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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
53rd Legislature, 1st Session, 2017

Bill Number	<u>SB440</u>	Sponsor	<u>Griggs</u>
Tracking Number	<u>.205088.4</u>	Committee Referrals	<u>SEC/SJC</u>
Short Title	<u>Adjunct Secondary Instructors Act</u>		
Analyst	<u>Macdonald</u>	Original Date	<u>2/21/17</u>
		Last Updated	<u></u>

BILL SUMMARY

Synopsis of Bill

Senate Bill 440 (SB440) creates the Adjunct Secondary Instructors Act in the Public School Code, which allows the certification and contracting of adjunct instructors for students in grades 7 through 12, requires fingerprint-based background checks for these instructors, and requires participation in the performance evaluation process for public school teachers.

The Adjunct Secondary Instructors Act includes provisions for the minimum qualifications of adjunct secondary instructors. These include: (1) a bachelor's degree; (2) a minimum of three years' experience in each area of subject-matter expertise in which the instructor will be teaching; (3) passing the New Mexico teacher assessments in each area of subject-matter expertise in which the instructor will be teaching; (4) completing a Public Education Department (PED)-approved pedagogy course provided by the department, a New Mexico public postsecondary institution, a school district, or regional education cooperative in conjunction with a New Mexico public postsecondary institution, or another provider approved by PED; and (5) meeting any other requirements established by rule by PED, including participation in the same mentorship program, evaluation, and other professional development requirements as level 1 teachers. The adjunct secondary instructors license is valid for two years, and at that time shall expire or be converted into a level 1, 2, or 3 alternative license, or a level 1, 2, or 3 teacher's license according to the provisions of the School Personnel Act.

Additionally, SB440 allows a local school board to enter into a one-year school contract for services with an adjunct secondary instructor, provided the local superintendent provides to the local school board a signed statement stating that a fully licensed instructor was sought through the same procedures that the school district uses to recruit for any teacher vacancy and one was unavailable. The adjunct secondary instructor is limited to teaching students in grades 7 through 12, will receive compensation commensurate with the salary of a first-year teacher prorated for the instructor's workload, and will not exceed one-half of a full-time teacher's workload. A local school board is required not to have more than 10 percent of any school's classes taught by these instructors.

FISCAL IMPACT

SB440 does not contain an appropriation. However, PED will be required to administer this new licensure.

The bill may have significant fiscal implications for the department and school districts depending on the number of applications received and reviewed. Staffing levels may need to be increased in the future to accommodate these new duties and may result in future requests for general fund appropriations.

PED also may experience increased revenue due to individuals applying for adjunct secondary instructors licenses. New applications for licenses would be determined by the department and be used to pay for the review of application materials. According to PED, the revenue could only be used for administrative costs associated with reviewing the application.

SUBSTANTIVE ISSUES

SB440 would be beneficial to rural school districts for recruiting and retaining teachers. According to the Education Commission of the States, rural communities face limitations in recruiting and retaining high-quality teachers for reasons such as funding issues, limited teacher supply, lack of rigorous training and certification options, and geographic and social isolation.

Teachers' knowledge of the content they teach is a consistently strong predictor of student performance. Darling-Hammond in 1999 found that, although other factors had a strong association with achievement, the presence of a teacher who did not have a least a minor in the subject matter that she or he taught accounted for about 20 percent of the variation on the National Assessment of Educational Progress results. Goldhaber and Brewer in 1996 found that the presence of teachers with at least a major in their subject area was the most reliable predictor of student achievement scores in mathematics and science. They also found that, although advanced degrees in general were not associated with higher student achievement, an advanced degree that was specific to the subject area that a teacher taught was associated with higher achievement.

According to research from the Project on the Next Generation of Teachers at the Harvard Graduate School of Education, fast-track programs provide the possibility of attracting strong candidates and rapidly filling teaching positions in shortage areas. If well organized, such programs can equip new teachers with the preparation they will need to succeed during their first months in the classroom. But, in itself, this preparation is not enough and must be supplemented with ongoing support in the schools.

According to PED's analysis, the bill allows school districts with an ongoing need for secondary instructors in specific subject areas to draw upon the talent and expertise in their community to teach certain courses. For example, school districts often struggle to recruit and retain teachers in science, technology, engineering, and mathematics (STEM). The state has high levels of professional expertise in STEM fields, and this bill would allow school districts to leverage that local expertise to fill vacancies.

ADMINISTRATIVE IMPLICATIONS

PED is required to establish a process for adjunct secondary instructor licensure conversion to an alternative level 1, 2, or 3 license, depending upon the adjunct secondary instructor's performance, experience, and qualification.

TECHNICAL ISSUES

On page 3, lines 21-23, the bill notes the adjunct secondary teacher's license will expire or "be converted into a level one, two or three alternative license or a level one, two or three teacher's license"; however, on page 5, lines 17-21 state that the license "shall convert the adjunct secondary instructor license to an alternative teaching license. The department shall establish a process for adjunct secondary instructor licensure conversion to an alternative level one, two or three license". The sponsor may wish to clarify if the adjunct secondary teacher's license will convert into an alternative or traditional teaching license for consistency.

OTHER SIGNIFICANT ISSUES

According to the 2016 New Mexico Educator Vacancy Report, which is a report on the teacher vacancies in the state, there were 595 total education vacancies as of November 4, 2016. Of the 89 school districts, 45 school districts responded to a survey for the report. The vacancies by discipline reported include the following: special education – 153.5; elementary – 144; early childhood – 43; mathematics – 27; language arts – 26; science – 17; bilingual, English learner, and Teachers of English to Speakers of Other Languages (TESOL) – 16; arts and music – 14; electives – 12; physical education – 11; social studies – 10; and foreign language – 6. In addition, the survey for the report asked school districts to identify the most difficult positions for recruitment. Of the 39 school districts who responded to this question, 59 percent reported special education because there are not enough qualified applicants. Forty-nine percent said they had difficulty hiring qualified mathematics teachers and 28 percent said science teachers. Overwhelmingly the smaller, more rural school districts said it was hard to recruit teachers due to their location, regardless of the subject area.

The Teacher Shortage Areas Nationwide List by the United States Department of Education includes the following teacher shortage areas for New Mexico: bilingual (kindergarten through 12th grade); mathematics (7th through 12th grade); science (7th through 12th grade); kindergarten; and preschool.

According to the Legislative Finance Committee (LFC), the Educational Retirement Board (ERB) noted that a bill such as this may have the potential to negatively impact the ERB retirement trust fund. Such an impact would occur if adjunct instructors, who are ineligible to make ERB contributions, fill positions which would otherwise be occupied by contributing ERB members. The extent of the impact cannot be measured without knowing how many individuals would be involved. The retirement fund currently receives employee and employer contributions significantly in excess of the retirement plan's "normal cost." A plan's "normal cost" is the percentage of salary needed to fund a member's benefits from date of hire until ultimate termination, death, disability, or retirement. As of June 30, 2015, ERB's actuary has determined the normal cost to be 12.98 percent. Per statute, for employees earning \$20 thousand or less, ERB receives combined employee and employer contributions totaling 21.8 percent. All contributions received by ERB in excess of the normal cost are used to reduce the retirement fund's unfunded actuarial accrued liability (UAAL). The UAAL stands at \$6.5 billion as of June

30, 2015. In short, having fewer contributing members means it will take ERB longer to reduce and ultimately eliminate its UAAL.

RELATED BILLS

Relates to HB41, Alternative Level 3-B Administrator License

Relates to HB124/aHEC, Teacher Competency for Licensure Advancement

Relates to HB258, Junior ROTC Instructor Licensure

SOURCES OF INFORMATION

- LESC Files
- PED
- LFC Files

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