

HOUSE BILL 525

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

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AN ACT

RELATING TO STUDENT HEALTH; REQUIRING MINIMUM STUDENT-SCHOOL
NURSE RATIOS; ENSURING ELIGIBLE STUDENT ENROLLMENT IN
MEDICAID; REQUIRING A MEDICAID WAIVER.

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

Section 1. Section 22-2-8.2 NMSA 1978 (being Laws 1986,
Chapter 33, Section 3, as amended) is amended to read:

"22-2-8.2. STAFFING PATTERNS--CLASS LOAD--TEACHING
LOAD--SCHOOL NURSES. --

A. The individual class load for elementary school
teachers shall not exceed twenty students for kindergarten;
provided that any teacher in kindergarten with a class load of
fifteen to twenty students shall be entitled to the assistance
of an instructional assistant.

B. The average class load for elementary school

1 teachers at an individual school shall not exceed twenty-two
2 students when averaged among grades one, two and three;
3 provided that any teacher in grade one with a class load of
4 twenty-one or more shall be entitled to the full-time
5 assistance of an instructional assistant.

6 C. Effective with the 1994-95 school year, the
7 average class load for an elementary school teacher at an
8 individual school shall not exceed twenty-four students when
9 averaged among grades four, five and six.

10 D. The daily teaching load per teacher for grades
11 seven through twelve shall not exceed one hundred sixty
12 students, except the daily teaching load for teachers of
13 required English courses in grades seven and eight shall not
14 exceed one hundred thirty-five with a maximum of twenty-seven
15 students per class and the daily teaching load for teachers of
16 required English courses in grades nine through twelve shall
17 not exceed one hundred fifty students with a maximum of thirty
18 students per class.

19 E. Students receiving special education services
20 integrated into a regular classroom for any part of the day
21 shall be counted in the calculation of class load averages.
22 Students receiving special education services not integrated
23 into the regular classroom shall not be counted in the
24 calculation of class load averages. Only classroom teachers
25 charged with responsibility for the regular classroom

1 instructional program shall be counted in determining average
2 class loads. In elementary schools offering only one grade
3 level, average class loads may be calculated by averaging
4 appropriate grade levels between schools in the school
5 district.

6 F. The state superintendent may waive the
7 individual school class load requirements established in this
8 section. Waivers shall be applied for annually and a waiver
9 shall not be granted for more than two consecutive years.

10 Waivers may only be granted if a school district demonstrates:

11 (1) no portable classrooms are available;

12 (2) no other available sources of funding
13 exist to meet its need for additional classrooms;

14 (3) the district is planning alternatives to
15 increase building capacity for implementation within one year;
16 and

17 (4) the parents of all children affected by
18 the waiver have been notified in writing:

19 (a) of the statutory class load
20 requirements;

21 (b) that the school district has made a
22 decision to deviate from these class load requirements; and

23 (c) of the school district plan to
24 achieve compliance with the class load requirements.

25 G. If a waiver is granted pursuant to Subsection F

1 of this section to an individual school, the average class
2 load for elementary school teachers at that school shall not
3 exceed twenty students in grade one and shall not exceed
4 twenty-five students when averaged among grades two, three,
5 four, five and six.

6 H. Each school district shall report to the
7 department of education the size and composition of classes
8 subsequent to the fortieth day and the December 1 count.
9 Failure to meet class load requirements within two years shall
10 be justification for the disapproval of the school district's
11 budget by the state superintendent.

12 I. The department of education shall report to the
13 legislative education study committee by November 30 of each
14 year regarding each school district's ability to meet class
15 load requirements imposed by law.

16 J. Notwithstanding the provisions of Subsection F
17 of this section, the state board may waive the individual
18 class load and teaching load requirements established in this
19 section upon a demonstration of a viable alternative
20 curricular plan and a finding by the state board that the plan
21 is in the best interest of the school district and that, on an
22 annual basis, the plan has been presented to and is supported
23 by the affected teaching staff. The department of education
24 shall evaluate the impact of each alternative curricular plan
25 annually. Annual reports shall be made to the legislative

1 education study committee.

2 K. ~~[Effective with the 1987-88 school year]~~

3 Certified school instructors shall not be required to perform
4 noninstructional duties except in emergency situations as
5 defined by the state board. For purposes of this subsection,
6 "noninstructional duties" means noon hall duty, noon ground
7 duty and noon cafeteria duty.

8 L. The student-school nurse ratios in each school
9 district shall be one school nurse to no more than seven
10 hundred fifty students in the general school population
11 provided that:

12 (1) in the special education levels A and B
13 population, there shall be one school nurse to no more than
14 two hundred twenty-five students; and

15 (2) in the special education levels C and D
16 population, there shall be one school nurse to no more than
17 one hundred twenty-five students.

18 M. The department of education shall ensure that
19 nursing services shall be available in every school."

20 Section 2. A new Section 22-2-8.9 NMSA 1978 is enacted
21 to read:

22 "22-2-8.9. [NEW MATERIAL] MEDICAID ENROLLMENT EFFORT.--

23 A. Each school district, with the assistance of
24 the department of education, the human services department and
25 the department of health, shall make every effort to ensure

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1 that every student eligible is enrolled in the state medicaid
2 program and that all health services eligible for
3 reimbursement under medicaid provided by school nurses are
4 billed to the medicaid program.

5 B. Any medicaid funds received by a school
6 district or by the department of education as reimbursement
7 for health services provided by a school nurse shall be
8 expended to provide expanded health services by school nurses
9 in addition to those health services that were provided in the
10 2001-2002 school year. In subsequent years a school district
11 shall budget and expend funds for school nurses and health
12 services in an amount, based on the student-school nurse ratio
13 established under Section 22-2-8.2 NMSA 1978, equal to or more
14 than the amount expended in the 2001-2002 school year."

15 Section 3. Section 22-8-9 NMSA 1978 (being Laws 1967,
16 Chapter 16, Section 63, as amended) is amended to read:

17 "22-8-9. BUDGETS--MINIMUM REQUIREMENTS. --

18 A. No budget for a school district shall be
19 approved by the department that does not provide for:

20 (1) a school year consisting of at least one
21 hundred eighty full instructional days or the equivalent
22 thereof, exclusive of any release time for in-service
23 training; or

24 (2) a variable school year consisting of a
25 minimum number of instructional hours established by the state

board; and

(3) a pupil-teacher ratio or class or teaching load as provided in Section 22-2-8.2 NMSA 1978; and

(4) a student-school nurse ratio as provided in Section 22-2-8.2 NMSA 1978.

B. The state board shall, by regulation, establish the requirements for a teaching day, the standards for an instructional hour and the standards for a full-time certified classroom instructor and for the equivalent thereof.

C. The state board shall by rule, in consultation with the human services department and the department of health, establish a process for enrolling all eligible students in medicaid and for billing the medicaid program for all health services eligible for reimbursement provided by school nurses.

~~[C.]~~ D. The local school board shall submit a plan for the implementation of an alternate school year to the state superintendent for his approval.

~~[D.]~~ E. The provisions of Subsection [C] D and Paragraph (2) of Subsection A of this section shall apply to school districts with a MEM of one thousand or fewer. "

Section 4. TEMPORARY PROVISION--MEDICAID WAIVER. --The human services department shall apply for a waiver of the state's medicaid plan, pursuant to Section 1115 of the federal Social Security Act, to permit health services provided by

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1 school nurses to school students eligible for medicaid to be
2 reimbursed by the medicaid program.

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