

| | |
|-----------------------|----------------------|
| LFC Requester: | Rachel Gudgel |
|-----------------------|----------------------|

**AGENCY BILL ANALYSIS
2015 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

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:
Original **Amendment**
Correction **Substitute**

Date February 18, 2015
Bill No: HB/CS2 144-305

Sponsor: House Education Committee
Short Title: Teacher and School Leader Effectiveness Act

Agency Code: Attorney General's Office
Person Writing: Sally Malavé
Phone: (505)827-6031 **Email:** smalave@nmag.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

| Appropriation | | Recurring or Nonrecurring | Fund Affected |
|---------------|------|---------------------------|---------------|
| FY15 | FY16 | | |
| | | | |
| | | | |

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

| Estimated Revenue | | | Recurring or Nonrecurring | Fund Affected |
|-------------------|------|------|---------------------------|---------------|
| FY15 | FY16 | FY17 | | |
| | | | | |
| | | | | |

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

| | FY15 | FY16 | FY17 | 3 Year Total Cost | Recurring or Nonrecurring | Fund Affected |
|--------------|-------------|-------------|-------------|------------------------------|--------------------------------------|--------------------------|
| Total | | | | | | |

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
 Duplicates/Relates to Appropriation in the General Appropriation Act:

SECTION III: NARRATIVE

This analysis is neither a formal Attorney General’s Opinion nor an Attorney General’s Advisory Letter. This is a staff analysis in response to an agency’s, committee’s, or legislator’s request.

BILL SUMMARY

Synopsis: The House Education Committee substitute (CS2/HB 144) for its previous substitute of HB 144 (CS/HB 144) deletes that section of HB 144 and CS/HB 144 that expressly stated that effectiveness evaluations for teachers and school principals would be based on the performance of students assigned to their classrooms as provided in the Teacher and School Leader Effectiveness Act. It amends the new subsection of CS/HB 144 regarding teacher ratings by changing the students’ average growth measured and factored into the student achievement growth component from “one grade level or more” to “one year of expected growth or more. It deletes the subsection of CS/HB 144 that provides that a teacher whose students’ average growth per year for all years measured and factored into the student achievement growth component is less than one grade level but who has demonstrated competency in observation and other components shall be rated minimally ineffective or ineffective for licensure purposes, but shall be rated minimally effective or ineffective for purposes of an improvement plan developed pursuant to the Teacher and School Leader Effectiveness Act.

CS2/HB 122 contemplates that a school principal, rather than a school district, may request an independent evaluation of a teacher who gets inconsistent ratings in the student achievement growth component when compared to other components of the teacher’s effectiveness evaluation. It adds now authorizes a local superintendent to appeal to the Public Education Department (“PED”) concerning the advancement, revocation or renewal of a license belonging to a teacher who gets inconsistent ratings in the student achievement growth component when compared to other components of the teacher’s effectiveness evaluation, rather than requiring PED to seek a local superintendent agreement before it revokes a teacher’s license based on the teacher’s effectiveness evaluation rating. It deletes school principal from those subsections concerning those actions to be taken (i.e. notice of uncorrected unsatisfactory work, performance growth plan) when a teacher or school principal receives a minimally effective or ineffective rating.

CS2/HB 144 deletes Section 7 of CS/HB 144 that proposed to amend NMSA 1978, Section 22-2-2(K). It also deletes “head administrator of a charter school” from the definition of “school principal.”

CS/HB 144 provides for an independent evaluation of a teacher who gets inconsistent ratings in the student achievement growth component when compared to other components of the teacher's effectiveness evaluation. It further provides that PED shall not rely on a teacher effectiveness evaluation rating of minimally effective or ineffective to revoke the license of a level one, two or three teacher for incompetency without the agreement of the local superintendent.

CS/HB 144 would amend sections of the Public School Code to ensure consistency with CS/HB 144.

The original House Bill 144 adds new material to the Public School Code that establishes a framework for evaluating the performance of all licensed school employees in a school district "for the purpose of increasing student achievement by improving the quality of instruction." The House Education Committee's substitute for HB 144 (CS/HB 144) makes clear that its provisions relate primarily to the evaluation of "teachers" and "school principals," not "all licensed school employees." It adds definitions for "certified observer," "local superintendent includes a head administrator of a charter school," and "post-evaluation conference." It revises the student achievement growth component of the teacher and school principal effective evaluations. If students' average growth per year for all years measured and factored into the student achievement growth component of a teacher's effectiveness evaluation is one or more grade level, CS/HB 144 would mandate that the teacher's performance level be deemed as meeting competency in that component and shall not be rated minimally effective or ineffective, regardless of that teacher's ratings on other components of the effectiveness evaluation. A teacher whose students' average growth per year for all years measured and factored into the student achievement growth component is less than one grade level but who has demonstrated competency in observation and other components shall be rated minimally ineffective or ineffective for licensure purposes, but shall be rated minimally effective or ineffective for purposes of an improvement plan developed pursuant to the Teacher and School Leader Effectiveness Act. School principals' effectiveness evaluations shall be conducted by their superintendent.

The original HB 144 authorizes the PED to promulgate rules that establish uniform procedures for the (1) submission, review and approval of school district procedures for the annual effectiveness evaluation of licensed school employees; (2) standards for each effectiveness level required pursuant to its provisions; and (3) measurement of student achievement growth and associated implementation procedures. It requires PED to adopt a list of approved assessments to measure student achievement growth and approved measures of teacher and school leader effectiveness for the multiple measures component of the teacher and school leader effectiveness evaluations. HB 144 requires that PED propose a formula to measure individual student achievement growth on the state standardized assessments, taking into account each student's prior performance, grade level and subject. The formula may not set different expectations based on gender, race, ethnicity or socioeconomic status. School districts are required to implement the teacher and school leader effectiveness evaluation system beginning in the 2015-2016 school year.

HB 144 dictates effectiveness evaluation procedures and criteria for school districts. Every school district shall be required to establish procedures for evaluating the performance of all licensed school employees in a school district and reporting the results of its effectiveness

evaluations to PED annually. PED is charged with approving each school district's teacher and school leader effectiveness evaluation system and monitoring the school district's implementation of the same. It provides that the teacher and school leader effectiveness evaluation procedures for licensed school employees shall be based on the performance of students in their classrooms or public schools. A teacher effectiveness evaluation shall be conducted for each teacher at least once a year. Each teacher evaluation "shall be based on sound educational principles and contemporary research in effective educational practices." The student achievement growth component of a teacher's evaluation shall be based on "valid and reliable data and indicators of student achievement growth assessed annually. Student achievement growth will be based on PED-approved, standards-based assessment. For school principals, the student achievement growth component of the school leader evaluation shall include student achievement growth data for students assigned to the public school for at least three (3) years.

HB 144 provides that thirty percent (30%) of the teacher effectiveness evaluation shall be based on data and indicators of instructional practice for teachers. For licensed employees who are not classroom teachers, performance criteria shall be based on research-based indicators and may include specific job-effectiveness expectations related to student support. It requires every evaluator to submit a written report on the effectiveness of each licensed school employee to the employee and local school superintendent. School employees who are rated "minimally effective" or "ineffective" are given the right to respond to the report and their evaluators must arrange for post-evaluation conferences. During the conferences, the evaluators shall make recommendations to improve areas of unsatisfactory performance and "provide other useful feedback" that provides the initial framework for an individual growth plan.

HB 144 indicates that if the licensed school employee has an employment contract, the employee shall be placed on a performance growth plan and given a ninety-day period for corrective action. If satisfactory progress is not made, the local superintendent shall determine whether to discharge or terminate the licensed school employees in compliance with applicable provisions of the Public School Code. The local superintendent is required to notify PED of a licensed school employee who receives two consecutive minimally effective or ineffective evaluations and who has been given notice that the local school board intends to discharge or terminate or terminate the licensed school employee.

FISCAL IMPLICATIONS None to this office.

SIGNIFICANT ISSUES CS2/HB 144 is not clear regarding what notice or procedure shall be followed or what the potential consequences may be when a school principal receives a minimally effective or ineffective rating.

PERFORMANCE IMPLICATIONS None to this office.

ADMINISTRATIVE IMPLICATIONS None to this office.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP None to this time.

TECHNICAL ISSUES None.

OTHER SUBSTANTIVE ISSUES None.

ALTERNATIVES None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL Status quo. Licensed school employees shall continue to be evaluated as provided for in the School Personnel Act, NMSA 1978, Sections 22-10A-1 to -39 (1975 and as amended).

AMENDMENTS None.