

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current and previously issued FIRs are available on the NM Legislative Website (www.nmlegis.gov) and may also be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

SPONSOR Sapient ORIGINAL DATE 02/14/14
LAST UPDATED _____ HB _____

SHORT TITLE School Teacher Evaluation Moratorium SB 197

ANALYST Chavez

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY14	FY15	FY16	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		(Unknown)	(Unknown)			Federal Education Funds

(Parenthesis () Indicate Expenditure Decreases)

Relates to HB 289, HM 71, SB 214, SM 61

SOURCES OF INFORMATION

LFC Files

Responses Received From
Public Education Department (PED)

SUMMARY

Synopsis of Bill

Senate Bill 197 provides a one-year moratorium on the teacher and school leader evaluation system created by the Public Education Department.

This bill declares an emergency; PED teacher and school leader evaluations would not be used for the 2013-2014 school year.

FISCAL IMPLICATIONS

This bill does not contain an appropriation.

In accordance with complying with the Flexibility Waiver from the federal No Child Left Behind Act (NCLB) received by New Mexico in February 2012, the US Department of Education (USDE) required the state to develop a new teacher and principal evaluation system. During school year 2012-2013, PED and NMTEACH developed and implemented a pilot of the teacher and school leader evaluation.

PED states that delaying NMTEACH's implementation as provided for in this bill would be in violation of the state's waiver from federal requirements under the Elementary and Secondary Education Act (ESEA). The NMTEACH evaluation system is part of the waiver, and significant federal sanctions could result if the requirements of the waiver are not followed.

SIGNIFICANT ISSUES

SB 197 would entirely remove evaluations for teachers and school leaders for the 2013-2014 school year under any evaluation system established in rule or law after January 1, 2011. Effectively, the bill would prohibit PED from evaluating teachers and school leaders under the NMTEACH system developed in response to the requirements of the flexibility waiver.

The bill notes that districts have had an inadequate transition period to align curriculum under the CCSS, and that teacher evaluations are required by PED rules to include a significant degree of student performance.

An LESC report notes that during the 2013 interim, several superintendents have expressed support as well as concern for the teacher and principal evaluation system, particularly with the timeline for implementation. In a letter addressed to PED's Secretary-Designate Hanna Skandera, superintendent Carpenter articulated many concerns the Aztec School Board and teachers and principals in his district have about the school year 2013-2014 implementation of the teacher and principal evaluation system, and that the implementation process was occurring too rapidly. He suggested implementing the process in two phases: protocols on the observation system for the 2013-2014 school year, and full implementation for the 2014-2015 school year.

PED, in response to the bill's statement that teachers, school leaders and districts have had insufficient time to receive adequate training to implement the CCSS, notes that training for the CCSS from the PED began in the 2012 school year. To date over 3,749 participants have been trained. Trainings have included in-person workshops, online courses, webinars, and regional mentoring sessions by CCSS experts.

However, other school districts have reported to LESC that PED's management, training and guidance with the NMTEACH program were confusing and inconsistent. Moriarity/Edgewood school districts stated that districts were experiencing significant implementation difficulties, including inconsistent materials and timelines given by PED, problems with the Teachscape website, and unclear requirements. Similarly, in a position paper to the LESC in October 2013, Farming Municipal Schools (FMS) expressed concern for the technological aspect of the evaluation system through Teachscape, which caused FMS to seek an alternative online provider in order to stay on track with PED's timeline.

Other states have applied and received waivers from implementing the high stakes consequences of new evaluation systems during the 2013-2014, while keeping the evaluation systems in place. PED has not applied for such a waiver.

PERFORMANCE IMPLICATIONS

PED states that immediate implementation of the NMTEACH system will provide leverage for teachers and school leaders to make improvements in their practice, citing research that a rigorous evaluation system increases the performance of teachers during the year of implementation, and further increases their performance in the year after implementation.

PED adds that NMTEACH ensures CCSS is being implemented effectively. With the development of new curriculum and instructional methods, it is imperative that student achievement data be combined with classroom monitoring to ensure that CCSS are being taught properly. NMTEACH does this, and delaying this process would limit the relevant support that can be provided to teachers (collectively and individually) and principals to build capacity in supporting teachers by providing targeted and meaningful professional development.

ADMINISTRATIVE IMPLICATIONS

It is not clear what, if any teacher evaluation system would be used for the 2013-2014 school year if this bill were signed.

RELATIONSHIP

HB 289 amends the School Personnel Act to allow teachers to advance to level two and level three licenses through a variety of means including if the teacher receives one of the two highest teacher evaluation ratings after teaching for three years or a satisfactory teacher evaluation rating after teaching for five years for advancement to level two licensure, or receives the highest teacher evaluation rating for at least two of the prior three years for advancement to level three licensure. The changes in the bill are already reflected in PED rule.

SB 214 amends the Public School Code to establish a teacher and school administrator evaluation system to include differential performance levels, to establish an educator preparation and effectiveness council to advise and oversee promulgation of rules for the new system and to establish an effective teaching portfolio within the three-tier licensure system.

HM 71 and SM 61 propose to study the common core standards.

KC/svb