

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill No: *SB 188

48th Legislature, 1st Session, 2007

Short Title: Instructional Support Provider Licensure

Sponsor(s): Senator Mary Kay Papen and Others

Analyst: James Ball/Kathleen Forrer

Date: January 25, 2007

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

Bill Summary:

SB 188 requires the Public Education Department (PED) to provide a progressive licensing framework for all instructional support providers. Instructional support providers are defined in current statute. SB 188 distinguishes between instructional support providers, who practice a profession that does not require at least a bachelor's degree, and "professional" instructional support providers, who practice a profession that requires a bachelor's or higher degree, as follows:

- For those instructional support providers not required to have a bachelor's or higher degree, such as associate school nurses or interpreters for the deaf, PED is required to issue licenses based on a specific law, such as that governing educational assistants, or on rules issued by PED.
- For those professional instructional support providers required to have a bachelor's or higher degree, such as counselors or speech language pathologists, SB 188 establishes a three-tiered licensure and salary structure and directs PED to adopt a highly objective performance evaluation by June 30, 2008. Once the evaluation system has been adopted by PED, the following minimum salaries will be implemented at the beginning of school year 2008-2009: \$30,000 for Level 1, \$40,000 for Level 2, and \$50,000 for Level 3.

* The bill contains an emergency clause.

Fiscal Impact:

SB 188 appropriates \$250,000 from the General Fund to PED for expenditure in FY 07 and FY 08 to establish a progressive licensure and compensation framework for all instructional support providers and to develop and implement a highly objective performance evaluation for professional instructional support providers. The bill contains a reversion clause.

Because the minimum salaries for professional instructional support providers will not be implemented until FY 09, no appropriation is required for FY 08.

Issues:

In 2003, the Legislature passed an omnibus public school reform bill that was based on the recommendations of the Legislative Education Study Committee (LESC) Ad Hoc Subcommittee for Education Reform and endorsed by the LESC. The resulting statute includes a professional licensure system (three-tiered licensure) for teachers, to be phased in over a five-year period, based on competencies rather than longevity and the accumulation of academic credit hours. As a part of the three-tiered licensure system, minimum salaries for teachers were established in law. The final year of the minimum salary phase-in is FY 08.

In testimony to the LESC during the 2004 and 2005 interims, representatives of several instructional support provider groups asked the committee to consider supporting legislation to create a career ladder and salary system for instructional support personnel that would include the following components: reciprocity for work experience in non-school settings, licensure levels based on national professional examinations rather than on educational level, and the establishment of minimum salaries that are high enough to serve as a recruitment tool. In separate testimony, a number of school district superintendents described the morale problems created among district staff when teachers and instructional support providers are treated differently in terms of salary considerations.

Current law [Section 22-10A-17 NMSA 1978] states that PED “may provide a professional licensure framework in which licensees can advance in their careers through the demonstration of increased competencies and the undertaking of increased duties.” SB 188 would make the development of such a career framework mandatory.

SB 188 does not include a separate definition of the term “instructional support provider.” However, there are two definitions of instructional support provider in current statute, one in the *Public School Code* and one in the *School Personnel Act*:

- The *Public School Code* defines instructional support provider as “a person who is employed to support the instructional program of a school district, including educational assistant, school counselor, social worker, school nurse, speech-language pathologist, psychologist, physical therapist, occupational therapist, recreational therapist, interpreter for the deaf and diagnostician.”
- The *School Personnel Act* includes the following positions as instructional support providers that must be licensed by PED: 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 providers.

Neither definition is exclusive. Among other service providers recognized by PED as instructional support providers are audiologists, orientation and mobility specialists, and rehabilitation counselors.

Related Bill:

*HB 199 *Instructional Support Provider Licensure* (identical)