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SENATE BILL

55TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2022

INTRODUCED BY

Ron Griggs

AN ACT

RELATING TO PUBLIC EDUCATION; ENACTING THE COMMUNITY EDUCATORS ACT; ALLOWING THE LICENSURE AND CONTRACTING OF COMMUNITY EDUCATORS; REQUIRING SATISFACTORY CLEARANCE OF FINGERPRINT-BASED BACKGROUND CHECKS AND PARTICIPATION IN THE PERFORMANCE EVALUATION PROCESS; REQUIRING SCHOOL DISTRICTS TO ESTABLISH AND MAINTAIN EXTRACURRICULAR ACTIVITY FUNDS; EXEMPTING COMMUNITY EDUCATORS FROM THE PROVISIONS OF THE EDUCATIONAL RETIREMENT ACT.

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

SECTION 1. A new section of the Public School Code is enacted to read:

"[NEW MATERIAL] SHORT TITLE.--Sections 1 through 6 of this act may be cited as the "Community Educators Act"."

SECTION 2. A new section of the Public School Code is .221295.2

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1 enacted to read:

2 "[NEW MATERIAL] DEFINITIONS.--As used in the Community
3 Educators Act:

4 A. "community educator" means a person who:

5 (1) has current licensure from the department
6 as a community educator; and

7 (2) is not a current teacher or other school
8 employee under the Public School Code;

9 B. "contract for services" means an agreement
10 between the local school board and a community educator for the
11 provision of services pursuant to the Community Educators Act;

12 C. "extracurricular activity" includes all
13 extracurricular activities available within a particular school
14 district;

15 D. "local school board" includes the governing body
16 of a charter school;

17 E. "school district" includes a charter school;

18 F. "services" includes teaching courses in which
19 the community educator has subject-matter expertise; and

20 G. "subject-matter expertise" means the
21 professional, technical or career expertise of a community
22 educator."

23 SECTION 3. A new section of the Public School Code is
24 enacted to read:

25 "[NEW MATERIAL] COMMUNITY EDUCATOR LICENSURE.--

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1 A. The department may license as a community
2 educator a person who:

3 (1) has earned at least a bachelor's degree;

4 (2) has a minimum of three years' experience
5 in each area of subject-matter expertise in which the community
6 educator will teach;

7 (3) passes the New Mexico teacher assessments
8 in each area of subject-matter expertise in which the community
9 educator will teach;

10 (4) completes a department-approved pedagogy
11 course provided by the department, a New Mexico public post-
12 secondary educational institution, a school district or
13 regional education cooperative in conjunction with a New Mexico
14 public post-secondary educational institution or another
15 provider approved by the department pursuant to Section
16 22-10A-7 NMSA 1978; and

17 (5) meets any other requirements established
18 by rule by the department to carry out the provisions of the
19 Community Educators Act, including participation in the same
20 mentorship program, evaluation and other professional
21 development requirements as level one teachers; or

22 (6) has held a valid teacher license from any
23 other state or territory of the United States within the
24 immediately preceding ten years from the date of the person's
25 application for a community educator license; provided that the

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1 person last taught at the secondary level and the courses
2 taught were the same or substantially similar to the course the
3 person is hired to teach.

4 B. A community educator teacher's license shall be
5 valid for two years and shall expire after the two-year period.
6 If qualified, the community educator may apply for a level one,
7 two or three alternative license or a level one, two or three
8 teacher's license according to provisions of the School
9 Personnel Act and an endorsement in the subject area taught,
10 according to department rule."

11 SECTION 4. A new section of the Public School Code is
12 enacted to read:

13 "[NEW MATERIAL] LOCAL SCHOOL BOARD--COMMUNITY EDUCATOR
14 CONTRACT FOR SERVICES--SALARY.--

15 A. A local school board may enter into a contract
16 for services with a community educator; provided that the local
17 superintendent provides to the local school board a signed
18 statement stating that a fully licensed instructor was sought
19 through the same procedures that the school district uses to
20 recruit for any teacher vacancy and one was unavailable.

21 B. The contract for services shall provide that the
22 community educator render services to students in grades seven
23 through twelve only.

24 C. The community educator shall provide services
25 not to exceed one-half of a full-time teacher's workload. A

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1 local school board shall not have more than ten percent of any
2 school's classes taught by community educators.

3 D. The amount of compensation to be received by the
4 community educator shall be one hundred fifty dollars (\$150)
5 per week per class period taught.

6 E. An amount equal to the amount of compensation
7 paid pursuant to Subsection D of this section shall be
8 contributed by that school district to the extracurricular
9 activity fund pursuant to Section 5 of the Community Educators
10 Act.

11 F. The contract for services shall specify that the
12 community educator is ineligible for:

- 13 (1) health plan benefits;
14 (2) the accrual of service credit or employee
15 or employer contributions under the Educational Retirement Act;
16 (3) any compensation other than the amount
17 specified in the contract for services; and
18 (4) tenure under any law or rule or tenure
19 under any agreement to which the community educator is not an
20 individually named party.

21 G. The terms of the contract for services and any
22 renewal of the contract for services shall not exceed one
23 school year. If, after two years of employment, the community
24 educator wishes to continue employment as a teacher in the same
25 school and school district, the community educator may apply

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1 for an alternative teaching license or a level one, two or
2 three teacher's license. The department shall establish an
3 expedited process for community educator licensure application
4 for an alternative level one, two or three license, depending
5 upon the community educator's performance, experience and
6 qualifications.

7 H. A local superintendent may terminate the
8 contract for services without cause at any time during the
9 contract period.

10 I. A local school board may include in the contract
11 for services additional terms not in contravention of the
12 Community Educators Act."

13 SECTION 5. A new section of the Public School Code is
14 enacted to read:

15 "[NEW MATERIAL] EXTRACURRICULAR FUNDS--USES.--

16 A. Each school district shall establish and
17 maintain an extracurricular activity fund. Money in the fund
18 shall consist of contributions to the fund pursuant to
19 Subsection E of Section 4 of the Community Educators Act.
20 Money in an extracurricular activity fund shall be expended by
21 that school district for the purpose of developing, funding and
22 maintaining extracurricular activities.

23 B. A local school board shall develop a list each
24 semester that contains ten extracurricular activities that are
25 offered within the school district to be eligible for funding

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1 pursuant to Subsection A of this section. An extracurricular
2 activity shall not be on the list for consecutive semesters.
3 If a school district does not offer ten or more extracurricular
4 activities per semester, the school district may adjust the
5 number of extracurricular activities on the list.

6 C. Each semester, the local school board shall
7 provide the list of extracurricular activities to the school
8 district to distribute to each community educator within the
9 school district. Each community educator shall elect one
10 extracurricular activity to receive funding in an amount equal
11 to the amount contributed by the school district on that
12 community educator's behalf pursuant to Subsection E of Section
13 4 of the Community Educators Act, and funding shall be
14 distributed by the school district accordingly to develop, fund
15 and maintain that extracurricular activity.

16 D. After funding is distributed pursuant to this
17 section, if any funding remains in the fund, the school
18 district may expend that excess funding on extracurricular
19 activities, as determined by the school district."

20 SECTION 6. A new section of the Public School Code is
21 enacted to read:

22 "[NEW MATERIAL] APPLICABILITY OF SCHOOL PERSONNEL ACT--
23 BACKGROUND CHECKS--PERFORMANCE EVALUATIONS.--

24 A. Community educators shall:

25 (1) satisfactorily clear a fingerprint-based

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1 background check in the same manner as licensed school
2 employees pursuant to Section 22-10A-5 NMSA 1978; and

3 (2) participate in the performance evaluation
4 process in the same manner as licensed school employees
5 pursuant to Section 22-10A-19 NMSA 1978.

6 B. Except as otherwise provided in the Community
7 Educators Act, the provisions of the School Personnel Act shall
8 apply to community educators."

9 SECTION 7. A new section of the Educational Retirement
10 Act is enacted to read:

11 "[NEW MATERIAL] EXEMPTION--COMMUNITY EDUCATORS.--A
12 community educator, as provided by the Community Educators Act,
13 who is employed by a local administrative unit shall not be
14 considered a member pursuant to the provisions of the
15 Educational Retirement Act. Compensation provided to a
16 community educator pursuant to Subsection D of Section 4 of the
17 Community Educators Act shall not be considered salary pursuant
18 to the provisions of the Educational Retirement Act."