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HOUSE BILL 145

52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016

INTRODUCED BY

Conrad James

AN ACT

RELATING TO PUBLIC EDUCATION; CREATING THE ADJUNCT SECONDARY
INSTRUCTORS ACT; ALLOWING THE LICENSURE AND CONTRACTING OF
ADJUNCT SECONDARY INSTRUCTORS; REQUIRING SATISFACTORY CLEARANCE
OF FINGERPRINT-BASED BACKGROUND CHECKS; EXCLUDING CERTAIN
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 Secondary Instructors Act"."

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

"[NEW MATERIAL] DEFINITIONS.--As used in the Adjunct
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] LOCAL SCHOOL BOARD--ADJUNCT SECONDARY
23 INSTRUCTOR CONTRACT FOR SERVICES.--

24 A. A local school board may enter into a contract
25 for services with an adjunct secondary instructor.

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1 B. The contract for services shall provide that the
2 adjunct secondary instructor render services to students in
3 grades seven through twelve only.

4 C. The amount of compensation to be received by the
5 adjunct secondary instructor shall be a provision of the
6 contract for services determined by the local school board.

7 D. The adjunct secondary instructor shall provide
8 services not to exceed one-half of a full-time teacher's
9 workload. A local school board shall not have more than fifty
10 percent of any school's classes taught by adjunct secondary
11 instructors.

12 E. The contract for services shall specify that the
13 adjunct secondary instructor is ineligible for:

14 (1) health plan benefits;

15 (2) the accrual of service credit or employee
16 or employer contributions under any coverage plan pursuant to
17 the Educational Retirement Act, the Public Employees Retirement
18 Act or the Deferred Compensation Act;

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

21 (4) tenure under any law or rule or tenure
22 under any agreement to which the adjunct secondary instructor
23 is not an individually named party.

24 F. The terms of the contract for services and any
25 renewal of the contract for services shall not exceed one

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1 school year.

2 G. A local school board may terminate the contract
3 for services without cause at any time during the contract
4 period.

5 H. A local school board may include in the contract
6 for services additional terms not in contravention of the
7 Adjunct Secondary Instructors Act."

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

10 "[NEW MATERIAL] ADJUNCT SECONDARY INSTRUCTOR LICENSURE.--
11 The department may license as an adjunct secondary instructor a
12 person who:

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

14 B. has a minimum of three years' experience in each
15 area of subject-matter expertise in which the adjunct secondary
16 instructor will teach;

17 C. passes the New Mexico teacher assessments in
18 each area of subject-matter expertise in which the adjunct
19 secondary instructor will teach;

20 D. completes a department-approved pedagogy course
21 provided by the department, a New Mexico public post-secondary
22 educational institution, a school district or regional
23 education cooperative in conjunction with a New Mexico public
24 post-secondary educational institution or another provider
25 approved by the department; and

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1 E. meets any other requirements established by rule
2 by the department to carry out the provisions of the Adjunct
3 Secondary Instructors Act."

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

6 "~~[NEW MATERIAL]~~ SCHOOL PERSONNEL ACT INAPPLICABLE EXCEPT
7 FOR BACKGROUND CHECKS.--

8 A. Adjunct secondary instructors must
9 satisfactorily clear a fingerprint-based background check in
10 the same manner as licensed school employees pursuant to
11 Section 22-10A-5 NMSA 1978.

12 B. The School Personnel Act does not apply to
13 adjunct secondary instructors."