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HOUSE BILL 206

**55TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2022**

INTRODUCED BY

Brian G. Baca and Raymundo Lara

AN ACT

RELATING TO PUBLIC EDUCATION; CREATING THE SECONDARY INSTRUCTORS ACT; ALLOWING THE LICENSURE AND CONTRACTING OF 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 "Secondary Instructors Act"."

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

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

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1           A. "contract for services" means an agreement  
2 between the local school board and a secondary instructor for  
3 the provision of services pursuant to the Secondary Instructors  
4 Act;

5           B. "local school board" includes the governing body  
6 of a charter school;

7           C. "school district" includes a charter school;

8           D. "secondary instructor" means a person who:

9                 (1) has current licensure from the department  
10 as a secondary instructor; and

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

13           E. "services" includes teaching courses in which  
14 the secondary instructor has subject-matter expertise; and

15           F. "subject-matter expertise" means the  
16 professional, technical or career expertise of a secondary  
17 instructor."

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

20           "[NEW MATERIAL] LOCAL SCHOOL BOARD--SECONDARY INSTRUCTOR  
21 CONTRACT FOR SERVICES.--

22                 A. A local school board may enter into a contract  
23 for services with a secondary instructor.

24                 B. The contract for services shall provide that the  
25 secondary instructor render services to students in grades

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1 seven through twelve only.

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

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

9 E. The contract for services shall specify that the  
10 secondary instructor is ineligible for:

11 (1) health plan benefits;

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

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

18 (4) tenure under any law or rule or tenure  
19 under any agreement to which the secondary instructor is not an  
20 individually named party.

21 F. The terms of the contract for services and any  
22 renewal of the contract for services shall not exceed one  
23 school year.

24 G. A local school board may terminate the contract  
25 for services without cause at any time during the contract

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1 period.

2 H. A local school board may include in the contract  
3 for services additional terms not in contravention of the  
4 Secondary Instructors Act."

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

7 "[NEW MATERIAL] SECONDARY INSTRUCTOR LICENSURE--TRAINING--  
8 MENTORSHIP.--

9 A. The department may license as a secondary  
10 instructor a person who:

11 (1) has earned at least a bachelor's degree;

12 (2) has a minimum of three years' experience  
13 in each area of subject-matter expertise in which the secondary  
14 instructor will teach;

15 (3) passes the New Mexico teacher assessments  
16 in each area of subject-matter expertise in which the secondary  
17 instructor will teach;

18 (4) completes a department-approved pedagogy  
19 course provided by the department, a New Mexico public post-  
20 secondary educational institution, a school district or  
21 regional education cooperative in conjunction with a New Mexico  
22 public post-secondary educational institution or another  
23 provider approved by the department; and

24 (5) meets any other requirements established  
25 by rule by the department to carry out the provisions of the

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1 Secondary Instructors Act.

2 B. The department shall additionally provide  
3 training that includes:

4 (1) training in general school technology and  
5 district-specific technology programs;

6 (2) lesson planning; and

7 (3) classroom management.

8 C. The school district shall provide each secondary  
9 instructor with a mentor teacher who shall:

10 (1) observe, supervise and provide guidance to  
11 the secondary instructor; and

12 (2) continually hold mentoring sessions with  
13 the secondary instructor."

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

16 "[NEW MATERIAL] SCHOOL PERSONNEL ACT INAPPLICABLE EXCEPT  
17 FOR BACKGROUND CHECKS.--

18 A. Secondary instructors shall satisfactorily clear  
19 a fingerprint-based background check in the same manner as  
20 licensed school employees pursuant to Section 22-10A-5 NMSA  
21 1978.

22 B. The School Personnel Act shall not apply to  
23 secondary instructors."

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