

HOUSE BILL 260

**57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

INTRODUCED BY

Yanira Gurrola and Eleanor Chávez and E. Diane Torres-Velásquez

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.

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO PUBLIC SCHOOLS; ADDRESSING ALLOWABLE RESPONSES TO STUDENT BEHAVIOR; LIMITING THE USE OF PHYSICAL RESTRAINT; PROHIBITING OTHER TYPES OF RESTRAINT AND SECLUSION; REQUIRING TRAINING; REQUIRING DOCUMENTATION OF BEHAVIORS AND TECHNIQUES.

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

**SECTION 1.** Section 22-5-4.12 NMSA 1978 (being Laws 2017, Chapter 33, Section 1) is amended to read:

.229346.1AIC February 22, 2025 (10:34am)

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight↔  
delete = →bold, red, highlight, strikethrough↔

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

"22-5-4.12. USE OF PHYSICAL RESTRAINT [~~AND SECLUSION~~]~~--~~  
PROHIBITED ACTIVITIES~~--~~TECHNIQUES~~--~~REQUIREMENTS~~--~~

A. As used in this section:

(1) "chemical restraint" means a medication used to control behavior or movement; provided that "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;

(2) "de-escalation" means a process that involves using communication or other techniques to reduce the intensity of a potentially violent situation or conflict;

(3) "elopement" means a student leaving an assigned area without permission from or knowledge of a school employee;

(4) "first responder" means a person based outside of a public school who functions within the emergency medical services system and who is dispatched to a public school to provide initial emergency aid;

(5) "less restrictive intervention" includes positive behavior interventions and supports and de-escalation;

(6) "mechanical restraint" means applying a device or an object to the student's body that restricts the student's free movement; provided that "mechanical restraint" does not include adaptive devices, mechanical supports, vehicle safety restraints or other devices or objects that are

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

prescribed by a health care provider or authorized by parental consent for a student;

(7) "physical escort" means touching or holding of the hand, wrist, arm, shoulder or back to induce a student to walk to a safe location;

(8) "physical restraint" means the use of physical force without the use of any device or material that restricts the free movement of all or a portion of the student's body but does not include physical escort;

(9) "prone restraint" means a method of intervention in which a student's face and frontal part of the body are placed in a downward position touching a surface for any amount of time;

(10) "restraint", when not otherwise modified, means physical restraint;

(11) "seclusion" means the involuntary confinement of a student alone in a room or area from which egress is prevented HGEIC→~~and without continuous line-of-sight supervision~~←HGEIC ; provided that "seclusion" does not mean HGEIC→:

(a)←HGEIC the use of voluntary behavior management techniques, including a time-out location, as part of a student's education plan, individual safety plan, behavioral plan or individualized education program that involves the student's separation from a larger group for

underscoring material = new  
[bracketed material] = delete  
Amendments: new = → bold, blue, highlight ←  
delete = → bold, red, highlight, strikethrough ←

purposes of calming the student; HGEIC→~~and~~←HGEIC

HGEIC→~~or~~←HGEIC

HGEIC→(b) supervised confinement with continuous line-of-sight supervision of a student in the case of imminent serious physical harm by the student to self or others, and confinement shall end immediately when the student's behavior no longer presents an imminent danger of serious physical harm to the student or others. Instances of supervised confinement are subject to all the requirements and limitations applied to physical restraint, including the reporting and documentation requirements of Subsection H of this section; and←HGEIC

(12) "time-out" means a continuum of behavior management techniques designed to address inappropriate student behavior that begin with minimally intrusive strategies up to separation of the student from classmates for some amount of time before a return to the classroom.

B. The following activities are prohibited in public schools:

- (1) seclusion;
- (2) chemical restraint;
- (3) mechanical restraint; and
- (4) prone restraint.

[A.] C. A public school may [permit] allow the use of physical restraint [~~or seclusion~~] techniques on [any] a

undescored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight↔  
delete = →bold, red, highlight, strikethrough↔

student only if [~~both of the following apply~~]:

(1) the student's behavior presents an imminent danger of serious physical harm to the student or others; and

(2) less restrictive interventions [~~appear~~] are insufficient to mitigate the imminent danger of serious physical harm;

~~[B. If a restraint or seclusion technique is used on a student:~~

~~(1) school employees shall maintain continuous visual observation and monitoring of the student while the restraint or seclusion technique is in use;~~

~~(2) the restraint or seclusion technique shall end when the student's behavior no longer presents an imminent danger of serious physical harm to the student or others;~~

~~(3) the restraint or seclusion technique shall be used only by school employees who are trained in the safe and effective use of restraint and seclusion techniques unless an emergency situation does not allow sufficient time to summon those trained school employees;~~

~~(4) the restraint technique employed shall not impede the student's ability to breathe or speak; and~~

~~(5) the restraint technique shall not be out of proportion to the student's age or physical condition] or~~

(3) the student is eloping and the conditions

.229346.1AIC February 22, 2025 (10:34am)

in Paragraphs (1) and (2) of this subsection are also met. For elopement that falls short of conditions in Paragraph (1) or (2) of this subsection, physical restraint is not authorized, but physical escort may be appropriate.

[G.] D. Schools shall establish policies and procedures for the training and use of positive behavior interventions and supports, de-escalation and physical restraint [~~or seclusion~~] techniques in a school safety plan; provided that the school safety plan shall:

(1) be in accordance with guidance issued by the department;

[~~(1) the school safety plan shall~~] (2) not be specific to [~~any~~] an individual student; [~~and~~

~~(2) any school safety plan shall~~] (3) be drafted by a planning team that includes at least one person trained and certified in positive behavior interventions and supports, de-escalation and restraint techniques and at least one special education expert;

(4) address school district supports and strategies applicable to physical restraint for school employees to successfully reintegrate a student who has been physically restrained back into the school or classroom;

(5) address elopement in a separate section and shall have procedures for elopement that requires physical restraint and elopement that requires interventions less than

undescored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

restraint; and

(6) be approved by the department.

E. Training of school employees designated in the school safety plan shall occur biannually and in the same year as hiring for a new school employee. All training shall be approved by the department. At least one administrator at each public school shall receive training addressing Paragraphs (1), (2) and (5) of this subsection, and other school employees shall be designated to receive training as necessary to carry out the provisions of this section, as approved by the department. Training shall include:

(1) less restrictive interventions, including positive behavior interventions and supports and de-escalation;

(2) hypothetical-situation training for triaging use of less restrictive interventions or physical restraint;

(3) practice sessions on physical restraint techniques;

(4) physical restraint techniques in proportion to the student's age or physical condition; and

(5) monitoring, documenting and reporting when physical restraint is used.

F. If a physical restraint technique is used on a student:

(1) school employees shall maintain continuous

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight↔  
delete = →bold, red, highlight, strikethrough↔

visual observation and monitoring of the student while the restraint technique is in use;

(2) the physical restraint technique shall end immediately when the student's behavior no longer presents an imminent danger of serious physical harm to the student or others;

(3) the physical restraint technique shall be used only by school employees who are trained in the safe and effective use of restraint techniques unless an emergency situation does not allow sufficient time to summon those trained school employees and the imminent danger to the student or others is greater than the risk of harm of the physical restraint to the student;

(4) the physical restraint technique employed shall not impede the student's ability to breathe or communicate; and

(5) the physical restraint technique shall not be out of proportion to the student's age or physical condition and should be consistent with the medical or other needs of the student known to the person applying the restraint.

G. Time-out shall not be used as a punishment.

~~[D-]~~ H. Schools shall establish reporting and documentation procedures to be followed when a physical restraint [~~or seclusion~~] technique has been used on a student. The procedures shall include the following provisions:

.229346.1AIC February 22, 2025 (10:34am)

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight↔  
delete = →bold, red, highlight, strikethrough↔

(1) a school employee shall provide the student's parent [~~or guardian~~] with written or oral notice on the same day that the incident occurred, unless circumstances prevent same-day notification. If the notice is not provided on the same day of the incident, notice shall be given within twenty-four hours after the incident;

(2) within [~~a reasonable time~~] three school days following the incident, a school employee shall provide the student's parent [~~or guardian~~] with written documentation [~~that includes information about any persons, locations or activities that may have triggered the behavior, if known, and specific information about the behavior and its precursors, the type of restraint or seclusion technique used and the duration of its use; and~~] on a department-issued form that includes:

(a) any known precursors that may have triggered the behavior, such as specific persons, locations or activities;

(b) a description of the behavior;

(c) the reason for physical restraint;

(d) any less restrictive interventions attempted or, if none were attempted, why;

(e) the duration of the physical restraint;

(f) the location of the physical restraint;

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

(g) the techniques used;  
(h) the staff involved in the physical restraint; and  
(i) the date of the involved staff's last training pursuant to this section;

(3) schools shall review strategies used to address a student's dangerous behavior with a person trained and certified in de-escalation and restraint techniques if use of restraint [~~or seclusion~~] techniques for an individual student has occurred [~~two or more times~~] more than one time during any [~~thirty-calendar-day period~~] school year. The review shall include:

(a) a review of the incidents in which restraint [~~or seclusion~~] techniques were used and an analysis of how future incidents may be avoided, including whether the student may be eligible for special education or requires a functional behavioral assessment; and

(b) [~~a meeting of the student's~~] if the student has an individualized education program team, behavioral intervention plan team or student assistance team, a requirement that the team must meet within two weeks of each use of restraint [~~or seclusion after the second~~] when more than one use occurs within a [~~thirty-calendar-day period~~] school year to provide written recommendations for avoiding future incidents requiring the use of physical restraint [~~or~~

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

seclusion]; and

(4) a parent has a right to request an individualized education program team, behavioral intervention plan team or student assistance team meeting after an instance of physical restraint HGEIC→or if a parent has reasonable grounds to believe that restraint or seclusion may have occurred←HGEIC .

[E.] I. 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 established pursuant to [~~Subsection D of~~] this section.

[F.] ~~Policies regarding restraint and seclusion shall consider school district support and strategies for school employees to successfully reintegrate a student who has been restrained or secluded back into the school or classroom environment.~~

G.] J. The provisions of this section shall not be interpreted as addressing the conduct of law enforcement or first responders.

[H.] K. The provisions of this section do not apply to any school located within a county juvenile detention center or a state-operated juvenile facility.

[I.] ~~For the purposes of this section:~~

(1) ~~"first responder" means a person based~~

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight↔  
delete = →bold, red, highlight, strikethrough↔

~~outside of a school who functions within the emergency medical services system and who is dispatched to a school to provide initial emergency aid;~~

~~(2) "mechanical restraint" means the use of any device or material attached or adjacent to the student's body that restricts freedom of movement or normal access to any portion of the student's body and that the student cannot easily remove, but "mechanical restraint" does not include mechanical supports or protective devices;~~

~~(3) "physical restraint" means the use of physical force without the use of any device or material that restricts the free movement of all or a portion of a student's body, but "physical restraint" does not include physical escort;~~

~~(4) "restraint" when not otherwise modified means mechanical or physical restraint; and~~

~~(5) "seclusion" means the involuntary confinement of a student alone in a room from which egress is prevented. "Seclusion" does not mean the use of a voluntary behavior management technique, including a timeout location, as part of a student's education plan, individual safety plan, behavioral plan or individualized education program that involves the student's separation from a larger group for purposes of calming.] "~~