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SENATE BILL 503

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Cynthia Nava

AN ACT

RELATING TO EDUCATION; PROVIDING FOR AN ANNUAL SCHOOL PERSONNEL
EVALUATION SYSTEM FOR PUBLIC SCHOOL PERSONNEL; CREATING A
COUNCIL; PROVIDING POWERS AND DUTIES; DECLARING AN EMERGENCY.

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:

"[NEW MATERIAL] SCHOOL PERSONNEL EVALUATION SYSTEM.--

A. The legislature finds that a system for the
annual evaluation of school personnel is crucial to improving
the quality of education in New Mexico. The legislature finds
further that a professionally sound and credible system must be
designed with the involvement of school personnel. The
legislature finds further that the involvement and support of
the business community and of parents of children in public

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1 schools, acting as partners with education leaders and
2 teachers, are keys to the educational progress of New Mexico
3 children.

4 B. The purpose of the school personnel evaluation
5 system is to provide an evaluation process that promotes
6 quality instruction through school personnel effectiveness.

7 The goals of the evaluation process are to:

8 (1) be the basis for the improvement of
9 instruction, instructional support and educational leadership;

10 (2) be based in part on annual growth in
11 student academic performance and other factors as determined by
12 the council;

13 (3) provide a basis for making decisions in
14 the areas of employment, compensation, promotion, professional
15 development, advancement in the three-tiered professional
16 licensure system and retention of school personnel under state
17 law and in the areas of termination, discharge and nonrenewal
18 of contracts; and

19 (4) provide documentation for personnel
20 actions.

21 C. As used in this section:

22 (1) "council" means the school personnel
23 evaluation council;

24 (2) "department" means the public education
25 department;

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1 (3) "office" means the office of education
2 accountability of the department of finance and administration;

3 (4) "principal" means a school administrator
4 who is employed as the chief administrative officer or
5 assistant chief administrative officer of a public school and
6 who administers, directs or supervises the education program in
7 the public school;

8 (5) "school district" includes charter schools
9 and state agencies that employ school personnel to educate
10 students or provide instructional support;

11 (6) "school personnel" means licensed school
12 employees, except for teachers with internship licenses, level
13 one teachers or substitute teachers;

14 (7) "system" means the school personnel
15 evaluation system; and

16 (8) "teacher" does not include a teacher with
17 an internship license, a level one teacher or a substitute
18 teacher.

19 D. The "school personnel evaluation council" is
20 created as a policy-advisory council to the department and the
21 office and shall function from the date of its appointment
22 until December 31, 2014. The department shall provide staff
23 for the council.

24 E. The council consists of:

25 (1) the secretary or the secretary's designee;

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1 (2) the secretary of higher education or the
2 secretary's designee;

3 (3) the director of the office or the
4 director's designee;

5 (4) the chair of the New Mexico deans and
6 directors of colleges of education or the chair's designee; and

7 (5) the following members appointed by the
8 secretary, in consultation with the office:

9 (a) representatives of the New Mexico
10 business community;

11 (b) representatives of public school
12 teacher organizations;

13 (c) a representative of a public school
14 parent organization;

15 (d) a representative of an organization
16 of school administrators; and

17 (e) a representative of charter schools.

18 F. Members of the council and any subcommittees of
19 the council may receive per diem and mileage expenses pursuant
20 to the Per Diem and Mileage Act only if the department has
21 funding for that purpose.

22 G. The council shall:

23 (1) develop a school personnel evaluation
24 system that uses multiple fair, transparent, timely, rigorous
25 and valid methods of evaluating school personnel and affords

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1 school personnel an opportunity to improve their effectiveness;

2 (2) conduct a cost analysis at the state and
3 local level, including costs of assessment changes, staff
4 training and improved professional development for school
5 personnel; and

6 (3) report by August 2011 to the secretary
7 with recommendations on the school personnel evaluation system
8 for implementation in the 2011-2012 school year.

9 H. The council may:

10 (1) convene temporary work groups, which may
11 include non-council members with appropriate expertise, to
12 study and make recommendations on aspects of the system; and

13 (2) consult with state, regional and national
14 experts in subjects related to school personnel evaluation.

15 I. The components of the system developed by the
16 council and recommended to the secretary shall include:

17 (1) clear, objective standards for three or
18 more levels of school personnel effectiveness based on the
19 competencies specific to each category of school personnel and
20 judged by multiple appropriate measures, including, at a
21 minimum, "highly effective", "effective" and "ineffective"
22 ratings;

23 (2) evaluation instruments, rubrics or tools
24 specific to each category of school personnel that are deemed
25 by the council to be fair, transparent, rigorous and valid;

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1 (3) evaluation procedures for each category of
2 school personnel that are conducted with sufficient time and
3 specified frequency to gather data adequate to justify the
4 ratings contained in the evaluation;

5 (4) evaluation procedures that may include
6 opportunities for input and participation by peers,
7 subject-matter experts, external specialists, educational
8 leaders, other than a direct supervisor, and others;

9 (5) a specific weighting factor in teacher
10 evaluations for student academic growth and psychosocial
11 development and for fair, valid and reliable measures by which
12 that growth and development may be assessed;

13 (6) a specific weighting factor in school
14 principal evaluations for instructional leadership based in
15 part on student academic growth and psychosocial development
16 and for fair, valid and reliable measures by which that growth
17 and development may be assessed;

18 (7) a connection between the professional
19 development plan required in Section 22-10A-19 NMSA 1978 and
20 the teacher evaluations;

21 (8) valid and reliable assessment tools and
22 procedures to be used to measure student academic growth and
23 psychosocial development, including how to incorporate multiple
24 measures of student performance to determine growth and
25 development;

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1 (9) a determination of whether and in what
2 manner to reflect in evaluations how effectively school
3 personnel involve parents in their children's education;

4 (10) the sequence and schedule of steps to be
5 taken, if any, in response to evaluations, including creation
6 of a professional improvement plan that includes peer
7 intervention or mentoring and, if sufficient improvement does
8 not occur within the prescribed time, termination for school
9 personnel who receive one or more annual evaluations of
10 "ineffective";

11 (11) the process by which school personnel may
12 appeal adverse performance ratings;

13 (12) provision for maintaining the
14 confidentiality of personally identifiable student information
15 in performing evaluations; and

16 (13) a determination whether individual school
17 personnel evaluation ratings should be a confidential personnel
18 matter or a matter of public record.

19 J. The implementation plan for the system
20 recommended by the council shall include recommendations for:

21 (1) ongoing training and collaboration time to
22 ensure that school personnel fully understand student data and
23 have the resources to provide instruction that responds
24 appropriately to student data;

25 (2) ongoing training in the use of the system

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1 sufficient to ensure that all evaluators and school personnel
2 have a full understanding of the system and its implementation;

3 (3) amendments to the School Personnel Act to
4 codify the recommended system;

5 (4) department policy and rule changes, as
6 appropriate, to support local school district use of evaluation
7 data for personnel decisions in areas such as compensation,
8 promotion, transfer, retention, termination and professional
9 development;

10 (5) department policy and rule changes, as
11 appropriate, to ensure that the standards and criteria for
12 school personnel licensure and the approval of post-secondary
13 school personnel preparation programs by the department for
14 each category of school personnel are directly aligned with and
15 support the system;

16 (6) tying the results of the system to
17 department approval of post-secondary school personnel
18 preparation programs; and

19 (7) any other matters necessary to implement
20 the system.

21 K. The secretary may modify the system recommended
22 by the council. The department shall adopt and promulgate
23 rules to implement the system in the 2011-2012 school year.

24 L. By December 31 of each year of its existence,
25 the council, in cooperation with the office and the department,

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1 shall submit a status report to the governor and the
2 legislative education study committee on the efficacy of the
3 implemented school personnel evaluation system. Prior to
4 submission of the report and its publication, the council shall
5 distribute a draft of the report to school districts, charter
6 schools and all public post-secondary educational institutions
7 to allow comment on the draft report.

8 M. The annual status report shall include the
9 following information:

10 (1) the number of school districts, their
11 names and the numbers and categories of school personnel in
12 each school district that are in the process of implementing or
13 have fully implemented the system;

14 (2) the aggregate numbers of school personnel
15 at each school district and statewide who have received ratings
16 at each of the levels established in the system and the actions
17 taken in response to those ratings;

18 (3) the result of surveys of school personnel
19 and parents regarding confidence in and satisfaction with the
20 effectiveness of the system in achieving each of the goals of
21 the system specified in Subsection B of this section; and

22 (4) recommendations of the council, based on
23 the outcomes of the system, the surveys and such other
24 information as the council deems relevant, for changes or
25 improvements to the system through amendments to the law or

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1 changes to department policy and rule."

2 SECTION 2. EMERGENCY.--It is necessary for the public
3 peace, health and safety that this act take effect immediately.

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