

1 SENATE BILL 228

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

3 INTRODUCED BY

4 Ron Griggs

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10 AN ACT

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

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

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

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

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

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

25 A. "adjunct instructor" means a person who:

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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 an 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;

12 E. "services" includes teaching courses in which
13 the adjunct instructor has subject matter expertise; and

14 F. "subject matter expertise" means the
15 professional, technical or career expertise of an adjunct
16 instructor."

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

19 "[NEW MATERIAL] LOCAL SCHOOL BOARD--ADJUNCT INSTRUCTOR
20 CONTRACT FOR SERVICES.--

21 A. A local school board may enter into a contract
22 for services with an adjunct instructor.

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

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1 C. The adjunct instructor shall provide services
2 not to exceed one-half of a full-time teacher's workload.

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

5 (1) health plan benefits;

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

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

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

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

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

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

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

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1 "[NEW MATERIAL] ADJUNCT INSTRUCTOR CERTIFICATION.--The
2 department shall certify as an adjunct instructor a person who:

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

4 B. has a minimum of three years' experience in each
5 area of subject matter expertise in which the adjunct
6 instructor will teach;

7 C. passes the New Mexico teachers assessments in
8 each area of subject matter expertise in which the adjunct
9 instructor will teach;

10 D. completes a department-approved pedagogy course
11 provided by the department; a New Mexico public post-secondary
12 educational institution; a school district or regional
13 education cooperative in conjunction with a New Mexico public
14 post-secondary educational institution; or another provider
15 approved by the department; and

16 E. meets any other requirements established by rule
17 by the department to carry out the provisions of the Adjunct
18 Instructors Act."

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

21 "[NEW MATERIAL] SCHOOL PERSONNEL ACT INAPPLICABLE EXCEPT
22 FOR BACKGROUND CHECKS.--

23 A. Adjunct instructors must pass background checks
24 in the same manner as licensed school employees pursuant to
25 Section 22-10A-5 NMSA 1978.

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