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FISCAL IMPACT REPORT

SPONSOR <u>Soules</u>	LAST UPDATED _____
	ORIGINAL DATE <u>2/27/25</u>
SHORT TITLE <u>No School Use of Corporal Punishment</u>	BILL NUMBER <u>Senate Bill 437</u>
	ANALYST <u>Mabe</u>

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

Agency/Program	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
	No fiscal impact					

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

Sources of Information

LFC Files
 Civil Rights Data Collection (CRDC)
 American Academy of Pediatrics (AAP)

Agency Analysis Received From
 Early Childhood Education and Care Department (ECECD)
 Regional Education Cooperatives (REC)

Agency Analysis was Solicited but Not Received From
 Public Education Department (PED)

SUMMARY

Synopsis of Senate Bill 437

Senate Bill 437 bans the use of corporal punishment in early childhood education and care, primary, and secondary education environments. Any provider that fails to prohibit corporal punishment on their premises is ineligible for state benefits including financial assistance, permits, licenses, accreditation, and other advantages and privileges.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns if enacted, or June 20, 2025.

FISCAL IMPLICATIONS

The bill does not contain an appropriation, and while it allows the state to withhold funds from education providers that do not explicitly prohibit corporal punishment, any impact is expected to be minimal. Subsection B of Section 22-5-4.3 NMSA 1978 already directs local school boards

and governing bodies of charter schools to prohibit the use of corporal punishment. As such, it is unlikely this will have significant fiscal impacts on the state or public schools. Potential costs may be incurred by some programs, particularly educational providers that violate this provision and face legal action.

SIGNIFICANT ISSUES

Corporal punishment refers to the use of physical force intended to cause pain as a form of discipline. Practices, including spanking, slapping, or paddling, are usually an attempt to correct behavior. Research has consistently found that corporal punishment is ineffective in teaching children self-control or responsibility. It has been linked to increased aggression, anxiety, and depression and reduced student achievement both in terms of standardized tests and cumulative grade point averages. Further, the effects of physical punishment have been shown to be similar to physical abuse with long lasting psychological effects.

There is no federal law that prohibits corporal punishment in schools. In 1977, the Supreme Court ruled in *Ingraham v. Wright* that corporal punishment does not violate Eighth Amendment protections against “cruel and unusual punishment.” Attempts to reduce physical punishment in schools have come from state level legislation over the past 150 years—with New Jersey banning corporal punishment in 1867 and Colorado and Idaho in 2023. Of the 33 states that ban it, just five include private schools in their bans.

New Mexico banned corporal punishment in 2011 with fairly narrow margins in the House (36 to 31) and Senate (22 to 17). At the time, two-thirds of school districts had already banned corporal punishment. In 2006, the last year with available data, there were 705 incidents of corporal punishment in New Mexico schools, when the Public Education Department (PED) left it up to school districts to institute a policy on corporal punishment.

Even though 17 states still allow corporal punishment in schools, 96 percent of schools across the country report not using corporal punishment, according to the American Academy of Pediatrics (AAP). The National Education Association (NEA) reports Mississippi, Alabama, Arkansas, and Texas use corporal punishment in schools the most. Disparities among students punished physically also exist. According to 2017-2018 Civil Rights Data Collection (CRDC) data, boys were four times more likely than girls to receive corporal punishment and Black and American Indian or Alaska Native students received corporal punishment around twice their rate of enrollment; students with disabilities were also overrepresented.

States that do allow corporal punishment do not distinguish between children of different ages. A report from the Brookings Institute, a nonpartisan think tank, found about 1,500 preschool children received corporal punishment at school during the 2015-2016 school year. They also note incidences are harder to track at this age when many children are with private providers who do not provide data. Corporal punishment by parents also remains quite high. A 2007 study on parental discipline published in *Southern Medical Journal* found about 50 percent of parents of toddlers used corporal punishment regularly. However, multiple studies have shown that attitudes towards corporal punishment, as well as the practice of it, have changed over time. For example, a survey of 35-year-old parents first taken in 1993 and then again in 2017 found that spanking of children aged two to four decreased from 60 percent to 39 percent (*JAMA Pediatrics*).

Senate Bill 437 declares that corporal punishment shall not be used in any early childhood education and care or primary and secondary education facilities, including public and private schools.

The Early Childhood Education and Care Department (ECECD) currently prohibits physical punishment of any type, including shaking, biking, hitting, pinching, or putting anything on or in a child's mouth, as well as restricting access to food, water, use of the bathroom, and outdoor activities [8.9.4.24(A)(4)NMAC]. The department notes in their analysis of SB437 that putting a prohibition on corporal punishment in statute will only serve to further protect children.

PERFORMANCE IMPLICATIONS

According to the AAP, children cannot learn unless they feel safe. Making sure that students in all education and care settings across New Mexico feel safe from physical harm will go a long way towards their ability to learn and thrive in both the short and long term.

ADMINISTRATIVE IMPLICATIONS

Senate Bill 437 requires ECECD and PED to keep track of written policies of providers and make sure they comply with Senate Bill 437 and stop any benefits from reaching noncompliant providers.

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