able to adjust schedules, contracts, lesson plans, transportation schedules, food supply orders, etc. to meet the requirements of implementing year-round school during the 2014-2015 school year. PED suggests considering delaying the effective date until July 1, 2015.

TECHNICAL ISSUES

The Variable School Calendar Act establishes guidelines for school or school district operations extending over a ten, eleven or twelve-month period or portions thereof in excess of nine months, which permits pupil attendance on a staggered schedule. Given the changes this bill makes – requiring four quarters evenly spaced over the calendar year – this section of law may need to be repealed.

OTHER SUBSTANTIVE ISSUES

Section 22-2-8.1 NMSA 1978 was first enacted in 1986 requiring the same number of instructional hours annually as is currently required for everything except full day kindergarten – full day kindergarten requirements were added in 2000. The law has been amended six times since 1986. In 2003 the Legislature explicitly included time for home visits and parent teacher conferences that occur during the full-day kindergarten program and during grades one through five to be counted as instructional hours. In 2009, the legislature eliminated the minimum hours of instructional time required and replaced it with a minimum number of instructional days and appropriated \$14 million to add an additional day. However, in 2011 the Legislature returned to instructional hours rather than a total number of required days.

At present districts may adjust the number of instructional days in their school calendar provided that the district meets a minimum number of annual contact hours. This has resulted in a number of anomalies to occur. A number of districts adjust the length of the instructional day by minutes

in order to provide a number of other days in the school calendar for other activities or to makeup missed days. Most educators agree that adding fifteen minutes to the school day for twenty-two days does not equate to a full school day, yet this is what some school districts do to make up for a missed day.

RSG/ds