

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill No: SB 138

49th Legislature, 1st Session, 2009

Short Title: Instructional Support Limited Reciprocity

Sponsor(s): Senator Cynthia Nava and Others

Analyst: Pamela Herman

Date: January 23, 2009

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

Bill Summary:

SB 138 provides a process by which instructional support providers licensed in another state can become licensed by the Public Education Department (PED) to work in New Mexico public schools.

The bill requires that, for reciprocity, the provider must have qualifications equivalent to those required of candidates originally licensed in New Mexico, and must:

- verify appropriate experience;
- demonstrate required competencies;
- provide evidence satisfactory to PED that the provider holds a current, unsuspended New Mexico professional license, if applicable; and
- meet other qualifications for the license applied for, including clearance of the required background check.

The local superintendent or charter school administrator may require a mentorship period for an instructional support provider licensed through reciprocity if deemed necessary.

Fiscal Impact:

SB 138 makes no appropriation.

Issues:

SB 138 would affect the educational assistants and the following instructional support providers:

- school counselors;
- school social workers;
- school nurses;
- speech-language pathologists;
- psychologists;
- physical therapists and physical therapy assistants;
- occupational therapists and occupational therapy assistants;
- recreational therapists;
- interpreters for the deaf;

- diagnosticians; and
- other service providers.

Current statute provides for reciprocity for school teachers and administrators, but not for other professionals who must be licensed by PED to work in public schools.

According to PED, New Mexico could greatly benefit from the passage of SB 138, because it could attract instructional support providers from other states who currently might not seek licensure in New Mexico because they would have to begin at the lowest PED licensure level.

PED indicates that instructional support provider positions in many districts often remain unfilled, requiring districts to hire contractors instead. Many small rural districts are served by employees or contractors of their regional education cooperatives (RECs), which also experience challenges in finding qualified personnel, particularly in rural areas. A spokesperson for the RECs states that passage of SB 138 would be beneficial in addressing shortages of qualified instructional support personnel, noting that RECs often must hire instructional support providers who live out of state and commute to serve bordering New Mexico school districts.

According to the American School Counselor Association, only 10 states or jurisdictions do not provide for limited or full reciprocity for school counselors licensed in other states. This can contribute to shortages of qualified applicants for professional support provider positions, since it is easier for professionals licensed in states without reciprocity, such as New Mexico, to leave the state for work in public schools than for professionals licensed in other states to come to the state for employment.

Passage of SB 138 will not affect the level of professional qualifications and experience of instructional support providers in New Mexico public schools, because, as PED notes, instructional support providers who are required to obtain a local board license prior to receiving reciprocity to work in state public schools will still have to obtain the appropriate New Mexico board license prior to getting a license from PED.

Related Bills:

SB 58 *Expand Rural Health Practitioner Tax Credit*
SB 130 *Home Loans for Teachers & Others*
HB 129 *Expand Rural Health Practitioner Tax Credit*
HB 203 *Expand Rural Health Care Tax Credit*
HB 477 *Professional Licensure Background Check*