

HOUSE BILL 476

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

INTRODUCED BY

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AN ACT

RELATING TO PUBLIC EDUCATION; REQUIRING THAT EACH PUBLIC SCHOOL
DISTRICT AND EACH CHARTER SCHOOL EMPLOY A MINIMUM OF ONE FULL-
TIME, LICENSED REGISTERED SCHOOL NURSE; PROVIDING EXCEPTIONS.

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

SECTION 1. Section 22-8-6.1 NMSA 1978 (being Laws 1993,
Chapter 227, Section 8, as amended) is amended to read:

"22-8-6.1. CHARTER SCHOOL BUDGETS.--

A. Each state-chartered charter school shall submit
to the charter schools division of the department a school-
based budget. The budget shall be submitted to the division
for approval or amendment pursuant to the Public School Finance
Act and the Charter Schools Act. Thereafter, the budget shall
be submitted to the public education commission for review.

B. Each locally chartered charter school shall

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1 submit to the local school board a school-based budget for
2 approval or amendment. The approval or amendment authority of
3 the local school board relative to the charter school budget is
4 limited to ensuring that sound fiscal practices are followed in
5 the development of the budget and that the charter school
6 budget is within the allotted resources. The local school
7 board shall have no veto authority over individual line items
8 within the charter school's proposed budget, but shall approve
9 or disapprove the budget in its entirety. Upon final approval
10 of the local budget by the local school board, the individual
11 charter school budget shall be included separately in the
12 budget submission to the department required pursuant to the
13 Public School Finance Act and the Charter Schools Act.

14 C. For its first year of operation, a charter
15 school's budget shall be based on the projected number of
16 program units generated by the school and its students using
17 the at-risk index and the staffing cost multiplier of the
18 school district in which the school is located, and the
19 school's budget shall be adjusted using the qualified MEM on
20 the first reporting date of the current school year. For its
21 second and subsequent fiscal years of operation, a charter
22 school's budget shall be based on the number of program units
23 generated by the school and its students using the average of
24 the MEM on the second and third reporting dates of the prior
25 year, the at-risk index of the school district in which the

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1 school is located and the school's staffing cost multiplier.

2 D. A budget for a charter school that does not
3 provide for a full-time, department-licensed registered school
4 nurse employed for the charter school shall not be approved by
5 the department unless a waiver has been granted pursuant to
6 Subsection F of this section.

7 E. Except as provided in Subsection F of this
8 section, the department shall promulgate rules for the
9 implementation of the minimum requirement for a full-time,
10 department-licensed registered school nurse in every charter
11 school in New Mexico.

12 F. The department may promulgate rules to allow for
13 a waiver of the requirement in Subsection D of this section for
14 a rural charter school with a student MEM of less than two
15 hundred fifty; provided that:

16 (1) the charter school demonstrates that it
17 can meet the requirements of this section by hiring a part-
18 time, department-licensed registered school nurse; or

19 (2) the charter school:
20 (a) is not able to hire a qualified
21 nurse or contract with a third party for a qualified nurse
22 because of insufficient availability of such nurses in its
23 geographic vicinity; and

24 (b) requesting a waiver documents its
25 unsuccessful attempts to hire or contract with a department-

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1 licensed registered school nurse."

2 SECTION 2. Section 22-8-9 NMSA 1978 (being Laws 1967,
3 Chapter 16, Section 63, as amended) is amended to read:

4 "22-8-9. BUDGETS--MINIMUM REQUIREMENTS.--

5 A. A budget for a school district shall not be
6 approved by the department that does not provide for:

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

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

11 (3) a full-time, department-licensed
12 registered school nurse employed for every public school in the
13 school district unless a waiver has been granted pursuant to
14 Subsection D of this section.

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

19 C. Except as provided in Subsection D of this
20 section, the department shall promulgate rules for the
21 implementation of the minimum requirement for a full-time,
22 department-licensed registered school nurse in every public
23 school in every school district in New Mexico.

24 D. The department may promulgate rules to allow for
25 a waiver of the requirement in Paragraph (3) of Subsection A of

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1 this section for a rural school district with a student MEM of
2 less than two hundred fifty; provided that:

3 (1) the school district demonstrates that it
4 can meet the requirements of this section by hiring a part-
5 time, department-licensed registered school nurse; or

6 (2) the school district:
7 (a) is not able to hire a qualified
8 nurse or contract with a third party for a qualified nurse
9 because of insufficient availability of such nurses in its
10 geographic vicinity; and

11 (b) requesting a waiver documents its
12 unsuccessful attempts to hire or contract with a department-
13 licensed registered school nurse."

14 SECTION 3. EFFECTIVE DATE.--The effective date of the
15 provisions of this act is July 1, 2019.