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SENATE BILL 105

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

INTRODUCED BY

Mark Moores

AN ACT

RELATING TO EDUCATION; CHANGING THE DESIGNATIONS FOR TEACHER
LICENSURE LEVELS; STREAMLINING ADVANCEMENT THROUGH THE
LICENSURE SYSTEM FOR THE MOST EFFECTIVE TEACHERS; AMENDING
SECTIONS OF THE SCHOOL PERSONNEL ACT.

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. "objective performance evaluation rating" means
a rating of:

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- 1 (1) exemplary;
- 2 (2) highly effective;
- 3 (3) effective;
- 4 (4) minimally effective; or
- 5 (5) ineffective;

6 C. "professional development plan" means a written
7 plan for the teacher that:

8 (1) identifies the areas in which the teacher
9 needs improvement;

10 (2) provides for professional development,
11 training, support or other opportunities aligned with the areas
12 in which the teacher needs improvement; and

13 (3) states the expectation that the teacher
14 demonstrate improvement in certain areas within ninety working
15 days of receiving the professional development plan;

16 [~~B-~~] D. "responsibility factor" means a value of
17 1.20 for an elementary school principal, 1.40 for a middle
18 school or junior high school principal, 1.60 for a high school
19 principal, 1.10 for an assistant elementary school principal,
20 1.15 for an assistant middle school or assistant junior high
21 school principal and 1.25 for an assistant high school
22 principal;

23 [~~G-~~] E. "state agency" means any state institution
24 or state agency providing an educational program requiring the
25 employment of certified school instructors;

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1 ~~[D-]~~ F. "sabbatical leave" means leave of absence
2 with pay as set by the local school board or governing
3 authority of a state agency during all or part of a regular
4 school term for purposes of study or travel related to the
5 staff member's duties and of direct benefit to the
6 instructional program;

7 ~~[E-]~~ G. "terminate" means, in the case of a
8 certified school employee, the act of not reemploying an
9 employee for the ensuing school year and, in the case of a
10 noncertified school employee, the act of severing the
11 employment relationship with the employee;

12 ~~[F-]~~ H. "working day" means every calendar day,
13 excluding Saturday, Sunday or legal holiday; and

14 ~~[G-]~~ I. "just cause" means a reason that is
15 rationally related to an employee's competence or turpitude or
16 the proper performance of the employee's duties and that is not
17 in violation of the employee's civil or constitutional rights."

18 **SECTION 2.** Section 22-10A-4 NMSA 1978 (being Laws 2003,
19 Chapter 153, Section 35, as amended by Laws 2005, Chapter 315,
20 Section 4 and by Laws 2005, Chapter 316, Section 1) is amended
21 to read:

22 "22-10A-4. TEACHERS AND SCHOOL ADMINISTRATORS--
23 PROFESSIONAL STATUS--LICENSURE LEVELS--SALARY ALIGNMENT.--

24 A. Teaching and school administration are
25 recognized as professions, with all the rights,

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1 responsibilities and privileges accorded professions, having
2 their first responsibility to the public they serve. The
3 primary responsibilities of the teaching and school
4 administration professions are to educate the children of this
5 state and to improve the professional practices and ethical
6 conduct of their members.

7 B. The New Mexico licensure framework for teachers
8 and school administrators is a progressive career system in
9 which licensees are required to demonstrate increased
10 competencies and undertake increased duties as they progress
11 through the licensure levels. The minimum salary provided as
12 part of the career system shall not take effect until the
13 department has adopted increased competencies for the
14 particular level of licensure and a highly objective uniform
15 statewide standard of evaluation.

16 C. [~~A level one~~] An associate license is a
17 provisional license that gives a beginning teacher the
18 opportunity, through a formal mentorship program, for
19 additional preparation to be a quality teacher. A [~~level two~~]
20 professional license is given to a teacher who is a fully
21 qualified professional who is primarily responsible for
22 ensuring that students meet and exceed department-adopted
23 academic content and performance standards; a teacher may
24 choose to remain [~~at level two~~] a professional licensed teacher
25 for the remainder of the teacher's career. A [~~level three-A~~]

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1 master license is the highest level of teaching licensure for
2 those teachers who choose to advance as instructional leaders
3 in the teaching profession and undertake greater
4 responsibilities such as curriculum development, peer
5 intervention and mentoring. [~~A level three-B~~] An
6 administrator's license is for teachers who choose to commence
7 a new career path in school administration by becoming school
8 administrators.

9 D. All teacher and school administrator salary
10 systems shall be aligned with the licensure framework in a
11 professional educator licensing and salary system.

12 [~~E. All teachers and school administrators who hold~~
13 ~~teaching or administrator certificates on the effective date of~~
14 ~~the 2003 act shall meet the requirements for their level of~~
15 ~~licensure by September 1, 2006 and shall be issued licenses.]"~~

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

18 "22-10A-7. [~~LEVEL ONE~~] ASSOCIATE LICENSURE.--

19 A. [~~A level one~~] An associate license is a
20 provisional five-year license for beginning teachers that
21 requires as a condition of licensure that the licensee undergo
22 a formal mentorship program for at least one full school year
23 and an annual [~~intensive~~] performance evaluation by a school
24 administrator [~~for at least three full school years before~~
25 ~~applying for a level two license~~] pursuant to department rules.

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1 B. Each school district, in accordance with
2 department rules, shall provide for the mentorship and
3 evaluation of [~~level one~~] associate licensed teachers. At the
4 end of each year and at the end of the license period, [~~the~~
5 ~~level one~~] an associate licensed teacher shall be evaluated for
6 competency. If the teacher fails to demonstrate satisfactory
7 progress and competence annually, the teacher may be terminated
8 as provided in Section 22-10A-24 NMSA 1978. If the teacher has
9 not demonstrated satisfactory progress and competence by the
10 end of the five-year period, the teacher shall not be granted a
11 [~~level two~~] professional license.

12 C. Except in exigent circumstances defined by
13 department rule, [~~a level one~~] an associate license shall not
14 be extended beyond the initial period.

15 D. The department shall issue a standard [~~level~~
16 ~~one~~] associate license to an applicant who is at least eighteen
17 years of age who:

18 (1) holds a baccalaureate degree from an
19 accredited educational institution;

20 (2) has successfully completed a department-
21 approved teacher preparation program from a nationally
22 accredited or state-approved educational institution;

23 (3) has passed the New Mexico teacher
24 assessments examination, including for elementary licensure
25 [~~beginning January 1, 2013~~], a rigorous assessment of the

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1 candidate's knowledge of the science of teaching reading; and
2 (4) meets other qualifications for [~~level one~~]
3 associate licensure, including clearance of the required
4 background check.

5 E. The department shall issue an alternative [~~level~~
6 ~~one~~] associate license to an applicant who meets the
7 requirements of Section 22-10A-8 NMSA 1978.

8 F. The department shall establish competencies and
9 qualifications for specific grade levels, types and subject
10 areas of [~~level one~~] associate licensure, including early
11 childhood, elementary, middle school, secondary, special
12 [~~education~~] and vocational education.

13 G. [~~Beginning with the 2003-2004 school year, with~~
14 ~~the adoption by the department of a highly objective uniform~~
15 ~~statewide standard of evaluation for level one teachers]~~ The
16 minimum salary for [~~a level one~~] an associate licensed teacher
17 shall be thirty thousand dollars (\$30,000) for a standard nine
18 and one-half month contract.

19 [~~H. Teachers who hold level one licenses on the~~
20 ~~effective date of the 2003 act must be evaluated by the end of~~
21 ~~the 2006-2007 school year.]"~~

22 SECTION 4. Section 22-10A-8 NMSA 1978 (being Laws 2003,
23 Chapter 153, Section 39, as amended by Laws 2011, Chapter 36,
24 Section 1 and by Laws 2011, Chapter 95, Section 2) is amended
25 to read:

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1 "22-10A-8. ALTERNATIVE [~~LEVEL ONE~~] ASSOCIATE LICENSE.--

2 A. The department shall issue an alternative [~~level~~
3 ~~one~~] associate license to a person who is at least eighteen
4 years of age and who:

5 (1) has completed a baccalaureate degree at an
6 accredited institution of higher education and has received a
7 passing score on a state-approved subject-area examination in
8 the subject area of instruction for which the person is
9 applying for a license; or

10 (2) has completed a master's degree at an
11 accredited institution of higher education, including
12 completion of a minimum of twelve graduate credit hours in the
13 subject area of instruction for which the person is applying
14 for a license; or

15 (3) has completed a doctoral or law degree at
16 an accredited institution of higher education; and

17 (4) has passed the New Mexico teacher
18 assessments examination, including for elementary licensure
19 beginning January 1, 2013, a rigorous assessment of the
20 candidate's knowledge of the science of teaching reading; and

21 (5) within two years of beginning teaching,
22 completes a minimum of twelve semester hours of instruction in
23 teaching principles in a program approved by the department; or

24 (6) [~~demonstrated~~] demonstrates to the
25 department, in conjunction with the school district or state

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1 agency, that the person has met the department-approved
2 competencies for [~~level one~~] associate licensed teachers that
3 correspond to the grade level that will be taught.

4 B. A degree or examination referred to in
5 Subsection A of this section shall correspond to the subject
6 area of instruction and the particular grade level that will
7 enable the applicant to teach in a competent manner as
8 determined by the department.

9 C. An alternative [~~level one~~] associate licensed
10 teacher shall participate in the same mentorship, evaluation
11 and other professional development requirements as other [~~level~~
12 ~~one~~] associate licensed teachers.

13 D. A school district or state agency shall not
14 discriminate against a teacher on the basis that the teacher
15 holds an alternative [~~level one~~] associate license.

16 E. The department shall provide by rule for
17 training and other requirements to support the use of
18 unlicensed content area experts as resources in classrooms,
19 team teaching, online instruction, curriculum development and
20 other purposes."

21 SECTION 5. Section 22-10A-9 NMSA 1978 (being Laws 2003,
22 Chapter 153, Section 40, as amended) is amended to read:

23 "22-10A-9. TEACHER MENTORSHIP PROGRAM FOR BEGINNING
24 TEACHERS--PURPOSE--DEPARTMENT DUTIES.--

25 A. The purpose of the teacher mentorship program is
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1 to provide beginning teachers with an effective transition into
2 the teaching field, to build on their initial preparation and
3 to ensure their success in teaching; to improve the achievement
4 of students; and to retain capable teachers in the classroom
5 and to remove teachers who show little promise of success.

6 B. The department shall develop a framework for a
7 teacher mentorship program for all first-year teachers. The
8 program shall provide mentorship services by [~~level two~~
9 professional licensed or [~~level three~~] master licensed mentors
10 to the first-year teacher for the full school year. If
11 sufficient mentorship funds are available, the department may
12 provide funding for mentorship services that extend beyond the
13 first year if the local superintendent or charter school
14 administrator certifies to the secretary that further formal
15 mentorship of a beginning teacher will accomplish the purposes
16 of Subsection A of this section; provided that the state shall
17 not pay for more than three years' mentorship for any beginning
18 teacher.

19 C. The department shall work with licensed school
20 employees, representatives from teacher preparation programs
21 and the higher education department to establish the framework.

22 D. The framework shall include:

23 (1) individual support and assistance for each
24 beginning teacher from a designated mentor;

25 (2) structured training for mentors;

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1 (3) an ongoing, formative evaluation that is
2 used for the improvement of teaching practice;

3 (4) procedures for a summative evaluation of
4 beginning teachers' performance during at least the first three
5 years of teaching, including annual assessment of suitability
6 for license renewal, and for final assessment of beginning
7 teachers seeking [~~level two~~] professional licensure;

8 (5) support from local school boards, school
9 administrators and other school district personnel; and

10 (6) regular review and evaluation of the
11 teacher mentorship program.

12 E. The department shall:

13 (1) require submission and approval of each
14 school district's teacher mentorship program;

15 (2) provide technical assistance to school
16 districts that do not have a well-developed teacher mentorship
17 program in place;

18 (3) encourage school districts to collaborate
19 with teacher preparation program administrators at institutions
20 of higher education, career educators, educational
21 organizations, regional service centers and other state and
22 community leaders in the teacher mentorship program; and

23 (4) distribute no less than fifty percent of
24 available funds for mentorship programs to school districts on
25 or before September 15 of each fiscal year according to the

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1 estimated number of teachers eligible to participate in a
2 mentorship program on the fortieth day of the school year and,
3 on or before January 15 of each fiscal year, distribute the
4 balance of the available funds based on the actual number of
5 eligible teachers participating in a mentorship program on the
6 fortieth day of the school year, adjusted for any over- or
7 under-estimation made in the first allocation.

8 F. The department shall require that teacher
9 preparation programs collaborate with colleges of arts and
10 sciences and high schools to develop a model to provide
11 mentorship services with structured supervision and feedback to
12 each of their graduates who ~~[have]~~ has obtained a teaching
13 position in a public high school, including charter schools;
14 develop cost estimates; and provide recommendations to the
15 legislative education study committee by November 1, 2007. The
16 model shall provide for the following:

17 (1) mentorship services for the first year as
18 ~~[a level one]~~ an associate licensed teacher to each of their
19 graduates who has obtained a teaching position in any New
20 Mexico public high school, including charter schools; provided
21 that teacher preparation programs may enter into contracts or
22 memoranda of agreement with each other or with ~~[level three]~~
23 master licensed teachers in providing services to their
24 students;

25 (2) an annual report to the department of the

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1 number of teachers that have completed each of their programs
2 the previous spring or summer and have been hired by public
3 high schools, including charter schools, for the following
4 school year; and

5 (3) an annual report providing a description
6 of the mentorship services that will be provided to each of
7 their teachers, including the name of the teacher, the grade
8 level the teacher has been hired to teach and the name of the
9 school and district where the teacher has been hired."

10 SECTION 6. Section 22-10A-10 NMSA 1978 (being Laws 2003,
11 Chapter 153, Section 41, as amended by Laws 2005, Chapter 315,
12 Section 7 and by Laws 2005, Chapter 316, Section 4) is amended
13 to read:

14 "22-10A-10. [~~LEVEL TWO~~] PROFESSIONAL LICENSURE.--

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

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1 B. The department shall issue a [~~level two~~]
2 professional license to an applicant who:

3 (1) successfully:

4 (a) completes the [~~level one~~] associate
5 license or is granted reciprocity as provided by department
6 rules;

7 (b) demonstrates essential competency
8 required by the department as verified by the local
9 superintendent through the highly objective uniform statewide
10 standard of evaluation; and

11 (c) meets other qualifications as
12 required by the department; or

13 (2) has completed at least two years of
14 teaching with an associate license and has received an
15 objective performance evaluation rating of exemplary or highly
16 effective for two consecutive years prior to applying for the
17 license.

18 C. The department shall provide for qualifications
19 for specific grade levels, types and subject areas of [~~level~~
20 ~~two~~] professional licensure, including early childhood,
21 elementary, middle, secondary, special [~~education~~] and
22 vocational education.

23 D. [~~With the adoption by the department of the~~
24 ~~statewide objective performance evaluation for level two~~
25 ~~teachers~~] The minimum salary for a [~~level two~~] professional

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1 licensed teacher for a standard nine and one-half month
2 contract shall be [~~as follows:~~

3 ~~(1) for the 2003-2004 school year,~~
4 ~~thirty thousand dollars (\$30,000);~~

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

7 ~~(3) for the 2005-2006 school year]~~ forty
8 thousand dollars (\$40,000)."

9 SECTION 7. Section 22-10A-11 NMSA 1978 (being Laws 2003,
10 Chapter 153, Section 42, as amended) is amended to read:

11 "22-10A-11. [~~LEVEL THREE~~] MASTER TEACHER LICENSURE--
12 TRACKS FOR TEACHERS, COUNSELORS AND SCHOOL ADMINISTRATORS.--

13 A. A [~~level three-A~~] master teacher license is a
14 [~~nine-year~~] five-year license granted to a teacher who meets
15 the qualifications for that [~~level~~] license and who annually
16 demonstrates instructional leader competencies. If a [~~level~~
17 ~~three-A~~] master licensed 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~~] a professional development plan during
21 the following school year. If by the end of that school year
22 the teacher fails to demonstrate essential competency, a school
23 district may choose not to contract with the teacher to teach
24 [~~in the classroom~~].

25 B. The department shall grant a [~~level three-A~~]

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1 master teacher license to an applicant [~~who~~]:

2 (1) who:

3 (a) has been a [~~level two~~] professional
4 licensed teacher for at least three years and holds a post-
5 baccalaureate degree or national board for professional
6 teaching standards certification;

7 (b) demonstrates instructional leader
8 competence as required by the department and verified by the
9 local superintendent through the highly objective uniform
10 statewide standard of evaluation; and

11 (c) meets other qualifications for the
12 license; or

13 (2) who has completed two years of teaching
14 with a professional license and has received an objective
15 performance evaluation rating of exemplary or highly effective
16 for two consecutive years prior to applying for the license.

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

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

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

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

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

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

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

12 E. The department shall grant ~~[a level three-B]~~ an
13 administrator's license to an applicant who:

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

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

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

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1 (4) 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 minimum annual salary for [~~a level three-B~~] an administrator
7 licensed school principal or assistant school principal shall
8 be fifty thousand dollars (\$50,000) multiplied by the
9 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~~] administrator licensed school
15 principals and assistant school principals and rules for the
16 implementation of that evaluation system linked to the level of
17 responsibility at each school level."

18 SECTION 8. CONTINGENT EFFECTIVE DATE.--The effective date
19 of the provisions of this act is July 1, 2014, contingent upon
20 certification by the secretary of public education to the New
21 Mexico compilation commission prior to that date that the
22 public education department has established and implemented a
23 funding mechanism to compensate school districts for additional
24 personnel costs associated with implementing the provisions of
25 this act. If the certification has not been made by July 1,

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1 2014, the provisions of this act shall not take effect.

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