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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
53rd Legislature, 2nd Session, 2018

Bill Number	<u>SB157/aSFC</u>	Sponsor	<u>Morales/Roch</u>
Tracking Number	<u>.209436.1</u>	Committee Referrals	<u>SEC/SFC; HEC/HAFC</u>
Short Title	<u>Phased-In Teacher Cost Index</u>		
Analyst	<u>Simon</u>	Original Date	<u>1/29/18</u>
		Last Updated	<u>2/8/18</u>

BILL SUMMARY

Synopsis of SFC Amendment

The Senate Finance Committee amendment to Senate Bill 157 (SB157/aSFC) strikes the appropriation from the bill. The House Appropriations and Finance Committee Substitute for House Bills 2 and 3 includes \$22.5 million for the state equalization guarantee distribution (SEG) to cover the estimated cost of an additional 5,560 at-risk program units in FY19.

Synopsis of Original Bill

Senate Bill 157 amends the Public School Finance Act to replace the current instructional staff training and experience (T&E) index with a teacher cost index (TCI) that aligns with the three-tiered licensure system and to increase the at-risk index multiplier. Changes to the T&E index are phased in over four years beginning in FY20 and changes to the at-risk index are phased in over three years beginning in FY19.

FISCAL IMPACT

SB157/aSEC makes several changes to the public school funding formula that result in a net reduction of an estimated 6,527 program units school districts and charter schools generate through the funding formula between FY19 and FY23; a decrease in the number of program units will increase the unit value and redistribute program cost – the amount of funding the state assumes all school districts and charter schools need to operate – to school districts and charter schools statewide.

Attachment 1 shows the impact of the bill on school districts and charter schools, based on the total number of program units generated by school districts and charter schools in FY18. This analysis assumes program cost for FY19 based on the amount assumed for FY19 program cost in the House Appropriations and Finance Committee Substitute for House Bills 2 and 3. Estimated program cost in FY20 through FY23 is based on an assumed increase of 1.25 percent per year, a conservative estimate. The current general fund consensus revenue forecast estimates recurring

general fund revenue increases of 3.1 percent in FY20 and 3.5 percent in FY21. Typically, when recurring general fund revenue is increasing, program cost will increase in excess of 1 percent.

The bill contains a hold harmless provision. There is no hold harmless cost in FY19 because of the inclusion of \$22.5 million to cover the cost of additional program units in FY19. The hold harmless is estimated at \$2 million in FY20, based on the assumed program cost increase of 1.25 percent. If this increase were not reflected in FY20 appropriation the hold harmless could increase to as much as \$8.4 million. Any increase to program cost above 1.25 percent would reduce the amount of hold harmless needed.

SUBSTANTIVE ISSUES

SB157/aSFC makes multiple changes to the public school funding formula and is the result of years of study and evaluation of the formula by LESC and LFC. The changes proposed by the bill come from the recommendations of a 2011 joint LESC/LFC evaluation of the funding formula; studies of the funding formula by the American Institutes of Research and the Maddox Foundation; the results of multiple LFC program evaluations; and presentations and discussions before both committees over the last several interims.

T&E Index and Teacher Cost Index. The bill would create the teacher cost index, which would replace the current T&E index over a four year period. Both the T&E index and teacher cost index are staffing costs multipliers; the index is multiplied by a block of units to provide school districts and charter schools additional units based on student enrollment.

Current law provides for minimum teacher salaries based on a teacher's level of licensure but does not compensate school districts and charter schools for licensure advancement. However, the funding formula includes the T&E index, which only increases funding based on teachers' highest academic degree and years of experience, but not licensure level. To better account for the increased costs as teachers advance from one licensure level to the next, TCI is based on teachers' years of experience and licensure level.

Estimates of TCI are based on teachers' years of experience and licensure level in FY15, the most recent data available to legislative staff. Legislative staff have requested more current data on teacher salaries, but do not expect current data to significantly impact TCI values established in the bill.

SB157/aSFC requires the Public Education Department (PED), LFC, and LESC to report annually on how well TCI reflects the additional costs from tier migration incurred by school districts and charter schools.

Calculating TCI Units. For FY20 and subsequent fiscal years, the bill changes the block of units that is multiplied by TCI to compensate school districts and charter schools for higher staffing costs. Currently, the T&E index is multiplied by early childhood education units, basic education program units, special education program units, bilingual multicultural education units, fine arts education units, and elementary physical education program units. The bill would multiply the staffing cost multiplier by only early childhood units and basic education program units. This will lead to a reduction in the overall number of program units and decrease the weight of T&E within the funding formula. Under the current formula, school districts and charter schools can see a significant decrease in formula funding if a more experienced teacher with a higher academic degree leaves the school district or retires. The statewide average T&E

index has fallen dramatically in recent years, and a sudden decrease in the T&E index can pose serious financial challenges for school districts and charter schools.

At-Risk Index. SB157/aSFC would increase the at-risk index multiplier over three years, from the current multiplier of 0.106 to 0.150. Increasing the multiplier increases the number of program units generated by school districts and charter schools, based on at-risk characteristics of the student population residing within the local school district. Those characteristics are Title I eligibility (poverty), English learner status, and student mobility. All school districts and charter schools receive some at-risk funding, although areas with more concentrated need generate more at-risk units.

Compared with other states, New Mexico currently directs a relatively small amount of formula funding to at-risk students. For FY18, about 3.9 percent of formula funding is based on a school district's at-risk population. Results from the Partnership for Assessment of Readiness for College and Careers (PARCC) and other standards-based assessments indicate students living in poverty and English learners continue to perform below other students. Directing additional formula funding to at-risk student is intended to help to close the achievement gap.

Charter School Budgets. The bill makes a technical fix caused unintentionally caused by a 2014 LESC-endorsed bill. Laws 2015, Chapter 108 (SB 148), unintentionally removed a provision that required charter schools to retain their own T&E index when changing authorizers. SB157/aSFC requires an existing charter school that changes its authorizer to continue with its own staffing cost multiplier instead of using to the staffing cost multiplier of the school district in which the charter school is geographically located. Changing authorizers has no connection to the amount of training or experience in a charter school's teaching staff and PED would be able to calculate the staffing cost multiplier for charter schools that change authorizers using the charter school's own data. Charter schools in the first year of operation would continue to use the staffing cost multiplier of the school district in which the charter school is geographically located because there is no prior year data that PED could use to calculate a staffing cost multiplier.

The bill would also put into statute the requirement that charter schools in their first year of operation adjust their budgets based on actual student enrollment on the first reporting date of the school year. Currently, charter schools adjust their budgets pursuant to language in the General Appropriation Act, but the Legislature must reauthorize this language every year. Placing this requirement in statute provides consistency for newly opened charter schools.

Phase-In Schedule. Elements of the bill are scheduled to take effect on different dates. While the bill is effective July 1, 2018, only provisions related to charter school budgets and the at-risk index take effect immediately.

At-Risk Phase-In. The bill phases in increases to the at-risk multiplier as follows:

- For FY19, the at-risk multiplier increases from the current 0.106 to 0.13, which is projected to increase the number of at-risk program units by about 5,560;
- For FY20, the at-risk multiplier is increased to 0.14, a projected increase of about 2,300 units; and,
- For FY21, the at-risk multiplier is increased to 0.15, a projected increase of about 2,300 units.

TCI Phase-In. SB157/aSFC phases in the replacement of the T&E index with TCI over four years beginning in FY20 to smooth the effects of the changes. The bill requires the calculation of a “staffing cost multiplier” that accounts for the T&E index and TCI in different proportions. The phase-in schedule is as follows:

- For FY19, the staffing cost multiplier is based on the calculated T&E index;
- For FY20, the staffing cost multiplier is a weighted average of 75 percent of the T&E index and 25 percent TCI;
- For FY21, the staffing cost multiplier is a weighted average of 50 percent of the T&E index and 50 percent TCI;
- For FY22, the staffing cost multiplier is a weighted average of 25 percent of the T&E index and 75 percent TCI; and
- For FY23 and subsequent fiscal years, the staffing cost multiplier is based 100 percent on the calculated TCI.

Hold Harmless Provision. The bill contains a provision that holds school districts and charter schools harmless to changes from the bill in FY20 through FY22. In FY20, school districts and charter schools are held harmless for 100 percent of FY19 program cost. In FY21, school districts and charter schools are held to 75 percent of FY20 program cost and in FY22 school districts and charter schools are held harmless to 50 percent of FY21 program cost.

The bill repeals Section 22-8-46 NMSA 1978 which established the 2005-2007 funding formula task force. Under the statute, the task force was authorized until December 15, 2007.

ADMINISTRATIVE ISSUES

PED officials have indicated to legislative staff that the department does not support funding formula changes that are effective in the fiscal year following the legislative session in which the law is enacted. For this reason, the bill delays the implementation of the teacher cost index until FY20, providing PED with a year to plan for changes to the staffing cost multiplier.

The bill does, however, increase the multiplier for the at-risk index from 0.106 to 0.13 in FY19. PED would be required to change the multiplier in their funding formula calculations prior to notifying school districts and charter schools of the projected number of program units they would generate in FY19. The at-risk index is based on a three-year average of Title I eligibility, English learner status, and student mobility. PED would not need to adjust the calculation of these components, only the multiplier used to set a school district’s at-risk index. PED must already revise each school district’s at-risk index on a yearly basis. Changing the at-risk multiplier for the upcoming fiscal year would pose only a minimal administrative burden on PED and should be manageable.

OTHER SIGNIFICANT ISSUES

Sufficiency Lawsuits. The state remains involved in two lawsuits challenging the equity and sufficiency of the public school funding formula. Generally, the lawsuits allege adjustments to the funding formula are needed and single out the current T&E index and at-risk component. Plaintiffs argue schools with more affluent students receive more funding under the current T&E index and that New Mexico directs less funding to at-risk student than in other states. A decision on these cases is expected this spring. The changes in the bill address these issues and may prevent a judicial decision on these issue.

RELATED BILLS

SB157/aSFC is a duplicate of House Bill 188/aHAFC, Phased-In Teacher Cost Index.

SOURCES OF INFORMATION

- LESC Files
- Legislative Finance Committee

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