

1 HOUSE BILL 144

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO SCHOOL PERSONNEL; ENACTING THE TEACHER AND SCHOOL
12 LEADER EFFECTIVENESS ACT; PROVIDING FOR EFFECTIVENESS
13 EVALUATIONS FOR LICENSED SCHOOL EMPLOYEES; PROVIDING FOR
14 SYSTEMS, PROCEDURES, CRITERIA AND MONITORING; PROVIDING
15 ASSESSMENT COMPONENTS; REQUIRING POST-EVALUATION ACTIONS.

16
17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

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

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

24 "[NEW MATERIAL] DEFINITIONS.--As used in the Teacher and
25 School Leader Effectiveness Act:

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1 A. "evaluation" means a final summative rating that
2 is composed of multiple measures that include growth in student
3 achievement, observations and locally selected multiple
4 measures;

5 B. "licensed school employee" is limited to those
6 licensed school employees who provide services at one or more
7 public schools in the school district;

8 C. "school district" includes charter schools;

9 D. "school principal" includes assistant principals
10 and head administrators of charter schools; and

11 E. "teacher" includes instructional support
12 providers who provide services at one or more public schools in
13 the school district."

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

16 "[NEW MATERIAL] RULES IMPLEMENTATION.--

17 A. The department shall promulgate rules to carry
18 out the provisions of the Teacher and School Leader
19 Effectiveness Act, including rules that establish uniform
20 procedures for:

21 (1) the submission, review and approval of
22 school district procedures for the annual effectiveness
23 evaluation of licensed school employees;

24 (2) the standards for each effectiveness level
25 required pursuant to Section 4 of the Teacher and School Leader

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1 Effectiveness Act; and

2 (3) the measurement of student achievement
3 growth and associated implementation procedures required
4 pursuant to Section 6 of the Teacher and School Leader
5 Effectiveness Act.

6 B. The department shall adopt:

7 (1) a list of approved assessments to measure
8 student achievement growth; and

9 (2) a list of approved measures of teacher and
10 school leader effectiveness for the multiple measures component
11 of the teacher and school leader effectiveness evaluations.

12 C. In the 2015-2016 school year and in subsequent
13 school years, each school district shall continue to implement
14 its department-approved teacher and school leader effectiveness
15 evaluation system, and employment decisions pertaining to
16 effectiveness evaluations, promotions, terminations and
17 discharges shall be made pursuant to the Teacher and School
18 Leader Effectiveness Act."

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

21 "[NEW MATERIAL] EFFECTIVENESS EVALUATION PROCEDURES AND
22 CRITERIA.--

23 A. For the purpose of increasing student
24 achievement by improving the quality of instruction, school
25 administration and supervision in the public schools of the

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1 state, every school district shall establish procedures for
2 evaluating the performance of duties and responsibilities of
3 all licensed school employees in the school district. Each
4 school district shall report annually to the department the
5 results of its effectiveness evaluations of licensed school
6 employees.

7 B. The department shall approve each school
8 district's teacher and school leader effectiveness evaluation
9 system and shall monitor each school district's implementation
10 of the system.

11 C. A teacher and school leader effectiveness
12 evaluation system shall:

13 (1) be designed to support effective
14 instruction and student achievement, with the results used to
15 inform school district- and school-level improvement plans;

16 (2) provide appropriate instruments,
17 procedures and criteria and continuous quality improvement of
18 professional skills, with the results used to inform the
19 professional development of licensed school employees;

20 (3) include a mechanism to examine
21 effectiveness data from multiple sources, which may include
22 giving parents and students opportunities to provide input into
23 effectiveness evaluations when appropriate;

24 (4) identify those teaching fields for which
25 special evaluation procedures and criteria may be developed;

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1 (5) include measures of student achievement
2 growth worth forty-five percent, observations worth thirty
3 percent and multiple measures worth twenty-five percent, unless
4 otherwise provided for in Subsections E and G of this section;
5 and

6 (6) differentiate among at least five levels
7 of performance, which include the following:

8 (a) exemplary, meets competency;
9 (b) highly effective, meets competency;
10 (c) effective, meets competency;
11 (d) minimally effective, does not meet
12 competency; and

13 (e) ineffective, does not meet
14 competency.

15 D. The teacher and school leader effectiveness
16 evaluation procedures for licensed school employees shall be
17 based on the performance of students assigned to their
18 classrooms or public schools as provided in the Teacher and
19 School Leadership Effectiveness Act. The procedures shall
20 comply with the requirements of Subsections E through O of this
21 section.

22 E. A teacher effectiveness evaluation shall be
23 conducted for each teacher at least once a year. Each
24 evaluation shall be based on sound educational principles and
25 contemporary research in effective educational practices. The

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1 student achievement growth component of a teacher's
2 effectiveness evaluation shall be based on valid and reliable
3 data and indicators of student achievement growth assessed
4 annually. Student achievement growth shall be based on a
5 department-approved, standards-based assessment. For subjects
6 and grade levels not measured by state assessments, a school
7 district shall develop assessments pursuant to the provisions
8 of Subsection I of this section or select assessments from a
9 list of options approved by the department.

10 F. A school district shall use the department-
11 adopted measures of student achievement growth calculated by
12 the department for all courses associated with state
13 assessments or district-created, department-approved
14 assessments and shall select comparable measures of student
15 achievement growth for other grades and subjects as provided in
16 Section 6 of the Teacher and School Leader Effectiveness Act.

17 G. The student achievement growth component of the
18 teacher effectiveness evaluation shall constitute, for
19 classroom teachers with:

20 (1) no student achievement growth data, no
21 part of the teacher effectiveness evaluation;

22 (2) one or two years of student achievement
23 growth data, twenty-five percent of the teacher effectiveness
24 evaluation; and

25 (3) three or more years of student achievement

1 growth data, forty-five percent of the effectiveness
2 evaluation.

3 H. For school principals, the student achievement
4 growth component of the school leader effectiveness evaluation
5 shall include student achievement growth data for students
6 assigned to the public school over the course of at least three
7 years. The student achievement growth component of the
8 effectiveness evaluation shall be based on the student growth
9 components of the school's A through F letter grade and shall
10 constitute fifty percent of the school leader effectiveness
11 evaluation.

12 I. If a school district develops an assessment that
13 measures student achievement growth for classroom teachers who
14 do not teach in a standards-based assessment grade or subject,
15 the school district shall submit the assessment to the
16 department for approval.

17 J. Thirty percent of the teacher effectiveness
18 evaluation shall be based on data and indicators of
19 instructional practice for teachers. Instructional practices
20 shall be observed using a common research-based observational
21 protocol approved by the department, with a demonstrated
22 correlation to improved student achievement.

23 K. Feedback on classroom observations shall be
24 given to classroom teachers within ten days after the
25 observation is completed.

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1 L. For licensed school employees who are not
2 classroom teachers, performance criteria shall be based on
3 research-based indicators and may include specific job-
4 effectiveness expectations related to student support.

5 M. For school principals, effectiveness evaluation
6 criteria shall include indicators based on each of the
7 leadership standards adopted by the department. The school
8 leader effectiveness evaluation shall include a means to give
9 other licensed school employees and parents an opportunity to
10 provide input into the school principal's effectiveness
11 evaluation, when appropriate.

12 N. Multiple measures approved by the department
13 shall be twenty-five percent of the school district's teacher
14 and school leader effectiveness evaluation system, except as
15 otherwise provided in the Teacher and School Leader
16 Effectiveness Act. The multiple measures shall be aligned with
17 improved student achievement. Each school district shall adopt
18 at least one multiple measure.

19 O. The school administrator responsible for
20 supervising a licensed school employee shall evaluate the
21 licensed school employee's performance. The school district's
22 teacher and school leader effectiveness evaluation system may
23 provide for the supervisor to consider input from other trained
24 evaluators and observers."

25 **SECTION 5.** A new section of the Public School Code is

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1 enacted to read:

2 "[NEW MATERIAL] EVALUATION--WRITTEN REPORT--POST-
3 EVALUATION CONFERENCE--NOTIFICATION OF MINIMALLY EFFECTIVE OR
4 INEFFECTIVE PERFORMANCE--RESULTS OF EVALUATION--CORRECTIVE
5 ACTION.--

6 A. Every evaluator shall submit a written report on
7 the effectiveness evaluation of each licensed school employee
8 to the licensed school employee and to the local
9 superintendent. Once each component of an effectiveness
10 evaluation is completed, the evaluator shall not change that
11 component. A licensed school employee who is rated minimally
12 effective or ineffective may provide a written response to the
13 effectiveness evaluation, and the response shall become a
14 permanent attachment to the licensed school employee's
15 personnel file.

16 B. For licensed school employees evaluated as
17 minimally effective or ineffective, the written report shall
18 describe the minimally effective or ineffective performance and
19 include notice of the procedural requirements of this section.
20 The notice shall constitute notice of uncorrected
21 unsatisfactory work performance pursuant to Section 22-10A-30
22 NMSA 1978.

23 C. The evaluator shall arrange a post-evaluation
24 conference with each licensed school employee evaluated as
25 minimally effective or ineffective. At the conference, the

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1 evaluator shall make recommendations with respect to specific
2 areas of unsatisfactory performance and provide other useful
3 feedback that provides the initial framework for an individual
4 professional growth plan.

5 D. School principals and other supervisors shall
6 use the results of the teacher and school leader effectiveness
7 evaluations to develop strategic support for licensed school
8 employees who are rated minimally effective or ineffective,
9 which support shall align with best practices identified by the
10 department. The evaluator shall provide assistance in helping
11 to correct unsatisfactory performance.

12 E. If the licensed school employee has an
13 employment contract, the licensed school employee shall be
14 placed on a performance growth plan and be governed by the
15 provisions of this section pertaining to the demonstration of
16 corrective action for ninety school days following the receipt
17 of the notice of minimally effective or ineffective
18 performance; provided that weekends, school holidays and school
19 vacation periods are not counted when calculating the ninety-
20 day period. During the ninety-day period, the licensed school
21 employee shall be observed and evaluated periodically and shall
22 be apprised of progress. The evaluator shall provide
23 assistance and notification of in-service training
24 opportunities to help correct the performance deficiencies
25 noted.

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1 F. Within five school days after the allowed
2 ninety-day period, the evaluator shall evaluate whether the
3 performance deficiencies have been corrected and forward a
4 recommendation to the local superintendent. Within ten school
5 days after receiving the evaluator's recommendation, the local
6 superintendent shall notify in writing the licensed school
7 employee who has an employment contract whether the performance
8 deficiencies have been satisfactorily corrected. If
9 satisfactory progress has not been made, the local
10 superintendent shall determine whether to discharge the
11 licensed school employee in compliance with Section 22-10A-27
12 NMSA 1978 or, if at the end of a school year, to terminate the
13 employment of the employee in compliance with Section 22-10A-24
14 NMSA 1978.

15 G. An exemption to the provisions of this section
16 may be provided for upon appeal for extraordinary circumstances
17 as determined by the department.

18 H. The local superintendent shall notify the
19 department of a licensed school employee who receives two
20 consecutive minimally effective or ineffective evaluations and
21 who has been given written notice by the school district that
22 the licensed school employee is being discharged or terminated
23 or that the local school board intends to discharge or
24 terminate the licensed school employee.

25 I. This section does not grant a probationary

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1 employee a right to continued employment beyond the term of the
2 probationary employee's contract."

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

5 "[NEW MATERIAL] MEASUREMENT OF STUDENT ACHIEVEMENT GROWTH
6 IN LEARNING.--

7 A. By July 15, 2015, the department shall propose a
8 formula to measure individual student achievement growth on the
9 state standardized assessments used for school accountability.
10 The formula shall take into account each student's prior
11 performance, grade level and subject. The formula shall not
12 set different expectations for student achievement growth based
13 on gender, race, ethnicity or socioeconomic status. The
14 department shall adopt the formula by rule by September 1,
15 2015.

16 B. Beginning with the 2015-2016 school year, each
17 school district shall use the department-adopted student
18 achievement growth measure to measure the growth in achievement
19 of each student.

20 C. For classroom teachers who are assigned to
21 courses not associated with state assessments, a school
22 district may request, through the effectiveness evaluation
23 system approval process, to include achievement growth
24 demonstrated on state assessments as a percentage of the
25 overall effectiveness evaluation. Achievement growth of the

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1 state assessment shall be based on the students assigned to the
2 teacher. The achievement growth of the teacher's assigned
3 content area, as measured by the district-selected, department-
4 approved assessment, shall be the greater percentage."

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

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