

<b>LFC Requester:</b>	<b>Sunny Liu</b>
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**AGENCY BILL ANALYSIS  
2017 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:**

**[LFC@NMLEGIS.GOV](mailto:LFC@NMLEGIS.GOV)**

*and*

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*{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** 3/11/2017  
**Original**        **Amendment**        **Bill No:** SB406/aSEC  
**Correction**        **Substitute**   

**Sponsor:** Senator Mimi Stewart    **Agency Code:** 924  
**Short Title:** EDUCATION DEPT. SEXUAL ASSAULT REPORTING    **Person Writing:** Paul Aguilar/Dean Hopper/ Cris Ortiz  
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY17	FY18		
NFI	\$100.0	Recurring	General

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY17	FY18	FY19		
None noted	None noted	None noted	See Fiscal Implications	General

(Parenthesis ( ) Indicate Expenditure Decreases)

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

	<b>FY17</b>	<b>FY18</b>	<b>FY19</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>	NFI	See fiscal implications	See fiscal implications	See fiscal implications	Recurring	General Fund and School District Budgets

(Parenthesis ( ) Indicate Expenditure Decreases)

Original Senate Bill 406 relates to: SB115 – Safe Schools for Students Act; and SB397 – School Protections for Certain Students

**SECTION III: NARRATIVE**

**BILL SUMMARY**

Synopsis of Amendment to Senate Bill 406:

The Amendment to Senate Bill 406 (SB406/aSEC) removes the language requiring training on reporting sexual abuse allegations to the Children, Youth, and Families Department (CYFD). The training will only focus on reporting allegations.

Fiscal Implications of Amendment to Senate Bill 406:

SB406/aSEC continues to appropriate \$100.0 to the PED for training purposes in relation to reporting allegations and/or disposition of sexual assault. However, SB406/aSEC now removes the addition to the current reporting system, no longer requiring the schools or districts to report such cases to the CYFD. This would indicate that training of school administrators on reporting of alleged sexual assault would be based on the current STARS reporting and local authority decision making as to next steps in reporting.

Significant Issues of Amendment to Senate Bill 406:

By removing the phrase, “to the children, youth and families department”, from the original bill, SB406/aSEC no longer requires the reporting of alleged cases of sexual assault to the CYFD, as indicated in the original bill. This removes any further steps in reference to the reporting system beyond the Student Teacher Accountability Reporting System (STARS), which is already in place at the PED. Cases of assault that are reported to the PED are not submitted to any other agency, including the CYFD or law enforcement. The local administration of public schools may report allegations or disposition of sexual misconduct to the CYFD or law enforcement agencies as determined by local governing bodies. As SB406/aSEC is silent on the next steps of reporting cases from schools to other authorities in regards to sexual assault, the PED and local education authorities would presumably determine the process for reporting beyond what is currently required through STARS.

Synopsis of Amendment to Senate Bill 406:

With the removal of the next step in reporting allegations or disposition of sexual misconduct at public schools, SB406/aSEC now indicates that there would not be any further collaboration between the PED and the CYFD, which further indicates that contracted services to provide expert training on reporting to school administrators would simply require training, based on current reporting to STARS and reporting to the CYFD or law enforcement as currently determined locally.

With the removal of training on how to report allegations to CYFD, it is also unclear as to whom school administrators would report the allegations to.

#### Synopsis of Original Senate Bill 406:

Senate Bill 406 (SB406) appropriates \$100.0 from the general fund to the Public Education Department (PED) to train public school administrators on reporting allegations of sexual assault to the Children, Youth, and Families Department.

### **FISCAL IMPLICATIONS**

#### Fiscal Implications of Original Senate Bill 406

SB406 appropriates \$100.0 to the PED to train school administrators on reporting allegation of sexual assault to the CYFD. The PED would need to collaborate with the CYFD and the federal Centers for Disease Control and Prevention to develop or determine an evidence-based model on child sexual abuse and assault, and department standards for school trainings created around evidence-based methods and materials. The PED would need to purchase material, contract expert presenters, and ensure conference logistics for securing a venue to provide the training. As the appropriation is of fiscal year 2018 only, it is unclear how school administrators in subsequent years who do not benefit from the training in 2018 would be afforded an opportunity to participate in a similar training and what funds might be used to support an subsequent trainings.

### **SIGNIFICANT ISSUES**

#### Significant Issues of Original SB 406:

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](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).

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.

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.

The PED, CYFD, DOH, and 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> .

## **PERFORMANCE IMPLICATIONS**

SB406 supports the PED's strategic lever ensuring that students are ready for success by providing a safe, inviting, and caring learning environment.

## **ADMINISTRATIVE IMPLICATIONS**

### Synopsis of Original Senate Bill 406:

The PED would need to collaborate with the CYFD and the CDC, purchase or develop evidence-based strategies and programs, and secure contractual services for expert presenters and conference logistics for an administrator training. The appropriation in SB406 would cover the cost for a one-time training.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None noted for SB406/aSEC as of 3/6/2017

### Relationship of Original SB 406:

SB 406 relates to SB115 – Safe Schools for Students Act and to SB397 – School Protections for Certain Students.

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

The PED would continue to offer to e-learning training for school personnel, inclusive of administrators 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, detection, and reporting.