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**LEGISLATIVE EDUCATION STUDY COMMITTEE**  
**BILL ANALYSIS**  
**53rd Legislature, 1st Session, 2017**

<b>Bill Number</b>	<u>SB115/aSJC</u>	<b>Sponsor</b>	<u>Soules</u>
<b>Tracking Number</b>	<u>.205665.1</u>	<b>Committee Referrals</b>	<u>SEC/SJC/SFC; HEC/HJC</u>
<b>Short Title</b>	<u>Safe Schools for All Students Act</u>		
<b>Analyst</b>	<u>Terrazas</u>	<b>Original Date</b>	<u>1/31/17</u>
		<b>Last Updated</b>	<u>3/3/17</u>

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**BILL SUMMARY**

Synopsis of SJC Amendment

The Senate Judiciary Committee amendment to SB115 (SB115/aSJC) strikes subsection C which allows the Public Education Department (PED) to convene a group of experts to assist with the implementation of the Safe Schools for All Students Act and with the development of a model policy.

Synopsis of Original Bill

Senate Bill 115 (SB115) creates 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. SB115 provides flexibility to allow for consequences unique to each incident and requires procedures for reporting, investigating, and appealing incidents.

SB115 requires 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.

SB115 repeals Section 22-2-21 NMSA1978 of the Public School Code, which addresses bullying and cyberbullying prevention programs.

**FISCAL IMPACT**

Senate Bill 115, as amended by Senate Judiciary Committee (SB115/aSJC) does not contain an appropriation.

According to PED, the bill would require considerable financial and human resources from school districts, charter schools, and PED to implement all of the provisions.

## SUBSTANTIVE ISSUES

The 2015 New Mexico Youth Risk and Resiliency Survey (NM-YRRS) revealed that nearly 26 percent of students in the state, grades 9 through 12, were in a physical fight within the past year; 8.5 percent were in a physical fight on school property. Also within the past year, nearly 14 percent of those surveyed were bullied electronically, while 18 percent were bullied on school property. Within the past 30 days of taking the survey, nearly 8 percent did not go to school because of safety concerns. 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. The U.S. Department of Health & Human Services states that in 12 of 15 school shooting cases in the 1990s, the shooters had a history of being bullied.

SB115/aSJC defines “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 LGBTQ 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 NM-YRRS 2013 data revealed one in 10 students in New Mexico identified as lesbian, gay, or bisexual (LGB); 3 percent of students reported being unsure of their sexual identity. LGB students (17 percent) were more likely than non-LGB students (6 percent) to skip school due to safety concerns. Further, nearly 36 percent of LGB students had been bullied on school property compared to 17 percent of non-LGB students.

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 SB115/aSJC.

## ADMINISTRATIVE IMPLICATIONS

As mentioned, SB115/aSJC requires PED to develop and promulgate rules that require all school districts and charter schools to develop and implement bullying prevention policies and programs

in accordance with the act’s provisions and within 180 days of the act’s effective date. PED is expected to promulgate rules for model policies, provide guidance on progressive discipline, and provide guidance on effective bullying prevention programs for school boards. PED noted in the department’s analysis that providing technical assistance and guidance to school boards related to progressive discipline and effective bullying prevention programs may be duplicative of existing strategies within both PED’s Safe Schools Program and Response to Intervention framework endorsed by PED and utilized by schools.

The bill requires local school boards to adopt and enforce bullying prevention and intervention policies by July 1, 2018. Schools are expected to establish annual bullying prevention programs to be included in health education content standards as well as provide annual training on bullying prevention to all employees and volunteers who have significant contact with students. If SB115/aSJC is enacted, the training for new employees would need to incorporate information on the bullying prevention policy. School districts and public schools would need to develop a plan to publicize the policy on public websites, establish a point of contact for bullying related concerns, and inform parents and students about the policy at least once a year through student handbooks and other resources. Further, school boards would need to establish procedures to report aggregate incidents of bullying and harassment, along with responses to these incidents, to PED along with or as part of the annual accountability report.

### **TECHNICAL ISSUES**

On page 2 line 7, the sponsor may want to consider replacing “physical or mental handicap” with “students with disabilities.”

On page 3 lines 11 through 13, the sponsor may want to consider replacing “physical or mental handicap” with “students with disabilities,” and replace “mental impairment” with “cognitive impairment.”

On page 3 line 22, the sponsor may want to consider adding “or guardians” after “parents.”

PED noted in its analysis that the bill would pose a significant administrative burden and that the timeline for implementation is not reasonable; consideration should be given to a one-year delay to ensure fidelity in implementation.

### **OTHER SIGNIFICANT ISSUES**

The New Mexico Department of Health noted this bill relates to its FY17 – FY19 Strategic Plan, which includes indicators to determine the population’s health status, such as percent of adolescents who smoke, drug overdose death rate, alcohol-related death rate, and suicide rate.

### **POSSIBLE QUESTIONS**

Is there any school or school district data available to demonstrate whether the statute on bullying and cyberbullying prevention programs, Section 22-2-21 NMSA 1978, helped to prevent or decrease bullying?

**RELATED BILLS**

Relates to HB200/aHCPAC, Anti-Hazing Act, which defines hazing and establishes penalties for the act of hazing.

Relates to HB355, Bullying & Cyberbullying Penalties, which establishes minimum penalties for confirmed cases of bullying and cyberbullying.

Relates to HM47, Virtues of Emotional Intelligence, which asks the House of Representatives to recognize and embrace the virtues of emotional intelligence.

**SOURCES OF INFORMATION**

- LESC Files
- Legislative Finance Committee
- NMDOH

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