

1 AN ACT  
2 RELATING TO SCHOOL PERSONNEL; PROVIDING A TIERED SALARY  
3 SYSTEM FOR SCHOOL NURSES; PROVIDING MINIMUM SALARIES AT THE  
4 SAME RATE AS TEACHERS; CREATING A PROGRAM UNIT FOR NATIONAL  
5 BOARD CERTIFICATION OF CERTAIN REGISTERED NURSES.

6  
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

8 SECTION 1. Section 22-8-18 NMSA 1978 (being Laws 1974,  
9 Chapter 8, Section 8, as amended) is amended to read:

10 "22-8-18. PROGRAM COST CALCULATION--LOCAL  
11 RESPONSIBILITY.--

12 A. The total program units for the purpose of  
13 computing the program cost shall be calculated by multiplying  
14 the sum of the program units itemized as Paragraphs (1) and  
15 (2) in this subsection by the staffing cost multiplier and  
16 adding the program units itemized as Paragraphs (3) through  
17 (16) in this subsection. The itemized program units are as  
18 follows:

- 19 (1) early childhood education;  
20 (2) basic education;  
21 (3) special education, adjusted by  
22 subtracting the units derived from membership in class D  
23 special education programs in private, nonsectarian,  
24 nonprofit training centers;  
25 (4) bilingual multicultural education;

- (5) fine arts education;
- (6) elementary physical education;
- (7) size adjustment;
- (8) at-risk;
- (9) enrollment growth or new district adjustment;
- (10) special education units derived from membership in class D special education programs in private, nonsectarian, nonprofit training centers;
- (11) national board for professional teaching standards certification;
- (12) home school student;
- (13) home school student activities;
- (14) charter school student activities;
- (15) K-12 plus; and
- (16) national board for certification of school nurses certification.

B. The total program cost calculated as prescribed in Subsection A of this section includes the cost of early childhood, special, bilingual multicultural, fine arts and vocational education and other remedial or enrichment programs. It is the responsibility of the local school board or governing body of a charter school to determine its priorities in terms of the needs of the community served by that board. Except as otherwise provided in this section,

1 funds generated under the Public School Finance Act are  
2 discretionary to local school boards and governing bodies of  
3 charter schools; provided that the special program needs as  
4 enumerated in this section are met; and provided further that  
5 the department shall ensure that the local school board or  
6 governing body of a charter school is prioritizing resources  
7 for the public school toward proven programs and methods  
8 linked to improved student achievement."

9 SECTION 2. A new section of the Public School Finance  
10 Act is enacted to read:

11 "SCHOOL NURSES--CERTIFICATION BY NATIONAL BOARD FOR  
12 CERTIFICATION OF SCHOOL NURSES--PROGRAM UNITS.--The number of  
13 program units for licensed level two or level three school  
14 nurses who are registered nurses and who are certified by the  
15 national board for certification of school nurses is  
16 determined by multiplying by one and one-half the number of  
17 licensed school employees certified by the national board for  
18 certification of school nurses employed by the school  
19 district or charter school on or before the first reporting  
20 date of the school year and verified by the department.  
21 Department approval of these units shall be contingent on  
22 verification by the school district or charter school that  
23 these licensed school nurses hold certification by the  
24 national board for certification of school nurses and are  
25 receiving a one-time salary differential equal to or greater

1 than the amount generated by the units multiplied by the  
2 program unit value during the fiscal year in which the school  
3 district or charter school will receive these units."

4 SECTION 3. A new section of the School Personnel Act is  
5 enacted to read:

6 "SCHOOL NURSES--LEVEL ONE LICENSURE.--

7 A. A level one license is a provisional three-year  
8 license for beginning registered nurses who do not have at  
9 least three years of nursing experience satisfactory to the  
10 department prior to being licensed as a school nurse and that  
11 requires as a condition of licensure that the licensee  
12 undergo a formal mentorship program for at least one full  
13 school year and an annual intensive performance evaluation by  
14 a level three school nurse; provided that the department  
15 shall promulgate rules for mentorship and evaluation when a  
16 school district does not have a level three nurse. A  
17 registered nurse with at least three years of nursing  
18 experience satisfactory to the department is not required to  
19 serve as a level one school nurse.

20 B. Each school district, in accordance with  
21 department rules, shall provide for the mentorship and  
22 evaluation of level one school nurses. At the end of each  
23 year and at the end of the license period, the level one  
24 school nurse shall be evaluated for competency. If the  
25 school nurse fails to demonstrate satisfactory progress and

1 competence annually, the school nurse may be terminated as  
2 provided in Section 22-10A-24 NMSA 1978. If the school nurse  
3 has not demonstrated satisfactory progress and competence by  
4 the end of the three-year period, the school nurse shall not  
5 be granted a level two license.

6 C. Except in exigent circumstances defined by  
7 department rule, a level one license shall not be extended  
8 beyond the initial period.

9 D. The department shall issue a standard level one  
10 license to an applicant who is at least eighteen years of age  
11 who:

12 (1) holds an associate or baccalaureate  
13 degree in nursing from an accredited educational institution;

14 (2) is licensed by the board of nursing as a  
15 registered nurse; and

16 (3) meets other qualifications for level one  
17 licensure, including clearance of the required background  
18 check.

19 E. The department shall establish competencies and  
20 qualifications for level one licensure.

21 F. The minimum salary for a level one school nurse  
22 is the same as that for a level one teacher for a standard  
23 nine and one-half month contract.

24 G. After the issuance of a license, a license  
25 holder shall not be required to meet changed requirements to

1 maintain the license until such time as the license expires  
2 and the license holder seeks renewal of the license."

3 SECTION 4. A new section of the School Personnel Act is  
4 enacted to read:

5 "SCHOOL NURSES--LEVEL TWO LICENSURE.--

6 A. A level two license is a nine-year license  
7 granted to a school nurse who is a registered nurse who holds  
8 a level one license or has at least three years of registered  
9 nursing experience satisfactory to the department and who  
10 meets the qualifications for level two licensure and who  
11 annually demonstrates essential competency to nurse. If a  
12 level two school nurse does not demonstrate essential  
13 competency in a given school year, the school district shall  
14 provide the school nurse with additional professional  
15 development and mentorship during the following school year.  
16 If by the end of that school year the school nurse fails to  
17 demonstrate essential competency, a school district may  
18 choose not to contract with the school nurse.

19 B. The department shall issue a level two license  
20 to an applicant who has served successfully as a school nurse  
21 at level one or who has at least three years of registered  
22 nursing experience or is granted reciprocity as provided by  
23 department rules. An applicant for a level two license  
24 shall:

25 (1) demonstrate essential competency

1 required by the department as verified by the local  
2 superintendent through a highly objective uniform statewide  
3 standard of evaluation for school nurses; and

4 (2) meet other qualifications as required by  
5 the department.

6 C. The minimum salary for a level two school nurse  
7 is the same as that for a level two teacher for a standard  
8 nine and one-half month contract."

9 SECTION 5. A new section of the School Personnel Act is  
10 enacted to read:

11 "SCHOOL NURSES--LEVEL THREE LICENSURE.--

12 A. A level three license is a nine-year license  
13 granted to a school nurse who meets the qualifications for  
14 that level and who annually demonstrates nursing leadership  
15 competencies. If a level three school nurse does not  
16 demonstrate essential nursing leadership competency in a  
17 given school year, the school district shall provide the  
18 school nurse with additional professional development and  
19 mentorship during the following school year. If by the end  
20 of that school year the school nurse fails to demonstrate  
21 essential nursing leadership competency, a school district  
22 may choose not to contract with the school nurse.

23 B. The department shall grant a level three  
24 license to an applicant who:

25 (1) has been a level two school nurse for at HB 195/a  
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1 least three years;

2 (2) holds a post-baccalaureate degree or is  
3 certified by the national board for certification of school  
4 nurses;

5 (3) demonstrates nursing leadership  
6 competence as required by the department and verified by the  
7 local superintendent through a highly objective uniform  
8 statewide standard of evaluation; and

9 (4) meets other qualifications for the  
10 license.

11 C. The minimum salary for a level three school  
12 nurse is the same as that for a level three-A teacher for a  
13 standard nine and one-half month contract."

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