

**LEGISLATIVE EDUCATION STUDY COMMITTEE  
BILL ANALYSIS**

**Bill Number:** **HB 289**

**51st Legislature, 1st Session, 2013**

**Tracking Number:** **.195926.1**

**Short Title:** **Teacher Competency for Advancement**

**Sponsor(s):** **Representative Sheryl M. Williams Stapleton and Others**

**Analyst:** **LaNysha Adams**

**Date:** **February 14, 2014**

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**Bill Summary:**

HB 289 amends the *School Personnel Act* to allow teachers to advance from Level 1 to Level 2 and from Level 2 to Level 3-A through multiple options.

A section-by-section synopsis of HB 289 follows:

Specifically, **Section 1** prescribes advancement to Level 2, requiring candidates to:

- submit a professional development dossier (PDD) that includes:
  - evidence of competence, collected over multiple years;
  - evidence that the teacher has met the competency requirements for advancement to the next higher level of licensure;
  - the teacher's annual evaluations for each of the prior two years;
  - the local superintendent's recommendation for the teacher's advancement to the next licensure level; and
  - verification of:
    - the teacher's participation in the school district's formal mentorship program;
    - three years or more of successful Level 1 teaching; and
    - the PDD containing the work product of the teacher, as affirmed by the superintendent; and
- submit an electronic recording of moving images and sound depicting the following competencies according to Level 2 licensure indicators as defined in the Public Education Department (PED) rule:
  - an instruction competency strand demonstrating that the teacher:
    - accurately demonstrates knowledge of the content area and approved curriculum;
    - appropriately uses a variety of teaching methods and resources for each subject the teacher instructs; and
    - effectively employs student assessment techniques and procedures;

- a student learning competency strand demonstrating that the teacher:
  - communicates with and obtains feedback from students in a manner that enhances student learning and understanding;
  - comprehends the principles of student growth, development, and learning and applies them appropriately;
  - manages the educational setting in a manner that promotes positive student behavior and a safe and healthy environment; and
  - recognizes student diversity and creates an atmosphere conducive to the promotion of positive student involvement and self-concept; and
- a professional learning competency strand demonstrating that the teacher:
  - demonstrates a willingness to examine and implement change, as appropriate; and
  - works productively with colleagues, parents, and community members; or
- receive one of the two highest teacher evaluation ratings after teaching for three years with a Level 1 license; or
- receive a satisfactory teacher evaluation rating after teaching for five years with a Level 1 license.

**Section 2** prescribes advancement to Level 3-A, requiring candidates to have:

- at least three years of experience at Level 2 and certification by the National Board for Professional Teaching Standards (NBPTS); or
- a post-baccalaureate degree and demonstrate instructional leader competence as required by PED and verified by the local superintendent through the highly objective uniform statewide standard of evaluation; and either one of the following options:
  1. provide a PDD that includes:
    - evidence of competence, collected over multiple years;
    - evidence that the teacher has met the competency requirements for advancement to the next higher level of licensure;
    - the teacher's annual evaluations for each of the prior two years;
    - the local superintendent's recommendation for the teacher's advancement to the next licensure level; and
    - verification:
      - of a post-baccalaureate degree;
      - of three years or more of successful Level 2 teaching experience; and
      - that the PDD contains the work product of the teacher, as affirmed by the superintendent; or
  2. submit an electronic recording of moving images and sound depicting the following competencies according to Level 3 licensure indicators as defined in PED rule:
    - an instruction competency strand demonstrating that the teacher:

- accurately demonstrates knowledge of the content area and approved curriculum;
  - appropriately uses a variety of teaching methods and resources for each subject the teacher instructs; and
  - effectively employs student assessment techniques and procedures;
- a student learning competency strand demonstrating that the teacher:
- communicates with and obtains feedback from students in a manner that enhances student learning and understanding;
  - comprehends the principles of student growth, development, and learning and applies them appropriately;
  - manages the educational setting in a manner that promotes positive student behavior and a safe and healthy environment; and
  - recognizes student diversity and creates an atmosphere conducive to the promotion of positive student involvement and self-concept; and
- a professional learning competency strand demonstrating that the teacher:
- demonstrates a willingness to examine and implement change, as appropriate; and
  - works productively with colleagues, parents, and community members; or
3. receive the highest teacher evaluation rating for at least two of the prior three years.

Finally, **in Section 3**, HB 289 proposes to add a new section to the *School Personnel Act* to add competency requirements for advancement that include:

- an instruction strand that includes evidence developed through the NBPTS certification or:
  - evidence of student learning;
  - assessment techniques and procedures;
  - instructional plans and materials;
  - examples of student work and performance; and
  - evidence of implementation of the state standards for each grade level and subject area pursuant to Section 22-13-1.6 NMSA 1978;
- a student learning strand that:
  - includes evidence developed through the NBPTS certification or:
    - evidence of adaptations or modifications for diverse learners;
    - evidence of effective classroom management strategies and procedures;
    - classroom observation reports; and
    - evidence of communication with students and parents;
  - may include:
    - student surveys; or
    - videos with reflections and analysis; and

- a professional learning strand that includes evidence developed through the NBPTS certification or evidence of at least one of the following:
  - professional development activities associated with the teacher's annual professional development plan;
  - collaboration with the professional community;
  - parent surveys;
  - research publications; or
  - professional presentations.

**Fiscal Impact:**

HB 289 does not contain an appropriation.

**Substantive Issues:**

Currently, the details for advancement throughout the three-tiered teacher licensure system are a completely regulatory process overseen by PED and are published in the *New Mexico Administrative Code* (6.69.4 NMAC). PED defines the PDD as a “focused, compact collection of documentation” compiled by the teacher and the school district. The PDD:

- includes classroom data such as lesson descriptions, student work, and video and audio recordings, with explanations written by the teacher and verification of the work and recommendation for advancement completed by the superintendent; and
- is organized into five strands:
  - the first three of which – Instruction, Student Learning, and Professional Learning – incorporate the nine teacher competencies specified in PED rule are completed by the teacher; and
  - two other strands, which, respectively, verify the teacher's work in the dossier and recommend the teacher for licensure advancement based on the annual evaluations are completed by a district-level administrator.

**Background:**

***Current Law***

Provisions in the *School Personnel Act* in the *Public School Code* currently require:

- post-baccalaureate degrees or NBPTS certification before teachers may obtain Level 3-A or Level 3-B licenses;
- PED to adopt criteria and minimum highly objective uniform statewide standards of evaluation for the annual performance evaluation of licensed school employees;
- the professional development plan for teachers to include documentation on how a teacher who receives professional development that has been required or offered by the state or a school district or charter school incorporates the results of that professional development in the classroom;
- a local superintendent to adopt policies, guidelines, and procedures for the performance evaluation process;

- an evaluation by other school employees to be one component of the evaluation tool for school administrators;
- as part of the highly objective uniform statewide standard of evaluation for teachers, a school principal to observe each teacher's classroom practice to determine the teacher's ability to demonstrate state-adopted competencies;
- at the beginning of each school year, teachers and school principals to devise professional development plans for the coming year, and performance evaluations to be based in part on how well the professional development plan was carried out;
- if a Level 2 or Level 3-A teacher's performance evaluation indicates less than satisfactory performance and competency, a school principal to require a teacher to undergo peer intervention, including mentoring, for a period the school principal deems necessary. If the teacher is unable to demonstrate satisfactory performance and competency by the end of the period, the peer interveners may recommend termination of the teacher; and
- at least every two years, school principals to attend a training program approved by the department to improve their evaluation, administrative, and instructional leadership skills.

### ***National Board for Professional Teaching Standards (NBPTS) Certification***

According to the *2013 Guide to National Board Certification*, NBPTS offers 25 certificates that cover a variety of subject areas and student developmental levels.

The assessment process for NBPTS certification is designed to collect standards-based evidence of accomplished practice. In all certificate areas, candidates for NBPTS certification are required to complete two major components: a portfolio of classroom practice and an assessment of content knowledge administered at a computer-based testing center.

The portfolio for NBPTS certification requires:

- at least two of three classroom-based entries that include video evidence of classroom interactions between the candidate and his or her students;
- all three classroom-based entries to include student work;
- the candidate to write a detailed analysis of the instruction reflected in each student work selection and/or video;
- the candidate to include, for each entry, some direct evidence of teaching or school counseling as well as a commentary describing, analyzing, and reflecting on this evidence; and
- one documented accomplishments entry that includes evidence of the candidate's accomplishments outside of the classroom and how that work impacts student learning.

The NBPTS certification must be renewed every 10 years. NBPTS-certified individuals applying to renew their certification are required to complete a Profile of Professional Growth which is:

- a holistic approach in which all components submitted are linked and evaluated; and
- designed so that candidates can show the connections they make between their continued professional growth and student learning.

The assessment fee for NBPTS certification is \$2,500, which includes the \$500 nonrefundable initial fee. There is also a nonrefundable \$65 application processing charge, which is due at the time the application is submitted online. The renewal fee for NBPTS certification is \$1,250.

According to the NBPTS:

- there are 102,237 individuals with NBPTS certification nationwide;
- the total number of NBPTS certified individuals in New Mexico has steadily increased since school year 2007-2008 as follows:
  - 395 in school year 2007-2008;
  - 490 in school year 2008-2009;
  - 581 in school year 2009-2010;
  - 676 in school year 2010-2011;
  - 769 in school year 2011-2012; and
  - 870 in school year 2012-2013; and
- the five New Mexico school districts with the highest numbers of NBPTS-certified individuals are:
  - Albuquerque Public Schools with 441;
  - Santa Fe Public Schools with 42;
  - Las Cruces Public Schools with 41;
  - Gallup-McKinley County Public Schools with 39; and
  - Moriarty-Edgewood Schools with 32.

**Committee Referrals:**

HRC

**Related Bills:**

*FL/HB 67 Phased Minimum Teacher Salary Increases*

*HB 148 Streamline Teacher Access to Licensure (Identical to SB 104)*

*HB 276 Teacher Licensure Advancement*

*HB 294 Counselor Level 3-A Salary Eligibility*

*HB 352 Teacher School Administrator Licensure*

*SB 104 Streamline Teacher Access to Licensure (Identical to HB 148)*

*SB 105 Teacher Licensure & Advancement*

*\*SB 197 School Teacher Evaluation Moratorium*

*SB 214 Teacher Evaluation System & Council*