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

Bill Number	<u>SB406/aSEC</u>	Sponsor	<u>Stewart</u>
Tracking Number	<u>.205659.1</u>	Committee Referrals	<u>SEC/SFC</u>
Short Title	<u>Education Dept. Sexual Assault Reporting</u>		
Analyst	<u>Bedeaux</u>	Original Date	<u>2/16/17</u>
		Last Updated	<u>2/21/17</u>

BILL SUMMARY

Synopsis of SEC Amendment

The Senate Education Committee amendment to Senate Bill 406 (SB406/aSEC) removes language requiring reporting of sexual assault specifically to the Children, Youth and Families Department (CYFD).

Synopsis of Original Bill

SB406 appropriates \$100 thousand from the general fund to the Public Education Department (PED) for the purpose of training public school administrators on reporting allegations of sexual assault to CYFD.

FISCAL IMPACT

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

SUBSTANTIVE ISSUES

In FY16, CYFD received 940 reports of sexual abuse statewide. Of those, 184 (19.6 percent) were substantiated upon investigation. Sexual abuse allegations represent 2 percent of the total allegations received by CYFD, while physical neglect totaled 69 percent and physical abuse totaled 29 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 program to train personnel in abuse and

neglect and provide necessary training staff. The website for the department's Coordinated School Health and Wellness Bureau offers a link to an online training and certification course.

A collaboration between the Department of Health (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, 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.

The allocation in SB406/aSEC could serve to update the tool to include warning signs of sexual assault. Currently, the course includes warning signs of sexual abuse, but does not make specific reference to sexual assault. Performing these updates to the course would align it with the specific references in statute. It is unclear whether the allocation is meant to update the course or to offer additional training options.

The SEC amendment to SB406 removed the requirement that reports of sexual assault be made to CYFD. The committee expressed in emergency situations it may be more appropriate to report directly to law enforcement. The training provided for in SB406/aSEC should reflect the need of school personnel to use their discretion when filing reports of abuse and neglect.

ADMINISTRATIVE IMPLICATIONS

PED would remain responsible for making the training available to school districts and charter schools. SB406/aSEC should not significantly alter current PED practice.

CYFD may experience an influx of reports of sexual assault that would need to be processed and investigated.

ALTERNATIVES

HB500 allocates the same amount of money as SB406/aSEC for a similar purpose. HB500 would also amend sections of law regarding the training of school personnel in abuse and neglect. HB500 would require training to be an eight-hour "day-of-safety" training course. Under this course, PED could develop a curriculum with a greater attention to sexual assault, fulfilling specific purpose of SB406/aSEC. PED expressed that \$100 thousand would sufficiently cover the costs of developing and distributing an eight-hour curriculum.

RELATED BILLS

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.

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.

Similar to HB500, School Employee Abuse Training Requirements, which allocates \$100 thousand to PED for the creation of an eight-hour “day-of-safety” training course to train school personnel in reporting all types of abuse and neglect.

SOURCES OF INFORMATION

- LESC Files
- PED
- CYFD

TCB/th/rab