



LFC Requester: Liu

**PUBLIC EDUCATION DEPARTMENT  
BILL ANALYSIS  
2026 REGULAR SESSION**

**SECTION I: GENERAL INFORMATION**

Check all that apply:

Original  Amendment   
Correction  Substitute

Date Prepared: January 16 2026

Bill No: HB34

Committee Referrals: HHHC/HEC

Agency Name and Code: PED - 924

Sponsor: Garratt/Figueroa

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**SECTION II: FISCAL IMPACT**

(Parenthesis ( ) Indicate Expenditure Decreases)

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY27	FY28		
None	None	N/A	NFA

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY27	FY28	FY29		
None	None	None	N/A	NFA

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY27	FY28	FY29	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	None	None	None	N/A	N/A	NFA

Duplicates/Relates to Appropriation in the General Appropriation Act: None as of 2/4/26.

## **SECTION III: NARRATIVE**

### **BILL SUMMARY**

**Synopsis of HHHC amendment:** The House Health and Human Services Committee amendment to House Bill 34 (HB34/aHHHC) allows mentorship and evaluation of level one school nurses to be performed by level two or level three school nurses and requires school districts to defer to Department of Health guidance for that mentorship and evaluation when the school district does not have a level two or three school nurse. It also allows the department to grant level three school nurse licenses to candidates that have three years of registered nursing experience, rather than only allowing those who have previous level two school nurse experience.

**Synopsis of the original bill:** House Bill 34 (HB34) would provide technical fixes to [House Bill 195](#) (HB195 (2025)) to clarify what the licensure requirements are for school nurses. The bill would amend the [School Personnel Act](#) by removing certain licensure requirements for school nurses and would clarify that the provisions of the bill include school nurses employed by charter schools.

This bill does not provide an effective date. Laws go into effect 90 days after the adjournment of the Legislature enacting them, unless a later date is specified. If enacted, this bill would become effective May 20, 2026.

### **FISCAL IMPLICATIONS**

This bill does not contain an appropriation.

### **SIGNIFICANT ISSUES**

In 2025, the legislature passed and the Governor signed House Bill 195 (HB195 (2025)), which established new criteria for school nurse licensure advancement, established a three-tier licensure system for school nurses in state statute, and tied minimum school nurse salaries at each licensure tier to minimum teacher salaries.

**Level one mentorship and evaluation.** In current statutory language, the mentorship and performance evaluation process for level one school nurses is to be performed by a level three school nurse, and the PED is required to promulgate rule for when a school district does not have a level three school nurse. The amended bill would allow the level one mentorship and evaluation process to be conducted by either level two or level three school nurses, deferring to the Department of Health for guidance if neither are present in a school district. These changes may reduce the number of evaluations performed by non-medical personnel and would defer guidance to the state's authority on medical practice.

**Level three school nurses.** The amended bill would allow the department to accept level three school nurse candidates that have three years of registered nursing experience outside a school-setting, provided they also hold a post-baccalaureate degree or a certification from the national board for certification of school nurses and meet other department requirements. This may allow school districts from less densely populated areas the ability to attract more candidates that desire the salary for level three licensure but do not have previous nursing experience in a school.

**Level two school nurses.** HB195 (2025) established a pathway for nurses with three years of experience, outside of school nursing, to qualify for level two school nurse licensure rather than being required to hold a level one school nurse license for three years. HB34 would remove contradictory language from statute that stated that level two licenses are granted to *school* nurses and would further differentiate the two qualification options for level two licensure: demonstrate either satisfactory progress as a level one school nurse, *or* three years or more of satisfactory registered nursing experience. The ability to provide an initial school nurse license at level two may support recruitment and retention of school nurses.

**Evaluation.** The language requiring verification of a satisfactory evaluation for level two and level three school nurses under the highly objective unified statewide standard of evaluation would also be removed by the bill. Demonstration of competencies would still be required for those licensure levels, but the bill would no longer specify competency evaluation methods. The bill also removes the superintendent evaluation of a nurse for licensure. Superintendents may not have the knowledge and experience to be able to appropriately evaluate implementation of school nurse competencies.

The bill would remove language that specifically grants reciprocity to level two school nurse candidates. Despite the removal of this wording in the bill, school nurses from other states would still be able to receive a reciprocal level two license pursuant to Subsection D of Section [22-10A-12 NMSA 1978](#).

[The American Academy of Nurses](#) recommends having at least one registered nurse (RN) in every school. Due to a lack of RNs, particularly in rural areas, it is common for school districts to contract nursing services through Regional Education Cooperatives (RECs), sharing full-time school nurse positions with other small school districts. Additionally, some school districts employ supervised licensed practical nurses, health assistants, and contracted nurses in addition to, or instead of, RNs. According to the [FY24 Annual School Health Services Report](#), published by PED and the Department of Health, at least 27 percent of school districts and charter schools in New Mexico did not have a school nurse in 2024. An additional 33 percent of school districts and charter schools were only able to employ one part- or full-time school nurse.

## PERFORMANCE IMPLICATIONS

In a 2019 literature review, [Yoder](#) found that along with the benefits having a school nurse provides to students in addressing their health concerns, they also help to reduce absenteeism and missed class time. Further, without a nurse on campus, [administering medications often falls to untrained school personnel](#). Removing statutory barriers to hiring new school nurses, especially in rural areas, may support student attendance and help students with health issues remain in school.

## ADMINISTRATIVE IMPLICATIONS

The Department of Health would be required by the amended bill to develop guidance to be used for the mentorship and evaluation of level one school nurses in the case that a level two or level three school nurse is not present in the level one nurse's school district. The DOH does not currently have a formal mentorship and evaluation program for school nurses, but while one is

developed, they may guide school districts to use existing resources such as their [nursing evaluation tools for non-medical administrators](#) and their “Foundations of NM School Nursing” training.

PED would need to amend Rule [6.63.2 NMAC, Licensure for School Nurses, Grades K-12](#), to conform to the requirements of the bill.

#### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None.

#### **TECHNICAL ISSUES**

None.

#### **OTHER SUBSTANTIVE ISSUES**

None.

#### **ALTERNATIVES**

None.

#### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Not enacting this bill would lead to continued misunderstanding of school nurse licensure requirements. Additionally, not enacting this bill would lead to superintendents without appropriate training and experience evaluating school nurse competencies.

#### **AMENDMENTS**

None.