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HOUSE BILL 105

**53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018**

INTRODUCED BY

Miguel P. Garcia

AN ACT

RELATING TO PUBLIC SCHOOLS; ENACTING THE TEACHER INCENTIVE PAY ACT; PROVIDING FOR IMPLEMENTATION AND ADMINISTRATION OF AN INCENTIVE PAY PROGRAM FOR TEACHERS WHO AGREE TO TEACH IN CERTAIN ELEMENTARY SCHOOLS; PROVIDING CONDITIONS; 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 "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 Teacher Incentive Pay Act:

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1           A. "incentive contract" means an agreement entered  
2 into between a teacher recipient and a school district or  
3 charter school by which the teacher recipient is hired to teach  
4 in a qualified public school, which agreement runs co-  
5 extensively with the teacher recipient's employment contract;

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

11           C. "program" means the teacher incentive pay  
12 program;

13           D. "qualified school" means a public elementary  
14 school in which at least ninety percent of the students are  
15 qualified for free or reduced fee lunch and the school was  
16 rated D or F in the last school rating pursuant to the  
17 A-B-C-D-F Schools Rating Act; and

18           E. "teacher recipient" means a person who holds a  
19 level 3-A teaching license and who has entered into an  
20 incentive contract with a school district or charter school."

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

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

25           A. The department shall establish a ten-year

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1 "teacher incentive pay program" for the 2018-2019 through 2027-  
2 2028 school years at qualified schools. The purpose of the  
3 program is to authorize the hiring of teachers during the 2018-  
4 2019 through 2023-2024 school years to fill teaching vacancies  
5 at qualified schools to help those schools raise their school  
6 grade at least one letter grade each year until the qualified  
7 school achieves and maintains an A. The program shall consist  
8 of six cohorts of teacher recipients who are eligible to  
9 receive incentive pay for up to five years. Based on the  
10 number of applications received, the department may approve the  
11 participation of as many teacher recipients as there is money  
12 in the teacher incentive fund to pay the incentives.

13 B. The department shall administer the program and  
14 promulgate rules to carry out the provisions of the Teacher  
15 Incentive Pay Act. In designing and implementing the program,  
16 the department, in consultation with school districts and  
17 qualified schools, shall determine the form and content of data  
18 collected for the program. The department shall monitor and  
19 evaluate the efficacy of the program and make periodic and  
20 final reports on its findings and recommendations to the  
21 legislative education study committee and the legislative  
22 finance committee.

23 C. The program is open to a teacher who:

24 (1) holds a master's degree plus at least  
25 eight additional credit hours or national board for

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1 professional teaching standards certification;

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

4 (3) signs an incentive contract with a school  
5 district or charter school to teach in qualified schools.

6 D. A teacher recipient hired to fill a vacancy  
7 pursuant to this section shall receive incentive pay of three  
8 thousand dollars (\$3,000) above the teacher's base salary.

9 E. The incentive contract may be renewed each year  
10 for a program total of five years. Renewal of the incentive  
11 contract is based on the teacher recipient's performance  
12 evaluation. A teacher recipient who receives a rating of  
13 highly effective or exemplary shall be eligible for renewal of  
14 the incentive contract.

15 F. A qualified school shall apply for the program  
16 on forms provided by the department and include qualifications  
17 of teacher candidates for the program, if known. The  
18 application shall be signed by the qualified school principal  
19 and the local superintendent or the local superintendent's  
20 authorized representative."

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

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

24 A. A teacher recipient who fails to complete a  
25 school year of service and perform as described in the

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1 incentive contract shall:

2 (1) repay to the state all incentive pay  
3 received during the year by the teacher recipient up to the  
4 date of the contract termination; or

5 (2) in consultation with the department,  
6 establish alternative terms of repayment or service deemed  
7 sufficient by the department.

8 B. If a teacher recipient falls below highly  
9 effective in the teacher recipient's annual evaluation or if  
10 the qualified school does not improve its school grade, the  
11 school principal, in consultation with the local superintendent  
12 or the local superintendent's authorized representative, may  
13 refuse to renew the teacher recipient's incentive contract with  
14 the qualified school. The refusal to renew an incentive  
15 contract does not affect rights afforded to teachers under the  
16 School Personnel Act.

17 C. A teacher recipient, affected school principals  
18 and the local superintendent may agree to allow a teacher  
19 recipient to relocate to another qualified school without loss  
20 of incentive pay."

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

23 "[NEW MATERIAL] TEACHER INCENTIVE FUND CREATED--USE.--The  
24 "teacher incentive fund" is created in the state treasury. The  
25 fund consists of appropriations, gifts, grants and donations.

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1 Money in the fund shall revert to the general fund at the end  
2 of fiscal year 2028. Money in the fund is appropriated to the  
3 department to carry out the purposes of the Teacher Incentive  
4 Pay Act. Money in the fund shall be expended on warrants of  
5 the secretary of finance and administration pursuant to  
6 vouchers signed by the secretary of public education or the  
7 secretary's authorized representative."

8 SECTION 6. APPROPRIATION.--Two million dollars  
9 (\$2,000,000) is appropriated from the general fund to the  
10 teacher incentive fund for expenditure in fiscal year 2019 and  
11 subsequent fiscal years through the 2027-2028 school year to  
12 carry out the purposes of the Teacher Pay Incentive Act. Any  
13 unexpended or unencumbered balance at the end of fiscal year  
14 2028 shall revert to the general fund.

15 SECTION 7. EFFECTIVE DATE.--The effective date of the  
16 provisions of this act is July 1, 2018.