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HOUSE BILL 20

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

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AN ACT

RELATING TO HIGHER EDUCATION; ENACTING THE GROW YOUR OWN
TEACHERS ACT; PROVIDING LOANS FOR EDUCATIONAL ASSISTANTS WHO
WANT TO BECOME TEACHERS; CREATING A FUND; ALLOWING FOR
PROFESSIONAL LEAVE FOR CLASSES AND PRACTICE TEACHING; PROVIDING
FOR APPROPRIATE DISTANCE EDUCATION FOR EDUCATIONAL ASSISTANTS
WHO DO NOT LIVE NEAR A PUBLIC POST-SECONDARY TEACHER
PREPARATION PROGRAM; MAKING AN APPROPRIATION.

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

SECTION 1. [NEW MATERIAL] SHORT TITLE.--Sections 1
through 9 of this act may be cited as the "Grow Your Own
Teachers Act".

SECTION 2. [NEW MATERIAL] PURPOSE.--The purpose of the
Grow Your Own Teachers Act is to create a loan for service
program to address New Mexico's teacher shortage by providing

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1 educational assistants working in New Mexico school districts
2 with the resources to complete their post-secondary teacher
3 preparation education.

4 SECTION 3. [NEW MATERIAL] DEFINITIONS.--As used in the
5 Grow Your Own Teachers Act:

6 A. "department" means the higher education
7 department;

8 B. "educational assistant" means a United States
9 citizen and resident of New Mexico who has worked as an
10 educational assistant in a public school for at least two years
11 and is in good standing with the school district and who is
12 enrolled in or accepted by an undergraduate teacher preparation
13 program at a regionally accredited public post-secondary
14 educational institution in New Mexico;

15 C. "loan" means a payment of money under contract
16 between the department and an educational assistant that
17 defrays the costs incidental to a teacher preparation program
18 offered in a regionally accredited public post-secondary
19 educational institution in New Mexico and that requires
20 repayment in services;

21 D. "public school" includes constitutional special
22 schools and state institutions and state agencies that educate
23 children and employ educational assistants; and

24 E. "teacher preparation program" means a program
25 that has been formally approved as meeting the requirements of

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1 the public education department and that leads to level one
2 teacher licensure, including a program in a two-year post-
3 secondary educational institution that meets the requirements
4 for a teacher education transfer module established pursuant to
5 Subsection C of Section 21-1B-4 NMSA 1978.

6 SECTION 4. [NEW MATERIAL] TEACHER STUDENT LOANS
7 AUTHORIZED--QUALIFICATIONS.--

8 A. The department may grant a loan to an
9 educational assistant deemed qualified by the department upon
10 such terms and conditions as may be imposed by rule of the
11 department.

12 B. The department shall receive, pass upon and
13 allow or disallow only an application for a loan made by an
14 educational assistant who declares the intent to serve as a
15 public school teacher in New Mexico.

16 C. The department shall make a full and careful
17 investigation of the ability and qualifications of each
18 applicant to become a recipient of a loan. The department
19 shall require references from the educational assistant's
20 school principal and local superintendent.

21 SECTION 5. [NEW MATERIAL] TEACHER LOANS--CONTRACT TERMS--
22 REPAYMENT.--

23 A. Each applicant who is approved for a loan by the
24 department may be granted a loan in such amounts and for such
25 periods as the department determines. The loan shall not

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1 exceed the necessary expenses incurred while attending a
2 teacher preparation program.

3 B. A loan shall bear interest at the rate of
4 eighteen percent per year if the loan recipient completes the
5 teacher preparation program and no portion of the principal and
6 interest is forgiven pursuant to Subsection G of this section.

7 A loan shall bear interest at the then-prevailing rate as
8 determined by the department if the loan recipient completes
9 the teacher preparation program but does not complete all of
10 the service component of the loan recipient's contract with the
11 department.

12 C. Loans made pursuant to the Grow Your Own
13 Teachers Act shall not accrue interest until the department:

14 (1) determines that the loan recipient has
15 terminated the recipient's teacher preparation program prior to
16 completion;

17 (2) determines that the loan recipient has
18 failed to fulfill the loan recipient's obligation to practice
19 as a licensed teacher in a public school in New Mexico; or

20 (3) cancels a contract between a loan
21 recipient and the department pursuant to Section 8 of the Grow
22 Your Own Teachers Act.

23 D. The loan shall be evidenced by a contract
24 between the loan recipient and the department acting on behalf
25 of the state. The contract shall provide for the payment by

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1 the state of a stated sum covering the costs of the teacher
2 preparation program and shall be conditioned on the repayment
3 of the loan to the state over a period specified in the Grow
4 Your Own Teachers Act after the completion of the teacher
5 preparation program.

6 E. The loan recipient is required to maintain a 3.0
7 grade point average on a 4.0 grade point system.

8 F. A loan made to a recipient who fails to complete
9 a teacher preparation program shall become due immediately upon
10 termination of the teacher preparation program. The
11 department, in consultation with the public education
12 department and the loan recipient, shall establish terms of
13 repayment, alternate service or cancellation.

14 G. The contract shall provide that the department
15 shall forgive a portion of the loan for each year that the loan
16 recipient practices as a licensed teacher in a public school in
17 New Mexico. The loan shall be forgiven as follows:

18 (1) loan terms of one year shall require one
19 year of practice. Upon completion of service, one hundred
20 percent of the loan shall be forgiven;

21 (2) loan terms of two years shall require one
22 year of practice for each year of the loan. Upon completion of
23 the first year of service, fifty percent of the loan shall be
24 forgiven. Upon completion of the second year of service, the
25 remainder of the loan shall be forgiven;

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1 (3) for loan terms of three years, forty
2 percent of the loan shall be forgiven upon completion of the
3 first year of service, thirty percent of the loan shall be
4 forgiven upon completion of the second year of service and the
5 remainder of the loan shall be forgiven upon completion of the
6 third year of service; and

7 (4) for loan terms of four years, twenty-five
8 percent of the loan shall be forgiven upon completion of each
9 year of service, and upon completion of the fourth year of
10 service, the loan shall be forgiven.

11 H. A loan recipient shall serve a complete school
12 year in order to receive credit for that year. The minimum
13 credit for a year shall be established by the department.

14 I. If a loan recipient completes a teacher
15 preparation program and does not serve in a New Mexico public
16 school, the department shall assess a penalty of up to three
17 times the principal due, plus eighteen percent interest, unless
18 the department finds acceptable extenuating circumstances that
19 prevent the loan recipient from serving. If the department
20 does not find acceptable extenuating circumstances for the loan
21 recipient's failure to carry out the loan recipient's declared
22 intent to serve, the department shall require immediate
23 repayment of the loan plus the amount of any interest and
24 penalty assessed pursuant to this section.

25 J. The department shall adopt and promulgate rules

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1 to implement the provisions of this section. The rules may
2 provide for the repayment of loans in annual or other periodic
3 installments.

4 SECTION 6. [NEW MATERIAL] CONTRACTS--LEGAL ASSISTANCE--
5 ENFORCEMENT.--The general form of the contract shall be
6 prepared and approved by the attorney general and signed by the
7 loan recipient and the secretary of higher education or the
8 secretary's designated representative on behalf of the state.
9 The department is vested with full and complete authority and
10 power to sue in its own name for any balance due the state from
11 a loan recipient on a contract.

12 SECTION 7. [NEW MATERIAL] FUND CREATED--METHOD OF
13 PAYMENT.--The "grow your own teachers fund" is created in the
14 state treasury. Money appropriated for loans pursuant to the
15 Grow Your Own Teachers Act; earnings from investment of the
16 fund; gifts, grants and donations to the fund; and all payments
17 of principal and interest on loans made pursuant to that act
18 shall be deposited in the fund. Money in the fund shall not
19 revert at the end of a fiscal year. The fund shall be
20 administered by the department. All payments of money for
21 loans shall be made on warrants drawn by the secretary of
22 finance and administration pursuant to vouchers signed by the
23 secretary of higher education or the secretary's designated
24 representative.

25 SECTION 8. [NEW MATERIAL] CANCELLATION.--The department

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1 may cancel a contract between the department and a loan
2 recipient for any reasonable cause deemed sufficient by the
3 department.

4 SECTION 9. [NEW MATERIAL] REPORTS.--The department shall
5 report annually by January 1 to the governor and the
6 legislature on its activities pursuant to the Grow Your Own
7 Teachers Act, including the loans granted, the names and
8 addresses of loan recipients, the teacher preparation programs
9 loan recipients are attending and the names and locations of
10 practice of loan recipients who have completed their teacher
11 preparation education and are teaching.

12 SECTION 10. A new section of the School Personnel Act is
13 enacted to read:

14 "[NEW MATERIAL] EDUCATIONAL ASSISTANTS--TEACHER
15 PREPARATION--PROFESSIONAL LEAVE.--

16 A. An educational assistant who wants to become a
17 teacher may petition the public school in which the educational
18 assistant is employed to grant professional leave for college
19 classes, examinations and practice teaching, as needed. The
20 public school shall grant professional leave if the educational
21 assistant is a recipient of a loan pursuant to the Grow Your
22 Own Teachers Act.

23 B. If an educational assistant who is accepted into
24 or enrolled in a teacher preparation program offered by a
25 regionally accredited public post-secondary educational

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1 institution in New Mexico does not live within a reasonable
2 distance of the public post-secondary educational institution's
3 campus, the public school shall allow the educational assistant
4 to use the distance education resources of the school district
5 to take classes."

6 SECTION 11. TEMPORARY PROVISION--HIGHER EDUCATION
7 DEPARTMENT RULES--CONSULTATION WITH PUBLIC EDUCATION DEPARTMENT
8 AND EDUCATIONAL ASSISTANTS--PUBLIC EDUCATION DEPARTMENT TO
9 REPORT FINDINGS TO PUBLIC SCHOOLS.--

10 A. At any time before releasing proposed initial
11 rules for the Grow Your Own Teachers Act, the higher education
12 department shall consult with the public education department,
13 and the two departments shall convene or survey a
14 geographically representative sample of educational assistants
15 who want to pursue higher education and teachers who began
16 their education careers as educational assistants to hear
17 problems and concerns based on their experiences, challenges
18 and expectations in pursuing higher education in general and
19 teacher licensure in particular. The higher education
20 department shall take those problems and concerns into account
21 when issuing proposed rules.

22 B. The public education department shall report the
23 findings from the consultation or survey of educational
24 assistants and teachers who began their career as educational
25 assistants to all educational assistants in school districts,

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1 charter schools, constitutional special schools, state
2 institutions and state agencies that employ educational
3 assistants and shall include copies of the Grow Your Own
4 Teachers Act and the proposed rules.

5 SECTION 12. APPROPRIATION.--Two million five hundred
6 thousand dollars (\$2,500,000) is appropriated from the general
7 fund to the grow your own teachers fund for expenditure in
8 fiscal year 2020 and subsequent fiscal years to carry out the
9 purpose of the fund. Any unencumbered or unexpended balance
10 remaining at the end of a fiscal year shall not revert to the
11 general fund.