

HOUSE BILL 22

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

Joy Garratt and Michael Padilla and Raymundo Lara and
Natalie Figueroa

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO EDUCATION; EXPANDING WHO QUALIFIES FOR SCHOLARSHIPS UNDER THE GROW YOUR OWN TEACHERS ACT; PROVIDING PROFESSIONAL LEAVE TO PUBLIC SCHOOL EMPLOYEES WHO ARE RECIPIENTS OF SCHOLARSHIPS UNDER THE GROW YOUR OWN TEACHERS ACT.

.218710.3AIC February 4, 2021 (2:46pm)

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight↔
delete = →bold, red, highlight, strikethrough↔

underscoring material = new
[bracketed material] = delete
Amendments: new = → bold, blue, highlight
delete = → bold, red, highlight, strikethrough

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

SECTION 1. Section 21-21P-2 NMSA 1978 (being Laws 2019, Chapter 230, Section 2) is amended to read:

"21-21P-2. DEFINITIONS.--As used in the Grow Your Own Teachers Act:

A. "department" means the higher education department;

~~B. "educational assistant" means a United States citizen and resident of New Mexico who has worked as an educational assistant in a public school for at least two years and is in good standing with the school district and who is enrolled in or accepted by an undergraduate teacher preparation program at a regionally accredited public post-secondary educational institution in New Mexico;~~

G.] B. "public school" includes constitutional special schools and state institutions and state agencies that educate children [and employ educational assistants];

C. "school employee" means a resident of New Mexico who is authorized to work in the United States and who has been employed by a public school in a position that works directly with students for at least two years and is in good standing with the school district and who is enrolled in or accepted by an undergraduate teacher preparation program at a regionally accredited public post-secondary educational institution in New Mexico; and

undescored material = new

[bracketed material] = delete

Amendments: new = →bold, blue, highlight↔

delete = →bold, red, highlight, strikethrough↔

D. "teacher preparation program" means a program that has been formally approved as meeting the requirements of the public education department and that leads to level one teacher licensure, including a program in a two-year post-secondary educational institution that meets the requirements for a teacher education transfer module established pursuant to Subsection C of Section 21-1B-4 NMSA 1978."

SECTION 2. Section 21-21P-3 NMSA 1978 (being Laws 2019, Chapter 230, Section 3) is amended to read:

"21-21P-3. FUND CREATED--METHOD OF PAYMENT.--The "grow your own teachers fund" is created in the state treasury. The fund consists of money appropriated for scholarships pursuant to the Grow Your Own Teachers Act, earnings from investment of the fund, gifts, grants and donations to the fund. Money in the fund shall not revert at the end of a fiscal year. Money in the fund is subject to appropriation by the legislature to implement the provisions of the Grow Your Own Teachers Act. The fund shall be administered by the department. All payments of money for loans shall be made on warrants drawn by the secretary of finance and administration pursuant to vouchers signed by the secretary of higher education or the secretary's designated representative."

SECTION 3. Section 21-21P-4 NMSA 1978 (being Laws 2019, Chapter 230, Section 4) is amended to read:

"21-21P-4. [~~EDUCATIONAL ASSISTANTS~~] SCHOOL EMPLOYEES--

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight↔
delete = →bold, red, highlight, strikethrough↔

TEACHER PREPARATION--PROFESSIONAL LEAVE.--

A. [~~An educational assistant~~] A school employee who wants to become a teacher may petition the public school in which the [~~educational assistant~~] school employee is employed to grant professional leave for college classes, examinations and practice teaching, as needed. The public school shall grant professional leave if the [~~educational assistant~~] school employee is a recipient of a scholarship pursuant to the Grow Your Own Teachers Act and the professional leave minimizes disruption to the school day. The public school may require school employees to make up hours in exchange for hours missed during the school day.

B. If [~~an educational assistant~~] a school employee who is accepted into or enrolled in a teacher preparation program offered by a regionally accredited public post-secondary educational institution in New Mexico does not live within a reasonable distance of the public post-secondary educational institution's campus, the public school shall allow the [~~educational assistant~~] school employee to use the distance education resources of the school district to take classes."

SECTION 4. Section 21-21P-5 NMSA 1978 (being Laws 2019, Chapter 230, Section 5) is amended to read:

"21-21P-5. CONDITIONS FOR ELIGIBILITY.--A scholarship may be awarded to [~~an educational assistant~~] a school employee who:

A. has not earned appropriate educational

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight↔
delete = →bold, red, highlight, strikethrough↔

credentials to be licensed as a teacher by the public education department;

B. has demonstrated financial need consistent with the criteria promulgated by the department; and

C. has complied with other rules promulgated by the department to carry out the provisions of the Grow Your Own Teachers Act."

SECTION 5. Section 21-21P-6 NMSA 1978 (being Laws 2019, Chapter 230, Section 6) is amended to read:

"21-21P-6. SCHOLARSHIP AUTHORIZED--ADMINISTRATION-- PREFERENCE IN SCHOLARSHIP AWARDS.--

A. The department shall administer the Grow Your Own Teachers Act and shall promulgate rules to carry out the provisions of that act. The department shall consult the public education department any time the department promulgates rules relating to the Grow Your Own Teachers Act.

B. Scholarships shall be awarded to qualified ~~[educational assistants]~~ school employees. Qualifications shall be determined by rule of the department.

C. The department shall allocate money to public post-secondary educational institutions based on a student need formula calculated according to income reported on the free application for federal student aid and on the number of students enrolled in each public education department-approved teacher preparation program at a New Mexico public post-

underscored material = new
[bracketed material] = delete
Amendments: new = bold, blue, highlight
delete = bold, red, highlight, strikethrough

secondary educational institution.

D. Public post-secondary educational institutions shall make awards to qualifying eligible students based on financial need in an amount not to exceed six thousand dollars (\$6,000) per year for not more than five years as determined by rule of the department.

E. Money for the scholarship shall be placed in an account at the public post-secondary educational institution in the name of the ~~[educational assistant]~~ school employee, and the money may be drawn upon to pay educational expenses charged by the institution, including tuition, fees, books and course supplies."

SECTION 6. Section 21-21P-7 NMSA 1978 (being Laws 2019, Chapter 230, Section 7) is amended to read:

"21-21P-7. DURATION OF SCHOLARSHIP.--Each scholarship is for a period of one semester. A scholarship may be renewed, as long as the ~~[educational assistant]~~ school employee continues to meet the conditions of eligibility, until the ~~[educational assistant]~~ school employee graduates from a public post-secondary educational institution."

SECTION 7. Section 21-21P-8 NMSA 1978 (being Laws 2019, Chapter 230, Section 8) is amended to read:

"21-21P-8. TERMINATION OF SCHOLARSHIP.--A scholarship is terminated upon occurrence of one or more of the following:

A. the ~~[educational assistant]~~ school employee

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight↔
delete = →bold, red, highlight, strikethrough↔

withdraws from the public post-secondary educational institution or from the teacher preparation program, or the ~~[educational assistant]~~ school employee fails to remain at least a half-time student;

B. the ~~[educational assistant]~~ school employee fails to achieve satisfactory academic progress; or

C. the ~~[educational assistant]~~ school employee is in substantial noncompliance with the Grow Your Own Teachers Act or the rules promulgated pursuant to that act."

HEC→SECTION 8. Section 22-10A-17.1 NMSA 1978 (being Laws 2004, Chapter 30, Section 1) is amended to read:

"22-10A-17.1. EDUCATIONAL ASSISTANTS--LICENSING FRAMEWORK--QUALIFICATIONS--MINIMUM SALARIES.--

A. All persons who perform services as educational assistants in public schools or in those special state-supported schools within state agencies ~~[must]~~ shall hold valid, educational ~~[assistants]~~ assistant licensure issued by the ~~[public education]~~ department. Educational assistants shall be assigned, and serve as assistants, to school staff ~~[duly]~~ licensed by the ~~[public education]~~ department. While there may be brief periods when educational assistants are alone with and in control of a classroom of students, their primary use shall be to work alongside or under the direct supervision of ~~[duly]~~ licensed staff.

B. The ~~[public education]~~ department ~~[will]~~ shall,

.218710.3AIC February 4, 2021 (2:46pm)

underscored material = new

[bracketed material] = delete

Amendments: new = → bold, blue, highlight↕

delete = → bold, red, highlight, strikethrough↕

through appropriate rules, institute a licensure system for educational assistants. The highest level of license [must] shall ensure that educational assistants who hold that level of licensure meet the standard for paraprofessionals established in federal statute and regulation for employment in a Title 1 program. ~~{Educational assistants hired on or after January 8, 2002, who provide instructional support in a Title 1 program, must meet the qualifications for the highest level of licensure on the effective date of this statute. Paraprofessionals hired prior to January 8, 2002 must meet the qualifications for the highest level of licensure by January 8, 2006.}~~

C. A licensed educational assistant who is a resident of New Mexico, who is authorized to work in the United States, who has been employed by a public school in a position that works directly with students for at least two years and is in good standing with the school district and who is enrolled in or accepted by an undergraduate teacher preparation program at a regionally accredited public post-secondary educational institution in New Mexico shall be granted professional leave by that public school to attend a teacher preparation program in New Mexico; provided that the public school may require that the professional leave minimizes disruption to the school day and may require an educational assistant to make up hours in exchange for hours missed from the school day.

underscored material = new

[bracketed material] = delete

Amendments: new = →bold, blue, highlight←

delete = →bold, red, highlight, strikethrough←

[G-] D. The minimum annual salary for licensed educational assistants shall be twelve thousand dollars (\$12,000) effective in the 2004-2005 school year.

[D-] E. The minimum salaries specified in Subsection [C] D of this section may be adjusted in accordance with appropriations for that purpose in each school year as established by the secretary [~~of public education~~].

[E-] F. School districts shall initiate the implementation of a career salary framework that supports the licensure system in [~~public education~~] department rules in fiscal year 2005.

G. As used in this section, "teacher preparation program" means a program that has been formally approved as meeting the requirements of the department and that leads to level one teacher licensure, including a program in a two-year post-secondary educational institution that meets the requirements for a teacher education transfer module established pursuant to Subsection C of Section 21-1B-4 NMSA 1978."←HEC

SECTION HEC→8.←HEC HEC→9.←HEC EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2021.