

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 418

47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006

INTRODUCED BY

Mimi Stewart

AN ACT

RELATING TO EDUCATION; PROVIDING FOR A LICENSURE AND
COMPENSATION FRAMEWORK FOR CERTAIN INSTRUCTIONAL SUPPORT
PROVIDERS; MAKING AN APPROPRIATION; DECLARING AN EMERGENCY.

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

Section 1. Section 22-10A-17 NMSA 1978 (being Laws 2003,
Chapter 153, Section 48, as amended) is amended to read:

"22-10A-17. INSTRUCTIONAL SUPPORT PROVIDER LICENSES.--

A. The department shall license instructional
support providers [~~including educational assistants, school
counselors, school social workers, school nurses, speech-
language pathologists, psychologists, physical therapists,
physical therapy assistants, occupational therapists,
occupational therapy assistants, recreational therapists,
interpreters for the deaf, diagnosticians and other service~~

.159114.2

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 ~~providers~~]. The department [~~may~~] shall provide a
2 [~~professional~~] progressive licensing framework in which
3 licensees can advance in their careers through the
4 demonstration of increased competencies and the undertaking of
5 increased duties.

6 B. [~~The department shall provide by rule for the~~
7 ~~requirements for licensure of types of instructional support~~
8 ~~providers.~~] If an instructional support provider practices a
9 licensed profession, he shall provide evidence satisfactory to
10 the department that he holds a current, unsuspended license in
11 the profession for which he is applying to provide
12 instructional support services. The instructional support
13 provider shall notify the school district and department
14 immediately if his professional license is suspended, revoked
15 or denied. Suspension, revocation or denial of a professional
16 license shall be just cause for discharge or termination and
17 suspension, revocation or denial of the instructional support
18 provider license.

19 C. If an instructional support provider practices a
20 licensed profession that requires a bachelor's or higher
21 degree, the instructional support provider shall be licensed as
22 provided in Section 2 of this 2006 act. If the instructional
23 support provider does not practice a licensed profession or
24 practices a profession or occupation that does not require at
25 least a bachelor's degree, the instructional support provider

.159114.2

underscored material = new
[bracketed material] = delete

1 shall be licensed as provided by specific law or by rule of the
2 department. The department may designate licenses of
3 instructional support providers licensed by rule as numeric
4 levels or any other designation it determines as long as the
5 licensure denotes a progressive framework."

6 Section 2. A new section of the School Personnel Act is
7 enacted to read:

8 "[NEW MATERIAL] PROFESSIONAL INSTRUCTIONAL SUPPORT
9 PROVIDER LICENSING FRAMEWORK--REQUIREMENTS AND SALARY.--

10 A. This section applies to professional
11 instructional support providers whose professional duties
12 require a bachelor's or higher degree to practice in public
13 schools.

14 B. The department shall issue professional
15 instructional support provider licenses endorsed for the
16 applicable professions to applicants who meet the requirements
17 for each level of licensure. In determining the appropriate
18 licensure level for an applicant, the department shall adopt
19 rules to consider verified employment as a certified
20 professional in a clinical or parallel setting in lieu of
21 experience in a school setting.

22 C. A level one professional instructional support
23 provider license is a provisional license for the first three
24 years of practice in a school setting that gives a beginning
25 instructional support provider the opportunity, through a

.159114.2

underscored material = new
[bracketed material] = delete

1 formal mentorship program, for additional preparation to be an
2 instructional support provider in the endorsed profession
3 listed on the license. As a condition of licensure, the
4 instructional support provider is required to undergo a formal
5 mentorship program and an annual intensive performance
6 evaluation by a school administrator or a level three
7 professional instructional support provider endorsed for the
8 same profession as the licensee for three full school years
9 before applying for a level two license. At the end of each
10 year and at the end of the license period, the level one
11 professional instructional support provider shall be evaluated
12 for competency. If the instructional support provider has not
13 demonstrated satisfactory progress and competence by the end of
14 the three-year period, the provider shall not be granted a
15 level two license. Except in exigent circumstances defined by
16 department rule, a level one professional instructional support
17 provider license shall not be extended beyond the initial
18 three-year period and shall not be renewed. The department
19 shall issue a level one professional instructional support
20 provider license to an applicant who is at least eighteen years
21 of age and who:

22 (1) if required to do so, holds a license or
23 certification in the professional area in which the provider
24 seeks to practice in a school setting; and

25 (2) meets other qualifications for level one

.159114.2

underscored material = new
[bracketed material] = delete

1 licensure as determined by the department, including clearance
2 of the required background check.

3 D. A level two professional instructional support
4 provider license is granted to an instructional support
5 provider who is a fully qualified professional who annually
6 demonstrates essential competencies. The department shall
7 issue a level two professional instructional support provider
8 license to an applicant who successfully completes the three-
9 year level one professional license or is granted reciprocity
10 as provided by department rule and meets other qualifications
11 as required by the department. If a level two professional
12 instructional support provider does not demonstrate essential
13 competency in a given school year, the school district shall
14 provide the provider with additional professional development
15 and peer intervention during the following school year. To
16 maintain the nine-year level two professional instructional
17 support provider license, the licensee shall:

18 (1) demonstrate essential competency required
19 by the department as verified by the local superintendent
20 through annual evaluations;

21 (2) hold a valid license or certification in
22 the licensee's profession; and

23 (3) meet all continuing education requirements
24 of the licensee's profession.

25 E. A level three professional instructional support

.159114.2

underscored material = new
[bracketed material] = delete

1 provider license is granted to an instructional support
2 provider who is a fully qualified professional who demonstrates
3 leadership competencies beyond those required for a level two
4 license. A level three license shall be granted to an
5 applicant who has been a level two professional instructional
6 support provider for at least three years or is granted
7 reciprocity as provided by department rule and meets other
8 qualifications as required by the department, including
9 successful demonstration of essential and leadership
10 competencies. If a level three professional instructional
11 support provider does not demonstrate essential and leadership
12 competencies in a given school year, the school district shall
13 provide the provider with additional professional development
14 and peer intervention during the following school year. To
15 maintain the nine-year level three professional instructional
16 support provider license, the licensee shall:

- 17 (1) demonstrate essential and leadership
18 competencies required by the department as verified by the
19 local superintendent through annual evaluations;
- 20 (2) hold a valid license or certification in
21 the licensee's profession;
- 22 (3) meet all continuing education requirements
23 of the licensee's profession; and
- 24 (4) hold an advanced degree or certification
25 as required by department rule.

.159114.2

underscored material = new
[bracketed material] = delete

1 F. By the 2006-2007 school year, with the adoption
2 by the department of a highly objective performance evaluation
3 for professional instructional support providers, the minimum
4 salaries for professional instructional support providers
5 licensed pursuant to this section shall be as follows:

6 (1) for level one professional instructional
7 support providers, for the school year following adoption of
8 the performance evaluation, thirty thousand dollars (\$30,000);

9 (2) for level two professional instructional
10 support providers, for the first school year following adoption
11 of the performance evaluation, forty thousand dollars
12 (\$40,000); and

13 (3) for level three professional instructional
14 support providers, for the first school year following adoption
15 of the performance evaluation and the adoption of the minimum
16 of fifty thousand dollars (\$50,000) salary for level three
17 teachers, fifty thousand dollars (\$50,000).

18 G. The department shall consult with professional
19 licensing boards and professional organizations in the
20 development of the three-level licensure system to include
21 essential and leadership competencies and the performance
22 evaluation instruments."

23 Section 3. APPROPRIATION.--Six million two hundred
24 thousand dollars (\$6,200,000) is appropriated from the general
25 fund to the public education department for expenditure in

.159114.2

underscored material = new
[bracketed material] = delete

1 fiscal year 2007 to provide minimum salaries for professional
2 instructional support providers; provided that minimum salaries
3 shall be calculated after any salary increases provided in the
4 General Appropriation Act of 2006 or other bills of the second
5 session of the forty-seventh legislature, passed by the
6 legislature and signed into law. Any unexpended or
7 unencumbered balance remaining at the end of fiscal year 2007
8 shall revert to the general fund.

9 Section 4. EMERGENCY.--It is necessary for the public
10 peace, health and safety that this act take effect immediately.

11 - 8 -
12
13
14
15
16
17
18
19
20
21
22
23
24
25