



LFC Requester: Liu

**PUBLIC EDUCATION DEPARTMENT
BILL ANALYSIS
2026 REGULAR SESSION**

SECTION I: GENERAL INFORMATION

Check all that apply:

Original Amendment
Correction Substitute

Date Prepared: January 23 2026

Bill No: HB120

Committee Referrals: HEC/HJC

Sponsor: Gurrola / Torres-Velásquez /
Figueroa

Agency Name and Code: PED - 924

PED Lead Analyst: Thomas Cloward

Phone: (505) 637-1352 Email: thomas.cloward@ped.nm.gov

PED Policy Senior Manager: denise terrazas

Short Title: LIMITING STUDENT
RESTRAINT & SECLUSION

Phone: (505) 470-5303 Email: denise.terrazas@ped.nm.gov

SECTION II: FISCAL IMPACT

(Parenthesis () Indicate Expenditure Decreases)

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY27	FY28		
None	None	N/A	NFA

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY27	FY28	FY29		
None	None	None	N/A	NFA

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY27	FY28	FY29	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	None	None	None	None	N/A	NFA

Duplicates/Relates to Appropriation in the General Appropriation Act: None as of 1/24/26.

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: House Bill 120 (HB120) would amend the [Public School Code](#) to further restrict the use of certain restraint and seclusion practices in public schools.

Existing Law Section 22-5-4.12 NMSA 1978	Proposed Law HB120
Permits the use of mechanical and physical restraint and seclusion when the student's behavior presents imminent danger of physical harm and when less restrictive interventions <i>appear insufficient</i> to mitigate it.	Permits the use of physical restraint and seclusion with continuous line of site supervision when the student's behavior presents imminent danger of physical harm to themselves or others and when less restrictive interventions <i>are not sufficient</i> to mitigate the danger of physical harm.
	Prohibits mechanical restraint, prone restraint, chemical restraint, anything that impedes breathing and communication, and anything out of proportion to the age, physical condition, or medical needs of the student

The bill also would prohibit seclusion practices without continuous line-of-sight supervision, only allowing for supervised confinement that is subject to the same restrictions and reporting requirements as physical restraint. It would require that restraint and seclusion end immediately when danger of harm ends and that it only be performed by trained and designated employees unless an emergency situation does not allow sufficient time to summon those designated school employees and the imminent danger to the student or others is greater than the risk of harm of the physical restraint or seclusion to the student.

The bill would require the local school board or governing body to establish policies and procedures for biannual training of designated school employees and at least one school administrator and updates requirements for the 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 May 20, 2026.

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 insurance or liability costs for school districts and charter schools that could arise from misapplication of restraint or seclusion.

SIGNIFICANT ISSUES

The bill provides definitions for terms from new language, including elopement and physical escort, and specifies that elopement can necessitate physical escort but not physical restraint unless the two conditions permitting physical restraint are present: the student is in imminent danger of causing harm, and less restrictive interventions are insufficient to mitigate the danger. It also describes timeouts and distinguishes between timeouts and seclusion. The bill would implement additional reporting requirements regarding any incidents of restraint and seclusion that the school must provide to parents within three days of the incident and requires that if the student has an individualized education plan, their plan's team must meet within two weeks following an incident.

The practice of restraint and seclusion techniques in public schools tends to be disproportionately applied to minority students 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), while such students only comprise 13 percent of total student population. Students with disabilities accounted for 41 percent of those subjected to mechanical restraint and 77 percent of those subjected to seclusion. Another study from 2022 found overall that students with disabilities are seven times more likely than students without to experience restraint or seclusion.

[The Brookings Institute](#) notes that Black 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 Black, 14 percent were Hispanic or Latino, and six percent were two or more races. Of those subjected to mechanical restraint, 34 percent were Black, 28 percent were Latino or Hispanic, and three percent were two or more races. Of those restrained, 22 percent were Black, nine percent were Latino or Hispanic, and seven percent were two or more races. Further restricting restraint and seclusion practices may serve to minimize the inequity in those practices for minority students and students with disabilities.

HB120 also requires that if a school summons law enforcement in place of restraining or secluding a student, the incident would still be subject to the same reporting and documentation requirements. Notably, [the New Jersey Council on Developmental Disabilities](#) indicates that these minority students and students with disabilities 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 Black boys with disabilities are disciplined more harshly and more frequently referred to law enforcement, subject to school-based arrest, and incarcerated. Requiring the same reporting and documentation for law enforcement summons may dissuade school administrators from summoning law enforcement unless absolutely necessary, thereby limiting systemic inequities. 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 increases likelihood of serious physical injury, including lesions, broken bones, and concussions. Limiting restraint and seclusion techniques will prevent many students from enduring unnecessary physical and psychological trauma.

PERFORMANCE IMPLICATIONS

This amended bill reinforces proper training requirements for school staff to address student behavior and de-escalation strategies for students who require immediate intervention. By eliminating the practice of “seclusion” in schools, students would not be subject to the potentially harmful intervention practice and would benefit by remaining in the classroom setting without removal and loss of instructional time.

[The Alliance against Seclusion and Restraint](#) notes that students with behavioral disabilities experience some of the poorest postsecondary outcomes of any student group. 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, along with trauma, can lead to decreased academic performance and student outcomes. As the bill would limit cases of restraint and seclusion, it will also encourage positive educational outcomes for the students most frequently impacted.

ADMINISTRATIVE IMPLICATIONS

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

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

As a result of [Senate Memorial 68](#) (SM68) of the 2023 legislative session, the Developmental Disabilities Council facilitated a working group to review the use of restraint and seclusion in New Mexico public schools. The working group, which comprised school board members, superintendents, administrators, teachers, parents, advocates, legislative and PED staff, recommended the changes that are reflected in HB120.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

School staff would continue to have the authority to utilize seclusion without line-of-sight supervision if specific circumstances exist and would not be specifically prohibited from using mechanical and prone restraint in certain circumstances as a behavioral intervention.

AMENDMENTS

None.