

**LEGISLATIVE EDUCATION STUDY COMMITTEE  
BILL ANALYSIS**

**Bill Number:** HB 145a

**52nd Legislature, 2nd Session, 2016**

**Tracking Number:** .202719.1

**Short Title:** Adjunct Secondary Instructors Act

**Sponsor(s):** Representative Conrad D. James

**Analyst:** Heidi L. Macdonald

**Date:** January 30, 2016 (Revised)

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**AS AMENDED**

**The House Education Committee amendment adds language requiring adjunct secondary instructors to participate in the performance evaluation process in the same manner as licensed school employees. The amendment also cleans up language in the title of the bill to reflect the performance evaluation participation requirement.**

**Original Bill Summary:**

HB 145 creates the *Adjunct Secondary Instructors Act*. The bill allows the Public Education Department (PED) to issue an adjunct secondary instructor license to an applicant who has earned at least a bachelor's degree, has a minimum of three years experience in the subject-matter expertise area, passes the New Mexico Teacher Assessments in the subject-area matter expertise area that will be taught, completes a PED-approved pedagogy course, and meets any other requirements established by PED rule. The bill also allows a local school board or a governing body of a charter school to contract with adjunct secondary instructors, requires satisfactory clearance of fingerprint-based background checks for applicants, and excludes adjunct secondary instructors from the *School Personnel Act*.

**Fiscal Impact:**

The bill does not contain an appropriation.

According to PED's analysis, there may be an increase in revenue due to an increase in licensure applications. Revenue generated through new applications can only be used to pay for the review of application materials.

If future teacher candidates obtain an adjunct secondary instructor's license rather than pursuing a traditional license and do not participate in the *Educational Retirement Act*, as a result actual retirement plan membership could potentially decrease below the plan's actuarial assumptions and negatively affect the plan's solvency.

**At a Glance:**

- Adjunct secondary instructors could be used in high-demand, rural areas of the state and in subject areas with the greatest need, such as science, technology, engineering, and mathematics (STEM) courses and special education.
- Adjunct secondary instructors with subject area expertise, especially in mathematics, have a stronger correlation of higher student achievement scores with middle and high school students.
- Future teaching candidate applicants might have less incentive to pursue current traditional or alternative routes for a teaching license.
- Exempting adjunct secondary instructors from annual teacher evaluations may make it difficult to ensure these teachers are positively impacting student achievement.

### **Detailed Bill Provisions:**

The bill allows a local school board or governing body of a charter school to enter into a contract, not to exceed one school year, with an adjunct secondary instructor to provide services to students in grades 7 through 12 only so long as the adjunct secondary instructor's teaching load does not exceed one half of a full-time teacher's workload. In addition no more than 50 percent of any school's classes may be taught by adjunct secondary instructors.

The bill exempts the adjunct secondary instructor from health plan benefits, the accrual of service credit or employee or employer contributions under any coverage plan, any compensation other than the amount specified in the contract, and tenure under any law or rule or tenure under any agreement to which the adjunct secondary instructor is not an individually named party. The local school board or governing body of a charter school may terminate the contract without cause at any time during the contract period.

### **Substantive Issues:**

Since adjunct secondary instructors are exempt from the *School Personnel Act*, the bill does not address if or how adjunct secondary instructors will be evaluated in terms of teacher effectiveness. Thus, it is unclear how adjunct secondary instructors will be judged on their impact on student achievement. The Legislature may wish to consider adding language to the bill under section 5 indicating: "Notwithstanding Section 5 of this Act, adjunct secondary instructors shall be evaluated similarly to other licensed school employees under the highly objective uniform statewide standards of evaluation for the annual performance evaluation pursuant to Section 22-10A-19 NMSA 1978." By adding this language, it will ensure adjunct secondary instructors are evaluated similarly to other licensed school personnel.

PED notes HB 145 will provide flexibility for school districts to recruit professionals with content expertise to teach courses relevant to their professional degrees or background and allow local content experts to fill vacancies or replace teachers who are uncomfortable teaching the content of certain classes. The bill will allow school districts to create a deeper connection to professional application of content taught in public schools and allow small or rural school districts to improve their ability to recruit teachers for needed programming in areas where qualified instructors may be unavailable through traditional means.

PED states a clear body of research shows teachers with more content knowledge increase student achievement. Specifically, two were referenced as studies indicating that teacher completion of an undergraduate or graduate major in mathematics is associated with higher student achievement in high school and middle school.

Western New Mexico University noted, on a similar bill from 2015, that this bill may cause enrollments at New Mexico colleges of education to decline.

### **Technical Issues:**

The bill does not indicate how long the adjunct secondary instructors license will last before it expires or can be renewed.

Section 3(G) of the bill proposes that “[a] local school board may terminate the contract for services without cause at any time during the contract period.” This language could be problematic because under current law, local school boards only have authority to hire or discharge the superintendent and not other school district personnel (see Section 22-5-4 NMSA 1978). The superintendent has the authority to hire or terminate school district personnel. It is suggested that the bill go through the House Judiciary Committee to assure this issue is addressed.

### **Background:**

According to the US Department of Education’s *Teacher Shortage Areas Nationwide Listing*, New Mexico reported the following shortage areas for academic disciplines and subject areas for the 2015-2016 school year: bilingual (kindergarten through grade 12); kindergarten; mathematics (kindergarten through grade 12); and science (kindergarten through grade 12).

A draft report conducted by New Mexico State University staff indicated that, as of December 2015, 468 teaching positions were vacant statewide. School districts with more than 10 teaching positions open included Albuquerque, Rio Rancho, Santa Fe, Gadsden, Gallup-McKinley, Las Cruces, Española, Hobbs, Roswell, Alamogordo, Farmington, Clovis, and Bloomfield. Of the reported vacancies, special education openings represent 32 percent of the available positions and STEM positions represent 13 percent of the openings.

Research from Decker in 2004 indicated alternatively prepared teachers are just as effective as their traditionally prepared counterparts and help meet critical staff shortages in high-needs schools. However, research from Laczko-Kerr & Berliner from 2002 identify concerns that alternatively certified teachers are not adequately prepared to be effective and that their placement in at-risk, high-needs school may undermine poor, minority, and special needs students.

PED cites research from Teachers College at Columbia University, which indicates that over one-third of high school teachers and over one-fourth of middle school teachers do not feel well-prepared to teach grade level content to their students (Schmidt and McKnight, 2012). PED notes that creating the adjunct secondary instructors license will provide schools with greater ability to serve the needs of secondary students by having access to more content experts.

### **Related Bills**

SB 114 *Adjunct Secondary Instructors Act* (Identical)