

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: SB 590

51st Legislature, 1st Session, 2013

Tracking Number: .193098.1

Short Title: School Counselor Level 3 Licensure

Sponsor(s): Senator John M. Sapien

Analyst: LaNysha Adams

Date: March 1, 2013

Bill Summary:

SB 590 amends the *School Personnel Act* to extend eligibility for Level 3-A licensure to school counselors.

Fiscal Impact:

SB 590 makes no appropriation.

According to the Public Education Department (PED) bill analysis, SB 590 would align school counselor licenses with the three-tiered teacher licensure system, which may create a burden on districts that are not prepared for such compensation requirements.

According to the PED Stat Book, during school year 2011-2012:

- the average salary for the nearly 970 full-time employed guidance counselors and social workers statewide was \$50,245; and
- of the 89 school districts and 44 charter schools, 33 paid full-time employed guidance counselors and social workers an annual salary less than the statewide average.

Because data in the PED Stat Book combine guidance counselors and social workers salaries, it is difficult to determine the average salary earned by full-time employed school counselors alone.

Substantive Issues:

According to the PED bill analysis, SB 590:

- does not define the terms of advancement for a school counselor to advance to Level 3-A; and
- would require PED to provide a method of advancement for counselors that is equitable to teachers.

According to the University of New Mexico (UNM) bill analysis:

- SB 590 states that a counselor may be eligible for a 3-A license if that counselor “annually demonstrates instructional leader competencies” but instructional leader

competencies in PED rule do not include the option of “counselor competencies” (see “Background,” below); and

- language in SB 590 requires the Level 3-A licensure applicant to be a Level 2 teacher for at least three years, which would require a counselor to have been a teacher prior to becoming a counselor with Level 3-A licensure.

School counselors are considered instructional support providers in PED rule. In PED rule, there are three licensure levels for instructional support providers in grades Pre-K through 12 not covered in other rules (6.63.3 NMAC). These licensure levels are not tied to salary minimums:

- Level 1: three-year provisional licensure for those providers with fewer than three full school years of school experience in the service area of the license;
- Level 2: nine-year professional licensure for those providers with three to five full school years of school experience in the service area of the license; and
- Level 3: nine-year instructional support leader, for those providers with six or more full years of school experience in the service area of the license.

Unlike the three-tiered teacher licensure system in current law, the three licensure levels for most instructional support providers in PED rule do not specify procedures for advancement from one level to the next.

Finally, if SB 590 is enacted, the definition of “teacher” in the *School Personnel Act* would have to be changed as well. In current law, only teachers hold Level 3-A licenses (see “Background,” below).

Background:

Current Law

Counselors, as licensed school employees, may be placed on the certified personnel salary schedule at the discretion of the local school district. For the purpose of calculating the instructional staff training and experience index, provisions in the *School Finance Act* in the *Public School Code* currently require:

- the number of instructional staff to be counted in calculating the instructional staff training and experience index is the actual number of full-time equivalent instructional staff on the October payroll;
- the number of years of experience to be used in calculating the instructional staff training and experience index is that number of years of experience allowed for salary increment purposes on the salary schedule of the school district; and
- the academic degree and additional credit hours to be used in calculating the instructional staff training and experience index is the degree and additional semester credit hours allowed for salary increment purposes on the salary schedule of the school district.

In the *Public School Code* there are four definitions that may have some bearing on counselors in terms of SB 590:

- **“instructional staff”** means the personnel assigned to the instructional program of the school district, excluding principals, substitute teachers, instructional aides, secretaries, and clerks;

- **“instructional support provider”** means a person who is employed to support the instructional program of a school district, including educational assistant, school counselor, social worker, school nurse, speech-language pathologist, psychologist, physical therapist, occupational therapist, recreational therapist, marriage and family therapist, interpreter for the deaf, and diagnostician;
- **“licensed school employee”** means teachers, school administrators, and instructional support providers; and
- **“teacher”** means a person who holds a level 1, 2, or 3-A license and whose primary duty is classroom instruction or the supervision, below the school principal level, of an instructional program or whose duties include curriculum development, peer intervention, peer coaching or mentoring, or serving as a resource teacher for other teachers.

The *School Personnel Act* requires PED to license instructional support providers who work in public schools. PED may provide a professional licensing framework in which licensees can advance in their careers through the demonstration of increased competencies and the undertaking of increased duties. Provisions also prescribe that:

- PED must promulgate rules for the requirements for licensure of types of instructional support providers;
- the provider must provide satisfactory evidence to PED that the provider holds a current, unsuspended license in the profession for which the provider is applying to provide instructional support services;
- the instructional support provider must notify the school district and PED immediately if the provider’s professional license is suspended, revoked, or denied; and
- suspension, revocation, or denial of a professional license must be just cause for discharge or termination, and suspension, revocation, or denial of the instructional support provider license.

PED Rule: Licensure Requirements for Instructional Support Providers

There are three pathways for obtaining licensure to be a school counselor, but these are not related to licensure levels (6.63.6 NMAC):

- Pathway 1: possess a Bachelor’s and Master’s Degree, have a minimum of 36-42 semester hours in a school counselor program including a practicum in a school setting, and pass the Content Knowledge Assessment (CKA) in school counseling;
- Pathway 2: possess a Licensed Professional Mental Health Counselor (LPC) or Licensed Professional Clinical Mental Health Counselor (LPCC) license issued by the New Mexico Counseling & Therapy Practice Board, have six semester hours of graduate credit in school counseling, and pass the CKA in School Counseling; or
- Pathway 3: possess a certificate issued by the National Board for Certified Counselors and pass the CKA in school counseling.

Two additional competencies for school counselors are specified in this section of rule:

- the counselor will understand the cultural context of relationships, issues, and trends in a multicultural and diverse society related to such factors as culture, ethnicity, nationality, age, gender, sexual orientation, mental and physical characteristics, education, family values, religious and spiritual beliefs, and socioeconomic status, and unique characteristics of individuals, couples, families, ethnic groups, and communities; and

- the counselor will be able to use technology in the design, implementation, monitoring, and evaluation of a comprehensive school counseling program.

PED Rule: Performance Evaluation System Requirements for Counselors

PED rules specify the requirements for the performance evaluation system for school counselors in grades Pre-K through 12 (6.69.6 NMAC). There are six competencies as part of the evaluation criteria, without differentiation by licensure levels. In each case, the counselor will:

1. develop and implement a school level guidance program focused on the physical, social, intellectual, emotional, and vocational growth of each student;
2. coordinate activities in the guidance and counseling program;
3. provide information and facilitate guidance activities for students, staff, and parents;
4. serve as a consultant to the school and community;
5. provide individual and group counseling; and
6. uphold the standards of the counseling profession.

Committee Referrals:

SEC/SFC

Related Bills:

SB 316 *Teacher Licensing & Performance Ratings*
SB 475 *Evidence of Teacher Competency*
HB 192 *School Program Units for Certain Personnel*
HB 276 *Teacher Licensing & Performance Ratings*
HB 481a *Evidence of Teacher Competency*
HB 623 *School Counselor Level 3 Licensure (Identical)*