

1 SENATE BILL 283

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 Harold Pope

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10 AN ACT

11 RELATING TO CHILDREN; ENACTING THE REDUCING SUSPENSIONS AND  
12 EXPULSIONS ACT; PROVIDING A DEFINITION OF "ENROLLING ENTITY";  
13 PROHIBITING EXPULSIONS AND OUT-OF-SCHOOL SUSPENSIONS; PROVIDING  
14 EXCEPTIONS; PROVIDING REPORTING REQUIREMENTS.

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

17 SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be  
18 cited as the "Reducing Suspensions and Expulsions Act".

19 SECTION 2. [NEW MATERIAL] DEFINITION.--As used in the  
20 Reducing Suspensions and Expulsions Act, "enrolling entity"  
21 means any publicly funded community-based pre-kindergarten  
22 program, public school or charter school that provides  
23 educational services. An "enrolling entity" also includes any  
24 licensed child care facility in New Mexico that serves children  
25 aged six weeks through eight years and is paid for by the child

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1 care assistance programs operated by the early childhood  
2 education and care department."

3 SECTION 3. [NEW MATERIAL] EXPULSION--OUT-OF-SCHOOL  
4 SUSPENSION--PROHIBITED--EXCEPTIONS.--

5 A. Beginning January 1, 2024, a student or child on  
6 a child care assistance contract attending a licensed child  
7 care facility or who is enrolled in pre-kindergarten through  
8 second grade shall not be expelled from any enrolling entity.

9 B. Beginning January 1, 2024, a student or child on  
10 a child care assistance contract attending a licensed child  
11 care facility or who is enrolled in pre-kindergarten through  
12 second grade shall not receive an out-of-school suspension from  
13 any enrolling entity, unless it is determined by the enrolling  
14 entity that the student or child has willfully caused or  
15 attempted to cause bodily injury or threatened serious bodily  
16 injury to another person, except in self-defense. A student or  
17 a child shall not receive an out-of-school suspension for more  
18 than three school days for any individual incident.

19 C. Planned transitions to settings that are better  
20 able to meet a student's or child's needs shall not be  
21 considered an expulsion.

22 D. For purposes of this section, if an enrolling  
23 entity requests that a parent or legal guardian remove a  
24 student or child for disciplinary reasons from the enrolling  
25 entity for any length of time during the day, the request

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1 constitutes an out-of-school suspension and is subject to the  
2 requirements of this section.

3 E. Changes to services for students or children  
4 with an individualized education program or individual family  
5 service plan shall be construed in a manner consistent with the  
6 federal Individuals with Disabilities Education Act.

7 F. Nothing in this section shall preclude a  
8 parent's or legal guardian's right to voluntarily withdraw the  
9 parent's or legal guardian's child from an enrolling entity.

10 G. Nothing in this section shall prevent an  
11 enrolling entity from excluding, removing or disenrolling a  
12 student or child for reasons unrelated to student or child  
13 discipline or behavior.

14 H. Nothing in this section shall prevent an  
15 enrolling entity from expelling or suspending a student who has  
16 been found to have violated Section 30-7-21 NMSA 1978.

17 SECTION 4. [NEW MATERIAL] DATA COLLECTION--REPORTING  
18 REQUIREMENTS.--

19 A. Beginning January 1, 2025, each enrolling entity  
20 shall maintain data for each student or child that includes:

21 (1) demographic data, including:

22 (a) the facility attended by the student  
23 or child;

24 (b) the student's or child's grade  
25 level;

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1 (c) the student's or child's race;  
2 (d) the student's or child's ethnicity;  
3 (e) whether the student or child  
4 receives special education services; and

5 (f) whether the student or child is  
6 classified as an English language learner; and

7 (2) discipline data, including:

8 (a) the total number of out-of-school  
9 suspensions and in-school suspensions experienced by the  
10 student or child during each year;

11 (b) the total number of days excluded  
12 from the enrolling entity;

13 (c) whether the student or child was  
14 referred to an alternative education setting for the duration  
15 of the in-school or out-of-school suspension;

16 (d) whether the student or child  
17 voluntarily or involuntarily transferred or withdrew from the  
18 enrolling entity or program during the year; and

19 (e) for each in-school or out-of-school  
20 suspension, a description of the action that led to the in-  
21 school or out-of-school suspension.

22 B. Beginning August 15, 2025 and by August 15 of  
23 each year thereafter, each enrolling entity shall submit an  
24 annual report to the early childhood education and care  
25 department and the public education department that includes

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1 disaggregated data by each of the demographic categories  
2 identified in Subsection A of this section. The report shall  
3 include:

4 (1) the total number of students or children  
5 suspended for at least one and no more than five days total for  
6 the year for both in-school and out-of-school suspensions;

7 (2) the total number of students or children  
8 suspended for at least six and no more than ten days total for  
9 the year for both in-school and out-of-school suspensions;

10 (3) the total number of students or children  
11 suspended for more than ten days total for the year for both  
12 in-school and out-of-school suspensions;

13 (4) the total number of students or children  
14 who received more than one in-school or out-of-school  
15 suspension in the year;

16 (5) the total number of students or children  
17 who were referred to an alternative educational setting for the  
18 course of an in-school or out-of-school suspension;

19 (6) a description of the types of actions that  
20 led to the in-school or out-of-school suspension or expulsion;

21 (7) the total number of students or children  
22 expelled; and

23 (8) the total number of students or children  
24 who voluntarily or involuntarily transferred or withdrew from  
25 the enrolling entity or program during the year.

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SECTION 5. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2023.