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HOUSE BILL 42

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

Miguel P. Garcia

AN ACT

RELATING TO PUBLIC SCHOOLS; ENACTING THE TEACHER INCENTIVE PAY
ACT; PROVIDING FOR IMPLEMENTATION AND ADMINISTRATION OF AN
INCENTIVE PAY PROGRAM FOR TEACHERS WHO AGREE TO TEACH IN
CERTAIN ELEMENTARY SCHOOLS; PROVIDING CONDITIONS; CREATING A
FUND; MAKING AN APPROPRIATION.

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

SECTION 1. A new section of the Public School Code is
enacted to read:

"[NEW MATERIAL] SHORT TITLE.--This act may be cited as the
"Teacher Incentive Pay Act"."

SECTION 2. A new section of the Public School Code is
enacted to read:

"[NEW MATERIAL] DEFINITIONS.--As used in the Teacher
Incentive Pay Act:

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1 A. "incentive contract" means an agreement entered
2 into between a teacher recipient and a school district or
3 charter school by which the teacher recipient is hired to teach
4 in a qualified school, which agreement runs coextensively with
5 the teacher recipient's employment contract;

6 B. "incentive pay" means the amount of money a
7 teacher recipient receives above the teacher recipient's base
8 salary based on the teacher recipient's training and experience
9 and the school district's or charter school's compensation
10 plan;

11 C. "program" means the teacher incentive pay
12 program;

13 D. "qualified school" means a public elementary
14 school in which at least ninety percent of the students are
15 qualified for free or reduced-fee lunch and the school was
16 rated D or F in the last school rating pursuant to the
17 A-B-C-D-F Schools Rating Act; and

18 E. "teacher recipient" means a person who holds a
19 level 3-A teaching license and who has entered into an
20 incentive contract with a school district or charter school."

21 **SECTION 3.** A new section of the Public School Code is
22 enacted to read:

23 "[NEW MATERIAL] TEACHER INCENTIVE PAY PROGRAM--
24 APPLICATION--ELIGIBILITY.--

25 A. The department shall establish a ten-year

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1 "teacher incentive pay program" for the 2019-2020 through 2028-
2 2029 school years at qualified schools. The purpose of the
3 program is to authorize the hiring of and payment of incentive
4 pay for teacher recipients to fill teaching vacancies at
5 qualified schools to help those schools raise their school
6 grade at least one letter grade each year until the qualified
7 school achieves and maintains an A letter grade. The program
8 shall be designed to support six five-year cohorts of teacher
9 recipients who receive incentive pay while participating in the
10 program. One cohort of teachers shall be hired each school
11 year beginning with the 2019-2020 school year and ending with
12 the 2024-2025 school year. Based on the number of applications
13 received, the department may approve the participation of as
14 many teacher recipients as there is money in the teacher
15 incentive fund to pay the incentives.

16 B. The department shall administer the program and
17 promulgate rules to carry out the provisions of the Teacher
18 Incentive Pay Act. In designing and implementing the program,
19 the department, in consultation with school districts and
20 qualified schools, shall determine the form and content of data
21 collected for the program. The department shall monitor and
22 evaluate the efficacy of the program and make periodic and
23 final reports on its findings and recommendations to the
24 legislative education study committee and the legislative
25 finance committee.

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C. The program is open to a teacher who:

(1) holds national board for professional teaching standards certification or holds a master's degree plus at least eight additional credit hours;

(2) is rated as a highly effective or exemplary teacher; and

(3) signs an incentive contract with a school district or charter school to teach in a qualified school.

D. A teacher recipient hired to fill a vacancy pursuant to this section shall receive incentive pay of three thousand dollars (\$3,000) above the teacher's base salary each year the teacher is in the program.

E. The incentive contracts of cohort participants may be renewed each year for a total of five years. Renewal of an incentive contract is based on the teacher recipient's performance evaluation. A teacher recipient who receives a rating of highly effective or exemplary shall be eligible for renewal of the incentive contract.

F. A qualified school shall apply for the program on forms provided by the department, and the application shall include the qualifications of teacher candidates for the program, if known. The application shall be signed by the qualified school principal and the local superintendent or the local superintendent's authorized representative."

SECTION 4. A new section of the Public School Code is

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1 enacted to read:

2 "[NEW MATERIAL] FAILURE TO COMPLETE TERMS OF CONTRACT.--

3 A. A teacher recipient who fails to complete a
4 school year of service and perform as described in the
5 incentive contract shall:

6 (1) repay to the state all incentive pay
7 received during the year by the teacher recipient up to the
8 date the contract is terminated; or

9 (2) in consultation with the department,
10 establish alternative terms of repayment or service deemed
11 sufficient by the department.

12 B. If a teacher recipient falls below highly
13 effective in the teacher recipient's annual evaluation or if
14 the qualified school does not improve its school grade, the
15 school principal, in consultation with the local superintendent
16 or the local superintendent's authorized representative, may
17 refuse to renew the teacher recipient's incentive contract with
18 the qualified school. The refusal to renew an incentive
19 contract does not affect rights afforded to teachers pursuant
20 to the School Personnel Act.

21 C. A teacher recipient, affected school principals
22 and the local superintendent may agree to allow a teacher
23 recipient to relocate to another qualified school without loss
24 of incentive pay if the teacher recipient maintains the
25 required qualifications."

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1 SECTION 5. A new section of the Public School Code is
2 enacted to read:

3 "[NEW MATERIAL] TEACHER INCENTIVE FUND CREATED--USE.--The
4 "teacher incentive fund" is created in the state treasury. The
5 fund consists of appropriations, gifts, grants and donations.
6 Money in the fund shall revert to the general fund at the end
7 of fiscal year 2030. Money in the fund is appropriated to the
8 department to carry out the purposes of the Teacher Incentive
9 Pay Act. Money in the fund shall be expended on warrants of
10 the secretary of finance and administration pursuant to
11 vouchers signed by the secretary of public education or the
12 secretary's authorized representative."

13 SECTION 6. APPROPRIATION.--Two million dollars
14 (\$2,000,000) is appropriated from the general fund to the
15 teacher incentive fund for expenditure in fiscal year 2020 and
16 subsequent fiscal years through the 2028-2029 school year to
17 carry out the purposes of the Teacher Incentive Pay Act. Any
18 unexpended or unencumbered balance at the end of fiscal year
19 2030 shall revert to the general fund.

20 SECTION 7. APPLICABILITY.--The provisions of this act
21 apply to the 2019-2020 through 2028-2029 school years.