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## FISCAL IMPACT REPORT

ORIGINAL DATE 03/04/11

SPONSOR King LAST UPDATED 03/07/11 HB 555/aHEC

SHORT TITLE Delay School Day & Year Length Changes SB \_\_\_\_\_

ANALYST Gudgel

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY11	FY12		
	None		

(Parenthesis ( ) Indicate Expenditure Decreases)

Conflicts with HB407.

### SOURCES OF INFORMATION

LFC Files

Responses Received From  
Public Education Department (PED)

### SUMMARY

#### Synopsis of HEC Amendment

The House Education Committee Amendment to House Bill 555 makes a technical correction changing the date of the report from December 2010 to December 2011.

#### Synopsis of Original Bill

House Bill 555 will delay until the 2012-2013 school year the implementation of 2009's House Bill 691 (Laws 2009 Chapter 276, amending Section 22-2-8.1 NMSA 1978). The amended statute defines a school year to consist of 180 full instructional days for a regular school year calendar and 150 full instructional days for a variable school year, excluding release time for in-service training; to require that time lost due to weather, in-service training, or other events be made up. It allows school boards to set a longer school year; and to allow the Secretary of Public Education to waive the minimum length or number of school days in districts so long as the school year is adjusted to ensure that students receive the same instructional time as other students in the state.

The bill also requires PED, in cooperation with LESC and LFC and others, to continue to study issues related to school calendars and the length of the school day pursuant to Senate Joint

Memorial 12 passed last session. The study shall focus on the effect of scheduling practices on learning time and achievement of students.

### **FISCAL IMPLICATIONS**

The Public Education Department indicates that granting districts the flexibility to schedule hours of instructional time rather than days may result in some budgetary savings to districts and charter schools.

The LFC notes that the annual appropriation from the legislature for the state equalization guarantee fully funds the legally required number of school days plus professional development days for licensed school employees.

### **SIGNIFICANT ISSUES**

Laws 2009, Chapter 276 (HB 691) was passed in 2009 and amended the Public School Code to require a school year to consist of 180 full instructional days for a regular school year calendar and 150 full time instructional days for a variable school year calendar, excluding release time in-service training, weather and other events that are not school-directed programs. Laws 2010, Chapter 66 (SB87) delayed implementation until the 2011-2012 school year due to budget concerns.

PED provided the following analysis:

Senate Joint Memorial (SJM) 12 (2010) requested the NM Office of Education Accountability (OEA), in collaboration with the PED, school districts, charter schools, school boards and governing bodies, teacher and employee representatives, and parent representatives to study the impact of various school calendar options and scheduling practices on such issues as learning time, achievement of students, district budgets, and school operations.

This action by SJM 12 was motivated by the pending impact of HB 691 (Increase School Year and Length of Day) passed in 2009 which amends the Public School Code to require a school year to consist of 180 full instructional days for a regular school year calendar and 150 full instructional days for a variable school year, excluding release time for in-service training. SFC/SB 87 & 92 (2010) delayed implementation of HB 691aaa until school year 2011–2012

The recommendation of the SJM 12 School Calendar Study Work Group was that the amendments made in 2009 to Section 22-2-8.1 NMSA 1978 by HB 691 be either:

*“A. Repealed, or*

*B. Indefinitely delayed until such time that further study of both the costs to districts and charter schools and the impact on student and teacher performance has been completed and the results presented to the Legislature for further consideration.”*

The LFC has concerns with repealing the 2009 changes to the School Calendar Act. 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 in 2008 by LFC, PED, and LESC 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 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.

For example, APS issued an email outlining four proposals to address the 4 days students missed in February. The Instructional Accountability Department put together a parent and staff survey that is posted on the APS website with the four different options, one of which was for the school year to end on May 27, before the Memorial Day holiday, and to add 30 minutes to each school day through the remainder of the year, even though the district has 4 snow make-up days built into the calendar.

In 2009, approximately 30 of 67 districts on a five-day teaching schedule provided less than the 180 days currently prescribed in law with one district providing as few as 160 instructional days. Of those districts on a four day schedule 16 of 22 provide less than 150 instructional days.

### **ADMINISTRATIVE IMPLICATIONS**

PED will have to work with others listed in the bill to conduct the study and prepare the report.

Under HB 555 districts will not be required to standardize the school calendars to 180 or 150 school days.

### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

Conflicts with HB407.

### **TECHNICAL ISSUES**

Page 2, line 7 December 15, 2010 should be amended to read December 15, 2011. This has been addressed by the HEC amendment.

### **OTHER SUBSTANTIVE ISSUES**

During the 2010 interim, the Office of Education Accountability, in conjunction with the Public Education Department, prepared a study of the impact of various school calendar options and scheduling practices on teachers, learning time, achievement of students, school operations, and district budgetary needs. The average number of instructional days for districts across the state is 176 days for those schools that meet 5 days a week, and 149 for those that meet 4 days a week. On average, each district that meets 5 days a week would have to add 4 days of instruction and those that meet 4 days a week would have to add 1 additional instructional day to meet the 180

day and 150 day requirements. With the addition of instructional days, districts report they would have to reduce professional development days. The average number of professional development days in current teacher contracts is 5.6 for 5 day a week schools and 6.1 for four day a week schools.

The current statute calls for 1,080 hours of instruction for seventh through twelfth, and 990 for full day kindergarten through sixth. On average, 5 day a week schools exceed the current requirements by an average of 55 hours, or 9 days, at the secondary level, and 110 hours, or 20 days, at the elementary level. Four day a week schools exceed the current requirements by 28 hours or about 4 days at the secondary level, and by 91 hours, or 13 days at the elementary level.

The OEA study concludes the overall average in instructional time across the state for the current 2010-2011 school year far exceeds the requirements as established by the new calendar rule. The report recommended that changes to the School Calendar Act be repealed or indefinitely delayed until further study of both the costs to districts and charters schools and the impact on student and teacher performance can be completed.

RSG/mew:bym:mew