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FISCAL IMPACT REPORT

	LAST UPDATED	02/14/2023
SPONSOR <u>Pope</u>	ORIGINAL DATE	<u>02/09/2023</u>
	BILL	Senate Bill
SHORT TITLE <u>Reducing Suspensions & Expulsions Act</u>	NUMBER	<u>283/aSEC</u>
	ANALYST	<u>Chilton</u>

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
		No fiscal impact	No fiscal impact	No fiscal impact		

Parentheses () indicate expenditure decreases.
*Amounts reflect most recent version of this legislation.

Sources of Information

LFC Files

Responses Received From

Early Childhood Education and Care Department (ECECD)
Public Education Department (PED)

SUMMARY

Synopsis of SEC Amendment to Senate Bill 283

The Senate Education Committee amendment changes the dates when the act becomes effective and when it begins to apply to pre-schools and elementary schools in the state. Whereas previously the provisions of the act came into effect in the middle of a school year (January 1, 2024), they now take effect in the middle of summer, July 1, 2024. The amendment also corrects a reference to statute (Section 30-7-2.1 NMSA 1978, not 30-7-21). It mandates that all schools and pre-schools begin maintaining student data –section 4A of the bill no longer contains the date, meaning that the data must be available when the law takes effect, now changed to July 1, 2024.

Synopsis of Original Senate Bill 283

Senate Bill 283 prohibits pre-schools, childcare centers, pre-K, kindergartens, and first and second grades from expelling students in those grades in public or charter schools. It states that suspensions should be unusual in those grades and prohibits suspensions longer than three days.

Section 1 of the bill names the act; section 2 establishes definitions. Section 3 prohibits expulsions for behavioral issues from early childhood education through second grade, although transitioning a child to a better-suited facility would not be considered an expulsion. Suspensions would be prohibited unless a child has caused or threatened to cause bodily injury to

another person (such threats or injuries in the course of self-defense could not result in suspension), and in those cases, suspensions could not last more than three days. Children with disabilities must be treated according to the Individuals with Disabilities Education Act (IDEA). Children could still be expelled or suspended if they had violated Section 30-7-21 NMSA 1978, which refers to false reports to police or fire departments.

Section 4 of the bill requires each school or childcare center to maintain information on each child, to include race, ethnicity, age, status as an English-language learner, and discipline data, including suspensions; this data is required to be reported to ECECD and PED.

The effective date of this bill is July 1, 2024, although most of its provisions begin January 1, 2024.

FISCAL IMPLICATIONS

There is no appropriation in Senate Bill 283, and no significant fiscal impact is anticipated beyond the cost of receiving schools' reports.

SIGNIFICANT ISSUES

The National Association for the Education of Young Children opposes expulsion and suspension of young children, writing “Expulsion in early childhood education is not an intervention. Over a decade of research and data tell us that the policies and practices of suspension and expulsion in early childhood, which disproportionately affect children of color, are causing harm to children and families.”

According to PED:

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 are 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.

As noted by ECECD, “Starting as young as infancy and toddlerhood, children experiencing trauma or behavioral issues are at higher risk for suspension and expulsion from their early childhood education setting, including New Mexico Prekindergarten (PreK). These children miss out on resources and opportunities for learning and development, which can lead to poor performance in school, both in current and future education settings, additional family stress, negative views of learning and teachers, potentially unsafe care environments, and disparate health outcomes.”

ECECD continues: “Young children who are suspended or expelled from school are more likely to have worse academic performance, several times more likely to disconnect from school, experience disciplinary action later in their academic career, fail out or drop out of high school, and be incarcerated later in life, according to many research studies. Young children who have special needs or are Native American and African American are removed from educational settings at much higher rates than white children.”

OTHER SUBSTANTIVE ISSUES

As noted by PED:

According to the National Women’s Law Center, recent studies show that suspension is a common punishment used in childcare 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.

LAC/rl/ne/al