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HOUSE BILL 449
45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002
INTRODUCED BY
Miguel P. Garcia

AN ACT
RELATING TO PUBLIC SCHOOLS; ENACTING THE TEACHER INCENTIVE PAY
ACT; PROVIDING FOR IMPLEMENTATION AND ADMINISTRATION OF A
TEACHER INCENTIVE PAY PROGRAM; 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]~~ PURPOSE. -- The purpose of the Teacher
Incentive Pay Act is to address New Mexico's teacher shortage
by providing qualified elementary teachers with incentives to
teach at elementary schools where a minimum of ninety percent

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1 of the students are eligible to receive free or reduced-fee
2 lunches. "

3 Section 3. A new section of the Public School Code is
4 enacted to read:

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

7 A. "employment contract" means a five-year
8 employment agreement entered into between the teacher
9 recipient and the elementary school where the teacher
10 recipient is hired to teach pursuant to the Teacher Incentive
11 Pay Act;

12 B. "incentive pay" means the portion of money that
13 a teacher recipient receives above his base salary pursuant to
14 the Teacher Incentive Pay Act; and

15 C. "teacher recipient" means an elementary school
16 teacher who has entered into an employment contract with an
17 elementary school pursuant to the Teacher Incentive Pay Act. "

18 Section 4. A new section of the Public School Code is
19 enacted to read:

20 "[NEW MATERIAL] TEACHER INCENTIVE PAY PROGRAM -
21 APPLICATION ELIGIBILITY. --

22 A. The department of education shall establish a
23 teacher incentive pay program through the 2010-2011 school
24 year at elementary schools where ninety percent or more of the
25 students are eligible to receive free or reduced-fee lunches.

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1 B. The teacher incentive pay program shall
2 authorize the hiring of teachers to fill teaching vacancies at
3 elementary schools where ninety percent or more of the
4 students are eligible to receive free or reduced-fee lunches
5 during the 2002-2003, 2006-2007 and 2011-2012 school years. A
6 teacher hired to fill a vacancy pursuant to this subsection
7 shall receive incentive pay of three thousand dollars (\$3,000)
8 above the salary that the teacher would otherwise be entitled
9 to receive in accordance with existing training and experience
10 salary standards of the school district and the elementary
11 school where the teacher is hired to teach.

12 C. The incentive pay as provided in Subsection B
13 of this section shall be provided to a teacher who:

14 (1) holds a master's degree plus fifteen
15 additional credit hours; and

16 (2) signs an employment contract pursuant to
17 the Teacher Incentive Pay Act. "

18 Section 5. A new section of the Public School Code is
19 enacted to read:

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

21 A. A teacher recipient who fails to complete five
22 years of service as provided in his employment contract shall:

23 (1) repay to the state all incentive pay
24 received by the teacher recipient up to the date of the
25 contract termination; or

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

B. The elementary school where the teacher recipient is hired to teach pursuant to the Teacher Incentive Pay Act may cancel a contract between it and a teacher recipient for any reasonable cause. "

Section 6. APPROPRIATION. --Two million dollars (\$2,000,000) is appropriated from the general fund to the state department of public education for expenditure in fiscal year 2003 to carry out the purposes of the Teacher Incentive Pay Act. Any unexpended or unencumbered balance remaining at the end of fiscal year 2003 shall revert to the general fund.

Section 7. EFFECTIVE DATE. --The effective date of the provisions of this act is July 1, 2002.