

FISCAL IMPLICATIONS

The appropriation of \$200 thousand contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY20 shall revert to the general fund.

SIGNIFICANT ISSUES

Although the State Auditor’s focus is financial audits of all state agencies, the office has, frequently, reviewed issues outside of finances, such as the backlog of sexual assault kits at the Department of Public Safety. OSA supports the proposed legislation and indicates the contemplated audit would evaluate sexual education curricula in place in New Mexico public schools. According to OSA, “The audit would assist in determining which schools or school districts lack the resources to teach sexual education at the requisite standards, as well as what those schools and school districts lack in terms of resources to be able to deliver sexual education that meets the requisite standards.”

PED reports “statutory requirements and rules regarding sexual education in public schools” include state statute on graduation requirements, 22-13-1.1 NMSA 1978, which requires students to complete a course in health education that includes training on sexual assault and abuse prevention. The corresponding rule is New Mexico Administrative Code (NMAC) 6.29.6.10, “Content Standards with Benchmarks and Performance Standards for Health Education, Grades 9-12,” which includes a graduation requirement for students to complete 0.5 units of health education. NMAC 6.29.6.10 further requires the teaching of certain sexual education concepts, such as human reproduction, sexuality, abstinence and birth control, and methods to prevent the transmission of sex-related infections and other risky behaviors.

Other administrative rules regarding sexual education in public schools includes NMAC 6.29.6.1, which requires school districts and charter schools to implement a policy that allows parents to ask that their children be exempt from sex-related topics in the health course, and NMAC 6.12.2.10, which requires HIV-related instruction.

ADMINISTRATIVE IMPLICATIONS

Although there are no direct administrative implications for PED from SB540, PED would likely be required to intervene with schools that are not meeting the requirements of statute and rule and monitor corrective action.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

SB540 would require both colleges and PED to adopt policies and procedures for addressing sexual assault, domestic violence, dating violence and harassment, and stalking for employees and students, among others.

TECHNICAL ISSUES

OSA recommends substituting the word “audit” in place of “investigate” in the proposed legislation (page 1 line 18) to better align the language with the intent.