

**TITLE 6            PRIMARY AND SECONDARY EDUCATION**  
**CHAPTER 63       SCHOOL PERSONNEL - LICENSURE REQUIREMENTS FOR ANCILLARY AND**  
**SUPPORT PERSONNEL**  
**PART 9             LICENSURE FOR EDUCATIONAL ASSISTANTS PRE K-12**

**6.63.9.1            ISSUING AGENCY:** Public Education Department (PED)  
[11-14-98, 07-30-99; 6.63.9.1 NMAC - Rn, 6 NMAC 4.2.3.15.1, 03-31-01; A, 06-30-06; A, 10-31-07]

**6.63.9.2            SCOPE:** All those persons seeking licensure as educational assistants.  
[11-14-98; 6.63.9.2 NMAC - Rn, 6 NMAC 4.2.3.15.2 & A, 03-31-01]

**6.63.9.3            STATUTORY AUTHORITY:** Sections 22-2-1, NMSA 1978, 22-2-2, NMSA 1978, 22-10A-17  
NMSA 1978, and 20 U.S.C. 6319, Public Law 107-110.  
[11-14-98; 6.63.9.3 NMAC - Rn, 6 NMAC 4.2.3.15.3, 03-31-01; A, 06-30-06]

**6.63.9.4            DURATION:** Permanent  
[11-14-98; 6.63.9.4 NMAC - Rn, 6 NMAC 4.2.3.15.4, 03-31-01]

**6.63.9.5            EFFECTIVE DATE:** November 14, 1998, unless a later date is cited in the history note at the end of  
a section.  
[11-14-98; 6.63.9.5 NMAC - Rn, 6 NMAC 4.2.3.15.5 & A, 03-31-01]

**6.63.9.6            OBJECTIVE:** This rule establishes three levels of licensure for educational assistants and governs  
the licensure requirements for persons seeking level 1, level 2, and level 3 educational assistant licensure.  
[11-14-98; 6.63.9.6 NMAC - Rn, 6 NMAC 4.2.3.15.6, 03-31-01; A, 06-30-06]

**6.63.9.7            DEFINITIONS:**  
A.        "Paraprofessionals" means education assistants who assist a teacher in instruction and hold Level 3  
education assistant licensure.  
B.        [Reserved]  
[6.63.9.7 NMAC - N, 06-30-03; A, 06-30-06]

**6.63.9.8            LEVEL 1 AND LEVEL 2 REQUIREMENTS:** All persons who perform services as educational  
assistants ("EAs") in public schools, in those special state-supported schools within state agencies, must hold valid,  
educational assistants licensure issued by the ("PED"). EAs shall be assigned, and serve as assistants, to school staff duly  
licensed by the PED. While there may be brief periods when EAs are alone with and in control of a classroom of  
students, their primary use shall be to work alongside or under the direct supervision of duly licensed staff.

A.        Persons seeking licensure in level 1 educational assistance pursuant to the provisions of this rule shall  
meet the following requirements:

- (1) high school diploma or equivalency; and
- (2) eighteen years of age; and
- (3) certification by the public school superintendent, state-supported school superintendent, charter school  
administrator, private school official that the educational assistant has satisfactorily completed an orientation session  
pertinent to the assignment.

B.        Persons seeking licensure in level 2 educational assistance pursuant to the provisions of this rule  
shall meet the following requirements:

- (1) high school diploma or equivalency; and
- (2) eighteen years of age; and
- (3) certification by the public school superintendent, state-supported school superintendent, charter school  
administrator or private school official that the educational assistant has satisfactorily completed an orientation session  
pertinent to the assignment; and

(4) certification by the public school superintendent, state-supported school superintendent, charter school  
administrator, private school official that the educational assistant has satisfactorily demonstrated the PED's educational  
assistant competencies.

[11-14-98; 6.63.9.8 NMAC - Rn, 6 NMAC 4.2.3.15.8, 03-31-01; A, 06-30-03; A, 06-30-06; A, 10-31-07]

**6.63.9.9** [Reserved]

[11-14-98; 6.63.9.9 NMAC - Rn, 6 NMAC 4.2.3.15.9, 03-31-01; N, 06-30-03; A, 06-30-06; Repealed, 10-31-07]

**6.63.9.10 LEVEL 3/PARAPROFESSIONAL REQUIREMENTS:** EAs who are assigned to work in a title I targeted assistance program or in a title I school-wide program under the act, must hold a level 3 license.

Level 3 EAs shall be assigned and serve as assistants to school staff duly licensed by the PED. While there may be brief periods when EAs are alone with and in control of a classroom of students, their primary use shall be to work alongside or under the direct supervision of duly licensed staff.

A. A person who seeks a level 3 educational assistant license, shall meet the following requirements:

- (1) hold a high school diploma or equivalency; and
- (2) be eighteen years of age; and
- (3) provide certification from the public school superintendent, state supported school

superintendent, charter school administrator, private school official that the educational assistant has satisfactorily completed an orientation session pertinent to the assignment; and

(4) if the EA holds a level 2 EA license, provide certification from the public school superintendent, state supported school superintendent, charter school administrator, private school official that the educational assistant has satisfactorily demonstrated the PED's educational assistant competencies.

B. In addition to satisfying the requirements of Subsection A of 6.63.9.10 NMAC, a person who seeks a level 3 educational assistant license, shall meet the requirements of Paragraph (1) or Paragraph (2) or Paragraph (3) of Subsection B before being hired to work in a title I program:

(1) earn an associate degree from a nationally or regionally accredited college or university that includes at least 15 semester hours in non-remedial degree coursework, broken down as follows:

- (a) 3 hours of language arts/reading or language arts/reading pedagogy;
- (b) 3 hours of writing or writing pedagogy;
- (c) 3 hours of mathematics or mathematics pedagogy;
- (d) 6 hours of reading, writing, and math readiness, or professional education, or classroom management, or teaching assistance, or special education; or

(2) complete forty-eight (48) semester hours of academic credit awarded by a nationally or regionally accredited college or university that includes at least 15 semester hours in non-remedial coursework, broken down as follows:

- (a) 3 hours of language arts/reading, or language arts/reading pedagogy;
- (b) 3 hours of writing or writing pedagogy;
- (c) 3 hours of mathematics or mathematics pedagogy;
- (d) 6 hours of reading, writing, and math readiness, or professional education, or classroom management, or teaching assistance, or special education; or

(3) obtain a passing score of at least seventy (70) percent on a test administered pursuant to Section 11 of 6.63.9 NMAC.

[11-14-98; 6.63.9.10 NMAC - Rn, 6 NMAC 4.2.3.15.10, 03-31-01; N, 06-30-03; A, 06-30-06; A, 10-31-07]

**6.63.9.11 LOCAL DISTRICT TESTING TO OBTAIN LEVEL 3 LICENSURE:**

A. A local district shall develop or obtain a test for the purpose of determining if an EA/paraprofessional has demonstrated a knowledge of and ability to assist in instructing in reading/language arts, writing, and mathematics; or reading readiness, writing readiness, and mathematics readiness, provided that any such test contains at a minimum:

(1) an assessment of basic skill in reading, writing, and mathematics at an 8th grade level as established in the New Mexico Content Standards and Benchmarks for Language Arts and Mathematics set forth in 6.30.2 NMAC; and

(2) an assessment of the ability to assist in instruction in reading, writing, and mathematics, which may include knowledge of professional education practices, or classroom management, or teaching assistance techniques, or special education, and

(3) a sufficient number of high quality, reliable test items that demonstrate that the test is a valid measure of competence and knowledge.

B. The PED is hereby authorized to approve a local district's EA test and shall approve such test provided that it contains at least each of the factors set forth in Subsection A of 6.63.9.11 NMAC.

C. Once approved as described in this section, a local district shall administer its EA test as frequently as it determines is necessary, under conditions ensuring test security.

D. The local district shall file a record of the candidate's test results with the PED along with the application for level 3 EA licensure and shall maintain a documented record of the test results on file in the local district.

[11-14-98; 6.63.9.11 NMAC - Rn, 6 NMAC 4.2.3.15.11 & A, 03-31-01; N, 06-30-03; A, 06-30-06; A, 10-31-07]

**6.63.9.12** [Reserved]

[6.63.9.12 NMAC - N, 06-30-03; A, 06-30-06; Repealed, 10-31-07]

**6.63.9.13 IMPLEMENTATION:**

A. Level 1 licenses shall be issued for a maximum of three (3) years and may not be continued or renewed. Level 2 and 3 licenses shall be issued for nine (9) years.

B. No EA assigned to work in a title I targeted assistance program or in a title I school-wide program under the act may continue to perform EA services in those programs without obtaining a level 3 license. Failure to obtain a level 3 license while continuing to perform EA services in those programs shall constitute good and just cause to revoke or suspend that person's licensure.

C. An applicant who meets all of the requirements of level 3 educational assistant licensure may be granted a level 3 license without previously holding level 1 or level 2 licensure.

[6.63.9.13 NMAC - Rn & A, 6.63.9.9 NMAC, 06-30-03; A, 06-30-06]

**6.63.9.14 CONTINUING LICENSURE:**

A. Persons holding a level 1 license may apply for a higher level of licensure any time during the maximum three (3) year level 1 licensure period provided all requirements for the higher level of licensure are satisfied.

B. Persons holding level 2 or level 3 licenses and seeking to continue such licensure may do so based upon verification by the public school superintendent or private school official that the holder has demonstrated the PED's educational assistant competencies.

C. Persons holding level 2 licenses may apply for level 3 licensure provided all requirements for level 3 licensure have been satisfied.

[6.63.9.14 NMAC - Rn & A, 6.63.9.10 NMAC, 06-30-03; A, 06-30-06]

**6.63.9.15 REFERENCED MATERIAL:** Competencies for educational assistants. The educational assistant shall understand and be able to:

A. assist licensed personnel in school environment;  
B. provide assistance with individualized program materials;  
C. assist licensed personnel with student discipline;  
D. assist in maintaining students' involvement in appropriate tasks;  
E. assist with supplementary work for students and supervise independent study in the school environment;

F. respond to students as individuals;  
G. help maintain cohesiveness in school environment;  
H. display a desire to work with students;  
I. serve as a role model;  
J. work as a member of a team;  
K. communicate effectively both verbally and in writing;  
L. use current technology for instructional and management needs.

[6.63.9.15 NMAC - Rn, 6.63.9.11 NMAC, 06-30-03]

**HISTORY of 6.63.9 NMAC:**

**PRE-NMAC HISTORY:** The material in this part was derived from that previously filed with State Records Center and Archives under:

SBE Regulation 71-2 Definition and Responsibilities of Classroom Aides, filed April 23, 1971;

SBE Regulation No. 75-1 Governing Certification, Classification, and Responsibilities of Educational Paraprofessionals, filed May 9, 1975;

SBE Regulation No. 75-1 Amendment No. 1 Governing Certification, Classification, and Responsibilities of

Educational Paraprofessionals, filed October 28, 1988;  
SBE Regulation No. 90-5 Licensure for Educational Assistants, filed December 4, 1990.