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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
53rd Legislature, 1st Session, 2017

Bill Number	<u>HB158</u>	Sponsor	<u>Garcia Richard</u>
Tracking Number	<u>.205583.1</u>	Committee Referrals	<u>HEC/HJC</u>
Short Title	<u>Teacher Evaluation Pilot Project</u>		
Analyst	<u>Macdonald</u>	Original Date	<u>2/9/17</u>
		Last Updated	<u>3/13/17</u>

BILL SUMMARY

Synopsis of Bill

House Bill 158 (HB158) creates a new section of the Public School Code to create a teacher evaluation pilot project, which is a six-year study that allows selected school districts to design and implement fair and equitable teacher evaluation systems.

FISCAL IMPACT

HB158 does not contain an appropriation.

The Senate Finance Committee (SFC) amendment to the House Appropriations and Finance Committee Substitute for House Bills 2 and 3 includes the following appropriations to PED for a teacher and administrator evaluation system: (1) \$4 million in general fund revenue; and (2) \$500 thousand in other state funds, which will be from the educator licensure fund. However, additional language in the SFC amendment includes language authorizing the use of all FY18 “below-the-line” appropriations, except for the regional education cooperatives, K-3 Plus Fund, Public Prekindergarten Fund, and Early Reading Initiative, for emergency support to school districts experiencing shortfalls in FY18 after all other general fund appropriations for emergency support are fully expended.

The Public Education Department (PED) would incur any administrative costs associated with the pilot.

SUBSTANTIVE ISSUES

The bill states the teacher evaluation systems under the pilot project would be developed by teachers, principals, students, parents, and community members; offer innovative and sustainable evaluations that will improve each teacher’s pedagogical skills, classroom management style, teacher-student interactions, and collegial support and professional development; and use short-cycle assessments to measure the success of improving teaching performance that leads to greater student academic or vocational and social achievement. Additionally, each teacher

evaluation system designed for the pilot is required to include: peer and principal observations based on a research-based rubric; promotion of the learning of all students; support for teacher professional development; measure student achievement and support instruction that leads to higher levels of student achievement; and recognition of significant differences in assignments and responsibilities.

In addition, HB158 requires PED to select school districts that represent different size school districts, including rural and urban with a variety of school ratings, provided the selection is large and diverse enough to provide the data necessary to evaluate the pilot project. School districts selected to participate in the pilot project will be exempt from PED's evaluation system during the term of the pilot. Lastly, PED is required to establish data collection and reporting requirements for participating school districts and provide interim and final reports annually to the Legislature and the governor on the efficacy of the pilot project.

PED is charged with selecting what school districts will participate in the pilot. There is not a mechanism by which school districts can apply or volunteer for the pilot program.

A teacher evaluation pilot program occurred during the 2012-2013 school year, which focused on school improvement grant schools, along with volunteer school districts. For the pilot schools, PED outlined the following teacher and principal evaluation system requirements to include student achievement data as evidence of effectiveness; be used for continuous improvement; meaningfully differentiate among at least three levels; use multiple, valid measures to determine performance levels, including student growth for all students as a significant factor; evaluate teachers and principals annually; provide clear, timely, useful feedback to guide professional development; and be used to inform personnel decisions.

Sixty-five schools were selected for the new teacher evaluation system pilot during the 2012-2013 school year (see **Attachment**). PED visited each pilot school and provided technical assistance with observation protocols each semester of that school year. The goals of this pilot were to inform statewide implementation of the teacher evaluation system, including information on observation protocols, professional development and training, non-tested subjects and grades, other multiple measures, and data collection and reporting.

In August 2016, the Legislative Education Study Committee (LESC) voted to send a letter to PED in support of Los Alamos Public Schools' request to develop and pilot an alternative teacher evaluation system. In reference to the letter, PED staff noted the department does not have a problem with pilots operating in school districts; however, PED staff noted concern with uniformity requirements in statute if a second evaluation system were created. It is unclear if the Los Alamos Public Schools submitted the letter to PED or what action, if any, was the result of the letter.

According to an analysis from the Higher Education Department (HED), the bill provides performance measures, however, it does not provide relative weightings for the components with regard to the short-cycle assessments and research-based rubrics. PED may wish to develop weighted performance measures for data reporting purposes.

Under the federal Every Student Succeeds Act (ESSA), there is an opportunity for seven states to be part of an innovative assessment pilot. Pilot states can use performance-based or competency-based assessments or use local tests in lieu of the state assessment, use portfolios, or several interim tests rather than a single summative test, among other options.

TECHNICAL ISSUES

On page 3, lines 3-4, it is unclear how the evaluations will “recognize significant differences in assignments and responsibilities.” It is unclear if this refers to teaching assignments, such as physical education or science, levels of licensure, or other duties. The sponsor may wish to clarify this evaluation requirement.

ADMINISTRATIVE IMPLICATIONS

The bill requires PED to select school districts to participate in the pilot, establish data collection and reporting requirements for the pilot, and provide interim and final reports each year.

OTHER SIGNIFICANT ISSUES

Teacher and School Leader Effectiveness. In 2011, the Legislature considered, but did not pass, legislation that would have implemented a new system for evaluating teachers and principals. Through executive order in the 2011 interim, the governor created the New Mexico Effective Teaching Task Force, whose charge was to provide recommendations to the governor regarding how to best measure the effectiveness of teachers and school leaders based on specific parameters. Those recommendations led to legislation introduced in the 2012 session, which the Legislature considered but did not pass.

In April 2012, the governor issued a press release directing PED to formulate a new teacher and principal evaluation system. According to the press release, the development of a framework for a new evaluation system was one of the conditions for the Elementary and Secondary Act (ESEA) Flexibility Waiver from the federal No Child Left Behind Act, which PED had recently obtained; and the new evaluation system would incorporate many of the measures that were part of the 2012 legislation. In addition, this press release prescribed components of the system; assigned values, or weights, to those components; and presented a timeline for the development and implementation of the new evaluation system. One of the main components of the ESEA Flexibility Waiver was for states to create a system of evaluating teachers and principals that incorporates student achievement as a major factor so that educator evaluation systems move from being competency based to performance based.

In May 2012, PED requested nominations for 18 people to serve two-year terms on the New Mexico Teacher Evaluation Advisory Council in order to develop the details of a new teacher and school leader evaluation system based on student achievement. In June 2012, the council held its first meeting. In July 2012, PED held a public hearing to solicit public comment on draft provisions of the new “Teacher and School Leader Effectiveness” rule. In August 2012, PED published the final version of the “Teacher and School Leader Effectiveness” rule in the New Mexico Register (6.69.8 NMAC). The final rules contained several changes from the original version.

Teacher Evaluation Lawsuits. In 2014, the American Federation of Teachers New Mexico, the Albuquerque Teachers Federation, and other plaintiffs filed a lawsuit against PED alleging the teacher evaluation system is based on a fundamentally and irreparably flawed methodology, which is further plagued by consistent and distressing data errors. As a result, the plaintiffs allege teachers are being evaluated, with employment decisions being made, based on a process that is arbitrary and capricious. In December 2015, a preliminary injunction was granted, but allowed the state to proceed with developing and improving its teacher evaluation system; the

state is not allowed to make any consequential decisions about teachers using their annual evaluations. The trial is postponed until October 2017.

National Education Association New Mexico also filed a lawsuit against PED in 2014, which claimed the department overstepped its authority in implementing a statewide teacher evaluation process through code in violation of existing state law. In October 2016, the attorney for the union stated he is engaged in settlement negotiations with PED regarding the case. The attorney stated if it is not resolved by the end of the year, it will likely go to trial in spring 2017.

RELATED BILLS

Relates to HB105/HECS, Innovations in Teaching Act, which adds the Innovations in Teaching Act to the Public School Code and establishes the Innovations in Teaching Program to promote the implementation of innovative pedagogical approaches and strategies in the classroom.

Relates to HB124/aHJC, Teacher Competency for Licensure Advancement, which would codify the professional development dossier as the method for advancement within the three tier licensure system.

Conflicts with HB125/aHJC, Teacher & Principal Evaluation System, which requires PED to convene a council to develop a teacher and principal evaluation system.

Relates to HB163/HECS, School Grade Test Scores & Unexcused Absences, which creates a new section of the School Personnel Act to control for the potential effect of student attendance on a teacher's evaluation.

Relates to HB241/aHEC, Use of Attendance in Teacher Evaluations, which provides that teacher attendance may be considered as part of a teacher's evaluation and a teacher's use of personal leave and up to 10 days of sick leave shall not affect that teacher's evaluation.

Relates to HB248, School Employee Evaluation Standards, which amends the School Personnel Act to provide requirements for the uniform statewide standards of evaluation for the annual performance evaluation of licensed school employees.

Conflicts with HB350, Teacher & Principal Effectiveness Act, which enacts the Teacher and Principal Effectiveness Act in the Public School Code.

Conflicts with SB34, Teacher & Principal Evaluation System, which requires PED to convene a council to develop a teacher and principal evaluation system.

SOURCES OF INFORMATION

- LESC Files
- HED

HLM/rab

PILOT SCHOOLS LIST	
School Name	School District
Alamogordo High School	Alamogordo Public Schools
Albuquerque Sign Language Academy	Albuquerque Public Schools
Robert F. Kennedy Charter	Albuquerque Public Schools
Ernie Pyle Middle School	Albuquerque Public Schools
Highland High School	Albuquerque Public Schools
Rio Grande High School	Albuquerque Public Schools
West Mesa High School	Albuquerque Public Schools
Lydia Rippey Elementary	Aztec Municipal Schools
McCoy Avenue Elementary	Aztec Municipal Schools
Park Avenue Elementary	Aztec Municipal Schools
C.V. Koogler Middle	Aztec Municipal Schools
Aztec High Schools	Aztec Municipal Schools
Vista Nueva High School	Aztec Municipal Schools
Mosaic Academy Charter	Aztec Municipal Schools
Alogodones Elementary	Bernalillo Public Schools
Cochiti Elementary	Bernalillo Public Schools
Placitas Elementary	Bernalillo Public Schools
Carroll Elementary	Bernalillo Public Schools
Santo Domingo Elementary	Bernalillo Public Schools
Bernalillo Elementary	Bernalillo Public Schools
Bernalillo Middle	Bernalillo Public Schools
Cochiti Middle	Bernalillo Public Schools
Santo Domingo Middle	Bernalillo Public Schools
Bernalillo High	Bernalillo Public Schools
Naschitti Elementary	Central Consolidated Schools
Newcomb High School	Central Consolidated Schools
Cimarron Elementary	Cimarron Municipal Schools
Eagle Nest Elementary	Cimarron Municipal Schools
Cimarron Middle	Cimarron Municipal Schools
Eagle Nest Middle	Cimarron Municipal Schools
Cimarron High	Cimarron Municipal Schools
Moreno Valley High	Cimarron Municipal Schools
Bell Elementary	Deming Public Schools
Red Mountain Middle	Deming Public Schools
Sunrise Elementary	Gadsden Independent Schools
Desert Trail Elementary	Gadsden Independent Schools
Santa Teresa Middle	Gadsden Independent Schools
Indian Hills Elementary	Gallup Mckinley Schools
John F. Kennedy Middle	Gallup Mckinley Schools
Navajo Pine High School	Gallup Mckinley Schools
Crownpoint High School	Gallup Mckinley Schools
Gilbert L. Sena High School Charter	Gilbert L. Sena High School Charter
Laguna-Acoma High School	Grants-Cibola
Lybrook Elementary	Jemez Mountain Public Schools

Jemez Valley Elementary	Jemez Valley Public Schools
Jemez Valley Middle	Jemez Valley Public Schools
Jemez Valley High School	Jemez Valley Public Schools
Monte Vista Elementary	Las Cruces Public Schools
Mesa Middle School	Las Cruces Public Schools
Ocate High School	Las Cruces Public Schools
Logan Elementary	Logan Municipal Schools
Logan Middle	Logan Municipal Schools
Logan High	Logan Municipal Schools
Barranca Mesa Elementary	Los Alamos Public Schools
Chamisa Elementary	Los Alamos Public Schools
Los Alamos High	Los Alamos Public Schools
New Mexico School For The Deaf	New Mexico School For The Deaf
Pecos Middle School	Pecos Independent Schools
Lindsey Steiner Elementary	Portales Municipal Schools
Raymond Sarracino Middle School	Socorro Consolidated School
Arrey Elementary	Truth or Consequences Schools
Sierra Elementary	Truth or Consequences Schools
T or C Elementary	Truth or Consequences Schools
Tor C Middle	Truth or Consequences Schools
Hot Springs High	Truth or Consequences Schools