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SENATE BILL 316

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

INTRODUCED BY

Sander Rue

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."