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FISCAL IMPACT REPORT

SPONSOR	Kernan	ORIGINAL DATE	01/30/11	LAST UPDATED	03/31/11	HB
SHORT TITLE	Clarify School Year and Day Length	SB	145/aSEC/aHEC			
		ANALYST	Hoffmann			

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
Total		NFI	NFI			

(Parenthesis () Indicate Expenditure Decreases)

Senate Bill 145 is committee sponsored legislation for the Legislative Education Study Committee.

SOURCES OF INFORMATION

LFC Files

Responses Received From

Public Education Department (PED)

Department of Finance and Administration (DFA)

SUMMARY

Synopsis of the HEC Amendment

The House Education Committee Amendment Senate Bill 145 would restore language in the original statute (Section 22-2-8.1 NMSA 1978) allowing up to twenty-two hours of programs in grades one through six for home visits by teachers for parent-teacher conferences.

Synopsis of the Senate Education Committee Amendment

The Senate Education Committee Amendment to Senate Bill 145 would restore language in the

original statute (Section 22-2-8.1 NMSA 1978) allowing up to twelve hours of grades seven through twelve programs to be used to consult with parents to develop next step plans for students and parent-teacher conferences.

Synopsis of Original Bill

Senate Bill 145 repeals changes made to the School Calendar Act during the 2009 Legislative Session mandating a minimum of 180 school days, and restores language in the School Calendar Act defining the number of hours required each year. The bill reinstates the following requirements: 440 hours per year for half day kindergarten, 990 hours per year for full day kindergarten and grades one through six, and 1080 hours per year for grades seven through twelve. The bill prohibits home visit hours counting as educational time for fifth graders and consultation time with parents to develop next step plans to count as educational time for seventh through twelfth graders.

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 691aaa) 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.

Repealing the 2009 changes to the School Calendar Act may run contrary to the goal of increasing the amount of quality time students spend in the classroom. 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.

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.

TECHNICAL ISSUES

It is a common practice for districts to count passing periods as instructional time for the purpose of meeting the total number of daily and annual hours. This is not addressed in the bill.

ALTERNATIVES

Delay implementation of the mandatory 180 days until the 2012-2013 school year and continue to study school-day and school-year length issues.

RSG/bym:mew