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**LEGISLATIVE EDUCATION STUDY COMMITTEE**  
**BILL ANALYSIS**  
**55th Legislature, 1st Session, 2021**

<b>Bill Number</b>	<u>HB116/aHEC</u>	<b>Sponsor</b>	<u>Thomson</u>
<b>Tracking Number</b>	<u>.219081.1</u>	<b>Committee Referrals</b>	<u>HEC/HAFC</u>
<b>Short Title</b>	<u>Additions to 3-Tiered Teacher Licenses</u>		
<b>Analyst</b>	<u>Canada, Simon</u>	<b>Original Date</b>	<u>01/28/2021</u>
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## **BILL SUMMARY**

### Synopsis of House Education Committee Amendment

House Education Committee amendment to House Bill 116 (HB116/aHEC) removed increases to the minimum salary level for teachers, principals, and assistant principals. The amendment also added an effective date of July 1, 2021.

### Synopsis of Original Bill

House Bill 116 (HB116) would amend the School Personnel Act to add certain instructional support provided to the teacher and school administrator three-tiered licensure system. HB116 specifies which instructional support professionals are now within the licensure system that has been the basis for teacher licensure advancement and sets out the educational attainment and professional license required to minimally qualify as a dual-licensed instructional provider, one with both an education license and a required occupational or professional license, like a school nurse. HB116 increases the minimum salaries for a level 1 teacher and dual-licensed instructional support provider to \$45 thousand, \$55 thousand for positions at a level 2, and \$65 thousand for individuals in positions on a level 3-A license. HB116 would also increase the minimum salary for assistant principals and principals and ties the minimum salary of a dual-licensed instructional support program administrators to the minimum salary of an assistant school principal.

## **FISCAL IMPACT**

HB116/aHEC would institute new minimum salaries for dual-licensed instructional support provider. Using available data, LESC staff estimate HB116 could have an impact of \$1.4 million for school districts and charter schools statewide. However, this estimate is highly uncertain, given limitations in the data available to staff. Analysis from the Public Education Department (PED) is not yet available. Data used in this analysis excluded crucial information, such as the licensure level of instructional support providers, and assumptions used may not be accurate in all cases. Licensure level was estimated based on reported salary of the instructional support provider. Additionally, the dataset used only includes school employees who are at least partially paid through a school district's or charter school's operational fund. Instructional support providers

may be paid using another funding source, such as federal funds under the Individuals with Disabilities Education Act, which could lead to an understatement of the impact.

## **SUBSTANTIVE ISSUES**

Professional licensure is a state regulatory mechanism that requires an individual to earn a license to practice a trade or profession. Requirements to earn a license include educational attainment, training, and testing, among other factors. In New Mexico, the Boards and Commissions Division within the Regulation and Licensing Department licenses and regulates more than 30 different professions. For specific professions within the public school education system, the PED licenses these professionals. Most instructional support provider positions licensed through the PED also have to be licensed through state boards and commissions for their specific profession.

***PED Licenses for Instructional Support Providers.*** Within the School Personnel Act, Section 22-10A-17, NMSA 1978, current law requires PED to license instructional support providers and allows PED to create a professional licensing framework in which those providers can advance in their careers. Contrary to current practice, the bill specifies which instructional support providers are recognized in the statutorily created three-tiered licensure system alongside teachers and school administrators that specifies minimum salaries, mentorship, and evaluation, among other aspects affecting these professionals. The bill creates an additional definition for instructional support providers within the School Personnel Act that targets specific positions in this category to recognize them as “dual-licensed instructional support providers” because of the requirement that these professionals hold a license in their profession outside of the school system as well as a PED-issued license. HB116/aHEC defines a dual-licensed instructional support provider as one of the following professions working in a school: (1) audiologist, (2) interpreter for the deaf, (3) speech-language pathologist, (4) diagnostician, (5) psychologist, (6) social worker, (7) nurse, (8) counselor, (9) physical therapist, (10) occupational therapist, and (11) other professions that meet the educational, licensure and other qualifications to be a dual-licensed instructional support provider.

PED currently licenses the following instructional support providers provided in this list:

- Interpreter for the deaf,
- Speech-language pathologist,
- Educational diagnostician,
- School psychologist,
- School social worker,
- Licensed practical nurse,
- School nurse,
- Rehabilitation counselor,
- Recreational therapist,
- School counselor,
- Alcohol, drug, and substance abuse counselor,
- Physical therapist,
- Mobility trainer for the blind, and
- Occupational therapist.

HB116/aHEC requires reclassifying 10 of the 14 instructional support providers currently licensed by PED as dual-licensed instructional providers within the three-tiered licensure system and allows

for other professionals who meet the educational, licensure and other qualifications to be dual-licensed instructional support providers. HB116/aHEC requires dual-licensed instructional support providers to hold a bachelor degree or higher as required by their professional license, hold a New Mexico license to practice the instructional support provider's profession, and pass any exam or additional requirements required by PED.

Transitioning most of the instructional support providers into the three-tiered licensure system would require PED to change some of the current licenses so they align with HB116/aHEC. PED would also have to decide how to treat the current instructional support provider licenses who are not listed in HB116/aHEC and do not qualify to be included. The bill does not amend Section 22-10A-17 NMSA 1978, which allows PED to create licenses and professional licensure frameworks for these individuals. This conflict may create confusion about licensing of instructional support providers.

***Education Attainment Requirements.*** Although most instructional provider positions currently licensed by PED require some postsecondary educational requirements, not all positions require attainment of a bachelor's degree or higher as required in HB116/aHEC. For example, to become an alcohol, drug, and substance abuse counselor, PED's requirement is a license from the New Mexico Counseling and Therapy Practices Board. The licensing board issues three tiers of licenses based on attainment of an associate's degree, bachelor's degree, or master's degree, and PED accepts all of these licenses to qualify for an alcohol, drug, and substance abuse counselor. Although currently licensable by PED as an instructional support provider, counselors without bachelor's degrees may not meet the requirements in HB116/aHEC to be considered a dual-licensed instructional support provider, excluding them from potentially higher pay and support provided by the three-tiered licensure system.

***Licenses for Professions.*** HB116/aHEC requires that dual-licensed instructional providers hold a New Mexico license to practice the instructional support provider's profession. Most instructional support providers currently licensed by PED to work in public schools also require a state-issued professional license, but not all. Educational diagnostician, included in HB116/aHEC's new licensure framework, and rehabilitation counselors currently do not require a state-board-issued professional license. Because there is no board or commission that licenses educational diagnosticians, PED created the requirements needed to attain the license. It is unclear if education diagnosticians would be included in the new licensure framework because of this conflict. Similarly, school psychologists under PED's current licensure structure do not need to have a professional license until they attain a level 3 license.

***Length of Licenses.*** HB116/aHEC presents challenges with integrating the current licensure system for additional instructional providers because the current system PED has created does not align. Within the three-tiered licensure system for teachers currently in law, the statute lays out the length of each license in each tier and the circumstances under which a teacher can advance from one level to the next. For a level 1 teacher license, the length of the license is five years and teachers can advance to a level 2 license after three years. A level 2 teacher license is a nine-year license and teachers can advance to a level 3-A license after 3 years. A level 3-A license is issued for nine years before renewal is required.

For example, the first level of a speech-language pathologist is "speech language pathologist clinical fellow," a one-year license. At the second and third levels, speech pathologists must meet specific requirements, but unlike in the three-tiered teacher licensure system, they do not have to be employed at a level 1 or level 2 for a specific length of time before they can qualify for licensure

advancement. Other PED-issued licenses for instructional providers are only one year, including those for social workers and nurses, both of which are now defined as dual-licensed instructional providers in HB116/aHEC. Licensing bodies, PED in this case, play an important role in assuring regulatory licensing requirements are designed to protect consumer health. Within PED’s licensing role, licenses must be designed to protect and serve students. Changes to license length may have unintended consequences. Additionally, PED receives revenue from licensure fees and the change in structure may have an impact, but it is hard to determine the exact amount because of the number of changes within HB116/aHEC.

***Licensure Advancement.*** The three-tiered licensure system is currently set up to have all teachers start at a level 1 as a beginning teacher and advance through the levels once they have successfully demonstrated competencies for that level. Some of PED’s licensure levels for instructional support providers is not as intentional and allows new employees to qualify for levels beyond the first level if they meet certain requirements. This may pose a challenge when implementing this new licensure system.

## **ADMINISTRATIVE IMPLICATIONS**

PED will have to change licenses for instructional support providers to align with HB116/aHEC. PED will also now need to monitor mentorship programs for instructional support providers, in the same fashion it is overseeing current teacher mentorship programs.

## **TECHNICAL ISSUES**

Page 13, lines 8 through 11, assigns a dual-licensed instructional support program administrator the same responsibility factor as an “assistant school principal.” However, the School Personnel Act includes three different “responsibility factors” that lead to different minimum salaries for assistant school principals at different categories of schools. The responsibility factors are 1.10 for assistant elementary school principals, 1.15 for assistant middle or junior high school principals, and 1.25 for assistant high school principals. The sponsor may wish to clarify the exact responsibility factor for dual-licensed instructional support program administrators.

## **OTHER SIGNIFICANT ISSUES**

***Mentorship.*** The three-tiered licensure system in New Mexico requires level 1 teachers to undergo a formal mentorship program for at least one full school year. HB116/aHEC will now require dual-licensed instructional providers covered in this bill to also undergo a formal mentorship program in level 1 of their license. State funding for teacher mentorship programs have fluctuated over the years; most recently the Legislature provided school districts and charter schools \$11 million within the state equalization guarantee (SEG) to support these programs. PED staff report they do not know if school districts and charter schools used the funding in the SEG for FY21 for implementing mentorship programs for all beginning teachers. The cost of mentorship programs will increase if more individuals are required to participate. Additionally, public schools might not be able to implement mentorship programs for these specific positions, because school districts and charter schools may have very few specialized positions like these to provide support.

***Evaluation.*** Current law requires all licensed school employees to be evaluated annually. Within the three-tiered licensure framework, candidates must be evaluated and meet defined competencies to advance to another license level. Current practice for licensure advancement and renewal for

instructional support providers requires a superintendent to recommend the individual based on a demonstration of competencies through an evaluation, aligning with HB116/aHEC.

During the teacher evaluation task force in the 2019-2020 school year, PED developed a working group to get feedback from instructional support providers on the current evaluation system, acknowledging that staff in nonteaching positions also need an opportunity for self-reflection, observation, and feedback in their positions. Feedback from these providers is that during an evaluation some providers are poorly evaluated by administrators because administrators do not have expertise in their specialized fields. PED did not release these resources yet as a part of the rollout out of the new teacher evaluation system.

**SOURCES OF INFORMATION**

- LESC Files

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