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HOUSE BILL 39

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

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 AN INCENTIVE PAY PROGRAM FOR NATIVE NEW
MEXICANS 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
"Native New Mexican 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 Native New
Mexican Teacher Incentive Pay Act:

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

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

12 C. "native New Mexican teacher" means a level 3-A
13 teacher who has a valid New Mexico birth certificate and meets
14 other qualifications to be a recipient of incentive pay;

15 D. "program" means the native New Mexican teacher
16 incentive pay program; and

17 E. "qualified school" means a public elementary
18 school in which eighty-five percent or more of the students are
19 ethnic minorities and the school was rated D or F in the last
20 school rating pursuant to the A-B-C-D-F Schools Rating Act."

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

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

25 A. The department shall establish a ten-year

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

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

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1 recommendations to the legislative education study committee
2 and the legislative finance committee.

3 C. The program is open to a native New Mexican
4 teacher who:

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

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

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

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

16 E. The incentive contracts for cohort participants
17 may be renewed each year for a total of five years. Renewal of
18 the incentive contract is based on the native New Mexican
19 teacher's performance evaluation. A participating native New
20 Mexican teacher who continues to receive a rating of highly
21 effective or exemplary is eligible for renewal of the incentive
22 contract.

23 F. A qualified school shall apply for the program
24 on forms provided by the department, and the application shall
25 include the qualifications of teacher candidates for the

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1 program, if known. The application shall be signed by the
2 qualified school principal and the local superintendent or the
3 local superintendent's authorized representative."

4 SECTION 4. A new section of the Public School Code is
5 enacted to read:

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

7 A. A native New Mexican teacher who fails to
8 complete a school year of service and perform as described in
9 the incentive contract shall:

10 (1) repay to the state all incentive pay
11 received during the year by the native New Mexican teacher up
12 to the date the contract is terminated; or

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

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

25 C. A native New Mexican teacher, affected school

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1 principals and the local superintendent may agree to allow a
2 native New Mexican teacher to relocate to another qualified
3 school without loss of incentive pay if the native New Mexican
4 teacher maintains the required qualifications."

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

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

18 SECTION 6. APPROPRIATION.--Two million dollars
19 (\$2,000,000) is appropriated from the general fund to the
20 native New Mexican teacher incentive fund for expenditure in
21 fiscal year 2020 and subsequent fiscal years through the 2028-
22 2029 school year to carry out the purposes of the Native New
23 Mexican Teacher Incentive Pay Act. Any unexpended or
24 unencumbered balance remaining at the end of fiscal year 2030
25 shall revert to the general fund.

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