

LFC Requester:	Sunny Liu
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**AGENCY BILL ANALYSIS  
2019 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:**

[LFC@NMLEGIS.GOV](mailto:LFC@NMLEGIS.GOV)

*and*

[DFA@STATE.NM.US](mailto:DFA@STATE.NM.US)

*{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

Check all that apply: Date 1/18/19  
 Original     Amendment     Bill No: SB247  
 Correction  Substitute   

Sponsor: Sen. Mimi Stewart                      Agency Code: 924  
 Short        TEACHER EVALUATION            Person Writing        Daniel Manzano  
 Title:        ACT    Phone: 505-670-3820    Email Daniel.Manzano@state.nm.us

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY19	FY20		

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY19	FY20	FY21		

(Parenthesis ( ) Indicate Expenditure Decreases)

## **ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY19</b>	<b>FY20</b>	<b>FY21</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

SB 247 relates to HB 212.

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

##### Synopsis:

SB 247 seeks to create a new section of the Public School Code to enact the Teacher 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 one measure of the evaluation “instructional quality”.

In addition SB 247 outlines time lines for PED to complete tasks for the evaluation system and sets timelines for districts and charter schools to implement the evaluation system.

In section 6 of SB 247 an emergency is declared to have this act take effect immediately.

#### **FISCAL IMPLICATIONS**

SB 247 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 2 section B lines 2-6 SB 247 defines evaluator as a “designated person who has completed a training program approved by the department to be an evaluator and has the responsibilities for observation and evaluation of teachers”. This definition does not include any licensure requirements for an evaluator and this may result in some districts and charter schools using teachers at any level in lieu of administrators to be the primary evaluator of a teacher.

The definition section of SB 247 lacks a definition of observer while not necessary it may be helpful to define this role as well as this person may be different from the person who is the evaluator in some districts and charter schools.

Page 4 section P defines “student learning growth” but does not include in the definition how this growth will be measured and calculated as part of the teachers overall evaluation.

On page 5 SB 247 sets an aggressive timeline for the department to engage stakeholders, promulgate rules, and provide training and resources to all districts and charter schools of July 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 on 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.

SB 247 sets a deadline for “local school boards to adopt policies guidelines and procedures for implementing the teacher evaluation system” of October 9, 2019. This deadline requires that the boards communicate all information to the teachers and principals and that superintendents ensure all evaluators attend training on implementing the teacher evaluation system. This deadline may be impacted by the department’s ability to meet the July 1<sup>st</sup> deadline and may put an undue burden on districts and charter schools at the start of the school year for training which may result in teachers and administrators missing time with students.

Page 7 section C defines the elements to be included in the summative performance evaluation as follows:

1. “instructional quality, which shall count for at least 50% of the performance rating,
2. Student feedback,
3. Student learning growth; and
4. Professional responsibility and development”

Placing a weight on only the instructional quality portion of the summative performance evaluation leaves open for interpretation the weights for each of the other sections, which may result in districts and charter schools assigning their own weights resulting in a lack of uniformity in the system.

Page 8 section E sets 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.

Page 9 section C includes language which would allow an evaluator to recommend a teacher be terminated based on the performance on their summative performance evaluation and subsequent performance on an intensive improvement plan. This language may be seen by districts and charter schools as an imposition on their rights to set individual termination policies.

## **PERFORMANCE IMPLICATIONS**

## **ADMINISTRATIVE IMPLICATIONS**

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

## **TECHNICAL ISSUES**

## **OTHER SUBSTANTIVE ISSUES**

## **ALTERNATIVES**

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

## **AMENDMENTS**