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SENATE BILL 232

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

INTRODUCED BY

Mary Kay Papen

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO PUBLIC SCHOOL PERSONNEL; PROVIDING A LICENSING
FRAMEWORK FOR EDUCATIONAL ASSISTANTS; PROVIDING FOR MINIMUM
SALARIES; MAKING AN APPROPRIATION.

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

Section 1. Section 22-10A-17.1 NMSA 1978 (being Laws
2004, Chapter 30, Section 1) is amended to read:

"22-10A-17.1. EDUCATIONAL ASSISTANTS--LICENSING
FRAMEWORK--QUALIFICATIONS--MINIMUM SALARIES.--

A. All persons who perform services as educational
assistants in public schools or [~~in those special state-~~
~~supported schools within~~] state agencies must hold valid,
educational assistants licensure issued by the [~~public~~
~~education~~] department. Educational assistants shall be
assigned and serve as assistants to school staff [~~duly~~]

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1 licensed by the [~~public education~~] department. While there may
2 be [~~brief~~] periods when educational assistants are alone with
3 and in control of a classroom of students, their primary use
4 shall be to work alongside or under the direct supervision of
5 [~~duly licensed staff~~] a teacher.

6 ~~[B. The public education department will, through~~
7 ~~appropriate rules, institute a licensure system for educational~~
8 ~~assistants. The highest level of license must ensure that~~
9 ~~educational assistants who hold that level of licensure meet~~
10 ~~the standard for paraprofessionals established in federal~~
11 ~~statute and regulation for employment in a Title I program.~~
12 ~~Educational assistants hired on or after January 8, 2002, who~~
13 ~~provide instructional support in a Title I program, must meet~~
14 ~~the qualifications for the highest level of licensure on the~~
15 ~~effective date of this statute. Paraprofessionals hired prior~~
16 ~~to January 8, 2002, must meet the qualifications for the~~
17 ~~highest level of licensure by January 8, 2006.~~

18 ~~C. The minimum annual salary for licensed~~
19 ~~educational assistants shall be twelve thousand dollars~~
20 ~~(\$12,000) effective in the 2004-2005 school year.~~

21 ~~D. The minimum salaries specified in Subsection C~~
22 ~~of this section may be adjusted in accordance with~~
23 ~~appropriations for that purpose in each school year as~~
24 ~~established by the secretary of public education.~~

25 ~~E. School districts shall initiate the~~

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1 ~~implementation of a career salary framework that supports the~~
2 ~~licensure system in public education department rules in fiscal~~
3 ~~year 2005.]~~

4 B. A level one educational assistant license is a
5 provisional three-year license for beginning educational
6 assistants who do not meet the qualifications for level three
7 or level four educational assistant licenses. A level one
8 educational assistant license requires as a condition of
9 licensure that the educational assistant undergo an annual
10 intensive performance evaluation by a school administrator or
11 state agency indicating that the educational assistant has
12 satisfactorily demonstrated educational assistant competencies
13 for two full school years before applying for a level two
14 license; provided, however, a person may meet the
15 qualifications for a level three or level four license and be
16 licensed at one of those levels without first holding a level
17 one license. A person seeking a level one educational
18 assistant license shall meet the following requirements:

19 (1) hold a high school diploma or its
20 equivalent;

21 (2) be eighteen years of age; and

22 (3) provide certification from the local
23 superintendent or state agency that the person seeking
24 licensure has satisfactorily completed an orientation session
25 pertinent to the assignment.

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1 C. A level two educational assistant license is a
2 nine-year license granted to an educational assistant who meets
3 the qualifications for that level and who annually demonstrates
4 educational assistant competencies. A person seeking a level
5 two educational assistant license shall meet the following
6 requirements:

7 (1) hold a high school diploma or its
8 equivalent;

9 (2) be eighteen years of age;

10 (3) provide certification from the local
11 superintendent or state agency that the person seeking
12 licensure has satisfactorily completed an orientation session
13 pertinent to the assignment; and

14 (4) provide certification from the local
15 superintendent or state agency that the person seeking
16 licensure has satisfactorily demonstrated the educational
17 assistant competencies at level one for at least two full
18 school years.

19 D. A level three educational assistant license is a
20 nine-year license granted to an educational assistant who meets
21 the qualifications for that level and who annually demonstrates
22 educational assistant competencies. A person seeking a level
23 three educational assistant license shall meet the following
24 requirements:

25 (1) hold a high school diploma or its

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1 equivalent;

2 (2) be eighteen years of age;

3 (3) provide certification from the local
4 superintendent or state agency that the educational assistant
5 has satisfactorily completed an orientation session pertinent
6 to the assignment; and

7 (4) complete forty-eight semester hours of
8 academic credit awarded by a nationally or regionally
9 accredited college or university that include at least the
10 following fifteen semester hours in nonremedial coursework:

11 (a) three hours of language arts-reading
12 or language arts-reading pedagogy;

13 (b) three hours of writing or writing
14 pedagogy;

15 (c) three hours of mathematics or
16 mathematics pedagogy; and

17 (d) six hours of reading, writing and
18 math readiness; professional education; classroom management;
19 teaching assistance; or special education; or

20 (5) obtain a passing score of at least seventy
21 percent on a test administered pursuant to department rules; or

22 (6) successfully demonstrate competency
23 through a portfolio assessment administered pursuant to
24 department rules.

25 E. A level four educational assistant license is a

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1 nine-year license granted to an educational assistant who meets
2 the qualifications for that level and who annually demonstrates
3 educational assistant competencies. A person seeking a level
4 four educational assistant license shall meet all of the
5 requirements for holding a level three educational assistant
6 license and, in addition, shall have earned an associate or
7 higher degree from a nationally or regionally accredited
8 college or university.

9 F. The minimum salaries for each licensure level
10 for educational assistants employed by school districts or
11 state agencies are:

12 (1) for level one educational assistants,
13 twelve thousand dollars (\$12,000);

14 (2) for level two educational assistants,
15 thirteen thousand dollars (\$13,000);

16 (3) for level three educational assistants,
17 fifteen thousand dollars (\$15,000); and

18 (4) for level four educational assistants,
19 seventeen thousand dollars (\$17,000).

20 G. Each school district shall implement a career
21 salary framework that supports the licensure system for
22 educational assistants. Salary increments above the minimums
23 required pursuant to Subsection F of this section constitute
24 the remainder of the framework and shall be based on training
25 and experience as well as other factors deemed appropriate by

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1 the school district.

2 H. Educational assistants holding licenses on July
3 1, 2006 shall continue to be licensed at that level for the
4 term of the license. Licensees seeking to renew an educational
5 assistant license shall meet the new requirements.

6 I. The department shall promulgate rules to ensure
7 that educational assistants who hold level three or level four
8 licenses meet the standard for paraprofessionals established in
9 federal law and regulations for employment in a Title 1
10 program."

11 Section 2. TEMPORARY PROVISION--LICENSE TRANSITION.--The
12 public education department shall promulgate rules to
13 transition from the license system in effect on June 30, 2006
14 to the license system provided for in Section 1 of this act.

15 Section 3. APPROPRIATION.--Five million eight hundred
16 sixty-six thousand three hundred dollars (\$5,866,300) is
17 appropriated from the general fund to the public school fund
18 for distribution through the state equalization guarantee
19 distribution for expenditure in fiscal year 2007 to pay the
20 cost of implementing the minimum salaries for educational
21 assistants. Any undistributed balance remaining at the end of
22 fiscal year 2007 shall revert to the general fund.

23 Section 4. EFFECTIVE DATE.--The effective date of the
24 provisions of this act is July 1, 2006.