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HOUSE BILL 282

45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

INTRODUCED BY

Mimi Stewart

AN ACT

RELATING TO PUBLIC SCHOOLS; REQUIRING PARENTAL NOTIFICATION
WHEN PUBLIC SCHOOL STUDENTS RECEIVE SERVICES FROM INDIVIDUALS
WHO DO NOT HOLD STANDARD CERTIFICATES.

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

Section 1. Section 22-10-3 NMSA 1978 (being Laws 1975,
Chapter 306, Section 3, as amended) is amended to read:

"22-10-3. CERTIFICATE REQUIREMENT-- TYPES OF
CERTIFICATES-- FORFEITURE OF CLAIM - EXCEPTION-- ADMINISTRATOR
APPRENTICESHIP. --

A. [~~Any person~~] An individual teaching,
supervising an instructional program, counseling or providing
special instructional services in a public school or state
agency, [~~any person~~] an individual administering in a public
school and [~~any person~~] an individual providing health care

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1 and administering medication or performing medical procedures
2 in a public school shall hold a valid certificate authorizing
3 the ~~[person]~~ individual to perform that function.

4 B. All certificates issued by the state board
5 shall be standard certificates except that the state board may
6 issue alternative, substandard and substitute certificates
7 under certain circumstances. If ~~[a person]~~ an individual
8 applies for and is qualified to receive an alternative
9 certificate, the state board shall issue an alternative
10 certificate to ~~[a person]~~ an individual not meeting the
11 requirements for a standard certificate. If a local school
12 board or the governing authority of a state agency certifies
13 to the state board that an emergency exists in the hiring of a
14 qualified ~~[person]~~ individual, the state board may issue a
15 substandard certificate to ~~[a person]~~ an individual not
16 meeting the requirements for a standard certificate. The
17 state board may also issue a substitute certificate to ~~[a~~
18 ~~person]~~ an individual not meeting the requirements for a
19 standard certificate to enable the ~~[person]~~ individual to
20 perform the functions of a substitute teacher pursuant to the
21 rules of the state board. All substandard certificates issued
22 shall be effective for only one school year. An alternative
23 certificate may be effective for up to three years, provided
24 that after ~~[a person]~~ an individual has satisfactorily
25 completed a minimum of one year up to three years of teaching

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1 under the supervision of a mentor or clinical supervisor, the
2 state board shall issue a standard certificate to that
3 ~~[person]~~ individual. No ~~[person]~~ individual under the age of
4 eighteen years shall hold a valid certificate, whether a
5 standard, alternative or substandard.

6 C. ~~[Any person]~~ An individual teaching,
7 supervising an instructional program, counseling or providing
8 special instructional services in a public school or state
9 agency and ~~[any person]~~ an individual administering in a
10 public school without a valid certificate after the first
11 three months of the school year shall thereafter forfeit all
12 claim to compensation for services rendered.

13 D. This section shall not apply to ~~[a person]~~ an
14 individual performing the functions of a practice teacher as
15 defined in the rules of the state board.

16 E. Any school nurse certified by the department of
17 education shall also be licensed by the board of nursing.

18 F. Notwithstanding any existing requirements, ~~[any~~
19 ~~person]~~ an individual seeking certification as an
20 administrator shall be required to serve a one-year
21 apprenticeship. The state board shall develop criteria and
22 rules to implement the provisions of this subsection.

23 G. A local superintendent shall give written
24 notice to the parents of those students who are receiving
25 services at a public school for longer than thirty days by an

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1 individual who does not hold a standard certificate
2 authorizing that individual to provide those services. For
3 purposes of this subsection, "services" means the provision of
4 the following in a public school:

5 (1) teaching;

6 (2) supervising an instructional program;

7 (3) counseling;

8 (4) providing special instructional services;

9 (5) administering;

10 (6) providing health care and administering
11 medications; or

12 (7) performing medical procedures.

13 H. For purposes of providing notice pursuant to
14 the provisions set forth in Subsection G of this section, the
15 local superintendent shall:

16 (1) ensure that the notice is provided not
17 later than the thirtieth consecutive instructional day
18 following the assignment of that individual to the classroom,
19 administration, program or medical facility;

20 (2) ensure that the notice is provided in a
21 bilingual form to a parent whose primary language is not
22 English;

23 (3) retain a copy of the notice; and

24 (4) ensure that information relating to
25 teacher licensure is available to the public upon request. "