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HOUSE BILL 848

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Mimi Stewart

AN ACT

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

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:**

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1 A. "department" means the state department of
2 public education; and

3 ~~B. "fund" means the incentives for school~~
4 ~~improvement fund;~~

5 ~~C. "program" means the incentives for school~~
6 ~~improvement program; and~~

7 ~~D.] B.~~ "state board" means the state board of
8 education. "

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

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

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

22 "22-13A-5. [~~PROGRAM IMPLEMENTATION~~] INCENTIVES FOR
23 SCHOOL IMPROVEMENT PROGRAM - IMPLEMENTATION - MEASUREMENT
24 CRITERIA. --

25 A. The department shall develop a formula by which

1 to measure school achievement in the areas of academic
2 performance with consideration of socioeconomic variables for
3 purposes of the incentives for school improvement program.

4 The product of this formula shall take the form of a composite
5 rating assigned to each school in every school district.

6 B. Academic performance shall be measured by:

- 7 (1) nationally standardized test scores;
8 (2) graduation competency scores; and
9 (3) other factors deemed relevant by the
10 department.

11 C. The socioeconomic variables shall be measured
12 by:

- 13 (1) the percentage of student mobility rates;
14 (2) the percentage of limited English-
15 proficient students, using criteria established by the federal
16 office of civil rights;
17 (3) the percentage of students eligible for
18 free and reduced-fee lunches; and
19 (4) other factors deemed relevant by the
20 department.

21 D. Annually, the department shall assign a new
22 composite rating to each school. The department shall compare
23 the new rating to the previous annual rating. Schools
24 increasing their composite rating shall be ranked in order.
25 The schools evidencing the greatest increase in rating shall

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1 receive monetary disbursements from the incentives for school
2 improvement fund. "

3 Section 5. Section 22-13A-6 NMSA 1978 (being Laws 1989,
4 Chapter 137, Section 6, as amended) is amended to read:

5 "22-13A-6. [~~FUND-CREATED~~] INCENTIVES FOR SCHOOL
6 IMPROVEMENT FUND--CREATED. --

7 A. There is created in the state treasury the
8 "incentives for school improvement fund". The fund shall
9 consist of any state money appropriated to the fund, [~~any~~]
10 federal money allocated to the state for the purposes of the
11 Incentives for School Improvement Act, undistributed annual
12 balances and earnings of the fund and [~~any~~] gifts or bequests
13 made to the fund. The state treasurer shall invest the fund
14 as other state funds are invested. The balance remaining in
15 the fund at the end of the fiscal year shall not revert to the
16 general fund.

17 B. The incentives for school improvement fund is
18 appropriated to the department for the purpose of implementing
19 and administering the incentives for school improvement
20 program in the Incentives for School Improvement Act. No more
21 than three percent of the fund may be retained by the
22 department for administrative purposes.

23 C. Money in the incentives for school
24 improvement fund other than that used for administrative
25 purposes shall be distributed directly to schools evidencing

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1 the greatest improvement as determined by the department.
2 Disbursements shall be made only to that number of schools
3 constituting not more than ten percent of the student
4 membership in the state. Distributions shall be made
5 proportionately to schools that qualify. Money received by
6 a school from the fund shall not be used for salaries,
7 salary increases or bonuses; however, the money may be used
8 to reimburse teachers for time spent in professional
9 development. Money shall be used as determined by the
10 school principal and teachers in cooperation with other
11 school employees and the community. "

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

14 "[NEW MATERIAL] INCENTIVES FOR TEACHER IMPROVEMENT
15 PROGRAM - IMPLEMENTATION-- DEPARTMENT DUTIES-- MEASUREMENT
16 CRITERIA. --

17 A. Pursuant to the incentives for teacher
18 improvement program:

19 (1) an elementary public school or charter
20 school may submit an application to the department for
21 teachers to receive a one-time merit award if permitted by
22 the school and by the compensation plan adopted by the local
23 school board and if seventy-five percent of the teachers
24 agree to apply; and

25 (2) a public middle, junior high or high

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1 school or charter school may submit an application to the
2 department for teachers to receive a one-time merit award if
3 permitted by the school and the compensation plan adopted by
4 the local school board and if seventy-five percent of the
5 teachers from the school or from a content area division or
6 from a grade level team agree to apply.

7 B. The department shall design the incentives
8 for teacher improvement program in accordance with the
9 provisions of this section and may promulgate rules to
10 implement the program.

11 C. The department shall determine and measure
12 teacher progress by one or more of the following for
13 purposes of the incentives for teacher improvement program:

14 (1) student achievement, as measured by a
15 value-added assessment system methodology, with
16 consideration of the socioeconomic variables of students in
17 accordance with the provisions of Subsection C of Section
18 22-13A-5 NMSA 1978;

19 (2) national board for professional
20 teaching standard certification;

21 (3) professional development that enables
22 the teacher to acquire knowledge and skills that support the
23 goals of the school district;

24 (4) demonstration of outstanding classroom
25 practice based upon specific criteria;

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1 (5) self-directed professional development
2 that enables the teacher to acquire knowledge and skills
3 that improve student achievement; and

4 (6) other factors deemed relevant by the
5 department.

6 D. The department shall give priority for
7 receipt of merit awards to teachers in low performing
8 schools. The remainder of schools shall be chosen by
9 lottery.

10 E. The department shall provide for a
11 professional development framework to assist participating
12 schools in the implementation and operation of the
13 incentives for teacher improvement program.

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

17 (1) effective with the 2001-2002 school
18 year, twenty schools are eligible to apply to the department
19 for the incentives for teacher improvement program;

20 (2) effective with the 2002-2003 school
21 year, fifty schools are eligible to apply to the department
22 for the incentives for teacher improvement program; and

23 (3) effective with the 2003-2004 school
24 year, all schools are eligible to apply to the department
25 for the incentives for teacher improvement program.

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

4 Section 7. A new section of the Incentives for School
5 Improvement Act is enacted to read:

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

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

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

19 A. There is created in the state treasury the
20 "incentives for teacher improvement fund". The fund shall
21 consist of any state money appropriated to the fund,
22 undistributed annual balances and earnings of the fund and
23 gifts or bequests made to the fund. The state treasurer
24 shall invest the fund as other state funds are invested.
25 The balance remaining in the fund at the end of a fiscal

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1 year shall not revert to the general fund.

2 B. The incentives for teacher improvement fund
3 is appropriated to the department for the purpose of
4 implementing and administering the incentives for teacher
5 improvement program in the Incentives for School Improvement
6 Act. No more than five percent of the fund may be retained
7 by the department for administrative purposes.

8 C. Money in the incentives for teacher
9 improvement fund other than that used for administrative
10 purposes shall be distributed directly to the schools for
11 one-time merit awards for teachers evidencing the greatest
12 improvement in teacher progress. "