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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
53rd Legislature, 1st Session, 2017

Bill Number	<u>SB256/SECS</u>	Sponsor	<u>SEC</u>
Tracking Number	<u>.207042.4</u>	Committee Referrals	<u>SEC/SFC</u>
Short Title	<u>K-6 Minimum School Hours & Days</u>		
Analyst	<u>Bedeaux</u>	Original Date	<u>2/14/17</u>
		Last Updated	<u></u>

BILL SUMMARY

Synopsis of Bill

The Senate Education Committee Substitute for Senate Bill 256 (SB256/SECS) increases the minimum instructional hours and days for kindergarten through sixth grade as follows:

- for kindergarten through fifth grade from 990 instructional hours to 1,127.5 instructional hours per year, or 5.5 instructional hours per day for 205 days; and
- for sixth grade from 990 instructional hours to 1,080 instructional hours per year, or six instructional hours per day for 180 days.

The bill eliminates references to half- and full-day kindergarten programs, requiring all kindergarten students to receive 1,127.5 instructional hours per year. In addition to increasing hours, SB256/SECS would increase the funding formula cost differential for kindergarten through fifth grade by 13.9 percent. The cost differential for sixth grade would be increased by 9.1 percent.

SB256/SECS requires school breaks to be “evenly scheduled.” Instructional days or hours lost to lunchtime, recess, weather, or other events would not count toward a school’s total instructional hours.

SB256/SECS is contingent on funding provided by SJR14. If the people of New Mexico approve SJR14, which proposes an additional allocation from the Permanent School Fund within the Land Grant Permanent Fund, the provisions of SB256/SECS would take effect in FY20.

FISCAL IMPACT

The bill does not contain an appropriation to cover the costs associated with implementing additional school days for students in kindergarten through sixth grade. However, the bill would not become effective unless SJR14 is approved by voters during the next general election (November 2018).

SJR14 proposes an additional distribution from the Permanent School Fund equal to 1 percent of the average of the year-end market values of the fund for the preceding five calendar years. These funds must be used to provide additional instructional hours and days. If approved by voters, funding would be made available in January 2019, and would fund additional school days in the school year beginning in FY20. Analysis from the State Investment Council (SIC) on SJR14 projects that the resolution would make approximately \$130 million available to fund increased instructional hours in schools in FY20, \$134 million in FY21, and \$138 million in FY22.

Summary of Hours, Cost Differentials, and Formula Funding – Current vs. SB256/SECS
(dollars in millions)

	A	B C D			E	F G H			I	J	K L	
	FY17 Student Membership	Inst. Hours	Cost Differential	Funding for Enrollment	Hypothetical Student MEM	Inst. Hours	Cost Differential	Estimated FY20 Funding	Percent Change in Hours	Percent Change in C.D.	Millions	%
3-4 yr. old D.D.*	3,971.5	450	1.44	\$ 11.4	3,971.5	1,127.5	1.64	\$ 25.9	150.6%	13.9%	\$ 14.5	127.8%
Half Day K*	829.0	450	1.44	\$ 2.4				\$ -			\$ (2.4)	-100.0%
Full Day K	24,814.5	990	1.44	\$ 142.2	25,643.5	1127.5	1.64	\$ 167.4	13.9%	13.9%	\$ 25.2	17.7%
1st Grade	26,570.5	990	1.2	\$ 126.9	26,570.5	1127.5	1.367	\$ 144.5	13.9%	13.9%	\$ 17.6	13.9%
Grades 2, 3	53,390.0	990	1.18	\$ 250.7	53,390.0	1127.5	1.344	\$ 285.5	13.9%	13.9%	\$ 34.8	13.9%
Grades 4, 5	51,274.5	990	1.045	\$ 213.2	51,274.5	1127.5	1.19	\$ 242.9	13.9%	13.9%	\$ 29.6	13.9%
6th Grade	25,117.0	990	1.045	\$ 104.5	25,117.0	1080	1.14	\$ 114.0	9.1%	9.1%	\$ 9.5	9.1%
Grades 7-12	147,813.5	1080	1.25	\$ 735.3	147,813.5	1080	1.25	\$ 735.3	0.0%	0.0%	\$ -	0.0%
Statewide Totals	333,780.5			\$ 1,586.6	333,780.5			\$ 1,715.4			\$ 128.9	8.1%

* Note: Student membership for 3- and 4-year-old developmentally disabled students and half day kindergarten students is funded at 0.5 MEM. SB256/SECS would eliminate all half-day kindergarten programs, consolidating these students into full day kindergarten at 1.0 MEM. 3- and 4-year-old developmentally disabled students would be included in full-day programs at a full MEM.

Source: LESC Files

To compensate for the costs associated with increasing the number of instructional days and hours, SB256/SECS increases the cost differential for program units for students in each grade. The student membership (MEM) in each grade is multiplied by the cost differential to determine the program units for each grade. If the additional units were funded, increasing the instructional hours in kindergarten through sixth grade would cost the state approximately \$129 million per year. This figure assumes a flat unit value and that enrollment does not change from FY17 levels. However, given that both of these variables have been increasing in recent years, the fiscal impact may be greater than \$129 million.

The estimated \$129 million does not include operational expenses associated with increasing the length of the school year. To accommodate a longer school year, school districts would incur additional expenses for utilities, transportation, and personnel costs. These expenses would increase the statewide cost of implementing SB256/SECS by an amount greater than the cost differentials included in the bill.

By eliminating references to half-day kindergarten, SB256/SECS would require kindergarteners currently in half-day programs to attend full-day kindergarten. Converting the 829 students in half-day programs to full-day programs would require an extra \$3 million in funding statewide. However, based on current language, there is a chance that SB256/SECS would also require 3- and 4-year-old developmentally disabled (3Y-4Y DD) students to attend full-time kindergarten programs. These children would be funded as full-day students, but there is still a question of whether a full day of school is appropriate for 3Y-4Y DD students.

Cost differential increases in SB256/SECS are directly proportional to the increases to instructional hours. For full-day kindergarten through fifth grade, increasing the hours from 990

to 1,127.5 is a 13.9 percent increase. The bill increases the cost differentials by 13.9 percent at each grade level: 1.44 to 1.64 in full-day kindergarten; 1.2 to 1.367 in first grade; 1.18 to 1.344 in second and third grades; and 1.045 to 1.19 in fourth and fifth grades. SB256/SECS increases the hours for sixth grade by 9.1 percent from 990 to 1,080. The bill also increases the cost differential for sixth grade by 9.1 percent, from 1.045 to 1.14.

SUBSTANTIVE ISSUES

Decreased oil and gas revenues have led to statewide funding cuts to all state programs and agencies, including school districts and charter schools. Funding for SB256/SECS would be made available from the Permanent School Fund if SJR14 were to pass. SJR14 is estimated to generate \$130 million, which would be slightly less revenue than needed to fully fund the changes proposed in SB256/SECS.

Additional revenue to fund SB256/SECS could be drawn from K-3 Plus, which the bill would ultimately replace. K-3 Plus funds have been allocated below-the-line in recent years to extend the school year for kindergarten through third grade students in some schools. By extending the school year for every student in kindergarten through fifth grade, SB256/SECS would offer the benefits of K-3 Plus to all schools. Initial awards for K-3 Plus in summer 2016 totaled \$23.7 million, which served 18,949 students in 51 school districts and 7 stated chartered-charter schools. Funding for increased hours would be freed from K-3 Plus, to be moved above the line and incorporated into allocations to all school districts. Additionally, one of the main criticisms of K-3 Plus, that it is ineffective when students do not stay with the same teacher, would be resolved by extending the school year; students would spend the extra instructional hours in SB256/SECS with the same teacher.

The bill administratively aligns sixth grade with middle school and high schools, but this should not substantially affect their status quo instructional time or cost of instruction. Enrollment data from the 2015-2016 school year indicates that 5,161 of 25,148 sixth grade students statewide (21 percent) are enrolled in elementary schools. For these 5,165 students, hours would potentially be increased from 990 to 1,127.5, simply by virtue of attending elementary schools. The remaining 79 percent of sixth graders are attending junior high schools, and are likely already receiving the minimum 1,080 hours. It is unclear how often this occurs, or whether sixth graders are at abbreviated programs in some middle schools.

A 3Y-4Y DD student may not be physically capable of attending a prekindergarten program for an entire day. Statewide, close to 4,000 3Y-4Y DD students are currently attending half-day kindergarten programs. School district administrators view half-day programs as an appropriate amount of instructional time for these students. By removing references to half-day kindergarten programs, SB256/SECS requires these children to attend full-day programs. It is possible that language in section 3 of the bill would preclude these students from attending half-day programs.

Research on extended school days has shown that increasing the amount of instructional time is most effective when the quality of instructional time is also improved. During the 2016 interim, the Legislative Finance Committee (LFC) published a program evaluation of time-on-task. In it, LFC highlights the importance of academic learning time (ALT), or the amount of time students spend actively engaged in meaningful learning at school. Surveys cited in the report show that New Mexico students lose 32 percent, or an average of 62 days, of ALT per year. According to the report, ALT is lost to nonteaching duties, administrative duties, standardized assessment preparation, student absences, and other distractions. The report also notes current state policies do not do enough to maximize time-on-task, although the Public Education Department's (PED)

response letter indicates NMTEACH teacher evaluations hold teachers accountable for their attendance, and that the truancy and dropout prevention coaches and middle school social worker programs are increasing time-on-task by improving student attendance.

The National Conference of State Legislatures (NCSL) reports that a majority of states currently require 180 instructional days. Some states measure time by hours rather than days. According to the Education Commission of the States (ECS), Arizona, Colorado, Oklahoma, have minimum hours below 990 for elementary school students. Utah requires a minimum of 990 hours. Other states also include minimum school day length provisions. Texas includes a provision that states a school day must be six hours long.

**Regional Minimum
Required Elementary
School Hours**

State	Grades	Minimum Hours
AZ	1-3	712
	4-6	890
CO	K	870
	1-5	968
	6	1056
NM	K-6	990
OK	1-6	900
UT	1	810
	2-6	990
Average		909.556
Median		900

Source: ECS

ADMINISTRATIVE IMPLICATIONS

SB256/SECS requires school breaks to be “evenly scheduled to the extent practicable.” This could have significant administrative implications for school districts and state-chartered charter schools, affecting the length of instructor contracts, the prevalence of academic semesters, trimesters, and quarters, and the frequency of administrative in-service days.

ALTERNATIVES

The Legislature may want to consider maintaining half-day programs for three- and four-year-old developmentally disabled students, but extending the number of days in school to reflect the 205 day calendar in SB256/SECS. Performing this change would reduce the statewide cost of funding SB256/SECS to \$116 million.

RELATED BILLS

Related to SB140, School District Flexibility, which affords high-performing school districts increased flexibility.

Contingent on SJR14, School Fund for Longer School Days & Year, CA, which amends the constitution to allocate funding from the permanent school fund for increasing the number of instructional hours per year.

SOURCES OF INFORMATION

- LESC Files
- LFC
- PED
- New Mexico State Investment Council
- NCSL
- ECS
- WestEd

TCB/rab/rsg