

HOUSE FLOOR SUBSTITUTE FOR  
HOUSE BILL 67

51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

AN ACT

RELATING TO PUBLIC SCHOOL PERSONNEL; REDUCING THE DISTRIBUTION FROM THE TAX ADMINISTRATION SUSPENSE FUND TO THE LEGISLATIVE RETIREMENT FUND; PROVIDING FOR DISTRIBUTIONS FROM THE TAX ADMINISTRATION SUSPENSE FUND TO THE STATE EQUALIZATION GUARANTEE DISTRIBUTION FOR LEVEL ONE TEACHER SALARIES; PROVIDING FOR DISTRIBUTIONS FROM THE TAX ADMINISTRATION SUSPENSE FUND TO THE PUBLIC EDUCATION DEPARTMENT FOR CHILD ABUSE OR NEGLECT DETECTION AND REPORTING TRAINING AND FOR SCHOOL FIREARM VIOLENCE PREVENTION AND SECURITY TRAINING; RAISING THE MINIMUM SALARY INCREASE FOR A LEVEL ONE TEACHER; MAKING TECHNICAL CORRECTIONS; MAKING AN APPROPRIATION.

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

SECTION 1. Section 7-1-6.43 NMSA 1978 (being Laws 2003, Chapter 86, Section 1) is amended to read:

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underscored material = new  
[bracketed material] = delete

1 "7-1-6.43. DISTRIBUTION TO LEGISLATIVE RETIREMENT FUND.--

2 A. A distribution pursuant to Section 7-1-6.1  
3 NMSA 1978 shall be made to the legislative retirement fund in  
4 an amount equal to [~~two hundred thousand dollars (\$200,000)~~]  
5 seventy-five thousand dollars (\$75,000) or, if larger,  
6 one-twelfth of the amount necessary to pay out the retirement  
7 benefits due under state legislator member coverage plan 2 and  
8 Paragraph (2) of Subsection C of Section [~~10-11-42~~] 10-11-41  
9 NMSA 1978 for the calendar year.

10 B. In December 2003 and in each December  
11 thereafter, the public employees retirement association, with  
12 the assistance of the legislative council service, shall  
13 determine the amount of those retirement benefits for the  
14 succeeding calendar year. If the monthly average exceeds [~~two~~  
15 ~~hundred thousand dollars (\$200,000)~~] seventy-five thousand  
16 dollars (\$75,000), the association shall notify immediately the  
17 department of the average amount. That average amount shall be  
18 the amount distributed pursuant to Subsection A of this section  
19 as of the end of each month of the twelve consecutive months  
20 beginning with the December in which the determination was  
21 made."

22 SECTION 2. A new section of the Tax Administration Act is  
23 enacted to read:

24 "[NEW MATERIAL] DISTRIBUTION TO STATE EQUALIZATION  
25 GUARANTEE DISTRIBUTION FOR CERTAIN TEACHER SALARIES--

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1 DISTRIBUTION TO THE PUBLIC EDUCATION DEPARTMENT FOR CHILD ABUSE  
2 OR NEGLECT DETECTION AND REPORTING TRAINING AND FOR SCHOOL  
3 FIREARM VIOLENCE PREVENTION AND SECURITY TRAINING.--

4 A. A distribution pursuant to Section 7-1-6.1 NMSA  
5 1978 shall be made to the state equalization guarantee  
6 distribution to be distributed pursuant to Section 22-8-25 NMSA  
7 1978 in an amount equal to eighty-three thousand three hundred  
8 thirty-three dollars (\$83,333) to increase the minimum salary  
9 of level one teachers from thirty thousand dollars (\$30,000) to  
10 thirty-three thousand dollars (\$33,000) pursuant to Subsection  
11 G of Section 22-10A-7 NMSA 1978.

12 B. A distribution pursuant to Section 7-1-6.1 NMSA  
13 1978 shall be made to the public education department in an  
14 amount equal to twenty thousand eight hundred thirty-three  
15 dollars (\$20,833) to provide training to licensed school  
16 employees in the detection and reporting of child abuse or  
17 neglect, including child sexual abuse; provided that the public  
18 education department shall not employ any additional persons to  
19 administer the training required by this subsection.

20 C. A distribution pursuant to Section 7-1-6.1 NMSA  
21 1978 shall be made to the public education department in an  
22 amount equal to twenty thousand eight hundred thirty-three  
23 dollars (\$20,833) to provide training to public school  
24 employees in school firearm violence prevention and school  
25 firearm violence security; provided that the public education

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1 department shall not employ any additional persons to  
2 administer the training required by this subsection."

3 SECTION 3. Section 22-10A-7 NMSA 1978 (being Laws 2003,  
4 Chapter 153, Section 38, as amended) is amended to read:

5 "22-10A-7. LEVEL ONE LICENSURE.--

6 A. A level one license is a provisional five-year  
7 license for beginning teachers that requires as a condition of  
8 licensure that the licensee undergo a formal mentorship program  
9 for at least one full school year and an annual intensive  
10 performance evaluation by a school administrator for at least  
11 three full school years before applying for a level two  
12 license.

13 B. Each school district, in accordance with  
14 department rules, shall provide for the mentorship and  
15 evaluation of level one teachers. At the end of each year and  
16 at the end of the license period, the level one teacher shall  
17 be evaluated for competency. If the teacher fails to  
18 demonstrate satisfactory progress and competence annually, the  
19 teacher may be terminated as provided in Section 22-10A-24 NMSA  
20 1978. If the teacher has not demonstrated satisfactory  
21 progress and competence by the end of the five-year period, the  
22 teacher shall not be granted a level two license.

23 C. Except in exigent circumstances defined by  
24 department rule, a level one license shall not be extended  
25 beyond the initial period.

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1           D. The department shall issue a standard level one  
2 license to an applicant who is at least eighteen years of age  
3 who:

4                   (1) holds a baccalaureate degree from an  
5 accredited educational institution;

6                   (2) has successfully completed a department-  
7 approved teacher preparation program from a nationally  
8 accredited or state-approved educational institution;

9                   (3) has passed the New Mexico teacher  
10 assessments examination, including for elementary licensure  
11 beginning January 1, 2013, a rigorous assessment of the  
12 candidate's knowledge of the science of teaching reading; and

13                   (4) meets other qualifications for level one  
14 licensure, including clearance of the required background  
15 check.

16           E. The department shall issue an alternative level  
17 one license to an applicant who meets the requirements of  
18 Section 22-10A-8 NMSA 1978.

19           F. The department shall establish competencies and  
20 qualifications for specific grade levels, types and subject  
21 areas of level one licensure, including early childhood,  
22 elementary, middle school, secondary, special ~~[education]~~ and  
23 vocational education.

24           G. Beginning with the ~~[2003-2004]~~ 2014-2015 school  
25 year, with the adoption by the department of a highly objective

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1 uniform statewide standard of evaluation for level one  
2 teachers, the ~~[minimum]~~ salary for a level one teacher shall be  
3 ~~[thirty thousand dollars (\$30,000)]~~ a minimum of thirty-three  
4 thousand dollars (\$33,000) for a standard nine and one-half  
5 month contract.

6 H. Teachers who hold level one licenses on the  
7 effective date of the 2003 act must be evaluated by the end of  
8 the 2006-2007 school year."

9 SECTION 4. Section 22-10A-10 NMSA 1978 (being Laws 2003,  
10 Chapter 153, Section 41, as amended by Laws 2005, Chapter 315,  
11 Section 7 and by Laws 2005, Chapter 316, Section 4) is amended  
12 to read:

13 "22-10A-10. LEVEL TWO LICENSURE.--

14 A. A level two license is a nine-year license  
15 granted to a teacher who meets the qualifications for that  
16 level and who annually demonstrates essential competency to  
17 teach. If a level two teacher does not demonstrate essential  
18 competency in a given school year, the school district shall  
19 provide the teacher with additional professional development  
20 and peer intervention during the following school year. If by  
21 the end of that school year the teacher fails to demonstrate  
22 essential competency, a school district may choose not to  
23 contract with the teacher to teach in the classroom.

24 B. The department shall issue a level two license  
25 to an applicant who successfully completes the level one

1 license or is granted reciprocity as provided by department  
 2 rules; demonstrates essential competency required by the  
 3 department as verified by the local superintendent through the  
 4 highly objective uniform statewide standard of evaluation; and  
 5 meets other qualifications as required by the department.

6 C. The department shall provide for qualifications  
 7 for specific grade levels, types and subject areas of level two  
 8 licensure, including early childhood, elementary, middle,  
 9 secondary, special ~~[education]~~ and vocational education.

10 D. With the adoption by the department of the  
 11 statewide objective performance evaluation for level two  
 12 teachers, the minimum salary for a level two teacher for a  
 13 standard nine and one-half month contract shall be as follows:

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

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

18 (3) for the 2005-2006 school year, forty  
 19 thousand dollars (\$40,000)."

20 SECTION 5. Section 22-10A-11 NMSA 1978 (being Laws 2003,  
 21 Chapter 153, Section 42, as amended) is amended to read:

22 "22-10A-11. LEVEL THREE LICENSURE--TRACKS FOR TEACHERS,  
 23 COUNSELORS AND SCHOOL ADMINISTRATORS.--

24 A. A level three-A license is a nine-year license  
 25 granted to a teacher who meets the qualifications for that

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1 level and who annually demonstrates instructional leader  
2 competencies. If a level three-A teacher does not demonstrate  
3 essential competency in a given school year, the school  
4 district shall provide the teacher with additional professional  
5 development and peer intervention during the following school  
6 year. If by the end of that school year the teacher fails to  
7 demonstrate essential competency, a school district may choose  
8 not to contract with the teacher to teach in the classroom.

9 B. The department shall grant a level three-A  
10 license to an applicant who has been a level two teacher for at  
11 least three years and holds a post-baccalaureate degree or  
12 national board for professional teaching standards  
13 certification; demonstrates instructional leader competence as  
14 required by the department and verified by the local  
15 superintendent through the highly objective uniform statewide  
16 standard of evaluation; and meets other qualifications for the  
17 license.

18 C. With the adoption by the department of a highly  
19 objective uniform statewide standard of evaluation for level  
20 three-A teachers, the minimum salary for a level three-A  
21 teacher for a standard nine and one-half month contract shall  
22 be as follows:

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

25 (2) for the 2004-2005 school year, thirty-five



1 thousand dollars (\$35,000);

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

4 (4) for the 2006-2007 school year, forty-five  
5 thousand dollars (\$45,000); and

6 (5) for the 2007-2008 school year, fifty  
7 thousand dollars (\$50,000).

8 D. A level three-B license is a nine-year license  
9 granted to a school administrator who meets the qualifications  
10 for that level. Licenses may be renewed upon satisfactory  
11 annual demonstration of instructional leader and administrative  
12 competency.

13 E. The department shall grant a level three-B  
14 license to an applicant who:

15 (1) holds a level two license and meets the  
16 requirements for a level three-A license or who holds a current  
17 level two teacher's license and, for at least four years, has  
18 held the highest-ranked counselor license as provided in  
19 Chapter 22, Article 10A NMSA 1978 and rules promulgated by the  
20 department;

21 (2) holds a post-baccalaureate degree or  
22 national board for professional teaching standards  
23 certification;

24 (3) has satisfactorily completed department-  
25 approved courses in administration and a department-approved

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1 administration apprenticeship program; and

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

6 F. Beginning with the 2007-2008 school year, the  
7 minimum annual salary for a level three-B school principal or  
8 assistant school principal shall be fifty thousand dollars  
9 (\$50,000) multiplied by the applicable responsibility factor.

10 G. ~~[By the beginning of the 2008-2009 school year]~~  
11 The department shall adopt a highly objective uniform statewide  
12 standard of evaluation, which includes data sources linked to  
13 student achievement and educational plan for student success  
14 progress, for level three-B school principals and assistant  
15 school principals and rules for the implementation of that  
16 evaluation system linked to the level of responsibility at each  
17 school level."

18 SECTION 6. EFFECTIVE DATE.--The effective date of the  
19 provisions of this act is July 1, 2014.