

LFC Requester:	Sunny Liu
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**AGENCY BILL ANALYSIS
2017 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: Date 1/29/17
Original **Amendment** **Bill No:** SB34
Correction **Substitute**

Sponsor: Senator Howie C. Morales **Agency Code:** 924
Short Title: TEACHER & PRINCIPAL EVALUATION SYSTEM **Person Writing:** Matt Pahl
Phone: 470-9909 **Email:** Matt.pahl@state.nm.u

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY17	FY18		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY17	FY18	FY19		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: Duplicate of HB125
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

SB34 establishes a council to develop a teacher and school leader evaluation system that uses multiple measures to identify competence of teachers at levels 1, 2, and 3, and school principals. The council will consist of 31 members, the majority of which are selected by Educational Partners and Teachers Unions. The council will work from June 1, 2017 through December 31, 2021.

SB34 also establishes a timeline for development and implementation of an evaluation system, with initial meeting and planning beginning on June 1, 2017. By August 15, 2019, the Public Education Department (PED) will promulgate rules regarding the implementation of the system. Beginning in 2018-2019, each teacher shall be evaluated by a principal, each principal shall be evaluated by the local superintendent, and each head administrator of a charter school shall be evaluated by a designee of the governing body of the charter school.

FISCAL IMPLICATIONS

There would be significant fiscal implications to the PED for the support of the committee established in SB34, though the bill does make the per diem act optional for the 31 members of the council. Fiscal implications include staff overtime for work outside of their normal scope of work, travel for PED staff and potential meeting location expenses.

SIGNIFICANT ISSUES

SB34 attempts to replicate much of the work done in 2009 by the LFC, in 2011 by the Effective Teacher and School Leader Taskforce, in 2012 by the LFC, and currently by the NMTEACH advisory council. This duplicates efforts and expenditures that have provided considerable information to the PED and all stakeholders leading to the Effective Teacher and School Leader evaluation system.

The vast majority of elements from SB34 are currently in place. The PED has promulgated regulations that are largely in alignment with SB34, including convening a council that informed the implementation of the evaluation.

SB34 places a significant emphasis on representation of organized labor and does not account for representation of teachers, principals, or parents that may be outside of associations. SB34 also fails to represent teachers and leaders that represent underserved communities. SB34 does not include technical expertise to provide empirical research-based feedback.

SB34 establishes a framework that emphasizes competency and not effectiveness, essentially maintaining a system that was being used in New Mexico. Additionally, SB34 does not propose to establish clear effectiveness ratings that can differentiate direct impacts on student achievement.

SB34 also requires an appeal process for evaluations. Creating this provision will lower the standard of rigor as it inherently opens all evaluations to be contested, regardless of the legitimacy of the claim. Under the current School Personnel Act, the appeal process is limited to “due process” violations. Ratings are not appealable.

SB34 provides no mechanism for training districts, piloting the initial implementation, or using research-based information to inform the implementation. Each of these are provided for in the current NMTEACH teacher evaluation system.

SB34 states that no fewer than three members of the council and no more than 5 members may be “English Language Classroom Teachers”. It is unclear what is meant by “English Language Learner Classroom Teachers”. Most classrooms in New Mexico have English Language Learners, and it is unclear whether this limits the majority of classroom teachers in New Mexico.

PERFORMANCE IMPLICATIONS

The implications of SB34 are such that competence is once again the main emphasis. Student performance is minimally important within this framework, likely replicating the previous system in which over 95% of teachers received an evaluation at the highest rating. The limited presence of research-based, valid, and reliable data as components of the evaluation presents issues with effectively demonstrating levels of performance

ADMINISTRATIVE IMPLICATIONS

SB34 establishes a council that will replicate the work that was already completed by the LFC and the PED. In addition, to repeating extensive research and work done by these stakeholders, this bill will require PED to provide staffing to the council.

Because the framework of the bill is not aligned to the best understandings of current research, the development of this new evaluation will likely place a workload on PED for implementation without an actual change in establishing valid and reliable effectiveness determination.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

SB34 conflicts with the teacher and principal evaluation system that is currently in place. SB34 is duplicative of the work completed by LFC and the Effective Teacher and School Leader Task Force, the NMTEACH advisory council, and the current work underway by NMTEACH

OTHER SUBSTANTIVE ISSUES

New Mexico has established reforms in the area of accountability that continue to see results in areas of the state that traditionally have not seen them. Passage of SB34 will undermine the reforms that advocate for student-centered focus, and return New Mexico to an educational system that acts on behalf of special interests and not children.

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

If this bill is not enacted, a credible, valid, and reliable evaluation will remain in place statewide.
There will not be negative consequence if this bill is not enacted.

AMENDMENTS