

LFC Requester:	Sunny Liu
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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: 02/06/2025 *Check all that apply:*
Bill Number: HB260 Original Correction
 Amendment Substitute

Sponsor: Yanira Gurrola & Eleanor Chávez **Agency Name and Code Number:** New Mexico Public Schools Insurance Authority 34200
Person Writing: Dominique Williams **Email:** Dominique.williams@psia.nm.gov
Short Title: ALLOWABLE RESPONSES TO STUDENT BEHAVIOR **Phone:** 505-469-5541

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(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						No fiscal impact

(Parenthesis () Indicate Expenditure Decreases)

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

Amendment of HB260 focuses on regulating responses to student behavior in public schools, specifically addressing the use of restraint and seclusion. The bill bans the use of seclusion, chemical restraint, mechanical restraint, and prone restraint in public schools.

Allowable Use of Physical Restraint:

Only if a student's behavior presents an imminent danger of serious physical harm, less restrictive interventions have been insufficient, a student is eloping in dangerous conditions or if physical escort such as, holding a student's hand, wrist, or back to guide them, may be used instead of restraint in less severe cases.

Training and Policies:

Schools must establish policies on behavior interventions, de-escalation, and physical restraint. Staff must undergo biannual training on positive behavior support, restraint techniques, and de-escalation strategies.

Documentation and Reporting:

Schools must notify parents within 24 hours if restraint is used. A detailed written report must be provided within three school days. Schools must review cases where restraint is used more than once in a school year.

Law Enforcement and Exceptions:

If law enforcement is called instead of using restraint, the school must still follow reporting and review protocols. The bill does not apply to juvenile detention centers or state-operated juvenile facilities.

FISCAL IMPLICATIONS

NMPSIA does not foresee any financial implications for the agency.

SIGNIFICANT ISSUES

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

1. Under the section titled "Prohibited Activities", paragraph B at the bottom of page 3, top of page 4:
 - i. The following activities are prohibited in public schools:
 1. Seclusion
 2. Chemical restraint
 3. Mechanical Restraint
 4. Prone Restraint

Current state law allows for mechanical restraint (at the discretion of the school district) by trained school staff or **law enforcement officers**, if necessary.

HB 260 should be amended to include use by school security staff and School Resources Officers under the same restrictions if the student's behavior presents an imminent danger of serious physical harm to the student or others.

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS