

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current and previously issued FIRs are available on the NM Legislative Website ([www.nmlegis.gov](http://www.nmlegis.gov)) and may also be obtained from the LFC in Suite 101 of the State Capitol Building North.

## FISCAL IMPACT REPORT

**SPONSOR** Padilla **ORIGINAL DATE** 02/18/15  
**LAST UPDATED** \_\_\_\_\_ **HB** \_\_\_\_\_

**SHORT TITLE** Social Workers in Certain Schools **SB** 37

**ANALYST** Gudgel

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY15	FY16		
	\$3,500.0	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Public Education Department (PED)

Human Services Department (HSD)

Department of Health (DOH)

### SUMMARY

#### Synopsis of Bill

Senate Bill 37 enacts a new section of the Public School Code. The bill creates the “social workers in schools pilot project” to place social workers in schools with economically disadvantaged students. PED will be required to report to the Legislative Education Study Committee progress of the pilot project by December 1 of each year. The bill appropriates \$3.5 million from the general fund to the Public Education Department to fund the social workers in schools pilot project in FY16. Any unexpended or unencumbered balance remaining at the end of FY16 will revert to the general fund.

### FISCAL IMPLICATIONS

The appropriation of \$3.5 million contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal year 2016 shall revert to the general fund.

PED notes there is no statutory determined salary minimum requirement for social workers – salaries are determined at the local level. PED estimates the bill would fund 53 full-time social workers and 1 part time social worker based on the assumption of an annual salary of \$50,245

(the statewide average salary) and 30 percent for benefits. The department notes approximately 10,700 students would be served by these social workers assuming one social worker is able to serve 200 students.

Given the use of “instructional support provider” in the pilot and the individuals who fall within the definition (See Significant Issues), it is unclear if school districts and state-chartered charter schools will be able to count social workers hired pursuant to this bill that provide services to special education students as ancillary service providers pursuant to the Public School Finance Act. Ancillary service providers generate 25 program units per provider for their school district or charter school, or approximately \$100 thousand annually. **The Legislature may wish to include a clause at the end of section F stating “but shall not be counted as an ancillary service provider pursuant to Section 22-8-21 NMSA 1978 for purposes of the Public School Finance Act” to ensure these individuals are not double funded.**

### **SIGNIFICANT ISSUES**

The bill requires the Public Education Department (PED) to rank from highest to lowest the annual per capita foreclosure rate in every zip code populated with public education students if 50 percent or more of the resident students are eligible for free or reduced-price lunch (FRL). This ranking will become the basis for distributing available funding appropriated for the social workers in schools pilot project to fund one social worker per every 200 students. PED notes the department will be required to work with other entity(s) to access foreclosure information as a determinant of funding.

PED notes the ranking based on FRL may be problematic. School districts and charter schools are able to establish community eligibility (CEP) through the National School Lunch Program which can result in a FRL rate for an entire district, a group of schools or for an individual school. PED notes it is unclear how the department would rank a district or group of schools that has elected to participate in CEP as the FRL rate is an aggregate total of the CEP district or school grouping.

Of the 877 public schools, including school district and state-chartered schools, PED states there are approximately 168 schools with 100 percent of the 50,095 students enrolled eligible for FRL and approximately 699 schools in which 50 percent of the 243,880 students enrolled eligible for. The annual per capita foreclosure rates in these geographical areas are unknown at this time.

The bill requires school districts that share zip codes to enter into a joint powers agreement to employ a social worker pursuant to the bill.

The bill requires social workers hired pursuant to the pilot to be qualified and compensated as a licensed instructional support provider. Section 22-10A-17 NMSA 1978 defines "instructional support provider" as a person who is employed to support the instructional program of a school district, including educational assistant, school counselor, social worker, school nurse, speech-language pathologist, psychologist, physical therapist, occupational therapist, recreational therapist, marriage and family therapist, interpreter for the deaf and diagnostician. Section 22-10A-17 NMSA 1978 includes physical therapy assistants, occupational therapy assistants, and other service providers as licensed instructional support providers.

PED notes it is unlikely there are enough licensed social workers in the state to be employed pursuant to the provisions of this bill. The Children, Youth and Families Department has had chronic vacancy rates for social worker positions, and it is unlikely licensed social workers will be found to fill the 53 social worker vacancies needed for the program.

<http://www.abqjournal.com/520571/opinion/social-worker-shortage-hampers-cyfd.html>).

### **ADMINISTRATIVE IMPLICATIONS**

PED will be required to administer the program and report to the Legislative Education Study Committee on the progress of the project by December 1 of each year.

### **OTHER SUBSTANTIVE ISSUES**

#### According to PED:

Social workers are usually hired by the school district or contracted through a formal agreement with a community agency to provide behavioral/mental health services to students. Social workers can provide in-school services such as case management, individual/group counseling, referrals, crisis intervention, and prevention programs to students. Social workers can support students, parents, teachers, and other school staff by addressing a variety of student behavioral health issues, including: depression, anxiety, suicidality, and substance abuse that may impact academic success.

The response to intervention (RTI) framework, a problem-solving model espoused by the PED, as required by Subsection D of 6.29.1.9 NMAC (administrative code), provides a three-tier model of student intervention. This framework provides a guide to schools to support students who are experiencing academic and/or behavioral challenges. Parents and families are required to be part of the process. The model provides a continuum of school-wide support that promotes support to overall comprehensive school improvement efforts. School-community partnerships also provide an opportunity for schools to address student behavioral health and increased resources and services to students.

#### According to the Department of Health:

Social workers working within school systems provide services to students to enhance their emotional well-being and improve their academic performance. School social workers are usually employed by the school district or an agency that is contracted with the school district to provide services. School social workers are often called on to help students, families, and teachers address problems such as truancy, social withdrawal, overaggressive behaviors, rebelliousness, and the effects of special physical, emotional, or economic problems. School social workers often also address issues such as substance abuse and sexuality in the higher grade levels.

Broad evidence indicates a social worker in schools compliments overall efforts to coordinate and implement school mental health activities. Social workers involved in community engagement with local mental health organizations and agencies also broadens capacity for appropriate referral and follow up and ensures continuity of care for children who require long term support or at highest risk for depression, anxiety and suicidality (Social Workers in Schools, Occupational Profile, 2010).