

LESC HEARING BRIEF: ALTERNATIVE COMPENSATION AND ITS IMPACT ON TEACHER RECRUITMENT AND RETENTION AND STUDENT ACHIEVEMENT

AGENCIES:

Public Education Department (PED), Pojoaque Valley School District (PVSD), and Questa Independent School District (QISD)

DATE: July 13, 2016

PURPOSE OF HEARING:

Alternative compensation and its impact on teacher recruitment and retention and student achievement

WITNESSES:

Matthew Pahl, Director of Policy, PED; Dr. Melville Morgan, Superintendent, PVSD; and Valerie Trujillo, Superintendent, QISD

PREPARED BY: Heidi L. Macdonald, LESC staff

EXPECTED	OUTCOME:
Improved understanding of alternative compensation and its impact, whether positive or negative, on teacher recruitment, retention, and student achievement	

In some high-achieving countries, where teaching is considered a lifelong profession, annual attrition rates are only about 2 percent of the teaching workforce. However, attrition in the United States has tended to be much higher at between 7.7 percent and 8.4 percent.

The U.S. Department of Education's Teacher Quality Partnership Grant Program provides grants to promote partnerships between teacher preparation programs and high-needs school districts and schools, including those in rural and tribal areas.

BACKGROUND INFORMATION

Nationally, most states are experiencing a reduction in the number of teacher candidates obtaining a teaching license; conversely, the number of public school students is increasing. The teacher shortage dilemma is based on a number of factors, such as a decline in teacher satisfaction, an increase in teachers reporting job-related stress, instability surrounding school reforms, low pay, and insufficient classroom resources. To address these concerns, innovative solutions to teacher shortages are being developed nationally. For example, states across the country are establishing statewide financial incentive programs for teachers, which aim to positively influence teacher pay, elevate the profession, and improve recruitment and retention.

Public schools must compete with other professions for talented college and university graduates. According to research from *Recruiting and Retaining Teachers: Turning Around the Race to the Bottom in High-Need Schools*, teacher salaries have been declining since the early 1990s in relation to other professional salaries. Even after adjusting for the shorter work year in teaching, teachers earn 15 to 30 percent less than college graduates who enter other fields, depending on the profession and the region.

Teachers who earn a lower average salary than similarly educated workers are less likely to stay in the profession. Research indicates low pay is often cited as a reason why teachers leave the teaching field. An analysis from *Addressing California's Emerging Teacher Shortages* indicates that, based on national estimates, between 17 percent and 30 percent of teachers leave the profession in their first five years of teaching. This allows states the opportunity to create effective strategies, including financial incentives, aimed at keeping teachers in the classroom.

This brief highlights current national and state trends in alternative teacher compensation programs, identifies New Mexico's financial incentive programs and their impact on teacher recruitment, retention, and student achievement, and recommends other strategies New Mexico can consider implementing, based on best practices.

National Trends in Alternative Teacher Compensation Programs.

Financial incentives are an effective strategy to keep teachers in the classroom and has grown in popularity in recent years; most states are utilizing at least one financial incentive strategy for teachers. There are three primary categories of financial incentives that the majority of states are implementing: salary requirements, diversified pay, and pay-for-performance. Research suggests that financial incentive programs have the potential to retain teachers in shortages areas; however, financial incentive programs

Each time a teacher leaves the profession, it not only increases demand, it also imposes costs on school districts. Replacement costs for teachers have been found to be about \$18 thousand per teacher who leaves, which adds up to a national price tag of more than \$7 billion a year.

Research suggests that incentive programs are most effective when implemented as part of a broader, holistic retention strategy, rather than standalone initiatives.

In merit pay programs, teachers are offered additional compensation or bonuses that are dependent on achieving specific student achievement goals. Bonuses may be awarded according to goals set for individual teachers, or may require groups of teachers or an entire school to reach collective goals.

must also be sufficient, sustainable, and balanced with improvements to working conditions.

According to research from Kolbe and Strunk, *Economic Incentives as a Strategy for Responding to Teacher Staffing Problems*, economic incentives are premised on the assumption that additional compensation can induce teachers to accept jobs they may otherwise decline, such as working with low-income schools, high-priority subjects, or at-risk populations.

Diversified Pay Programs. According to the National Council on Teacher Quality (NCTQ), 22 states offer diversified pay for high-needs schools and 15 states offer diversified pay for subject areas experiencing particular teacher shortages. In addition, states may offer compensation for prior work experience, loan forgiveness, housing assistance, tuition reimbursements, and scholarships.

According to an August 2014 study from Hanover Research, *Review of Teacher Incentive Programs*, signing and retention bonuses work to encourage teachers to move to high-needs schools. One 2012 study from Glazerman, *Moving High-Performing Teachers: Implementation of Transfer Incentives in Seven Districts*, demonstrated that teacher retention during the payment period can be significantly higher than average. However, at the end of the payment period, retention will likely return to its previous rates, suggesting that purely financial incentives are not sufficient to retain teachers in challenging settings.

Additional research conducted by the National Governors Association found mixed results as it pertained to the impact of financial incentive programs. For example, a Massachusetts program that offered a \$20 thousand signing bonus to teachers willing to work in hard-to-staff schools had a small impact on recruitment and retention. In contrast, a bonus program in North Carolina that offered \$1,800 to math-, science-, and special education-certified teachers to teach in a high-poverty school reduced turnover by 17 percent.

Pay-For-Performance (Merit Pay) Programs. According to data compiled by the Education Commission of the States (ECS), 16 states have established statewide pay-for-performance programs, with an additional nine states permitting these programs. NCTQ research indicates that with performance pay, a teacher's evaluation score or their ability to achieve specific student achievement goals impact final take home pay. Performance pay is based on student achievement results in nine states, and based on teacher evaluation results in seven states.

Even though many states have implemented pay-for-performance programs, the research linking these efforts to student achievement is inconclusive. The Figlio and Kenny study from 2007, *Individual Teacher Incentives and Student Performance*, found that individual financial incentives had a significant positive impact on student learning, as measured by standardized tests, in middle- and low-

Individual pay-for-performance models have been shown to positively impact student performance.

While financial incentives may be effective in persuading quality teachers to work in high-needs schools, money alone is typically not enough to retain them.

Principals and administrators participating in SSI receive a 10 percent salary increase for three years during the program. Teachers receive a \$10 thousand signing bonus and a \$5 thousand retention bonus in years two and three. An evaluation conducted after the first three years of SSI showed promising results, including an increase in the percent of students attaining proficiency in end of grade reading, math, and science.

income schools; however, there was no significant effect in high-income schools. Additionally, when merit pay is distributed arbitrarily, there is no measurable effect on student outcomes based on the same study.

State Trends in Alternative Teacher Compensation Programs.

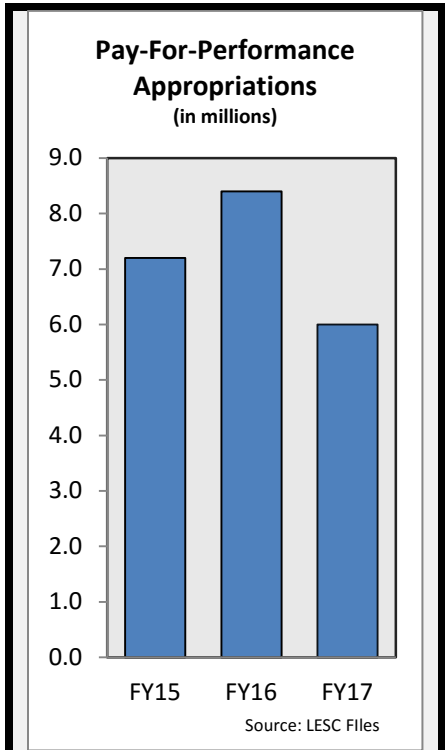
Washington, D.C. Public Schools' Leadership Initiative for Teachers. Washington, D.C. Public Schools (DCPS) implemented the Leadership Initiative for Teachers (LIFT) in 2012, which provides a path for within-school promotion for excellent teachers, granting them increasing responsibility and leadership opportunities. DCPS also determined LIFT's success because it tied teachers' evaluations to their pay, which provided additional incentives for teachers to stay in high-need placements at the schools that needed them the most. LIFT supports teachers through formal observations, regular personalized coaching, and online access to instructional guidance and resources. The program has proved to be effective in recruiting and retaining high-performing teachers, exiting low-performing teachers, and improving student achievement.

Charlotte-Mecklenburg Schools' Strategic Staffing Initiative. Charlotte-Mecklenburg Schools in North Carolina created the Strategic Staffing Initiative (SSI) in 2006. Struggling schools are identified based on poor achievement records, designated as low-performing by the state, and qualify for restructuring. Teams led by principals with a history of success enter the school for at least three years in an effort to improve student achievement. According to research from Travers and Christiansen in 2010, *Strategic Staffing for Successful Schools: Breaking the Cycle of Failure in Charlotte-Mecklenburg Schools*, a turnaround strategy does not exist separately from a district-wide school support and accountability framework. To be effective, school districts must be able to reliably measure student growth and school performance.

FINANCIAL INCENTIVE PROGRAMS IN NEW MEXICO

Pay-For-Performance Program in New Mexico. The Public Education Department (PED) established the pay-for-performance pilot program in FY15, also known as the incentive or merit pay pilot program, to reward New Mexico's best teachers and principals. According to PED, the program urges school district and charter school participants to use local expertise and negotiate with local partners to ensure the success of the pilot. The goals of the New Mexico incentive pay program include: improving student achievement in participating schools; improving the performance of teachers and principals through incentive pay policies implemented at the school district or charter school level; increasing the retention of high-performing teachers; and providing research on the effects of pilot incentive pay programs.

According to the Legislative Finance Committee (LFC) program evaluation, *Public School Use of Additional Compensation on Recruitment Retention, and Performance*, program guidelines allow



New Mexico made available approximately \$21.6 million in FY15, FY16, and FY17 for PED's pay-for-performance pilot program. Merit pay appropriation awards for FY15 and FY16 are detailed in **Attachment 1**.

principals and teachers to obtain rewards for their effectiveness based on evaluation results that identify exemplary and effective teachers. There is a significant emphasis on the student achievement portion of teacher evaluations. Additionally, at least two-thirds of the awards are required to be given to individual teachers and principals, with the remainder intended for grade-level or school-level group incentives. Awards for individual teachers are required to be a minimum of \$1,500 with no cap award amount set in place.

In FY15, PED awarded 13 charter schools and nine school districts merit pay funding totaling approximately \$7 million. Santa Fe Public Schools (SFPS) received the highest award of approximately \$4 million, or 56.5 percent of all available funding. In FY16, PED awarded 16 charter schools and 11 school districts merit pay funding totaling \$9.2 million. Sixteen of the applicants received funding in both years. SFPS once again received the highest award in FY16 of approximately \$4.4 million, or 47.4 percent of all available funding.

According to the LFC program evaluation, school districts and charter schools are given flexible parameters when distributing funds through their incentive pay programs. The parameters require the use of teacher evaluation results as a measure for incentive pay, allocating amounts for teachers rated highly effective or exemplary. In addition, school districts and charter schools may approach incentive pay differently. For example, the pilot incentive at the Central Education Preparatory Institute, a charter school in Albuquerque for at-risk learners, does not require teacher evaluation data results, but only requires teachers to move students through 0.5 hours of credit recovery to receive a minimum of \$350 incentive pay with a maximum of \$7,500. Public Academy for Performing Arts, an Albuquerque Public Schools charter school that emphasizes equal importance on academics and performing arts, developed a program in which all staff and faculty will receive incentive pay based on the school grade and student test scores. East Mountain High School, a small college preparatory charter school in Sandia Park, places a heavy focus on the ACT and ACT Aspire. SFPS's incentive program includes teacher evaluation observations, teacher evaluation growth measured with value-added model scores, school-wide discovery education assessment growth, school-wide student attendance, and school-wide quality of education survey. Gallup-McKinley County Schools received their incentive program funding for their priority schools only. The program application did not require grantees to establish performance goals or expected outcomes from the pilot, nor does it include an evaluation component at this time.

STEM and Hard-To-Staff Teacher Stipend Initiative. PED established the science, technology, engineering, and mathematics (STEM) and hard-to-staff teacher stipend initiative, which provides stipends of \$5 thousand, \$7.5 thousand, and \$10 thousand per year to effective, highly effective, and exemplary teachers in STEM courses (grades six to 12), special education (kindergarten to 12th grade), bilingual (kindergarten to 12th grade), and other hard-to-staff positions in low-performing (school grades rating of D or F) schools.

For all STEM and hard-to-staff teacher stipends in FY14, FY15, and FY16, see **Attachment 2**.

Teacher quality is the single most important determinant of student academic achievement, based on a study by Ferguson in 1991.

Specifically, these funds can be used to recruit, or attract and retain these teachers in low-performing schools.

In FY14, PED awarded one charter school and 13 school districts STEM and hard-to-staff stipends totaling \$690 thousand. The Hobbs Municipal Schools received the largest award of \$270 thousand, or 39.1 percent of the total amount. In FY15, PED awarded eight charter schools and 17 school districts STEM and hard-to-staff stipends totaling over \$620 thousand. Farmington Municipal Schools received the largest award of over \$166 thousand, or 26.7 percent of the total amount. In FY16, PED awarded nine charter schools and 25 school districts STEM and hard-to-staff stipends totaling over \$1.5 million, with SFPS receiving the largest award of \$200 thousand, or 13.2 percent of the total amount. It is unclear if the STEM and hard-to-staff stipends are having the intended results as PED has not released an evaluation of the stipends or any results from this state investment.

Preliminary Injunction. In December 2015, the First Judicial District Court granted a preliminary injunction in *State of N.M. ex rel. The Honorable Mimi Stewart, et. al., v. New Mexico Public Education Department, et. al.*, which prohibited PED from issuing any adverse consequences against teachers as a result of their teacher evaluation rating. This preliminary injunction is in response to a lawsuit brought by the American Federation of Teachers-New Mexico and the Albuquerque Teachers Federation. Based on the order, this injunction prevents PED from using value-added scores in a way that affects teacher tenure, licensure advancement, or disciplinary status until a final decision has been made on the merits of the case. Specifically, the order states PED shall not revoke licensure renewals, level progressions, or merit wage increases previously granted.

It is unclear how the court order effects the merit pay and hard-to-staff stipend appropriations made for FY17. PED has yet to issue the request for proposal (RFP) for merit pay FY17 awards; however, PED has released the RFP for hard-to-staff stipends under these appropriations.

PED issued a memorandum to superintendents and charter school directors on January 14, 2016, clarifying the preliminary injunction based on PED's legal counsel's opinion, see **Attachment 3**. Specifically, it stated: "The injunction has no impact on pay-for-performance or hard to staff stipends. It does not prohibit or limit pay-for-performance or hard to staff stipends. The injunction is limited to PED's 'enforcement of Sections H through O of NMAC 6.69.8.11, which outline the consequences associated with less than effective [evaluations].' It does not prohibit the use of effectiveness ratings in pay-for-performance plans and hard-to-staff stipends. Moreover, the injunction specifically prohibits PED from revoking any merit wage increases previously granted. Accordingly, previously approved pay-for-performance plans and hard-to-staff stipends should proceed as approved, and the injunction has no impact on future plans."

According to ECS, when revising or creating new financial incentive programs, it is important to target funding to shortage subject areas and high-needs schools, identify sustainable funding dedicated to increased salaries and incentives, allow for locally developed compensation models that include measures of teacher effective and growth, and devise a plan to regularly evaluate and update incentive programs.

Student Achievement Outcomes and Financial Incentive Programs.

Several studies have shown that when teacher pay is linked to students' academic outcomes, achievement increases. Research conducted by Woessmann, *Merit Pay International*, in 2011 compared the achievement scores of students in countries that pay teachers based on performance with those that do not. Although the data is from a relatively small sample of countries and focuses on observational data, the researcher found that, on average, students in countries with performance-related pay score approximately 0.25 percent of a standard deviation higher on the math and reading tests.

On the other hand, some researchers have noted that individual merit pay has negative consequences for teacher collaboration and commitment. For example, Firestone and Pennell conducted a meta-analysis examining differential incentive programs and their impact on teacher commitment. In this meta-analysis, the researchers determined that individual financial incentives are detrimental to teacher collaboration and undermine teachers' commitment to their job due to perceptions of unfairness in distribution.

Additionally, there is evidence from some studies that have shown no positive correlation between collective bonus programs and student outcomes. Turner and Goodman conducted a study of 200 New York City public schools from 2007 to 2009 to determine the impact of a group-based incentive pay incentive program that awarded approximately \$3 thousand to each teacher in schools that met certain student achievement goals. The researchers found that the program had no significant impact on learners' performance in math or reading.

Other Strategies New Mexico Can Consider Implementing Based on the Best Practices.

Career Ladder Programs. These incentive programs exist to address workplace supports for recruiting and retaining teachers for high-needs schools by focusing on rewarding teachers through career ladders. According to Firestone and Pennell, career ladders are based on a series of positions with increasing responsibility. As a result of teachers progressing through career ladders, they are responsible for more tasks, including administrative duties, curriculum development, or mentoring. This system incentivizes retention through the opportunity to take on more fulfilling and diverse work. Consequently, these programs have the potential to positively impact teacher engagement and efficacy. Teachers participating in career ladder programs cite higher morale, commitment, satisfaction, and sense of worth.

Workplace Reform Initiatives. Financial incentives have the potential to attract teachers to low-performing or high-need schools; however, workplace reforms based on teacher input are needed to retain teachers in those particular schools.

In conclusion, to have a successful financial incentive program that will benefit New Mexico's teachers and students, the state should consider incorporating key stakeholder input and building consensus

Benwood Schools in Tennessee implemented a workplace reform in addition to the financial incentives it was already offering its teachers. The workplace reform included: professional development conducted by master teachers; developing more supportive principals through leadership institutions; and setting aside work hours for collaboration and curriculum planning among teachers. These topics were critical for the teachers in the Benwood Schools as most of these teachers self-identified as having a personal interest in working with underserved populations.

around a system that promotes and retains the state's best teachers. It is a key element to have buy-in from the local community and school district. Additional elements that can guide New Mexico in establishing and sustaining a successful incentive pay program include: clarity of purpose, whether it is meeting market demands or increasing teachers' career options; emphasis on school and school district capacity building, which include access to high-quality professional improvement and other supports for teachers; and multiple means to measure teacher quality and effectiveness, which may include student test scores, evaluation results, and professional portfolios. By promoting an incentive program that meets the local needs through collaboration and communication, students and teachers will both receive the benefits of a successful program.

Additionally, little performance information is currently available to determine these appropriations effect on recruitment and retention efforts and improvement of student outcomes. PED should establish performance metrics for these appropriations to ensure policymakers have the data they need to evaluate whether these appropriations are having the intended effect on the workforce and student outcomes.

QUESTIONS

How are New Mexico's financial incentive programs evaluated to determine if they are effective?

Are there financial incentive programs available that do not tie student achievement results with incentive pay or bonuses?

What impact do various strategies related to teacher financial incentives have on teacher recruitment and retention?

What is the efficacy of particular teacher financial incentive strategies and policies in bringing new teachers into the profession, including specifically targeted populations?

What policies are in place around the country to recruit teachers in high-need subjects and hard-to-staff areas and to recruit a diverse teaching force?

Does the injunction in *State of N.M. ex rel. The Honorable Mimi Stewart, et. al., v. New Mexico Public Education Department, et. al.*, which prohibits PED from enforcing consequences based on negative teacher evaluation ratings, also prohibit PED from allocating the FY17 merit pay appropriations to school districts and charter schools?

HLM

Pay-For-Performance (Merit Pay) Awards

1	CHARTER SCHOOL or SCHOOL DISTRICT	FY15 Awards	FY16 Awards	Total Awarded	1
2	21st Century Public Academy	N/A	\$30,000	\$30,000	2
3	Academy for Technology and the Classics	\$54,400	\$149,500	\$203,900	3
4	Alamogordo Public Schools	N/A	\$246,250	\$246,250	4
5	Christine Duncan Charter School	\$70,875	N/A	\$70,875	5
6	Creative Education Preparatory Institute	\$56,250	\$100,000	\$156,250	6
7	Des Moines Municipal Schools	\$42,750	N/A	\$42,750	7
8	Digital Arts and Technology Academy	N/A	\$287,000	\$287,000	8
9	East Mountain High School	\$101,475	\$110,700	\$212,175	9
10	El Camino Real Academy	\$77,100	\$196,000	\$273,100	10
11	Farmington Municipal Schools	\$170,000	N/A	\$170,000	11
12	Floyd Municipals Schools	\$66,611	N/A	\$66,611	12
13	Gallup-McKinley County Schools	\$471,240	\$755,000	\$1,226,240	13
14	Hobbs Municipal Schools	\$448,397	N/A	\$448,397	14
15	La Jicarita Community School	N/A	\$43,500	\$43,500	15
16	Lake Arthur Municipal Schools	N/A	\$154,200	\$154,200	16
17	La Promesa Early Learning Center	\$105,600	\$145,000	\$250,600	17
18	La Resolana Leadership Academy	\$23,250	\$48,000	\$71,250	18
19	La Tierra Montessori School for the Arts and Sciences	\$33,150	\$56,000	\$89,150	19
20	Lordsburg Municipal Schools	\$266,050	\$240,000	\$506,050	20
21	Native American Community Academy	\$77,420	\$76,500	\$153,920	21
22	New Mexico School for the Arts	\$90,224	\$96,215	\$186,439	22
23	North Valley Academy	\$256,960	N/A	\$256,960	23
24	Nuestros Valores Charter School	N/A	\$49,500	\$49,500	24
25	Pecos Independent Schools	N/A	\$67,500	\$67,500	25
26	Peñasco Independent Schools	N/A	\$181,750	\$181,750	26
27	Pojoaque Valley Schools	\$341,550	\$376,695	\$718,245	27
28	Public Academy for Performing Arts	\$118,000	\$137,000	\$255,000	28
29	Raton Public Schools	\$153,000	\$263,000	\$416,000	29
30	Roswell Independent Schools	N/A	\$818,186	\$818,186	30
31	Santa Fe Public Schools	\$4,046,161	\$4,356,505	\$8,402,666	31
32	South Valley Preparatory School	N/A	\$36,250	\$36,250	32
33	Taos Academy Charter School	\$90,600.00	\$154,000	\$244,600	33
34	Vaughn Municipal Schools	N/A	\$25,750	\$25,750	34
35	TOTAL	\$7,161,063	\$9,200,001	\$16,361,064	35

Source: PED and LESC Files

STEM and Hard-To-Staff Stipends

1	CHARTER SCHOOL or SCHOOL DISTRICT	FY14 Awards	FY15 Awards	FY16 Awards	Total Awarded	1
2	Artesia Public Schools	\$15,000	\$36,450	\$60,750	\$112,200	2
3	ASK Academy	N/A	\$30,375	\$66,825	\$97,200	3
4	Aztec Municipal Schools	N/A	\$0	\$48,600	\$48,600	4
5	Bernalillo Public Schools	N/A	\$6,075	\$12,150	\$18,225	5
6	Bloomfield Schools	N/A	N/A	\$97,200	\$97,200	6
7	Carrizozo Municipal Schools	N/A	\$6,075	\$24,300	\$30,375	7
8	Central Consolidated Schools	\$10,000	\$12,150	\$12,150	\$34,300	8
9	Chama Valley Independent Schools	\$20,000	\$12,150	\$18,225	\$50,375	9
10	Christine Duncan Charter School	N/A	\$12,150	\$36,450	\$48,600	10
11	Cien Aguas International School	N/A	N/A	\$30,375	\$30,375	11
12	Cimarron Municipal Schools	\$10,000	N/A	N/A	\$10,000	12
13	Clayton Municipal Schools	\$10,000	\$6,075	N/A	\$16,075	13
14	Cloudcroft Municipal Schools	\$20,000	\$18,225	\$18,225	\$56,450	14
15	Corona Public Schools	N/A	\$6,075	\$18,225	\$24,300	15
16	Cuba Independent Schools	\$20,000	\$15,188	N/A	\$35,188	16
17	Elida Municipal Schools	N/A	N/A	\$12,150	\$12,150	17
18	Española Public Schools	N/A	N/A	\$33,413	\$33,413	18
19	Estancia Valley Classical Academy	\$10,000	\$6,075	N/A	\$16,075	19
20	Farmington Municipal Schools	\$215,000	\$166,260	\$121,500	\$502,760	20
21	Floyd Municipal Schools	N/A	N/A	\$6,075	\$6,075	21
22	Gallup-McKinley County Schools	\$10,000	\$5,000	\$103,275	\$118,275	22
23	Grants Cibola County Schools	N/A	N/A	\$12,150	\$12,150	23
24	Hatch Valley Public Schools	N/A	\$24,300	\$30,375	\$54,675	24
25	Hobbs Municipal Schools	\$270,000	\$103,275	\$103,275	\$476,550	25
26	Peñasco Independent Schools	\$40,000	\$24,300	\$24,300	\$88,600	26
27	Pojoaque Valley Schools	N/A	\$12,150	N/A	\$12,150	27
28	Questa Independent Schools	\$20,000	\$24,300	\$24,300	\$68,600	28
29	Robert F. Kennedy Charter School	N/A	N/A	\$18,225	\$18,225	29
30	San Jon Municipal Schools	N/A	N/A	\$12,150	\$12,150	30
31	Santa Fe Public Schools	N/A	N/A	\$200,000	\$200,000	31
32	Socorro Consolidated Schools	N/A	N/A	\$48,600	\$48,600	32
33	South Valley Academy	N/A	\$30,375	\$72,900	\$103,275	33
34	South Valley Preparatory School	N/A	\$12,150	N/A	\$12,150	34
35	Springer Municipal Schools	\$20,000	\$12,150	\$12,150	\$44,300	35
36	Taos Academy Charter School	N/A	\$12,150	\$30,375	\$42,525	36
37	Taos Integrated School of the Arts	N/A	\$6,075	N/A	\$6,075	37
38	Tierra Adentro	N/A	\$24,300	\$42,525	\$66,825	38
39	Turquoise Trail Charter Elementary School	N/A	N/A	\$18,225	\$18,225	39
40	Vaughn Municipal Schools	N/A	N/A	\$24,300	\$24,300	40
41	Vista Grande High School	N/A	N/A	\$24,300	\$24,300	41
42	Zuni Public Schools	N/A	N/A	\$97,200	\$97,200	42
43	TOTAL	\$690,000	\$623,848	\$1,515,238	\$2,829,085	43



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HANNA SKANDERA
 SECRETARY OF EDUCATION

SUSANA MARTINEZ
 GOVERNOR

January 14, 2016

MEMORANDUM

TO: Superintendents and Charter School Directors

FROM: Matt Montaña, Director, Educator Quality Division

RE: Guidance Regarding Preliminary Injunction

As you may know, the 1st Judicial Court issued a ruling on a petition for preliminary injunction of the NMTEACH Effective Educator System. PED previously sent out guidance on this injunction on December 3, 2015, but I wanted to clarify questions we have received on pay-for-performance and hard to staff stipends. The injunction has no impact on pay-for-performance or hard to staff stipends. It does not prohibit or limit pay-for-performance or hard to staff stipends. The injunction is limited to PED's "enforcement of Sections H through O of NMAC 6.69.8.11, which outline the consequences associated with less than effective." It does not prohibit the use of effectiveness ratings in pay-for-performance plans and hard staff stipends. Moreover, the injunction specifically prohibits PED from revoking any merit wage increases previously granted. Accordingly, previously approved pay-for-performance plans and hard to staff stipends should proceed as approved, and the injunction has no impact on future plans.

cc: Hanna Skandera, Secretary of Education, PED
 Sam Shumway, Chief of Staff, PED
 Dan Hill, General Council, PED
 Leighann Lenti, Deputy Secretary, Policy and Program, PED
 Paul Aguilar, Deputy Secretary, Finance and Operations, PED
 PED Senior Team