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SENATE BILL 23

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Ramsay L. Gorham

AN ACT

RELATING TO TEACHER COMPENSATION; CREATING A PILOT PROGRAM TO
ASSESS A TEACHER MERIT PAY PLAN; PROVIDING POWERS AND DUTIES;
MAKING AN APPROPRIATION.

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

Section 1. DEFINITIONS. --As used in Sections 1 through 4
of this act:

A. "ad hoc committee" means the teacher merit pay
pilot ad hoc committee;

B. "master teacher" means a certified school
instructor, serving on the ad hoc committee, who is certified
by the national board for professional teaching standards or
achieves high student performance in the classroom as measured
by national test scores or is involved in education-related
activities outside of teaching in the classroom;

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1 C. "pilot program" means the teacher merit pay
2 pilot program established in accordance with the provisions of
3 Sections 1 through 4 of this act by the ad hoc committee;

4 D. "school academic achievement plan" means the
5 assessment and accountability measures determined by the ad
6 hoc committee and the participating school to be achieved
7 during the course of the pilot program; and

8 E. "value-added assessment tool" means a
9 statistical method of determining the effectiveness of school
10 systems, schools and teachers using the Tennessee value-added
11 assessment system methodology.

12 Section 2. TEACHER MERIT PAY PILOT PROGRAM-AD HOC
13 COMMITTEE- MEMBERSHIP- DUTIES- TERMINATION. - -

14 A. The "teacher merit pay pilot ad hoc committee"
15 is created as an advisory committee within the state board of
16 education. The ad hoc committee shall advise the state board
17 of education on all policies, strategies, organizational
18 structures and other matters necessary to establish and
19 implement a teacher merit pay pilot program that shall operate
20 for the 2002-2003 through 2005-2006 school years in accordance
21 with the provisions of Sections 1 through 4 of this act.

22 B. The ad hoc committee shall consist of ten
23 members appointed as follows:

24 (1) two members of the state board of
25 education standing committee on accountability, appointed by

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1 the president of the state board of education;

2 (2) one member who represents the business
3 community who is not employed in education, appointed by the
4 governor;

5 (3) one member who represents the business
6 community who is not employed in education, appointed jointly
7 by the president pro tempore of the senate and the speaker of
8 the house of representatives;

9 (4) one member who is a parent of a school-
10 age child who is not employed in education services, appointed
11 by the governor;

12 (5) one member who is a parent of a school-
13 age child who is not employed in education services, appointed
14 jointly by the president pro tempore of the senate and the
15 speaker of the house of representatives;

16 (6) two members who are certified school
17 instructors and master teachers and which no more than fifty
18 percent shall be a member of either the New Mexico national
19 education association or the federation of education
20 employees, appointed by the governor; and

21 (7) two members who are certified school
22 instructors and master teachers and which no more than fifty
23 percent shall be a member of either the New Mexico national
24 education association or the federation of education
25 employees, appointed jointly by the president pro tempore of

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1 the senate and the speaker of the house of representatives.

2 C. The remaining members of the state board of
3 education standing committee on accountability who are not
4 already appointed may serve as advisory members to the ad hoc
5 committee.

6 D. The ad hoc committee shall meet at the call of
7 the chairman and shall meet not less than monthly. The
8 chairman shall be elected from among the members of the ad hoc
9 committee. Members of the ad hoc committee who are not public
10 employees shall receive per diem and mileage as provided in
11 the Per Diem and Mileage Act.

12 E. The ad hoc committee shall advise the state
13 board of education on the design and implementation of the
14 pilot program in order to evaluate academic achievement of
15 students through the following merit pay programs:

16 (1) all certified school instructors at
17 participating schools receive a four hundred dollar (\$400)
18 merit pay award as a result of reaching a participating
19 school's benchmarks and outcomes in overall school academic
20 achievement that have been developed by the school academic
21 achievement plan;

22 (2) participating schools receive a merit pay
23 award of three thousand dollars (\$3,000) to be distributed to
24 certified school instructors who participate as members on
25 extracurricular projects with their students, educational

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1 committees or educational programs directly related to their
2 school academic achievement plan in addition to their teaching
3 responsibilities;

4 (3) individual certified school instructors,
5 teaching in the classroom over fifty percent of the day, at
6 participating schools who most improve the academic test
7 scores of their students during the course of the school year
8 in accordance with their school academic achievement plan,
9 benchmarks and outcomes receive a merit pay award in the
10 amount of two thousand five hundred dollars (\$2,500); and

11 (4) certified school instructors at
12 participating schools who have earned national board for
13 professional teaching standards certification shall receive a
14 one-time merit pay award of three thousand dollars (\$3,000).

15 F. In addition to evaluating the merit pay
16 programs in Paragraphs (1) through (4) of Subsection F of this
17 section, the ad hoc committee shall also evaluate the
18 effectiveness of a value-added assessment tool to determine
19 teaching effectiveness compared to student academic
20 achievement.

21 G. The ad hoc committee shall design and establish
22 a peer intervention program to advise and mentor low-
23 performing teachers.

24 H. A certified school instructor at a
25 participating school who receives a merit pay award for having

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1 earned national board for professional teaching standards
2 certification shall commit to teaching in the state for two
3 years following the receipt of the merit award. An instructor
4 who chooses to forgo the two years of teaching contingent with
5 the merit award shall repay the award to the state in
6 accordance with rules promulgated by the state board of
7 education.

8 I. The ad hoc committee shall complete the design
9 of the pilot program prior to the beginning of the 2002-2003
10 school year.

11 J. In designing the pilot program, the ad hoc
12 committee shall ensure that provisions for the possibility of
13 receiving a merit award are incorporated into teachers'
14 contracts for the upcoming school year. The teachers'
15 contracts shall set forth standards for receipt of a merit
16 award in compliance with the provisions of Sections 1 through
17 4 of this act.

18 K. The ad hoc committee and pilot program shall
19 terminate at the end of the 2005-2006 school year or when the
20 state board of education determines that the pilot program has
21 been successfully implemented and the committee has completed
22 its work, whichever is sooner.

23 Section 3. TEACHER MERIT PAY PILOT PROGRAM -
24 PARTICIPATION REQUIREMENTS. --

25 A. An elementary, middle school or junior high

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1 school may participate in the pilot program beginning in the
2 2002-2003 school year if at least sixty-five percent of its
3 teachers agree to participate.

4 B. The ad hoc committee shall select through a
5 lottery process no more than one hundred twenty schools
6 throughout the state that have applied to participate in the
7 pilot program.

8 C. A school applying to participate in the pilot
9 program shall submit a school academic achievement plan to the
10 ad hoc committee, prior to participation in the pilot program.
11 The school academic achievement plan shall include the
12 assessment and accountability measures for the participating
13 schools along with benchmarks and determine outcomes to be
14 achieved by the pilot program at that school.

15 D. The pilot program shall require participating
16 schools to annually use terra nova pre- and post-testing
17 results to measure student progress.

18 E. Master teachers shall assist participating
19 schools in the achievement of the schools' academic
20 achievement plans. A master teacher shall receive a salary in
21 accordance with rules promulgated by the ad hoc committee.
22 There shall be no more than one master teacher assigned to
23 every ten participating schools. The master teacher shall
24 oversee the training of the participating schools in the
25 conduct of the pilot program. The master teacher shall also

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1 mentor, train and encourage low-performing teachers.

2 F. At each participating school, the following
3 priorities shall be established for distributing merit pay
4 awards:

5 (1) first priority for merit pay awards shall
6 be given to schools that submit a school academic achievement
7 plan that includes a merit pay award to all certified school
8 instructors at the school for achieving benchmarks and
9 outcomes in overall school academic achievement;

10 (2) second priority for merit pay awards
11 shall be given to individual certified school instructors at
12 participating schools who improve the test scores of their
13 students during the course of the school year;

14 (3) third priority for merit pay awards shall
15 be given to certified school instructors at participating
16 schools who have earned national board for professional
17 teaching standards certification; and

18 (4) fourth priority for merit pay awards
19 shall be given to certified school instructors who participate
20 as members on extracurricular projects with their students,
21 educational committees or educational programs directly
22 related to their school academic achievement plan.

23 G. No participating school shall annually receive
24 more than eighty thousand dollars (\$80,000) in merit pay
25 awards, and no more than twenty-five percent of the award

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1 shall be given for teachers who have earned national board for
2 professional teaching standards certification.

3 Section 4. STATE BOARD OF EDUCATION--SUPERINTENDENT OF
4 PUBLIC INSTRUCTION--ADDITIONAL DUTIES.--In accordance with the
5 provisions of Sections 1 through 4 of this act:

6 A. the state department of public education shall
7 provide specialized training to participating schools for the
8 conduct of the pilot program;

9 B. the state department of public education shall
10 provide such administrative assistance, meeting space and
11 other necessary facilities and support services as the ad hoc
12 committee may request; and

13 C. using the recommendations and advice of the ad
14 hoc committee, the superintendent of public instruction shall
15 report annually to the legislature and the governor on the
16 pilot program, including evaluations, surveys and
17 recommendations of parents and teachers involved in the pilot
18 program. The final report of the pilot program shall be
19 provided to the legislature and the governor by November 2005,
20 including any proposed legislation.

21 Section 5. APPROPRIATION.--Twelve million dollars
22 (\$12,000,000) is appropriated from the general fund to the
23 state department of public education for expenditure in fiscal
24 years 2002 through 2006 to implement the teacher merit pay
25 pilot program. Any unexpended or unencumbered balance

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1 remaining at the end of fiscal year 2006 shall revert to the
2 general fund.

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