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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
54th Legislature, 1st Session, 2019

Bill Number	<u>SB288</u>	Sponsor	<u>Soules</u>
Tracking Number	<u>.211687.1</u>	Committee Referrals	<u>SEC/SJC</u>
Short Title	<u>Safe Schools for All Students Act</u>		
Analyst	<u>Force</u>	Original Date	<u>1/31/19</u>
		Last Updated	<u>2/26/19</u>

BILL SUMMARY

Synopsis of Bill

Senate Bill 288 (SB288) would create the Safe Schools for All Students Act within the Public School Code requiring school districts to establish, adopt, and enforce bullying prevention policies and programs. SB288 would provide flexibility to allow for consequences unique to each incident and requires procedures for reporting, investigating, and appealing incidents.

SB288 would require the Public Education Department (PED) to develop and promulgate rules that require school districts to develop and implement bullying prevention policies and programs within 180 days of the act's effective date. PED may collaborate with a team of experts to assist with the implementation of the act.

SB288 would repeal Section 22-2-21 NMSA 1978, "Bullying and cyberbullying prevention programs," in favor of the Safe Schools for All Students Act, which is the specific statutory authority for PED rule, Part 7 of 6.12 NMAC, Bullying Prevention.

FISCAL IMPACT

SB288 does not contain an appropriation.

The Fiscal Impact Report (FIR) from the Legislative Finance Committee (LFC) notes school boards may incur additional, potentially significant costs from the development and dissemination of anti-bullying policies and the designation of an administrator to investigate reports of bullying.

The House Appropriations and Finance Committee Substitute for House Bill 2 (HB2/HAFCS) includes \$1.5 million appropriated to PED for the establishment or expansion of school-based health centers statewide, which may be used to support mental and behavioral health efforts for students who are bullied or who bully.

SUBSTANTIVE ISSUES

According to a 2017 report from the nonprofit, Youth Truth, incidence of bullying has increased from two years prior, from one in four to one in three middle and high school students reporting being bullied. Research consistently demonstrates that bullied adolescents miss school at greater rates than non-bullied youth, and report more incidents of violence, depression, and suicidal ideation than non-bullied youth.

Lesbian, gay, bisexual, and transgender (LGBT) youth experience greater incidence of bullying at about twice the rate of their straight peers. SB288 would define “sexual orientation” and “gender identity,” addressing lesbian, gay, bisexual, transgender, and queer (LGBTQ) youth who, studies show, face a more hostile environment than their non-LGBTQ peers. The Human Rights Watch notes lawmakers and school administrators have increasingly recognized LGBT youth as a vulnerable population in school settings and, as a result, there has been an increase of policies implemented to ensure *all* students feel safe and welcome at school.

The 2017 New Mexico Youth Risk and Resiliency Survey (YRRS) indicates:

- 18.7 percent of New Mexico youth from ninth to 12th grades were bullied on school grounds, compared with 19 percent in the nation as a whole.
- 14 percent of New Mexico youth were electronically bullied, compared with 14.9 percent in the nation.
- 11.8 percent of New Mexico youth skipped school due to safety concerns, compared with 6.7 percent in the nation.
- 15.1 percent of New Mexico high school students identified as lesbian, gay, bisexual or unsure.
- 3.4 percent of New Mexico youth identified as transgender, while 2.9 percent were unsure.
- 29.9 percent of New Mexico lesbian and gay youth were bullied on school property, compared with 33.2 percent of bisexual youth and 15.7 percent of straight youth.
- 32.4 percent of New Mexico transgender youth were bullied on school property, compared with 17.1 percent of cisgender youth.

According to the American Academy of Pediatrics, both victims and perpetrators of bullying and cyberbullying are at a higher risk for suicide and suicide attempts. Further, the Center for Disease Control released data in 2014 showing that an average of 200 thousand bullied students sneak hundreds of thousands of firearms, knives, and clubs into high schools; and the more a student is bullied, the more likely the student is to return to school with a weapon.

Bullying, whether it is physical, verbal, or cyber, has an impact on children’s academic achievement, learning, and development. The American Psychological Association (APA) reports that children who are bullied have lower academic achievement, lower self-esteem, and have higher levels of anxiety, depression, and loneliness. Children who are bullied are more likely to avoid school, drop out, attempt suicide, or a combination of the three. The APA also reports that bullying can be significantly reduced through the implementation of programs that improve school climate, which leads to higher student performance. To address bullying and make efforts toward achieving a more positive school climate, the National Education Association recommends:

- Developing and implementing educational programs designed to help students recognize, understand, prevent, oppose, and eliminate bullying, while emphasizing respect for all;

- Training and professional development materials and resources for all school employees in the prevention and intervention of all bullying behaviors;
- Conducting an annual school climate survey; and
- Collaboration among education stakeholders to establish strong anti-bullying policies, including clear consequences for bullying, and procedures for reporting and appeals.

The first two recommendations are incorporated into SB288. The bill also would require local school boards' policies to forbid cyberbullying; definitions of terms as they are included in SB288; statements prohibiting retaliation; and a list of potential consequences for bullying that must be flexible and unique to the student involved. Also included would be reporting procedures, including a method of doing so anonymously; investigation procedures; processes for appeals for accused students. Bullying policies would also have to be included in student handbooks in languages appropriate to the student population.

While current law and rule do not include explicit examples of potential disciplines for students guilty of bullying, the bill proposes a progression of disciplinary measures including meeting with the student's parents; requiring the students engage in "reflective activities," such as writing essays on their misbehavior; counseling; anger management; health and mental health counseling; participation in skill-building activities; community service; and in-school detention or suspension. SB288 includes more extensive minimum requirements for school board anti-bullying policies, including greater reporting requirements, investigation procedures, and parameters for informing parents and guardians, including a determination of whether it would be safe for the student if their parents or guardian are informed.

ADMINISTRATIVE IMPLICATIONS

PED notes short-term and ongoing implications of SB288. Within 120 days of the effective date of the act, PED would be required to revise NMAC 6.12.7, Bullying Prevention, to reflect the changes as outlined in the Safe Schools for All Students Act. The department would also be required to provide guidance to local school boards related to progressive discipline and effective bullying prevention programs to reduce bullying and school violence.

Additionally, PED would need to revise the policy sections of the recently revised Planning for Safe Schools in New Mexico: School Guide to reflect changes in the bullying prevention component of the required school Safe Schools Plan submissions, and communicate these changes to school districts and charter schools. The department would also need to revise its three-year timetable of Safe School Plan submissions to review the bullying sections of the approximately 600 Safe School Plans that are being assessed during the 2019-2020 and 2020-2021 school years.

TECHNICAL ISSUES

PED notes the bill requires school districts to report aggregate incidents of bullying and incidents of harassment, along with the responses to the incidents, to PED annually, a duplicative effort for school districts and schools, as the federal Every Student Succeeds Act requires reporting information regarding bullying and harassment.

SOURCES OF INFORMATION

- LESC files
- Legislative Finance Committee (LFC)

- Public Education Department (PED)
- Human Services Department (HSD)
- Homeland Security and Emergency Management Department (HSEMD)

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