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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
53rd Legislature, 2nd Session, 2018

Bill Number	<u>SB31</u>	Sponsor	<u>Stewart</u>
Tracking Number	<u>.208882.3</u>	Committee Referrals	<u>SCC/SEC/SFC</u>
Short Title	<u>School Sexual Assault Reporting Training</u>		
Analyst	<u>Force</u>	Original Date	<u>1/22/18</u>
		Last Updated	<u>1/29/18</u>

BILL SUMMARY

Synopsis of Bill

SB31 appropriates \$100 thousand to the Public Education Department (PED) to train public school teachers and administrators on reporting allegations of sexual assault.

FISCAL IMPACT

This bill appropriates \$100 thousand from the general fund to PED for expenditure in FY19. The appropriation is recurring. Any unexpended or unencumbered balance remaining at the end of FY19 shall revert to the general fund.

SUBSTANTIVE ISSUES

Incidents of sexual harassment and assault are much in the news lately, with many instances of people in positions of authority allegedly using their influence to try to pressure and harass others into unwanted sexual encounters. Young people, confronted by adults, may have a difficult time standing up to and reporting unwanted sexual advances, and as such may need extra protection and intervention.

The most recent New Mexico Youth Risk and Resiliency Survey indicates in 2015, 8.6 percent of high school students experienced physical dating violence, 9.2 percent experienced sexual dating violence, and 7.3 percent of high school students in the state were forced to have sexual intercourse against their will. Female students were more than twice as likely to be forced to engage in sex as their male counterparts; LGB students more than three times as likely as straight students; students in unstable housing situations more than three times as likely as students with more stable home lives; and physically disabled students more than twice as likely as those with no physical disabilities. The effects of this sort of violence can be devastating; for example, students assaulted in this manner were five times as likely to attempt suicide and three times as likely to engage in nonsuicidal self-harm. Finally, this kind of trauma can have serious impacts on the academic success of victimized young people, with such students being nearly twice as likely to get mostly Ds and Fs in school.

In the 2014 legislative session, Laws 2014, Chapter 9 (House Bill 92) was passed to require all licensed school employees to complete training in recognizing and reporting child abuse, including sexual abuse (see Section 22-10A-32 NMSA 1978). However, neither HB92 nor the General Appropriation Act of 2014 contained any appropriation to support schools in creating and administering the training. At the time, PED’s analysis of HB92 indicated the teacher-training requirements of the bill would have no real fiscal impact for state agencies or schools, as online training was available through a collaborative effort among PED; New Mexico State University (NMSU); Children, Youth and Families Department (CYFD); Department of Health; and IDEAL New Mexico.

The online training is still available at http://recognizingabuse.nmsu.edu/story_html5.html. It is somewhat interactive, requiring “True or False” responses, multiple choice answers, and matching of various sorts of abuse (physical, emotional, and sexual abuse, and neglect) with appropriate warning signs or symptoms. As noted, the online training addresses several forms of potential abuse and neglect, rather than focusing on sexual abuse. The training also reviews the process of reporting suspected abuse, and what actions a report might set in motion. The entire course of training can probably be completed within an hour or two.

ADMINISTRATIVE IMPLICATIONS

CYFD notes that any increase in CYFD investigations arising as a result of SB31 can be absorbed by existing resources.

The New Mexico Public Schools Insurance Authority (NMPSIA) provides free training to member school districts and charter schools that includes recognizing and reporting sexual assault. Any improvement in access to training on the topic of sexual assault would serve to complement existing training offered by NMPSIA and PED, and would help any nonmember school districts or charter schools to train their staff on the issue of sexual assault. Further, increased training on the recognition and reporting of sexual assault would likely reduce the number of incidents and minimize NMPSIA’s liability for any claims made due to sexual assault.

RELATED BILLS

Relates to SB61, Add Domestic Violence Definitions, which adds definitions for “suffocation” and “strangulation” to the Family Violence Protection Act, the Crimes Against Household Members Act, and the Abuse and Neglect Act.

Relates to SB87, Child Abuse Definition & Investigation, which amends the definition of “abused child” to clarify that it includes abuse by a person who is neither parent, guardian, nor custodian to the child in question.

SOURCES OF INFORMATION

- LESC Files
- Children, Youth and Families Department (CYFD)
- New Mexico Public Schools Insurance Authority (NMPSIA)

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