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## FISCAL IMPACT REPORT

ORIGINAL DATE 3/5/15

SPONSOR Candelaria LAST UPDATED \_\_\_\_\_ HB \_\_\_\_\_

SHORT TITLE Use Of Leave & Teacher Evaluations SB 558

ANALYST Chavez

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

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		NFI				

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to SB 378, SB 562

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Attorney General’s Office (AGO)  
Public Education Department (PED)

### SUMMARY

#### Synopsis of Bill

Senate Bill 558 amends the School Personnel Act to state that the taking of leave pursuant to the federal Family and Medical Leave Act (FMLA) cannot affect a teacher’s performance evaluation.

### FISCAL IMPLICATIONS

This bill does not contain an appropriation and has no fiscal impact to the state. Because the bill reflects PED’s current policy regarding FMLA leave, there should be no impact to the department or districts.

### SIGNIFICANT ISSUES

PED analysis states this bill aligns with the current expectations and practice. PED provides the following information to districts to calculate teacher attendance under the highly objective uniform statewide standard of evaluation for teachers: “Teacher attendance scores are based on a simple calculation of total points available (20 points) less the number of days absent...Leave that is excluded from the attendance calculation includes leave under the Family and Medical

Leave Act (FMLA), bereavement, jury duty, military leave, religious leave, professional development, and coaching.” (From the NMTEACH website).

In addition, PED states this language is already in statute; however, LFC staff has reviewed state statute and could not find any such language in state law. LFC staff has requested clarification from PED but to date has not received a response. However, it is possible that federal employment laws forbid an employer from using FMLA as a negative factor in performance evaluations, promotions, termination or layoffs. This bill would ensure teachers’ evaluations are not affected under state statute.

**RELATIONSHIP**

SB 378 and SB 562 both amend the same section of the School Personnel Act as SB 558. There do not appear to be any conflicts.

KC/bb