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**HOUSE BILL 329**

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

**INTRODUCED BY**

**Miguel P. Garcia**

**AN ACT**

**RELATING TO PUBLIC SCHOOLS; ENACTING THE NATIVE NEW MEXICAN  
TEACHER INCENTIVE PAY ACT; PROVIDING FOR IMPLEMENTATION AND  
ADMINISTRATION OF A TEACHER INCENTIVE PAY PROGRAM FOR NATIVE  
NEW MEXICANS; 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 "Native New Mexican Teacher Incentive Pay Act". "**

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

**" [NEW MATERIAL] PURPOSE. -- The purpose of the Native New  
Mexican Teacher Incentive Pay Act is to address New Mexico's  
teacher shortage by providing qualified teachers with**

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1 incentives to teach at schools where eighty-five percent or  
2 more of the students are ethnic minorities. "

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

5 "[NEW MATERIAL] DEFINITIONS. --As used in the Native New  
6 Mexican Teacher Incentive Pay Act:

7 A. "employment contract" means the five-year  
8 employment agreement entered into between the teacher  
9 recipient and the school where the teacher recipient is hired  
10 to teach pursuant to the Native New Mexican Teacher Incentive  
11 Pay Act;

12 B. "incentive pay" means the portion of money that  
13 a teacher recipient receives above his base salary pursuant to  
14 the Native New Mexican Teacher Incentive Pay Act;

15 C. "native New Mexican" means a person who holds a  
16 valid New Mexico birth certificate; and

17 D. "teacher recipient" means a teacher who has  
18 entered into an employment contract with a school pursuant to  
19 the Native New Mexican Teacher Incentive Pay Act. "

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

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

24 A. The department of education shall establish a  
25 native New Mexican teacher incentive pay program through the

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1 2009-2010 school year at schools where eighty-five percent or  
2 more of the students are ethnic minorities.

3 B. The native New Mexican teacher incentive pay  
4 program shall authorize the hiring of teachers during the  
5 2001-2002, 2005-2006 and 2009-2010 school years to fill  
6 teaching vacancies at schools where eighty-five percent or  
7 more of the students are ethnic minorities. A teacher hired  
8 to fill a vacancy pursuant to this subsection shall receive  
9 incentive pay of three thousand dollars (\$3,000) above the  
10 salary that the teacher would otherwise be entitled to receive  
11 in accordance with existing training and experience salary  
12 standards of the school district and the elementary school  
13 where the teacher is hired to teach.

14 C. The incentive pay as provided in Subsection B  
15 of this section shall be provided to a teacher who:

16 (1) holds a master's degree plus fifteen  
17 additional credit hours; and

18 (2) signs an employment contract with a  
19 school pursuant to the Native New Mexican Teacher Incentive  
20 Pay Act. "

21 Section 5. 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 five  
25 years of service as provided in his employment contract with a

. 134202. 2

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1 school shall:

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

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

8 B. The department of education may cancel a  
9 contract between it and a teacher recipient for any reasonable  
10 cause deemed sufficient by the department. "

11 Section 6. APPROPRIATION. -- Two million dollars  
12 (\$2,000,000) is appropriated from the general fund to the  
13 state department of public education for expenditure in fiscal  
14 year 2002 to carry out the purposes of the Native New Mexican  
15 Teacher Pay Incentive Act. Any unexpended or unencumbered  
16 balance at the end of fiscal year 2002 shall revert to the  
17 general fund.

18 Section 7. EFFECTIVE DATE. -- The effective date of the  
19 provisions of this act is July 1, 2001.

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