

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: SB 562

52nd Legislature, 1st Session, 2015

Tracking Number: .198585.1

Short Title: Teacher Evaluation Use of Data

Sponsor(s): Senator William “Bill” P. Soules and Others

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Bill Summary:

SB 562 amends the *School Personnel Act* to include effective, appropriate, and comprehensive use of the following relevant data in the highly objective uniform statewide standard of evaluation (HOUSSE) of licensed teachers and administrators:

- student attribution and mobility;
- ethnic and racial composition of the student body;
- student-to-certified-teacher ratios at each grade and school level;
- the percentage of students who qualify for free and reduced-price lunch in the school;
- number and categories of special needs students, including students who have been identified as gifted;
- current class size practice at the school;
- students’ language background;
- outline of the school curriculum;
- ethnic and racial composition of the teaching and administrative staff; and
- other data determined to be relevant by the school district.

Fiscal Impact:

SB 562 does not contain an appropriation.

Substantive Issues:

Although SB 562 enumerates specific components to be included in the teacher and school leader evaluations, the bill does not specify how or where the specific components will be incorporated and what, if any, effects they will have on the overall summative scores. Presumably, these components would be factored into the rule of the Public Education Department (PED) that prescribes the detailed criteria in the Effectiveness Evaluation System (EES) that produce the various effectiveness ratings for teachers and school leaders (see “Background,” below). However, it is unclear how PED rule would incorporate these components or what respective weights the components might be assigned, suggesting that PED would have considerable latitude in applying the components to the evaluation system. Also, the terms “effective,” “appropriate,” “comprehensive,” and “relevant” are subject to interpretation.

Regarding the relationship between HOUSSE and the PED evaluation rule, staff testimony to the Legislative Education Study Committee (LESC) during the 2014 interim explained that, prior to

2012, when the *Teacher and School Leader Effectiveness* rule was first codified by PED (see “Background,” below), the *Performance Evaluation System Requirements for Teachers* rule primarily governed the requirements for HOUSSE for teachers from early childhood through grade 12, which rated teachers as either meeting competency or not meeting competency. According to testimony from PED:

- every aspect of the nine teacher competencies in HOUSSE can be found in the four domains in the EES observation protocol; and
- each effectiveness rating aligns with the *School Personnel Act* because teachers who receive EES ratings of exemplary, highly effective, or effective will meet competency and teachers who receive minimally effective or ineffective EES ratings will not meet competency.

According to the National Comprehensive Center for Teacher Quality, “**comprehensiveness**” refers to the degree to which a measure captures all of the various aspects of teacher effectiveness. For example, less comprehensive measures might capture only how well a teacher is able to represent mathematics in the classroom. More comprehensive measures would capture how teachers represent mathematics, how they scaffold student learning, and how well they work with colleagues.

According to a recent article in *Education Week* called “Evaluating Teacher Evaluation,” value-added models (VAMs) enable researchers to use statistical methods to measure changes in student scores over time while considering student characteristics and other factors often found to influence achievement. In large scale studies, these methods have proved valuable for looking at factors affecting achievement and measuring the effects of programs or interventions.

Further, using VAMs for individual teacher evaluation is based on the belief that measured achievement gains for a specific teacher’s students reflect that teacher’s effectiveness. This attribution, however, assumes that student learning is measured well by a given test, is influenced by the teacher alone, and is independent from the growth of classmates and other aspects of the classroom context. Most importantly, research reveals that gains in student achievement are influenced by much more than any individual teacher. Other factors include:

- school factors such as class size, curriculum materials, instructional time, availability of specialists and tutors, and resources for learning (books, computers, and science labs);
- home and community supports or challenges;
- individual student needs and abilities, health, and attendance;
- peer culture and achievement;
- prior teachers and school, as well as other current teachers;
- differential summer learning loss, which especially affects low-income children; and
- specific tests used, which emphasize some kinds of learning and not others and which rarely measure achievement that is well above or below grade level.

However, VAMs do not actually measure most of these factors. VAMs rely on statistical controls for past achievement to parse out the small portion of student gains that is due to other factors, of which the teacher is only one.

Background:

Teacher and School Leader Effectiveness Evaluations

Adopted in August 2012 and amended in September 2013, the PED rule, *Teacher and School Leader Effectiveness*, implements an evaluation program for public school teachers and administrators called the Effectiveness Evaluation System (EES), sometimes also called the NMTEACH Effectiveness Evaluation System. Under this system, districts have the option of using the plan developed by PED or submitting a custom plan to PED for department approval.

In general, 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 grades in which the standards-based assessments are not administered; and
- Group C teachers teach in grades K-2.

Briefly, the rule requires that:

- school districts use a department-adopted student achievement growth measure or, with department permission, use a combination of PED-approved growth measures and, for non-tested subjects or grades, a PED-approved alternative measure;
- whenever possible, the performance rating include three years or more of student achievement growth data; and
- if a school district has not implemented appropriate course assessments or adopted a comparable measure, student achievement growth be measured by:
 - the growth achievement of the classroom teacher's students on state assessments;
 - the school's A through F letter grade for courses in which enrolled students do not take the state assessment, provided that a school district may assign instructional team student achievement growth to classroom teachers in lieu of using the school grade growth calculation; or
 - state-developed end-of-course examinations or other PED-recommended options.

Upon request by the school district, the rule allows the rating for teachers who are assigned to courses not associated with state assessments to include achievement growth that is demonstrated on state assessments as a percentage of the overall evaluation. In addition, student achievement growth is measured through VAM, which, according to PED, accounts for the individual student's background by using three years' worth of data.¹ Those years of data produce a teacher's overall value-added score (VAS).

¹ VAM uses statistical models to predict student test performance, controlling for potential variables that could affect performance such as student, teacher, or school characteristics. The difference between the predicted and actual scores, if any, is assumed to be due to the performance of the teacher, rather than to the student's natural ability or socioeconomic circumstances.

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 rubric or protocol; and
- 25 percent is based on “multiple measures,” which vary, again, according to the group to which the teacher belongs.

The Summative Report form, which summarizes a teacher's progress through the EES to the end of the year, provides basic information about the final score a teacher received in each evaluation category – student achievement, observation, and multiple measures – the individual teacher's overall score, and the median score for comparable group and grade-level teachers. Two sections are completed by the evaluator: one to identify strengths and areas needing improvement and another for identifying next steps. The form also allows the application of “graduated considerations,” which are a means of adjusting the weight of student achievement for those teachers with fewer than three years of student achievement scores.²

Finally, as noted under “Substantive Issues,” above, the EES rates licensed school employees according to one of five ratings:

1. exemplary;
2. highly effective;
3. effective;
4. minimally effective; or
5. ineffective.

School and District Perspectives on the EES during the 2014 Interim

Altogether over the course of five interim meetings, the LESC heard testimony from 27 school districts, two charter schools, and two special state-supported schools on the implementation of the teacher and principal evaluation systems. Testimony from school districts and charter schools noted a lack of clarity with regard to a number of aspects of the evaluation system, among them:

- understanding and then explaining the concepts of the VAM and the VAS;
- the application of graduated considerations;
- the reassignment of student achievement data points to teachers' students from the previous year; and
- districts' lack of access to specific calculations and procedures used to populate data in the summative evaluation reports, limiting their ability to explain and substantiate ratings.

During the November meeting, the Secretary of Public Education provided the PED response to the issues and concerns that districts and charter schools had raised. This testimony began with a description of the impact upon students of effective and ineffective teachers. It also explained how the NMTEACH protocol was designed ultimately to improve student outcomes through

² PED explains that, if a teacher has three years of VAS, then improved student achievement counts for the full 50 percent of the evaluation score; if the teacher has fewer than three years of VAS, then improved student achievement counts to a lesser degree and observations and multiple measures count for more. Depending upon the number of student assessments used and the number of years of a teacher's VAS, any one of nearly 40 calculations may be applied to determine the points for improved student achievement.

certain initiatives targeted at teachers, and it illustrated the differences in teacher ratings under the current evaluation system versus the previous evaluation system.

The Secretary then enumerated several areas for improvement in the implementation of the evaluation system that will rely on PED/district partnerships, among them:

- “incomplete” or “inaccurate” data;
- understanding the VAS; and
- increased weighting of NMTEACH observations.

The Secretary proposed a number of solutions to these issues, among them:

- establishing a NMTEACH liaison for each district and charter school, as well as providing ongoing training on roster verification, VAS, and the summative reports; and
- partnering with Las Cruces Public Schools and Hobbs Municipal Schools on training modules to help school personnel better understand VAS and VAM.

Finally, in response to a number of questions from committee members, the Secretary made the following additional points, among others:

- the components of principal evaluations are based on school growth measures, how well the principal implemented observations in a timely fashion, and HOUSSSE competencies; and
- if a teacher has a discrepancy in the observation aspect of the evaluation or in VAM data, there will be a second review of that particular summative report.

According to the issue brief “Teaching Quality – Evaluation and Effectiveness,” from the Education Commission of the States (ESC), the following states use student metrics in different forms in various components of the state’s teacher evaluation system, metrics like those listed in SB 562:

- Connecticut:
 - the state board, in consultation with the Performance Evaluation Advisory Council, is required to adopt guidelines for a model teacher evaluation program, to provide guidance on the use of multiple indicators of student academic growth in teacher evaluations. The guidelines must include:
 - methods for assessing student academic growth;
 - **how factors that may influence teacher performance ratings (e.g. student characteristics, student attendance, and student mobility) will be controlled for in the system;** and
 - minimum requirements for teacher evaluation instruments and procedures;

- Illinois:
 - the state board is required to establish certain “fairness factors” for districts to build into their evaluation plans, such as:
 - establishing a model evaluation plan in which student growth must comprise 50 percent of the performance rating; and
 - **controlling for such factors as student characteristics (including students receiving special education services and English language learner services), student attendance, and student mobility;**

- Colorado:
 - the evaluation system is required to use multiple, fair, transparent, timely, rigorous, and valid methods and include multiple measures of student performance in conjunction with student growth expectations;
 - **expectations of student academic growth must take diverse factors into consideration, including:**
 - **student mobility;**
 - **special education status; and**
 - **classrooms in which 95 percent of the student population meets the statutory definition of “high-risk student”;** and

- Louisiana:
 - the evaluation system is required to use 50 percent student achievement growth using a VAM for grade levels and subjects for which value-added data are available; and
 - **for staff where value-added data is not available, the state board must establish measures of student growth, which include:**
 - **special education status;**
 - **eligibility for free or reduced-price lunch;**
 - **student attendance; and**
 - **student discipline.**

In addition, Louisiana may serve as an example for New Mexico in terms of SB 562. For instance, to measure teachers’ impact on students’ growth, Louisiana’s VAM considers student-specific information to determine the typical growth for individual students. At the end of the year, the actual achievement of each student is compared to the typical growth to determine if a student has made more, less, or the typical amount of progress. The results for all students on a teacher’s roster are then combined for that teacher. The VAM considers the following factors when estimating a student’s typical score:

- available prior achievement data (up to three years);
- gifted status;
- special education status;
- attendance;
- disability status;
- free and reduced-price meal eligibility;

- limited English proficiency;
- prior discipline history; and
- classroom composition variables.

Committee Referrals:

SEC/SJC

Related Bills:

SB 91 *Teacher Licensure Levels & Advancement*
SB 138 *Repeal A-B-C-D-F School Rating Act*
SB 202aa *Public Education Data Advisory Council*
SB 205 *Delay Use of Certain Test in Teacher Evals*
SB 378 *Teacher & Admin Differential Performance*
SB 497 *Quantifiable Data in Teacher Evaluations*
FL/HB 76a *Teacher Licensure Levels & Advancement*
CS/CS/HB 144 *Teacher & School Leader Effectiveness Act*
HB 156a *Innovations in Teaching Act*