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FISCAL IMPACT REPORT

ORIGINAL DATE 2/17/2007

SPONSOR Swisstack LAST UPDATED 2/21/2007 HB 596

SHORT TITLE Gender Specific Education Program Proposals SB _____

ANALYST Schuss

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	\$1,000.0	Recurring	General

(Parenthesis () Indicate Expenditure Decreases)

Duplicates SB 1010

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY07	FY08	FY09	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		\$67.0		\$67.0	Recurring	General

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Public Education Department (PED)

Department of Health (DOH)

Department of Finance and Administration (DFA)

SUMMARY

House Bill 596 appropriates \$1,000,000 from the general fund to the Public Education Department (PED) to issue requests to all school districts for proposals to establish gender-specific education programs. The PED shall give priority to proposals that request funding for:

- Training teachers in best practices for different teaching styles for boys and girls within the statewide professional development framework
- Creation of single-sex classrooms, provided that the teachers of these classes receive gender competency training

- Programs that bring a greater number of adequately screened and trained men, as teachers and mentors, into the schools to serve as positive role models
- Providing a science-based method of evaluating the results of a funded proposal.

No more than \$50,000 will be distributed to a single school district.

FISCAL IMPLICATIONS

The appropriation of \$1,000,000 contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY08 shall revert to the general fund.

PED reports that they estimate that it would take approximately 120 hours of time by an Education Administrator ($\$25.50 \times 120 + 30\% \text{ benefits} = \$3,978$) to develop and implement a RFP/award process that could possibly include all school districts in the state. It is possible that up to 20 school districts would be awarded up to \$50,000 each from this appropriation. This legislation requires a science-based method of evaluating the results of a funded proposal. In order for PED to provide an effective evaluation component, funds must be made available. Typically, evaluation costs are about 10% of the grant amount. Furthermore, effective data must be longitudinal.

DFA reports that \$63 thousand per year for additional PED staff (\$53 thousand per year + 18% benefits) would be needed.

The DFA and PED additional budget requirements are reflected in the table above.

SIGNIFICANT ISSUES

PED has included the following in their analysis:

Recent assessment data presented by Education Commission of the States (ECS) indicate significant academic performance gaps based on student gender. Male students tend to be:

- less proficient than females in reading and writing
- outperform females in math by only small margins
- outnumber females in special education
- are more likely than females to be held back a grade
- less likely to graduate from high school.

New Mexico student achievement data reveal a gender gap. Male students tend to be:

- less proficient in reading and writing than females (National Assessment of Education Progress and the 2006 New Mexico standards-based assessments)
- less likely than females to graduate from high school (Manhattan Institute)
- earned a declining share of academic credentials awarded by public institutions of higher education in the state (Higher Education Department)

The legislation requires that programs bring a greater number of adequately screened and trained men, as teachers and mentors, into the schools to serve as positive role models. This requirement may pose difficulties for school districts with limited access to recruiting males to serve as teachers and mentors.

DFA has included the following in their analysis:

In November 2006, the US Department of Education relaxed Title IX of the Education Amendments of 1972 (Title IX) regulations regarding the use of same-sex classrooms, programs and activities, giving states greater flexibility in an attempt to improve educational opportunities for students. According to a brief from Education Commission of the States, the revised regulations allow for same-sex schooling provided that:

- classes have “important objectives” such as improving student achievement;
- enrollment is voluntary;
- coeducational schools and classes that are “substantively equal” in quality are available for students of the excluded sex; and
- same-sex programs are evaluated every two years to ensure they meet federal requirements.

Title IX prohibits sex discrimination in education programs or activities that receive federal funds. Prior to the change in regulation, same-sex classrooms were largely limited to physical education classes and sex education classes. According to Margaret Spellings, US Secretary of Education, in a press release dated October 24, 2006, this change was made because, “Research shows that some students may learn better in single-sex education environments.”

HB-596 could provide an avenue for research into whether or not same-sex education produces positive student outcomes in New Mexico. While this bill would require school districts to adopt a scientifically-based program evaluation model, the sponsor may wish to consider providing additional funds for an academic study conducted by a university, private education research center or other independent body. Such a study would help assess the possible value of same-sex education for New Mexico’s students.

HB-596 does not provide that programs be in accordance with federal Title IX requirements. PED will need to ensure that guidelines for programs outlined in any requests for proposals meet these federal requirements.

HB-596 also seeks to provide incentives to districts to hire more males in teaching or other role model positions. According to the Albuquerque Journal, only 9% of elementary teachers nationally are male, and only 35% of secondary teachers in the nation are male. New Mexico’s numbers are slightly higher, 17% of New Mexico’s elementary teachers and 44% of secondary teachers are male. Even though New Mexico outpaces the nation, a significant gender imbalance exists in New Mexico’s elementary settings. However, given HB-596’s relatively narrow focus, this gender imbalance may not be substantially altered by its implementation.

ADMINISTRATIVE IMPLICATIONS

PED would be required to designate staff to administer this program.

DUPLICATION

Duplicates SB 1010

TECHNICAL ISSUES

According to PED, the legislation requires creation of single-sex classrooms, a practice permitted under the federal No Child Left Behind Act of 2001. In October 2006, the US Department of Education published its final rule regarding nondiscrimination based on sex under Title IX of the Education Amendments of 1972, to “clarify and modify Title IX regulatory requirements pertaining to the provision of single-sex schools, classes and extracurricular activities in elementary and secondary schools.” The rule establishes new standards that the federal Office of Civil Rights will use to determine whether recipients operating single-sex classes, activities or schools are in compliance with Title IX.

OTHER SUBSTANTIVE ISSUES

PED states that a one-year appropriation to districts to determine significance and impact on gender-specific education programs is not long enough to provide any meaningful data.

According to DOH, the National Association for Single-Sex Public Education reports that, as of April 2006, at least 223 public schools in the United States were offering gender-separate educational opportunities, up from just 4 in 1998. Although most were coeducational schools with single-sex classrooms, 44 were wholly single-sex classrooms.

BS/mt