

1 HOUSE BILL 241

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

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8 FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE
9

10 AN ACT

11 RELATING TO PUBLIC SCHOOL PERSONNEL; RESTRICTING THE USE OF
12 TEACHER ATTENDANCE IN TEACHER EVALUATIONS.
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14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

15 SECTION 1. Section 22-10A-19 NMSA 1978 (being Laws 2003,
16 Chapter 153, Section 50, as amended) is amended to read:

17 "22-10A-19. TEACHERS AND SCHOOL PRINCIPALS--
18 ACCOUNTABILITY--EVALUATIONS--SICK LEAVE--PROFESSIONAL
19 DEVELOPMENT--PEER INTERVENTION--MENTORING.--

20 A. The department shall adopt criteria and minimum
21 highly objective uniform statewide standards of evaluation for
22 the annual performance evaluation of licensed school employees.
23 The professional development plan for teachers shall include
24 documentation on how a teacher who receives professional
25 development that has been required or offered by the state or a

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1 school district or charter school incorporates the results of
2 that professional development in the classroom.

3 B. The local superintendent shall adopt policies,
4 guidelines and procedures for the performance evaluation
5 process. Evaluation by other school employees shall be one
6 component of the evaluation tool for school administrators.
7 Unless precluded from consideration by a local school board
8 policy, charter school governing council policy, administrative
9 regulation or an applicable collective bargaining agreement,
10 teacher attendance may be considered as part of a teacher's
11 annual performance evaluation; provided, however, that a
12 teacher's use of up to ten days of sick leave shall not affect
13 a teacher's attendance record. The consideration of teacher
14 attendance as part of a teacher's annual performance evaluation
15 shall not include personal leave days. A teacher who uses sick
16 leave for more than three consecutive days, with or without
17 pay, shall submit documentation from a medical provider
18 confirming the reason for the teacher's absence. An annual
19 performance evaluation may reflect the lowest score with
20 respect to teacher attendance for a teacher who is determined
21 by a school district or charter school to be using sick leave
22 days in a manner inconsistent with a local school board policy,
23 charter school governing council policy, administrative
24 regulation or an applicable collective bargaining agreement.

25 C. As part of the highly objective uniform

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1 statewide standard of evaluation for teachers, the school
2 principal shall observe each teacher's classroom practice to
3 determine the teacher's ability to demonstrate state-adopted
4 competencies.

5 D. At the beginning of each school year, teachers
6 and school principals shall devise professional development
7 plans for the coming year, and performance evaluations shall be
8 based in part on how well the professional development plan was
9 carried out.

10 E. If a level two or three-A teacher's performance
11 evaluation indicates less than satisfactory performance and
12 competency, the school principal may require the teacher to
13 undergo peer intervention, including mentoring, for a period
14 the school principal deems necessary. If the teacher is unable
15 to demonstrate satisfactory performance and competency by the
16 end of the period, the peer interveners may recommend
17 termination of the teacher.

18 F. At least every two years, school principals
19 shall attend a training program approved by the department to
20 improve their evaluation, administrative and instructional
21 leadership skills."