

1 HOUSE BILL 446

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

3 INTRODUCED BY

4 Elizabeth "Liz" Thomson and Sheryl Williams Stapleton and  
5 Rodolpho "Rudy" S. Martinez and Linda M. Trujillo  
6 and Christine Trujillo  
7  
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9

10 AN ACT

11 RELATING TO SCHOOL PERSONNEL; ADDING DUAL-LICENSED  
12 INSTRUCTIONAL SUPPORT PROVIDERS TO THE THREE-TIER LICENSURE  
13 SYSTEM.  
14

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

16 SECTION 1. Section 22-10A-4 NMSA 1978 (being Laws 2003,  
17 Chapter 153, Section 35, as amended by Laws 2005, Chapter 315,  
18 Section 4 and by Laws 2005, Chapter 316, Section 1) is amended  
19 to read:

20 "22-10A-4. TEACHERS [~~AND~~], SCHOOL ADMINISTRATORS AND  
21 DUAL-LICENSED INSTRUCTIONAL SUPPORT PROVIDERS--PROFESSIONAL  
22 STATUS--LICENSURE LEVELS--SALARY ALIGNMENT.--

23 A. Teaching [~~and~~], school administration and dual-  
24 licensed instructional support are recognized as professions,  
25 with all the rights, responsibilities and privileges accorded

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1 professions, having their first responsibility to the public  
2 they serve. The primary responsibilities of the teaching and  
3 school administration professions are to educate the children  
4 of this state and to improve the professional practices and  
5 ethical conduct of their members. The primary responsibilities  
6 of dual-licensed instructional support providers are to assist  
7 and support students and teachers and to improve the  
8 professional practices and ethical conduct of their members.

9 B. The New Mexico licensure framework for teachers  
10 [~~and~~], school administrators and dual-licensed instructional  
11 support providers is a progressive career system in which  
12 licensees are required to demonstrate increased competencies  
13 and undertake increased duties as they progress through the  
14 licensure levels. The minimum salary provided as part of the  
15 career system shall not take effect until the department has  
16 adopted increased competencies for the particular level of  
17 licensure and a highly objective uniform statewide standard of  
18 evaluation.

19 C. A level one license is a provisional license  
20 that gives a beginning teacher or dual-licensed instructional  
21 support provider the opportunity, through a formal mentorship  
22 program, for additional preparation to be a quality teacher. A  
23 level two license is given to a teacher or dual-licensed  
24 instructional support provider who is a fully qualified  
25 professional who is primarily responsible for ensuring that

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1 students meet and exceed department-adopted academic content  
2 and performance standards or primarily responsible for ensuring  
3 that students with physical or intellectual developmental  
4 delays or disabilities, behavioral problems or other conditions  
5 that need the services of a dual-licensed instructional support  
6 provider are being treated as required. A teacher or dual-  
7 licensed instructional support provider may choose to remain at  
8 level two for the remainder of the teacher's or dual-licensed  
9 instructional support provider's career. A level three-A  
10 license is the highest level of teaching or dual-licensed  
11 instructional support licensure for those teachers and dual-  
12 licensed instructional support providers who choose to advance  
13 as instructional or instructional support leaders in the  
14 teaching or specific dual-licensed profession and undertake  
15 greater responsibilities such as curriculum development for  
16 teachers and peer intervention and mentoring for both teachers  
17 and dual-licensed instructional support providers. A level  
18 three-B license is for teachers and dual-licensed instructional  
19 support providers who commence a new career path in school or  
20 professional administration by becoming school administrators  
21 or instructional support program administrators.

22 D. ~~[All]~~ The teacher ~~[and]~~, school administrator  
23 and dual-licensed instructional support provider salary  
24 ~~[systems]~~ system shall be aligned with the licensure framework  
25 in a professional educator and instructional support provider

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1       licensing and salary system.

2               E. All teachers and school administrators who hold  
3 teaching or administrator certificates on the effective date of  
4 the 2003 act shall meet the requirements for their level of  
5 licensure by September 1, 2006 and shall be issued licenses."

6               SECTION 2. Section 22-10A-7 NMSA 1978 (being Laws 2003,  
7 Chapter 153, Section 38, as amended) is amended to read:

8               "22-10A-7. LEVEL ONE LICENSURE.--

9               A. A level one license is a provisional five-year  
10 license for beginning teachers and licensed instructional  
11 support professionals that requires as a condition of licensure  
12 that the licensee undergo a formal mentorship program for at  
13 least one full school year and an annual intensive performance  
14 evaluation by a school administrator for at least three full  
15 school years before applying for a level two license.

16               B. Each school district, in accordance with  
17 department rules, shall provide for the mentorship and  
18 evaluation of level one teachers and dual-licensed  
19 instructional support providers. At the end of each year and  
20 at the end of the license period, the level one teacher and  
21 dual-licensed instructional support provider shall be evaluated  
22 for competency. If the teacher or dual-licensed instructional  
23 support provider fails to demonstrate satisfactory progress and  
24 competence annually, the teacher or dual-licensed instructional  
25 support provider may be terminated as provided in Section

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1 22-10A-24 NMSA 1978. If the teacher or dual-licensed  
2 instructional support provider has not demonstrated  
3 satisfactory progress and competence by the end of the five-  
4 year period, the teacher or dual-licensed instructional support  
5 provider shall not be granted a level two license.

6 C. Except in exigent circumstances defined by  
7 department rule, a level one license shall not be extended  
8 beyond the initial period.

9 D. The department shall issue a standard level one  
10 license to an applicant who is at least eighteen years of age  
11 who:

12 (1) if a teacher:

13 (a) holds a baccalaureate degree from an  
14 accredited educational institution;

15 ~~[(2)]~~ (b) has successfully completed a  
16 department-approved teacher preparation program from a  
17 nationally accredited or state-approved educational  
18 institution;

19 ~~[(3)]~~ (c) has passed the New Mexico  
20 teacher assessments examination, including for elementary  
21 licensure beginning January 1, 2013, a rigorous assessment of  
22 the candidate's knowledge of the science of teaching reading;  
23 and

24 ~~[(4)]~~ (d) meets other qualifications for  
25 level one licensure, including clearance of the required

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1 background check; and

2 (2) if a licensed instructional support  
3 professional seeking dual licensure:

4 (a) holds a baccalaureate or higher  
5 degree from an accredited educational institution as required  
6 for professional licensure;

7 (b) holds a New Mexico license to  
8 practice the instructional support provider's profession; and

9 (c) has passed any department  
10 examination or additional qualification requirements required  
11 by the department, including clearance of the required  
12 background check.

13 E. The department shall issue an alternative level  
14 one license for teachers to an applicant who meets the  
15 requirements of Section 22-10A-8 NMSA 1978.

16 F. The department shall establish competencies and  
17 qualifications for specific grade levels, types and subject  
18 areas of level one licensure, including early childhood,  
19 elementary, middle school, secondary, special and vocational  
20 education for teachers and, as appropriate, dual-licensed  
21 instructional support providers.

22 G. With the adoption by the department of a highly  
23 objective uniform statewide standard of evaluation for level  
24 one teachers, the minimum salary for a level one teacher or  
25 dual-licensed instructional support provider shall be [~~thirty-~~

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1 ~~six thousand dollars (\$36,000)]~~ forty-five thousand dollars  
2 (\$45,000) for a standard nine and one-half month contract."

3 SECTION 3. Section 22-10A-10 NMSA 1978 (being Laws 2003,  
4 Chapter 153, Section 41, as amended) is amended to read:

5 "22-10A-10. LEVEL TWO LICENSURE.--

6 A. A level two license is a nine-year license  
7 granted to a teacher or dual-licensed instructional support  
8 provider who meets the qualifications for that level and who  
9 annually demonstrates essential competency to teach or provide  
10 professional instructional support. If a level two teacher or  
11 dual-licensed instructional support provider does not  
12 demonstrate essential competency in a given school year, the  
13 school district shall provide the teacher or dual-licensed  
14 instructional support provider with additional professional  
15 development and peer intervention during the following school  
16 year. If by the end of that school year the teacher or dual-  
17 licensed instructional support provider fails to demonstrate  
18 essential competency, a school district may choose not to  
19 contract with the teacher to teach in the classroom or may  
20 reassign the dual-licensed instructional support provider.

21 B. The department shall issue a level two license  
22 to an applicant who successfully completes the level one  
23 license or is granted reciprocity as provided by department  
24 rules; demonstrates essential competency required by the  
25 department as verified by the local superintendent through the

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1 highly objective uniform statewide standard of evaluation; and  
2 meets other qualifications as required by the department.

3 C. The department shall provide for qualifications  
4 for specific grade levels, types and subject areas of level two  
5 licensure, including early childhood, elementary, middle,  
6 secondary, special and vocational education for teachers and,  
7 as appropriate, dual-licensed instructional support providers.

8 D. With the adoption by the department of the  
9 statewide objective performance evaluation for level two  
10 teachers, the minimum salary for a level two teacher or dual-  
11 licensed instructional support provider for a standard nine and  
12 one-half month contract shall be [~~forty-four thousand dollars~~  
13 ~~(\$44,000)] fifty-five thousand dollars (\$55,000)."~~

14 SECTION 4. Section 22-10A-11 NMSA 1978 (being Laws 2003,  
15 Chapter 153, Section 42, as amended) is amended to read:

16 "22-10A-11. LEVEL THREE LICENSURE--TRACKS FOR TEACHERS--  
17 TRACK FOR DUAL-LICENSED INSTRUCTIONAL SUPPORT PROVIDERS.--

18 A. A level three-A license is a nine-year license  
19 granted to a teacher or dual-licensed instructional support  
20 provider who meets the qualifications for that level and who  
21 annually demonstrates instructional leader or professional  
22 instructional support competencies. If a level three-A teacher  
23 or dual-licensed instructional support provider does not  
24 demonstrate essential competency in a given school year, the  
25 school district shall provide the teacher or dual-licensed

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1 instructional support provider with additional professional  
2 development and peer intervention during the following school  
3 year. If by the end of that school year the teacher or dual-  
4 licensed instructional support provider fails to demonstrate  
5 essential competency, a school district may choose not to  
6 contract with the teacher to teach in the classroom or may  
7 reassign the dual-licensed instructional support provider.

8 B. The department shall grant a level three-A  
9 license to an applicant who has been a level two teacher for at  
10 least three years and holds a post-baccalaureate degree or  
11 national board for professional teaching standards  
12 certification; demonstrates instructional leader competence as  
13 required by the department and verified by the local  
14 superintendent through the highly objective uniform statewide  
15 standard of evaluation; and meets other qualifications for the  
16 license.

17 C. The department shall grant a level three-A  
18 license to an applicant who has been a level two dual-licensed  
19 instructional support provider for at least three years and  
20 holds a master's or doctoral degree in the provider's licensed  
21 profession.

22 [~~G.~~] D. With the adoption by the department of a  
23 highly objective uniform statewide standard of evaluation for  
24 level three-A teachers, the minimum salary for a level three-A  
25 teacher or dual-licensed instructional support provider for a

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1 standard nine and one-half month contract shall be [~~fifty-four~~  
2 ~~thousand dollars (\$54,000)] sixty-five thousand dollars  
3 (\$65,000).~~

4 [~~D. The minimum salary for a counselor who holds a~~  
5 ~~level three or three-A license as provided in the School~~  
6 ~~Personnel Act and rules promulgated by the department shall be~~  
7 ~~the same as provided for level three-A teachers pursuant to~~  
8 ~~Subsection C of this section.]"~~

9 SECTION 5. Section 22-10A-11.4 NMSA 1978 (being Laws  
10 2015, Chapter 74, Section 2) is amended to read:

11 "22-10A-11.4. LEVEL THREE-B ADMINISTRATOR'S LICENSE--  
12 TRACKS FOR SCHOOL ADMINISTRATOR AND INSTRUCTIONAL SUPPORT  
13 PROGRAM ADMINISTRATOR LICENSURE.--

14 A. A level three-B administrator's license is a  
15 five-year license granted to an applicant who meets the  
16 qualifications for that license. Licenses may be renewed upon  
17 satisfactory annual demonstration of instructional leader and  
18 administrative competency.

19 B. The department shall grant a level three-B  
20 administrator's license to an applicant who:

21 (1) for school administrators:

22 (a) has completed a department-approved  
23 administrator preparation program;

24 [~~2~~] (b) holds a current level two or  
25 level three teacher's license; and

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1                    [~~3~~] (c) holds a post-baccalaureate  
2 degree or national board for professional teaching standards  
3 certification; and

4                    (2) for dual-licensed instructional support  
5 program administrators:

6                    (a) has completed a department-approved  
7 instructional support administrator preparation program, if  
8 required;

9                    (b) holds a professional license and a  
10 current level two or level three instructional support provider  
11 license; and

12                    (c) holds a post-baccalaureate degree.

13                    C. The minimum annual salary for a licensed school  
14 principal or assistant school principal shall be fifty thousand  
15 dollars (\$50,000) multiplied by the applicable responsibility  
16 factor. The minimum salary for a dual-licensed instructional  
17 support program administrator shall be the same as an assistant  
18 school principal multiplied by the applicable responsibility  
19 factor.

20                    D. The department shall adopt a highly objective  
21 uniform statewide standard of evaluation, including data  
22 sources linked to student achievement and an educational plan  
23 for student success progress, for school principals and  
24 assistant school principals and rules for the implementation of  
25 that evaluation system linked to the level of responsibility at

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1 each school level.

2 E. As used in this section, "level three-B  
3 administrator's license" means a five-year license granted to  
4 an applicant who meets the qualifications pursuant to this  
5 section and department rules."

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