

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**
Correction **Substitute**

Date 2/11/19
Bill No: SB410

Sponsor: Sen. William Soules

Agency Code: 924

Short Title: SCHOOL COUNSELOR
VOTE REGISTRATION

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY19	FY20		
NFI	NFI	Nonrecurring	N/A

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY19	FY20	FY21		
NFI	NFI	NFI	Nonrecurring	N/A

(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	NFI	NFI	NFI	N/A	Nonrecurring	N/A

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: Relates to HB84, Auto Voter Registration at MVD and Elsewhere, HB 86, Election Day and Early Voting Registration

Duplicates/Relates to Appropriation in the General Appropriation Act: None as of 2/1/2019 2019.

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

Senate Bill 410 (SB410) amends Section 1-4-49, Third Party Registration Agents, NMSA 1978 and identifies high school guidance counselors as third party registration agents for voting. SB410 requires that high school guidance counselors be registration agents and assist students who are qualified electors at the next election to vote. SB410 requires guidance counselors to turn in the certificate of registration one week of its completion as opposed to the 48 hour requirement of any other registration agent.

FISCAL IMPLICATIONS

SB410 would have an initial substantial impact on PED. The PED would need to modify the requirements for a school counselors' license and competencies to reflect the requirement for high school guidance counselors to become third-party registration agents.

SB410 has an immediate and future fiscal impact on public schools. Public schools will have to provide ongoing oversight to ensure that all high school guidance counselors become registration agents by registering with the Secretary of State.

SIGNIFICANT ISSUES

New Mexico school counselors have an ethical responsibility and the qualifications and skills to address students' academic, career and social/emotional needs" (ASCA Ethical Standards for School Counselors). School counselors "develop and implement a comprehensive school level guidance program based on the American school counseling association national standards" which are focused on the emotional, physical, social, intellectual and vocational growth of each student (NMAC 6.63.6.9).

School counselors in New Mexico have a variety of administrative duties, including scheduling; maintaining education records; analyzing transcripts; testing coordination; and planning and conducting activities focused on increasing career awareness. School counselors also prepare college recommendations, assist with financial aid applications, coordinate advance placement

and college entrance exams, serve on Student Assistance Teams, participate on attendance initiatives and assist with dropout prevention. Additionally, school counselors are responsible for providing ongoing Next Step Plan and career guidance; and mental health services to students. SB410 would further impact the administrative duties of school counselors and could impact the time school counselors spend on providing direct services to students.

NMCA recommends a student ratio of 200 students per school counselor in order to effectively meet the educational needs of students. Statewide, the current ratio for New Mexico school counselors is approximately 700 students per school counselor, with some ratio much higher.

Because of the high demands that school counselors have in meeting the educational needs of New Mexico students, the Alternative Student Success Advisor position was developed to assist with school counselor duties. Student Success Advisors are granted a 5-year alternative license to allow time for completion of a School Counseling graduate program while assisting the school district with school counseling duties. Student Success Advisors can provide “school-to-career guidance, interpret standardized test scores, develop master class scheduling, monitoring GPA and course mapping and providing student success resources” (NMPED Licensure Bureau). However, Student Success Advisors are not able to provide mental health counseling. In addition, according to SB410, Student Success Advisors cannot serve as registration agents.

PERFORMANCE IMPLICATIONS

None

ADMINISTRATIVE IMPLICATIONS

SB410 has a short and long-term administrative effect on the PED and high schools.

Currently, NMAC 6.63.6.1, Licensure Requirements for Ancillary and Support Personnel, identifies the licensure requirements for school counselors. As SB410 identifies additional responsibilities for guidance counselors, the PED Licensure Bureau would have to initiate the rulemaking process to amend New Mexico Administrative Code (NMAC) 6.63.6.1. The PED would need to collaborate with the New Mexico School Counselors Association and other experts, including the Secretary of State’s staff, to develop training for school counselors related to becoming voter registration agents. The PED could also amend NMAC 6.60.3.12 Requirements for Alternative Student Success Advisor Licensure, to amend the role and duties of the Student Success Advisor so that they could also serve as voter registration agents.

SB410 would require all high schools with guidance counselors to utilize existing FTEs to register the school with the Secretary of State and provide the following: 1) names of the officers of the school and the name and permanent address of the school; 2) names, permanent addresses, temporary address, dates of birth of each registration agent; and 3) a sworn statement from each registration agent employed by the school. School districts would need to notify the Secretary of State’s office and the county clerk’s office whenever there was a change in school guidance counselor or if the school counselors change their addresses.

Schools would need to meet prescribed timelines to ensure that the guidance counselors delivered or mailed certificates of registration to the Secretary of State or county clerk within a week of completing each registration.

In the long term, SB410 may also necessitate an annual training of school counselors by school districts. Schools may need to plan and implement training for school counselors focused on

their duties as a voter registration agent. In addition, school counselors would need to be made aware of consequences for any violations of the voter registration process.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

SB410 relates to Relates to House Bill (HB) 84, Auto Voter Registration at MVD and Elsewhere and HB 86, Election Day and Early Voting Registration.

TECHNICAL ISSUES

None as of 2/1/2019.

OTHER SUBSTANTIVE ISSUES

None as of 2/1/2019.

ALTERNATIVES

None as of 2/1/2019.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Voter registration will continue to take place through current means and school guidance counselors will continue to perform their current duties and provide direct student services as assigned.

AMENDMENTS

None as of 2/1/2019.