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HOUSE BILL 171

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

Sheryl Williams Stapleton

AN ACT

RELATING TO PUBLIC EDUCATION IMPROVEMENTS; RAISING THE
STATUTORY MINIMUM SALARIES FOR TEACHERS; RAISING LICENSING
REQUIREMENTS FOR LEVEL ONE TEACHERS; INCREASING CONTRACT TIME
FOR PROFESSIONAL DEVELOPMENT; MAKING AN APPROPRIATION.

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

SECTION 1. Section 22-2-8.1 NMSA 1978 (being Laws 1986,
Chapter 33, Section 2, as amended by Laws 2011, Chapter 35,
Section 1 and by Laws 2011, Chapter 154, Section 1) is amended
to read:

"22-2-8.1. SCHOOL YEAR--~~[LENGTH OF SCHOOL DAY]~~ MINIMUM
INSTRUCTIONAL TIME--VISITATION, IN-SERVICE TRAINING AND
PROFESSIONAL DEVELOPMENT ADDITIONAL.--

A. ~~[Except as otherwise provided in this section]~~
Within three hundred sixty-five calendar days, regular students

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1 shall be in school-directed programs [~~exclusive of lunch~~] for a
2 minimum of the following instructional hours per day and per
3 year:

4 (1) kindergarten, for half-day programs, two
5 and one-half hours per day or four hundred fifty hours per year
6 or, for full-day programs, five and one-half hours per day or
7 nine hundred ninety hours per year;

8 (2) [~~grades one through six~~] first through
9 sixth grades, five and one-half hours per day or nine hundred
10 ninety hours per year; and

11 (3) [~~grades seven through twelve~~] seventh
12 through twelfth grades, six hours per day or one thousand
13 eighty hours per year.

14 [~~B. Up to thirty-three hours of the full-day~~
15 ~~kindergarten program may be used for home visits by the teacher~~
16 ~~or for parent-teacher conferences. Up to twenty-two hours of~~
17 ~~grades one through six programs may be used for home visits by~~
18 ~~the teacher or for parent-teacher conferences. Up to twelve~~
19 ~~hours of grades seven through twelve programs may be used to~~
20 ~~consult with parents to develop next step plans for students~~
21 ~~and for parent-teacher conferences.]~~

22 B. Days or hours when no instruction is given due
23 to lunchtime, recess, weather-related school delays or
24 cancellations, in-service training, teacher planning and
25 preparation, professional development or other events that are

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1 not instructional programs shall not count toward the
2 calculation of minimum instructional hours or days.

3 C. A school year shall be extended at least ten
4 days beyond the required instructional days to provide
5 professional development for teachers, in-service training,
6 teacher planning and preparation, mentoring and collaboration,
7 home visitation, teacher-parent conferences or other non-
8 instructional events that may be embedded throughout the school
9 year but are not held during instructional time. Each school
10 year, teachers, school principals and instructional support
11 providers shall complete ten days of professional development
12 aligned with their duties; provided that this time may include
13 collaboration and mentoring with colleagues. Each school year,
14 classroom teachers shall be allowed three days for home visits
15 and parent-teacher conferences; provided that parent-teacher
16 conferences in seventh through twelfth grade shall include time
17 to consult with parents in the development of next-step plans
18 for students.

19 ~~[G-]~~ D. Nothing in this section precludes a local
20 school board from setting a school year or the length of school
21 days in excess of the minimum instructional hour requirements
22 established by Subsection A of this section.

23 ~~[D-]~~ E. The secretary may waive the minimum length
24 of school days in those school districts where such minimums
25 would create undue hardships as defined by the department as

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1 long as the school year is adjusted to ensure that students in
2 those school districts receive the same total instructional
3 time as other students in the state.

4 ~~[E-]~~ F. Notwithstanding any other provision of this
5 section, provided that instruction occurs simultaneously, time
6 when breakfast is served or consumed pursuant to a state or
7 federal program shall be deemed to be time in a school-directed
8 program and is part of the instructional day."

9 SECTION 2. Section 22-10A-7 NMSA 1978 (being Laws 2003,
10 Chapter 153, Section 38, as amended) is amended to read:

11 "22-10A-7. LEVEL ONE LICENSURE.--

12 A. A level one license is a provisional five-year
13 license for beginning teachers that requires as a condition of
14 licensure that the licensee undergo a formal mentorship program
15 for at least one full school year and an annual intensive
16 performance evaluation by a school administrator for at least
17 three full school years before applying for a level two
18 license.

19 B. Each school district, in accordance with
20 department rules, shall provide for the mentorship and
21 evaluation of level one teachers. At the end of each year and
22 at the end of the license period, the level one teacher shall
23 be evaluated for competency. If the teacher fails to
24 demonstrate satisfactory progress and competence annually, the
25 teacher may be terminated as provided in Section 22-10A-24 NMSA

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1 1978. If the teacher has not demonstrated satisfactory
2 progress and competence by the end of the five-year period, the
3 teacher shall not be granted a level two license.

4 C. Except in exigent circumstances defined by
5 department rule, a level one license shall not be extended
6 beyond the initial period.

7 D. The department shall issue a standard level one
8 license to an applicant who is at least eighteen years of age
9 who:

10 (1) holds a baccalaureate degree from an
11 accredited educational institution;

12 (2) has successfully completed a department-
13 approved teacher preparation program from a nationally
14 accredited or state-approved educational institution;

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

19 (4) meets other qualifications for level one
20 licensure, including clearance of the required background
21 check.

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

25 F. The department shall establish competencies and

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1 qualifications for specific grade levels, types and subject
2 areas of level one licensure, including early childhood,
3 elementary, middle school, secondary, special and vocational
4 education.

5 G. All teachers with a level one license as of July
6 1, 2019 shall obtain a teaching English to speakers of other
7 languages endorsement on their license before the start of the
8 2023-2024 school year or before they obtain a level two
9 license. All new level one teachers hired during the 2019-2020
10 or 2020-2021 school year shall have a teaching English to
11 speakers of other languages endorsement on their license or
12 have two calendar years to obtain the endorsement. All level
13 one teachers applying for a level one teaching license after
14 the 2020-2021 school year shall have the requisite courses to
15 obtain a teaching English to speakers of other languages
16 endorsement at the time of applying for the level one teaching
17 license.

18 [~~G.~~] H. With the adoption by the department of a
19 highly objective uniform statewide standard of evaluation for
20 level one teachers, the minimum salary for a level one teacher
21 shall be [~~thirty-six thousand dollars (\$36,000)]~~ forty-five
22 thousand dollars (\$45,000) for a standard [~~nine and one-half~~]
23 ten month contract."

24 SECTION 3. Section 22-10A-10 NMSA 1978 (being Laws 2003,
25 Chapter 153, Section 41, as amended) is amended to read:

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1 "22-10A-10. LEVEL TWO LICENSURE.--

2 A. A level two license is a nine-year license
3 granted to a teacher who meets the qualifications for that
4 level and who annually demonstrates essential competency to
5 teach. If a level two teacher does not demonstrate essential
6 competency in a given school year, the school district shall
7 provide the teacher with additional professional development
8 and peer intervention during the following school year. If by
9 the end of that school year the teacher fails to demonstrate
10 essential competency, a school district may choose not to
11 contract with the teacher to teach in the classroom.

12 B. The department shall issue a level two license
13 to an applicant who successfully completes the level one
14 license or is granted reciprocity as provided by department
15 rules; demonstrates essential competency required by the
16 department as verified by the local superintendent through the
17 highly objective uniform statewide standard of evaluation; and
18 meets other qualifications as required by the department.

19 C. The department shall provide for qualifications
20 for specific grade levels, types and subject areas of level two
21 licensure, including early childhood, elementary, middle,
22 secondary, special and 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 teacher for a

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1 standard [~~nine and one-half~~] ten month contract shall be
2 [~~forty-four thousand dollars (\$44,000)] fifty-five thousand
3 dollars (\$55,000)."~~

4 SECTION 4. Section 22-10A-11 NMSA 1978 (being Laws 2003,
5 Chapter 153, Section 42, as amended) is amended to read:

6 "22-10A-11. LEVEL THREE LICENSURE--TRACKS FOR TEACHERS.--

7 A. A level three-A license is a nine-year license
8 granted to a teacher who meets the qualifications for that
9 level and who annually demonstrates instructional leader
10 competencies. If a level three-A teacher does not demonstrate
11 essential competency in a given school year, the school
12 district shall provide the teacher with additional professional
13 development and peer intervention during the following school
14 year. If by the end of that school year the teacher fails to
15 demonstrate essential competency, a school district may choose
16 not to contract with the teacher to teach in the classroom.

17 B. The department shall grant a level three-A
18 license to an applicant who has been a level two teacher for at
19 least three years and holds a post-baccalaureate degree or
20 national board for professional teaching standards
21 certification; demonstrates instructional leader competence as
22 required by the department and verified by the local
23 superintendent through the highly objective uniform statewide
24 standard of evaluation; and meets other qualifications for the
25 license.

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1 C. With the adoption by the department of a highly
2 objective uniform statewide standard of evaluation for level
3 three-A teachers, the minimum salary for a level three-A
4 teacher for a standard [~~nine and one-half~~] ten month contract
5 shall be [~~fifty-four thousand dollars (\$54,000)~~] sixty-five
6 thousand dollars (\$65,000).

7 D. The minimum salary for a counselor who holds a
8 level three or three-A license as provided in the School
9 Personnel Act and rules promulgated by the department shall be
10 the same as provided for level three-A teachers pursuant to
11 Subsection C of this section."

12 **SECTION 5.** Section 22-10A-19.1 NMSA 1978 (being Laws
13 2004, Chapter 27, Section 25) is amended to read:

14 "22-10A-19.1. PROFESSIONAL DEVELOPMENT--SYSTEMIC
15 FRAMEWORK REQUIREMENTS--DEPARTMENT DUTIES.--

16 A. The department shall develop a systemic
17 framework for professional development that provides training
18 to ensure quality teachers, school principals and instructional
19 support providers and that improves and enhances student
20 achievement. The department shall work with licensed school
21 employees, the [~~commission on~~] higher education department and
22 institutions of higher education to establish the framework.

23 B. The framework shall include:

24 (1) the criteria for school districts to apply
25 for professional development funds, including an evaluation

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1 component that will be used by the department in approving
2 school district professional development plans; and

3 (2) guidelines for developing extensive
4 professional development activities for school districts that:

5 (a) improve teachers' knowledge of the
6 subjects they teach and ~~[the]~~ their ability to teach those
7 subjects to all of their students;

8 (b) are an integral part of the public
9 school and school district plans for improving student
10 achievement;

11 (c) provide teachers, school
12 administrators and instructional support providers with the
13 strategies, support, knowledge and skills to help all students
14 meet New Mexico academic standards;

15 (d) are high quality, sustained,
16 intensive and focused on the classroom; ~~[and]~~

17 (e) are developed and evaluated
18 regularly with extensive participation of school employees and
19 parents;

20 (f) allow for teachers to work in
21 professional learning communities; and

22 (g) provide teachers up to three hours
23 for home visits and parent-teacher conferences."

24 SECTION 6. APPROPRIATION.--Four hundred million dollars
25 (\$400,000,000) is appropriated from the general fund to the

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1 state equalization guarantee distribution of the public school
2 fund for expenditure in fiscal year 2020 to increase contract
3 days for teachers and to increase statutory minimum salaries
4 for level one, two and three-A licensed teachers. Any
5 unexpended or unencumbered balance remaining at the end of
6 fiscal year 2020 shall revert to the general fund.

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