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

<b>Bill Number</b>	<u>SB147</u>	<b>Sponsor</b>	<u>Pope/Trujillo</u>
<b>Tracking Number</b>	<u>.229717.2SA</u>	<b>Committee Referrals</b>	<u>SEC/SJC</u>
<b>Short Title</b>	<u>Exclusionary Practices Act</u>		
<b>Analyst</b>	<u>Andrews</u>	<b>Original Date</b>	<u>2/7/2025</u>
		<b>Last Updated</b>	<u></u>

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**BILL SUMMARY**

Synopsis of Bill

Senate Bill 147 (SB147) would create the Exclusionary Practices Act in the Children’s Code to limit suspensions and expulsions of children enrolled in any licensed childcare facility or prekindergarten program in New Mexico.

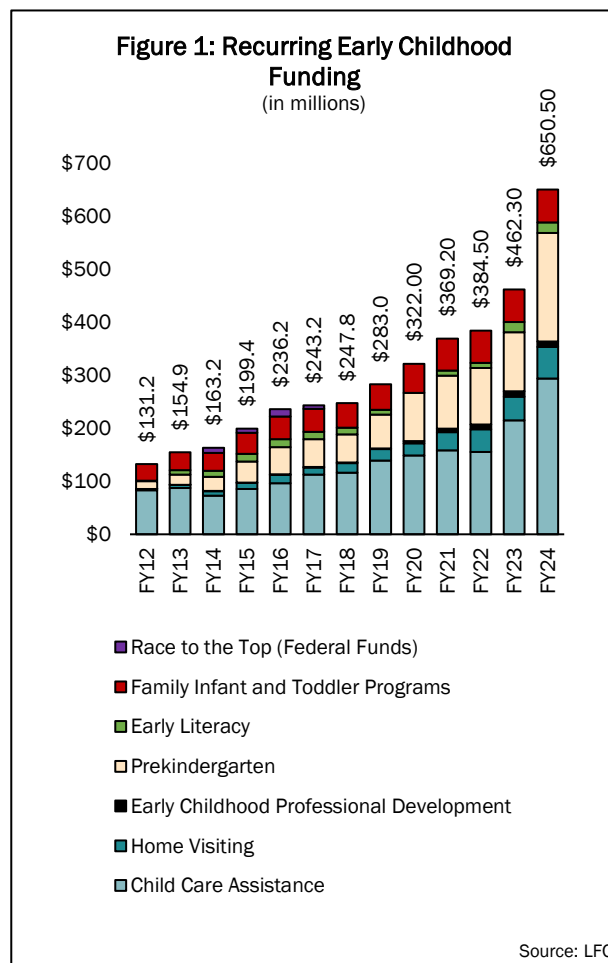
SB147 would prohibit licensed early childhood providers from expelling a child due to behavior or discipline reasons. SB147 would also prohibit providers from suspending a child for behavior or discipline reasons, except when children cause or threaten to cause bodily injury, in which case the length of out-of-school suspensions would be limited to three school days. SB147 would allow providers to request a parent or guardian to remove their child for any length of time during the day, which would count as an out-of-school suspension. Providers would be required to report a disenrollment, expulsion, or suspension of a child to the Early Childhood Education and Care Department (ECECD).

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).

**FISCAL IMPACT**

This bill does not contain an appropriation.

The Legislature has prioritized early childhood funding through two economic downturns because some early childhood interventions have proven successful at narrowing the achievement gap between students from low-income families and their more affluent peers. As shown in **Figure 1: Recurring Early Childhood Funding**, New Mexico has significantly increased appropriations for early childhood programs since FY12, increasing access to services. Including federal funds, early childhood funds increased by 29 percent in FY24, compared with a 17 percent increase in FY23.



Created by the Legislature in 2020 with a \$300 million endowment, the early childhood education and trust fund is made up of excess federal oil, gas, and mineral leasing revenue. Average deposits to the fund have been larger than anticipated and it is projected the fund will have more than \$445 million available for distribution to the early childhood education and program fund by FY28. In FY25, more than \$211 million was distributed from the early childhood education and trust fund to support early childhood programs.

**SUBSTANTIVE ISSUES**

**Suspension and Expulsion in New Mexico Early Childhood Providers.** SB147 would limit exclusionary practices in early childhood education programs, including expulsion due to behavior issues, which is a concern in New Mexico. The 2018 report [Challenging Behavior and Disenrollment in Early Childhood Settings](#) by the University of New Mexico’s Cradle to Career Policy Institute surveyed New Mexico’s early care and education providers to understand early childhood suspension and expulsion practices in New Mexico. Key findings of the survey revealed that on average, 25 percent of preschoolers present persistently challenging behaviors, about 33 percent of providers had a child disenrolled due to challenging behaviors in the last year, and 11 percent of providers reported expelling a child due to challenging behaviors in the last year.

Key findings also highlighted the need to support childcare providers with better training and support to work with children presenting challenging behaviors, and the report found that more than 66 percent of respondents said increased training on socioemotional development would help, as would increase access to early childhood mental health consultation and increased support for

families to access needed services. Most respondents had never received a consultation or coaching visit from an early childhood mental health professional. The report recommended getting better data that collects information on suspension and expulsion practices in early childhood services, including tracking where children end up after disenrollment, expanding early childhood mental health services, and increasing training opportunities to address challenging behaviors.

**Research on Suspensions and Expulsions in Prekindergarten.** SB147 would align with best practices by limiting suspension and expulsion in early childhood programs, which research shows is prevalent in prekindergarten and impacts some student groups more than others. In 2010, Yale Child Study Center researchers released [findings](#) that prekindergarten students are expelled at a rate more than three times that of children in grades kindergarten through 12th grade (K-12). The lowest rates of expulsion were reported by teachers who had an ongoing, regular relationship with a behavioral consultant. In classrooms where the teacher had no access to a behavioral consultant, students were expelled about twice as frequently.

The [Foundation for Child Development](#) analyzed similar studies and data to understand the scope of preschool expulsions and suspensions, and reported that rates were highest for older preschoolers and African Americans, and boys were more than four and a half times more likely to be expelled than girls. The report found several characteristics of prekindergarten and childcare programs, including both structural and process variables, which are associated with an increased likelihood of expulsion. Notably, teachers with a greater number of children in state-funded prekindergarten programs are more likely to expel students. Additionally, of prekindergarten teachers who reported an elevated level of job stress, 14.3 percent reported an expulsion in the past year, compared to only 4.9 percent who reported low levels of job stress.

**Structure of Early Childhood Education and Care in New Mexico.** With the creation of New Mexico's ECECD in FY21, the administration of all early childhood programs and services is now overseen by a single state agency with a cabinet-level secretary, instead of spread out across three state departments. The department provides a continuum of services that serve the age range of prenatal to five including childcare services, case management services, family infant toddler programs, prekindergarten programs, home visiting, and family nutrition.

## ADMINISTRATIVE IMPLICATIONS

ECECD would be required to conduct rulemaking to carry out the provisions of the Exclusionary Practices Act proposed in SB147.

Licensed childcare and prekindergarten providers would need to adhere to the reporting requirements included in SB147, including reporting disenrollment, expulsion, or suspension of a child to ECECD.

## SOURCES OF INFORMATION

- LESC Files

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