

LFC Requester:

Sunny Liu

AGENCY BILL ANALYSIS - 2026 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: 1/28/26

Check all that apply:

Bill Number: HB 120Original Correction Amendment Substitute

Sponsor: Yanira Gurrola
E. Diane Torres-Velasquez
Natalie Figueroa
Short LIMITING STUDENT
Title: RESTRAINT & SECLUSION

Agency Name Developmental Disabilities Council
and Code 647
Number: _____
Person Writing Alice Liu McCoy
Phone: 505-225-4973 Email aliceliu.mccoy@ddc.nm.gov

SECTION II: FISCAL IMPACT**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
\$0	\$0	N/A	N/A

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
\$0	\$0	\$0	N/A	N/A

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	\$0	\$0	\$0	\$0	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: This bill clarifies the allowable uses of physical restraint in schools, while narrowly defining seclusion and specific types of restraint not allowable in schools. The bill requires a creation of a safety plan that designates personnel who must be trained in positive behavior supports and interventions, as well as de-escalation techniques and the use of restraint. The bill additionally clarifies the schools' responsibilities on providing notice to families and conducting a comprehensive review after the use of restraint or seclusion.

FISCAL IMPLICATIONS

The Developmental Disabilities Council (DDC) does not anticipate any fiscal implications to the agency.

SIGNIFICANT ISSUES

In FY 24 and FY 25, the DDC administered a working group to study the use of restraint and seclusion that included stakeholders across the education spectrum—including family members, teachers, policymakers, administrators, advocates, and state agencies. The working group's report recognized that definitions for different types of restraint and narrow definition for seclusion were necessary to prevent confusion among school staff and ensure safety for students and school staff.

Data from the United States Office of Civil Rights consistently indicate that as many as 80% of reported seclusion and restraint incidents involve students with disabilities—especially nonspeaking students on the autism spectrum—who are served by an IEP. The lasting effects of restraint and seclusion, including psychological trauma, physical harm, developmental impact, failure to address underlying issues, and escalating behavior, have an even greater negative impact on students with disabilities who may not have the resiliency or personal resources to recover and heal.

Currently, New Mexico educators are struggling with use of restraint and seclusion, and are often afraid to act in situations to protect students and school staff because the law is not clear what are allowable actions to address student behavior and what are not. School administrators and educators have been outspoken about the need for more clarity in the law around restraint and seclusion so that confusion about these terms and their uses does not put school safety at risk. Incorporating extensive input from school leaders in the working group, including teachers and members from the superintendent and special education director communities, this bill was drafted to both clearly define and limit the use of restraint and seclusion in schools, with protecting student and school safety as the ultimate goal.

PERFORMANCE IMPLICATIONS

Improved data collection, effective safety plan implementation, and school staff training on restraint and seclusion should reduce requests from students and families for assistance from special education ombuds on these issues.

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The use of restraint and seclusion overwhelmingly and disproportionately affects students with disabilities, and hardworking school staff are often at a loss when attempting to implement existing restraint and seclusion requirements. Both students and school staff are harmed, and often traumatized, by the lack of clarity and training around the use of restraint and seclusion. This law is necessary to protect the safety of students and school staff.

AMENDMENTS