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HOUSE BILL 276

**51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

INTRODUCED BY

Dennis J. Roch

AN ACT

RELATING TO EDUCATION; LINKING TIERED LICENSURE OF TEACHERS TO  
OBJECTIVE PERFORMANCE EVALUATION RATINGS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 22-10A-2 NMSA 1978 (being Laws 1975,  
Chapter 306, Section 2, as amended) is amended to read:

"22-10A-2. DEFINITIONS.--As used in the School Personnel  
Act:

A. "discharge" means the act of severing the  
employment relationship with a certified school employee prior  
to the expiration of the current employment contract;

B. "effectiveness" means an objective performance  
evaluation rating of:

(1) exemplary;

(2) highly effective;

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1                   (3) effective;

2                   (4) minimally effective; or

3                   (5) ineffective;

4                   C. "improvement plan" means a written plan for the  
5 teacher that:

6                   (1) identifies the areas in which the teacher  
7 needs improvement;

8                   (2) provides for professional development,  
9 training, support or other opportunities aligned with the areas  
10 in which the teacher needs improvement; and

11                   (3) states the expectation that the teacher  
12 demonstrate improvement in certain areas within ninety working  
13 days of receiving the improvement plan;

14                   ~~[B-]~~ D. "responsibility factor" means a value of  
15 1.20 for an elementary school principal, 1.40 for a middle  
16 school or junior high school principal, 1.60 for a high school  
17 principal, 1.10 for an assistant elementary school principal,  
18 1.15 for an assistant middle school or assistant junior high  
19 school principal and 1.25 for an assistant high school  
20 principal;

21                   ~~[G-]~~ E. "state agency" means any state institution  
22 or state agency providing an educational program requiring the  
23 employment of certified school instructors;

24                   ~~[D-]~~ F. "sabbatical leave" means leave of absence  
25 with pay as set by the local school board or governing

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1 authority of a state agency during all or part of a regular  
2 school term for purposes of study or travel related to the  
3 staff member's duties and of direct benefit to the  
4 instructional program;

5 [E-] G. "terminate" means, in the case of a  
6 certified school employee, the act of not reemploying an  
7 employee for the ensuing school year and, in the case of a  
8 noncertified school employee, the act of severing the  
9 employment relationship with the employee;

10 [F-] H. "working day" means every calendar day,  
11 excluding Saturday, Sunday or legal holiday; and

12 [G-] I. "just cause" means a reason that is  
13 rationally related to an employee's competence or turpitude or  
14 the proper performance of the employee's duties and that is not  
15 in violation of the employee's civil or constitutional rights."

16 SECTION 2. Section 22-10A-7 NMSA 1978 (being Laws 2003,  
17 Chapter 153, Section 38, as amended) is amended to read:

18 "22-10A-7. LEVEL ONE LICENSURE.--

19 A. A level one license is a provisional five-year  
20 license for beginning teachers that requires as a condition of  
21 licensure that the licensee undergo a formal mentorship program  
22 for at least one full school year and an annual [intensive]  
23 performance evaluation by a school administrator [for at least  
24 three full school years before applying for a level two  
25 license] pursuant to department rules.

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1           B. Each school district, in accordance with  
2 department rules, shall provide for the mentorship and  
3 evaluation of level one teachers. At the end of each year and  
4 at the end of the license period, ~~[the] a level one teacher~~  
5 shall be evaluated for ~~[competency. If the teacher fails to~~  
6 ~~demonstrate satisfactory progress and competence annually, the~~  
7 ~~teacher may be terminated as provided in Section 22-10A-24 NMSA~~  
8 ~~1978. If the teacher has not demonstrated satisfactory~~  
9 ~~progress and competence by the end of the five-year period, the~~  
10 ~~teacher shall not be granted a level two license]~~

11 effectiveness. During the first through third years of  
12 teaching, a level one teacher is subject to the provisions of  
13 Subsection A of Section 22-10A-24 NMSA 1978. During the fourth  
14 or fifth year of teaching, if a level one teacher receives an  
15 objective performance evaluation rating of minimally effective  
16 or ineffective, the teacher shall teach pursuant to an  
17 improvement plan received from a school administrator or  
18 mentor. After completion of the improvement plan, the teacher:

- 19                   (1) shall continue to teach with a level one  
20 license if improvement is demonstrated; or  
21                   (2) shall be terminated as provided in Section  
22 22-10A-24 NMSA 1978 if no improvement is demonstrated.

23           C. Except in exigent circumstances defined by  
24 department rule, a level one license shall not be extended  
25 beyond the initial period.

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1 D. The department shall issue a standard level one  
2 license to an applicant who is at least eighteen years of age  
3 who:

4 (1) holds a baccalaureate degree from an  
5 accredited educational institution;

6 (2) has successfully completed a department-  
7 approved teacher preparation program from a nationally  
8 accredited or state-approved educational institution;

9 (3) has passed the New Mexico teacher  
10 assessments examination, including for elementary licensure  
11 beginning January 1, 2013, a rigorous assessment of the  
12 candidate's knowledge of the science of teaching reading; and

13 (4) meets other qualifications for level one  
14 licensure, including clearance of the required background  
15 check.

16 E. The department shall issue an alternative level  
17 one license to an applicant who meets the requirements of  
18 Section 22-10A-8 NMSA 1978.

19 F. The department shall establish competencies and  
20 qualifications for specific grade levels, types and subject  
21 areas of level one licensure, including early childhood,  
22 elementary, middle school, secondary, special ~~[education]~~ and  
23 vocational education.

24 G. ~~[Beginning with the 2003-2004 school year, with~~  
25 ~~the adoption by the department of a highly objective uniform~~

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1 ~~statewide standard of evaluation for level one teachers]~~ The  
2 minimum salary for a level one teacher shall be thirty thousand  
3 dollars (\$30,000) for a standard nine and one-half month  
4 contract.

5 ~~[H. Teachers who hold level one licenses on the~~  
6 ~~effective date of the 2003 act must be evaluated by the end of~~  
7 ~~the 2006-2007 school year.]"~~

8 SECTION 3. Section 22-10A-10 NMSA 1978 (being Laws 2003,  
9 Chapter 153, Section 41, as amended by Laws 2005, Chapter 315,  
10 Section 7 and by Laws 2005, Chapter 316, Section 4) is amended  
11 to read:

12 "22-10A-10. LEVEL TWO LICENSURE.--

13 A. A level two license is a ~~[nine-year]~~ five-year  
14 license granted to a teacher who meets the qualifications for  
15 that level and who annually demonstrates ~~[essential competency~~  
16 ~~to teach]~~ effectiveness. If a level two teacher does not  
17 demonstrate ~~[essential competency]~~ effectiveness in a given  
18 school year, the school district shall provide the teacher with  
19 ~~[additional professional development and peer intervention]~~ an  
20 improvement plan during the following school year. If by the  
21 end of that school year the teacher fails to demonstrate  
22 ~~[essential competency]~~ effectiveness, a school district may  
23 choose not to contract with the teacher ~~[to teach in the~~  
24 ~~classroom]~~.

25 B. The department shall issue a level two license

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1 to an applicant who [~~successfully completes the level one~~  
2 ~~license or is granted reciprocity as provided by department~~  
3 ~~rules; demonstrates essential competency required by the~~  
4 ~~department as verified by the local superintendent through the~~  
5 ~~highly objective uniform statewide standard of evaluation; and~~  
6 ~~meets other qualifications as required by the department]~~ has:

7 (1) completed at least two years of teaching  
8 with a level one license and has received an objective  
9 performance evaluation rating of exemplary or highly effective  
10 for each of the immediately preceding two years;

11 (2) completed at least five years of teaching  
12 with a level one license and has not received an objective  
13 performance evaluation rating of minimally effective or  
14 ineffective in the immediately preceding three-year period; or

15 (3) been granted reciprocity as provided by  
16 department rules.

17 C. The department shall provide for qualifications  
18 for specific grade levels, types and subject areas of level two  
19 licensure, including early childhood, elementary, middle,  
20 secondary, special education and vocational education.

21 D. With the adoption by the department of the  
22 statewide objective performance evaluation for level two  
23 teachers, the minimum salary for a level two teacher for a  
24 standard nine and one-half month contract shall be [~~as follows:~~

25 ~~(1) for the 2003-2004 school year,~~

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1 ~~thirty thousand dollars (\$30,000);~~

2 ~~(2) for the 2004-2005 school year,~~

3 ~~thirty-five thousand dollars (\$35,000); and~~

4 ~~(3) for the 2005-2006 school year]~~

5 forty thousand dollars (\$40,000)."

6 SECTION 4. Section 22-10A-11 NMSA 1978 (being Laws 2003,  
7 Chapter 153, Section 42, as amended) is amended to read:

8 "22-10A-11. LEVEL THREE LICENSURE--TRACKS FOR TEACHERS,  
9 COUNSELORS AND SCHOOL ADMINISTRATORS.--

10 A. A level three-A license is a [~~nine-year~~] five-  
11 year license granted to a teacher who meets the qualifications  
12 for that level and who annually demonstrates [~~instructional~~  
13 ~~leader competencies~~] effectiveness. If a level three-A teacher  
14 does not demonstrate [~~essential competency~~] effectiveness in a  
15 given school year, the school district shall provide the  
16 teacher with [~~additional professional development and peer~~  
17 ~~intervention~~] an improvement plan during the following school  
18 year. If by the end of that school year the teacher fails to  
19 demonstrate [~~essential competency~~] effectiveness, a school  
20 district may choose not to contract with the teacher [~~to teach~~  
21 ~~in the classroom~~].

22 B. The department shall grant a level three-A  
23 license to an applicant who has [~~been a level two teacher for~~  
24 ~~at least three years and holds a post-baccalaureate degree or~~  
25 ~~national board for professional teaching standards~~

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1 ~~certification; demonstrates instructional leader competence as~~  
2 ~~required by the department and verified by the local~~  
3 ~~superintendent through the highly objective uniform statewide~~  
4 ~~standard of evaluation; and meets other qualifications for the~~  
5 ~~license] completed at least:~~

6 (1) two years of teaching with a level two  
7 license and has received an objective performance evaluation  
8 rating of exemplary or highly effective for each of the  
9 immediately preceding two years; or

10 (2) five years of teaching with a level two  
11 license and has not received an objective performance  
12 evaluation rating of minimally effective or ineffective in the  
13 immediately preceding three-year period.

14 C. With the adoption by the department of a highly  
15 objective uniform statewide standard of evaluation for level  
16 three-A teachers, the minimum salary for a level three-A  
17 teacher for a standard nine and one-half month contract shall  
18 be ~~[as follows:~~

19 ~~(1) for the 2003-2004 school year, thirty~~  
20 ~~thousand dollars (\$30,000);~~

21 ~~(2) for the 2004-2005 school year,~~  
22 ~~thirty-five thousand dollars (\$35,000);~~

23 ~~(3) for the 2005-2006 school year, forty~~  
24 ~~thousand dollars (\$40,000);~~

25 ~~(4) for the 2006-2007 school year,~~

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1 ~~forty-five thousand dollars (\$45,000); and~~

2 ~~(5) for the 2007-2008 school year] fifty~~  
3 thousand dollars (\$50,000).

4 D. A level three-B license is a ~~[nine-year]~~ five-  
5 year license granted to a school administrator who meets the  
6 qualifications for that level ~~[Licenses may be renewed upon~~  
7 ~~satisfactory annual demonstration of instructional leader and~~  
8 ~~administrative competency]~~ and demonstrates effectiveness.

9 E. The department shall grant a level three-B  
10 license to an applicant who submits to the department written  
11 approval from a superintendent or the superintendent's designee  
12 to enter into an administrator preparation program and has  
13 completed at least:

14 ~~[(1) holds a level two license and meets the~~  
15 ~~requirements for a level three-A license or who holds a current~~  
16 ~~level two teacher's license and, for at least four years, has~~  
17 ~~held the highest-ranked counselor license as provided in~~  
18 ~~Chapter 22, Article 10A NMSA 1978 and rules promulgated by the~~  
19 ~~department;~~

20 ~~(2) holds a post-baccalaureate degree or~~  
21 ~~national board for professional teaching standards~~  
22 ~~certification;~~

23 ~~(3) has satisfactorily completed department-~~  
24 ~~approved courses in administration and a department-approved~~  
25 ~~administration apprenticeship program; and~~

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1                   ~~(4) demonstrates instructional leader~~  
2 ~~competence required by the department and verified by the local~~  
3 ~~superintendent through the highly objective uniform statewide~~  
4 ~~standard of evaluation]~~

5                   (1) three years of teaching with a level two  
6 license and has received an objective performance evaluation  
7 rating of exemplary or highly effective for each of the  
8 immediately preceding three years; or

9                   (2) two years of teaching with a level three-A  
10 license and has received an objective performance evaluation  
11 rating of exemplary or highly effective or effective for each  
12 of the immediately preceding two years.

13                   F. Beginning with the 2007-2008 school year, the  
14 minimum annual salary for a level three-B school principal or  
15 assistant school principal shall be fifty thousand dollars  
16 (\$50,000) multiplied by the applicable responsibility factor.

17                   G. By the beginning of the 2008-2009 school year,  
18 the department shall adopt a highly objective uniform statewide  
19 standard of evaluation, which includes data sources linked to  
20 student achievement and educational plan for student success  
21 progress, for level three-B school principals and assistant  
22 school principals and rules for the implementation of that  
23 evaluation system linked to the level of responsibility at each  
24 school level."