

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

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

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: HB 212 relates to SB 247,

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

HB 212 seeks to create a new section of the Public School Code to enact the Teacher and Principal Evaluation Act. This act defines each section that should be part of a teacher evaluation, identifies levels of performance for teachers, and sets distribution percentages for each measure included in the teacher evaluation. The act also defines each section that should be part of a principal evaluation, identifies levels of performance for principals, and sets distribution percentages for each measure included in the principal evaluation.

In addition to teachers and principals HB 212 includes a section that requires the department to adopt criteria and minimum highly objective uniform statewide standards of evaluation for all “licensed school employees other than teachers or school principals.”

HB 212 outlines timelines for the department to complete the tasks for the new teacher and principal evaluation systems.

In section 12 of HB 212 an emergency is declared to have this act take effect immediately.

FISCAL IMPLICATIONS

HB 212 does not provide an appropriation to support completion of the work required to engage stakeholders, develop a new teacher evaluation system, train administrators statewide, and support department staff in meeting the deadlines set forth.

SIGNIFICANT ISSUES

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.

On page 3 section F lines 15-20 the definition of improvement plan does not include level 1

teachers as recipients of this type of support, this seems like an error as Level 1 teachers are often in need of additional support in the first few years of the profession. They may have been excluded as the improvement plan is seen as punitive but there is not a separate definition of different interventions for Level 1 teachers that are not meeting the standard.

On page 5 of HB 212 lines 15-17 state “The summative evaluation shall be used as a basis to make personnel decisions”; while this is important language there may be concern for districts and charter schools that this takes away their authority to set personnel policies at the local level.

On page 6 the definition for the performance rating of “basic” includes the term “novice level”, this term seems to refer to level 1 teachers but it is not completely clear. A definition for novice level may want to be added to ensure the term is not misinterpreted.

Section 5 A 1-4 set the individual measures and the weight (percentage) of each measure to the total for teacher evaluations.

1. Instructional quality, fifty percent
2. Student feedback, fifteen percent
3. Student learning growth, fifteen percent
4. Professional responsibility and development, twenty percent

Section 5 B 1-5 set the individual measures and the weight (percentage) of each measure to the total for principal evaluations.

1. Management quality, twenty five percent
2. Leadership quality, twenty five percent
3. Teacher and staff feedback, twenty percent
4. Family and community feedback, fifteen percent
5. School progress on the educational plan for student success, fifteen percent

The educational plan for student success (EPSS) was renamed NM-DASH, the language in the fifth measure for principal evaluation may want to be updated to reflect the new portal.

Section 5 C requires the department to appoint a committee made up of various stakeholders who will “adopt or create a uniform, highly objective, research based, easily measureable evaluation system...” This section contradicts sections 5A and 5B which already set forth the requirements for both the teacher and principal evaluation system. Those sections may want to be rewritten to use what is outlined as a transition while stakeholder engagement occurs.

On page 10 of HB 212 the evaluation requirements for level two and three A teachers who are rated proficient or distinguished is that evaluation occur only every three years. A consideration may want to be made to update this to require at least one formal observation for these teachers each year to ensure they receive the support and feedback they need to continue to achieve at a high level.

Page 15 lines 1-3 state “The local superintendent is responsible for ensuring that all evaluators have training in the principles of supervision and evaluation”. It is unclear if this means that the LEA is responsible for conducting the training or if they are only responsible for ensuring principals attend training. If it is the later districts and charter schools may view this as an unfunded mandate.

Section 11 which details the evaluation process for “licensed school employees other than

teachers and school principals” seems to imply that districts and charter schools would be required to conduct evaluations for all staff from substitutes to school counselors and speech language pathologists. The definition of “licensed school employee” may want to be updated to include the specific license types that fall in to this category.

This sections requires the department to adopt the criteria and minimum standards for these employees but there is not a time line for this process to be completed. In addition there is no requirement for stake holder engagement in this process which would be key for these important support positions.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

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. This timeline may be impacted by the date on which the act is enacted, and the time that the rule making process, which requires additional stakeholder engagement not outlined in the bill, can take. In addition development of training, resources and trainers in the implementation of the system is time consuming and should not be rushed to ensure needs of all districts and charter schools are met as well as needs of the department staff supporting the implementation which is set as September 1, 2019 in HB 212.

The rulemaking timeline outlined in Section 10 is challenging given the stakeholder engagement requirements and the department’s responsibility regarding tribal consultation. At a government-to-government meeting in November 2018, the department agreed to implement a 12 month rulemaking process to allow for improved tribal consultation and engagement. Mandating a rule adoption by June 1, 2019 does not allow the department to execute a 12 month rulemaking process.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

On page 6 line 15 “summative evaluation” should be added after overall to ensure consistency between each performance level definition.

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

OTHER SUBSTANTIVE ISSUES

Page 14 lines 16-25 set in place rules for the sharing of the data gathered in the summative performance evaluation process. This language is key to ensure personal teacher data is not shared publicly at the state or local level.

The dates in the body of the act are contradictory to section 12 on page 17 which state “EMERGENCY it is necessary for the public peace, health, and safety that this act takes effect immediately.

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The current evaluation framework will remain in place.

AMENDMENTS