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FISCAL IMPACT REPORT

ORIGINAL DATE 02/19/09

SPONSOR Park LAST UPDATED _____ HB 442

SHORT TITLE Increase Instructional School Year SB _____

ANALYST Varela

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
	None		

(Parenthesis () Indicate Expenditure Decreases)

Relates to Appropriation in the General Appropriation Act

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY09	FY10	FY11	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		\$425,000.0	\$425,000.0	\$850,000.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Finance and Administration (DFA)

Department of Public Education (PED)

SUMMARY

Synopsis of Bill

House Bill 442 amends Section 22-2-8.1 NMSA 1978 School Year -Length of School Day--Minimum

Section 1, Subsection A, provides that a school year shall consist of at least 210 full instructional days for a regular school year or 168 full instructional days for a variable school year calendar. Both requirements are exclusive of any release time for in-service training. Except as provided in Subsection B, days or parts of days lost to weather, in-service training or other events that are not school-directed programs must be made up.

Subsection B amends Section 22-2-8.1 to require that regular students shall be in school-directed programs, exclusive of lunch, for the following minimum hours:

- half-day kindergarten programs: 2½ hours per day
- full-day kindergarten programs: 5½ hours per day
- grades 1 – 6: 5½ hours per day
- grades 7 – 12: 6 hours per day

The bill appears to remove the alternative cumulative yearly hour requirements for each of the specified grade levels.

Subsection D creates a new provision that will allow local school boards to determine the length of a school year in excess of the minimum established by Subsection A above.

Subsection E creates a new provision that will allow the Secretary of Education to waive the minimum length of school days in districts where the minimums would create hardships as defined by the Public Education Department (PED) as long as the school year is adjusted to ensure that students in those school districts receive the same total minimum instructional time as other students in the state.

Section 2 amends Section 22-8-9 NMSA 1978 Budgets – Minimum Requirements

Subsection A removes the definition of a school year as being 180 days. It also removes the definition of a variable school year as consisting of a minimum number of instructional hours established by the state.

Additionally, Subsection A states the budget for a school district shall not be approved by the department if the district does not provide for a school day as defined in Section 1 Subsection B (see above).

The provisions of Sections 1 and 2 of this bill applies to the 2009-2010 and subsequent school years.

FISCAL IMPLICATIONS

House Bill 442 does not contain an appropriation.

The Office of Educational Accountability (OEA) reports that the fiscal implications of extending the school year by 30 instructional days would have a substantial financial impact. The proposed expansion of the school year is 16.7 percent increase in the number of instructional days, so the increase in cost of this proposal is approximately \$425 million per year, calculated at \$14 million per school day using the current FY 09 appropriation (program cost plus transportation).

SIGNIFICANT ISSUES

According to OEA, education reformers have long suggested that extending the time that students spend in school is one key strategy for raising student achievement. In 1894, the U.S. Commissioner of Education argued that it was a mistake not to keep urban schools open for the entire year. One hundred years later, in 1994, the National Education Commission on Time and

Learning, for example, published an influential report entitled "Prisoners of Time" that argued that American education was built on a foundation of sand by relying on a uniform six-hour day and a 180-day year.

The Education Sector report, "*On the Clock: Rethinking the Way Schools Use Time*" (Silva, 2007) states that:

“As schools across the country struggle to meet the demands of the federal No Child Left Behind Act and their state accountability systems, educators are searching for ways to raise student achievement. Increasing numbers of school and district leaders are turning to one of the most fundamental features of the public education system: the amount of time students spend in school.

The addition and improvement of the use of time was at the top of the list of recommendations in a report, *Getting Smarter, Becoming Fairer: A Progressive Education Agenda for a Stronger Nation*, issued in 2006 by a national task force on public education comprised of political, business and education leaders. States and school districts around the country are considering dozens of proposals for extending the school day and year ranging from lengthening the school day by several hours to extending the school year by days, weeks or months.”

The challenge of extending the time students spend in schools is being addressed in a number of ways in New Mexico. The 2008 Legislature passed and the Governor signed legislation that appropriated \$14 million to add one day to the school year. In addition, the 2008 Legislature passed and the Governor signed legislation that appropriated \$7.2 million for the Kindergarten–Three Plus (K-3 Plus) program that adds at least twenty-five instructional days to the school calendar and focuses on high-poverty and high-need schools and students.

HB 442 proposes to define a school year as consisting of at least 210 instructional days which will increase the length of the school year for all schools and all students. The Office of Education Accountability (OEA) estimates that the cost of a school day is approximately \$14.2 million dollars. Extending the school year from a minimum requirement of a least 180 full instructional days to a minimum of at least 210 full instructional days may cost \$425.0 million or more per year.

PED reports that data would need to be collected on the potential impact of 30 extra days of instruction on recruitment and retention of teachers and administrators. Teaching an additional month and a half would allow little time for teachers, administrators, and staff to address issues of physical and emotional stress accumulated during an extended school year. Reducing by half the amount of time teachers have out-of-school could increase the likelihood of teacher burnout. This bill would possibly compound issues of hiring and retention since the bill does not address non-instructional days for professional development. Therefore, the relationship between additional instructional days and professional development plans would need to be studied.

According to an article in *Educational Leadership* (February, 2009) written by Dr. Sonia Nieto, Professor Emerita of Language, Literacy, and Culture, “If we are to keep good teachers in the classroom, school administrators and policy makers, among others, need to find ways to create environments in which teachers can form strong collaborative relationships with their peers and in which they can continue to learn about themselves, their students, and their students’ communities.”

PED notes that extending the school year will place financial burdens on the school districts and general public of New Mexico. In addition to the financial costs of the extended school year, the economy of families, communities, businesses, and state revenues will be affected. Many students rely on summer employment to supplement family incomes or to prepare themselves for rising college tuitions. Rural communities rely on the labor of youth, out-of-school for the summer, to aid in agricultural activities of many sorts.

A West Ed report, *Improving Student Achievement by Extending School*, states:

“One relatively recent estimate, prepared for the National Education Commission on Time and Learning, predicted that increasing the school year nationally to 200 days would cost between \$34.4 and \$41.9 billion annually.”

According to PED, the principle reason for requiring a longer school year is based on the assumption that student achievement and standardized test scores will improve. This is not supported by research.

The West Ed report, *Improving Student Achievement by Extending School*, states:

“Research studies show no consistent relationship between the amount of time allocated for instruction and the amount of time students spend engaged in learning activities. In other words, the length of a particular school day or year says nothing about how much time is devoted to learning activities. This means that increasing the amount of allocated time would not produce a predictable increase in students' engaged time. In fact, increasing the length of the school day or year might not lead to any increase at all in the amount of time students are engaged in learning. Therefore, policies aimed at increasing the length of the school year could potentially have little impact on student learning.”

“Pointing to the small achievement gains that could be expected from adding even substantial amounts of time to the school calendar, many researchers have concluded that the cost could not be justified, and that other education reforms would likely provide more impact.”

In short, researchers have shown that simply increasing instructional time does not improve student achievement. Improving the quality of the instructional time, improved time-on-task, and increased student participation are shown to be more beneficial.

Additional research from WestEd, Policy Brief #23 titled “Class Size Reduction: Lessons Learned from Experience” states that smaller class size is only one of many factors impacting student achievement. Other major factors to consider are:

- an adequate supply of good teachers
- sufficient classroom space
- a representative student mix in each class
- teacher access to adequate materials and services.

ADMINISTRATIVE IMPLICATIONS

PED reports that each district's calendar for the school year is reviewed for compliance to Section 22-2-8.1 NMSA. Additional administrative time and guidance will be necessary to insure compliance with this bill if passed. The removal of the alternative cumulative yearly hourly requirements will permit less flexibility for districts to make up time missed or to conduct in-service training. To compensate for this loss, it is anticipated many additional waiver requests for instructional time and professional development will be processed by PED staff incurring additional administrative time.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

This bill relates to SB134.

TECHNICAL ISSUES

PED states that the title of this bill indicates that it intends to clarify the school day. However, the existing statute already defines the minimum number of hours required at each grade level. This bill does not add to the definition of a school day.

PED also states that Section 1, Subsection D, of this bill allows local school boards to establish the length of the school year in excess of the minimum of 210 full instructional days. This action may allow each district to create school calendars that vary greatly in length without any oversight by PED related to length of year. This may create difficulty for students attempting to transfer between school districts during the year. Currently, curriculum is equally paced throughout the school year so that students transferring from one district to another can continue studies relatively uninterrupted. With the change proposed by this bill, transferring students may have difficulty keeping pace with studies at their new school and could potentially lose credits if they fail tests or other required standards due to time lost in the classroom.

If districts are permitted to create school calendars of varied length, scheduled events could be impacted. School athletic or academic competitions may be difficult to coordinate with other districts that operate on different calendars. Students enrolled in advanced placement (AP) courses will be at a significant disadvantage because AP exams are administered in May of each year. If those students are on a varied and extended calendar, teachers may not be able to cover all subject materials necessary to do well on the exams. Allowing PED oversight of the district calendars is important for coordination of standardized testing on a statewide basis. Coordination of testing coupled with collection and reporting of that data is a valuable tool for guiding education in the state.

OTHER SUBSTANTIVE ISSUES

The legislature has increased above the line appropriations to public education by more than three-quarters of a million dollars since 2003 including significant increases in employee's salaries without any additional instructional days or increased requirements for training. It appears that a limited number of additional days could be included without increases in compensation. This would reduce the need for additional dollars to implement the provisions of this bill.

POSSIBLE QUESTIONS

OEA suggests the following questions:

1. What would happen during the extra 30 days of instruction?
2. How does this initiative fit with the other education reforms currently taking place in New Mexico?
3. How would parents respond to the change?

PV/svb