

SENATE BILL 283

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

INTRODUCED BY

Harold Pope

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

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

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

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

.223845.2SAAIC February 13, 2023 (4:56pm)

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

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

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

B. Beginning SEC→January←SEC SEC→July←SEC 1, 2024, a student or child on a child care assistance contract attending a licensed child care facility or who is enrolled in pre-kindergarten through second grade shall not receive an out-of-school suspension from any enrolling entity, unless it is determined by the enrolling entity that the student or child has willfully caused or attempted to cause bodily injury or threatened serious bodily injury to another person, except in self-defense. A student or a child shall not receive an out-

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of-school suspension for more than three school days for any individual incident.

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

D. For purposes of this section, if an enrolling entity requests that a parent or legal guardian remove a student or child for disciplinary reasons from the enrolling entity for any length of time during the day, the request constitutes an out-of-school suspension and is subject to the requirements of this section.

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

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

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

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

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SEC→Section 30-7-2.1 NMSA 1978←SEC .

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

A. SEC→Beginning January 1, 2025, each←SEC
SEC→Each←SEC enrolling entity shall maintain data for each student or child that includes:

- (1) demographic data, including:
 - (a) the facility attended by the student or child;
 - (b) the student's or child's grade level;
 - (c) the student's or child's race;
 - (d) the student's or child's ethnicity;
 - (e) whether the student or child receives special education services; and
 - (f) whether the student or child is classified as an English language learner; and
- (2) discipline data, including:
 - (a) the total number of out-of-school suspensions and in-school suspensions experienced by the student or child during each year;
 - (b) the total number of days excluded from the enrolling entity;
 - (c) whether the student or child was referred to an alternative education setting for the duration

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of the in-school or out-of-school suspension;

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

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

B. Beginning August 15, SEC→2025←SEC SEC→2024←SEC and by August 15 of each year thereafter, each enrolling entity shall submit an annual report to the early childhood education and care department and the public education department that includes disaggregated data by each of the demographic categories identified in Subsection A of this section. The report shall include:

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

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

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

(4) the total number of students or children who received more than one in-school or out-of-school

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suspension in the year;

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

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

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

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

SECTION 5. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, SEC→2023←SEC SEC→2024←SEC .