

HOUSE BILL 39

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

Elizabeth "Liz" Thomson

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO SCHOOL PERSONNEL; ADDING DUAL-LICENSED INSTRUCTIONAL SUPPORT PROVIDERS AND DUAL-LICENSED INSTRUCTIONAL SUPPORT PROGRAM ADMINISTRATORS TO THE THREE-TIER LICENSURE SYSTEM.

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

SECTION 1. Section 22-10A-4 NMSA 1978 (being Laws 2003, Chapter 153, Section 35, as amended by Laws 2005, Chapter 315,

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Section 4 and by Laws 2005, Chapter 316, Section 1) is amended to read:

"22-10A-4. TEACHERS [~~AND~~], SCHOOL ADMINISTRATORS, DUAL-LICENSED INSTRUCTIONAL SUPPORT PROVIDERS AND DUAL-LICENSED INSTRUCTIONAL SUPPORT PROGRAM ADMINISTRATORS--PROFESSIONAL STATUS--LICENSURE LEVELS--SALARY ALIGNMENT.--

A. Teaching [~~and~~], school administration, dually licensed instructional support and dually licensed instructional support program administration are recognized as professions, with all the rights, responsibilities and privileges accorded professions, having their first responsibility to the public they serve. The primary responsibilities of the teaching and school administration professions are to educate the children of this state and to improve the professional practices and ethical conduct of their members. The primary responsibilities of dually licensed instructional support HCEDC→providers←HCEDC and dually licensed instructional support program administration are to assist and support students and teachers and to improve the professional practices and ethical conduct of their members.

B. The New Mexico licensure framework for teachers [~~and~~], school administrators, dual-licensed instructional support providers and dual-licensed instructional support program administrators is a progressive career system in which licensees are required to demonstrate increased competencies

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and undertake increased duties as they progress through the licensure levels. The minimum salary provided as part of the career system shall not take effect until the department has adopted increased competencies for the particular level of licensure and a highly objective uniform statewide standard of evaluation.

C. A level one license is a provisional license that gives a beginning teacher or dual-licensed instructional support provider the opportunity, through a formal mentorship program, for additional preparation to be a quality teacher or dual-licensed instructional support provider. A level two license is given to a teacher who is a fully qualified professional who is primarily responsible for ensuring that students meet and exceed department-adopted academic content and performance standards. A level two license is given to a dual-licensed instructional support provider who is a fully qualified professional who is primarily responsible for ensuring that students with physical or intellectual developmental delays or disabilities, behavioral problems or other conditions that need the services of a dual-licensed instructional support provider are being treated as required. A teacher or dual-licensed instructional support provider may choose to remain at level two for the remainder of the teacher's or dual-licensed instructional support provider's career. A level three-A license is the highest level of

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teaching or dual-licensed instructional support licensure for those teachers and dual-licensed instructional support providers who choose to advance as instructional or instructional support leaders in the teaching or dual-licensed profession and undertake greater responsibilities such as curriculum development for teachers and peer intervention and mentoring for both teachers and dual-licensed instructional support providers. A level three-B license is for teachers and dual-licensed instructional support providers who commence a new career path in school or professional administration by becoming school administrators or dual-licensed instructional support program administrators.

D. ~~[All]~~ The teacher ~~[and]~~, school administrator, dual-licensed instructional support provider and dual-licensed instructional support program administrator salary ~~[systems]~~ system shall be aligned with the licensure framework in a professional educator and instructional support provider licensing and salary system.

E. All teachers and school administrators who hold teaching or administrator certificates on the effective date of the 2003 act shall meet the requirements for their level of licensure by September 1, 2006 and shall be issued licenses.

F. A dual-licensed instructional support provider is required to:

- (1) hold a baccalaureate or higher degree, as

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applicable, from an accredited educational institution in the profession for which a level one, level two or level three-A instructional support provider license is sought or held; and

(2) hold a license in good standing from the appropriate New Mexico professional licensing board.

G. A dual-licensed instructional support program administrator is a dual-licensed instructional support provider who holds a level three-B administrative license."

SECTION 2. Section 22-10A-7 NMSA 1978 (being Laws 2003, Chapter 153, Section 38, as amended) is amended to read:

"22-10A-7. LEVEL ONE LICENSURE.--

A. A level one license is a provisional five-year license for beginning teachers and dual-licensed instructional support providers that requires as a condition of licensure that the licensee undergo a formal mentorship program for at least one full school year and an annual intensive performance evaluation by a school administrator for at least three full school years before applying for a level two license.

B. Each school district, in accordance with department rules, shall provide for the mentorship and evaluation of level one teachers and dual-licensed instructional support providers. At the end of each school year and at the end of the license period, the level one teacher or dual-licensed instructional support provider shall be evaluated for competency. If the teacher or dual-licensed

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instructional support provider fails to demonstrate satisfactory progress and competence annually, the teacher or dual-licensed instructional support provider may be terminated as provided in Section 22-10A-24 NMSA 1978. If the teacher or dual-licensed instructional support provider has not demonstrated satisfactory progress and competence by the end of the five-year period, the teacher or dual-licensed instructional support provider shall not be granted a level two license.

C. Except in exigent circumstances defined by department rule, a level one license shall not be extended beyond the initial period.

D. The department shall issue a standard level one license to an applicant who is at least eighteen years of age who:

(1) if a teacher:

(a) holds a baccalaureate degree from an accredited educational institution;

~~(2)~~ (b) has successfully completed a department-approved teacher preparation program from a nationally accredited or state-approved educational institution;

~~(3)~~ (c) has passed the New Mexico teacher assessments examination, including for elementary licensure beginning January 1, 2013, a rigorous assessment of

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the candidate's knowledge of the science of teaching reading;  
and

[~~(4)~~] (d) meets other qualifications for level one licensure, including clearance of the required background check; and

(2) if a licensed professional seeking dual licensure as an instructional support provider:

(a) holds a baccalaureate or higher degree from an accredited educational institution as required for professional licensure;

(b) holds a New Mexico license to practice the instructional support provider's profession; and

(c) has passed any department examination or additional qualification requirements required by the department, including clearance of the required background check.

E. The department shall issue an alternative level one license for teachers to an applicant who meets the requirements of Section 22-10A-8 NMSA 1978.

F. The department shall establish competencies and qualifications for specific grade levels, types and subject areas of level one licensure, including early childhood, elementary, middle school, secondary, special and vocational education for teachers and, as appropriate, dual-licensed instructional support providers.

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G. The minimum salary for a level one teacher or dual-licensed instructional support provider is fifty thousand dollars (\$50,000) for a standard nine and one-half month contract; provided that teachers and dual-licensed instructional support providers, if applicable, in an extended learning time program or K-5 plus program shall receive additional salary at the same rate as their base salary for [~~that~~] the applicable teaching [time] or instructional support contract term."

SECTION 3. Section 22-10A-10 NMSA 1978 (being Laws 2003, Chapter 153, Section 41, as amended) is amended to read:

"22-10A-10. LEVEL TWO LICENSURE.--

A. A level two license is a nine-year license granted to a teacher or dual-licensed instructional support provider who meets the qualifications for that level and who annually demonstrates essential competency to teach or provide dually licensed instructional support. If a level two teacher or dual-licensed instructional support provider does not demonstrate essential competency in a given school year, the school district shall provide the teacher or dual-licensed instructional support provider with additional professional development and peer intervention during the following school year. If by the end of that school year the teacher or dual-licensed instructional support provider fails to demonstrate essential competency, a school district may choose not to



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contract with the teacher to teach in the classroom or may reassign the dual-licensed instructional support provider.

B. The department shall issue a level two license to an applicant who has successfully taught for at least three, but no more than five, years as a level one teacher or an alternative level one teacher, or a combination of the two, or is granted reciprocity as provided by department rules. The department shall issue a level two license to an applicant who has provided dually licensed instructional support for at least three, but no more than five, years as a level one dual-licensed instructional support provider.

C. An applicant for a level two license shall:

(1) demonstrate essential competency required by the department as verified by the local superintendent through the highly objective uniform statewide standard of evaluation; and

(2) meet other qualifications as required by the department.

~~[G.]~~ D. The department shall provide for qualifications for specific grade levels, types and subject areas of level two licensure, including early childhood, elementary, middle, secondary, special and vocational education for teachers and, as appropriate, dual-licensed instructional support providers.

~~[D.]~~ E. The minimum salary for a level two teacher

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or dual-licensed instructional support provider is sixty thousand dollars (\$60,000) for a standard nine and one-half month contract; provided that teachers or dual-licensed instructional support providers in an extended learning time program or K-5 plus program shall receive additional salary at the same rate as their base salary for ~~[that]~~ the applicable teaching [time] or instructional support contract term."

SECTION 4. Section 22-10A-11 NMSA 1978 (being Laws 2003, Chapter 153, Section 42, as amended) is amended to read:

"22-10A-11. LEVEL THREE LICENSURE--TRACKS FOR TEACHERS--  
TRACKS FOR DUAL-LICENSED INSTRUCTIONAL SUPPORT PROVIDERS.--

A. A level three-A license is a nine-year license granted to a teacher or dual-licensed instructional support provider who meets the qualifications for that level and who annually demonstrates instructional leader or professional instructional support competencies. If a level three-A teacher or dual-licensed instructional support provider does not demonstrate essential competency in a given school year, the school district shall provide the teacher or dual-licensed instructional support provider with additional professional development and peer intervention during the following school year. If by the end of that school year the teacher or dual-licensed instructional support provider fails to demonstrate essential competency, a school district may choose not to contract with the teacher to teach in the classroom or may

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reassign the dual-licensed instructional support provider.

B. The department shall grant a level three-A license to an applicant who has been a level two teacher for at least three years and holds a post-baccalaureate degree or national board for professional teaching standards certification; demonstrates instructional leader competence as required by the department and verified by the local superintendent through the highly objective uniform statewide standard of evaluation; and meets other qualifications for the license. The department shall grant a level three-A license to an applicant who has been a level two dual-licensed instructional support provider for at least three years and holds a post-baccalaureate degree in the provider's licensed profession.

C. The minimum salary for a level three-A teacher or dual-licensed instructional support provider is seventy thousand dollars (\$70,000) for a standard nine and one-half month contract; provided that teachers or dual-licensed instructional support providers in an extended learning time program or K-5 plus program shall receive additional salary at the same rate as their base salary for ~~[that]~~ the applicable teaching [time] or instructional support contract term.

~~[D. The minimum salary for a counselor who holds a level three or three-A license as provided in the School Personnel Act and rules promulgated by the department shall be~~

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~~the same as provided for level three-A teachers pursuant to Subsection C of this section.]"~~

SECTION 5. Section 22-10A-11.4 NMSA 1978 (being Laws 2015, Chapter 74, Section 2, as amended by Laws 2019, Chapter 206, Section 24 and by Laws 2019, Chapter 207, Section 24) is amended to read:

"22-10A-11.4. LEVEL THREE-B ADMINISTRATOR'S LICENSE--  
TRACKS FOR SCHOOL ADMINISTRATOR AND DUAL-LICENSED INSTRUCTIONAL SUPPORT PROGRAM ADMINISTRATOR LICENSURE.--

A. A level three-B administrator's license is a five-year license granted to an applicant who meets the qualifications for that license. Licenses may be renewed upon satisfactory annual demonstration of instructional leader and administrative competency.

B. The department shall grant a level three-B administrator's license to an applicant who:

(1) for school administrators:

~~(1)~~ (a) has completed a department-approved administrator preparation program;

~~(2)~~ (b) holds a current level two or level three teacher's license; and

~~(3)~~ (c) holds a post-baccalaureate degree or national board for professional teaching standards certification; and

(2) for dual-licensed instructional support

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program administrators:

(a) has completed a department-approved dual-licensed instructional support program administrator preparation program, if required by the department;

(b) holds a professional license and a current level two or three-A instructional support provider license; and

(c) holds a post-baccalaureate degree in the licensed profession.

C. The minimum annual salary for a licensed school principal or assistant school principal is the minimum salary for a level three-A teacher multiplied by the applicable responsibility factor. The minimum salary for a dual-licensed instructional support program administrator shall be the same as an assistant school principal multiplied by the applicable responsibility factor.

D. The department shall adopt a highly objective uniform statewide standard of evaluation, including data sources linked to student achievement and an educational plan for student success progress, for school principals and assistant school principals and rules for the implementation of that evaluation system linked to the level of responsibility at each school level.

E. As used in this section, "level three-B administrator's license" means a five-year license granted to

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an applicant who meets the qualifications pursuant to this section and department rules."

SECTION 6. Section 22-10A-17 NMSA 1978 (being Laws 2003, Chapter 153, Section 48, as amended) is amended to read:

"22-10A-17. INSTRUCTIONAL SUPPORT PROVIDER LICENSES--  
DUAL-LICENSED INSTRUCTIONAL SUPPORT PROVIDERS AND PROGRAM  
ADMINISTRATORS--PROFESSIONAL LICENSES IN GOOD STANDING.--

A. The department shall license 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, educational diagnosticians and other service providers who qualify as instructional support providers or program administrators in accordance with the School Personnel Act and rules promulgated by the department in accordance with that act.

B. The department may provide a [~~professional~~] licensing framework in which instructional support provider licensees who are not covered by the three-tier licensing system as dual-licensed instructional support providers or dual-licensed instructional support program administrators can advance in their careers through the demonstration of increased

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competencies and the undertaking of increased duties.

[B-] C. The department shall provide by rule for the requirements for licensure of types of instructional support providers provided for in Subsection B of this section. If an instructional support provider practices a licensed, certified or registered occupation or profession, the provider shall provide evidence satisfactory to the department that the provider holds a current [~~unsuspended~~] license, certificate or registration in good standing in the occupation or profession for which the provider is applying to provide instructional support services. The instructional support provider shall notify the school district and department immediately if the provider's occupational or professional license, certification or registration is suspended, revoked or denied. Suspension, revocation or denial of [a] an occupational or professional license, certification or registration shall be just cause for discharge or termination and suspension, revocation or denial of the instructional support provider or instructional support program administrator license."

SECTION 7. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2023.