

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: CS/HB 481

51st Legislature, 1st Session, 2013

Tracking Number: .193622.2

Short Title: Evidence of Teacher Competency

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

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Date: February 28, 2013

HOUSE EDUCATION COMMITTEE SUBSTITUTION FOR HOUSE BILL 481

Bill Summary:

CS/HB 481 amends the *School Personnel Act* to require evidence of teacher competency for advancement in the three-tiered teacher licensure system and creates a new section to define competency requirements.

For Level 2 licensure, CS/HB 481 provides two routes for a Level 1 teacher to obtain a Level 2 license. Through the first route, in addition to other conditions already in law, the candidate must:

- 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.

Through the second route, in addition to other conditions already in law, a candidate must receive:

- one of the two highest teacher evaluation ratings after teaching for three years with a Level 1 license; or
- a satisfactory teacher evaluation rating after teaching for five years with a Level 1 license.

For Level 3-A licensure, CS/HB 481 requires either:

- at least three years of experience at Level 2 and certification by the National Board for Professional Teaching Standards (NBPTS); or
- at least three years of experience at Level 2 and:
 - a post-baccalaureate degree;
 - demonstration of instructional leader competence as required by PED and verified by the local superintendent through the highly objective uniform statewide standard of evaluation; and
 - one of the following three options (see “Technical Issues,” below):
 1. submit 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.

Among its other provisions, CS/HB 481 adds 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:

For FY 14, CS/H 2, et al., the *General Appropriation Act of 2013*, includes:

- \$3.0 million to PED “to provide a stipend to exemplary and highly effective teachers and school leaders and to provide incentives to high school teachers to increase participation and success in advance placement classes”; and
- \$2.4 million to PED for implementation of a new teacher and school leader evaluation system.

According to the Fiscal Impact Report (FIR) by the Legislative Finance Committee (LFC), the original bill is not likely to have a significant impact on district salary costs because the bill codifies PED’s current practice, which is in administrative rule, for allowing teachers to move through licensure levels (see “Substantive Issues,” below).

Substantive Issues:

According to the New Mexico State University of the original bill analysis, CS/HB 481 would make the level requirements for professional growth more comprehensive for teachers moving throughout the three-tiered licensure system.

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.

Technical Issues:

On page 5, line 24, some words and punctuation marks seem to be missing. As written, Subsection (2) on that page ends with the phrase “one of the following” with no end punctuation. The next line, line 25, begins with a subsection that is parallel with Subsection (2) and that is continued on page 6, line 1: “(3) provides a professional development dossier that includes:” – followed by a list of five components that must be included. If words are indeed missing from line 24, page 5, the actual effect of the bill may be different from that described under “Bill Summary,” above.

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.

“Teacher and School Leader Effectiveness”

In 2011, the Legislature considered, but did not pass, legislation that would have implemented a new system for evaluating teachers and principals. Through executive order in the 2011 interim, the Governor created the New Mexico Effective Teaching Task Force, whose charge was to provide recommendations to the Governor regarding how best to measure the effectiveness of teachers and school leaders based on specific parameters. Those recommendations led to legislation introduced in the 2012 session, which the Legislature considered, but did not pass.

In April 2012, the Governor issued a press release directing PED to formulate a new teacher and principal evaluation system. According to the press release, the development of a framework for a new evaluation system was one of the conditions for the *Elementary and Secondary Act* (ESEA) Flexibility Waiver from the federal *No Child Left Behind Act of 2001*, which PED had recently obtained; and the new evaluation system will incorporate many of the measures that were part of the 2012 legislation. In addition, this press release prescribed components of the system; assigned values, or weights, to those components; and presented a timeline for the development and implementation of the new evaluation system. One of the main components of the ESEA Flexibility Waiver was for states to create a system of evaluating teachers and principals that incorporates student achievement as a major factor so that educator evaluation systems move from being competency-based to performance-based.

In May 2012, PED requested nominations for 18 people to serve two-year terms on the New Mexico Teacher Evaluation Advisory Council (NMTEACH) in order to develop the details of a new teacher and school leader evaluation system based on student achievement. In June 2012, NMTEACH held its first meeting. In July 2012, PED held a public hearing to solicit public comment on draft provisions of the new “Teacher and School Leader Effectiveness” rule. In August 2012, PED published the final version of the “Teacher and School Leader Effectiveness” rule in the *New Mexico Register* (6.69.8 NMAC). The final rules contained several changes from the original version.

Throughout the 2012 interim, the LESC heard testimony about the evaluation of teachers and principals. This testimony raised questions about the alignment between the proposed rule and evaluation provisions already in law and about the use of student assessments, including standardized assessments, in the evaluation of teachers and principals.

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; and
 - 769 in school year 2011-2012; and
- the five New Mexico school districts with the highest numbers of NBPTS-certified individuals are:
 - Albuquerque Public Schools with 391;
 - Santa Fe Public Schools with 40;
 - Las Cruces Public Schools with 34;
 - Gallup-McKinley County Public Schools with 34; and
 - Moriarty-Edgewood Schools with 32.

Committee Referrals:

HLC/HEC

Related Bills:

CS/HB 158 *School Performance-Based Budgeting*

HB 167 *Teacher Licensure Content Knowledge* (Identical to SB 418)

HB 192 *School Program Units for Certain Personnel*

HB 276 *Teacher Licensing & Performance Ratings* (Identical to SB 316)
SB 316 *Teacher Licensing & Performance Ratings* (Identical to HB 276)
SB 418 *Teacher Licensure Content Knowledge* (Identical to HB 167)
SB 475 *Evidence of Teacher Competency* (Identical)