

<b>LFC Requester:</b>	<b>Sunny Liu</b>
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**AGENCY BILL ANALYSIS - 2025 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO**  
[AgencyAnalysis.nmlegis.gov](http://AgencyAnalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto:billanalysis@dfa.nm.gov)  
*(Analysis must be uploaded as a PDF)*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

**Date Prepared:** 2/12/2025 *Check all that apply:*  
**Bill Number:** SB 345 Original  Correction   
 Amendment  Substitute

**Sponsor:** Natalie Figueroa **Agency Name and Code** 790 – Department of Public Safety  
**Short Title:** TEACHER & INSTRUCTIONAL SUPPORT LICENSURE **Number:** \_\_\_\_\_  
**Person Writing** Sheila McDonald  
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
NFI	NFI	N/A	N/A

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
NFI	NFI	NFI	N/A	N/A

(Parenthesis ( ) indicate revenue decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	NFI	NFI	NFI	NFI	N/A	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
 Duplicates/Relates to Appropriation in the General Appropriation Act

## **SECTION III: NARRATIVE**

### **BILL SUMMARY**

Senate Bill 345 (SB345) amends the School Personnel Act to allow candidate for a Level 1 teacher license to submit a New Mexico teacher portfolio, rather than pass the state teacher assessments; and providing that an instructional support provider licensed in another state may be granted a Level 2 or 3 license on condition of other appropriate qualifications.

### **FISCAL IMPLICATIONS**

No fiscal impact to DPS.

### **SIGNIFICANT ISSUES**

Background Check Oversight: PED's authority to conduct fingerprint-based background checks under federal and state laws must remain aligned their current authority and approved RFP's (reasons for fingerprinting) to ensuring continued compliance with 28 CFR and Public Law 92-544.

If New Mexico were a full member of the National Crime Prevention and Privacy Compact (Compact) Act of 1998, fingerprint-based background checks for out-of-state instructional support providers and teachers would transfer seamlessly from their home state to New Mexico. This would eliminate the need for redundant fingerprint submissions, reducing processing delays and administrative burdens on both the New Mexico Public Education Department (PED) and the Law Enforcement Records Bureau (LERB). As a Memorandum of Understanding (MOU) state for over 30 years, New Mexico currently must conduct separate background checks, even for applicants who have already undergone similar screenings in their transfer state. Full Compact membership would streamline the verification process, ensuring a faster, more efficient licensure approval while maintaining strong public safety standards.

### **PERFORMANCE IMPLICATIONS**

New Mexico, as many other states, faces a shortage of teachers. This bill provides additional options for licensure, creating an avenue for hiring the additional teachers that are so greatly needed. It is a positive step for public safety by ensuring that New Mexico schools are staffed with a diverse, competent, and well-supported workforce, directly enhancing the safety and well-being of students.

The bill includes provisions for teachers to use a portfolio to meet licensure requirements, expanding options for those with unique qualifications to join the teaching profession. This could attract a more diverse and experienced pool of educators, enhancing the quality of education, which may indirectly support safer school environments by promoting more well-rounded teacher-student interactions.

Additionally, the bill allows instructional support providers licensed in other states to obtain reciprocal licensure. The bill would help New Mexico tap into a broader talent pool. Instructional support providers, such as counselors or special education professionals, can have a direct positive impact on the safety and well-being of students by identifying and addressing potential mental health issues, bullying, or other concerns.

SB345 facilitates a larger applicant pool, potentially addressing teacher shortages while streamlining licensure for experienced out-of-state applicants to expedite NM licensure needs and ultimately hiring in schools facing personnel gaps. Moreover, the bill reinforces the requirement that all applicants undergo a fingerprint-based background check, ensuring school safety. Unfortunately, since New Mexico is not a full member of the National Crime Prevention and Privacy Compact (Compact) Act of 1998, fingerprint-based background checks for out-of-state applicants must be conducted separately, creating potential delays. If New Mexico were a Compact state, these background checks would transfer seamlessly, improving processing efficiency and reducing administrative burdens.

## **ADMINISTRATIVE IMPLICATIONS**

There is no direct conflict with existing background check authority; however, PED's fingerprinting procedures must align with FBI CJIS Security Policy and LERB protocols and comply with their authorized Reasons for Fingerprinting (RFP). Ensuring consistency with state and federal regulations, including Public Law 92-544 and 28 CFR, is essential to maintaining the integrity and validity of background checks conducted for educator licensure.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

No conflict, duplication, companionship or relationship to DPS.

## **TECHNICAL ISSUES**

No technical issues to DPS.

## **OTHER SUBSTANTIVE ISSUES**

No other substantive issues to DPS.

## **ALTERNATIVES**

If New Mexico were a full member of the National Crime Prevention and Privacy Compact (Compact) Act of 1998, fingerprint-based background checks for out-of-state instructional support providers and teachers would transfer seamlessly from their home state to New Mexico.

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status quo will remain.

## **AMENDMENTS**

None at this time.