**This is an amendment to 6.60.7 NMAC, Sections 7, 9, and 10, effective 6/9/2020**

**TITLE 6 PRIMARY AND SECONDARY EDUCATION**

**CHAPTER 60 SCHOOL PERSONNEL - GENERAL PROVISIONS**

**PART 7 EDUCATOR LICENSURE APPLICATION FEE**

**6.60.7.1 ISSUING AGENCY:** Public Education Department, hereinafter the department.

[6.60.7.1 NMAC - Rp, 6.60.7.1 NMAC, 8/13/2019]

**6.60.7.2 SCOPE:** Any and all applicants and applications for obtaining a department license, renewing or advancing a license, certification, and/or license endorsement.

[6.60.7.2 NMAC - Rp, 6.60.7.2 NMAC, 8/13/2019]

**6.60.7.3 STATUTORY AUTHORITY:** Sections 22-2-1, 22-2-2, 22-8-44, and 22-10A-3 NMSA 1978.

[6.60.7.3 NMAC - Rp, 6.60.7.3 NMAC, 8/13/2019]

**6.60.7.4 DURATION:** Permanent.

[6.60.7.4 NMAC - Rp, 6.60.7.4 NMAC, 8/13/2019]

**6.60.7.5 EFFECTIVE DATE:** August 13, 2019, unless a later date is specified in rule or a later date is cited in the history note at the end of the section.

[6.60.7.5 NMAC - Rp, 6.60.7.5 NMAC, 8/13/2019, A, 6/9/2020]

**6.60.7.6 OBJECTIVE:** This rule establishes fees for applicants and applications.

[6.60.7.6 NMAC - Rp, 6.60.7.6 NMAC, 8/13/2019]

**6.60.7.7 DEFINITIONS:**

 **A. “Applicant”** means a person who has submitted an application or who intends to submit an application to the department.

 **B.** **“Application”** means a formal written or online request, on a department-approved form, to the department for issuance of a department license, license renewal, license continuation, license advancement, certification, or license endorsement.

 **C.** **“Application fee”** means all fees, monies, remittances, or charges owed for the processing of a department application but does not include any additional fees, monies, or charges owed for the processing of a background check.

 **D.** **“Indigence”** means the financial inability to pay or afford, without extreme hardship, an application fee.

 **E. "Military member"** means an active duty member or reservist, or spouse or dependent of a person currently serving in the armed forces or armed forces reserve, of the United States.

 **F.** **“PDD”** means the professional development dossier defined in 6.69.4.11 NMAC for advancing from a level one to level two license or from a level two to level three license.

 **G.** **“PDD strand”** means one of three categories used to measure evidence of teacher competency on the professional development dossier. Submission of any of the following strands will incur fees:

 **(1)** the instruction strand;

 **(2)** the student learning strand; and

 **(3)** the professional learning strand.

 **H. "Veteran"** means an individual who has received an honorable discharge or separation from the armed forces of the United States.

[6.60.7.7 NMAC - Rp, 6.60.7.7 NMAC, 8/13/2019, A, 6/9/2020]

**6.60.7.8 APPLICATION FEES:**

 **A.** An applicant shall remit an application fee to the department for each application submitted unless multiple licensure applications are submitted simultaneously.

 **B.** Should multiple licensure applications be submitted simultaneously, the following shall apply:

 **(1)** only a single application fee shall be incurred; and

 **(2)** the highest application fee shall apply.

 **C.** Application fees must be remitted to the department by money order, certified check, or other forms of payment acceptable to the department.

 **D.** Payment, in all forms, must be made to the “New Mexico public education department”.

 **E.** Unless there has been a determination of indigence, all application fees once submitted, are non-refundable, and shall not be returned to an applicant.

 **F.** The department shall deposit all received application fees in the department educator licensure fund.

[6.60.7.8 NMAC - Rp, 6.60.7.8 NMAC, 8/13/2019]

**6.60.7.9 FEE SCHEDULE:**

 **A.** Initial licensure applications. Applicants for initial licensure shall pay an application fee of one hundred fifty dollars ($150) unless another application fee is specified below:

 **(1)** applicants for initial licensure as an educational assistant shall pay an application fee of fifty dollars ($50);

 **(2)** applicants for initial licensure as a school health assistant shall pay an application fee of fifty dollars ($50);

 **(3)** applicants for initial licensure as a substitute teacher shall pay an application fee of fifty dollars ($50);

 **(4)** applicants for initial licensure as an athletic coach shall pay an application fee of [~~thirty five dollars ($35)~~] fifty dollars ($50); and

 **(5)** applicants for initial licensure for Native American language and culture certification shall pay a fee of fifty dollars ($50).

 **B.** Renewal applications of an existing educator license. Applicants for renewal of an existing educator license shall pay an application fee of one hundred twenty dollars ($120) unless another application fee is specified below:

 **(1)** applicants for renewal of an existing educator license as an administrator shall pay an application fee of one hundred thirty dollars ($130);

 **(2)** applicants for renewal of an existing educator license as an educational assistant shall pay an application fee of fifty dollars ($50);

 **(3)** applicants for renewal of an existing educator license as a school health assistant shall pay an application fee of fifty dollars ($50); and

 **(4)** applicants for renewal of an existing educator license as a substitute teacher shall pay an application fee of fifty dollars ($50).

 **C.** Renewal applications of an existing certification.

 **(1)** Applicants for renewal of an existing educator certification shall pay a renewal application fee of one hundred twenty dollars ($120).

 **(2)** Applicants for renewal of Native American language and culture certification shall pay a fee of fifty dollars ($50).

 **D.** Advancement applications.

 **(1)** Applicants who have not previously submitted an application for advancement to a higher level of teacher license for the level of license sought shall pay three hundred twenty dollars ($320).

 **(2)** Applicants who have previously submitted an application for advancement to a higher level of teacher license for the level of license sought shall pay:

 **(a)** one hundred ten dollars ($110) for an application that includes one PDD strand;

 **(b)** two hundred twenty dollars ($220) for an application that includes two PDD strands; or

 **(c)** three hundred twenty dollars ($320) for an application that includes three PDD strands.

 **(3)** Applicants who concurrently submit a renewal of existing educator license application and an advancement application shall pay no renewal of existing application fee.

 **(4)** In order to concurrently submit a renewal of existing educator license application and an advancement application the following must occur:

 **(a)** the advancement application must be submitted on the same date or before the renewal of an existing educator license application;

 **(b)** the advancement application fees must be received upon the date of the advancement application submission; and

 **(c)** the renewal of existing educator license application must be received by the department within five business days of the advancement application.

 **E.** Endorsement applications. Applicants seeking to add an endorsement to an existing license shall pay a fee of one hundred twenty dollars ($120).

[6.60.7.9 NMAC - Rp, 6.60.7.9 NMAC, 8/13/2019, A, 6/9/2020]

**6.60.7.10 LICENSURE APPLICATION FEE EXEMPTIONS:**

 **A.** An application fee shall not be charged for any of the following applications:

 **(1)** application for name change;

 **(2)** application for address change;

 **(3)** application for replacing lost or misplaced licenses; and

 **(4)** applicants with an alternative license who meet the requirements to transition their license to a standard level one license.

 **B.** An application fee shall not be charged to an individual who qualifies as indigent.

 **C.** An application fee charged to an individual who qualifies as indigent may be returned.

 **D.** An application fee shall not be charged for the first three years a license is issued to an individual who qualifies as a military member or veteran and who has provided one of the following:

 **(1)** DD Form 214;

 **(2)** United States uniformed services identification card; or

 **(3)** marriage license and a copy of spouses' orders for mobilization or deployment.

 **(E)** A license issued to an applicant identified as a military member or veteran with an expired educator license shall not be valid for more than one year.

[6.60.7.10 NMAC - Rp, 6.60.7.10 NMAC, 8/13/2019, A, 6/9/2020]

**6.60.7.11 STANDARD OF INDIGENCE:**

 **A.** An indigence determination shall be made according to the following process:

 **(1)** The request for indigence:

 **(a)** shall be made on a form approved by the department;

 **(b)** shall include any supporting documentation and be submitted to the department within five business days of any application submission; and

 **(c)** a request for indigence shall include a signed statement, certifying that the licensee is indigent.

 **(2)** The department’s review:

 **(a)** the department shall review and make a determination of indigence within 30 days;

 **(b)** the determination shall not consider any potential loss or gain of income associated with a department license, renewal, license continuation, license advancement, license, certification, or license endorsement;

 **(c)** the determination of indigence shall be solely within the discretion of the department; and

 **(d)** the determination of indigence shall be final and not subject to review.

 **B.** An applicant is presumed indigent if the applicant is a current recipient of one or more of the following:

 **(1)** medicaid;

 **(2)** supplemental security income (SSI);

 **(3)** public assisted housing;

 **(4)** department of health case management services (DHMS); or

 **(5)** temporary assistance for needy families (TANF).

[6.60.7.11 NMAC - N, 6.60.7.11 NMAC, 8/13/2019]

**HISTORY OF 6.60.7 NMAC:** **[RESERVED]**

6.60.7 NMAC, Educator Licensure Application Fee, filed 10/13/2000, was repealed and replaced by 6.60.7 NMAC, Educator Licensure Application Fee, effective 8/13/2019.