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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
53rd Legislature, 1st Session, 2017

Bill Number	<u>HB500</u>	Sponsor	<u>Chasey</u>
Tracking Number	<u>.206734.1SA</u>	Committee Referrals	<u>HEC/HAFC</u>
Short Title	<u>School Employee Abuse Training Requirements</u>		
Analyst	<u>Bedeaux</u>	Original Date	<u>2/21/17</u>
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BILL SUMMARY

Synopsis of Bill

House Bill 500 (HB500) amends the public school code to require school personnel to complete training on reporting child abuse and neglect through an eight-hour “day-of-safety” training course. The Public Education Department (PED) would be responsible for developing the day-of-safety course in conjunction with appropriate staff in school districts, the Human Services Department; the Department of Health (DOH); the Children, Youth and Families Department (CYFD); and the Office of the Attorney General. PED would be responsible for making the course available to every school district and charter school.

School districts and charter schools would be responsible for adopting policies for coordinating and tracking child abuse and neglect reports, clarifying that reports can be made directly to law enforcement or state officials, and prohibiting policies that relieve personnel of their duty to report abuse or neglect. Additionally, the bill defines child abuse and neglect as actions that constitute “abandonment” or cause children to be “abused” or “neglected” pursuant the Abuse and Neglect Act (Section 32A-4-2 NMSA 1978).

HB500 appropriates \$100 thousand for the development of the day-of-safety training course.

FISCAL IMPACT

HB500 appropriates \$100 thousand from the general fund to PED for expenditure in FY18 and FY19. Any unexpended or unencumbered balance remaining at the end of FY19 shall revert to the general fund.

SUBSTANTIVE ISSUES

In FY16, CYFD received 44,620 allegations of abuse and neglect statewide. Of those, 11,141 (25 percent) were substantiated upon investigation. Allegations of physical neglect made up 69 percent of allegations, followed by physical abuse at 29 percent and sexual abuse at 2 percent.

Overall, the number of allegations of all types of abuse is greater than it was in FY10, but allegations were fewer in FY16 than in FY15.

The Public School Code (22-10A-32 NMSA 1978) currently requires all licensed school employees to complete training in the detection and reporting of child abuse and neglect, including sexual abuse and assault, and substance abuse. In 2014, the Legislature passed and the Governor signed HB92, which amended this section to include specific reference to sexual abuse and assault. Statute also requires PED to develop a training program and include necessary training staff. The website for the department's Coordinated School Health and Wellness Bureau offers a link to an online certification course.

A collaboration between DOH, PED, Innovative Digital Education and Learning (IDEAL) New Mexico, and New Mexico State University (NMSU), yielded an online tool for training educational personnel in child abuse reporting. The tool features interactive modules to educate personnel on the duty to report abuse and neglect, the warning signs of different types of abuse, and directions on how to make a report. The training tool is free and available online to anybody, takes about an hour to complete, and includes a printable certificate that is awarded upon completion.

Under HB500, school districts and charter schools would have a new responsibility to coordinate and track child abuse and neglect reports. Currently, schools are not expected to track reports of abuse. Reports are made by individuals and handled on a case-by-case basis by CYFD or law enforcement. It is unclear whether the new bill would require public schools to monitor reports at CYFD as they make their way through the system, or whether schools would be required to create their own system of reporting with a designated "coordinator" who would pass the report along to CYFD or law enforcement.

An analysis by the Office of the Attorney General notes that HB500 may remove some of the anonymity from prospective reporters, which could dissuade school personnel from reporting. Anonymity is a key protection of the Abuse and Neglect Act that allows personnel to report abuse without fear of reprisal. Additionally, personnel who do not remain anonymous may accumulate a track record of reports, which, based on how often the reports are substantiated, can be used to discredit them in court. The Office of the Attorney General suggests that language in this section be amended to indicate that reporting personnel may remain anonymous within the school-based tracking system.

ADMINISTRATIVE IMPLICATIONS

PED would be responsible for developing an eight-hour training to be offered by school districts and charter schools. The department would coordinate with the other named agencies, develop an evidence-based curriculum, and make the curriculum available to the deans of every college of education in New Mexico. PED indicated the appropriation in HB500 would be sufficient to fund these efforts.

CYFD or other relevant authorities may experience an influx of reports of abuse and neglect that would need to be processed and investigated.

School districts and charter schools would be responsible for creating a new procedure for internal monitoring of abuse and neglect report.

TECHNICAL ISSUES

On page 2 of the bill, Subparagraphs (1) and (2) appear to be contradictory, depending on what is considered a “process for internal coordination and tracking of child abuse and neglect reports.” If a school establishes a system that requires “coordination” of reports, that coordination would almost certainly require school personnel to report to the school’s “internal chain of command” in some way. It is difficult to foresee how schools would comply with this section of the bill.

ALTERNATIVES

The Office of the Attorney General offers child abuse and neglect trainings around the state. An alternative to HB500 would be making greater use of these trainings in conjunction with the currently-offered online course.

POSSIBLE QUESTIONS

Does “coordination and tracking of child abuse and neglect reports” mean that school personnel need to submit reports to a coordinator who will pass the information on to the proper authority?

Does “coordination and tracking” mean tracking the progress of reports through CYFD or law enforcement systems?

Does “coordination and tracking” require school personnel to make a report through an internal chain of command, even though under current law personnel may contact authorities directly?

How will a school “coordinate and track” reports made anonymously?

RELATED BILLS

Related to HB255, Abuse & Neglect Family Support Program, which would allow the use of a family support program in lieu of an investigation for some allegations of abuse and neglect, but would still require investigation of sexual abuse and other serious allegations.

Related to *SB91, Childhood Sexual Abuse Damage Limits, which removes the statute of limitations on commencement of proceedings for childhood sexual abuse.

Related to SB397, School Protections for Certain Students, which would require school districts and charter schools to identify students in need of accommodation, including victims of sexual abuse, and develop a plan for supporting those students.

Similar to SB406, Education Dept. Sexual Assault Reporting, in part, which appropriates \$100 thousand to PED to train school personnel specifically in the reporting of sexual assault. The bill does not include specifications for a new training program.

SOURCES OF INFORMATION

- LESC Files
- PED
- CYFD

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