

LFC Requester:	Sunny Liu
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**AGENCY BILL ANALYSIS
2019 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply: **Date** 2/4/19
Original **Amendment** **Bill No:** HB171/aHEC
Correction **Substitute**

Sponsor: Rep. Sheryl Williams Stapleton **Agency Code:** 924
Short Title: RAISING MINIMUM TEACHER SALARIES **Person Writing:** Daniel Manzano
Phone: 505-670-3820 **Email:** Daniel.Manzano@state.nm.us

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY20	FY21		
\$213,420.5	\$213,420.5	Recurring	General Fund - SEG (Teacher Salaries)
\$47,773.6	\$47,773.6	Recurring	General Fund – SEG (Professional Development Days)

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY19	FY20	FY21		

(Parenthesis () Indicate Expenditure Decreases)

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: SB1, SB47, and the Executive’s Budget Recommendation differ in amounts for teacher raises and length of contract.

Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: HB 171/aHEC proposes raising the statutory minimum salaries for 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. HB 171/aHEC was amended to delete the initially proposed raising of licensing requirements (TESOL endorsement) for Level 1 teachers, and to make corrections to language in the bill.

FISCAL IMPLICATIONS

Among its provisions, HB 171/aHEC 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/aHEC 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/aHEC’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/aHEC 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 17/aHEC 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/aHEC like home visiting. PED estimates the costs to implement this provision of HB 171/aHEC at about \$47.7 million.

HB 171/aHEC amends the bill to remove the initially proposed requirement that existing and new Level 1 teachers to obtain TESOL endorsement.

SIGNIFICANT ISSUES

Instructional Days and Hours. On page 3, HB 171a/HEC proposes language clarifying non-instructional time and further stipulates that such activity shall not count towards the calculation of instructional days and hours. Further, language is proposed in Section C of 22-2-8.1 NMSA (p. 3) 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-visitations, 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.

Raising Teacher Salaries. HB 171/aHEC proposes to increase level 1 teacher salaries to \$45,000 for a ten-month contract (p. 7), presumably to include the extended school year proposed adding 10 additional non-instructional days the bill proposes in an earlier section. HB 171/aHEC also proposes to raise the minimum teacher salary for level 2 teachers to \$55,000 for a ten-month contract (p. 8) and level 3 teachers to \$65,000 (p.9).

Correction Made – Days, not Hours. On pages 10-11, 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, amended language corrects HB 171 to provide teachers with **days** (not hours) for home visits and parent-teacher conferences.

Deletion Made – No TESOL requirement. HB 171/aHEC amends HB 171 to delete initially proposed language pertaining to the School Personnel Act, 22-10A, NMSA creating additional requirements for the licensing of new Level 1 teachers (page 6, Section G).

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

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

HB 171/aHEC proposes changes in two different places of the Public School Code pertaining to the school year. HB171/aHEC proposes **3 days** for home visits and parent-teacher conferences as part of 10 additional days extending the school year for non-instructional activities in 22-2-8.1 NMSA. Additionally, HB 171a/HEC proposes changes to the School Personnel Act in the section related to professional development adding language to provide teachers with **3 days** (p. 11 for home visits and parent-teacher conferences. HB 171/aHEC amends HB 171 to address an error that created conflict in these two statutes.

Inconsistencies in the bill language pertaining to licensure requirements are no longer relevant since that part of the bill was deleted in the amended version, HB 171/aHEC.

OTHER SUBSTANTIVE ISSUES

While concerns pertaining to effectiveness of TESOL endorsement on English learner outcomes for increase language or academic proficiency or growth were not addressed, HB 171/aHEC deletes the proposed TESOL endorsement requirement for Level 1 teachers. Deleting this part of the bill also make irrelevant the concerns over potential costs to the state, district and teachers or the uneven impact of requiring Level 1 teachers to obtain TESOL endorsement, but not similarly requiring that of Level 2 and 3 teachers.

ALTERNATIVES

The Sponsor may wish to propose other changes that achieve the desired outcome of changing licensure requirements and/or education preparation programs that demand Department-approved educator preparation programs be redesigned with English learners in mind and require second language acquisition and methods courses as part of the core program for all teaching and school administrator certificate and degree programs.

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.

Enacting this bill, *as amended*, also means that a potential solution to address teacher preparation and a way the state can meet its Office for Civil Rights obligation to ensure teachers are adequately trained for instructing English learners is no longer included.

AMENDMENTS