

HOUSE BILL 32

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

Debra M. Sariñana

10 AN ACT

RELATING TO PUBLIC EDUCATION; REQUIRING THAT EACH PUBLIC SCHOOL AND EACH CHARTER SCHOOL EMPLOY A MINIMUM OF ONE FULL-TIME SCHOOL NURSE; PROVIDING EXCEPTIONS; PROVIDING RULEMAKING AUTHORITY; MAKING AN APPROPRIATION.

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

SECTION 1. A new section of the Public School Code is enacted to read:

" [NEW MATERIAL] MANDATORY SCHOOL NURSE--WAIVER--RULEMAKING

A. Each public school shall employ a minimum of one full-time school nurse each school year, unless the department has granted the public school a waiver pursuant to Subsection B of this section.

B. The department may grant a waiver to a rural public school with fewer than two hundred fifty MEM that is:

(1) able to demonstrate that it can effectively meet student health needs by hiring a part-time school nurse; or

(2) not able to hire a qualified nurse or contract with a third party for a qualified nurse because of insufficient availability of qualified nurses in the public school's geographic vicinity; provided that the public school shall provide documentation of the public school's unsuccessful attempts to hire or contract with a school nurse to the department.

C. The department shall promulgate rules pursuant to this section.

D. As used in this section:

(1) "public school" includes a charter school;
and

(2) "school nurse" means a person who:

(a) is a nurse authorized pursuant to the Nursing Practice Act to practice as a professional registered nurse;

(b) is licensed by the department and the board of nursing as a school nurse; and

(c) provides services as a school nurse

1 at a school."

2 SECTION 2. Section 22-8-6.1 NMSA 1978 (being Laws 1993,
3 Chapter 227, Section 8, as amended by Laws 2019, Chapter 206,
4 Section 9 and by Laws 2019, Chapter 207, Section 9) is amended
5 to read:

6 "22-8-6.1. CHARTER SCHOOL OPERATING BUDGETS--MAXIMUM
7 MEM.--

8 A. Each state-chartered charter school shall submit
9 to the charter schools division of the department a school-
10 based operating budget. The operating budget shall be
11 submitted to the division for approval or amendment pursuant to
12 the Public School Finance Act and the Charter Schools Act.
13 Thereafter, the operating budget shall be submitted to the
14 commission for review.

15 B. Each locally chartered charter school shall
16 submit to the local school board a school-based operating
17 budget for approval or amendment. The approval or amendment
18 authority of the local school board relative to the charter
19 school operating budget is limited to ensuring that sound
20 fiscal practices are followed in the development of the
21 operating budget and that the charter school operating budget
22 is within the allotted resources. The local school board shall
23 have no veto authority over individual line items within the
24 charter school's proposed financial budget or over any item in
25

.218393.2

underscored material = new
[bracketed material] = delete

1 the educational plan, but shall approve or disapprove the
2 operating budget in its entirety. Upon final approval of the
3 charter school operating budget by the local school board, the
4 individual charter school operating budget shall be included
5 separately in the budget submission to the department required
6 pursuant to the Public School Finance Act and the Charter
7 Schools Act.

8 C. For its first year of operation, a charter
9 school's operating budget shall be based on the projected
10 number of program units generated by the school and its
11 students using the at-risk index and the staffing cost
12 multiplier of the school district in which the charter school
13 is located, and the charter school's operating budget shall be
14 adjusted using the qualified MEM on the first reporting date of
15 the current school year. For its second and subsequent fiscal
16 years of operation, a charter school's operating budget shall
17 be based on the number of program units generated by the
18 charter school and its students using the average of the MEM on
19 the second and third reporting dates of the prior year, the at-
20 risk index of the school district in which the charter school
21 is located and the charter school's staffing cost multiplier.

22 D. The department shall not approve the operating
23 budget of a charter school that does not provide for a full-
24 time school nurse as provided for in Section 1 of this 2021 act

1 unless a waiver has been granted as provided in Section 1 of
2 this 2021 act.

3 E. As used in this section, "school nurse" means a
4 person who:

5 (1) is a nurse authorized pursuant to the
6 Nursing Practice Act to practice as a professional registered
7 nurse;

8 (2) is licensed by the department and the
9 board of nursing as a school nurse; and

10 (3) provides services as a school nurse at a
11 school."

12 SECTION 3. Section 22-8-9 NMSA 1978 (being Laws 1967,
13 Chapter 16, Section 63, as amended by Laws 2019, Chapter 206,
14 Section 10 and by Laws 2019, Chapter 207, Section 10) is
15 amended to read:

16 "22-8-9. BUDGETS--MINIMUM REQUIREMENTS.--

17 A. An operating budget for a school district shall
18 not be approved by the department if the educational plan does
19 not provide for:

20 (1) a school year and school day as provided
21 in Section 22-2-8.1 NMSA 1978; [and]

22 (2) a pupil-teacher ratio or class or teaching
23 load as provided in Section 22-10A-20 NMSA 1978; and

24 (3) employment of a full-time school nurse as

25 .218393.2

underscored material = new
[bracketed material] = delete

1 provided for in Section 1 of this 2021 act at every public
2 school in the school district unless a waiver has been granted
3 as provided in Section 1 of this 2021 act.

4 B. The department shall, by rule, establish the
5 requirements for an instructional day, the standards for an
6 instructional hour and the standards for a full-time teacher
7 and for the equivalent thereof.

8 C. As used in this section, "school nurse" means a
9 person who:

10 (1) is a nurse authorized pursuant to the
11 Nursing Practice Act to practice as a professional registered
12 nurse;

13 (2) is licensed by the department and the
14 board of nursing as a school nurse; and

15 (3) provides services as a school nurse at a
16 school."

17 SECTION 4. APPROPRIATION.--Five million dollars
18 (\$5,000,000) is appropriated from the general fund to the
19 public education department for expenditure in fiscal year 2022
20 to assist public schools and charter schools with hiring school
21 nurses in each public school and charter school in the state.
22 Any unexpended or unencumbered balance remaining at the end of
23 fiscal year 2022 shall revert to the general fund.

24 SECTION 5. EFFECTIVE DATE.--The effective date of the

underscored material = new
[bracketed material] = delete

1 provisions of this act is July 1, 2021.
2 - 7 -
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

underscored material = new
[bracketed material] = delete

.218393.2