



New Mexico Public Schools Insurance Authority

Created 1986 - Statutes 22-29-2 and 22-29-4

Risk 2025 Spring Budget

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About NMPSIA

The New Mexico Public Schools Insurance Authority (NMPSIA) was created by the NM Legislature in 1986 to serve as a purchasing agency for public school districts, post-secondary educational entities and charter schools. Through NMPSIA, member schools are afforded the opportunity to offer quality employee benefit and risk coverages.

Purpose of act. 22-29-2.

The purpose of the Public School Insurance Authority Act is to provide comprehensive core insurance programs, including reimbursement coverage for the costs of providing due process to students with disabilities, for all participating public schools, school board members, school board retirees and public school employees and retirees by expanding the pool of subscribers to maximize cost containment opportunities for required insurance coverage.

Authority created. 22-29-4

There is created the "public school insurance authority", which is established to provide for group health insurance, other risk-related coverage and due process reimbursement with the exception of the mandatory coverage provided by the risk management division on the effective date of the Public School Insurance Authority Act.

NMPSIA Today



■ Risk Program

■ Mandatory Members

- 88 Public Schools (*Excludes APS*)
- 99 Charter Schools

■ Voluntary Members

- 12 Higher Education
- 12 Other Educational Entities

■ Membership

- 55,000+ Covered Employees & Volunteers
- 345,000+ Covered Students
 - Members by Coverage
 - 212 Property; 212 Gen. Liability; 212 Auto Liability;
 - 141 Student Accident; 148 Equip. Breakdown,
 - 211 Workers' Comp; 128 Bus Inspection

■ Staff

- 12 FTE

■ Board of Directors

■ 11 Board Members

■ Governor Appointees

- Alfred Park, President
- Denise Balderas
- Sammy J. Quintana

■ NM Association of School Business Officials

- Chris Parrino, Vice President

■ Educational Entities at Large

- Trish Ruiz, Secretary

■ AFT-NM

- Tim Crone

■ NEA-NM

- Bethany Jarrell
- David Martinez, Jr.

■ Public Education Commission

- K.T. Manis

■ School Boards Association

- Pauline Jaramillo

■ Superintendents' Association

- William Hawkins

Risk Program

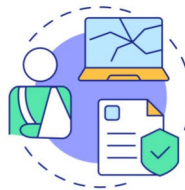
Property:

- Property deductible is \$1.0 million for all perils except a \$10.0 million deductible for the perils of Wind and Hail;
- \$750 million in insured limits per occurrence subject to sub-limits such as Flood and Earthquake: \$100 million Annual Aggregate; \$1.4 billion Annual Aggregate Terrorism Limit
- Crime limit is \$2.2 million per occurrence
- Assets insured are approximately \$35.5 billion
- \$23 billion are Frame/Stucco construction (the most flammable type of construction)
- 60% of properties are located in Protection Class 9 or 10 (10 being the worst protection class)
- 60% of properties are located in 100 Year Flood Zones
- The property rate has increased .021 per \$100 dollars of value since 1991



Liability and Workers' Compensation:

- Liability deductible is \$1.0 million for each occurrence. \$4.0 million for sexual molestation and abuse claims
- Workers' Compensation deductible is \$2.5 million
- There are no Tort Claims Act Limit protections for Independent School Bus Contractors, lawsuits filed in federal court and/or out-of-state accidents
- 46,000 employees
- \$2.1 billion in payroll
- 345,000 students
- 45,000 school athletic participants
- 9,000+ volunteers
- 11,898 vehicles including buses



General Liability
Insurance

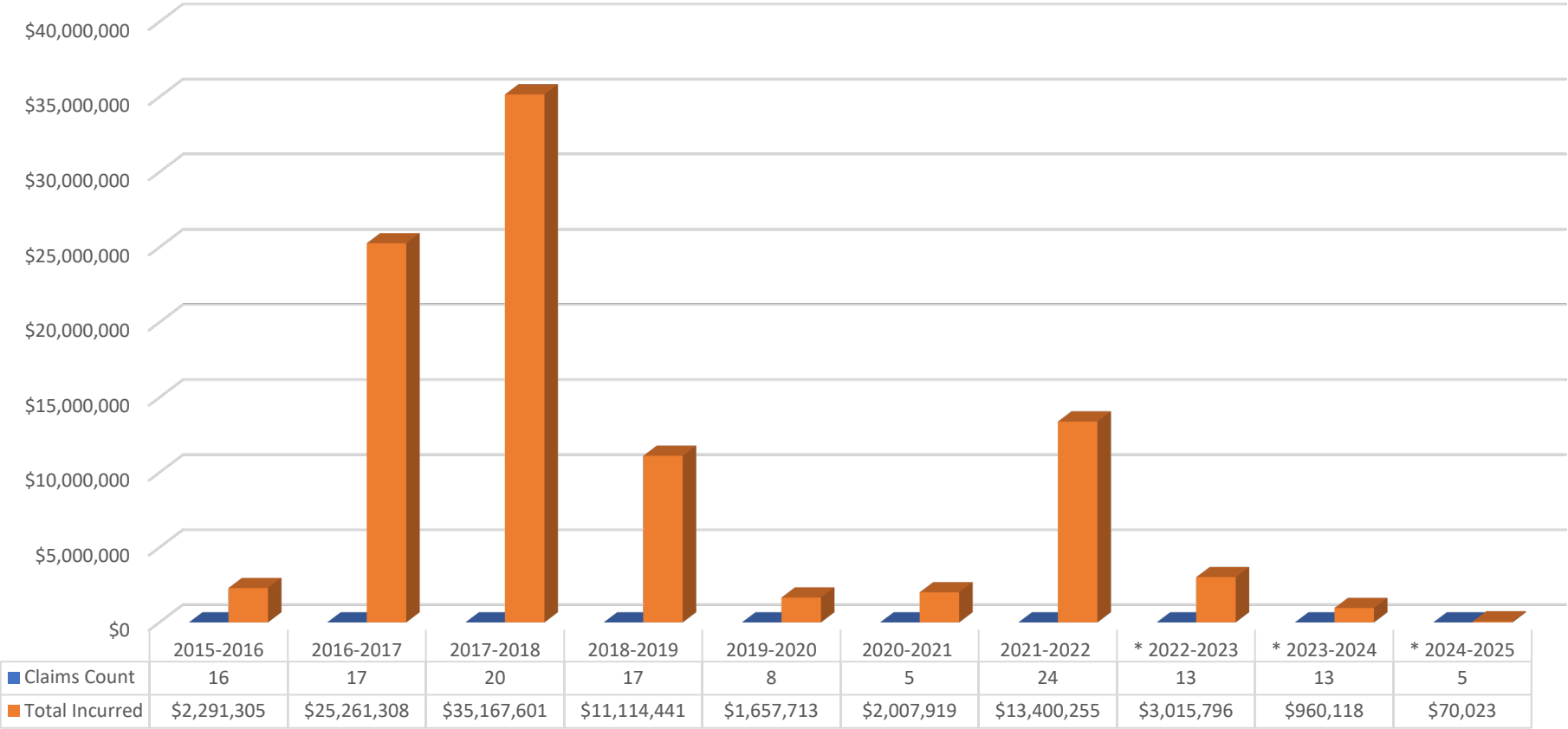
Risk Claims Costs



- FY25 & FY26 projected expenses are derived from NMPSIA's Fiscal Year 2024 actuarial analysis.

Risk Fund Cost Drivers

Sexual Molestation/Inappropriate Touching Claims

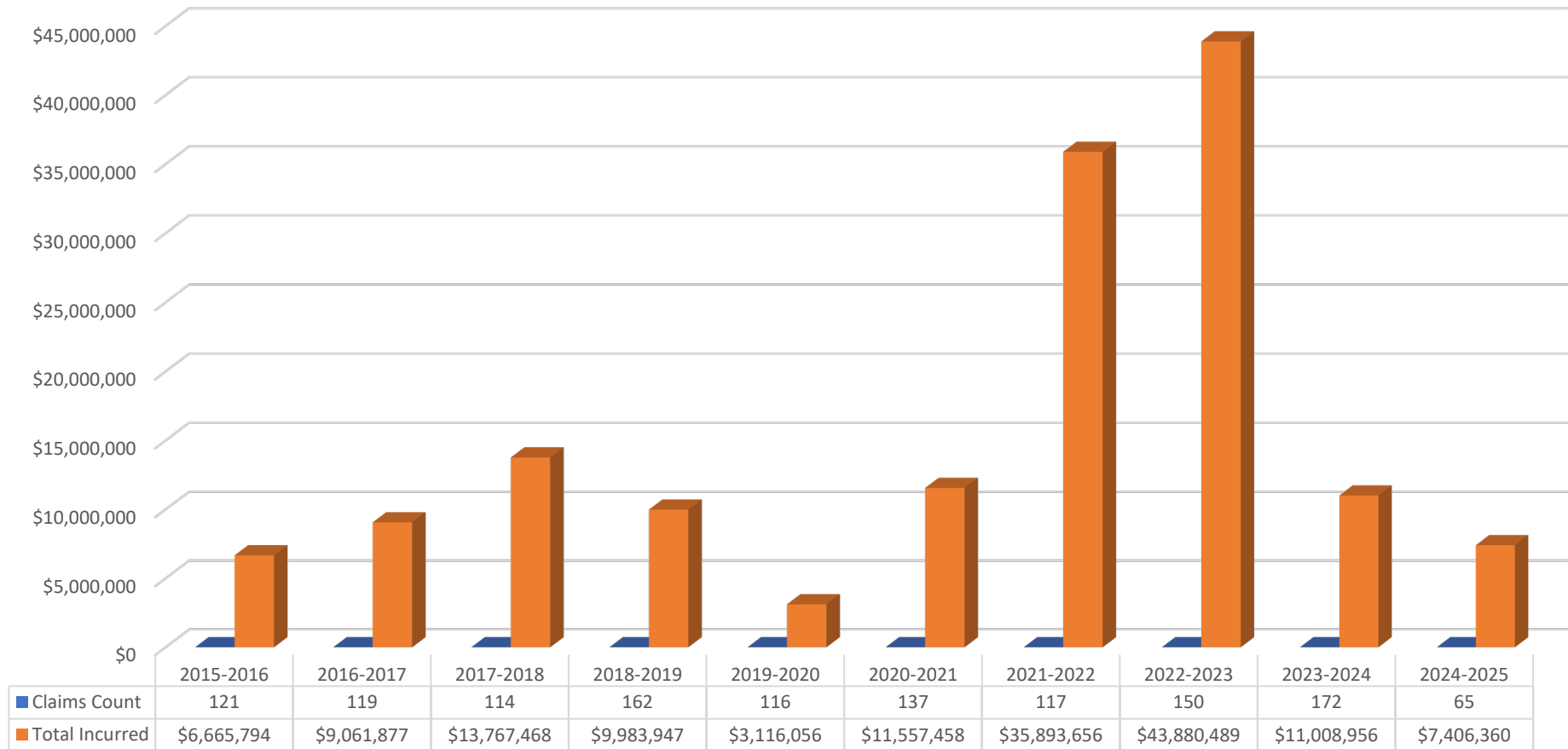


* Fiscal Years considered immature

- Data includes faculty on student, faculty on faculty, and student on student

Risk Fund Cost Drivers

Property Losses



- From August 2018 to May 2023, NMPSIA has incurred projected expenses of \$65.5 million due to Wind and Hail claims
- \$54.5 million in Excess Insurance due to NMPSIA

Premium Rate Increases Risk Fund

Plan Year	Rate Increase
2016-2017	5.14%
2017-2018	0.02%
2018-2019	2.53%
2019-2020	2.53%
2020-2021	No Increase
2021-2022	4.57%
2022-2023	6.73%
2023-2024	7.73%
2024-2025	14.99%
2025-2026	16.00%

Memorandum of Coverage

- NMPSIA Rules Definition (NMAC 6.50.1.7)
 - “Memorandum of coverage” means the document which lists all terms and conditions of risk-related coverages.
- Pursuant to NMSA 1978, §22-29-1 et seq. and New Mexico Administrative Code, Title 6, Chapter 50, Parts 1-18, the Memorandum of Coverage (MOC) is an agreement by the New Mexico Public School Insurance Authority and its Members to provide or obtain insurance protection for all covered losses subject to the limits and other terms and conditions of the MOC.
- MOC is modified and approved yearly by the NMPSIA Board of Directors
- Effective Date
 - Effective from July 1, 2024, at 12:01 A.M. to July 1, 2025, at 12:01 A.M. Mountain Standard Time
- NMPSIA has two MOCs
 - Property, Automobile Physical Damage, Crime & Cyber Coverages
 - General and Automobile Liability

Memorandum of Coverage Addition

- Addition of Sexual Abuse and Molestation Deductible
 - Deductible will be paid when a claim is closed
 - Average 18 to 36 months for a claim to be closed
 - Deductible will be per claim with a max out-of-pocket per year

NMPSIA Member Deductibles			
Members	Student Count	Per Claim	Max out of Pocket
Micro	0-200	\$ 20,000	\$ 80,000
Small	201-1,000	\$ 80,000	\$ 320,000
Small Medium	1,001-2,500	\$ 150,000	\$ 600,000
Medium	2,501-4,999	\$ 250,000	\$ 1,000,000
Medium Large	5,000 - 9,999	\$ 400,000	\$ 1,600,000
Large	10,000+	\$ 500,000	\$ 2,000,000

- In the process of finalizing specifics under the MOC

Poms & Associates

Insurance Services

Justin Perkins

- For over 35 years, Poms & Associates has been NMPSIA's trusted risk management partner since the formation of NMPSIA in 1986.
- Poms works with the NMPSIA Board, the Risk Advisory Committee, and all the NMPSIA Members to preserve physical, financial, and human assets.
- Poms is primarily comprised of two operating and collaborative divisions:
 - Safety, Loss Control and Risk Management Division
 - Brokerage & Consulting - Insurance Division
- Safety, Risk Management, and Loss Control
 - This division was created to specifically address pre-loss activities, including trends in school risk management issues by assisting members with the development of policies and procedures, training staff on comprehensive topics, creating a safe environment for staff and students, conducting onsite safety audits, safety drills, risk assessments, employment practices liability requirements and best practices.
- Brokerage & Consulting – Insurance Division
 - This division is responsible for procuring and managing the risk insurance policies and consulting members in all matters related to liability and property exposures concerning their operations, business objectives, and activities.
 - Contract Review – Lease agreements, vendor/supplier and contractors.

Cost Allocation Plan

- The process for determining the Risk Premium for each Member begins with collecting data or what is properly called, “exposures.” This process is completed through an online system (Origami) administered by Poms & Associates.
- Once received, the data is compiled, verified, checked against the prior year’s data, and the estimated annual premiums are released each year at the Spring Budget Workshop, and presented on the “Budget Notice” located within the Spring Budget Booklets provided by Poms and Associates.
- **Accuracy is important** as your reported information is one of the factors used to properly allocate premiums among the Members in order to avoid premium discrepancies on final risk - related coverage invoices. If the data changes for any one Member, then the entire group’s premiums are affected.
- After each Member receives their respective premium calculations, they have an opportunity to review the data and premium to discuss any discrepancies with the Poms Insurance team.

Booklet Overview

- A. Budget Notice** - Premium and rates for respective lines of coverage.
- B. Commercial Property** (4 types)
 - 1. Buildings and Contents
 - 2. Equipment Breakdown (Optional)
 - 3. Crime
 - 4. Cyber Liability – core infrastructure/network systems
 - a) Cyber Liability Claims Reporting Form
- Deductible Information

Booklet Overview (Cont'd)

- C. Student Accident** - Accident Medical benefits and special programs available to participating schools/districts.
- D. Cannon Cochran Management Services, Inc. (CCMSI)**
Third Party Administrator (TPA) providing claims handling services for Liability, Property and Workers' Compensation.
- E. Poms & Associates**
 - a) Risk Management, safety inspections, loss control, trainings and resources provided to Members.
 - b) Contact information for services teams.

Insurance Division Contacts

For Risk Premium related questions, please contact:

Sandy Lee, Risk Analyst

Direct: (818) 449-9316

Toll Free: (800) 578-8802, ext. **316**

Email: rservices@pomsassoc.com

For reporting exposures, changes, or operation concerns, please contact:

Jo Anne Roque, Vice President - Account Management

Direct: (818) 449-9369

Toll Free: (800) 578-8802, ext. **369**

Email: rservices@pomsassoc.com

Vitamins For The Mind

“Do the thing you fear, then the death of fear is certain.”



Student Accident Insurance

Catastrophic Coverage

Benefits	Maximums
Catastrophic Accident Medical Expense (AME) 10-Year benefit period	\$5,000,000
Deductible per Occurrence:	\$25,000
Accidental Death and Dismemberment:	\$50,000
Double Dismemberment:	\$100,000
Catastrophic Cash Benefit, Payable in addition to AME:	Up to \$1,000,000
Seat Belt and Airbag	\$5,000
Special Adaptation Expense Benefit, housing and vehicle	Up to \$75,000
Benefit Period:	10 Years

- The \$25,000 deductible, which used to be satisfied by voluntary parent purchase plans, can now be satisfied by the blanket insurance, primary insurance, or both.
- The catastrophic coverage comes in two classes: Class I, for 7th-12th grade NMAA activities, is mandatory, and Class II, for all other school activities, is an upgrade and expansion of benefits.

Student Insurance for 2025-2026

Since this coverage is catastrophic in nature, it is meant to cover the most severe claims and comes with a \$25,000 deductible.

What are some best practices for reducing accident medical liability?

Purchase of Blanket School-Time Student Accident and Catastrophic Class II coverage to compliment your Catastrophic Class I coverage.

The Blanket School-Time fills in the \$25,000 deductible and Claims are paid from the first dollar at 100% of reasonable and customary charges regardless of fault.

Student Insurance for 2025-2026

What's Covered?

This blanket coverage provides accident medical coverage for all school-time activities;

- Practice, games, and travel associated with interscholastic sports, including interscholastic tackle football
- All Field trips, overnight or otherwise
- School-to-Work/Job Vocational Training
- JROTC and Special Education
- Students while attending regularly scheduled classes, on or off campus
- Travel in school vehicles at any time and in private vehicles when at the direction of the school and without interruption
- Volunteers

Student Insurance for 2025-2026

- Coverage is extended to include all school-sanctioned and supervised summer conditioning and off-season conditioning for sports.
- Coverage will include all school-sanctioned and supervised activities for course credit.
- In the event of a covered injury, the school will be required to complete a school report on a claim form, but all claims will be handled by Myers-Stevens & Toohey.
- Every District and Charter will receive this form, along with instructions on what to do in the event of a covered injury from Myers-Stevens & Toohey.
- Any questions can always be referred to Eric Swartz at Myers-Stevens & Toohey, and he will be available to provide any assistance your staff may need.
- For more information, including contact details, claims, a list of participating Districts/Charters, and budgetary details, please refer to your binder.

Driver Monitoring & Safety

Reduce driver risk with **MVR Monitoring**

MVR Monitoring connects to states' DMVs to continuously monitor employees' Motor Vehicle Records (MVRs) and provides near real-time alerts when negative changes occur, such as new violations, suspensions, DUIs, and more.

*NMPSIA members get a free account.



Why prioritize **MVR Monitoring**?

3%

3% of drivers with suspended licenses cause 18% of fatal crashes.

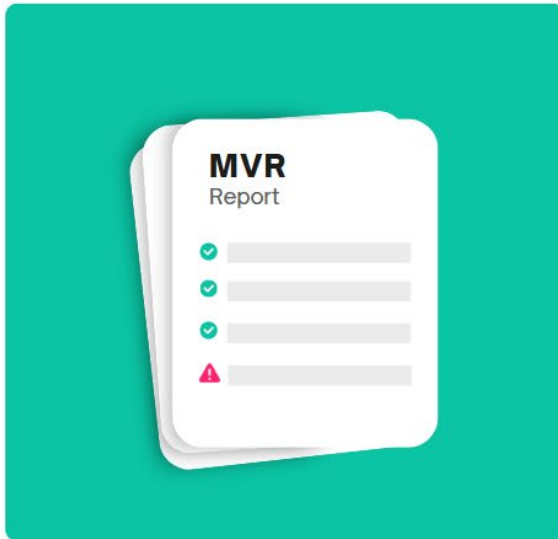
43%

Drivers with violations in the past year are 43% more likely to get into an accident.

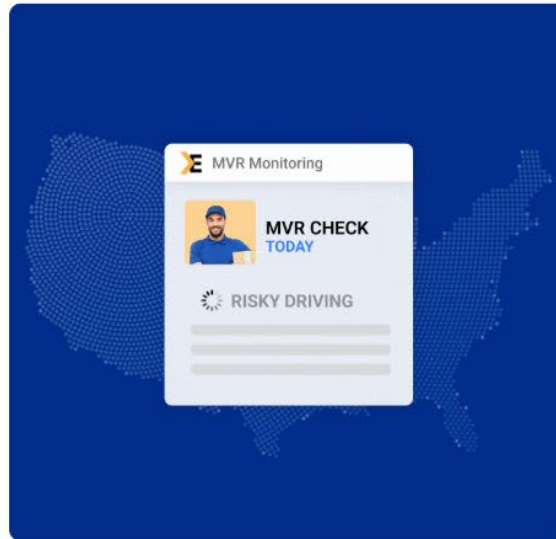
20%

Drivers without a valid license are responsible for 20% of all automobile accidents.

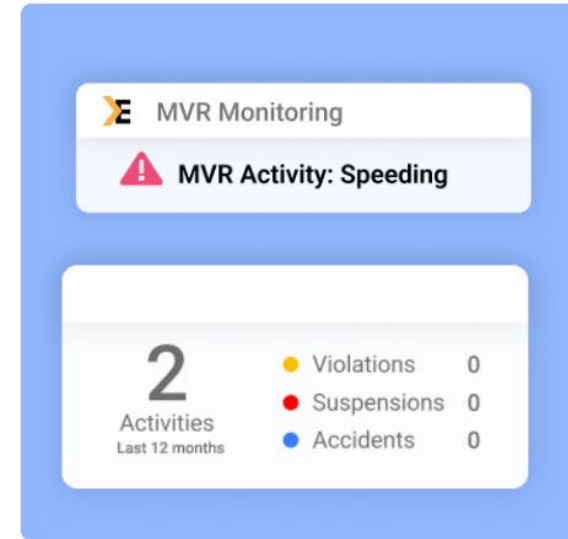
How does **MVR Monitoring** work?



Once MVR reports are pulled, the driver is scored using our MVR scoring criteria.

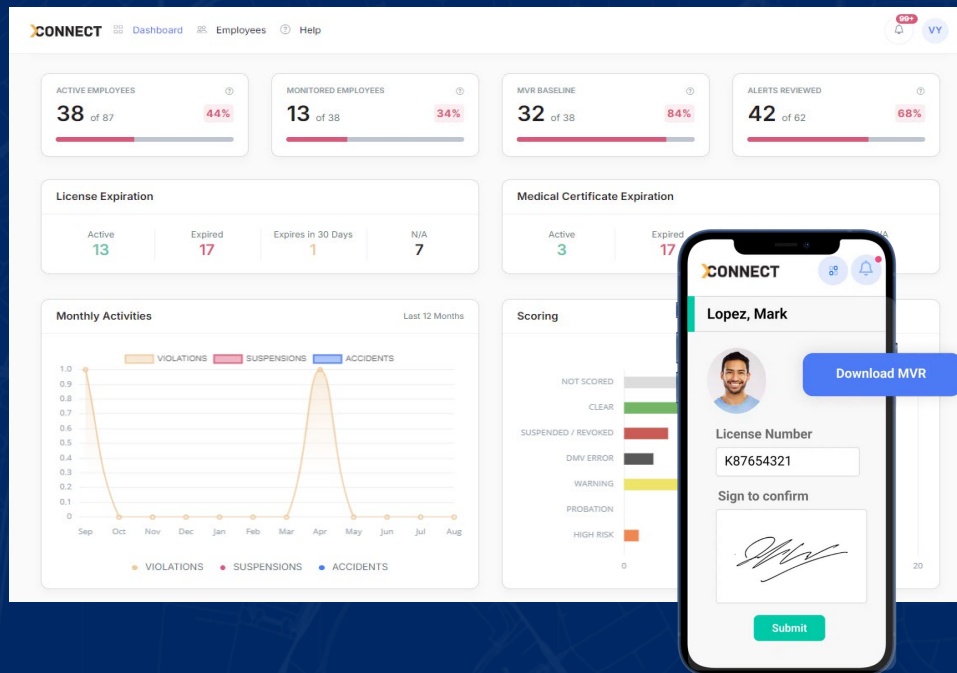


Once monitoring is enabled, the driver is enrolled into driver record monitoring with the state/DMV they are licensed in.



System automatically sends email alerts to managers when new negative changes show up in a driver's record.

Improve safety and compliance with **MVR Monitoring**



Ready to get started? Reach out to our Customer Success Representative, Emily, at emily.crooks@embarksafety.com



Near real-time alerts

Get alerts when new violations, suspensions, and DUIs appear on employees' driving records.



MVR Scoring

Identify your most risky drivers by getting their MVRs automatically scored.



License and Medical Expirations

Get reminded before licenses and medical certifications expire.



Electronic MVR Consent

Simply MVR consent retrieval by using electronic forms.



Technical Assistance Program (TAP) Cooperative Educational Services

Technical Assistance Program (TAP)

Providing Quality Training & Technical Assistance on Special Education Topics & More!!!

TAP has been up and running since Spring 2015, funded by NMPSIA in collaboration with CES. Decreasing Special Education litigation is the focus of TAP services & support. TAP Professional Development (PD) is a valuable complimentary resource for educators, ancillary staff & administrators.

TAP Consultants keep up with current legal changes and trends in Special Education as well as guidance from NMPED / “Individuals with Disabilities Education Act” (IDEA).

TAP consists of 23 Consultants specializing in a variety of highly requested topics and services.

Sample of TAP Topics...

Accommodations
Assistive Technology
Attention Deficit Disorder
Autism
Behavior
Compliance Regulations
Co-teaching
Data Collection
Discipline
Dyslexia
English Language Learners
Executive Functioning
FBA'S & BIP's



Early Childhood
Instructional Strategies
Gifted Education
**IEP & Goal Writing Inclusion
& Co-Teaching Mental
Health**
MLSS
Section 504
Self-Regulation
Social Emotional Learning
Structured Literacy
Transition Services
Task Analysis
Universal Design Learning

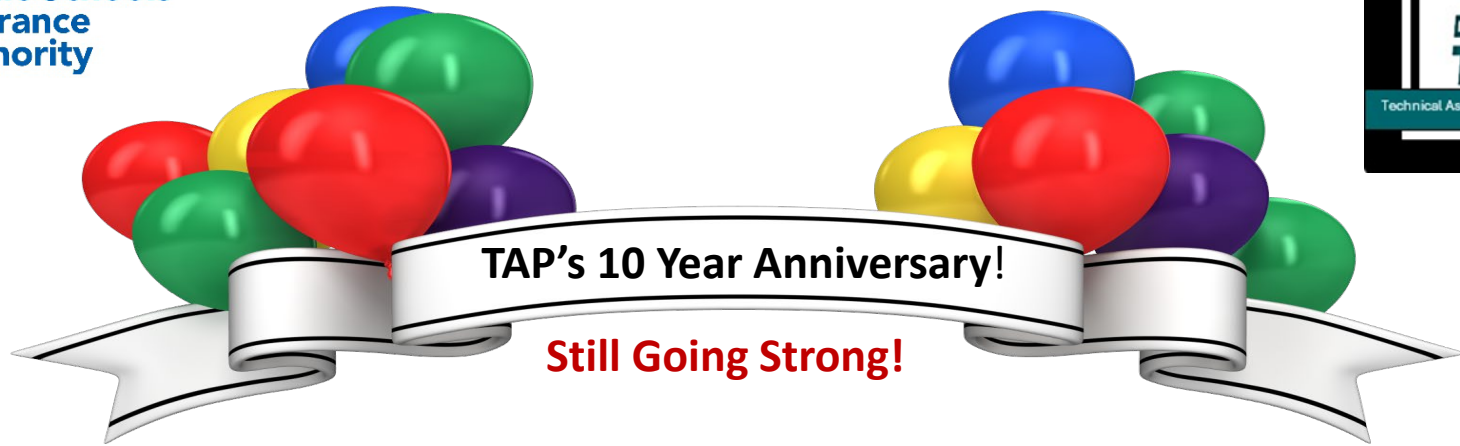
TAP Services to Include...

- Menu of monthly virtual interactive presentations via ZOOM
- TAP Hot Topic on Demand Webinar Library
- Phone, email & ZOOM consultations
- 5 Monthly Guidance Articles
- Specialized presentations upon request
- File & program audits
- Consultation for programing and / or student related concerns
- Assistance with NMPED Corrective Action Plans, Due Process & OCR Complaints





New Mexico
Public Schools
Insurance
Authority



**Certificates of
Completion Provided**

**TAP Hot Topic on
Demand Library
Open 24/7**

**Direct Link to TAP
Library
cestap.org**



Loretta Garcia, TAP Director, lgarcia@ces.org (505) 985-8454

General Liability, Property & Workers' Compensation Claim Reporting



CCMSI OVERVIEW



- Founded 1978 in Danville, Illinois
- National network of 32 offices
- 1,600+ employees
- \$225+ million in revenue
- Privately held, 100% employee owned
- 98% client retention rate
- \$0 debt since 2011

EMPLOYEE STATISTICS



- Lower Caseloads:
 - ❑ WC | All States: 125 claims
 - ❑ Liability: 160 fast-track, 145 non-litigated, and 125 litigated
- Executive Turnover: 0%
- Management Turnover: less than 0.7%
- Claim Professional Turnover:
 - ❑ Supervisors: 1.4%
 - ❑ Claim Adjusters 0-5 years: 11.7%
 - ❑ Claim Adjusters 5+ years: 3.4%

PEO/Temporary Staffing

Retail

Transportation

Manufacturing

Healthcare

Government Entity

Higher Education

Utilities/Energy

Gaming/Hospitality/Restaurant

Waste Collection/Recycling

Workers' Compensation/Property & Liability Claims

- Claim Reporting:
 - Claims are reported through CCMSI's iCE system (Internet Claims Edge).
- Claim Set Up:
 - Upon receipt of the claim, CCMSI's supervisor will review, activate, and assign to the appropriate adjuster.
 - Incident Only
 - Medical Only
 - Indemnity
 - Property
 - Liability
 - Litigation Specialist
- Claim Investigation/Handling:
 - Upon receipt of the claim, CCMSI's claim personnel will then investigate & manage all workers' compensation claims until file closure.
 - Compensability / Coverage review
 - Indemnity benefits
 - Medical management – referrals, Rx, etc...
 - Litigation management
 - Carrier Reporting
 - Subrogation/Right of Recovery
 - Bill Review

Other Services

- Nurse Case Management

- CCMSI provides Nurse Case Management (NCM) services to NMPSIA & their members.
 - Telephonic Case Management
 - Appear telephonically to medical appointments
 - Field Case Management
 - Appear in-person at medical appointments
- This service is utilized to assist in getting the injured worker back to work, progressing in treatment, etc.

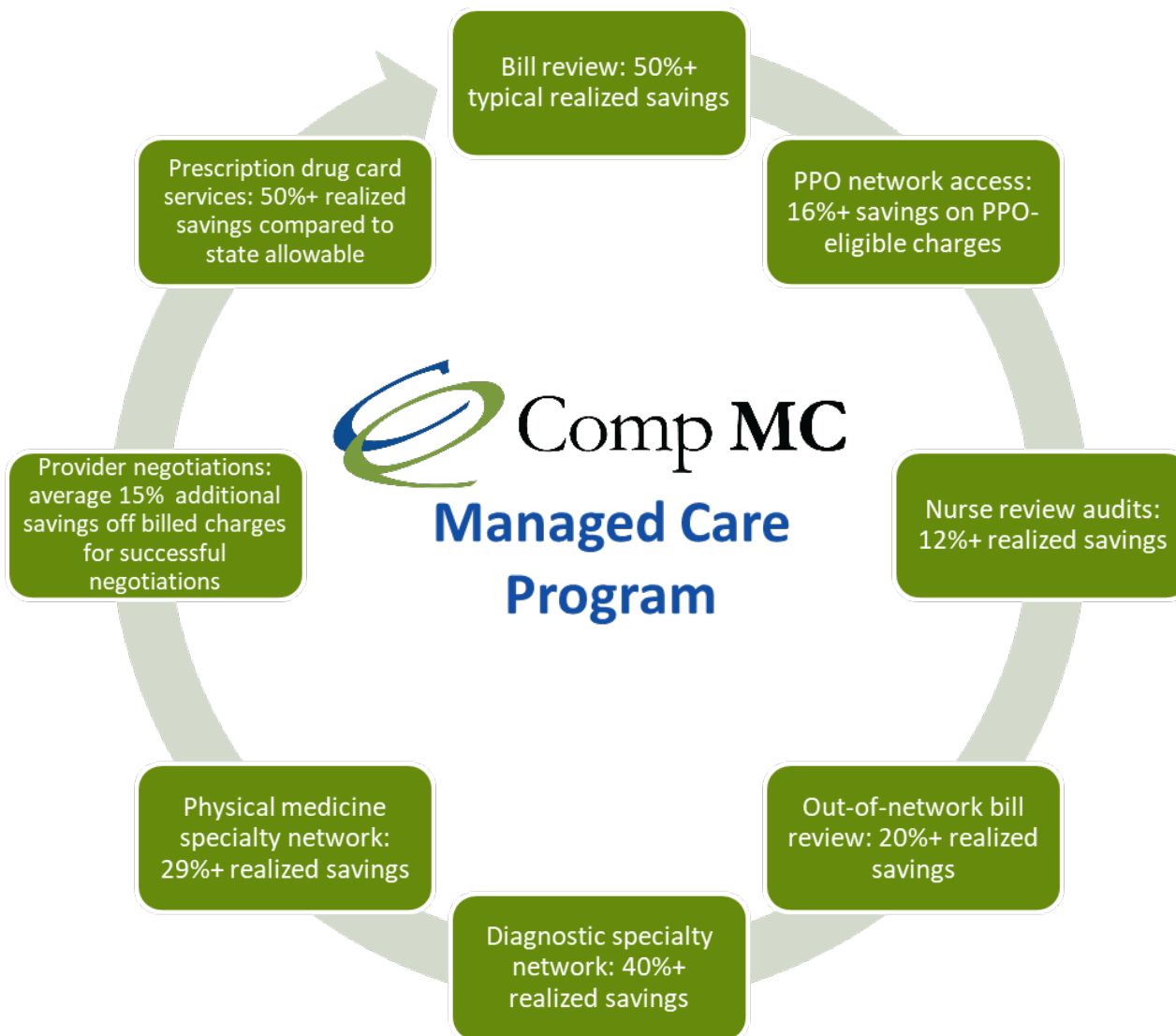
- Claim Reviews

- Training

- CCMSI provides multiple trainings throughout the year to NMPSIA and its members. Trainings include:
 - How to report a claim (WC, liability, property)
 - Workers' Compensation 101
 - Medicare

Reports

- CCMSI provides NMPSIA with several reports on a weekly, monthly, semi-monthly, & annual basis. Those reports include:
 - \$50K reserve Report
 - \$25K Reserve Report for Property and Liability Claims
 - Mediation and Trial Logs
 - Claim Summary Reports
 - \$250K reserve Report
 - Claim Composite Report
 - Open Claim Detail report
 - Open WC Claims with Total Incurred \geq \$100K Detail Report
 - Reopened Claims Report
 - Board Reports
 - Charter School Board Report
 - Income State Report Series
 - Actuarial Reports
 - Excess Carrier Reports
 - NM Annual Expenditure Reports



Ransom Threat Landscape & Cyber Resiliency

- Incident Trends
 - Claim Process / Financial Impact on Schools
 - Available Resources to improve controls

JoAnne Roque, Vice President, Risk Services
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818-449-9369

Incident Trends – 2024 Calendar Year

- Various cyber attacks amongst School Districts, Higher Ed and Charter Schools, resulting in Ransom demand:
 - System Intrusion (Firewall patching)
 - System Intrusion (Expired Vendor Credentials)
 - System Intrusion (Email phishing) malware download
 - System Intrusion (Brut force VPN attack) lack of MFA
 - Indirect compromise with PED/PEC, education complaint

Incident Trends – 2025 Year to Date

- Continuing cyber attacks affecting K-12s, resulting in Ransom demand:
 - PowerSchool National Data breach / third party vendor (SIS Platform)
 - System Intrusion (disabling endpoints/file directories)
 - System Intrusion (legacy system/insufficient backup recovery)

Cyber Claims Process

- Three to nine months for lifecycle of a Cyber Claim:
 - Notifying internal / external stakeholders (Poms, OCS, FBI) of incident immediately
 - Report Incident to Poms / Beazley Insurance Company to coordinate Breach Response Services
 - Scoping call with carrier to assign Forensic Investigations, Ransom negotiation, Data Restoration and Data Privacy
 - Submit Claim to carrier / NMPSIA for reimbursement consideration post-incident in coordination with Poms Risk Services by December 31st.

Best Practices for Cyber Incident Process:

- Access Claims Reporting Instructions (*Spring Budget Booklet/NMPSIA website/Poms*)
- Open communication with IT, Leadership and Finance depts to coordinate decision making
- Maintain contact with Beazley vendors / Claims Dept & Poms for incident status
- Track documentation for incurred expenses, payments & tracking overtime (if applicable) as required for claim submission

Financial Impact to Schools

- Cyber Liability Insurance - Reimbursement basis subject to minimum \$50,000 Retention or higher as determined by Property Values
- Members are responsible for first dollar expenses pending carrier review of eligible reimbursement in excess of applicable retention and/or NMPSIA if final expenses are below the retention threshold, per pool tier structure:

Building Values	Retention	Member Retention	Maximum Out of Pocket Retention	NMPSIA Retention
\$0 - \$250,000,000	\$50,000	\$5,000	\$20,000	\$45,000
\$250,000,001 - \$750,000,000	\$100,000	\$20,000	\$60,000	\$80,000
\$750,000,001 and Above	\$250,000	\$60,000	\$180,000	\$190,000

Available Cyber Resources – No Cost

- **NMPSIA / Poms**
 - Vector Solutions – online video modules
 - In Person training
- **New Mexico Office of CyberSecurity (OCS)**
 - Network monitoring
 - Penetration testing
- **CISA (CyberSecurity & Infrastructure Security Agency)**
 - Cyber Security Assessments
 - Workshops
 - Scanning Services
- **Beazley Insurance Company**
 - Member Portal - direct access
 - Incident Response template & Ransomware Playbook
 - Online Risk Assessment / Webinars



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POMS & Associates

Loss Control and Risk Management

Risk Management

We can never guarantee something will not happen, we need to be prepared, be trained, and understand our objective, and the process in place to mitigate the damage.

Fire Drills

Why?

What is your objective?

Fire Drills

What should you learn from them?

Fire Drills/Active Shooter

- Did all children and staff participate?
 - If not, why?
- Were evacuation sites clearly designated?
 - In case of fire
 - In case of explosion
- Was a system of accounting for all students used?
 - At evacuation site
- Was a system for reunification of students used?

Fire Drills/Active Shooter/Earthquake/Tornado

- What worked as planned or taught?
- What didn't work?
- Did everyone follow the plan?
- Does everyone know the plan?

Fire Drills/Active/Shooter/Earthquake/Tornado/ Predator in our School/Suicide/Student or Staff Death...and on and on

- Evaluation
- Evaluation
- Evaluation

There is always room for improvement.

NMPSIA Tools

We are in the business of helping you be prepared

Property & Liability Programs

- Safety Engineering and Management
- OSHA Construction/General Industry Training
- Defensive Driving

Ergonomics

- Job Hazard Analysis (JHA)
- Workers' Compensation

Workplace Violence: Safety Program Development

- Security Officer Procedures
- Threat Assessment

Employment Practices Liability

- Americans With Disabilities Act
- Sexual Harassment
- Civil Rights
- Employee Training
- Workplace Violence

NMPSIA Tools

Some available training packages

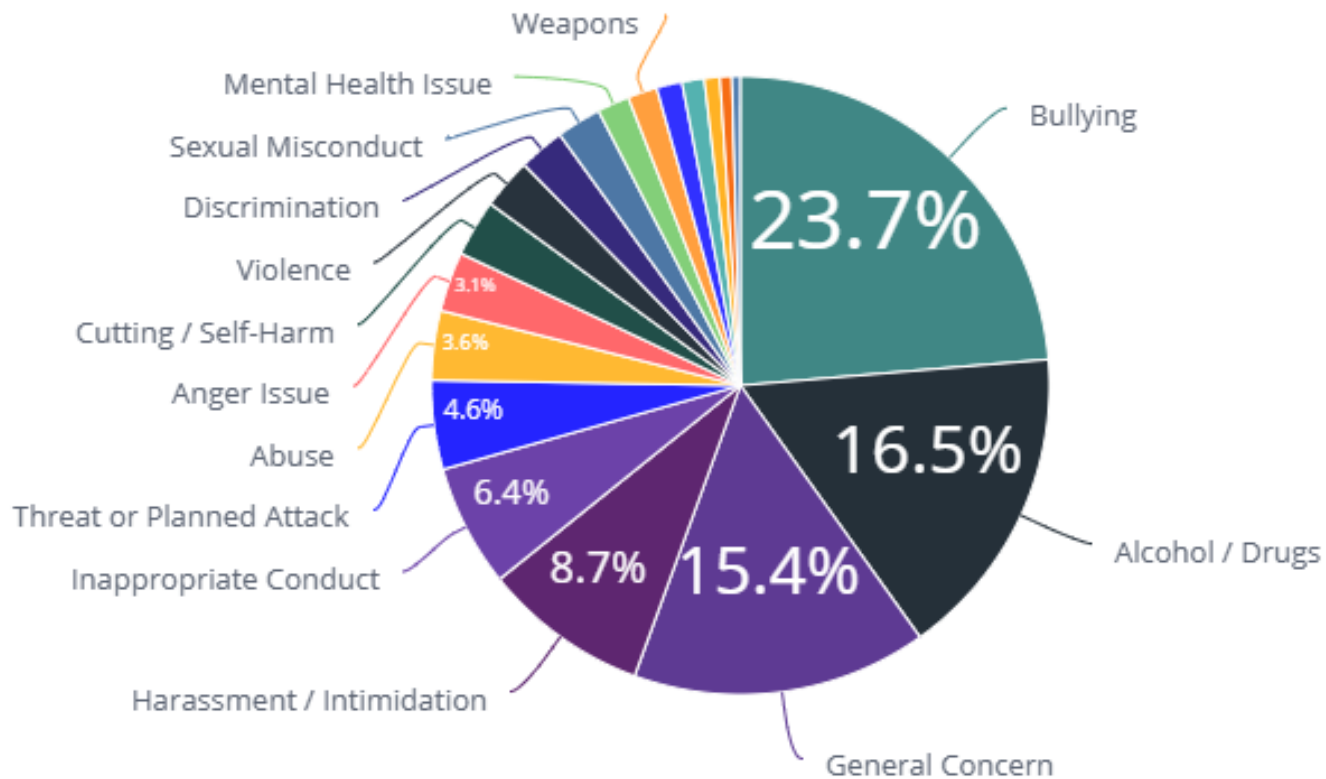
- Hazard Communication/Right-to-Know Law
- Chemical Hygiene and Laboratory Safety
- Bloodborne Pathogens
- Personal Protective Equipment (PPE)
- Ladder Safety
- Electrical Safety
- NFPA Life Safety Code
- Introduction to Ergonomics
- Workplace Ergonomics
- Electrical Safety
- NFPA Life Safety Code
- Back Safety/Lifting Techniques
- Behavior Management
- Disciplinary Procedures
- Wrongful Termination
- Development of Safety Policies
- Neuro-Linguistics Programming
- Introduction to OSHA
- Defensive Driving
- Discrimination Title VII
- Sexual Harassment
- Title IX Compliance
- Sexual Molestation and Assaults
- ADA and The Rehabilitation Act- Fair Labor Standards Act (FLSA)
- HIPAA/FERPA
- Gang Recognition
- Drug Physiology (Signs/Symptoms of Use)
- Security/Intruder Assessment
- Workplace Violence
- Cyberbullying Prevention
- Violent Threat Response
- Suicide Awareness 101
- Hazmat Response
- Internet Safety
- Bomb Threat Response
- Threat Assessment: Assessing Dangerous Behavior
- Mental Health Awareness (Crisis Intervention)
- De-escalation
- Emergency Operations Planning/Review
- Identifying a Predator
- Housekeeping and Storage Practices
- Accident Investigations
- Drug-Free Workplace

A couple of very important tools

- Your environment – early warning – STOPit Solutions
- Your number one liability – Predators in schools
- Vector Solutions on-line training



STOPit! Solutions Incident Summary



Vector Solutions Overview

Child Sexual Abuse Prevention

723,057 Modules Completed – Aggregate

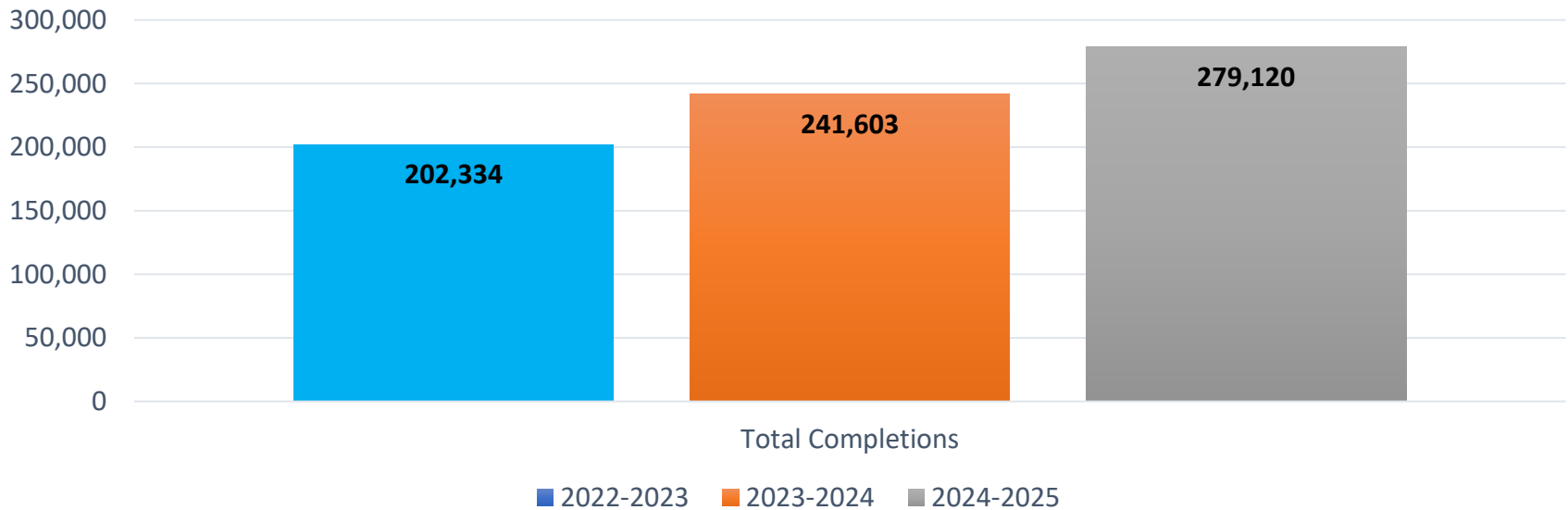
Child Sexual Abuse Prevention (CSAP) Courses:

- 01-Introduction to the Child Sexual Abuse Pandemic
- 02-Grooming - Part 1 (Elementary, Middle, or High School)
- 03-Grooming - Part 2 (Elementary, Middle, or High School)
- 04-On-Site Isolation Boundaries - Part 1
- 05-On-Site Isolation Boundaries - Part 2
- 06-On-site Behavioral Boundaries - Part 1 (Elementary, Middle/High School)
- 07-On-site Behavioral Boundaries - Part 2 (Elementary, Middle/High School)
- 08-Off-site Boundaries
- 09-Off-Hours Boundaries (Elementary, Middle/High)
- 10-Electronic Communication and Social Media Boundaries
- 11-Gift Boundaries (Elementary, Middle, or High School)
- 12- Student to Student Boundaries (Elementary, Middle/High)
- 13 - Mandatory Reporting Requirements - House Bill 128

Vector Solutions

Child Sexual Abuse Prevention (CSAP)

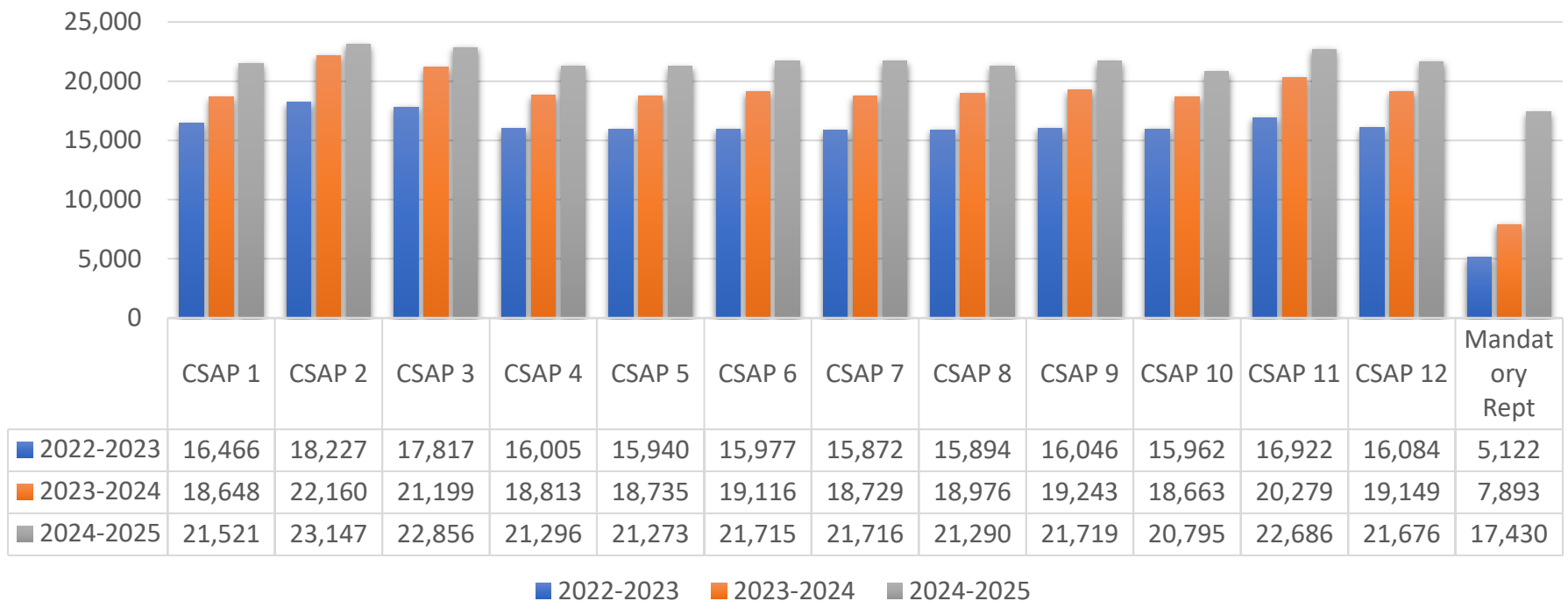
Module Completions



Vector Solutions

Child Sexual Abuse Prevention (CSAP)

Module Completions by Course



DUTY TO REPORT

WHO, WHAT, WHERE, AND WHY?

DUTY TO REPORT

*Two Laws
Who, What, Where
& WHY*

NM Children's Code (Chapter 32A)
Public School Code (Chapter 22)

NM Children's Code

Report What?

Abused Child/Neglect/Physical Abuse/Sexual Abuse

- Serious harm because of the action or inaction of the **child's parent, guardian or custodian**
- Physical abuse, emotional abuse, or psychological abuse inflicted or caused by the child's **parent, guardian, or custodian**
- Suffered sexual abuse or sexual exploitation inflicted by the **child's parent, guardian or custodian**
- Knowingly, intentionally or negligently placed the child in a situation that may endanger the child's life or health
- Knowingly or intentionally tortured, cruelly confined or cruelly punished the child

NM Children's Code

Duty to Report

Who?

- Every person, including a licensed physician; a resident or an intern examining, attending or treating a child; a law enforcement officer; a judge presiding during a proceeding; a registered nurse; **a visiting nurse; a school employee**; a social worker acting in an official capacity; or a member of the clergy who has information that is not privileged as a matter of law who ***knows or has a reasonable suspicion*** that a child is abused or a neglected.

NM Children's Code

Duty to Report

To Where?

- **Shall** report the matter immediately to:
 - a local law enforcement agency
 - the department (CYFD); or
 - a tribal law enforcement or social services agency for any Indian child residing in Indian country

NM Children's Code

Duty to Report

Why?

- A person who violates the provisions is guilty of a misdemeanor and shall be sentenced
- Where the defendant has been convicted of a crime constituting a misdemeanor, the judge shall sentence ***the person to be imprisoned in the county jail for a definite term less than one year or to the payment of a fine of not more than one thousand dollars (\$1,000) or to both such imprisonment and fine at the discretion of the judge***

Public Schools Code

Report What?

Child Abuse

- Is at risk of suffering serious harm because of the action or inaction of the child's parent, guardian, custodian or other adult
- Physical abuse, emotional abuse or psychological abuse inflicted or caused by the child's parent, **guardian, custodian or other adult**
- Sexual abuse or sexual exploitation inflicted by the child's parent, **guardian, custodian or other adult**
- Parent, **guardian, custodian or other adult** has knowingly, intentionally or negligently placed the child in a situation that may endanger the child's life or health
- Parent, **guardian, custodian or other adult** has knowingly or intentionally tortured, cruelly confined or cruelly punished the child

Public Schools Code

Report What?

Ethical Misconduct

Behavior or conduct by **school district personnel, school employees, school volunteers, contractors or contractors'** employees:

- Discriminatory practice based on race, age, color, national origin, ethnicity, sex, pregnancy, sexual orientation, gender identity, mental or physical disability, marital status, religion, citizenship, domestic abuse reporting status or serious medical condition
- Sexual misconduct or any sexual offense prohibited by law involving an adult or child, regardless of a child's enrollment status
- Fondling a child or student, including touching private body parts, such as breasts, buttocks, genitals, inner thighs, groin or anus
- Any other behavior, **including licentious, enticing or solicitous behavior, that is reasonably apparent to result** in inappropriate sexual contact with a child or student or to induce a child or student into engaging in illegal, immoral or other prohibited behavior

Public Schools Code

Duty to Report

To Where?

- School ***district personnel, a school employee, a contractor or a contractor's employee*** who knows or has a reasonable suspicion that a child or student has been subject to ethical misconduct by ***school district personnel, a school employee, a school volunteer, a contractor or a contractor's employee*** shall report the matter immediately to:
 - the superintendent, or
 - the department- PED
- The recipient of a report (SUPT OR PED) shall take **immediate steps** to ensure prompt investigation of the report. The investigation shall ensure that immediate steps are taken to protect the health or welfare of a student or child who is the subject of a report, and a school shall take immediate steps to ensure the safety of enrolled students.

Public Schools Code

Duty to Report

Why?

The secretary (PED) may initiate action to **suspend, revoke or refuse to renew the license of:**

- a superintendent who fails to report as required
- any licensed school district personnel or licensed school employee who fails to report child abuse or neglect, or
- any licensed school district personnel or school employee who fails to report ethical misconduct

Internet Crimes

- For predators, the internet is a new, effective, and more anonymous way to seek out and groom children for criminal purposes such as producing and distributing child pornography, contacting and stalking children for the purpose of engaging in sexual acts, and exploiting children for sexual tourism.

Sting Operation in New Mexico

Sept – Oct 2024

- **Operation Overwatch**, an undercover online chat investigation targeting child predators. The operation led to the arrest of more than eight individuals, all charged with crimes including child solicitation via electronic devices, attempted criminal sexual penetration, and other related offenses. Each defendant had sought to engage in sexual activity with a minor.
 - At least two were NM school employees
 - A previous operation arrested a school principal for distribution of child pornography

Contact Information

Organization	Name	Title	Email
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