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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
56th Legislature, 1st Session, 2023

Bill Number HB296 **Sponsor** Lara

Tracking Number .224452.1 **Committee Referrals** HEC/HAFC

Short Title Instructional Support Providers

Analyst Hoxie **Original Date** 2/13/2023
Last Updated _____

BILL SUMMARY

Synopsis of Bill

House Bill 296 (HB296) amends Section 22-8-49 NMSA 1978, the Public School Finance Act, by amending the teacher cost index (TCI)– a staffing cost multiplier in the public school funding formula providing additional funding to school districts and charter schools for teachers with higher licensure levels and years of experience – to include “instructional support providers.” HB296 further amends Section 22-8-49 NMSA 1978 to specify that for the purposes of calculating the TCI, a “teacher” includes instructional support providers for whom the department has created a tiered licensing system.

FISCAL IMPACT

The bill does not contain an appropriation.

The TCI is a staffing cost multiplier in the public school funding formula used to calculate a district-wide or charter-school-wide average of the years and experience and licensure level of all teachers. Licensure level and years of experience for instructional support providers is not currently available. Consequently, it is difficult to calculate if adding instructional support providers to the TCI calculation will affect the district or charter wide average. The below chart provides information on the number of teachers currently considered in the index compared to the instructional support providers in the same district.

FY23 Teacher Cost Index by Selected Districts

Public School District	FY23 Teacher Cost Index	FY23 Teacher Cost Index Generation	FY23 Teachers Included in Index Calculation	SB196 Additional Staff*
Central Consolidated Public Schools	1.062	\$2,003,516.81	377	102
Lake Arthur Public Schools	1.124	\$99,181.56	18	3
Silver City	1.079	\$1,184,127.38	186	69
Pojoaque	1.007	\$77,998.97	109	51

Source: PED, LESC Files

*Calculated using FY23 40th day counts

SUBSTANTIVE ISSUES

Instructional Support Provider. The Public Education Department (PED) defines instructional support providers in the New Mexico administrative code (6 NMAC 63.3.9) as anyone who provides services for a public school or state institution such as:

- Educational assistant,
- School counselor,
- School social worker,
- School nurse,
- Speech-language pathologist,
- Psychologist,
- Physical therapist,
- Physical therapy assistant,
- Occupational therapist,
- Marriage and family therapist,
- Occupational therapist assistant,
- Recreational therapist,
- Alcohol and drug abuse counselor,
- Substance abuse associate, and
- Other service providers who are employed to support the instructional program of a school district or charter school.

Teacher Cost Index (TCI). HB296 adds instructional support providers – as defined by PED administrative rule – to the calculation of each school district and charter school’s TCI. Under provisions of the bill, in addition to teachers, instructional support providers will be considered in the school district or charter school’s calculation of the TCI. For example, under HB296, a Level 2 social worker with six years of experience would have a licensure-experience factor of 1.023, the equivalent to a teacher with the same licensure level and years of experience. Under the provisions of the bill, a school district will take the average of all teachers and instructional support provider’s licensure level and years of experience to calculate the district or charter wide teacher cost index.

Teacher Cost Index Multiplier

Licensure Level	Years of Experience				
	0 to 2	3 to 5	6 to 8	9 to 15	Over 15
Level 1	0.755	0.785	0.8		
Level 2		0.994	1.023	1.05	1.123
Level 3			1.184	1.208	1.277

Source: Section 22-8-49 NMSA 1978

OTHER SIGNIFICANT ISSUES

The National Alliance of Specialized Instructional Support Personnel finds instructional support providers play an important role in ensuring students are learning in a safe and supportive learning environment. This can include designing and implementing interventions and accommodations for educational programs, support effective teaching, improving learning through small group

instruction, fostering engagement between general education and special education programs, and creating a continuum of mental and physical health services to support all students.

History of Personnel Funding in the Public School Funding Formula. Since 1974, New Mexico’s public education funding formula has included additional funding for school districts with a teaching staff that is costlier to employ. As originally enacted, the instructional staff training and experience index (T&E index) based additional funding on years of experience and college degree. In 2003, the Legislature enacted a new teacher licensure system with three teacher licensure levels based on training, educational, and other requirements, with legally required minimum salaries for each level (Laws 2003, Chapter 153). Legislative staff reports from [2009](#), [2011](#), [2012](#), and [2017](#) noted a disconnect between the three-tiered licensure system and the public school funding formula’s T&E index. If a teacher advanced to a higher licensure level (with a higher minimum salary) without earning an additional college credential the T&E index would not cover the additional costs.

To address the disconnect between the T&E index and the state’s three-tiered licensure system, the Legislature passed legislation in 2018 phasing out the T&E index and phasing in a new TCI. The TCI component, which was fully phased-in in FY23, provides additional funding to school districts and charter schools for teachers with higher licensure levels and years of experience. The TCI is in place to provide additional funding to cover staffing costs associated with more experienced teachers. For example, a Level 1 teacher requires a minimum salary of \$50 thousand compared to a Level 3 teacher who requires a minimum salary of \$70 thousand.

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Source: LESC Files

RELATED BILLS

HB296 relates to HB39 which amends the School Personnel Act to add dual-licensed instructional support providers and dual-licensed instructional support program administrators to the three-tier licensure system for teachers and administrators.

SOURCES OF INFORMATION

- LESC Files

EH/tb/cf/mb