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SENATE BILL 80

52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016

INTRODUCED BY

Pat Woods

AN ACT

RELATING TO BULLYING; REQUIRING DEVELOPMENT OF BULLYING
PREVENTION POLICIES AND PROCEDURES FOR PUBLIC SCHOOLS;
DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 22-2-21 NMSA 1978 (being Laws 2011,
Chapter 50, Section 1, as amended) is amended to read:

"22-2-21. BULLYING AND CYBERBULLYING PREVENTION
~~[PROGRAMS]~~--MODEL POLICY AND EDUCATIONAL MATERIALS--
REQUIREMENTS.--

A. By June 1, 2016, the department shall ~~[establish
guidelines for]~~:

(1) in consultation with representatives of
the public education commission, school personnel, parents,
guardians and other interested parties:

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1 (a) develop a model bullying prevention
2 [policies to be promulgated by local school boards] policy; and

3 (b) develop model cyberbullying
4 educational materials that address the seriousness of
5 cyberbullying, responsible and safe use of the internet,
6 options available to a student who is being cyberbullied and
7 guidance on when to report cyberbullying to local police,
8 school officials or phone or internet providers;

9 (2) publish the model bullying prevention
10 policy, training materials on the components of the policy and
11 model cyberbullying educational materials on the department's
12 website; and

13 (3) promulgate rules regarding how each school
14 district and governing body of a charter school shall
15 communicate the school district's or governing body's bullying
16 prevention policy to parents, guardians, students and school
17 personnel and volunteers.

18 B. By July 1, 2016, every local school board and
19 governing body of a charter school shall:

20 (1) in consultation with parents, guardians,
21 students, school personnel and volunteers and other interested
22 parties, promulgate a bullying prevention policy [by August
23 2011] that incorporates the provisions of the model bullying
24 prevention policy;

25 (2) communicate the bullying prevention policy

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1 to parents, guardians, students, employees and volunteers
2 pursuant to rules promulgated by the department;

3 (3) designate one person as the primary
4 contact regarding bullying prevention. The contact person
5 shall ensure implementation of bullying prevention policies in
6 each school in the school district or in the charter school,
7 receive copies of all formal and informal complaints related to
8 bullying and act as the liaison between the school district,
9 the public education commission and the department; and

10 (4) provide to the department:

11 (a) a copy of the school district's or
12 school's bullying prevention policy;

13 (b) a summary of the school district's
14 or school's bullying prevention programs and procedures and
15 bullying prevention instructional or training materials; and

16 (c) contact information for the school
17 district's or school's primary bullying prevention contact
18 person.

19 C. Beginning July 1, 2017 and each year thereafter,
20 every local school board and governing body of a charter school
21 shall provide the department with updated information required
22 to be submitted pursuant to Paragraph (4) of Subsection B of
23 this section.

24 D. By August 1, 2016, every public school shall
25 implement a bullying prevention program [~~by August 2012~~

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1 ~~B. Every local school board and governing body of a~~
2 ~~charter school shall promulgate a]~~ that comports with the model
3 bullying prevention policy.

4 E. The model bullying prevention policy shall:

5 (1) prohibit bullying of any student;

6 (2) emphasize positive student character
7 traits and values, the importance of civil and respectful
8 speech and conduct and each student's responsibility to comply
9 with the student's school's bullying prevention policy; and

10 (3) include provisions specific to
11 cyberbullying prevention [policy by August 2013. Cyberbullying
12 prevention policies] and those provisions shall require that:

13 ~~(1)~~ (a) all licensed school employees
14 complete training on how to recognize signs that a person is
15 being cyberbullied;

16 ~~(2)~~ (b) any licensed school employee
17 who has information about or a reasonable suspicion that a
18 person is being cyberbullied report the matter immediately to
19 the school principal or the local superintendent or both;

20 ~~(3)~~ (c) any school administrator or
21 local superintendent who receives a report of cyberbullying
22 take immediate steps to ensure prompt investigation of the
23 report; ~~and~~

24 ~~(4)~~ (d) school administrators take
25 prompt disciplinary action in response to cyberbullying

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1 confirmed through investigation. Disciplinary action taken
2 pursuant to this subsection must be by the least restrictive
3 means necessary to address a hostile environment on the school
4 campus resulting from the confirmed cyberbullying and may
5 include counseling, mediation and appropriate disciplinary
6 action that is consistent with the legal rights of the involved
7 students; and

8 (e) educational materials that
9 incorporate the provisions of the model cyberbullying
10 educational materials be distributed to parents, guardians and
11 students or be made available on every school's website.

12 [~~E.~~] F. Each local school board and governing body
13 of a charter school shall make any necessary revisions to its
14 disciplinary policies to ensure compliance with the provisions
15 of this section.

16 [~~D.~~] G. As used in this section:

17 (1) "bullying" means any intentional
18 electronic, written, verbal or physical act, including an act
19 motivated by a targeted student's actual or perceived race,
20 color, religion, ancestry, national origin, gender, sexual
21 orientation or mental, physical or sensory disability or other
22 distinguishing characteristic, when the act:

23 (a) physically harms a targeted student
24 or damages the student's property;

25 (b) has the effect of substantially

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1 interfering with a targeted student's educational benefits,
2 opportunities or performance;

3 (c) is so severe, persistent or
4 pervasive that it creates or is certain to create an
5 intimidating, threatening or hostile environment on a school
6 campus; or

7 (d) has the effect of substantially
8 disrupting the orderly operation of a school;

9 (2) "cyberbullying" means bullying via an
10 electronic communication [that:

11 (1) targets a specific student;

12 (2) is published with the intention that the
13 communication be seen by or disclosed to the targeted student;

14 (3) is in fact seen by or disclosed to the
15 targeted student; and

16 (4) creates or is certain to create a hostile
17 environment on the school campus that is so severe or pervasive
18 as to substantially interfere with the targeted student's
19 educational benefits, opportunities or performance]; and

20 (3) "electronic" or "electronic communication"
21 means a communication that involves the transmission of
22 information by wire, radio, optical cable, electromagnetic or
23 similar means."

24 SECTION 2. EMERGENCY.--It is necessary for the public
25 peace, health and safety that this act take effect immediately.

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