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HOUSE BILL 450

45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

INTRODUCED BY

Miguel P. Garcia

AN ACT

RELATING TO PUBLIC SCHOOLS; ENACTING THE NATIVE NEW MEXICAN  
TEACHER INCENTIVE PAY ACT; PROVIDING FOR IMPLEMENTATION AND  
ADMINISTRATION OF A TEACHER INCENTIVE PAY PROGRAM FOR NATIVE  
NEW MEXICANS; 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 "Native New Mexican 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 Native New  
Mexican Teacher Incentive Pay Act is to address New Mexico's  
teacher shortage by providing qualified native New Mexican

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1 teachers with incentives to teach at schools where eighty-five  
2 percent or more of the students are ethnic minorities."

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

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

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

15 C. "native New Mexican teacher" means a teacher  
16 who holds a valid New Mexico birth certificate; and

17 D. "teacher recipient" means a native New Mexican  
18 teacher who has entered into an employment contract with a  
19 school pursuant to the Native New Mexican Teacher Incentive  
20 Pay Act. "

21 Section 4. 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 of education shall establish a

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1 native New Mexican teacher incentive pay program through the  
2 2010-2011 school year at schools where eighty-five percent or  
3 more of the students are ethnic minorities.

4 B. The native New Mexican teacher incentive pay  
5 program shall authorize the hiring of native New Mexican  
6 teachers during the 2002-2003, 2006-2007 and 2010-2011 school  
7 years to fill teaching vacancies at schools where eighty-five  
8 percent or more of the students are ethnic minorities. A  
9 native New Mexican teacher hired to fill a vacancy pursuant to  
10 this subsection shall receive incentive pay of three thousand  
11 dollars (\$3,000) above the salary that the teacher would  
12 otherwise be entitled to receive in accordance with existing  
13 training and experience salary standards of the school  
14 district and the school where the native New Mexican teacher  
15 is hired to teach.

16 C. The incentive pay as provided in Subsection B  
17 of this section shall be provided to a native New Mexican  
18 teacher who:

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

21 (2) signs an employment contract with a  
22 school pursuant to the Native New Mexican Teacher Incentive  
23 Pay Act. "

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

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

2           A. A native New Mexican teacher recipient who  
3 fails to complete five years of service as provided in his  
4 employment contract with a school shall:

5                   (1) repay to the state all incentive pay  
6 received by the native New Mexican teacher recipient up to the  
7 date of the contract termination; or

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

11           B. The school where the native New Mexican teacher  
12 recipient is hired to teach pursuant to the Native New Mexican  
13 Teacher Incentive Pay Act may cancel a contract between it and  
14 a native New Mexican teacher recipient for any reasonable  
15 cause. "

16           Section 6. APPROPRIATION. -- Two million dollars  
17 (\$2,000,000) is appropriated from the general fund to the  
18 state department of public education for expenditure in fiscal  
19 year 2003 to carry out the purposes of the Native New Mexican  
20 Teacher Incentive Pay Act. Any unexpended or unencumbered  
21 balance remaining at the end of fiscal year 2003 shall revert  
22 to the general fund.

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

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