

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: HB 156a

52nd Legislature, 1st Session, 2015

Tracking Number: .198246.1

Short Title: Innovations in Teaching Act

Sponsor(s): Representative Bill McCamley

Analyst: Heidi L. Macdonald

Date: March 6, 2015

AS AMENDED

The House Education Committee amendments:

- **strike the *A-B-C-D-F School Ratings Act* from the title of the act;**
- **allow, but do not require, the Public Education Department (PED) to develop and implement the Innovations in Teaching Program;**
- **allow, but do not require, PED to waive the use of the results of the participating teacher's students' standards-based assessments on the teacher's evaluation for up to two years at the request of the teacher and school principal; and**
- **strike the language requiring PED to waive the use of the participating teacher's students' standards-based assessments on the public school's A-B-C-D-F school rating for up to two years at the request of the school principal.**

Original Bill Summary:

HB 156 adds new sections to the *Public School Code* to create the *Innovations in Teaching Act*. The purposes of the act are to:

1. support teachers' professional standing in determining how they will teach their assigned curricula;
2. give teachers the flexibility to experiment with one or more pedagogical approaches and strategies to engage and teach all their students; and
3. foster the use of innovative teaching that will engage students in learning and the love of learning, improve their academic achievement, and promote their success in public school and life.

Among its other provisions, HB 156:

- defines three terms:
 - “innovative teaching” as the use of cutting-edge innovations in pedagogical approaches and strategies to teacher a subject or grade;
 - “program” as the innovations in teaching program; and
 - “teacher” as a primary or secondary classroom teacher who has at least three years of teaching experience and who has been evaluated as highly effective or exemplary in the most recent teacher evaluation prior to participating in the program.

- requires the Public Education Department (PED) to develop and implement the program for use in school year 2016-2017 and succeeding school years, including:
 - an application and award process;
 - evaluation; and
 - reporting requirements;
- requires applications to be submitted to PED by June 30 for the upcoming school year;
- prescribes several criteria for the application, among them:
 - identification of specific goals of the project, especially as they relate to teaching English language learners, minority students, and developmentally disabled or delayed students;
 - a description of research findings; and
 - a description of how the project will be used in teaching the pertinent curriculum and how it will prepare students for the Common Core State Standards or other state content and performance standards;
- requires PED to notify the teacher and the school principal prior to August 1 whether the application is approved;
- requires the teachers' students to participate in the standards-based assessments as provided in the *Public School Code*; but also
- requires PED to waive the results of these student assessments on:
 - the teacher's evaluation for up to two years at the request of the teacher and school principal, providing that PED, the teacher, and the principal:
 - may work together to develop other measures of teacher effectiveness; or
 - may assign different percentages to the remaining teacher evaluation measures; and
 - the public school's A-B-C-D-F school rating for up to two years at the request of the school principal.

Finally regarding program evaluations and reports, HB 156:

- requires the teacher to keep records of each student participating to chart student progress;
- requires PED, the teacher, and the school principal to develop evaluation standards to evaluate the success or failure of the project;
- requires PED to report its findings and recommendations for the program and for each innovative teaching project to the Governor, the Legislative Education Study Committee (LESC), and every local superintendent; and
- allows PED to rescind its approval if the program is not succeeding and allows the project to be redesigned or discontinued before the full term is completed.

Fiscal Impact:

HB 156 does not contain an appropriation.

Fiscal Issues:

Although HB 156 requires PED to develop an Innovations in Teaching Program “award process,” the bill does not indicate what funding will be used for the awards or what costs are associated with the projects.

Technical Issues:

Although HB 156 requires PED to report its findings and recommendations for the program and for each innovative teaching project to the Governor, LESC, and local superintendents, the bill does not specify a deadline or frequency for those reports.

Substantive Issues:

One question that HB 156 raises is what effect, if any, the waiver provisions related to teacher evaluation and school grading will have upon the state’s waiver from the requirements of the federal *No Child Left Behind Act of 2001* (see “Background,” below).

In the bill, applications for projects are due to PED on June 30 and approval notification to teachers and principals by August 1 of each year. There is potential concern regarding whether this is sufficient time for the number of potential applications to be reviewed and awarded by PED staff in the allotted time period.

In HB 156, PED is required to report its findings and recommendations for the program and for each innovative teaching project to the Governor, LESC, and local superintendents; however, there is no date specified as to when this report is to occur or how frequently.

The bill allows the teacher’s Innovations in Teacher Program project to continue up to three years, but it allows the waivers for only two years.

Background:

On November 14, 2014, the US Department of Education granted New Mexico’s request for an extension of the *Elementary and Secondary Education Act* (ESEA) flexibility through the end of school year 2014-2015.

New Mexico’s ESEA flexibility application includes sections that discuss three distinct principles:

- (1) college- and career-ready expectations for all students;
- (2) state-developed differentiated recognition, accountability, and support; and
- (3) principle three: supporting effective instruction and leadership.

Principle two specifically relates to New Mexico’s *A-B-C-D-F Schools Rating Act*, which passed during the 2011 legislative session. Under the act, each public school in New Mexico will be given a grade of A, B, C, D, or F annually. The goals of the act are as follows:

- measure schools based on both proficiency and growth;
- meaningfully differentiate levels of success;

- avoid holding schools accountable for characteristics beyond their control; and
- provide meaningful data to champion success and identify areas of improvement.

Additionally, based on the application, growth was specifically defined as learning a year's worth of knowledge in one year's time as demonstrated by student performance on the New Mexico Standards-Based Assessment¹ in reading and mathematics. As such, the school grading model includes growth measures for students moving from one performance level to a higher performance level, students who remain proficient or advanced, as well as growth for students who remain in beginning step or nearing proficient but move a certain number of scale score points. Additionally, the act specifies that the state must also look explicitly at the bottom 25 percent of students within a school.

Principle three within New Mexico's ESEA flexibility application specifically relates to the state's teacher and school leader evaluation system.

Adopted in August 2012 and amended in September 2013, the PED rule titled *Teacher and School Leader Effectiveness* implements an evaluation program for public school teachers and administrators called the Effectiveness Evaluation System (EES). During the 2013 interim, the LESC heard a variety of testimony on the provisions and implementation of this rule and on other aspects of teacher and principal evaluation.

In PED rule, 50 percent of a teacher's evaluation is based on student achievement measures, whether derived from the state standards-based assessments or some other student assessment. Details vary, however, depending upon whether a teacher is a member of Group A, Group B, or Group C.

- Group A teachers teach subjects tested by the standards-based assessments in those grades in which the assessments are administered;
- Group B teachers teach either non-tested subjects or tested subjects in which the standards-based assessments are not administered; and
- Group C teachers teach in grades K-2.

For the remainder of a teacher's evaluation:

- 25 percent is based on teaching observations by one of two types of observers – either “approved” or “certified” – using the New Mexico Teacher Evaluation Advisory Council (NMTEACH) observation rubric; and
- 25 percent is based on “multiple measures,” which vary, again, according to the group to which the teacher belongs.

Committee Referrals:

HEC/HGEIC
SEC/SPAC

¹ During school year 2014-2015, New Mexico will begin administering the Partnership for Assessment of Readiness for College and Careers (PARCC) assessment.

Related Bills:

FL/HB 76 *Teacher Licensure Levels & Advancement*
CS/CS/HB 144 *Teacher & School Leader Effectiveness Act*
HB 165 *Remove AYP References in School Code*
SB 91 *Teacher Licensure Levels & Advancement*
SB 138 *Repeal A-B-C-D-F School Rating Act*
SB 202a *Public Education Data Advisory Council*
SB 205 *Delay Use of Certain Test in Teacher Evals*
SB 378 *Teacher & Admin Differential Performance*