

1 HOUSE BILL 355

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

4 Elizabeth "Liz" Thomson

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10 AN ACT

11 RELATING TO PUBLIC EDUCATION; PROVIDING PENALTIES FOR BULLYING  
12 AND CYBERBULLYING.

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14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

15 SECTION 1. Section 22-2-21 NMSA 1978 (being Laws 2011,  
16 Chapter 50, Section 1, as amended) is amended to read:

17 "22-2-21. BULLYING AND CYBERBULLYING PREVENTION  
18 PROGRAMS--MINIMUM PENALTIES.--

19 A. The department shall establish guidelines for  
20 bullying prevention policies to be promulgated by local school  
21 boards. Every local school board and governing body of a  
22 charter school shall promulgate a bullying prevention policy by  
23 August 2011. Every public school shall implement a bullying  
24 prevention program by August 2012.

25 B. Every local school board and governing body of a

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1 charter school shall promulgate a specific cyberbullying  
2 prevention policy by August 2013. Cyberbullying prevention  
3 policies shall require that:

4 (1) all licensed school employees complete  
5 training on how to recognize signs that a person is being  
6 cyberbullied;

7 (2) any licensed school employee who has  
8 information about or a reasonable suspicion that a person is  
9 being cyberbullied report the matter immediately to the school  
10 principal or the local superintendent or both;

11 (3) any school administrator or local  
12 superintendent who receives a report of cyberbullying take  
13 immediate steps to ensure prompt investigation of the report;  
14 and

15 (4) school administrators take prompt  
16 disciplinary action in response to cyberbullying confirmed  
17 through investigation. Disciplinary action taken pursuant to  
18 this subsection must be by the least restrictive means  
19 necessary to address a hostile environment on the school campus  
20 resulting from the confirmed cyberbullying and may include  
21 counseling, mediation and appropriate disciplinary action that  
22 is consistent with the legal rights of the involved students.

23 C. In a case in which an incident of bullying or  
24 cyberbullying has been confirmed, the students responsible for  
25 instigating the bullying or cyberbullying, and their parents or

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1 guardians, shall be referred to the juvenile justice division  
2 of the children, youth and families department for mandatory  
3 counseling for the remainder of the school year.

4 ~~[G.]~~ D. Each local school board and governing body  
5 of a charter school shall make any necessary revisions to its  
6 disciplinary policies to ensure compliance with the provisions  
7 of this section.

8 ~~[D.]~~ E. As used in this section, "cyberbullying"  
9 means electronic communication that:

- 10 (1) targets a specific student;  
11 (2) is published with the intention that the  
12 communication be seen by or disclosed to the targeted student;  
13 (3) is in fact seen by or disclosed to the  
14 targeted student; and  
15 (4) creates or is certain to create a hostile  
16 environment on the school campus that is so severe or pervasive  
17 as to substantially interfere with the targeted student's  
18 educational benefits, opportunities or performance."

19 **SECTION 2. EFFECTIVE DATE.**--The effective date of the  
20 provisions of this act is August 1, 2017.

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