

Adopted Rule Abstract

1. **Agency:** Public Education Department
2. **Rule Citation:** 6.63.17 NMAC, Licensure for Attendance Coaches Pre K-12
3. **Rulemaking Action:** New Rule
4. **Register Issue and Date of Notice of Proposed Rulemaking:** Volume 29, Issue 14, July 24, 2018
5. **Register Issue and Date of Adoption:** Volume 29, Issue 20, October 30, 2018
6. **Effective Date:** November 15, 2018
7. **Specific Legal Authority:** Sections 22-2-1, 22-2-2, 22-10A-17, and 22-10A-5 NMSA 1978
8. **Purpose of Rule:** Establish a new license for school staff who support attendance interventions for chronically absent prekindergarten through 12th grade students
9. **Link to Permanent Agency Rulemaking Record:** http://statenm.force.com/public/SSP_RuleHearingSearchPublic

Summary of Adopted Rule

The October 30, 2018 issue of the *New Mexico Register* contained the final adoption of the Public Education Department's (PED) new rule, 6.63.17 NMAC, "Licensure for Attendance Coaches, Pre K-12," which establishes new licenses for attendance coaches who support attendance interventions to improve overall school attendance for prekindergarten through 12th grade students. The rule establishes two levels of licensure and provides for continuing licensure at both levels. Changes from the rule as proposed include: excluding truancy officers from the definition of "attendance coach;" expansion of the licensure period from one year to three years for level one coaches, and one year to nine years for level two coaches; a requirement that attendance coaches seeking to renew their license must demonstrate certain competencies; a requirement that all attendance coaches complete PED-approved professional development; and a provision allowing individuals who hold a teacher or instructional support license to become an attendance coach without seeking licensure. See **Attachment, Adopted Rule, 6.63.17 NMAC, Licensure for Attendance Coaches Pre K-12.**

Analysis

The rule establishes two levels of licensure for "attendance coaches," defined as individuals "not including truancy officers who are employed by law enforcement agencies, licensed by PED whose primary role is to support students in prekindergarten through 12th grade to improve their overall school attendance during their academic career through prevention, non-punitive tiered interventions,

parent notification, and community partnerships.” The rule as proposed did not exempt truant officers from the definition, nor did it specify that progressive interventions were to be non-punitive. Other defined terms include “non-remedial coursework,” and “prior professional experience.”

The rule requires attendance coach license candidates to have prior professional experience in one of a number of related fields, which are corrections, counseling, criminal justice, education, guidance counseling, juvenile justice, law enforcement, psychology, public administration, social work, sociology, or other closely related fields, as determined by PED.

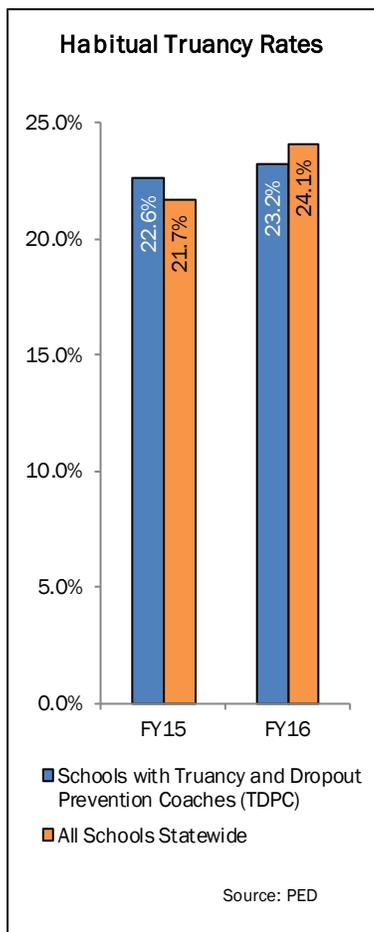
The rule cites multiple sections of law as statutory authority. First, PED cites its general rulemaking authority and duties in Sections 22-2-1 and 22-2-2 NMSA 1978. The rule also cites Section 22-10A-5 NMSA 1978, which relates to background checks, as authority to require background checks of applicants for attendance coach licenses. Finally, the rule cites Section 22-10A-17 NMSA 1978 as authority for the rule’s licensing scheme.

The rule establishes level one and two licenses for attendance coaches. A level one attendance coach license would require the candidate to hold a high school diploma or equivalent; to complete and satisfy a fingerprint-based background check; and to possess two years of prior professional experience in at least one of a number of fields. Additionally, a level one license candidate will be required to either hold an associate’s degree that includes at least 15 hours of non-remedial degree coursework, or have completed 48 hours of academic credit that includes at least 15 hours of non-remedial coursework. Finally, unlike the rule as proposed, the adopted rule requires a prospective level one licensee to complete PED-approved attendance coach professional development. A level one license lasts for three years.

A level two license requires the candidate to possess a bachelor’s degree that includes at least 30 semester hours of non-remedial degree coursework, complete a fingerprint-based background check, and have at least three years of prior professional experience in one or more of the listed related fields. While there is no requirement that a level two license holder must have held a level one license first, a level one license holder may apply for a level two license at any time during the license period, if all level two requirements are fulfilled and the applicant provides certification from their superintendent or charter school administrator that all level one attendance coach duties have been satisfactorily completed. Like level one applicants, prospective level two licensees must complete PED-approved professional development, a requirement not in the proposed rule. A level two license lasts for nine years.

The rule provides for continuing licensure for both levels of attendance coach licenses. An attendance coach license may be continued or renewed by meeting the requirements for initial licensure. Additionally, unlike the proposed rule, the adopted rule requires attendance coaches seeking renewal of their license to demonstrate the following competencies and provide documentation of them signed by the school district superintendent or charter school head administrator:

- Provision of individualized, non-punitive interventions for chronic absenteeism;



- Leading school-wide attendance initiatives;
- Development and maintenance of community partnerships;
- Collection and analysis of attendance data;
- Communication of analyses of attendance data and interventions to school administration and staff; and
- Connecting students and families to appropriate, available services.

All licenses will be for the period of July 1 of the year of issuance to June 30 of the year of expiration, and license holders will be required to pay a \$35 application fee. PED is directed in the adopted rule to provide professional development regarding the attendance coach competencies listed above, a requirement not in the rule as proposed.

Public Education Department’s Attendance Success Initiative

PED released a request for applications (RFA) for the 2018-2019 school year’s truancy and dropout prevention program, now called the Attendance Success Initiative, in April 2018. PED specifically noted in the RFA that school districts must hire appropriately licensed individuals if awarded funds.

It is unclear what would result if a school district or school hired a person who is unlicensed to act as an attendance coach, particularly if a school’s or school district’s own operational funds, rather than an award from the RFA process, are used to pay an attendance coach’s salary. Further, while the rule requires persons “whose primary role is to support students in prekindergarten through 12th grade to improve their overall school attendance” to be licensed, no separate provision is made for an employee whose duties include but are not primarily related to attendance support, although many such persons may hold another kind of instructional support provider license, such as one for social work.

PED has indicated that the rise in truancy rates at some local school districts and schools employing attendance coaches may be due to proper data collection and better reporting of truancy rates resulting from the coaches’ work.

Background

In 2016, PED initiated a program to support truancy and dropout prevention by establishing a cohort of coaches to be placed in schools to work with students, families, schools, and school districts to reduce chronic absenteeism and habitual truancy, and decrease the dropout rate through comprehensive community and school-based strategies to overcome barriers to school attendance. Between FY15 and the program’s inception in FY16, overall habitual truancy rates for all Truancy and Dropout Prevention Coach (TDCP) school sites increased slightly, from 22.6 percent to 23.2 percent, but slightly less than the increase for all schools statewide, from 21.7 percent to 24.1 percent. Funding for the program is competitive, and provides participating school districts and schools support in addressing issues of chronic absenteeism, habitual truancy, and dropping out at the school, student, and family levels. In FY16, PED allocated \$3 million to support the TDPC program and pay the salaries of coaches at 42 school sites. The General Appropriation Act of 2018 allocated \$4 million for truancy and dropout prevention.

New Mexico Register / Volume XXIX, Issue 20 / October 30, 2018

TITLE 6 PRIMARY AND SECONDARY EDUCATION
CHAPTER 63 SCHOOL PERSONNEL - LICENSURE REQUIREMENTS FOR ANCILLARY AND SUPPORT PERSONNEL
PART 17 LICENSURE FOR ATTENDANCE COACHES PRE K-12

6.63.17.1 ISSUING AGENCY: Public Education Department, hereinafter the department.

[6.63.17.1 NMAC - N, 11/15/2018]

6.63.17.2 SCOPE: Chapter 63, Part 17 governs all persons seeking licensure as attendance coaches for students in grades pre-k through 12.

[6.63.17.2 NMAC - N, 11/15/2018]

A

6.63.17.3 STATUTORY AUTHORITY: Sections 22-2-1, 22-2-2, 22-10A-17 and 22-10A-5 NMSA 1978.

[6.63.17.3 NMAC - N, 11/15/2018]

6.63.17.4 DURATION: Permanent.

[6.63.17.4 NMAC - N, 11/15/2018]

6.63.17.5 EFFECTIVE DATE: November 15, 2018, unless a later date is cited in the history note at the end of a section.

[6.63.17.5 NMAC - N, 11/15/2018]

6.63.17.6 OBJECTIVE: This rule establishes two levels of licensure for attendance coaches and governs the licensure requirements for persons seeking level 1 and level 2 attendance coach licensure.

[6.63.17.6 NMAC - N, 11/15/2018]

6.63.17.7 DEFINITIONS:

A. "Attendance coach" means an individual, not including truancy officers who are employed by law enforcement agencies, licensed by the department whose primary role is to support students in grades pre-k through 12 to improve their school attendance during their academic career through prevention, non-punitive tiered interventions, parent notification, and community partnerships.

B. "Department" means the New Mexico public education department.

C. "Non-remedial degree coursework" means college-level coursework that counts toward a student's degree and that is not focused on remediation for those students who have failed to demonstrate competency in one or more core content areas.

D. "Prior professional experience" means full-time work experience or part-time work experience in a relevant field.

[6.63.17.7 NMAC - N, 11/15/2018]

6.63.17.8 LEVEL 1 REQUIREMENTS:

A. Persons seeking licensure as a level 1 attendance coach pursuant to the provisions of this rule shall meet the following requirements:

- (1) possess a high school diploma or equivalency;
- (2) complete and satisfy background check procedures and requirements in accordance with Section 22-10A-5 NMSA 1978;
- (3) complete department-approved attendance coach professional development; and
- (4) possess at least two years of prior professional experience in one or more of the following areas:
 - (a) corrections;
 - (b) counseling;
 - (c) criminal justice;
 - (d) education;
 - (e) guidance counseling;
 - (f) juvenile justice;
 - (g) law enforcement;
 - (h) psychology;
 - (i) public administration;
 - (j) social work;
 - (k) sociology; or
 - (l) other closely related fields, as determined by the department.

B. In addition to satisfying the requirements of Subsection A of 6.63.17.8 NMAC, a person who seeks a level 1 attendance coach license shall meet one of the following requirements:

(1) hold an associate's degree from a nationally or regionally accredited college or university that includes at least 15 semester hours in non-remedial degree coursework; or

(2) have completed 48 semester hours of academic credit awarded by a nationally or regionally accredited college or university that includes at least 15 semester hours in non-remedial coursework.

C. Persons holding a level 1 license may apply for a higher level of licensure at any time during the licensure period provided:

(1) all requirements for the higher level of licensure are satisfied; and

(2) the applicant provides certification from the superintendent or charter school administrator that the attendance coach

has satisfactorily completed attendance coach duties on a form developed by the department.

D. Individuals holding a teaching license or other instructional support license shall be able to take a position as an attendance coach without seeking level 1 license.

[6.63.17.8 NMAC - N, 11/15/2018]

6.63.17.9 LEVEL 2 REQUIREMENTS:

A. Persons seeking a level 2 attendance coach license pursuant to the provisions of this rule shall meet the following requirements:

(1) hold a bachelor's degree from a nationally or regionally accredited college or university that includes at least 30 semester hours in non-remedial degree coursework;

(2) complete and satisfy background check procedures and requirements in accordance with Section 22-10A-5 NMSA 1978;

(3) complete department-approved attendance coach professional development; and

(4) possess at least three years of prior professional experience in one or more of the following areas:

(a) corrections;

(b) counseling;

(c) criminal justice;

(d) education;

(e) guidance counseling;

(f) juvenile justice;

(g) law enforcement;

(h) psychology;

(i) public administration;

(j) social work;

(k) sociology; or

(l) other closely related fields, as determined by the department.

B. Individuals holding a teaching license or other instructional support license shall be able to take a position as an attendance coach without seeking level 2 license.

[6.63.17.9 NMAC - N, 11/15/2018]

6.63.17.10 ATTENDANCE COACH COMPETENCIES: The attendance coach shall, at a minimum, understand and be able to:

A. provide individualized, non-punitive intervention to address chronic absenteeism;

B. lead schoolwide attendance initiatives;

C. develop and maintain community partnerships;

D. collect and analyze attendance data;

E. communicate analyses of attendance data and interventions to school administration and staff; and

F. connect students and families to appropriate, available services.

[6.63.17.10 NMAC - N, 11/15/2018]

6.63.17.11 RENEWAL LICENSURE: Persons seeking renewal of a level 1 or level 2 attendance coach license shall demonstrate, at a minimum, the competencies outlined in 6.63.17.10 NMAC and provide documentation of such signed by the superintendent or charter school administrator.

[6.63.17.11 NMAC - N, 11/15/2018]

6.63.17.12 IMPLEMENTATION:

A. Holders of the attendance coach license, pre-k through 12 may not use this license to provide instruction in any other subject matter, unless they hold a valid department license authorizing them to provide such instructional services.

B. Level 1 licenses shall be issued for a period of three years and may be continued or renewed by meeting requirements outlined in 6.63.17.8 NMAC.

C. Level 2 licenses shall be issued for a period of nine years and may be continued or renewed by meeting requirements outlined in 6.63.17.9 NMAC.

D. All attendance coach pre-k through 12 licenses shall commence on July 1st of the year of issuance and expire June 30th of the year of their expiration. No licenses issued pursuant to this rule shall be effective retroactively to any time before the effective date of this regulation.

E. Applicants for attendance coach licensure shall pay an application fee of \$35 at the time of initial licensure and at the time of renewal.

F. The department shall provide professional development regarding the attendance coach competencies outlined in 6.63.17.10 NMAC.

[6.63.17.12 NMAC - N, 11/15/2018]

HISTORY of 6.63.17 NMAC: [RESERVED]