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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 June 1, 2013, 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 June 1, 2013
through December 31, 2017. 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 the New Mexico education partners without regard
7 to organizational affiliation, two of whom have a level two
8 license and currently teach an elementary school class on a
9 full-time basis, two of whom have a level three license and
10 currently teach an elementary school class on a full-time
11 basis, two of whom have a level two license and currently
12 teach a middle school class on a full-time basis, two of whom
13 have a level three license and currently teach a middle
14 school class on a full-time basis, two of whom have a level
15 two license and currently teach a high school class on a
16 full-time basis, two of whom have a level three license and
17 currently teach a high school class on a full-time basis, two
18 of whom have a level two license and currently teach a class
19 at a charter school on a full-time basis and two of whom have
20 a level three license and currently teach a class at a
21 charter school on a full-time basis. No fewer than three and
22 no more than five of the public school teachers selected
23 pursuant to this subparagraph shall be special education
24 teachers, bilingual or English language learner classroom
25 teachers;

1 (c) six principals statewide, selected
2 by the New Mexico education partners without regard to
3 organizational affiliation, two of whom currently administer
4 an elementary school, two of whom currently administer a
5 middle school and two of whom currently administer a high
6 school;

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

9 (e) two representatives of a public
10 school parent organization nominated by that organization.

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

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

20 F. By July 31, 2014, the council shall complete
21 the teacher and principal evaluation system and provide its
22 recommendations to the department. By August 15, 2015, the
23 department shall:

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

1 (2) promulgate rules regarding the teacher
2 and principal evaluation system; and

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

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

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

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

15 (a) develop additional skills and
16 competencies;

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

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

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

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

1 outcomes;

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

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

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

15 (7) provide for the evaluation of teachers:

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

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

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

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

25 (e) while continuously providing

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

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

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

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

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

24 H. The teacher and principal evaluation system and
25 the council's recommendations shall include multiple measures

1 for evaluating teacher performance:

2 (1) based on:

3 (a) each school district's decisions
4 pursuant to collective bargaining processes or other
5 district-wide collaborative processes if there are no
6 collective bargaining agreements in the school district on
7 any or all of the following measures to be given eighty
8 percent or more weight: 1) formative classroom observations;
9 2) summative classroom observations; 3) student learning
10 measured by student learning objectives; 4) student feedback
11 compiled from student surveys from research-based surveys;
12 and 5) school progress on the educational plan for student
13 success; and

14 (b) multiple measures of student
15 learning, growth and achievement based on assessments that
16 have a valid and reliable connection to teacher
17 effectiveness, to be given a significant portion, but no more
18 than twenty percent, of weight; and

19 (2) rated as:

20 (a) distinguished;

21 (b) proficient;

22 (c) basic;

23 (d) unsatisfactory; or

24 (e) another rating developed by the

25 council for the department's adoption.

1 I. The teacher and principal evaluation system and
2 the council's recommendations shall include multiple measures
3 for evaluating principal performance:

4 (1) based on:

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

19 (b) valid and reliable multiple
20 measures of student learning, growth and achievement, to be
21 given a significant portion, but no more than twenty percent,
22 or weight; and

23 (2) rated as:

24 (a) highly effective;

25 (b) effective;

1 (c) improvement necessary;
2 (d) does not meet standards; or
3 (e) another rating developed by the
4 council for the department's adoption.

5 J. The teacher and principal evaluation system and
6 the council's recommendations shall include procedures for
7 conducting the teacher and principal evaluations, including:

8 (1) criteria for selecting, certifying and
9 training certified observers;

10 (2) guidelines and training materials for
11 performing observations and evaluations;

12 (3) a sequence and schedule for performing
13 observations and evaluations of teachers according to each
14 teacher's licensure level; and

15 (4) a sequence and schedule for performing
16 annual evaluations of principals.

17 K. The teacher and principal evaluation system and
18 the council's recommendations shall include the measures to
19 be taken in response to the teacher and principal
20 evaluations, including:

21 (1) ways to use state teacher and principal
22 evaluations to:

23 (a) promote student learning, growth
24 and achievement;

25 (b) provide teachers and principals

1 with clear expectations, appropriate and targeted feedback
2 for improvement and enhanced opportunities for professional
3 growth; and

4 (c) make decisions pursuant to the
5 School Personnel Act, including advancement within the
6 three-tier licensure system;

7 (2) guidelines and training materials for
8 the development of student learning objectives;

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

12 (4) any additional measures; and

13 (5) the sequence and schedule of measures.

14 L. Starting with the 2014-2015 school year, each
15 teacher shall be evaluated by a principal, each principal
16 shall be evaluated by the local superintendent and each head
17 administrator of a charter school shall be evaluated by a
18 designee of the governing body of a charter school in a
19 rigorous, fair and transparent way pursuant to this section.

20 M. The results of each evaluation shall be
21 provided to the teacher or principal in a timely manner.

22 School districts and charter schools shall document and use
23 the results of evaluations to assist with improving
24 performance as needed. The department shall monitor each
25 school district's and charter school's administration of the

1 state teacher and principal evaluation system.

2 N. By March 1, 2016 and 2017, the council and the
3 department shall prepare draft reports on the implementation
4 of the state teacher and principal evaluation system and
5 distribute the draft reports to all school districts, charter
6 schools and public post-secondary educational institutions
7 for comments. By July 31, 2016 and 2017, the council and the
8 department shall provide to the governor and the legislative
9 education study committee copies of the draft and final
10 reports that include submitted comments and:

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

13 (2) summaries of feedback from
14 research-based surveys of teachers, staff, principals and
15 school administrators;

16 (3) recommendations for continuation or
17 modification of the state teacher and principal evaluation
18 system; and

19 (4) any other information deemed relevant or
20 requested by the governor or the legislative education study
21 committee.

22 O. As used in this section:

23 (1) "certified observer" means a school
24 administrator or teacher with a level three license selected,
25 trained and certified by the department to accurately assess

1 eacher practice and conduct formative observations of
2 licensed teachers based on the teachers' licensure level;

3 (2) "formative observation" means an
4 observation by a certified observer using a research-based
5 protocol that:

6 (a) is performed twice during the
7 school year; and

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

14 (3) "performance" means competence and
15 effectiveness;

16 (4) "principal" means the principal of a
17 school or the head administrator or administrative and
18 instructional leader of a charter school;

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

23 (6) "summative observation" means a teacher
24 evaluation conducted by a school principal or head
25 administrator twice during the school year following the

1 second formative observation." _____

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