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**2025 LEGISLATIVE SESSION
AGENCY BILL ANALYSIS**

Section I: General

Chamber: Senate

Category: Bill

Number: 147

Type: Introduced

Date (of THIS analysis): 01-28-25

Sponsor(s): Harold Pope and Linda M. Trujillo

Short Title: Exclusionary Practices Act

Reviewing Agency: Agency 665 - Department of Health

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Section II: Fiscal Impact

APPROPRIATION (dollars in thousands)

Appropriation Contained		Recurring or Nonrecurring	Fund Affected
FY 25	FY 26		
\$0	\$0	NA	NA

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY 25	FY 26	FY 27		
\$0	\$0	\$0	NA	NA

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY 25	FY 26	FY 27	3 Year Total Cost	Recurring or Non-recurring	Fund Affected
Total	\$	\$	\$	\$		

Section III: Relationship to other legislation

Duplicates: None

Conflicts with: None

Companion to: None

Relates to: None

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

Section IV: Narrative

1. BILL SUMMARY

a) Synopsis

Senate Bill 147 (SB147) would amend the New Mexico's Children's Code to provide limitations on the expulsion or suspension of children in an early pre-kindergarten or pre-kindergarten program or in a licensed childcare facility.

Is this an amendment or substitution? Yes No

Is there an emergency clause? Yes No

b) Significant Issues

Early childhood education sets the foundation for a child's future success. High-quality preschool programs improve elementary school readiness and provide important cognitive, academic, social and emotional skills that are necessary for success in elementary school and beyond. Pre-kindergarten programs have been shown to have substantial benefits in reducing crime, raising earnings, and promoting education. Children that attend a pre-kindergarten program are more likely to graduate high school and are less likely to have children during their teenage years or become involved in the criminal justice system. But without support during these early years, a child is more likely to drop out of school, eventually receive welfare benefits, and commit crime ([Civil Rights Data Collection \(CRDC\) FAQs | U.S. Department of Education.](#))

The National Association for the Education of Young Children (NAEYC) opposes expulsion and suspension of young children. A joint statement drafted by the NAEYC and including partners such as the American Academy of Pediatrics and the National Education Association stated, "Every year, as many as 8,710 three and four year-old children may be expelled from or pushed out of their state-funded preschool or prekindergarten classroom. A disproportionate number of these children are African American boys and girls, and these early childhood expulsions are happening at a rate more than three times that of their older peers in grades K– 12. In childcare centers, expulsion rates are 13 times what they are in K–12 classrooms, with as many as 39

percent of child care providers reporting at least one expulsion in the past year.”
([Standing Together.Joint Statement.FINAL__9_0.pdf](#))

According to a joint letter by the U.S. Department of Health and Human Services and the U.S. Department of Education, expelling or suspending 3- and 4-year-old children sets their trajectories in a negative direction, even before their first day of kindergarten. Not only does expulsion or suspension hinder a child’s social-emotional development during a highly formative period, but it also removes them from the early learning programs and enrichment environments that are known to contribute to academic success ([Standing Together.Joint Statement.FINAL__9_0.pdf](#))

Social and emotional competence is a critical component to positive child outcomes. Therefore, it is imperative that early childhood educators be equipped with the knowledge and support to foster social and emotional development in all children ([Building Better Behavioral Supports Early Childhood Education.pdf](#)).

A 2019 presentation by NM Voices for Children and the University of New Mexico stated that “early childhood expulsion follows the patterns of K-12 expulsion: it disproportionately affects boys, and especially boys of color. Dr. Walter Gilliam found that early childhood educators watch black boys more closely for challenging behaviors, even when no challenging behaviors are present. Gilliam’s work identifies three main risk factors (“3 Bs”) for being expelled in early childhood: Being a boy, black, or big compared to other children in the classroom.” ([Disenrollment in Early Ed](#))

A similar bill was proposed in 2023 (SB283) but died in committee.

2. PERFORMANCE IMPLICATIONS

- Does this bill impact the current delivery of NMDOH services or operations?
 Yes No
- Is this proposal related to the NMDOH Strategic Plan? Yes No
 - Goal 1:** We expand equitable access to services for all New Mexicans
 - Goal 2:** We ensure safety in New Mexico healthcare environments
 - Goal 3:** We improve health status for all New Mexicans
 - Goal 4:** We support each other by promoting an environment of mutual respect, trust, open communication, and needed resources for staff to serve New Mexicans and to grow and reach their professional goals

3. FISCAL IMPLICATIONS

- If there is an appropriation, is it included in the Executive Budget Request?
 Yes No N/A
- If there is an appropriation, is it included in the LFC Budget Request?
 Yes No N/A

- Does this bill have a fiscal impact on NMDOH? Yes No

4. ADMINISTRATIVE IMPLICATIONS

Will this bill have an administrative impact on NMDOH? Yes No

5. DUPLICATION, CONFLICT, COMPANIONSHIP OR RELATIONSHIP

None

6. TECHNICAL ISSUES

Are there technical issues with the bill? Yes No

7. LEGAL/REGULATORY ISSUES (OTHER SUBSTANTIVE ISSUES)

- Will administrative rules need to be updated or new rules written? Yes No
- Have there been changes in federal/state/local laws and regulations that make this legislation necessary (or unnecessary)? Yes No
- Does this bill conflict with federal grant requirements or associated regulations?
 Yes No
- Are there any legal problems or conflicts with existing laws, regulations, policies, or programs? Yes No

8. DISPARITIES ISSUES

None

9. HEALTH IMPACT(S)

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10. ALTERNATIVES

None

11. WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?

If SB147 is not enacted, the New Mexico’s Children’s Code would not be amended to provide limitations on the expulsion or suspension of children in an early pre-kindergarten or pre-kindergarten program or in a licensed childcare facility.

12. AMENDMENTS

None