

**PROPOSED REPEAL AND REPLACE - INTEGRATED**

**TITLE 6            PRIMARY AND SECONDARY EDUCATION**  
**CHAPTER 69      SCHOOL PERSONNEL - PERFORMANCE**  
**PART 4            PERFORMANCE EVALUATION SYSTEM REQUIREMENTS FOR TEACHERS**

**6.69.4.1            ISSUING AGENCY:** Public Education Department, hereinafter the department.  
[6.69.4.1 NMAC - Rp, 6.69.4.1 NMAC, 1/18/2023]

**6.69.4.2            SCOPE:** Performance evaluation system requirements for teachers.  
[6.69.4.2 NMAC - Rp, 6.69.4.2 NMAC, 1/18/2023]

**6.69.4.3            STATUTORY AUTHORITY:** Sections 9-24-8, 22-2-1, 22-2-2, 22-2-8.1, and 22-10A-3 NMSA 1978.  
[6.69.4.3 NMAC - Rp, 6.69.4.3 NMAC, 1/18/2023]

**6.69.4.4            DURATION:** Permanent.  
[6.69.4.4 NMAC - Rp, 6.69.4.4 NMAC, 1/18/2023]

**6.69.4.5            EFFECTIVE DATE:** September 30, 2003, unless a later date is cited at the end of a section.  
[6.69.4.5 NMAC - Rp, 6.69.4.5 NMAC, 1/18/2023]

**6.69.4.6            OBJECTIVE:** This rule establishes the requirements for a department-approved educator evaluation system for teachers. This rule identifies the specific evaluation and supervision standards and indicators and requirements for a competency-based evaluation system for teachers.  
[6.69.4.6 NMAC - Rp, 6.69.4.6 NMAC, 1/18/2023]

**6.69.4.7            DEFINITIONS:**

**A.            “Advancement program level I – level II” or “APLI-II”** means a series of five micro-credentials, aligned with the department-approved educator evaluation system, that a teacher with a level 1 license shall successfully complete and demonstrate mastery in before progressing to a level 2 license.

**B.            “Advancement program level II – level III” or “APLII-III”** means a series of five micro-credentials, aligned with the department-approved educator evaluation system, that a teacher with a level 2 teaching license shall successfully complete and demonstrate mastery in before progressing to a level 3-A teaching license.

**C.            “Core academic subjects”** means English, language arts, reading, mathematics, science, the arts - including music and visual arts - and social studies - including civics, government, economics, history, and geography - and modern and classical languages, Native American languages, and cultures of New Mexico tribes and pueblos.

**D.            “Full school year”** means a minimum of 1080 instructional hours in a school year for teachers of students in seventh through 12th grades, 990 hours for teachers of students in full-day kindergarten through fifth grade, or 450 hours for teachers of students in half-day kindergarten, during which the teacher is the teacher of record or serves as an instructional coach or resource teacher in at least one class each school year while holding a standard teaching license. An equivalent number of instructional hours may be accepted for those teachers who do not teach every day. Instructional hours may include teaching in summer school, extended learning time programs, or similar educational settings.

**F.            “Micro-credential”** means a competency-based process made up of several courses, each focused on a discrete skill or area aligned with the educator evaluation system.

[6.69.4.7 NMAC - Rp, 6.69.4.7 NMAC, 1/18/2023]

**6.69.4.8            REQUIREMENTS:**

**A.            The school district shall ensure, through proper annual teaching assignment and professional development plans and evaluations, that all teachers are certified and endorsed to teach core academic subjects.**

**B.            Every public school teacher shall have an annual performance evaluation based on a professional development plan that meets the requirements of the department-approved evaluation system.**

[6.69.4.8 NMAC - Rp, 6.69.4.8 NMAC, 1/18/2023]

**6.69.4.9            IMPLEMENTATION OF THE EDUCATOR EVALUATION SYSTEM-FOR DEMONSTRATING COMPETENCE IN THE CORE ACADEMIC SUBJECTS:** A teacher of the core

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academic subjects employed as a general education teacher in a school district that qualifies as a rural school district under the current authorization of the Elementary and Secondary Education Act of 1965 (20) U.S.C. 6301, may fulfill the requirements in Subsections A and B of 6.69.4.9 NMAC and either the requirement of Paragraphs (2)-(3) of Subsection C or Paragraphs (2)-(3) of Subsection D of 6.69.4.9 NMAC within three full school years of the date of hire as long as the teacher is certified and endorsed in at least one core academic subject when hired in a qualifying rural school district. A new to the profession special education teacher employed in any school district may fulfill the requirements in Paragraphs (2)-(3) of Subsection C or Paragraphs (2)-(3) of Subsection D of 6.69.4.9 NMAC within two full school years of initial employment in any school district if the teacher is certified and endorsed in either language arts, mathematics, or science when hired. The candidate shall:

- A.** have successful annual evaluations for two full school years prior to the evaluation; and
- B.** have two complete school years of successful teaching and either;
- C.** complete credit hours at a regionally accredited college or university in the core academic subject in which the candidate is seeking to demonstrate competence, as follows:
  - (1)** for K-8 elementary licensed teachers or pre K-12 special education licensed teachers teaching in a self-contained elementary classroom, 24 lower or upper division credit hours across the elementary education core academic subjects of language arts, social studies, mathematics, and science, with at least six credit hours in each core area;
  - (2)** for K-8 elementary licensed teachers teaching in a middle school, and pre K-12 special education licensed teachers teaching in a middle or high school, 18 lower or upper division credit hours in each core academic subject the teacher teaches;
  - (3)** for 7-12 secondary, 5-9 middle level, and pre K-12 specialty area licensed teachers teaching in a middle school, junior high school, or high school, 18 credit hours, 12 of which must be upper division in each core academic subject the teacher teaches; or
- D.** complete the following combination of coursework through a regionally accredited college or university and by portfolio:
  - (1)** for K-8 licensed elementary teachers teaching in a self-contained elementary classroom, and for a pre K-12 special education licensed teachers teaching special education students at any grade level who are assessed against alternative achievement standards, 12 lower or upper division credit hours across the elementary education curriculum areas;
  - (2)** for K-8 licensed elementary teachers teaching in a middle school, and for a pre K-12 special education licensed teachers teaching special education students in a middle school or high school, upper or lower division credit hours as follows:
    - (a)** 12 semester hours in a single core subject area; or
    - (b)** 15 semester hours in two core subject areas, with at least six hours in each one;
  - or
  - (c)** 18 semester hours in three core subject areas, with at least six hours in each one;
  - or
  - (d)** 24 semester hours in four core subject areas, with at least six hours in each one;
- (3)** for 7-12 secondary, 5-9 middle level, and pre K-12 specialty area licensed teachers, the credit hours, specified in Paragraph (2) of Subsection D of 6.69.4.9 NMAC all at the upper division level;
- (4)** demonstrate to a local panel of teachers the requirements of Subparagraphs (a) or (b) below:
  - (a)** mastery of the competence in the instructional strand of the PED's teacher competencies and indicators for the level of licensure the candidate holds in each core academic subject in which the teacher seeks to demonstrate that the teacher is qualified by submitting evidence from (1), (2) and (3) as follows:
    - (i)** documentation from Paragraph (1) of Subsection E of 6.69.4.11 NMAC; and
    - (ii)** observation summaries, by each panel member, of the candidate teaching in the area for which the teacher is applying; observations by the panel may be done in person or by video; and
    - (iii)** at least two observation summaries, completed by the candidate, of a teacher(s) teaching in the subject area for which the candidate is seeking to be certified and endorsed;
  - (b)** provide an analysis of student achievement in each core academic subject in which the teacher seeks to demonstrate that the teacher is qualified by submitting evidence as follows:

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(i) explain (350 word maximum) the way(s) in which a class of students demonstrated their achievement (e.g., test, work sample, performance) related to a segment of instruction; include examples of different materials used and student work;

(ii) provide the criteria (350 word maximum) for determining different levels of achievement and how this was communicated to the students; the criteria may be in a handout or other means of communication to students;

(iii) to illustrate relative levels of achievement in the class, provide examples of the work of three unidentified students who represent “high,” “mid range,” and “low” levels of achievement; these examples may include unidentified student written or drawn work, photographs, audio recordings (five minute maximum), or video recordings (5 minute maximum and written parental consent to video child);

(iv) explain (350 word maximum) how the three unidentified students differed in their achievement levels and how this achievement relates to the state’s standards and benchmarks;

(v) explain (350 word maximum) how this data could be taken into account in a subsequent instructional segment for the class;

(c) the local panel of teachers shall consist of two teachers:

(i) one teacher will be appointed by the principal in the school where the teacher seeking to be certified and endorsed is teaching; the second teacher will be appointed by the candidate;

(ii) panelists must be certified and endorsed, as defined in Subsection B, C or D of 6.69.4.7 NMAC, hold a current level 2 or 3-A license, and have an endorsement or license in the subject area or areas to be evaluated;

(iii) panelists may be from the candidate’s same school, or same district, or from another school or district in New Mexico;

(5) both teachers on the panel must agree that the candidate has met, or exceeds, the competencies and indicators for the level of licensure the teacher being evaluated holds or that the students of the teacher being evaluated have demonstrated growth and progress in each core academic subject the teacher teaches;

(6) the panel shall submit their recommendation to the local superintendent and records of the panel’s findings shall be kept on file locally and available to the public upon request.  
[6.69.4.9 NMAC - Rp, 6.69.4.9 NMAC, 1/18/2023]

### 6.69.4.10 IMPLEMENTATION OF THE ANNUAL EDUCATOR EVALUATION SYSTEM:

**A.** Each school district shall adopt policies, guidelines, and procedures for annual teacher performance evaluation. The annual evaluation plan will be combined with the evaluation plan for licensure advancement provided in Subsection A of 6.69.4.11 NMAC to form an overall system for teacher evaluation and support.

**B.** No later than 40 school days after the first day of school of each school year, each teacher and their school principal shall establish a professional development plan for the teacher, with measurable objectives, for the coming year based on, among other things:

(1) the department’s teaching competencies and indicators for teachers; and

(2) the previous year’s annual evaluation, if applicable; and

(3) assurance that the teacher is certified and endorsed in the core academic subject(s) the teacher teaches and that the school district has appropriately assigned the teacher to teach in the subject(s) in which the teacher is certified and endorsed.

**C.** Annual performance evaluations shall include how well the professional development plan was carried out and the measurable objectives were achieved.

**D.** The school principal shall observe each teacher’s classroom or program practice at least once annually to determine the teacher’s ability to demonstrate state adopted competencies and indicators for each teacher’s licensure level.

**E.** If a level 2 or level 3-A teacher does not demonstrate essential competencies for a given school year, the school district shall provide the teacher with professional development and peer intervention, including mentoring, for a period the school principal deems necessary. If by the end of that school year the teacher still fails to demonstrate essential competencies, a governing authority may choose not to contract with that teacher.

**F.** If a level 3-A teacher does not demonstrate essential competencies at level 3-A for a given school year, the school district shall provide the teacher with professional development and peer intervention, including mentoring, for a period the school principal deems necessary. If by the end of the following school year the teacher still fails to demonstrate essential level 3-A competencies, the superintendent may recommend to the department

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that the teacher's level 3-A license be suspended until such time as the teacher demonstrates the essential competencies at level 3-A. Depending on the outcome of any due process proceeding under the Uniform Licensing Act and if the superintendent verifies that the teacher meets the standards for a level 2 license, the teacher may be issued a level 2 license during the period of level 3-A licensure suspension. A suspended level 3-A license may be reinstated by the secretary of education upon verification by a local superintendent that the teacher now demonstrates the essential competencies at level 3-A or through the process described in 6.69.4.11 NMAC.

**G.** At least every two years, school principals shall attend a training program approved by the department to improve their teacher evaluation skills.  
[6.69.4.10 NMAC – Rp, 6.69.4.10 NMAC, 1/18/2023]

### 6.69.4.11 LICENSURE ADVANCEMENT:

- A.** To advance from level 1 licensure to level 2 licensure, a teacher who:
- (1) is in their first or second year of teaching during the 2022-2023 school year is eligible to participate in APLI-II;
  - (2) is in their third year of teaching during the 2022-2023 school year is eligible to participate in APLI-II or submit a professional development dossier (PDD) during the 2022-2023 or the 2023-2024 school year;
  - (3) is in their fourth year of teaching during the 2022-2023 school year:
    - (a) may participate in APLI-II, but shall be continuously enrolled in the required micro-credentials to complete APLI-II by the end of their fifth year of teaching;
    - (b) may submit a PDD during 2022-2023 school year or the 2023-2024 school year;or
  - (c) shall submit a PDD during the 2023-2024 if they fail to complete two or more micro-credentials by June 2023;
  - (4) is in their fifth year of teaching during the 2022-2023 school year shall submit a PDD.
  - (5) is in their first year of teaching during the 2023-2024 school year or thereafter shall participate in APLI-II.
- B.** To advance from level 2 licensure to level 3 licensure, during the:
- (1) 2023-2024 school year, a teacher may participate in APLII-III or submit the PDD;
  - (2) 2024-2025 school year or thereafter, a teacher shall participate in APLII-III.
- C.** The PDD shall include:
- (1) evidence of competence that may be collected over multiple school years, including the year the PDD is being developed;
  - (2) evidence in the following format that demonstrates how the teacher meets the department's nine teacher competencies and indicators for the level of licensure to which the teacher is advancing; evidence that demonstrates how the teacher meets competencies related to an:
    - (a) instruction strand (competencies 1, 2, 5); and a
    - (b) student learning strand (competencies 3, 4, 6, and 7); and a
    - (c) professional learning strand (competencies 8 and 9);
  - (3) evidence from an evaluation strand that includes the teacher's annual evaluations from at least the two years prior to the application for advancement and the superintendent's recommendation for advancement to the next licensure level;
  - (4) a verification strand that includes:
    - (a) for a level 1 teacher advancing to level 2:
      - (i) verification of participation in a school district's formal mentorship program;
      - (ii) verification of three years of successful teaching experience at level 1;
      - (iii) verification by the superintendent that the work product in the PDD is that of the teacher and that the data submitted is accurate;
    - (b) for a level 2 teacher advancing to level 3-A:
      - (i) verification of a post baccalaureate degree or national board professional teaching certification;
      - (ii) verification of a minimum three years of successful teaching experience at level 2;
      - (iii) verification by the superintendent that the work product in the PDD is that of the teacher and that the data submitted is accurate.

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**E.** Evidence in the PDD competency strands:

- (1) The instruction strand shall include evidence of:
  - (a) student achievement data;
  - (b) assessment techniques and procedures;
  - (c) instructional plans and materials;
  - (d) examples of student work and performance; and
  - (e) evidence of implementation of state curriculum standards.
- (2) The student learning strand shall include mandatory evidence and may include evidence

as follows:

- (a) the student learning strand shall include evidence of:
  - (i) adaptations or modification for diverse learners;
  - (ii) evidence of effective classroom management strategies and procedures;
  - (iii) classroom observation reports; and
  - (iv) evidence of communication with students and parents.
- (b) the student learning strand may include evidence in the form of student surveys or video tapes with reflections or analysis.

(3) The professional learning strand shall include evidence of at least one of the following:

- (a) professional development activities associated with the teachers annual professional development plan (PDP);
- (b) evidence of collaborating with professional community;
- (c) parent surveys;
- (d) research publications; or
- (e) professional presentations.

(4) Evidence comparable and equivalent to Paragraphs (1), (2) and (3) of Subsection E of this section may be developed through certification by the national board of professional teaching standards.

**F.** Unless special accommodations are requested in writing to the department 30 days in advance of a submission, the PDD and associated fees in Subsection C of 6.60.7.8 NMAC shall be submitted electronically following procedures established by the department.

**G.** The PDD shall be evaluated by the superintendent of the teacher's school district and by two external reviewers, one of whom shall hold the same grade level licensure and subject area endorsement as the candidate, as follows:

(1) The superintendent will complete the verification and evaluation strands to make a recommendation for licensure advancement and the two external reviewers will rate the three competency strands as "exceeds standards," "meets standards" or "does not meet standards in order to make their recommendations for licensure advancement."

(2) Each one of the three competency strands of a teacher's PDD reviewed by the independent reviewers must be rated as either "exceeds standards" or "meets standards" and each one of the strands completed by the superintendent must be verified and have a positive recommendation for the teacher to advance to the next higher level of licensure.

(3) The superintendent and the reviewers will submit the PDD to the department or its contractor with their ratings.

(4) The department will evaluate the ratings of the superintendent and the external reviewers and approve or deny the teacher's application for licensure advancement:

(a) If one of the external reviewers rates one of the competency strands of the PDD as "exceeds standards" and the other external reviewer rates the same strand as "meets standards," the strand will be deemed passed.

(b) If one of the external reviewers rates one of the competency strands of the PDD as "does not meet standards" and the other rates the same strand as "exceeds standards," the finding will be that the candidate "meets standards" and the strand will be deemed passed.

(c) If one of the external reviewers rates one of the competency strands of the PDD as "does not meet standards" and the other rates the same strand as "meets standards," a third reviewer will resolve the discrepancy in order to determine if the strand will be passed.

(d) If both of the external reviewers rate the competency strand(s) of PDD the same, that rating will be their finding. If, however, both of the external reviewers rate the competency strand(s) of the PDD as "does not meet standards," a third trainer or reviewer may review the strand(s) to confirm or reject their ratings.

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**H.** A candidate for licensure advancement who is not successful in the PDD may continue to submit a new PDD.

**I.** If a candidate for licensure advancement meets or exceeds standards in one or some of the strands, but not in all of them, the teacher's score(s) of "meets standards" or "exceeds standards" may be retained for a period of two calendar years. Any resubmission of a PDD during that two-year period need only address those strands rated "does not meet standards" to determine a final passing score for all strands for licensure advancement. [6.69.4.11 NMAC – Rp, 6.69.4.11 NMAC, 1/18/2023]

### **6.69.4.12 TEACHER COMPETENCIES AND INDICATORS FOR LICENSURE LEVELS 1, 2, AND 3-A:**

**A.** The department-approved educator evaluation system shall include the following standards and indicators as part of the evaluation criteria for teachers.

- (1)** The teacher demonstrates knowledge of planning and preparation by:
  - (a)** demonstrating knowledge of content. The teacher knows the subject matter well, has a good grasp of child development and how students learn, and designs effective and rigorous standards-based units of instruction consisting of well-structured lessons with measurable outcomes for all students;
  - (b)** demonstrating knowledge of students. The teacher has a good grasp of child development and how students learn, and designs effective and rigorous standards-based units of instruction consisting of well-structured lessons with measurable outcomes for all students;
  - (c)** setting instructional outcomes and designing student assessment. The teacher analyzes data from assessments, draws conclusions, and shares them appropriately;
  - (d)** demonstrating knowledge of resources. The teacher utilizes skills and content learned from professional development opportunities and ensures all students have access to resources to support their learning; and
  - (e)** designing coherent instruction. The teacher develops meaningful sequenced lessons and activities that are also differentiated to support the learning of all students.
- (2)** The teacher demonstrates knowledge of creating an environment for learning by:
  - (a)** creating an environment of respect and rapport. An essential skill of teaching is that of managing relationships with students and ensuring that relationships among students are positive and supportive. Teachers create an environment of respect and rapport in their classrooms by the ways they interact with students and by the interactions they encourage and cultivate among students. An important aspect of respect and rapport relates to how the teacher responds to students and how students are permitted to treat one another;
  - (b)** creating a safe learning environment with routines and procedures. Creates and maintains a safe and collaborative learning environment that motivates all students to take academic risks, challenge themselves, and claim ownership of their learning. Access is provided to learning materials and resources;
  - (c)** establishing a culture for learning. Uses instructional practices that reflect high expectations regarding content and quality of effort and work; engage all students; and are personalized to accommodate diverse learning styles, needs, interests, and levels of readiness; and
  - (d)** managing student behavior. The teacher utilizes a skill-building approach that strengthens the foundation of social skills for all students. Teaches behavioral expectations and acknowledges students for following them.
- (3)** The teacher demonstrates knowledge of teaching for learning by:
  - (a)** communicating with students in a manner that is appropriate to their culture, language, and level of development. The teacher uses systems that evoke responses from all students and are appropriate to students' developmental, cognitive, and academic language proficiency. The teacher consistently engages students in high levels of thinking within instruction and content;
  - (b)** using questioning and discussion techniques to support classroom discourse. Teacher models and utilizes questioning techniques that allow all students to engage and participate in classroom discussions;
  - (c)** engaging students in learning. Effective teachers understand engaging students in learning is vital in order for students to acquire knowledge. Student engagement does not happen by accident, it is the result of careful planning and implementation;
  - (d)** assessing through instruction, through formative and summative assessments. The teacher monitors student learning and provides feedback to support student growth; and

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(e) demonstrating flexibility and responsiveness. The teacher demonstrates the ability to make both minor and major adjustments to the lesson in order to maintain maximum student engagement and/or help students when they encounter difficulty in their learning.

(4) The teacher demonstrates professionalism by:

(a) communicating with families. Teachers establish relationships with families by communicating with them about the instructional program, conferring with them about their individual student(s), and inviting them to be part of the educational process itself on a regular basis throughout the academic school year;

(b) participating in professional learning community. Teachers collaborate with their colleagues in order to share strategies, plan joint efforts, and plan for the success of individual students;

(c) reflecting on teaching. Demonstrates the capacity to reflect on and improve the educator's own practice, using informal means as well as meetings with teams and workgroups to gather information, analyze data, examine issues, set meaningful goals and develop new approaches in order to improve teaching and learning;

(d) demonstrating professionalism. The teacher demonstrates professionalism by acting with integrity and honesty. The teacher is ethical and reliable and meets routine responsibilities consistently while putting student needs at the forefront of their decision-making; and

(e) growing and developing professionally. Actively pursues professional development and learning opportunities to improve the quality of practice and build the expertise and experience to assume different instructional and leadership roles.

E. A school district may select or develop additional standards and indicators determined appropriate by the local school district to complete the local teacher performance evaluation system.

F. Each school district shall provide training in evaluation of performance, classroom observation techniques, conference skills, and growth planning to all teachers and personnel assigned performance evaluation duties.

G. Teachers whose leadership roles are primarily outside of the classroom will be evaluated on their ability to lead other teachers in meeting the competencies and indicators in their level of licensure.

[6.69.4.12 NMAC - Rp, 6.69.4.12 NMAC, 1/18/2023]

### **HISTORY OF 6.69.4 NMAC:**

**Pre-NMAC History:** The material in this part was derived from that previously filed with the State Records Center and Archives under:

SBE Regulation No. 89-6, Performance Evaluation Requirements for Teachers, Administrators, Library Media Specialists, and Counselors, filed August 17, 1989;

SBE Regulation No. 93-21, Performance Evaluation Requirements for Teachers, Administrators, Library Media Specialists, and Counselors, filed November 16, 1993.

### **NMAC History:**

6.69.3 NMAC, Performance Evaluation Requirements for Teachers, Administrators, Library Media Specialists, and Counselors, filed 6/1/2003.

6.69.4 NMAC [Performance Evaluation System Requirements for Teachers] replaces 6.69.3 NMAC, Section 8, filed 9/30/2003.

**History of Repealed Material: [RESERVED]**