

**LEGISLATIVE EDUCATION STUDY COMMITTEE  
BILL ANALYSIS**

**Bill Number:** HB 187a

**52nd Legislature, 2nd Session, 2016**

**Tracking Number:** .202338.2

**Short Title:** Alternative Level 3-B School Licensure

**Sponsor(s):** Representative Dennis J. Roch

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**FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE**

**AS AMENDED**

**The House Education Committee amendment changes the bill’s language to reflect current statutory language for the teacher and school leader evaluation system by striking “a department-approved evaluation process” and inserting “the highly objective uniform statewide standard of evaluation” in lieu thereof.**

**Original Bill Summary:**

HB 187 provides for an alternative level 3-B licensure track for instructional support providers. The bill also requires certain minimum salaries similar to the minimum salary for a level 3-A teacher multiplied by the applicable responsibility factor for an alternative level 3-B licensed school principal or assistant school principal.

**Fiscal Impact:**

The bill does not contain an appropriation.

According to a Legislative Finance Committee (LFC) fiscal impact report (FIR) on a similar bill from the 2015 session, costs associated with licensure advancement are funded by individual school districts and charter schools through their operating budgets and not through a unique appropriation. However, the cost to hire an individual who holds an alternative level 3-B license would be the same as hiring an administrator with a traditional level 3-B license. Districts would only be required to pay the 3-B salary if they hired an individual for an administrator position.

Additionally, the Public Education Department (PED) would experience increased administrative costs for processing new license applications, which cost an applicant a \$125 application fee. PED has not provided any estimate of individuals that would be eligible to apply, but an estimate of \$25,000 assumes up to 200 individuals would apply pursuant to the provisions of this bill. Any revenues received by PED are limited in use to fund the educator background check program, to enforce educator ethics requirements, and to process applications for licensure or for renewal of licensure, including review of professional development dossiers.

The bill requires an applicant to have completed a department-approved administration apprenticeship program, the cost of which is not addressed in the bill. This requirement is analogous to the requirement in Section 22-10A-11.3(B)(2) NMSA 1978, which requires candidates for a provisional school principal license to be enrolled in a department-approved induction and mentoring program. Presumably, the cost of the apprenticeship program will be borne by the school district or charter school as with the induction and mentoring program.

### **At a Glance:**

- This bill provides an opportunity for instructional support providers to obtain an alternative level 3-B license, which is not currently available for these providers.
- The creation of the new alternative level 3-B licensing framework can provide the new administrators the chance to advance in their career through demonstration of increased competencies and the undertaking of increased duties. Additional duties can include offering assistance with the teacher evaluation system, coaching, or developing professional training opportunities.

### **Original Detailed Bill Provisions:**

Specifically, HB 187 creates a renewable five-year level 3-B licensure track for a school administrator who is licensed by the department as 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. The applicant is also required to hold a post-baccalaureate degree and satisfactorily complete a PED-approved course in administration and a PED-approved administration apprenticeship program. Lastly, the applicant is required to demonstrate instructional leader competence through PED and will be verified by the superintendent through a department-approved evaluation process.

### **Substantive Issues:**

One of the bill's major provisions creates an alternative track for certain applicants to obtain a level 3-B administrator's license, but it does not require any minimum level of experience in their position as a licensed instructional support provider, which differs from the requirements for some other alternative licenses in the *School Personnel Act*.

PED notes that the bill creates an alternative level 3-B license without a route to convert the alternative license into a traditional level 3-B license. It is assumed that the alternative level 3-B license could be renewed after each five year term. PED states this is a matter of terminology, and while inconsistent with alternative level 1 licenses, may not have any practical consequences to those receiving the licenses.

The bill would require an applicant for an alternative level 3-B license to have a post-baccalaureate degree; however, some instructional support providers listed in the section are not required to have a post-baccalaureate degree. The requirement of having a post-baccalaureate degree may pose an additional burden on those instructional support providers who want to obtain the alternative 3-B license but do not currently have a post-baccalaureate degree. According to PED, post-baccalaureate degrees have not been shown to improve the ability of school administrators to drive student performance at their schools.

PED also notes that through the department's Licensure Bureau, a process would need to be created for reviewing and evaluating the alternative level 3-B licenses.

**Background:**

***Provisional School Administrator License***

The 2007 Legislature passed Senate Joint Memorial (SJM) 15, *School Administrator Licensure Pathways*, which requested that PED: study whether an alternative pathway to licensure for school administrators should be created; develop a model for alternative level 3-B licensure; and report findings and recommendations to the Legislative Education Study Committee (LESC). A task force was formed pursuant to SJM 15 and 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 3-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 its findings, the task force recommended that PED promulgate rules to establish a provisional school administrator license.

In 2010, PED promulgated rules for the provisional licensure of 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 3-B license in educational administration to a candidate believed to be a potentially effective school leader. For a candidate to receive a provisional license, the person is required to:

- hold a level 2 teaching license and have met all of the requirements for a level 3-A teaching license; or
- hold a level 2 teaching license and for at least four years have held a level 3 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 that is valid only in the school district, charter school, private school, or state agency that submitted the request on behalf of the candidate.

According to LFC's FIR from 2015, research confirms that, among school-related influences on student learning, principal leadership is second in importance only to classroom teaching. Nearly 60 percent of a school's influence on student achievement is attributable to principal and

teacher effectiveness: principals account for as much as a quarter and teachers over a third of a school's total impact on achievement.

### ***Current Law***

Among its provisions, the *School Personnel Act*:

- allows PED to grant an alternative level 3-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 met other PED-approved competencies for issuance of a level 3-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 instructional support providers.