



LFC Requester: Liu

**PUBLIC EDUCATION DEPARTMENT
BILL ANALYSIS
2025 REGULAR SESSION**

SECTION I: GENERAL INFORMATION

Check all that apply:

Original Amendment
Correction Substitute

Date Prepared: 02/05 /25

Bill No: HB260

Agency Name and Code: PED - 924

Sponsor: Gurrola/Chavez

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Short Title: ALLOWABLE RESPONSES TO STUDENT BEHAVIOR

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SECTION II: FISCAL IMPACT

(Parenthesis () Indicate Expenditure Decreases)

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
None	None	N/A	N/A

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
None	None	None	N/A	N/A

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	None	None	None	N/A	N/A	N/A

Duplicates/Relates to Appropriation in the [General Appropriation Act](#): None.

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: House Bill 260 (HB260) proposes to amend [Section 22-5-4.12 NMSA 1978](#) to further restrict the use of restraint and seclusion techniques in public schools. Current law permits the use of mechanical or physical restraint, as well as seclusion only when the student's behavior presents imminent danger of physical harm and when less restrictive interventions appear insufficient to mitigate imminent danger of serious physical harm. HB260 would only permit the use of physical restraint as a method of response to student behavior when the student's behavior presents imminent danger of physical harm and when less restrictive interventions are insufficient. Current law provides that "less restrictive" interventions only "appear" insufficient.

The bill prohibits "chemical restraint," defined as "a medication used to control behavior or movement. However, "chemical restraint" does not include the administration of medication prescribed by a health care provider as standard treatment for the mental or physical condition of a student." The bill provides for biannual training of designated school employees, updated reporting requirements, and more detailed school safety plan requirements.

The bill does not provide an effective date. Laws go into effect 90 days after the adjournment of the Legislature enacting them, unless a later date is specified. If enacted, this bill would become effective June 20, 2025.

FISCAL IMPLICATIONS

The bill does not contain an appropriation.

The proposed new training requirements may result in additional expenditures for public schools. However, regular professional training, as well as the additional restrictions proposed by the bill, may result in lower potential insurance or liability costs for school districts and charter schools arising from misapplication of restraint or seclusion.

SIGNIFICANT ISSUES

The practice of restraint and seclusion techniques in public schools tends to be disproportionately applied against minority and students with disabilities. According to [federal civil rights data](#), approximately 102 thousand students were subjected to restraint or seclusion in the 2017-2018 school year, with approximately 71 thousand subjected to physical restraint, 27.5 thousand to seclusion, and 3.6 thousand to mechanical restraint. Of students subjected to physical restraint, 80 percent were students with disabilities who are served under the federal Individuals with Disabilities Education Act (IDEA). Of students subjected to mechanical restraint, 41 percent were students with disabilities, who also accounted for 77 percent of secluded students. Yet students with disabilities only account for approximately 13 percent of students overall.

[The Brookings Institute notes that African-American students, who comprise only approximately 15 percent of public school students overall, are subjected to mechanical restraint and seclusion at rates of 35 and 34 percent, respectively. Federal civil rights data](#) indicate 26 percent of students served by IDEA and subjected to physical restraint were African American, 14 percent were Hispanic or Latino, and six percent were two or more races. Of those subjected to mechanical restraint, 34 percent were African American, 28 percent were Latino or Hispanic,

and three percent were two or more races. Of those restrained, 22 percent were African American, nine percent were Latino or Hispanic, and seven percent were two or more races.

HB260 also requires that “[i]f a school summons law enforcement instead of using a physical restraint technique on a student, the school shall comply with the reporting, documentation and review procedures established...”. Notably, [the New Jersey Council on Developmental Disabilities indicates that these minority and disabled students who are overrepresented in administration of restraint and seclusion techniques are also overrepresented in referrals to law enforcement.](#) Students with disabilities represent a quarter of students arrested and referred to law enforcement, and Africa-American boys with disabilities are disciplined more harshly, and more frequently referred to law enforcement, subject to school-based arrest, and incarcerated. Over 13 percent of students with disabilities receive out-of-school suspension, compared with 6 percent of students without disabilities. For Black male high school students with disabilities, approximately one-third are subjected to school discipline.

[Brookings](#) further notes that mental health professionals agree that being restrained or secluded is physically and psychologically traumatizing, and leads to enhanced likelihood of serious physical injury, including lesions, broken bones and concussions. [The Alliance against Seclusion and Restraint notes that students with behavioral disabilities experience some of the poorest postsecondary outcomes of any student group, disabled or not. In 2014, those students reported a 42 percent rate of employment, compared with a 59 percent national average. The use of restraint and seclusion exacerbates lost instructional time and disruption of the school environment, which, combined with trauma, leads to decreased academic performance and student outcomes.](#)

PERFORMANCE IMPLICATIONS

This amended bill reinforces proper training requirements for school staff to be able to more effectively address student behavior and de-escalation strategies benefiting students who require immediate intervention. By eliminating the practice of “seclusion” in schools, students would benefit by remaining in the classroom setting without removal and loss of instructional time.

ADMINISTRATIVE IMPLICATIONS

If HB260 is enacted, the Public Education Department (PED) would need to amend Rules [6.11.2 NMAC, Rights and Responsibilities of the Public Schools and Public School Students; and Rule 6.12.6 NMAC](#), School District Wellness Policy to conform to the provisions of the bill.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Relates to:

- [Senate Bill 38](#), Special Education Act, which proposes to create the Office of Special Education (OSE) in the PED and consolidates special education functions and oversight under the OSE.
- [Senate Bill 307](#), Child Ombud Act, which proposes to create the Child Ombud Office, administratively attached to the Administrative Office of the Courts, and to which the Children, Youth and Families Department must report within 72 hours the restraint or seclusion of any child in its custody.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

This amended bill eliminates “seclusion” as an intervention practice. This will require clear guidance and training for district and school staff regarding how to implement other intervention strategies when it is determined a student needs to be removed from the educational setting.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

School staff would continue to have the authority to utilize seclusion in certain circumstances as a behavioral intervention.

AMENDMENTS

None.