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FISCAL IMPACT REPORT

ORIGINAL DATE 02/11/13
LAST UPDATED 03/11/13 **HB** 54/aSEC

SPONSOR Stapleton

SHORT TITLE School Board Cyberbullying Prevention **SB** _____

ANALYST Roberts

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI	NFI	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Information Technology (DoIT)
 Administrative Office of the Courts (AOC)
 Department of Health (DOH)
 Public Education Department (PED)

SUMMARY

Synopsis of SEC Amendment

The Senate Education Committee Amendments to House Bill 54 include:

- 1) On page 2, line 14, after the period, insert:

"Disciplinary action taken pursuant to this subsection must be by the least restrictive means necessary to address a hostile environment on the school campus resulting from the confirmed cyberbullying and may include counseling, mediation and appropriate disciplinary action that is consistent with the legal rights of the involved students."

- 2) On page 2, line 18, strike "the" and strike lines 19 through 22 in their entirety and insert in lieu thereof "electronic communication that:
 - (1) targets a specific student;
 - (2) is published with the intention that the communication be seen by or disclosed to the targeted student;
 - (3) is in fact seen by or disclosed to the targeted student; and

- (4) creates or is certain to create a hostile environment on the school campus that is so severe or pervasive as to substantially interfere with the targeted student's educational benefits, opportunities or performance."

Synopsis of Original Bill

House Bill 54 amends the public school code (Section 22-2-21 NMSA 1978) to require local school boards to promulgate cyberbullying prevention policies by August 2013.

FISCAL IMPLICATIONS

The PED will be required to amend rule (Section 6.12.7 NMAC) to be in compliance with HB 54 and communicate changes to existing rule to all public schools, charter schools and state supported educational institutions. The department states that this can be done with existing resources.

SIGNIFICANT ISSUES

The DOH cites that cyberbullying is when a child, preteen or teen is tormented, threatened, harassed, humiliated, embarrassed or otherwise targeted by another child, preteen or teen using the internet, interactive digital technologies, or mobile phones. Cyberbullying is usually not a one-time communication, unless it involves a death threat or credible threat of serious bodily harm. Cyberbullying may rise to the level of a misdemeanor charge.

Almost 30 percent of youth in the United States (or over 5.7 million) are estimated to be involved in bullying as either a bully, a target of bullying, or both. In a national survey of students in grades 6-10, 13 percent reported bullying others, 11 percent reported being the target of bullies, and another 6 percent said that they bullied others and were bullied themselves.

Bullying can lead children and youth that are the target of bullying to feel tense, anxious, and afraid. It can affect their concentration in school, and can lead them to avoid school in some cases. If bullying continues for some time, it can begin to affect children and youth's self-esteem and feelings of self-worth. It also can increase their social isolation, leading them to become withdrawn and depressed, anxious and insecure. In extreme cases, bullying can be devastating for children and youth, with long-term consequences. Researchers have found that years later, long after the bullying has stopped, adults who were bullied as youth have higher levels of depression and poorer self-esteem than other adults.

In November 2006, PED adopted a Bullying Prevention Rule (NMAC 6.12.7) that required all public schools, including charter schools and state supported educational intuitions, to adopt and implement an Anti-Bullying Policy, no later than April 1, 2007. This did not include cyberbullying. The department developed a School District Anti-Bullying Policy guidance document to support all public school districts, including charter schools, to develop and implement a policy. Further, the department also requires all public school districts, including charter schools to have a safe school plan in place, which include a bullying prevention policy.

According to the New Mexico 2011 Middle School Youth Risk & Resiliency Survey:

- 43.7 percent of New Mexico middle school students reported being bullied in the last 12 months. This includes cyberbullying.

According to the New Mexico 2011 High School Youth Risk & Resiliency Survey:

- 18.7 percent of New Mexico high school students reported being bullied in the last 12 months. This includes cyberbullying.

All public schools, including charter schools and state supported educational institutions, would need to amend their existing Anti-Bullying Policy to include a cyberbullying prevention policy.

PERFORMANCE IMPLICATIONS

HB 54 relates to the DOH FY14 goal one: improve health outcomes for the people of New Mexico and also relates to the PED's strategic lever to ensure students are ready to learn: have a safe, inviting and caring learning environment.

ADMINISTRATIVE IMPLICATIONS

The PED will be responsible for administering passage of this legislation and working with public schools, including charter schools and state supported educational institutions, to promulgate a specific cyberbullying prevention policy by August 2013.

MIR/blm