

1 HOUSE BILL 350

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO SCHOOL PERSONNEL; ENACTING THE TEACHER AND  
12 PRINCIPAL EFFECTIVENESS ACT; REQUIRING EFFECTIVENESS  
13 EVALUATIONS FOR TEACHERS AND SCHOOL PRINCIPALS; OUTLINING  
14 CRITERIA FOR THOSE EVALUATIONS; REQUIRING POST-EVALUATION  
15 ACTIONS.

16  
17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

18 SECTION 1. A new section of the Public School Code is  
19 enacted to read:

20 "[NEW MATERIAL] SHORT TITLE.--This act may be cited as the  
21 "Teacher and Principal Effectiveness Act"."

22 SECTION 2. A new section of the Public School Code is  
23 enacted to read:

24 "[NEW MATERIAL] DEFINITIONS.--As used in the Teacher and  
25 Principal Effectiveness Act:

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1           A. "evaluator" means a person who holds a level  
2 three-B administrator's license;

3           B. "observer" means a teacher who holds a level two  
4 or three-A license or a person who holds a level three-B  
5 administrator's license and who is certified by the department  
6 to conduct evaluations for the purpose of carrying out the  
7 Teacher and Principal Effectiveness Act;

8           C. "principal" includes an assistant principal and  
9 a head administrator of a charter school; and

10           D. "school district" includes a charter school."

11           **SECTION 3.** A new section of the Public School Code is  
12 enacted to read:

13           "[NEW MATERIAL] TEACHER AND PRINCIPAL EFFECTIVENESS--  
14 REQUIREMENT FOR ANNUAL EVALUATION.--

15           A. Every teacher and school principal shall submit  
16 to an annual evaluation of the teacher's or principal's  
17 professional performance as provided in the Teacher and  
18 Principal Effectiveness Act.

19           B. Each year, an evaluator shall participate in an  
20 annual training program for conducting evaluations of teachers  
21 or school principals."

22           **SECTION 4.** A new section of the Public School Code is  
23 enacted to read:

24           "[NEW MATERIAL] TEACHER EFFECTIVENESS--EVALUATION  
25 FRAMEWORK.--

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1           A. The evaluation of professional performance for  
2 teachers shall consist of:

3                   (1) measures of student academic growth and  
4 achievement that validly and reliably correspond to teaching  
5 effectiveness, including:

6                           (a) student academic improvement, as  
7 measured over a period of multiple years; and

8                           (b) teachers' contributions to that  
9 improvement;

10                   (2) measures based on multiple sources of  
11 information that evince teacher effectiveness, including:

12                           (a) student and parent surveys;

13                           (b) work attendance; and

14                           (c) professionalism and professional  
15 development; and

16                   (3) frequent in-classroom observations by  
17 observers, including one formal observation conducted by an  
18 observer in accordance with Subsection C of Section 22-10A-19  
19 NMSA 1978, each of which is based on department-approved  
20 standard procedures and which forms the basis for  
21 recommendations for performance improvement.

22           B. A teacher's evaluation shall be based on the  
23 components listed in Subsection A of this section in the  
24 following proportions:

25                   (1) student academic growth and achievement

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1 shall constitute forty percent;

2 (2) in-classroom observations shall constitute  
3 thirty-five percent;

4 (3) professionalism and professional  
5 development shall constitute fifteen percent;

6 (4) student and parent surveys shall  
7 constitute five percent; and

8 (5) work attendance shall constitute five  
9 percent."

10 SECTION 5. A new section of the Public School Code is  
11 enacted to read:

12 "[NEW MATERIAL] TEACHER EFFECTIVENESS--EVALUATION  
13 RESULT.--Based on the results of the teacher's professional  
14 performance evaluation, a teacher shall be rated as:

- 15 A. exemplary, meets competency;
- 16 B. highly effective, meets competency;
- 17 C. effective, meets competency;
- 18 D. minimally effective, does not meet competency;

19 or

- 20 E. ineffective, does not meet competency."

21 SECTION 6. A new section of the Public School Code is  
22 enacted to read:

23 "[NEW MATERIAL] EVALUATION--WRITTEN REPORT--POST-  
24 EVALUATION CONFERENCE--NOTIFICATION--CORRECTIVE ACTION--PEER  
25 ASSISTANCE PROGRAM.--

1           A. An evaluator shall not change the result of any  
2 component of a professional performance evaluation once that  
3 result has been determined. Once an evaluation is complete,  
4 the evaluator shall submit a written report on the evaluation  
5 to the teacher or principal and to the head of the school  
6 district.

7           B. If a teacher is rated in the report as minimally  
8 effective or ineffective, the report shall outline the reasons  
9 for the rating. A teacher rated in an evaluation report as  
10 minimally effective or ineffective may submit a written  
11 response to the report, which shall become a permanent  
12 attachment in the teacher's personnel file.

13           C. For a teacher rated in an evaluation report as  
14 minimally effective or ineffective:

15                   (1) the evaluator who conducted the evaluation  
16 shall conduct a post-evaluation conference with the teacher in  
17 which the evaluator makes recommendations for improving in  
18 areas of unsatisfactory performance and, otherwise, for  
19 professional growth. The recommendations shall form the basis  
20 for an individual professional growth plan for the teacher;

21                   (2) the evaluator shall provide intervention  
22 and assistance to implement that plan; and

23                   (3) the principal or other supervisor shall  
24 use the results of the evaluation to develop a plan of  
25 strategic support for the teacher.

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1           D. A school district may establish a peer  
2 assistance program to improve instruction and learning and to  
3 assist teachers whose ratings are minimally effective and  
4 ineffective and teachers who otherwise wish to participate in  
5 the program."

6           SECTION 7. A new section of the Public School Code is  
7 enacted to read:

8           "[NEW MATERIAL] PRINCIPAL EFFECTIVENESS--EVALUATION  
9 FRAMEWORK.--

10           A. The evaluation framework for school principals  
11 shall consist of:

12                   (1) valid and reliable measures of the  
13 school's student academic growth and achievement, including  
14 that growth as measured by the department in accordance with  
15 the A-B-C-D-F Schools Rating Act;

16                   (2) a measure of instructional leadership  
17 skill;

18                   (3) teacher, other school staff and parent  
19 surveys;

20                   (4) a measure of the principal's:

21                           (a) effectiveness in implementing, to  
22 the extent appropriate, the Teacher and Principal Effectiveness  
23 Act; and

24                           (b) the principal's skill in supporting  
25 teachers whose performance, as determined by the evaluations

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1 conducted in accordance with that act, needs improvement; and  
2 (5) the results of the highly objective  
3 uniform statewide standard of evaluation conducted in  
4 accordance with Subsection D of Section 22-10A-11.4 NMSA 1978  
5 and related rules.

6 B. The evaluation component provided for by  
7 Paragraph (1) of Subsection A of this section shall constitute  
8 forty percent of a school principal's evaluation."

9 SECTION 8. A new section of the Public School Code is  
10 enacted to read:

11 "[NEW MATERIAL] PRINCIPAL EFFECTIVENESS--EVALUATION  
12 RESULT.--Based on the results of the principal's professional  
13 performance evaluation, a principal shall be rated as:

- 14 A. exemplary, meets competency;  
15 B. highly effective, meets competency;  
16 C. effective, meets competency;  
17 D. minimally effective, does not meet competency;

18 or

19 E. ineffective, does not meet competency."

20 SECTION 9. A new section of the Public School Code is  
21 enacted to read:

22 "[NEW MATERIAL] RULEMAKING.--The secretary shall  
23 promulgate rules necessary to implement the provisions of the  
24 Teacher and Principal Effectiveness Act."

25 SECTION 10. APPLICABILITY.--The Teacher and Principal

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1 Effectiveness Act applies to school years beginning with the  
2 2017-2018 school year.

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