

1 SENATE BILL 554

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

3 INTRODUCED BY

4 Joseph Cervantes

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10 AN ACT

11 RELATING TO PUBLIC SCHOOLS; INCREASING INSTRUCTIONAL HOURS AND
12 DAYS FOR KINDERGARTEN THROUGH TWELFTH GRADES AND PROFESSIONAL
13 DEVELOPMENT HOURS FOR TEACHERS WITHIN A SCHOOL YEAR; RAISING
14 MINIMUM SALARIES.

15
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

21 "22-2-8.1. SCHOOL YEAR [~~LENGTH OF SCHOOL DAY~~]
22 MINIMUM INSTRUCTIONAL TIME--PROFESSIONAL DEVELOPMENT TIME.--

23 A. [~~Except as otherwise provided in this section~~]
24 Within three hundred sixty-five days, regular students shall be
25 in school-directed programs [~~exclusive of lunch~~] for a minimum

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1 of the following instructional hours and days per school year:

2 (1) kindergarten, for half-day programs, [~~two~~
3 ~~and one-half hours per day or four hundred fifty hours per~~
4 ~~year~~] at least five hundred hours in two hundred instructional
5 days or, for full-day programs, [~~five and one-half hours per~~
6 ~~day or nine hundred ninety hours per year~~] at least one
7 thousand one hundred hours in two hundred instructional days;

8 (2) first through fifth grades, [~~one through~~
9 ~~six five and one-half hours per day or nine hundred ninety~~
10 ~~hours per year~~] one thousand one hundred hours in two hundred
11 instructional days; and

12 (3) sixth through twelfth grades, [~~seven~~
13 ~~through twelve, six hours per day or one thousand eighty hours~~
14 ~~per year~~] one thousand two hundred hours in two hundred
15 instructional days.

16 B. Days or hours when no instruction is given due
17 to lunchtime, recess, weather-related school delays or
18 cancellations, staff in-service training, teacher planning and
19 preparation, teacher collaboration and professional development
20 or other events that are not educational programs for students
21 shall not count toward the calculation of minimum instructional
22 hours or days.

23 C. Every school district shall require a minimum of
24 eighty hours beyond instructional hours for teachers at all
25 grade levels for professional development. This

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1 noninstructional time shall be used to provide high-quality
2 job-embedded professional development that is grounded in day-
3 to-day teaching practice and designed to enhance teachers'
4 content-specific instructional practices with the intent of
5 improving student learning. Noninstructional time shall be
6 school- or classroom-based and integrated into the workday.

7 ~~[B.]~~ D. Up to thirty-three hours of ~~[the]~~ full-day
8 kindergarten ~~[program]~~ may be used for home visits by the
9 teacher or for parent-teacher conferences. Up to twenty-two
10 hours of ~~[grades one through six programs]~~ first through sixth
11 grade may be used for home visits by the teacher or for parent-
12 teacher conferences. Up to twelve hours of ~~[grades seven~~
13 ~~through twelve programs]~~ seventh through twelfth grade may be
14 used to consult with parents and students to develop next step
15 plans for students and for parent-teacher conferences.

16 ~~[G.]~~ E. Nothing in this section precludes a local
17 school board from setting a school year, ~~[or]~~ the length of
18 school days, the number of instructional hours or days or the
19 number of noninstructional hours or days in excess of the
20 minimum requirements established ~~[by Subsection]~~ in Subsections
21 A and C of this section.

22 ~~[D.]~~ F. The secretary may waive the minimum
23 length of school days in those school districts where such
24 minimums would create undue hardships as defined by the
25 department as long as the school year is adjusted to ensure

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1 that students in those school districts receive the same
2 total instructional time as other students in the state and
3 teachers receive the same total professional development time
4 as other teachers in the state and that the school district
5 is exceeding educational standards established by the
6 department. The secretary shall not waive the total minimum
7 instructional time or total minimum professional time
8 required in this section.

9 ~~[E. Notwithstanding any other provision of this~~
10 ~~section]~~ G. Provided that instruction occurs simultaneously,
11 time when breakfast is served or consumed pursuant to [~~a~~
12 ~~state or federal program shall]~~ Section 22-13-13.2 NMSA 1978
13 may be deemed to be [time in a school-directed program and
14 is] part of the instructional day if instruction is actually
15 being provided and received.

16 H. A student in special education shall be in
17 school-directed programs for an amount of time consistent
18 with the student's individualized education plan."

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

21 "22-10A-7. LEVEL ONE LICENSURE.--

22 A. A level one license is a provisional five-year
23 license for beginning teachers that requires as a condition
24 of licensure that the licensee undergo a formal mentorship
25 program for at least one full school year and an annual

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1 intensive performance evaluation by a school administrator
2 for at least three full school years before applying for a
3 level two license.

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

15 C. Except in exigent circumstances defined by
16 department rule, a level one license shall not be extended
17 beyond the initial period.

18 D. The department shall issue a standard level
19 one license to an applicant who is at least eighteen years of
20 age who:

21 (1) holds a baccalaureate degree from an
22 accredited educational institution;

23 (2) has successfully completed a department-
24 approved teacher preparation program from a nationally
25 accredited or state-approved educational institution;

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

5 (4) meets other qualifications for level one
6 licensure, including clearance of the required background
7 check.

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

11 F. The department shall establish competencies
12 and qualifications for specific grade levels, types and
13 subject areas of level one licensure, including early
14 childhood, elementary, middle school, secondary, special and
15 vocational education.

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

22 SECTION 3. Section 22-10A-10 NMSA 1978 (being Laws
23 2003, Chapter 153, Section 41, as amended) is amended to
24 read:

25 "22-10A-10. LEVEL TWO LICENSURE.--

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1 A. A level two license is a nine-year license
2 granted to a teacher who meets the qualifications for that
3 level and who annually demonstrates essential competency to
4 teach. If a level two teacher does not demonstrate essential
5 competency in a given school year, the school district shall
6 provide the teacher with additional professional development
7 and peer intervention during the following school year. If
8 by the end of that school year the teacher fails to
9 demonstrate essential competency, a school district may
10 choose not to contract with the teacher to teach in the
11 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~~
17 ~~the highly objective uniform statewide standard of~~
18 ~~evaluation~~]; and meets other qualifications as required by
19 the department.

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

25 D. [~~With the adoption by the department of the~~

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1 ~~statewide objective performance evaluation for level two~~
2 ~~teachers]~~ The minimum salary for a level two teacher for a
3 standard nine and one-half month contract shall be [~~forty-~~
4 ~~four thousand dollars (\$44,000)] fifty-five thousand dollars
5 (\$55,000)."~~

6 SECTION 4. Section 22-10A-11 NMSA 1978 (being Laws
7 2003, Chapter 153, Section 42, as amended) is amended to
8 read:

9 "22-10A-11. LEVEL THREE LICENSURE--TRACKS FOR
10 TEACHERS.--

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

22 B. The department shall grant a level three-A
23 license to an applicant who has been a level two teacher for
24 at least three years and holds a post-baccalaureate degree or
25 national board for professional teaching standards

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1 certification; demonstrates instructional leader competence
2 as required by the department and verified by the local
3 superintendent through the highly objective uniform statewide
4 standard of evaluation; and meets other qualifications for
5 the license.

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

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

17 SECTION 5. Section 22-10A-11.4 NMSA 1978 (being Laws
18 2015, Chapter 74, Section 2) is amended to read:

19 "22-10A-11.4. LEVEL THREE-B ADMINISTRATOR'S LICENSE--
20 TRACKS FOR SCHOOL ADMINISTRATOR LICENSURE.--

21 A. A level three-B administrator's license is a
22 five-year license granted to an applicant who meets the
23 qualifications for that license. Licenses may be renewed
24 upon satisfactory annual demonstration of instructional
25 leader and administrative competency.

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1 B. The department shall grant a level three-B
2 administrator's license to an applicant who:

3 (1) has completed a department-approved
4 administrator preparation program;

5 (2) holds a current level two or level three
6 teacher's license; and

7 (3) holds a post-baccalaureate degree or
8 national board for professional teaching standards
9 certification.

10 C. The minimum annual salary for a licensed
11 school principal or assistant school principal shall be
12 [~~fifty thousand dollars (\$50,000)~~] the same as level three-A
13 teachers multiplied by the applicable responsibility factor.

14 ~~[D. The department shall adopt a highly objective~~
15 ~~uniform statewide standard of evaluation, including data~~
16 ~~sources linked to student achievement and an educational plan~~
17 ~~for student success progress, for school principals and~~
18 ~~assistant school principals and rules for the implementation~~
19 ~~of that evaluation system linked to the level of~~
20 ~~responsibility at each school level.~~

21 ~~E.]~~ D. As used in this section, "level three-B
22 administrator's license" means a five-year license granted to
23 an applicant who meets the qualifications pursuant to this
24 section and department rules."

25 **SECTION 6. CONTINGENT EFFECTIVE DATE AND**

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APPLICABILITY.--

A. The provisions of this act shall become effective upon certification by the secretary of state that the constitution of New Mexico has been amended as proposed by a joint resolution of the first session of the fifty-fourth legislature, entitled "A JOINT RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE 12, SECTION 7 OF THE CONSTITUTION OF NEW MEXICO TO PROVIDE FOR AN ADDITIONAL ANNUAL DISTRIBUTION OF ONE PERCENT FROM THE PERMANENT SCHOOL FUND TO BE USED TO INCREASE THE INSTRUCTIONAL HOURS AND DAYS FOR STUDENTS AS PROVIDED BY LAW."

B. The provisions of this act are applicable to the first full school year after adoption of the the joint resolution titled in Subsection A of this section and subsequent school years.