

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: *SB 503

50th Legislature, 1st Session, 2011

Tracking Number: .185153.1

Short Title: School Personnel Evaluation System

Sponsor(s): Senator Cynthia Nava

Analyst: Pamela Herman

Date: February 17, 2011

Bill Summary:

SB 503 creates a new section of the *School Personnel Act* to provide for the development of a school personnel evaluation system.

SB 503 contains an emergency clause.

Among its provisions, SB 503:

- makes legislative findings regarding the need for a system for annual evaluation of school personnel, and states the purposes and goals of the system;
- creates a School Personnel Evaluation Council to advise the Public Education Department (PED) and the Office of Education Accountability (OEA), staffed by PED and functioning from its appointment until December 31, 2014, to include:
 - the Secretary of PED or her designee;
 - the Director of the OEA or his designee;
 - the Chair of the New Mexico Deans and Directors of Colleges of Education or the chair's designee; and
 - members appointed by the Secretary to represent:
 - ✓ the New Mexico business community;
 - ✓ a public school teacher organization;
 - ✓ a public school parent organization;
 - ✓ an organization of school administrators; and
 - ✓ charter schools;
- provides duties of the Council, as follows:
 - to develop a school personnel evaluation system that uses multiple fair, transparent, timely, rigorous, and valid evaluation methods that afford personnel the opportunity to improve their effectiveness;
 - to conduct a cost analysis at state and local levels; and
 - to report recommendations by August 2011 to the Secretary for implementation in school year 2011-2012;

- permits the Council to convene temporary work groups and to consult with state, regional, and national experts in subjects related to school personnel evaluation;
- requires that the system include:
 - clear, objective standards for three or more levels of effectiveness based on competencies for each category of school personnel;
 - evaluation instruments for each category of personnel that the Council deems fair, transparent, rigorous, and valid;
 - evaluation procedures for each category of personnel that are timely and frequent enough to gather data adequate to justify the resulting ratings;
 - procedures that allow for input from peers, subject-matter experts, and others than a direct supervisor;
 - in teacher evaluations, a specific weighting factor for student academic growth and psychosocial development;
 - in principal evaluations, a specific weighting factor for instructional leadership based in part on student academic growth and psychosocial development;
 - a connection between the student professional development plan required in current statute and teacher evaluation;
 - valid and reliable assessment tools and procedures to measure student academic growth and psychosocial development, and methods to incorporate multiple measures;
 - a determination of whether and how to reflect personnel effectiveness in involving parents in their children’s education; and
 - the sequence of steps to be taken in response to evaluation results, including:
 - ✓ appeal of adverse performance ratings;
 - ✓ provision for maintaining confidentiality of personally identifiable student information; and
 - ✓ a determination whether individual personnel ratings should be confidential or a matter of public record;
- requires an implementation plan with recommendations for:
 - ongoing training and collaboration time for personnel in use of student data;
 - ongoing training for evaluators;
 - amendments to the *School Personnel Act* to codify the system; and
 - PED policy and rule changes needed:
 - ✓ to support district use of evaluation data for personnel decisions; and
 - ✓ to ensure alignment of licensure and postsecondary preparation program approval with the system; and
 - tying results of the system to PED approval of postsecondary school personnel preparation programs;
- allows the Secretary to modify the system recommended by the Council, and requires PED to promulgate rules to implement it in the school year 2011-2012; and

- requires the Council to report annually to the Governor and the Legislative Education Study Committee (LESC), in cooperation with PED and OEA, on the efficacy of the system; and prescribes the contents of the report.

Fiscal Impact:

SB 503 does not contain an appropriation.

Fiscal Issues:

SB 503 provides that members of the Council and any of its subcommittees may receive per diem and mileage pursuant to the *Per Diem and Mileage Act* only if PED has funding for that purpose.

The bill requires the Council to conduct a cost analysis of the system it proposes, and for PED to promulgate rules to implement the system in school year 2011-2012.

Regardless of the cost implications of the system to school districts or the state, the bill contemplates implementation of the evaluation system before the Legislature has an opportunity to make provision for implementation costs, if it chooses, in the fiscal year in which the system is implemented.

Technical Issues:

The bill requires the Council to make its report and recommendations to the Secretary by August 2011, and requires PED to promulgate rules to implement the system in the school year 2011-2012. However, the *Administrative Procedures Act* requires at least 30 days notice and a public hearing prior to the adoption of a rule. The timeline in the bill does not permit the rule in question to be in effect in time for the start of the school year 2011-2012.

Substantive Issues:

- During the 2010 interim, the LESC directed its staff to work with the OEA and representatives of the New Mexico Business Roundtable and the Albuquerque Teachers Federation to draft proposed legislation for a school personnel evaluation system that could be piloted during the school year 2011-2012.
- SB 503 incorporates much of the language of the proposed draft. However, the bill does not include the pilot projects proposed in that proposed legislation. Instead, it requires the Council to develop recommendations and PED to create the recommended system, with such modifications as the Secretary wishes to make, by adopting and promulgating a rule for implementation in 2011-2012.
- However, the Council's recommendations, and at the Secretary's discretion the PED rule, might still provide for piloting of the system prior to statewide implementation.
- The bill requires that the Council's implementation plan for the system include recommended amendments to the *School Personnel Act* to codify the system, but requires

PED to adopt and promulgate rules to implement the system before the Legislature has an opportunity to make the recommended amendments to law during the 2012 session.

- SB 503 provides for an evaluation system that includes categories of school personnel other than teachers and principals; however, the Council does not include representation for instructional support providers or educational assistants.

Related Bills:

*SB 502 *School Teacher & Principal Evaluation*