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SENATE BILL

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

Elizabeth "Liz" Stefanics

AN ACT

RELATING TO PUBLIC EDUCATION; REQUIRING THAT EACH SCHOOL DISTRICT EMPLOY A MINIMUM OF ONE FULL-TIME SCHOOL NURSE; PROVIDING EXCEPTIONS; PROVIDING RULEMAKING AUTHORITY.

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

SECTION 1. A new section of the Public School Code is enacted to read:

"[NEW MATERIAL] MANDATORY SCHOOL NURSE--WAIVER--RULEMAKING AUTHORITY.--

A. Each school district shall employ a minimum of one full-time school nurse each school year, unless the department has granted the school district a waiver pursuant to Subsection B of this section.

B. The department may grant a waiver to a rural school district with fewer than two hundred fifty MEM that is:

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1 (1) able to demonstrate that it can
2 effectively meet student health needs by hiring a part-time
3 school nurse; or

4 (2) not able to hire a qualified nurse or
5 contract with a third party for a qualified nurse because of
6 insufficient availability of qualified nurses in the school
7 district's geographic vicinity; provided that the school
8 district shall provide documentation of the school district's
9 unsuccessful attempts to hire or contract with a school nurse
10 to the department.

11 C. The department shall promulgate rules pursuant
12 to this section.

13 D. As used in this section, "school nurse" means a
14 person who:

15 (1) is a nurse authorized pursuant to the
16 Nursing Practice Act to practice as a professional registered
17 nurse;

18 (2) is licensed by the department and the
19 board of nursing as a school nurse; and

20 (3) provides services as a school nurse at a
21 school."

22 **SECTION 2.** Section 22-8-9 NMSA 1978 (being Laws 1967,
23 Chapter 16, Section 63, as amended by Laws 2019, Chapter 206,
24 Section 10 and by Laws 2019, Chapter 207, Section 10) is
25 amended to read:

.218458.2

1 "22-8-9. BUDGETS--MINIMUM REQUIREMENTS.--

2 A. An operating budget for a school district shall
3 not be approved by the department if the educational plan does
4 not provide for:

5 (1) a school year and school day as provided
6 in Section 22-2-8.1 NMSA 1978; ~~[and]~~

7 (2) a pupil-teacher ratio or class or teaching
8 load as provided in Section 22-10A-20 NMSA 1978; and

9 (3) employment of a full-time school nurse as
10 defined in Section 1 of this 2021 act at the school district
11 unless a waiver has been granted as provided in Section 1 of
12 this 2021 act.

13 B. The department shall, by rule, establish the
14 requirements for an instructional day, the standards for an
15 instructional hour and the standards for a full-time teacher
16 and for the equivalent thereof.

17 C. As used in this section, "school nurse" means a
18 person who:

19 (1) is a nurse authorized pursuant to the
20 Nursing Practice Act to practice as a professional registered
21 nurse;

22 (2) is licensed by the department and the
23 board of nursing as a school nurse; and

24 (3) provides services as a school nurse at a
25 school."

.218458.2

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SECTION 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2021.