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SENATE BILL 248

**55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

INTRODUCED BY

Steven P. Neville

AN ACT

RELATING TO PUBLIC SCHOOLS; REQUIRING THE DEVELOPMENT AND IMPLEMENTATION OF A STATEWIDE, SCHOOL-SPECIFIC ANONYMOUS REPORTING PROGRAM TO REPORT HARMFUL ACTIVITY THAT HAS OCCURRED, IS OCCURRING OR MAY OCCUR IN A PUBLIC SCHOOL OR THAT INVOLVES A SCHOOL EMPLOYEE OR STUDENT.

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] ANONYMOUS REPORTING PROGRAM--REPORTING DANGEROUS OR OTHER HARMFUL ACTIVITIES--DATABASE--HOTLINE, CRISIS CENTERS, WEBSITES AND PHONE APPLICATIONS.--

A. As used in this section:

(1) "evidence-based" means a program or practice that:

1 (a) demonstrates a statistically  
2 significant effect on relevant outcomes based on: 1) strong  
3 evidence from not less than one well-designed and well-  
4 implemented experimental study; 2) moderate evidence from not  
5 less than one well-designed and well-implemented quasi-  
6 experimental study; or 3) promising evidence from not less than  
7 one well-designed and well-implemented correlational study with  
8 statistical controls for selection bias; or

9 (b) demonstrates a rationale based on  
10 high-quality research findings or positive evaluation that such  
11 program or practice is likely to improve relevant outcomes and  
12 includes ongoing efforts to examine the effects of the program  
13 or practice;

14 (2) "harmful activity" means any dangerous,  
15 violent, threatening or otherwise harmful activity that has  
16 occurred, is occurring or may occur at a public school or other  
17 school property or when such activity involves a school  
18 employee or a student; and

19 (3) "program" means the anonymous reporting  
20 program.

21 B. The department shall, in collaboration with  
22 local law enforcement, school districts, charter schools and  
23 other agencies, make available to all public schools a  
24 statewide "anonymous reporting program", which enables a  
25 student to report harmful activity anonymously. Other state

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1 agencies shall cooperate with the department as needed to  
2 develop and implement the program. The department may contract  
3 for any part or all of the development and implementation of  
4 the program for which the department is responsible. The  
5 department shall promulgate rules to carry out the provisions  
6 of this section.

7 C. Every school district and charter school shall  
8 implement the program in every public school under its  
9 authority as soon as practicable after the department  
10 establishes the program, but no later than thirty-six months  
11 after the program is operational. Every public school shall  
12 include training for students and program users each year.  
13 Each public school shall have one or more school-based teams  
14 made up of at least one school staff member who shall serve as  
15 the primary point of contact to receive notice of any report  
16 submitted to the program concerning that public school, its  
17 school personnel or any of its students. The school districts  
18 and charter schools, in conjunction with the department, shall  
19 develop procedures for the proper handling of anonymous  
20 reports. Team members shall be trained and certified as  
21 required by department rule.

22 D. The department shall, within twelve months of  
23 the effective date of this section, develop a state searchable  
24 database for all reports received through the anonymous  
25 reporting program that provides disaggregated data of the kind

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1 required for school district, charter school and department  
2 annual reports. The database shall include a resource portal  
3 that contains current names of points of contact within each  
4 local law enforcement dispatch, a primary contact within each  
5 public school who is responsible for managing the school-based  
6 team, hotline and multilingual crisis center contact numbers,  
7 public school website addresses and other information deemed  
8 necessary by the department.

9 E. The program shall include the operation of a  
10 hotline, one or more multilingual crisis centers, a website and  
11 a mobile phone application that allows students to report  
12 harmful activity.

13 F. Program hotlines and crisis centers shall be  
14 staffed by persons with evidence-based counseling and crisis  
15 intervention training.

16 G. The program shall meet the following  
17 requirements:

18 (1) support anonymous reporting twenty-four  
19 hours a day, seven days a week;

20 (2) forward reported harmful activity  
21 information promptly to the primary point of contact or other  
22 appropriate person at the public school, to certain other  
23 persons as determined by the department and, when applicable,  
24 to local law enforcement dispatch and other appropriate law  
25 enforcement agencies;

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1 (3) support a coordinated response by public  
2 schools and, when necessary, law enforcement agencies;

3 (4) require and certify the training of law  
4 enforcement in each local dispatch to receive notice of any  
5 report submitted to the program that requires law enforcement  
6 response;

7 (5) be in compliance with the federal Family  
8 Educational Rights and Privacy Act of 1974 and relevant state  
9 laws;

10 (6) promote public awareness and education  
11 about the program and its reporting methods, prior to launching  
12 the program;

13 (7) implement an evidence-based student  
14 violence prevention training that teaches students how to  
15 identify observable warning signs and signals of a person who  
16 may be at risk of harming self or others, the importance of  
17 taking threats seriously and seeking help and how to report a  
18 threat using the program; and

19 (8) other requirements determined by the  
20 department to make the program user-friendly, responsive,  
21 proactive and effective.

22 H. In the first year in which the program is  
23 implemented, the department shall require all school districts  
24 and charter schools to submit a report containing the total  
25 number of disciplinary actions in the previous twelve months,

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1 disaggregated by public school; type of disciplinary action;  
2 and the gender, age and race of the student subject to the  
3 disciplinary action.

4 I. Each year following implementation of the  
5 program, the department shall require all school districts and  
6 charter schools to submit annual reports reflecting the total  
7 number of anonymous tips received by the school district or  
8 charter school and shall include the total number of responses  
9 to incoming reports, disaggregated by:

10 (1) disciplinary actions by type;

11 (2) nondisciplinary actions and  
12 interventions; and

13 (3) the gender, age and race of students  
14 subject to disciplinary action, non-disciplinary action or  
15 intervention.

16 J. The department shall prepare an annual report to  
17 the governor and the legislature that includes:

18 (1) information from school district and  
19 charter school reports;

20 (2) the total number of reports received for  
21 the previous school year, by public school; and

22 (3) the total number of reports received since  
23 the program began, disaggregated by public school, and for each  
24 public school, the following:

25 (a) reports by type;

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1 (b) the methods by which reports were  
2 received;

3 (c) the total number of false reports  
4 received; and

5 (d) any other information the department  
6 deems appropriate.

7 K. If a report filed with the program involved a  
8 student and it is determined to be a false report, information  
9 about the student subject of the false report shall be  
10 immediately removed from the student's school record and any  
11 law enforcement record of the incident.

12 L. To offset costs associated with the development  
13 and implementation of the program, the department shall apply  
14 for federal and private grants and may accept gifts and  
15 donations to the program."