

LFC Requester:	Sunny Liu
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**AGENCY BILL ANALYSIS
2017 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply: Date 2/19/2017
Original **Amendment** **Bill No:** HB500
Correction **Substitute**

Sponsor: Representative Gail Chasey **Agency Code:** 924
Short Title: SCHOOL EMPLOYEE ABUSE TRAINING REQUIREMENTS **Person Writing:** Aguilar/Thompson
Phone: 827-6519 **Email:** PaulJ.Aguilar@state.nm.us

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY17	FY18		
	\$100.0	Recurring	General Fund and School District Budgets

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NF1	See fiscal implications	See fiscal implications	See fiscal implications	Recurring	General Fund and School District Budgets

(Parenthesis () Indicate Expenditure Decreases)

Relates to: Relates to: SB115 – Safe Schools for Students Act; SB397 – School Protections for Certain Students, SB 406 – Education Department Sexual Assault Reporting

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: House Bill 500 (HB500) provides for the Public Education Department (PED) to coordinate the development of the day-of-safety professional development course with appropriate staff in school districts, the human services department, the department of health, the children, youth and families department and the office of the attorney general.

HB500 also requires each school district and charter school to adopt written policies establishing a process for the internal coordination and tracking of child abuse and neglect reports and clarifies that school districts and charter school personnel may contact law enforcement or other state officials directly to report child abuse or neglect concerns.

FISCAL IMPLICATIONS

This appropriation is not contained in the Governor's budget recommendation for FY18.

HB500 appropriates \$100.0 to the (PED) for use in FY18 and FY19 to develop a day-of-safety professional development course for districts to use to train school personnel on detecting and reporting child abuse and neglect.

The PED, in collaboration with other state agencies, would need to develop or determine an evidence-based model on child abuse and neglect, sexual abuse and assault, and substance abuse department standards for school training(s) created around evidence-based methods and materials. This effort can be accomplished with this appropriation.

SIGNIFICANT ISSUES

The PED rule (6.29.1.9), Standards for Excellence, requires all licensed school personnel, including substitute teachers, educational assistants, school nurses, school counselors, school psychologists and other instructional service providers to complete training in the detection and reporting of child abuse or neglect, within their first year of employment.

In the 2014 legislative session, House Bill 92, also known as "Erin's Law" was passed by the New Mexico legislature and signed into law. The legislation and subsequent law required the PED to work with the Centers for Disease Control and Prevention to develop an evidence-based section on child sexual abuse and assault.

The PED, CYFD, DOH, and New Mexico State University (NMSU) collaborated on an e-learning training for school personnel and health providers that addressed the requirement for all school personnel to complete training in the detection and reporting of child abuse or neglect. This may be accessed at <http://ped.state.nm.us/sfsb/index.html>

In New Mexico, between July 2015 and June 2016 there were 184 cases of substantiated allegations of sexual abuse. It is unclear how many incidents go unreported each year (https://cyfd.org/docs/360ANNUAL_FY16_FINAL.pdf)

In that same time frame 20,766 total number of accepted (screened-in) and not-accepted

(screened-out) reports of abuse and neglect were received by CYFD central intake.
(https://cyfd.org/docs/360ANNUAL_FY16_FINAL.pdf)

The detection and reporting of child abuse or neglect is required by both the Children's Code (32A-4-3 NMSA 1978) and the Public School Code (22-5-4.2 NMSA 1978).

PERFORMANCE IMPLICATIONS

HB500 supports the PED's strategic lever ensuring that students are ready for success by providing a safe, inviting, and caring learning environment.

ADMINISTRATIVE IMPLICATIONS

The PED would need to collaborate with the New Mexico Human Services Department (HSD), the New Mexico Department of Health (DOH), the New Mexico Children, Youth, and Families Department (CYFD), and the New Mexico Office of the Attorney General to develop the training program provided for in this bill.

The PED would need to purchase or develop evidence based strategies and programs for substance abuse training in relation to 6.12.4 NMAC, Tobacco, Alcohol, and Drug Free Schools.

The PED would need to make developed curriculum available to the deans of every college of education in New Mexico for teacher preparation programs within the colleges.

School districts and charter school would have to develop and adopt written policies establishing a process for the internal coordination and tracking of child abuse and neglect reports.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB500 relates to SB115 – Safe Schools for Students Act and to SB397 – School Protections for Certain Students and SB406 – Education Department Sexual Assault Reporting

TECHNICAL ISSUES

HB500 clarifies that school districts and charter school personnel may contact law enforcement or other state officials directly to report child abuse or neglect concerns. HB500 is unclear as to who constitute "state officials." Section 32A-4-3 of the New Mexico Children's Code mandates that anyone who has knowledge or a reasonable suspicion that a child is an abused or neglected child must report it immediately. The report may be made to (1) a law enforcement agency; (2) the New Mexico Children, Youth, and Families Department; or (3) a tribal law enforcement or social services agency for any child residing in Indian Country. The legislature may wish to define "state officials" in alignment with Section 32A-4-3.

OTHER SUBSTANTIVE ISSUES

The reporting of child abuse or neglect concerns, including sexual abuse and assault, may be made in confidentiality and anonymity. It is unclear as to school districts or charter schools would maintain the internal tracking and maintain confidentiality of the person or persons making the referral.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The PED would continue to offer the current e-learning training for licensed school personnel to address the existing requirement for all school personnel to complete training in the detection and reporting of child abuse or neglect and would continue to work with the CDC in the identification of evidence-based programs and strategies regarding sexual abuse assault prevention and substance abuse, detection, and reporting.