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SENATE BILL 91

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

Mark Moores

AN ACT

RELATING TO EDUCATION; CHANGING THE DESIGNATIONS FOR TEACHER
LICENSURE LEVELS; STREAMLINING ADVANCEMENT THROUGH THE
LICENSURE SYSTEM FOR THE MOST EFFECTIVE TEACHERS; AMENDING
SECTIONS OF THE SCHOOL PERSONNEL ACT.

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

SECTION 1. Section 22-10A-2 NMSA 1978 (being Laws 1975,
Chapter 306, Section 2, as amended) is amended to read:

"22-10A-2. DEFINITIONS.--As used in the School Personnel
Act:

A. "discharge" means the act of severing the
employment relationship with a certified school employee prior
to the expiration of the current employment contract;

B. "highly objective uniform statewide standard of
evaluation" means an objective performance evaluation rating

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1 of:

2 (1) exemplary;

3 (2) highly effective;

4 (3) effective;

5 (4) minimally effective; or

6 (5) ineffective;

7 C. "professional development plan" means a written
8 plan for the teacher that:

9 (1) identifies the areas in which the teacher
10 needs improvement;

11 (2) provides for professional development,
12 training, support or other opportunities aligned with the areas
13 in which the teacher needs improvement; and

14 (3) states the expectation that the teacher
15 demonstrate improvement in certain areas within ninety working
16 days of receiving the professional development plan;

17 [~~B.~~] D. "responsibility factor" means a value of
18 1.20 for an elementary school principal, 1.40 for a middle
19 school or junior high school principal, 1.60 for a high school
20 principal, 1.10 for an assistant elementary school principal,
21 1.15 for an assistant middle school or assistant junior high
22 school principal and 1.25 for an assistant high school
23 principal;

24 [~~G.~~] E. "state agency" means any state institution
25 or state agency providing an educational program requiring the

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1 employment of certified school instructors;

2 ~~[D-]~~ F. "sabbatical leave" means leave of absence
3 with pay as set by the local school board or governing
4 authority of a state agency during all or part of a regular
5 school term for purposes of study or travel related to the
6 staff member's duties and of direct benefit to the
7 instructional program;

8 ~~[E-]~~ G. "terminate" means, in the case of a
9 certified school employee, the act of not reemploying an
10 employee for the ensuing school year and, in the case of a
11 noncertified school employee, the act of severing the
12 employment relationship with the employee;

13 ~~[F-]~~ H. "working day" means every calendar day,
14 excluding Saturday, Sunday or legal holiday; and

15 ~~[G-]~~ I. "just cause" means a reason that is
16 rationally related to an employee's competence or turpitude or
17 the proper performance of the employee's duties and that is not
18 in violation of the employee's civil or constitutional rights."

19 **SECTION 2.** Section 22-10A-4 NMSA 1978 (being Laws 2003,
20 Chapter 153, Section 35, as amended by Laws 2005, Chapter 315,
21 Section 4 and by Laws 2005, Chapter 316, Section 1) is amended
22 to read:

23 "22-10A-4. TEACHERS AND SCHOOL ADMINISTRATORS--
24 PROFESSIONAL STATUS--LICENSURE LEVELS--SALARY ALIGNMENT.--

25 A. Teaching and school administration are

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1 recognized as professions, with all the rights,
2 responsibilities and privileges accorded professions, having
3 their first responsibility to the public they serve. The
4 primary responsibilities of the teaching and school
5 administration professions are to educate the children of this
6 state and to improve the professional practices and ethical
7 conduct of their members.

8 B. The New Mexico licensure framework for teachers
9 and school administrators is a progressive career system in
10 which licensees are required to demonstrate increased
11 competencies and undertake increased duties as they progress
12 through the licensure levels. The minimum salary provided as
13 part of the career system shall not take effect until the
14 department has adopted increased competencies for the
15 particular level of licensure and a highly objective uniform
16 statewide standard of evaluation.

17 C. A level one associate teacher license is a
18 provisional license that gives a beginning teacher the
19 opportunity, through a formal mentorship program, for
20 additional preparation to be a quality teacher. A level two
21 professional teacher license is given to a teacher who is a
22 fully qualified professional who is primarily responsible for
23 ensuring that students meet and exceed department-adopted
24 academic content and performance standards; a teacher may
25 choose to remain [~~at~~] licensed as a level two professional

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1 teacher for the remainder of the teacher's career. A level
2 three-A master teacher license is the highest level of teaching
3 licensure for those teachers who choose to advance as
4 instructional leaders in the teaching profession and undertake
5 greater responsibilities such as curriculum development, peer
6 intervention and mentoring. A level three-B administrator's
7 license is for teachers who choose to commence a new career
8 path in school administration by becoming school
9 administrators.

10 D. All teacher and school administrator salary
11 systems shall be aligned with the licensure framework in a
12 professional educator licensing and salary system.

13 ~~[E. All teachers and school administrators who hold~~
14 ~~teaching or administrator certificates on the effective date of~~
15 ~~the 2003 act shall meet the requirements for their level of~~
16 ~~licensure by September 1, 2006 and shall be issued licenses.]"~~

17 SECTION 3. Section 22-10A-7 NMSA 1978 (being Laws 2003,
18 Chapter 153, Section 38, as amended) is amended to read:

19 "22-10A-7. LEVEL ONE ASSOCIATE TEACHER LICENSURE.--

20 A. A level one associate teacher license is a
21 provisional five-year license for beginning teachers that
22 requires as a condition of licensure that the licensee undergo
23 a formal mentorship program for at least one full school year
24 and ~~[an annual intensive performance]~~ a highly objective
25 uniform statewide standard of evaluation by a school

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1 administrator [~~for at least three full school years before~~
2 ~~applying for a level two license~~] pursuant to department rules.

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

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

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

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

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

25 (3) has passed the New Mexico teacher

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1 assessments examination, including for elementary licensure
2 [~~beginning January 1, 2013~~], a rigorous assessment of the
3 candidate's knowledge of the science of teaching reading; and

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

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

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

15 G. [~~Beginning with the 2003-2004 school year, with~~
16 ~~the adoption by the department of a highly objective uniform~~
17 ~~statewide standard of evaluation for level one teachers]~~ The
18 minimum salary for a licensed level one associate teacher shall
19 be thirty thousand dollars (\$30,000) for a standard nine and
20 one-half month contract.

21 [~~H. Teachers who hold level one licenses on the~~
22 ~~effective date of the 2003 act must be evaluated by the end of~~
23 ~~the 2006-2007 school year.]"~~

24 SECTION 4. Section 22-10A-8 NMSA 1978 (being Laws 2003,
25 Chapter 153, Section 39, as amended by Laws 2011, Chapter 36,
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1 Section 1 and by Laws 2011, Chapter 95, Section 2) is amended
2 to read:

3 "22-10A-8. ALTERNATIVE LEVEL ONE ASSOCIATE TEACHER
4 LICENSE.--

5 A. The department shall issue an alternative level
6 one associate teacher license to a person who is at least
7 eighteen years of age and who:

8 (1) has completed a baccalaureate degree at an
9 accredited institution of higher education and has received a
10 passing score on a state-approved subject-area examination in
11 the subject area of instruction for which the person is
12 applying for a license;

13 (2) has completed a master's degree at an
14 accredited institution of higher education, including
15 completion of a minimum of twelve graduate credit hours in the
16 subject area of instruction for which the person is applying
17 for a license; [~~or~~]

18 (3) has completed a doctoral or law degree at
19 an accredited institution of higher education and:

20 [~~(4)~~] (a) has passed the New Mexico
21 teacher assessments examination, including, for elementary
22 licensure beginning January 1, 2013, a rigorous assessment of
23 the candidate's knowledge of the science of teaching reading;
24 and

25 [~~(5)~~] (b) within two years of beginning

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1 teaching, completes a minimum of twelve semester hours of
2 instruction in teaching principles in a program approved by the
3 department; or

4 [~~(6) demonstrated~~] (4) demonstrates to the
5 department, in conjunction with the school district or state
6 agency, that the person has met the department-approved
7 competencies for licensed level one associate teachers that
8 correspond to the grade level that will be taught.

9 B. A degree or examination referred to in
10 Subsection A of this section shall correspond to the subject
11 area of instruction and the particular grade level that will
12 enable the applicant to teach in a competent manner as
13 determined by the department.

14 C. [~~An~~] A licensed alternative level one associate
15 teacher shall participate in the same mentorship, evaluation
16 and other professional development requirements as other
17 licensed level one associate teachers.

18 D. A school district or state agency shall not
19 discriminate against a teacher on the basis that the teacher
20 holds an alternative level one associate teacher license.

21 E. The department shall provide by rule for
22 training and other requirements to support the use of
23 unlicensed content area experts as resources in classrooms,
24 team teaching, online instruction, curriculum development and
25 other purposes."

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1 SECTION 5. Section 22-10A-9 NMSA 1978 (being Laws 2003,
2 Chapter 153, Section 40, as amended) is amended to read:

3 "22-10A-9. TEACHER MENTORSHIP PROGRAM FOR BEGINNING
4 TEACHERS--PURPOSE--DEPARTMENT DUTIES.--

5 A. The purpose of the teacher mentorship program is
6 to provide beginning teachers with an effective transition into
7 the teaching field, to build on their initial preparation and
8 to ensure their success in teaching; to improve the achievement
9 of students; and to retain capable teachers in the classroom
10 and to remove teachers who show little promise of success.

11 B. The department shall develop a framework for a
12 teacher mentorship program for all first-year teachers. The
13 program shall provide mentorship services by licensed level two
14 professional teacher or level three master teacher mentors to
15 the first-year teacher for the full school year. If sufficient
16 mentorship funds are available, the department may provide
17 funding for mentorship services that extend beyond the first
18 year if the local superintendent or charter school
19 administrator certifies to the secretary that further formal
20 mentorship of a beginning teacher will accomplish the purposes
21 of Subsection A of this section; provided that the state shall
22 not pay for more than three years' mentorship for any beginning
23 teacher.

24 C. The department shall work with licensed school
25 employees, representatives from teacher preparation programs

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1 and the higher education department to establish the framework.

2 D. The framework shall include:

3 (1) individual support and assistance for each
4 beginning teacher from a designated mentor;

5 (2) structured training for mentors;

6 (3) an ongoing, formative evaluation that is
7 used for the improvement of teaching practice;

8 (4) procedures for a summative evaluation of
9 beginning teachers' performance during at least the first three
10 years of teaching, including annual assessment of suitability
11 for license renewal, and for final assessment of beginning
12 teachers seeking level two professional teacher licensure;

13 (5) support from local school boards, school
14 administrators and other school district personnel; and

15 (6) regular review and evaluation of the
16 teacher mentorship program.

17 E. The department shall:

18 (1) require submission and approval of each
19 school district's teacher mentorship program;

20 (2) provide technical assistance to school
21 districts that do not have a well-developed teacher mentorship
22 program in place;

23 (3) encourage school districts to collaborate
24 with teacher preparation program administrators at institutions
25 of higher education, career educators, educational

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1 organizations, regional service centers and other state and
2 community leaders in the teacher mentorship program; and

3 (4) distribute no less than fifty percent of
4 available funds for mentorship programs to school districts on
5 or before September 15 of each fiscal year according to the
6 estimated number of teachers eligible to participate in a
7 mentorship program on the fortieth day of the school year and,
8 on or before January 15 of each fiscal year, distribute the
9 balance of the available funds based on the actual number of
10 eligible teachers participating in a mentorship program on the
11 fortieth day of the school year, adjusted for any over- or
12 under-estimation made in the first allocation.

13 F. The department shall require that teacher
14 preparation programs collaborate with colleges of arts and
15 sciences and high schools to develop a model to provide
16 mentorship services with structured supervision and feedback to
17 each of their graduates who have obtained a teaching position
18 in a public high school, including charter schools; develop
19 cost estimates; and provide recommendations to the legislative
20 education study committee by November 1, 2007. The model shall
21 provide for the following:

22 (1) mentorship services for the first year as
23 a licensed level one associate teacher to each of their
24 graduates who ~~[has]~~ have obtained a teaching position in any
25 New Mexico public high school, including charter schools;

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1 provided that teacher preparation programs may enter into
2 contracts or memoranda of agreement with each other or with
3 licensed level three master teachers in providing services to
4 their students;

5 (2) an annual report to the department of the
6 number of teachers that have completed each of their programs
7 the previous spring or summer and have been hired by public
8 high schools, including charter schools, for the following
9 school year; and

10 (3) an annual report providing a description
11 of the mentorship services that will be provided to each of
12 their teachers, including the name of the teacher, the grade
13 level the teacher has been hired to teach and the name of the
14 school and district where the teacher has been hired."

15 SECTION 6. Section 22-10A-10 NMSA 1978 (being Laws 2003,
16 Chapter 153, Section 41, as amended by Laws 2005, Chapter 315,
17 Section 7 and by Laws 2005, Chapter 316, Section 4) is amended
18 to read:

19 "22-10A-10. LEVEL TWO PROFESSIONAL TEACHER LICENSURE.--

20 A. A level two professional teacher license is a
21 [~~nine-year~~] five-year license granted to a teacher who meets
22 the qualifications for that [~~level~~] license and who annually
23 demonstrates essential competency to teach. If a licensed
24 level two professional teacher does not demonstrate essential
25 competency in a given school year, the school district shall

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1 provide the teacher with additional professional development
2 and peer intervention during the following school year. If by
3 the end of that school year the teacher fails to demonstrate
4 essential competency, a school district may choose not to
5 contract with the teacher [~~to teach in the classroom~~].

6 B. The department shall issue a level two
7 professional teacher license to an applicant who:

8 (1) successfully:

9 (a) completes the level one associate
10 teacher license or is granted reciprocity as provided by
11 department rules;

12 (b) demonstrates essential competency
13 required by the department as verified by the local
14 superintendent through the highly objective uniform statewide
15 standard of evaluation; and

16 (c) meets other qualifications as
17 required by the department; or

18 (2) has completed at least two years of
19 teaching with a level one associate teacher license and has
20 received a highly objective uniform statewide standard of
21 evaluation rating of exemplary or highly effective for two
22 consecutive years prior to applying for the license.

23 C. The department shall provide for qualifications
24 for specific grade levels, types and subject areas of level two
25 professional teacher licensure, including early childhood,

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1 elementary, middle, secondary, special [education] and
2 vocational education.

3 D. [~~With the adoption by the department of the~~
4 ~~statewide objective performance evaluation for level two~~
5 ~~teachers~~] The minimum salary for a licensed level two
6 professional teacher for a standard nine and one-half month
7 contract shall be [~~as follows:~~

8 (1) ~~for the 2003-2004 school year,~~
9 ~~thirty thousand dollars (\$30,000);~~

10 (2) ~~for the 2004-2005 school year,~~
11 ~~thirty-five thousand dollars (\$35,000); and~~

12 (3) ~~for the 2005-2006 school year~~] forty
13 thousand dollars (\$40,000)."

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

16 "22-10A-11. LEVEL THREE-A MASTER TEACHER LICENSURE--
17 TRACKS FOR TEACHERS AND COUNSELORS [~~AND SCHOOL~~
18 ~~ADMINISTRATORS~~]--LEVEL THREE-B ADMINISTRATOR LICENSURE.--

19 A. A level three-A master teacher license is a
20 [~~nine-year~~] five-year license granted to a teacher who meets
21 the qualifications for that [~~level~~] license and who annually
22 demonstrates instructional leader competencies. If a licensed
23 level three-A master teacher does not demonstrate essential
24 competency in a given school year, the school district shall
25 provide the teacher with [~~additional professional development~~

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1 ~~and peer intervention]~~ a professional development plan during
2 the following school year. If by the end of that school year
3 the teacher fails to demonstrate essential competency, a school
4 district may choose not to contract with the teacher to teach
5 ~~[in the classroom]~~.

6 B. The department shall grant a level three-A
7 master teacher license to an applicant ~~[who]~~:

8 (1) who:

9 (a) has been a licensed level two
10 professional teacher for at least three years and holds a post-
11 baccalaureate degree or national board for professional
12 teaching standards certification;

13 (b) demonstrates instructional leader
14 competence as required by the department and verified by the
15 local superintendent through the highly objective uniform
16 statewide standard of evaluation; and

17 (c) meets other qualifications for the
18 license; or

19 (2) who has completed two years of teaching
20 with a level two professional teacher license and has received
21 a highly objective uniform statewide standard of evaluation
22 rating of exemplary or highly effective for two consecutive
23 years prior to applying for the license.

24 C. ~~[With the adoption by the department of a highly~~
25 ~~objective uniform statewide standard of evaluation for level~~

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1 ~~three-A teachers]~~ The minimum salary for a licensed level
2 three-A master teacher for a standard nine and one-half month
3 contract shall be [~~as follows:~~

4 ~~(1) for the 2003-2004 school year, thirty~~
5 ~~thousand dollars (\$30,000);~~

6 ~~(2) for the 2004-2005 school year, thirty-~~
7 ~~five thousand dollars (\$35,000);~~

8 ~~(3) for the 2005-2006 school year, forty~~
9 ~~thousand dollars (\$40,000);~~

10 ~~(4) for the 2006-2007 school year, forty-five~~
11 ~~thousand dollars (\$45,000); and~~

12 ~~(5) for the 2007-2008 school year]~~ fifty
13 thousand dollars (\$50,000).

14 D. A level three-B administrator's license is a
15 nine-year license granted to a school administrator who meets
16 the qualifications for that level. Licenses may be renewed
17 upon satisfactory annual demonstration of instructional leader
18 and administrative competency.

19 E. The department shall grant a level three-B
20 administrator's license to an applicant who:

21 (1) holds a level two professional teacher
22 license and meets the requirements for a level three-A master
23 teacher license or who holds a current level two [~~teacher's~~
24 professional teacher license and, for at least four years, has
25 held the highest-ranked counselor license as provided in

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1 Chapter 22, Article 10A NMSA 1978 and rules promulgated by the
2 department;

3 (2) holds a post-baccalaureate degree or
4 national board for professional teaching standards
5 certification;

6 (3) has satisfactorily completed department-
7 approved courses in administration and a department-approved
8 administration apprenticeship program; and

9 (4) demonstrates instructional leader
10 competence required by the department and verified by the local
11 superintendent through the highly objective uniform statewide
12 standard of evaluation.

13 F. [~~Beginning with the 2007-2008 school year~~] The
14 minimum annual salary for a licensed level three-B
15 administrator school principal or assistant school principal
16 shall be fifty thousand dollars (\$50,000) multiplied by the
17 applicable responsibility factor.

18 G. [~~By the beginning of the 2008-2009 school year~~]
19 The department shall adopt a highly objective uniform statewide
20 standard of evaluation, which includes data sources linked to
21 student achievement and educational plan for student success
22 progress, for licensed level three-B administrator school
23 principals and assistant school principals and rules for the
24 implementation of that evaluation system linked to the level of
25 responsibility at each school level."

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