

HOUSE EDUCATION COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 160

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

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 whom the school district employs or  
3 with whom the school district contracts for services.

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

8                   C. Except as provided in Subsection D of this  
9 section, the department shall promulgate rules for the  
10 implementation of the minimum requirement for a full-time,  
11 department-licensed registered school nurse in all school  
12 districts in New Mexico.

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

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

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

1                                   (b) requesting a waiver documents its  
2 unsuccessful attempts to hire or contract with a department-  
3 licensed, registered school nurse."

4           **SECTION 2. APPROPRIATION.**--Nine hundred fifty thousand  
5 dollars (\$950,000) is appropriated from the general fund to the  
6 public education department for expenditure in fiscal year 2018  
7 to assist school districts that have student enrollments of  
8 less than five hundred MEM to employ a department-licensed  
9 registered school nurse for the 2017-2018 school year. Any  
10 unexpended or unencumbered balance remaining at the end of  
11 fiscal year 2018 shall revert to the general fund.

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

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