

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill No: HB 188

49th Legislature, 1st Session, 2009

Short Title: Educator Licensure Fund Purposes

Sponsor(s): Representatives Jimmie C. Hall and Others

Analyst: David Harrell 

Date: February 9, 2009

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

Bill Summary:

HB 188 amends a section of the *Public School Finance Act* to expand the purposes for which money in the Educator Licensure Fund may be expended and to ensure that the funds are subject to the provisions of the legislative appropriation process.

More specifically, the bill allows money in the fund to be spent not only to fund the educator background check program (the current provision), but also:

- to enforce educator ethics requirements; and
- to process applications for licensure or renewal of licensure, including review of professional development dossiers (PDDs).

The amendment making money in the fund “[s]ubject to legislative appropriation” ensures that licensure fees are received, deposited, and expended according to all provisions of law.

Fiscal Impact:

HB 188 makes no appropriation.

The bill is likely to have a fiscal impact, however, by ensuring that teacher licensure fees are received, deposited, and expended according to law and under the authority of a state agency.

Issues:

HB 188 reflects findings and recommendations of a joint study of the Three-tiered Teacher Licensure, Salary, and Evaluation System by the Legislative Education Study Committee (LESC), the Legislative Finance Committee (LFC), and the Office of Education Accountability (OEA). Presented to the LESC during the 2007 interim, this study examined a number of aspects of the three-tiered system, including the Professional Development Dossier (PDD), which is the main requirement for advancement in the licensure system (see “Background,” below). The study found that, although the PDD process “works efficiently” in general, the Public Education Department (PED):

- relies heavily on outside contractors to administer the PDD process, spending approximately \$550,000 in FY 07 alone;

- neither collects licensing application fees from teachers seeking advancement to levels 2 or 3 in the three-tiered system nor deposits these fees into the Educator Licensure Fund; and, instead
- has delegated the collection and spending of some \$700,000 in teacher licensing fees to one of the contractors – a private business called VisionLink – which is outside the appropriations process and statutory authority.

The study also found that, even if PED were depositing the application fees paid by teachers, the department would be unable to use the fees to pay the costs of the PDD review process because state law currently allows money in the Educator Licensure Fund to be used only for the educator background check program.

As explained in the report of the joint study, to administer the PDD process PED has contracted with two entities.

- First, PED has entered into an inter-governmental agreement with the Institute for Professional Development at the University of New Mexico to provide oversight and support of the licensure process, including selecting and training external reviewers of the PDD (see “Background,” below). For FY 07 and FY 08, the contracted amount was approximately \$300,000 of federal Title II funds each year.
- Second, PED has contracted with the private company VisionLink to operate and maintain an online service for teachers to submit their PDDs electronically. VisionLink processes teacher licensing applications, including PDDs, renewal applications, and the alternative licensure portfolio. The company also operates a help desk to support the online system, and, as noted above, it collects licensure fees on behalf of PED. For FY 07 and FY 08, the contract amount was \$250,000 each year, not counting the licensure fees that the company collects from teachers on behalf of PED: approximately \$700,000 collected and \$657,000 expended between FY 05 and July 2007.
- The attached flowchart, taken from the joint report, outlines the licensing fee process as prescribed in statute versus the process as practiced by PED and VisionLink. HB 188 would ensure that the process follows statute.

To address these issues, the LESC endorsed HB 188, as well as a similar bill during the 2008 session that did not pass. The PED analysis of HB 188 notes that the department sponsors the bill as well.

Finally, HB 188 is one of two complementary bills endorsed by the LESC and introduced during the 2009 session. The other is HB 190, *Teacher Level Advancement Requirements*, which defines the PDD as a requirement for advancement to Level 2 and Level 3 in the three-tiered system and requires PED to exercise more oversight of the PDD process, including such components as the selection and training of PDD reviewers.

Background:

In 2003, New Mexico enacted comprehensive public school reform legislation that, among its numerous provisions, created a three-tiered teacher licensure, evaluation, and salary system to address a teacher shortage that had been identified in the late 1990s and to improve student achievement.

To implement the three-tiered licensure system, PED formed a work group in spring 2003 to develop the PDD as the main requirement for advancement from a provisional Level 1 license (valid for no more than five years) to a renewable Level 2 license (professional teacher) and from a Level 2 license to a renewable Level 3-A license (master teacher).

- The PDD is a collection of a teacher's classroom data (lesson descriptions, handouts, student work, video and audio recordings, and photos), which is submitted and reviewed through an online process.
- The PDD is organized into five strands – Instruction, Student Learning, Professional Learning, Verification, and Evaluation. The first three strands incorporate the nine core teacher competencies, and they are to be evaluated by two outside reviewers; the other two indicate the superintendent's verification that the PDD is indeed the teacher's own work and the superintendent's recommendation for advancement.

The Professional Licensure Bureau, which processes applications for licensure, issues licenses, and provides customer service to educators regarding licensure, is one of three bureaus within PED's Educator Quality Division. The other two perform different though related functions.

- The Educator Ethics Bureau not only conducts criminal history background checks but also investigates complaints, coordinates ethics hearings, and takes enforcement action through denials, suspensions, and revocations of educators' licenses. HB 188 would allow money in the Educator Licensure Fund to be spent for these activities.
- The Professional Development Bureau, among other functions, coordinates the professional development framework and oversees professional development programs, as well as such issues as teacher preparation, assessment, and retention. (The joint study of the three-tiered system also produced findings and recommendations about professional development, which are addressed in other LESC-endorsed legislation introduced during the 2009 session, noted below.)

Related Bills:

HB 190 *Teacher Level Advancement Requirements*

SB 193 *School Personnel Reports to the Legislature*

Collection and Spending of Licensing Fees: Statutory versus Current Practice

