

LFC Requester:

Liu

**AGENCY BILL ANALYSIS
2024 REGULAR SESSION**

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SECTION I: GENERAL INFORMATION

Check all that apply:

Original Amendment
Correction Substitute

Date 01/11/24

Bill No: [HB70](#)

Sponsor: Duncan/Vincent/Hernandez

Agency Name
and Code

Number: PED-924

Person Writing

Short Title: SCHOOL-BASED MENTAL
HEALTH COUNSELORS

Analysis: Denise Terrazas

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
N/A	\$38,000	Nonrecurring	GF

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
None	None	None	N/A	NFA

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	Undetermined	Undetermined	Undetermined	Undetermined	N/A	NFA

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Relates to Appropriation in the General Appropriation Act: None.

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: House Bill 70 (HB70) would appropriate \$38 million to the state equalization guarantee (SEG) to sponsor school-based mental health counselors in public schools.

The bill does not provide an effective date. Laws go into effect 90 days after the adjournment of the Legislature enacting them, unless a later date is specified. If enacted, this bill would become effective May 15, 2024.

FISCAL IMPLICATIONS

HB70 would appropriate \$38 million from the General Fund to the SEG distribution of the public school fund for expenditure in FY25 to provide school-based mental health counselors in public middle and high schools. Any unexpended or unencumbered balance remaining at the end of FY25 shall revert to the General Fund.

SIGNIFICANT ISSUES

As of 2023, 21 individuals have been licensed through the Public Education Department (PED) as behavioral health counselors. There is approximately 1 behavioral health counselor for 10 percent of any school's population – that is, in a school with a student enrollment of 500, 50 students have access to a behavioral health counselor.

Behavioral health counselors and other in-school providers such as school psychologists are trained to provide mental health services to students, but school counselors in New Mexico are not trained to provide these services. As of the 2022-2023 school year, there were 106.85 FTE categorized as school psychologists practicing in K-12 schools statewide.

In 2022, PED promulgated [6.63.18 NMAC, Licensure for Behavioral Health Counselors, PreK-12](#), which governs licensure in school behavioral health counseling in prekindergarten through 12th grade. In the rule, school behavioral health counselors are defined as licensed practitioners who are trained to provide mental health services as they relate to students' functioning and achievement in school. These counselors can practice full time within a school or school district.

According to [Mental Health America's 2023 youth data](#), New Mexico ranks 34 out of 51 states and the District of Columbia for prevalence of mental health issues and access to mental health services among children. States with greater access to mental health services rank higher on the list. Approximately 16 percent of children ages 12 to 17 nationwide reported suffering from at least one major depressive episode in the past year, compared with 19 percent of children in the same age group in New Mexico.

From 2018 to 2021, [99 children ages five to 17 died from suicide in New Mexico](#). New Mexico's youth suicide rate of 6.9 deaths per 100,000 residents was more than double the U.S.'s youth suicide rate of 3.2 deaths per 100,000 residents.

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

The Safe and Healthy Schools Bureau at PED currently offers professional development that is accessible to all behavioral health providers such as social workers, school psychologists, and behavioral health counselors. PED also collaborates with other state agencies and organizations, such as the Department of Health, to provide training and conferences, like the annual Head to Toe Conference.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

HB70 stipulates that any unexpended funds will revert to the general fund at the end of FY25. Although school districts and charter schools must meet mandates in the Public School Code, the use of funds in the SEG is discretionary for each entities' operating budget and their SEG allocations do not revert at the end of the fiscal year.

The term, "school-based mental health counsellors" is undefined in the bill and does not appear anywhere in the Public School Code or in Title 6 of the New Mexico Administrative Code, on primary and secondary education.

OTHER SUBSTANTIVE ISSUES

HB70 proposes a non-recurring appropriation to address student mental health in the public schools, a continuous issue. To provide fiscal support for only one year may require local school districts to use SEG or other operational funds to support the ongoing need for behavioral and mental health services in the public schools. Further, the bill makes no allowance for differences in student membership at the various included schools, potentially creating inequity among differently sized middle and high schools.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

None.

AMENDMENTS

The sponsor of the bill may wish to consider amending the appropriation to provide for "behavioral health counselors" as there is a licensure pathway for behavioral health counselors, but not for "school-based mental health counselors."

The sponsor may also wish to consider removing the reversion language from the appropriation,

as SEG funds do not revert. Alternatively, the sponsor may wish to consider changing the nature of the appropriation, so that it does not go into the SEG.