

<b>LFC Requester:</b>	<b>Liu</b>
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**AGENCY BILL ANALYSIS  
2021 REGULAR SESSION**

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

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

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*{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**      
**Correction**        **Substitute**   

**Date** 1/28/2021  
**Bill No:** SB31

**Sponsor:** Sen. Elizabeth "Liz" Stefanics  
**Short Title:** FULL TIME SCHOOL NURSE  
**Agency Name and Code:** Agency Name PED - 924  
**Number:** \_\_\_\_\_  
**Person Writing:** John Sena  
**Phone:** 505-570-7816    **Email:** John.Sena@state.nm.us

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY21	FY22		
N/A	N/A	N/A	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY21	FY22	FY23		
N/A	N/A	N/A	N/A	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

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

	<b>FY21</b>	<b>FY22</b>	<b>FY23</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: HB24, School District Full-Time Nurses; and HB32, Full-Time Nurse in Every School  
Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE**

**BILL SUMMARY**

Synopsis: Senate Bill 31 (SB31) creates a new section of the public school code to require each school district to employ a minimum of one full-time school nurse each school year, unless the Public Education Department (PED) grants a school district a waiver. SB31 allows PED to grant a waiver to a rural school district with fewer than a two hundred and fifty (250) student enrollment that is able to demonstrate it can effectively meet student health needs by hiring a part-time nurse or is not able to hire a qualified nurse or contract with a third party for a qualified nurse because of insufficient availability of qualified nurses in the school district’s geographic vicinity. If a rural school district is not able to hire a qualified nurse and pursues a waiver from PED, SB31 requires a school district to provide documentation to PED of the rural school district’s unsuccessful attempts to hire or contract with a school nurse.

SB31 requires PED to promulgate rules related rural school district waivers.

SB31 amends the Public School Finance Act to prohibit PED from approving a school district’s operating budget if the educational plan does not provide for employment of a full-time school nurse, unless a waiver has been granted.

The effective date of this bill is July 1, 2021.

**FISCAL IMPLICATIONS**

SB31 does not contain an appropriation.

Currently, there is no explicit funding for school nurses. School districts use a variety of funding sources to cover the cost of school nurse salaries. Without an appropriation, school districts without a full-time nurse would be forced to absorb the costs related to funding the provisions of SB31. In New Mexico, full-time nurses earn an average annual salary of \$47,213, excluding benefits. There are 18\* school districts without a full time nurse. Hiring full-time nurses for those school districts would cost an estimated \$849,834 (see Table 1 on the next page).

**Table 1 – Estimated Cost To Fund  
a Full-Time Nurse at Every School District Without a Full-Time Nurse**

	<b>Number of School Districts Without a Full-Time Nurse*</b>	<b>Annual Average Salary**</b>	<b>Estimated Cost</b>
<b>School Districts</b>	18	\$ 47,213.0	\$ 849,834.0
<b><i>Estimated Total Cost</i></b>			\$ 849,834.0

\* Based on 2018-2019 data from the Annual School Health Services Report

\*\*Excluding benefits

Past REC analysis of a similar bill notes that while having a full-time nurse in each school would be beneficial, school budgets would be negatively impacted without an appropriation.

Further, if an appropriation was made to employ full-time nurses, equity might demand that all school districts, not just those currently without a full-time nurse, receive funding. The estimated cost of funding a full-time nurse at all 89 school districts is \$4,201,957 (see Table 2 below).

**Table 2 – Estimated Cost To Fund a Full-Time Nurse at Every School District**

	<b>Number of School Districts</b>	<b>Annual Average Salary*</b>	<b>Estimated Cost</b>
<b>School Districts</b>	89	\$ 47,213.0	\$ 4,201,957.0

\*Excluding benefits

## **SIGNIFICANT ISSUES**

Due to a lack of registered nurses, particularly in rural areas, it is common for school districts to contract nursing services through Regional Education Cooperatives (RECs), sharing full-time school nurse positions with other small school districts. School districts employ supervised licensed practical nurses, health assistants, and contracted nurses in addition to – or in lieu of – registered nurses. According to the Annual School Health Services Report (ASHSR), a report developed by PED in collaboration with the New Mexico Department of Health (DOH), 18 of 88 school districts – approximately one out of five – had less than one full-time registered school nurse (only 88 of the 89 school districts submitted data for the ASHSR) during the 2019-2019 school year. Of the 18 school districts without a full-time nurse, four reported having no school nurse at all.

While the bill would apply only to school districts, it is worth noting charter schools face similar issues. To ensure all student’s health needs are met, the sponsor of the bill may wish to consider extending the bill’s provisions to include charter schools.

According to the ASHSR, during the 2018-2019 school year, 30 of 36 state-authorized charter schools reported having less than one full-time school nurse. Of the 30 charter schools without a full-time nurse, eight had no nurse at all. The estimated cost of funding a full-time nurse at all 52 state-authorized charter schools is \$2,455,076 (see Table 3 on the next page).

**Table 3 – Estimated Cost To Fund a Full-Time Nurse at Every State Chartered Charter School**

	<b>Number of State-Authorized Charter Schools</b>	<b>Annual Average Salary*</b>	<b>Estimated Cost</b>
<b>State Chartered Charter Schools</b>	52	\$ 47,213.0	\$ 2,455,076.0
<i>Estimated Total Cost</i>			\$ 2,455,076.0

\*Excluding benefits

According to the [2018-2019 Annual School Health Services Report](#), there were more than 1.9 million visits to school district health offices during the school year. The top three reasons for visits were acute illness, chronic conditions, and injuries. School nurses were responsible for 21,961 prescription medications for students in their school district. By providing health services, such as care for acute illness, chronic disease management, medication administration, and other services, during the school day, the school nurse supports students’ ability to return to class and have a greater opportunity to learn. According to the [2018-2019 Annual School Health Services Report](#), 91 percent of all students visiting the health office returned to class.

The bill does not address locally-chartered charter schools.

**PERFORMANCE IMPLICATIONS**

N/A

**ADMINISTRATIVE IMPLICATIONS**

SB31 requires PED to promulgate rules. SB31 would require PED to determine how a rural school district with fewer than 250 students could demonstrate it can effectively meet student health needs by hiring a part-time nurse.

A past analysis from DOH on a similar bill notes a collaboration between PED and DOH may benefit the rulemaking process to implement the provisions of SB31.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

SB31 is a duplicate of HB24, School District Full-Time Nurses; and similar to HB32, Full-Time Nurse in Every School.

**TECHNICAL ISSUES**

SB31 states a “‘a school nurse’ means a person who...is licensed by the department and the board of nursing as a school nurse.” The Board of Nursing does not designate nurses as “school nurses.”

**OTHER SUBSTANTIVE ISSUES**

According to data from the 2019-2020 school year, there are 57 school districts and state charter

schools with fewer than 250 enrolled students.

SB31 defines a “school nurse” as a person, authorized pursuant to the Nursing Practice Act, to practice as a professional registered nurse, is licensed by PED and the board of nursing as a school nurse, and provides services as a school nurse at a school.

While a ratio of one school nurse to 750 students has been recommended, the National Association of School Nurses notes a one-size-fits-all workload determination is inadequate to meet the complex health needs of students and school communities. The [National Association of School Nurses](#) states other factors that should be considered include the following:

- safety, medical acuity, and health needs of a student;
- characteristics and considerations of student or population, including social needs and the infrastructure that increased inequities in social determinants of health;
- characteristics and considerations of the school nurse and other inter-professional team members; and
- context and culture of the school or school district that influences nursing services delivered.

## **ALTERNATIVES**

N/A

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

N/A

## **AMENDMENTS**

N/A