

LESC bill analyses are available on the New Mexico Legislature website (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
54th Legislature, 1st Session, 2019

Bill Number	<u>*SB247</u>	Sponsor	<u>Stewart</u>
Tracking Number	<u>.212227.1</u>	Committee Referrals	<u>SEC/SPAC;HSEIC/HEC</u>
Short Title	<u>Teacher Evaluation Act</u>		
Analyst	<u>Sena</u>	Original Date	<u>1/24/19</u>
		Last Updated	<u></u>

BILL SUMMARY

Synopsis of Bill

Senate Bill 247 (*SB247) establishes a new section of the Public School Code, the “Teacher Evaluation Act” that provides the framework for a new teacher and principal evaluation system and directs the Public Education Department (PED) to consult with school districts, charter schools, school personnel, other stakeholders, and the LESC to promulgate rules to carry out the provisions of the teacher evaluation system.

The bill outlines the process by which teachers and principals would establish professional goals and benchmarks, as well as the formative and summative evaluation processes to determine teachers’ performance in meeting those goals and benchmarks. Teachers would be evaluated on instructional quality, student feedback, student learning growth, and professional responsibility. Ratings for teachers would include distinguished, proficient, developing, or unsatisfactory.

The bill also specifies the implementation of improvement plans or intensive improvement plans for teachers who are rated developing or unsatisfactory. A teacher may be recommended for termination by an evaluator if they are unable to demonstrate proficient performance by the end of an intensive improvement plan.

This bill has an emergency clause.

FISCAL IMPACT

The bill does not contain an appropriation. However, a statewide evaluation system may come with associated costs for training, resources, and computer software. Legislative Finance Committee recommendations include \$1 million for a teacher evaluation system, which is equal to the appropriation for FY19, while the executive recommends \$2 million.

SUBSTANTIVE ISSUES

Statute does not currently dictate specific provisions about the framework or execution of teacher evaluations. The New Mexico Court of Appeals ruled in 2015 the secretary of education has discretion over developing the structure for teacher evaluations as long as that structure meets statutory requirements to be highly objective and uniform statewide. *SB247, while providing a more detailed structure for evaluations, would eliminate some of the department’s autonomy and flexibility in developing an evaluation system.

New Mexico’s current teacher evaluation system, NMTeach, has also been the subject of concern, as well as a lawsuit that questions its legitimacy. Recently, Governor Michelle Lujan Grisham issued Executive Order 2019-002 directing PED to develop a new teacher evaluation system.

Evaluation Cycles. The bill requires teachers to undergo formative evaluations and create professional development plans every year. Professional development plans identify teacher goals and growth areas. For experienced teachers – defined as level 2 or level 3-A teachers – professional development plans may be written to extend over three years but must be updated annually.

Summative evaluations would be conducted annually for all level 1 teachers and for experienced teachers rated unsatisfactory or developing. Summative evaluations would be conducted every three years for experienced teachers rated proficient or distinguished.

Currently, all teachers receive summative evaluations every year. The change reflects other state systems that acknowledge high-performing teachers do not require summative evaluations annually, leaving evaluators and administrators more time to work with struggling teachers.

Multiple Measures. *SB247 includes four measures by which teachers would be evaluated; instructional quality, which would count for at least 50 percent of a teacher’s summative rating, student feedback, student learning growth, and professional responsibility and development.

Ratings. The bill details how teacher ratings are determined by the various degrees to which a teacher’s performance meets performance requirements for each of the four ratings. The act gives the department the responsibility of setting performance thresholds.

Teacher Performance Ratings

Distinguished	The teacher's performance significantly exceeds the threshold approved by the department for proficient performance.
Proficient	The teacher's performance meets the threshold approved by the department for proficient performance but is below the threshold set for distinguished.
Developing	The teacher's performance does not meet the threshold approved by the department for proficient performance but is above the threshold set for unsatisfactory performance.
Unsatisfactory	The teacher's performance rating has not improved following a rating of developing or the teacher's performance is significantly below the threshold set by the department for proficient performance.

Improvement Plans. The bill requires evaluators to create an improvement plan for an experienced teacher rated as developing or unsatisfactory and for a level 1 teacher rated unsatisfactory. The bill defines an improvement plan as the growth or improvement actions designated by an evaluator for a period of at least 30 school days and no more than 90 school days as needed to improve a teacher's performance.

The bill requires intensive improvement plans – defined as a plan of at least 30 days and not more than one school year – for a teacher unable to demonstrate proficient performance, as determined by an evaluator, by the end of an improvement plan. If a teacher is unable to demonstrate performance by the end of the intensive improvement plan, termination of the teacher's employment may be recommended by the evaluator to the teacher's supervisor.

ADMINISTRATIVE IMPLICATIONS

PED is responsible for carrying out the provisions of the teacher evaluation system, as well as provide training and related materials to evaluators. Local school boards must adopt policies, guidelines, and procedures for implementing the teacher evaluation system and communicate those policies, guidelines, and procedures to teachers and school principals. Local superintendents must ensure that all evaluators attend an initial training and refresh and improve their evaluation, administrative, and instructional leadership skills at least every two years by attending a training approved by the department.

OTHER SIGNIFICANT ISSUES

House Bill 212 (*HB212), the Teacher and Principal Evaluation Act, also creates a teacher and principal evaluation system. Many of the provisions of *SB247 are similar to *HB212, including the use of instructional quality, student feedback, student learning growth, and professional responsibility to evaluate teachers. *HB212, however, assigns weights to each of the categories. Only instructional quality, which shall count for at least 50 percent of a teacher's summative evaluation, is assigned a weight.

RELATED BILLS

*HB212, Teacher and Principal Evaluation Act

SOURCES OF INFORMATION

- LESC Files

JDS/