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HOUSE BILL 464

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,
2000**

INTRODUCED BY

Terry T. Marquardt

AN ACT

RELATING TO SCHOOL SAFETY; ENACTING THE SCHOOL SAFETY ACT;
CREATING A CENTER FOR SCHOOL SAFETY; PRESCRIBING POWERS AND
DUTIES; MAKING AN APPROPRIATION.

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

Section 1. A new section of the Public School Code is
enacted to read:

"[NEW MATERIAL] SHORT TITLE.--This act may be cited as
the "School Safety Act"."

Section 2. A new section of the Public School Code is
enacted to read:

"[NEW MATERIAL] LEGISLATIVE PURPOSE.--The purpose of the
School Safety Act is to create a center to coordinate state
and local resources to enlarge the capacities for research,
effective programming and program evaluation that lead to
success in addressing safety and discipline within the

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1 schools."

2 Section 3. A new section of the Public School Code is
3 enacted to read:

4 "[NEW MATERIAL] DEFINITIONS.--As used in the School
5 Safety Act:

6 A. "administrator" means the institution of higher
7 education that administers and operates the center;

8 B. "center" means the center for school safety;

9 C. "intervention services" means preventive,
10 developmental, corrective or supportive services or treatment
11 provided to a student who is at risk of school failure, who
12 is at risk of participation in violent behavior or juvenile
13 crime or who has been suspended or expelled from school; and

14 D. "school resource officer" means a law
15 enforcement officer who has been specially trained to work
16 with students at a school site."

17 Section 4. A new section of the Public School Code is
18 enacted to read:

19 "[NEW MATERIAL] CENTER--CREATED--ADMINISTRATOR--
20 DEPARTMENT OF EDUCATION--POWERS AND DUTIES.--

21 A. The "center for school safety" is created. The
22 department of education shall contract with one of the
23 state's four-year institutions of higher education to be
24 administrator. Selection of the administrator shall be by
25 requests for proposals.

B. The center may accept gifts, grants and
donations from public or private sources.

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C. The center shall:

- (1) conduct research and data analysis on school safety issues for the department of education and school districts;
- (2) serve as a clearinghouse for information and materials concerning school violence prevention and intervention services;
- (3) provide program development and implementation expertise and technical support to schools, law enforcement agencies and communities, including coordinating training for administrators, teachers, students, parents and other community representatives;
- (4) evaluate school safety programs in school districts to enable schools and communities to better address specific needs;
- (5) administer a grant program;
- (6) promote interagency efforts to address discipline and safety issues within communities throughout the state;
- (7) advise the state board on rules and policies pertaining to school safety; and
- (8) prepare an annual report on the status of school safety in New Mexico by July 1 of each year to the governor, the state board and the legislature.

D. The department of education shall:

- (1) develop a work plan and budget for the center;

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- 1 (2) provide general operating policies; and
2 (3) collaborate with the center in:
3 (a) developing recommendations and
4 statewide guidelines designed to improve the learning
5 environment and student achievement and to reduce the dropout
6 rate in the state's public schools;
7 (b) identifying successful strategies
8 that are used in New Mexico and other states to improve the
9 learning environment and to reduce the dropout rate; and
10 (c) providing technical assistance to
11 school districts that request assistance with dropout
12 prevention strategies."

13 Section 5. A new section of the Public School Code is
14 enacted to read:

15 "[NEW MATERIAL] DATA COLLECTION SYSTEM.--The center
16 shall establish and maintain a statewide data collection
17 system by which school districts shall report by sex, race
18 and grade level:

19 A. all incidents of violence and assault against
20 school employees or students;

21 B. all incidents of possession of guns or other
22 deadly weapons on school property or at school functions;

23 C. all incidents of possession or use of alcohol,
24 prescription drugs or controlled substances on school
25 property or at school functions;

D. all arrests of students, the charges and
whether civil damages were pursued by an injured party;

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- 1 E. the number of suspensions and expulsions; and
- 2 F. biennial and other assessment data."

3 Section 6. A new section of the Public School Code is
4 enacted to read:

5 "[NEW MATERIAL] GRANTS FOR INTERVENTION SERVICES--
6 APPLICATIONS--MODEL INTERAGENCY AGREEMENTS.--

7 A. Within available resources, the state board
8 shall award grants to school districts to improve school
9 safety and student discipline by providing alternative
10 education programs, school resource officers and intervention
11 services. Applications for grants shall be in a form
12 required by the center. The center shall receive and
13 evaluate grants based on criteria adopted by the state board
14 and make funding recommendations to the state board.

15 B. Grants for intervention services may include:

- 16 (1) screening to identify students at risk
17 for emotional disabilities and antisocial behavior;
- 18 (2) direct instruction in academic, social,
19 problem-solving and conflict-resolution skills;
- 20 (3) medical, psychological and counseling
21 services;
- 22 (4) family services;
- 23 (5) work and community service programs;
- 24 (6) collaborative programs between schools
25 and community civic and service organizations; and
- (7) other initiatives designed to increase
school safety.

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1 C. The center shall develop model interagency
2 agreements for use by school districts and other state and
3 local agencies and community organizations, including the
4 courts, children, youth and families department, department
5 of health, public health offices, mental health agencies, law
6 enforcement agencies, local youth programs, civic
7 organizations and other interested groups to share the costs
8 of providing intervention services."

9 Section 7. A new section of the Public School Code is
10 enacted to read:

11 "[NEW MATERIAL] BIENNIAL ASSESSMENTS--DISTRICT PLANS.--

12 A. Each biennium, each public school and each
13 school district shall assess their school safety programs and
14 student discipline and related procedures and report them to
15 the department of education and the center. The first
16 biennial assessment is due by March 15, 2001. After the
17 initial assessment, the department and the center may change
18 the date biennial assessments are due. The biennial
19 assessment is in addition to reports filed with the center
20 for its data collection system or for grant applications. A
21 grant shall not be awarded to a school district for a school
22 that has not filed with the school district a completed
23 current assessment.

24 B. The school biennial assessment shall include:

- 25 (1) reports of school incidents relating to
disruptive behaviors;
- (2) a description of the school's behavior

1 and discipline rules and an evaluation of whether the rules
2 are clearly understandable and whether there is appropriate
3 notice of the rules to students and parents;

4 (3) a description and assessment of the
5 school's hierarchy of responses to discipline problems and
6 actual disciplinary outcomes;

7 (4) training needs for instructional staff
8 in classroom management, student learning styles and other
9 specialized training to enhance the capacity of the staff to
10 engage students and minimize disruptive behavior;

11 (5) an assessment of the array of school
12 services to students at risk of academic failure, dropping
13 out or truancy;

14 (6) an assessment of the policies and
15 methods used by the school to engage parents at the earliest
16 stages of problem behavior;

17 (7) training needs of students in anger
18 reduction, conflict resolution, peer mediation and other
19 necessary skills;

20 (8) training needs of parents;

21 (9) an assessment of the school's physical
22 environment and whether it promotes or reduces student
23 problem behavior and violence;

24 (10) an evaluation of the effectiveness of
25 programs funded through grants from the center;

(11) a description and evaluation of the
effectiveness of interagency agreements entered into by the

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1 school district or the public school and other agencies; and
2 (12) other data required by the center or
3 deemed relevant by the school administration.

4 C. The district biennial report shall include an
5 assessment of the district's data, resources, policies and
6 procedures and district-wide needs as identified from
7 individual school assessments. The district shall seek the
8 participation of parents and state, local and community
9 agencies, including law enforcement and the courts, in the
10 assessment process.

11 D. As a result of the district assessment of data,
12 resources, policies and procedures and needs, each local
13 school board shall adopt a plan for immediate and long-term
14 strategies to address school safety and discipline. The
15 development of the plan shall involve at least one
16 representative from each school in the district as well as
17 representatives from the community. The process of planning
18 shall be determined locally. The school district plan shall
19 be filed with the center.

20 E. The school district plan shall be used as the
21 basis for any request for grants. The district plan shall
22 include a description of instructional placement options for
23 students displaying menacing or violent behavior."

24 Section 8. A new section of the Public School Code is
25 enacted to read:

"[NEW MATERIAL] CHILDREN'S COURT--REPORTS.--

A. The children's court shall notify the resident

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1 school district of a child who is under the jurisdiction of
2 the children's court and who has committed a violation that
3 if committed by an adult would constitute a felony pursuant
4 to Section 32A-2-20 NMSA 1978.

5 B. The school district shall release the
6 information provided by the children's court to the child's
7 principal and teachers and may release the information to
8 other school personnel as needed. The school district and
9 school personnel shall not release the information to any
10 other person except as required by law. The notification
11 shall not become part of the child's student record."

12 Section 9. APPROPRIATION.--Two hundred fifty thousand
13 dollars (\$250,000) is appropriated from the general fund to
14 the state department of public education for expenditure in
15 fiscal year 2001 to carry out the provisions of the School
16 Safety Act. Any unexpended or unencumbered balance remaining
17 at the end of fiscal year 2001 shall revert to the general
18 fund.