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FISCAL IMPACT REPORT

ORIGINAL DATE 01/27/11

SPONSOR Garcia, M.J. and Miera LAST UPDATED _____ HB _____

SHORT TITLE School District Bullying Prevention Programs SB 78

ANALYST Haug

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY11	FY12	FY13	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		\$58.0 – \$115.9				

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
 Administrative Office of the District Attorneys (AODA)
 Public Education Department (PED)

SUMMARY

Synopsis of Bill

Senate Bill 78, introduced on behalf of the Legislative Education Study Committee, would require the PED to establish guidelines for bullying prevention policies to be promulgated by local school boards, require every local school board to promulgate a bullying prevention policy by August 2011 and require every public school to implement a bullying prevention program by August 2012.

FISCAL IMPLICATIONS

The PED asserts that it will be required to: 1) amend its rule (NMAC 6.12.7) to be in compliance with SB 78, and 2) develop guidelines for bullying prevention programs. The current rule, adopted in November 2006, required each school district and charter school to develop and implement a policy that addresses bullying no later than April 1, 2007. The rule applies to districts and not “every public school” for implementation of a bullying prevention program as does SB 78.

The PED notes that it developed a School District Anti-Bullying Policy Guidance document to support all public school districts, including charter schools, to develop and implement a policy.

It is difficult to assess how much modification this document would require since it was not immediately available on the PED's website. Nonetheless, it is difficult to accept that modifications to the rule and changes to the guidance document would require 5 full weeks of an employee's time under these circumstances devoted exclusively to these tasks. (PED states that the cost to amend rule and establish guidelines for a bullying prevention program would be \$6.6. It is anticipated that it would take approximately 200 hours of staff time (Educator Administrator-A @\$25.495/hour X 200 hours plus benefits (30%) equals total cost of \$6.6).

SB 78 does require, as PED notes, that public schools, including charter schools, will be required to implement bullying prevention programs. It does not, however, require that they purchase a "bullying prevention program" which PED estimates would cost for all 89 Public Schools and 33 State Chartered Charter Schools \$115.9 thousand at a cost of \$950 dollars each.

The range of fiscal impact in the table above reflects amounts from half of the PED estimate to the full estimated impact.

SIGNIFICANT ISSUES

PED does not indicate the degree of compliance with NMAC 6.12.7 adopted in November 2006 which required establishment of a district level anti-bullying policy by April 1, 2007.

The PED notes that in addition to the policy and guidance documents already discussed it also requires all public school districts, including charter schools to have a Safe School Plan in place which include the bullying prevention policy that they have adopted.

The PED reports that according to the New Mexico 2009 Youth Risk Resiliency Survey and the National Youth Risk Behavior Survey:

- 31.2% of New Mexico middle school students reported being bullied in the last 12 months
- 19.5% of New Mexico high school students, as compared to 19.9% nationally, reported being bullied in the last 12 months on school property.
- 7.2% of New Mexico high school students, as compared to 5.0% nationally, reported not going to school because of feeling unsafe in the past 30 days.

(References: 1) New Mexico Department of Health (2009) Youth Risk Resiliency Survey. 2) Centers for Disease Control and Prevention (2009) Youth Risk Behavioral Survey.)

The PED states also that the U.S. Department of Education, Office for Civil Rights (OCR), states that bullying fosters a climate of fear and disrespect that can seriously impair the physical and psychological health of its victims and create conditions that negatively affect learning, thereby undermining the ability of students to achieve their full potential. The movement to adopt anti - bullying policies reflects schools' appreciation of their important responsibility to maintain a safe learning environment for all students.

PERFORMANCE IMPLICATIONS

The PED indicates SB 78 relates to PED goal to ensure students are ready to learn:

- Ensuring that all children are ready for kindergarten.
- Have a safe, inviting and caring learning environment.

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- Keep students ready to learn by providing access to healthcare, healthy foods and physical fitness.

GH/svb