

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

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Overview

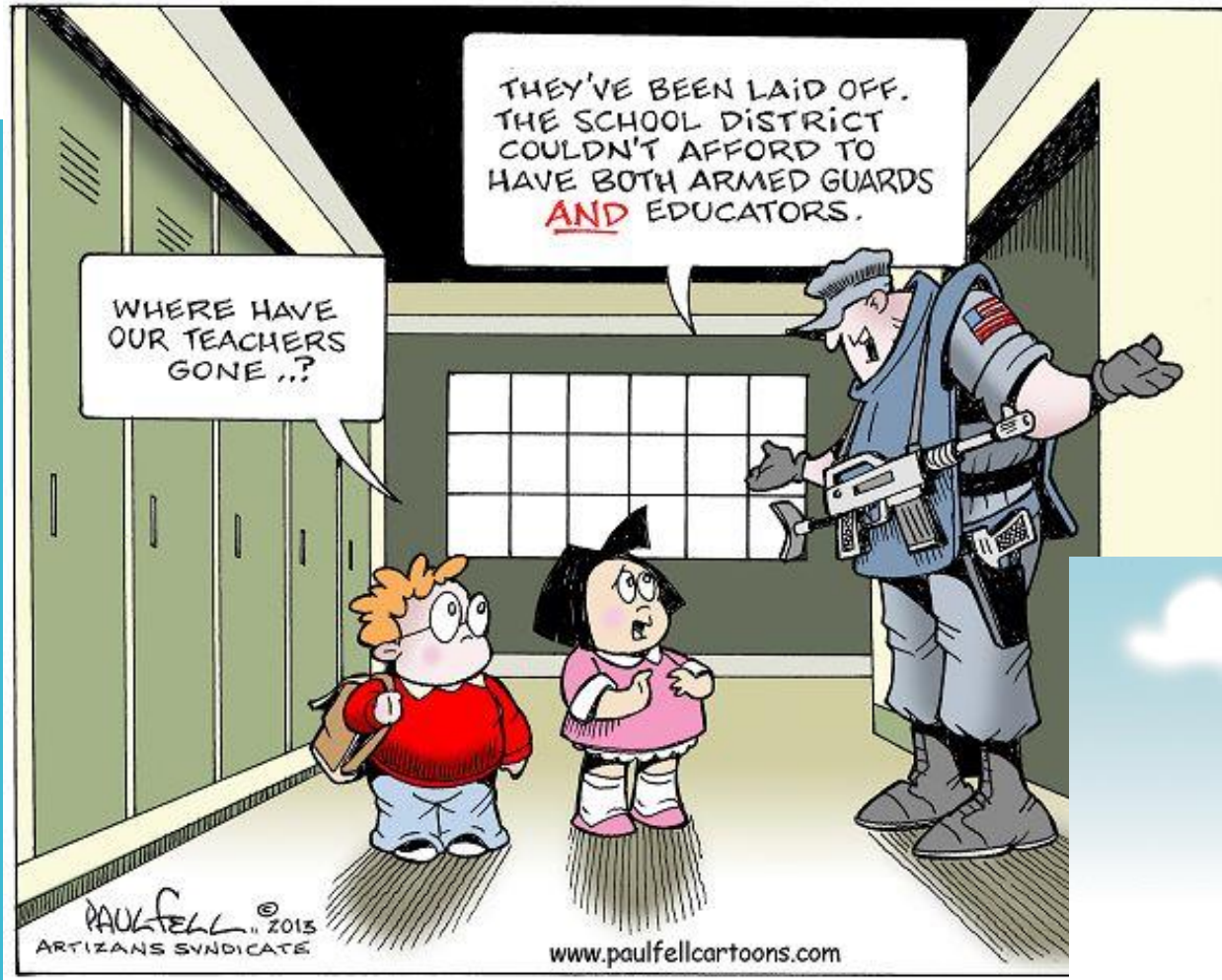
- Purpose of session:
 - Begin or reexamine a dialogue about what safety means on a school campus
- What old and new laws and regulations apply?
- Best practices and practical considerations
- What type of public safety/security is best for our campus?
- Discussion/Questions

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 Law

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 Changed by HB 129~~
 - Former law enforcement with current licensing
 - No SSP until complete NMPSIA licensing, training and contracting requirements

NMPSIA Mandatory Standards

- 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

Consequences

Failure to follow
NMPSIA Mandatory
Standards could lead
to denial of coverage

Discussion Regarding Options

Option	Advantages	Disadvantages
School Resource Officer (SRO)	<ul style="list-style-type: none"> • Current law enforcement Officer • Employed by law enforcement agency • Guns, ammo, training, equipment provided by agency 	<ul style="list-style-type: none"> • Agency is supervisor, not District • Agency makes ultimate assignment and discipline decisions • MOU Compliance
Licensed Private Security Guard (Contractor)	<ul style="list-style-type: none"> • Contractor pays training, equipment, etc. • Can quickly terminate contract • Contractor has insurance 	<ul style="list-style-type: none"> • Not district employees • Verification of skills, demeanor, etc. • Cost
School Safety Personnel (SSP)	<ul style="list-style-type: none"> • District employee subject to assignment, discipline, etc. 	<ul style="list-style-type: none"> • Liability • Policies • Engagement • Program costs

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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