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**LEGISLATIVE EDUCATION STUDY COMMITTEE**  
**BILL ANALYSIS**  
**53rd Legislature, 1st Session, 2017**

<b>Bill Number</b>	<u>HB265</u>	<b>Sponsor</b>	<u>Roybal Caballero</u>
<b>Tracking Number</b>	<u>.206284.1</u>	<b>Committee Referrals</b>	<u>HLEDC/HEC/SEC/SJC</u>
<b>Short Title</b>	<u>Educational Assistant Probation Period</u>		
<b>Analyst</b>	<u>Force</u>	<b>Original Date</b>	<u>2/3/17</u>
		<b>Last Updated</b>	<u>3/10/17</u>

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## **BILL SUMMARY**

### Synopsis of Bill

House Bill 265 (HB265) proposes to amend the School Personnel Act to address termination decisions and employment probation periods for educational assistants. Current law allows a local school board to terminate any employee for any reason with less than three years of service. HB265 retains current law with regard to licensed school employees other than licensed educational assistants, but nonlicensed school employees and licensed educational assistants may only be terminated when they have less than one year of service. Finally, a nonlicensed school employee or a licensed educational assistant with one or more years of service may only be terminated for just cause.

## **FISCAL IMPACT**

HB265 does not contain an appropriation.

The Educational Retirement Board (ERB) notes that school employees who are terminated may request a refund from ERB of their member contributions. The reduction of the probation period from three years to one year, permitting nonlicensed employees and licensed educational assistants to be terminated only for just cause after their probation period has ended, may lead to fewer such terminations, and therefore a potential reduction in the number of refunds requested of ERB. The board goes on to note, however, that such a reduction in refunds may nevertheless be very small, depending on how many fewer such terminations there might be.

## **SUBSTANTIVE ISSUES**

Probationary periods, while usually of advantage to employers, may be less so for potential employees. Probationary periods are time spans during which an employee may be terminated without cause, and frequently mean lower salaries during that period. While many probationary periods allow for the possibility of permanent employment once completed, some do not. Shortening the length of this period for nonlicensed school employees and licensed educational assistants would give these employees, who often are among the lower paid school employees,

greater job security and perhaps more control over the disposition of their contributions to ERB. ERB indicates, however, that the bill may have a negligible effect on the educational retirement fund, so that granting these more vulnerable employees the greater protections available under HB265 will have a minimal impact on schools, school finance, and ERB.

### **TECHNICAL ISSUES**

The bill cleans up language with regard to who may terminate employees. Current law refers to a “local superintendent” or an “administrator,” which is an undefined term. HB265 would amend statute to refer to a “local superintendent” or a “state agency” administrator. “State agency” is defined in the School Personnel Act as “any state institution or state agency providing an educational program requiring the employment of certified school instructors,” which would include charter schools, thus bringing charter school administrators into the provisions of the bill. “Administrator,” however, remains undefined in the School Personnel Act, and the general provisions of the Public School Code, although the code’s general provisions include charter school *head administrators* (emphasis added) in the definition of “school administrator.” The sponsor may wish to amend the bill to include a new definition for “state agency administrator” in the School Personnel Act, to clearly include charter school head administrators in the provisions of the bill.

### **RELATED BILLS**

Relates to HB34/aHCPAC/aHSIVC, Payment of State Retirement Benefits.

Relates to HB134, School Personnel Minimum Salaries.

Relates to HM37, Instructional Support Provider Testing.

Relates to SB28, Educational Retirement Changes.

Relates to SB144, School Substitute Teacher Retirement.

### **SOURCES OF INFORMATION**

- LESC Files
- Educational Retirement Board

**RKF/rab**