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## FISCAL IMPACT REPORT

SPONSOR Soules ORIGINAL DATE 1/30/17  
 LAST UPDATED 2/21/17 HB \_\_\_\_\_

SHORT TITLE Safe Schools for All Students Act SB 115/aSJC

ANALYST Fernandez

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		See fiscal implications				

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Department of Health (DOH)  
 Attorney General’s Office (AGO)  
 Children, Youth and Families Department (CYFD)

#### No Response

Public Education Department (PED)

### SUMMARY

#### Synopsis of SJC Amendment

The Senate Judiciary Committee amendment to SB115 strikes the section that would have allowed PED to convene a group of experts to assist with implementation of the Safe Schools for All Students Act.

#### Synopsis of Original 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 July 1, 2018 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 115 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.

### **SIGNIFICANT ISSUES**

SB 115 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 provisions of this act be effective July 1, 2017.

SB115 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 180 days of the adoption of the act.

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.

### **PERFORMANCE IMPLICATIONS**

DOH notes the bill relates to the DOH 2017-2019 Strategic Plan, Result 1: Improved Health Status for New Mexicans.

### **ADMINISTRATIVE IMPLICATIONS**

In previous analysis for similar legislation, PED noted the department would need to revise NMAC 6.12.7 to reflect the changes made by the SSASA and 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.

## OTHER SUBSTANTIVE ISSUES

DOH analysis provided the following information regarding bullying:

In New Mexico, 8.5 percent of New Mexico students were in a physical fight on school property and 18.4 percent were bullied on school property within the past year. Similarly, 13.7 percent of students reported being electronically bullied in the past year and 7.8 percent of students did not go to school on at least one day in the preceding month because they felt unsafe at school (NM Youth Risk & Resilience Survey, 2015, <http://youthrisk.org/> ).

Studies have shown that adolescents who are bullied 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>

On November 30, 2006, the NM Public Education Department issued a rule requiring all public schools, including charter schools and state supported educational institutions to address bullying of students by adopting and implementing policies by April 2007 (6.12.7.1, NMAC - N, 11-30-06).

Public schools submit Safe School Plans to the Public Education Department for review. The Department of Health (NMDOH) Office of School and Adolescent Health is invited by the Public Education Department to review safe school plans. NMDOH Office of School and Adolescent Health staff provide ongoing technical assistance to schools to inform and strengthen local school district safe school plans, including the provision of materials, resources and training on a variety of topics including the impact of bullying on student health and wellness.

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