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May 28, 2015

MEMORANDUM

TO: Legislative Education Study Committee

FR: Kevin Force

**RE: STAFF BRIEF: *ELEMENTARY AND SECONDARY EDUCATION ACT (ESEA)*
FLEXIBILITY**

BACKGROUND

In September 2011, US Secretary of Education Arne Duncan published an open letter to all State Chief School Officers, inviting them to request flexibility from the requirements of the *No Child Left Behind Act of 2001*. These potential “waivers” would apply to school year 2011-2012 through school year 2013-2014, after which states might have the option to apply for an extension of the flexibility program.

In response to this invitation, New Mexico Secretary-designate of Public Education Hanna Skandera submitted such a request to the US Department of Education (USDE) in November 2011.

Thus far, New Mexico’s application for, and implementation of, *Elementary and Secondary Education Act* (ESEA) flexibility has followed this timeline:

- On **September 23, 2011**, Secretary Duncan published a letter to Chief State School Officers offering the opportunity to request flexibility from some of the requirements of ESEA.
- On **November 14, 2011**, Secretary-designate Skandera submitted a formal request for ESEA flexibility on behalf of New Mexico.

- In **December 2011** and **February 2012**, a seven-member peer panel reviewed New Mexico’s flexibility request and drafted notes detailing what they considered to be deficiencies in New Mexico’s request.
- On **December 20, 2011**, Acting Assistant Secretary of Education Michael Yudin responded to New Mexico’s request with a letter that rejected the initial flexibility request, noting a number of concerns expressed in the Peer Panel Review Notes regarding issues that required further development, including:
 - concern that plans for transitioning to college- and career-ready standards were not sufficiently developed for full review;
 - concern that plans for developing and implementing teacher and principal evaluation and support systems were also insufficiently developed;
 - the lack of consultation with “diverse stakeholders and communities”;
 - New Mexico’s use of conditional performance standards that adjust school grades based on student demographics; and
 - concern that student subgroups were not identified or used in the proposed accountability and support system.
- On **February 15, 2012**, New Mexico’s amended and improved flexibility request was submitted which was then approved, and a list of key improvements made by New Mexico to its initial request was published by USDE.
- On **February 22, 2012**, USDE released a letter confirming approval of New Mexico’s request and providing additional information regarding how to implement the request and meet the related obligations.
- **April 23, 2012**, USDE offered states the opportunity to apply for two additional waivers regarding adequate yearly progress (AYP) reporting and Title I, Part A “rank and serve” funding.
- On **April 27, 2012**, the Public Education Department (PED) released a public notice stating its intention to apply for these additional waivers.
- Between **October and November 2012**, USDE conducted the first component of its ESEA flexibility monitoring protocols, Monitoring, Part A, with parts B and C still to come.
- In **February 2013**, USDE approved updates to New Mexico’s flexibility request regarding the implementation of the requirements of Principle 3, “Supporting Effective Instruction and Leadership” (Teacher and School Leader Evaluation).
- On **June 18, 2013**, Secretary Duncan offered two additional waivers to help states with implementation of “College- and Career-Ready Transition Flexibility.”¹
- On **August 29, 2013**, Secretary Duncan offered states whose flexibility requests were approved the opportunity to renew their flexibility for two additional years.
- In **November 2013**, after considering stakeholder input regarding the possible two-year extension of flexibility, USDE offered and amended extension process, that would allow for one additional year (through school year 2014-2015), with submissions for the extension being due by February 28, 2014, or 60 days after the receipt of the state’s Part B Monitoring Report, whichever was later.

¹ See *Letter to Chief State School Officers on Graduation Rate Data and Race to the Top*, at: <http://www2.ed.gov/policy/elsec/guid/secletter/130618.html>.

- In **March of 2014**, USDE published its Monitoring Report, Part B, for New Mexico; the review was conducted **July 22 and 23, 2013**, with the exit conference being concluded **August 20, 2013**.
- On **March 31, 2015**, USDE approved New Mexico’s request for a renewal of its flexibility program for four more years, through school year 2018-2019.
- On **May 11, 2015**, USDE approved New Mexico’s request for a waiver from certain requirements associated “highly qualified teachers” (HQTs).

UPDATE

This staff brief will review the following issues arising out of the last two events in this timeline:

- the approval of New Mexico’s request for a renewal of its flexibility program, including a brief discussion of certain amendments to sections of New Mexico’s formal flexibility request addressing Principle 2, “State-developed Differentiated Recognition, Accountability and Support”; and
- the waiver from certain parts of the definition of “highly qualified teachers.”

Additionally, this report will touch upon the USDE profile of New Mexico’s ESEA Flexibility from the first two years of implementation.

RENEWAL OF NEW MEXICO’S ESEA FLEXIBILITY

On March 16, 2015 New Mexico submitted a request for renewal of its flexibility program, which was approved on March 31, 2015. The renewal is for four more years, and would carry the program through school year 2018-2019. According to the USDE, approval was based upon the determination that flexibility has been effective in enabling the state to carry out reforms that improve student achievement, as well as upon the continuation of implementation of locally tailored innovations and strategies to improve educational outcomes for all students.

Amendments to New Mexico’s Flexibility Request

The submitted request for renewal of flexibility also included amendments addressing certain aspects of New Mexico’s implementation of requirements under ESEA Flexibility Principle 2, “State-developed Differentiated Recognition, Accountability and Support.” Most notably, these include amendments to Principles 2D, 2E, and 2F, the provisions addressing “Priority,”² “Focus,”³ and other Title I schools,⁴ respectively:

² A “priority school” is a Title I school that has been identified as:

- being among the lowest 5.0 percent of such schools;
- having a graduation rate of less than 60 percent; or
- a Tier I or Tier II school under the School Improvement Grant (SIG) program that is receiving SIG funds to effect a school intervention model.

³ A “focus school” is a Title I school that is contributing to the achievement gap. The number of schools so identified must equal at least 10 percent of all the Title I schools in the state. A focus school is either:

- a school with the largest within-school gaps between the highest- and lowest-achieving subgroups; or
- at the high school level, one that has the largest within-school gap in graduation rates; or
- a school that has at least one subgroup with low achievement or, at the high school level, low graduation rates.

⁴ The lowest 10 percent of other Title I schools remaining after identification of priority and focus schools are designated as “strategic schools.”

- New Mexico proposed a new process for identifying priority, focus and “strategic” schools, involving a yearly ranking of Title I schools:
 - based on achievement and graduation rate for high schools, and achievement in elementary and middle schools;
 - including consideration of graduation rates that are lower than 60 percent, as well as large achievement gaps, as required under the USDE for priority and focus schools; and
 - while the number of schools that fall in each category will generally remain at 10 percent, 5.0 percent, and 10 percent, for priority, focus, and strategic schools, respectively, PED has indicated that in order to account for schools designated as “priority” due to achievement gaps and low graduation rates, it will, when necessary, expand the category of focus schools, and reduce the category of strategic schools, so that the total percentage of Title I schools for all three categories will remain at 25 percent.
- Also included in the updated proposal was a plan to accommodate necessary changes for the transition to assessments developed by the Partnership for Assessment of Readiness for College and Careers (PARCC), this year. The plan reweighted point assignments progressively for two years, after which the weighting will return to the current system in the third year.⁵

WAIVER OF CERTAIN PARTS OF THE DEFINITION OF “HIGHLY QUALIFIED TEACHER”

Recently, PED requested additional flexibility from USDE regarding certain requirements pertaining to “highly qualified teachers” (HQTs) (see **Attachment 1, PED Request for HQT Flexibility**). Noting that current federal law focuses on a teacher’s credentials to determine whether a teacher is highly qualified, PED emphasized recent research that indicates such “input” qualifications only weakly predict a teacher’s effectiveness in classroom teaching, while emphasis on student outcomes, as exemplified by the current NMTEACH evaluation system, is a much better indicator of teacher quality. Wishing to create better access for more students to teachers who receive ratings of “effective,” “highly effective,” or “exemplary” under the NMTEACH system, PED offered several proposals that would allow local educational agencies (LEAs) to better deploy these teachers, by allowing the department some flexibility from current federal HQT requirements.

According to PED, this proposed flexibility would establish criteria with which LEAs might place more effective teachers in high-need positions that are difficult to staff, based on their prior-year effectiveness rating. For LEAs to utilize this flexibility for a given teacher, certain criteria must apply:

- As noted, a teacher must receive a rating of “effective,” “highly effective,” or “exemplary” on their prior year NMTEACH evaluation.
- Regardless of their *summative* rating, a teacher must earn at least 50 percent of their possible student achievement measures in order to qualify.

⁵ See “Reweighting of Selected School Components,” *New Mexico ESEA Flexibility Request, March 16, 2015*, pp. 79-80.

- LEAs must submit to PED applications for flexibility that identify:
 - the teacher being considered for flexibility;
 - the content and grade level that the instructor in question shall be teaching; and
 - proposed support and professional development for these teachers.

The department goes on to describe how this flexibility would affect teachers in particular content areas:

- For secondary math and science teachers, who receive a general endorsement in either science *or* math:
 - LEAs might place eligible teachers in similar subjects at the sixth grade level, where currently they would be limited to grades 7-12; and
 - these teachers might be permitted to teach courses across similar content areas, so that teachers who are highly qualified in math might also teach relevant courses in science, and vice versa.
- Special education teachers are generalists that can teach special education students in the four core content areas while, at the secondary level, they must be highly qualified to teach a specific course; they cannot, however, teach students not identified as having special needs without a general education or dual license. Under the proposed flexibility, eligible teachers would be permitted to teach either special needs or general education students in their content areas.
- Eligible secondary-level teachers of the humanities would be permitted to teach:
 - fifth and sixth grade students; and
 - cross-curricular courses, so that, for example, an English language arts teacher might teach social studies, and vice versa.
- Qualified career and technical education teachers would be permitted to teach other courses relevant to their content areas, so that an agriculture teacher might teach biology or botany, for example.

Finally, PED notes that a teacher operating under this flexibility for at least two years might obtain the additional content credential on a permanent basis if they:

- qualify for this flexibility with a summative rating of “effective” or better, and achieve 50 percent of their student achievement measures;
- apply for the additional credential; and
- receive support and professional development from their LEA.

In response to this proposal, USDE did grant New Mexico a waiver from certain provisions that address “highly qualified teachers” (see **Attachment 2, *New Mexico Highly Qualified Teacher Letter, 5/11/15***). Specifically, the waiver pertains to ESEA Title IX, Section 9101(23)(C)(ii), which states:

“The term ‘highly qualified’ when used with respect to an elementary, middle, or secondary school teacher who is not new to the profession, means that the teacher holds at least a bachelor’s degree and demonstrates competence in all the academic subjects in which the teacher teaches based on a high objective uniform State standard of evaluation that:

- (I) is set by the State for both grade appropriate academic subject matter knowledge and teaching skills;
- (II) is aligned with challenging State academic content and student academic achievement standards and developed in consultation with core content specialists, teachers, principals, and school administrators;
- (III) provides objective, coherent information about the teacher’s attainment of core content knowledge in the academic subjects in which a teacher teaches;
- (IV) is applied uniformly to all teachers in the same academic subject and the same grade level throughout the State;
- (V) takes into consideration, but not be based primarily on, the time the teacher has been teaching in the academic subject;
- (VI) is made available to the public upon request; and
- (VII) may involve multiple objective measures of teacher competency.”

This waiver would permit LEAs to apply to PED to use the term “highly qualified teacher” to refer to a teacher who, as noted, qualifies for the flexibility by receiving a prior-year rating of “effective,” or better, and who earns at least 50 percent of their possible student achievement measures, rather than having to meet the requirements from this federal definition.

This waiver was granted subject to a number of limitations and requirements:

- If a teacher under this flexibility, after one year, fails to achieve a rating of “effective” or higher, the LEA where the teacher is employed will not be able to utilize this flexibility for that teacher, going forward.
- LEAs under this flexibility must offer professional development to help teachers transition to new content areas.
- PED must commit to annual reporting requirements, including:
 - public reporting, by May 1, of the total number of teachers under this flexibility, by school and LEA, and the number of teachers in an LEA who maintained their rating of “effective” or better; and
 - public reporting, by July 31, a list of the LEAs using this flexibility, and the number of teachers who maintained a rating of “effective” or better in a number of subject areas, as well as the number of such teachers moving from high school to middle school, or vice versa.
- PED and LEAs and schools must continue to meet ESEA highly qualified teacher requirements for all teachers not working under this flexibility.

LESC staff note a number of questions regarding this additional flexibility:

- Generally, the opportunity for an additional waiver under the flexibility program is preceded by a letter from the US Secretary of Education, inviting chief state school officials to apply for the new flexibility. Staff are unable to locate any such letter or announcement on USDE's flexibility web pages.
- The document at **Attachment 1** includes no address, nor is it dated or signed. Moreover, although in its response USDE specifically invoked Section 9101(23)(C)(ii), PED's request referenced no particular provision of ESEA from which it sought flexibility.
- As of May 22, 2015, New Mexico is the only state or territory within the US (including the District of Columbia, Puerto Rico, and the Bureau of Indian Education) to have been granted this waiver. Staff are unable to determine either whether other states have applied for the waiver, or have been invited to do so.

USDE FLEXIBILITY STATE PROFILE FOR NEW MEXICO, YEARS ONE AND TWO

In February 2015, USDE released, for each participating state, profiles wherein the Department analyzed aggregate subgroup achievement reported by each State Education Agency (SEA) to determine the extent to which the state's identification of schools captured:

- low subgroup achievement;
- low subgroup graduation rates;
- large subgroup achievement and graduation rate gaps;
- subgroups meeting annual measurable objectives (AMOs);
- the 95-percent participation rate; and
- graduation rate targets.

The profiles include data relating only to Title I participating schools, omitting schools that have been identified as Title I-eligible, while not actually participating in Title I programs. As one of the first states granted flexibility, within "Window 1," New Mexico has profiles for both Year One and Year Two of ESEA Flexibility. These profiles may be found at New Mexico's USDE ESEA Flexibility page, at: <http://www2.ed.gov/policy/eseaflex/data-profiles/nm-y1profile.pdf>, and <http://www2.ed.gov/policy/eseaflex/data-profiles/nm-y2profile.pdf>, respectively.

PED Request for HQT Flexibility

Introduction

Federal law focuses on teacher quality as measured by front-end qualifications. Specifically, the No Child Left Behind Act specifies that a Highly Qualified Teacher is to have either passed a content area exam or possess a minimum of 24 semester hours in the content area of choice. A teacher could also attain the status of nationally board certified.

Over the course of the last decade, however, research as well as popular thinking has shifted considerably, with a vast majority considering the inputs or credentials associated with the highly qualified status as an insufficient measure of teacher quality. As noted in several contemporary research journals, qualifications only weakly predict how teachers will do in the classroom (USDE, 2009; Buddin & Zamaro, 2009; Rivkin, Hanushek, & Kain, 2005).

The American Institutes for Research (2011) underscore this shift in orientation in *Reauthorizing the ESEA*, and note that discussions among policy makers and practitioners in education focuses on the highly effective teacher, or HET. This shift to HET takes into account both the inputs or teacher credentials, and the outcomes or student achievement (American Institutes for Research, 2011). They define an effective teacher as one whose students achieve an acceptable rate, i.e., at least one grade level in an academic year (American Institutes for Research, 2011).

Given the wealth of contemporary research, coupled with the fact that the U.S. Department of Education has called upon states to share strategies that improve teacher effectiveness and ultimately enhance student academic achievement, the New Mexico Public Education Department (PED) has operationalized a bold plan that emphasizes educator effectiveness over the highly qualified credentialing.

The plan, referred to as NMTEACH, is now in its second full year of implementation and is yielding promising results. Drawing on the research cited above, the NMTEACH Educator Effectiveness System is comprised of three categories: observations, locally adopted multiple measures such as student and teacher surveys, and improved student achievement as measured through standards based assessment(s).

School districts must:

1. Develop an EES plan and submit it to the PED for approval.
2. In the school year which began in 2013-14 implement the effectiveness evaluation system.
3. Be based on the performance of the students in the classroom;
4. Include the following measures:
 - a. 50% student achievement growth
 - b. 25% classroom observations
 - c. 25% multiple measures
5. Differentiate among five performance levels:

PED Request for HQT Flexibility

- a. Exemplary (meets competency)
- b. Highly Effective (meets competency)
- c. Effective (meets competency)
- d. Minimally Effective (does not meet competency)
- e. Ineffective (does not meet competency)

In short, the focus is on a teacher's ability to improve student achievement as measured by Value-Add and other measures. New Mexico is developing high-performing teachers based on meaningful interaction with students in the classroom, and not merely focusing on one's background credentials. The state is rapidly moving away from what Weisberg, Sexton, Mulhern and Keeling termed the widget effect in their report issued almost five years ago (Weisberg, Sexton, Mulhern & Keeling, 2009).

Data emerging from the Educator Effectiveness System is beneficial from a multifaceted perspective, benefitting all stakeholders including the students, the teachers, district leadership and the PED.

For teachers receiving minimally effective and ineffective ratings, district leadership will develop professional growth plans that may include additional classroom observations, mentorship and guidance materials to improve classroom instruction. This information permits the LEAs to better allocate resources to improve teacher performance, and ultimately student achievement. The information also allows the PED to redirect its state and federal resources, identifying for example, targeted professional development sessions that meaningfully impact deficits in teacher attitudes, skills and knowledge using Title II funding.

NMTEACH acknowledges and rewards exemplary and highly effective teachers through both salary and enhanced professional growth opportunities. For example, plans are underway in 2015 to utilize those scoring exemplary and highly effective ratings as academy leaders and mentors for the cadre who need further assistance in becoming effective teachers.

Ultimately student achievement is at stake. Moving from a status of highly qualified to an exemplary rating based on student growth is job one for those truly committed to the teaching profession.

As New Mexico proceeds in implementation of the NMTEACH effectiveness system, we are committed to identifying the best performing teachers, but more importantly, opportunities to provide better access to these teachers by more students. In addressing this possibility, PED is proposing to establish a method for LEAs to receive flexibility from the requirement of Highly Qualified teacher status when an LEA can place a teacher who has proven to impact student achievement in an effective manner.

This flexibility would establish criteria in which LEAs could place teachers in high need positions and difficult to staff positions based upon their effectiveness rating from the prior year.

PED Request for HQT Flexibility

In addition, LEAs would need to establish support and professional development for these teachers.

For LEAs to determine flexibility, the following criteria must apply:

- A teacher is Effective, Highly Effective, or Exemplary on the summative rating of their NMTEACH evaluation, AND
- A teacher must earn at least 50% of their possible Student Achievement Measures (STAM) to be qualified, regardless of summative rating.
- Districts will submit a completed application for flexibility identifying the following:
 - Teacher being assigned
 - Content/Grade level
 - Proposed supports

Secondary Math/Science Teachers

In New Mexico, secondary math and science teachers receive a generalist endorsement in either science or math. They are eligible to teach grades 7-12 with their secondary license. Currently, they are ineligible to teach grades 5 or 6 even when the grade is within a middle school setting.

With this flexibility, LEAs could place effective, highly effective, or exemplary teachers to teach similar STEM subjects at the 6th grade level. Additionally, LEAs may use flexibility in having STEM teachers teach courses across STEM contents, if they meet the criteria listed above. This will allow teachers who are HQT in math to teach relevant courses in science, or those HQT in science to teach similarly in math.

LEAs will need to ensure that flexibility is within the STEM content for qualified teachers. Additionally, LEAs must create a process to reassign teachers, including active acknowledgement and acceptance, and professional development and supports that will be used to aid the respective teacher in this effort.

Per New Mexico statute, each teacher must have a professional development plan (PDP) in place by the 40th day of the school year. For purposes of establishing flexibility using NMTEACH effectiveness ratings, teachers and principals must work together to establish targeted areas of support to ensure the teacher is best able to make such a transition meaningful and advantageous for the students. Additionally, principals must ensure that PDP goals will be supported with appropriate professional development as necessary.

Special Education Teachers

New Mexico Special Education teachers are generalists that can teach self-contained classrooms of special education students in the four core content areas. In secondary schools, they must also meet the highly qualified requirement if they are the teacher of record for a specific course.

PED Request for HQT Flexibility

These teachers, however, are ineligible to teach students who are not identified as having special needs unless they obtain a general education/dual licensure.

Based on the NMTEACH effectiveness system, special education teachers would be allowed to teach students with special needs or general education students in the content areas they are eligible. Similar to STEM teachers, these teachers would need to meet the effectiveness ratings combined with the STAM scores. Like STEM teachers, LEAs would need to identify appropriate supports and professional development for these teachers and PDPs would need to incorporate targeted language to focus supports the areas of flexibility.

Humanities Teachers

LEAs may also exercise the flexibility for secondary English language arts and social studies teachers applying the same criteria as STEM teachers. Teachers who demonstrate effective or better performance who have earned at least 50% of their STAM are eligible.

Similarly to their STEM peers, these teachers would be able to teach humanities courses to 5th and 6th grade students. Also, like the STEM teachers, these teachers would be able to teach cross-curricular courses within the humanities. Thus, social studies teachers may teach English language arts, and English language arts teachers may teach social studies, if all other criteria are met.

Career Technical Education Teachers (CTE)

In middle and high schools that have CTE teachers that have student achievement measures, LEAs may request HQT flexibility for teachers who meet similar criteria listed above. Teachers in these areas must teach in relevant areas to their content area. As an example an agriculture teacher can be eligible to teach core content such as botany, biology, or even anatomy and physiology.

Credentialing

If a teacher utilizing this flexibility for two years wishes to obtain the additional content credential permanently, they must:

- Score Effective or better with at least 50% of STAM growth,
- Seek to apply for the additional credential, and
- Receive support from the district.

If all criteria are met, teachers will be able to obtain the content level credential permanently and do so in a manner that will save both time and money.

PED Request for HQT Flexibility

Summary

New Mexico's move toward more objective measures of evaluating teachers, also allows an opportunity to improve the scope of influence of the best teachers. By allowing LEAs flexibility with the use of the NMTEACH effectiveness system, we are emphasizing the impact of teachers on student outcomes as a primary focus of staffing and teacher development. More importantly, we are emphasizing that our students must have more access to these teachers.

In addition, many of our smaller districts have indicated that creating such flexibility does allow them to create more offerings to students. It also allows them to meet the budgetary demands while meeting the needs of the students with better performing teachers.

Reporting requirements if approved

USED would add 2:

- 1) LEAs report total # of teachers using flex by school and overall and report those with flex ratings moving forward (end of May)
 - a. Include as part of school grade report card
- 2) PED reports: target end of July

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U.S. Department of Education

LAWS & GUIDANCE (/POLICY/LANDING.JHTML?SRC=LN) / ELEMENTARY & SECONDARY EDUCATION New Mexico Highly Qualified Teacher Letter

Date: May 11, 2015

The Honorable Hanna Skandera
Secretary of Education
New Mexico Public Education Department
300 Don Gaspar Avenue
Santa Fe, NM 87501

Dear Secretary Skandera:

This letter serves as a response to New Mexico Public Education Department's (NMPED) request for a waiver from one aspect of the definition of "highly qualified teacher" (HQT) in section 9101(23) of the Elementary and Secondary Education Act of 1965, as amended (ESEA).

NMPED requested this waiver to reflect its transition toward evaluating teachers based on effectiveness and to broaden the scope of influence of NMPED's best teachers. NMPED further explained that this waiver will enable it and its local educational agencies (LEAs) to emphasize the impact of teachers on student outcomes as a primary focus of staffing and teacher development, as well as to ensure that all students have access to effective teachers. Finally, NMPED explained that many of its small LEAs have indicated that this waiver will allow them to increase the number of course offerings available to students.

After reviewing NMPED's request, pursuant to my authority under ESEA section 9401, I am approving NMPED's request for a waiver of ESEA section 9101(23)(C)(ii) through the 2018–2019 school year. This waiver enables New Mexico's LEAs to apply to NMPED to use the term "highly qualified teacher" to refer to a teacher who received a summative rating of "effective," "highly effective," or "exemplary" and, accordingly, has earned at least 50 percent of the possible student achievement measures in New Mexico's teacher evaluation and support system, NMTEACH, in lieu of meeting the requirements in ESEA section 9101(23)(C)(ii) regarding subject-matter expertise. I believe this waiver will increase the quality of instruction and improve the academic achievement of students by focusing on a teacher's effectiveness in impacting student outcomes.

I am granting this waiver subject to NMPED's continued commitment to establishing safeguards for students and supports for educators teaching under the flexibility outlined in this waiver, including the following:

1. If a teacher taking advantage of this flexibility, after teaching for one school year, is not rated effective, highly effective, or exemplary on the NMTEACH evaluation system, the LEA in which the teacher is employed will not be granted HQT flexibility for that teacher going forward;
2. Each LEA that takes advantage of this flexibility will offer professional development and support opportunities to aid teachers transitioning to new content areas under this flexibility;
3. Principals in an LEA that takes advantage of this flexibility will ensure that professional development plans for teachers teaching under this flexibility will include targeted areas of support to ensure that a teacher is effective in his or her new content area; and
4. This flexibility applies only in the following limited contexts:

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- Student loans, forgiveness (/fund/grants-college.html?src=mn)
 - College accreditation (<http://ope.ed.gov/accreditation/>)
 - No Child Left Behind (/nclb/landing.jhtml?src=mn)
 - FERPA (/policy/gen/guid/fpco/ferpa/index.html?src=mn)
 - FAFSA (<http://fafsa.ed.gov/>)
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Information About...

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New Mexico Highly Qualified Teacher Letter, 5/11/15

- Science, Technology, Engineering, and Mathematics (STEM): effective teachers credentialed to teach science or mathematics are, under this flexibility, able to be designated as HQT when teaching either subject in grades 5 through 12.
- Humanities: effective teachers credentialed in English/language arts or social studies are, under this flexibility, able to be designated as HQT when teaching either of those subjects in grades 5 through 12.
- Special Education Teachers: effective teachers credentialed to teach special education are, under this flexibility, able to be designated as HQT when teaching general education students in the content areas in which they are eligible through traditional credentialing or the new STEM and Humanities categories, in grades 5 through 12. (Note: this flexibility does not allow teachers credentialed to teach general education to be considered HQT if teaching special education.)
- Career Technical Education Teachers (CTE): effective teachers credentialed to teach CTE are, under this flexibility, able to be designated as HQT when teaching in areas relevant to their content area.

Further, NMPED must commit to the following annual reporting requirements to receive this waiver, so that parents, advocates, and policy makers can understand, learn from, and, where necessary, adjust the ways NMPED and its LEAs use the flexibility:

1. Each LEA that takes advantage of this flexibility must, by May 31st of each year, publicly report: (a) The total number of teachers teaching under this HQT flexibility, by school and in the LEA as a whole; and (b) After the first year of implementation, at the LEA level only (not by school), the number of teachers reported in (a) who maintained a rating of effective (or better) while teaching under this flexibility. This reporting requirement will only apply to LEAs with at least five teachers teaching under this flexibility in a prior year.
2. NMPED must publicly report, by July 31st of each year, a list of the LEAs that are taking advantage of this flexibility. In addition, NMPED must publicly report, at the State level, on the total number of teachers using this flexibility and, after the first year of implementation, the number of such teachers who maintained a rating of effective (or better), in the following categories:
 - Those moving within the newly defined "STEM" category.
 - Those moving within the newly defined "Humanities" category.
 - Those moving from special education to general education.
 - Those moving within the "CTE" category.
 - Those moving from high school to middle school.
 - Those moving from middle school to high school.

NMPED and New Mexico LEAs and schools must continue to meet the ESEA's HQT requirements for all teachers who do not teach under the flexibility outlined in this waiver. Additionally, New Mexico LEAs should continue to create environments in which teachers desire to work and thrive, by providing appropriate resources and supports and competitive salaries, to ensure the highest need students are taught by effective teachers.

Thank you for the work you are doing to ensure that all students in New Mexico have access to effective educators. If you have any questions about this waiver, please contact me or please have your staff contact Lisa Sadeghi (202-453-6465) or Bryan Thurmond (202-205-4914) by phone or by email at: OSS.NewMexico@ed.gov.

Sincerely,

/s/

Deborah S. Delisle
Assistant Secretary

cc: Leighann



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[Loan Servicers \(https://studentaid.ed.gov/repay-loans/understand/servicers?src=ft#who-is-my-loan-servicer\)](https://studentaid.ed.gov/repay-loans/understand/servicers?src=ft#who-is-my-loan-servicer)

Grants & Programs

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[Apply for Pell Grants \(http://www.fafsa.ed.gov?src=ft\)](http://www.fafsa.ed.gov?src=ft)
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Laws & Guidance

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Data & Research

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