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SENATE BILL 34

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

Howie C. Morales

AN ACT

RELATING TO SCHOOL PERSONNEL; CREATING A COUNCIL TO DEVELOP A
TEACHER AND PRINCIPAL EVALUATION SYSTEM AND RELATED
RECOMMENDATIONS FOR THE PUBLIC EDUCATION DEPARTMENT'S ADOPTION;
REQUIRING REPORTING TO THE GOVERNOR AND LEGISLATIVE EDUCATION
STUDY COMMITTEE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the School Personnel Act is
enacted to read:

"[NEW MATERIAL] TEACHER AND PRINCIPAL EVALUATION SYSTEM--
COUNCIL RECOMMENDATIONS.--

A. By June 1, 2017, the department shall convene a
council to develop a teacher and principal evaluation system
for the department's adoption for evaluating teacher
performance and principal performance in accordance with highly

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1 objective uniform statewide standards and Section 22-10A-19
2 NMSA 1978.

3 B. The council shall work from June 1, 2017 through
4 December 31, 2021. The department shall provide staff
5 assistance to the council upon request.

6 C. Council members shall include:

7 (1) the secretary or the secretary's designee;
8 and

9 (2) geographically diverse members appointed
10 by the secretary as follows:

11 (a) two members selected by the national
12 education association and two members selected by the American
13 federation of teachers New Mexico;

14 (b) sixteen teachers statewide, selected
15 by New Mexico education partners without regard to organized
16 affiliation, two of whom have a level two license and currently
17 teach an elementary school class on a full-time basis, two of
18 whom have a level three license and currently teach an
19 elementary school class on a full-time basis, two of whom have
20 a level two license and currently teach a middle school class
21 on a full-time basis, two of whom have a level three license
22 and currently teach a middle school class on a full-time basis,
23 two of whom have a level two license and currently teach a high
24 school class on a full-time basis, two of whom have a level
25 three license and currently teach a high school class on a

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1 full-time basis, two of whom have a level two license and
2 currently teach a class at a charter school on a full-time
3 basis and two of whom have a level three license and currently
4 teach a class at a charter school on a full-time basis. No
5 fewer than three and no more than five of the public school
6 teachers selected pursuant to this subparagraph shall be
7 special education teachers, bilingual teachers or English
8 language learner classroom teachers;

9 (c) six principals statewide, selected
10 by New Mexico education partners without regard to
11 organizational affiliation, two of whom currently administer an
12 elementary school, two of whom currently administer a middle
13 school and two of whom currently administer a high school;

14 (d) two head administrators selected by
15 the New Mexico coalition for charter schools; and

16 (e) two representatives of a public
17 school parent organization nominated by that organization.

18 D. If the department has sufficient funds in its
19 budget, the members of the council and any work groups of the
20 council may be reimbursed for travel expenses pursuant to the
21 Per Diem and Mileage Act. The members of the council and any
22 work groups of the council shall receive no other compensation,
23 perquisite or allowance.

24 E. The council may convene work groups, including
25 non-council members with appropriate expertise, and consult

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1 with state, regional and national experts.

2 F. By July 31, 2018, the council shall complete the
3 teacher and principal evaluation system and provide its
4 recommendations to the department. By August 15, 2019, the
5 department shall:

6 (1) adopt the teacher and principal evaluation
7 system and the council's recommendations;

8 (2) promulgate rules regarding the teacher and
9 principal evaluation system; and

10 (3) provide appropriate training and related
11 materials from evidence-based sources for the implementation of
12 the state teacher and principal evaluation system.

13 G. The teacher and principal evaluation system and
14 the council's recommendations for implementing the teacher and
15 principal evaluation system shall:

16 (1) be aligned with best practices and state
17 standards for each grade level and subject area pursuant to
18 Section 22-13-1.6 NMSA 1978;

19 (2) include expanded opportunities within the
20 three-tiered licensure system for all teachers and principals
21 to:

22 (a) develop additional skills and
23 competencies;

24 (b) receive professional development,
25 technical assistance and training;

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1 (c) assume additional duties and
2 responsibilities with additional salary; and

3 (d) advance within the three-tiered
4 licensure system;

5 (3) continuously update the instruments and
6 processes for performing teacher and principal evaluations as
7 research evolves on practices leading to optimal student
8 outcomes;

9 (4) delineate the process by which a teacher
10 or principal may appeal a performance rating;

11 (5) establish required procedures for
12 maintaining the confidentiality of personally identifiable
13 student information in performing evaluations, evaluation
14 feedback and ratings and exempting all documents related to
15 evaluations from the Inspection of Public Records Act;

16 (6) provide the necessary support for school
17 districts and charter schools to implement the state teacher
18 and principal evaluation system, including ongoing training in
19 the implementation and use of the state teacher and principal
20 evaluation system for teachers, principals and certified
21 observers;

22 (7) provide for the evaluation of teachers:

23 (a) according to clear and objective
24 standards appropriate for the teacher's level of licensure;

25 (b) using observation instruments,

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1 rubrics or other research-based tools to compile evidence,
2 specific to each licensure level, of teacher competence;

3 (c) using student learning data compiled
4 from multiple sources;

5 (d) based on standards of practice that
6 take into account the complexities of teaching; and

7 (e) while continuously providing
8 opportunities for teacher professional development, training
9 and collaboration according to the teachers' experience,
10 knowledge and skills to ensure that teachers have the resources
11 to provide instruction that responds appropriately to student
12 learning data aligned with the state standards for each grade
13 level and subject area pursuant to Section 22-13-1.6 NMSA 1978
14 and providing a connection between the professional development
15 plan required in Section 22-10A-19 NMSA 1978 and the teacher
16 evaluations; and

17 (8) provide for the evaluation of principals:

18 (a) according to clear and objective
19 standards;

20 (b) using evaluation instruments,
21 rubrics or other research-based tools to compile evidence of
22 school leadership and student learning from multiple sources in
23 a fair, transparent, rigorous and valid way and with enough
24 frequency to justify the effectiveness in school leadership
25 rating; and

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1 (c) while continuously providing
2 opportunities for professional development, training and
3 collaboration according to the principals' experience,
4 knowledge and skills.

5 H. The teacher and principal evaluation system and
6 the council's recommendations shall include multiple measures
7 for evaluating teacher performance:

8 (1) based on:

9 (a) each school district's decisions
10 pursuant to collective bargaining processes, or other district-
11 wide collaborative processes if there are no collective
12 bargaining agreements in the school district, on any or all of
13 the following measures to be given eighty percent or more
14 weight: 1) formative classroom observations; 2) summative
15 classroom observations; 3) student learning measured by student
16 learning objectives; 4) student feedback compiled from student
17 surveys from research-based surveys; and 5) school progress on
18 the educational plan for student success; and

19 (b) multiple measures of student
20 learning, growth and achievement based on assessments that have
21 a valid and reliable connection to teacher effectiveness, to be
22 given a significant portion, but no more than twenty percent,
23 of weight; and

24 (2) rated as:

25 (a) distinguished;

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- 1 (b) proficient;
- 2 (c) basic;
- 3 (d) unsatisfactory; or
- 4 (e) another rating developed by the
- 5 council for the department's adoption.

6 I. The teacher and principal evaluation system and
7 the council's recommendations shall include multiple measures
8 for evaluating principal performance:

9 (1) based on:

- 10 (a) the following measures to be given
- 11 eighty percent or more weight: 1) the operations of the
- 12 school; 2) the principal's performance of teacher evaluations;
- 13 3) the principal's provision of support for improved teacher
- 14 performance, as aligned with the state standards for each grade
- 15 level and subject area pursuant to Section 22-13-1.6 NMSA 1978;
- 16 4) teacher and staff feedback compiled from research-based
- 17 surveys and consideration of and responsiveness to teacher and
- 18 staff feedback in the management of the school; 5) parent
- 19 feedback compiled from research-based surveys; 6) school
- 20 climate and culture; 7) the principal's management of school
- 21 personnel and the school site; and 8) school progress on the
- 22 educational plan for student success; and

23 (b) valid and reliable multiple measures
24 of student learning, growth and achievement, to be given a
25 significant portion, but no more than twenty percent, of

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1 weight; and

2 (2) rated as:

3 (a) highly effective;

4 (b) effective;

5 (c) improvement necessary;

6 (d) does not meet standards; or

7 (e) another rating developed by the

8 council for the department's adoption.

9 J. The teacher and principal evaluation system and
10 the council's recommendations shall include procedures for
11 conducting the teacher and principal evaluations, including:

12 (1) criteria for selecting, certifying and
13 training certified observers;

14 (2) guidelines and training materials for
15 performing observations and evaluations;

16 (3) a sequence and schedule for performing
17 observations and evaluations of teachers according to each
18 teacher's licensure level; and

19 (4) a sequence and schedule for performing
20 annual evaluations of principals.

21 K. The teacher and principal evaluation system and
22 the council's recommendations shall include the measures to be
23 taken in response to the teacher and principal evaluations,
24 including:

25 (1) ways to use state teacher and principal

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1 evaluations to:

2 (a) promote student learning, growth and
3 achievement;

4 (b) provide teachers and principals with
5 clear expectations, appropriate and targeted feedback for
6 improvement and enhanced opportunities for professional growth;
7 and

8 (c) make decisions pursuant to the
9 School Personnel Act, including advancement within the three-
10 tier licensure system;

11 (2) guidelines and training materials for the
12 development of student learning objectives;

13 (3) criteria for optional local or regional
14 peer assistance, review, intervention and training programs for
15 teachers who earn an unsatisfactory rating;

16 (4) any additional measures; and

17 (5) the sequence and schedule of measures.

18 L. Starting with the 2018-2019 school year, each
19 teacher shall be evaluated by a principal, each principal shall
20 be evaluated by the local superintendent and each head
21 administrator of a charter school shall be evaluated by a
22 designee of the governing body of a charter school in a
23 rigorous, fair and transparent way pursuant to this section.

24 M. The results of each evaluation shall be provided
25 to the teacher or principal in a timely manner. School

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1 districts and charter schools shall document and use the
2 results of evaluations to assist with improving performance as
3 needed. The department shall monitor each school district's
4 and charter school's administration of the state teacher and
5 principal evaluation system.

6 N. By March 1, 2020 and again by March 1, 2021, the
7 council and the department shall prepare draft reports on the
8 implementation of the state teacher and principal evaluation
9 system and distribute the draft reports to all school
10 districts, charter schools and public post-secondary
11 educational institutions for comments. By July 31, 2020 and
12 again by July 31, 2021, the council and the department shall
13 provide to the governor and the legislative education study
14 committee copies of the draft and final reports that include
15 submitted comments and:

16 (1) the number of teachers and principals at
17 each rating level for each school and school district;

18 (2) summaries of feedback from research-based
19 surveys of teachers, staff, principals and school
20 administrators;

21 (3) recommendations for continuation or
22 modification of the state teacher and principal evaluation
23 system; and

24 (4) any other information deemed relevant or
25 requested by the governor or the legislative education study

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1 committee.

2 0. As used in this section:

3 (1) "certified observer" means a school
4 administrator or teacher with a level three license selected,
5 trained and certified by the department to accurately assess
6 teacher practice and conduct formative observations of licensed
7 teachers based on the teachers' licensure level;

8 (2) "formative observation" means an
9 observation by a certified observer using a research-based
10 protocol that:

11 (a) is performed twice during the school
12 year; and

13 (b) creates ongoing opportunities for
14 feedback to enable a teacher's instruction to be fine-tuned to:
15 1) achieve performance that meets or exceeds goals, criteria
16 and expected standards; 2) address and develop teaching
17 practices in areas of weakness; and 3) improve teaching skills
18 during the formative evaluation process;

19 (3) "performance" means competence and
20 effectiveness;

21 (4) "principal" means the principal of a
22 school or the head administrator or administrative and
23 instructional leader of a charter school;

24 (5) "student learning objectives" means
25 teacher-designed and teacher-created clear and specific goals

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1 that are aligned to the state standards for each grade level
2 and subject area pursuant to Section 22-13-1.6 NMSA 1978; and

3 (6) "summative classroom observation" means a
4 teacher evaluation conducted by a school principal or head
5 administrator twice during the school year following the second
6 formative observation."