

HOUSE BILL 120

57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

INTRODUCED BY

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FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO PUBLIC SCHOOLS; ADDRESSING ALLOWABLE RESPONSES TO STUDENT BEHAVIOR; LIMITING THE USE OF PHYSICAL RESTRAINT AND SECLUSION; 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:

"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

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1 prescribed by a health care provider as standard treatment for
2 the mental or physical condition of a student;

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

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

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

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

15 (6) "mechanical restraint" means the
16 application of a device or an object to a student's body that
17 restricts the student's free movement; provided that
18 "mechanical restraint" does not include adaptive devices,
19 mechanical supports, vehicle safety restraints or other devices
20 or objects that are prescribed by a health care provider or
21 authorized by parental consent for a student;

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

25 (8) "physical restraint" means the use of

1 physical force without the use of any device or material that
2 restricts the free movement of all or a portion of the
3 student's body but does not include physical escort;

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

8 (10) "seclusion" means the involuntary
9 confinement of a student alone in a room or area from which
10 egress is prevented; provided that "seclusion" does not mean
11 the use of other behavior management techniques, including
12 time-out, as part of a student's education plan, individual
13 safety plan, behavior intervention plan or individualized
14 education program that involves the student's separation from a
15 larger group for purposes of calming the student; and

16 (11) "time-out" means a continuum of behavior
17 management techniques designed to address inappropriate student
18 behavior that begins with minimally intrusive strategies up to
19 separation of the student from classmates for some amount of
20 time before a return to the classroom.

21 B. The following activities are prohibited in
22 public schools:

23 (1) seclusion without continuous line-of-sight
24 supervision;

25 (2) chemical restraint;

(3) mechanical restraint; and

(4) prone restraint.

[A.] C. A local school board or governing body may [permit] allow the use of physical restraint or seclusion [techniques] on [any] a 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 insufficient] are not sufficient 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.]

However, if the student is eloping and the conditions in Paragraphs (1) and (2) of this subsection are also met, the student may be restrained. For elopement that falls short of the conditions in Paragraphs (1) and (2) of this subsection, physical restraint is not authorized, but physical escort may be appropriate.

[C. Schools] D. A local school board or governing body shall establish policies and procedures for the training and use of positive behavior interventions and supports, de-escalation, physical restraint, [or] seclusion or other behavior management techniques in a school safety plan; provided that [+] the school safety plan shall:

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

(2) not be specific to [any] an individual student, but may be specific to individual public schools; [and

(2) any school safety plan shall] (3) be

drafted by a planning team that includes at least one special education expert and at least one person trained and certified in positive behavior interventions and supports, de-escalation and restraint techniques;

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

(5) address elopement in a separate section
and have procedures for managing elopement that requires
physical restraint and elopement that requires less restrictive
interventions; 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 school 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 the use of less restrictive interventions than physical restraint or seclusion:

(3) practice sessions on the use of physical restraint or seclusion:

(4) the use of physical restraint or seclusion that is in proportion to the student's age or physical condition; and

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

F. If physical restraint or seclusion is used on a student:

(1) school employees shall maintain continuous visual observation and monitoring of the student while the student is being restrained or secluded;

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

(3) physical restraint or seclusion shall be used only by school employees who are trained in the safe and effective use of restraint or seclusion 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 or seclusion to the student;

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

(5) physical restraint or seclusion shall not

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1 be out of proportion to the student's age or physical condition
2 and shall be consistent with the medical or other needs of the
3 student known to the person applying the physical restraint.

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

5 [D. Schools] H. A local school board or governing
6 body shall establish reporting and documentation procedures to
7 be followed when a physical restraint or seclusion [technique]
8 has been used on a student. The procedures shall include the
9 following provisions:

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

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

25 (a) any known precursors that may have

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1 triggered the behavior, such as specific persons, locations or
2 activities;

3 (b) a description of the behavior;

4 (c) the reason for physical restraint or
5 seclusion;

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

8 (e) the duration of the physical
9 restraint or seclusion;

10 (f) the location of the physical
11 restraint or seclusion;

12 (g) the behavior management techniques
13 used;

14 (h) the staff involved in the physical
15 restraint or seclusion; and

16 (i) the date of the involved staff's
17 last training pursuant to this section;

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

25 (a) a review of the incidents in which

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physical 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] a behavior intervention plan team or a student assistance team, a requirement that the team must meet within two weeks of each use of physical 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 seclusion; and

(4) a parent has a right to request an individualized education program team, a behavior intervention plan team or a student assistance team meeting after an instance of physical restraint or seclusion.

[E.] I. If a public 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

1 been restrained or secluded back into the school or classroom
2 environment.

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

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

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

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

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

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

25 (4) "restraint" when not otherwise modified

1 means mechanical or physical restraint; and
2 (5) "seclusion" means the involuntary
3 confinement of a student alone in a room from which egress is
4 prevented. "Seclusion" does not mean the use of a voluntary
5 behavior management technique, including a timeout location, as
6 part of a student's education plan, individual safety plan,
7 behavioral plan or individualized education program that
8 involves the student's separation from a larger group for
9 purposes of calming.]"

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