

**LEGISLATIVE EDUCATION STUDY COMMITTEE  
BILL ANALYSIS**

**Bill Number:** SB 361aa

**50th Legislature, 1st Session, 2011**

**Tracking Number:** .184484.1

**Short Title:** Level One Teacher Licensure Alternatives

**Sponsor(s):** Senator Cynthia Nava

**Analyst:** James Ball

**Date:** March 18, 2011

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**AS AMENDED**

The House Education Committee amendment strikes the Senate Education Committee (SEC) amendment #4, which makes a second reference to the requirement, contained in SEC amendment #8, that within two years of beginning teaching a candidate for alternative licensure complete a minimum of 12 semester hours in teaching principles in a program approved by the Public Education Department (PED).

The SEC amendments:

- specify that a completed degree (baccalaureate, masters, or doctorate) is required for alternative Level 1 licensure;
- delete the requirement that at the baccalaureate level an alternative licensure candidate must have 30 credit hours in the subject area of instruction for which the person is applying for a license;
- require that an alternative licensure candidate at the baccalaureate degree level receive a passing score on a state-approved subject-area examination in the content area of instruction for which the person is applying for a license (See “Original Technical Issues,” below); and
- require that, within two years of beginning teaching, a candidate for alternative licensure must complete a minimum of 12 semester hours in teaching principles in a program approved by PED.

(See “New Technical Issues,” below.)

**Original Bill Summary:**

According to its title, SB 361 amends the *School Personnel Act* to allow a subject-area examination as an alternative to subject-area credit hours for an alternative Level 1 teacher license. In other words, a candidate for an alternative Level 1 license, who holds a baccalaureate degree at an accredited institution of higher education, may satisfy the requirements for licensure in a specific subject area by one of two methods:

- by completing a minimum of 30 credit hours at either the undergraduate or graduate level in the subject area of instruction for which the person is applying for a license (current law); or

- by obtaining a passing score on a state-approved subject-area examination in the subject area of instruction for which the person is applying for a license (the SB 361 amendment).

However, as explained under “Technical Issues,” below, the intent of the bill is subject to interpretation.

**Fiscal Impact:**

SB 361 does not contain an appropriation.

**Substantive Issues:**

As presented under “Bill Summary,” above, SB 361 offers a testing alternative to the requirement in current law that the bachelor’s degree include 30 semester hours in the subject area of instruction. While that option is allowable under the federal *No Child Left Behind Act of 2001* (NCLB), it should be noted that state statute is silent on subject area credit-hour requirements for candidates in a standard path to initial licensure.

- PED has determined in rule that these candidates must have 24-36 credit hours in the subject area of licensure in addition to passing the content area examination of the New Mexico Teacher Assessments.
- In this regard, it would appear somewhat inconsistent to permit one group of licensure candidates to “test out” of the credit hour requirement while denying that option to others.

The analysis by the Higher Education Department presents two views of the option afforded by SB 361.

- The director of the state’s largest alternative licensure program at Central New Mexico Community College (CNM) notes that CNM has many individuals who have a deep understanding of content that comes from life experience rather than from their degree. One example is native speakers of a language other than English who want to teach their native language. The content exams required for secondary licensure are sufficiently rigorous to ensure that such individuals have the knowledge of the content they will be teaching.
- On the other hand, the Dean of the College of Education at the University of New Mexico (UNM) notes that, although UNM does not have many alternative licensure candidates, the faculty does not feel that a subject-area examination could substitute for the 30 credit hours of course work because many of these courses are methods courses designed for hands-on or practical teaching experience. UNM expresses concern that SB 361 would lead to dramatically unprepared persons in the classroom who may be able to pass a one-dimensional test but who may be unable to translate information into instruction.

### **New Technical Issues:**

The SEC amendment #8 effectively establishes both a minimum and a maximum number of credit hours (12) in teaching principles for alternative licensure which must be completed within two years of beginning teaching. While the minimum number of credit hours in teacher preparation has always been 12 semester hours, PED rule has regulated the maximum number of hours based on an assessment of the needs of different program areas to adequately prepare teachers. For example, PED rule limits alternative teacher preparation programs to 21 hours for a license in special education. Even at 21 semester hours, however, doubts have been raised over the years that alternative licensure candidates in special education are adequately prepared. The SEC amendment #8 reduces that requirement to 12 credit hours, raising the question whether the minimal standard is sufficient for alternative licensure in special education.

The alternative licensure statute 22-10A-8.A(4) NMSA 1978 already requires that all alternative licensure candidates pass the New Mexico Teacher Assessments, which include a subject-area examination. Therefore, the SEC amendment requiring that an alternative licensure candidate at the baccalaureate level receive a passing score on a state-approved subject-area examination in the subject area of instruction is redundant. In fact, receiving a passing score on a subject-area examination is required of all candidates for Level 1 licensure, whether by standard or alternative paths, and at all degree levels.

### **Original Technical Issues:**

Although the “Bill Summary,” above, seems to reflect the intent of SB 361, the language in the bill is subject to interpretation.

The question is whether the new language on page 2, lines 1-4 – “or a passing score on a state-approved subject-area examination in the subject area of instruction for which the person is applying for a license” – is intended to provide an alternative to the 30 credit hours, as suggested above, or an alternative to a baccalaureate degree itself.

- Presumably, if the intent were to have the examination substitute for a degree, there would be a comma after the word “license,” on page 2, line 1, which would more clearly delineate those two options.
- The ambiguity persists, however, on page 2, lines 22-25, which might be read to mean that the examination is an alternative to the degree: “A degree or examination referred to in Subsection A of this section shall correspond to the subject area of instruction and the particular grade level that will enable the applicant to teach in a competent manner . . . .”
- In fact, the analysis by PED interprets the bill just this way: that it allows a candidate (1) to complete a bachelor’s degree and 30 credit hours of subject area instruction OR (2) to obtain a passing score on a state-approved examination.

If the amendment establishes a subject-area testing alternative to holding a bachelor’s degree, New Mexico would find itself in conflict with the highly qualified teacher requirements of NCLB, at least insofar as teachers of the core academic subjects are concerned. The core academic subjects are:

- English, reading, language arts;
- civics, government, economics, history, geography;
- mathematics;
- science;
- modern and classical languages; and
- fine arts.

According to *Non-Regulatory Guidance on Highly Qualified Teachers* issued by the US Department of Education, “a teacher in an alternative route to certification may be considered highly qualified if the teacher holds at least a bachelor’s degree, [and] has already demonstrated subject-matter competency in the core academic subject(s) the teacher will be teaching . . .” Clearly, under NCLB exempting an alternative licensure candidate from holding a bachelor’s degree is not possible if the candidate will teach the core academic subjects. In addition, New Mexico statutes require all standard Level 1 teachers to hold a bachelor’s degree. Later advancement to Level 3-A licensure requires a post-baccalaureate degree.

### **Background:**

According to PED, the number of candidates following alternative paths to licensure continues to increase.

- in school year 2006-2007: 125;
- in school year 2007-2008: 247; and
- in school year 2008-2009: 370.

The subject-area tests of the New Mexico Teacher Assessments are:

- Elementary Education (Core subjects: Language Arts, Social Studies, Math, Science)
- Family and Consumer Sciences
- French
- German
- Health Education
- History, Geography, Economics, Civic, and Government (Secondary Level)
- Language Arts
- Library/Media
- Mathematics
- History, Geography, Economics, Civics, and Government (Middle Level)
- Middle Level Language Arts
- Middle Level Mathematics
- Middle Level Science
- Music
- Physical Education
- Reading
- Science
- Spanish
- Special Education
- Teaching English to Speakers of Other Languages (TESOL)
- Visual Arts

**Related Bills:**

HB 592 *School Personnel License Exam*