

LFC Requester: _____

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO
AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov
(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: _____ *Check all that apply:*
Bill Number: SB147 Original Correction
 Amendment Substitute

Sponsor: Senator Harold Pope
Senator Linda Trujillo **Agency Name and Code Number:** ECECD
Person Writing Analysis: Elizabeth Groginsky
Short Title: Exclusionary Practices Act **Phone:** 505-231-2997 **Email:** Elizabeth.groginsky@ecd.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
NFI	NFI		
NFI	NFI		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
NFI	NFI	NFI		
NFI	NFI	NFI		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI			

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

SB147 limits the use of expulsions and suspensions in licensed child care or prekindergarten facilities that serve children from six weeks through five years of age. The bill prohibits the expulsion of children for disciplinary or behavioral reasons. The use of suspension is limited to circumstances where a child has willfully caused, attempted, or threatened bodily harm, with the exception of self-defense. Out-of-school suspensions are capped at three days per incident. Lastly, SB147 establishes that disenrollments, expulsions, or suspensions of young children must be reported to the Early Childhood Education and Care Department.

Additionally, SB147 specifies that changes to services for a child with an Individualized Education Program (IEP) or individual family service plan must be consistent with the federal Individuals with Disabilities Education Act (IDEA)

A “planned transition” to a better setting for a child’s needs is not an expulsion and disenrollments unrelated to a child’s behavior or discipline are still permitted. Those unrelated reasons would include a parent’s behavior, lack of payment, a reduction in class sizes, or other programmatic reasons that the provider would need to disenroll a child.

FISCAL IMPLICATIONS

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

SIGNIFICANT ISSUES

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 settings

Young children in preschool and child care programs are suspended or expelled at rates three times higher than school-aged children. The exclusion rates are much higher for boys, children of color, and those with disabilities than the rest of the preschool population. These practices deprive children of opportunities to learn and grow during their most crucial period of brain 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.

Exclusionary practices often also result in other long-term negative outcomes, including academic underachievement, school disconnection, high school dropout, and incarceration. SB147 promotes more positive child and family outcomes by limiting suspensions and prohibits expulsions of children under the age of 5 in licensed child care and New Mexico pre-kindergarten

programs. It also requires programs to report all disenrollments, including suspensions or expulsions, to the Early Childhood Education and Care Department (ECECD). By requiring programs to report disenrollment, including suspensions or expulsions, it will provide a mechanism for the department to collect data and conduct analysis to identify trends and inform specific types of support needed to meet the child's needs and to help educators better support the child including managing challenging behavior, recognizing trauma, and promoting social-emotional development.

SB147 prioritizes equity and inclusion, ensuring every child has access to a supportive and nurturing educational environment. By requiring a planned transition, family engagement is a part of the process supporting the understanding that families are children's first and most important teachers. Family-teacher and family-program or school partnerships are critical to reducing expulsion and suspension. Planned transitions ensure Programs should programs work with families to identify concerns early, collaborate on solutions to address challenging behavior, and share strategies to promote children's healthy development.

PERFORMANCE IMPLICATIONS

none

ADMINISTRATIVE IMPLICATIONS

none

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

none

TECHNICAL ISSUES

None

OTHER SUBSTANTIVE ISSUES

none

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Young children will continue to be suspended and expelled for disciplinary or behavioral reasons. This leads to a loss of valuable learning opportunities and sets off long-term negative effects. Research shows that young children who are suspended or expelled are more likely to experience poorer academic outcomes, become disengaged from school, face future disciplinary actions, fail or drop out of high school, and encounter higher rates of incarceration later in life. Furthermore, children with special needs, as well as Native American and African American children, are disproportionately removed from educational settings compared to their white peers.

AMENDMENTS