

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill No: SB 160

49th Legislature, 1st Session, 2009

Short Title: Require Preschool Teacher Credentials

Sponsor(s): Senators Sue Wilson Beffort and Dianna J. Duran

Analyst(s): James Ball and David Harrell

Date: February 5, 2009

Bill Summary:

SB 160 enacts the *Preschool Teacher Credentialing Act* as a new section within the *Children's Code*. Among its provisions, the bill:

- defines the term “lead teacher” to mean “a teacher who is responsible for planning for and teaching in an early childhood education classroom”;
- defines the term “preschool credential” as a credential issued by the Children, Youth and Families Department (CYFD) to someone who teaches or has taught in a classroom for children from ages 3 to 5 and who possesses one of the following combinations of qualifications:
 - at least five years’ experience working in a licensed early childhood education (ECE) or preschool program; completion of the New Mexico Teacher Competency Test in ECE; and a portfolio identifying prior early childhood education;
 - a child-care professional, child development associate, or preschool associate credential; at least three years’ experience working in a licensed ECE or preschool program; and completion of the New Mexico Teacher Competency Test in ECE;
 - a New Mexico child development certificate issued by CYFD;
 - an associate degree in ECE; or
 - a bachelor of arts degree in a related area with at least nine hours of early childhood education;
- requires that lead teachers hold preschool credentials by January 1, 2012; and
- requires that lead teachers complete 30 continuing education credits annually at an early childhood education or preschool program licensed by CYFD.

SB 160 also modifies the powers and duties of the Child Development Board (CDB) to align with the new definitions and requirements.

Fiscal Impact:

SB 160 makes no appropriation.

Issues:

According to CYFD, the CDB is recognized nationally for the establishment of a fully articulated early childhood professional development system that includes licensure or credentialing of staff in licensed facilities and New Mexico PreK programs. The preschool credential would duplicate what is already available. The Office of Education Accountability (OEA) analysis adds:

It is unclear . . . what function the proposed “preschool credential” might serve. In order to be licensed, a director in a preschool program must present evidence . . . of . . . one of the certificates, credentials or degrees already detailed in the NMAC [New Mexico Administrative Code]. The issuance of a “preschool credential” would appear to add additional administrative steps that would not necessarily add efficiency to the process already in place.

The CYFD analysis, like the analysis by the Public Education Department (PED), questions whether the test required by SB 160 is the one that PED currently requires for licensure in early childhood or whether SB 160 requires CYFD to develop a different test. While the wording in the bill suggests the existing PED teacher assessment, CYFD further questions whether that would be a fair assessment instrument for all candidates, including those with and without a bachelor’s degree. Developing a new early childhood exam, this analysis continues, would likely involve considerable planning and expense.

The CYFD analysis cites a number of other concerns with SB 160, among them:

- the portfolio process for identifying prior early childhood experience and the competencies to be used for the assessment process are unclear;
- the term “preschool associate credential” is not defined;
- the requirement for the credential does not designate the type of licensed facility affected; and
- the listed combinations of qualifications for the preschool credential (noted above under “Bill Summary”) vary widely.

On this last point, the PED analysis says that the variety of qualifications conflicts with PED’s Birth to Grade Three license because the preschool credential can be issued to a person holding an associate degree or a bachelor of arts degree in ECE.

Finally, because SB 160 applies to teachers of children from age 3 to 5, another question that the bill raises is the effect it might have on the qualifications of teachers in New Mexico PreK, a voluntary program for four-year-olds who meet certain criteria (see “Background,” below).

- Citing research linking “the professional training and formal education of teachers to higher quality teacher-child interactions,” *New Mexico’s PreK Program Standards for 2008-2009* require that:
 - the lead teacher in each New Mexico PreK classroom must hold a valid New Mexico teacher’s license in early childhood education (birth through third grade); and
 - educational assistants must have an associate degree in early childhood education, as well as either a valid educational assistant license from PED or the Associate of Early

Education Certificate from the Office of Child Development, whichever is most appropriate for their place of employment.

- In addition, all New Mexico PreK program staff must have a current professional development plan with specific professional goals and timelines. Although the standards described above must be met at the time any program is approved by PED, CYFD may approve programs in which teachers and educational assistants do not meet these qualifications, so long as they include work toward meeting these requirements in their professional development plan and make continuous progress toward meeting these requirements within five years of employment.

Technical Issues:

The CYFD analysis identifies a possible conflict in the wording about the preschool credential, in that lead teachers who are required to hold this credential may not be eligible to earn it.

Another technical issue is that the requirement for “thirty hours of continuing education” on page 3, line 11 of SB 160 could be interpreted to mean either clock hours or college credit hours. If the intent of the bill is clock hours, that term might be added for clarification.

Background:

Endorsed by the Legislative Education Study Committee and enacted in 2005, the *Pre-Kindergarten Act* established a voluntary program of pre-kindergarten services for four-year-old children offered by public schools, tribes or pueblos, Head Start centers, and licensed private providers. Known as New Mexico PreK, the program is administered jointly by PED and CYFD.

- The act makes these services available in communities with the highest percentage of public elementary schools designated as Title I schools and that serve the highest percentage of public elementary students who are not meeting the proficiency component required for calculating adequate yearly progress.
- Since the inception of New Mexico PreK, the Legislature has appropriated a total of approximately \$46.0 million in General Fund revenue to implement the program, plus an additional \$2.0 million in Temporary Assistance for Needy Families revenue and \$7.0 million in severance tax bond receipts for capital outlay costs associated with pre-kindergarten classrooms. For FY 09, PED and CYFD have approved a total of 148 programs serving a total of 4,567 children statewide.

CYFD states that within currently licensed facilities there are approximately 3,000 lead teachers who would be affected by SB 160; furthermore, CYFD estimates that, by 2012, that number will increase to approximately 3,500.

Finally, the OEA analysis enumerates the requirements currently in regulation for directors and other staff members in licensed preschool programs.

Related Bills:

None as of 2-5-2009.