

1 SENATE BILL 247

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

3 INTRODUCED BY

4 Mimi Stewart

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10 AN ACT

11 RELATING TO SCHOOL PERSONNEL; ENACTING THE TEACHER EVALUATION
12 ACT; PROVIDING POWERS AND DUTIES; REQUIRING IMPROVEMENT PLANS
13 UNDER CERTAIN CIRCUMSTANCES; DECLARING AN EMERGENCY.

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

18 "[NEW MATERIAL] SHORT TITLE.--This act may be cited as
19 the "Teacher Evaluation Act"."

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

22 "[NEW MATERIAL] DEFINITIONS.--As used in the Teacher
23 Evaluation Act:

24 A. "evaluation" means the ongoing process of
25 defining goals and identifying, gathering and using information

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1 to improve professional performance and to assess total job
2 competence and make personnel decisions;

3 B. "evaluator" means a designated person who has
4 completed a training program approved by the department to be
5 an evaluator and has the responsibility for observation and
6 evaluation of teachers;

7 C. "experienced teacher" means a level two or level
8 three-A teacher;

9 D. "formative performance evaluation" means the
10 process used to provide input for strengthening professional
11 performance and to assess progress toward attaining goals set
12 forth in the teacher's professional development plan;

13 E. "improvement plan" means the growth or
14 improvement actions designated by an evaluator for a period of
15 at least thirty school days and no more than ninety school days
16 as needed to improve a teacher's performance;

17 F. "instructional quality" means an assessment of
18 the quality of instruction based on data gathered by one or
19 more evaluators through classroom observation and may include
20 other evidence such as artifacts of practice;

21 G. "intensive improvement plan" means a plan of at
22 least thirty school days and not more than one school year that
23 is developed by an evaluator for a teacher who is unable to
24 demonstrate proficient performance, as determined by the
25 evaluator, by the end of an improvement plan;

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1 H. "local school board" includes the governing body
2 of a charter school;

3 I. "local superintendent" includes the head
4 administrator of a charter school;

5 J. "peer assistance and review" means intensive
6 assistance from a mentor who is in the same teaching area and
7 trained by an oversight panel of teachers and administrators to
8 engage in coaching and planning assistance, as well as
9 documentation of the progress;

10 K. "professional development dossier" means the
11 compiled evidence of performance along three components, which
12 are instruction, student learning and professional development,
13 created to advance from one licensure level to the next;

14 L. "professional development plan" means an
15 individualized plan intended to improve teaching that is unique
16 to the goals and growth areas identified by a teacher and an
17 evaluator;

18 M. "professional responsibility and development"
19 means an evaluator's assessment of the extent to which a
20 professional development plan has been carried out effectively
21 and the extent to which the teacher participates in a
22 professional community and in professional development
23 activities, based on evidence submitted by the teacher and
24 evaluator;

25 N. "school principal" includes the head

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1 administrator of a charter school;

2 O. "student feedback" means feedback on a teacher's
3 performance gathered from the teacher's students using an
4 evidence-based instrument determined by the department;

5 P. "student learning growth" means learning as
6 measured by multiple measures appropriate to the content and
7 standards being taught that may include progress on student
8 learning objectives, achievement of individualized education
9 program goals, nationally-normed or locally-developed
10 assessments that are aligned to state standards or
11 research-based growth measures;

12 Q. "student learning objectives" means progress
13 toward student learning goals, as measured by classroom-
14 designed, district-developed or state or national assessments
15 of learning standards that may include portfolios, pre- and
16 post-tests, unit and course assessments, performance
17 assessments and capstone projects;

18 R. "summative performance evaluation" means an
19 evaluator's judgments of the teacher's performance related to
20 performance standards resulting in a performance rating based
21 on multiple elements; provided that the summative evaluation
22 shall include at least two classroom observations of at least
23 forty-five minutes in the school year that the summative
24 evaluation is required;

25 S. "teacher" means an educator who holds a level

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1 one, level two or level three-A license and whose primary duty
2 is classroom instruction; and

3 T. "teacher evaluation system" means a system that
4 uses professional development plans, formative performance
5 evaluations and summative performance evaluations to provide
6 useful feedback, determine performance ratings and recommend
7 improvement plans and intensive improvement plans for
8 teachers."

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

11 "[NEW MATERIAL] CREATING THE TEACHER EVALUATION SYSTEM--
12 ESTABLISHING RESPONSIBILITIES FOR THE DEPARTMENT, LOCAL SCHOOL
13 BOARDS, LOCAL SUPERINTENDENTS, CHARTER SCHOOL HEAD
14 ADMINISTRATORS AND EVALUATORS.--

15 A. By July 1, 2019, the department shall:

16 (1) in consultation with school districts,
17 charter schools, school personnel, other stakeholders and the
18 legislative education study committee, promulgate rules to
19 carry out the provisions of the teacher evaluation system; and

20 (2) provide appropriate training and related
21 materials to evaluators from evidence-based sources for the
22 implementation of the teacher evaluation system.

23 B. By October 9, 2019, each local school board
24 shall adopt policies, guidelines and procedures for
25 implementing the teacher evaluation system and shall

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1 communicate these policies, guidelines and procedures to
2 teachers and school principals across the school district.

3 C. The local superintendent shall ensure that:

4 (1) all evaluators attend an initial training
5 approved by the department on implementing the teacher
6 evaluation system; and

7 (2) evaluators refresh and improve their
8 evaluation, administrative and instructional leadership skills
9 at least every two years by attending a training program
10 approved by the department.

11 D. By October 11, 2019, the department shall
12 require the implementation of the teacher evaluation system."

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

15 "[NEW MATERIAL] FORMATIVE AND SUMMATIVE PERFORMANCE
16 EVALUATIONS AND PERFORMANCE RATINGS.--

17 A. Formative performance evaluations and
18 professional development plans shall be required annually for
19 all teachers; provided that the professional development plan
20 of an experienced teacher may be written to extend over three
21 years but updated annually during the three-year period.

22 B. Summative performance evaluations shall be
23 required as follows:

24 (1) annually for all level one teachers;

25 (2) annually for all experienced teachers

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1 rated as unsatisfactory or developing; and

2 (3) every three years for experienced teachers
3 rated as proficient or distinguished; provided that a
4 professional development dossier may be used for evaluation
5 purposes in the year in which the dossier is approved.

6 C. Summative performance evaluations shall include
7 the following elements:

8 (1) instructional quality, which shall count
9 for at least fifty percent of the performance rating;

10 (2) student feedback;

11 (3) student learning growth; and

12 (4) professional responsibility and
13 development.

14 D. Summative performance evaluations shall produce
15 one of the following performance ratings:

16 (1) "distinguished" means the teacher's
17 performance significantly exceeds the threshold approved by the
18 department for proficient performance;

19 (2) "proficient" means the teacher's
20 performance meets the threshold approved by the department for
21 proficient performance but is below the threshold set for
22 distinguished performance;

23 (3) "developing" means the teacher's
24 performance does not meet the threshold approved by the
25 department for proficient performance but is above the

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1 threshold set for unsatisfactory performance; and

2 (4) "unsatisfactory" means the teacher's
3 performance rating has not improved following a rating of
4 developing or the teacher's performance is significantly below
5 the threshold set by the department for proficient performance.

6 E. Any data or information that the department,
7 school districts or charter schools create, send or receive
8 that is evaluative in nature and may be linked to an individual
9 teacher, including information concerning a teacher's formative
10 evaluation or summative evaluation or performance rating, shall
11 be considered personnel information and matters of opinion and
12 shall not be subject to disclosure under the Inspection of
13 Public Records Act."

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

16 "[NEW MATERIAL] IMPROVEMENT PLANS FOR TEACHERS WITH LESS
17 THAN PROFICIENT PERFORMANCE EVALUATIONS.--

18 A. For an experienced teacher who is rated as
19 developing or unsatisfactory on the summative performance
20 evaluation or for a level one teacher who has been rated as
21 unsatisfactory, an evaluator shall provide the teacher with an
22 improvement plan that may include peer assistance and review.

23 B. If the teacher is unable to demonstrate
24 proficient performance by the end of the improvement plan, an
25 intensive improvement plan shall be initiated.

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1 C. If the teacher is unable to demonstrate
2 proficient performance by the end of the intensive improvement
3 plan, termination of the teacher's employment may be
4 recommended by the evaluator to the teacher's supervisor."

5 SECTION 6. EMERGENCY.--It is necessary for the public
6 peace, health and safety that this act take effect immediately.

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