

1 SENATE BILL 470

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

4 John M. Sapien

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10 AN ACT

11 RELATING TO PUBLIC SCHOOLS; AMENDING THE PUBLIC SCHOOL CODE TO  
12 ALLOW SCHOOL DISTRICTS AND CHARTER SCHOOLS TO ADMINISTER SHORT-  
13 CYCLE ASSESSMENTS IN LIEU OF END-OF-COURSE EXAMINATIONS AND TO  
14 REQUIRE THAT TEACHER EVALUATIONS BE TIMELY AND RELEVANT.

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

17 SECTION 1. Section 22-2C-4 NMSA 1978 (being Laws 2003,  
18 Chapter 153, Section 13, as amended) is amended to read:

19 "22-2C-4. STATEWIDE ASSESSMENT AND ACCOUNTABILITY  
20 SYSTEM--INDICATORS--REQUIRED ASSESSMENTS--ALTERNATIVE  
21 ASSESSMENTS--LIMITS ON ALTERNATIVES TO ENGLISH LANGUAGE READING  
22 ASSESSMENTS.--

23 A. The department shall establish a statewide  
24 assessment and accountability system that is aligned with the  
25 state academic content and performance standards.

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1           B. The academic assessment program shall test  
2 student achievement as follows:

3                   (1) for grades three through eight and for  
4 grade eleven, standards-based assessments in mathematics,  
5 reading and language arts;

6                   (2) for grades three through eight, a  
7 standards-based writing assessment with the writing assessment  
8 scoring criteria applied to the extended response writing  
9 portions of the language arts standards-based assessments;

10 [~~and~~]

11                   (3) for one of grades three through five and  
12 six through eight and for grade eleven, standards-based  
13 assessments in science by the 2007-2008 school year; and

14                   (4) for all grades, short-cycle assessments  
15 shall be substituted for any department-required end-of-course  
16 examinations.

17           C. The department shall involve appropriate  
18 licensed school employees in the development of the standards-  
19 based assessments.

20           D. Before August 5 of each year, the department  
21 shall provide student scores on all standards-based assessments  
22 taken during the prior school year and required in Subsection B  
23 of this section to students' respective school districts in  
24 order to make test score data available to assist school  
25 district staff with appropriate grade-level and other placement

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1 for the current school year.

2 E. All students shall participate in the academic  
3 assessment program. The department shall adopt standards for  
4 reasonable accommodations in standards-based assessments for  
5 students with disabilities and limited English proficiency,  
6 including when and how accommodations may be applied. The  
7 legislative education study committee shall review the  
8 standards prior to adoption by the department.

9 F. Students who have been determined to be limited  
10 English proficient may be allowed to take the standards-based  
11 assessment in their primary language. A student who has  
12 attended school for three consecutive years in the United  
13 States shall participate in the English language reading  
14 assessment unless granted a waiver by the department based on  
15 criteria established by the department. An English language  
16 reading assessment waiver may be granted only for a maximum of  
17 two additional years and only on a case-by-case basis.

18 G. For purposes of this section, "short-cycle  
19 assessment" means an evaluation method that is based on a  
20 course curriculum that directly tracks with state-adopted  
21 standards. Given at the end of the year, a short-cycle  
22 assessment can provide a student's teacher with information  
23 about the extent that students have mastered the material."

24 SECTION 2. Section 22-10A-19 NMSA 1978 (being Laws 2003,  
25 Chapter 153, Section 50, as amended) is amended to read:

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1 "22-10A-19. TEACHERS AND SCHOOL PRINCIPALS--  
2 ACCOUNTABILITY--EVALUATIONS--PROFESSIONAL DEVELOPMENT--PEER  
3 INTERVENTION--MENTORING.--

4 A. The department shall adopt criteria and minimum  
5 highly objective uniform statewide standards of evaluation for  
6 the annual performance evaluation of licensed school employees.  
7 The department shall establish teacher evaluation system  
8 criteria that provide balance between structure and flexibility  
9 and establish common expectations that provide opportunities  
10 for continuous professional growth for both the evaluator and  
11 the staff person being evaluated. The department shall adopt  
12 the criteria that do not:

13 (1) use student test scores as a criterion but  
14 reward teacher flexibility and creativity in meeting the needs  
15 of all students;

16 (2) take into account teachers' use of  
17 personal or sick leave but establish methods to support the  
18 professional growth by providing analysis and application of  
19 relevant data; and

20 (3) use numbers alone to evaluate teachers but  
21 do use observations with appropriate and timely feedback.

22 B. The professional development plan for teachers  
23 shall include documentation on how a teacher who receives  
24 professional development that has been required or offered by  
25 the state or a school district or charter school incorporates

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1 the results of that professional development in the classroom.

2 ~~[B-]~~ C. The local superintendent shall adopt  
3 policies, guidelines and procedures for the performance  
4 evaluation process. Evaluation by other school employees shall  
5 be one component of the evaluation tool for school  
6 administrators.

7 ~~[G-]~~ D. As part of the highly objective uniform  
8 statewide standard of evaluation for teachers, the school  
9 principal shall observe each teacher's classroom practice to  
10 determine the teacher's ability to demonstrate state-adopted  
11 competencies.

12 ~~[D-]~~ E. At the beginning of each school year,  
13 teachers and school principals shall devise professional  
14 development plans for the coming year, and performance  
15 evaluations shall be based in part on how well the professional  
16 development plan was carried out.

17 ~~[E-]~~ F. If a level two or three-A teacher's  
18 performance evaluation indicates less than satisfactory  
19 performance and competency, the school principal may require  
20 the teacher to undergo peer intervention, including mentoring,  
21 for a period the school principal deems necessary. If the  
22 teacher is unable to demonstrate satisfactory performance and  
23 competency by the end of the period, the peer interveners may  
24 recommend termination of the teacher.

25 ~~[F-]~~ G. At least every two years, school principals

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1 shall attend a training program approved by the department to  
2 improve their evaluation, administrative and instructional  
3 leadership skills."

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