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HOUSE BILL 556

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

Rebecca Dow

AN ACT

RELATING TO PUBLIC SCHOOL PERSONNEL; INCLUDING COMMUNITY HEALTH
WORKERS IN THE DEFINITION OF AND LICENSURE REQUIREMENTS FOR
"INSTRUCTIONAL SUPPORT PROVIDERS".

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 22-1-2 NMSA 1978 (being Laws 2003,
Chapter 153, Section 3, as amended by Laws 2019, Chapter 206,
Section 1 and by Laws 2019, Chapter 207, Section 1) is amended
to read:

"22-1-2. DEFINITIONS.--As used in the Public School Code:

A. "academic proficiency" means mastery of the
subject-matter knowledge and skills specified in state academic
content and performance standards for a student's grade level;

B. "charter school" means a school authorized by a
chartering authority to operate as a public school;

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1 C. "commission" means the public education
2 commission;

3 D. "department" means the public education
4 department;

5 E. "home school" means the operation by the parent
6 of a school-age person of a home study program of instruction
7 that provides a basic academic educational program, including
8 reading, language arts, mathematics, social studies and
9 science;

10 F. "instructional support provider" means a person
11 who is employed to support the instructional program of a
12 school district, including educational assistant, school
13 counselor, social worker, school nurse, speech-language
14 pathologist, psychologist, physical therapist, occupational
15 therapist, recreational therapist, marriage and family
16 therapist, interpreter for the deaf, [~~and~~] diagnostician and
17 community health worker;

18 G. "licensed school employee" means teachers,
19 school administrators and instructional support providers;

20 H. "local school board" means the policy-setting
21 body of a school district;

22 I. "local superintendent" means the chief executive
23 officer of a school district;

24 J. "parent" includes a guardian or other person
25 having custody and control of a school-age person;

1 K. "private school" means a school, other than a
2 home school, that offers on-site programs of instruction and
3 that is not under the control, supervision or management of a
4 local school board;

5 L. "public school" means that part of a school
6 district that is a single attendance center in which
7 instruction is offered by one or more teachers and is
8 discernible as a building or group of buildings generally
9 recognized as either an elementary, middle, junior high or high
10 school or any combination of those and includes a charter
11 school;

12 M. "school" means a supervised program of
13 instruction designed to educate a student in a particular
14 place, manner and subject area;

15 N. "school administrator" means a person licensed
16 to administer in a school district and includes school
17 principals, central district administrators and charter school
18 head administrators;

19 O. "school-age person" means a person who is at
20 least five years of age prior to 12:01 a.m. on September 1 of
21 the school year, who has not received a high school diploma or
22 its equivalent and who has not reached the person's twenty-
23 second birthday on the first day of the school year and meets
24 other criteria provided in the Public School Finance Act;

25 P. "school building" means a public school, an

1 administration building and related school structures or
2 facilities, including teacher housing, that is owned, acquired
3 or constructed by the school district as necessary to carry out
4 the functions of the school district;

5 Q. "school bus private owner" means a person, other
6 than a school district, the department, the state or any other
7 political subdivision of the state, that owns a school bus;

8 R. "school district" means an area of land
9 established as a political subdivision of the state for the
10 administration of public schools and segregated geographically
11 for taxation and bonding purposes;

12 S. "school employee" includes licensed and
13 nonlicensed employees of a school district;

14 T. "school principal" means the chief instructional
15 leader and administrative head of a public school;

16 U. "school year" means the total number of contract
17 days offered by public schools in a school district during a
18 period of twelve consecutive months;

19 V. "secretary" means the secretary of public
20 education;

21 W. "state agency" or "state institution" means the
22 New Mexico military institute, New Mexico school for the blind
23 and visually impaired, New Mexico school for the deaf, New
24 Mexico boys' school, girls' welfare home, New Mexico youth
25 diagnostic and development center, Sequoyah adolescent

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1 treatment center, Carrie Tingley crippled children's hospital,
2 New Mexico behavioral health institute at Las Vegas and any
3 other state agency responsible for educating resident children;

4 X. "state educational institution" means an
5 institution enumerated in Article 12, Section 11 of the
6 constitution of New Mexico;

7 Y. "substitute teacher" means a person who holds a
8 certificate to substitute for a teacher in the classroom;

9 Z. "teacher" means a person who holds a level one,
10 two or three-A license and whose primary duty is classroom
11 instruction or the supervision, below the school principal
12 level, of an instructional program or whose duties include
13 curriculum development, peer intervention, peer coaching or
14 mentoring or serving as a resource teacher for other teachers;

15 AA. "certified school instructor" means a licensed
16 school employee; and

17 BB. "certified school employee" or "certified
18 school personnel" means a licensed school employee."

19 SECTION 2. Section 22-10A-17 NMSA 1978 (being Laws 2003,
20 Chapter 153, Section 48, as amended) is amended to read:

21 "22-10A-17. INSTRUCTIONAL SUPPORT PROVIDER LICENSES.--

22 A. The following instructional support providers
23 shall obtain appropriate licensure from the department:
24 educational assistants, school counselors, school social
25 workers, school nurses, speech-language pathologists,

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1 psychologists, physical therapists, physical therapy
2 assistants, occupational therapists, occupational therapy
3 assistants, recreational therapists, marriage and family
4 therapists, interpreters for the deaf, diagnosticians,
5 attendance coaches, practical nurses, school health assistants,
6 school business officials, rehabilitation counselors, athletic
7 coaches, educational alcohol and drug abuse counselors, ~~[and]~~
8 substance abuse associates and community health workers. The
9 department may provide a professional licensing framework in
10 which licensees can advance in their careers through the
11 demonstration of increased competencies and the undertaking of
12 increased duties.

13 B. The department shall provide by rule for the
14 licensure requirements for any instructional support providers.
15 If an instructional support provider practices a licensed
16 profession, the provider shall provide evidence satisfactory to
17 the department that the provider holds a current, unsuspended
18 license in the profession for which the provider is applying to
19 provide instructional support services.

20 C. An instructional support provider licensed by
21 the department shall also hold a valid professional license or
22 certificate issued by the instructional support provider's
23 respective licensing or certifying authority, if applicable,
24 and shall continuously hold such underlying professional
25 licensure or certification for as long as the instructional

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1 support provider holds licensure issued by the department.

2 D. If the underlying professional license or
3 certificate for any reason expires, is suspended, is revoked or
4 is denied, a person seeking or holding an instructional support
5 provider license shall notify the department in writing within
6 fourteen calendar days of such suspension, revocation, denial
7 or expiration.

8 E. Suspension, revocation, denial or expiration of
9 an underlying professional license or certificate, or failure
10 to notify the department of such, shall constitute just cause
11 for discharge or termination from employment and for
12 suspension, revocation or denial of an instructional support
13 provider license."