

LFC Requester:	Becerra
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**AGENCY BILL ANALYSIS
2021 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

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 2/10/2021
Bill No: SB248

Sponsor: Steven P. Neville
Short Title: ANONYMOUS REPORTING
IN SCHOOLS

Agency Name and Code PED-924
Number: _____
Person Writing John Sena
Phone: 505-570-7816 **Email** John.Sena@state.nm.us

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY21	FY22		
NFI	NFI	Nonrecurring	N/A

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY21	FY22	FY23		
NFI	NFI	NFI	Nonrecurring	N/A

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY21	FY22	FY23	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI	NFI	Nonrecurring	N/A

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: N/A

Duplicates/Relates to Appropriation in the General Appropriation Act: N/A

SECTION III: NARRATIVE

BILL SUMMARY

Senate Bill 248 (SB248) would enact a new section of the Public School Code to require the Public Education Department (PED), in collaboration with local law enforcement, school districts, charter schools, and other agencies, to make available to all public schools a statewide "anonymous reporting program," to enable students to report harmful activity anonymously. Other state agencies would be required to cooperate with PED as needed to develop and implement the program. PED would be allowed to contract for any part or all of the development and implementation of the program for which the department is responsible.

SB248 would require every school district and charter school to implement the program in every public school under its authority as soon as practicable after PED establishes the program, but no later than 36 months after the program is operational. Every public school would be required to provide training for students and program users each year.

FISCAL IMPLICATIONS

SB248 does not contain an appropriation. To offset costs associated with the development and implementation of the program, PED would be required to apply for federal and private grants and would be allowed to accept gifts and donations to the program.

SB248 would require PED, through interagency collaboration, to develop and implement an anonymous reporting program, which would require the operation of a hotline, staffed by one or more multilingual crisis centers, a website, and a mobile phone application. The bill would require the program hotlines and crisis centers to be staffed by persons with evidence-based counseling and crisis intervention training and for law enforcement in each local dispatch to be certified and trained to receive notice of any report submitted to the program that requires law enforcement response. The provisions of SB248 cannot be accomplished with existing PED staff and resources.

SB248 would require PED, within 12 months of the effective date of the bill, to develop a state searchable database for all reports received through the anonymous reporting program. It is unlikely PED would be able to secure grant funding or receive gifts or donations of an appropriate amount and expeditiously enough to meet the timeline requirements of SB248.

SB248 would require school team members to receive training and certification in the proper handling of anonymous reports. SB248 would also require that students receive violence prevention training in the observable warning signs of a person who may be at risk for harming

others or themselves. School districts and charter schools would likely be required to pay expenses related to training staff members.

SIGNIFICANT ISSUES

SB248 would require each public school to have one or more school-based teams made up of at least one school staff member to serve as the primary point of contact to receive notice of any report submitted to the program concerning that public school, its school personnel, or any of its students. School districts and charter schools, in conjunction with PED, would be required to develop procedures for the proper handling of anonymous reports. SB248 would require team members to be trained and certified as required by PED rule.

Within 12 months of the effective date of SB248, PED would be required to develop a state searchable database for all reports received through the anonymous reporting program that provides disaggregated data of the kind required for school districts, charter schools, and PED annual reports. The bill would require the database to include a resource portal that contains current names of points of contact within each local law enforcement dispatch, a primary contact within each public school responsible for managing the school-based team, hotline and multilingual crisis center contact numbers, public school website addresses, and other information deemed necessary by PED.

SB248 would require the anonymous reporting program to include the operation of a hotline, one or more multilingual crisis centers, a website, and a mobile phone application that allows students to report harmful activity. The bill would require program hotlines and crisis centers to be staffed by persons with evidence-based counseling and crisis intervention training. Further, the bill would require the program to meet the following requirements:

- 1) support anonymous reporting twenty-four hours a day, seven days a week;
- 2) forward reported harmful activity information promptly to the primary point of contact or other appropriate person at the public school, to certain other persons as determined by PED and, when applicable, to local law enforcement dispatch and other appropriate law enforcement agencies;
- 3) support a coordinated response by public schools and, when necessary, law enforcement agencies;
- 4) require and certify the training of law enforcement in each local dispatch to receive notice of any report submitted to the program that requires law enforcement response;
- 5) be in compliance with the federal Family Educational Rights and Privacy Act of 1974 and relevant state laws;
- 6) promote public awareness and education about the program and its reporting methods, prior to launching the program;
- 7) implement an evidence-based student violence prevention training that teaches students how to identify observable warning signs and signals of a person who may be at risk of harming self or others, the importance of taking threats seriously and seeking help, and how to report a threat using the program; and
- 8) other requirements determined by PED to make the program user-friendly, responsive, proactive and effective.

In the first year in which the program is implemented, school districts and charter schools would be required to submit a report containing the total number of disciplinary actions in the previous twelve months, disaggregated by public school, type of disciplinary action, and the gender, age and race of the student subject to the disciplinary action. Each year following implementation of

the program, school districts and charter schools would be required to submit annual reports reflecting the total number of anonymous tips received by school districts or charter schools and the total number of responses to incoming reports, disaggregated by disciplinary actions by type, nondisciplinary actions and interventions, and the gender, age, and race of students subject to disciplinary action, non-disciplinary action, or intervention.

In cases in which a report filed with the program involved a student and is determined to be a false report, SB248 would require the information about the student subject of the false report to be immediately removed from the student's school record and any law enforcement record of the incident.

SB248 defines "evidence-based" as a program or practice that demonstrates one of the following:

- (a) a statistically significant effect on relevant outcomes based on:
 - 1) strong evidence from not less than one well-designed and well-implemented experimental study;
 - 2) moderate evidence from not less than one well-designed and well-implemented quasi-experimental study; or
 - 3) promising evidence from not less than one well-designed and well-implemented correlational study with statistical controls for selection bias; or
- (b) rationale based on high-quality research findings or positive evaluation that such program or practice is likely to improve relevant outcomes and includes ongoing efforts to examine the effects of the program or practice.

SB248 defines "harmful activity" as any dangerous, violent, threatening or otherwise harmful activity that has occurred, is occurring or may occur at a public school or other school property or when such activity involves a school employee or a student.

SB248 defines "program" as the anonymous reporting program.

According to the [January 2021 New Mexico Youth Risk and Resiliency Survey \(YRRS\) Connections newsletter](#), 13.9 percent of students surveyed reported they felt unsafe at school or on their way home from school at least once in the 30 days before taking the survey, compared with 8.7 percent nationally. Among those results, 25.8 percent of students reported being in a physical fight in the previous 12 months, compared with 21.9 percent nationally. Notably, 40.4 percent of students reported feeling sad or hopeless for more than two weeks in a row in the previous twelve months compared with 36.7 percent nationally.

The [National Center for Education Statistics](#) disclose that during the 2017–2018 school year, 80 percent of public schools recorded that one or more incidents of violence, theft, or other crimes had taken place, amounting to 1.4 million incidents. This translates to a rate of 29 incidents per 1,000 students enrolled during the 2017–2018 school year. During the same school year, 47 percent of schools reported one or more incidents of violence, theft, or other crimes to the police, amounting to 422,800 incidents, or nine incidents per 1,000 students enrolled. Across all types of incidents, the percentage of public schools that *reported* one or more incidents to the police was lower than the percentage that *recorded* incidents: violent incidents (32 percent compared with 71 percent), serious violent incidents (15 percent compared with 21 percent), thefts (15 percent compared with 33 percent), and other incidents (35 percent compared with 60 percent).

Colorado, implemented an anonymous reporting system over 10 years ago. According to the

Colorado [FY18 Snapshot](#), the state spent more than \$19 million on eight school safety programs, including \$776,231 on the already established Safe2Tell tip line. According to the [FY19 Snapshot](#), more than \$55 million was expended on school safety programs, including \$1.2 million on Safe2Tell. The [FY20 Snapshot](#) reports more than \$1.4 million was spent on Safe2Tell. Colorado implemented the Safe2Tell anonymous reporting app in 2004. From [August 1, 2019, through July 31, 2020](#), more than 20,000 tips were received. Of those, 91.8 percent were actionable. The top five categories for tips were suicide threat, drugs, bullying, school complaint and threats. Notably, 137 were mental health related self-reports.

[Sandy Hook Promise](#), which sponsors the no-cost anonymous reporting app, Say Something, indicates that out of more than 60,000 reports received from the over two million participants nationally, more than 2,000 students were helped during a mental health crisis and more than 220 confirmed lives were saved.

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

SB248 would require PED to form a collaboration with school districts, charter schools, local law enforcement, and other state agencies, such as the Office of the Attorney General, New Mexico State Police, the New Mexico Department of Homeland Security Fusion Center, and Department of Health to develop and implement an anonymous reporting program or choose a contractor to implement the provisions of the bill. In the case of a contractor, PED would be required to write an RFP, review applications, develop contracts, and monitor expenses and program outcomes.

PED would need to identify evidence-based violence prevention training programs that focus on the observable warning signs of a person who may be at risk for harming themselves or others and to purchase one of those training programs for statewide implementation. PED would need to provide or support professional development and offer technical assistance in the implementation of the program.

SB248 would require the certification and training of local law enforcement in each local dispatch to receive notice of any report submitted to the program that requires law enforcement response. PED would be required to develop the certification and training content and criteria.

SB248 would require the NMPED to develop and implement a public awareness and education program to notify the public of the reporting program. This would require the design and distribution of materials on multiple media platforms.

PED would be required to develop and maintain a state searchable database for all reports received through the anonymous reporting program that provides disaggregated data of the kind required for school districts, charter schools, and PED annual reports.

PED would be required to prepare an annual report to the Governor and the Legislature that includes the following:

- 1) information from school district and charter school reports;
- 2) the total number of reports received for the previous school year, by public school; and

- 3) the total number of reports received since the program began, disaggregated by public school, and for each public school, the following:
 - a. reports by type;
 - b. the methods by which reports were received;
 - c. the total number of false reports received; and
 - d. any other information PED deems appropriate.

School districts and charter schools, in conjunction with PED, would be required to develop procedures for the proper handling of anonymous reports. SB248 would require team members to be trained and certified as required by PED rule.

In the first year, SB248 would require school districts and charter schools to submit an annual report to the PED containing the total number of disciplinary actions for the previous 12 month, inclusive of disaggregated data. In the following years, the required report would contain the total number of tips, responses, disciplinary action and interventions with required disaggregated data.

All school districts and charter schools would be required to implement the anonymous reporting program within 36 months after it becomes operational. Each public school would be required to train the students and other program users every year. Schools would also be required to identify one staff member as primary point of contact to receive notice of reports.

Implementation of SB248 may result in liability issues and legal responsibilities for PED, school districts, and charter schools.

PED would be required to promulgate rule to carry out the provisions of SB248.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

PED is currently involved in a statewide rollout of the RAVE Panic Button for schools. [Two-hundred and twenty sites in 21 school districts are beginning implementation of the Rave Panic Button](#) program for staff. [The Rave Panic Button](#) alerts authorities to an active shooter, a medical emergency, fire, or other crisis that may occur on a school campus. The application simultaneously sends out a notification to the appropriate teachers, staff, and first responders depending on the emergency. This reduces the time it takes staff to implement an emergency response.

The Rave Panic Button program funding was procured using an existing competitively bid contract, as part of the New Mexico Statewide Pricing Agreement for General Purpose Commercial Information Technology Equipment, Software and Services. Rave's additional [Eyewitness](#) anonymous reporting program may also be purchased through this existing statewide

contract vehicle. The Rave Panic Button was funded through the [2020 House Bill 2 General Appropriations Legislative budget line- item](#).

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

If SB248 were not enacted, public school and charter schools would continue to encourage staff and students, as well as the public, to report harmful activity on an anonymous basis. The response to such reports would continue to be a coordinated effort between schools and local law enforcement and/or appropriate behavioral health services and families. Should reports result in a disciplinary response, the districts would continue to follow current disciplinary policies and report under the current procedures.

AMENDMENTS

N/A