

**LEGISLATIVE EDUCATION STUDY COMMITTEE  
BILL ANALYSIS**

**Bill Number:** HB 139

**51st Legislature, 2nd Session, 2014**

**Tracking Number:** .195024.2SA

**Short Title:** Adjunct Instructors Act

**Sponsor(s):** Representative James E. Smith

**Analyst:** LaNysha Adams

**Date:** February 4, 2014

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**Bill Summary:**

HB 139 creates the *Adjunct Instructors Act* to allow local school boards to contract with adjunct instructors certified by the Public Education Department (PED).

HB 139 defines the term “adjunct instructor” as a person who:

- has current certification from PED as an adjunct instructor; and
- is not a current teacher or other school employee under the *Public School Code*.

Among its other provisions, HB 139:

- allows local school boards to establish the amount of compensation the adjunct instructor receives;
- allows PED to certify individuals who have:
  - earned at least a bachelor’s degree;
  - had a minimum of three years experience in each area of professional, technical, or career expertise in which they will provide services;
  - passed the New Mexico Teacher Assessments (NMTA) in which they will provide services;
  - completed a PED-approved pedagogy course provided by PED, a school district, or Regional Education Cooperative; and
  - meets any other requirements established by PED rule; and
- requires contracts with adjunct instructors to specify that they are ineligible for:
  - health plan benefits;
  - the accrual of service credit or employee or employer contributions under any coverage plan pursuant to the *Public Employees Retirement Act*, the *Educational Retirement Act*, or the *Deferred Compensation Act*;
  - any compensation other than the amount specified in the contract for services; and
  - tenure under any law or regulation or tenure under any agreement to which the adjunct instructor is not an individually named party.

HB 139 also prescribes limitations to aspects of the contracts for adjunct instructors:

- no more than 20 hours of services per week;
- not to exceed one school year; and
- no renewal.

Finally, HB 139 requires adjunct instructors to undergo background checks and prohibits school districts and charter schools from allowing persons without background checks to have unsupervised contact with students.

### **Fiscal Impact:**

HB 139 does not contain an appropriation.

### **Substantive Issues:**

According to licensure requirements on the NMTA website, certified school personnel seeking additional endorsements in subjects they would like to teach must take 24 semester hours in the appropriate content area or they must take and pass the appropriate content knowledge assessment (see “Background,” below).

If HB 139 is enacted, except for the background checks required for school personnel, adjunct instructors are exempt from all of the other provisions in the *School Personnel Act*.

Professionals may be highly skilled in the subjects they teach, but they may not have the professional pedagogical preparation required to teach students. Several studies have indicated that teacher training must focus on content as well as pedagogy.

### **Background:**

According to the Education Commission of the States (ECS), New Mexico has designated mathematics and science (grades 7-12) as teacher shortage areas. Teacher shortage areas identified by the US Department of Education (USDE) in the *Teacher Shortage Areas Nationwide List* include:

- pre-K and science (grades 7-12); and
- bilingual/TESOL, elementary education, language arts (grades 7-12), mathematics (grades 7-12), science (grades 7-12), and special education.

### ***New Mexico Teacher Assessments***

According to PED, the department currently contracts with NES/Pearson to develop the NMTA. There are three major components of the NMTA:

- *Assessment of Teacher Basic Skills*, which is designed to measure fundamental communication and math skills that the state requires of classroom teachers and are needed to complete a New Mexico educator preparation program. The basic skills test has four sub-areas in:

- reading comprehension;
  - foundations of written communication;
  - mathematics; and
  - written communication-composition.
- *Assessment of Teacher Competency*, which is designed to measure a candidate's professional and pedagogical knowledge and skills depending upon the kind of license sought.
  - *Content Knowledge Assessments*, which is designed to measure the subject-matter knowledge and skills needed to teach effectively in New Mexico schools. The content knowledge assessments could take the form of middle or secondary level assessments in certain disciplines, foreign language assessments, or assessments in a number of other disciplines or fields.

According to the “Licensure Requirements” on the NMTA website:

- there are nine kinds of educator licenses that can be obtained in New Mexico, including:
  - Early Childhood (B-3);
  - Elementary Education (K-8);
  - Grades Pre-K to 12 Teaching;
  - Middle Level Education (5-9);
  - Secondary Education (7-12);
  - Special Education (Pre-K to 12);
  - Educational Administrator (Pre-K to 12);
  - Educational Diagnostician (Pre-K to 12); and
  - School Counselor (Pre-K to 12); and
- effective July 1, 2013, all new teachers seeking a Level 1 teaching license in elementary education (K-8) were required to pass the NES/Pearson Essential Components of Elementary Reading Instruction Assessment.

**Committee Referrals:**

HEC/HAFC

**Related Bills:**

SB 57 *Adjunct Instructors Act* (Identical)