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FISCAL IMPACT REPORT

ORIGINAL DATE 2/7/19

SPONSOR Stapleton LAST UPDATED _____ HB 212/aHEC/ec

SHORT TITLE Teacher and Principal Evaluation Act SB _____

ANALYST Hawker

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	Indeterminate but moderate					

Parenthesis () indicate expenditure decreases

Relates to HB 227, SB 247

SOURCES OF INFORMATION

LFC Files

Responses Received From

Public Education Department (PED)

Regional Education Cooperatives (REC)

SUMMARY

Synopsis of Amendment

House Education Committee amendment to House Bill 212 strikes the Legislative Education Study Committee sponsorship.

Synopsis of Original Bill

House Bill 212 establishes a new section of Public School Code, the “Teacher and Principal Evaluation Act”.

Section 1 establishes the title.

Section 2 provides the purpose of the Act which includes establishing a rigorous and comprehensive evaluation process for teachers and principals.

Section 3 provides definitions for use in HB 212.

Section 4 establishes the performance ratings which shall be used to describe a teacher's performance: "distinguished," "proficient," "basic," and "unsatisfactory". This section also establishes the ratings which shall be used to describe a principal's performance: "distinguished," "accomplished," "proficient," "developing," and "not demonstrated".

Section 5 establishes the measures and their weights which shall be used in the evaluation rating of teachers:

- instructional quality, 50 percent;
- student feedback, 15 percent;
- student learning growth, 15 percent;
- professional responsibility and development, 20 percent.

This section also establishes the measures and their weights which shall be used in the evaluation rating of principals:

- management quality, 25 percent;
- leadership quality, 25 percent;
- teacher and staff feedback, 20 percent;
- family and community feedback compiled from research-based surveys, 15 percent;
- school progress on the educational plan for student success, 15 percent.

PED shall appoint a committee to adopt or create a uniform, highly objective, research-based, easily measurable evaluation system that includes frameworks, standards, rubrics and evaluation instruments for teacher and principal evaluations.

Section 6 establishes the evaluation cycles for teachers and principals. Both teachers and principals shall execute a formative evaluation each year. Summative performance evaluations are required:

- annually for all level one teachers and school principals serving their first two years in a school district;
- annually for all teachers rated as unsatisfactory or basic and for all school principals rated as not demonstrated or developing;
- every three years for level two or level three-A teachers rated as proficient or distinguished and for level three-B school principals rated as proficient, accomplished, or distinguished.

Section 7 requires professional development plans for all teachers and school principals. For experienced teachers and principals, the professional development plan may be written to extend over three years but shall be updated annually during the three year period. A teacher use a dossier in lieu of an evaluation in the year in which the dossier is developed.

Information regarding the professional development plans shall be shared across each school district with teachers and school principals no later than forty workdays after the beginning of the school year.

Section 8 establishes improvement plans for teachers rated less than proficient. For a teacher rated as basic or unsatisfactory, the school principal may require the teacher to undergo peer intervention, including peer observation and mentoring for a period of at least 30 school days and

no more than 90 school days. If the teacher is still unable to demonstrate proficient performance and competency by the end of the period, an intensive improvement plan shall be initiated.

For a principal who has been rated as developing, the principal's supervisor shall specify actions which are targeted to the principal's weaknesses on the performance evaluation. If the principal has been rated as not demonstrated, the supervisor and principal shall develop an intensive improvement plan that is intended to bring the principal's rating up to at least proficient.

This section addresses the components an improvement plan or intensive improvement plan shall include. If the teacher or school principal is unable to demonstrate proficient performance and competency by the end of the assigned period, termination of the teacher or principal may be recommended by the evaluator.

Section 9 allows for school districts to develop and implement peer assistance and review programs through collective bargaining.

Section 10 directs actions to be completed by June 1, 2019:

- PED shall promulgate rules, provide appropriate training and related materials.
- local superintendents shall adopt policies, guidelines, and procedures for the performance evaluation process.

PED shall require implementation of the teacher and principal evaluation system by September 1, 2019.

Section 11 amends Section 22-10A-19 NMSA 1978 to strike "teachers and school principals" from this section, inserting "licensed school employee". "Licensed school employee" means any licensed school employee other than teachers or principals. This section is amended to strike Section 22-10A-19.E NMSA 1978, a section pertaining to teacher evaluation.

Technical cleanup is provided in this section.

HB 212 has an emergency clause.

FISCAL IMPLICATIONS

HB 212 does not contain an appropriation. A statewide evaluation system will have software and training costs. The LFC FY20 recommendation includes a total of \$2 million for a teacher evaluation system, \$1 million from the general fund and \$1 million from the educator licensure fund.

SIGNIFICANT ISSUES

According to NCSL the single most important school-related factor associated with a student's success is teacher effectiveness. A student who has an effective teacher benefits significantly. A student who is taught by a series of ineffective teachers is unlikely to recover academically. NCSL notes that while out-of-school factors continue to predominately influence student achievement, of those factors within a school, the effectiveness of a teacher and the principal are the most significant.

The teacher evaluation system currently in use is NMTeach. However, the system is being challenged by two lawsuits. Due to a 2015 court injunction, PED has not been able to use the teacher evaluations to inform employment, advancement, or licensure decisions. Governor Michelle Lujan Grisham has issued Executive Order 2019-002, directing PED to develop a new teacher evaluation system.

Currently all teachers receive summative evaluations every year. HB 212 changes summative evaluations to every three years for level two or level three-A teachers rated as proficient or distinguished. Additionally, all principals are currently evaluated every year. HB 212 changes summative evaluations for level three-B school principals rated as proficient, accomplished to every three years.

ADMINISTRATIVE IMPLICATIONS

PED will be responsible for implementing the provisions of HB 212. Local superintendents will be required to adopt policies, guidelines and procedures for the teacher and principal evaluation system.

PED notes HB 212 sets an aggressive timeline for the department to engage stakeholders, promulgate rules, and provide training and resources to all districts and charter schools of June 1, 2019. In addition development of training, resources and trainers in the implementation of the system is time consuming. PED states the rulemaking timeline outlined in Section 10 is challenging given the stakeholder engagement requirements and the department's responsibility regarding tribal consultation.

RELATIONSHIP

HB 227 addresses using teacher absences in their evaluations.
SB 247 creates a teacher evaluation system.

OTHER SUBSTANTIVE ISSUES

PED observes:

On page 3 section B lines 2-5 “evaluator” is defined as “a designated level three-B licensee who has been trained to be an evaluator and has the responsibility for observation and evaluation of teachers or school principals”. The requirement of a level 3B license may be limiting to smaller districts and charter schools who have historically relied on high performing Level 2 or 3A teachers to assist with the formal classroom observation process. It may be helpful to add a separate definition for observer to the language of the act to support the needs of the smaller LEAs allowing them to use high performing Level 3A teachers to support the process.

Section 11 on page 15 details the evaluation process for “licensed school employees”. It implies that districts and charter schools are required to conduct evaluations for all licensed staff from substitutes to counselors to speech language pathologist. The definition of “licensed school employee” could be updated to include the specific license types which are to be evaluated annually.

TECHNICAL ISSUES

On page 6, lines 6 – 13 the term “basic” is defined. This term includes “novice level”. It is unclear what “novice level” means.

On page 10 line 13 “initiated” is spelled incorrectly.

VKH/sb/gb