

<b>LFC Requester:</b>	<b>Sunny Liu</b>
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**AGENCY BILL ANALYSIS  
2019 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:**

**[LFC@NMLEGIS.GOV](mailto:LFC@NMLEGIS.GOV)**

*and*

**[DFA@STATE.NM.US](mailto:DFA@STATE.NM.US)**

*{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

*Check all that apply:*

**Original**     **Amendment**    \_\_\_\_\_    **Date** 1/17/19  
**Correction**    \_\_\_\_\_ **Substitute**    \_\_\_\_\_    **Bill No:** HB121

**Sponsor:** Rep. Patricia Roybal Caballero    **Agency Code:** 924  
**Short Title:** SOCIAL SERVICES AS BASIC SUFFICIENT EDUCATION    **Person Writing:** Daniel Manzano  
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY19	FY20		
NFI	NFI	Nonrecurring	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY19	FY20	FY21		
NFI	NFI	NFI	Nonrecurring	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

## **ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY19</b>	<b>FY20</b>	<b>FY21</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>	Unquantifiable	Unquantifiable	Unquantifiable	Unquantifiable	Recurring	General

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: None as of 1/17/19  
Duplicates/Relates to Appropriation in the General Appropriation Act: 1/17/19

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

House Bill 121 (HB121) enacts a new section of the Public School Code to require school districts and charter schools to develop annual social service plans to offer all students access to nursing, school counseling and behavioral health services that are culturally and linguistically relevant to their student populations. HB121 requires the school districts and charter schools to submit their annual social service plans to the Public Education Department (PED) by September 30<sup>th</sup> of each year. HB121 defines social services as nursing, school counseling and behavioral health.

HB121 requires the PED to promulgate rules on social services including policies and standards, and the submission, review and monitoring processes for the required plans. The PED would also be required to have professional staff with expertise in the area of social and emotional health and to provide technical assistance and support to the districts and charter schools in the development of their plans. The PED would need to monitor the districts to ensure they are dedicating funding for the required social services. The PED would also be required to include the estimated cost of providing the required social services in its annual budget request.

#### **FISCAL IMPLICATIONS**

The fiscal impact of HB121 is unquantifiable at this time. While it would require current PED staff to dedicate time to the promulgation of rules and develop processes for the submission, review and monitoring of social service plans, the PED may also need to employ additional FTE with the specified expertise described in HB121. The individual(s) with expertise in the social service areas would need to provide ongoing technical assistance to the districts and charter schools as well as dedicate time to review approximately 140 plans annually. The PED would either need to identify a Full-Time Equivalency (FTE) to conduct the review or identify a contractor for these services. As HB121 does not appropriate funding to the PED to support this work, a funding stream would need to be identified to support the requirements of this legislation.

HB121 would also financially impact the districts and charter schools. HB121 does not appropriate funding to local education agencies (LEAs), so the districts and charter schools would need to utilize existing funding to support their required social service plans. This may involve existing staff and/or the need to hire additional FTE (e.g., school nurses, counselors, social workers, psychologists, etc.) without additional funding from HB121.

#### **SIGNIFICANT ISSUES**

The Center for Disease Control and Prevention's (CDC), Whole School, Whole Community, Whole Child (WSCC) model promotes the concept of having school health services and

counseling, psychological and social services available to students. Current state rules and regulations support this as well. NMAC 6.29.1.11, subsection E. requires school districts and charter schools to provide “health education, physical education, health services, and school counseling.” Furthermore, additional programming addressed in NMAC 6.29.1.11 may include, “nutrition, staff wellness, family-school-community partnerships, healthy environment and psychological services.” In this regard, HB121 duplicates certain requirements already in place for districts and charter schools.

**Sources:** <https://www.cdc.gov/healthyyouth/wsc/model.htm>  
<http://164.64.110.134/parts/title06/06.029.0001.html>

HB121 would require extensive planning, preparation, training, reviewing, and monitoring by the PED in relation to the newly required social service plans. The PED would also be required to use the monitoring process created in response to HB121 to evaluate and ensure districts and charter schools are allocating adequate funding towards the social service plan requirements. It is important to note, This would require the involvement of the PED School Finance and Budget Analysis Bureau to ensure quality feedback to the districts in relation to fund allocation. Also, to ensure that plans are culturally and linguistically relevant (as indicated in HB121), it may be appropriate for the Language and Culture Bureau to provide feedback as well. HB121 would involve multiple areas of expertise, and multiple divisions of the PED, to collaborate on the review of approximately 140 (89 districts plus current state charters) social service plans each year. The coordination of this unfunded effort may be complex and time intensive.

HB121 states that social service plans must include “a description of the challenges the school district or charter school experiences in providing nursing, school counseling and behavioral health services” to their student population; however, it is unclear how these reported challenges will be addressed once reported to the PED. HB121 is also silent as to the consequences of non-compliance on the part of the districts and charter schools. It is unclear if the PED would have any authority or leverage for ensuring social service plan submission and implementation.

## **PERFORMANCE IMPLICATIONS**

None

## **ADMINISTRATIVE IMPLICATIONS**

HB121 has both short- and long-term administrative implications for the PED. In the short term, HB121 would require the current PED staff to promulgate rules which would involve researching appropriate and relevant policies and standards. HB121 would also require current staff to develop processes for the annual submission, review, and monitoring of the district and charter school social service plans. Due to the specific requirements regarding school budget and cultural and linguistic relevance, multiple PED bureaus would need to be involved in the rule drafting. Also, by August 1 of each year, HB121 requires that the PED to notify all districts that plans will be accepted until September 30.

Since LEAs are to submit their plans annually, the long term implications mirror some of the short term. Aside from the initial promulgation of rules, the technical assistance, multiple bureau collaboration, review of plans, and monitoring of plans would need to continue on an annual basis. Also, as HB121 requires “staff with expertise in the social and emotional health of students and in how to mitigate outside-of-school factors to ensure students have the opportunity to be college and career ready,” the PED may require additional FTE to meet this requirement and to provide appropriate training and technical assistance to LEAs during plan development and annual revision. Consultation with the School Budget and Finance Analysis Bureau, and the

Language and Culture Bureau, would be required to provide appropriate feedback to the LEAs on their social service plans.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None as of 1/17/19

**TECHNICAL ISSUES**

None

**OTHER SUBSTANTIVE ISSUES**

None

**ALTERNATIVES**

None

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

If not enacted, the PED would continue to require school programming as outlined in NMAC 6.29.1.11, Standards for Excellence.

**AMENDMENTS**

None