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FISCAL IMPACT REPORT

SPONSOR Harper/Roch/Garcia
Richard/Brandt/ ORIGINAL DATE 1/30/17
Trujillo, CH LAST UPDATED 2/15/17 HB 241/aHEC
 SHORT TITLE Use of Attendance in Teacher Evaluations SB _____
 ANALYST Liu

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		See Fiscal Implications				

(Parenthesis () Indicate Expenditure Decreases)

Relates to HB125, HB158, HB248, HB350, SB34

SOURCES OF INFORMATION

LFC Files
 Legislative Education Study Committee (LESC) Files

Responses Received From
 Public Education Department (PED)

SUMMARY

Synopsis of HEC Amendment

The House Education Committee amendment to House Bill 241 strikes the following provision:

“Unless precluded from consideration by a local school board policy, charter school governing council policy, administrative regulation or an applicable collective bargaining agreement, teacher attendance may be considered as part of a teacher's annual performance evaluation; provided, however, that a teacher's use of up to ten days of sick leave shall not affect a teacher's attendance record. The consideration of teacher attendance as part of a teacher's annual performance evaluation shall not include personal leave days. A teacher who uses sick leave for more than three consecutive days, with or without pay, shall submit documentation from a medical provider confirming the reason for the teacher's absence.”

And replaces it with the following:

“A teacher's use of personal leave and up to ten days of sick leave shall not affect that teacher's annual performance evaluation; provided that the leave is used consistently with the policy of the local school board or the governing body of the charter school that employs that teacher.”

Synopsis of Original Bill

House Bill 241 allows teacher attendance to be considered as part of a teacher's evaluation unless it is precluded from consideration by a local school board policy, charter school governing council policy, administrative regulation, or applicable collective bargaining agreement. Teachers may use up to 10 days of sick leave and any amount of personal leave without affecting their attendance record. However, teachers must submit documentation from a medical provider confirming reasons for the use of sick leave, if taken for more than three consecutive days. Additionally, 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

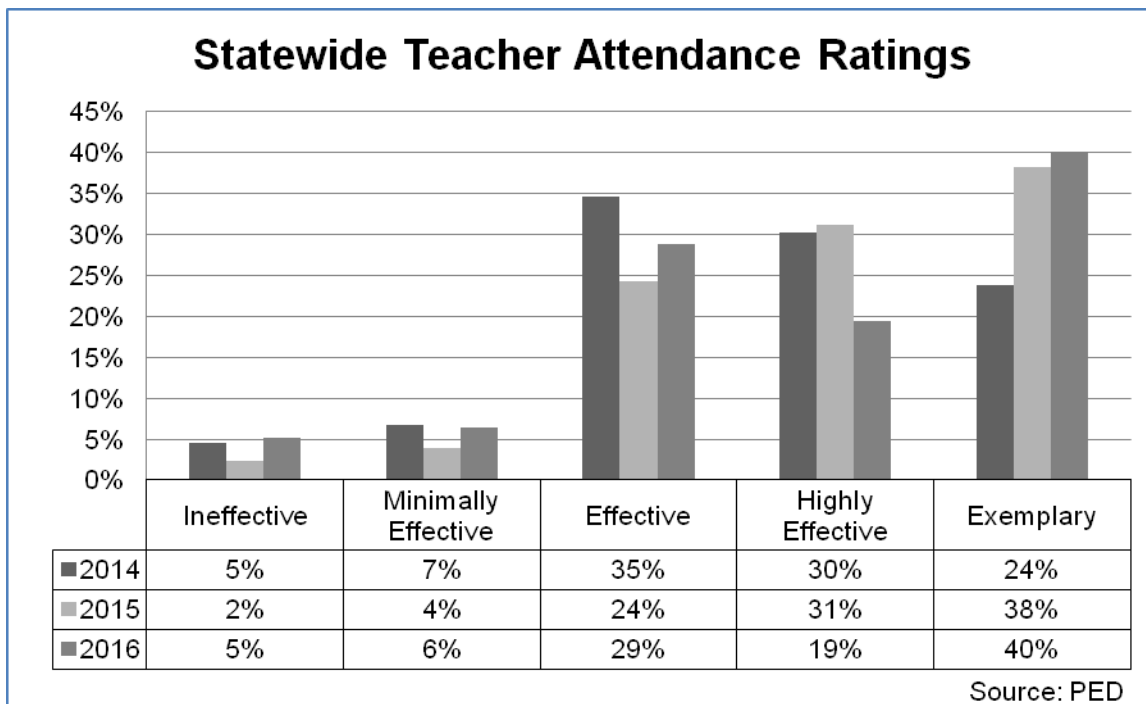
This bill does not contain an appropriation. Any additional operating budget impacts will be dependent on local school board policies, charter school governing council policies, administrative regulations, or applicable collective bargaining agreements. PED notes the percentage of habitually absent teachers decreased from 47 percent in 2012 to 12 percent in 2016, reducing the need for substitute teachers and saving school districts \$3.6 million. The time teachers spent in the classroom also increased by approximately 400 thousand hours.

PED estimates the costs to employ substitute teachers is \$66.50 per day, based on a rate of \$9.50 per hour for seven hours a day. During the 2015-2016 school year, 2,328 teachers missed 10 or more days. The cost to schools of employing substitute teachers for 23,280 days would thus be over \$1.5 million, or 163 thousand instructional hours. Given the normal rate of teacher absences and variation in local policies governing teacher attendance and leave, the estimated additional fiscal impact of this bill cannot be determined at this time.

SIGNIFICANT ISSUES

On November 4, 2016, PED released a memo updating the teacher evaluation system for the 2016-2017 school year, noting teacher attendance and surveys would now be required on all evaluations and each would be worth 5 percent of the overall summative score. The memo indicated teachers could use a total of 10 personal days throughout the school year and still earn an overall 'exemplary' summative rating and an 'effective' rating in the teacher attendance measure. LESC notes a teacher who missed 10 days would need to get nearly perfect scores on the other parts of the evaluation to be rated exemplary.

According to PED's presentation at LESC's November 2016 meeting, statewide teacher attendance ratings have improved. The following chart illustrates the shift in evaluation ratings for teacher attendance between 2014 and 2016:



According to PED’s website, NMTEACH’s teacher attendance scores are based on a simple calculation of total points available (20 points) less the number of days absent. If total absences reported is less than or equal to 3, then the teacher receives 100 percent of attendance points; if total absences reported is greater than 3, then the standard formula applies. Teachers can receive up to 20 points in the Teacher Attendance category.

- 18-20 Exemplary
- 15-17 Highly Effective
- 10-14 Effective
- 7-9 Minimally Effective
- ≥ 6 Ineffective

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 2013-2014 school year, New Mexico had 4,790 FTE teachers who were absent for more than 10 school days during the school year. Overall, the state had the eighth lowest teacher absenteeism rate in the nation at 21 percent, about 6.4 percentage points below the national average.

RELATIONSHIP

This bill relates to HB125, which establishes a council to develop and recommend a new educator evaluation system; HB158, which establishes a teacher evaluation pilot project; HB248, which requires uniform statewide standards for teacher evaluations; HB350, which codifies an adjusted version of the current teacher and principal evaluation system; and SB34, which establishes a temporary educator evaluation system and a council to develop and recommend a new evaluation system.

OTHER SUBSTANTIVE ISSUES

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.

SL/jle