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

**Bill Number** SB470/SECS      **Sponsor** SEC

**Tracking Number** .207788.2      **Committee Referrals** SEC/SPAC

**Short Title** School Assessments & Teacher Evaluations

**Analyst** Macdonald      **Original Date** 3/9/17  
**Last Updated** 3/13/17

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**BILL SUMMARY**

Synopsis of Bill

The Senate Education Committee Substitute for Senate Bill 470 (SB470/SECS) amends the Public School Code to allow school districts and charter schools to administer beginning-of-course and end-of-course examinations (EoCs) as part of the academic assessment program. Additionally, SB470/SECS requires the Public Education Department (PED) to establish a teacher evaluation system that is based on the following proportions:

- 25 percent based upon measures of student academic growth that validly and reliably correspond to teaching effectiveness, including student academic improvement, as measured over a period of multiple years, together with teachers' contributions to that improvement;
- 25 percent from measuring student academic growth from the beginning-of-course examination to the EoC;
- 25 percent based upon frequent classroom observations, including one formal observation, each of which shall be based on PED-approved standards and each of which shall form the basis for recommendations for performance improvement; and
- 25 percent based upon multiple sources of information that provide evidence of teacher effectiveness, including student and parent surveys, as well as professionalism and professional development.

**FISCAL IMPACT**

SB470/SECS does not contain an appropriation.

The Senate Finance Committee amendment to the House Appropriations and Finance Committee substitute for House Bills 2 and 3 includes \$6 million from the general fund to PED for standards-based assessments.

## SUBSTANTIVE ISSUES

Currently, there are 62 EoCs available for middle and high school students in a variety of subject areas and grades (see Attachment).

**Academic Assessments.** In current law, the provisions relating to the academic assessment program require the testing of student achievement for: (1) third through eighth grade and 11th grade, Partnership for Assessment of Readiness for College and Careers (PARCC) standards-based assessment in mathematics, reading, and language arts; (2) third through 11th grade, PARCC standards-based writing assessment; (3) fourth, seventh, and 11th grades, standards-based assessment in science; and (4) ninth through 12th grade, EoCs.

Additional assessments that are required by PED: (1) kindergarten through 12th grade, ACCESS English language proficiency assessment for students identified as English learners (Section 22-23-6 NMSA 1978); and (2) kindergarten through third grade, Istation reading proficiency interim assessment for monitoring progress and for purposes of the teacher evaluation system.

In current law, the provisions relating to the statewide college and workplace readiness system require 11th graders to take a college placement assessment; a readiness assessment; or an alternative demonstration of competency using standards-based indicators.

According to the Legislative Finance Committee (LFC) fiscal impact report, provisions of 6.69.8.9 of the New Mexico Administrative Code require school districts to measure the achievement gains of their students in all subjects and grade levels by administering a student assessment for each course offered (aside from subjects and grade levels required for the state student achievement testing programs). Student assessments may include: statewide assessments currently administered in mathematics and reading; other standardized assessments approved by PED, including nationally recognized standardized assessments; industry certification examinations; and PED-approved, school district-developed, or selected EoCs. School districts may also develop a PED-approved assessment that measures student achievement growth for classroom teachers who do not teach in a standards-based assessment grade or subject.

**Assessment Flexibility.** The federal Every Student Succeeds Act (ESSA) empowers states to develop their own accountability system to measure student performance. It is encouraged states begin pilot projects allowing for flexibility in measuring student performance. ESSA allowed funding for such projects to seven states. Although applications for the pilot program were accepted in September 2016, it is anticipated that future applications will be accepted in the future. ESSA provides states with the option to adopt high-quality academic assessments combined with standardized tests to create a summative score for a student. Such assessments may allow students to demonstrate proficiency in the form of portfolios, projects or extended performance task, and other locally designed formative assessments in mathematics, reading, language arts or science.

A 2013 Measures of Effective Teaching Project report, funded by the Bill and Melinda Gates Foundation, noted: “What counts most gets the most attention. When combining measures into a single index, we have found that approaches that allocate between 33 percent and 50 percent of the weight to student achievement measures are sufficient to indicate meaningful differences among teachers. Moreover, balanced weights avoid the risks posed by too narrow a focus on one measure. Overweighting any single measure (whether student achievement, observations, or

surveys) invites manipulation and detracts attention and effort away from improvement on the other measures.”

### **ADMINISTRATIVE IMPLICATIONS**

PED is required to establish teacher evaluation criteria that meet certain characteristics (see above).

### **OTHER SIGNIFICANT ISSUES**

The current NMTEACH teacher evaluation framework implemented by PED is comprised of four categories: improved student achievement; classroom observations; planning, preparation and professionalism; and surveys and teacher attendance. According to the PED website, each category is currently weighted according to the amount of student achievement data available for the teacher. Improved student achievement is worth 0 percent to 50 percent; classroom observations are worth 25 percent to 50 percent; planning, preparation, and professionalism is worth 15 percent to 40 percent; and surveys and teacher attendance is worth 10 percent.

**Teacher and School Leader Effectiveness.** In 2011, the Legislature considered, but did not pass, legislation that would have implemented a new system for evaluating teachers and principals. Through executive order in the 2011 interim, the governor created the New Mexico Effective Teaching Task Force, whose charge was to provide recommendations to the governor regarding how to best measure the effectiveness of teachers and school leaders based on specific parameters. Those recommendations led to legislation introduced in the 2012 session, which the Legislature considered but did not pass.

In April 2012, the governor issued a press release directing PED to formulate a new teacher and principal evaluation system. According to the press release, the development of a framework for a new evaluation system was one of the conditions for the Elementary and Secondary Act (ESEA) Flexibility Waiver from the federal No Child Left Behind Act, which PED had recently obtained; and the new evaluation system would incorporate many of the measures that were part of the 2012 legislation. In addition, this press release prescribed components of the system; assigned values, or weights, to those components; and presented a timeline for the development and implementation of the new evaluation system. One of the main components of the ESEA Flexibility Waiver was for states to create a system of evaluating teachers and principals that incorporates student achievement as a major factor so that educator evaluation systems move from being competency based to performance based.

In May 2012, PED requested nominations for 18 people to serve two-year terms on the New Mexico Teacher Evaluation Advisory Council in order to develop the details of a new teacher and school leader evaluation system based on student achievement. In June 2012, the council held its first meeting. In July 2012, PED held a public hearing to solicit public comment on draft provisions of the new “Teacher and School Leader Effectiveness” rule. In August 2012, PED published the final version of the “Teacher and School Leader Effectiveness” rule in the New Mexico Register (6.69.8 NMAC). The final rules contained several changes from the original version.

**Teacher Evaluation Lawsuits.** 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. As a result, the plaintiffs allege teachers are being evaluated, with employment decisions being made, based on a process that is arbitrary and capricious. In December 2015, a preliminary injunction was granted, but allowed the state to proceed with developing and improving its teacher evaluation system; the state is not allowed to make any consequential decisions about teachers using their annual evaluations. The trial is postponed until October 2017.

The National Education Association New Mexico also filed a lawsuit against PED in 2014, which claimed the department overstepped its authority in implementing a statewide teacher evaluation process through code in violation of existing state law. In October 2016, the attorney for the union stated he is engaged in settlement negotiations with PED regarding the case. The attorney stated if it is not resolved by the end of the year, it will likely go to trial in spring 2017.

### **RELATED BILLS**

Relates to HB125/aHJC, Teacher & Principal Evaluation System, which requires PED to convene a council to develop a teacher and principal evaluation system.

Relates to HB158, Teacher Evaluation Pilot Project, which creates a new section of the Public School Code to create a teacher evaluation pilot project.

Relates to HB185/HECS/aSEC, Limit Statewide School Testing Days, which limits the number of hours per year and minutes per day that school districts and charter schools can administer statewide and school district required assessments.

Relates to HB241/aHEC, Use of Attendance In Teacher Evaluations, which provides that teacher attendance may be considered a part of a teacher's evaluation and a teacher's use of personal leave and up to 10 days of sick leave shall not affect that teacher's evaluation.

Relates to HB350, Teacher & Principal Evaluation System, which enacts the Teacher and Principal Effectiveness Act into law.

Relates to SB34, Teacher & Principal Evaluation System, which requires PED to convene a council to develop a teacher and principal evaluation system.

Relates to SB253, Withdraw NM from PARCC Test, which requires New Mexico to cease its participation in the consortium with PARCC no later than July 1, 2017 and requires PED to design or contract for a new assessment beginning with the 2017-2018 school year.

Relates to SJM1, Student Assessment Policy Working Group, which requests PED and LESC to convene a working group of education representatives to develop recommendations for a new student assessment policy aligned with the alternative assessment models allowed by the federal ESSA.

### **SOURCES OF INFORMATION**

- LESC Files
- LFC Files



**2016-17 NMPED End-of Course Assessments**  
**High School EOCs Available for Alternate Demonstration of Competency/Graduation Requirements**

Content Area	EoC	Number of Items*	Possible Maximum Score	Passing Score	Supplemental Materials in addition to blank sheet of paper	Test Format*
Reading	English III: Reading	24	24	14	None	MC
	Spanish III: Reading	30	30	14	None	MC
	English IV: Reading	24	24	15	None	MC
Writing	English III: Writing	17	36	24	None	MC+ essay
	Spanish III: Writing	10	34	15	None	MC+ essay
	English IV: Writing	22	41	26	None	MC+ essay
Mathematics	Algebra I	37	37	18	PARCC HS Ref. Sheet, Calculator	MC
	Algebra II	26	26	14	PARCC HS Ref. Sheet, Calculator	MC
	Integrated Math III	36	36	17	PARCC HS Ref. Sheet, Calculator	MC
	Mathematics ADC	32	32	16	PARCC HS Ref. Sheet, Calculator	MC
	Geometry	36	36	18	PARCC/PED HS Ref. Sheet, Calculator	MC
	Pre-Calculus	30	30	16	PARCC/PED HS Ref. Sheet Calculator	MC
	Financial Literacy	29	29	12	Calculator	MC
	Biology	50	50	27	None	MC
	Chemistry	50	50	24	Periodic Table/Reference Sheet; Calculator	MC
	Physical Science	50	50	29	Periodic Table/Reference Sheet; Calculator	MC
Science	Physics	50	50	24	Reference Sheet; Calculator	MC
	Environmental Science	54	54	26	None	MC
	Anatomy and Physiology	55	55	26	None	MC
	U.S. History	62	62	31	None	MC
Social Studies	U.S. Government	50	50	24	None	MC
	Economics	44	44	23	None	MC
	N. M. History	44	44	18	None	MC
	World History and Geography	45	45	25	None	MC

\*During the 2016-17 school year, forms on the New Mexico Assessment Platform may include 1-3 Technology Enhanced Items (TEI) for the purpose of field testing. Result of TEI items will NOT be calculated into student results or Educator Effectiveness System.

\*\* At the request of the EOC Advisory Committee and due to difficulties districts reported with scoring and staffing for Performance Based Assessments, forms were modified to remove PBA items for the 2016-17 operational year.

\*\*\* EOCs for Math 6, 7, 8 and Science Grade 7 are not required, as data from PARCC and SBA is used for accountability purposes.



## 2016-17 NMPED End-of Course Assessments Available High School EOCs: Non ADC Exams

Content Area	EoC	Number of Items*	Possible Maximum Score	Supplemental Materials in addition to blank sheet of paper	Test Format*
Career Technical Education	Introduction to the Science of Agriculture	45	45	None	MC
	Introduction to the Physical Science of Agriculture	45	45	None	MC
	Introduction to Agricultural Mechanics	45	45	None	MC
	Horticulture and Botany of Agriculture	45	45	None	MC
	Nutrition	28	28	None	MC
	Culinary Arts I	38	38	Calculator	MC
	Driver's Education	36	36	None	MC
	Basic Computer	30	30	None	MC
	General Computer Apps	30	30	None	MC
	Visual Arts	Introduction to Art 9–12	38	38	Drawing Materials Specific DFA for Administration
Ceramics		35	35	None	MC
Digital Photography		46	46	None	MC
Health	Health	44	44	None	MC
Physical Education	Physical Education 9–12	30	30	None	MC **
Language Performing Arts	Spanish I	27	27	None	MC
	Drama	48	48	None	MC
	Music 9–12	40	40	None	MC

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## 2016-17 NMPED End-of Course Assessments

### Available Middle School EOCs

Content Area	EOC Name	Assessable Grades	Number of Items*	Possible Maximum Score	Supplemental Materials in addition to blank sheet of paper	Test Format*
English Language Arts	ELA	6	33	33	None	MC
	ELA	7	29	29	None	MC
	ELA	8	30	30	None	MC
Math***	Math	6	25	25	Grade 6 PARCC Reference Sheet & Calculator	MC
	Math	7	24	24	Grade 7 PARCC Reference Sheet & Calculator	MC
Science***	Math	8	30	30	Grade 8 PARCC Reference Sheet & Calculator	MC
	Science	6	31	31	None	MC
	Science	7	34	34	None	MC
Social Studies	Science	8	38	38	None	MC
	Social Studies	6	34	34	None	MC
	Social Studies	7	36	36	None	MC
Career Technical Education and FACS	Social Studies	8	33	33	None	MC
	Family and Consumer Science	6-8	35	35	None	MC
	Exploratory Science in Agriculture	7-8	38	38	None	MC
Visual Arts	Art	6-8	16	16	None	MC**
Business/IT	Keyboarding	6-8	36	36	None	MC
Physical Education	Physical Education	6-8	28	28	None	MC***
Performing Arts	Music	6-8	30	30	None	MC

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\*\*\* EOCs for Math 6, 7, 8 and Science Grade 7 are not required, as data from PARCC and SBA is used for accountability purposes.



## 2016-17 NMPED End-of Course Assessments

### Available Elementary EOCs

Content Area	EOC Name	Assessable Grades	Number of Items*	Possible Maximum Score	Supplemental Materials in addition to blank sheet of paper	Test Format*
Visual Arts	Introduction to Art	4-5	25	25	None	MC
Performing Arts	Music	4-5	20	20	Headphones for testing on EPIC; Ability to hear MP3 files for paper-based testing	MC**
Physical Education	Physical Education	4-5	18	18	None	MC**

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