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

**Bill Number** HB371                      **Sponsor** Thomson/Jaramillo/Cates/Trujillo/Ferrary  
**Tracking Number** 224655.1                      **Committee Referrals** HLVMC/HEC  
**Short Title** Instructional Support Student Loan Repayment  
**Analyst** Hoxie    **Original Date** 2/19/2023  
**Last Updated** \_\_\_\_\_

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**BILL SUMMARY**

Synopsis of Bill

House Bill 371 (HB371) amends two sections of the Teacher Loan Repayment Act to increase the number of instructional support providers. First, HB371 amends Section 21-22H-1 NMSA 1978 to rename the Teacher Loan Repayment Act as the “School Personnel Loan Repayment Act.” Second, HB371 amends Section 21-22H-3 to expand eligibility of the Teacher Loan Repayment Act to include instructional support providers. HB371 defines instructional support providers as “any person who is employed to support the instructional program of a school district or charter school including: educational assistants, school counselors, educational diagnosticians, social workers, school nurses, speech-language pathologists, psychologists, physical therapists, physical therapy assistants, occupational therapists, occupational therapy assistants, recreational therapists, behavioral specialists, marriage and family therapists, interpreters for the deaf, rehabilitation counselors, behavioral therapists, abuse counselors, substance abuse associates, and other practitioners.”

**FISCAL IMPACT**

HB371 does not contain an appropriation.

The House Appropriations and Finance Committee Substitute for House Bills 2 and 3 (HB2/HAFCS) includes a \$2.5 million nonrecurring appropriation from the public education reform fund to the teacher loan repayment fund. HB2/HAFCS also includes a \$5 million nonrecurring appropriation from the teacher loan repayment fund to the Higher Education Department (HED) to administer Teacher Loan Repayment Act awards. The \$5 million appropriation could provide approximately 830 Teacher Loan Repayment awards.

HED agency analysis notes the FY23 \$5 million appropriation to the department for Teacher Loan Repayment awards was insufficient to award every teacher and the addition of instructional support staff to the Teacher Loan Repayment program will increase the number of applicants and have unknown impact on the Teacher Loan Repayment fund.

## SUBSTANTIVE ISSUES

**Teacher Loan Repayment Act.** HB371 would amend Sections 21-22H-1 through 21-22H-9 NMSA 1978 of the Teacher Loan Repayment Act. The teacher loan repayment program grants a loan repayment award up to \$6,000 per year per teacher to repay student loans. The bill expands eligibility for the Teacher Loan Repayment Act to social workers and school counselors.

There is high demand for loan repayment awards as HED reports over 1,600 total applicants in FY22 and FY23. Currently, teachers can be considered for the program if they are a licensed New Mexico teacher who has taught for three years in New Mexico. Under current statute, teacher loan repayment award recipients are required to sign a contract committing to serve at an eligible school site for a period of two school years. Payments are made annually to the loan servicer directly upon verification of employment.

Under provisions of HB371, instructional support providers can be considered for the program if they are providing support in instructional support provider positions for three years. Current statute provides that teachers can be considered a high-priority applicant for a loan repayment award if they teach in “high-need” position including:

- Teachers who are endorsed and teach bilingual education;
- Teachers who are endorsed and teach early childhood education or special education;
- Teachers who are endorsed and teach science, technology, engineering, mathematics, or career technical education courses; or
- Teachers who work in a public school that is low performing or serves a high percentage of economically disadvantaged students.

Under provisions of HB371, instructional support providers can be considered a high-priority applicant for the loan repayment program if they are providing services in high-need positions in alignments with the current requirements for teachers.

**Instructional Support Providers.** HB371 defines instructional support providers as “any person who is employed to support the instructional program of a school district or charter school including: educational assistants, school counselors, educational diagnosticians, social workers, school nurses, speech-language pathologists, psychologists, physical therapists, physical therapy assistants, occupational therapists, occupational therapy assistants, recreational therapists, behavioral specialists, marriage and family therapists, interpreters for the deaf, rehabilitation counselors, behavioral therapists, abuse counselors, substance abuse associates, and other practitioners.” Under current statute, instructional support providers are not eligible for Teacher Loan Repayment awards.

## ADMINISTRATIVE IMPLICATIONS

HB371 would require HED to promulgate new rules.

## OTHER SIGNIFICANT ISSUES

**Martinez-Yazzie Lawsuit.** In 2019, the 1<sup>st</sup> Judicial court issued a final judgement and order on the consolidated *Martinez-Yazzie* education sufficiency lawsuit, finding New Mexico’s public education system failed to provide a constitutionally sufficient and adequate education for at-risk students, defined as English learners, Native American students, students with disabilities, and students from low-income families. The court noted the state has failed to provide sufficient

resources for counselors, social workers, and other non-instructional staff that all students, especially at-risk students, need to succeed. The court further noted testimony that many districts have eliminated counselors, social workers, or nurses because of budget cuts. By including instructional support providers in a student loan repayment program, HB371 may recruit additional instructional support providers to New Mexico's schools.

**RELATED BILLS**

HB371 relates to SB325 which expands eligibility of the Teacher Loan Repayment Act to school counselors and school social workers.

**SOURCES OF INFORMATION**

- LESC Files

**EH/bc/cf/mb**