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FISCAL IMPACT REPORT

SPONSOR Soules ORIGINAL DATE 2/25/15
LAST UPDATED _____ HB _____

SHORT TITLE Safe Schools For All Students Act SB 393

ANALYST Chavez

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		See Fiscal Implications				

(Parenthesis () Indicate Expenditure Decreases)

Relates to SB 381

SOURCES OF INFORMATION

LFC Files

Responses Received From

Public Education Department (PED)

Department of Health (DOH)

Human Services Department (HSD)

Administrative Office of the District Attorneys (AODA)

SUMMARY

Synopsis of Bill

Senate Bill 393 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 that require school districts to develop and implement bullying prevention policies and programs.

The SSASA would require local school boards to adopt and enforce bullying prevention policies by July 1, 2016 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 and annually submit a report to the Legislative Education Study Committee (LESC) and make publicly available a report on the status of its efforts to implement the provisions of the Student 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 393 also recommends that school boards adapt low-cost programs and/or resources to assist in the development of policies and the dissemination of information to each school community. PED notes that the fiscal impacts of these requirements could be significant but are undetermined.

The bill also makes PED would be responsible for administering the oversight of the SSASA by providing guidance to local school boards and ensuring that all school districts and charter school policies are reviewed and approved within a 120-day span of receipt. Additionally, the PED is requested to provide information to local school boards on available programming and potential resources. No allocation of funding is provided through this bill for such administration.

PED analysis states the department has successfully applied for and received a federal grant from the U.S. Department of Education (USDE) that will allow for a full-time employee to oversee the Safe Schools Program throughout the state. The annual cost of supporting salary and benefits of an educational administrator in this position is \$72,660. The funding under this grant is limited to an 18-month period and will expire on March 31, 2016. Following that, no allocation of funding to support this position has been determined at the state or federal level.

SIGNIFICANT ISSUES

SB 393 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, and provides that the new policies and procedures should be in place by July 1, 2016.

SB393 requires local school boards to approve developmentally and culturally appropriate bullying prevention policies, to be reported to PED, included in student handbooks and available online. 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 180 days of the adoption of the act. PED would also be required to report to the LESC annually on the status of its efforts to implement the act, and to evaluate the sufficiency of funding towards bullying prevention and to make recommendations for policy or programmatic changes in order to improve bullying prevention efforts.

Finally, the bill allows, but does not require, PED to convene an expert advisory group to assist in the implementation of the SSASA. The group would assist with the development of a model bullying prevention policy, including recommendations for programs and other resources to assist in local school boards development and dissemination of information.

PED notes that currently, public schools and local and state charter schools are required to implement bullying prevention programs and processes through 6-12-7 NMAC. The rule requires each school to develop and implement a policy that addresses bullying. Current policy must include, but is not limited to:

- Definitions;
- An absolute prohibition against bullying (including cyberbullying as of the 2013-2014 school year);
- Staff training on cyberbullying;
- A method to ensure initial and annual dissemination of the anti-bullying and anti-cyberbullying policy to all students, parents, teachers, administrators and all other school or district employees;
- Procedures for reporting incidents of bullying and cyberbullying, which ensure confidentiality to those reporting bullying incidents and protection from reprisal, retaliation or false accusation against victims, witnesses or others with information regarding a bullying incident; and
- Consequences for bullying and cyberbullying which include consideration of compliance with state and federal IDEA requirements; consequences for knowingly making false reports pursuant to the anti-bullying policy; procedures for investigation by administration of incidents reported pursuant to the anti-bullying policy; and a requirement that teachers and other school staff report any incidents of bullying.

PED analysis states the department currently maintains a website devoted to bullying prevention information, strategies and resources. (<http://ped.state.nm.us/ped/PEDAnti-Bullying.html>) Resources include training opportunities developed collaboratively by the U.S. Department of Education, the U.S. Department of Justice, the U.S. Department of Health and Human Services, and the Substance Abuse and Mental Health Services Administration (SAMSHA), among others. The inclusion of model bullying prevention policies could be incorporated into the existing website.

PERFORMANCE IMPLICATIONS

PED notes SB 393 compliments the expectations within health education courses in New Mexico. The Act would specifically align with Content Standard 1, Benchmarks 4 and 6 which require performance standards for all NM students in identifying, analyzing, preparing a plan of action, and negotiating and risk avoidance strategies on the topic of bullying.

DOH notes the bill relates to the DOH FY14 Goal One: Improve Health Outcomes for the People of New Mexico. Strategy: Provide clinical services that accommodate teens by means of accessible locations (e.g. SBHCs) and clinical practices.

ADMINISTRATIVE IMPLICATIONS

PED notes the department would need to revise NMAC 6.12.7 to reflect the changes made by the SSASA. PED adds it would need to make changes to the policy section requirements of the *Planning for Safe Schools in New Mexico Guidance Document* 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 state charter schools.

PED adds that to prepare an annual report for LESC as required by the bill, designated program staff would need to work with the PED's Information Technology (IT) Division to aggregate the data as captured in the Student Teacher Accountability Reporting System (STARS), perform an evaluation of the sufficiency of funding for bullying prevention programs, and make policy and programmatic recommendations for future consideration. PED notes it has an 18-month position funded through the USDE, as well as current IT staff, which could accomplish the above tasks. After the 18-month grant period has ended, the PED would need to assess how to complete the administrative aspects associated within this Act, using existing staff.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

SB 381 proposes to enact the Carlos Vigil Memorial Act for the purpose of cultivating a statewide culture where bullying is not accepted, educating New Mexicans on recognizing bullying and provide grants for providers of services and programs for the prevention, resolution and eradication of bullying statewide.

OTHER SUBSTANTIVE ISSUES

DOH analysis provided research regarding bullying nationwide, including the following:

- In 2011, about 28 percent of students ages 12–18 reported being bullied at school during the school year. (National Center for Education Statistics, Indicators of School Crime and Safety, 2012).
- In 2011, approximately 9 percent of students age 12–18 reported being cyber-bullied anywhere during the school year. (National Center for Education Statistics, Indicators of School Crime and Safety, 2012).
- According to statistics reported by ABC News, nearly 30 percent of students are either bullies or victims of bullying, and 160,000 kids stay home from school every day because of fear of bullying.
- Suicide is the third leading cause of death among young people, resulting in about 4,400 deaths per year, according to the CDC. For every suicide among young people, there are at least 100 suicide attempts. Over 14 percent of high school students have considered suicide, and almost 7 percent have attempted it. (Centers for Disease Control and Prevention).
- Bully victims are between 2 to 9 times more likely to consider suicide than non-victims, according to studies by Yale University. (www.bullyingstatistics.org).

Additionally, DOH notes that in New Mexico, more than one-fourth (27.2 percent) of students were in a physical fight within the 30 days preceding the Youth Risk and Resiliency Survey (YRRS) and 9.7 percent of New Mexico students were in a physical fight and 18.2 were bullied on school property within the 30 days preceding the survey. Additionally, 1 percent of students did not go to school on at least one day in the preceding month because they felt unsafe at school.

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