Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current and previously issued FIRs are available on the NM Legislative Website (<u>www.nmlegis.gov</u>) and may also be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

SPONSOR	Soul	es	ORIGINAL DATE LAST UPDATED		HB		
SHORT TITLE		Auditor Investigation of Sex Ed Requirements		SB	540/aSEC	_	

ANALYST Gaussoin

<u>APPROPRIATION</u> (dollars in thousands)

Appropr	iation	Recurring	Fund Affected	
FY19	FY20	or Nonrecurring		
	\$200.0	Recurring	General Fund	

(Parenthesis () Indicate Expenditure Decreases)

Relates to HB133.

SOURCES OF INFORMATION LFC Files

<u>Responses Received From</u> State Auditor (OSA) Public Education Department (PED)

<u>No Responses Received</u> Department of Health (DOH) Department of Finance and Administration (DFA)

SUMMARY

Synopsis of SED Amendment

The Senate Education Committee amendment to Senate Bill 540 changes the word "investigation" to "audit." The change was suggested by the State Auditor.

Synopsis of Original Bill

Senate Bill 540 appropriates \$200 thousand from the general fund to the Office of the State Auditor for the purpose of investigating public school compliance with statutory requirements and rules regarding sexual education in public schools.

Senate Bill 540/aSEC – Page 2

FISCAL IMPLICATIONS

The appropriation of \$200 thousand contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY20 shall revert to the general fund.

SIGNIFICANT ISSUES

Although the State Auditor's focus is financial audits of all state agencies, the office has, frequently, reviewed issues outside of finances, such as the backlog of sexual assault kits at the Department of Public Safety. OSA supports the proposed legislation and indicates the contemplated audit would evaluate sexual education curricula in place in New Mexico public schools. According to OSA, "The audit would assist in determining which schools or school districts lack the resources to teach sexual education at the requisite standards, as well as what those schools and school districts lack in terms of resources to be able to deliver sexual education that meets the requisite standards."

PED reports "statutory requirements and rules regarding sexual education in public schools" include state statute on graduation requirements, 22-13-1.1 NMSA 1978, which requires students to complete a course in health education that includes training on sexual assault and abuse prevention. The corresponding rule is New Mexico Administrative Code (NMAC) 6.29.6.10, "Content Standards with Benchmarks and Performance Standards for Health Education, Grades 9-12," which includes a graduation requirement for students to complete 0.5 units of health education. NMAC 6.29.6.10 further requires the teaching of certain sexual education concepts, such as human reproduction, sexuality, abstinence and birth control, and methods to prevent the transmission of sex-related infections and other risky behaviors.

Other administrative rules regarding sexual education in public schools includes NMAC 6.29.6.1, which requires school districts and charter schools to implement a policy that allows parents to ask that their children be exempt from sex-related topics in the health course, and NMAC 6.12.2.10, which requires HIV-related instruction.

ADMINISTRATIVE IMPLICATIONS

Although there are no direct administrative implications for PED from SB540, PED would likely be required to intervene with schools that are not meeting the requirements of statute and rule and monitor corrective action.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

SB540 would require both colleges and PED to adopt policies and procedures for addressing sexual assault, domestic violence, dating violence and harassment, and stalking for employees and students, among others.

TECHNICAL ISSUES

OSA recommends substituting the word "audit" in place of "investigate" in the proposed legislation (page 1 line 18) to better align the language with the intent.