

1 SENATE BILL 440

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

4 Ron Griggs

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10 AN ACT

11 RELATING TO PUBLIC EDUCATION; ENACTING THE ADJUNCT SECONDARY
12 INSTRUCTORS ACT; ALLOWING THE LICENSURE AND CONTRACTING OF
13 ADJUNCT SECONDARY INSTRUCTORS; REQUIRING SATISFACTORY CLEARANCE
14 OF FINGERPRINT-BASED BACKGROUND CHECKS AND PARTICIPATION IN THE
15 PERFORMANCE EVALUATION PROCESS.

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

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

20 "[NEW MATERIAL] SHORT TITLE.--This act may be cited as the
21 "Adjunct Secondary Instructors Act"."

22 SECTION 2. A new section of the Public School Code is
23 enacted to read:

24 "[NEW MATERIAL] DEFINITIONS.--As used in the Adjunct
25 Secondary Instructors Act:

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1 A. "adjunct secondary instructor" means a person
2 who:

3 (1) has current licensure from the department
4 as an adjunct secondary instructor; and

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

7 B. "contract for services" means an agreement
8 between the local school board and an adjunct secondary
9 instructor for the provision of services pursuant to the
10 Adjunct Secondary Instructors Act;

11 C. "local school board" includes the governing body
12 of a charter school;

13 D. "school district" includes a charter school;

14 E. "services" includes teaching courses in which
15 the adjunct secondary instructor has subject-matter expertise;
16 and

17 F. "subject-matter expertise" means the
18 professional, technical or career expertise of an adjunct
19 secondary instructor."

20 **SECTION 3.** A new section of the Public School Code is
21 enacted to read:

22 "[NEW MATERIAL] ADJUNCT SECONDARY INSTRUCTOR LICENSURE.--

23 A. The department may license as an adjunct
24 secondary instructor a person who:

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

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1 (2) has a minimum of three years' experience
2 in each area of subject-matter expertise in which the adjunct
3 secondary instructor will teach;

4 (3) passes the New Mexico teacher assessments
5 in each area of subject-matter expertise in which the adjunct
6 secondary instructor will teach;

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

14 (5) meets any other requirements established
15 by rule by the department to carry out the provisions of the
16 Adjunct Secondary Instructors Act, including participation in
17 the same mentorship program, evaluation and other professional
18 development requirements as level one teachers.

19 B. An adjunct secondary teacher's license shall be
20 valid for two years, and, at that time, shall either expire or
21 be converted into a level one, two or three alternative license
22 or a level one, two or three teacher's license according to
23 provisions of the School Personnel Act and an endorsement in
24 the subject area taught, according to department rule."

25 SECTION 4. A new section of the Public School Code is

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underscored material = new
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1 enacted to read:

2 "[NEW MATERIAL] LOCAL SCHOOL BOARD--ADJUNCT SECONDARY
3 INSTRUCTOR CONTRACT FOR SERVICES.--

4 A. A local school board may enter into a contract
5 for services with an adjunct secondary instructor; provided
6 that the local superintendent provides to the local school
7 board a signed statement stating that a fully licensed
8 instructor was sought through the same procedures that the
9 district uses to recruit for any teacher vacancy and one was
10 unavailable.

11 B. The contract for services shall provide that the
12 adjunct secondary instructor render services to students in
13 grades seven through twelve only.

14 C. The amount of compensation to be received by the
15 adjunct secondary instructor shall be commensurate with the
16 salary of a first-year teacher employed by the school district
17 or charter school in which the adjunct secondary instructor is
18 teaching, prorated for the adjunct secondary instructor's
19 workload.

20 D. The adjunct secondary instructor shall provide
21 services not to exceed one-half of a full-time teacher's
22 workload. A local school board shall not have more than ten
23 percent of any school's classes taught by adjunct secondary
24 instructors.

25 E. The contract for services shall specify that the

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1 adjunct secondary instructor is ineligible for:

2 (1) health plan benefits;

3 (2) the accrual of service credit or employee
4 or employer contributions under any coverage plan pursuant to
5 the Educational Retirement Act, the Public Employees Retirement
6 Act or the Deferred Compensation Act;

7 (3) any compensation other than the amount
8 specified in the contract for services; and

9 (4) tenure under any law or rule or tenure
10 under any agreement to which the adjunct secondary instructor
11 is not an individually named party.

12 F. The terms of the contract for services and any
13 renewal of the contract for services shall not exceed one
14 school year. If, after two years of employment, the adjunct
15 secondary instructor wishes to continue employment as a teacher
16 in the same school and school district, the adjunct secondary
17 instructor shall convert the adjunct secondary instructor
18 license to an alternative teaching license. The department
19 shall establish a process for adjunct secondary instructor
20 licensure conversion to an alternative level one, two or three
21 license, depending upon the adjunct secondary instructor's
22 performance, experience and qualifications.

23 G. A local school board may terminate the contract
24 for services without cause at any time during the contract
25 period.

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