

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 831

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

James G. Taylor

AN ACT

RELATING TO PUBLIC SCHOOL PERSONNEL; PROVIDING A LICENSING
FRAMEWORK FOR EDUCATIONAL ASSISTANTS; PROVIDING FOR MINIMUM
SALARIES; MAKING AN APPROPRIATION.

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

Section 1. Section 22-10A-17.1 NMSA 1978 (being Laws
2004, Chapter 30, Section 1) is amended to read:

"22-10A-17.1. EDUCATIONAL ASSISTANTS-- LICENSING
FRAMEWORK-- QUALIFICATIONS-- MINIMUM SALARIES. --

A. All persons who perform services as educational
assistants in public schools or [~~in those special state-~~
~~supported schools within~~] state agencies must hold valid,
educational assistants licensure issued by the [~~public~~
~~education~~] department. Educational assistants shall be
assigned and serve as assistants to school staff [~~duty~~]

underscored material = new
[bracketed material] = delete

1 licensed by the [~~public education~~] department. While there
2 may be [~~brief~~] periods when educational assistants are alone
3 with and in control of a classroom of students, their primary
4 use shall be to work alongside or under the direct supervision
5 of [~~duly licensed staff~~] a teacher.

6 ~~[B.—The public education department will, through~~
7 ~~appropriate rules, institute a licensure system for~~
8 ~~educational assistants. The highest level of license must~~
9 ~~ensure that educational assistants who hold that level of~~
10 ~~licensure meet the standard for paraprofessionals established~~
11 ~~in federal statute and regulation for employment in a Title 1~~
12 ~~program. Educational assistants hired on or after January 8,~~
13 ~~2002, who provide instructional support in a Title 1 program,~~
14 ~~must meet the qualifications for the highest level of~~
15 ~~licensure on the effective date of this statute.—~~

16 ~~Paraprofessionals hired prior to January 8, 2002, must meet~~
17 ~~the qualifications for the highest level of licensure by~~
18 ~~January 8, 2006.—~~

19 ~~C.—The minimum annual salary for licensed~~
20 ~~educational assistants shall be twelve thousand dollars~~
21 ~~(\$12,000) effective in the 2004-2005 school year.—~~

22 ~~D.—The minimum salaries specified in Subsection C~~
23 ~~of this section may be adjusted in accordance with~~
24 ~~appropriations for that purpose in each school year as~~
25 ~~established by the secretary of public education.—~~

underscored material = new
[bracketed material] = delete

1 E. ~~School districts shall initiate the~~
2 ~~implementation of a career salary framework that supports the~~
3 ~~licensure system in public education department rules in~~
4 ~~fiscal year 2005.]~~

5 B. A level one educational assistant license is a
6 provisional two-year license for beginning educational
7 assistants who do not meet the qualifications for other levels
8 of educational assistant licensure. A level one educational
9 assistant license requires as a condition of licensure that
10 the educational assistant undergo an annual intensive
11 performance evaluation by a school administrator or state
12 agency indicating that the educational assistant has
13 satisfactorily demonstrated educational assistant competencies
14 for two full school years before applying for a level two
15 license; provided, however, that a person may meet the
16 qualifications for a level three or level four license and be
17 licensed at one of those levels without first holding a level
18 one license. A person seeking a level one educational
19 assistant license shall meet the following requirements:

- 20 (1) hold a high school diploma or its
21 equivalent;
22 (2) be eighteen years of age; and
23 (3) provide certification from the local
24 superintendent or state agency that the person seeking
25 licensure has satisfactorily completed an orientation session

underscored material = new
[bracketed material] = delete

1 pertinent to the assignment.

2 C. A level two license is a nine-year license
3 granted to an educational assistant who meets the
4 qualifications for that level and who annually demonstrates
5 educational assistant competencies. A person seeking a level
6 two educational assistant license shall meet the following
7 requirements:

8 (1) hold a high school diploma or its
9 equivalent;

10 (2) be eighteen years of age;

11 (3) provide certification from the local
12 superintendent or state agency that the person seeking
13 licensure has satisfactorily completed an orientation session
14 pertinent to the assignment; and

15 (4) provide certification from the local
16 superintendent or state agency that the person seeking
17 licensure has satisfactorily demonstrated the educational
18 assistant competencies at level one for two full school years.

19 D. A level three license is a nine-year license
20 granted to an educational assistant who meets the
21 qualifications for that level and who annually demonstrates
22 educational assistant competencies. A person seeking a level
23 three educational assistant license shall meet the following
24 requirements:

25 (1) hold a high school diploma or its

underscored material = new
[bracketed material] = delete

1 equivalent;

2 (2) be eighteen years of age;

3 (3) provide certification from the local
4 superintendent or state agency that the educational assistant
5 has satisfactorily completed an orientation session pertinent
6 to the assignment; and

7 (4) complete forty-eight semester hours of
8 academic credit awarded by a nationally or regionally
9 accredited college or university that include at least the
10 following fifteen semester hours in nonremedial coursework:

11 (a) three hours of language arts-
12 reading or language arts-reading pedagogy;

13 (b) three hours of writing or writing
14 pedagogy;

15 (c) three hours of mathematics or
16 mathematics pedagogy; and

17 (d) six hours of reading, writing and
18 math readiness; professional education; classroom management;
19 teaching assistance; or special education; or

20 (5) obtain a passing score of at least
21 seventy percent on a test administered pursuant to department
22 rules; or

23 (6) successfully demonstrate competency
24 through a portfolio assessment administered pursuant to
25 department rules.

. 166913. 1

underscored material = new
[bracketed material] = delete

1 E. A level four license is a nine-year license
2 granted to an educational assistant who meets the
3 qualifications for that level and who annually demonstrates
4 educational assistant competencies. A person seeking a level
5 four educational assistant license shall meet all of the
6 requirements for holding a level three educational assistant
7 license and, in addition, shall have earned an associate or
8 higher degree from a nationally or regionally accredited
9 college or university.

10 F. The minimum salaries for each licensure level
11 for educational assistants employed by school districts or
12 state agencies are:

13 (1) for level one educational assistants,
14 twelve thousand dollars (\$12,000);

15 (2) for level two educational assistants,
16 thirteen thousand dollars (\$13,000), to be implemented in
17 fiscal year 2008;

18 (3) for level three educational assistants,
19 fifteen thousand dollars (\$15,000), to be implemented in
20 fiscal year 2009; and

21 (4) for level four educational assistants,
22 seventeen thousand dollars (\$17,000), to be implemented in
23 fiscal year 2010.

24 G. Each school district shall implement a career
25 salary framework that supports the licensure system for

underscored material = new
[bracketed material] = delete

1 educational assistants. Salary increments above the minimums
2 required pursuant to Subsection F of this section constitute
3 the remainder of the framework and shall be based on training
4 and experience as well as other factors deemed appropriate by
5 the school district.

6 H. Educational assistants holding licenses on July
7 1, 2007 shall continue to be licensed at that level for the
8 term of the license. Licensees seeking to renew an
9 educational assistant license shall meet the new requirements.

10 I. The department shall promulgate rules to ensure
11 that educational assistants who hold level three or level four
12 licenses meet the standard for paraprofessionals established
13 in federal law and regulations for employment in a Title 1
14 program. Educational assistants hired on or after January 8,
15 2002 who provide instructional support in a Title 1 program
16 shall meet the qualifications for level three or level four
17 licensure on the effective date of this section. Educational
18 assistants hired prior to January 8, 2002 who provide
19 instructional support in a Title 1 program shall meet the
20 qualifications for level three or level four licensure by
21 January 8, 2008. "

22 Section 2. TEMPORARY PROVISION-- LICENSE TRANSITION.-- The
23 public education department shall promulgate rules to
24 transition from the license system in effect on June 30, 2007
25 to the license system provided for in Section 1 of this act.

. 166913. 1

