



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: 02/21 /25

Bill No: HB490

Torres-  
Velasquez/Herndon/Anyanou/Little/  
Sponsor: Caballero

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

**PED Lead Analyst:** Evan Chavez

**Phone:** (505) 538-0536 **Email:** evan.chavez@ped.nm.gov

**Short Title:** SCHOOL DISCIPLINE POLICY  
CHANGES

**PED Policy Director:** Denise Terrazas

**Phone:** (505) 470-5303 **Email:** denise.terrazas@ped.nm.gov

**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: House Bill 490 (HB490) would amend [Article 5, Local School Boards](#) of the Public School Code to clarify incident reporting guidelines and expand discipline policies to prevent discrimination based on disability, home language, gender, cultural expressions, and income. The bill would also provide that submissions and related information reported through the online portal to report racially motivated incidents or aggression shall be exempt from the Inspection of Public Records Act.

The 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**

HB490 does not contain an appropriation.

### **SIGNIFICANT ISSUES**

HB490 would require all school discipline policies to explicitly prohibit disciplining or discriminating against students based on disability, home language, gender, or level of family income. Research, [including a 2018 report from the Review of Educational Research](#), indicates that students from these demographic groups often face disproportionate disciplinary actions than their peers, including higher rates of suspension, expulsion, and referrals to law enforcement, which can negatively impact educational outcomes and contribute to long-term disparities.

In 2017–18, [almost one out of every 11 students with disabilities \(nine percent\) were suspended](#), compared to 4 percent for students without disabilities. National studies have further shown that gender disparities exist in school discipline, particularly affecting male students of color and LGBTQ+ youth. These disparities may result from implicit bias, inconsistent policy enforcement, or lack of cultural and linguistic responsiveness in school environments.

By mandating the inclusion of nondiscrimination protections in discipline policies, HB490 may help address inequitable disciplinary practices and ensure schools provide safe, supportive, and inclusive environments for all students. Additionally, aligning discipline policies with principles of equity and nondiscrimination may reduce schools' exposure to civil rights complaints and litigation.

The bill would also replace references to a hotline system with references to a centralized online platform that maintains consistent and private communication with respect to incidents of discrimination, reflecting current practice. Online portals would allow parents, students, teachers, and other school staff to anonymously report incidents of racism or discriminations based on disability, language, gender or socioeconomic status, and the data collected would assist local school boards in tracking complaints to improve the educational experience of their students. [Online portals have the potential to build a responsive system](#) according to a 2013 article from the Jordan Journal of Business Administration. A responsive system may include counseling, remediation, or restorative justice practices for school districts. Second, the protection of cultural

expression validates the cultural and social capital of every student. social capital of every student.

## **PERFORMANCE IMPLICATIONS**

The provisions of HB490 may improve student performance by fostering a more inclusive and supportive learning environment for students. Strengthening anti-discrimination policies and addressing racialized aggression in schools may lead to higher student engagement, better attendance, and improved academic outcomes.

## **ADMINISTRATIVE IMPLICATIONS**

If HB490 were implemented, schools and districts may need to revise discipline policies to align with the bill's provisions, and the Public Education Department may need to update guidance around the use of an online reporting portal.

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

Relates to:

- HB194, Cultural Expression at Graduation Ceremonies
- HB223, Bilingual Education Cost Differential
- HB467, Multicultural Student Safety and Support
- SB160, Tribal Regalia at School Events
- SB396, Hispanic Student Education and Reporting

## **TECHNICAL ISSUES**

The bill rewords the requirement that school districts and charter schools maintain links to the statewide online portal to report racially motivated aggression and other incidents, rather than the current reference to a "hotline". Yet the maintenance of this hotline is a duty ascribed to the Black Education Liaison in Section 22-23C-5 NMSA 1978 of the Black Education Act. Any attempt to change the nature of the hotline, such as that proposed by HB490, should also address this additional reference in the Black Education Act.

## **OTHER SUBSTANTIVE ISSUES**

The bill amends Section 22-5-4.3 NMS 1978 with regard to local school boards but fails to make corresponding amendments in the Charter Schools Act, Section 22-8B-4 NMSA 1978. Because the definition of "local school board" in the General Provisions of the Public School Code does not encompass charter schools, the bill as drafted does not prohibit discrimination by charter schools based on home language or family income.

## **ALTERNATIVES**

None.

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

None.

## **AMENDMENTS**

The sponsor may wish to consider amending Section 22-23C-5 of the Black Education Act to address parallel references to a hotline for the reporting of racially charged incidents and ensure that these two references maintain parity of language and intent.

The sponsor may also wish to consider amending Section 22-8B-4(A) NMSA 1978 of the Charter Schools Act: "A charter school shall be subject to all federal and state laws and constitutional provisions prohibiting discrimination or disparate treatment on the basis of disability, physical or mental handicap, serious medical condition, race, creed, color, sex, gender identity, sexual orientation, spousal affiliation, national origin, religion, ancestry, home language, level of family income, or need for special education services and shall not allow for the imposition of discipline, discrimination or disparate treatment against a student based on the student's race, religion or culture or because of the student's use of protective hairstyles or cultural or religious headdresses; nor shall a student be demeaned, bullied, or punished for any of these characteristics or use of cultural symbols." This amendment would bring charter schools into conformity with the provisions of the bill.