

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) and may also be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

ORIGINAL DATE 2/19/19

SPONSOR Figueroa LAST UPDATED _____ HB 510

SHORT TITLE School Bus Attendants for Disabled Students SB _____

ANALYST Liu

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		\$5,058.7 - \$6,009.7	\$5,058.7 - \$6,009.7	\$10,117.5 - \$12,019.4	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to HB 265, HB 554, SB 48, SB 156, SB 321, SB 580

SOURCES OF INFORMATION

LFC Files
Legislative Education Study Committee (LESC) Files

Responses Received From

Public Education Department (PED)
New Mexico School for the Blind and Visually Impaired (NMSBVI)
Board of Nursing (BON)

SUMMARY

Synopsis of Bill

House Bill 510 creates a new section of the Public School Code requiring at least one adult attendant on any school bus carrying one or more disabled student. The bill allows PED to establish rules for attendant-to-disabled-student ratios on school buses with more than one disabled student that takes into account the type and severity of each student’s disabilities. The bill further requires the school bus attendant be trained in advanced first aid and cardiopulmonary resuscitation (CPR) and certified in administration of necessary medications depending on student needs.

FISCAL IMPLICATIONS

The bill does not make an appropriation but requires all school buses carrying disabled students to have an adult attendant. PED and NMSBVI note the bill’s reference to “disabled student” would include all students with disabilities as defined by the federal Individuals with Disabilities

Education Act (IDEA) and Section 504 of the federal Rehabilitation Act of 1973. According to PED, over 56 thousand students (17 percent of the state's public school students) have an individualized education program (IEP) identifying students who have special education needs. According to the U.S. Office of Civil Rights, New Mexico had 1,716 students (0.5 percent of students) with Section 504 plans in FY14.

In FY19, PED reported 2,060 school buses operated by school districts, charter schools, and contractors and about 30 FTE classified as school bus assistants. Assuming 17.5 percent of all school buses required a school bus attendant (less the 30 FTE), the estimated additional operating budget cost of employing attendants (with 23 percent fringe benefits) would be \$5 million. LESC notes 308 of the school buses are equipped with lifts to accommodate students in wheelchairs that would be required to carry a bus attendant under provisions of this bill. The estimated additional cost of employing enough attendants for school buses with lifts would be \$6 million.

SIGNIFICANT ISSUES

PED notes the current IEP process documents student needs and required services. If a student needs an attendant to accompany them on a school bus, this would be requested and defined by the student's family and IEP team.

ADMINISTRATIVE IMPLICATIONS

The bill would require each school bus attendant to be certified as a medication aide if students on the school bus required regularly scheduled or potentially needed emergency medication. BON notes 16.12.2.12 B(4) NMAC authorizes registered nurses engaged in school nursing practice to delegate medication administration, including emergency medication, to adults affiliated with school operations. BON would need to amend 16.12.5.10 NMAC to expand medication functions for certified medication aides (CMA) as envisioned in this bill.

Currently, CMAs are prohibited from administering medication by intramuscular, intravenous, subcutaneous or nasogastric routes unless the CMA has successfully completed a CMA II board-approved certification program and is administering insulin with a prefilled insulin pen. Additionally, CMAs are prohibited from taking medication orders, altering medication dosage as ordered by the prescriber, performing any function or service for consumers for which a nursing license is required under the Nurse Practice Act, administering medication without the supervision or direction of a licensed nurse, and administering medications in any agency other than a board-approved agency. BON notes this might require the board to designate each school district and charter school as an approved CMA program under the supervision of a registered nurse.

PED notes many schools do not have a full-time nurse to train or delegate medication administration authority to school bus attendants. As such, BON would need to provide the training and oversight of attendants with CMA duties.

NMSBVI notes the school has an assistant on each school bus, but would not be able to employ CMAs unless the school was designated as an approved CMA program by BON. Currently, NMSBVI nurses are allowed to train staff to administer medications and create emergency plans for each student.

RELATIONSHIP

This bill relates to Senate Bill 48, which establishes school responsibilities relating to students with diabetes; Senate Bill 580, which establishes a daily salary rate for school bus drivers; House Bill 265 and Senate Bill 156, which require seat belts in all school buses; Senate Bill 321, which requires air conditioning in all school buses; and House Bill 554, which requires seat belts and air condition in school buses.

OTHER SUBSTANTIVE ISSUES

Currently, 6.41.4.9 NMAC requires all school bus drivers to complete PED-approved first aid and CPR training taught by a certified instructor.

SL/al