

LESC bill analyses are available on the New Mexico Legislature website ([www.nmlegis.gov](http://www.nmlegis.gov)). Bill analyses are prepared by LESC staff for standing education committees of the New Mexico Legislature. LESC does not assume any responsibility for the accuracy of these reports if they are used for other purposes.

**LEGISLATIVE EDUCATION STUDY COMMITTEE**  
**BILL ANALYSIS**  
**53rd Legislature, 1st Session, 2017**

<b>Bill Number</b>	<u>HB105/HECS</u>	<b>Sponsor</b>	<u>HEC</u>
<b>Tracking Number</b>	<u>.207123.2</u>	<b>Committee Referrals</b>	<u>HLEDC/HEC</u>
<b>Short Title</b>	<u>Innovations in Teaching Act</u>		
<b>Analyst</b>	<u>Terrazas</u>	<b>Original Date</b>	<u>2/28/17</u>
		<b>Last Updated</b>	<u>3/2/17</u>

---

---

**BILL SUMMARY**

Synopsis of Bill

The House Education Committee Substitute for House Bill 105 (HB105/HECS) adds the “Innovations in Teaching Act” to the Public School Code, and establishes the “Innovations in Teaching Program” to promote the implementation of innovative pedagogical approaches and strategies in classrooms. Eligible teachers – those with at least three years teaching experience and who meet or exceed competencies based on their most recent annual performance evaluation – can apply to carry out an innovative teaching project that is not to exceed three school years. The bill permits the Public Education Department (PED) to waive the use of the participating teacher’s students’ standards-based assessment results for the teacher’s evaluation for up to two years. HB105/HECS states PED may develop and implement the program, including an application, reporting and evaluation process for use in FY19 and succeeding school years. If an innovative teaching project is not successful based on student outcomes on standards-based assessments, the project can be redesigned or discontinued before the full term of the project is over.

**FISCAL IMPACT**

HB105/HECS does not contain an appropriation.

PED estimates the annual cost of the program to be \$600 thousand, which would cover the administrative costs of conducting the program, financial support for teachers engaged in the program, as well as the costs of documenting any teaching practice. PED notes that meeting the requirements of the act would take significant administrative time for which the bill does not provide an appropriation.

**SUBSTANTIVE ISSUES**

A research paper published by Stanford University School of Education states that for students to meet 21st century expectations, teachers should have the freedom to depart from “yesterday’s” ideas and pedagogies. Further, to move away from “convergent thinking,” the ability to give

correct answers to standard questions that do not require significant creativity, it is necessary for teachers to be able to design instruction that engages students in “divergent thinking,” giving students the opportunity to find various solutions to a problem.

Research studies have shown high-stakes testing leads to unintended consequences, both positive and negative. According to a report indexed by the Educational Resources Information Center (ERIC), consequences of high-stakes testing include increased pressure on teachers, low-teacher morale, and a narrowing of the curriculum, such as the exclusion of non-tested subject areas. These unintended consequences ultimately limit the opportunity for teachers to engage students in activities that require creativity, critical thinking, and problem solving, all of which are competencies necessary for students’ future careers. Giving teachers the opportunity and flexibility to implement innovative teaching projects could help students develop skill sets that are not necessarily cultivated or embraced in a traditional learning environment.

HB105/HECS may preclude teachers who meet or exceed competencies from advancing their licensure through the system without having to complete a dossier. Such teachers would need to demonstrate a minimum value added score of 50 percent, calculated using standardized test scores. PED noted waiving the results of students’ standards-based assessments on teachers’ evaluations for up to two years may prevent them from advancing through the system without having to complete a dossier.

### **ADMINISTRATIVE IMPLICATIONS**

If PED so chooses, it would need to develop and implement the program according to provisions in the act, including creating the program application and evaluating the applications submitted. To evaluate the success or failure of a project, PED is expected to work with the teachers accepted into the program, and their principals, to develop evaluation standards for the innovative projects teachers wish to pursue.

Because the bill permits PED to waive participating teacher’s students’ standards-based assessments on the teacher’s teacher evaluation, PED would also be expected to work with the teacher and the principal to develop other measures of teacher competency. PED notes in its analysis that this would require significant administrative time.

If HB105/HECS is enacted, PED would need to report its findings and recommendations for the program and for each project to the governor, the Legislative Education Study Committee (LESC), every local superintendent, and every charter school head administrator.

### **TECHNICAL ISSUES**

HB105/HECS defines “innovative teaching” as using “cutting-edge innovations in pedagogical approaches and strategies to teaching a subject.” However, it is unclear what “cutting-edge” means and may need to be defined.

The term “minority students,” used on page 3 line 25, may need to be defined to clarify the intended implementation of HB105/HECS.

Section 4, subsection A of HB105/HECS implies that PED has the option of developing and implementing the program, including the application for the program. This conflicts with the rest of the act which mandates PED to be a part of the program. Considering the goal is to have the program begin in the 2018-2019 school year, the sponsors of the bill may want to consider replacing the word “may” on page 3, line 14, with “shall.”

HB105/HECS does not specify when or how often PED needs to report its findings and recommendations of the program and of each project to the governor, LESC, local superintendents, and charter school head administrators.

### **OTHER SIGNIFICANT ISSUES**

HB105/HECS states that teachers need to apply to the program by June 30 for the upcoming school year and that PED will notify applicants and their principals by August 1 if the application was approved. Since there is no precedent to predict the volume of applications PED could receive, it is unclear if HB105/HECS provides sufficient time for PED to effectively review all applications and determine which to approve.

### **POSSIBLE QUESTIONS**

How would successful innovative teaching projects be continued and disseminated?

### **RELATED BILLS**

Relates to HB124/aHJC, Teacher Competency for Licensure Advancement, which codifies the professional development dossier as the method for advancement within the three tier licensure system and codifies the process for advancing to a level 2 license using teacher evaluation ratings.

Relates to HB125, Teacher & Principal Evaluation System, which convenes a council to develop a teacher and principal evaluation system. This bill is a duplicate of SB34.

Relates to HB350, Teacher & Principal Effectiveness Act, which places in statute a framework that is similar to PED’s current teacher and school leader evaluation system established by rule.

Relates to SB470, School Assessments & Teacher Evaluations, which requires PED to adopt teacher evaluation criteria that do not use student test scores but reward teacher flexibility and creativity in meeting the needs of all students.

### **SOURCES OF INFORMATION**

- LESC Files
- Public Education Department

**DT/rab**