

Martinez vetoes bill on use of sick leave impacting teachers' evaluations

Written by By Matthew Reichbach NM Political Report
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Gov. Susana Martinez vetoed legislation March 9 that would allow teachers to use their sick leave without it affecting their evaluations.

Martinez said if the bill, which sponsors dubbed the “Teachers are Human Too Act,” became law, it would lead to more teacher absences, which would create more expenses, including for substitute teachers. Martinez said this would also lead to decreased quality of education.

“We need our teachers in our classrooms, and House Bill 241 would lead to more teacher absences,” Martinez wrote.

The Public Education Department was unable to estimate in the bill’s Fiscal Impact Report how many teacher absences there would be under the bill, and at what cost. A substitute teacher is paid \$66.50 per day.

The bill would let teachers use their ten days of sick leave before it would impact their evaluations. Currently, teachers can use three days of sick leave before it impacts their evaluation. Martinez said she would support raising that to five days.

“I am extremely disappointed at the Governor’s veto of HB 241, which would ensure that teachers would not have to go to work sick, and would protect the health and well being of their students,” Sen. Craig Brandt, R-Rio Rancho, said in a statement Thursday afternoon.

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NM Political Report reached out to the other sponsors of the legislation, through their caucuses, for reaction to the veto. We will add responses from the sponsors to this story if and when we receive them.

Sponsors argued that when teacher evaluations are negatively impacted by the use of sick leave, teachers come to school sick and are less effective.

The Senate passed the bill unanimously, 39-0, while the House passed the bill 64-3. A two-thirds vote of both chambers would overrule Martinez's veto and allow the bill to become law. The Legislature hasn't voted to override a governor's veto since Gary Johnson vetoed a budget in 2003.

Martinez wrote it is possible for teachers to be rated "highly effective" or "exemplary" while using the ten days of leave currently. The Legislative Education Study Committee noted during the interim, a teacher would need to be nearly perfect in other areas to reach these high ratings.

Martinez also tied the veto of the teacher absences bill to the failure of other educational bills. The governor mentioned a bill that would allow some "experienced and qualified professionals" two-year licenses to teach as adjunct instructors.

"I would welcome a bill that considers reasonable changes to attendance measures as part of an effective, comprehensive teacher evaluation system," Martinez wrote. "However, the Legislature continually refused to engage despite the Public Education Department's (PED) repeated good-faith attempts to meet teachers and teachers' unions halfway."

A bill to codify the evaluation system into law failed earlier this session in a House committee. Currently, evaluations are done through rulemaking at PED.

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