SENATE BILL 31

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

INTRODUCED BY

Elizabeth "Liz" Stefanics

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.

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.--

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 of this section.

B. The department may grant a waiver to a rural school district with fewer than two hundred fifty MEM that is: .218458.2
(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.

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

D. 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."

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:

.218458.2
"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.

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."
SECTION 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2021.