

<b>LFC Requester:</b>	<b>Ellen Rabin</b>
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**AGENCY BILL ANALYSIS  
2019 REGULAR SESSION**

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

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

*and*

[DFA@STATE.NM.US](mailto:DFA@STATE.NM.US)

*{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:  
**Original**     **Amendment**    \_\_\_\_\_  
**Correction**    \_\_\_\_\_ **Substitute**    \_\_\_\_\_

**Date** 2/20/19  
**Bill No:** HB591

**Sponsor:**    Rep. Joy Garratt  
                   Rep. Debra M. Sarinana et al.  
**Short Title:**    MENTAL, SOCIAL &  
                           EMOTIONAL LEARNING ACT

**Agency Name and Code**  
**Number:**                    PED-924  
**Person Writing**                    Daniel Manzano  
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY19	FY20		
NFI	NFI	Nonrecurring	General

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY19	FY20	FY21		
NFI	NFI	NFI	N/A	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

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

	<b>FY19</b>	<b>FY20</b>	<b>FY21</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>	Substantial	Moderate	Unknown	Unknown	Recurring	General

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to: HB615 – Mental Health Training for Education Staff, SB370 – Northern NM College Child Trauma Institute, HB238 – Childhood Trauma Awareness Training Act

Duplicates/Relates to Appropriation in the General Appropriation Act: None known as of 2/19/19

**SECTION III: NARRATIVE**

**BILL SUMMARY**

House Bill 591 (HB591) enacts a new section of Public School Code, the Mental, Social and Emotional Learning Act. The Mental, Social and Emotional Learning Act requires mental, social and emotional health strategies, skills and techniques be incorporated into all general and special education instruction through an explicit curriculum inclusive of culturally and linguistically responsive instruction, and that students be assessed for mental and social emotional growth on a regular basis. The act requires that the Public Education Department (PED) design and require the collection of accountability data on the implementation of the provisions of the Act and that it be a part of the school and school district report card. This Act will take effect immediately as part of an emergency provision.

**FISCAL IMPLICATIONS**

HB591 would have a substantial impact on the PED in FY19 due to the timeline of the process of the initiation of a new rule and promulgation thereof.

The PED would need to engage in collaboration with agencies such as Department of Health (DOH) and Children Youth and Families Department (CYFD). Collaboration would need to occur regarding mental health and social emotional learning to determine viable curriculum and identify best practices in the use of an evidenced based social and emotional learning and preventive, explicit, embedded daily instructional implementation in the classroom grades kindergarten through twelfth grade. Determining developmentally appropriate assessments and strategies and best practices for the identification of those at risk would need to be determined through interagency and private sector collaboration as well.

The PED would be required to update the current school and district report cards to include data on the provisions of the Act.

As HB591 does not include a funding allocation, the provision of work required by the PED through HB591 would be significant and difficult to implement.

**SIGNIFICANT ISSUES**

HB591 states that school districts would be able to access “Titles 1, 2, 3 and 4” monies to meet the expenses incurred by HB591. However, not all districts have Title I, II, III and IV monies. Further, individual schools must follow the needs assessments in their NM Data, Accountability, Sustainability, and High Achievement (DASH) plans as leadership teams decide how to invest

Title I funds to best meet the needs of students. If an existing Title program application and/or NM DASH plan does not indicate that social and emotional learning is a need, it would not be allowable for a school or district to expend funds to address social and emotional learning needs. Also, if a district or state charter receives a Title IV Part A allocation of \$30,000 or greater, it must conduct a comprehensive needs assessment and is required to allocate at least 20% of the grant funds toward a well-rounded education, at least 20% toward supporting safe and healthy students, and a portion of funds to support the effective use of technology. Title IV Part B funds are competitive and on a four-year grant cycle, with a new projects not being selected for funding until the 2020/2021 school year. Title III funding is explicitly for English Learners and immigrant students. Title III funding could support social and emotional learning, but only for these identified populations of students. Title II funds also have similar prescriptive application processes and defined allowable use of funds.

HB591 goes beyond the minimum requirements for school report cards as required in the Elementary and Secondary Education Act as amended by the Every Student Succeeds Act (ESSA). ESSA minimum requirements do not include social and emotional learning achievement nor state requirements. However, there is an allowance for other information that the local school district determines is appropriate.

According to the New Mexico Youth Risk and Resiliency Survey (YRRS) data for 2017, New Mexico consistently demonstrates higher rates of concerning mental health indicators, including suicide risk factors and perceived sadness. In 2017, 17.8% of high school students reported seriously considering suicide in the past year, as compared to 17.2% for the United States (U.S.) average; with 15.5% of New Mexico high school students reporting making a suicide plan, as compared to 13.6% for the U.S. average. And finally, 9.9% of New Mexico high school students reported making a suicide attempt in the past year, as compared to the 7.4% U.S. average.

Further, in 2017, 35.8% of high school students reported persistent feelings of sadness or hopelessness (for at least two weeks in a row during the past 12 months), as compared to 31.5% for the U.S. average, placing New Mexico at fifth of 39 states reporting similar national risk behavior data. [http://youthrisk.org/pdf/YRRS\\_Connections\\_Comparisons\\_Expanded\\_August\\_2018.pdf](http://youthrisk.org/pdf/YRRS_Connections_Comparisons_Expanded_August_2018.pdf) According to New Mexico Department of Health, New Mexico's Indicator-Based Information System (NM-IBIS), Suicidal ideation refers to thoughts of suicide, including making a plan, and is a risk factor for suicide or attempted suicide. Suicide rates in NM have been at least twice the national rate since at least 1995. Because of the disproportionate rate of suicide occurring in New Mexico for decades and the rising rate of suicide nationwide, understanding the prevalence of risk factors for suicide and the disparities in the New Mexico population is critical for prevention planning. Prior suicide attempts have been shown to be the strongest risk factor for suicide, and more than half of suicide attempts occur within one year of the onset of suicide ideation. Based on this knowledge of suicidal behavior, the World Health Organization and the United States Office of the Surgeon General have recommended routine surveillance for suicidal behavior such as attempts and ideation. In doing so, suicide prevention plans can be specifically targeted to communities with high risk and evaluated more thoroughly. [https://ibis.health.state.nm.us/indicator/view/MentHlthYouthSuicPlan.Year.NM\\_US.html](https://ibis.health.state.nm.us/indicator/view/MentHlthYouthSuicPlan.Year.NM_US.html)

## **PERFORMANCE IMPLICATIONS**

None

## **ADMINISTRATIVE IMPLICATIONS**

HB591 would have significant short- and long-term implications for the PED and for schools.

Determining a developmentally appropriate assessment, strategies and best practices for the identification of those at risk would need to be determined through interagency and private sector collaboration.

The PED would need to engage with public post-secondary teacher preparations programs to ensure that future teachers are taught evidence-based best practices that support age-appropriate educational, mental, social and emotional learning that is culturally and linguistically responsive.

The emergency clause requiring that the provisions of this Act take place immediately could prove difficult. Additionally, clarification and consultation with public school districts and state charter schools would need to occur immediately as some school districts and state charter schools may see duplicity in certain elements of the Act in relation to what is currently being implemented to address student wellbeing. The PED would need to develop guidance specific to the adherence of this Act in a very short time frame that could also prove difficult.

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

None as of 2/19/2019

## **TECHNICAL ISSUES**

None

## **OTHER SUBSTANTIVE ISSUES**

HB591 requires that students shall be assessed for mental, social, and emotional growth on a regular basis and that data shall be used to plan for and address needs with interventions using the Response to Intervention (RtI) model. The PED is updating its RtI framework to a Multi-Layered System of Supports (MLSS) framework. New Mexico's MLSS offers fluid, layered supports based on data informed decisions and allows teachers and health and wellness team professionals to intervene when students are identified in need of academic and/or behavioral support. HB591 would require the continuation of a model that is not reflective of the agency's move to the MLSS.

## **ALTERNATIVES**

None

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

Students will continue to receive instruction in social and emotional learning through any program or curriculum that may be in current use.

## **AMENDMENTS**

None