

**LEGISLATIVE EDUCATION STUDY COMMITTEE  
BILL ANALYSIS**

**Bill Number:** HB 399a

**52nd Legislature, 1st Session, 2015**

**Tracking Number:** .199589.1

**Short Title:** Junior Reserve Officer Corps Teacher Licenses

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

**Analyst:** Heidi L. Macdonald

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**AS AMENDED**

**The House Education Committee amendments require that the alternative licenses that the Public Education Department (PED) may issue to a Junior Reserve Officer Training Corps (JROTC) instructor apply only for the instruction of JROTC courses.**

**Original Bill Summary:**

HB 399 creates a new section of the *School Personnel Act* to provide for alternative licensure for JROTC instructors.

Among its provisions, HB 399 gives PED the authority to issue the following licenses to a JROTC instructor:

- an alternative level one license if the instructor:
  - 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;
- an alternative level two license if the instructor:
  - 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; and
- an alternative level three-A license if the instructor:
  - 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 licensee.

## **Fiscal Impact:**

HB 399 does not contain an appropriation.

## **Substantive Issues:**

Presumably, any licensees benefitting from the provisions of HB 399 and eventually teaching in a public school or state agency 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, the provisions for an alternative level two license do raise questions about evaluations. As noted under “Bill Summary,” above, PED may issue an alternative level two license to someone who holds “a level one license with *successful annual evaluations as defined by the instructor’s branch of service*” [emphasis added]. This provision raised several issues:

- most likely, the evaluation standards referenced here differ from those in the *School Personnel Act* and the EES;
- the standards may even vary from one branch of service to another;
- in practice, these varying standards may conflict with one another;
- the bill does not specify how many successful annual evaluations are required; and
- although the immediate context may suggest that the “level one license” is an alternative level one license as provided in the bill, the larger context of the *School Personnel Act*, to which this new section is to be added, would suggest a standard level one license. This reading seems especially likely given that the provisions for an alternative level three-A license in the next subsection of the bill mention “an *alternative* level two license” [emphasis added].

According to the analysis by Central New Mexico Community College (CNM), 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 licensure, whether alternative or regular. However, based on the branch of service, JROTC instructors could achieve level one licensure by completing only a high school diploma (see “Background,” below). Further, CNM notes that for a level two or three-A license, JROTC instructors could obtain licensure by completing only a bachelor’s degree.

Additionally, CNM states that while alternative educational levels may be acceptable for teaching JROTC programs, HB 399 does not stipulate any requirements for instructors to remain in JROTC classrooms. CNM also notes, that once level one, two, or three-A is achieved, it is possible that current JROTC instructors could apply for other teaching positions in New Mexico that are not related to instruction of military science. In this case, former JROTC instructors could be teaching courses in which they do not have the minimum education degree or subject matter expertise required of all other teachers in New Mexico.

In a similar vein, the PED analysis raises a number of questions about the relationship between the provisions of HB 399 and current statutory or regulatory circumstances, among them:

- minimum salaries per licensure level;
- the system for advancement from one licensure level to another; and

- certain licensure criteria in the bill, which PED describes as “duplicative, unnecessarily more stringent or otherwise unnecessary.”

Finally, 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:**

While HB 399 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 399.

### **Background:**

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

To become a JROTC instructor in the armed services, the following minimum criteria for education requirements must be met:

- Marine Corps:
  - Senior Marine Instructor, bachelor’s degree;
  - Marine Instructor, high school diploma;
- Army:
  - Senior Military Science Instructor, bachelor’s degree (master’s degree preferred);
  - Military Science Instructor, high school diploma (associate degree preferred);
- Air Force:
  - Officer Instructor, bachelor’s degree (approximately 95 percent have a master’s degree or higher);
  - Enlisted Instructor, bachelor’s degree prior to retirement (60 percent have a bachelor’s degree or higher); and
- Navy and Coast Guard:
  - Senior Naval Science Instructor, bachelor’s degree; and
  - Naval Science Instructor, associate degree.

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

Under Section 22-10A-8, 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, 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.

### ***Competency Testing for Licensure***

The November 15, 2011 issue of the *New Mexico Register* included the final adoption of the amended rule, 6.60.5 NMAC, which:

- establishes the NMTA as the primary acceptable examination for educator licensure in New Mexico; and
- provides exceptions to the general requirement that all teaching candidates seeking licensure must pass the NMTA with a score of at least 240, including exceptions which address individuals seeking an alternative testing arrangement because they are deaf or hard of hearing.

The NMTA for the Educational Administration Pre-K to 12 license is the Content Knowledge Assessment for Educational Administrator test, which consists of 100 selected-response questions divided into four sub-areas with 12 competencies:

- foundations of educational leadership;
- promoting continuous school improvement;
- instructional leadership; and
- managing the school organization, operations, and resources.

**Committee Referrals:**

HEC/HGEIC

**Related Bills:**

FL/HB 76a *Teacher Licensure Levels & Advancement*

SB 91 *Teacher Licensure Levels & Advancement*

SB 126aa *Level 3-B School Admin Licensure Requirements*

SB 153a *Streamline Teacher Administrative Licensure*

SB 223 *Phased Minimum Teacher Salary Increase*

SB 329a *School Licensure Reciprocity Requirements*

SB 378 *Teacher & Admin Differential Performance*