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AN ACT

RELATING TO PUBLIC SCHOOL PERSONNEL; RESTRICTING THE USE OF  
TEACHER ATTENDANCE IN TEACHER EVALUATIONS.

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

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

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

A. The department shall adopt criteria and minimum  
highly objective uniform statewide standards of evaluation  
for the annual performance evaluation of licensed school  
employees. The professional development plan for teachers  
shall include documentation on how a teacher who receives  
professional development that has been required or offered by  
the state or a school district or charter school incorporates  
the results of that professional development in the  
classroom.

B. The local superintendent shall adopt policies,  
guidelines and procedures for the performance evaluation  
process. Evaluation by other school employees shall be one  
component of the evaluation tool for school administrators. A  
teacher's use of personal leave and up to ten days of sick

1 leave shall not affect that teacher's annual performance  
2 evaluation; provided that the leave is used consistently with  
3 the policy of the local school board or the governing body of  
4 the charter school that employs that teacher. An annual  
5 performance evaluation may reflect the lowest score with  
6 respect to teacher attendance for a teacher who is determined  
7 by a school district or charter school to be using sick leave  
8 days in a manner inconsistent with a local school board  
9 policy, charter school governing council policy,  
10 administrative regulation or an applicable collective  
11 bargaining agreement.

12 C. As part of the highly objective uniform  
13 statewide standard of evaluation for teachers, the school  
14 principal shall observe each teacher's classroom practice to  
15 determine the teacher's ability to demonstrate state-adopted  
16 competencies.

17 D. At the beginning of each school year, teachers  
18 and school principals shall devise professional development  
19 plans for the coming year, and performance evaluations shall  
20 be based in part on how well the professional development  
21 plan was carried out.

22 E. If a level two or three-A teacher's performance  
23 evaluation indicates less than satisfactory performance and  
24 competency, the school principal may require the teacher to  
25 undergo peer intervention, including mentoring, for a period

1 the school principal deems necessary. If the teacher is  
2 unable to demonstrate satisfactory performance and competency  
3 by the end of the period, the peer interveners may recommend  
4 termination of the teacher.

5 F. At least every two years, school principals  
6 shall attend a training program approved by the department to  
7 improve their evaluation, administrative and instructional  
8 leadership skills."

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