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SENATE BILL 214

51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

INTRODUCED BY

John M. Sapien

AN ACT

RELATING TO PUBLIC SCHOOLS; AMENDING THE PUBLIC SCHOOL CODE TO ESTABLISH A TEACHER AND ADMINISTRATOR EVALUATION SYSTEM TO INCLUDE DIFFERENTIAL PERFORMANCE LEVELS, TO ESTABLISH AN EDUCATOR PREPARATION AND EFFECTIVENESS COUNCIL TO ADVISE AND OVERSEE PROMULGATION OF RULES FOR THE NEW SYSTEM AND TO ESTABLISH AN EFFECTIVE TEACHING PORTFOLIO WITHIN THE THREE-TIER LICENSURE SYSTEM; MAKING AN APPROPRIATION.

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

SECTION 1. Section 22-10A-4 NMSA 1978 (being Laws 2003, Chapter 153, Section 35, as amended by Laws 2005, Chapter 315, Section 4 and by Laws 2005, Chapter 316, Section 1) is amended to read:

"22-10A-4. TEACHERS AND SCHOOL ADMINISTRATORS--
PROFESSIONAL STATUS--LICENSURE LEVELS--SALARY ALIGNMENT.--

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1 A. Teaching and school administration are
2 recognized as professions, with all the rights,
3 responsibilities and privileges accorded professions, having
4 their first responsibility to the public they serve. The
5 primary responsibilities of the teaching and school
6 administration professions are to educate the children of this
7 state and to improve the professional practices and ethical
8 conduct of their members.

9 B. The New Mexico licensure framework for teachers
10 and school administrators is a progressive career system in
11 which licensees are required to demonstrate increased
12 competencies and undertake increased duties as they progress
13 through the licensure levels. ~~[The minimum salary provided as~~
14 ~~part of the career system shall not take effect until the~~
15 ~~department has adopted increased competencies for the~~
16 ~~particular level of licensure and a highly objective uniform~~
17 ~~statewide standard of evaluation.]~~

18 C. A level one license is a provisional license
19 that gives a beginning teacher the opportunity, through a
20 formal mentorship program, for additional preparation to be a
21 quality teacher. A level two license is given to a teacher who
22 is a fully qualified professional who is primarily responsible
23 for ensuring that students meet and exceed department-adopted
24 academic content and performance standards; a teacher may
25 choose to remain at level two for the remainder of the

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1 teacher's career. A level three-A license is the highest level
2 of teaching licensure for those teachers who choose to advance
3 as instructional leaders in the teaching profession and
4 undertake greater responsibilities such as curriculum
5 development, peer intervention and mentoring. A level three-B
6 license is for teachers who commence a new career path in
7 school administration by becoming school administrators.

8 D. All teacher and school administrator salary
9 systems shall be aligned with the licensure framework in a
10 professional educator licensing and salary system.

11 ~~[E. All teachers and school administrators who hold~~
12 ~~teaching or administrator certificates on the effective date of~~
13 ~~the 2003 act shall meet the requirements for their level of~~
14 ~~licensure by September 1, 2006 and shall be issued licenses.]"~~

15 SECTION 2. A new section of the School Personnel Act is
16 enacted to read:

17 "[NEW MATERIAL] EDUCATOR PREPARATION AND EFFECTIVENESS
18 COUNCIL--STUDENT LEARNING GROWTH SYSTEM.--

19 A. By July 1, 2014, the department shall establish
20 and convene an educator preparation and effectiveness council
21 to provide recommendations to the department for its rulemaking
22 process for teacher and administrator competencies and shall
23 annually review the department's rules regulating teacher and
24 administrator licensure and evaluation and make additional
25 recommendations as necessary.

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1 B. Council members shall include geographically
2 diverse members appointed by the secretary as follows:

3 (1) two licensed teacher members from those
4 nominated by the American federation of teachers New Mexico;

5 (2) two licensed teacher members from those
6 nominated by the national education association New Mexico;

7 (3) two licensed teacher members selected by
8 the secretary;

9 (4) two licensed administrator members from
10 those nominated by the New Mexico education partners without
11 regard to organization affiliation;

12 (5) one licensed administrator member from
13 those nominated by the New Mexico coalition for charter
14 schools;

15 (6) two deans of colleges of education from
16 those nominated by the New Mexico American association of
17 colleges for teacher education deans and directors group; and

18 (7) two members selected by the secretary.

19 C. If the department has sufficient funds in its
20 budget, the members of the council and any work groups of the
21 council may be reimbursed for travel expenses pursuant to the
22 Per Diem and Mileage Act. The members of the council and any
23 work groups for the council shall receive no other
24 compensation, perquisite or allowance.

25 D. The council may convene work groups, including

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1 non-council members with appropriate expertise, and consult
2 with state, regional and national experts.

3 E. By July 1, 2015, the council shall complete the
4 teacher and administrator evaluation system and provide its
5 recommendations to the department, the legislative education
6 study committee and the legislative finance committee.

7 F. On November 1, 2015, all prior department rules
8 pertaining to teacher and administrator evaluation and teacher
9 and administrator licensure levels are void.

10 G. As part of the establishment and implementation
11 of a system of evaluating teacher and administrator
12 effectiveness, the department shall:

13 (1) develop, as one component of evaluating
14 teacher and administrator effectiveness, a system using data
15 and indicators of student learning growth on approved
16 assessments;

17 (2) annually calculate student learning growth
18 scores for teachers and administrators using student
19 performance data collected over at least three years and a
20 composite of simple and complex statistical models;

21 (3) publish annually a technical manual
22 describing the process used to compute student learning growth
23 scores;

24 (4) use student learning growth scores for
25 teachers to determine percentile rankings annually; and

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1 (5) provide student learning growth scores to
2 teachers and administrators and their school districts and
3 charter schools for inclusion in a teacher's or administrator's
4 personnel file.

5 H. The department shall promulgate rules to measure
6 teacher and administrator qualifications related to expected
7 student performance growth targets, assessments for annual and
8 summative evaluation and student learning growth models for
9 licensure advancement.

10 I. The department shall, upon request, provide to
11 the staffs of the legislative education study committee and the
12 legislative finance committee student learning growth scores
13 for teachers for evaluation purposes and to validate accuracy
14 of computations; provided that individual teacher and
15 administrator student learning growth scores shall remain
16 confidential."

17 SECTION 3. Section 22-10A-6 NMSA 1978 (being Laws 1986,
18 Chapter 33, Section 8, as amended) is amended to read:

19 "22-10A-6. EDUCATIONAL REQUIREMENTS FOR LICENSURE.--

20 A. The department shall promulgate rules regarding
21 teacher and administrator preparation program approval,
22 including national accreditation or a state-level approval
23 process, including but not limited to the following criteria:

24 (1) demonstration of content and pedagogical
25 knowledge;

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- 1 (2) clinical partnerships and practice;
2 (3) candidate quality, recruitment and
3 selectivity;
4 (4) program impact based upon outcome data
5 such as student performance, satisfaction of employers and
6 satisfaction of graduates; and
7 (5) preparation program quality assurance and
8 continuous improvement.

9 B. The department shall also promulgate rules
10 regarding regular program reauthorization.

11 C. The department shall also promulgate rules
12 regarding minimum licensure examination requirements,
13 including:

14 (1) identifying required licensure exams for
15 each licensure type;

16 (2) establishing minimum passing scores for
17 each licensure exam; and

18 (3) requiring demonstration of equivalent
19 licensure standards for candidates seeking reciprocity.

20 ~~[A.]~~ D. The department shall require a person
21 seeking licensure or reciprocity in elementary or secondary
22 education to have completed the following minimum requirements
23 in the college of arts and sciences:

24 (1) twelve hours in English;

25 (2) twelve hours in history, including

1 American history and western civilization;

2 (3) nine hours in mathematics for elementary
3 education and six hours in mathematics for secondary education;

4 (4) six hours in government, economics or
5 sociology;

6 (5) twelve hours in science, including
7 biology, chemistry, physics, geology, zoology and botany; and

8 (6) six hours in fine arts.

9 ~~[B-]~~ E. In addition to the requirements specified
10 in Subsections ~~[A]~~ D and ~~[G]~~ F of this section, the department
11 shall require that a person seeking standard or alternative
12 elementary licensure shall have completed six hours of reading
13 courses, and a person seeking standard or alternative secondary
14 licensure shall have completed three hours of reading courses
15 in subject matter content. The department shall establish
16 requirements that provide a reasonable period of time to comply
17 with the provisions of this subsection.

18 ~~[G-]~~ F. Except for licensure by reciprocity, the
19 department shall require, prior to initial licensure, no less
20 than fourteen weeks of student teaching, a portion of which
21 shall occur in the first thirty credit hours taken in the
22 college of education and shall be under the direct supervision
23 of a teacher and a portion of which shall occur in the
24 student's senior year with the student teacher being directly
25 responsible for the classroom.

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1 ~~[D-]~~ G. Nothing in this section shall preclude the
2 department from establishing or accepting equivalent
3 requirements for purposes of reciprocal licensure or minimum
4 requirements for alternative licensure.

5 ~~[E-]~~ H. Vocational teacher preparatory programs may
6 be exempt from Subsections ~~[A]~~ D through ~~[G]~~ F of this section
7 upon a determination by the department that other licensure
8 requirements are more appropriate for vocational teacher
9 preparatory programs."

10 **SECTION 4.** Section 22-10A-7 NMSA 1978 (being Laws 2003,
11 Chapter 153, Section 38, as amended) is amended to read:

12 "22-10A-7. LEVEL ONE LICENSURE.--

13 A. A level one license is a provisional five-year
14 license for beginning teachers that requires as a condition of
15 licensure that the licensee undergo a formal mentorship program
16 for at least one full school year and an annual intensive
17 performance evaluation by a school administrator for at least
18 three full school years before applying for a level two
19 license.

20 B. Each school district, in accordance with
21 department rules, shall provide for the mentorship and
22 evaluation of level one teachers. At the end of each year and
23 at the end of the license period, the level one teacher shall
24 be evaluated for competency and effectiveness. If the teacher
25 fails to demonstrate satisfactory progress, effectiveness and

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1 competence annually, the teacher may be terminated as provided
2 in Section 22-10A-24 NMSA 1978. If the teacher has not
3 demonstrated satisfactory progress, effectiveness and
4 competence by the end of the five-year period, the teacher
5 shall not be granted a level two license.

6 C. Except in exigent circumstances defined by
7 department rule, a level one license shall not be extended
8 beyond the initial period.

9 D. The department shall issue a standard level one
10 license to an applicant who is at least eighteen years of age
11 who:

12 (1) holds a baccalaureate degree from an
13 accredited educational institution;

14 (2) has successfully completed a department-
15 approved teacher preparation program from a nationally
16 accredited or state-approved educational institution as
17 provided for in Section 22-10A-6 NMSA 1978;

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

22 (4) meets other qualifications for level one
23 licensure, including clearance of the required background
24 check.

25 E. The department shall issue an alternative level

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1 one license to an applicant who meets the requirements of
2 Section 22-10A-8 NMSA 1978.

3 F. The department shall establish competencies and
4 qualifications for specific grade levels, types and subject
5 areas of level one licensure, including early childhood,
6 elementary, middle school, secondary, special ~~[education]~~ and
7 vocational education.

8 G. ~~[Beginning with the 2003-2004 school year, with~~
9 ~~the adoption by the department of a highly objective uniform~~
10 ~~statewide standard of evaluation for level one teachers]~~ The
11 minimum salary for a level one teacher shall be ~~[thirty~~
12 ~~thousand dollars (\$30,000)]~~ thirty-two thousand five hundred
13 dollars (\$32,500) for a standard nine and one-half month
14 contract.

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

18 SECTION 5. Section 22-10A-10 NMSA 1978 (being Laws 2003,
19 Chapter 153, Section 41, as amended by Laws 2005, Chapter 315,
20 Section 7 and by Laws 2005, Chapter 316, Section 4) is amended
21 to read:

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

23 A. A level two license is a nine-year license
24 granted to a teacher who meets the qualifications for that
25 level and who ~~[annually]~~ demonstrates essential competency and

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1 effectiveness to teach. If a level two ~~[teacher does not~~
2 ~~demonstrate essential competency in a given school year]~~
3 teacher's performance evaluation indicates a level below
4 "effective", the school district shall provide the teacher with
5 ~~[additional professional development and peer intervention]~~ a
6 performance improvement plan during the following school year.
7 If by the end of that school year, the ~~[teacher fails to~~
8 ~~demonstrate essential competency]~~ teacher's performance
9 evaluation indicates a level below "effective", a school
10 district may choose not to ~~[contract with the teacher to teach~~
11 ~~in the classroom]~~ renew the teacher's contract, may take other
12 personnel action in accordance with existing due process law or
13 may terminate employment as provided in Section 22-10A-24 NMSA
14 1978.

15 B. The department shall issue a level two license
16 to an applicant who:

17 (1) successfully completes the level one
18 license or is granted reciprocity as provided by department
19 rules, demonstrates essential competency and effectiveness
20 required by the [department] department's effective teaching
21 portfolio as verified by the local superintendent [through the
22 ~~highly objective uniform statewide standard of evaluation; and]~~
23 and meets other qualifications as required by the department;
24 or

25 (2) has been a level one teacher for at least

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1 three years; and has achieved a student learning growth score
2 for the most recent school year in the top one-half of all
3 level two licensed teachers in the state, in lieu of an
4 effective teaching portfolio.

5 C. The department shall provide for qualifications
6 for specific grade levels, types and subject areas of level two
7 licensure, including early childhood, elementary, middle,
8 secondary, special [education] and vocational education.

9 D. [~~With the adoption by the department of the~~
10 ~~statewide objective performance evaluation for level two~~
11 ~~teachers]~~ The minimum salary for a level two teacher for a
12 standard nine and one-half month contract shall be [~~as follows:~~

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

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

17 ~~(3) for the 2005-2006 school year]~~ forty
18 thousand dollars (\$40,000).

19 E. The department shall base renewal of a level two
20 license upon a satisfactory summative evaluation for the most
21 recent three-year period."

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

24 "22-10A-11. LEVEL THREE LICENSURE--TRACKS FOR TEACHERS,
25 COUNSELORS AND SCHOOL ADMINISTRATORS.--

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1 A. A level three-A license is a nine-year license
2 granted to a teacher who meets the qualifications for that
3 level and who annually demonstrates instructional leader
4 competencies. If a level three-A [~~teacher does not demonstrate~~
5 ~~essential competency in a given school year~~] teacher's
6 performance evaluation indicates a level below "effective", the
7 school district shall provide the teacher with [~~additional~~
8 ~~professional development and peer intervention~~] a performance
9 improvement plan during the following school year. If by the
10 end of that school year the [~~teacher fails to demonstrate~~
11 ~~essential competency~~] teacher's performance evaluation
12 indicates a level below "effective", a school district may
13 choose not to [~~contract with the teacher to teach in the~~
14 ~~classroom~~] renew the teacher's contract, may take other
15 personnel action in accordance with existing due process law or
16 may terminate employment as provided in Section 22-10A-24 NMSA
17 1978.

18 B. The department shall grant a level three-A
19 license to an applicant who:

20 (1) has been a level two teacher for at least
21 three years, [~~and~~] holds a post-baccalaureate degree or
22 national board for professional teaching standards
23 certification and demonstrates instructional leader competence
24 as required by the department and verified by the local
25 superintendent through the [~~highly objective uniform statewide~~

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1 ~~standard of evaluation; and meets other qualifications for the~~
2 ~~license.~~

3 ~~C. With the adoption by the department of a highly~~
4 ~~objective uniform statewide standard of evaluation for level~~
5 ~~three-A teachers] department's effective teaching portfolio; or~~

6 (2) has been a level two teacher for at least
7 three years; and has achieved a student learning growth score
8 for the most recent school year in the top one-half of all
9 level three-A licensed teachers in the state in lieu of an
10 effective teaching portfolio.

11 C. The department shall require renewal of a level
12 three-A license based upon satisfactory summative evaluation
13 for the most recent three-year period.

14 D. The minimum salary for a level three-A teacher
15 for a standard nine and one-half month contract shall be [as
16 follows:

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

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

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

23 ~~(4) for the 2006-2007 school year, forty-five~~
24 ~~thousand dollars (\$45,000); and~~

25 ~~(5) for the 2007-2008 school year] fifty~~

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1 thousand dollars (\$50,000).

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

7 ~~[E-]~~ F. The department shall grant a level three-B
8 license to an applicant who:

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

15 (2) holds a post-baccalaureate degree or
16 national board for professional teaching standards
17 certification;

18 (3) has satisfactorily completed department-
19 approved graduate-level courses in administration and a
20 department-approved administration apprenticeship program; and

21 (4) demonstrates instructional leader
22 competence required by the department and verified by the local
23 superintendent. ~~[through the highly objective uniform
24 statewide standard of evaluation.~~

25 ~~F. Beginning with the 2007-2008 school year]~~

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1 G. The minimum annual salary for a level three-B
2 school principal or assistant school principal shall be fifty
3 thousand dollars (\$50,000) multiplied by the applicable
4 responsibility factor.

5 ~~[G. By the beginning of the 2008-2009 school year]~~

6 H. The department shall adopt ~~[a highly objective~~
7 ~~uniform statewide standard of evaluation, which includes]~~
8 criteria for the annual and summative performance evaluation of
9 administrators that include data sources linked to student
10 achievement and educational plan for student success progress,
11 for level three-B school principals and assistant school
12 principals and rules for the implementation of that evaluation
13 system linked to the level of responsibility at each school
14 level."

15 SECTION 7. Section 22-10A-19 NMSA 1978 (being Laws 2003,
16 Chapter 153, Section 50, as amended) is amended to read:

17 "22-10A-19. TEACHERS AND SCHOOL PRINCIPALS--
18 ACCOUNTABILITY--EVALUATIONS--EFFECTIVE TEACHING PORTFOLIO--
19 PROFESSIONAL DEVELOPMENT--PEER INTERVENTION--MENTORING.--

20 A. The department shall adopt criteria ~~[and minimum~~
21 ~~highly objective uniform statewide standards of evaluation]~~ for
22 the annual and summative performance evaluation of licensed
23 school employees. The department shall establish five
24 following differential performance levels for annual and
25 summative teacher evaluation:

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- 1 (1) exemplary;
- 2 (2) highly effective;
- 3 (3) effective;
- 4 (4) minimally effective; and
- 5 (5) ineffective.

6 B. The department shall establish basic competency
7 and effective teaching indicators in the following areas:

8 (1) instruction, which shall include, at a
9 minimum:

- 10 (a) evidence of instructional plans;
- 11 (b) assessment techniques;
- 12 (c) use of data to inform practice;
- 13 (d) adaptation of teaching for diverse

14 learners;

- 15 (e) classroom management; and
- 16 (f) implementation of state content

17 standards;

18 (2) professional development, which shall
19 include:

- 20 (a) evidence of meeting professional
- 21 development goals;
- 22 (b) collaboration with other educators;
- 23 (c) parent involvement; and
- 24 (d) research and publication; and

25 (3) student learning, which shall include

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1 evidence of improved student achievement on department-approved
2 assessments.

3 C. The department shall establish an annual
4 teaching evaluation aligned to the basic teaching competencies
5 and effectiveness indicators based on evidence that the
6 teacher:

7 (1) meets or exceeds expectations on basic
8 competency and effectiveness indicators;

9 (2) demonstrates satisfactory progress on
10 professional development goals; and

11 (3) receives satisfactory ratings from
12 students.

13 D. The department shall establish a summative
14 evaluation based on three years of annual evaluations and
15 evidence of improving student achievement. Evidence of
16 improving student achievement shall account for at least thirty
17 percent of the overall summative evaluation rating.

18 E. The department shall establish an effective
19 teaching portfolio for licensure advancement aligned to the
20 basic competencies and effectiveness indicators. The portfolio
21 shall consist of additional evidence to demonstrate effective
22 teaching practices, professional development and student
23 learning and shall include the most recent summative evaluation
24 and certification by the local superintendent that the
25 portfolio was completed by the applicant. Evidence of

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1 improving student achievement shall count for at least thirty
2 percent of the overall score. The portfolio shall be evaluated
3 by at least two external reviewers, one of whom shall hold the
4 same grade level license and subject area endorsement as the
5 candidate. The department shall establish the process for
6 independent reviewers to assess the portfolio and provide
7 ratings on whether the applicant exceeds, meets or does not
8 meet the standards.

9 F. The professional development plan for teachers
10 shall include documentation on ~~[how]~~ the manner in which a
11 teacher who receives professional development that has been
12 required or offered by the state or a school district or
13 charter school incorporates the results of that professional
14 development in the classroom.

15 ~~[B. The local superintendent shall adopt policies,~~
16 ~~guidelines and procedures for the performance evaluation~~
17 ~~process. Evaluation by other school employees shall be one~~
18 ~~component of the evaluation tool for school administrators.~~

19 ~~G.]~~ G. As part of ~~[the highly objective uniform~~
20 ~~statewide standard of evaluation for teachers]~~ a teacher's
21 demonstration of competency and effectiveness, the school
22 principal shall observe each teacher's classroom practice ~~[to~~
23 ~~determine the teacher's ability to demonstrate state-adopted~~
24 ~~competencies]~~. Input from school employees and students shall
25 be components of the annual teaching performance evaluation.

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1 ~~[D. At the beginning]~~ H. By the first reporting
2 date of each school year, teachers and school principals shall
3 devise professional development plans ~~[for the coming year, and~~
4 ~~performance]~~ that use student achievement data from department-
5 approved assessments to establish performance goals for the
6 current year. Annual and summative evaluations shall be based
7 in part on how well the professional development plan was
8 carried out.

9 ~~[E.]~~ I. The department shall develop criteria for
10 performance improvement plans.

11 J. If a level two or three-A teacher's performance
12 evaluation indicates less than ~~[satisfactory performance and~~
13 ~~competency]~~ "effective", the school principal shall develop a
14 performance improvement plan that may require the teacher to
15 undergo peer intervention, including mentoring, for a period
16 the school principal deems necessary. If the teacher is unable
17 to demonstrate ~~[satisfactory performance and competency]~~ a
18 performance rating of "effective", by the end of the period,
19 the ~~[peer interveners may recommend termination of the teacher]~~
20 school district may choose not to renew the teacher's contract,
21 may take other personnel action in accordance with existing due
22 process law or may terminate employment as provided in Section
23 22-10A-24 NMSA 1978.

24 ~~[F.]~~ K. At least every two years, school principals
25 or administrators conducting classroom observations of teachers

1 for evaluation purposes shall attend a training program
2 approved by the department to improve their evaluation,
3 administrative and instructional leadership skills."

4 SECTION 8. APPROPRIATION.--Four million five hundred
5 thirty-seven thousand dollars (\$4,537,000) is appropriated from
6 the general fund to the public education department for
7 distribution through the state equalization guarantee for
8 expenditure in fiscal year 2015 to increase the level one
9 teaching salary. Any unexpended or unencumbered balance
10 remaining at the end of fiscal year 2015 shall revert to the
11 general fund.

12 SECTION 9. EFFECTIVE DATE.--The effective date of the
13 provisions of this act is July 1, 2014.

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