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AN ACT

RELATING TO SCHOOL PERSONNEL; CREATING A COUNCIL TO DEVELOP A
TEACHER AND PRINCIPAL EVALUATION SYSTEM AND RELATED
RECOMMENDATIONS FOR THE PUBLIC EDUCATION DEPARTMENT'S
ADOPTION; REQUIRING REPORTING TO THE GOVERNOR AND LEGISLATIVE
EDUCATION STUDY COMMITTEE.

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

SECTION 1. A new section of the School Personnel Act is
enacted to read:

"TEACHER AND PRINCIPAL EVALUATION SYSTEM--COUNCIL
RECOMMENDATIONS.--

A. By August 1, 2017, the department shall convene
a council to develop a teacher and principal evaluation
system for the department's adoption for evaluating teacher
performance and principal performance in accordance with
highly objective uniform statewide standards and Section
22-10A-19 NMSA 1978.

B. The council shall work from August 1, 2017
through December 31, 2021. The department shall provide
staff assistance to the council upon request.

C. Council members shall include:

(1) the secretary or the secretary's
designee; and

(2) geographically diverse members appointed

1 by the secretary as follows:

2 (a) two members selected by the
3 national education association and two members selected by
4 the American federation of teachers New Mexico;

5 (b) sixteen teachers statewide,
6 selected by New Mexico education partners without regard to
7 organized affiliation, two of whom have a level two license
8 and currently teach an elementary school class on a full-time
9 basis, two of whom have a level three license and currently
10 teach an elementary school class on a full-time basis, two of
11 whom have a level two license and currently teach a middle
12 school class on a full-time basis, two of whom have a level
13 three license and currently teach a middle school class on a
14 full-time basis, two of whom have a level two license and
15 currently teach a high school class on a full-time basis, two
16 of whom have a level three license and currently teach a high
17 school class on a full-time basis, two of whom have a level
18 two license and currently teach a class at a charter school
19 on a full-time basis and two of whom have a level three
20 license and currently teach a class at a charter school on a
21 full-time basis. No fewer than three and no more than five
22 of the public school teachers selected pursuant to this
23 subparagraph shall be special education teachers, bilingual
24 teachers or English language learner classroom teachers;

25 (c) six principals statewide, selected

1 by New Mexico education partners without regard to
2 organizational affiliation, two of whom currently administer
3 an elementary school, two of whom currently administer a
4 middle school and two of whom currently administer a high
5 school;

6 (d) two head administrators selected by
7 the New Mexico coalition for charter schools; and

8 (e) four representatives of a public
9 school parent organization nominated by that organization.

10 D. If the department has sufficient funds in its
11 budget, the members of the council and any work groups of the
12 council may be reimbursed for travel expenses pursuant to the
13 Per Diem and Mileage Act. The members of the council and any
14 work groups of the council shall receive no other
15 compensation, perquisite or allowance.

16 E. The council may convene work groups, including
17 non-council members with appropriate expertise, and consult
18 with state, regional and national experts.

19 F. By July 31, 2018, the council shall complete
20 the teacher and principal evaluation system and provide its
21 recommendations to the department. By August 15, 2019, the
22 department shall:

23 (1) adopt the teacher and principal
24 evaluation system and the council's recommendations;

25 (2) promulgate rules regarding the teacher

1 and principal evaluation system; and

2 (3) provide appropriate training and related
3 materials from evidence-based sources for the implementation
4 of the state teacher and principal evaluation system.

5 G. The teacher and principal evaluation system and
6 the council's recommendations for implementing the teacher
7 and principal evaluation system shall:

8 (1) be aligned with best practices and state
9 standards for each grade level and subject area pursuant to
10 Section 22-13-1.6 NMSA 1978;

11 (2) include expanded opportunities within
12 the three-tiered licensure system for all teachers and
13 principals to:

14 (a) develop additional skills and
15 competencies;

16 (b) receive professional development,
17 technical assistance and training;

18 (c) assume additional duties and
19 responsibilities with additional salary; and

20 (d) advance within the three-tiered
21 licensure system;

22 (3) continuously update the instruments and
23 processes for performing teacher and principal evaluations as
24 research evolves on practices leading to optimal student
25 outcomes;

1 (4) delineate the process by which a teacher
2 or principal may appeal a performance rating;

3 (5) establish required procedures for
4 maintaining the confidentiality of personally identifiable
5 student information in performing evaluations, evaluation
6 feedback and ratings and exempting all documents related to
7 evaluations from the Inspection of Public Records Act;

8 (6) provide the necessary support for school
9 districts and charter schools to implement the state teacher
10 and principal evaluation system, including ongoing training
11 in the implementation and use of the state teacher and
12 principal evaluation system for teachers, principals and
13 certified observers;

14 (7) provide for the evaluation of teachers:

15 (a) according to clear and objective
16 standards appropriate for the teacher's level of licensure;

17 (b) using observation instruments,
18 rubrics or other research-based tools to compile evidence,
19 specific to each licensure level, of teacher competence;

20 (c) using student learning data
21 compiled from multiple sources;

22 (d) based on standards of practice that
23 take into account the complexities of teaching; and

24 (e) while continuously providing
25 opportunities for teacher professional development, training

1 and collaboration according to the teachers' experience,
2 knowledge and skills to ensure that teachers have the
3 resources to provide instruction that responds appropriately
4 to student learning data aligned with the state standards for
5 each grade level and subject area pursuant to Section 22-13-
6 1.6 NMSA 1978 and providing a connection between the
7 professional development plan required in Section 22-10A-19
8 NMSA 1978 and the teacher evaluations; and

9 (8) provide for the evaluation of
10 principals:

11 (a) according to clear and objective
12 standards;

13 (b) using evaluation instruments,
14 rubrics or other research-based tools to compile evidence of
15 school leadership and student learning from multiple sources
16 in a fair, transparent, rigorous and valid way and with
17 enough frequency to justify the effectiveness in school
18 leadership rating; and

19 (c) while continuously providing
20 opportunities for professional development, training and
21 collaboration according to the principals' experience,
22 knowledge and skills.

23 H. The teacher and principal evaluation system and
24 the council's recommendations shall include multiple measures
25 for evaluating teacher performance:

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(1) based on:

(a) each school district's decisions pursuant to collective bargaining processes, or other district-wide collaborative processes if there are no collective bargaining agreements in the school district, on any or all of the following measures to be given eighty percent or more weight: 1) formative classroom observations; 2) summative classroom observations; 3) student learning measured by student learning objectives; 4) student feedback compiled from student surveys from research-based surveys; and 5) school progress on the educational plan for student success; provided, however, that a teacher's use of personal leave and up to ten days of sick leave shall not affect the teacher's annual performance evaluation as long as the leave is used consistently with the policy of the local school board or governing body that employs the teacher; and provided further that the teacher's annual performance evaluation may reflect the lowest score with respect to teacher attendance for a teacher who the school district or charter school determines is using sick leave in a manner inconsistent with local school board or governing council policy, administrative rules or an applicable collective bargaining agreement; and

(b) multiple measures of student learning, growth and achievement based on assessments that

1 have a valid and reliable connection to teacher
2 effectiveness, to be given a significant portion, but no more
3 than twenty percent, of weight; provided, however, that a
4 teacher's use of personal leave and up to ten days of sick
5 leave shall not affect the teacher's annual performance
6 evaluation as long as the leave is used consistently with the
7 policy of the local school board or governing body that
8 employs the teacher; and provided further that the teacher's
9 annual performance evaluation may reflect the lowest score
10 with respect to teacher attendance for a teacher who the
11 school district or charter school determines is using sick
12 leave in a manner inconsistent with local school board or
13 governing council policy, administrative rules or an
14 applicable collective bargaining agreement; and

15 (2) rated as:

16 (a) distinguished;

17 (b) proficient;

18 (c) basic;

19 (d) unsatisfactory; or

20 (e) another rating developed by the

21 council for the department's adoption.

22 I. The teacher and principal evaluation system and
23 the council's recommendations shall include multiple measures
24 for evaluating principal performance:

25 (1) based on:

1 (a) the following measures to be given
2 eighty percent or more weight: 1) the operations of the
3 school; 2) the principal's performance of teacher
4 evaluations; 3) the principal's provision of support for
5 improved teacher performance, as aligned with the state
6 standards for each grade level and subject area pursuant to
7 Section 22-13-1.6 NMSA 1978; 4) teacher and staff feedback
8 compiled from research-based surveys and consideration of and
9 responsiveness to teacher and staff feedback in the
10 management of the school; 5) parent feedback compiled from
11 research-based surveys; 6) school climate and culture; 7) the
12 principal's management of school personnel and the school
13 site; and 8) school progress on the educational plan for
14 student success; and

15 (b) valid and reliable multiple
16 measures of student learning, growth and achievement, to be
17 given a significant portion, but no more than twenty percent,
18 of weight; and

19 (2) rated as:

20 (a) highly effective;

21 (b) effective;

22 (c) improvement necessary;

23 (d) does not meet standards; or

24 (e) another rating developed by the

25 council for the department's adoption.

1 J. The teacher and principal evaluation system and
2 the council's recommendations shall include procedures for
3 conducting the teacher and principal evaluations, including:

4 (1) criteria for selecting, certifying and
5 training certified observers;

6 (2) guidelines and training materials for
7 performing observations and evaluations;

8 (3) a sequence and schedule for performing
9 observations and evaluations of teachers according to each
10 teacher's licensure level; and

11 (4) a sequence and schedule for performing
12 annual evaluations of principals.

13 K. The teacher and principal evaluation system and
14 the council's recommendations shall include the measures to
15 be taken in response to the teacher and principal
16 evaluations, including:

17 (1) ways to use state teacher and principal
18 evaluations to:

19 (a) promote student learning, growth
20 and achievement;

21 (b) provide teachers and principals
22 with clear expectations, appropriate and targeted feedback
23 for improvement and enhanced opportunities for professional
24 growth; and

25 (c) make decisions pursuant to the

1 School Personnel Act, including advancement within the three-
2 tier licensure system;

3 (2) guidelines and training materials for
4 the development of student learning objectives;

5 (3) criteria for optional local or regional
6 peer assistance, review, intervention and training programs
7 for teachers who earn an unsatisfactory rating;

8 (4) any additional measures; and

9 (5) the sequence and schedule of measures.

10 L. Starting with the 2018-2019 school year, each
11 teacher shall be evaluated by a principal, each principal
12 shall be evaluated by the local superintendent and each head
13 administrator of a charter school shall be evaluated by a
14 designee of the governing body of a charter school in a
15 rigorous, fair and transparent way pursuant to this section.

16 M. The results of each evaluation shall be
17 provided to the teacher or principal in a timely manner.
18 School districts and charter schools shall document and use
19 the results of evaluations to assist with improving
20 performance as needed. The department shall monitor each
21 school district's and charter school's administration of the
22 state teacher and principal evaluation system.

23 N. By March 1, 2020 and again by March 1, 2021,
24 the council and the department shall prepare draft reports on
25 the implementation of the state teacher and principal

1 evaluation system and distribute the draft reports to all
2 school districts, charter schools and public post-secondary
3 educational institutions for comments. By July 31, 2020 and
4 again by July 31, 2021, the council and the department shall
5 provide to the governor and the legislative education study
6 committee copies of the draft and final reports that include
7 submitted comments and:

8 (1) the number of teachers and principals at
9 each rating level for each school and school district;

10 (2) summaries of feedback from research-
11 based surveys of teachers, staff, principals and school
12 administrators;

13 (3) recommendations for continuation or
14 modification of the state teacher and principal evaluation
15 system; and

16 (4) any other information deemed relevant or
17 requested by the governor or the legislative education study
18 committee.

19 0. As used in this section:

20 (1) "certified observer" means a school
21 administrator or teacher with a level three license selected,
22 trained and certified by the department to accurately assess
23 teacher practice and conduct formative observations of
24 licensed teachers based on the teachers' licensure level;

25 (2) "formative observation" means an

1 observation by a certified observer using a research-based
2 protocol that:

3 (a) is performed twice during the
4 school year; and

5 (b) creates ongoing opportunities for
6 feedback to enable a teacher's instruction to be fine-tuned
7 to: 1) achieve performance that meets or exceeds goals,
8 criteria and expected standards; 2) address and develop
9 teaching practices in areas of weakness; and 3) improve
10 teaching skills during the formative evaluation process;

11 (3) "performance" means competence and
12 effectiveness;

13 (4) "principal" means the principal of a
14 school or the head administrator or administrative and
15 instructional leader of a charter school;

16 (5) "student learning objectives" means
17 teacher-designed and teacher-created clear and specific goals
18 that are aligned to the state standards for each grade level
19 and subject area pursuant to Section 22-13-1.6 NMSA 1978; and

20 (6) "summative classroom observation" means
21 a teacher evaluation conducted by a school principal or head
22 administrator twice during the school year following the
23 second formative observation."
