

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: HB 400

52nd Legislature, 1st Session, 2015

Tracking Number: .199614.1

Short Title: Program Units for Certain School Employees

Sponsor(s): Representatives G. Andres Romero and Christine Trujillo

Analyst: Ian Kleats

Date: February 24, 2015

Bill Summary:

Applicable to school year 2016-2017 and subsequent school years, HB 400 amends the *Public School Finance Act* to allow all licensed school employees who are certified by the National Board for Professional Teaching Standards (NBPTS) to be eligible to receive a one-time salary differential equal to 1.5 times the unit value set for the school year.

Fiscal Impact:

HB 400 does not contain an appropriation.

Fiscal Issues:

Because both the fiscal impact report by the Legislative Finance Committee (LFC) and the analysis by the Public Education Department (PED) indicate that HB 400 would apply only to school counselors, neither analysis recognizes the potential for school administrators or other licensed employees to generate program units, State Equalization Guarantee (SEG) funding, and stipends through the bill. That potential, however, seems clear: by changing the reference from “teachers” to “licensed school employees,” HB 400 broadens the categories of employment to which the benefits of NBPTS certification could apply.

According to NBTPS data, as of school year 2013-2014, 970 individuals in New Mexico held an NBTPS certification. However, the PED bill analysis indicates that stipends for only 627 NBPTS-certified teachers were funded through the public school funding formula in FY 15. The difference between those two numbers might be attributable to:

- school administrators who hold an NBPTS credential but are not eligible for stipends;
- school counselors who hold an NBPTS credential but are not eligible for stipends; and
- teachers who obtained an NBPTS credential but have since retired.

Assuming one-third of the difference is attributable to each of those categories, it would follow that approximately 114 school administrators and 114 school counselors would hold an NBPTS credential, with a total of 228 additional licensed school employees who would be able to generate program units and stipends if HB 400 were enacted.

Based on an FY 15 final funded unit value of \$4,007.75 and the cost differential factor of 1.5, these licensed school employees would generate the following SEG funding:

$$(228 \text{ certified, licensed school employees}) \times 1.5 \times \$4,007.75 = \$1,370,650.50.$$

HB 400 does not contain an appropriation. The addition of new units to the public school funding formula, if not fully funded, may dilute the unit value, potentially impairing the ability of school districts and charter schools to meet their local obligations.

Substantive Issues:

According to definitions in the *Public School Code* and provisions of the *Public School Finance Act*:

- NBPTS program units are calculated based on the number of NBPTS-certified teachers employed by a school district or charter school; and
- “teacher” means a person who holds a level one, two, or three-A license and whose primary duty is classroom instruction or the supervision, below the school principal level, of an instructional program or whose duties include curriculum development, peer intervention, peer coaching or mentoring, or serving as a resource teacher for other teachers.

Furthermore, current provisions in the *School Personnel Act* allow for NBPTS certification to be considered in the licensure of Level 3-A, and Level 3-B applicants, as follows [emphasis added]:

- the department shall grant a level three-A license to an applicant who has been a level two teacher for at least three years and holds a post-baccalaureate degree or *national board for professional teaching standards certification*; demonstrates instructional leader competence as required by the department and verified by the local superintendent through the highly objective uniform statewide standard of evaluation; and meets other qualifications for the license; and
- the department shall grant a level three-B license to an applicant who:
 1. holds a level two license and meets the requirements for a level three-A license or who holds a current level two teacher’s license and for at least four years, has held the highest-ranked counselor license as provided in Chapter 22, Article 10A NMSA 1978 and rules promulgated by the department;
 2. holds a post-baccalaureate degree or *national board for professional teaching standards certification*;
 3. has satisfactorily completed department-approved courses in administration and a department-approved administration apprenticeship program; and
 4. demonstrates instructional leader competence required by the department and verified by the local superintendent through the highly objective uniform statewide standard of evaluation.

Based on these provisions and the NBPTS credentialing process (see “Background,” below), it appears that, by replacing the term “teacher” with “licensed school employee,” HB 400 would predominantly result in both school counselors and school administrators, who may have pursued the NBPTS certification in fulfillment of requirements for their administrative license, generating these program units and benefiting from the associated stipends.

Under current law, the minimum salary of a school administrator with a valid Level 3-B license is equal to the minimum salary for Level 3-A teachers multiplied by the applicable responsibility factor. As illustrated in the table below, Level 3-A teachers may have no financial incentive to obtain their Level 3-B administrative license:

Position	Minimum Base Salary	Responsibility Factor	Minimum Salary	NBPTS Stipend	Total Salary
3-A Teacher w/ NBPTS Cert.	\$50,000.00	N/A	\$50,000.00	\$6,011.63	\$56,011.63
Elementary School Assistant Principal	\$50,000.00	1.10	\$55,000.00	\$0.00	\$55,000.00
Middle School Assistant Principal	\$50,000.00	1.15	\$57,500.00	\$0.00	\$57,500.00
Elementary School Principal	\$50,000.00	1.20	\$60,000.00	\$0.00	\$60,000.00
High School Assistant Principal	\$50,000.00	1.25	\$62,500.00	\$0.00	\$62,500.00
Middle School Principal	\$50,000.00	1.40	\$70,000.00	\$0.00	\$70,000.00
High School Principal	\$50,000.00	1.60	\$80,000.00	\$0.00	\$80,000.00

In addition to ensuring that current incentives for NBPTS certification align to licensure advancement for public school administrators, HB 400 might also promote the professional development of the 1,036 licensed school counselors currently employed by public schools in New Mexico, according to data from PED.

Although the New Mexico public school funding formula currently includes units attributable to salary differentials paid to NBPTS-certified teachers, the most recent comprehensive study of the funding formula conducted in 2008 by the American Institutes of Research advocated that these, and any other differential stipends to school employees, should be funded through categorical appropriations rather than through the SEG.

Background:

According to NBPTS, certification:

- requires a detailed, year-long review of the candidate’s professional competence, including:
 - videotapes of applicants at work in the classroom; and
 - a passing score on a comprehensive exam;
- requires all applicants to:
 - possess a baccalaureate degree from an accredited institution;
 - have completed three years of successful teaching or service as a school counselor at an early childhood, elementary, middle, or secondary school; and
 - hold a valid state teaching license or meet applicable licensure requirements as a school counselor; and

- is offered in the following 25 different areas (24 of which are specific to particular forms of teaching while one is specific to school counseling):
 - Art – early and middle childhood;
 - Art – early adolescence through young adulthood;
 - Career and Technical Education – early adolescence through young adulthood;
 - English as a New Language – early and middle childhood;
 - English as a New Language – early adolescence and young adulthood;
 - English Language Arts – early adolescence;
 - English Language Arts – adolescence and young adulthood;
 - Exceptional Needs Specialist – early childhood through young adulthood;
 - Generalist – early childhood;
 - Generalist – middle childhood;
 - Health – early adolescence through young adulthood;
 - Library Media – early childhood through young adulthood;
 - Literacy: Reading – Language Arts – early and middle childhood;
 - Mathematics – early adolescence;
 - Mathematics – adolescence and young adulthood;
 - Music – early and middle childhood;
 - Music – early adolescence through young adulthood;
 - Physical Education – early and middle childhood;
 - Physical Education – early adolescence through young adulthood;
 - School Counseling – early childhood through young adulthood;
 - Science – early adolescence;
 - Science – adolescence and young adulthood;
 - Social Studies – early adolescence;
 - Social Studies – adolescence and young adulthood; and
 - World Languages Other than English – early adolescence through young adulthood.

With respect to NBPTS certification in New Mexico, NBPTS data from school year 2013-2014 indicate that, while there are 110,447 individuals NBPTS certified nationwide:

- the total number of NBPTS certified individuals in New Mexico has steadily increased since school year 2009-2010 in the following way:
 - 580 in school year 2009-2010;
 - 675 in school year 2010-2011;
 - 767 in school year 2011-2012;
 - 868 in school year 2012-2013; and
 - 970 in school year 2013-2014; and
- the five New Mexico school districts with the highest numbers of NBPTS-certified individuals are:
 - Albuquerque Public Schools with 497;
 - Las Cruces Public Schools with 46;
 - Santa Fe Public Schools with 45;
 - Gallup-McKinley County Schools with 43; and
 - Rio Rancho Public Schools with 39.

Committee Referrals:

HRPAC/HEC

Related Bills:

SB 581 *Nat'l Board Certification to Teacher T & E*