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

<b>Bill Number</b>	<u>HB266/aHEC</u>	<b>Sponsor</b>	<u>Figueroa</u>
<b>Tracking Number</b>	<u>.219022.3</u>	<b>Committee Referrals</b>	<u>HEC/HSEIC; SEC</u>
<b>Short Title</b>	<u>Special Education Teacher Licenses</u>		
<b>Analyst</b>	<u>Canada</u>	<b>Original Date</b>	<u>2/13/21</u>
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**BILL SUMMARY**

Synopsis of HEC Amendment

The House Education Committee Amendment to HB266 (HB266/aHEC) expands who can supervise a student during the student's required 15-week apprenticeship from a Level 3-A special education teacher to both a Level 3-A special education teacher and a Level 2 special education teacher.

Synopsis of Bill

House Bill 266 (HB266) creates a Level 1 alternative teaching license specific for individuals who teach students with disabilities. The bill requires the candidate for a special education alternative teaching license to serve a 15-week apprenticeship under a Level 3-A special education teacher while taking related and interwoven coursework at a post-secondary educational institution.

**FISCAL IMPACT**

The bill does not contain an appropriation.

***Cost Barriers to Participation.*** According to a report by the U.S. Department of Education (USDE), alternative teacher preparation programs are able to attract candidates whose financial obligations might rule out slower traditional preparation pathways; beginning teachers can start earning a full salary and benefits quickly. The exchange is mutually beneficial to public schools who can fill classroom vacancies as they arise. In New Mexico, an individual on an alternative teacher license teaches in their own classroom while taking educator preparation coursework; alternative preparation programs are designed to help individuals with bachelor's degrees work towards meeting licensure qualifications for a Level 1 teacher while teaching. Under this model, alternative licensed teachers start earning the same salary and benefits as a Level 1 teacher, which is currently a minimum of \$40 thousand dollars set by state law.

HB266/aHEC requires individuals who want to teach special education on an alternative license to first complete a 15-week minimum internship under a Level 2 or Level 3-A special education teacher before they qualify to teach in their own classroom on an alternative license. The change in HB266/aHEC to alternative licensure programs for special education may result in a barrier to participation from potential teacher candidates who can enter the teaching profession more quickly in a different subject area that allows them to enter their own classroom with pay right away. Additionally, school districts may feel obligated to pay alternative license teacher candidates during their field experience in order to fill a classroom vacancy after the candidate completes the approximately four-month long apprenticeship requirement. Educator preparation programs may also incur additional costs to restructure their programs or expand field-based components in their programs. National teacher preparation researchers note the cost to providing quality teacher preparation includes management of clinical placements and supervision which increases the cost to these programs compared to programs that do not offer clinical components. To try and mitigate this, some states provide a weight in state formula funding for funds dedicated to clinical professional programs at higher education institutions or appropriate additional funds directly to teacher education programs.

## **SUBSTANTIVE ISSUES**

*Meeting the Needs of Students With Disabilities In New Mexico.* According to the National Association of Special Education Teachers, since the creation of the federal Individuals with Disabilities Education Act, students with disabilities have access to appropriate education and related services free of cost to their parents, but barriers still exist for teachers providing students with disabilities the right supports. One of the identified barriers is inadequate training. In the consolidated *Martinez-Yazzie* education sufficiency lawsuit, the 1st Judicial District Court ruled the state failed to provide quality programs targeted to meet the specific needs of at-risk students, defined as economically disadvantaged students, English learners, Native American students, and students with disabilities. In New Mexico, 16.6 percent, or 57,417 public school students had learning disabilities in 2020, higher than the national rate of 13.8 percent. Persistent gaps exist in academic outcomes between students with disabilities and their peers throughout the state. In FY19, the most recent year of statewide-standardized testing, 12 percent of students with disabilities scored proficient in reading and 8 percent in math, compared with 34 percent and 20 percent, respectively, of general education students.

Underprepared teachers may contribute to classroom conditions and use behavioral methods that negatively impact student learning and well-being; special education students are at risk for overly harsh disciplinary actions that exclude them from instruction. In a recent study, the U.S. Government Accountability Office found a positive association between the percentage of inexperienced teachers and the probability that students would receive discipline of various types such as suspension, expulsion, and a referral to law enforcement. This study on national student discipline data also found that students with disabilities are overrepresented among those who are suspended or expelled and the use of these practices are more common when students with disabilities are students of color. On the other hand, research has found that special education teachers with more pedagogical training and practice teaching are better prepared to use a variety of instructional methods and handle other key teaching duties such as planning lessons, selecting curricular materials, using a range of teaching strategies, and assessing students. Studies show that teacher preparation and experience in special education boost achievement gains in reading and math for students with disabilities.

***Special Education Teacher Training.*** According to the Learning Policy Institute, a Stanford University-based education policy organization, research on the special education teacher workforce shows a dominant practice for special education teacher licensure requirements in many states is for special education teachers to earn a general education teaching credential through a traditional teacher preparation pathway. These same states also require candidates to attain a two-year master's degree in special education, which include both extensive coursework and student teaching. To attain a special education license in the state by the Public Education Department (PED), a teacher candidate must demonstrate to the department 1) attainment of a bachelor's degree, 2) 30 credit hours in special education coursework, 3) 6 credit hours in teaching of reading, 4) 24 credit hours in a specific subject-area, and 5) passage of five-teacher licensure exams. Core academic skills for educators such as reading, writing, and mathematics are the focus of three of the exams. In addition, teacher-candidates must pass an exam on principles of learning and teaching for the grade they are going to teach and a licensure exam specific to special education. According to current PED practice, teacher candidates can also teach special education on a special education alternative license in New Mexico if they have a bachelor's degree, master's degree, or doctoral degree and demonstrate 30 credit hours in special education. Candidates must be accepted into an alternative teacher education program and complete program and licensure requirements before being granted a Level 1 teacher license. Some programs lead to a master's degree with a focus on special education.

***Classroom Experience.*** HB266/aHEC requires individuals pursuing a special education alternative license to complete an additional requirement before being able to practice on an alternative license. The amendment to special education alternative Level 1 license requirements in HB266/aHEC adds a required 15-week apprenticeship under a Level 2 or Level 3-A special education teacher while taking teacher education coursework; PED's analysis states that it is unclear what constitutes an apprenticeship. A Level 3-A teacher in New Mexico is the highest licensure level, where teachers are required to demonstrate instructional leader competencies and some of these teachers are certified by the National Board for Professional Teacher Standards. Most teacher candidates prepared in teacher education traditional programs across the United States, spend a semester to a year working alongside a mentor teacher in a kindergarten through a 12<sup>th</sup> grade classroom.

The coursework the individual pursues while completing internship requirements must be designed to connect pedagogical theory with teaching practice. HB266/aHEC illustrates the coursework can include elements such as:

- Lesson planning,
- Classroom and behavior management for students with special needs,
- Learning theory;
- Foundations of Special Education; and
- Culturally and linguistically relevant teaching techniques.

A review of special education alternative licensure programs in the state show programs currently require supervised field experience as three of the 21 credit hours in their programs. Currently, this requirement is mainly met by candidates being observed in their own classroom. According to the most current data available from teacher preparation programs across the state, during the 2017-2018 academic year, supervised field experience hours for alternative licensure programs varied across the state. Of those programs that required this element, the length of the supervised field experience ranged from a few days requirement to a two-month commitment. Requirements in HB266/aHEC may require special education alternative programs to adjust their course offerings to capture the additional requirements of field-based experience in the classroom.

In New Mexico and across the United States, “traditional routes” to the teaching profession allow candidates to become licensed teachers by getting a bachelor’s degree in education. Usually, these programs last four years and include a full-time, unpaid, student teaching internship that can last up to two semesters. State law requires teaching candidates, prior to issuance of a teaching license, to complete at least sixteen weeks of student teaching. For alternative teacher licenses in the state, those on an alternative license are simultaneously completing PED-approved educator preparation coursework, while serving for a teacher of record for one to two years depending on their previous work experience.

PED currently has 11 approved special education alternative licensure programs, nine of which are offered through public higher education institutions across the state. The other two programs are offered through a private educational institution in the state and Cooperative Educational Services, a purchasing cooperative for public schools in New Mexico.

Advocates in New Mexico suggest increased and specialized training for special education teachers and general education classroom teachers is needed. During the 2021 interim, the Developmental Disabilities Planning Council shared from their experience there are not enough certified special education teachers and support specialists in New Mexico classrooms. They suggest certified teachers also need more training and support to be able to adapt to each individual student’s needs, as required by law. Some strategies include supplementary education services provided to special education students in their general education classroom, which is identified as the least restrictive way to meet students’ needs. This strategy requires general education teachers to have the training and support needed to execute this strategy.

***Special Education Teacher Workforce.*** National research on special education teacher attrition and retention shows that intensive preparation and professional learning experience can help retain special educators, however inadequate training can lead to turnover. One study found that more time in a student teaching assignment related to a lower probability of attrition. During the 2015-2016 school year, the U.S. Department of Education reported that 20 percent of alternative licensed teachers were special education teachers. Due to limited educator workforce data in New Mexico, it is unclear how many alternative teachers are teaching special education. According to New Mexico State University’s 2020 Educator Vacancy Report, out of the 571 statewide teacher vacancies based on publicly available job postings, 153 are special education teachers. According to school districts budgeted positions for 2020-2021, 3,424 teachers are special education teachers, which makes up 16 percent of total budgeted teacher positions.

## **ADMINISTRATIVE IMPLICATIONS**

PED would have until July 1, 2022 to change licensure requirements for alternative special education teachers. The department would need to update their guidance to school districts, educator preparation programs, and potential applicants on how to qualify for an alternative special education teacher license. The department would also need to update regulations to reflect the current practice and expectations of specific alternative licenses.

## **OTHER SIGNIFICANT ISSUES**

***Alternative License in New Mexico.*** Within the School Personnel Act, Section 22-10A-8 NMSA 1978, outlines the requirements for an individual to pursue an alternative teaching license. An individual must be 18 years old and hold a degree from a post-secondary education institution.

- If the candidate has completed a bachelor's degree, they must also receive a passing score on a state-approved subject-area examination in the subject area that the individual is applying for a license.
- If the candidate has completed a master's degree, they must complete a minimum of 12 graduate credit hours in the subject area of instruction for which the person is applying for a license.
- The candidate can qualify if they attained a doctoral or law degree.

Aside from the educational demonstration through avenues detailed above, statute and PED rule require candidates for alternative licensure to pass relevant New Mexico teacher assessments to what the subject they are teaching before they enter the classroom as a teacher of record. Current practice by PED may conflict with this requirement, allowing teacher candidates to pass exams while they are on an alternative license, before they qualify to move to a Level 1 teacher. Additionally, some PED-approved alternative license preparation programs across the state require the passage of these exams as a requirement for entry into their program. This discrepancy means some alternative license teachers were required to take teacher exams before becoming the teacher of record, while some alternative licensure teachers are allowed to take them while they are teaching.

In New Mexico, there are currently three pathways developed by PED that lead to alternative license. The first is an educator preparation program pathway that grants an alternative license to an individual who simultaneously takes PED-approved teacher education coursework and serves as a teacher of record for two years. The second is an evaluation-based pathway that grants an alternative license to an individual who simultaneously completes teaching of reading coursework while serving as the teacher of record. Candidates on this pathway must earn two consecutive ratings of effective or higher based off the previous teacher evaluation system, NMTEACH. Official teacher evaluation scores have been on pause while a new teacher evaluation system was being developed and rolled out; making it unclear if this pathway is still active. The last pathway grants a one-year alternative license to an individual who has a master's or bachelor's degree in a field outside of education and has taught at an accredited college or university for a minimum of 5 years. HB266/aHEC seems to impact this pathway and may require alternative licensed teachers who want to become a special education teacher through this avenue to first complete 15-weeks in the classroom of a Level 2 or Level 3-A teacher.

According to PED, 9 percent of the teacher workforce in the 2018-2019 school year was teaching on an alternative license. This figure will continue to increase as the number of students on the alternative license pathway increases. During 2019-2020, 791 students, which is 61 percent of admitted teacher preparation students in New Mexico, were admitted to alternative licensure programs. Over the past 10 years, educator preparation programs graduates have been on the decline and have not exceeded FY11 levels. At the same time, alternative preparation program completers have been increasing. The USDE data also show that alternative licensed teachers are typically more diverse by ethnicity and gender than candidates who enter the profession through traditional routes. Research on the effects of alternative versus traditional pathways to teacher certification on student achievement have found mixed results.

## **RELATED BILLS**

Relates to Senate Bill 289, Special Ed Division of Ed Dept., which creates a new Special Education Division and assistant secretary for special education within PED.

Relates to Senate Bill 319, School-Use of Restraint, which creates requirements for schools to follow in using restraint, while also prohibiting schools' use of seclusion.

Relates to House Bill 222, Special Education Ombud Act, which creates the Office of the State Special Education Ombud.

**SOURCES OF INFORMATION**

- LESC Files
- PED

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