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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
54th Legislature, 1st Session, 2019

Bill Number	<u>SB554/aSEC</u>	Sponsor	<u>Cervantes</u>
Tracking Number	<u>.212849.2</u>	Committee Referrals	<u>SEC/SFC</u>
Short Title	<u>Increase School Instructional Hours and Days</u>		
Analyst	<u>Simon</u>	Original Date	<u>2/19/19</u>
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BILL SUMMARY

Synopsis of SEC Amendment

The Senate Education Committee Amendment to Senate Bill 554 (SB554/aSEC) made technical corrections to correct an issue where instructional hours for sixth grade would have been increased and to provide that the standard contract for a teacher would be 10.5 months, rather than 9.5 months.

Synopsis of Bill

Senate Bill 554 (SB554) would increase the minimum number of instructional hours at each grade level, require school districts to provide a minimum of 200 instructional days, require school districts to provide non-instructional time for professional development, and increase minimum salaries for teachers, level 3-A counselors, principals and assistant principals. SB554 would become effective the first full school year after the adoption of an amendment to the New Mexico Constitution to increase annual distributions from the permanent school fund, which has been introduced as Senate Joint Resolution 18 (SJR18).

FISCAL IMPACT

SB554/aSEC does not contain an appropriation but would be contingent on the enactment of an amendment to the New Mexico Constitution that provides for a one-percentage point increase in annual distributions from the permanent school fund. The constitutional amendment has been introduced as SJR18. Legislative Finance Committee (LFC) analysis for House Joint Resolution 1, which would also increase land grant permanent fund distributions by one percentage point, indicates that a one percentage point increase in annual distributions from the permanent school fund would provide an additional \$147.7 million in FY22 and \$155.6 million in FY23, assuming the constitutional amendment is approved at the November 2020 general election.

SB554/aSEC would require school districts statewide to increase the number of instructional days to 200 days, unless the school district is exceeding educational standards set by PED. A 2018 program evaluation from the LFC found the operational costs to increase funding to 190

instructional days was \$102 million. According to the LFC evaluation, school districts and charter schools have enough operational funding to provide 180 days of instruction and the \$102 million estimate would cover the costs of 10 additional instructional days. Using the \$102 million estimate, the cost to provide an additional 20 instructional days would be \$204 million, with much of the costs related to providing staff salaries and benefits. According to information from the Public Education Department (PED), 73 percent of operational salaries are for teachers, counselors, and administrators.

SB554/aSEC anticipates the need to increase staff compensation due to additional workdays by requiring higher minimum salaries for teachers, level 3-A counselors, principals, and assistant principals. For the current minimum salaries and the proposed minimum salaries at each licensure level or job description see Table 1. Based on the consensus methodology reached by PED, the Department of Finance and Administration, LFC, and LESC, staff estimate the cost of increasing minimum salaries for teachers, level 3-A counselors, principals, and assistant principals at \$225.8 million, including the

Table 1: Proposed Minimum Salaries in SB554

Job Description	Current Minimum Salary	SB554 Minimum
Level 1 teacher	\$36,000	\$45,000
Level 2 teacher	\$44,000	\$55,000
Level 3-A teacher or counselor	\$54,000	\$65,000
Elementary assistant principal	\$55,000	\$71,500
Elementary principal	\$60,000	\$78,000
Middle school assistant principal	\$57,500	\$74,750
Middle school principal	\$70,000	\$91,000
High school assistant principal	\$62,500	\$81,250
High school principal	\$80,000	\$104,000

Source: LESC

cost of employee benefits. However, some of the cost of this increase could be offset by salary increases that might happen before SB554/aSEC would go into effect. The House Appropriations and Finance Committee Substitute for House Bill 2 (HB2/HAFCS) includes sufficient funds to increase minimum salaries to \$41 thousand for level 1 teachers, \$50 thousand for level 2 teachers, and \$60 thousand for level 3-A teachers and counselors, as well as a 6 percent salary increase for all school employees in FY20. Staff estimate the cost of the minimum salary increases included in SB554 to be \$107.8 million, after accounting for changes included in HB2/HAFCS.

Application to the New Mexico School for the Blind and Visually Impaired or the New Mexico School for the Deaf. According to PED, the department’s administrative rules require the New Mexico School for the Blind and Visually Impaired (NMSBVI) and the New Mexico School for the Deaf (NMSD) to meet the same number of instructional hours as public schools. Additionally, both schools are required to employ teachers certified by PED. Although both of these special schools receive distributions from the land grant permanent fund, the companion joint resolution would only increase distributions from the permanent school fund, which does not include distributions for these schools. These schools have seen increases in permanent fund distributions in recent years. According to LFC, in FY17, permanent fund distributions for each of these schools were \$12 million, while in FY18 distributions totaled \$12.7 million. Estimates for FY19 are \$13.8 million for the NMSD and \$13.7 million for the NMSBVI. Estimates for FY20 are \$14.8 million and \$14.7 million, respectively. The NMSBVI estimates additional costs from SB554/aSEC at \$2.1 million per year, or slightly less than the estimated increase in permanent fund distributions from FY18 to FY20.

SUBSTANTIVE ISSUES

Instructional and Non-Instructional Time Requirement. SB554/aSEC would increase the minimum number of instructional hours for school districts, 110 additional hours for elementary schools and 120 additional hours for junior high and high schools. In addition, SB554/aSEC would

require that school districts not include recess or weather-related school delays in instructional time and would place in statute the requirement that teacher professional development and in-service training cannot be counted as instructional time. Currently, weather delays exceeding two hours and in-service training are not counted as instructional time due to provisions of the New Mexico Administrative Code but recess and weather delays of less than two hours may be counted.

Table 2: Minimum Instructional Hours

Grade Level	Current Law	SB554
Half Day Kindergarten	450	500
Full-Day Kindergarten	990	1100
First through Sixth Grade	990	1100
Seventh through Twelfth Grade	1080	1200

Source: LESC

Research has shown additional learning time to be an effective intervention for low-income students who enter school behind their more affluent peers. According to national research, low-income students receive 6,000 fewer learning hours by sixth grade than those who have access to high-quality learning opportunities outside of school. In New Mexico, extended learning time interventions such as the K-3 Plus program have been shown to close the achievement gap. Despite this, LFC reports that school districts had an average of 3.5 fewer instructional days in FY18 than in FY09.

SB554/aSEC would only allow the secretary of public education to waive the minimum length of the instructional day if the school district is exceeding the educational standards set by the department. Under current law, the secretary may waive the requirement if it creates an “undue hardship” and if the students receive the same total number of instructional hours.

The requirement that school districts offer at least 200 school days may require some school districts currently on a four-day school week to significantly increase the number of school days. Typically, these school districts offer longer school hours on fewer school days. The 38 school districts that currently offer a four-day school week have an average of 150 instructional days. SB554/aSEC would likely require these school districts to adopt a five-day school week. The Regional Educational Cooperatives Association notes many school districts on four-day school weeks have higher school grades and proficiency rates than schools on a five-day school week. However, proficiency rates in New Mexico remain below an acceptable level, as highlighted by the district court’s decision in the consolidated *Martinez* and *Yazzie* lawsuit, which found student performance “dismal.” According to FY18 data, 42.6 percent of students in four-day school districts were proficient in reading compared with 38.5 percent of students in five-day school weeks proficient in reading. Students in four-day school week schools trailed student in five-day school weeks in math, with 19 percent proficient and 21.2 percent proficient, respectively.

The NMSBVI notes extending the school year could interfere with summer programs offered by the school throughout the state. The school notes the changes could also disrupt student’s summer experiences and could negatively impact educator morale.

SB554/aSEC would also require that school districts offer eighty hours of non-instructional time for teacher planning and preparation, collaboration, and professional development. According to the National Conference of State Legislatures’ (NCSL) *No Time to Lose: How to Build a World-Class Education System State by State*, most high-performing countries allocate a greater share of teacher’s time to working with other teachers to develop their own teaching skills and developing the skills of new and struggling teachers. SB554/aSEC would allow mentoring and collaboration time to be included in the calculation of non-instructional days, which could allow additional time

for high-performing, experienced teachers to build the skills of their colleagues, potentially leading to less turnover among new teachers who are given insufficient support to develop stronger teaching skills. Current law does not require school districts or charter schools to offer additional non-instructional time, and the number of non-instructional days varies widely by school district and charter school. In FY19, school districts reported an average of seven non-instructional days, but some school districts reported as few as two non-instructional days. Charter schools reported more non-instructional days, with an average of 15 non-instructional days.

Minimum Teacher Salaries. Since FY04, state law has required public schools to pay teachers a minimum salary based on their licensure level and level 3-A counselors were included in the minimum salary requirements in FY16. Initially, minimum salaries were set at \$30 thousand for level 1 teachers, \$40 thousand for level 2 teachers, and \$50 thousand for level 3-A teachers. Subsequent legislation increased minimum salaries by \$6,000 for level 1 teachers and \$4,000 for level 2 and level 3-A teachers.

In NCSL’s *No Time to Lose* report, maintaining a competitive compensation system for educators is key to building a world-class education system. In the United States, teachers typically earn less than similarly educated professions, while in some high-performing countries, teacher pay is between 90 and 105 percent of the average for other college-educated workers.

According to the National Education Association, during the 2016-2017 school year, the average starting salary for New Mexico teachers was \$34,544; about \$4,000 less than the national average and the average salaries for New Mexico teachers was less than many of its neighboring states. The average teacher salary in Texas in FY17, for example, was \$52,575 compared with \$47,122 in New Mexico. New Mexico has also lagged the nation and many of its neighbors in the growth of average teacher salaries. From FY12 to FY17, average teacher salaries in New Mexico grew by 3.7 percent, while the average teacher salary nationally grew by 6.5 percent.

5-Year Change in the Average Teacher Salary, New Mexico and Surrounding States

State	2012	2017	5 Year Change	
Arizona	\$48,691	\$47,403	\$2,139	4.4%
Colorado	\$49,049	\$51,808	\$1,924	3.9%
Nevada	\$54,559	\$57,376	\$1,419	2.6%
New Mexico	\$45,622	\$47,122	\$1,669	3.7%
Oklahoma	\$44,391	\$45,292	\$919	2.1%
Texas	\$48,373	\$52,575	\$3,756	7.8%
Utah	\$48,159	\$47,244	\$1,701	3.5%
U.S. Average	\$55,389	\$59,660	\$3,595	6.5%

Source: NEA Rankings and Estimates

New Mexico school districts continue to struggle to recruit and retain qualified teachers. New Mexico State University’s “2018 Educator Vacancy Report” found there were 740 teacher vacancies in New Mexico school districts in October 2018. According to PED data, more than half of all new teachers are no longer employed by a New Mexico school district or charter school five years after they begin teaching. In addition, the educator vacancy report noted there was a 23 percent decrease in college students completing educator preparation programs between FY15 and FY18 and a 33 percent decrease between FY10 and FY18. While programs that encourage college students to enter the profession and incentivize young teachers to remain in the profession could help reverse these trends, competitive teacher salaries are a key tool for recruiting and retaining high-quality teachers.

RELATED BILLS

House Bill 5 (HB5) and Senate Bill 1 (SB1) would include optional programs in the public school funding formula that add instructional time to the regular school calendar, including the K-5 Plus

program, which would add 25 instructional days for participating elementary school students, and the extended learning time program, which would require most school districts to have 190 instructional days, 80 hours of non-instructional professional development time, and after school programs.

HB5 would also increase minimum salaries for teachers, level 3-A counselors, principals and assistant principals to a level higher than SB554/aSEC. SB1 would increase minimum salaries for these jobs to below the level provided in SB554/aSEC.

House Bill 171 would increase minimum salaries for teachers and level 3-A counselors to the levels included in SB554/aSEC for FY20.

Senate Bill 47, as amended, would increase minimum teacher salaries for FY20 to \$40 thousand for level 1 teachers, \$50 thousand for level 2 teachers, and \$60 thousand for level 3-A teachers. For FY21 minimum salaries would increase by \$2,500 at each level and for FY22 minimum salaries would increase by an additional \$2,500, when they would be at the same level as provided in SB554/aSEC.

SOURCES OF INFORMATION

- LESC Files
- Regional Education Cooperatives Association
- New Mexico School for the Blind and Visually Impaired (NMSBVI)

JWS/mc/mhg