

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: CS/HB 529a

52nd Legislature, 1st Session, 2015

Tracking Number: .200744.1

Short Title: Alternative Level 3-B School Licensure

Sponsor(s): Representatives Dennis J. Roch and Stephanie Garcia Richard

Analyst: Heidi L. Macdonald

Date: March 11, 2015

**HOUSE EDUCATION COMMITTEE SUBSTITUTE FOR
HOUSE BILL 529**

AS AMENDED

House Floor Amendment 1 provides that the various practitioners to whom the Public Education Department (PED) may issue an alternative level three-B license must first be licensed by PED in their respective fields.

Original Bill Summary:

CS/HB 529 creates a new section of the *School Personnel Act* to provide for an alternative level three-B licensure track for certain applicants and amends another section of the *School Personnel Act*.

Among its provisions, CS/HB 529 creates a renewable level three-B licensure track for a school administrator who meets the following qualifications:

- is a school counselor, school social worker, school nurse, speech-language pathologist, psychologist, physical therapist, physical therapy assistant, occupational therapist, occupational therapy assistant, recreational therapist, marriage and family therapist, interpreter for the deaf, or diagnostician;
- holds a post-baccalaureate degree;
- has satisfactorily completed PED-approved courses in administration and a PED-approved administration apprenticeship program; and
- demonstrates instructional leader competence required by PED and verified by the superintendent through the highly objective uniform statewide standard of evaluation.

Finally, CS/HB 529 amends the *School Personnel Act* for applicants seeking a standard level three-B license to remove:

- counselors from the standard track; and
- criteria for an applicant to hold a level two teaching license.

Fiscal Impact:

CS/HB 529 does not contain an appropriation.

Fiscal Issues:

According to the analysis of the Educational Retirement Board (ERB), it is unclear what effect CS/HB 529 would have on the ERB and the fund that it administers. Presumably, access to an alternative level three-B licensure track for certain employees would lead to potential salary increases. In determining costs and liabilities, the ERB's actuary employs assumptions about the future, including an assumption regarding the rate of inflation, salary increases, or wage inflation. Thus, in the near term, the additional contributions associated with a salary increase would be expected to have a slight immediate positive impact on the Educational Retirement Fund. In the long term, assuming the salary increases are fairly broad-based, the effect on the actuarial status of the ERB should be negligible.

Technical Issues:

The bill is that the new section defines an alternative level three-B license as “a nine-year license granted to a *school administrator* who meets the qualifications for that level” [emphasis added]. If the applicant for an alternative level three-B license is a school administrator, that person should have a level three-B license already.

Substantive Issues:

As noted under “Bill Summary,” above, one of the major provisions in CS/HB 529 is to allow an alternative track for certain applicants to obtain a level three-B administrator's license. This may create a conflict between the sections of the *School Personnel Act* that CS/HB 529 does change and those that it does not, in particular, Section 22-10A-11.1, Alternative level two or level three license, which provides a different route to an alternative level three-B license: at the end of an internship of at least one full school year, the applicant is required to have at least six years experience teaching or administering at the postsecondary level. CS/HB 529 does not require an internship or any experience teaching or administering at any education level.

Applicants who will receive the alternative license under CS/HB 529 are required to demonstrate instructional leader competence required by PED and verified by the superintendent through the highly objective uniform statewide standard of evaluation. However, CS/HB 529 does not allude to which evaluation system will be used for alternative licensees or if they will use the current school leader evaluation system.

Finally, the PED analysis notes that, under the act, there is a requirement to have a post-baccalaureate degree to obtain the alternative level three-B license, which some instructional support providers are not required to have. According to PED, post-baccalaureate degrees have not been shown to improve the ability of school administrators to drive student performance at their schools.

Background:

Provisional School Administrator License

The 2007 Legislature passed Senate Joint Memorial (SJM) 15, which requests that PED study whether an alternative pathway to licensure for school administrators should be created; develop a model for alternative level three-B licensure; and report findings and recommendations to the Legislative Education Study Committee (LESC). Among its findings, the task force formed under SJM 15 reported that:

- few states provide alternative pathways for administrative certification and those that do are limited in scope and application;
- New Mexico requires more years of teacher experience as a prerequisite to administrative licensure than any other state;
- it is the working conditions, not licensure requirements, that tend to keep potential candidates from pursuing administrative licenses in New Mexico;
- the current requirements in New Mexico for a level three-B license represent the “gold standard” for administrative licensure; and
- in cases in which school districts are unable to find candidates who meet this gold standard, an alternative pathway should be available to the district and prospective candidate.

Based on these findings, the task force formed under SJM 15 recommended that PED promulgate rules to establish the Provisional School Administrator License.

In 2010, PED promulgated regulations for the provisional licensure for school principals and assistant principals. A school district, charter school, private school, or state agency that has a shortage of qualified school principal or assistant principal candidates may request PED to issue a provisional level three-B license in educational administration to a candidate believed to be a potentially effective school leader. The following requirements must be met for a candidate to receive a provisional license:

- hold a level two teaching license and have met all of the requirements for a level three-A teaching license; or
- hold a level two teaching license and for at least four years have held a level three school counselor license while working as a teacher or a school counselor; and
- hold a bachelor’s degree and a post-baccalaureate degree; or
- hold current certification by the National Board for Professional Teaching Standards; and
- is enrolled in a PED-approved induction and mentoring program.

The provisional license is a four-year, non-renewable license, which is valid only in the requesting school district, charter school, private school, or state agency that submitted the request on behalf of the candidate.

Current Law

Among its provisions, the *School Personnel Act*:

- allows PED to grant an alternative level three-B license to a person who:
 - is at least 18 years old;
 - holds a post-baccalaureate degree;
 - has completed an internship of at least one full school year; and
 - has at least six years’ experience teaching or administering at the postsecondary level if the person demonstrates to PED, in conjunction with the school district, charter school, private school, or state agency, that the person has meet other PED-approved competencies for issuance of a level three-B licensure for administration; and

- requires PED to grant licenses to instructional support providers, including:
 - 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;
 - marriage and family therapists;
 - interpreters for the deaf; and
 - diagnosticians.

PED may provide a professional licensing framework in which licensees can advance in their careers through the demonstration of increased competencies and the undertaking of increased duties. In addition, PED is required to provide by rule for the requirements for licensure of types of instructional support providers.

Teacher and School Leader Effectiveness Evaluations

Adopted in August 2012 and amended in September 2013, the PED rule, *Teacher and School Leader Effectiveness*, implements an evaluation program for public school teachers and administrators called the Effectiveness Evaluation System (EES), sometimes also called the NMTEACH Effectiveness Evaluation System.

Regarding the evaluation of administrators, the EES requires that every school leader have an annual effectiveness evaluation, which must be conducted by a qualified person approved by PED. For the administrator EES rating itself:

- 50 percent is based on the change in the school’s letter grade;
- 25 percent is based on the school’s multiple measures; and
- 25 percent is based on “documented fidelity observations of the school leader.”

According to the PED business rules, administrators are categorized into two groups:

- Group A Principals/School Administrators are those who:
 - hold level three-B administrative licenses;
 - serve as principal/director, assistant principal, dean of students, or athletic directors; and
 - supervise and evaluate certified teachers.
- Group B School Administrators are district-level administrators, athletic directors, and deans of students who do not have level three-B licenses.

Committee Referrals:

HEC – DNP HB 529, DP HEC C/S for HB 529; FL/a – Passed/H (63-1); SEC/SJC

Related Bills:

HB 71a *Streamline Teacher & Administrator Licensure*

FL/HB 76a *Teacher Licensure Levels & Advancement*

SB 91 *Teacher Licensure Levels & Advancement*

SB 126aa *Level 3-B School Admin Licensure Requirements*

SB 153a *Streamline Teacher Administrative Licensure*

SB 223 *Phased Minimum Teacher Salary Increase*

SB 329aa *School Licensure Reciprocity Requirements*

SB 378 *Teacher & Admin Differential Performance*