

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: CS/SB 315

50th Legislature, 2nd Session, 2012

Tracking Number: .189405.1

Short Title: Teacher Evaluation Framework

Sponsor(s): Senator Howie C. Morales

Analyst: Phil Baca and James Ball

Date: February 6, 2012

**SENATE EDUCATION COMMITTEE SUBSTITUTE
FOR SENATE BILL 315**

Bill Summary:

CS/SB 315 amends the *School Personnel Act* in the *Public School Code* to:

- create a council to develop recommendations for establishing a Teacher Evaluation Framework and a Principal and Head Administrator Evaluation Framework;
- require the Public Education Department (PED) to use the frameworks to develop a state evaluation program for teachers, principals, and head administrators; and
- require school districts and charter school governing bodies to make personnel decisions based on the performance ratings of the evaluation program.

Among its provisions, the bill provides that:

- by June 1, 2012, PED convene a council from June 1, 2012 through December 31, 2015;
- the council conduct its work with the assistance of PED staff;
- the council membership be comprised of:
 - the Secretary of Public Education or designee; and
 - geographically diverse members appointed by the Secretary to include:
 - ✓ 16 full-time classroom teachers, nominated by public school teacher organizations, to include:
 - two Level 2 elementary classroom teachers;
 - two Level 2 middle school classroom teachers;
 - two Level 2 high school classroom teachers;
 - two Level 3 elementary classroom teachers;
 - two Level 3 middle school classroom teachers;
 - two Level 3 high school classroom teachers;
 - two Level 2 charter school classroom teachers; and
 - two Level 3 charter school classroom teachers;

- ✓ six principals, nominated by the New Mexico Coalition of School Administrators that include two current administrators each in an elementary school, middle school, and a high school;
 - ✓ two head administrators, nominated by the New Mexico Coalition for Charter Schools; and
 - ✓ two representatives of a public school parent organization, nominated by that organization;
- the council members be reimbursed for per diem and mileage if sufficient PED funds are available; and
 - the council may convene temporary work groups and consult with state, regional, and national experts.

By December 31, 2012, the provisions of the bill require the council to provide evaluation framework recommendations:

for teachers that include:

- a research-based evaluation protocol;
- criteria for selecting, certifying, and training certified evaluators;
- the sequence and schedule for evaluations by certified evaluators and the school principal or head administrator;
- criteria for assessing school progress on the Educational Plan for Student Success (EPSS);
- criteria for using student learning objectives as a measure of teaching effectiveness;
- criteria for using student surveys;
- four or more performance ratings for teacher effectiveness, to include at least: (1) distinguished; (2) proficient; (3) basic; and (4) unsatisfactory; and
- criteria and training for implementing peer assistance, review, and intervention programs; and

for school principals and head administrators that include:

- a research-based evaluation protocol;
- criteria for selecting, certifying, and training evaluators;
- the sequence and schedule of measures for the evaluation;
- criteria for assessing school progress on the EPSS;
- criteria for assessing the school environment and school management;
- criteria for using student learning objectives as a component of measuring school leadership effectiveness;
- criteria for student, parent, and teacher surveys; and
- four or more performance ratings to indicate level of school leadership effectiveness, to include at least: (1) highly effective; (2) effective; (3) improvement necessary; and (4) does not meet standards.

Also December 31, 2012, the bill requires the council to provide recommendations for:

- PED's adoption of a teacher and principal/head administrator program that integrates both frameworks in ways that serve and support student learning;

- evaluation training materials and guidelines;
- the sequence and schedule of measures to be taken in response to the evaluations;
- PED's alignment of the evaluation program with the current licensure and compensation systems; and
- necessary changes to current law or PED rule for evaluation results to be used in personnel decisions, such as compensation, promotion, retention, termination, and professional development.

By April 30, 2013, the bill requires PED to adopt an evaluation program:

for teachers that:

- is used to evaluate each licensed teacher to appropriate licensure level standards;
- is based on the council's evaluation recommendations;
- is based on standards of practice that account for the complexities of teaching;
- includes formative and summative evaluation criteria and evidence of teaching ability and student learning from multiple sources; and
- provides:
 - continuous opportunities for professional development and growth;
 - determining teacher effectiveness and assigning a performance rating in one of four or more council-recommended performance levels;
 - evaluation instruments, rubrics, or other council-recommended tools;
 - evaluation procedures for each teacher licensure level; a connection with professional development provisions in current law; and
- establishes:
 - the sequence and schedule of measures to be taken in response to evaluation, including a professional improvement plan that includes peer assistance, review, and intervention if sufficient improvement does not occur and termination is considered;
 - an appeal process;
 - procedures for maintaining confidentiality of personally identifiable student and teacher information; and
- provides ongoing training to school districts and charter schools; and

for principals and head administrators that:

- is based on the council's evaluation framework and recommendations;
- includes evidence of school leadership effectiveness from multiple sources;
- provides standards for determining school leadership effectiveness and assigns a performance rating in one of four or more performance levels;
- provides evaluation instruments, rubrics, or other tools and also procedures for conducting evaluations;
- establishes:
 - the sequence and schedule of measures to be taken in response to evaluation;
 - an appeals process; and
 - whether personnel rating are confidential personnel matters; and

- provides support to districts and charter schools for implementing the evaluation program, including ongoing training.

By May 1, 2013, the department is then required to make available to school districts and charter schools the teacher, principal, and head administrator evaluation program; its rules; and related materials.

Starting with school year 2013-2014, the bill requires certain percentages to be used in the evaluation of each licensed teacher and each school principal and head administrator:

for each licensed teacher:

- 20 percent on formative classroom observations performed twice each school year;
- 20 percent on two summative classroom observations during a school year conducted every three years;
- 30 percent on student learning measured by student learning objectives;
- 10 percent on total observation of school progress measured by EPSS goals; and
- 20 percent on student feedback compiled from student surveys; and

for each school principal head administrator:

- 30 percent on the instructional achievement and school progress as measured by EPSS goals;
- 20 percent on the operations of the school;
- 20 percent on the execution of teacher evaluations and on providing support for the improvement of teacher performance;
- 20 percent on teacher and staff surveys and on responsiveness to teacher and staff feedback; and
- 10 percent on student and parent surveys.

The bill further requires:

- evaluation results to be provided to those evaluated and used to improve performance; and
- PED to monitor the administration of the program by districts and charter schools.

By March 1, 2014 and 2015, the bill requires the council and PED to prepare a draft status report on the teacher evaluation program and a final report by June 1, 2014 and 2015 to the Governor and the LESC that includes:

- data, by district and charter school, outlining the aggregate number of teachers, principals, and head administrators at each level of performance rating;
- summaries of teacher, staff, student, and parent surveys; and
- council recommendations for improving the evaluation program in law or rule.

Other provisions of the bill:

- define “certified evaluator,” “educational plan for student success,” “formative evaluation,” “head administrator,” “student learning objectives,” and “summative evaluation”; and
- beginning with school year 2013-2014, a teacher who earns the lowest performance rating for teaching effectiveness after participating in a peer intervention program to be terminated.

Finally, CS/SB 315 includes clean-up language and other amendments to correspond to the new material in the bill.

Fiscal Impact:

CS/SB 315 makes no 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 nonrecurring appropriation to, according to PED, transition to teacher effectiveness in FY 12, FY 13, and FY 14.

According to the Fiscal Impact Report of the Legislative Finance Committee (LFC) of the original bill, the PED analysis does not provide a fiscal impact to either the department or school districts and charter schools.

According to analysis of a similar bill (HB 249) 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.

Substantive Issues:

CS/SB 315 amends current provisions in the *School Personnel Act* to require teachers to be evaluated for effectiveness in teaching rather than on competencies.

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 Level 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:

CS/HB 251 *State Teacher Evaluation Framework*

HB 249 *Teacher & School Leader Effectiveness Act*

CS/SB 293 *Teacher & School Leader Effectiveness Act*