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HOUSE BILL 137

**49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

INTRODUCED BY

Rick Miera

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO SCHOOL PERSONNEL; INCREASING THE MINIMUM SALARY FOR  
EDUCATIONAL ASSISTANTS; 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 duly licensed by the  
public education department. While there may be brief periods

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1 when educational assistants are alone with and in control of a  
2 classroom of students, their primary use shall be to work  
3 alongside or under the direct supervision of duly licensed  
4 staff.

5 B. The public education department will, through  
6 appropriate rules, institute a licensure system for educational  
7 assistants. The highest level of license must ensure that  
8 educational assistants who hold that level of licensure meet  
9 the standard for paraprofessionals established in federal  
10 statute and regulation for employment in a Title 1 program.  
11 Educational assistants hired on or after January 8, 2002 who  
12 provide instructional support in a Title 1 program, must meet  
13 the qualifications for the highest level of licensure on the  
14 effective date of this statute. Paraprofessionals hired prior  
15 to January 8, 2002, must meet the qualifications for the  
16 highest level of licensure by January 8, 2006.

17 C. The minimum annual salary for licensed  
18 educational assistants shall be [~~twelve thousand dollars~~  
19 ~~(\$12,000)~~] thirteen thousand dollars (\$13,000) effective in the  
20 [~~2004-2005~~] 2009-2010 school year.

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

25 E. School districts shall initiate the

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1 implementation of a career salary framework that supports the  
2 licensure system in public education department rules [~~in~~  
3 ~~fiscal year 2005~~]."

4 Section 2. APPROPRIATION.--Two million six hundred  
5 thirteen thousand dollars (\$2,613,000) is appropriated from the  
6 general fund to the public education department for expenditure  
7 in fiscal year 2010 to increase the minimum salary of  
8 educational assistants. Any unexpected or unencumbered balance  
9 remaining at the end of fiscal year 2010 shall revert to the  
10 general fund.

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