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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
56th Legislature, 1st Session, 2023

Bill Number	<u>HB39/aHCEDC</u>	Sponsor	<u>Thomson</u>
Tracking Number	<u>.223224.2</u>	Committee Referrals	<u>HEC/HCEDC</u>
Short Title	<u>Dual-Licensed Instructional Support Providers</u>		
Analyst	<u>Hoxie</u>	Original Date	<u>1/24/2023</u>
		Last Updated	<u>2/22/2023</u>

BILL SUMMARY

Synopsis of HCEDC Amendment

The House Commerce and Economic Development Committee amendment to HB39 (HB39/aHCEDC) adds language clarifying the primary responsibilities of dually licensed instructional support providers.

Synopsis of Original Bill

House Bill 39 (HB39) amends the School Personnel Code, Section 22-10A-4 NMSA 1978, to add dual-licensed instructional support providers and dual-licensed instructional support program administrators to the three-tier licensure system for teachers and administrators.

Under HB39, a dual-licensed instructional support provider is required to

- Hold a baccalaureate or higher degree from an accredited educational institution in the profession for which the instructional support provider seeks a license; and
- Hold a license in good standing from the appropriate New Mexico professional licensing board.

Under HB39, a dual-licensed instructional support program administrator is a dual-licensed instructional support provider who holds a level three-B administrative license.

The New Mexico licensure framework is a progressive career system in which licensees are required to demonstrate increased competencies and undertake increased duties as they progress through the licensure levels. HB39 defines the requirements of a dual-licensed instructional support provider and dual-licensed instruction support program administrator as they relate to the three-tier system.

- A level one dual-licensed instructional support provider must hold a baccalaureate or higher degree from an accredited educational institution as required for professional licensure, must hold a New Mexico license to practice the instruction support provider's profession, and must pass any Public Education Department (PED) examinations and pass a background check.

- A level two dual-licensed instructional support provider must hold a level one license for at least three but no more than five years and must meet qualifications defined by PED to advance to a level two license.
- A level three dual-licensed instructional support provider must hold a level two license for at least three years and holds a post-baccalaureate degree in the provider’s profession.

HB39 has an effective day of July 1, 2023.

FISCAL IMPACT

HB39/aHCEDC does not contain an appropriation.

LESC analysis finds the total cost of HB39/aHCEDC to the state or school districts and charter schools is indeterminate. Staff finds the exact cost to be indeterminate because available data does not allow for analysis of the current salaries of all employees considered dual-licensed instructional support providers by the bill. For example, social workers and counselors are classified together under the current salary tracking data system. An additional challenge with calculating total cost is some dual-licensed instructional support provider positions are funded through funding sources outside of the state equalization guarantee. However, it should be noted PED agency analysis finds HB39/aHCEDC would cost school districts more than \$4 million to cover the provisions of the bill. Current dual-licensed instructional support providers are not associated with minimum salary requirements and are not aligned with the teacher and school administrator licensure system salaries.

LFC analysis of preliminary FY23 data on school personnel salaries provides an estimated fiscal impact of at least \$3.1 million annually for positions impacted within the bill. LFC notes an upper range of nearly \$6.5 million in increased salary costs could be possible if PED guidelines for reassigning these personnel to a three-tier system current dual-licensed instructional support providers not already making equal to or greater than \$70 thousand in annual salary into Level 2 or Level 3 licenses, which are applied in the three-tier system to teachers with more than five years of experience.

SUBSTANTIVE ISSUES

Administrator License. HB39/aHCEDC would make dual-licensed instructional support providers subject to most of the same qualification provisions as teachers. HB39/aHCEDC would grant a level 3-B license to a dual-licensed support provider who choose to become a “dual-licensed instructional support administrator.” Currently, PED offers only one type of educational administration license, and there is no license specific to instructional support program administrators. The bill includes provisions for granting a level 3-B administrator license to dual-licensed instructional support providers who have completed a department-approved instructional support administrator preparation program, if required by PED, and who hold a professional license in their professional area, hold a level two or level 3-A instructional support provider license, and hold a post-baccalaureate degree. The sponsor may consider defining the role of the dual-licensed instructional support provider.

The bill appears to set the minimum salary for a dual-licensed instructional support program administrator as the same as an assistant school principal multiplied by the applicable responsibility factor. If the intent of the bill is for the salary of a dual-licensed instructional support program administrator to align with an assistant school principal, the sponsor may consider

aligning language to Section 22-10A-11.4 NMSA 1978 which specifies the minimum annual salary for a licensed school principal or assistant school principal is the minimum salary for a level three-A teacher multiplied by the applicable responsibility factor.

Principal Position	Responsibility Factor
Elementary Assistant	1.10
Middle School Assistant	1.15
High School Assistant	1.25
Elementary School	1.20
Middle School	1.40
High School	1.60

Source: LESC

Dual-Licensed Instructional Support Providers. Section 22-1-2.F NMSA 1978 defines “instructional support provider” as a person who is employed to support the instructional program of a school district, including educational assistants, school counselors, social workers, school nurses, speech-language pathologists, psychologists, physical therapists, occupational therapists, recreational therapists, marriage and family therapists, interpreters for the deaf, and diagnosticians. While HB39/aHCEDC would not move all instructional support providers into the three-tier licensure system, many instructional support providers who also hold a professional license are not easily tracked by current statewide salary systems. This makes it difficult to determine the current salary of dual-licensed instructional support providers and funding source of dual-licensed instructional employee salaries. For example, school counselors and social workers are tracked under the same job code. Consequently, currently available data cannot provide information on the current salary of social workers working in school districts and charter schools.

OTHER SIGNIFICANT ISSUES

Martinez-Yazzie Lawsuit. In 2019, the 1st Judicial court issued a final judgement and order on the consolidated *Martinez-Yazzie* education sufficiency lawsuit, finding New Mexico’s public education system failed to provide a constitutionally sufficient and adequate education for at-risk students, defined as English learners, Native American students, students with disabilities, and students from low-income families. The court noted the state has failed to provide sufficient resources for counselors, social workers, and other non-instructional staff that all students, especially at-risk students, need to succeed. The court further noted testimony that many districts have eliminated counselors, social workers, or nurses because of budget cuts. Including dual-licensed instructional support providers in the 3-tier licensure system could mean school districts receive adequate funding for instructional support provider salaries, and possibly increase recruitment of such professionals.

ADMINISTRATIVE IMPLICATIONS

School districts and charter schools would need to adjust their salary schedules for dual-licensed instructional support providers for FY24.

PED would be responsible for integrating dual-licensed instructional support providers into the 3-tier system.

PED would like need to promulgate rule creating a department-approved dual-licensed instructional support program administrator preparation program.

PED would need to create a data system that distinguishes between different classes of dual-licensed employees.

SOURCES OF INFORMATION

- LESC Files

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