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HOUSE BILL 116

**55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

INTRODUCED BY

Elizabeth "Liz" Thomson

AN ACT

RELATING TO SCHOOL PERSONNEL; ADDING DUAL-LICENSED  
INSTRUCTIONAL SUPPORT PROVIDERS TO THE THREE-TIER LICENSURE  
SYSTEM.

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

SECTION 1. Section 22-10A-4 NMSA 1978 (being Laws 2003,  
Chapter 153, Section 35, as amended by Laws 2005, Chapter 315,  
Section 4 and by Laws 2005, Chapter 316, Section 1) is amended  
to read:

"22-10A-4. TEACHERS [~~AND~~], SCHOOL ADMINISTRATORS, DUAL-  
LICENSED INSTRUCTIONAL SUPPORT PROVIDERS AND DUAL-LICENSED  
INSTRUCTIONAL SUPPORT PROGRAM ADMINISTRATORS--PROFESSIONAL  
STATUS--LICENSURE LEVELS--SALARY ALIGNMENT.--

A. Teaching [~~and~~], school administration and dual-  
licensed instructional support are recognized as professions,

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1 with all the rights, responsibilities and privileges accorded  
2 professions, having their first responsibility to the public  
3 they serve. The primary responsibilities of the teaching and  
4 school administration professions are to educate the children  
5 of this state and to improve the professional practices and  
6 ethical conduct of their members. The primary responsibilities  
7 of dual-licensed instructional support providers are to assist  
8 and support students and teachers and to improve the  
9 professional practices and ethical conduct of their members.

10 B. The New Mexico licensure framework for teachers  
11 [~~and~~], school administrators, dual-licensed instructional  
12 support providers and dual-licensed instructional support  
13 program administrators is a progressive career system in which  
14 licensees are required to demonstrate increased competencies  
15 and undertake increased duties as they progress through the  
16 licensure levels. The minimum salary provided as part of the  
17 career system shall not take effect until the department has  
18 adopted increased competencies for the particular level of  
19 licensure and a highly objective uniform statewide standard of  
20 evaluation.

21 C. A level one license is a provisional license  
22 that gives a beginning teacher or dual-licensed instructional  
23 support provider the opportunity, through a formal mentorship  
24 program, for additional preparation to be a quality teacher or  
25 dual-licensed instructional support provider. A level two

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1 license is given to a teacher or dual-licensed instructional  
2 support provider who is a fully qualified professional who is  
3 primarily responsible for ensuring that students meet and  
4 exceed department-adopted academic content and performance  
5 standards or primarily responsible for ensuring that students  
6 with physical or intellectual developmental delays or  
7 disabilities, behavioral problems or other conditions that need  
8 the services of a dual-licensed instructional support provider  
9 are being treated as required. A teacher or dual-licensed  
10 instructional support provider may choose to remain at level  
11 two for the remainder of the teacher's or dual-licensed  
12 instructional support provider's career. A level three-A  
13 license is the highest level of teaching or dual-licensed  
14 instructional support licensure for those teachers and dual-  
15 licensed instructional support providers who choose to advance  
16 as instructional or instructional support leaders in the  
17 teaching or specific dual-licensed profession and undertake  
18 greater responsibilities such as curriculum development for  
19 teachers and peer intervention and mentoring for both teachers  
20 and dual-licensed instructional support providers. A level  
21 three-B license is for teachers and dual-licensed instructional  
22 support providers who commence a new career path in school or  
23 professional administration by becoming school administrators  
24 or dual-licensed instructional support program administrators.

25 D. [All] The teacher [~~and~~], school administrator,

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1 dual-licensed instructional support provider and dual-licensed  
2 instructional support program administrator salary [systems]  
3 system shall be aligned with the licensure framework in a  
4 professional educator and instructional support provider  
5 licensing and salary system.

6 E. All teachers and school administrators who hold  
7 teaching or administrator certificates on the effective date of  
8 the 2003 act shall meet the requirements for their level of  
9 licensure by September 1, 2006 and shall be issued licenses.

10 F. A dual-licensed instructional support provider  
11 is licensed in one of the following professions:

- 12 (1) audiologist;
- 13 (2) interpreter for the deaf;
- 14 (3) speech-language pathologist;
- 15 (4) diagnostician;
- 16 (5) psychologist;
- 17 (6) social worker;
- 18 (7) nurse;
- 19 (8) counselor;
- 20 (9) physical therapist;
- 21 (10) occupational therapist; and
- 22 (11) any other professional that meets the  
23 educational, licensure and other qualifications to be a dual-  
24 licensed instructional support provider."

25 SECTION 2. Section 22-10A-7 NMSA 1978 (being Laws 2003,

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1 Chapter 153, Section 38, as amended by Laws 2019, Chapter 206,  
2 Section 21 and by Laws 2019, Chapter 207, Section 21) is  
3 amended to read:

4 "22-10A-7. LEVEL ONE LICENSURE.--

5 A. A level one license is a provisional five-year  
6 license for beginning teachers and dual-licensed instructional  
7 support professionals that requires as a condition of licensure  
8 that the licensee undergo a formal mentorship program for at  
9 least one full school year and an annual intensive performance  
10 evaluation by a school administrator for at least three full  
11 school years before applying for a level two license.

12 B. Each school district, in accordance with  
13 department rules, shall provide for the mentorship and  
14 evaluation of level one teachers and dual-licensed  
15 instructional support providers. At the end of each year and  
16 at the end of the license period, the level one teacher and  
17 dual-licensed instructional support provider shall be evaluated  
18 for competency. If the teacher or dual-licensed instructional  
19 support provider fails to demonstrate satisfactory progress and  
20 competence annually, the teacher or dual-licensed instructional  
21 support provider may be terminated as provided in Section  
22 22-10A-24 NMSA 1978. If the teacher or dual-licensed  
23 instructional support provider has not demonstrated  
24 satisfactory progress and competence by the end of the five-  
25 year period, the teacher or dual-licensed instructional support

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1 provider shall not be granted a level two license.

2 C. Except in exigent circumstances defined by  
3 department rule, a level one license shall not be extended  
4 beyond the initial period.

5 D. The department shall issue a standard level one  
6 license to an applicant who is at least eighteen years of age  
7 who:

8 (1) if a teacher:

9 (a) holds a baccalaureate degree from an  
10 accredited educational institution;

11 ~~[(2)]~~ (b) has successfully completed a  
12 department-approved teacher preparation program from a  
13 nationally accredited or state-approved educational  
14 institution;

15 ~~[(3)]~~ (c) has passed the New Mexico  
16 teacher assessments examination, including for elementary  
17 licensure beginning January 1, 2013, a rigorous assessment of  
18 the candidate's knowledge of the science of teaching reading;  
19 and

20 ~~[(4)]~~ (d) meets other qualifications for  
21 level one licensure, including clearance of the required  
22 background check; and

23 (2) if a licensed professional seeking dual  
24 licensure as an instructional support provider:

25 (a) holds a baccalaureate or higher

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1 degree from an accredited educational institution as required  
2 for professional licensure;

3 (b) holds a New Mexico license to  
4 practice the instructional support provider's profession; and

5 (c) has passed any department  
6 examination or additional qualification requirements required  
7 by the department, including clearance of the required  
8 background check.

9 E. The department shall issue an alternative level  
10 one license for teachers to an applicant who meets the  
11 requirements of Section 22-10A-8 NMSA 1978.

12 F. The department shall establish competencies and  
13 qualifications for specific grade levels, types and subject  
14 areas of level one licensure, including early childhood,  
15 elementary, middle school, secondary, special and vocational  
16 education for teachers and, as appropriate, dual-licensed  
17 instructional support providers.

18 G. The minimum salary for a level one teacher or  
19 dual-licensed instructional support provider is [~~forty thousand~~  
20 ~~dollars (\$40,000)] forty-five thousand dollars (\$45,000) for a  
21 standard nine and one-half month contract; provided that  
22 teachers and dual-licensed instructional support providers, if  
23 applicable, in an extended learning time program or K-5 plus  
24 program shall receive additional salary at the same rate as  
25 their base salary for that teaching or instructional support~~

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1 time."

2 SECTION 3. Section 22-10A-10 NMSA 1978 (being Laws 2003,  
3 Chapter 153, Section 41, as amended by Laws 2019, Chapter 191,  
4 Section 1 and by Laws 2019, Chapter 206, Section 22 and also by  
5 Laws 2019, Chapter 207, Section 22) is amended to read:

6 "22-10A-10. LEVEL TWO LICENSURE.--

7 A. A level two license is a nine-year license  
8 granted to a teacher or dual-licensed instructional support  
9 provider who meets the qualifications for that level and who  
10 annually demonstrates essential competency to teach or provide  
11 professional instructional support. If a level two teacher or  
12 dual-licensed instructional support provider does not  
13 demonstrate essential competency in a given school year, the  
14 school district shall provide the teacher or dual-licensed  
15 instructional support provider with additional professional  
16 development and peer intervention during the following school  
17 year. If by the end of that school year, the teacher or dual-  
18 licensed instructional support provider fails to demonstrate  
19 essential competency, a school district may choose not to  
20 contract with the teacher to teach in the classroom or may  
21 reassign the dual-licensed instructional support provider.

22 B. The department shall issue a level two license  
23 to an applicant who has successfully taught or provided  
24 professional instructional support at least three, but no more  
25 than five, years as a level one teacher or dual-licensed

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1 instructional support provider or an alternative level one  
2 teacher, or a combination of the two for teachers, or is  
3 granted reciprocity as provided by department rules. An  
4 applicant for a level two license shall:

5 (1) demonstrate essential competency required  
6 by the department as verified by the local superintendent  
7 through the highly objective uniform statewide standard of  
8 evaluation; and

9 (2) meet other qualifications as required by  
10 the department.

11 C. The department shall provide for qualifications  
12 for specific grade levels, types and subject areas of level two  
13 licensure, including early childhood, elementary, middle,  
14 secondary, special and vocational education for teachers and,  
15 as appropriate, dual-licensed instructional support providers.

16 D. The minimum salary for a level two teacher or  
17 dual-licensed instructional support provider is [~~fifty thousand~~  
18 ~~dollars (\$50,000)~~] fifty-five thousand dollars (\$55,000) for a  
19 standard nine and one-half month contract; provided that  
20 teachers or dual-licensed instructional support providers in an  
21 extended learning time program or K-5 plus program shall  
22 receive additional salary at the same rate as their base salary  
23 for that teaching or instructional support time."

24 SECTION 4. Section 22-10A-11 NMSA 1978 (being Laws 2003,  
25 Chapter 153, Section 42, as amended by Laws 2019, Chapter 206,  
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1 Section 23 and by Laws 2019, Chapter 207, Section 23) is  
2 amended to read:

3 "22-10A-11. LEVEL THREE LICENSURE--TRACKS FOR TEACHERS--  
4 TRACKS FOR DUAL-LICENSED INSTRUCTIONAL SUPPORT PROVIDERS.--

5 A. A level three-A license is a nine-year license  
6 granted to a teacher or dual-licensed instructional support  
7 provider who meets the qualifications for that level and who  
8 annually demonstrates instructional leader or professional  
9 instructional support competencies. If a level three-A teacher  
10 or dual-licensed instructional support provider does not  
11 demonstrate essential competency in a given school year, the  
12 school district shall provide the teacher or dual-licensed  
13 instructional support provider with additional professional  
14 development and peer intervention during the following school  
15 year. If by the end of that school year the teacher or dual-  
16 licensed instructional support provider fails to demonstrate  
17 essential competency, a school district may choose not to  
18 contract with the teacher to teach in the classroom or may  
19 reassign the dual-licensed instructional support provider.

20 B. The department shall grant a level three-A  
21 license to an applicant who has been a level two teacher for at  
22 least three years and holds a post-baccalaureate degree or  
23 national board for professional teaching standards  
24 certification; demonstrates instructional leader competence as  
25 required by the department and verified by the local

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1 superintendent through the highly objective uniform statewide  
2 standard of evaluation; and meets other qualifications for the  
3 license.

4 C. The department shall grant a level three-A  
5 license to an applicant who has been a level two dual-licensed  
6 instructional support provider for at least three years and  
7 holds a master's or doctoral degree in the provider's licensed  
8 profession.

9 ~~[E.]~~ D. The minimum salary for a level three-A  
10 teacher or dual-licensed instructional support provider is  
11 ~~[sixty thousand dollars (\$60,000)]~~ sixty-five thousand dollars  
12 (\$65,000) for a standard nine and one-half month contract;  
13 provided that teachers or dual-licensed instructional support  
14 providers in an extended learning time program or K-5 plus  
15 program shall receive additional salary at the same rate as  
16 their base salary for that teaching or instructional support  
17 time.

18 ~~[D. The minimum salary for a counselor who holds a~~  
19 ~~level three or three-A license as provided in the School~~  
20 ~~Personnel Act and rules promulgated by the department shall be~~  
21 ~~the same as provided for level three-A teachers pursuant to~~  
22 ~~Subsection C of this section.]"~~

23 SECTION 5. Section 22-10A-11.4 NMSA 1978 (being Laws  
24 2015, Chapter 74, Section 2, as amended by Laws 2019, Chapter  
25 206, Section 24 and by Laws 2019, Chapter 207, Section 24) is  
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1 amended to read:

2 "22-10A-11.4. LEVEL THREE-B ADMINISTRATOR'S LICENSE--  
3 TRACKS FOR SCHOOL ADMINISTRATOR AND DUAL-LICENSED INSTRUCTIONAL  
4 SUPPORT PROGRAM ADMINISTRATOR LICENSURE.--

5 A. A level three-B administrator's license is a  
6 five-year license granted to an applicant who meets the  
7 qualifications for that license. Licenses may be renewed upon  
8 satisfactory annual demonstration of instructional leader and  
9 administrative competency.

10 B. The department shall grant a level three-B  
11 administrator's license to an applicant who:

12 (1) for school administrators:

13 [~~1~~] (a) has completed a department-  
14 approved administrator preparation program;

15 [~~2~~] (b) holds a current level two or  
16 level three teacher's license; and

17 [~~3~~] (c) holds a post-baccalaureate  
18 degree or national board for professional teaching standards  
19 certification; and

20 (2) for dual-licensed instructional support  
21 program administrators:

22 (a) has completed a department-approved  
23 dual-licensed instructional support program administrator  
24 preparation program, if required by the department;

25 (b) holds a professional license and a

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1 current level two or three-A instructional support provider  
2 license; and

3 (c) holds a post-baccalaureate degree.

4 C. The minimum annual salary for a licensed school  
5 principal or assistant school principal is the minimum salary  
6 for a level three-A teacher multiplied by the applicable  
7 responsibility factor. The minimum salary for a dual-licensed  
8 instructional support program administrator shall be the same  
9 as an assistant school principal multiplied by the applicable  
10 responsibility factor.

11 D. The department shall adopt a highly objective  
12 uniform statewide standard of evaluation, including data  
13 sources linked to student achievement and an educational plan  
14 for student success progress, for school principals and  
15 assistant school principals and rules for the implementation of  
16 that evaluation system linked to the level of responsibility at  
17 each school level.

18 E. As used in this section, "level three-B  
19 administrator's license" means a five-year license granted to  
20 an applicant who meets the qualifications pursuant to this  
21 section and department rules."

22 SECTION 6. APPLICABILITY.--The provisions of this act  
23 apply to the 2022-2023 and subsequent school years.