



(Parenthesis ( ) Indicate Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY19</b>	<b>FY20</b>	<b>FY21</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(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: HB47HEC reduces the probationary period for non- licensed school employees and licensed educational assistants to one year. HB47 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. HB47 would reduce the probationary period for non-licensed school personnel and licensed educational assistants to one year.

HB47HEC provides the school board or governing board the opportunity to terminate an employee with fewer than three years of consecutive service or a licensed school employee, excluding licensed educational assistants who have not been offered and accepted the third consecutive contract. HB47HEC gives the local school board or governing authority of a state agency the power to terminate a non-licensed school employee or a licensed educational assistant with less than one year of employment for any reason it deems sufficient.

**FISCAL IMPLICATIONS**

The bill does not contain an appropriation.

**SIGNIFICANT ISSUES**

HB47HEC 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. This bill may be contrary to meeting the needs of schools, as decades of research continue point toward the importance of effective teachers to expanding the educational opportunities of students (Hattie, 2009).

HB47HEC 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.

Research in the past 15 years has indicated districts have struggled to enhance their teaching force by exiting low-performing early career teachers quickly enough (Weisberg, et al. 2010, TNTP, 2012, Hanushek, 2006), thus allowing low-performers to matriculate through the school system, often underserving at-risk populations at higher rates than students that do not share risk factors. Emphasizing property rights for non-teachers may only exacerbate this issue by forcing districts to have financial commitments that do not serve the primary mission of the school district.

Hattie, J. (2009). Visible learning: A synthesis of over 800 meta-analyses relating to achievement.

New York: Routledge

## **PERFORMANCE IMPLICATIONS**

## **ADMINISTRATIVE IMPLICATIONS**

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

## **TECHNICAL ISSUES**

## **OTHER SUBSTANTIVE ISSUES**

Teacher pipeline is a decades-old concern and interest to districts. Proactive districts around the country have looked at the paraprofessionals within their districts as likely candidates to support through teacher certification programs. One year of placement is not a sufficient amount of time to systemically create a pipeline of teachers from the paraprofessional workforce. Once these paraprofessionals gain such property rights, they can choose to stay in their district without regard to essential need. This would limit districts in supporting the right paraprofessionals in ascending the career ladder to the teaching administrative ranks.

Over the past few years, some of New Mexico school districts have had trouble filling vacancies before the school year begins. Despite an increase in the state equalization funding, there are fewer teachers in New Mexico's public schools. While teacher shortages are not unique to New Mexico, declining enrollment in educator preparation programs has

forced New Mexico school districts to compete with other states to both recruit new teachers and retain experienced teachers. If New Mexico school districts are forced to use their funds to employ non-licensed employees or educational assistants instead of using their funds for teachers this could exacerbate the teacher shortage.

## **ALTERNATIVES**

### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

The current Public School Personnel Act would still be in effect.

## **AMENDMENTS**