

<b>LFC Requester:</b>	<b>Sunny Liu</b>
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**AGENCY BILL ANALYSIS  
2021 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** 1/21/2021  
**Bill No:** HB93

**Sponsor:** Rep. Raymundo Lara  
**Short Title:** LIMIT OUT-OF-SCHOOL  
SUSPENSIONS

**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		
N/A	N/A	N/A	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

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

(Parenthesis ( ) Indicate Expenditure Decreases)

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

	<b>FY21</b>	<b>FY22</b>	<b>FY23</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: HB29, No School Discrimination For Hair; and SB80, No School Discrimination For Hair.

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

**SECTION III: NARRATIVE**

**BILL SUMMARY**

Synopsis: House Bill 93 (HB93) amends Section 22-5-4.3 NMSA 1978 to require every local school board and governing body of a charter school to include in its disciplinary sanctions that suspending or expelling a student from school is prohibited unless interventions have been exhausted, including restorative justice practices. HB93 would allow suspending or expelling a student only as a last resort, following a process that accounts for circumstances, such as student homelessness, foster care placement, or other adverse childhood experiences, and that determines suspension or expulsion is the only safe response.

**FISCAL IMPLICATIONS**

HB93 does not contain an appropriation.

There are no fiscal implications for the Public Education Department (PED).

HB93 requires disciplinary sanctions, including suspension or expulsion, to be used only after interventions, such as restorative justice practices, have been implemented. Because not all schools have staff trained in restorative justice practices, schools may incur costs associated with providing staff with professional development on restorative justice practices.

**SIGNIFICANT ISSUES**

During the 2019-2020 school year, 20,670 suspensions and expulsions were reported to PED, totaling 86,105.3 school days. This represents approximately one suspension or expulsion day for 25 percent of the total student body. The average suspension or expulsion lasts 3.3 days. Additionally, approximately 7 percent of students in public schools were suspended during the 2019-2020 school year, while approximately 0.02 percent of students in public schools were expelled during the 2019-2020 school year.

HB93 requires that suspension or expulsion only be used following a process that determines suspension or expulsion is the only “safe response.” It is unclear what a “safe response” is or who will determine what a “safe response” is.

As HB93 does not differentiate between in-school suspension and out-of-school suspension, the

provisions of HB93 would apply to both in-school suspension and out-of-school suspension.

Section 22-12A-1 NMSA 1978, the Attendance for Success Act, requires public schools to maintain an attendance policy that employs an attendance improvement plan that focuses on prohibiting out-of-school suspension or expulsion as the punishment for absences.

According to [American Institutes for Research](#), a national nonprofit research organization, getting suspended or expelled increases students' risk for falling into unproductive behavior, affecting their social-emotional development, academic performance, and life trajectories. Further, research shows positive approaches to school discipline at all ages can actually improve students' academic performance, and those students are less likely to become involved in the juvenile justice system or have need for behavioral services.

According to [Attendance Works](#), a national nonprofit organization dedicated to improving student attendance, more than eight million students across the country are missing so many days of school that they are academically at risk.

## **PERFORMANCE IMPLICATIONS**

N/A

## **ADMINISTRATIVE IMPLICATIONS**

PED would need to communicate the provisions of HB93 to school districts and charter schools.

Schools would be required to amend their disciplinary policies and may need to train staff on restorative justice practices.

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

Relates to HB29, No School Discrimination For Hair; and SB80, No School Discrimination For Hair.

## **TECHNICAL ISSUES**

N/A

## **OTHER SUBSTANTIVE ISSUES**

HB93 defines "other adverse childhood experiences" as potentially traumatic events that occur in childhood and may include: poverty; experiencing violence or other abuse or neglect; witnessing violence in the home or community; having a family member attempt to die by suicide; and growing up in a household with substance misuse, mental health problems, or instability due to parental separation or household members being in jail or prison. Additionally, HB93 defines "restorative justice practices" as non-punitive intervention and support provided to a student by a public school to improve the behavior of the student and remedy any harm caused by the student.

## **ALTERNATIVES**

N/A

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

N/A

**AMENDMENTS**

N/A