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FISCAL IMPACT REPORT

SPONSOR Soules ORIGINAL DATE 1/25/19
LAST UPDATED 3/4/19 HB _____

SHORT TITLE Safe Schools for All Students Act SB 288

ANALYST Eckberg

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		See Fiscal Implications				

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Children, Youth and Families Department (CYFD)

Department of Health (DOH)

Homeland Security and Emergency Management Department (HSEMD)

Human Services Department (HSD)

Public Education Department (PED)

Regional Education Cooperatives (REC)

SUMMARY

Synopsis of Bill

Senate Bill 115 creates the Safe Schools for All Students Act (SSASA) within the Public School Code. The bill requires the Public Education Department (PED) to develop and promulgate rules for a model policy for local school boards on bullying prevention.

The SSASA would require local school boards to adopt and enforce bullying prevention policies by January 1, 2020 and establish an annual bullying prevention program for students, to be included in New Mexico's health education content standards with benchmarks and performance standards.

The SSASA also requires PED to issue guidance for bullying prevention programs and policies in accordance with the Act.

FISCAL IMPLICATIONS

This bill does not contain an appropriation. Under the bill, school boards may incur additional costs to meet the requirements of the bill to develop bullying prevention policies and procedures and to identify an administrator to oversee the adopted policies and procedures. SB 288 also requires local school boards to have a bullying prevention policies and procedures for reporting bullying in student handbooks using developmentally and culturally appropriate language. The policies are required to be disseminated in appropriate languages. The fiscal impacts of these requirements could be significant but are undetermined.

PED notes the provisions contained in SB288 are complicated, and will require fiscal and human resources to implement. PED further notes the timeline implementation may be unmanageable and consideration should be given to a one-year delay to ensure fidelity in implementation.

SIGNIFICANT ISSUES

SB 288 repeals Section 22-2-21 NMSA 1978 of the Public School Code and replaces it with the SSASA. The new act expands the definition of bullying and the duties of both school boards and PED. SB 288 requires local school boards to approve developmentally and culturally appropriate bullying prevention policies and included in student handbooks. Each public school is required to maintain documented reports of bullying for up to four years and to establish procedures for annually reporting aggregate incidents to the PED. Public schools are also required to provide a program for students, aligned with New Mexico's health education content standards with benchmarks and performance standards and to provide appropriate training to all school staff and volunteers in bullying prevention.

PED is required to give guidance on bullying prevention programs and policies and to review and respond to each district and charter school on approval of submitted. PED would also be responsible to develop and disseminate rules for a model policy on bullying prevention to school boards and to provide guidance on progressive discipline within 120 days of the adoption of the act.

ADMINISTRATIVE IMPLICATIONS

PED notes there are short-term and ongoing implications of SB288. Within 120 days of the effective date of the Act, PED would be required to revise NMAC 6.12.7, Bullying Prevention, to reflect the changes as outlined in the SSASA which includes all aspects of rulemaking.

Additionally, the PED would need to make changes to the policy section requirements of the recently revised Planning for Safe Schools in New Mexico: School Guide (fall, 2018) to reflect changes in the bullying prevention component of the required school site-specific Safe Schools Plan submissions and communicate these changes to school districts and charter schools. PED would also need to revise its three-year timetable of Safe School Plan submissions to review the bullying sections of the approximately 600 Safe School Plans that are being assessed during the 2019-2020 and 2020-2021 school years.

OTHER SUBSTANTIVE ISSUES

PED notes data from the 2017 Youth Risk and Resiliency Survey (YRRS), indicate 18.7 percent of students in grades 9-12 report being bullied in the last 12 months on school property, and 14 percent report being bullied electronically. PED further notes SSASA addresses the needs of lesbian, gay, bisexual, and transgender (LGBT) youth who are disproportionately impacted by bullying and harassment within the school setting. The 2017 YRRS data indicate compared to their peers who identified as straight, LGBT youth were 70 percent more likely to be bullied at school, and more than two times as likely to be electronically bullied. Gender non-conforming students have even greater rates of bullying, being 89 percent more likely than cisgender students to experience bullying at school.

Studies have shown that bullied adolescents miss more school, show signs of poor school achievement, and report greater levels of anxiety and depression than their non-victimized peers. Studies have linked bullying to suicidal ideation (van der Wal, de Wit, & Hirasing, 2003), while showing a strong relationship between frequency of bullying episodes and risk of suicidal ideation and suicide attempts (Klomek, Marrocco, Kleinman, Schonfeld, & Gould, 2007). From: Impacts of Traditional Bullying and Cyberbullying on the Mental Health of Middle School and High School Students, Psychology in the Schools, May 22, 2015 <http://onlinelibrary.wiley.com/doi/10.1002/pits.21841/full>

DOH notes the following:

In New Mexico, in 2015, more than one-fourth (26.5 percent) of students reported having been in a physical fight within the past year. Additionally, 9.5 percent of students reported being in a physical fight on school property (the fourth highest rate out of 32 states reporting this data) and 18.7 percent reported being bullied on school property within the last year. Similarly, 14.0 percent said they were electronically bullied. New Mexico currently ranks first out of 36 states for students reporting they skipped school because of safety concerns in the past 30 days. In 2017, 11.8 percent of students reported skipping school for this reason, which is more than a 50 percent increase from the 7.8 percent that reported the same in 2015 [NM Youth Risk & Resilience Survey (NM YRRS), <http://youthrisk.org/tables/#/2017/>].

The CDC reports that bullying has serious and lasting negative effects on the mental health and overall well-being of youth involved in bullying in any way including: youth who bully others, those who are bullied, and youth who both bully others and are bullied by others. Youth who have observed but not participated in bullying behavior report significantly more feelings of helplessness and less sense of connectedness and support from responsible adults (parents/schools) than youth who have not witnessed bullying behavior (<https://www.cdc.gov/violenceprevention/pdf/bullying-suicide-translation-final-a.pdf>).

A recent, comprehensive analysis found strong associations between being a victim of bullying and mental health problems such as depression, anxiety, poor general health, and suicidal ideation and behaviors <https://www.ncbi.nlm.nih.gov/pubmed/28401049>). Victims of bullying are also more likely to miss school and experience poor academic achievement.

The 2017 NM YRRS shows that students who were bullied were more likely to engage in

non-suicidal self-injury (NSSI) and suicidal behaviors (Data from Injury and Behavioral Epidemiology Bureau, Behavioral Health Survey Section). Those who were bullied on school property were more likely than those who were not to experience or engage in:

- Non-suicidal self-injury – 39.6% vs. 15.7%
- Sadness or hopelessness – 58.0% vs. 30.7%
- Seriously considered suicide – 36.1% vs. 13.6%
- Made a suicide plan – 31.4% vs. 11.8%
- Attempted suicide – 22.3% vs. 7.0%

Those who were electronically bullied were more likely to experience or engage in:

- Non-suicidal self-injury – 45.2% vs. 16.1%
- Sadness or hopelessness – 63.5% vs. 31.3%
- Seriously considered suicide – 40.9% vs. 14.0%
- Made a suicide plan – 37.3% vs. 11.9%
- Attempted suicide – 24.2% vs. 7.5%

Case reviews conducted as part of the New Mexico Department of Health's (NMDOH's) Child Fatality Review (CFR) revealed that in most youth suicide deaths that involved an element of bullying, the bullying was severe and prolonged. Almost all incidents of bullying were discovered not through school records, but through social media or interviews with family members and/or friends of the decedent.

In 2018, a published review and analysis of over 100 evaluations of school bullying intervention programs found that they reduce school bullying perpetration by about 20% and victimization by about 16% (<https://www.sciencedirect.com/science/article/pii/S1359178918300727>). The provisions of SB288 have the potential to increase awareness of bullying among students and staff and reduce bullying among youth in the educational setting.

The US Department of Education recommends that state laws reflect a high level of commitment to quality improvement, accountability, and transparency regarding bullying prevention (<https://www.stopbullying.gov/laws/key-components/index.html>):

- District policies and program development should be reviewed every 2-3 years;
- Data regarding bullying incidence and responsive actions should be publicly available in summary form, with appropriate privacy protections.

ALTERNATIVES

HSEMD proposes the addition of a requirement to report all instances where student actions may serve as potential indicators of violence or future violence to the state fusion center which serves as the “clearing house” for school threats within 24 hours. This reporting requirement will significantly facilitate situational awareness and support to school districts with confirmed/suspected issues of school violence; recognizing that this information will be managed and protected under FERPA disclosure and held in compliance with federal law.