

**LEGISLATIVE EDUCATION STUDY COMMITTEE  
BILL ANALYSIS**

**Bill Number:** HB 165

**52nd Legislature, 2nd Session, 2016**

**Tracking Number:** 201915.2

**Short Title:** Jr. ROTC Instructor Licensure

**Sponsor(s):** Representative Patricio Ruiloba

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**FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE**

**Bill Summary:**

HB 165 creates a new section of the *School Personnel Act*, to provide for alternative licensure for Junior Reserve Officer Training Corps (JROTC) instructors, which allows the Public Education Department (PED) the option to issue alternative level one, two, and three-A licenses to a JROTC instructor. Additionally, JROTC alternative licensees can only teach JROTC courses.

**Fiscal Impact:**

The bill does not contain an appropriation.

There may be an increase in revenue received by PED due to an increase in licensure applications. Revenue generated through new applications can only be used to pay for the review of application materials.

PED notes it is unclear if the licensure levels provided for in the bill would have the same minimum salaries as a traditional level one, level two, and level three-A license.

According to Moriarty-Edgewood School District (MESD), JROTC instructor's salary is established through a US Department of Defense (DOD) formula to determine their minimum instructor pay (MIP). The MIP is historically higher than salaries in the three-tier licensure system. Many schools elect to pay more than the minimum, and are encouraged to adjust JROTC instructor pay based upon the individual's qualifications and experience. For federally funded positions, the military branch will reimburse the school only for the period of employment specified in the contract and will not reimburse the school for any of the JROTC instructor's pay if they are employed while on terminal leave. The length of the contract and amount paid above the MIP are a matter of negotiation between the JROTC instructor and the school.

## **At a Glance:**

- This bill will allow JROTC instructors, who are usually retired military personnel, to teach JROTC courses, which train high school students in subjects and skills such as leadership, critical thinking, and military science.
- PED may face administrative difficulties issuing alternative licenses based on contrasting criteria between the different licenses.

## **Detailed Bill Provisions:**

PED may issue an alternative level one license to a JROTC instructor who has instructed for at least one year, meets the instructor's branch of service's minimum criteria for certification as a JROTC instructor, has a minimum of 24 hours in a secondary teacher preparation course approved by PED, and has passed the New Mexico Teacher Assessment (NMTA) examination.

PED may issue an alternative level two license to a JROTC instructor who holds a level one license with successful annual evaluations as defined by the instructor's branch of service, and has at least three full school years of teaching experience at the high school level with a level one license.

PED may issue an alternative level three-A license to a JROTC instructor who holds an alternative level two license and the next higher level degree than the minimum required for the instructor's branch of service's certification, and has at least three full school years as a level two license.

## **Substantive Issues:**

According to MESD and Albuquerque Public Schools, JROTC instructors are not currently required to hold a teaching license at any level; however, some instructors do hold or opt to pursue teaching licenses. It is unclear whether HB 165 would now require JROTC instructors to be licensed teachers.

As licensed school employees, any JROTC instructor benefitting from the provisions of HB 165 and eventually teaching in a public school in New Mexico would be subject to the teacher evaluation requirements in the *School Personnel Act* and the educator effectiveness system (EES) mandated through PED rule. However, to advance to an alternative level two license, a JROTC instructor must hold "a level one license with *successful annual evaluations as defined by the instructor's branch of service.*" This provision raises several issues: most likely, the evaluation standards referenced here differ from those in the *School Personnel Act* and EES; the standards may even vary from one branch of service to another; and in practice, these varying standards may conflict with one another. Additionally, the bill does not specify how many successful annual evaluations are required.

The bill does not expressly exempt or include JROTC instructors from getting school district health plan benefits, the accrual of service credit or employee or employer contributions under any coverage plan, and tenure under any law or rule. Presumably, JROTC instructors are covered by other provisions of the *School Personnel Act* and the *Educational Retirement Act*.

Based on current law, there could be a significant differential in the educational level of teachers going through the alternative licensure process. Current law requires a minimum of a bachelor's degree for an applicant pursuing a level one license, whether alternative or traditional. However,

based on the branch of service, JROTC instructors could achieve level one and level two licensure by completing only a high school diploma. For a level three-A license, JROTC instructors could obtain licensure by completing only a bachelor's degree. Additionally, PED notes the requirement to meet the instructor's branch of service's minimum criteria for certification as a JROTC instructor would require its Licensure Bureau to establish varied criteria for each branch of service resulting in additional workload that is not currently budgeted.

PED also notes the bill would not require a content knowledge test prior to licensure for candidates that are teaching in a secondary setting.

Professionals may be highly skilled in the subjects they teach, but they may not have the professional pedagogical preparation required to teach students.

### **Technical Issues:**

It is unclear whether the requirement in Section 1(A)(3) NMSA 1978 refers to a single 24-hour course or 24 credit hours in a course of study; the PED analysis appears to interpret it as the latter.

While HB 165 amends statute to allow these alternative licenses, it does not address the corresponding need for PED to amend its rules; therefore, the sponsor may wish to consider including a clause authorizing or requiring PED to promulgate rules to implement the provisions of HB 165.

### **Background:**

#### ***Minimum Criteria for Certification as a JROTC Instructor***

To become a JROTC instructor in the armed services, the minimum criteria for education requirements differs depending on the branch. For the Marine Corps, to be a Marine Instructor, only a high school diploma is required to begin teaching and an associate degree must be obtained within five years of initial employment. For the Army, to be a Military Science Instructor, only a high school diploma is required, while an associate degree is preferred. For the Air Force, to be an Enlisted Instructor, a bachelor's degree is required prior to retirement, and approximately 60 percent of Enlisted Instructors have a bachelor's degree or higher. For the Navy and Coast Guard, to be a Naval Science Instructor, only an associate degree is required as long as it is obtained within five years of initial employment. All branches offer a pathway for senior- or officer-level instructorships with more advanced education requirements.

#### ***Current Statute***

Under Section 22-10A-8 NMSA 1978, applicants seeking an **alternative level one license**, who are at least 18 years old, are required to meet the following criteria:

- completed a baccalaureate degree at an accredited institution of higher education, including completion of a minimum of 30 credit hours at either the undergraduate or graduate level in the subject area of instruction for which the person is applying for a license;
- completed a master's degree at an accredited institution of higher education, including completion of a minimum of 12 graduate credit hours in the subject area of instruction for which the person is applying for a license; or

- completed a doctoral or law degree at an accredited institution of higher education; and
- passed the NMTA examination, including for elementary licensure, a rigorous assessment of the candidate's knowledge of the science of teaching reading; and
- completed a minimum of 12 semester hours of instruction in teaching principles in a program approved by the department; or
- demonstrated to PED, in conjunction with the school district or state agency, that the person has met the PED-approved competencies for level one teachers that correspond to the grade level that will be taught.

Under Section 22-10A-11.1 NMSA 1978, applicants seeking an **alternative level two or level three license** are required to meet the following criteria at the end of an internship of at least one full school year:

- PED may issue an **alternative level two license** to a person who is at least 18 years of age, has a post-baccalaureate degree, and has at least five years' experience teaching at the postsecondary level if the person demonstrates that he or she has met PED-approved competencies that correspond to the grade level and subject area; and
- PED may issue an **alternative level three-A license** to a person who is at least 18 years of age, has a post-baccalaureate degree, and has at least six years' experience teaching or administering at the postsecondary level if the person demonstrates that he or she has met PED-approved competencies that correspond to the grade level and subject area.

**Related Bills:**

HB 145a *Adjunct Secondary Instructors Act*

HB 187a *Alternative Level 3-B School Licensure*

SB 114a *Adjunct Secondary Instructors Act*