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

<b>Bill Number</b>	<u>HB124/aHJC</u>	<b>Sponsor</b>	<u>Williams Stapleton</u>
<b>Tracking Number</b>	<u>.205747.2</u>	<b>Committee Referrals</b>	<u>HEC/HJC</u>
<b>Short Title</b>	<u>Teacher Competency for Licensure Advancement</u>		
<b>Analyst</b>	<u>Macdonald</u>	<b>Original Date</b>	<u>2/3/17</u>
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**BILL SUMMARY**

Synopsis of HJC Amendment

The House Judiciary Committee amendment clarifies one of the ways an applicant can advance to a level 2 teaching license: if the applicant receives “one of the two highest teacher evaluation ratings in the teacher’s most recent final evaluation after having taught for three consecutive years with a level one license,” the department shall issue a level 2 license.

Synopsis of Original Bill

House Bill 124 (HB124) would codify the professional development dossier (PDD) as the method for advancement within the three tier licensure system. Specifically, the bill would codify the Public Education Department’s (PED) current practice of allowing teachers to advance through the licensure system which is found in the New Mexico Administrative Code (6.69.4.11).

To advance to the next licensure level, this bill would require teachers to submit a PDD after three years of teaching at level 1 and three years of teaching at level 2. In addition to the PDD, teachers attempting to move from level 2 to level 3 would be required to obtain either a post-baccalaureate degree or a national board for professional teaching practice certification.

The bill also proposes to codify the process for advancing through the licensure system for an applicant seeking a level 2 license if the applicant receives one of the two highest teacher evaluation ratings after teaching for three years with a level 1 license or receives a satisfactory teacher evaluation rating after teaching for five years with a level 1 license. Additionally, an applicant seeking a level 3-A license can advance through the licensure system if the applicant receives the highest teacher evaluation rating for at least two of the prior three years.

**FISCAL IMPACT**

HB124/aHJC does not contain an appropriation.

The bill is unlikely to have a significant impact on school district or charter school salary costs or PED's operating budget as HB124/aHJC is codifying current regulations for the three tier licensure system.

## **SUBSTANTIVE ISSUES**

HB124/aHJC would allow teachers to advance to level 2 and level 3 licenses by the following means:

- through a PDD that includes evidence of meeting competency requirements annual evaluations, school district superintendent's recommendation for advancement, and verification strand; and
- an electronic submission that includes evidence of an instruction competency strand, a student learning competency strand, and a professional learning competency strand.

The teacher may also advance to level 2 by receiving one of the two highest teacher evaluation ratings in the teacher's most recent final evaluation after having taught for three consecutive years with a level one license or a satisfactory teacher evaluation rating after teaching for five years. The teacher may also advance to a level 3 license if they receive the highest teacher evaluation rating for at least two of the prior three years.

The bill defines the competency requirements to be evaluated in the PDD for licensure advancement. Competencies are identified within the following three strands:

- an instruction competency strand that includes:
  - evidence of knowledge of content knowledge and approved curriculum;
  - evidence that the teacher appropriately uses a variety of teaching methods and resources for each subject the teacher instructs; and
  - evidence of effectively employing student assessment techniques and procedures;
- a student learning competency strand that includes:
  - evidence of student learning and understanding;
  - evidence that the teacher comprehends the principals of student growth, development, and learning and applies them appropriately;
  - evidence that manages the educational setting to be a safe and healthy environment; and
  - promotes the positive student involvement and concept; and
- a professional learning competency strand that includes:
  - a teacher demonstrated willingness to examine and implement change; and
  - works productively with colleagues, parents, and community members.

Currently, PED allows licensure advancement using the state's teacher evaluation system (NMTEACH) summative results. However, this continues to be inconsistent with regulatory requirements previously established by PED; regulations prohibit the secretary from waiving the professional development dossier. It is unclear if the NMTEACH system is a reliable process for advancing teacher licensure levels that result in \$10 thousand pay increases. LESC staff has previously requested detailed information from PED related to current evaluation ratings for those individuals who advanced through the NMTEACH pathway; to date PED has not provided any

information. The first cohort to advance using NMTEACH was in the 2013-2014 school year, and these teachers should have several years of data.

PED notes in its analysis that it received the following PDD submissions for FY16: 420 teachers advancing from level 1 to level 2 with a first-time pass rate of 68 percent; and 176 teachers advancing from level 2 to level 3 with a first-time pass rate of 89 percent. For FY15, 685 teachers advancing from level 1 to level 2 with a first-time pass rate of 86 percent; and 379 teachers advancing from level 2 to level 3 with a first-time pass rate of 82 percent. For FY14, 782 teachers advancing from level 1 to level 2 with a first-time pass rate of 86 percent; and 428 teachers advancing from level 2 to level 3 with a first-time pass rate of 84 percent.

During an interim presentation before LESC, PED noted in the 2013-2014 school year, 223 teachers moved from level 1 to level 2 through the NMTEACH system, which allows teachers to advance to the next licensure level after receiving an effective or higher rating on the teacher evaluation. Additionally, 375 teachers advanced from level 2 to level 3 through the NMTEACH system. In the 2014-2015 school year, 229 teachers advanced from level 1 to level 3 through the NMTEACH system. Additionally, 349 teachers moved from level 2 to level 3 through the NMTEACH system.

PED also notes the bill establishes a lockstep pattern of compensation and advancement that does not account for differences in ability, quality, and performance in teachers. Teachers leave the profession at a higher rate based on lack of acknowledgement of job performance, low expectations, and lack of a supportive working environment. PED states these factors create a gatekeeper for teacher advancement that is not directly tied to job performance.

## **TECHNICAL ISSUES**

For consistency, the sponsor may wish to allow advancement to a level 3 license if the teacher receives one of the two highest teacher evaluation ratings in the teacher's most recent final evaluation after having taught for three consecutive years with a level two license, as opposed to the current language in HB124/aHJC that allows for advancement to level 3 licensure based on having received the highest teacher evaluation rating for at least two of the prior three years.

## **OTHER SIGNIFICANT ISSUES**

The PDD is a collection of documentation compiled by the teacher seeking licensure advancement with support from her or his school district. The PDD documentation is a collection of classroom data with explanations of that data written by the teacher, accompanied by verification and recommendation by the school district superintendent. No one part of the PDD serves to fully represent a teacher's work, but the entire PDD is intended to provide evidence to determine when a teacher is qualified to advance to a higher level of licensure.

PED notes in its analysis the bill would codify continued need for support of a system that has shown little impact on teacher recruitment, retention, or teacher effectiveness. However, the purpose of the PDD, as noted above, is only to demonstrate evidence to qualify the teacher to advance to the next licensure level.

Currently, PED supports the PDD process through contracts with the following entities: University of New Mexico – (\$300 thousand); Vision Link – (\$250 thousand); and Regional Educational Cooperative #9 – (\$450 thousand). All of these contracts support the possible

advancement of approximate 1,200 teachers per year. About 80 percent of the time and effort of PED's Effective Teachers and School Leaders Bureau is used for support of the PDD process.

In 2014, the American Federation of Teachers New Mexico, the Albuquerque Teachers Federation, and other plaintiffs filed a lawsuit against PED alleging the teacher evaluation system is based on a fundamentally and irreparably flawed methodology, which is further plagued by consistent and distressing data errors. In December 2015, a preliminary injunction was granted; the state is not allowed to make any consequential decisions about teachers using their annual evaluations.

In a Legislative Finance Committee (LFC) evaluation of the three tier licensure system and effective teaching in New Mexico found that quality teaching is the most influential school factor affecting academic success. Their analysis confirmed the three tier system is associated with decreases in teacher shortages, reductions in unqualified teachers, and improved teacher pay. Student performance, however, shows little improvement associated with increased investments in teacher pay. Student performance within teacher licensure levels and between licensure levels suggests the local and state evaluation systems are not screening teachers for their effectiveness in the classroom. Furthermore, each licensure level has high and low performing teachers with differences in performance between licensure levels often explained by other factors, including student demographics.

## **RELATED BILLS**

Relates to HB41, Alternative Level 3-B Administrator License

Relates to HB105/aHLEDC, Innovations in Teaching Act

Relates to HB125, Teacher & Principal Evaluation System

Relates to HB158, Teacher Evaluation Pilot Project

Relates to HB258, Junior ROTC Instructor Licensure

Relates to SB30/aSEC, Establish & Study Teacher Cost Index

Relates to SB34, Teacher & Principal Evaluation System

## **SOURCES OF INFORMATION**

- LESC Files
- LFC Files
- PED

**HLM/rab**