

HB75

**nmSAFE**

Making New Mexico safe for all children & families

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**Bill Analysis 2017 Regular Session**

**SPONSOR:** Rep. Jim Smith and Rep. Debbie Armstrong

**SHORT TITLE:** Limit School Use of Restraint and Seclusion

**SYNOPSIS OF BILL:** Prohibits New Mexico public schools from physically restraining or secluding students, except in emergency situations where it is necessary to protect a person from imminent physical harm. The bill would prohibit in all circumstances restraint of students involving the infliction of pain or injury, or the use of medications. School districts and charter schools will be required to report on their use of physical restraint and seclusion on an annual basis.

**STRENGTHS:** This bill is designed to prohibit the use of extreme measures designed to subjugate students with special needs, something we see happen far too often in New Mexico. (See “additional info” below.) The bill benefits from bipartisan sponsorship, a recognition that policymakers across the political spectrum understand that protecting the safety of special needs students in our public schools is something everyone should support. The bill’s requirement that clear and sensible policies be implemented in every New Mexico school district to address this issue could help save money in costly litigation. The primary source of information about restraint and seclusion practices in New Mexico has come through a combination of litigation and some high profile media accounts. On the national level, a 2014 Propublica investigation found that student restraint and seclusion was used more than 267,000 times in 2012. The study found that three-quarters of these instances involved using restrain and seclusion on students with disabilities. In a broader sense, protecting educational access and safety for special needs students because of the strong correlation between low educational achievement and incarceration. The reporting requirement included in the bill should help us get a fuller understanding of restraint and seclusion, and how widespread these practices are in schools throughout New Mexico. This can help guide sensible policy making in the future.

**ADDITIONAL INFO:** Several instances of abuse of special needs students have occurred in recent years in New Mexico schools, resulting in numerous lawsuits. In 2010, a surveillance camera caught a teacher and educational assistant in Albuquerque slamming a student into a wall. In 2011, teachers handcuffed a 50-pound autistic second-grader to a chair. When the boy’s mother arrived at the school, he was still handcuffed to the chair, crying. This issue ties into a larger problem, sometimes called “the school-to-prison pipeline, in which students are not just overdisciplined but are actually channeled into the criminal justice system for behavioral issues, many of which are quite minor. An example of this occurred in 2011, when an Albuquerque seventh-grader was arrested for belching in class.

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<p>This bill is designed to prohibit the use of extreme measures designed to subjugate students with special needs, something we see happen far too often in New Mexico.</p>	<p>The bill benefits from bipartisan sponsorship, a recognition that policymakers across the political spectrum understand that protecting the safety of special needs students in our public schools is something everyone should support.</p>	<p>The bill's requirement that clear and sensible policies be implemented in every New Mexico school district to address this issue could help save money in costly litigation.</p>	<p>Numerous stories of abuse of students with special needs by teachers have cropped up over the years in New Mexico. Studies show that it's a nationwide problem. The reporting requirement included in the bill should help us get a fuller understanding of restraint and seclusion, and how widespread these practices are in schools throughout New Mexico.</p>	<p><b>A</b></p>