

SENATE BILL 31

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

INTRODUCED BY

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This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in

AN ACT

RELATING TO PUBLIC EDUCATION; REQUIRING THAT EACH SCHOOL DISTRICT EMPLOY A MINIMUM OF ONE FULL-TIME SCHOOL NURSE; PROVIDING EXCEPTIONS; PROVIDING RULEMAKING AUTHORITY ~~SEC~~; **MAKING AN APPROPRIATION** ← SEC .

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 AUTHORITY.--

.218458.2AIC February 2, 2021 (10:36am)

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A. Each school district shall employ a minimum of one full-time school nurse each school year, unless the department has granted the school district a waiver pursuant to Subsection B ~~SEC~~→or C←SEC of this section.

B. The department ~~SEC~~→may←SEC SEC→shall←SEC grant a waiver to a rural school district 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 school district's geographic vicinity; provided that the school district shall provide documentation of the school district's unsuccessful attempts to hire or contract with a school nurse to the department.

~~SEC~~→C. The department shall grant a waiver to a state or locally authorized charter school.←SEC

~~SEC~~→C.←SEC SEC→D.←SEC The department shall promulgate rules pursuant to this section.

~~SEC~~→D.←SEC SEC→E.←SEC As used in this section, "school nurse" means a person who:

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

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nurse;

SEC→(2) ~~is licensed by the department and the board of nursing as a school nurse; and~~←SEC

SEC→(2) is licensed by the board of nursing as a nurse;

(3) is licensed by the department as a school nurse; and←SEC

SEC→(3)←SEC SEC→(4)←SEC provides services as a school nurse at a school."

SECTION 2. Section 22-8-9 NMSA 1978 (being Laws 1967, Chapter 16, Section 63, as amended by Laws 2019, Chapter 206, Section 10 and by Laws 2019, Chapter 207, Section 10) is amended to read:

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

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

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

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

(3) employment of a full-time school nurse as defined in Section 1 of this 2021 act at the school district unless a waiver has been granted as provided in Section 1 of this 2021 act.

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

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

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

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

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

SEC→SECTION 3. APPROPRIATION.--Two hundred thousand dollars (\$200,000) is appropriated from the general fund to the public education department for expenditure in fiscal year 2022 to assist public schools in hiring school nurses in each public school and charter school in the state. Any unexpended or unencumbered balance remaining at the end of fiscal year 2022 shall revert to the general fund.←SEC

SECTION SEC→3.←SEC SEC→4.←SEC EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2021.