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FISCAL IMPACT REPORT

SPONSOR Serrato ORIGINAL DATE 2/1/2022
LAST UPDATED _____ HB 142/ec
SHORT TITLE Protective Personal Equipment for Schools SB _____
ANALYST Chilton

APPROPRIATION (dollars in thousands)

| Appropriation | | Recurring or Nonrecurring | Fund Affected |
|---------------|------|------------------------------|------------------|
| FY22 | FY23 | | |
| \$1,550.0 | | Nonrecurring | General Fund |

(Parenthesis () Indicate Expenditure Decreases)

Related to SB 15

SOURCES OF INFORMATION

LFC Files

Responses Received From

Public Education Department (PED)

Department of Health (DOH)

Department of the Environment (NMED)

SUMMARY

Synopsis of Bill

House Bill 142, Protective Personal Equipment for Schools, appropriates \$1,550,000 from the General Fund to the Public Education Department for the purpose of buying personal protective equipment for students during the current school year, 2021-2022.

This bill contains an emergency clause and would become effective immediately upon signature by the governor.

FISCAL IMPLICATIONS

The appropriation of \$1,550,000 contained in this bill is a non-recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of Fiscal Year 2022 shall revert to the general fund.

PED indicates that “The provisions of the bill would require significant administrative resources from PED to purchase, allocate, and distribute the PPE prior to the end of the school year. This can be accomplished with current PED resources.

“Few schools have sufficient supply of N95 masks or other masks rated by the National Institute for Occupational Safety and Health, the federal agency responsible for testing and approving respirators used in United States workplace settings. *HB142 would provide sufficient funding to purchase three or more such masks for all students and staff in New Mexico public schools.”

SIGNIFICANT ISSUES

DOH refers to the methods available for decreasing transmission of Covid-19 in schools: “Central to the current guidance is vaccination, proper social distancing, and mask wearing while in school ([Guidance for COVID-19 Prevention in K-12 Schools | CDC](#)).”

LFC notes that New Mexico in general and APS in particular received a large appropriation through the Elementary and Secondary School Emergency Relief Fund (ESSER), flowing through PED based on Title One (Poverty) rates. Statewide, the ESSER dollars for addressing general appropriations and personal protective equipment during the pandemic loss have totaled approximately \$50 million and for emergency coordination and planning came to about \$30 million just in the first three rounds of supplemental funding. The schools in the state may be able to access some of the unspent residual of these funds alongside this appropriation to buy appropriate personal protective equipment.

PED gives further details about these federal funds as follows: “School districts and state-chartered charter schools received \$1.37 billion in federal funds to address the Covid-19 impacts on elementary and secondary schools... In 2020 and 2021, Congress passed three stimulus bills – Coronavirus Aid, Relief, and Economic Security (CARES) Act, Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act, and American Rescue Plan (ARP) Act – that provided nearly \$190.5 billion to the Elementary and Secondary School Emergency Relief (ESSER) Fund to provide local school districts and charter schools emergency relief funds to address COVID-19 impacts on elementary and secondary schools across the nation. States received funds based on the same proportion each state received under the Elementary and Secondary Education Act (ESEA) Title-IA. States are required to distribute at least 90 percent of funds to local educational agencies – school districts and state-chartered charter schools – based on their proportional share of ESEA Title I-A funds. States have the option to reserve 10 percent of the allocation for emergency needs as determined by state to address issues responding to the COVID-19 pandemic.”

ADMINISTRATIVE IMPLICATIONS

NMED indicates that it is the agency with jurisdiction over the environment within schools that may advance or retard the spread of the pandemic virus, and that it concurs with the use of and education about the use of personal protective equipment, both for the sake of the children and for teachers and other school employees.

RELATIONSHIP

Relates to Senate Bill 15, which is not specific to school children, but appropriates \$10 million to

buy KN95 masks for New Mexicans and to educate them on the use of those masks.

TECHNICAL ISSUES

DOH states that the more specific term “masks” should be preferred in this bill to the term “personal protective equipment,” which may encompass less effective methods.

LAC/al/acv