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AN ACT

RELATING TO PUBLIC SCHOOLS; AMENDING THE PUBLIC SCHOOL CODE TO INCLUDE MARRIAGE AND FAMILY THERAPISTS AS INSTRUCTIONAL SUPPORT PROVIDERS; PROVIDING FOR MARRIAGE AND FAMILY THERAPISTS TO BE LICENSED BY THE PUBLIC EDUCATION DEPARTMENT TO WORK IN PUBLIC SCHOOLS.

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

Section 1. Section 22-1-2 NMSA 1978 (being Laws 2003, Chapter 153, Section 3, as amended) is amended to read:

"22-1-2. DEFINITIONS.--As used in the Public School Code:

A. "academic proficiency" means mastery of the subject-matter knowledge and skills specified in state academic content and performance standards for a student's grade level;

B. "adequate yearly progress" means the measure adopted by the department based on federal requirements to assess the progress that a public school or school district or the state makes toward improving student achievement;

C. "commission" means the public education commission;

D. "department" means the public education department;

E. "forty-day report" means the report of

1 qualified student membership of each school district and of
2 those eligible to be qualified students but enrolled in a
3 private school or a home school for the first forty days of
4 school;

5 F. "home school" means the operation by the parent
6 of a school-age person of a home study program of instruction
7 that provides a basic academic educational program, including
8 reading, language arts, mathematics, social studies and
9 science;

10 G. "instructional support provider" means a person
11 who is employed to support the instructional program of a
12 school district, including educational assistant, school
13 counselor, social worker, school nurse, speech-language
14 pathologist, psychologist, physical therapist, occupational
15 therapist, recreational therapist, marriage and family
16 therapist, interpreter for the deaf and diagnostician;

17 H. "licensed school employee" means teachers,
18 school administrators and instructional support providers;

19 I. "local school board" means the policy-setting
20 body of a school district;

21 J. "local superintendent" means the chief
22 executive officer of a school district;

23 K. "parent" includes a guardian or other person
24 having custody and control of a school-age person;

25 L. "private school" means a school, other than a

1 home school, that offers on-site programs of instruction and
2 that is not under the control, supervision or management of a
3 local school board;

4 M. "public school" means that part of a school
5 district that is a single attendance center in which
6 instruction is offered by one or more teachers and is
7 discernible as a building or group of buildings generally
8 recognized as either an elementary, middle, junior high or
9 high school or any combination of those and includes a
10 charter school;

11 N. "school" means a supervised program of
12 instruction designed to educate a student in a particular
13 place, manner and subject area;

14 O. "school administrator" means a person licensed
15 to administer in a school district and includes school
16 principals and central district administrators;

17 P. "school-age person" means a person who is at
18 least five years of age prior to 12:01 a.m. on September 1 of
19 the school year and who has not received a high school
20 diploma or its equivalent. A maximum age of twenty-one shall
21 be used for a person who is classified as special education
22 membership as defined in Section 22-8-21 NMSA 1978 or as a
23 resident of a state institution;

24 Q. "school building" means a public school, an
25 administration building and related school structures or

1 facilities, including teacher housing, that is owned,
2 acquired or constructed by the school district as necessary
3 to carry out the functions of the school district;

4 R. "school bus private owner" means a person,
5 other than a school district, the department, the state or
6 any other political subdivision of the state, that owns a
7 school bus;

8 S. "school district" means an area of land
9 established as a political subdivision of the state for the
10 administration of public schools and segregated
11 geographically for taxation and bonding purposes;

12 T. "school employee" includes licensed and
13 nonlicensed employees of a school district;

14 U. "school principal" means the chief
15 instructional leader and administrative head of a public
16 school;

17 V. "school year" means the total number of
18 contract days offered by public schools in a school district
19 during a period of twelve consecutive months;

20 W. "secretary" means the secretary of public
21 education;

22 X. "state agency" or "state institution" means the
23 New Mexico military institute, New Mexico school for the
24 blind and visually impaired, New Mexico school for the deaf,
25 New Mexico boys' school, girls' welfare home, New Mexico

1 youth diagnostic and development center, Sequoyah adolescent
2 treatment center, Carrie Tingley crippled children's
3 hospital, New Mexico behavioral health institute at Las Vegas
4 and any other state agency responsible for educating resident
5 children;

6 Y. "state educational institution" means an
7 institution enumerated in Article 12, Section 11 of the
8 constitution of New Mexico;

9 Z. "substitute teacher" means a person who holds a
10 certificate to substitute for a teacher in the classroom;

11 AA. "teacher" means a person who holds a level
12 one, two or three-A license and whose primary duty is
13 classroom instruction or the supervision, below the school
14 principal level, of an instructional program or whose duties
15 include curriculum development, peer intervention, peer
16 coaching or mentoring or serving as a resource teacher for
17 other teachers;

18 BB. "certified school instructor" means a teacher
19 or instructional support provider; and

20 CC. "certified school employee" or "certified
21 school personnel" means a licensed school employee."

22 Section 2. Section 22-10A-17 NMSA 1978 (being Laws
23 2003, Chapter 153, Section 48, as amended) is amended to
24 read:

25 "22-10A-17. INSTRUCTIONAL SUPPORT PROVIDER LICENSES.--

1 A. The department shall license instructional
2 support providers, including educational assistants, school
3 counselors, school social workers, school nurses,
4 speech-language pathologists, psychologists, physical
5 therapists, physical therapy assistants, occupational
6 therapists, occupational therapy assistants, recreational
7 therapists, marriage and family therapists, interpreters for
8 the deaf, diagnosticians and other service providers. The
9 department may provide a professional licensing framework in
10 which licensees can advance in their careers through the
11 demonstration of increased competencies and the undertaking
12 of increased duties.

13 B. The department shall provide by rule for the
14 requirements for licensure of types of instructional support
15 providers. If an instructional support provider practices a
16 licensed profession, the provider shall provide evidence
17 satisfactory to the department that the provider holds a
18 current, unsuspended license in the profession for which the
19 provider is applying to provide instructional support
20 services. The instructional support provider shall notify the
21 school district and department immediately if the provider's
22 professional license is suspended, revoked or denied.
23 Suspension, revocation or denial of a professional license
24 shall be just cause for discharge or termination and
25 suspension, revocation or denial of the instructional support

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