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FISCAL IMPACT REPORT

SPONSOR Harper ORIGINAL DATE 1/19/19
 LAST UPDATED 1/22/19 HB 227

SHORT TITLE Use of Teacher Attendance for Evaluations SB _____

ANALYST Liu/Rabin

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY18	FY19	FY20	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total			\$0.0 - \$5,852.0	\$0.0 - \$5,852.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to HB212, SB247

SOURCES OF INFORMATION

LFC Files
 Legislative Education Study Committee (LESC) Files

Responses Received From

Educational Retirement Board (ERB)
 Public Education Department (PED)
 Public Schools Insurance Authority (PSIA)
 Regional Education Cooperatives (REC)

SUMMARY

Synopsis of Bill

House Bill 227 prohibits a teacher's use of up to 10 days of sick leave and any amount of personal leave from affecting that their annual performance evaluation; however, a teacher who is determined by a school district or charter school to be using sick leave days in a manner inconsistent with the aforementioned policies or regulations may receive the lowest score for teacher attendance on the annual performance evaluation.

FISCAL IMPLICATIONS

This bill does not contain an appropriation. Any additional operating budget impacts will be dependent on local school board policies, charter school governing council policies, administrative regulations, or applicable collective bargaining agreements. A prior analysis by PED noted the percentage of habitually absent teachers decreased from 47 percent in 2012 to 12 percent in 2016; however, data from the department suggests that teacher absenteeism increased between 2016 and 2018.

A prior PED analysis estimated the costs to employ substitute teachers was \$66.50 per day, based on a rate of \$9.50 per hour for seven hours a day. Provisions of the bill would allow teachers to take an additional four days of leave without impacting the evaluation rating. Assuming about 22 thousand of the state’s teachers missed four additional school days at a rate of \$66.50, the additional operating budget impact to public school budgets to hire substitute teachers could be up to \$5.9 million. Given variations in substitute teacher costs, teacher absences, and school policies on leave, the exact fiscal impacts are indeterminate.

SIGNIFICANT ISSUES

Under the current teacher evaluation system, teacher attendance is worth 5 percent of the overall summative score. According to PED, the current system allows teachers to miss up to six days without impacting their evaluation rating, and teachers can miss the 10 days provided for in this bill and still achieve a rating of effective, highly effective, or exemplary.

PED notes that this bill may remove the uniformity of the evaluation system throughout the state because teacher leave policy is determined at the local level. According to recent teacher evaluation data, average teacher attendance ratings have worsened between 2016 and 2018, as illustrated by the following charts:

Statewide Teacher Attendance Ratings

	Ineffective	Minimally Effective	Effective	Highly Effective	Exemplary
2016	3%	3%	14%	17%	63%
2017	5%	5%	24%	1%	64%
2018	6%	5%	25%	0%	64%

Note: Teacher evaluation data contained 3,830 records with blank attendance ratings for 2016; these records are excluded from this analysis (which includes 17,306 non-null ratings from 2016).

Source: PED

NMTeach, the current teacher evaluation system, includes teacher attendance scores, which are based on a simple calculation of total points available (10 points) less the number of days absent. If total absences reported is less than or equal to six, then the teacher receives 100 percent of attendance points; if total absences reported is greater than six, then the standard formula applies. Teachers can receive up to 10 points in the Teacher Attendance category.

Number of Days Absent	Attendance Points Received	Number of Days Absent	Attendance Points Received
0 – 6	10.00	13	3.50
6.5	6.75	14	3.00
7	6.50	15	2.50
8	6.00	16	2.00
9	5.50	17	1.50
10	5.00	18	1.00
11	4.50	19	0.50
12	4.00	20+	0.00

A district can submit its own cut scores, but they cannot be more lenient than the state default scores. 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.

According to the U.S. Office of Civil Rights data for the 2015-2016 school year, 25 percent of New Mexico teachers were absent for more than 10 school days during the school year. Overall, the state had the eleventh lowest teacher absenteeism rate in the nation at 25 percent, about 3 percent below the national average. This represents an increase from 21 percent of teachers missing more than 10 days during the 2013-2014 school year.

RELATIONSHIP

This bill relates to House Bill 212, which establishes a new evaluation system for teachers and principals. Under the system proposed by HB 212, teacher evaluations will be based on instructional quality (50 percent of the evaluation rating), student feedback (15 percent), student learning growth (15 percent), and professional responsibility and development (20 percent). While HB 212 does not include teacher attendance in this formula, it does not define “professional responsibility and development,” which could be interpreted to include teacher attendance.

The bill relates to Senate Bill 247, which establishes a new evaluation system for teachers. Like HB 212, SB 247 bases teacher evaluations on instructional quality (which it mandates count for at least 50 percent of the performance rating), student feedback, student learning growth, and professional responsibility and development (for which the bill does not specify percentages). Unlike HB 212, SB 247 defines “professional responsibility and development” as:

“an evaluator’s assessment of the extent to which a professional development plan has been carried out effectively and the extent to which the teacher participates in a professional community and in professional development activities, based on evidence submitted by the teacher and evaluator.”

While improved attendance could be considered a part of a professional development plan (defined by SB 247 as “an individualized plan intended to improve teaching that is unique to the goals and growth areas identified by a teacher and an evaluator”), the current method by which attendance scores are calculated does not seem to align with the evaluation methodology established by SB 247.

OTHER SUBSTANTIVE ISSUES

On January 3, 2019, executive order 2019-002 directed PED to transition away from use of the PARCC test in the teacher evaluation system. The order further directs the department to work with stakeholders to determine more appropriate methods of measuring teacher efficacy and performance.

A 2000 Journal of Epidemiology and Community Health empirical investigation on sickness presenteeism, or working while sick, found the highest rate of presenteeism in sectors relating to care, welfare, and education. The report noted groups in these sectors faced high risk ratios of having to re-do work remaining after a period of absence through sickness. Additionally, the study found a link between difficulties in replacement or finding substitutes with sickness presenteeism.

A 2010 working paper from the National Bureau of Economic Research (NBER) found reductions in productivity, or student academic achievement, associated with teacher absences were statistically and economically significant. NBER estimated the daily productivity loss when a substitute was used for a single day was greater than replacing an average teacher with one at the 1st percentile in math or 3rd percentile in English. In other words, “extremely little production

appears to take place when a teacher [was] absent for a single day, despite the presence of a paid temporary substitute.” Average daily productivity loss from replacing teachers with long-term substitutes was less severe, however, equivalent to “replacing a teacher of average productivity with one at the 19th percentile in math and the 20th percentile in English.” The analysis also found productivity losses were significantly greater for absences on the day(s) students were tested. The paper indicated actions taken by teachers prior to and during exams could have outsized effects on measured student achievement.

According to a 2004 report by the District Management Council, “teachers average approximately two weeks out of the classroom per year due to sick days, personal days, and other excused absences.” The heavily cited Steers and Rhodes’ 1978 absenteeism model, used in multiple studies of teacher absenteeism, suggests attendance is highly influenced by the practices of the organization, an absence of school culture, and employee attitudes, values, and goals. The most significant factor identified by Steers and Rhodes was job satisfaction.

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