

NMPSIA MANDATORY STANDARDS FOR SCHOOL SECURITY PERSONNEL

The New Mexico Public School Insurance Authority (NMPSIA) is committed to providing a safe environment for students and personnel members. In furtherance of this goal, NMPSIA has put forth the following NMPSIA Mandatory Standards regarding firearms at a District/Charter and pursuant to the New Mexico Occupational Health and Safety Act (50-9-5A NMSA 1975). It is NMPSIA's official position that a District/Charter must adhere to the following guidelines prior to contracting School Security Personnel to carry a firearm on school premises.

NMPSIA recognizes the concern among District and Charter members regarding Imminent Violent Threat situations and the desire to be able to protect students and staff should such a situation arise. Due to their extensive training, sworn law enforcement officers are the most effective responders to any emergency in which the threat of great bodily harm is posed to students and school personnel. However, NMPSIA also recognizes that some Districts/Charters are located in isolated areas and that response from law enforcement and other emergency responders may exceed 30 minutes. Given questions regarding the timeliness of emergency response in these areas in an imminent violent threat scenario, NMPSIA has laid out the following three (3) options for an armed security presence at a New Mexico District or Charter, to be followed and implemented according to the following ordered sequence:

OPTION 1: SCHOOL RESOURCE OFFICER (SRO) - It is the official position of NMPSIA that any New Mexico District/Charter seeking an armed security presence at their District/Charter should contract with local certified law enforcement agency for a School Resource Officer (SRO) or other sworn law enforcement officer whenever possible.

OPTION 2: LICENSED PRIVATE SECURITY GUARD - If it is determined by a District/Charter that it is not feasible to obtain an SRO, it would be preferred that any New Mexico District/Charter contract with an outside security company, licensed through the State of New Mexico Regulation and Licensing Department as outlined in NMAC 16.48.1 and Pursuant to the New Mexico Private Investigators Act (61-27B-1 NMSA 1978) and specifically trained to be stationed among students in a campus setting.

OPTION 3: SCHOOL SECURITY PERSONNEL WITH A LEVEL THREE (3) SECURITY GUARD LICENSE: It is the official position of NMPSIA that a New Mexico District/Charter should only use this third option as a last resort, and only after Options 1 and 2 have been thoroughly explored and found to be impossible to implement. If a New Mexico District/Charter designates by separate contract a school employee or volunteer as a School Security Personnel (SSP), as allowed by outlined exceptions in Federal (Gun-Free School Zones Act - Title 18 § 922 I & V) and State (Unlawful carrying of a deadly weapon on school premises - 30-7-2.1-2 NMSA 1978) Laws; the District/Charter and/or contracted employee or volunteer shall be required by NMPSIA to complete the requirements as laid out in the standards described herein, prior to allowing any armed personnel member on school grounds to include the

District/Charter and the employee or volunteer to sign a separate and explicit contract to permit the school employee or volunteer to carry a firearm on school property in the capacity of a SSP prior to the SSP carrying a firearm on school property.

DEFINITIONS

A. “Firearms” means any weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosion; the frame or receiver of a firearm, any firearm muffler or firearm silencer, as defined below. The following are the only two categories of firearms allowed under the NMPSIA standards and District/Charter policies:

1. “Semi-Automatic Pistol” means a weapon originally designed, made, and intended to fire a projectile (bullet) from one or more barrels when held in one hand, and having:

- a chamber(s) as an integral part(s) of, or permanently aligned with, the bore(s);
- and a short stock designed to be gripped by one hand at an angle to and extending below the line of the bore(s).

2. “Revolver” means a projectile weapon of the pistol type, having a breech-loading chambered cylinder so arranged that the cocking of the hammer or movement of the trigger rotates it and brings the next cartridge in line with the barrel for firing.

The following two categories of firearms are not allowable under the NMPSIA standards and District/Charter policies:

3. “Rifle” means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

4. “Shotgun” means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder, and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

B. “Ammunition” means, but is not limited to, any bullet, cartridge, magazine, clip, speed loader, autoloader, or projectile capable of being fired from a firearm with a deadly consequence. “Ammunition” does include blanks.

C. “Volunteer” means an uncompensated volunteer performing services on behalf of and with the express direction and authority of a District/Charter administrator. For purposes of this document, and in accordance with NM state law, a volunteer must be contracted as “School Security Personnel” in order to carry a firearm on school grounds.

- D. “School grounds” means all real property belonging to the District/Charter, including but not necessarily limited to facilities, buildings, school busses, fields, and parking lots.
- E. “Deadly weapon” means any firearm, whether loaded or unloaded; or any weapon which is capable of producing death or great bodily harm, including but not restricted to any types of daggers, brass knuckles, switchblade knives, bowie knives, poniards, butcher knives, dirk knives, and all such weapons with which dangerous cuts can be given, or with which dangerous thrusts can be inflicted, including sword-canes, and any kind of sharp pointed canes, also slingshots, slung shots, bludgeons, or any other weapons with which dangerous wounds can be inflicted.
- F. “Self-defense law” is defined as the right to prevent suffering force or violence through the simple use of a sufficient level of counteracting force or violence.
- G. “Stand your ground laws” generally allow someone to use force in self-defense when there is reasonable belief of a threat, without obligation to retreat first. Generally, these laws require the person to (1) have a legal right to be at the location, and (2) not be engaged in an unlawful activity. Note that New Mexico does not have “stand your ground laws” in state or local statutes.
- H. “Imminent Violent Threat” is any violent threat which is likely to occur at any moment, or is about to occur or take place, and is perceived to be unfolding, issued by a subject(s) that intentionally or knowingly puts another person in fear of bodily injury and/or death.
- I. “Critical firearm discharge” means the discharge of a firearm by an SRO, private security guard, or SSP, including unintentional discharges and discharges where no person is struck.
- J. “Active Shooter” is defined by the U.S. Department of Justice as an individual actively engaged in killing or attempting to kill people in a confined and populated areas.
- K. “Deadly Force” is force that a reasonable person would consider likely to cause death or serious bodily harm.
- L. “Primary Duty of Care” is the obligation recognized by law to avoid conduct fraught with unreasonable risk of dangers to others.

DISTRICT/CHARTER POLICY REQUIREMENTS

- District/Charter must adopt the NMPSIA-recommended policy format, or one that satisfies similar requirements. All policies will be subject to the NMPSIA Board’s approval.
- District/Charter policy must state that if teaching personnel are contracted to be SSP, then that contract must not contain any security-related duties that would interfere with the teacher’s primary duty of care.

- All information pertaining to SSP at a District/Charter shall be kept separate from SSP's individual employee or volunteer file. SSP information shall be a part of, and kept with, the District/Charter Safe School Plan.
- District/Charter policy must state an absolute prohibition of any SSP on school grounds until all outlined requirements are met through the New Mexico Regulations and Licensing Department only and the employee or volunteer has a Level-3 Security License. Only New Mexico-issued licenses and registrations will be deemed valid; any license(s) or registration(s) from different states or territories will not be taken into consideration. A Level Three Security Guard must have obtained both a Level One and a Level Two license before qualifying for a Level Three license. Requirements for a Level-3 Security License are as follow:

1) Security Guard Registration: Level One (1) (NMAC 16.48.2.17)

- a. Minimum required 8 hr. specified training curriculum before application;
- b. Criminal Background Check w/Fingerprint cards;
- c. Rules & Regulations Exam.
- d. Registration Fee.

2) Security Guard Registration: Level Two (2) (NMAC 16.48.2.18)

- a. Proof of a current registration in good standing as a level one security guard or proof of completing department approved level one security guard training;
- b. Criminal Background Check w/Fingerprint cards;
- c. Rules & Regulations Exam
- d. Registration Fee;
- e. Minimum required 16 hr. specified training curriculum before application;
- f. Proof of completing department approved weapon (non-firearm) training;
- g. An applicant for Weapon Endorsement must successfully complete training for each specific weapon endorsement:
 - i. Four (4) hour chemical agents training (specified curriculum);
 - ii. Eight (8) hour defensive impact tools training (specified curriculum);
 - iii. Eight (8) hour electronic non-lethal device training (specified curriculum);
 - iv. Eight (8) hour restraint and control devices training (specified curriculum)

3) Security Guard Registration: Level Three (3) (NMAC 16.48.2.19) – NOTE: Level 3 Security Guard is armed with a firearm; Level 1 and Level 2 Security Guards are not licensed to carry firearms.

- a. Proof of a current registration in good standing as a level two security guard or proof of completing department approved level two security guard training;
- b. Criminal Background Check w/Fingerprint cards;
- c. Rules & Regulations Exam

- d. Registration Fee;
 - e. Minimum required 16 hr. specified training curriculum plus a minimum of four (4) hours dedicated to the laws pertaining to firearms and deadly physical force
 - f. Proof of being firearm certified by an instructor recognized and certified by the New Mexico Law Enforcement Academy or the National Rifle Association Law Enforcement Activities Division;
 - g. Proof of level two weapon endorsement or proof of completing department approved weapon training;
 - h. Proof of successful completion of a psychological evaluation as prescribed by the department to determine suitability for carrying firearms.
- A retired New Mexico Law Enforcement Officer in good standing, who is employed by the District/Charter, may apply to be an SSP using their current commission in lieu of receiving a Level-3 Security License. Commission and any additional required training must be kept current and available for inspection.
 - District/Charter policy will include prohibition of storing weapons or ammunition on campus. SSP will arrive armed and leave armed. SSP will only be armed on campus while on duty. In the event the SSP must stop carrying his/her firearm while still acting under their other duties as an employee or volunteer of the District/Charter, the firearm must be unloaded and properly secured out of sight in the SSP's locked vehicle.
 - District/Charter policy will forbid the SSP from carrying a firearm on the grounds of another District or Charter absent an official Memorandum of Understanding. A SSP traveling to another District/Charter must abide by all policies of that District/Charter.
 - District/Charter policy will determine if SSP will carry their firearm in an open or concealed carry manner:
 - Open-carry security personnel must wear specific clothing that easily identifies this person for responding law enforcement. What constitutes specific identifying clothing requirements is left up to the individual District/Charter.
 - Concealed carry personnel must also possess and maintain a state Concealed Carry License (CCL). If the contracted SSP is a retired law enforcement officer in good standing; the Law Enforcement Concealed Carry license can be used in lieu of the state CCL.
 - A firearm must not be carried in any off-body carry manner (i.e. bags, backpacks, fanny packs, briefcases, and purses); as well as must not be placed in any locking desk

drawers, cabinets, or unanchored safes. The firearm shall remain physically on the person of the SSP at all times.

- District/Charter policy must state that the SSP is not a law enforcement officer and will only utilize deadly force as a last resort self-defense option when the SSP has a reasonable belief a subject presents an imminent violent threat to the personnel, students, and/or guests of District/Charter. The policy must also state that there is not a “stand your ground” law at the state or local level, and that the SSP must follow all applicable federal, state, and local laws with regard to self-defense laws, in his/her role as a SSP.

The policies adopted by a District/Charter shall apply only to each individual District/Charter.

ADDITIONAL REQUIREMENTS

District/Charter must attempt to establish a Memorandum of Understanding from all law enforcement agency leaders within the city, county and state jurisdiction where this campus resides, endorsing the arming of a school employee or volunteer and all applicable Standard Operating Procedures.

All local law enforcement agencies will have full knowledge, identification, and pictures of any/all SSPs once that person(s) is licensed and working on school grounds in an armed capacity.

All expenses involved in obtaining and maintaining a firearm and ammunition will be paid by the personnel member who is contracted to be an SRO, SSP, or a private security guard.

Unless otherwise stated by District/Charter, all expenses involved in obtaining the necessary permits and required training will be paid by the personnel member who is contracted to be a SSP.

The SSP shall determine the model of the firearm they want to carry from a choice of 9mm, .38, or .40 and the ammunition shall be types (i.e. hollow point bullets) which are designed to minimize over-penetration which could lead to collateral damage. Hand-loaded ammunition is prohibited.

At minimum, a Threat Level II holster shall be used by the SSP to secure their firearm on their person.

ELIGIBILITY

At minimum, District and Charter Policy requirements must follow those outlined in the Private Investigations Act (61-27B-1 NMSA 1978) and Requirements for Professional Licensing for Private Law Enforcement Practitioners (16.48.2 NMAC). All District and Charter personnel will be eligible to be a SSP if and only if all following requirements are met:

- Apply for and meet all requirements for Level-3 Security Licensing through New Mexico Regulations and Licensing. These requirements will include criminal background investigation (including DUI infractions), psychological evaluation and training requirements (from state-approved trainers), etc.

- Have had no disciplinary records that have resulted in suspension, removal from property, or other situation that indicates a danger to others;
- Can comply with all state/federal requirements to carry a weapon;
- Receive on-going professional development and training that shall include firearm safety, operational tactics, legal responsibilities and duties;
- Certified in Crisis Intervention Training to recognize and offer immediate, short-term help to individuals in mental health crisis;
- Certified in Nonviolent Crisis Intervention;
- Have completed training specific to providing armed security services while stationed among students and in a campus setting.
- Can complete continuing education training hours for license renewal (every 2 years) as required by NM Regulations and Licensing.

Firearms cannot be taken onto school grounds until each and every above requirement is satisfied.

Documentation showing the SSP meets all above requirements must be maintained by the SSP, the District/Charter, NMPSIA and their appointed Risk Services designee. Documentation must also be available for review at any given time by any of the above parties. All documentation will be kept separate and secure from other employment records and in the District/Charter Safe School Plan.

VIOLATIONS RESULTING IN DISCIPLINARY ACTION Any critical discharge of a firearm on school premises requires immediate notification and investigation from local law enforcement. District/Charter will immediately subject the SSP to appropriate corrective or disciplinary action, up to and including possible termination of employment.

In addition, the follow criteria require the immediate suspension of a SSP's privilege to carry on school grounds:

- Disciplinary action that results in suspension or administrative leave;
- Needless drawing of a firearm and/or misplacing their weapon on school premises;
- The discharging of a firearm in defense of persons within the duties of the SSP until such time as the SSP, administration, District/Charter Board, and NMPSIA's Risk Services, CCMSI have been debriefed;
- The breaking or violation of any criminal law outside of school employment;
- Any other serious situation as determined by the superintendent.

Upon identification of one of the previous situations, the superintendent shall immediately suspend the SSP's privilege to carry a firearm and document the incident in writing. Upon notification, the SSP shall secure the weapon in their locked vehicle out of sight. After review of the circumstances by the District/Charter Board and the NMPSIA Board, the SSP's status may be revoked or reinstated by the Superintendent/Charter Leader.

This School Security Personnel Policy may be modified over time based on legislative or exposure changes.

