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December 12, 2007

**MEMORANDUM**

**TO:** Legislative Education Study Committee

**FR:** Kathleen Forrer *K.F.*

**RE: STAFF REPORT: INSTRUCTIONAL SUPPORT PROVIDER SALARY COST ESTIMATES, SM 67**

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In 2007, the Senate passed Senate Memorial 67 (SM 67), *Study Instructional Support Provider Salaries*, which requests the Legislative Education Study Committee (LESC), the Department of Finance and Administration (DFA), and the Public Education Department (PED), with input from the various instructional support provider associations, to study the cost of providing a three-tiered salary structure for all instructional support providers and to report the results to the LESL and to the Legislative Finance Committee (LFC). (See Attachment.)

**Current Statute:**

Current statute [Section 22-10A-17 NMSA 1978] directs PED to license instructional support providers and further provides that PED "may provide a professional licensure framework in which licensees can advance in their careers through the demonstration of increased competencies and the undertaking of increased duties."

There are two definitions of instructional support provider in the *Public School Code*, one in the definitions section and one in the *School Personnel Act*:

- Section 22-1-2 NMSA 1978 of the *Public School Code* defines instructional support provider as "a person who is employed to support the instructional program of a school district, including educational assistant, school counselor, social worker, school nurse, speech-language pathologist, psychologist, physical therapist, occupational therapist, recreational therapist, interpreter for the deaf and diagnostician."

- The *School Personnel Act* includes the following positions as instructional support providers that must be licensed by PED: educational assistants, school counselors, school social workers, school nurses, speech-language pathologists, psychologists, physical therapists, physical therapy assistants, occupational therapists, occupational therapy assistants, recreational therapists, interpreters for the deaf, diagnosticians, and other service providers.

Neither definition is exclusive. Among other service providers recognized by PED as instructional support providers are audiologists, orientation and mobility specialists, and rehabilitation counselors.

**Issue:**

In 2003, the Legislature passed an omnibus public school reform bill that was based on the recommendations of the LESC Ad Hoc Subcommittee for Education Reform and endorsed by the LESC. The resulting statute includes a professional licensure system (three-tiered licensure) for teachers based on competencies rather than longevity and the accumulation of academic credit hours. As a part of the three-tiered licensure system, minimum salaries for teachers were established in law.

In testimony to the LESC during the 2004 and 2005 interims, representatives of several instructional support provider groups asked the committee to consider supporting legislation to create a career ladder and salary system for instructional support personnel that would include the following components: reciprocity for work experience in non-school settings, licensure levels based on national professional examinations rather than on educational level, and the establishment of minimum salaries that are high enough to serve as a recruitment tool. In separate testimony, a number of school district superintendents described the morale problems created among district staff when teachers and instructional support providers are treated differently in terms of salary considerations.

Beginning in 2005, legislation was introduced during each regular legislative session that would have required PED to provide “a progressive licensing framework” for instructional support providers and would have established both a highly objective system of performance evaluation and the following minimum salaries for those professional instructional support providers whose duties require a bachelor’s or higher degree: \$30,000 minimum for Level 1; \$40,000 for Level 2; and \$50,000 for Level 3. None of this legislation passed.

**Cost Estimate:**

During the 2007 legislative session, PED staff estimated that the cost of instituting minimum salaries for professional instructional support providers would have been approximately \$4.6 million. However, the 2007 Legislature appropriated funds to provide not only an average 5.0 percent salary increase for all public school personnel but also an additional average 2.0 percent salary increase for professional support providers “whose annual salaries on a full-time basis are below sixty thousand dollars (\$60,000).” As a result, based on data provided by the Office of Education Accountability (OEA) at DFA, LESC staff estimate that the cost of implementation, if no additional salary increase is provided for FY 09, would be approximately \$3.2 million (Scenario 1). If a 2.0 percent salary increase is assumed, the estimated cost drops to

approximately \$2.8 million (Scenario 2). Table 1 shows the estimated need by licensure level for each of these scenarios:

**TABLE 1**

**ESTIMATED COST OF IMPLEMENTING A THREE-TIERED LICENSURE SYSTEM  
FOR INSTRUCTIONAL SUPPORT PERSONNEL  
(BASED ON 2006-2007 120<sup>th</sup> DAY STARS REPORT)**

**SCENARIO 1**

REPORTED SALARIES ADJUSTED FOR AN AVERAGE 5% RAISE FOR ALL ISPs AND AN ADDITIONAL AVERAGE 2% RAISE FOR CERTAIN ISPs IN 2007-2008  
WITH NO ADDITIONAL RAISE FOR 2008-2009

ASSUMED LICENSURE LEVEL*	TOTAL STATE-FUNDED FTE**	FTE WITH NEED**	ESTIMATED COST		
			SALARIES	BENEFITS AT 19.35%	TOTAL NEED
Level 1 (\$30,000 Minimum)	259.67	13.68	\$116,282	\$22,501	\$138,783
Level 2 (\$40,000 Minimum)	541.64	103.58	\$677,976	\$131,188	\$809,164
Level 3 (\$50,000 Minimum)	1,074.32	353.60	\$1,917,138	\$370,966	\$2,288,104
<b>TOTAL</b>	<b>1,875.63</b>	<b>470.86</b>	<b>\$2,711,396</b>	<b>\$524,655</b>	<b>\$3,236,051</b>

**SCENARIO 2**

REPORTED SALARIES ADJUSTED FOR AN AVERAGE 5% RAISE FOR ALL ISPs AND AN ADDITIONAL AVERAGE 2% RAISE FOR CERTAIN ISPs IN 2007-2008  
AND A PROJECTED 2.0% RAISE IN 2008-2009

ASSUMED LICENSURE LEVEL*	TOTAL STATE-FUNDED FTE**	FTE WITH NEED**	ESTIMATED COST		
			SALARIES	BENEFITS AT 19.35%	TOTAL NEED
Level 1 (\$30,000 Minimum)	259.67	13.68	\$110,403	\$21,363	\$131,766
Level 2 (\$40,000 Minimum)	541.64	96.81	\$610,819	\$118,193	\$729,012
Level 3 (\$50,000 Minimum)	1,074.32	294.44	\$1,630,677	\$315,536	\$1,946,213
<b>TOTAL</b>	<b>1,875.63</b>	<b>404.93</b>	<b>\$2,351,899</b>	<b>\$455,092</b>	<b>\$2,806,991</b>

**\*ASSUMPTIONS USED TO ASSIGN STAFF TO LICENSURE LEVELS:**

- Level 1 – All staff whose combined in-district and out-of district experience is equal to or less than 3 years were assigned to Level 1.
- Level 2 – All staff whose combined in-district and out-of district experience is 4 to 6 years were assigned to Level 2. In addition, those staff who hold an associate degree, a bachelor's degree, or for whom no degree was reported and who have 4 or more years of experience were assigned to Level 2.
- Level 3 – All staff whose combined in-district and out-of district experience is 7 or more years and who hold a master's degree or higher were assigned to Level 3.

**\*\*NOTE:** Only state funded staff are included in the estimates.

The cost estimates were done on a case-by-case basis for individuals in professional instructional support provider positions, whose salaries are paid wholly or in part from state funds. Individuals whose services are contracted and individuals employed by state-supported schools or state agencies, such as the Children, Youth and Families Department, were not included.

In general, those positions with the highest need in terms of the proposed minimum salaries, particularly at Level 3, are counselors, nurses, social workers, and speech/language pathologists. Table 2 shows the estimated need for Scenario 1 and Scenario 2 by position:

**TABLE 2**

**ESTIMATED COST OF IMPLEMENTING A THREE-TIERED LICENSURE SYSTEM  
FOR INSTRUCTIONAL SUPPORT PERSONNEL**

**SCENARIO 1  
INCLUDES NO ESTIMATED SALARY INCREASE FOR FY 09**

POSITION	TOTAL FTE BELOW PROPOSED MINIMUMS			TOTAL FTE WITH NEED	TOTAL AMOUNT NEEDED
	LEVEL 1	LEVEL 2	LEVEL 3		
Audiologist	0.00	0.00	1.13	1.13	\$1,774
Audiologist for special education 3-5 year olds	0.00	0.00	0.00	0.00	\$0
Counseling Coordinator	0.00	1.00	0.58	1.58	\$9,548
Diagnostician	0.00	1.20	30.77	31.97	\$273,630
Diagnostician for special education 3-5 year olds	0.00	0.00	0.57	0.57	\$15,081
Drug/Alcohol Abuse Coordinator	0.00	1.00	0.00	1.00	\$3,289
Elementary School Counselor	0.50	7.60	76.91	85.01	\$456,604
Junior/Mid High School Counselor	1.98	2.60	38.53	43.11	\$182,822
Nurse (RN)	6.76	61.87	4.00	72.63	\$629,862
Occupational Therapist	0.20	4.89	6.01	11.10	\$132,268
Occupational Therapist for special education 3-5 year olds	0.00	0.17	0.24	0.41	\$5,019
Orientation and Mobility Trainer	0.00	0.00	1.09	1.09	\$4,221
Orientation and Mobility Trainer for special education 3-5 year olds	0.00	0.00	0.11	0.11	\$676
Physical Education Teachers and Recreation and Therapeutic Recreation Specialist	0.00	0.00	4.84	4.84	\$24,387
Recreation Therapist for special education 3-5 year olds	0.00	0.00	0.00	0.00	\$0
Physical Therapist	0.06	3.64	0.34	4.04	\$50,844
Physical Therapist for special education 3-5 year olds	0.00	1.18	0.00	1.18	\$8,010
Rehabilitation Counselor	0.00	0.00	0.00	0.00	\$0
School Psychologist	0.00	0.00	11.59	11.59	\$136,055
School Psychologist for special education 3-5 year olds	0.00	0.00	0.09	0.09	\$604
Secondary School Counselor	1.40	2.11	58.26	61.77	\$381,538
Social Worker	0.00	8.33	61.92	70.25	\$475,827
Social Worker for special education 3-5 year olds	0.00	0.03	0.13	0.16	\$874
Speech/Language Apprentice	2.26	4.44	0.00	6.70	\$65,076
Speech/Language Apprentice for special education 3-5 year olds	0.32	0.00	0.00	0.32	\$4,050
Speech/Language Pathologist	0.20	3.50	47.61	51.31	\$318,039
Speech/Language Pathologist for special education 3-5 year olds	0.00	0.02	8.88	8.90	\$55,954
<b>TOTAL</b>	<b>13.68</b>	<b>103.58</b>	<b>353.60</b>	<b>470.86</b>	<b>\$3,236,051</b>

**SCENARIO 2  
ASSUMES 2% SALARY INCREASE FOR FY 09**

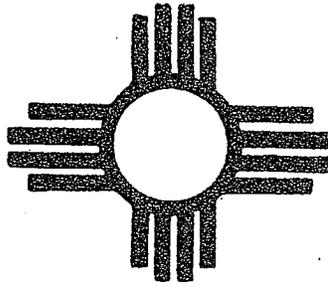
POSITION	TOTAL FTE BELOW PROPOSED MINIMUMS			TOTAL FTE WITH NEED	TOTAL AMOUNT NEEDED
	LEVEL 1	LEVEL 2	LEVEL 3		
Audiologist	0.00	0.00	1.13	1.13	\$461
Audiologist for special education 3-5 year olds	0.00	0.00	0.00	0.00	\$0
Counseling Coordinator	0.00	1.00	0.00	1.00	\$8,662
Diagnostician	0.00	1.20	28.21	29.41	\$243,450
Diagnostician for special education 3-5 year olds	0.00	0.00	0.57	0.57	\$14,702
Drug/Alcohol Abuse Coordinator	0.00	1.00	0.00	1.00	\$2,400
Elementary School Counselor	0.50	7.60	62.24	70.34	\$373,943
Junior/Mid High School Counselor	1.98	2.60	25.75	30.33	\$143,700
Nurse (RN)	6.76	58.37	3.00	68.13	\$575,923
Occupational Therapist	0.20	4.89	6.01	11.10	\$122,939
Occupational Therapist for special education 3-5 year olds	0.00	0.17	0.24	0.41	\$4,670
Orientation and Mobility Trainer	0.00	0.00	1.09	1.09	\$3,003
Orientation and Mobility Trainer for special education 3-5 year olds	0.00	0.00	0.11	0.11	\$557
Physical Education Teachers and Recreation and Therapeutic Recreation Specialist	0.00	0.00	4.84	4.84	\$19,097
Recreation Therapist for special education 3-5 year olds	0.00	0.00	0.00	0.00	\$0
Physical Therapist	0.06	3.64	0.34	4.04	\$47,939
Physical Therapist for special education 3-5 year olds	0.00	1.18	0.00	1.18	\$7,043
Rehabilitation Counselor	0.00	0.00	0.00	0.00	\$0
School Psychologist	0.00	0.00	9.83	9.83	\$126,089
School Psychologist for special education 3-5 year olds	0.00	0.00	0.09	0.09	\$508
Secondary School Counselor	1.40	2.11	42.60	46.11	\$326,228
Social Worker	0.00	6.08	60.92	67.00	\$404,352
Social Worker for special education 3-5 year olds	0.00	0.00	0.13	0.13	\$718
Speech/Language Apprentice	2.26	4.44	0.00	6.70	\$60,519
Speech/Language Apprentice for special education 3-5 year olds	0.32	0.00	0.00	0.32	\$3,900
Speech/Language Pathologist	0.20	2.53	39.73	42.46	\$268,836
Speech/Language Pathologist for special education 3-5 year olds	0.00	0.00	7.61	7.61	\$47,352
<b>TOTAL</b>	<b>13.68</b>	<b>96.81</b>	<b>294.44</b>	<b>404.93</b>	<b>\$2,806,991</b>

**Policy Options:**

At a meeting held on October 2007 to discuss the report requested in SM 67, instructional support service provider representatives indicated to staff from LESC, OEA, and PED that Albuquerque Public Schools have implemented a career ladder with accompanying salary minimums as part of the district's contract with its professional instructional support providers and that, as a result, the need for legislation is no longer critical. Nevertheless, the committee may wish to consider endorsing legislation to require PED to establish a uniform progressive licensing framework and system of evaluation for professional instructional support providers statewide to ensure that all professional instructional support providers have the same opportunities for career advancement.

**Presenter:**

Dr. Peter Winograd, Director, OEA, will briefly discuss the input received from representatives of various groups of professional support providers regarding the establishment of a career ladder system relevant to their needs. In addition, Ms. Maria Jaramillo, Program and Related Services Coordinator, Central Region Educational Cooperative; and Ms. Ellen Reavis, Occupational Therapist, Autism Resource Services, Albuquerque Public Schools, will be available to answer committee questions.



The Legislature  
of the  
State of New Mexico

48th Legislature, First Session

LAWS 2007

CHAPTER \_\_\_\_\_

SENATE MEMORIAL 67

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Introduced by

SENATOR CYNTHIA NAVA  
SENATOR MARY KAY PAPEN



1 A MEMORIAL  
2 RECOMMENDING A STUDY OF COSTS OF A THREE-TIERED SALARY  
3 STRUCTURE FOR INSTRUCTIONAL SUPPORT PROVIDERS.  
4

5 WHEREAS, instructional support providers, including  
6 nurses, occupational therapists, physical therapists, social  
7 workers and counselors, are essential to children's learning  
8 in New Mexico schools; and

9 WHEREAS, New Mexico schools must recruit and retain  
10 qualified instructional support staff to cope more adequately  
11 with the demands of the federal No Child Left Behind Act of  
12 2001; and

13 WHEREAS, most of the instructional support providers,  
14 including physical therapists, occupational therapists,  
15 audiologists, diagnosticians, psychologists, social workers  
16 and speech and language pathologists, are included in the  
17 state public school funding formula; and

18 WHEREAS, nurses and counselors are not included in the  
19 public school funding formula; and

20 WHEREAS, instructional support providers generate  
21 revenue through the public school funding formula and  
22 medicaid billing; and

23 WHEREAS, teachers and other staff are on a three-tiered  
24 salary structure;

25 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE

1 STATE OF NEW MEXICO that the department of finance and  
2 administration, the legislative education study committee and  
3 the public education department be requested to study the  
4 cost of creating a three-tiered salary structure for all  
5 instructional support providers; and

6 BE IT FURTHER RESOLVED that during that cost-study  
7 process, those departments seek input from the various  
8 instructional support provider associations; and

9 BE IT FURTHER RESOLVED that the cost-study working  
10 committee be composed of appointees of each of the  
11 departments and report to the legislative education study  
12 committee and the legislative finance committee by October  
13 2007; and

14 BE IT FURTHER RESOLVED that copies of this memorial be  
15 transmitted to the legislative education study committee and  
16 the legislative finance committee and the secretaries of  
17 public education and finance and administration. \_\_\_\_\_

s/Diane D. Denish

Diane D. Denish, President  
Senate

s/Margaret Larragoite

Margaret Larragoite, Chief Clerk  
Senate