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## FISCAL IMPACT REPORT

SPONSOR Stewart ORIGINAL DATE 1/22/18  
 LAST UPDATED 1/24/18 HB \_\_\_\_\_

SHORT TITLE School Sexual Assault Reporting Training SB 31

ANALYST Liu

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY18	FY19		
	\$100.0	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Children, Youth and Families Department (CYFD)  
 Regional Education Cooperatives Association (RECA)  
 Public Education Department (PED)  
 Public School Insurance Authority (PSIA)

### SUMMARY

#### Synopsis of Bill

Senate Bill 31 appropriates \$100 thousand from the general fund to PED in FY19 to train public school administrators and teachers on reporting allegations of sexual assault.

### FISCAL IMPLICATIONS

The bill includes an appropriation of \$100 thousand from the general fund to PED for FY19. Any unexpended or unencumbered balances at the end of FY19 will revert to the general fund. Because the appropriation is for FY19 only, PED would need to ensure that any developed training and on-line learning could be replicated and updated as needed in subsequent years and may need to incorporate e-learning opportunities for school district and state-chartered charter school administrators and teachers to allow for continued training.

## SIGNIFICANT ISSUES

The detection and reporting of child abuse or neglect is required by both the Children's Code (Section 32A-4-3 NMSA 1978) and the Public School Code (Section 22-5-4.2 NMSA 1978). Section 22-10A-32 NMSA 1978 includes sexual abuse and assault in the definition of child abuse.

The local administration of public schools may report allegations or disposition of sexual misconduct to CYFD or law enforcement agencies, as determined by local governing bodies. PED would determine the process for reporting beyond what is currently required in Section 32A-4-3 NMSA 1978 and as required through the State Teacher Accountability Reporting System (STARS) in accordance with federal reporting for persistently unsafe schools.

PED rule (6.29.1.9 NMAC) requires all licensed school personnel, including substitute teachers, educational assistants, school nurses, school counselors, school psychologists and other instructional service providers to complete training in the detection and reporting of child abuse or neglect, within their first year of employment. Additionally, PED, CYFD, Department of Health (DOH), and New Mexico State University (NMSU) collaborated on an e-learning training for school personnel and health providers that addressed the requirement for all school personnel to complete training in the detection and reporting of child abuse or neglect. PED notes this bill would appropriate funds that may, in part, be used to update and expand upon this existing module. This e-learning training may be accessed at: <https://swrtc.nmsu.edu/resources/elearning/educators/>

PSIA provides free training to member school districts and charters on, including but not limited to, the topic of sexual harassment and sexual assault and molestation, which includes reporting requirements and procedures. The appropriation of funds outlined in this bill to improve educators' and administrators' access to training on the topic of sexual assault would complement the existing trainings provided by PED and PSIA. PSIA notes increased efforts to provide educators with training on the matter of sexual assault and the duty to report allegations would help reduce the amount of incidents and minimize PSIA's liability regarding any claims made due to sexual assault.

## ADMINISTRATIVE IMPLICATIONS

CYFD indicates any increase in mandated investigations as a result of this bill will be absorbed by existing resources. RECA notes PED will need to formulate rules on what types of training will be approved to receive this funding. PED would need to collaborate with CYFD, the Centers for Disease Control and Prevention (CDC), and other federal entities to develop or determine an evidence-based model on child sexual abuse and assault and department standards for school trainings created around evidence-based methods and materials. PED would also need to purchase materials, contract expert presenters, and ensure conference logistics for securing a venue to provide the training. The agency currently has a Health Education Coordinator and a CDC-funded HIV/STI Prevention Coordinator on staff. Existing staff expertise could oversee the planning and implementation of a quality and sustainable training. PED could utilize identified general-funded and federally-funded FTEs to provide ongoing support for the training developed and implemented.

## OTHER SUBSTANTIVE ISSUES

According to the National Intimate Partner and Sexual Violence Survey, in New Mexico, 24 percent of women have been raped during their lifetime, compared to 19.5 percent of U.S. women, and 49 percent of women and 21.5 percent of men in New Mexico have experienced sexual violence other than rape. Sexual assault disproportionately affects children and adolescents in New Mexico; data from the 2015 New Mexico Youth Risk and Resiliency Survey indicate that 10.6 percent of high school girls and 4.1 percent of high school boys in New Mexico have ever been forced to have sexual intercourse. According to the Department of Health, the rate of sexual violence victimization among high school youth in New Mexico has been trending downward since 2007. In 2007, 11.6 percent of girls and 6.9 percent of boys reported having ever been forced to have sex. This trend is consistent with the pattern seen among high school students in the United States overall.

Children and adolescents who are members of marginalized communities are at increased risk for sexual violence victimization. In New Mexico, this includes youth who are experiencing housing instability (21.7 percent), youth who identify as lesbian, gay, or bisexual (18.9 percent), youth who are living with physical disabilities (15.9 percent), and youth who are foreign-born (9.4 percent), Black or African American (10.5 percent), and American Indian/Alaska Native (7.5 percent). In 2015, 15 New Mexicans between the ages of 0 to 18 were admitted to emergency departments due to sexual assault, and 11 additional children were admitted due to suspected sexual assault. Emergency visits for children due to sexual assault have declined each year since 2012, when 26 children were admitted.

The New Mexico Coalition of Sexual Assault Programs, a private nonprofit organization, published a report titled, *Sex Crimes in New Mexico XV: An Analysis of 2016 Data from the New Mexico Interpersonal Violence Data Central Repository*, in 2017 using sexual assault data from the New Mexico Interpersonal Violence Data Central Repository, law enforcement agencies, service providers, statewide Sexual Assault Nurse Examiner (SANE) units, and the Administrative Office of the Courts. The report found a 7.5 percent decrease in the total number of sexual assaults reported to statewide law enforcement and a 22 percent increase in the number of victims seeking sexual assault services in 2016, compared to 2015. The report also reviewed 1,181 reports of criminal sexual penetration that identified victim age and found the greatest proportion of all victims was in the age group 13-18 (26 percent), followed by victims age 7-12 and 19-25 (15 percent, respectively).

In the 2014 legislative session, House Bill 92, also known as “Erin’s Law” was passed by the New Mexico Legislature and signed into law. The legislation and subsequent law required PED to work with CDC to develop an evidence-based section on child sexual abuse and assault.

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