

LESC bill analyses are available on the New Mexico Legislature website (www.nmlegis.gov). Bill analyses are prepared by LESC staff for standing education committees of the New Mexico Legislature. LESC does not assume any responsibility for the accuracy of these reports if they are used for other purposes.

LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
57th Legislature, 1st Session, 2025

Bill Number	<u>SB437/aSEC</u>	Sponsor	<u>Soules</u>
Tracking Number	<u>.228811.1</u>	Committee Referrals	<u>SEC/SJC</u>
Short Title	<u>No School Use of Corporal Punishment</u>		
Analyst	<u>Andrews</u>	Original Date	<u>2/26/2025</u>
		Last Updated	<u>3/10/2025</u>

BILL SUMMARY

Synopsis of SEC Amendment

The Senate Education Committee amendment to SB237 (SB237/aSEC) clarifies that educational providers must prohibit corporal punishment while they are “in the business or providing” educational services, and corporal punishment is prohibited on the person’s premises “while the person is engaged in such business.” In other words, SB237/aSEC clarifies that the prohibition on corporal punishment only exists while an educational provider is providing educational services, not after hours.

Synopsis of Bill

Senate Bill 437 (SB437) would prohibit the use of corporal punishment in early childhood education and care, primary, and secondary education settings. SB437 specifies the state cannot offer any benefit to any educational provider—including financial assistance, permitting, licensing, accreditation, advantages, or privileges—unless the provider has adopted a policy or written agreement to prohibit the use of corporal punishment.

FISCAL IMPACT

The bill does not contain an appropriation.

SUBSTANTIVE ISSUES

Corporal Punishment. Corporal punishment is defined as the use of physical force with the intention of causing a child to experience pain to correct their misbehavior. Research shows corporal punishment is not effective at increasing compliance in the [short-term](#) or at promoting [long-term](#) compliance and moral behavior.

As of 2024, corporal punishment in public schools is still legal in [17 states](#) and is also legal in private schools in [48 states](#). In states where corporal punishment is legal, [research](#) shows racial disparities in school corporal punishment are widespread, with Black children at a much greater

risk of being subject to corporal punishment than white students in districts where it is used. In addition, students with disabilities are at greater risk for corporal punishment than students without disabilities.

School corporal punishment is allowed under the 1977 Supreme Court *Ingraham v. Wright* decision. In short, school personnel are permitted to discipline students because they are considered to be acting “in loco parentis” (in place of the parent). The *Ingraham v. Wright* decision involved two Florida high school students who were struck by a wooden paddle by their principal: one suffered a hematoma requiring medical attention and the other lost the use of an arm for a week. The Supreme Court ruled this corporal punishment did not violate the Eighth Amendment’s protection against cruel and unusual punishment nor the students’ right to due process under the Fourteenth Amendment, thus allowing states to decide for themselves whether to permit school corporal punishment.

Corporal punishment has been banned in New Mexico public schools since 2011. Current law (Section 22-5-4.3 NMSA 1978) requires local school boards and governing bodies of charter schools to prohibit corporal punishment in kindergarten through 12th grade (K-12) public schools; however, no law prohibits corporal punishment in private schools.

As noted by the Early Childhood Education and Care Department (ECECD) in their analysis of SB437/aSEC, corporal punishment is linked to negative outcomes for children, including physical and mental ill-health, impaired cognitive and socio-emotional development, poor educational outcomes, increased aggression, and perpetration of violence. According to ECECD, although ECECD’s licensing regulations prohibit the use of physical punishment of any type, including shaking, biting, hitting, pinching, or putting anything on or in a child’s mouth, placing the prohibition of corporal punishment into statute will further protect the health and wellbeing of the children that ECECD serves.

ADMINISTRATIVE IMPLICATIONS

SB437/aSEC prohibits the state or a political subdivision of the state from offering any grant or benefit to, or executing a contract with, a person who provides early childhood education and care, primary, or secondary education unless the person has adopted a policy or written agreement to prohibit the use of corporal punishment on the person’s premises. SB437/aSEC would require ECECD and the Public Education Department (PED) to develop procedures tracking policies and written agreements prohibiting the use of corporal punishment for all early childhood education and care, primary, and secondary educational institutions, including private schools.

SOURCES OF INFORMATION

- LESC Files
- Early Childhood Education and Care Department (ECECD)
- New Mexico Regional Education Cooperatives (NMRECA)

MCA/clh/jkh