

HOUSE LABOR AND HUMAN RESOURCES COMMITTEE SUBSTITUTE FOR
HOUSE EDUCATION COMMITTEE SUBSTITUTE FOR
HOUSE BILL 249 AND HOUSE EDUCATION COMMITTEE SUBSTITUTE FOR
HOUSE BILL 251

50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012

AN ACT

RELATING TO SCHOOL PERSONNEL; ENACTING THE TEACHER AND SCHOOL
PRINCIPAL EFFECTIVENESS ACT; PROVIDING FOR EFFECTIVENESS
EVALUATIONS FOR TEACHERS AND PRINCIPALS; PROVIDING FOR THE
CREATION OF FRAMEWORKS, SYSTEMS, PROCEDURES, CRITERIA AND
MONITORING; PROVIDING ASSESSMENT COMPONENTS; REQUIRING POST-
EVALUATION ACTIONS.

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

SECTION 1. A new section of the Public School Code is
enacted to read:

"[NEW MATERIAL] SHORT TITLE.--This act may be cited as the
"Teacher and School Principal Effectiveness Act"."

SECTION 2. A new section of the Public School Code is
enacted to read:

"[NEW MATERIAL] DEFINITIONS.--As used in the Teacher and

1 School Principal Effectiveness Act:

2 A. "council" means the effectiveness evaluations
3 council;

4 B. "principal" includes assistant principals and
5 head administrators of charter schools; and

6 C. "school district" includes charter schools."

7 SECTION 3. A new section of the Public School Code is
8 enacted to read:

9 "[NEW MATERIAL] TEACHER AND PRINCIPAL EFFECTIVENESS
10 EVALUATION SYSTEM DEVELOPMENT--TIME LINE.--

11 A. The council shall report its recommendations for
12 the state teacher and principal effectiveness evaluation system
13 to the department by September 1, 2012.

14 B. By January 1, 2013, the department shall
15 promulgate final rules for the evaluation system.

16 C. By May 1, 2013 and by May 1 of subsequent years,
17 all school districts and charter schools shall submit their
18 teacher and principal effectiveness evaluation measures for
19 department approval.

20 D. From February 1 through August 31, 2013, the
21 department shall conduct training sessions for principals and
22 other evaluators.

23 E. Beginning with the 2013-2014 school year, the
24 teacher and principal effectiveness evaluation system shall be
25 implemented in every public school. The 2013-2014 school year

underscored material = new
[bracketed material] = delete

1 shall be used to determine baseline data for the evaluation
2 system."

3 SECTION 4. A new section of the Public School Code is
4 enacted to read:

5 "[NEW MATERIAL] EFFECTIVENESS EVALUATIONS COUNCIL--
6 CREATED--DUTIES.--

7 A. By June 1, 2012, the secretary shall convene and
8 chair an "effectiveness evaluations council" to develop
9 recommendations for a teacher evaluation framework and a
10 principal evaluation framework for the department to consider
11 in adopting a state teacher and principal effectiveness
12 evaluation system. The department shall provide staff for the
13 council.

14 B. The council shall include:

15 (1) four teachers nominated by teacher
16 organizations, one with a level 2 or 3 license teaching in an
17 elementary school; one with a level 2 or 3 license teaching in
18 a middle school; one with a level 2 or 3 license teaching in a
19 high school; and one with a level 2 or 3 license teaching
20 multiple grades;

21 (2) four teachers who are appointed by the
22 department from applications, one with a level 2 or 3 license
23 teaching in an elementary school; one with a level 2 or 3
24 license teaching in a middle school; one with a level 2 or 3
25 license teaching in a high school; and one with a level 2 or 3

.189779.3

1 license teaching multiple grades; provided that at least one of
2 the teachers appointed pursuant to this paragraph shall be from
3 a charter school;

4 (3) four school principals, two nominated by
5 an organization of school administrators and two appointed by
6 the department from applications;

7 (4) one member from the Hispanic education
8 advisory council;

9 (5) one member from the Indian education
10 advisory council;

11 (6) one member from the business community
12 appointed by the department from applications; and

13 (7) one parent appointed by the department
14 from applications.

15 C. Council appointments shall be made in such a way
16 as to provide geographic and demographic representation and
17 shall ensure that small, mid-size and large districts are
18 represented.

19 D. By September 1, 2012, the council shall develop
20 specific and comprehensive recommendations on a teacher and
21 principal effectiveness evaluation system, including
22 specific and comprehensive recommendations for:

23 (1) the department's adoption of a state
24 teacher and principal effectiveness evaluation system that
25 integrates the teacher evaluation framework and the principal

.189779.3

1 evaluation framework in ways that best serve and support
2 student learning, including:

3 (a) effective instruction and student
4 growth achievement with results used to inform district- and
5 school-level improvement;

6 (b) appropriate instruments, procedures
7 and criteria for improving teacher and principal effectiveness;

8 (c) mechanisms to examine effectiveness
9 data from multiple sources, including giving parents and
10 students opportunities to provide input into effectiveness
11 evaluations;

12 (d) methods and criteria to evaluate
13 principals; and

14 (e) criteria for teacher and principal
15 professional development and evaluator training on the state
16 teacher and principal effectiveness evaluation system;

17 (2) training materials and guidelines for
18 performing teacher and principal evaluations;

19 (3) the department's alignment of the state
20 teacher and principal effectiveness evaluation program with the
21 current licensure and compensation systems; and

22 (4) any changes to department rules or laws,
23 if necessary, for teacher and principal evaluation results to
24 be used for personnel decisions in areas such as compensation,
25 promotion, retention, termination and professional development.

.189779.3

1 E. In developing its recommendations for the state
2 teacher and principal effectiveness evaluation system, the
3 council shall consider:

4 (1) the unique geographic and demographic
5 composition of the state;

6 (2) the diversity of culture and languages
7 throughout the state; and

8 (3) alignment with the common core standards
9 transition and implementation."

10 SECTION 5. A new section of the Public School Code is
11 enacted to read:

12 "[NEW MATERIAL] ELEMENTS OF TEACHER AND PRINCIPAL
13 EFFECTIVENESS EVALUATION SYSTEM.--

14 A. The state teacher and principal effectiveness
15 evaluation system shall include a focus on measures of student
16 growth and achievement that are valid and reliable, common and
17 uniform and not solely based on a single state assessment. If
18 a valid and reliable measure is not available, a school
19 district shall submit its proposal for a local measure to the
20 department for approval.

21 B. The evaluation framework for teachers shall be
22 made up of multiple measures, including:

23 (1) valid and reliable measures of student
24 growth and achievement that have a valid and reliable
25 connection to teacher effectiveness, including:

.189779.3

1 (a) student growth reflected over
2 multiple years; and

3 (b) measures of teachers' contributions
4 to student growth achievement;

5 (2) additional measures that include multiple
6 sources of information about teacher effectiveness, including:

7 (a) student surveys;

8 (b) teacher professional development
9 plans that reflect the teacher's professional growth; and

10 (c) other measures recommended by the
11 council pursuant to its research; and

12 (3) frequent teacher practice observations,
13 including one formal observation by the principal, using
14 research-based protocols and providing useful feedback given to
15 the teacher to improve performance.

16 C. Fifty percent of a teacher's evaluation shall be
17 based on valid and reliable measures of student growth and
18 achievement that has a valid and reliable connection to teacher
19 effectiveness. The council shall recommend the distribution of
20 the remaining fifty percent of an evaluation made up of
21 additional measures and observations pursuant to Paragraphs (2)
22 and (3) of Subsection B of this section.

23 D. The evaluation framework for principals shall
24 include measures of student growth achievement and school
25 growth, including:

.189779.3

- 1 (1) measures that relate to instructional
2 leadership;
- 3 (2) feedback from teachers, other staff and
4 parents;
- 5 (3) the principal's fidelity to the state
6 effectiveness evaluation system for evaluating teachers and
7 support for teachers needing improvement; and
- 8 (4) other measures recommended by the council
9 pursuant to its research.

10 E. Fifty percent of the evaluation framework for
11 principals shall be based on valid and reliable measures of
12 student growth achievement and school growth that has a valid
13 and reliable connection to effective instructional leadership.

14 F. Principals and other evaluators shall receive
15 training on how to conduct teacher evaluations using the state
16 effectiveness evaluation system."

17 SECTION 6. A new section of the Public School Code is
18 enacted to read:

19 "[NEW MATERIAL] TEACHER EFFECTIVENESS RATINGS.--

20 A. The teacher evaluation framework shall
21 differentiate among at least five levels of performance, which
22 include the following:

- 23 (1) exemplary, meets competency;
- 24 (2) highly effective, meets competency;
- 25 (3) effective, meets competency;

1 (4) minimally effective, does not meet
2 competency; and

3 (5) ineffective, does not meet competency.

4 B. Every school district may establish a peer
5 assistance process to assist in improving the level of
6 instruction and learning in each public school. The peer
7 assistance process may be used to assist beginning teachers,
8 teachers who are rated minimally effective and ineffective and
9 those who request assistance."

10 SECTION 7. A new section of the Public School Code is
11 enacted to read:

12 "[NEW MATERIAL] PRINCIPAL EFFECTIVENESS RATINGS.--The
13 principal evaluation framework shall differentiate among five
14 levels of performance, which include the following:

- 15 A. exemplary, meets competency;
- 16 B. highly effective, meets competency;
- 17 C. effective, meets competency;
- 18 D. minimally effective, does not meet competency;

19 and

- 20 E. ineffective, does not meet competency."

21 SECTION 8. A new section of the Public School Code is
22 enacted to read:

23 "[NEW MATERIAL] EVALUATION--WRITTEN REPORT--POST-
24 EVALUATION CONFERENCE--NOTIFICATION OF MINIMALLY EFFECTIVE OR
25 INEFFECTIVE PERFORMANCE--RESULTS OF EVALUATION--CORRECTIVE

.189779.3

1 ACTION.--

2 A. Every evaluator shall submit a written report on
3 the effectiveness evaluation of each teacher to the teacher and
4 to the local superintendent. Once each component of an
5 effectiveness evaluation is completed, the evaluator shall not
6 change that component. A teacher who is rated minimally
7 effective or ineffective may provide a written response to the
8 evaluation, and the response shall become a permanent
9 attachment to the teacher's personnel file.

10 B. For teachers evaluated as minimally effective or
11 ineffective, the written report shall describe the minimally
12 effective or ineffective performance and include notice of the
13 procedural requirements of this section. The notice shall
14 constitute notice of uncorrected unsatisfactory work
15 performance pursuant to Section 22-10A-30 NMSA 1978.

16 C. The evaluator shall arrange a post-evaluation
17 conference with each teacher no later than ten days after the
18 teacher's evaluation is completed.

19 D. At the post-evaluation conference with a teacher
20 evaluated as minimally effective or ineffective, the evaluator
21 shall make recommendations with respect to specific areas of
22 unsatisfactory performance and provide other useful feedback
23 that provides the initial guidelines for an individual
24 professional growth plan.

25 E. A principal or other supervisor shall use the

1 results of the teacher evaluation to develop strategic support
2 for the teacher who is rated minimally effective or
3 ineffective. The evaluator shall provide intervention and
4 assistance in helping to correct unsatisfactory performance as
5 specified in the individual professional growth plan.

6 F. The teacher shall be placed on an individual
7 professional growth plan and be governed by the provisions of
8 this section pertaining to the demonstration of corrective
9 action for a period determined by a principal or other
10 supervisor following the receipt of the notice of minimally
11 effective or ineffective performance; provided that weekends,
12 school holidays and school vacation periods are not counted
13 when calculating the period. The teacher shall be observed and
14 evaluated periodically and shall be apprised of progress. The
15 evaluator shall provide assistance and notification of in-
16 service training opportunities to help correct the performance
17 deficiencies noted.

18 G. Within five school days after the allowed period
19 of the individual professional growth plan, the evaluator shall
20 evaluate whether the performance deficiencies have been
21 corrected and forward a recommendation to the local
22 superintendent. Within ten school days after receiving the
23 evaluator's recommendation, the local superintendent shall
24 notify the teacher in writing whether the performance
25 deficiencies have been satisfactorily corrected. If

.189779.3

1 satisfactory progress has not been made, the local
2 superintendent shall determine whether to discharge the teacher
3 in compliance with Section 22-10A-27 NMSA 1978 or, if at the
4 end of a school year, to terminate the employment of the
5 employee in compliance with Section 22-10A-24 NMSA 1978.

6 H. An exemption to the provisions of this section
7 may be provided for upon appeal for extraordinary circumstances
8 as determined by the department.

9 I. The local superintendent shall notify the
10 department of a teacher who receives two consecutive minimally
11 effective or ineffective evaluations and who has been given
12 written notice by the school district that the teacher is being
13 discharged or terminated.

14 J. This section does not grant a probationary
15 employee a right to continued employment beyond the term of the
16 probationary employee's contract."

17 SECTION 9. A new section of the Public School Code is
18 enacted to read:

19 "[NEW MATERIAL] MEASUREMENT OF STUDENT ACHIEVEMENT GROWTH
20 IN LEARNING.--

21 A. By January 1, 2013, based on recommendations by
22 the council, the department shall implement a formula to
23 measure individual student achievement growth on the state
24 accountability system.

25 B. Beginning with the 2013-2014 school year, each

1 school district shall use the department-adopted student
2 achievement growth measures to measure the growth in
3 achievement of each student."

4 SECTION 10. SEVERABILITY.--If any part or application of
5 the Teacher and School Principal Effectiveness Act is held
6 invalid, the remainder or its application to other situations
7 or persons shall not be affected.

underscored material = new
~~[bracketed material]~~ = delete