Teachers and State Legislators Join AFT New Mexico in Lawsuit Challenging Constitutionality of Punitive, Error-Ridden Teacher Evaluation System

SANTA FE, N.M.—New Mexico's current teacher evaluation system is harming teachers and depriving students of the high-quality educators they need to succeed, said New Mexico teachers, state legislators, AFT New Mexico and the Albuquerque Teachers Federation in an unprecedented lawsuit filed today.

The lawsuit details numerous problems with New Mexico's new teacher evaluation system, the NMTeach Educator Effectiveness system, which was launched at the beginning of the 2013-2014 school year.

"Every teacher in New Mexico has felt a deep betrayal by this unfair evaluation system. An injunction would give teachers the time and space they need to focus on teaching rather than on an uncertain future based on unfair measures," said Stephanie Ly, president of AFT New Mexico.

As mandated by the state's Public Education Department and Hanna Skandera, the education secretary-designate, teachers throughout the state are given a rating that is based largely on student achievement scores. Also known as value-added measures (VAM), these student achievement scores comprise 50 percent of a teacher's rating and are created by feeding three years' worth of student test scores into a secret, complex algorithm. The other 50 percent of a teacher's rating comes from such concrete measures as observations by school administrators, student or parent surveys, and attendance records.

As numerous teachers, principals and superintendents have detailed, this data-driven system, already problematic in that it allows high-stakes testing to eclipse all else, is riddled with errors. In some districts, more than half of evaluations were incorrect.

"Last year, I called the VAM-based individual teacher evaluation system a sham based on how it was being used in places like Texas and Florida. New Mexico's use of it is just as concerning. When the governor and the secretary-designate overruled the legislatively enacted teacher evaluation system, opting to impose this one, it was far from ready for prime time. In the year and a half since, teachers, administrators and parents have seen that this system doesn't work, and official documents now reveal it is riddled with errors. So why the obsession with sanctioning schools, districts, kids and teachers with high-stakes testing, rather than finding the resources needed and working with them to create great teaching and learning environments?" said American Federation of Teachers President Randi Weingarten. "We need to stop turning kids into test scores and teachers into algorithms, and start developing, in partnership with teachers, administrators, parents and community members, great public schools, including comprehensive education evaluation systems based on multiple measures that support student and educator improvement."

The types of errors found in the evaluations include: teachers rated on incomplete or incorrect test data (for example, teachers matched up to students they never taught, students given tests on subjects or levels they didn't know); teachers docked for being absent more days than they were actually gone from school, and some penalized for being absent for family or medical leave, bereavement, or professional development; missing data from student surveys; and teachers rated poorly on the student achievement portion of the evaluation, even when their students had made clear progress on tests.

In addition to AFT New Mexico and the Albuquerque Teachers Federation, other plaintiffs include six teachers from Albuquerque and one from Gallup as well as Sen. Mimi Stewart (D-Bernalillo), co-chair of the Legislative Education Study Committee, Rep. Sheryl Williams Stapleton (D-Bernalillo), Sen. William Soules (D-Doña Ana), Sen. Howie Morales (D-Catron, Grant & Socorro), and Sen. Linda Lopez (D-Bernalillo).

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