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## FISCAL IMPACT REPORT

ORIGINAL DATE 02/08/21

SPONSOR Neville LAST UPDATED \_\_\_\_\_ HB \_\_\_\_\_

SHORT TITLE Anonymous Reporting in Schools SB 248

ANALYST Becerra

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

	FY21	FY22	FY23	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		\$650.0 - \$1,595.0		\$650.0 - \$1,595.0	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to HB142, School Task Force on Sexual Misconduct

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Office of the Attorney General (NMAG)  
 Early Childhood Education and Care Department (ECECD)  
 Children, Youth and Families Department (CYFD)  
 Department of Public Safety (DPS)

#### No Response Received

Public Education Department (PED)  
 Regional Education Cooperatives (RECs)

### SUMMARY

#### Synopsis of Bill

Senate Bill 248 (SB248) amends the Public School Code to institute a statewide, school-based, anonymous reporting program for students to use to report harmful or dangerous activities that have occurred, are occurring or may occur involving a student or school employee, anonymously.

SB248 defines the terms “evidence-based”, “harmful activities” and “program” as they relate to the provisions specified in the bill.

There is no effective date of this bill. It is assumed that the effective date is 90 days following

adjournment of the Legislature.

## **FISCAL IMPLICATIONS**

SB248 does not contain an appropriation but the bill specifies the Public Education Department (PED) has the authority to apply for federal and private grants to offset costs associated with the development and implementation of the program. PED may accept gifts and donations to the program as an acceptable form of program funding.

In the 2020 session, the state allocated approximately \$1.6 million to install panic buttons at every K-12 school in the state. A similar statewide anonymous reporting system effort in North Carolina was allocated \$5 million for startup and maintenance costs of the program, reporting an annual operating expense of \$650 thousand per year. The fiscal impact estimate ranging from \$650 thousand to \$1.6 million was derived from research of these efforts. Further details are provided in *Significant Issues* on page 3 of this report.

PED did not respond to the request for analysis for SB248. It is possible the department may need to incur costs associated with the provisions of this bill that cannot be covered by federal or private grants or by gifts and donations. Related costs may be the cause of a request for funding in subsequent years, if enacted.

In their analysis of the bill, the Children, Youth and Families Department (CYFD) noted that any fiscal implications of their collaboration cannot be absorbed by existing resources. Furthermore, they note that the bill does not authorize CYFD to seek funding to address these fiscal implications.

The bill specifies that the department shall collaborate with local law enforcement, school districts, charter schools and other agencies in this effort – no other agency submitted a response that specified they could not absorb related costs with existing resources. It is possible that other agencies may determine they cannot collaborate as specified in the bill and request additional funding in subsequent years.

## **SIGNIFICANT ISSUES**

### **Anonymous Reporting Program**

***Notable Provisions.*** SB248 requires that every school district and charter school implement the program in every public school under its authority as soon as practicable after the department establishes the program, but no later than thirty-six months after the program is operational. Public schools are required to provide program-specific training to their teachers and students each year. Additionally, each public school is required to have one or more school-based teams made up of at least one school staff member who will serve as the primary point of contact to receive notice of any report submitted to the program concerning that school, its personnel or any of its students. The school is responsible for developing procedures to handle the anonymous reports and involved team members must be trained and certified.

Within twelve months, the department is required to develop a state searchable database for all reports received through the anonymous reporting program that provides disaggregated data of the kind required for school district, charter school and department annual reports (see *Performance Implications* on page 4.) The database should include a resource portal that reports

the current names of individuals associated with the program at every school site.

**Program Duties.** SB248 requires the anonymous reporting program include the operation of a hotline and one or more multilingual crisis centers staffed by persons with evidence-based counseling and crisis intervention training, a website and a mobile phone application that allows students to report harmful activity. The program must meet the following requirements:

- Support anonymous reporting twenty-four hours a day, seven days a week;
- Forward reported harmful activity information promptly to the primary point of contact or other appropriate person at the public school and local law enforcement, as appropriate;
- Support a coordinated response by public schools and law enforcement agencies, as appropriate;
- Require and certify the training of law enforcement in each local dispatch to receive notice of any report submitted to the program that requires law enforcement response;
- Be in compliance with the federal Family Educational Rights and Privacy Act of 1974 and relevant state laws;
- Promote public awareness and education about the program and its reporting methods, prior to launching the program;
- Implement an evidence-based student violence prevention training that teaches students how to identify observable warning signs and signals of a person who may be at risk of harming self or others, the importance of taking threats seriously and seeking help and how to report a threat using the program;

The department may determine other requirements to make the program user-friendly, responsive, proactive and effective.

### **Current Efforts**

**Panic Buttons.** During the 2020 session, the legislature appropriated approximately \$1.6 million from the public education reform fund for the procurement and installation of panic buttons at every K-12 public school across the state. PED contracted with RAVE Mobile Safety for the service — a Massachusetts-based provider of critical communication and collaboration technology. The panic buttons are fully interoperable, 9-1-1 integrated and capable of connecting emergency services, 9-1-1 systems and multi-jurisdictional first responder agencies. New Mexico joined Oklahoma, Delaware and Louisiana in statewide deployments of panic buttons.

**SCI reporting program.** The Child, Youth and Families Department (CYFD) is the operating agency for the state central intake or SCI program. As noted in their analysis of the bill, NMSA 32A-4-3 requires every person who knows or has a reasonable suspicion that a child is an abused or neglected child to report the matter to CYFD or a local law enforcement agency. CYFD and law enforcement cross-report to each other. CYFD investigates allegations of child abuse or neglect by a parent, guardian or custodian.

**REACH NM.** In addition to the SCI program, CYFD provided information about their most recently launched service, REACH NM, that provides text-based reporting and engagement. REACH NM allows young people to connect directly with CYFD workers for resources, help,

and reporting potential abuse or neglect. The service is free to any New Mexican with a text-message enabled cell phone.

REACH NM is available 24 hours a day, 365 days a year. Young people can text with an expert for help finding resources in their community, reach out for assistance with basic needs for themselves or others, report concerns of abuse and neglect in their home, or report suspected abuse or neglect that may be occurring in someone else's home or in the community.

**“Say Something” and the Sandy Hook Promise.** The Sandy Hook Promise is a national nonprofit organization founded and led by several family members of the ones who lost their lives in the tragic Sandy Hook Elementary School shooting. The organization formed *Say Something* an anonymous reporting system that allows youth and adults to submit secure and anonymous safety concerns to help identify and intervene upon at-risk individuals before they hurt themselves or others. The system enables school administrators and law enforcement to create effective interventions and to help prevent violence, suicide, bullying, self-harm and other forms of threatening behavior.

In December 2019, Deming Public Schools joined over 7,000 school districts nationwide in partnering with *Say Something – Anonymous Reporting System* to educate students and teachers on how to recognize warning signs and signals of individuals who may be a threat to themselves or others and say something to a trusted adult or use the anonymous reporting system.

In 2020, North Carolina was the second state (after Pennsylvania) to integrate *Say Something* statewide across its 115 school districts. The state allocated \$5 million of the state budget to this effort for startup and maintenance costs, reporting an annual operating expense of \$650 thousand per year.

## **PERFORMANCE IMPLICATIONS**

After the first 12 months of the program, all school districts and charter schools will be required to submit a report containing the total number of disciplinary actions in the previous twelve months, disaggregated by public school, type of disciplinary action, and the gender, age and race of the student subject to the disciplinary action. For every year following, all school districts and charter schools must submit annual reports reflecting the total number of anonymous tips received by the school district or charter school and shall include the total number of responses to incoming reports, disaggregated by disciplinary actions by type, nondisciplinary actions and interventions, the gender, age and race of students subject to disciplinary action, non-disciplinary action or intervention.

SB248 requires the department to prepare an annual report to the governor and the legislature that includes information from school district and charter school reports, the total number of reports received for the previous school year, by public school, and the total number of reports received since the program began, disaggregated by public school, and for each public school reports by type, the methods by which reports were received, and the total number of false reports received. The department may include any other information that is deemed appropriate.

## **ADMINISTRATIVE IMPLICATIONS**

The provisions within SB248 will be implemented by the public education department but requires the collaboration of multiple other agencies including local public safety and law enforcement agencies.

**RELATIONSHIP**

Relates to HB142, Taskforce on Sexual Misconduct, which also aims to implement systems related to student safety.

May conflict with existing statute NMSA 32A-4-3 that requires every person who knows or has a reasonable suspicion that a child is an abused or neglected child to report the matter to CYFD or a local law enforcement agency.

**TECHNICAL ISSUES**

SB248 fails to note whether the federal and private grants may be recurring or nonrecurring and if the program and all the associated costs are to be sustained only by grants, gifts and donations.

SB248 does not provide guidance to other agencies that are required to collaborate regarding available funding sources for any related incurred costs.

SB248 does not specify or reference existing statute that states the responsibility of people to report a reasonable suspicion of child abuse or neglect to CYFD or local law enforcement (NMSA 32A-4-3.)

MB/al