

HOUSE BILL 20

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

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Pursuant to House Rule 24-1, this document incorporates amendments that have been adopted prior to consideration of this measure by the House. It is a tool to show the amendments in context and is not to be used for the purpose of amendments.

AN ACT

RELATING TO HIGHER EDUCATION; ENACTING THE GROW YOUR OWN
TEACHERS ACT; PROVIDING SEC→**LOANS** **SCHOLARSHIPS**←SEC FOR
EDUCATIONAL ASSISTANTS WHO WANT TO BECOME TEACHERS; CREATING A
FUND; ALLOWING FOR PROFESSIONAL LEAVE FOR CLASSES AND PRACTICE
TEACHING; PROVIDING FOR APPROPRIATE DISTANCE EDUCATION FOR
EDUCATIONAL ASSISTANTS WHO DO NOT LIVE NEAR A PUBLIC POST-
SECONDARY TEACHER PREPARATION PROGRAM HAFC→; ~~MAKING AN~~
~~APPROPRIATION~~←HAFC.

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

SECTION 1. [NEW MATERIAL] SHORT TITLE.--Sections 1

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through SEC→9←SEC SEC→8←SEC of this act may be cited as the "Grow Your Own Teachers Act".

SEC→SECTION 2. ~~[NEW MATERIAL] PURPOSE.--The purpose of the Grow Your Own Teachers Act is to create a loan for service program to address New Mexico's teacher shortage by providing educational assistants working in New Mexico school districts with the resources to complete their post-secondary teacher preparation education.~~←SEC

SECTION SEC→3. 2.←SEC [NEW MATERIAL] 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;

SEC→C. ~~"loan" means a payment of money under contract between the department and an educational assistant that defrays the costs incidental to a teacher preparation program offered in a regionally accredited public post-secondary educational institution in New Mexico and that requires repayment in services;~~←SEC

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D. "public school" includes constitutional special schools and state institutions and state agencies that educate children and employ educational assistants; and

E. "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.

~~SEC→SECTION 4. [NEW MATERIAL] TEACHER STUDENT LOANS AUTHORIZED--QUALIFICATIONS.--~~

~~A. The department may grant a loan to an educational assistant deemed qualified by the department upon such terms and conditions as may be imposed by rule of the department.~~

~~B. The department shall receive, pass upon and allow or disallow only an application for a loan made by an educational assistant who declares the intent to serve as a public school teacher in New Mexico.~~

~~C. The department shall make a full and careful investigation of the ability and qualifications of each applicant to become a recipient of a loan. The department shall require references from the educational assistant's school principal and local superintendent.~~←SEC

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SEC → SECTION 5. ~~[NEW MATERIAL] TEACHER LOANS--CONTRACT~~

~~TERMS--REPAYMENT.--~~

~~A. Each applicant who is approved for a loan by the department may be granted a loan in such amounts and for such periods as the department determines. The loan shall not exceed the necessary expenses incurred while attending a teacher preparation program.~~

~~B. A loan shall bear interest at the rate of eighteen percent per year if the loan recipient completes the teacher preparation program and no portion of the principal and interest is forgiven pursuant to Subsection G of this section.~~

~~A loan shall bear interest at the then-prevailing rate as determined by the department if the loan recipient completes the teacher preparation program but does not complete all of the service component of the loan recipient's contract with the department.~~

~~G. Loans made pursuant to the Grow Your Own Teachers Act shall not accrue interest until the department:~~

~~(1) determines that the loan recipient has terminated the recipient's teacher preparation program prior to completion;~~

~~(2) determines that the loan recipient has failed to fulfill the loan recipient's obligation to practice as a licensed teacher in a public school in New Mexico; or~~

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~~(3) cancels a contract between a loan recipient and the department pursuant to Section 8 of the Grow Your Own Teachers Act.~~

~~D. The loan shall be evidenced by a contract between the loan recipient and the department acting on behalf of the state. The contract shall provide for the payment by the state of a stated sum covering the costs of the teacher preparation program and shall be conditioned on the repayment of the loan to the state over a period specified in the Grow Your Own Teachers Act after the completion of the teacher preparation program.~~

~~E. The loan recipient is required to maintain a 3.0 grade point average on a 4.0 grade point system.~~

~~F. A loan made to a recipient who fails to complete a teacher preparation program shall become due immediately upon termination of the teacher preparation program. The department, in consultation with the public education department and the loan recipient, shall establish terms of repayment, alternate service or cancellation.~~

~~G. The contract shall provide that the department shall forgive a portion of the loan for each year that the loan recipient practices as a licensed teacher in a public school in New Mexico. The loan shall be forgiven as follows:~~

~~(1) loan terms of one year shall require one~~

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~~year of practice. Upon completion of service, one hundred percent of the loan shall be forgiven;~~

~~(2) loan terms of two years shall require one year of practice for each year of the loan. Upon completion of the first year of service, fifty percent of the loan shall be forgiven. Upon completion of the second year of service, the remainder of the loan shall be forgiven;~~

~~(3) for loan terms of three years, forty percent of the loan shall be forgiven upon completion of the first year of service, thirty percent of the loan shall be forgiven upon completion of the second year of service and the remainder of the loan shall be forgiven upon completion of the third year of service; and~~

~~(4) for loan terms of four years, twenty-five percent of the loan shall be forgiven upon completion of each year of service, and upon completion of the fourth year of service, the loan shall be forgiven.~~

~~H. A loan recipient shall serve a complete school year in order to receive credit for that year. The minimum credit for a year shall be established by the department.~~

~~I. If a loan recipient completes a teacher preparation program and does not serve in a New Mexico public school, the department shall assess a penalty of up to three times the principal due, plus eighteen percent interest, unless~~

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~~the department finds acceptable extenuating circumstances that prevent the loan recipient from serving. If the department does not find acceptable extenuating circumstances for the loan recipient's failure to carry out the loan recipient's declared intent to serve, the department shall require immediate repayment of the loan plus the amount of any interest and penalty assessed pursuant to this section.~~

~~J. The department shall adopt and promulgate rules to implement the provisions of this section. The rules may provide for the repayment of loans in annual or other periodic installments.~~ ←SEC

SEC → ~~SECTION 6. [NEW MATERIAL] CONTRACTS--LEGAL ASSISTANCE--ENFORCEMENT.--The general form of the contract shall be prepared and approved by the attorney general and signed by the loan recipient and the secretary of higher education or the secretary's designated representative on behalf of the state. The department is vested with full and complete authority and power to sue in its own name for any balance due the state from a loan recipient on a contract.~~ ←SEC

SECTION SEC → ~~7. 3.~~ ←SEC ~~[NEW MATERIAL] FUND CREATED--METHOD OF PAYMENT.--The "grow your own teachers fund" is created in the state treasury. SEC → Money appropriated for loans pursuant to the Grow Your Own Teachers Act; earnings from investment of the fund; gifts, grants and donations to the fund; and all~~

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~~payments of principal and interest on loans made pursuant to that act shall be deposited in the fund.~~←SEC SEC→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.←SEC Money in the fund shall not revert at the end of a fiscal year. 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.

SEC→~~SECTION 8. [NEW MATERIAL] CANCELLATION.--The department may cancel a contract between the department and a loan recipient for any reasonable cause deemed sufficient by the department.~~←SEC

SEC→~~SECTION 9. [NEW MATERIAL] REPORTS.--The department shall report annually by January 1 to the governor and the legislature on its activities pursuant to the Grow Your Own Teachers Act, including the loans granted, the names and addresses of loan recipients, the teacher preparation programs loan recipients are attending and the names and locations of practice of loan recipients who have completed their teacher preparation education and are teaching.~~←SEC

SEC→~~SECTION 10. A new section of the School Personnel Act is enacted to read:~~

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←SEC SEC→SECTION 4.←SEC [NEW MATERIAL] EDUCATIONAL ASSISTANTS--TEACHER PREPARATION--PROFESSIONAL LEAVE.--

A. An educational assistant who wants to become a teacher may petition the public school in which the educational assistant 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 is a recipient of a SEC→loan scholarship←SEC pursuant to the Grow Your Own Teachers Act.

B. If an educational assistant 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 to use the distance education resources of the school district to take classes. SEC→"←SEC

SEC→SECTION 5. [NEW MATERIAL] CONDITIONS FOR ELIGIBILITY.--A scholarship may be awarded to an educational assistant who:

A. has not earned appropriate educational 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

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

SECTION 6. [NEW MATERIAL] 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.

B. Scholarships shall be awarded to qualified educational assistants. 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-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.

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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, and the money may be drawn upon to pay educational expenses charged by the institution, including tuition, fees, books and course supplies.

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

SECTION 8. [NEW MATERIAL] TERMINATION OF SCHOLARSHIP.--A scholarship is terminated upon occurrence of one or more of the following:

A. the educational assistant withdraws from the public post-secondary educational institution or from the teacher preparation program, or the educational assistant fails to remain at least a half-time student;

B. the educational assistant fails to achieve satisfactory academic progress; or

C. the educational assistant is in substantial noncompliance with the Grow Your Own Teachers Act or the rules promulgated pursuant to that act.←SEC

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SECTION SEC→11. 9.←SEC TEMPORARY PROVISION--HIGHER

EDUCATION DEPARTMENT RULES--CONSULTATION WITH PUBLIC EDUCATION DEPARTMENT AND EDUCATIONAL ASSISTANTS--PUBLIC EDUCATION DEPARTMENT TO REPORT FINDINGS TO PUBLIC SCHOOLS.--

A. At any time before releasing proposed initial rules for the Grow Your Own Teachers Act, the higher education department shall consult with the public education department, and the two departments shall convene or survey a geographically representative sample of educational assistants who want to pursue higher education and teachers who began their education careers as educational assistants to hear problems and concerns based on their experiences, challenges and expectations in pursuing higher education in general and teacher licensure in particular. The higher education department shall take those problems and concerns into account when issuing proposed rules.

B. The public education department shall report the findings from the consultation or survey of educational assistants and teachers who began their career as educational assistants to all educational assistants in school districts, charter schools, constitutional special schools, state institutions and state agencies that employ educational assistants and shall include copies of the Grow Your Own Teachers Act and the proposed rules.

HAFC→SECTION 12. APPROPRIATION.--Two million five

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~~hundred thousand dollars (\$2,500,000) is appropriated from the
general fund to the grow your own teachers fund for expenditure
in fiscal year 2020 and subsequent fiscal years to carry out
the purpose of the fund. Any unencumbered or unexpended
balance remaining at the end of a fiscal year shall not revert
to the general fund.~~ ←HAFC