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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
54th Legislature, 1st Session, 2019

Bill Number	<u>HB227</u>	Sponsor	<u>Harper</u>
Tracking Number	<u>.212368.1</u>	Committee Referrals	<u>HJC</u>
Short Title	<u>Use of Teacher Attendance for Evaluations</u>		
Analyst	<u>Sena</u>	Original Date	<u>1/17/19</u>
		Last Updated	<u></u>

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

BILL SUMMARY

Synopsis of Original Bill

House Bill 227 amends the Public School Code to include provisions that would allow teachers to use personal leave and up to 10 days of sick leave without attendance impacting their annual performance evaluation, as long as leave is taken consistent with policies of the local school board or charter school governing body. Currently, the code does not address teacher attendance.

If a teacher's use of sick leave is inconsistent with school board or charter school governing council policy, administrative regulation, or an applicable collective bargaining agreement, the teacher's annual performance evaluation may reflect the lowest score possible on the teacher attendance portion.

FISCAL IMPACT

The bill does not contain an appropriation.

SUBSTANTIVE ISSUES

Under the current NMTeach evaluation system, teacher attendance makes up 5 percent of a teacher's summative evaluation rating, although teachers are allowed to take up to six days of leave before it impacts their annual performance evaluation.

Recently, Executive Order 2019-002 directed the Public Education Department (PED) to develop a new teacher evaluation system. While the order focused on the inclusion of student achievement results in teacher evaluations, it is unclear if the new system will include teacher attendance. NMTeach was implemented through rule and changes to the system do not necessarily require legislative action. The bill would effectively prohibit PED from including attendance in teacher performance evaluations.

The evaluation system has also been the subject of concern, specifically as it relates to the reliability and consistency of using student achievement data to rate teachers, and two bills have already been introduced that would change New Mexico's evaluation system. Neither proposal includes using attendance as a factor in evaluating teachers.

OTHER SIGNIFICANT ISSUES

According to research from the National Bureau of Economic Research, teacher attendance is directly related to student outcomes; the more teachers are absent, the more student achievement is affected. For example, when teachers are absent 10 days, the decrease in student achievement is equivalent to the difference between having a brand new teacher and one with two or three years more experience.

Research also found that low-income students endure higher teacher absentee rates than their wealthier peers. This finding, in particular, stands out in the context of the 1st judicial court's decision in consolidated *Martinez* and *Yazzie* lawsuit that found New Mexico is inadequately serving its at-risk students.

During the 2013-2014 school year, the U.S. Department of Education's Office of Civil Rights estimated that 27 percent of the nation's teachers are absent from school for more than 10 days of regular classes based on self-reported numbers from school districts. New Mexico school districts reported teacher absenteeism at 21 percent. In the majority of states, 20 to 29 percent of teachers missed that amount of time. By contrast, the following states reported the lowest levels of teacher absenteeism: Idaho at 18 percent; South Dakota at 17 percent; and Utah at 16 percent.

Additional research indicates that teacher absences represent significant costs to school districts that must pay for substitutes and associated administrative costs.

RELATED BILLS

HB212, Teacher and Principal Evaluation Act
SB247, Teacher Evaluation Act

SOURCES OF INFORMATION

- LESC Files

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