Keeping School Campus Safety Actually Safe

Protecting Students and Staff

NMSBA Leadership Retreat – July 12, 2019
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Includes 2019 laws and NMPSIA Mandatory Standards
• Purpose of session:
  • Begin or reexamine a dialogue about what safety means on a school campus
• What old and new laws and regulations apply?
• Best practices and practical considerations
• What type of public safety/security is best for our campus?
• Discussion/Questions
Important Considerations

- **Worst case scenario**: active shooter on campus
- **Everyday scenario**: standard student discipline issues
- Urban and rural district/school differences
  - Access to law enforcement services
- Should there be arms on campus?
  - Law enforcement?
  - Contractors?
  - Security personnel?
- What funding considerations are necessary?
NMPSIA Approved Options for Safety on Campus

- School Resource Officer (SRO) – Agreement with local law enforcement

- Licensed Private Security Guard (Contractor) – Private contractor with Level III license

- School Safety Personnel (SSP) – School employees with sole duties to provide security (requires licensing)
  - Possibly retired law enforcement officers
Funding
Issue Spotting

- Why not administrators, teachers, volunteers, parents, etc.?
- Overall Concern: Training and personal demeanor?
- How are arms carried and stored?
- What are rules of engagement?
- How does arriving law enforcement know who is armed?
Federal Gun Free Zones Act (GFSZA)

18 USC § 922(q)(2)

- Unlawful to knowingly possess a firearm in a school zone. §922(q)(2)(A)
- Exceptions:
  - If licensed to carry a firearm on school premises
  - Unloaded and locked in a container or rack in a vehicle
  - Approved by the school for use in a program (i.e. ROTC)
  - Use pursuant to a contract with the school (individual or contractor)
  - Law enforcement acting in official capacity
  - Unloaded while crossing premises for accessing public/private hunting grounds (only with school permission)
Unlawful Carrying of a Deadly Weapon on School Premises

NMSA § 30-7-21

- Unlawful to carry a deadly weapon on school premises
- Premises includes buildings, grounds, fields, parking lots, school busses and non-school property where school-sanctioned activities are taking place
- Exceptions:
  - Peace officer
  - School security personnel
  - ROTC programs or state-authorized hunter safety training
  - School-approved program, class or other activity involving a deadly weapon
  - If older than 19, a weapon in a private vehicle, for lawful protection of property
- 4th degree felony
NMSBA Policy Service: Current Policies

- **Staff Conduct:** Shall not bring firearms onto or possess on school property, “except with proper authorization”.

- **Volunteers:** no firearms or weapons on school property, “except with proper authorization”.

- **Employees:** No employee, other than one who has obtained authorization from the appropriate school administrator, shall carry a weapon on school grounds.

- **Questions clarified by HB 129:**
  - What is proper authorization?
  - Who is the appropriate school administrator?
More New Mexico Law

2019 Legislative Session
House Bill 129

- Effective July 1, 2020
- Only a local school board has authority to authorize school security personnel to carry a firearm on district property
  - Firearm means a handgun
  - School security personnel limited to retired or former certified and commissioned law enforcement officers employed by a school district
    - Must be 3 years certified
    - Completion of school security personnel training
    - Background check
    - Physical and psychological evaluation for firearm suitability
    - Not allowed to perform any duty other than school security while carrying a firearm
- NMPED and NMPSIA to approve school security personnel and firearms training programs to include working with students with special needs, cultural competency and prohibited profiling practices
- **NMPED to develop regulations by July 1, 2020**
NMPSIA Mandatory Standards for School Security Personnel

- Adopted March 8, 2018
- Only 3 options for Districts and Charters “to be followed and implemented”:
  - **Option 1:** School Resource Officer (SRO)
    - Contract with local law enforcement agency
  - **Option 2:** Licensed Private Security Guard
    - Licensed through RLD, training for students and campus setting (Contractor)
  - **Option 3:** School Security Personnel (SSP)
    - Level 3 Security Guard License
    - Former law enforcement with current licensing
    - No SSP until complete NMPSIA licensing, training and contracting requirements
• School Site Specific Training – Working among middle schoolers, teenagers, small children, etc.

• Additional On-Going Training:
  • Firearm safety, operational tactics, legal responsibilities and duties
  • Crisis intervention training and certification
  • Non-violent crisis intervention certification
  • Continuing education training hours for license renewal

• Employees - Retired Law Enforcement Officer with up-to-date certification and training meeting NMPSIA standards

• Contractors - Level 3 Security License:
  • Criminal background check
  • Specific training curriculum
  • Must pass the exam
  • Firearm certification, endorsements, and other weapon training
  • Completion of a psychological evaluation for suitability to carry firearms
NMPSIA Mandatory Standards – Must be met prior to allowing firearms on campus

- Board MUST adopt a policy reflecting NMPSIA requirements, reviewed by NMPSIA first
- MOU with all applicable law enforcement agencies, approving:
  - presence of SRO or armed employee on campus
  - standard operating procedures
- Provide all applicable law enforcement agencies with identification and pictures of persons on school grounds with firearms
- Follow standards for carrying and storing firearms on campus
Proposed New Board Policies

- Adopt policies that incorporate requirements in NMPSIA 2018 Guidelines
  - Prohibition of storing weapons or ammunition on campus
    - If performing other duties, firearm must be unloaded and properly secured out of sight in the SSP’s locked vehicle
  - MOU with law enforcement agency serving as SRO
  - Board policies governing security option

- Sample SRO policy:
  - On-site security
  - Yearly firearms and school-related trainings
  - Assisting in the development of safety protocols and procedures
  - Law enforcement agency covers cost of weapons and ammunition
  - Public order level offenses considered disciplinary issues
  - No use of force unless apparent threat to public safety
  - Serious legal violations and threats to public safety will be handled as a law enforcement matter
  - Investigation of school-related conduct separate from investigation of criminal conduct
Failure to follow NMPSIA Mandatory Standards could lead to denial of coverage.
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<thead>
<tr>
<th>Option</th>
<th>Advantages</th>
<th>Disadvantages</th>
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<tbody>
<tr>
<td><strong>School Resource Officer (SRO)</strong></td>
<td>• Current law enforcement Officer</td>
<td>• Agency is supervisor, not District</td>
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<td>• Employed by law enforcement agency</td>
<td>• Agency makes ultimate assignment and discipline decisions</td>
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<td>• Guns, ammo, training, equipment provided by agency</td>
<td>• MOU Compliance</td>
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<td><strong>Licensed Private Security Guard (Contractor)</strong></td>
<td>• Contractor pays training, equipment, etc.</td>
<td>• Not district employees</td>
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<td>• Can quickly terminate contract</td>
<td>• Verification of skills, demeanor, etc.</td>
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<td>• Contractor has insurance</td>
<td>• Cost</td>
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<td><strong>School Safety Personnel (SSP)</strong></td>
<td>• District employee subject to assignment, discipline, etc.</td>
<td>• Liability</td>
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<td>• Policies</td>
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<td>• Engagement</td>
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<td>• Program costs</td>
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Discussion and Questions

• What safety options exist?
• What laws, regulations, policies and insurance mandates apply?
• What policies do we need to consider?
• What option works best for my district?

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