

<b>LFC Requester:</b>	<b>Sunny Liu</b>
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**AGENCY BILL ANALYSIS - 2025 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO**  
[AgencyAnalysis.nmlegis.gov](http://AgencyAnalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto:billanalysis@dfa.nm.gov)  
*(Analysis must be uploaded as a PDF)*

**SECTION I: GENERAL INFORMATION**

*{Indicate if the analysis is on an original bill, amendment, substitute, or a correction of a previous bill}*

**Date Prepared:** 05FEB25 *Check all that apply:*  
**Bill Number:** HB260 Original  Correction   
 Amendment  Substitute

**Agency Name and Code**

**Sponsor:** Rep. Yanira Gurrola, Rep. Eleanor Chavez **Number:** 790 – Department of Public Safety  
**Short Title:** Allowable responses to student behavior **Person Writing:** Matthew Broom, Deputy Chief  
**Phone:** 5757601485 **Email:** matthew.broom@dps.nm.gov

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
NFI	NFI	NFI	N/A

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
NFI	NFI	NFI	NFI	N/A

(Parenthesis ( ) indicate revenue decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	NFI	NFI	NFI	NFI	NFI	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
 Duplicates/Relates to Appropriation in the General Appropriation Act: Related to 2023 SB387; SM68

## **SECTION III: NARRATIVE**

### **BILL SUMMARY**

This bill proposes changes to the Public-School Code to clearly define restraint that is an allowable response to student behavior and defining and prohibiting types of restraint and seclusion that are not allowed. Adds specificity to the staff training and reporting requirements in existing school safety plans.

### **FISCAL IMPLICATIONS**

No fiscal implications to DPS.

### **SIGNIFICANT ISSUES**

This bill concerns schools and changes to the Public School Code establishing policies and procedures for training and use of positive behavior interventions and supports, de-escalation and physical restraint techniques in a School Safety Plan that complies with PED guidelines, and is approved by PED. While the bill provides for methods of restraint and remediation for poor behavior of children to mitigate the imminent danger of serious harm along with training of personnel, reporting of incidents and documentation, those responsibilities do not fall on the scope of responsibilities of DPS. The bill comes under the purview mainly of PED, with some likely effects on CYFD.

The bill states, “If a school summons law enforcement instead of using a physical restraint [or seclusion] technique on a student, the school shall comply with the reporting, documentation and review procedures ...” in Section 1 (I). Section 1 (J) states, “The provisions of this section shall not be interpreted as addressing the conduct of law enforcement or first responders.” Both these subparagraphs clearly show it is not law enforcement or DPS who must conform to the requirements to the conduct called for in the bill and it is the school not law enforcement or DPS who is responsible for reporting, documentation and review procedures.

### **PERFORMANCE IMPLICATIONS**

No performance implications to DPS.

### **ADMINISTRATIVE IMPLICATIONS**

No administrative implications to DPS.

### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

No conflict, duplication, companionship, or relationship to DPS.

### **TECHNICAL ISSUES**

No technical issues to DPS.

### **OTHER SUBSTANTIVE ISSUES**

No other substantive issues to DPS.

### **ALTERNATIVES**

Not applicable as there is no impact on DPS.

### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status quo will remain.

### **AMENDMENTS**

None at this time.