

<b>LFC Requester:</b>	<b>Sunny Liu</b>
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**AGENCY BILL ANALYSIS  
2018 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:**

**[LFC@NMLEGIS.GOV](mailto:LFC@NMLEGIS.GOV)**

*and*

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*{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

Check all that apply: **Date** 01/23/18  
**Original**     **Amendment**        **Bill No:** SB 31  
**Correction**     **Substitute**   

**Sponsor:** Senator Mimi Stewart    **Agency Code:** 924  
**Short Title:** SCHOOL SEXUAL ASSUALT REPORTING TRAINING    **Person Writing:** Deputy Secretary Debbie Montoya  
**Phone:** 8275800    **Email:** Debbie.Montoya@state.nm.us

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY18	FY19		
NFI	\$100.0	Nonrecurring	General

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY18	FY19	FY20		
NFI	NFI	NFI	N/A	General

(Parenthesis ( ) Indicate Expenditure Decreases)

## **ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY18</b>	<b>FY19</b>	<b>FY20</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>	NFI	NFI	NFI	NFI	Nonrecurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

##### Synopsis:

Senate Bill 31 (SB31) appropriates \$100.0 from the general fund to the Public Education Department (PED) to train public school administrators and teachers on reporting allegations of sexual assault.

#### **FISCAL IMPLICATIONS**

SB31 appropriates \$100.0 to the PED to train school administrators and teachers on reporting allegation of sexual assault. The PED would need to collaborate with the New Mexico Children, Youth and Families Department (CYFD) and the federal Centers for Disease Control and Prevention (CDC) and/or other federal entities to develop or determine an evidence-based model on child sexual abuse and assault and department standards for school trainings created around evidence-based methods and materials. The PED would also need to purchase materials, contract expert presenters, and ensure conference logistics for securing a venue to provide the training. The PED would also need to explore the costs of developing or purchasing online training modules for training beyond school year 18-19. Because the appropriation is for fiscal year 2019 only, the PED would need to ensure that any developed training and on-line learning could be replicated and updated as needed in subsequent years and may need to incorporate e-learning opportunities for school district and state-chartered charter school administrators and teachers to allow for sustainable training beyond fiscal year 2019. As the PED currently has a Health Education Coordinator and a CDC-funded HIV/STI Prevention Coordinator on staff, existing staff expertise could oversee the planning and implementation of a quality and sustainable training. The PED could utilize identified general-funded and federally-funded FTEs to provide ongoing support for the training developed and implemented.

#### **SIGNIFICANT ISSUES**

In New Mexico, between July 2015 and June 2016 there were 184 cases of substantiated allegations of sexual abuse. It is unclear how many incidents go unreported each year ([https://cyfd.org/docs/360ANNUAL\\_FY16\\_FINAL.pdf](https://cyfd.org/docs/360ANNUAL_FY16_FINAL.pdf)) .

According to the most recent data from the 2015 New Mexico Youth Risk & Resiliency Survey, 7.5% (1,214 out of 15,872) of New Mexico high school students reported that they had been physically forced to have sexual intercourse when they did not want to. The survey also reported that 10.0% (972 out of 9,926) of New Mexico high school students stated that they were forced to do sexual things that they did not want to do (kissing, touching, or being physically forced to

have sexual intercourse) (<http://youthrisk.org/>).

The detection and reporting of child abuse or neglect is required by both the Children's Code (32A-4-3 NMSA 1978) and the Public School Code (22-5-4.2 NMSA 1978). § 22-10A-32 includes sexual abuse and assault in the definition of child abuse.

The local administration of public schools may report allegations or disposition of sexual misconduct to the CYFD or law enforcement agencies as determined by local governing bodies. The PED would presumably determine the process for reporting beyond what is currently required in § 32A-4-3 and as required through the State Teacher Accountability Reporting System (STARS) in accordance with federal reporting for persistently unsafe schools.

In the 2014 legislative session, House Bill 92, also known as “Erin’s Law” was passed by the New Mexico legislature and signed into law. The legislation and subsequent law required the PED to work with the CDC to develop an evidence-based section on child sexual abuse and assault.

PED rule (6.29.1.9), Standards for Excellence, requires all licensed school personnel, including substitute teachers, educational assistants, school nurses, school counselors, school psychologists and other instructional service providers to complete training in the detection and reporting of child abuse or neglect, within their first year of employment.

The PED, CYFD, Department of Health (DOH), and New Mexico State University (NMSU) collaborated on an e-learning training for school personnel and health providers that addressed the requirement for all school personnel to complete training in the detection and reporting of child abuse or neglect. SB31 would allow funds that may, in part, be used to update and expand upon this existing module. This e-learning training may be accessed at <https://swrtc.nmsu.edu/resources/elearning/educators/>.

SB31, through the provision of an appropriation, would allow the PED to further collaborate with other state and national partners in order to strengthen and expand statewide training opportunities on sexual assault for administrators and educators.

## **PERFORMANCE IMPLICATIONS**

SB31 supports the PED’s strategic lever ensuring that students are ready for success by providing a safe, inviting, and caring learning environment.

## **ADMINISTRATIVE IMPLICATIONS**

The PED would need to collaborate with the CYFD and the CDC or other federal entities, purchase or develop evidence-based strategies, e-learning courses and/or programs, and secure contractual services for expert presenters and conference logistics for an administrator training. The appropriation in SB31 would cover the costs for this endeavor.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None as of 1-16-18.

## **TECHNICAL ISSUES**

None

## **OTHER SUBSTANTIVE ISSUES**

None

## **ALTERNATIVES**

None

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

The PED would continue to offer to e-learning training for school personnel, inclusive of administrators and teachers to address the existing requirement for all school personnel to complete training in the detection and reporting of child abuse or neglect. The development and implementation of enhanced statewide training and training opportunities for school personnel on reporting allegations of sexual assault including the development of evidence-based programs and strategies regarding sexual abuse assault prevention, detection, and reporting may not occur other than through existing resources.

## **AMENDMENTS**

None