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SENATE BILL 562

**52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

INTRODUCED BY

William P. Soules

AN ACT

RELATING TO PUBLIC EDUCATION; ESTABLISHING REQUIREMENTS FOR THE  
USE OF RELEVANT DATA THAT ARE EFFECTIVE, APPROPRIATE AND  
COMPREHENSIVE IN TEACHER AND PRINCIPAL EVALUATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**SECTION 1.** Section 22-10A-4 NMSA 1978 (being Laws 2003,  
Chapter 153, Section 35, as amended by Laws 2005, Chapter 315,  
Section 4 and by Laws 2005, Chapter 316, Section 1) is amended  
to read:

"22-10A-4. TEACHERS AND SCHOOL ADMINISTRATORS--  
PROFESSIONAL STATUS--LICENSURE LEVELS--SALARY ALIGNMENT.--

A. Teaching and school administration are  
recognized as professions, with all the rights,  
responsibilities and privileges accorded professions, having  
their first responsibility to the public they serve. The

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1 primary responsibilities of the teaching and school  
2 administration professions are to educate the children of this  
3 state and to improve the professional practices and ethical  
4 conduct of their members.

5 B. The New Mexico licensure framework for teachers  
6 and school administrators is a progressive career system in  
7 which licensees are required to demonstrate increased  
8 competencies and undertake increased duties as they progress  
9 through the licensure levels. The minimum salary provided as  
10 part of the career system shall not take effect until the  
11 department has adopted increased competencies for the  
12 particular level of licensure and a highly objective uniform  
13 statewide standard of evaluation that shall include effective,  
14 appropriate and comprehensive use of relevant data, including  
15 the following information:

16 (1) student attrition and mobility;

17 (2) ethnic and racial composition of the  
18 student body;

19 (3) student-to-certified-teacher ratios at  
20 each grade and school level;

21 (4) the percentage of students who qualify for  
22 free and reduced-price lunch in the school;

23 (5) number and categories of special needs  
24 students, including students who have been identified as  
25 gifted;

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- 1                   (6) current class size practice at the school;  
2                   (7) students' language background;  
3                   (8) outline of the school curriculum;  
4                   (9) ethnic and racial composition of the  
5                   teaching and administrative staff; and  
6                   (10) other data determined to be relevant by  
7                   the school district.

8                   C. A level one license is a provisional license  
9                   that gives a beginning teacher the opportunity, through a  
10                  formal mentorship program, for additional preparation to be a  
11                  quality teacher. A level two license is given to a teacher who  
12                  is a fully qualified professional who is primarily responsible  
13                  for ensuring that students meet and exceed department-adopted  
14                  academic content and performance standards; a teacher may  
15                  choose to remain at level two for the remainder of the  
16                  teacher's career. A level three-A license is the highest level  
17                  of teaching licensure for those teachers who choose to advance  
18                  as instructional leaders in the teaching profession and  
19                  undertake greater responsibilities such as curriculum  
20                  development, peer intervention and mentoring. A level three-B  
21                  license is for teachers who commence a new career path in  
22                  school administration by becoming school administrators.

23                  D. All teacher and school administrator salary  
24                  systems shall be aligned with the licensure framework in a  
25                  professional educator licensing and salary system.

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1           E. All teachers and school administrators who hold  
2 teaching or administrator certificates on the effective date of  
3 the 2003 act shall meet the requirements for their level of  
4 licensure by September 1, 2006 and shall be issued licenses."

5           **SECTION 2.** Section 22-10A-7 NMSA 1978 (being Laws 2003,  
6 Chapter 153, Section 38, as amended) is amended to read:

7           "22-10A-7. LEVEL ONE LICENSURE.--

8           A. A level one license is a provisional five-year  
9 license for beginning teachers that requires as a condition of  
10 licensure that the licensee undergo a formal mentorship program  
11 for at least one full school year and an annual intensive  
12 performance evaluation by a school administrator for at least  
13 three full school years before applying for a level two  
14 license.

15           B. Each school district, in accordance with  
16 department rules, shall provide for the mentorship and  
17 evaluation of level one teachers. At the end of each year and  
18 at the end of the license period, the level one teacher shall  
19 be evaluated for competency. If the teacher fails to  
20 demonstrate satisfactory progress and competence annually, the  
21 teacher may be terminated as provided in Section 22-10A-24 NMSA  
22 1978. If the teacher has not demonstrated satisfactory  
23 progress and competence by the end of the five-year period, the  
24 teacher shall not be granted a level two license.

25           C. Except in exigent circumstances defined by

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1 department rule, a level one license shall not be extended  
2 beyond the initial period.

3 D. The department shall issue a standard level one  
4 license to an applicant who is at least eighteen years of age  
5 who:

6 (1) holds a baccalaureate degree from an  
7 accredited educational institution;

8 (2) has successfully completed a department-  
9 approved teacher preparation program from a nationally  
10 accredited or state-approved educational institution;

11 (3) has passed the New Mexico teacher  
12 assessments examination, including for elementary licensure  
13 beginning January 1, 2013, a rigorous assessment of the  
14 candidate's knowledge of the science of teaching reading; and

15 (4) meets other qualifications for level one  
16 licensure, including clearance of the required background  
17 check.

18 E. The department shall issue an alternative level  
19 one license to an applicant who meets the requirements of  
20 Section 22-10A-8 NMSA 1978.

21 F. The department shall establish competencies and  
22 qualifications for specific grade levels, types and subject  
23 areas of level one licensure, including early childhood,  
24 elementary, middle school, secondary, special ~~[education]~~ and  
25 vocational education.

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1           G. Beginning with the 2003-2004 school year, with  
2 the adoption by the department of a highly objective uniform  
3 statewide standard of evaluation for level one teachers that  
4 shall include effective, appropriate and comprehensive use of  
5 relevant data, the minimum salary for a level one teacher shall  
6 be thirty thousand dollars (\$30,000) for a standard nine and  
7 one-half month contract.

8           H. Teachers who hold level one licenses on the  
9 effective date of the 2003 act must be evaluated by the end of  
10 the 2006-2007 school year."

11           **SECTION 3.** Section 22-10A-10 NMSA 1978 (being Laws 2003,  
12 Chapter 153, Section 41, as amended by Laws 2005, Chapter 315,  
13 Section 7 and by Laws 2005, Chapter 316, Section 4) is amended  
14 to read:

15           "22-10A-10. LEVEL TWO LICENSURE.--

16           A. A level two license is a nine-year license  
17 granted to a teacher who meets the qualifications for that  
18 level and who annually demonstrates essential competency to  
19 teach. If a level two teacher does not demonstrate essential  
20 competency in a given school year, the school district shall  
21 provide the teacher with additional professional development  
22 and peer intervention during the following school year. If by  
23 the end of that school year the teacher fails to demonstrate  
24 essential competency, a school district may choose not to  
25 contract with the teacher to teach in the classroom.

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1           B. The department shall issue a level two license  
2 to an applicant who successfully completes the level one  
3 license or is granted reciprocity as provided by department  
4 rules; demonstrates essential competency required by the  
5 department as verified by the local superintendent through the  
6 highly objective uniform statewide standard of evaluation; and  
7 meets other qualifications as required by the department.

8           C. The department shall provide for qualifications  
9 for specific grade levels, types and subject areas of level two  
10 licensure, including early childhood, elementary, middle,  
11 secondary, special education and vocational education.

12           D. With the adoption by the department of the  
13 statewide objective performance evaluation for level two  
14 teachers that shall include effective, appropriate and  
15 comprehensive use of relevant data, the minimum salary for a  
16 level two teacher for a standard nine and one-half month  
17 contract shall be ~~[as follows:~~

18                     ~~(1) for the 2003-2004 school year, thirty~~  
19 ~~thousand dollars (\$30,000);~~

20                     ~~(2) for the 2004-2005 school year, thirty-five~~  
21 ~~thousand dollars (\$35,000); and~~

22                     ~~(3) for the 2005-2006 school year]~~ forty  
23 thousand dollars (\$40,000)."

24           SECTION 4. Section 22-10A-11 NMSA 1978 (being Laws 2003,  
25 Chapter 153, Section 42, as amended) is amended to read:

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1 "22-10A-11. LEVEL THREE LICENSURE--TRACKS FOR TEACHERS,  
2 COUNSELORS AND SCHOOL ADMINISTRATORS.--

3 A. A level three-A license is a nine-year license  
4 granted to a teacher who meets the qualifications for that  
5 level and who annually demonstrates instructional leader  
6 competencies. If a level three-A teacher does not demonstrate  
7 essential competency in a given school year, the school  
8 district shall provide the teacher with additional professional  
9 development and peer intervention during the following school  
10 year. If by the end of that school year the teacher fails to  
11 demonstrate essential competency, a school district may choose  
12 not to contract with the teacher to teach in the classroom.

13 B. The department shall grant a level three-A  
14 license to an applicant who has been a level two teacher for at  
15 least three years and holds a post-baccalaureate degree or  
16 national board for professional teaching standards  
17 certification; demonstrates instructional leader competence as  
18 required by the department and verified by the local  
19 superintendent through the highly objective uniform statewide  
20 standard of evaluation; and meets other qualifications for the  
21 license.

22 C. With the adoption by the department of a highly  
23 objective uniform statewide standard of evaluation for level  
24 three-A teachers that shall include effective, appropriate and  
25 comprehensive use of relevant data, the minimum salary for a

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1 level three-A teacher for a standard nine and one-half month  
2 contract shall be [~~as follows:~~

3 ~~(1) for the 2003-2004 school year, thirty~~  
4 ~~thousand dollars (\$30,000);~~

5 ~~(2) for the 2004-2005 school year, thirty-five~~  
6 ~~thousand dollars (\$35,000);~~

7 ~~(3) for the 2005-2006 school year, forty~~  
8 ~~thousand dollars (\$40,000);~~

9 ~~(4) for the 2006-2007 school year, forty-five~~  
10 ~~thousand dollars (\$45,000); and~~

11 ~~(5) for the 2007-2008 school year]~~ fifty  
12 thousand dollars (\$50,000).

13 D. A level three-B license is a nine-year license  
14 granted to a school administrator who meets the qualifications  
15 for that level. Licenses may be renewed upon satisfactory  
16 annual demonstration of instructional leader and administrative  
17 competency.

18 E. The department shall grant a level three-B  
19 license to an applicant who:

20 (1) holds a level two license and meets the  
21 requirements for a level three-A license or who holds a current  
22 level two teacher's license and, for at least four years, has  
23 held the highest-ranked counselor license as provided in  
24 [~~Chapter 22, Article 10A NMSA 1978~~] the School Personnel Act  
25 and rules promulgated by the department;

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1 (2) holds a post-baccalaureate degree or  
2 national board for professional teaching standards  
3 certification;

4 (3) has satisfactorily completed department-  
5 approved courses in administration and a department-approved  
6 administration apprenticeship program; and

7 (4) demonstrates instructional leader  
8 competence required by the department and verified by the local  
9 superintendent through the highly objective uniform statewide  
10 standard of evaluation.

11 F. [~~Beginning with the 2007-2008 school year~~] The  
12 minimum annual salary for a level three-B school principal or  
13 assistant school principal shall be fifty thousand dollars  
14 (\$50,000) multiplied by the applicable responsibility factor.

15 G. [~~By the beginning of the 2008-2009 school year~~]  
16 The department shall adopt a highly objective uniform statewide  
17 standard of evaluation, which includes effective, appropriate  
18 and comprehensive use of relevant data sources linked to  
19 student achievement and educational plan for student success  
20 progress, for level three-B school principals and assistant  
21 school principals and rules for the implementation of that  
22 evaluation system linked to the level of responsibility at each  
23 school level."

24 SECTION 5. Section 22-10A-19 NMSA 1978 (being Laws 2003,  
25 Chapter 153, Section 50, as amended) is amended to read:

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1 "22-10A-19. TEACHERS AND SCHOOL PRINCIPALS--  
2 ACCOUNTABILITY--EVALUATIONS--PROFESSIONAL DEVELOPMENT--PEER  
3 INTERVENTION--MENTORING.--

4 A. The department shall adopt criteria and minimum  
5 highly objective uniform statewide standards of evaluation that  
6 shall include effective, appropriate and comprehensive use of  
7 relevant data for the annual performance evaluation of licensed  
8 school employees. The professional development plan for  
9 teachers shall include documentation on how a teacher who  
10 receives professional development that has been required or  
11 offered by the state or a school district or charter school  
12 incorporates the results of that professional development in  
13 the classroom.

14 B. The local superintendent shall adopt policies,  
15 guidelines and procedures for the performance evaluation  
16 process. Evaluation by other school employees shall be one  
17 component of the evaluation tool for school administrators.

18 C. As part of the highly objective uniform  
19 statewide standard of evaluation for teachers that includes  
20 effective, appropriate and comprehensive use of relevant data,  
21 the school principal shall observe each teacher's classroom  
22 practice to determine the teacher's ability to demonstrate  
23 state-adopted competencies.

24 D. At the beginning of each school year, teachers  
25 and school principals shall devise professional development

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1 plans for the coming year, and performance evaluations shall be  
2 based in part on how well the professional development plan was  
3 carried out.

4 E. If a level two or three-A teacher's performance  
5 evaluation indicates less than satisfactory performance and  
6 competency, the school principal may require the teacher to  
7 undergo peer intervention, including mentoring, for a period  
8 the school principal deems necessary. If the teacher is unable  
9 to demonstrate satisfactory performance and competency by the  
10 end of the period, the peer interveners may recommend  
11 termination of the teacher.

12 F. At least every two years, school principals  
13 shall attend a training program approved by the department to  
14 improve their evaluation, administrative and instructional  
15 leadership skills."

16 SECTION 6. EFFECTIVE DATE.--The effective date of the  
17 provisions of this act is July 1, 2015.