

SENATE EDUCATION COMMITTEE SUBSTITUTE FOR

SENATE BILL 268

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

AN ACT

RELATING TO TEACHER COMPENSATION; CREATING A PILOT PROJECT TO
ASSESS A TEACHER MERIT PAY PLAN; PROVIDING POWERS AND DUTIES;
MAKING AN APPROPRIATION.

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

Section 1. SHORT TITLE.--This act may be cited as the
"Teacher Merit Pay Pilot Act".

Section 2. DEFINITIONS.--As used in the Teacher Merit
Pay Pilot Act:

A. "master teacher" means a certified school
instructor, serving on the teacher merit pay pilot ad hoc
committee, who is certified by the national board for
professional teaching standards or achieves high student
performance in the classroom as measured by national test
scores or is involved in education-related activities outside
of teaching in the classroom;

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1 B. "school academic achievement plan" means the
2 assessment and accountability measures determined by the
3 teacher merit pay pilot ad hoc committee and the
4 participating school to be achieved during the course of the
5 teacher merit pay pilot project; and

6 C. "value-added assessment tool" means a
7 statistical method of determining the effectiveness of school
8 systems, schools and teachers using the Tennessee value-added
9 assessment system methodology.

10 Section 3. TEACHER MERIT PAY PILOT PROJECT--AD HOC
11 COMMITTEE--MEMBERSHIP--DUTIES--TERMINATION.--

12 A. The "teacher merit pay pilot ad hoc committee"
13 is created as an advisory committee within the state board of
14 education. The ad hoc committee shall advise the state board
15 of education on all policies, strategies, organizational
16 structures and other matters necessary to establish and
17 implement the Teacher Merit Pay Pilot Act that shall operate
18 for the 2000-2001 through 2004-2005 school years.

19 B. The teacher merit pay pilot ad hoc committee
20 shall consist of ten members appointed as follows:

21 (1) two members of the state board of
22 education standing committee on accountability, appointed by
23 the president of the state board of education;

24 (2) one member who represents the business
25 community who is not employed in education, appointed by the
governor;

 (3) one member who represents the business

1 community who is not employed in education, appointed jointly
2 by the president pro tempore of the senate and speaker of the
3 house of representatives;

4 (4) one member who is a parent of a school-
5 age child who is not employed in education services,
6 appointed by the governor;

7 (5) one member who is a parent of a school-
8 age child who is not employed in education services,
9 appointed jointly by the president pro tempore of the senate
10 and the speaker of the house of representatives;

11 (6) two members who are certified school
12 instructors and master teachers and which no more than fifty
13 percent shall be a member of either the New Mexico national
14 education association or the federation of education
15 employees, appointed by the governor; and

16 (7) two members who are certified school
17 instructors and master teachers and which no more than fifty
18 percent shall be a member of either the New Mexico national
19 education association or the federation of education
20 employees, appointed jointly by the president pro tempore of
21 the senate and the speaker of the house of representatives.

22 C. The remaining members of the state board of
23 education standing committee on accountability who are not
24 already appointed may serve as advisory members to the
25 teacher merit pay pilot ad hoc committee.

D. The teacher merit pay pilot ad hoc committee
shall meet at the call of the chairman and shall meet not

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1 less than monthly. The chairman shall be elected from among
2 the members of the ad hoc committee. Members of the ad hoc
3 committee who are not public employees shall not be paid but
4 shall receive per diem and mileage as provided in the Per
5 Diem and Mileage Act.

6 E. The teacher merit pay pilot ad hoc committee
7 shall advise the state board of education on the design and
8 implementation of the pilot project in order to evaluate
9 academic achievement of students through the following merit
10 pay programs:

11 (1) all certified school instructors at
12 participating schools receive a four hundred dollar (\$400)
13 merit pay award as a result of reaching a participating
14 school's benchmarks and outcomes in overall school academic
15 achievement that have been developed by the school academic
16 achievement plan;

17 (2) participating schools receive a merit
18 pay award of three thousand dollars (\$3,000) to be
19 distributed to certified school instructors who participate
20 as members on extracurricular projects with their students,
21 educational committees or educational programs directly
22 related to their school academic achievement plan in addition
23 to their teaching responsibilities;

24 (3) individual certified school instructors,
25 teaching in the classroom over fifty percent of the day, at
participating schools who most improve the academic test
scores of their students during the course of the school year

1 in accordance with their school academic achievement plan,
2 benchmarks and outcomes receive a merit pay award in the
3 amount of two thousand five hundred dollars (\$2,500); and

4 (4) certified school instructors at
5 participating schools who have earned or earn national board
6 for professional teaching standards certification shall
7 receive a one-time merit pay award of three thousand dollars
8 (\$3,000).

9 G. In addition to evaluating the merit pay
10 programs in Paragraphs (1) through (4) of Subsection F of
11 this section, the teacher merit pay pilot ad hoc committee
12 shall also evaluate the effectiveness of a value-added
13 assessment tool to determine teaching effectiveness compared
14 to student academic achievement.

15 H. The teacher merit pay pilot ad hoc committee
16 shall design and establish a peer intervention program to
17 advise and mentor low-performing teachers.

18 I. A certified school instructor at a
19 participating school who receives a merit pay award for
20 having earned or earning national board for professional
21 teaching standards certification shall commit to teaching in
22 the state for two years following the receipt of the merit
23 award. An instructor who chooses to forgo the two years of
24 teaching contingent with the merit award shall repay the
25 award to the state in accordance with rules promulgated by
the state board of education.

J. The teacher merit pay pilot ad hoc committee

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1 shall complete the design of the pilot project prior to the
2 beginning of the 2001-2002 school year.

3 K. The teacher merit pay pilot ad hoc committee
4 shall terminate at the end of the 2004-2005 school year or
5 when the state board of education determines that a teacher
6 merit pay pilot project has been successfully implemented and
7 the committee has completed its work, whichever is sooner.

8 Section 4. TEACHER MERIT PAY PILOT PROJECT--
9 PARTICIPATION REQUIREMENTS.--

10 A. An elementary, middle school or junior high
11 school may participate in the teacher merit pay pilot project
12 beginning in the 2000-2001 school year if at least seventy-
13 five percent of its teachers agree to participate.

14 B. The teacher merit pay pilot ad hoc committee
15 shall select through a lottery process no more than twenty
16 schools throughout the state that have applied to participate
17 in the teacher merit pay pilot project.

18 C. A school applying to participate in the teacher
19 merit pay pilot project shall submit a school academic
20 achievement plan to the teacher merit pay pilot ad hoc
21 committee, prior to participation in the pilot project. The
22 school academic achievement plan shall include the assessment
23 and accountability measures for the participating schools
24 along with benchmarks and determine outcomes to be achieved
25 by the pilot project at that school.

D. The teacher merit pay pilot project shall
require participating schools to annually use terra nova pre-

1 and post-testing results to measure student progress.

2 E. Master teachers shall assist participating
3 schools in the achievement of the schools' academic
4 achievement plans. A master teacher shall receive a salary
5 in accordance with rules promulgated by the teacher merit pay
6 pilot ad hoc committee. There shall be no more than one
7 master teacher assigned to every ten participating schools.
8 The master teacher shall oversee the training of the
9 participating schools in the conduct of the pilot project.
10 The master teacher shall also mentor, train and encourage
11 low-performing teachers.

12 F. At each participating school, the following
13 priorities shall be established for distributing merit pay
14 awards:

15 (1) first priority for merit pay awards
16 shall be given to schools that submit a school academic
17 achievement plan that includes a merit pay award to all
18 certified school instructors at the school for achieving
19 benchmarks and outcomes in overall school academic
20 achievement;

21 (2) second priority for merit pay awards
22 shall be given to individual certified school instructors at
23 participating schools who improve the test scores of their
24 students during the course of the school year;

25 (3) third priority for merit pay awards
shall be given to certified school instructors at
participating schools who have earned or earn national board

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1 for professional teaching standards certification; and

2 (4) fourth priority for merit pay awards
3 shall be given to certified school instructors who
4 participate as members on extracurricular projects with their
5 students, educational committees or educational programs
6 directly related to their school academic achievement plan.

7 G. No participating school shall annually receive
8 more than eighty thousand dollars (\$80,000) in merit pay
9 awards and no more than twenty-five percent of the award
10 shall be given for teachers who have earned or earn national
11 board for professional teaching standards certification.

12 Section 5. STATE BOARD OF EDUCATION--SUPERINTENDENT OF
13 PUBLIC INSTRUCTION--ADDITIONAL DUTIES.--

14 A. The state department of public education shall
15 provide specialized training to participating schools for the
16 conduct of the Teacher Merit Pay Pilot Act.

17 B. The state department of public education shall
18 provide such administrative assistance, meeting space and
19 other necessary facilities and support services as the
20 teacher merit pay pilot ad hoc committee may request.

21 C. Using the recommendations and advice of the
22 teacher merit pay pilot ad hoc committee, the superintendent
23 of public instruction shall report annually to the
24 legislature and the governor on the teacher merit pay pilot
25 project, including evaluations, surveys and recommendations
of parents and teachers involved in the pilot project. The
final report of the pilot project shall be provided to the

1 legislature and the governor by November 2004, including any
2 proposed legislation.

3 Section 6. APPROPRIATION.--One million nine hundred
4 nineteen thousand dollars (\$1,919,000) is appropriated from
5 the general fund to the state department of public education
6 for expenditure in fiscal years 2001 through 2005 to
7 implement the Teacher Merit Pay Pilot Act. Any unexpended or
8 unencumbered balance remaining at the end of fiscal year 2005
9 shall revert to the general fund.

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