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SENATE BILL 62

**47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006**

INTRODUCED BY

Cynthia Nava

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE  
AND THE FUNDING FORMULA STUDY TASK FORCE

AN ACT

RELATING TO SCHOOL PERSONNEL; ACCELERATING LEVEL THREE MINIMUM SALARIES; CHANGING THE CALCULATION FOR MINIMUM SALARIES OF SCHOOL PRINCIPALS AND ASSISTANT SCHOOL PRINCIPALS; MAKING AN APPROPRIATION.

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

Section 1. Section 22-10A-2 NMSA 1978 (being Laws 1975, Chapter 306, Section 2, as amended) is amended to read:

"22-10A-2. DEFINITIONS.--As used in the School Personnel Act:

A. "discharge" means the act of severing the employment relationship with a certified school employee prior to the expiration of the current employment contract;

B. "responsibility factor" means a value of 1.20 for an elementary school principal, 1.40 for a middle school or .159419.2

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1 junior high school principal, 1.60 for a high school principal,  
2 1.10 for an assistant elementary school principal, 1.15 for an  
3 assistant middle school or assistant junior high school  
4 principal and 1.25 for an assistant high school principal;

5 ~~[B.]~~ C. "state agency" means any state institution  
6 or state agency providing an educational program requiring the  
7 employment of certified school instructors;

8 ~~[G.]~~ D. "sabbatical leave" means leave of absence  
9 with pay as set by the local school board or governing  
10 authority of a state agency during all or part of a regular  
11 school term for purposes of study or travel related to the  
12 staff member's duties and of direct benefit to the  
13 instructional program;

14 ~~[D.]~~ E. "terminate" means, in the case of a  
15 certified school employee, the act of not reemploying an  
16 employee for the ensuing school year and, in the case of a non-  
17 certified school employee, the act of severing the employment  
18 relationship with the employee;

19 ~~[E.]~~ F. "working day" means every calendar day,  
20 excluding Saturday, Sunday or legal holiday; and

21 ~~[F.]~~ G. "just cause" means a reason that is  
22 rationally related to an employee's competence or turpitude or  
23 the proper performance of ~~[his]~~ the employee's duties and that  
24 is not in violation of the employee's civil or constitutional  
25 rights."

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1           Section 2. Section 22-10A-11 NMSA 1978 (being Laws 2003,  
2 Chapter 153, Section 42, as amended by Laws 2005, Chapter 315,  
3 Section 8 and by Laws 2005, Chapter 316, Section 5) is amended  
4 to read:

5           "22-10A-11. LEVEL THREE LICENSURE--TRACKS FOR TEACHERS  
6 AND SCHOOL ADMINISTRATORS.--

7           A. A level three-A license is a nine-year license  
8 granted to a teacher who meets the qualifications for that  
9 level and who annually demonstrates instructional leader  
10 competencies. If a level three-A teacher does not demonstrate  
11 essential competency in a given school year, the school  
12 district shall provide the teacher with additional professional  
13 development and peer intervention during the following school  
14 year. If by the end of that school year the teacher fails to  
15 demonstrate essential competency, a school district may choose  
16 not to contract with the teacher to teach in the classroom.

17           B. The department shall grant a level three-A  
18 license to an applicant who has been a level two teacher for at  
19 least three years and holds a post-baccalaureate degree or  
20 national board for professional teaching standards  
21 certification; demonstrates instructional leader competence as  
22 required by the department and verified by the local  
23 superintendent through the highly objective uniform statewide  
24 standard of evaluation; and meets other qualifications for the  
25 license.

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1           C. With the adoption by the department of a highly  
2 objective uniform statewide standard of evaluation for level  
3 three-A teachers, the minimum salary for a level three-A  
4 teacher for a standard nine and one-half month contract shall  
5 be as follows:

6                   (1) for the 2003-2004 school year, thirty  
7 thousand dollars (\$30,000);

8                   (2) for the 2004-2005 school year, thirty-five  
9 thousand dollars (\$35,000);

10                  (3) for the 2005-2006 school year, forty  
11 thousand dollars (\$40,000); and

12                   (4) for the 2006-2007 and subsequent school  
13 [~~year, forty-five thousand dollars (\$45,000); and~~

14                   ~~(5) for the 2007-2008 school year] years,  
15 fifty thousand dollars (\$50,000).~~

16           D. A level three-B license is a nine-year license  
17 granted to a school administrator who meets the qualifications  
18 for that level. Licenses may be renewed upon satisfactory  
19 annual demonstration of instructional leader and administrative  
20 competency.

21           E. The department shall grant a level three-B  
22 license to an applicant who has been a level three-A  
23 [~~instructional leader]~~ teacher for at least one year, has  
24 satisfactorily completed department-approved courses in  
25 administration and a department-approved administration

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1 apprenticeship program and demonstrates instructional leader  
2 competence required by the department and verified by the local  
3 superintendent through the highly objective uniform statewide  
4 standard of evaluation.

5 ~~[F. Beginning with the 2007-2008 school year, the~~  
6 ~~standard contract and minimum annual salary for a level three-B~~  
7 ~~school principal shall be based on the size of the school in~~  
8 ~~which the school principal is employed, as follows:~~

9 ~~(1) for school principals of schools with two~~  
10 ~~hundred or fewer students, a minimum salary of~~  
11 ~~fifty-eight thousand dollars (\$58,000) for a standard~~  
12 ~~ten-month contract;~~

13 ~~(2) for school principals of schools with two~~  
14 ~~hundred one to four hundred students, a minimum salary of sixty~~  
15 ~~thousand dollars (\$60,000) for a standard ten-month contract;~~

16 ~~(3) for school principals of schools with four~~  
17 ~~hundred one to six hundred students, a minimum salary of sixty-~~  
18 ~~two thousand dollars (\$62,000) for a standard ten-month~~  
19 ~~contract;~~

20 ~~(4) for school principals of schools with six~~  
21 ~~hundred one to eight hundred students, a minimum salary of~~  
22 ~~sixty-four thousand dollars (\$64,000) for a standard~~  
23 ~~ten-month contract;~~

24 ~~(5) for school principals of schools with~~  
25 ~~eight hundred one to one thousand students, a minimum salary of~~

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1 ~~sixty-six thousand dollars (\$66,000) for a standard~~  
2 ~~ten-month contract; and~~

3 ~~(6) for school principals of schools with more~~  
4 ~~than one thousand students, a minimum salary of~~  
5 ~~sixty-eight thousand dollars (\$68,000) for a standard~~  
6 ~~ten-month contract.]~~

7 F. Beginning with the 2006-2007 school year, the  
8 minimum annual salary for a level three-B school principal or  
9 assistant school principal shall be fifty thousand dollars  
10 (\$50,000) multiplied by the applicable responsibility factor.

11 G. By the beginning of the 2007-2008 school year,  
12 the department shall adopt a highly objective uniform statewide  
13 standard of evaluation for level three-B school principals and  
14 assistant school principals and rules for the implementation of  
15 that evaluation system linked to the level of responsibility at  
16 each school level."

17 Section 3. APPROPRIATION.--

18 A. The following amounts are appropriated from the  
19 general fund to the public school fund for distribution through  
20 the state equalization guarantee distribution in fiscal year  
21 2007 for the following purposes:

22 (1) twenty-three million eight hundred fifty-  
23 six thousand five hundred dollars (\$23,856,500) to implement  
24 minimum salaries for level three-A teachers; and

25 (2) four million forty-four thousand two

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1 hundred dollars (\$4,044,200) to implement minimum salaries for  
2 school principals and assistant principals in the 2006-2007  
3 school year.

4 B. Any undistributed amount remaining at the end of  
5 fiscal year 2007 shall revert to the general fund.