



LFC Requester: Liu

**PUBLIC EDUCATION DEPARTMENT  
BILL ANALYSIS  
2025 REGULAR SESSION**

**SECTION I: GENERAL INFORMATION**

Check all that apply:

Original  Amendment   
Correction  Substitute

Date Prepared: 02/19 /25

Bill No: SB437

**Agency Name and Code:** PED - 924

**Sponsor:** Soules

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**Short Title:** NO SCHOOL USE OF CORPORAL PUNISHMENT

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**SECTION II: FISCAL IMPACT**

(Parenthesis ( ) Indicate Expenditure Decreases)

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
None	None	N/A	NFA

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
None	None	None	N/A	NFA

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

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	None	None	None	None	N/A	NFA

Duplicates/Relates to Appropriation in the General Appropriation Act: None.

## **SECTION III: NARRATIVE**

### **BILL SUMMARY**

Synopsis: Senate Bill 437 (SB437) would create a new section of statute prohibiting the use of corporal punishment in early childhood education and care and in primary and secondary education. The bill would also prohibit the state of New Mexico from granting any benefits to or form contracts with persons involved in the use of corporal punishment unless they have adopted a policy or agreed in writing to prohibit its use.

This bill does not provide an effective date. Laws go into effect 90 days after the adjournment of the Legislature enacting them, unless a later date is specified. If enacted, this bill would become effective June 20, 2025.

### **FISCAL IMPLICATIONS**

SB437 does not contain an appropriation.

### **SIGNIFICANT ISSUES**

Section 22-5-4.3 NMSA 1978 requires local school boards and governing bodies of charter schools to prohibit the use of corporal punishment as a disciplinary sanction. It permits for certain disciplinary sanctions, including in-school suspension, school service, out-of-school suspension, and expulsion.

Corporal punishment is legal in 17 states, with 14 states practicing as of 2024. While much of the research on the efficacy of corporal punishment in schools comes from outside the United States, a 2017 review of global literature published in *Psychology, Health & Medicine* found that it is linked with physical harm, mental and behavioral health issues, and impaired academic achievement.

A 2016 report by the National Education Association (NEA) published a recommendation by a developmental psychologist for a national ban on corporal punishment based on troubling evidence of the disparate use corporal punishment across racial and gender differences and a lack of evidence of efficacy for producing lasting behavioral change and internalization of behavioral expectations. Black students and students with disabilities are twice as likely to be subjected to corporal punishment than their white or non-disabled peers. This disparate treatment has led some jurisdictions to consider restorative justice practices as a means of addressing school discipline. However, even then, Black students are three more times likely to be suspended than any other racial group, according to *NEA Today*.

### **PERFORMANCE IMPLICATIONS**

National Library of Medicine indicates that students who have experienced corporal punishment were linked with lower grade point averages, greater incidence of depressive symptoms, higher rates of behavioral problems, cognitive deficits, and greater likelihood of visiting corporal punishment upon their own children. Society for Adolescent Medicine notes that several thousand children per year require medical attention as a result of corporal punishment.

## **ADMINISTRATIVE IMPLICATIONS**

The Public Education Department (PED) may need to update policy and procedures to prohibit the granting of any benefits or forming of contracts with any persons involved in early childhood, primary, or secondary education without ensuring they have a policy already prohibiting corporal punishment or formally agreeing in writing to do so.

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

Relates to:

- House Bill 260, Allowable Responses to Student Behavior, which proposes to limit the use of physical restraint as a means of controlling student behavior in public schools and also prohibits the use of other forms of restraint, as well as seclusion.
- House Bill 490, School Discipline Policy Changes, which proposes, additionally prohibited factors upon which to base the imposition of discipline.

## **TECHNICAL ISSUES**

Although the bill's intent is clear, nevertheless, it may benefit from the inclusion of a definition of corporal punishment. The prohibition on contractual relationships with entities who do not prohibit such punishment would be more easily executed with a defined term.

## **OTHER SUBSTANTIVE ISSUES**

None.

## **ALTERNATIVES**

None.

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

None.

## **AMENDMENTS**

None.