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**LEGISLATIVE EDUCATION STUDY COMMITTEE**  
**BILL ANALYSIS**  
**54th Legislature, 2nd Session, 2020**

<b>Bill Number</b>	<u>HM24</u>	<b>Sponsor</b>	<u>Thomson/Garratt</u>
<b>Tracking Number</b>	<u>.216570.1</u>	<b>Committee Referrals</b>	<u>HEC</u>
<b>Short Title</b>	<u>Study Needs of NM Students</u>		
<b>Analyst</b>	<u>Porter</u>	<b>Original Date</b>	<u>1/31/2020</u>
		<b>Last Updated</b>	<u></u>

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**BILL SUMMARY**

Synopsis of Memorial

House Memorial 24 (HM24) requests the Public Education Department (PED) to convene a task force to study, assess, and make recommendations to address the staffing levels of support and related services staff necessary to meet the learning, social, emotional, mental, and physical health needs of New Mexico students. The PED secretary is to appoint the members, with no less than 70 percent being current school staff representing geographically diverse locations. The task force is requested to report its finding and recommendations by November 1, 2021.

**FISCAL IMPACT**

Memorials do not contain appropriations.

**SUBSTANTIVE ISSUES**

**Behavioral, Mental, and Physical Health Needs of New Mexico Students.** Behavioral, mental, and physical health needs are a significant concern for New Mexico students, particularly the at-risk students identified by the *Martinez* and *Yazzie* lawsuit (English language learners, students with disabilities, Native American students, and low-income students). The New Mexico Youth Risk and Resiliency Survey from 2017 reported increased rates of student sadness, hopelessness, and skipping school, with the highest rates occurring among at-risk youth. A report on the state of mental health in New Mexico published by the Department of Health (DOH) in 2018 found the percentage of youth ages 12-17 having at least one major depressive episode per year has increased steadily since 2013. According to America's Health Rankings, approximately 28 percent of children in New Mexico reported experiencing two or more adverse childhood experiences (ACEs) in 2018, higher than the national rate of 22 percent. Research suggests that a history of ACEs can negatively impact student academic outcomes. A 2012 study from Washington found that for students with one reported ACE, 54 percent experienced academic problems; for students with two ACEs, 71 percent; and for students with three or more ACEs, 80 percent experienced academic problems.

Analyses from DOH, the National Association of Social Workers, and the American Counseling Association indicate that access to school-based mental health services is linked to students' improved physical and psychological safety, academic performance, and social emotional learning. School counselors, social workers, and behavioral health professionals help students, families, and teachers address barriers to learning, including truancy, social withdrawal, aggressive behaviors, and the effects of physical, emotional, or economic problems. Greater support for nursing, school counseling, and behavioral health services may therefore help address the high level of New Mexico students with a history of ACEs and mental health challenges.

**Meeting Staffing Needs and Addressing Provider Shortages.** PED analysis suggests that schools may need to hire additional personnel to adequately provide nursing, school counseling, and behavioral health services to students. This aligns with the shortage of nurses, counselors, and behavioral health providers being reported statewide. According to 2019 analysis by the U.S. Health and Human Services Department, New Mexico faces significant social service and health care provider shortages, particularly in rural and frontier counties. The New Mexico DOH "State of Health in New Mexico 2018" report similarly highlighted that 32 of the state's 33 counties have been designated as "primary care health professional shortage areas" by the U.S. Health Resources and Services Administration.

The cost of hiring additional health and social services staff could be significant. PED data from FY18 indicated a student-to-nurse ratio of 700:1, a student-to-counselor ratio of 428:1, and a student-to-social worker ratio of 916:1. PED analysis from FY19 estimates that achieving a 250:1 student-to-school counselor ratio, a national recommendation by the American School Counselor Association, could cost about \$35 million based on average FY18 salaries and benefits. However, utilizing nationally-supported ratios to estimate cost should be approached with caution, as many school districts in New Mexico serve fewer than 250 students. The sponsor may wish to consider setting service requirements relevant to New Mexico school districts and charter schools, whether these requirements be student-to-provider ratios, requiring at least one nurse, school counselor, and behavioral specialist per school, or other options that ensure students have reliable access to health services.

**Special Education.** School districts and charter schools in New Mexico and nationwide continue to face shortages of teachers with the qualifications to serve students with special needs. This shortage is chronic and exists in every geographic region of the nation. The 2019 educator vacancy report from New Mexico State University notes 151 special education teacher vacancies in New Mexico, although this is down from 267 vacancies in 2018. The 1st Judicial District Court found in the consolidated *Martinez* and *Yazzie* lawsuit that New Mexico had chronic shortages of special education teachers. Nationally, 44 states report shortages of special education teachers.

## **ADMINISTRATIVE IMPLICATIONS**

The PED Secretary is requested to convene the task force and to appoint its members. The task force is requested to report to the office of the governor and the LESC by November 1, 2021.

## **RELATED BILLS**

Relates to HB53, Health Svcs as Part of Sufficient Education, which requires nursing, school counseling, and behavioral health services to be a part of "basic sufficient education" and requires that these services be culturally and linguistically relevant to the student population.

Relates to HB59, At-Risk Program Units & Index Calc. Change, which increases the multiplier used to calculate the at-risk index in the state equalization guarantee distribution, and appropriates funds to do so.

Relates to HB65, School Based Health Clinics Funding, which appropriates funds to the DOH for the funding of existing and new school-based health centers, including mobile clinics.

Relates to HB127, Task Force on Asset Mapping and Gap Analysis., which would require PED to convene a task force to conduct an asset mapping and gap analysis of public school students' access to social services.

Relates to SB174, Special Ed Division in Public Ed Dept., which creates the special education division within PED.

**SOURCES OF INFORMATION**

- LESC Files
- Department of Health (DOH)
- Public Education Department (PED)

**LAP/tb/mc/sgs**