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**LEGISLATIVE EDUCATION STUDY COMMITTEE**  
**BILL ANALYSIS**  
**53rd Legislature, 2nd Session, 2018**

<b>Bill Number</b>	<u>HB219</u>	<b>Sponsor</b>	<u>Dow/Youngblood</u>
<b>Tracking Number</b>	<u>.209702.1</u>	<b>Committee Referrals</b>	<u>HRC/HSIVC/HEC</u>
<b>Short Title</b>	<u>Grade 7-12 Adjunct Instructors</u>		
<b>Analyst</b>	<u>Macdonald</u>	<b>Original Date</b>	<u>2/9/18</u>
		<b>Last Updated</b>	<u></u>

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**BILL SUMMARY**

Synopsis of Bill

House Bill 219 (HB219) proposes to create a five-year pilot project to use contract adjunct instructors to supplement teaching staff in seventh through 12th grades. The pilot project will begin in the 2018-2019 school year and conclude in the 2023-2024 school year. Under HB219, an adjunct instructor means “a person over the age of eighteen who has at least a bachelor’s degree from an accredited institution of higher education and has at least five years’ experience in the subject matter in which the adjunct instructor is contracted to teach.”

**FISCAL IMPACT**

HB219 does not contain an appropriation. The Public Education Department (PED) will be required to administer this new licensure. The bill may have significant fiscal implications for the department and school districts and charter schools depending on the number of applications received and reviewed. However, PED also may experience increased revenue due to individuals applying for adjunct secondary instructor licenses. New applications for licenses would be developed by the department and be used to pay for the review of application materials. The revenue could only be used for administrative costs associated with reviewing applications.

**SUBSTANTIVE ISSUES**

Under HB219, the adjunct instructors pilot project allows the licensure of adjunct instructors who have subject matter expertise but who do not have a level 1 or level 2 teaching license or an alternative license and who are used to supplement the teaching staff of a school district or charter school. HB219 measures the effect of adjunct instructors on student achievement in adjunct instructor-taught courses and improved outcome indicators, including test scores, graduation rates, teacher and student satisfaction, and truancy and dropout rates.

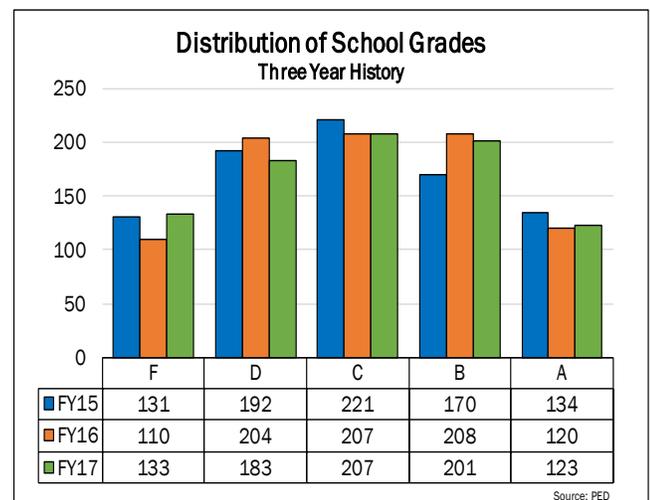
Additionally, a school district or charter school that has been approved by PED to participate in the adjunct instructors pilot project may enter into a professional services contract with an adjunct instructor, which the department is required to approve. Under the one-year contract, the adjunct

instructor may only teach students in seventh through 12th grades and in the subject areas covered by the adjunct instructor’s license; compensation is required to be commensurate with the salary of a first-year teacher employed by the school district or charter school in which the adjunct instructor is teaching, prorated for the adjunct instructor’s workload; teaching services cannot exceed one-half of a full time teacher’s workload; and the adjunct instructor is a contractor and is not eligible for health care benefits, accrual of service credit or employee or employer contributions under any coverage plan pursuant to the Educational Retirement Act, the Public Employees Retirement Act, or the Deferred Compensation Act. The adjunct instructor is ineligible for tenure under any law, rule, or agreement. The contract may be terminated by the school district or charter school without cause at any time during the contract period.

Under the bill, no more than 10 percent of any public school’s or charter school’s classes can be taught by adjunct instructors. Students who are taking courses taught by adjunct instructors are required to be evaluated at the beginning of each such course, and their progress measured through PED-approved summative assessments.

A school district or charter school that has an “A” or “B” grade may apply to use adjunct instructors to teach subjects for which teachers are not available, provide for more classes in a particular subject, or offer electives that would otherwise not be available to students in a regular classroom.

The FY17 school year marks the seventh year schools have been given a summative school grade under the A-B-C-D-F Schools Rating Act. The following graph details how many schools would be eligible to apply for the pilot program, including 324 schools who received a school grade of “A” or “B” during FY17.



HB219 could be beneficial to rural school districts for recruiting and retaining teachers. According to the Education Commission of the States, rural communities face limitations in recruiting and retaining high-quality teachers for reasons such as funding issues, limited teacher supply, lack of rigorous training and certification options, and geographic and social isolation.

According to research from the Project on the Next Generation of Teachers at the Harvard Graduate School of Education, fast-track programs provide the possibility of attracting strong candidates and rapidly filling teaching positions in shortage areas. If well organized, such programs can equip new teachers with the preparation they will need to succeed during their first months in the classroom. But, in itself, this preparation is not enough and must be supplemented with ongoing support in the schools. PED notes that the adjunct instructors are eligible for in-service training and other professional development under HB219.

According to the New Mexico Educational Retirement Board (ERB), HB219 has the potential to negatively impact the ERB retirement trust fund. Such an impact would occur if adjunct instructors, who are ineligible to make ERB contributions, fill positions which would otherwise be occupied by contributing ERB members. The extent of the impact cannot be measured without knowing how many individuals would be involved.

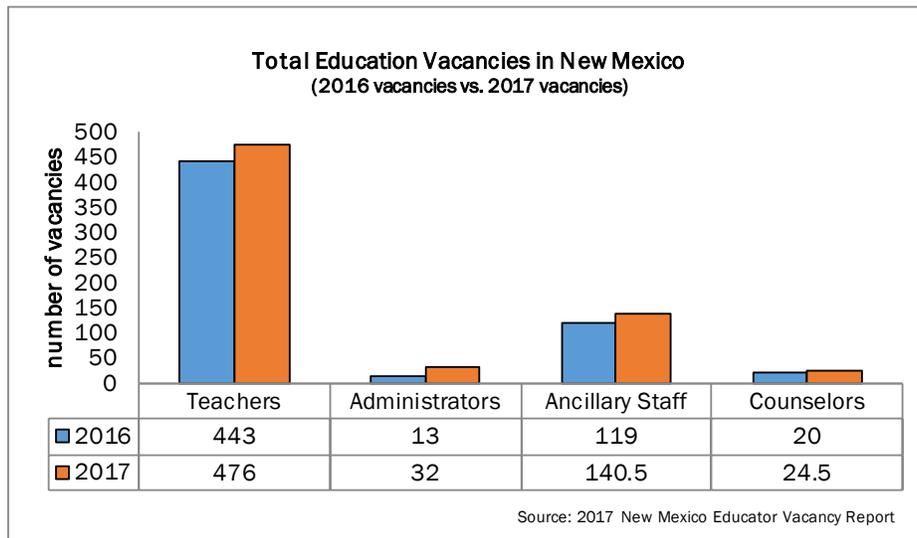
**ADMINISTRATIVE IMPLICATIONS**

Under HB219, PED is required to determine pilot project application requirements, procedures, and criteria for evaluating applications. Additionally, PED is required to establish and implement reporting and evaluation requirements for participating public schools in the pilot project. Finally, PED is required to provide interim and final reports annually to the Legislature and the governor on the efficacy of the pilot project.

**OTHER SIGNIFICANT ISSUES**

This bill may cause enrollments at New Mexico colleges of education to decline.

The number of educator vacancies has increased over the past two years. The New Mexico State University College of Education STEM Outreach Alliance Research Lab released the *2017 New Mexico Educator Vacancy Report* in November, which details statewide and regional data for educator vacancies and completion rates for teacher preparation programs, and notes 673 total educator vacancies, including 476 openings for teachers, 32 openings for administrators, 140.5 openings for ancillary staff, and 24.5 openings for counselors. The current school vacancies represent the number of positions that could not be filled during the regular hiring season between April and August, which means 476 classrooms are being taught by long-term substitutes and not certified teachers. All educator vacancy subgroups (teachers, administrators, ancillary staff, and counselors) have increased from last year’s reported vacancies, and the majority of the school vacancies are in the central region of the state.



Additionally, the report noted the teacher vacancies by discipline included the following: elementary – 245.5; special education – 223; bilingual, English language learners, and TESOL – 38; math – 33; English language arts – 29.5; science – 24; electives – 22; arts and music – 20; foreign languages – 12; social studies – 9; and physical education – 6. (Please note that according to the report some positions are listed in two different categories. For example, a bilingual elementary school opening is listed both in the bilingual and elementary categories.)

The Teacher Shortage Areas Nationwide List by the U.S. Department of Education includes the following teacher shortage areas for New Mexico: bilingual (kindergarten through 12th grades); kindergarten; math (seventh through 12th grades); preschool; and science (seventh through 12th grades).

**POSSIBLE QUESTIONS**

- How will this bill help the areas of greatest need for teacher shortages?
- How can these teacher shortage areas be filled?
- How would adjunct instructors be informed of this opportunity?
- What support and mentoring assistance will be available for the adjunct instructors?

**RELATED BILLS**

HB177, Level 3 Teacher License & Salary, which provides an alternative pathway to obtain a level 3-A teaching license and creates a level 4 teaching license.

HB250, Teaching Alignment Study Task Force, which creates a task force to study the misalignment between state-supported teacher preparation programs and the teacher licensure examination and the misalignment between teacher preparation programs and existing school environments and student learning expectations.

HB265, Alternative Teacher License Requirements, which requires a course in classroom management for teachers who obtain an alternative teaching license.

SB97, Military Spouse Teacher Licensure, which provides for an expedited teacher licensure for military service members, spouses of military services members, and veterans with a valid and current or an expired teaching license from another jurisdiction.

SB116, Create Level 4 Teaching License, which proposes to create a level 4 teaching license with minimum salary requirements.

**SOURCES OF INFORMATION**

- LESC Files
- Educational Retirement Board
- Public Education Department
- Regional Education Cooperatives

**HM/rab**