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SENATE BILL 567

**50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

INTRODUCED BY

John C. Ryan

AN ACT

RELATING TO SCHOOL PERSONNEL; REQUIRING THE PUBLIC EDUCATION DEPARTMENT TO ESTABLISH, IMPLEMENT AND ADMINISTER THE TEACHER CHOICE COMPENSATION PROGRAM TO REWARD CERTAIN PUBLIC SCHOOL TEACHERS FOR IMPROVING STUDENT ACHIEVEMENT; CREATING A FUND; MAKING AN APPROPRIATION.

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

SECTION 1. A new section of the School Personnel Act is enacted to read:

"NEW MATERIAL TEACHER CHOICE COMPENSATION FUND-- VOLUNTARY TEACHER INCREMENTS--REQUIREMENTS--EVALUATIONS.--

A. As used in this section:

- (1) "school district" includes a charter school; and
- (2) "school principal" or "local

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1 superintendent" includes the head administrator of a charter  
2 school.

3 B. The department shall create and establish rules  
4 for the "teacher choice compensation program", to be  
5 implemented beginning with the 2012-2013 school year.

6 C. The teacher choice compensation program shall  
7 annually allow eligible teachers to earn performance-based,  
8 one-time salary increments by meeting measurable student  
9 performance goals based upon value-added assessments developed  
10 by the department or assessments used to measure achievement  
11 based on meeting state standards-based criteria.

12 D. A teacher who holds a level two or three-A  
13 license may participate in the teacher choice compensation  
14 program.

15 E. A teacher who chooses to participate in the  
16 teacher choice compensation program shall opt out of the  
17 standard, negotiated employment contract as long as the teacher  
18 is employed by the school district.

19 F. A teacher who has chosen to participate in the  
20 teacher choice compensation program in one school district and  
21 changes employment to another school district may choose to  
22 remain in the teacher choice compensation program or may choose  
23 to resume participation in a standard, negotiated employment  
24 contract.

25 G. A teacher who chooses to participate in the

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1 teacher choice compensation program shall be eligible for an  
2 annual performance-based, one-time salary increment based upon  
3 the following criteria:

4 (1) a level of improvement in student scores  
5 on a value-added test instrument or instruments as determined  
6 by the department. Such instruments shall give a reliable  
7 measurement of the skills and knowledge transferred to students  
8 during the time they are in the teacher's classroom and shall  
9 be selected by the school district from one or more of the  
10 following assessments:

11 (a) for a teacher in grades and courses  
12 that are required to have statewide standards-based  
13 assessments, the majority of the teacher's evaluation shall be  
14 based upon student academic growth in reading and mathematics;  
15 or

16 (b) if no designated school district  
17 assessments apply, the majority of the teacher's evaluation  
18 shall be based on teacher-developed assessments after those  
19 assessments have been reviewed and approved by the local  
20 superintendent or the school administrator designated by the  
21 local superintendent;

22 (2) observations and evaluations by school  
23 principals or other school administrators with expertise to  
24 evaluate classroom performance; and

25 (3) additional measures of teacher

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1 effectiveness developed by each school district, including:

2 (a) student and parent surveys;

3 (b) peer observations and reviews;

4 (c) teacher performance portfolios; or

5 (d) other evidence-based measures that

6 effectively measure teacher performance.

7 H. Before the beginning of the 2012-2013 school  
8 year, the department shall develop criteria for determining  
9 eligibility for performance-based, one-time salary increments,  
10 including a range of target scores on assessments for use by  
11 the school districts, and shall provide school districts with a  
12 protocol for teacher evaluations. School district teacher  
13 evaluation scales shall include at least four levels of  
14 evaluating effectiveness.

15 I. Teachers shall qualify annually in October for  
16 the teacher choice compensation program performance-based, one-  
17 time salary increments, in five-thousand-dollar (\$5,000)  
18 increments up to a maximum of fifteen thousand dollars  
19 (\$15,000). Any increment received shall be in addition to the  
20 base salary to which the teacher would otherwise be entitled.  
21 Teachers shall be responsible for all standard withholding  
22 amounts.

23 J. Subject to availability of funding, the  
24 department shall make a payment to the school district in the  
25 total or partial amount of the school district's teacher choice

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1 compensation program performance-based, one-time salary  
2 increments, to be paid in one lump sum in January following the  
3 October of qualification.

4 K. The "teacher choice compensation fund" is  
5 created in the state treasury. The fund shall consist of  
6 transfers, appropriations, reversions, gifts, grants, donations  
7 and bequests made to the fund. Income from the fund shall be  
8 credited to the fund, and money in the fund shall not revert or  
9 be transferred to any other fund at the end of a fiscal year.  
10 Money in the fund is appropriated to the department for the  
11 purpose of paying performance-based, one-time salary increments  
12 to qualifying teachers participating in the teacher choice  
13 compensation program. Expenditures from the fund shall be made  
14 on warrant of the secretary of the department of finance and  
15 administration pursuant to vouchers signed by the secretary of  
16 public education."