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## FISCAL IMPACT REPORT

ORIGINAL DATE 03/03/11

SPONSOR Cervantes LAST UPDATED \_\_\_\_\_ HB 490

SHORT TITLE Code of Conduct for Parents on School Grounds SB \_\_\_\_\_

ANALYST Hanika-Ortiz

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

	FY11	FY12	FY13	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
<b>Total</b>		\$13.2			Nonrecurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Administrative Office of the Courts (AOC)  
 Public Education Department (PED)  
 Public Defender Department (PDD)  
 Administrative Office of the District Attorney (AODA)

### SUMMARY

#### Synopsis of Bill

House Bill 490 (HB 490) enacts a new section of the Public School Code to require all school districts to include or create codes of conduct within their discipline policies addressing parents' behavior at school and at New Mexico Athletic Association (NMAA)-sponsored events.

More specifically, the bill provides that:

- Subsection A: in addition to other penalties under law, a parent who assaults or batters a student including the parent's child, teacher, public school employee, another parent or any other person on school grounds or at a NMAA-sponsored event shall be barred from the school grounds or any NMAA-sponsored event for a period of time specified by the local superintendent, or the association;
- Subsection B: a parent who encourages their child to engage in violence against another student, teacher, public school employee, another parent or any other person is guilty of a misdemeanor; and

- Subsection C: the bill directs PED with the assistance of the New Mexico Coalition of School Administrators to develop a model parental code of conduct for local school boards to consider.

### **FISCAL IMPLICATIONS**

PED reports that these duties will be in addition to its existing duties to meet its performance measures. Therefore, it will take an additional 400 hours of staff time (Educator Administrator-A @ \$25.495/hour x 400 hours, plus benefits @ 30%, equals total cost of \$13.2). The table above reflects this fiscal impact in FY12.

The PED requires every public school to develop and submit for approval a Safe Schools Plan. These plans include discipline policies and procedures. PED will be required to review each plan for the inclusion of the new requirements in the discipline policies. The table above does not reflect this additional administrative burden.

Even though the bill creates a new crime, it is unlikely to yield many new cases. The fiscal impact should be minimal.

### **SIGNIFICANT ISSUES**

Parents who engage in assault and battery are subject to civil penalties and will be barred from school grounds and athletic events. Parents who encourage their children to engage in violence, defined as assault or batter, may be guilty of a misdemeanor.

The paramount issue addressed by this bill is one of enforcement. Preventing a parent from entering school grounds or athletic playing fields during NMAA-sponsored games will require notification to a parent that they are barred from entering the property for a period of time and they will be considered a trespasser should they re-enter the property. If they violate the trespass notice then law enforcement will have to be contacted unless the school district had its own resource officers.

### **PERFORMANCE IMPLICATIONS**

The NMAA has adopted a Code of Ethics for School Personnel (section 1.6 of the NMAA handbook). It has also adopted a Code of Ethics for Student Participants and the General Public (section 1.7 of the NMAA handbook). Currently under section 1.7 of the NMAA handbook the following is cited regarding the general public. “Conduct that berates, intimidates, or threatens, has no place in interscholastic activities. Participants, students, and members of the general public who choose to act in this manner will be subject to penalty as determined by their local school district in conjunction with the approval of the Executive Director.”

### **ADMINISTRATIVE IMPLICATIONS**

Schools will also need to adopt and implement the model or other code of conduct addressing parent’s behavior at school and NMAA.

**TECHNICAL ISSUES**

According to the Public School Code, “parent” “includes a guardian or other person having custody and control of a school-age person.” The language of the bill does not proscribe conduct by other family members, who frequently attend school events.

Page 2, line 18 specifically references violence against a “public school employee.” NMAA also sponsors sports competitions at private schools in the state.

**OTHER SUBSTANTIVE ISSUES**

The PDD notes that the law could be included in the Initiatory Crimes chapter of the Criminal Code instead of buried in the Public School Code.

**ALTERNATIVES**

The essential elements of the crime of a parent encouraging their child to engage in violence against another student, parent or school employee is arguably already captured in the crime of contributing to the delinquency of a minor. [30-6-3 NMSA 1978]

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

Requiring all school districts to include or create codes of conduct within their discipline policies addressing parent’s behavior at school and at NMAA-sponsored events may not occur.

AHO/mew