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HOUSE BILL 39

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

Elizabeth "Liz" Thomson

AN ACT

RELATING TO SCHOOL PERSONNEL; ADDING DUAL-LICENSED INSTRUCTIONAL SUPPORT PROVIDERS AND DUAL-LICENSED INSTRUCTIONAL SUPPORT PROGRAM ADMINISTRATORS TO THE THREE-TIER LICENSURE SYSTEM.

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

SECTION 1. Section 22-10A-4 NMSA 1978 (being Laws 2003, Chapter 153, Section 35, as amended by Laws 2005, Chapter 315, Section 4 and by Laws 2005, Chapter 316, Section 1) is amended to read:

"22-10A-4. TEACHERS [~~AND~~], SCHOOL ADMINISTRATORS, DUAL-LICENSED INSTRUCTIONAL SUPPORT PROVIDERS AND DUAL-LICENSED INSTRUCTIONAL SUPPORT PROGRAM ADMINISTRATORS--PROFESSIONAL STATUS--LICENSURE LEVELS--SALARY ALIGNMENT.--

A. Teaching [~~and~~], school administration, dually

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1 licensed instructional support and dually licensed
2 instructional support program administration are recognized as
3 professions, with all the rights, responsibilities and
4 privileges accorded professions, having their first
5 responsibility to the public they serve. The primary
6 responsibilities of the teaching and school administration
7 professions are to educate the children of this state and to
8 improve the professional practices and ethical conduct of their
9 members. The primary responsibilities of dually licensed
10 instructional support and dually licensed instructional support
11 program administration are to assist and support students and
12 teachers and to improve the professional practices and ethical
13 conduct of their members.

14 B. The New Mexico licensure framework for teachers
15 [~~and~~], school administrators, dual-licensed instructional
16 support providers and dual-licensed instructional support
17 program administrators is a progressive career system in which
18 licensees are required to demonstrate increased competencies
19 and undertake increased duties as they progress through the
20 licensure levels. The minimum salary provided as part of the
21 career system shall not take effect until the department has
22 adopted increased competencies for the particular level of
23 licensure and a highly objective uniform statewide standard of
24 evaluation.

25 C. A level one license is a provisional license

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1 that gives a beginning teacher or dual-licensed instructional
2 support provider the opportunity, through a formal mentorship
3 program, for additional preparation to be a quality teacher or
4 dual-licensed instructional support provider. A level two
5 license is given to a teacher who is a fully qualified
6 professional who is primarily responsible for ensuring that
7 students meet and exceed department-adopted academic content
8 and performance standards. A level two license is given to a
9 dual-licensed instructional support provider who is a fully
10 qualified professional who is primarily responsible for
11 ensuring that students with physical or intellectual
12 developmental delays or disabilities, behavioral problems or
13 other conditions that need the services of a dual-licensed
14 instructional support provider are being treated as required.
15 A teacher or dual-licensed instructional support provider may
16 choose to remain at level two for the remainder of the
17 teacher's or dual-licensed instructional support provider's
18 career. A level three-A license is the highest level of
19 teaching or dual-licensed instructional support licensure for
20 those teachers and dual-licensed instructional support
21 providers who choose to advance as instructional or
22 instructional support leaders in the teaching or dual-licensed
23 profession and undertake greater responsibilities such as
24 curriculum development for teachers and peer intervention and
25 mentoring for both teachers and dual-licensed instructional

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1 support providers. A level three-B license is for teachers and
2 dual-licensed instructional support providers who commence a
3 new career path in school or professional administration by
4 becoming school administrators or dual-licensed instructional
5 support program administrators.

6 D. ~~[All]~~ The teacher ~~[and]~~, school administrator,
7 dual-licensed instructional support provider and dual-licensed
8 instructional support program administrator salary ~~[systems]~~
9 system shall be aligned with the licensure framework in a
10 professional educator and instructional support provider
11 licensing and salary system.

12 E. All teachers and school administrators who hold
13 teaching or administrator certificates on the effective date of
14 the 2003 act shall meet the requirements for their level of
15 licensure by September 1, 2006 and shall be issued licenses.

16 F. A dual-licensed instructional support provider
17 is required to:

18 (1) hold a baccalaureate or higher degree, as
19 applicable, from an accredited educational institution in the
20 profession for which a level one, level two or level three-A
21 instructional support provider license is sought or held; and

22 (2) hold a license in good standing from the
23 appropriate New Mexico professional licensing board.

24 G. A dual-licensed instructional support program
25 administrator is a dual-licensed instructional support provider

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1 who holds a level three-B administrative license."

2 SECTION 2. Section 22-10A-7 NMSA 1978 (being Laws 2003,
3 Chapter 153, Section 38, as amended) is amended to read:

4 "22-10A-7. LEVEL ONE LICENSURE.--

5 A. A level one license is a provisional five-year
6 license for beginning teachers and dual-licensed instructional
7 support providers that requires as a condition of licensure
8 that the licensee undergo a formal mentorship program for at
9 least one full school year and an annual intensive performance
10 evaluation by a school administrator for at least three full
11 school years before applying for a level two license.

12 B. Each school district, in accordance with
13 department rules, shall provide for the mentorship and
14 evaluation of level one teachers and dual-licensed
15 instructional support providers. At the end of each school
16 year and at the end of the license period, the level one
17 teacher or dual-licensed instructional support provider shall
18 be evaluated for competency. If the teacher or dual-licensed
19 instructional support provider fails to demonstrate
20 satisfactory progress and competence annually, the teacher or
21 dual-licensed instructional support provider may be terminated
22 as provided in Section 22-10A-24 NMSA 1978. If the teacher or
23 dual-licensed instructional support provider has not
24 demonstrated satisfactory progress and competence by the end of
25 the five-year period, the teacher or dual-licensed

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1 instructional support provider shall not be granted a level two
2 license.

3 C. Except in exigent circumstances defined by
4 department rule, a level one license shall not be extended
5 beyond the initial period.

6 D. The department shall issue a standard level one
7 license to an applicant who is at least eighteen years of age
8 who:

9 (1) if a teacher:

10 (a) holds a baccalaureate degree from an
11 accredited educational institution;

12 ~~(2)~~ (b) has successfully completed a
13 department-approved teacher preparation program from a
14 nationally accredited or state-approved educational
15 institution;

16 ~~(3)~~ (c) has passed the New Mexico
17 teacher assessments examination, including for elementary
18 licensure beginning January 1, 2013, a rigorous assessment of
19 the candidate's knowledge of the science of teaching reading;
20 and

21 ~~(4)~~ (d) meets other qualifications for
22 level one licensure, including clearance of the required
23 background check; and

24 (2) if a licensed professional seeking dual
25 licensure as an instructional support provider:

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1 (a) holds a baccalaureate or higher
2 degree from an accredited educational institution as required
3 for professional licensure;

4 (b) holds a New Mexico license to
5 practice the instructional support provider's profession; and

6 (c) has passed any department
7 examination or additional qualification requirements required
8 by the department, including clearance of the required
9 background check.

10 E. The department shall issue an alternative level
11 one license for teachers to an applicant who meets the
12 requirements of Section 22-10A-8 NMSA 1978.

13 F. The department shall establish competencies and
14 qualifications for specific grade levels, types and subject
15 areas of level one licensure, including early childhood,
16 elementary, middle school, secondary, special and vocational
17 education for teachers and, as appropriate, dual-licensed
18 instructional support providers.

19 G. The minimum salary for a level one teacher or
20 dual-licensed instructional support provider is fifty thousand
21 dollars (\$50,000) for a standard nine and one-half month
22 contract; provided that teachers and dual-licensed
23 instructional support providers, if applicable, in an extended
24 learning time program or K-5 plus program shall receive
25 additional salary at the same rate as their base salary for

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1 ~~[that]~~ the applicable teaching [time] or instructional support
2 contract term."

3 SECTION 3. Section 22-10A-10 NMSA 1978 (being Laws 2003,
4 Chapter 153, Section 41, as amended) is amended to read:

5 "22-10A-10. LEVEL TWO LICENSURE.--

6 A. A level two license is a nine-year license
7 granted to a teacher or dual-licensed instructional support
8 provider who meets the qualifications for that level and who
9 annually demonstrates essential competency to teach or provide
10 dually licensed instructional support. If a level two teacher
11 or dual-licensed instructional support provider does not
12 demonstrate essential competency in a given school year, the
13 school district shall provide the teacher or dual-licensed
14 instructional support provider with additional professional
15 development and peer intervention during the following school
16 year. If by the end of that school year the teacher or dual-
17 licensed instructional support provider fails to demonstrate
18 essential competency, a school district may choose not to
19 contract with the teacher to teach in the classroom or may
20 reassign the dual-licensed instructional support provider.

21 B. The department shall issue a level two license
22 to an applicant who has successfully taught for at least three,
23 but no more than five, years as a level one teacher or an
24 alternative level one teacher, or a combination of the two, or
25 is granted reciprocity as provided by department rules. The

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1 department shall issue a level two license to an applicant who
2 has provided dually licensed instructional support for at least
3 three, but no more than five, years as a level one dual-
4 licensed instructional support provider.

5 C. An applicant for a level two license shall:

6 (1) demonstrate essential competency required
7 by the department as verified by the local superintendent
8 through the highly objective uniform statewide standard of
9 evaluation; and

10 (2) meet other qualifications as required by
11 the department.

12 [~~G.~~] D. The department shall provide for
13 qualifications for specific grade levels, types and subject
14 areas of level two licensure, including early childhood,
15 elementary, middle, secondary, special and vocational education
16 for teachers and, as appropriate, dual-licensed instructional
17 support providers.

18 [~~D.~~] E. The minimum salary for a level two teacher
19 or dual-licensed instructional support provider is sixty
20 thousand dollars (\$60,000) for a standard nine and one-half
21 month contract; provided that teachers or dual-licensed
22 instructional support providers in an extended learning time
23 program or K-5 plus program shall receive additional salary at
24 the same rate as their base salary for [~~that~~] the applicable
25 teaching [~~time~~] or instructional support contract term."

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1 SECTION 4. Section 22-10A-11 NMSA 1978 (being Laws 2003,
2 Chapter 153, Section 42, as amended) is amended to read:

3 "22-10A-11. LEVEL THREE LICENSURE--TRACKS FOR TEACHERS--
4 TRACKS FOR DUAL-LICENSED INSTRUCTIONAL SUPPORT PROVIDERS.--

5 A. A level three-A license is a nine-year license
6 granted to a teacher or dual-licensed instructional support
7 provider who meets the qualifications for that level and who
8 annually demonstrates instructional leader or professional
9 instructional support competencies. If a level three-A teacher
10 or dual-licensed instructional support provider does not
11 demonstrate essential competency in a given school year, the
12 school district shall provide the teacher or dual-licensed
13 instructional support provider with additional professional
14 development and peer intervention during the following school
15 year. If by the end of that school year the teacher or dual-
16 licensed instructional support provider fails to demonstrate
17 essential competency, a school district may choose not to
18 contract with the teacher to teach in the classroom or may
19 reassign the dual-licensed instructional support provider.

20 B. The department shall grant a level three-A
21 license to an applicant who has been a level two teacher for at
22 least three years and holds a post-baccalaureate degree or
23 national board for professional teaching standards
24 certification; demonstrates instructional leader competence as
25 required by the department and verified by the local

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1 superintendent through the highly objective uniform statewide
2 standard of evaluation; and meets other qualifications for the
3 license. The department shall grant a level three-A license to
4 an applicant who has been a level two dual-licensed
5 instructional support provider for at least three years and
6 holds a post-baccalaureate degree in the provider's licensed
7 profession.

8 C. The minimum salary for a level three-A teacher
9 or dual-licensed instructional support provider is seventy
10 thousand dollars (\$70,000) for a standard nine and one-half
11 month contract; provided that teachers or dual-licensed
12 instructional support providers in an extended learning time
13 program or K-5 plus program shall receive additional salary at
14 the same rate as their base salary for ~~[that]~~ the applicable
15 teaching ~~[time]~~ or instructional support contract term.

16 ~~[D. The minimum salary for a counselor who holds a~~
17 ~~level three or three-A license as provided in the School~~
18 ~~Personnel Act and rules promulgated by the department shall be~~
19 ~~the same as provided for level three-A teachers pursuant to~~
20 ~~Subsection C of this section.]"~~

21 SECTION 5. Section 22-10A-11.4 NMSA 1978 (being Laws
22 2015, Chapter 74, Section 2, as amended by Laws 2019, Chapter
23 206, Section 24 and by Laws 2019, Chapter 207, Section 24) is
24 amended to read:

25 "22-10A-11.4. LEVEL THREE-B ADMINISTRATOR'S LICENSE--

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1 TRACKS FOR SCHOOL ADMINISTRATOR AND DUAL-LICENSED INSTRUCTIONAL
2 SUPPORT PROGRAM ADMINISTRATOR LICENSURE.--

3 A. A level three-B administrator's license is a
4 five-year license granted to an applicant who meets the
5 qualifications for that license. Licenses may be renewed upon
6 satisfactory annual demonstration of instructional leader and
7 administrative competency.

8 B. The department shall grant a level three-B
9 administrator's license to an applicant who:

10 (1) for school administrators:

11 ~~(1)~~ (a) has completed a department-
12 approved administrator preparation program;

13 ~~(2)~~ (b) holds a current level two or
14 level three teacher's license; and

15 ~~(3)~~ (c) holds a post-baccalaureate
16 degree or national board for professional teaching standards
17 certification; and

18 (2) for dual-licensed instructional support
19 program administrators:

20 (a) has completed a department-approved
21 dual-licensed instructional support program administrator
22 preparation program, if required by the department;

23 (b) holds a professional license and a
24 current level two or three-A instructional support provider
25 license; and

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1 (c) holds a post-baccalaureate degree in
2 the licensed profession.

3 C. The minimum annual salary for a licensed school
4 principal or assistant school principal is the minimum salary
5 for a level three-A teacher multiplied by the applicable
6 responsibility factor. The minimum salary for a dual-licensed
7 instructional support program administrator shall be the same
8 as an assistant school principal multiplied by the applicable
9 responsibility factor.

10 D. The department shall adopt a highly objective
11 uniform statewide standard of evaluation, including data
12 sources linked to student achievement and an educational plan
13 for student success progress, for school principals and
14 assistant school principals and rules for the implementation of
15 that evaluation system linked to the level of responsibility at
16 each school level.

17 E. As used in this section, "level three-B
18 administrator's license" means a five-year license granted to
19 an applicant who meets the qualifications pursuant to this
20 section and department rules."

21 SECTION 6. Section 22-10A-17 NMSA 1978 (being Laws 2003,
22 Chapter 153, Section 48, as amended) is amended to read:

23 "22-10A-17. INSTRUCTIONAL SUPPORT PROVIDER LICENSES--
24 DUAL-LICENSED INSTRUCTIONAL SUPPORT PROVIDERS AND PROGRAM
25 ADMINISTRATORS--PROFESSIONAL LICENSES IN GOOD STANDING.--

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1 A. The department shall license instructional
2 support providers, including educational assistants, school
3 counselors, school social workers, school nurses, speech-
4 language pathologists, psychologists, physical therapists,
5 physical therapy assistants, occupational therapists,
6 occupational therapy assistants, recreational therapists,
7 marriage and family therapists, interpreters for the deaf,
8 educational diagnosticians and other service providers who
9 qualify as instructional support providers or program
10 administrators in accordance with the School Personnel Act and
11 rules promulgated by the department in accordance with that
12 act.

13 B. The department may provide a [~~professional~~]
14 licensing framework in which instructional support provider
15 licensees who are not covered by the three-tier licensing
16 system as dual-licensed instructional support providers or
17 dual-licensed instructional support program administrators can
18 advance in their careers through the demonstration of increased
19 competencies and the undertaking of increased duties.

20 [~~B-~~] C. The department shall provide by rule for
21 the requirements for licensure of types of instructional
22 support providers provided for in Subsection B of this section.
23 If an instructional support provider practices a licensed,
24 certified or registered occupation or profession, the provider
25 shall provide evidence satisfactory to the department that the

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1 provider holds a current [~~unsuspended~~] license, certificate or
2 registration in good standing in the occupation or profession
3 for which the provider is applying to provide instructional
4 support services. The instructional support provider shall
5 notify the school district and department immediately if the
6 provider's occupational or professional license, certification
7 or registration is suspended, revoked or denied. Suspension,
8 revocation or denial of [~~a~~] an occupational or professional
9 license, certification or registration shall be just cause for
10 discharge or termination and suspension, revocation or denial
11 of the instructional support provider or instructional support
12 program administrator license."

13 SECTION 7. EFFECTIVE DATE.--The effective date of the
14 provisions of this act is July 1, 2023.