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FISCAL IMPACT REPORT

ORIGINAL DATE 02/26/13
 LAST UPDATED 03/07/13 HB _____

SPONSOR Ortiz y Pino

SHORT TITLE School Discipline Policy Requirements SB 528/aSEC

ANALYST Roberts

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		Indeterminate	Indeterminate	Indeterminate	Recurring	School District & Charter School Operating Budgets

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Health (DOH)

Public Education Department (PED)

SUMMARY

Synopsis of SEC Amendment

The Senate Education Committee amendment to Senate Bill 528 includes adding a new subsection at the end of the bill which reads:

“I. Nothing in this section shall be construed as prohibiting a school employee from reporting to law enforcement an alleged crime inflicted by a student upon a school employee. Schools, school districts and the department shall not discipline, discharge or in any manner retaliate against a school employee who reports to law enforcement an alleged crime inflicted by a student upon a school employee.”

Synopsis of Original Bill

Senate Bill 528 (SB 528) amends Section 22-5-.4.3 of the Public school Code, the School Discipline Policy, to separate school discipline policy requirements from the requirements for student self-administration of certain medications, and adds substantial new material to the discipline policy requirements.

The new provisions for the discipline policy requirements are as follows:

- Addition of behavior intervention measures such as counseling or mentoring;
- Alternatives to long-term suspension;
- Not requiring reporting of petty acts of misconduct and misdemeanors to law enforcement agencies;
- Requires disciplinary actions be taken on a case-by-case basis;
- Requires each school district and charter school to submit a report to the Public Education Department (PED) that includes number of arrests; citations; referrals to the Children, Youth and Families Department (CYFD); with alleged offenses categorized by age, race, gender, and if applicable special education eligibility category;
- Requires the PED review the collected information and provide the Legislative Education Study Committee (LESC) with a report analyzing impact on students;
- Requires that school boards and governing bodies enter into agreements with the local sheriff, police, and juvenile justice division of the CYFD, and file the agreements with the PED;
- Requires that school resource officers complete police academy basic training on the federal Individuals with Disabilities Education Act (IDEA), among other things;
- Includes a specific, formal complaint process available to children who have been referred to or taken into custody by the CYFD or the law; and
- Requires that school districts to specify when incidents must be reported to law enforcement or the CYFD.

FISCAL IMPLICATIONS

The PED expects to incur significant costs associated with collecting and reporting the data as required in the bill. A new data system may be required and additional staff hired to ensure that the data collection and reporting requirements are met. The PED reports this will be burdensome on the agency.

Districts will also incur significant staff and legal time to rewrite all discipline policies as this bill lays out an entirely different process for developing discipline policies. It is anticipated that school districts would assume significant costs related to the training of school resource officers particularly in sending these officer to the State Police Training Academy. Total costs for local school districts are indeterminate.

The PED notes that districts have notified the Legislative Finance Committee, the LESC and the PED that they believe reporting requirements are already burdensome. While the PED has taken steps to reduce the number of reports required this bill will greatly increase the amount of time and staff that will be required to meet the provisions of this bill.

SIGNIFICANT ISSUES

The Department of Health notes that separating school discipline policy from self-administration of medication policy is in alignment with both state statute and national recommendations from the American Academy of Pediatrics and the National Association of School Nurses.

The PED further notes:

Each school district and charter school will be required to enter into an agreement with its local sheriff's office, police department and juvenile justice division of the CYFD. Each district would be required to determine what constitutes petty acts of misconduct and misdemeanor and what infractions will be reported and not reported. This bill would require additional reporting by school districts and charters.

The provisions on page 5, lines 12-13 of not requiring school districts or charter schools to report petty acts of misconduct and misdemeanors to law enforcement could potentially increase the risk of repeated and escalating violent behavior by students if they knew that law enforcement may not be called. This provision has the potential for putting faculty, staff and student at risk of being injured. Currently the School District Wellness Policy (6.12.6 NMAC) requires school districts and charter schools to submit a Safe School Plan that is inclusive of discipline policies. This rule would also need to be modified to meet the requirements of SB 528.

PERFORMANCE IMPLICATIONS

The PED notes that SB 528 may support the Department's strategic lever ensuring that students are ready for success by providing a safe, inviting, and caring learning environment.

ADMINISTRATIVE IMPLICATIONS

SB 528 requires that each district/charter submit a report to the PED that includes number of arrests, citations, referrals to the CYFD, alleged offenses categorized by age, race, gender, and if applicable, special education eligibility category. Some of this data is currently reported to the PED.

OTHER SUBSTANTIVE ISSUES

The PED notes that SB 528 could substantially change the way that districts and charters manage discipline issues. The bill does not allow for a phase-in timeframe that would allow districts, charters, the New Mexico Corrections Department, the CYFD, and the PED to prepare.

QUESTIONS

- 1) How will the PED and LESC use the information reported by school districts?

MIR/blm:svb