

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

## FISCAL IMPACT REPORT

ORIGINAL DATE 03/14/11

SPONSOR Cervantes LAST UPDATED \_\_\_\_\_ HB 407

SHORT TITLE Increase Number of School Days SB \_\_\_\_\_

ANALYST Gudgel

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY11	FY12		
	NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY11	FY12	FY13	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
<b>Total</b>		NFI	Significant			

(Parenthesis ( ) Indicate Expenditure Decreases)

Conflicts with SB145 and HB555

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Public Education Department (PED)

### SUMMARY

#### Synopsis of Bill

House Bill 407 amends the Public School Code, repealing the Variable School Calendar Act which would eliminate the variable school calendar consisting of at least 150 full instructional days, exclusive of any release time for in-service training. The bill further establishes that a regular school year consists of at least 200 full instructional days in four quarters of ten five-day week provided throughout the entire calendar year and provides that days or parts of days that are missed shall be made up so that students are given a full instructional school year. The bill further establishes the minimum hours per day students are required to be in school. PED will be able to provide for the length and number of school days for schools on a four day week. The provisions of the bill become effective during the 2012-2013 school year.

## FISCAL IMPLICATIONS

During the 2009 Legislative Session, the Legislature included \$14 million in the state equalization guarantee distribution to fund an additional instructional day, fully funding the legally required number of school days plus professional development days for licensed school employees. The LFC notes that the annual appropriation from the legislature for the state equalization guarantee fully funds the legally required number of school days.

Currently, including ARRA funds and Education Jobs Funds, based on a 180 day school year, each instructional day costs \$12.3 million dollars, and transportation per day costs \$525.7 thousand. Addition of 20 days without an additional appropriation will have substantial fiscal impact on school districts and charter schools. It is estimated to cost \$256.7 million to add 20 instructional days to school calendars.

## SIGNIFICANT ISSUES

House Bill 407 implements a 200 day school calendar beginning with the 2012-2013 school year and establishes the minimum number of hours students must be in school each day.

- ½ day kindergarten, 2.5 hours per day; full day kindergarten, 5.5 hours per day.
- Grades 1 through 6, 5.5 hours per day.
- Grades 7 through 12, 6 hours per day.

PED outlines a number of concerns with implementation of a 200 day school year in the 2013-2014 school year:

- The State of New Mexico as well as each district would experience an increased budgetary burden if required to add an average of 24 additional days to the school year.
- Districts would be required to make major changes to the following:
  - Standard testing schedules
  - union contracts
  - teacher contracts
  - bus driver contracts
- The Public Education Department (PED) would have to re-schedule monitoring of district activities and reporting schedules.
- It is unclear what the academic benefits are adding an average of 24 days.
- By repealing the Variable Schools Calendar Act this bill would require that all schools operate on a similar calendar including schools that are on a year-round calendar. Year-round schools currently have a school calendar that allows for the school hours required under the present system to be organized in a different calendar. This action places an additional burden on schools currently on a year-round schedule.
- New Mexico would experience an increase in the demand for resources in order to operate the schools for an additional 20 days each year, such as food, fuel oil, electricity, natural gas, gasoline and diesel fuel.
- Parents with children in public schools would have to re-arrange family, work, child care, and vacation schedules to accommodate the new extended school year.
- State economies of farming, tourism, ranching, etc. that depend on the summer employment of students could be impacted.

- Universities may have to reschedule student teacher assignments and college admission application procedures.
- In conjunction with the New Mexico Activities Association (NMAA), school districts would potentially have to devise new athletic competition schedules which may be difficult to correlate with out-of-state competitions.

### **PERFORMANCE IMPLICATIONS**

PED indicates this bill does not support PED Performance measures. However, 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. According to PED, literature dealing with the relationship of education time to student achievement reveals a fairly consistent pattern:

- There is little or no relationship between allocated time and student achievement.
- There is some relationship between engaged time and achievement.
- There is a larger relationship between academic learning time and achievement.

If increased time coupled with effective teachers and structured learning time, the percentage of 4<sup>th</sup> and 8<sup>th</sup> graders scoring at or above proficiency on math and reading on the NMSBA could be increased. Additionally, the high school graduation rate could increase, and the number of students requiring remediation in postsecondary institutions could decrease.

### **ADMINISTRATIVE IMPLICATIONS**

Administrative changes will have to be implemented at the state and district levels if HB 407 is enacted. Districts will have to rewrite their school calendar schedules and prepare administratively for changes in the management of data, state and federal reporting, as well as the physical oversight of students for longer periods of time.

The PED will have to reschedule reporting dates, testing dates and the ordering of testing materials. The department may also be required to add additional staff in order to maintain necessary oversight of existing programs and provide adequate response or guidance to schools across the state.

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

SB145 and HB555 conflict. SB145 attempts to repeal Laws 2009, Chapter 276 (HB 691) (the 180 day requirement) and return to total number of hours. HB555 attempts to delay implementation of Laws 2009, Chapter 276 (HB 691) for one more year.

### **OTHER SUBSTANTIVE 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.

The LFC has concerns with repealing the 2009 changes to the School Calendar Act, and decreasing the total number of full instructional days. 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.

RSG/svb