

LFC Requester:	Sunny Liu
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**AGENCY BILL ANALYSIS
2019 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Original **Amendment** _____ **Date** 1/22/19
Correction _____ **Substitute** _____ **Bill No:** HB47

Sponsor: Rep. Patricia Roybal Caballero **Agency Code:** 924
SCHOOL EMPLOYEE & **Person Writing** Daniel Manzano
Short ASSISTANTS PROBATION **Phone:** 505-670-3820 **Email** Daniel.Manzano@state.nm.us
Title: TIME

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY19	FY20		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY19	FY20	FY21		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

HB 47 establishes criteria within the school personnel act to provide non-licensed school personnel and licensed educational assistants with due-process protection after completing one contract year of service. Currently, school employees must complete three consecutive contract years of service to earn due-process protections.

FISCAL IMPLICATIONS

SIGNIFICANT ISSUES

HB 47 would establish tenure for educational assistants and non-licensed school personnel after one year of employment by creating property rights for employees that are not directly responsible for the instructional program of students.

HB 47 allows employees to claim property on positions that fluctuate often from year to year and are considered non-essential positions in school settings. While these employees currently obtain property rights after three years of satisfactory service, providing those rights after one year promote non-renewals for first year employees, as districts may not want to commit to these positions long-term. As a result, this places a severe restriction on superintendents and charter school directors in determining staffing from year to year based on student needs. Educational assistants have varied roles and training, and their placement in schools can be necessary based on certain needs of students for individual supervision, support for certain classrooms, etc. Depending on the fluctuation of students and population within districts and schools, having educational assistants and other support personnel obtain property rights will place an undue burden on the district when the specific service is no longer needed.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS