

LFC Requester:	Sunny Liu
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**AGENCY BILL ANALYSIS
2017 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: Date 3/14/17
Original **Amendment** **Bill No:** HB265
Correction **Substitute**

Sponsor: Representative Patricia Roybal **Agency Code:** 924
Short EDUCATIONAL ASSISTANT **Person Writing** Matt Pahl
Title: PROBATION PERIOD **Phone:** _____ **Email** Matt.Pahl@state.nm.u

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY17	FY18		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY17	FY18	FY19		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY17	FY18	FY19	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:

HB265 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

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

SIGNIFICANT ISSUES

HB265 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 is contrary to meeting the needs of schools, as decades of research continue point toward the importance of effective teachers and principals to expanding the educational opportunities of students.

HB265 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.

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.

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS