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HOUSE BILL 121

**54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

INTRODUCED BY

Patricia Roybal Caballero

AN ACT

RELATING TO PUBLIC EDUCATION IMPROVEMENTS; SPECIFYING THAT NURSING, SCHOOL COUNSELING AND BEHAVIORAL HEALTH SERVICES ARE PART OF A BASIC SUFFICIENT EDUCATION; REQUIRING SCHOOL DISTRICTS AND CHARTER SCHOOLS TO DEVELOP AND SUBMIT ANNUAL SOCIAL SERVICE PLANS TO THE PUBLIC EDUCATION DEPARTMENT; REQUIRING MONITORING OF PLANS.

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 SOCIAL SERVICES AS PART OF BASIC SUFFICIENT EDUCATION--ANNUAL PLANS.--

A. As used in this section:

(1) "behavioral health services" includes services from a licensed behavioral health professional,

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1 including social workers and psychologists;

2 (2) "social services" includes nursing, school  
3 counseling and behavioral health services; and

4 (3) "tribe" means an Indian nation, tribe or  
5 pueblo located partly or wholly within New Mexico.

6 B. Nursing, school counseling and behavioral health  
7 services are part of a basic sufficient education.

8 C. School districts and charter schools shall  
9 develop annual social service plans to offer all students  
10 access to nursing, school counseling and behavioral health  
11 services that are culturally and linguistically relevant to  
12 their student populations.

13 D. The department, in collaboration with school  
14 districts, charter schools and tribes, shall:

15 (1) promulgate rules on nursing, school  
16 counseling and behavioral health services, including state  
17 policies and standards, and shall review the process for school  
18 districts' and charter schools' submission of their annual  
19 plans; and

20 (2) develop a monitoring process to monitor  
21 school district and charter school annual social service plans.

22 E. The department shall:

23 (1) have staff with expertise in the social  
24 and emotional health of students and in how to mitigate  
25 outside-of-school factors to ensure students have the

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1 opportunity to be college and career ready;

2 (2) provide school districts and charter  
3 schools with technical assistance and support to help them in  
4 developing their annual plans;

5 (3) use the monitoring process to monitor the  
6 implementation of school district and charter school annual  
7 plans to ensure funding is being directed toward nursing,  
8 school counseling and behavioral health services; and

9 (4) review school districts' and charter  
10 schools' annual plans and incorporate an estimated cost to  
11 provide access to nursing, school counseling and behavioral  
12 health services to all students in its annual budget request.

13 F. School districts and charter schools shall  
14 submit their annual plans by September 30 of each year to the  
15 department for the succeeding fiscal year. The department  
16 shall notify all school districts and charter schools by August  
17 1 that annual plans will be accepted until September 30. The  
18 notification shall include the form for annual plan submission  
19 and any requirements for supplementary documentation. Annual  
20 plans may be submitted electronically or by mail or other  
21 delivery.

22 G. Annual plans shall include:

23 (1) a description of the nursing, school  
24 counseling and behavioral health services that the student  
25 population needs to alleviate health and social challenges

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1 students face, and the annual plan shall include the input  
2 received from the community;

3 (2) a description of how the nursing, school  
4 counseling and behavioral health services will be culturally  
5 and linguistically relevant to the school district's or charter  
6 school's student population;

7 (3) an estimated cost to provide nursing,  
8 school counseling and behavioral health services to the school  
9 district's or charter school's student population;

10 (4) a description of how the school district  
11 or charter school is partnering with local community groups to  
12 help provide nursing, school counseling and behavioral health  
13 services to its student population if these resources are  
14 available to a school district or charter school;

15 (5) a description of how the school district  
16 or charter school will leverage other local resources in the  
17 community to help provide nursing, school counseling and  
18 behavioral health services to its student population if these  
19 resources are available to a school district or charter school;

20 (6) a description of the challenges the school  
21 district or charter school experiences in providing nursing,  
22 school counseling and behavioral health services to the school  
23 district's or charter school's student population; and

24 (7) other relevant information requested by  
25 the department."

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