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FISCAL IMPACT REPORT

ORIGINAL DATE 1/29/19

SPONSOR Stewart LAST UPDATED _____ HB _____

SHORT TITLE Teacher Evaluation Act SB 247/ec

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 212

SOURCES OF INFORMATION

LFC Files
National Conference on State Legislatures

No Responses Received
Public Education Department (PED)

SUMMARY

Synopsis of Bill

Senate Bill 247 establishes a new section of Public School Code, the “Teacher Evaluation Act”.

Section 1 establishes the title.

Section 2 provides definitions for use in SB 247.

Section 3 establishes the teacher evaluation system, establishes responsibilities for PED, local school boards, local superintendents, charter school head administrators, and evaluators.

Section 4 requires annual formative evaluations and professional development plans for all teachers. For experienced teachers, the professional development plan may be written for a three year period but it is to be updated annually. Summative performance evaluations are required:

- annually for all level one teachers;
- annually for all experienced teachers rated unsatisfactory or developing; and

- every three years for experienced teachers rated as proficient or distinguished.

Section 5 establishes improvement plans for teachers with less than proficient performance evaluations.

SB 247 has an emergency clause.

FISCAL IMPLICATIONS

SB 247 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. SB 247 changes summative evaluations to every three years for experience teachers with a rating of either proficient or distinguished. Summative evaluations are to include four components: instructional quality, student feedback, student learning growth, professional responsibility and development. Instructional quality shall count for at least 50 percent of a teacher's summative rating.

Summative evaluations will result in one of four ratings: distinguished, proficient, developing, unsatisfactory. PED is responsible for setting the rating thresholds.

SB 247 requires evaluators to create an "improvement plan" for an experienced teacher rated as developing or unsatisfactory and for a level 1 teacher rated unsatisfactory. An "improvement plan" must be at least 30 school days in length but no more than 90 school days in length.

An "intensive improvement plan" is created for a teacher who is unable to demonstrate proficient performance, as determined by the evaluator, at the end of the "improvement plan". An "intensive improvement plan" is to be at least 30 school days but not more than one school year. If the teacher is unable to demonstrate proficient performance by the end of the "intensive improvement plan", termination of the teacher's employment may be recommended by the evaluator to the teacher's supervisor.

The LFC FY20 recommendation includes \$2 million for a teacher evaluation system, \$1 million from the general fund and \$1 million from the educator licensure fund. This recommendation is equal to the FY19 appropriation.

ADMINISTRATIVE IMPLICATIONS

PED will be responsible for implementing the provisions of SB 247, to include training for the evaluators. Local school boards will be required to adopt policies and procedures for implementing the teacher evaluation system. Local superintendents must ensure all evaluators attend initial training and thereafter attend training at least once every two years.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB 212 also creates a teacher evaluation system.

VKH/al