

## HB 116 ADDITIONS TO 3-TIERED TEACHER LICENSES (Elizabeth "Liz" Thomson)

**Position:** **Priority:** **Category:**

**Current Location:** HAFC

**Referrals:** HEC/HAFC

[2] HEC/HSEIC-HEC- HSEIC ref w/dm- ref HEC/HAFC-HEC- DP/a-HAFC

**Scheduled on - Date:** **Time:** **Location:**

**Updated on - Date:**2021-02-09

**Introduced on - Date:**2021-01-19

[HB 116 PDF](#) | [HB 116 FIR](#)

### Bill Action History

Date [Legislative Day]	Action	Next Step
2021-02-09 [2]	HEC - Do Pass as Amended	➔ House Appropriations and Finance - HAFC
2021-02-02 [2]	HEC -	➔ House Education - HEC
2021-02-02 [2]	HEC - Referred	➔ House Education - HEC
2021-01-19 [2]	- Sent to location	➔ House Education - HEC

### Synopsis:

House Bill 116 (HB 116) adds the dual-licensed instructional support providers and dual-licensed instructional support program administrators to the School Personnel three-tier licensure system.

### Analysis:

House Bill 116 (HB 116) adds the dual-licensed instructional support providers and dual-licensed instructional support program administrators to the School Personnel three-tier licensure system.

House Bill 116 (HB 116) adds dual-licensed instructional support providers and dual-licensed instructional support program administrators throughout HB 116.

SECTION 1. Amends School Personnel Section 22-10A-4 NMSA 1978 (being Laws 2003, Chapter 153, Section 35, as amended by Laws 2005, Chapter 315, Section 4 and by Laws 2005, Chapter 316, Section 1) to add dual-licensed instructional support providers and dual-licensed instructional support program administrators to the title.

A. Provides that the primary responsibilities of dual-licensed instructional support providers are to assist and support students and teachers and to improve the professional practices and ethical conduct of their members.

C. Inserts additional responsibilities to a level two license, as follows:

or 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.

HB 116 inserts a new subsection to provide a list of the professions in which a dual-licensed instructional support provider be licensed, as follows:

F. A dual-licensed instructional support provider is licensed in one of the following professions: (1) audiologist; (2) interpreter for the deaf; (3) speech-language pathologist; (4) diagnostician; (5) psychologist; (6) social worker; (7) nurse; (8) counselor; (9) physical therapist; (10) occupational therapist; and (11) any other professional that meets the educational, licensure and other qualifications to be a dual-licensed instructional support provider.

SECTION 2. Amends Level One Licensure Section 22-10A-7 NMSA 1978 (being Laws 2003, Chapter 153, Section 38, as amended by Laws 2019, Chapter 206, Section 21 and by Laws 2019, Chapter 207, Section 21).

HB 116 renumbers and reletters this section. Subsection D lists requirements for a licensed professional seeking dual licensure as an instructional support provider as follows:

(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.

HB 116 raises the salary fro a level one teacher or dual-licensed instruction support provider

G. Raises the minimum salary for a level one teacher or dual-licensed instructional support provider (which is inserted in this Subsection) from

\$40,000 to \$45,000 for a standard nine and one-half month contract.

SECTION 3. Amends Level Two Licensure Section 22-10A-10 NMSA 1978 (being Laws 2003, Chapter 153, Section 41, as amended by Laws 2019, Chapter 191, Section 1 and by Laws 2019, Chapter 206, Section 22 and also by Laws 2019, Chapter 207, Section 22).

D. The minimum salary for a level two teacher or dual-licensed instructional support provider (which is inserted in this Subsection) from \$50,000 to \$55,000 for a standard nine and one-half month contract.

SECTION 4. Amends Level Three Licensure Section 22-10A-11 NMSA 1978 (being Laws 2003, Chapter 153, Section 42, as amended by Laws 2019, Chapter 206, Section 23 and by Laws 2019, Chapter 207, Section 23) to change the title to include Tracks for Dual-licensed Instructional Support Providers.

HB 116 inserts Subsection C and reletters this section.

C. 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 master's or doctoral degree in the provider's licensed profession.

D. Raises the minimum salary for a level three-A teacher or dual-licensed instructional support provider (which is inserted in this Subsection) from \$60,000 to \$65,000 for a standard nine and one-half month contract.

The original Subsection D addressing the minimum salary for a counselor who holds a level three or level three-A license is deleted.

SECTION 5. Amends Level Three-B Administrator's License 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) to insert And Dual-Licensed Instructional Support Program Administrator Licensure.

Subsection B details the requirements for the department to grant a level three-B administrator's license and renumbers and reletters this subsection as follows:

B. The department shall grant a level three-B administrator's license to an applicant who: (1) for school administrators: (a) has completed a department approved administrator preparation program; (b) holds a current level two or level three teacher's license; and (c) holds a post-baccalaureate degree or national board for professional teaching standards certification; and (2) for dual-licensed instructional support 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.

C. The minimum salary for a level three-B dual-licensed instructional support program administrator (which is inserted in this Subsection) shall be the same as an assistant school principal multiplied by the applicable responsibility factor.

SECTION 6. APPLICABILITY.--The provisions of this act apply to the 2022-2023 and subsequent school years.

HB 210 AUDIOLOGY & SPEECH LANGUAGE PATHOLOGY COMPACT (Brittney Barreras)

**Position:** **Priority:** **Category:**

**Current Location:** HHC

**Referrals:** HHC/HSEIC

[2] HHC/HSEIC-HHC

**Scheduled on - Date:** **Time:** **Location:**

**Updated on - Date:** 2021-01-28

**Introduced on - Date:** 2021-01-28

[HB 210 PDF](#) | [HB 210 FIR](#)

### Bill Action History

**Date [Legislative Day]**

2021-01-28 [2]

**Action**

- Sent to location

**Next Step**



House Health and Human Services - HHC

### Synopsis:

Relating to intergovernmental agreements by enacting the Audiology and Speech-Language Pathology Interstate Compact.

### Analysis:

HB 210 would enact the Audiology and Speech Language Pathology Interstate Compact, whose purpose is to improve public access to audiology and speech-language pathology services. The Compact preserves the regulatory authority of states to protect the public through licensing and rule setting while joining the Compact with other member states to offer services. The multi-state Compact also provides a means for cooperation between member state in regulating the multistate practice of audiology and speech-pathology.

The services may be provided by a telehealth technology for the purpose of increasing access to services such as assessment, intervention, and consultation.

A license issued in the home state of a Compact member shall be recognized by each member state. States are required to implement a procedure for recognizing criminal history by utilizing a fingerprint method that would be provided by the Federal Bureau of Investigation.

Each member state is prohibited from using the data from the Federal Bureau of Investigation for communication or verification by other states than the home state for the purposes of verification.

Requirements for each member state for licensure include educational attainment from an accredited program that is recognized by the Council for Higher Education. A doctoral level of attainment in audiology from an educational institution after January 1, 2008 s required for licensing after January 1, 2008. For graduates prior to this date a master degree is required that is earned on or before December 31 , 2007.

A speech language pathologist must have attained a master degree from an accredited educational institution and verified by an independent credentials review agency. Other requirements are listed in the licensure section of HB 210.

To exercise the Compact privilege under the terms and provisions of the Compact, an audiologist or speech-language pathologist shall:(1) hold an active license in the home state;(2) have no encumbrance on any state license;(3) be eligible for a compact privilege.

Other requirements include: notifying the Commission that the licensee is seeking the Compact privilege within a remote state; pay any applicable fees, including any state fee, for the Compact privilege; and report to the Commission adverse action taken by any non-member state within thirty days from the date the adverse action is taken.

The Compact allows the licensee to practice through a telehealth methodology. Active-duty military personnel and spouses with home state licenses may practice where the individual has a current license in good standing.

Only home states may take adverse action on audiologist or Speech Pathologist. Member states may expect the home state to give the same priority and effect to reported conduct as it would have occurred in the home state.

As noted above a Commission is created known as the Audiology and Speech-pathology Comact Commission. Each stat is to have two delegates one being an audiologist and the other delegate to be a speech language pathologist. The delegates are selected by the home state licensing board. The Commission shall create by-laws, define a fiscal year, establish a code of ethics, meet and take action that are consistent with the Compact, maintain records, promulgate rules, bring and prosecute legal proceedings in the name of the Commission, contract for services, hire employees, appoint officers, accept donations, grants, supplies, materials, and services. Also, accept gifts, barrow money, and accept real property among other responsibilities.

There is to be an Executive Committee of ten members elected by the Commission, seven of which are to be elected by the Commission and two ex-officio non-voting members are to be representatives of a national audiology organization and the other from a national speech pathology language organization. One non-voting ex-officio member of a member licensing board to be selected from the respective associations.

The Executive Committee is to meet al least once per year, Duties include recommending changes to the rules or bylaws, changes to the Compact legislation, fees paid by Compact member states, make sure administrative services are appropriately provided, prepare and recommend a budget and maintain financial records on behalf of the Commission, monitor Compact compliance by the member states and establish committees.

All meetings are to be open to the public except that certain meetings may be convened in closed non-public meeting for non-compliance of a member state, employment matters, contracts, anticipated litigation, protection of trade secrets, investigative matters, and any matters exempted by federal or state statute.

In another section, the commission is protected by qualified immunity and indemnification and shall be immune from suit, and liability either personally or in their official capacity. This section does not protect from liability, intentional, willful or wanton misconduct.

The Commission shall defend any member officer executive director, employee, or representative of the Commission in any civil action seeking to impose liability.

The Commission will indemnify and hold harmless any member, officer, executive director, employee or representative of the Commission for any settlement or judgement.

The Commission will provide a data system through its development, maintenance, and utilization by use of data containing licensure, adverse action, and investigative information on all licensed individuals in member states.

In another section, rulemaking powers are granted however, if the majority of legislatures of the member states rejects a rule by statute por resolution, the rule if adopted with in four years of the date of adoption, the rule shall have no other force. The Commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if it is requested by twenty-five persons, a state or federal governmental subdivision or agency or an association having at least twenty-five members.

The Commission is to attempt to resolve disputes related to the Compact that arise between member states. The Commission is empowered to take legal action against a member state to enforce compliance with the provisions of the Compact including its by-laws and rule.

The Compact will go into effect on the date that the tenth member state whose membership goes into law. Any states withdrawal shall not take effect until six months of the repealing statue from that states legislature.

A severability and construction clause is included as well as section on binding effect of the Compact on other laws. Nothing in the Compact presents the enforcement of any other law of the member state that is not inconsistent with the Compact.

## HB 213 SCHOOL DISTRICT SPECIAL ED SERVICES FUND (Candie G Sweetser)

**Position: Priority: Category:****Current Location: HEC****Referrals: HEC/HAFC***[2] HEC/HAFC-HEC***Scheduled on - Date: Time: Location:****Updated on - Date:2021-01-28****Introduced on - Date:2021-01-28**[HB 213 PDF](#) | [HB 213 FIR](#)**Bill Action History****Date [Legislative Day]**

2021-01-28 [2]

**Action**

- Sent to location

**Next Step**

House Education - HEC

**Synopsis:**

House Bill 213 (HB 213) relates to education and provides a temporary provision that school districts shall maintain a Special Education Services Fund to provide assistance to and reimburse families of special education students. HB 213 provides for fund uses and specifies eligibility requirements to receive Funds.

**Analysis:**

House Bill 213 (HB 213) provides a temporary provision that school districts shall maintain a Special Education Services Fund (Fund) to provide assistance to and reimburse families of special education students. HB 213 provides for fund uses and specifies eligibility requirements to receive Funds.

**SECTION 1. TEMPORARY PROVISION--SCHOOL DISTRICT SPECIAL EDUCATION SERVICES FUNDS--CREATION--FUND USES--ELIGIBILITY REQUIREMENTS TO RECEIVE FUNDS.**

A. Each school district shall maintain a Special Education Services Fund (Fund), in which a school district allocates on a monthly basis:

- (1) 25 percent of the school district's funds received through the state equalization guarantee formula, if the school district is operating in a hybrid model; or
- (2) 50 percent of the school district's funds received through the state equalization guarantee formula, if the school district is not offering in-person learning and is not providing in-person special education services.

B. Money in the Fund shall be used to provide assistance and reimburse families of special education students with individualized education programs through the school district who have paid out of pocket for special education services and whose school districts have not provided services to the student.

C. A family with a special education student shall provide the school district, on a monthly basis, with detailed receipts of the services the student received and the costs of the services received and a contract of services from the individual or organization providing the special education services to the student.

D. After receiving the items outlined in Subsection C of this section, the school district shall pay the family for the services received. The school district shall not pay the family for any services received that fall outside of the scope of the individualized education program, and the school district shall not pay more than the amount the student generated from the special education program unit.

E. The provisions of this act shall be effective from the effective date of this act until the termination of the state of public health emergency related to the coronavirus disease 2019 as declared by the governor.

**SECTION 2. EFFECTIVE DATE.--**The effective date of the provisions of this act is July 1, 2021.

Relates to additional bills that specifically address the state of public health emergency related to the coronavirus disease 2019.