

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: HB 589

51st Legislature, 1st Session, 2013

Tracking Number: .191829.2

Short Title: School Teacher & Principal Evaluation System

Sponsor(s): Representative Rick Miera and Others

Analyst: LaNysha Adams

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Bill Summary:

HB 589 adds a new section of the *School Personnel Act* to require the Public Education Department (PED) to convene a 31-member council from June 1, 2013 to December 31, 2017 to develop a teacher and principal evaluation system, in accordance with the highly objective uniform statewide standards and other evaluation criteria prescribed by law [Section 22-10A-19 NMSA 1978].

Council Membership

HB 589 prescribes the council membership to ensure geographic, demographic, and small, mid-size, and large district representation:

- the Secretary of the Public Education Department (PED) or the secretary's designee;
- two members selected by the National Education Association (NEA);
- two members selected by the American Federation of Teachers-New Mexico (AFT NM);
- 16 full-time teachers, specific to the following levels, nominated by the NEA and AFT NM to include:
 - four Level 2 or Level 3 elementary;
 - four Level 2 or Level 3 middle school;
 - four Level 2 or Level 3 high school;
 - four Level 2 or Level 3 teaching at charter schools; and
 - no fewer than three and no more than five must be special education teachers, bilingual, or English language learner classroom teachers;
- six principals selected by the New Mexico Coalition of School Administrators (NMCSA), two each from the elementary, middle, and high school levels;
- two head administrators selected by the NMCSA; and
- two representatives of a public school parent organization selected by the NMCSA.

Definitions

HB 589 defines a number of terms, including:

- **“certified observer”** means a school administrator or teacher with a level three license selected, trained and certified by the department to accurately assess teacher practice and

conduct formative observations of licensed teachers based on the teachers' licensure level;

- **“formative observation”** means an observation by a certified observer using a prescribed research-based protocol;
- **“performance”** means competence and effectiveness;
- **“principal”** means the principal of a school or the head administrator or administrative and instructional leader of a charter school;
- **“student learning objectives”** means teacher-designed and teacher-created clear and specific goals that are aligned to the state standards for each grade level and subject area pursuant to the uniform grade and subject curricula provisions in the *Public School Code*; and
- **“summative observation”** means a teacher evaluation conducted by a school principal or head administrator twice during the school year following the second formative observation.

Timeline

The bill requires adherence to the following timeline for developing the teacher and principal effectiveness evaluation system:

- by June 1, 2013, PED must convene the council to develop a teacher and principal evaluation system for PED's adoption;
- by July 31, 2014, the council must complete the teacher and principal evaluation system and provide its recommendations to PED;
- by August 15, 2015, PED must:
 - adopt the teacher and principal evaluation system and the council's recommendations;
 - promulgate rules regarding the teacher and principal evaluation system; and
 - provide appropriate training and related materials from evidence-based sources for the implementation of the statewide teacher and principal evaluation system;
- beginning in school year 2014-2015, each teacher must be evaluated by a principal and each principal must be evaluated by the local superintendent and each head administrator of a charter school must be evaluated by a designee of the governing body of a charter school in a rigorous, fair, and transparent way;
- by March 1, 2016 and by March 1, 2017, the council and PED must prepare draft reports on the implementation of the teacher and principal evaluation system and distribute the draft reports to all school districts, charter schools, and public postsecondary institutions for comments;
- by July 31, 2016 and July 31, 2017, the council and PED must provide to the Governor and the Legislative Education Study Committee (LESC) copies of the draft and final reports that include submitted comments and:
 - the number of teachers and principals at each rating level for each school and school district;
 - summaries of feedback from research-based surveys of teachers, staff, principals, and school administrators;
 - recommendations for the continuation or modification of the state teacher and principal evaluation system; and
 - any other information deemed relevant or requested by the Governor or the LESC.

Council Recommendations

The bill requires the council recommendations submitted to PED by August 15, 2015 to:

- be aligned with best practice and state standards for each grade level and subject area pursuant to the uniform grade and subject curricula provisions in the *School Personnel Act*;
- include expanded opportunities within the three-tiered licensure system for all teachers and principals to:
 - develop additional skills and opportunities;
 - receive professional development, technical assistance, and training;
 - assume additional duties and responsibilities with additional salary; and
 - advance within the three-tiered licensure system;
- continuously update the instruments and processes for performing teacher and principal evaluations as research evolves on practices leading to optimal student outcomes;
- delineate the process by which a teacher or principal may appeal a performance rating;
- establish required procedures for maintaining the confidentiality of personally identifiable student information in performing evaluations, evaluation feedback, and ratings and exempting all documents related to evaluations from the *Inspection of Public Records Act*;
- provide the necessary support for school districts and charter schools to implement the state teacher and principal evaluation system, including ongoing training in the implementation and use of the evaluation system for teachers, principals, and certified observers;
- provide for the evaluation of teachers:
 - according to clear and objective standards appropriate for the teacher's level of licensure;
 - using observation instruments, rubrics, or other research-based tools to compile evidence, specific to each licensure level, of teacher competencies;
 - using student learning data compiled from multiple sources;
 - based on standards of practice that take into account the complexities of teaching; and
 - while continuously providing opportunities for teacher professional development, training and collaboration according to the teacher's experience, knowledge and skills to ensure that teachers have the resources to provide instruction that responds appropriately to student learning data aligned with the state standards for each grade level and subject area pursuant to the uniform grade and subject curricula provisions in the *School Personnel Act* and providing a connection between the professional development plan required in Section 22-10A-19 NMSA 1978 and the teacher evaluations; and
- provide for the evaluation of principals:
 - according to clear and objective standards;
 - using evaluation instruments, rubrics, or other research-based tools to compile evidence of school leadership and student learning from multiple sources in a fair, transparent, rigorous, and valid way and with enough frequency to justify the effectiveness in school leadership rating; and

- while continuously providing opportunities for professional development, training, and collaboration according to the principals' experience, knowledge, and skills.

Among its other provisions, HB 589 requires the council to include procedures for conducting the teacher and principal evaluations, including:

- criteria for selecting, certifying, and training certified observers;
- guidelines and training materials for performing observations and evaluations;
- a sequence and schedule for performing observations and evaluations of teachers according to each teacher's licensure level; and
- a sequence and schedule for performing annual evaluations of principals.

Evaluation Measures

The bill requires multiple measures for evaluating teacher performance:

- based on a weight of:
 - 80 percent or more of each school district's decisions pursuant to collective bargaining processes on any or all of the following measures:
 - formative classroom observations;
 - summative classroom observations;
 - student learning measured by student learning objectives;
 - student feedback compiled from student surveys from research-based surveys; and
 - school progress on the educational plan for student success;
 - no more than 20 percent of multiple measures for student learning, growth, and achievement from assessment results; and
- rated as:
 - distinguished;
 - proficient;
 - basic;
 - unsatisfactory; or
 - another rating developed by the council for PED's adoption.

The bill ensures multiple measures for evaluating principal performance to be based on the following measures with a weight of:

- 80 percent or more of:
 - the operations of the school;
 - the principal's performance of teacher evaluations;
 - the principal's provision of support for improved teacher performance, as aligned with state standards for each grade level and subject area pursuant to the uniform grade and subject curricula provisions in the *School Personnel Act*;

- teacher and staff feedback compiled from research-based surveys and consideration of and responsiveness to teacher and staff feedback in the management of the school;
 - parent feedback compiled from research-based surveys;
 - school climate and culture;
 - the principal's management of school personnel and the school site; and
 - school progress on the educational plan for student success;
- no more than 20 percent of multiple measures for student learning, growth, and achievement from assessment results; and
- rated as:
 - highly effective;
 - effective;
 - improvement necessary;
 - does not meet standards; or
 - another rating developed by the council for PED's adoption.

Among its additional provisions, HB 589 requires that the teacher and principal evaluation system and the council's recommendations include the measures to be taken in response to the teacher and principal evaluations, including:

- ways to use state teacher and principal evaluations to:
 - promote student learning, growth, and achievement;
 - provide teachers and principals with clear expectations, appropriate and targeted feedback for improvement, and enhanced opportunities for professional growth; and
 - make decisions pursuant to the *School Personnel Act*, including advancement within the three-tier licensure system;
- guidelines and training materials for the development of student learning objectives;
- criteria for optional local or regional peer assistance, review, intervention, and training programs for teachers who earn an unsatisfactory rating;
- any additional measures; and
- the sequence and schedule of measures.

Finally, other provisions of HB 589:

- allow PED to reimburse council members for travel expenses pursuant to the *Per Diem and Mileage Act*, if PED has sufficient funds in its budget;
- prohibit members of the council and any work groups of the council from receiving other compensation, perquisite, or allowance;
- allow the council to convene work groups, including non-council members with appropriate expertise and to consult with state, regional, and national experts;
- require that the results of each evaluation be provided to the teacher or principal in a timely manner;
- require school districts and charter schools to document and use the results of evaluations to assist with improving performance as needed; and
- require PED to monitor each school district's and charter school's administration of the state teacher and principal evaluation system.

Fiscal Impact:

HB 589 makes no appropriation.

For FY 14, CS/HB 2, et al., the *General Appropriation of 2013*, includes:

- \$3.0 million to PED “to provide a stipend to exemplary and highly effective teachers and school leaders and to provide incentives to high school teachers to increase participation and success in advance placement classes;” and
- \$2.4 million to PED for implementation a new teacher and school leader evaluation system.

Substantive Issues:

According to the University of New Mexico bill analysis:

- the proposed council should include membership from the Colleges of Education; and
- HB 589 would replicate or conflict with the activities that are currently in place with the New Mexico Teacher Evaluation Advisory Council (NMTEACH) (see “Background,” below).

Background:

Current Law

Among its provisions, in Section 22-10A-19, the *School Personnel Act* requires:

- 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;
- the local superintendent to adopt policies, guidelines, and procedures for the performance evaluation process;
- evaluation by other school employees to be one component of the evaluation tool for school administrators;
- the school principal to observe each teacher’s classroom practice to determine the teacher’s ability to demonstrate state-adopted competencies, as part of the highly objective uniform statewide standard of evaluation for teachers;
- at the beginning of each school year, teachers and school principals to devise professional development plans for the coming year;
- to base performance evaluations, 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, the school principal to require the 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 PED to improve their evaluation, administrative and instructional leadership skills.

PED Rule: Performance Evaluation System Requirements for Teachers

To advance through licensure levels, PED rules promulgated in 2003, specify the Professional Development Dossier (PDD) as the central requirement in the process (6.69.4 NMAC). PED defines the PDD as a “focused, compact collection of documentation” compiled by the teacher and the school district. The PDD:

- includes classroom data such as lesson descriptions, student work, and video and audio recordings, with explanations written by the teacher and verification of the work and recommendation for advancement completed by the superintendent; and
- is organized into five strands:
 - the first three of which – Instruction, Student Learning, and Professional Learning – incorporate the nine teacher competencies specified in PED rule and are completed by the teacher; and
 - two other strands, which, respectively, verify the teacher’s work in the dossier and recommend the teacher for licensure advancement based on the annual evaluations are completed by a district-level administrator.

“Teacher and School Leader Effectiveness”

In 2011, the Legislature considered, but did not pass, legislation that would have implemented a new system for evaluating teachers and principals. Through executive order in the 2011 interim, the Governor created the New Mexico Effective Teaching Task Force, whose charge was to provide recommendations to the Governor regarding how best to measure the effectiveness of teachers and school leaders based on specific parameters. Those recommendations led to legislation introduced in the 2012 session, which the Legislature considered, but did not pass.

In April 2012, the Governor issued a press release directing PED to formulate a new teacher and principal evaluation system. According to the press release, the development of a framework for a new evaluation system was one of the conditions for the *Elementary and Secondary Act* (ESEA) Flexibility Waiver from the federal *No Child Left Behind Act*, which PED had recently obtained; and the new evaluation system will incorporate many of the measures that were part of the 2012 legislation. In addition, this press release prescribed components of the system; assigned values, or weights, to those components; and presented a timeline for the development and implementation of the new evaluation system. One of the main components of the ESEA Flexibility Waiver was for states to create a system of evaluating teachers and principals that incorporates student achievement as a major factor so that educator evaluation systems move from being competency based to performance based.

In May 2012, PED requested nominations for 18 people to serve two-year terms on the New Mexico Teacher Evaluation Advisory Council (NMTEACH) in order to develop the details of a new teacher and school leader evaluation system based on student achievement. In June 2012, NMTEACH held its first meeting. In July 2012, PED held a public hearing to solicit public comment on draft provisions of the new “Teacher and School Leader Effectiveness” rule. In August 2012, PED published the final version of the “Teacher and School Leader

Effectiveness” rule in the *New Mexico Register* (6.69.8 NMAC). The final rules contained several changes from the original version.

Throughout the 2012 interim, the LESC heard testimony about the evaluation of teachers and principals. This testimony raised questions about the alignment between the proposed rule and evaluation provisions already in law and about the use of student assessments, including standardized assessments, in the evaluation of teachers and principals.

Committee Referrals:

HLC/HEC

Related Bills:

HB 276 *Teacher Licensing & Performance Ratings*

HB 481 *Evidence of Teacher Competency*

HJM 30 *Study Uses of Standardized Test Scores*

SB 316 *Teacher Licensing & Performance Ratings*

SB 475 *Evidence of Teacher Competency*

SB 588 *Teacher & Principal Evaluation System Council* (Identical)