

HOUSE BILL 139

**51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014**

INTRODUCED BY

James E. Smith

AN ACT

RELATING TO PUBLIC SCHOOLS; CREATING THE ADJUNCT INSTRUCTORS  
ACT; ALLOWING THE CERTIFICATION AND CONTRACTING OF ADJUNCT  
INSTRUCTORS; REQUIRING BACKGROUND CHECKS AND EXCLUDING OTHER  
SCHOOL PERSONNEL ACT PROVISIONS.

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

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

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

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

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

A. "adjunct instructor" means a person who:

.195024.2SA

underscoring material = new  
[bracketed material] = delete

underscored material = new  
[bracketed material] = delete

1 (1) has current certification from the  
2 department as an adjunct instructor; and

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

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

9 C. "local school board" includes the governing body  
10 of a charter school;

11 D. "school district" includes a charter school; and

12 E. "services" includes helping students acquire  
13 knowledge in a subject in which an adjunct instructor has  
14 professional, technical or career expertise."

15 SECTION 3. A new section of the Public School Code is  
16 enacted to read:

17 "[NEW MATERIAL] LOCAL SCHOOL BOARD--ADJUNCT INSTRUCTOR  
18 CONTRACT FOR SERVICES.--

19 A. A local school board shall have the authority to  
20 enter into a contract for the services with an adjunct  
21 instructor.

22 B. The amount of compensation to be received by the  
23 adjunct instructor shall be a provision of the contract for  
24 services determined by the local school board.

25 C. The adjunct instructor shall provide services

.195024.2SA

underscored material = new  
[bracketed material] = delete

1 not to exceed twenty hours per week.

2 D. The contract for services shall specify that the  
3 adjunct instructor is ineligible for:

4 (1) health plan benefits;

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

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

11 (4) tenure under any law or regulation or  
12 tenure under any agreement to which the adjunct instructor is  
13 not an individually named party.

14 E. The term of the contract for services and any  
15 renewal of the contract for services shall not exceed one  
16 school year.

17 F. A local school board may terminate the contract  
18 for services without cause at any time during the contract  
19 period.

20 G. A local school board may include in the contract  
21 for services additional terms not in contravention of the  
22 Adjunct Instructors Act."

23 SECTION 4. A new section of the Public School Code is  
24 enacted to read:

25 "[NEW MATERIAL] ADJUNCT INSTRUCTOR CERTIFICATION.--The  
.195024.2SA

underscored material = new  
[bracketed material] = delete

1 department shall certify as an adjunct instructor a person who:

2 A. has earned at least a bachelor's degree;

3 B. has a minimum of three years experience in each  
4 area of professional, technical or career expertise in which  
5 the adjunct instructor will provide services;

6 C. passes the New Mexico teachers assessments in  
7 each area of professional, technical or career expertise in  
8 which the adjunct instructor will provide services;

9 D. completes a department-approved pedagogy course  
10 provided by the department, a school district or a regional  
11 education cooperative; and

12 E. meets any other requirements established by rule  
13 by the department."

14 SECTION 5. A new section of the Public School Code is  
15 enacted to read:

16 "[NEW MATERIAL] BACKGROUND CHECKS REQUIRED FOR ADJUNCT  
17 INSTRUCTORS--SCHOOL PERSONNEL ACT OTHERWISE INAPPLICABLE.--

18 Notwithstanding the applicability of Section 22-10A-5 NMSA  
19 1978, all of the other provisions of the School Personnel Act,  
20 including licensure requirements, shall not apply to adjunct  
21 instructors. Adjunct instructors shall be required to undergo  
22 a background check as provided in Section 22-10A-5 NMSA 1978.

23 The school district or charter school may act on the  
24 information received from the background check and refuse to  
25 approve a person as an adjunct instructor. The school district

.195024.2SA

underscored material = new  
~~[bracketed material] = delete~~

1 or charter school shall not allow persons who have not been  
2 vetted through the background check process to have  
3 unsupervised contact with students."

5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25