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FISCAL IMPACT REPORT

SPONSOR Nava **ORIGINAL DATE** 1/31/06
LAST UPDATED 2/13/06 **HB** _____
SHORT TITLE Require School Employee Misconduct Reports **SB** 473/aSEC/aSJC
ANALYST Aguilar/Dearing

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY06	FY07		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Public Education Department (PED)
 Department of Finance and Administration (DFA)
 Attorney General's Office (AGO)

SUMMARY

Synopsis of SJC Amendment

The Senate Judiciary Committee amends Senate Bill 473 such that;

- 1.) On page, 1, line 12, after "MISCONDUCT" strike the remainder of the line, strike line 13 and strike line 14 up to the period and insert in lieu thereof "UNDER CERTAIN CIRCUMSTANCES".
- 2.) On page 4, line 5, strike "A" and insert in lieu thereof "After conducting and investigation of ethical misconduct, a".
- 3.) On page 4, strike lines 9 through 14, and insert in lieu thereof "; provided, however, that if there is no conclusion of wrongdoing, a report is not required."

Senate Judiciary Committee amendments make minor changes to the proposed legislation, thereby clarifying its intention. The intent of the changes are such that where a licensed school employee is removed or resigns, an investigation of ethical misconduct is initiated, and if impropriety is discovered, only then is reporting to the local superintendent or charter school administrator necessitated.

Synopsis of SEC Amendment

The Senate Education Committee amendment to Senate Bill 473 adds a subsection which requires schools districts and charter schools to submit reports required by the bill directly to the PED on forms provided by the department as original documents and further provides that districts or charter schools shall not maintain copies of the reports.

Synopsis of Original Bill

Senate Bill 473 requires reporting by local superintendents and charter school administrators to the Public Education Department (PED) the identity and attendant circumstances of any licensed school employee who resigns, is removed from or otherwise leaves employment during or after an allegation of ethical misconduct.

The bill further requires that these reports be made whether or not a confidentiality agreement has been signed and provides for the local superintendent or charter school administrator to face suspension of their license if they fail to comply. Additionally, SB-473 provides protection against civil damages for individuals who have acted in good faith in making these reports.

SIGNIFICANT ISSUES

The Public Education Department indicates that, although it does not happen often, districts sometimes enter into confidentiality agreements with licensed school employees who have been accused of, or have engaged in, improper behavior, including sexual contact with students. The full scope of the problem in New Mexico is not transparent because of the lack of a reporting mechanism through which the PED can track such occurrences.

PED notes the new reporting requirement established by SB 473 could lead to the suspension or revocation of teaching licenses of individuals who have engaged in and been found culpable of inappropriate or unethical behavior and have terminated employment with a school district either through resignation or dismissal.

PERFORMANCE IMPLICATIONS

Improving the monitoring of inappropriate or unethical behavior by licensed school employees, increases the likelihood that individuals found to have engaged in such actions, and who have left employment in one district, will be less likely to be able to continue as a teacher in the state public education system by moving to another district. Such monitoring will likely reduce the potential threat children face as a result of contact with such individuals.

TECHNICAL ISSUES

The Attorney General's Office notes language in the bill may be too vague in referring to an "allegation of ethical misconduct."