

HOUSE EDUCATION COMMITTEE SUBSTITUTE FOR

HOUSE BILL 212

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,
2000**

AN ACT

RELATING TO EDUCATION; PROVIDING FOR MERIT AWARDS FOR
TEACHERS OUT OF THE INCENTIVES FOR SCHOOL IMPROVEMENT ACT.

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

Section 1. Section 22-13A-2 NMSA 1978 (being Laws 1989,
Chapter 137, Section 2, as amended) is amended to read:

"22-13A-2. PURPOSE.--The purpose of the Incentives for
School Improvement Act is to provide financial incentives to
individual schools and teachers that exceed expected academic
performance."

Section 2. Section 22-13A-3 NMSA 1978 (being Laws 1989,
Chapter 137, Section 3) is amended to read:

"22-13A-3. DEFINITIONS.--As used in the Incentives for
School Improvement Act:

A. "department" means the state department of
public education;

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underscored material = new
~~[bracketed material]~~ = delete

1 ~~[B. "fund" means the incentives for school~~
2 ~~improvement fund;~~

3 ~~E. "program" means the incentives for school~~
4 ~~improvement program;]~~ and

5 ~~[D.]~~ B. "state board" means the state board of
6 education."

7 Section 3. Section 22-13A-4 NMSA 1978 (being Laws 1989,
8 Chapter 137, Section 4, as amended) is amended to read:

9 "22-13A-4. [~~PROGRAM~~] PROGRAMS CREATED--ADMINISTRATION--
10 [~~PROGRAM~~] APPROVAL.--The "incentives for school improvement
11 program" [~~is~~] and the "incentives for teacher improvement
12 program" are created. The [~~program~~] programs shall be
13 administered by the department. The department shall develop
14 a standardized method to measure the progress of students
15 [~~enrolled~~] and teachers in public schools in school districts
16 throughout the state. The standardized method developed
17 shall be reviewed and approved by the state board."

18 Section 4. Section 22-13A-5 NMSA 1978 (being Laws 1989,
19 Chapter 137, Section 5, as amended) is amended to read:

20 "22-13A-5. [~~PROGRAM IMPLEMENTATION~~] INCENTIVE FOR
21 SCHOOL IMPROVEMENT PROGRAM--IMPLEMENTATION--MEASUREMENT
22 CRITERIA.--

23 A. The department shall develop a formula by which
24 to measure school achievement in the areas of academic
25 performance with consideration of socioeconomic variables for
purposes of the incentive for school improvement program.

The product of this formula shall take the form of a

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~~[bracketed material] = delete~~

1 composite rating assigned to each school in every school
2 district.

3 B. Academic performance shall be measured by:

4 (1) nationally standardized test scores;

5 (2) graduation competency scores; and

6 (3) other factors deemed relevant by the

7 department.

8 C. The socioeconomic variables shall be measured

9 by:

10 (1) the percentage of student mobility
11 rates;

12 (2) the percentage of limited English-
13 proficient students, using criteria established by the
14 federal office of civil rights;

15 (3) the percentage of students eligible for
16 free and reduced-fee lunches; and

17 (4) other factors deemed relevant by the
18 department.

19 D. Annually, the department shall assign a new
20 composite rating to each school. The department shall
21 compare the new rating to the previous annual rating.
22 Schools increasing their composite rating shall be ranked in
23 order. The schools evidencing the greatest increase in rating
24 shall receive monetary disbursements from the fund."

25 Section 5. A new section of the Incentives for School
Improvement Act is enacted to read:

"[NEW MATERIAL] INCENTIVES FOR TEACHER IMPROVEMENT

1 PROGRAM--IMPLEMENTATION--DEPARTMENT DUTIES--MEASUREMENT
2 CRITERIA.--

3 A. Pursuant to the incentives for teacher
4 improvement program:

5 (1) an elementary public school or charter
6 school may submit an application to the department for
7 teachers to receive a one-time merit award if permitted by
8 the school and by the compensation plan adopted by the local
9 school board and if seventy-five percent of the teachers
10 agree to apply; and

11 (2) a public middle, junior high or high
12 school or charter school may submit an application to the
13 department for teachers to receive a one-time merit award if
14 permitted by the school and the compensation plan adopted by
15 the local school board and if seventy-five percent of the
16 teachers from the school or from a content area division or
17 from a grade level team agree to apply.

18 B. The department shall design the incentives for
19 teacher improvement program in accordance with the provisions
20 of this section and may promulgate rules to implement the
21 program.

22 C. The department shall determine and measure
23 teacher progress by one or more of the following for purposes
24 of the incentives for teacher improvement program:

25 (1) student achievement, as measured by a
value-added assessment system methodology, with consideration
of the socioeconomic variables of students in accordance with

1 the provisions of Subsection C of Section 22-13A-5 NMSA 1978;

2 (2) national board for professional teaching
3 standard certification;

4 (3) professional development that enables
5 the teacher to acquire knowledge and skills that support the
6 goals of the school district;

7 (4) demonstration of outstanding classroom
8 practice based upon specific criteria;

9 (5) self-directed professional development
10 that enables the teacher to acquire knowledge and skills that
11 improve student achievement; and

12 (6) other factors deemed relevant by the
13 department.

14 D. The department shall give priority for receipt
15 of merit awards to teachers in low performing schools. The
16 remainder of schools shall be chosen by lottery.

17 E. The department shall provide for a professional
18 development framework to assist participating schools in the
19 implementation and operation of the incentives for teacher
20 improvement program.

21 F. The incentives for teacher improvement program
22 shall be phased in over a three-year period as follows:

23 (1) effective with the 2000-2001 school
24 year, twenty schools are eligible to apply to the department
25 for the incentives for teacher improvement program;

(2) effective with the 2001-2002 school
year, fifty schools are eligible to apply to the department

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1 for the incentives for teacher improvement program; and
2 (3) effective with the 2002-2003 school
3 year, all schools are eligible to apply to the department for
4 the incentives for teacher improvement program.

5 G. For purposes of this section, "value-added
6 assessment system" means a statistical model by which student
7 achievement gains are measured."

8 Section 6. A new section of the Incentives for School
9 Improvement Act is enacted to read:

10 "[NEW MATERIAL] INCENTIVES FOR TEACHER IMPROVEMENT
11 PROGRAM--LOCAL SCHOOL BOARDS.-- As part of a compensation
12 plan for teachers, a local school board shall allow schools
13 to apply for a one-time merit award pursuant to the
14 Incentives for School Improvement Act. If a teacher receives
15 a one-time merit award, the local school board shall provide
16 for the merit award to be distributed from the incentives for
17 teacher improvement fund as part of a compensation plan for
18 the teacher."

19 Section 7. Section 22-13A-6 NMSA 1978 (being Laws 1989,
20 Chapter 137, Section 6, as amended) is amended to read:

21 "22-13A-6. [~~FUND CREATED~~] INCENTIVE FOR SCHOOL
22 IMPROVEMENT FUND--CREATED.--

23 A. There is created in the state treasury the
24 "incentives for school improvement fund". The fund shall
25 consist of any state money appropriated to the fund, [~~any~~]
federal money allocated to the state for the purposes of the
Incentives for School Improvement Act, undistributed annual

1 balances and earnings of the fund and ~~[any]~~ gifts or bequests
 2 made to the fund. The state treasurer shall invest the fund
 3 as other state funds are invested. The balance remaining in
 4 the fund at the end of the fiscal year shall not revert to
 5 the general fund.

6 B. The fund is appropriated to the department for
 7 the purpose of implementing and administering the incentives
 8 for school improvement program in the Incentives for School
 9 Improvement Act. No more than three percent of the fund may
 10 be retained by the department for administrative purposes.

11 C. Money in the fund other than that used for
 12 administrative purposes shall be distributed directly to
 13 schools evidencing the greatest improvement as determined
 14 by the department. Disbursements shall be made only to
 15 that number of schools constituting not more than ten
 16 percent of the student membership in the state.
 17 Distributions shall be made proportionately to schools that
 18 qualify. Money received by a school from the fund shall
 19 not be used for salaries, salary increases or bonuses;
 20 however, the money may be used to reimburse teachers for
 21 time spent in professional development. Money shall be
 22 used as determined by the school principal and teachers in
 23 cooperation with other school employees and the community."

24 Section 8. A new section of the Incentives for School
 25 Improvement Act is enacted to read:

"[NEW MATERIAL] INCENTIVES FOR TEACHER IMPROVEMENT
 FUND--CREATED.--

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1 A. There is created in the state treasury the
2 "incentives for teacher improvement fund". The fund shall
3 consist of any state money appropriated to the fund,
4 undistributed annual balances and earnings of the fund and
5 gifts or bequests made to the fund. The state treasurer
6 shall invest the fund as other state funds are invested.
7 The balance remaining in the fund at the end of the fiscal
8 year shall not revert to the general fund.

9 B. The incentives for teacher improvement fund
10 is appropriated to the department for the purpose of
11 implementing and administering the incentives for teacher
12 improvement program in the Incentives for School
13 Improvement Act. No more than five percent of the fund may
14 be retained by the department for administrative purposes.

15 C. Money in the incentives for teacher
16 improvement fund other than that used for administrative
17 purposes shall be distributed directly to the schools for
18 one-time merit awards for teachers evidencing the greatest
19 improvement in teacher progress."
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