

LFC Requester:	Chilton
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**AGENCY BILL ANALYSIS
2023 REGULAR SESSION**

SECTION I: GENERAL INFORMATION

Check all that apply:

Original **Amendment**
Correction **Substitute**

Date Prepared: 02/07/23
Bill No: SB283

Sponsor: Pope
Short Title: REDUCING SUSPENSIONS
& EXPULSIONS ACT

Agency Name and Code
Number: PED - 924
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY23	FY24		
None	None	N/A	NFA

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY23	FY24	FY25		
None	None	None	N/A	NFA

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	None	None	None	None	N/A	NFA

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: [Senate Bill 367 \(SB367\), School Attendance Changes](#)

Duplicates/Relates to Appropriation in the General Appropriation Act:

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: Senate Bill 283 (SB283) would create the Reducing Suspensions and Expulsions Act, which would prohibit the expulsion and limit the out-of-school suspension of students in pre-kindergarten through second grade and child care centers. The provisions of the bill primarily focus on “enrolling entities,” which are defined as “any publicly funded community-based pre-kindergarten program, public school, or charter school that provides educational services” and also includes any licensed child care facility in the state that serves children aged six weeks through eight years and is paid for by the child care assistance programs operated by the Early Childhood Education and Care Department (ECECD).

The bill also requires that beginning January 1, 2025, each enrolling entity maintain demographic and discipline data for each child, disaggregated by several demographic factors, and beginning August 15, 2025 and annually thereafter, each enrolling entity shall submit a report to the ECECD and the Public Education Department (PED) that includes:

- the total number of students or children suspended for at least one and no more than five days total for the year for both in-school and out-of-school suspensions;
- the total number of students or children suspended for at least six and no more than ten days total for the year for both in-school and out-of-school suspensions;
- the total number of students or children suspended for more than ten days total for the year for both in-school and out-of-school suspensions;
- the total number of students or children who received more than one in-school or out-of-school suspension in the year;
- the total number of students or children who were referred to an alternative educational setting for the course of an in-school or out-of-school suspension;
- a description of the types of actions that led to the in-school or out-of-school suspension or expulsion;
- the total number of students or children expelled; and
- the total number of students or children who voluntarily or involuntarily transferred or withdrew from the enrolling entity or program during the year.

The effective date of the legislation is July 1, 2023.

FISCAL IMPLICATIONS

The bill does not contain an appropriation.

SIGNIFICANT ISSUES

942 children from six weeks to age 8 were suspended or expelled from school in 2022, according to PED, underscoring the need for this legislation. Some young children were suspended for as long as 10 days. According to much research, children have negative short- and long-term outcomes when they’re suspended or expelled. When young children are suspended from school, they are several times more likely to experience disciplinary action later in their academic career; drop out or fail out of high school; report feeling disconnected from school; and be incarcerated later in life.^[1] Suspensions and expulsions of young children also disproportionately impact Native American preschoolers (1.5 times more likely to be suspended)^[2]; special education preschoolers (2.5 times more likely to be expelled)^[3], and African American preschoolers (2.5 times more likely to be suspended and twice as likely to be expelled)^[4], compared to other students.

^[1] Americanprogress.org

^[2] Americanprogress.org

^[3] Ocr.data.ed.gov

PERFORMANCE IMPLICATIONS

N/A.

ADMINISTRATIVE IMPLICATIONS

HB283 would require additional data collection and reporting by schools and school districts. The reason for a discipline infraction is not currently collected or reported.

The bill would necessitate PED review and amend as needed rules pertaining to student discipline.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

TECHNICAL ISSUES

SB283 would require that the annual reports from the enrolling entities be submitted to both ECECD and PED.

OTHER SUBSTANTIVE ISSUES

According to the National Women's Law Center, recent studies show that suspension is a common punishment used in child care settings, but the practice "can hurt social-emotional development and actually worsen unhealthy behavior for children." The center explains that children and their families can also be harmed by "soft expulsion," where programs do not formally remove from a child care program, but repeatedly call parents to pick up their child early, tell parents their child should take a week off, suggest the child isn't the right fit for the program, or take other steps that make it difficult for the child to remain with the program.

While planned transitions to settings better suited to a student are not to be considered expulsions, under SB283, requests by an enrolling entity of a parent to remove a child temporarily from the entity's premises for any length of time are to be considered a suspension under the Section 3.D of the Act and would be subject to the bill's proposed limits of doing so only when a child is a threat to others and for a maximum suspension of three days. This provision helps ensure that young children can participate in learning without interruption, as long as other children or adults are safe from the child.

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

N/A

AMENDMENTS

The sponsor is working with ECECD and PED to add an exception to the expulsion prohibition for firearm possession, pursuant to the Gun Free School Act and Section 22-5-4.7 NMSA 1978.