

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill No: HB 190

49th Legislature, 1st Session, 2009

Short Title: Teacher Level Advancement Requirements

Sponsor(s): Representative Roberto “Bobby” J. Gonzales and Others

Analyst: David Harrell

Date: February 10, 2009

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

Bill Summary:

HB 190 adds a new section to the *School Personnel Act* to require the Public Education Department (PED) to “prescribe the scope and content of a professional development dossier [PDD] as an accurate reflection of a teacher’s classroom performance” and as a requirement for advancement to a Level 2 or Level 3-A license.

The bill also requires PED to oversee the process of preparing, submitting, and reviewing PDDs. In particular, PED must:

- establish the criteria for a successful PDD at each licensure level;
- establish a submission schedule for PDDs;
- provide guidance and technical assistance to teachers, school districts, and charter schools in the preparation and submission of PDDs;
- monitor the kinds and levels of assistance that school districts and charter schools offer their teachers who are preparing their PDDs;
- establish criteria for the responsibilities, recruitment, selection, training, assignment, and performance of PDD reviewers;
- ensure an adequate pool of qualified reviewers;
- exercise final approval authority over reviewers and PDDs; and
- monitor the activities and expenditures of contractors.

Finally, HB 190 allows PED to contract for program administration and PDD review.

Fiscal Impact:

HB 190 makes no appropriation.

However, the PED analysis notes that, to perform the functions prescribed by the bill, the department must have access to the funds deposited into the Educator Licensure Fund, as provided in a complementary bill introduced during the 2009 legislative session, HB 188, *Educator Licensure Fund Purposes* (see “Issues,” below).

Issues:

HB 190 reflects findings and recommendations of a joint study of the Three-tiered Teacher Licensure, Salary, and Evaluation System by the Legislative Education Study Committee

(LESC), the Legislative Finance Committee (LFC), and the Office of Education Accountability (OEA). Presented to the LESL during the 2007 interim, this study examined a number of aspects of the three-tiered system, including the PDD, which is the main requirement for advancement in the licensure system (see “Background,” below).

Perhaps the most fundamental finding of the study was that, despite its central role in the licensure advancement process, the PDD is not recognized or defined in statute, only in PED rule.

The study also found that, although the PDD process “works efficiently” in general:

- PED relies heavily on outside contractors to administer the PDD process, spending approximately \$550,000 in FY 07 alone (see “Background,” below);
- PED neither collects licensing application fees from teachers seeking advancement to levels 2 or 3 in the three-tiered system nor deposits these fees into the Educator Licensure Fund, instead, delegating that responsibility to a private contractor;
- even if PED were depositing the application fees paid by teachers, the department would be unable to use the fees to pay the costs of the PDD review process because state law currently allows money in the Educator Licensure Fund to be used only for the educator background check program;
- the kind and extent of assistance that teachers receive in preparing their PDDs seems to vary considerably among the 89 school districts; and
- more formal oversight by PED would help strengthen the integrity of the PDD process.

To address these issues, the LESL endorsed HB 190.

Finally, as noted above, HB 190 is one of two complementary bills endorsed by the LESL and introduced during the 2009 session. The other is HB 188, *Educator Licensure Fund Purposes*, which amends a section of the *Public School Finance Act* to allow money in the Educator Licensure Fund to be spent not only to fund the educator background check program (the current provision), but also to enforce educator ethics requirements and to process applications for licensure or renewal of licensure, including review of PDDs.

Background:

In 2003, New Mexico enacted comprehensive public school reform legislation that, among its numerous provisions, created a three-tiered teacher licensure, evaluation, and salary system to address a teacher shortage that had been identified in the late 1990s and to improve student achievement.

To implement the three-tiered licensure system, PED formed a work group in spring 2003 to develop the PDD as the main requirement for advancement from a provisional Level 1 license (valid for no more than five years) to a renewable Level 2 license (professional teacher) and from a Level 2 license to a renewable Level 3-A license (master teacher).

- The PDD is a collection of a teacher’s classroom data (lesson descriptions, handouts, student work, video and audio recordings, and photos), which is submitted and reviewed through an online process.
- The PDD is organized into five strands – Instruction, Student Learning, Professional Learning, Verification, and Evaluation. The first three strands incorporate the nine core

teacher competencies, and they are to be evaluated by two outside reviewers; the other two indicate the superintendent's verification that the PDD is indeed the teacher's own work and the superintendent's recommendation for advancement.

In addition to the points noted under "Issues," above, the joint study of the three-tiered system found that, as of February 2007:

- nearly 2,000 teachers had submitted PDDs for advancement to a Level 2 license;
- more than 600 teachers had submitted PDDs for advancement to a Level 3-A license;
- the initial passing rate in each case was well over 80 percent, with the cumulative passing rate exceeding 90 percent; and
- among all Level 2 and Level 3 teachers, those who obtained their licenses through the PDD process represent a small portion of the total: 15.6 percent and 7.8 percent, respectively. The majority of Level 2 and Level 3 teachers had earned their licenses prior to the implementation of the 2003 legislation enacting the current three-tiered system.

The OEA analysis of HB 190 provides this update as of school year 2007-2008:

- altogether, 3,635 teachers submitted a PDD to advance from Level 1 to Level 2, with a total passing rate of 90.8 percent; and
- 1,553 teachers submitted a PDD to advance from Level 2 to Level 3, with a total passing rate of 90.1 percent.

Finally, as explained in the report of the joint study, to administer the PDD process PED has contracted with two entities.

- First, PED has entered into an inter-governmental agreement with the Institute for Professional Development at the University of New Mexico to provide oversight and support of the licensure process, including selecting and training external reviewers of the PDD (see "Background," below). For FY 07 and FY 08, the contracted amount was approximately \$300,000 of federal Title II funds each year.
- Second, PED has contracted with the private company VisionLink to operate and maintain an online service for teachers to submit their PDDs electronically. VisionLink processes teacher licensing applications, including PDDs, renewal applications, and the alternative licensure portfolio. The company also operates a help desk to support the online system, and, as noted above, it collects licensure fees on behalf of PED. For FY 07 and FY 08, the contract amount was \$250,000 each year, not counting the licensure fees that the company collects from teachers on behalf of PED: approximately \$700,000 collected and \$657,000 expended between FY 05 and July 2007.

Related Bills:

HB 188 *Educator Licensure Fund Purposes*
SB 133a *Teacher Licensure Changes*