

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: HB 181a

52nd Legislature, 1st Session, 2015

Tracking Number: .199131.1

Short Title: Adjunct Instructors Act

Sponsor(s): Representatives Conrad D. James, John L. Zimmerman, and Nora Espinoza

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Date: March 20, 2015

AS AMENDED

The Senate Education Committee amendment adds that a local school board shall not have more than 20 percent of any school's classes taught by adjunct instructors.

Original Bill Summary:

HB 181 creates the *Adjunct Instructors Act* to allow local school boards to contract with adjunct instructors.

HB 181 defines the term "adjunct instructor" as a person who:

- has current certification from the Public Education Department (PED) as an adjunct instructor; and
- is not a current teacher or other school employee under the *Public School Code*.

Among its other provisions, HB 181:

- allows local school boards to establish the amount of compensation the adjunct instructor receives;
- allows PED to certify individuals who have:
 - earned at least a bachelor's degree;
 - had a minimum of three years' experience in each area of subject matter expertise in which the adjunct instructor will teach;
 - passed the New Mexico Teacher Assessments (NMTA) in each area of subject matter expertise in which the adjunct instructor will teach;
 - completed a PED-approved pedagogy course provided by PED, a New Mexico public postsecondary educational institution, a school district or regional education cooperative in conjunction with a New Mexico public postsecondary educational institution, or another provider approved by PED; and
 - met any other requirements established by PED rule; and
- requires contracts to specify that adjunct instructors are ineligible for:

- health plan benefits;
- the accrual of service credit or employee or employer contributions under any coverage plan pursuant to the *Public Employees Retirement Act*, the *Educational Retirement Act*, or the *Deferred Compensation Act*;
- any compensation other than the amount specified in the contract for services; and
- tenure under any law or regulation or tenure under any agreement to which the adjunct instructor is not an individually named party.

HB 181 also requires that contracts with adjunct instructors not exceed one-half of a full-time teacher's workload or exceed one school year. In addition, the local school board may terminate the contract for services without cause at any time during the contract period.

Finally, HB 181 requires adjunct instructors to undergo and pass background checks. Although it exempts them from all other provisions of the *School Personnel Act*.

Fiscal Impact:

HB 181 does not contain an appropriation.

Fiscal Issues:

According to the Fiscal Impact Report (FIR) by the Legislative Finance Committee on a similar bill from 2014, HB 181 may:

- create additional burdens on PED to administer certifications;
- have fiscal implications by increasing staffing level needs for PED and school districts depending on the number of applications received and reviewed for adjunct instructors; and
- increase the administrative burden of hiring personnel and performing background checks.

Additionally, the FIR from 2014 notes that the bill does not include fee requirements for adjunct instructors to obtain and maintain certification.

According to the PED analysis, there may be an increase in revenue due to an increase in licensure applications. New applications for licenses would be determined by PED and be used to pay for the review of application materials. The revenue could be used only for administrative costs associated with reviewing the application.

Substantive Issues:

According to licensure requirements on the NMTA website, certified school personnel seeking additional endorsements in subjects they would like to teach must take 24 semester hours in the appropriate content area or they must take and pass the appropriate content knowledge assessment (see "Background," below).

According to the PED analysis, HB 181 will:

- provide flexibility for districts to recruit professionals with content expertise to teach courses relevant to their professional degrees/background;
- allow districts to hire local content experts to teach courses that may require only one or two sections, fill vacant positions, or replace teachers who are uncomfortable teaching the content of certain classes;
- allow school districts to create a deeper connection to professional application of content taught in public schools; and
- allow small or rural districts to improve their ability to recruit teachers for needed programming in areas where qualified instructors may be unavailable through traditional means.

HB 181 does not address if or how adjunct personnel will be evaluated in terms of teacher effectiveness. As the analysis from Western New Mexico University observes, teacher quality has been identified nationally as a key component of student success.

Finally, professionals may be highly skilled in the subjects they teach, but they may not have the professional pedagogical preparation required to teach students. Several studies have indicated that teacher training must focus on content as well as pedagogy.

Background:

According to the Education Commission of the States (ECS), New Mexico has designated mathematics and science in grades 7-12 as teacher shortage areas. In addition the *Teacher Shortage Areas Nationwide List* by the United States Department of Education (USDE) includes:

- bilingual;
- mathematics;
- science; and
- special education.

New Mexico Teacher Assessments

According to PED, the department currently contracts with NES/Pearson to develop the NMTA, which comprises three major components:

1. *Assessment of Teacher Basic Skills*, which is designed to measure fundamental communication and math skills that the state requires of classroom teachers, skills that are needed to complete a New Mexico educator preparation program. The basic skills test has four sub-areas:
 - reading comprehension;
 - foundations of written communication;
 - mathematics; and
 - written communication-composition.

2. *Assessment of Teacher Competency*, which is designed to measure a candidate's professional and pedagogical knowledge and skills depending upon the kind of license sought.
3. *Content Knowledge Assessments*, which is designed to measure the subject-matter knowledge and skills needed to teach effectively in New Mexico schools. The content knowledge assessments could take the form of middle or secondary level assessments in certain disciplines, foreign language assessments, or assessments in a number of other disciplines or fields.

According to the "Licensure Requirements" on the NMTA website:

- there are nine kinds of educator licenses that can be obtained in New Mexico:
 1. Early Childhood (B-3);
 2. Elementary Education (K-8);
 3. Grades Pre-K to 12 Teaching;
 4. Middle Level Education (5-9);
 5. Secondary Education (7-12);
 6. Educational Administrator (Pre-K to 12);
 7. Educational Diagnostician (Pre-K to 12);
 8. School Counselor (Pre-K to 12); and
 9. Special Education (Pre-K to 12); and
- effective July 1, 2013, all new teachers seeking a level one teaching license in elementary education (K-8) were required to pass the NES/Pearson Essential Components of Elementary Reading Instruction Assessment.

Committee Referrals:

HEC/SEC/SJC

Related Bills:

SB 228 *Public School Adjunct Instructors*