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HOUSE BILL 177

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Miguel P. Garcia

AN ACT

RELATING TO PUBLIC SCHOOLS; ENACTING THE SCHOOL DIFFERENTIAL
PAY ACT; PROVIDING FOR DIFFERENTIAL PAY FOR QUALIFYING TEACHERS
WHO FILL VACANCIES IN CERTAIN ELEMENTARY SCHOOLS; 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. --Sections 1 through 4 of this
act may be cited as the "School Differential Pay Act". "

Section 2. A new section of the Public School Code is
enacted to read:

"[NEW MATERIAL] PURPOSE. --The purpose of the School
Differential Pay Act is to address the shortage of qualified
teachers in elementary schools that have high populations of

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1 low-income students by providing differential pay incentives to
2 teachers with master's degrees who agree to teach in those
3 schools. "

4 Section 3. A new section of the Public School Code is
5 enacted to read:

6 "[NEW MATERIAL] DEFINITIONS. --As used in the School
7 Differential Pay Act:

8 A. "differential pay" means the amount a school
9 district pays in addition to the salary a qualifying teacher
10 receives in accordance with existing training and experience
11 salary standards of the school district and the qualifying
12 school where he is hired to teach;

13 B. "qualifying school" means a public elementary
14 school in which at least ninety percent of students receive
15 free or reduced-fee lunches; and

16 C. "qualifying teacher" means a certified school
17 instructor who holds a master's degree. "

18 Section 4. A new section of the Public School Code is
19 enacted to read:

20 "[NEW MATERIAL] DIFFERENTIAL PAY--CHANGING SCHOOLS--
21 DISTRIBUTIONS. --

22 A. A school district may provide differential pay
23 of three thousand dollars (\$3,000) a year for no more than four
24 years to a qualifying teacher who is hired to fill a teaching
25 vacancy at a qualifying school. Differential pay is paid at

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1 the same time and in the same manner as salary, and if a
2 qualifying teacher does not complete a school year, any
3 remaining differential pay that would have been owed shall not
4 be paid.

5 B. A qualifying teacher shall continue to receive
6 differential pay within the four-year period of eligibility if
7 he remains at the qualifying school.

8 C. The department of education shall distribute
9 differential pay appropriations to participating school
10 districts in proportion to the number of qualifying schools and
11 qualifying teachers. "

12 Section 5. Section 22-10-11 NMSA 1978 (being Laws 1967,
13 Chapter 16, Section 113, as amended) is amended to read:

14 "22-10-11. EMPLOYMENT CONTRACTS--DURATION. --

15 A. All employment contracts between local school
16 boards and certified school personnel and between governing
17 authorities of state agencies and certified school instructors
18 shall be in writing on forms approved by the state board.
19 These forms shall contain and specify the term of service, the
20 salary to be paid, the method of payment, the causes for
21 termination of the contract and other provisions required by
22 the [~~regulations~~] rules of the state board.

23 B. All employment contracts between local school
24 boards and certified school personnel and between governing
25 authorities of state agencies and certified school instructors

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1 shall be for a period of one school year except:

2 (1) contracts for less than one school year
3 are permitted to fill personnel vacancies [~~which~~] that occur
4 during the school year;

5 (2) contracts for the remainder of a school
6 year are permitted to staff programs when the availability of
7 funds for the programs is not known until after the beginning
8 of the school year;

9 (3) contracts for less than one school year
10 are permitted to staff summer school programs and to staff
11 federally funded programs in which the federally approved
12 programs are specified to be conducted for less than one school
13 year;

14 (4) contracts not to exceed three years are
15 permitted for certified school administrators in public schools
16 who are engaged in administrative functions for more than one-
17 half of their employment time; [~~and~~]

18 (5) contracts not to exceed three years are
19 permitted at the discretion of the local school board for
20 certified school instructors in public schools who have been
21 employed in the school district for three consecutive school
22 years; and

23 (6) contracts for four years are permitted for
24 teachers who receive differential pay pursuant to the School
25 Differential Pay Act.

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1 C. Persons employed under contracts for periods of
2 less than one school year as provided in Paragraphs (1) and (2)
3 of Subsection B of this section shall be accorded all the
4 duties, rights and privileges of the [~~Certified~~] School
5 Personnel Act.

6 D. In determination of eligibility for unemployment
7 compensation rights and benefits for certified school
8 instructors where those rights and benefits are claimed to
9 arise from the employment relationship between governing
10 authorities of state agencies or local school boards and
11 certified school instructors, that period of a year not covered
12 by a school year shall not be considered an unemployment
13 period.

14 E. Except as provided in Section 22-10-12 NMSA
15 1978, a person employed by contract pursuant to this section
16 has no legitimate objective expectancy of reemployment, and no
17 contract entered into pursuant to this section shall be
18 construed as an implied promise of continued employment
19 pursuant to a subsequent contract."

20 Section 6. APPROPRIATION.--Two million dollars
21 (\$2,000,000) is appropriated from the general fund to the state
22 department of public education for expenditure in fiscal year
23 2004 to distribute differential pay to school districts
24 offering differential pay to qualifying teachers. Any
25 unexpended or unencumbered balance remaining at the end of

1 fiscal year 2004 shall revert to the general fund. "

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