

1 SENATE BILL 147

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

3 INTRODUCED BY

4 Harold Pope and Linda M. Trujillo

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10 AN ACT

11 RELATING TO CHILDREN; ENACTING THE EXCLUSIONARY PRACTICES ACT;
12 PROVIDING LIMITATIONS ON THE EXPULSION OR SUSPENSION OF
13 CHILDREN IN AN EARLY PRE-KINDERGARTEN OR PRE-KINDERGARTEN
14 PROGRAM OR IN A LICENSED CHILD CARE FACILITY; PROVIDING
15 EXCEPTIONS; REQUIRING REPORTING.

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17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

18 SECTION 1. A new section of the Children's Code is
19 enacted to read:

20 "[NEW MATERIAL] SHORT TITLE.--This act may be cited as the
21 "Exclusionary Practices Act"."

22 SECTION 2. A new section of the Children's Code is
23 enacted to read:

24 "[NEW MATERIAL] DEFINITIONS.--As used in the Exclusionary
25 Practices Act:

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underscored material = new
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1 A. "enrolling entity" means any community- or
2 school-based pre-kindergarten or early pre-kindergarten program
3 or any licensed child care facility in New Mexico that serves
4 children aged six weeks through five years;

5 B. "expulsion" means the permanent removal or
6 dismissal of a child from a program or facility and includes a
7 soft expulsion;

8 C. "in-school suspension" means the removal or
9 exclusion of a child from the general classroom or program
10 setting to another setting;

11 D. "out-of-school suspension" means the temporary
12 removal of a child from the classroom or program setting; and

13 E. "soft expulsion" means a practice that makes the
14 program an unviable or unwelcoming care arrangement and leaves
15 a parent or legal guardian with little choice other than to
16 withdraw the child."

17 SECTION 3. A new section of the Children's Code is
18 enacted to read:

19 "[NEW MATERIAL] EXPULSION--OUT-OF-SCHOOL SUSPENSION--
20 PROHIBITED--EXCEPTIONS.--

21 A. An enrolling entity shall not expel a child for
22 a reason related to the child's behavior or for a disciplinary
23 reason.

24 B. An enrolling entity shall not in-school or
25 out-of-school suspend a child for a reason related to the

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1 child's behavior or for a disciplinary reason, unless it is
2 determined by the enrolling entity that the child has willfully
3 caused or attempted to cause bodily injury or threatened
4 serious bodily injury to another person, except in
5 self-defense. The length of an out-of-school suspension given
6 pursuant to this subsection shall not exceed three school days
7 for any individual incident.

8 C. Planned transitions to settings that are jointly
9 agreed upon by the parent or legal guardian of a child and an
10 enrolling entity to better meet a child's needs shall not be
11 considered a suspension or expulsion so long as the enrolling
12 entity did not create the conditions to encourage the parent or
13 legal guardian to withdraw their child.

14 D. A request by an enrolling entity that a parent
15 or legal guardian remove a child for disciplinary reasons from
16 the enrolling entity for any length of time during the day
17 constitutes an out-of-school suspension and is subject to the
18 requirements of this section.

19 E. Changes to services for a child with an
20 individualized education program or individual family service
21 plan shall be construed in a manner consistent with the federal
22 Individuals with Disabilities Education Act.

23 F. Nothing in this section shall:

24 (1) preclude the right of a parent or legal
25 guardian to voluntarily withdraw the parent's or legal

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1 guardian's child from an enrolling entity; or
2 (2) prevent an enrolling entity from
3 suspending, expelling or disenrolling a child for reasons
4 outside of those stated in the Exclusionary Practices Act and
5 unrelated to discipline or a child's behavior."

6 SECTION 4. A new section of the Children's Code is
7 enacted to read:

8 "[NEW MATERIAL] REPORTING REQUIREMENTS.--An enrolling
9 entity shall report to the early childhood education and care
10 department a disenrollment, expulsion or suspension of a child
11 in the manner and on forms required by that department."

12 SECTION 5. A new section of the Children's Code is
13 enacted to read:

14 "[NEW MATERIAL] RULEMAKING AUTHORITY.--The early childhood
15 education and care department shall promulgate rules necessary
16 to carry out the provisions and requirements of the
17 Exclusionary Practices Act."

18 SECTION 6. EFFECTIVE DATE.--The effective date of the
19 provisions of this act is July 1, 2025.