

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: HB 276

51st Legislature, 2nd Session, 2014

Tracking Number: .194973.9SA

Short Title: Teacher Licensure Advancement

Sponsor(s): Representative Dennis J. Roch and Others

Analyst: LaNysha Adams

Date: February 13, 2014

Bill Summary:

HB 276 amends sections of the *School Personnel Act* to change the designations for teacher licensure levels from Level 1 to “apprentice”; Level 2 to “professional”; Level 3-A to “master” or “master teacher”; and Level 3-B to “administrator.”

HB 276 defines two new terms:

- **“objective performance evaluation rating”** means a rating of:
 - exemplary;
 - highly effective;
 - effective;
 - minimally effective; or
 - ineffective; and
- **“professional growth plan”** means a written plan for the teacher that:
 - identifies the areas in which the teacher needs improvement;
 - provides for professional development, training, support, or other opportunities aligned with the areas in which the teacher needs improvement; and
 - states the expectations that the teacher demonstrate improvement in certain areas within 90 working days of receiving the professional growth plan.

Among its other provisions, HB 276:

- removes the requirement for apprentice licensed teachers (currently Level 1 teachers) to wait three full school years before applying for a professional license;
- changes the professional, master, and administrator licenses from nine years to five years;
- allows the Public Education Department (PED) to issue a professional license to an applicant who successfully:
 - completes the apprentice license or is granted reciprocity as provided by PED rule;
 - demonstrates essential competency required by PED as verified by the local superintendent through the highly objective uniform statewide standard of evaluation; and
 - meets other qualifications as required by PED; or

- completes at least two years of teaching with an apprentice license and receives an objective performance evaluation rating of exemplary or highly effective for two consecutive years prior to applying for the license; and
- allows PED to issue a master teacher license to an applicant who:
 - has been a professional licensed teacher for at least three years and holds a post-baccalaureate degree or National Board for Professional Teaching Standards (NBPTS) Certification;
 - demonstrates instructional leader competence as required by PED and verified by the local superintendent through the highly objective uniform statewide standard of evaluation; and
 - meets other qualifications for the license; or
 - has completed two years of teaching with a professional license and has received an objective performance evaluation rating of exemplary or highly effective for two consecutive years prior to applying for the license.

HB 276 also contains an effective date of July 1, 2014, contingent upon certification by the Secretary of Public Education to the New Mexico Compilation Commission that prior to this date, PED has established and implemented a funding mechanism to compensate school districts for additional personnel costs associated with implementing the provisions of HB 276.

Fiscal Impact:

HB 276 does not contain an appropriation.

While HB 276 does allow teachers to advance from one licensure level to another more quickly than the current system does, it also requires teachers and administrators to renew their licenses more frequently because licenses that are now valid for nine years are valid for only five years under HB 276. Therefore, teachers and administrators will be subject to licensure renewal fees on a more frequent basis than they are now.

According to the PED analysis, HB 276, if enacted, will increase applications for licenses and generate the revenue required to meet the administrative need at PED to process applications.

The Legislative Finance Committee Fiscal Impact Report (FIR) states that PED could annually collect approximately \$184,000 in additional fees based on current licensure fees.

Fiscal Issues:

According to PED, approximately 1,100 teachers annually advance from tier to tier, which is estimated to cost districts and charter schools approximately \$11.0 million.

Substantive Issues:

As noted under “Bill Summary,” above, one of the major provisions in HB 276 is to change the name or designation of the three teacher licensure levels and the single administrator licensure level. These changes, however, create a conflict between the sections of the *School Personnel Act* that HB 276 does amend and those that it does not, which still refer to licensure levels by their current designations. The un-amended sections include:

- Section 22-10A-11.1, Alternative level two or three license;
- Section 22-10A-11.2, Deaf & hard-of-hearing teachers; alternative licensure assessment; saving provision;
- Section 22-10A-11.3, Level three-B provisional licensure for school principals;
- Section 22-10A-12, Limited reciprocity;
- Section 22-10A-14, Certificates of waiver; and
- Section 22-10A-19, Teachers & school principals; accountability; evaluations; professional development; peer intervention; mentoring, NMSA 1978.

HB 276 also conflicts with other sections of the *Public School Code* that cite licensure levels by their current designations – the *Instructional Material Law*, for example.

Finally, the FIR indicates that there may be additional conflicts between the terms “professional development plan,” which is already in the *School Personnel Act*, and “professional growth plan,” which is prescribed by HB 276 (see “Background,” below).

Background:

Current Law

Among its provisions, the *School Personnel Act* requires:

- post-baccalaureate degrees or NBPTS certification before teachers may obtain Level 3-A or Level 3-B licenses;
- 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.

Professional Development and Professional Growth Plans

In PED rule, a professional development plan (PDP) means a plan specifically designed to identify goals, activities and measurable objectives that will support continuous learning related to professional knowledge, skills, and abilities and includes:

- school districts' professional development plan as a component of the comprehensive educational plan for student success that supports academic learning for all students; and
- individual teachers' PDP as part of the performance evaluation system requirements. The teacher's PDP is a collaborative enterprise involving the teacher and principal in establishing a yearly plan for professional learning goals, activities, and measurable objectives based on the nine New Mexico teacher competencies.

Additionally, with the new teacher evaluation system, which is also in PED rule, there are performance growth plans (PGP). If teachers receive a minimally effective or ineffective performance rating, then they are required to be placed on a PGP within 90 school days. According to the Frequently Asked Questions on PED's New Mexico Teacher Evaluation Advisory Council (NMTEACH) website, districts have local discretion to place teachers on a PGP after a single observation or any other single component of the effectiveness evaluation system, which may be done based on professional judgment of the principal.

PED Rule: Professional Development Dossier

To advance through licensure levels, PED rules 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 – Instruction, Student Learning, and Professional Learning – incorporate the nine teacher competencies specified in PED rule and are completed by the teacher; and
 - the other two 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.

PED Rule: Teacher and School Leader Effectiveness

Adopted in August 2012 and amended in September 2013, the PED rule titled *Teacher and School Leader Effectiveness* implements an evaluation program for public school teachers and administrators called the Effectiveness Evaluation System (EES). During the 2013 interim, the Legislative Education Study Committee (LESC) heard a variety of testimony on the provisions and implementation of this rule and on other aspects of teacher and principal evaluation.

In PED rule, 50 percent of a teacher's evaluation is based on student achievement measures, whether derived from the state standards-based assessments or some other student assessment.

Details vary, however, depending upon whether a teacher is a member of Group A, Group B, or Group C.

- Group A teachers teach subjects tested by the standards-based assessments in those grades in which the assessments are administered;
- Group B teachers teach either non-tested subjects or tested subjects in which the standards-based assessments are not administered; and
- Group C teachers teach in grades K-2.

For the remainder of a teacher’s evaluation:

- 25 percent is based on teaching observations by one of two types of observers – either “approved” or “certified” – using the NMTEACH observation rubric; and
- 25 percent is based on “multiple measures,” which vary, again, according to the group to which the teacher belongs.

For administrators, the EES requires that every school leader have an annual effectiveness evaluation, which must be conducted by a qualified person approved by PED. For the EES rating itself:

- 50 percent is based on the change in the school’s letter grade;
- 25 percent is based on the school’s multiple measures; and
- 25 percent is based on “documented fidelity observations of the school leader.”

Also, like teachers, administrators are categorized into three groups:

- Group A principals are all principals and assistant principals (certified administrators);
- Group B principals are all principals and assistant principals (certified administrators) who perform observations but not summative evaluations; and
- Group C administrators are certified administrators who do not observe or evaluate certified teachers.

Committee Referrals:

HEC/HAFC

Related Bills:

HB 67a *Phased Minimum Teacher Salary Increases*

HB 148 *Streamline Teacher Access to Licensure* (Identical to SB 104)

HB 276 *Teacher Licensure Advancement*

HB 289 *Teacher Competency for Advancement*

SB 104 *Streamline Teacher Access to Licensure* (Identical to HB 148)

SB 105 *Teacher Licensure & Advancement* (Similar)