

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: SJM 5

50th Legislature, 1st Session, 2011

Tracking Number: 183531.1

Short Title: Study Effects of Bullying

Sponsor(s): Senators Mary Jane M. García, Lynda M. Lovejoy, and Cynthia Nava

Analyst: Kevin Force

Date: February 10, 2011

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

Bill Summary:

Among its provisions, SJM 5 requests the Children, Youth and Families Department (CYFD), the Public Education Department (PED), and the Department of Health (DOH) to:

- conduct a joint study to determine the current status of bullying prevention efforts in New Mexico;
- research evidence-based strategies to prevent bullying;
- collect, analyze, and report data related to the impact of bullying on juvenile justice, education, and health; and
- make recommendations on the best approach to ensuring effective bullying prevention programs statewide.

SJM 5 also directs the secretaries of Health, Public Education, and Children, Youth and Families to report their findings to an appropriate interim legislative committee by November 30, 2011.

Substantive Issues:

- The CYFD analysis asserts that the problem of bullying needs to be examined from both sides of the issue, perpetrator and victim. Either one can escalate to criminal offenses.
- CYFD and DOH both cite the *2009 Youth, Risk and Resiliency Survey (YRRS)*, administered by the Division of Epidemiology at DOH:
 - 37.3 percent of students were in a physical fight within the 30 days preceding the YRRS;
 - 15 percent of New Mexico students were in a physical fight and bullied on school property within the 30 days preceding the survey;
 - 7.2 percent of students did not go to school on at least one day in the preceding month because they felt unsafe at school; and
 - bullying is more prevalent among gay, lesbian, bisexual, and transgender students, where nearly nine of 10 students report experiencing sexual orientation or gender related bullying.¹

¹ 2007 National School Climate Survey, 2008

- New Mexico ranked 17th in the nation for students who skipped school because they felt unsafe;
 - New Mexico ranked 11th in the country for those students who were bullied at school;
 - 19.5 percent of high school students had been bullied on school property; and
 - 31.2 percent of middle school students had been bullied at school;²
- The upcoming 2011 YRRS, to be administered in September, will include an additional measure regarding bullying, specifically addressing the issue of cyber-bullying.
 - Incidents of cyber-bullying, as well as youth suicides apparently attributable to cyber-bullying, have both garnered increasingly greater media attention in recent years:
 - According to a survey conducted by the Cyberbullying Research Center, 37 states have enacted statutes addressing the issue of cyber-bullying or electronic harassment, although only six use the specific term “cyber-bullying”.³
 - According to the National Conference of State Legislatures, state statutes addressing cyber-bullying include:⁴
 - Massachusetts SB 2404 (2010) “Prohibits bullying on school grounds or at a school-sponsored or related activity, or through the use of an electronic device whether the device is school-owned or not, requires age-appropriate instruction, requires the development of an anti-bullying plan, authorizes anti-discrimination or harassment policies, requires related professional development.”
 - Rhode Island SB 2012 (2008) “Expands the definition of student discipline codes relating to harassment or bullying to include electronic communications; includes a computer, telephone, cellular telephone, text-messaging device and personal data assistance devices.”
 - Oregon HB 2599 (2009) “Requires school districts to prohibit harassment, intimidation, bullying or cyber-bullying, considers a school district to be nonstandard if school district does not comply with requirements, relates to interference with the psychological well-being of a student, provides for protected classes of status including race, color, religion, sexual orientation, national origin, marital status, source of income or disability, includes behavior at school-sponsored activities, school transportation and bus stops.”

Background:

- As early as 2003, the Legislative Education Study Committee (LESC) heard testimony from New Mexico Voices for Children about the consequences of bullying, not only for the bullies and their victims, but also for bystanders. According to Voices for Children:
 - consequences of bullying include poor school performance; truancy; delinquency; further violence, including school shootings; depression; and suicide;

² Highlights from the 2009 New Mexico High School Risk and Resiliency Survey, New Mexico Epidemiology, Volume 2010, Number 7, September 2010

³ http://www.cyberbullying.us/Bullying_and_Cyberbullying_Laws.pdf

⁴ <http://www.ncsl.org/default.aspx?tabid=12903> (NCSL list of anti-cyber-bullying bills enacted, by state.)

- bullying prevention policies and programs reduce the incidence rate of bullying by 50 percent. Although such programs do not require a new curriculum, their successful implementation does require a comprehensive change in school culture and environment; and
 - the federal Office of Juvenile Justice and Delinquency Planning, the Health Resources Services Administration, and the US Department of Education are all promoting bullying prevention programs as a proven means to create safe schools, improve student performance, and reduce criminal behavior.
- In 2004, LESC-endorsed legislation (SB 185, *Development of Bullying Prevention Programs*) was introduced to define the term “bullying;” allow PED to establish guidelines for bullying prevention policies by local school boards; allow each local school board to promulgate a bullying prevention policy by August 2005; and allow each local school to implement a bullying prevention program by August 2007.
 - While SB 185 did not pass, the 2004 Legislature appropriated \$350,000 to PED to support bullying prevention statewide.
 - On November 30, 2006, PED issued a rule requiring all public schools, including charter schools and state-supported educational institutions, to address bullying of students by adopting and implementing policies by April 2007.
 - During the 2009 regular legislative session, HJM 31 directed CYFD, PED, and DOH to conduct a study on bullying prevention. Although the memorial did not pass, the agencies agreed to conduct the recommended study, which resulted in the following recommendations to the Legislature:
 - ensure all students receive bullying and violence prevention education through quality health education by making health education a graduation requirement taught by PED-licensed health education instructors;
 - fund universal, school-based, pre-kindergarten through twelfth grade programs with strong evidence of effectiveness in preventing or reducing violent behavior; and
 - fund a data-sharing system that allows state agencies (e.g. PED, DOH, and CYFD) to share information on incidence of school-based violence and injury in a timely manner in order to assist in better collaboration and implantation on bullying and violence prevention programs statewide.⁵
 - According to “Find Youth Info,”⁶ the following are all “Level 2”⁷ programs in their Evidence-Based Program Directory:

⁵ Report on: Study the Incidence, Nature and Effects of Bullying and Other Forms of Harassment Affecting New Mexico Children and Youth. Submitted by: New Mexico Children, Youth and Families Department New Mexico Public Education Department New Mexico Department of Health December – 2009

⁶ FindYouthInfo.gov was created by the Interagency Working Group on Youth Programs, which is composed of representatives from 12 federal agencies that support programs and services focusing on youth, including the Departments of Defense, Education, and the Interior, and the Office of National Drug Control Policy. (www.findyouthinfo.gov)

⁷ The Find Youth Info Program Directory rates programs using four dimensions of effectiveness: Conceptual framework, program fidelity, evaluation design and empirical evidence. The score for each dimension of effectiveness and the overall effectiveness score are used to classify programs into one of three categories. “Level 2” indicates, in general, that when implemented with sufficient fidelity, these programs demonstrate adequate empirical findings, using a sound conceptual framework and an evaluation design of high quality

- *Olweus Bullying Prevention Program*, for ages 6 to 14, which is a universal intervention developed to promote the reduction and prevention of bullying behavior and victimization problems;
- *Second Step®: A Violence Prevention Curriculum*, for ages 4 to 14, designed to reduce impulsive and aggressive behavior in children by increasing their social competency skills; and
- *Steps to Respect®: A Bullying Prevention Program*, for ages 8 to 12, a research-based, comprehensive bullying prevention program developed for grades 3 through 6 by Committee for Children.⁸

Related Bills:

SB 78 *School District Bullying Prevention Programs*

⁸ http://www.findyouthinfo.gov/topic_bullying_programs.shtml