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SENATE BILL 8

**44TH LEGISLATURE - STATE OF NEW MEXICO - 2ND SPECIAL SESSION, 2000**

INTRODUCED BY

Ramsay L. Gorham

AN ACT

RELATING TO TEACHER COMPENSATION; CREATING A PILOT PROJECT TO ASSESS A TEACHER MERIT PAY PLAN; CREATING THE TEACHER MERIT PAY PILOT PROJECT FUND; 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

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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, appointed by the  
6 governor;

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

11 (6) two members who are certified school  
12 instructors and master teachers and of which no more than  
13 fifty percent shall be a member of either the New Mexico  
14 national 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 of which no more than  
18 fifty percent shall be a member of either the New Mexico  
19 national 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 at twenty schools in  
9 order to evaluate academic achievement of students in the  
10 2001-2002 through 2004-2005 school years through the  
11 following merit pay programs:

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

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

25 (3) individual certified school instructors,  
teaching in the classroom over fifty percent of the day, at  
participating schools who most improve the academic test

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

5 (4) certified school instructors at  
6 participating schools who have earned or earn national board  
7 for professional teaching standards certification shall  
8 receive a one-time merit pay award of three thousand dollars  
9 (\$3,000).

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

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

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

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1 J. The teacher merit pay pilot ad hoc committee  
2 shall complete the design of the pilot project prior to the  
3 beginning of the 2001-2002 school year.

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

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

11 A. An elementary, middle school or junior high  
12 school may participate in the teacher merit pay pilot project  
13 beginning in the 2001-2002 school year if at least seventy-  
14 five percent of its teachers agree to participate.

15 B. The teacher merit pay pilot ad hoc committee  
16 shall select through a lottery process twenty schools  
17 throughout the state that have applied to participate in the  
18 teacher merit pay pilot project. After selecting twenty  
19 schools, the ad hoc committee may provide for additional  
20 schools to participate in the pilot project if enough funds  
21 are available from the teacher merit pay pilot project fund.

22 C. A school applying to participate in the teacher  
23 merit pay pilot project shall submit a school academic  
24 achievement plan to the teacher merit pay pilot ad hoc  
25 committee, prior to participation in the pilot project. The  
school academic achievement plan shall include the assessment  
and accountability measures for the participating schools

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1 along with benchmarks and determine outcomes to be achieved  
2 by the pilot project at that school.

3 D. The teacher merit pay pilot project shall  
4 require participating schools to annually use terra nova pre-  
5 and post-testing results to measure student progress.

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

16 F. At each participating school, the following  
17 priorities shall be established for distributing merit pay  
18 awards:

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

25 (2) second priority for merit pay awards  
shall be given to individual certified school instructors at  
participating schools who improve the test scores of their

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1 students during the course of the school year;

2 (3) third priority for merit pay awards  
3 shall be given to certified school instructors at  
4 participating schools who have earned or earn national board  
5 for professional teaching standards certification; and

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

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

16 Section 5. STATE BOARD OF EDUCATION--SUPERINTENDENT OF  
17 PUBLIC INSTRUCTION--ADDITIONAL DUTIES.--

18 A. The state department of public education shall  
19 provide specialized training to participating schools for the  
20 conduct of the Teacher Merit Pay Pilot Act.

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

25 C. Using the recommendations and advice of the  
teacher merit pay pilot ad hoc committee, the superintendent  
of public instruction shall report annually to the

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1 legislature and the governor on the teacher merit pay pilot  
2 project, including evaluations, surveys and recommendations  
3 of parents and teachers involved in the pilot project. The  
4 final report of the pilot project shall be provided to the  
5 legislature and the governor by November 2004, including any  
6 proposed legislation.

7 Section 6. TEACHER MERIT PAY PILOT PROJECT FUND--  
8 CREATED.--

9 A. There is created in the state treasury the  
10 "teacher merit pay pilot project fund". The fund shall  
11 consist of any state money appropriated to the fund,  
12 undistributed annual balances and earnings of the fund and  
13 gifts or bequests made to the fund. The state treasurer  
14 shall invest the fund as other state funds are invested. The  
15 balance remaining in the fund at the end of a fiscal year  
16 shall not revert to the general fund.

17 B. The teacher merit pay pilot project fund is  
18 appropriated to the state department of public education for  
19 the purpose of implementing the Teacher Merit Pay Pilot Act.  
20 No more than eight percent of the fund may be retained by the  
21 department for administrative purposes in the design of the  
22 Teacher Merit Pay Pilot Act.

23 C. Money in the teacher merit pay pilot project  
24 fund other than that used for administrative purposes shall  
25 be distributed in accordance with the implementation of the  
Teacher Merit Pay Pilot Act.

Section 7. APPROPRIATION.--One million nine hundred ten  
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1 thousand dollars (\$1,910,000) is appropriated from the  
2 general fund to the teacher merit pay pilot project fund for  
3 expenditure in fiscal year 2001 for the purpose of carrying  
4 out the provisions of the Teacher Merit Pay Pilot Act. Any  
5 unexpended or unencumbered balance remaining in the fund at  
6 the end of fiscal year 2001 shall not revert to the general  
7 fund.

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