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HOUSE BILL 160

**53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

INTRODUCED BY

Yvette Herrell

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

RELATING TO PUBLIC EDUCATION; AMENDING THE PUBLIC SCHOOL CODE TO REQUIRE THAT EACH PUBLIC SCHOOL DISTRICT EMPLOY A MINIMUM OF ONE FULL-TIME, LICENSED REGISTERED SCHOOL NURSE; MAKING AN APPROPRIATION.

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

**SECTION 1.** Section 22-8-9 NMSA 1978 (being Laws 1967, Chapter 16, Section 63, as amended) is amended to read:

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

A. A budget for a school district shall not be approved by the department that 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

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1                   (3) a full-time, department-licensed  
2 registered school nurse employed in the school district.

3                   B. The department shall, by rule, establish the  
4 requirements for an instructional day, the standards for an  
5 instructional hour, [~~and~~] the standards for a full-time teacher  
6 and for the equivalent thereof.

7                   C. Except as provided in Subsection D 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 all school  
11 districts in New Mexico.

12                   D. The department may promulgate rules to allow for  
13 a waiver of the requirement in Paragraph (3) of Subsection A of  
14 this section for a rural school district with a student MEM of  
15 less than two hundred fifty; provided that:

16                         (1) the school district 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 school district:  
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. APPROPRIATION.--One million six hundred fifty  
3 thousand dollars (\$1,650,000) is appropriated from the general  
4 fund to the public education department for expenditure in  
5 fiscal year 2018 to assist school districts that have student  
6 enrollments of less than two hundred fifty MEM to employ a  
7 department-licensed registered school nurse for the 2017-2018  
8 school year. Any unexpended or unencumbered balance remaining  
9 at the end of fiscal year 2018 shall revert to the general  
10 fund.

11 SECTION 3. EFFECTIVE DATE.--The effective date of the  
12 provisions of this act is July 1, 2017.