

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: HB 171 proposes raising the statutory minimum salaries for teachers, raises licensing requirements for Level 1 teachers, and increases teacher contract time for professional development. The bill also makes a reverting \$400 million appropriation for FY20 to support the increase of teacher contract days and teacher salaries.

FISCAL IMPLICATIONS

Among its provisions, HB 171 proposes adjusting the current minimum teacher salaries for teachers in the School Personnel Act from \$36,000 for a Level 1 teacher, \$44,000 for a Level 2 teacher and \$54,000 for a Level 3A teacher to \$45,000 for a Level 1 teacher, \$55,000 for a Level 2 teacher and \$65,000 for a Level 3A teacher. Using data from the first reporting period of 2018, PED estimates the cost of adjusting the minimum salaries to these proposed HB 171 levels in FY20 is \$213.4 million dollars. This amount would be lower; approximately \$141.0 million, if the Executive’s proposal for an average six percent raise for all teachers is applied *before* HB 171’s new minimums are enacted.

**Add'l Comp. Teacher Salaries -
FTE Weighted Est. Cost Model**

Proposed Percentage Salary Increase		
Level 1	\$45,000	\$25,611,452
Level 2	\$55,000	\$71,574,039
Level 3A	\$65,000	\$76,312,996
Subtotal		\$173,498,488
Benefits	23.01%	\$39,922,002
Total Cost		\$213,420,490

Source: PED's STARS Certified 40th Day Data

Provisions of HB 171 clarify definitions of instructional time and require an additional 10 days to provide professional development for teachers, in-service training, teacher planning and preparation, mentoring and collaboration, home visitation, teacher-parent conferences or other non-instructional events. Most school districts and charter schools have non-instructional days built into their approved school calendar for in-service and professional development, and may be able to leverage existing non-instructional days for these state purposes. For this reason, the cost to implement this particular provision of HB 171 may be lower than as initially appears, and

lower than PED took the current calendar days and FY18 actual Operational expenditures to determine an Operational fund, per day cost. This was then applied to the required minimum of ten non-instructional days, where current amounts of non-instructional days reduced the needed cost increase. Though in-service or professional development days do not have the same expenses as instructional days, the difference in cost savings is assumed to be needed for materials related to professional development, mentorship training and curriculum and costs for other allowable uses in HB 171 like home visiting. PED estimates the costs to implement this provision of HB 171 at about \$47.7 million.

Provisions of HB 171 also require existing and new Level 1 teachers to obtain TESOL endorsement. About twenty-five (25) percent of teachers statewide carry a TESOL endorsement. If that same percentage is applied to an estimated population of Level 1 teachers in the state based on records in STARS, PED believes a rough estimate of the cost to be approximately \$257 thousand to either teacher or the school districts and charter schools if they pay for the certification fee of \$95. The cost for TESOL certification for the total population of Level 1 records is estimated to be approximately \$340 thousand. PED estimates the cost to provide TESOL certification to all teachers who do not currently possess the certification to be \$1.6 million. This is based solely upon the certification fees and does not include needed training or professional development costs, which could be substantial.

SIGNIFICANT ISSUES

Instructional Days and Hours. On page 2, lines 22-25, HB 171 proposes language clarifies non-instructional time and further stipulates that such activity shall not count towards the calculation of instructional days and hours. New language is proposed in Section C of 22-2-8.1 NMSA (p. 3, lines 3-18) requiring extending the school year for 10 additional days for the non-instructional activities such as professional development, in-service training, teacher planning and preparation, mentoring and collaboration, home-visitation, teacher-parent conferences and other non-instructional events. The section further stipulates that teachers would be allowed up to 3 of the 10 days for home visits and parent-teacher conferences and where secondary teachers are allowed use of up to 3 of the 10 days to meet with parents regarding student Next Step Plans.

On page 10, lines 20-23, the bill also proposes changes to the language in the School Personnel Act related to professional development framework, specifically allowing teachers participating in professional learning communities. Additionally, new language is added to provide teachers with three hours (p. 10, line 22) for home visits and parent-teacher conferences. Given that an earlier section in this bill, HB171 proposes 3 days for these non-instructional activities (p. 3, line 14), the 3 hours cited later in this part may be an error the Sponsor may wish to correct.

TESOL Endorsement Requirement. HB 171 also proposes language pertaining to the School Personnel Act, 22-10A, NMSA creating additional requirements for the licensing of new Level 1 teachers (page 6, lines 5-17). The language states that all teachers with current Level 1 licenses as of July 1, 2019 are required to obtain a TESOL (teaching English to speakers of other languages) endorsement before the start of the 2023-24 school year, that is, within a period of 4 years. It also stipulates that new level 1 teachers hired in 2019-2020 or 2020-2021 should have the TESOL endorsement or obtain it within 2 years. All teachers applying for a level 1 license after the 2020-21 school year are expected to complete the requisite coursework for a TESOL endorsement at the time of application. However, the bill does not explicitly state that level 2 or level 3 teachers are also required to obtain a TESOL endorsement since those sections of the School Personnel Act are not correspondingly amended. The Sponsor may wish further amend

bill language if the intent is to ensure *all* New Mexico teachers, not just new ones, obtain a TESOL endorsement. This concern is also discussed in the technical section of this analysis.

Raising Teacher Salaries. HB 171 proposes to increase level 1 teacher salaries to \$45,000 for a ten-month contract (page 6, lines 21-23), presumably to include the extended school year proposed adding 10 additional non-instructional days the bill proposes in an earlier section. HB 171 also proposes to raise the minimum teacher salary for level 2 teachers to \$55,000 for a ten-month contract (p. 8, lines 1-3) and level 3 teachers to \$65,000 (p.9, lines 4-6).

PERFORMANCE IMPLICATIONS

To determine the impact and effectiveness of the proposed statutory requirement that all new teachers obtain TESOL endorsement, the Department would need to have comparability in data to measure improved outcomes for English Learners over time on such metrics as English Learner Progress, English language proficiency, and proficiency in math and English language arts. The Department is required to share its outcomes, per the state's approved Every Student Succeed Act (ESSA) plan.

ADMINISTRATIVE IMPLICATIONS

With respect to the implications for teacher licensure, if this bill is enacted, the Department would need to move quickly to amend its current rules to comply with statute. The Department would also need to provide guidance to districts, educator preparation programs, and potential applications for licensure of the new changes. This change would need to be communicated to educator preparation programs across the state as it would have significant implications for institutes of higher education or other course providers that would need to accommodate new requirements to address increased demand for TESOL coursework/programs. On administrative implication for the Department would be redirecting and/or dedicating additional staff resources to the review any additional changes to education preparation programming or approvable TESOL coursework precipitated by this statute change.

Additionally, this bill would have administrative implications for school districts with respect to hiring, and for institutes of higher education related implementation of education preparation programs. Institutes of higher education may need to redesign education preparation programs to integrate TESOL endorsement/coursework as part of the standard program to ensure its graduates are eligible to meet new licensure requirements upon program completion. Further, there may be additional impacts to be considered such as length of program and cost both the program and participants.

Lastly, there is a wide range in coursework requirements for obtaining a TESOL endorsement across state making comparison challenging. At the PED's request, Hanover Research recently conducted an assessment of EL programs in the state, finding that TESOL-endorsed teachers did not feel well-prepared to serve English learners, with only 25 percent of respondents indicating they felt prepared enough to serve Native American English learners. Given the self-reported under-preparation of TESOL-endorsed teachers across the state, the quality and effectiveness of such programs would need to improve in order to have positive and lasting impact on teachers and the English learners they serve. Further, teacher preparation does not end with program completion and therefore school districts would also need to improve in-service training and support for teachers.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Other legislation is proposed aiming to increase minimum teacher salaries and/or extend teacher contracts in various ways (SB1, SB47, etc.). Perhaps it may be helpful for Sponsors to determine how several ideas in different bills can be combined together.

TECHNICAL ISSUES

As pointed out earlier, HB 171 proposes new language in two different places of the Public School Code. HB171 proposes **3 days** for home visits and parent-teacher conferences as part of 10 additional days extending the school year for non-instructional activities. HB 171 also proposes changes to the School Personnel Act in the section related to professional development adding language to provide teachers with **3 hours** (p. 10, line 22) for home visits and parent-teacher conferences. These two changes appear to be in conflict due to error and Sponsor may wish to correct it. On page 6, lines 12-17, the proposed language reads:

All level one teachers applying for a **level one teaching license** after the 2020-2021 school year shall have the requisite courses to obtain a teaching English to speakers of other languages endorsement at the time of applying for the **level one teaching license [emphasis added]**.

Teacher already holding level one licenses do not typically apply for level one teaching licenses as they are issued for a five-year, non-renewable term. To continue teaching, a level one teacher must advance to a level two license according to the requirements outlined and within the timeframe allowed in the School Personnel Act.

Either the language should read “All ~~level one teachers~~ *those* applying for a level one teaching license...” or the Sponsor should clarify if the intent is that for all level one teachers applying for a level **two** license have the requisite courses at the time they apply for a level **two** license. If this is the intent, then the language perhaps would be better situated in the section relating to level two licensure, 22-10A-22 NMSA.

OTHER SUBSTANTIVE ISSUES

While the bill proposes to ensure new teachers are equipped with the necessary skills that could be gained through TESOL endorsement, it phases in the requirement over 4 years for Level 1 teachers only. Currently, there are approximately 4,000 Level 1 teachers in classrooms, representing approximately 18% of all licensed teachers. However, the bill is silent about TESOL-endorsement requirements for Level 2 and Level 3 teachers already in the classroom currently responsible for instructing English learners.

As mentioned earlier in the administrative implications section, there does not appear to be significant research or data to strongly suggest TESOL endorsement increases English language proficiency and student achievement outcomes for English learners. It is important that at the state, district and school level, teachers have the preparation necessary to adequately support English learners, and proposed legislation should look to support evidence-based interventions, preparation program, and continued training and support for in-service teachers. Perhaps language should be included in the bill to support the study the effects of TESOL-endorsement on increased academic and language learning outcomes for English learners.

As pointed out in the fiscal implication section, the estimated costs for TESOL endorsement include the certification fee, but not the full cost of coursework and assessments required for certification.

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The consequence of not enacting the bill is that the proposed increases to the school year for important non-instructional activity and corresponding extensions to contract and increases in teacher salaries will not take effect.

Not enacting the bill would also mean that statute is not amended to require Level 1 teachers to work toward obtaining TESOL endorsement, which would be one way the state can meet its Office for Civil Rights obligation to ensure teachers adequate training for instructing English learners. Additionally, not enacting the bill leaves ambiguity about what shall be included in the calculations for instructional time and clarity regarding examples of useful non-instructional time.

AMENDMENTS