

**LEGISLATIVE EDUCATION STUDY COMMITTEE  
BILL ANALYSIS**

**Bill Number:** SM 39

**50th Legislature, 2nd Session, 2012**

**Tracking Number:** .188796.1

**Short Title:** School Bullying Prevention Programs

**Sponsor(s):** Senator Mary Jane García

**Analyst:** Travis Dulany

**Date:** February 13, 2012

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**Bill Summary:**

Among its provisions, SM 39 requests that:

- all school districts in New Mexico actively engage parents and community members in the development and evaluation of bullying prevention programs;
- school districts make a concerted effort to engage parents of students that have been bullied, as well as community members and organizations with experience, expertise, or knowledge in working with and serving bullied students; and
- copies of the memorial be transmitted to the Public Education Department (PED) for circulation to the superintendent of each public school district in New Mexico.

**Fiscal Impact:**

Legislative memorials do not contain an appropriation.

**Substantive Issues:**

In December of 2011, the US Department of Education (USDE) released a report, titled “Analysis of State Bullying Laws and Policies.” Among the report’s key findings, USDE found that:

- 46 states have bullying laws and 45 of those laws direct school districts to adopt bullying policies; however, three of the 46 states prohibit bullying without defining the behavior that is prohibited;
- 36 states include provisions in their education codes prohibiting cyberbullying or bullying using electronic media, while 13 states specify that schools have jurisdiction over off-campus behavior if it creates a hostile school environment;
- 41 states have created model bullying policies, 12 of which were not mandated to do so under law, and three other states also have developed model policies in absence of state bullying legislation; and
- among the 20 school district bullying policies reviewed under the study, districts located in states with more expansive legislation produced the most expansive school district policies; however, several school districts in states with less expansive laws also substantially expanded the scope and content of their policies beyond minimum legal expectations.

Regarding the extent of coverage of USDE-identified key components for bullying laws among the states, New Mexico meets 11 out of 16 components. According to the report, the five criteria lacking for New Mexico's bullying prevention statutes or regulations are:

- direct policy review;
- written records;
- mental health;
- transparency/monitoring; and
- legal remedies.

During the 2011 legislative session, Legislative Education Study Committee (LESC)-endorsed legislation was enacted to require each school district to implement a bullying prevention program by August of 2012. In response to this legislation, and in order to assist school districts with the development of bullying prevention programs, New Mexico State University (NMSU) hosted a workshop, titled "A Systematic and Comprehensive Workshop on Bullying Assessment, Prevention, Intervention, and Evaluation." The two-day program was provided in October 2011 to approximately 70 administrators, teachers, counselors, and police/resource officers from New Mexico schools.

According to NMSU faculty:

- "In partnership with the College of Education and the Alliance for the Advancement of Teaching and Learning at New Mexico State University, Dr. Azadeh Osanloo, Assistant Professor of Educational Management and Development and Dr. Jonathan Schwartz, Professor and Department Head of Counseling and Educational Psychology presented a two-day workshop on bullying. The workshop, titled "A Systematic and Comprehensive Workshop on Bullying Assessment, Prevention, Intervention and Evaluation," was presented at the Farm and Ranch Museum in Las Cruces on Friday, October 21<sup>st</sup> and Saturday, October 22<sup>nd</sup> to approximately 70 attendees consisting of administrators, teachers, counselors, and police/resource officers from New Mexico Schools.

In accordance with SB 78 PED is required to establish guidelines for bullying prevention policies to be promulgated by local school boards. Taking this policy into consideration, this workshop was the result of a year-long investigation into national, state, and local bullying interventions and research. At this workshop we (1) discussed best practices in the field and current research trends related to bullying interventions; (2) examined a bullying study and the results from multi-schools surveys based in New Mexico; and (3) assisted school district administrators and teachers develop individualized intervention plans predicated on the unique ecological needs of their schools. In addition, we discussed in detail our three-part intervention titled, Bullying Responses And Visions for Equity (BRAVE). This call to action regarding bullying interventions is sounded to help create healthy and successful school environments, as well as establish alignment with state policy."

### **Related Bills:**

HM 25 *Develop School Bullying Prevention Programs* (Identical)