

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: SB 293

50th Legislature, 2nd Session, 2012

Tracking Number: 188591.1

Short Title: Teacher & School Leader Effectiveness Act

Sponsor(s): Senators Vernon D. Asbill and Cynthia Nava

Analyst : Phil Baca and James Ball

Date: February 3, 2012

Bill Summary:

SB 293 adds a new section to the *Public School Code* to create the *Teacher and School Leader Effectiveness Act* (act).

Among its provisions, the bill:

- Defines several terms:
 - “formative evaluation” is an evaluation that creates ongoing opportunities for feedback to enable a teacher’s instruction to be improved;
 - “licensed school employee” is limited to those licensed school employees who provide services at one or more public schools in a district;
 - “school district” includes charter schools;
 - “school principal” includes assistant principals and head administrators in charter schools; and
 - “teacher” includes instructional support providers.
- requires the Public Education Department (PED) to (1) promulgate rules for the act to include district procedures, effectiveness level standards, and measures of student achievement growth; and (2) adopt approved assessment and measures;
- requires the Secretary of Public Education to convene an advisory committee of New Mexico teachers, principals, other licensed school employees, and other stakeholders;
- during school year 2012-2013 and school year 2013-2014, requires districts to use the Highly Objective Uniform Statewide Standards of Evaluation for evaluating, promoting, terminating, and discharging licensed school employees;
- beginning with school year 2014-2015, requires a district to implement a PED-approved system; and
- beginning with school year 2014-2015, requires a district to make certain employment decisions pursuant to the act.

SB 293 also establishes effectiveness evaluation procedures and criteria that require:

- a school district to annually provide PED with a report on the result of its effectiveness evaluations and alignment of the evaluations with the three-tiered licensure system;
- PED to approve and monitor the implementation of each district’s evaluation system;

- by December 1 of each year, PED to provide a report to the Governor and the Legislature on the approval, implementation, and results and findings;
- a teacher and school leader effectiveness evaluation system to:
 - be designed to support effective instruction and student achievement
 - provide appropriate means to inform professional development activities;
 - identify teaching fields for which special evaluation procedures and criteria may be developed;
 - include multiple effectiveness data sources and measures of student achievement worth 50 percent, observations worth 25 percent, and other measures worth 25 percent of the total annual evaluation;
 - differentiate among at least five levels of performance;
 - establish a peer assistance process;
 - at least once a year, evaluate a teacher on student achievement growth based on a combination of results: 35 percent standards-based assessments (SBA) and 15 percent PED-approved assessments;
 - use state-adopted measures of student growth as well as other PED-approved comparable measures for subjects and grades not tested by the uniform state measure, including a school's A through F letter grade;
 - for school principals use 50 percent of a school's A through F letter grade and include input from parents and other licensed employees; and
 - provide for alternative research-based criteria for assessing the effectiveness of licensed school personnel who are not classroom teachers.

SB 293 requires certain post-evaluation activities, including:

- a written report presented to each licensed school employee, including notice of unsatisfactory work performance and a professional growth plan for any employee rated minimally effective or ineffective;
- a post-evaluation conference with each employee no later than 10 days after the evaluation is completed;
- period of 90 school days to correct or improve minimally effective or ineffective performance;
- discharge or termination procedures for uncorrected unsatisfactory work performance following existing statute, including, however, exemptions for extraordinary circumstances as determined by PED; and
- school district notification to PED of any licensed school employee who receives two consecutive minimally effective or ineffective evaluations, as well as all discharges or terminations.

Finally, provisions of the act further require:

- by October 1, 2012, PED to develop a formula to measure individual student achievement growth on the state's standardized assessments used for school accountability as well as an approval process to use when school districts request the use of alternative effectiveness measures for subjects, grades, or situations not covered in the state's assessment;
- by December 1, 2012, PED to adopt the formula by rule;
- beginning with school year 2013-2014, each school district to use PED-adopted student achievement growth measures;

- beginning with school year 2014-2015 school year, each school district to administer a student assessment that measures mastery of certain course content; and
- school districts to designate positions to be filled and qualifications for those positions; and to establish procedures for appointment, compensation, promotion, suspension, discharge, and termination of licensed school employees that align with the act.

Fiscal Impact:

SB 293 does not contain an appropriation.

Fiscal Issues

The FY 13 Executive recommendations include two appropriations to PED:

- a \$2.5 million recurring appropriation to, according to PED, reward highly effective teachers and implement a new teacher evaluation system; and
- a \$3.0 million non-recurring appropriation to, according to PED, transition to teacher effectiveness in FY 12, FY 13, and FY 14.

According to the bill analysis by PED:

- there are no fiscal implications; and
- the Executive recommendation has requested funds to support districts as they develop various aspects of the new evaluation system (i.e., assessments for teachers in non-tested grades and subjects and multiple measures) and provide training on the new system.

According to the Fiscal Impact Report (FIR) of the Legislative Finance Committee of a similar bill (SB 315), the implementation of SB 293 may have a similar fiscal impact.

Substantive Issues:

According to the Attorney General’s analysis of SB 293:

This is a major rework of evaluations for licensed school personnel, specifically teachers and principals . . .

Given such a broad reworking of the evaluation criteria, and given that notable legislative change has already been implemented in the recent past regarding education, it seems that such substantive legislation deserves the time and pace that a longer session would allow.

Also, while linking teacher to student achievement is a current means of evaluating teacher effectiveness, the methodology to do so remains unclear. SB 293 attempts to establish such a methodology, but it remains to be tested whether the strictures imposed by this bill will achieve such results.

Background:

Current Law

Provisions in the *School Personnel Act* in the *Public School Code* currently require:

- PED to 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 to 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;
- a local superintendent to adopt policies, guidelines, and procedures for the performance evaluation process;
- an evaluation by other school employees to be one component of the evaluation tool for school administrators;
- as part of the highly objective uniform statewide standard of evaluation for teachers, a school principal to observe each teacher's classroom practice to determine the teacher's ability to demonstrate state-adopted competencies;
- at the beginning of each school year, teachers and school principals to devise professional development plans for the coming year, and performance evaluations to be based in part on how well the professional development plan was carried out;
- if a Level 2 or 3-A teacher's performance evaluation indicates less than satisfactory performance and competency, a school principal to require a teacher to undergo peer intervention, including mentoring, for a period the school principal deems necessary. If the teacher is unable to demonstrate satisfactory performance and competency by the end of the period, the peer interveners may recommend termination of the teacher; and
- at least every two years, school principals to attend a training program approved by the department to improve their evaluation, administrative, and instructional leadership skills.

New Mexico Effective Teaching Task Force

In 2011, the Legislature considered, but did not pass, SB 502, *School Teacher and Principal Evaluation System*. Among its provisions, the bill would have required PED to convene a work group to develop and make recommendations for a highly objective uniform statewide evaluation framework for school district and charter school teacher evaluation models and school principal evaluations, and to propose a performance-based compensation system to provide incentives for effective teachers and school principals.

Through Executive Order 2011-024, the Governor created the New Mexico Effective Teaching Task Force, comprising 15 members (including the directors of the LESC and LFC) appointed by and serving at the pleasure of the Governor. The task force was charged with providing recommendations to the Governor regarding how best to measure the effectiveness of teachers and school leaders based on specific parameters, including:

- student achievement — representing at least 50 percent of the teacher evaluation;
- demonstrated best practices of effective teachers and teaching;
- the weights assigned to these measures; and
- the transition to a performance-based compensation system acknowledging student growth and progress.

During the fall interim, LESC staff testified that the task force heard presentations from education professionals specializing in value-added modeling, student assessment, and teacher quality. Subsequent meetings featured more presenters from organizations that included the Southern Regional Education Board, the New Mexico School Leadership Institute, and the

New Mexico Business Roundtable. The Secretary-designate of Public Education also testified that the task force would accept public input prior to completing its report and recommendations to be delivered to the Governor in August 2011.

In August, the Secretary-designate reported that the task force had met 10 times and formed four work groups organized around the following topic areas:

- Teacher and School Leader Evaluation;
- Professional Development;
- Recruitment and Retention; and
- Compensation and Advancement.

Testimony from LESC and PED staff during the October LESC hearing explained that, on August 26, PED presented the Governor with *New Mexico Effective Teaching Task Force: Final Report and Recommendations*. The report made 38 recommendations, all but two of which (regarding the use and phase-in of a value-added model) were unanimously approved by the 15-member group. However, LESC members expressed a number of concerns, including the need to continue with the three-tier licensure process and to improve the professional development dossier and professional development plan processes.

Related Bills:

HB 249 *Teacher & School Leader Effectiveness Act* (Identical to SB 293)
HB 251 *State Teacher Evaluation Framework* (Identical to SB 315)
SB 315 *State Teacher Evaluation Framework* (Identical to HB 251)