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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
56th Legislature, 1st Session, 2023

Bill Number	<u>HB283</u>	Sponsor	<u>Lord</u>
Tracking Number	<u>.223943.1</u>	Committee Referrals	<u>HEC/HJC</u>
Short Title	<u>School Marshal Act</u>		
Analyst	<u>Bedeaux</u>	Original Date	<u>2/9/23</u>
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BILL SUMMARY

Synopsis of Bill

House Bill 283 (HB283) creates the “School Marshal Act” as a new section of the Public School Code. The act would allow school districts to employ school marshals as security personnel. School marshals may carry a firearm on school premises with the permission of the local school board and the New Mexico Public Schools Insurance Authority (NMPSIA).

The bill amends the definition of “school security personnel” in the School Personnel Act to include school marshals who are employed by or on contract with a school district. School marshals will not accrue retirement benefits from the Educational Retirement Board (ERB) or the Public Employees Retirement Association (PERA).

School marshals must be trained by the New Mexico law enforcement academy or in a program approved by the academy and certified as a school marshal by the law enforcement certification board. School marshals must also have a concealed carry license and meet all qualifications required for other school security personnel. Individuals will lose their status as a school marshal if their employment with the school district ends, if their concealed carry license is revoked, if they receive formal discipline for excessive force or misconduct, or if they are convicted of a number of crimes (enumerated in the bill) that would make the school marshal unfit to work with children.

HB283 would require the Law Enforcement Standards and Training Council, established in [Section 29-7-3 NMSA 1978](#), to develop training for school marshals. The training shall include the relevant elements of a basic law enforcement training course, as well as a number of school-specific training requirements, including de-escalation, mental health assessments, digital safety, how to work with general education students and students with disabilities, and mitigating and responding to school shootings.

To employ school marshals, local school boards must ensure individuals meet the qualifications of a school marshal and notify the Public Education Department (PED) of the intent to employ a school marshal. Local school boards would be required to consult with NMPSIA to author a policy describing school marshals’ duties and responsibilities, including procedures for the possession

and storage of firearms, the types of firearms that may be carried, and the subject matter and frequency of any required professional development for marshals. School boards shall submit every school marshal's name, date of birth, and address of their place of employment to PED, NMPSIA, the law enforcement certification board, and all applicable local law enforcement and safety agencies operating in the school district, including federal and tribal law enforcement agencies.

FISCAL IMPACT

The bill does not contain an appropriation.

School districts and charter schools wishing to employ school marshals or contract with agencies or individuals to perform the services of a school marshal may incur additional costs, for which the bill does not provide funding. School districts and charter schools may choose to rely on their operational funding or other local resources to fund the provisions of HB283 if they decide to employ a school marshal.

The Department of Public Safety (DPS) reports it would need an estimated 9 FTE to carry out the training and coordination included in HB283, requiring a significant investment of approximately \$905 thousand annually. DPS anticipates requiring an additional \$250 thousand annually for an online administrative licensure platform, as well as an upfront cost of \$110 thousand for training equipment. DPS also estimates it would require a services contract with a psychologist to screen school marshals, estimating a cost of \$500 per individual tested.

SUBSTANTIVE ISSUES

School security continues to be a priority for school districts, both in terms of school infrastructure and trained security personnel. Requests for improved school security come on the heels of a fatal 2022 shooting at an elementary school in Uvalde, Texas that left 19 elementary school students and two teachers dead, as well as an incident in Newport, Virginia where a six-year-old student managed to smuggle a gun into school and shoot his teacher.

Student safety is a complex, multifaceted issue requiring evidence-based interventions across multiple domains. Schools can improve security using a number of effective strategies, including:

- Designing schools with safety in mind, including the use of [secure vestibules](#);
- [Investing in security technology](#) and infrastructure like controlled entry devices, cameras, metal detectors, and gunshot detection systems;
- Improving schools' abilities to [receive and process anonymous tips](#);
- Employing [well-trained security personnel](#), especially in partnership with local law enforcement;
- Doubling-down on [prosocial norms to prevent bullying](#) and cyberbullying; and
- Providing [mental health supports for students](#), especially those who are being bullied or who have undergone trauma.

Trained armed security personnel are deployed on about two of every three school campuses, nationally. Schools often partner with law enforcement agencies to retain school resource officers (SROs), armed law enforcement personnel that report directly to the local law enforcement agency. According to [2018 data from the National Center for Education Statistics](#), 67 percent of schools deploy SROs or sworn law enforcement officers on school grounds at least once per week. Of

those schools that retain SROs, 95 percent allow them to be armed. However, only 29 percent of schools nationwide reported that those SROs were on campus during all instructional hours.

HB283 could increase the number of armed security personnel in schools that do not make daily use of school resource officers. As shown in Table 1, analysis of NCES data suggests schools in both urban and rural areas are less likely than suburbs and towns to have weekly or daily access to armed SROs.

Table 1. Percent of Schools with School Resource Officers
2018 School Survey on Crime and Safety

NCES Locale Type	SROs on campus once a week	SROs on campus at all times
City	62.2%	29.3%
Suburb	70.6%	32.0%
Town	74.1%	28.8%
Rural	63.6%	25.7%
Overall	67.3%	29.4%

Source: LESC Analysis of NCES Data

ADMINISTRATIVE IMPLICATIONS

Local school boards will be required to author policies regarding school marshals, give schools permission to employ school marshals, review the credentials of school marshals and ensure they meet the qualifications set forth in the bill, and submit notification and documentation of the employment of school marshals to PED.

NMPSIA would be required to work with local school boards to establish policies for school marshals. This may take the form of authoring a boilerplate school marshal policy from which school boards can begin their own policies. NMPSIA, in conjunction with POMS and Associates Insurance Brokers, already [maintains a set of policies](#) for SROs and other private security guards and assists school districts in identifying which type of security works best for each school.

The Law Enforcement Standards and Training Council would be required to develop training and standards for school marshals.

Because the bill creates a new classification of employee, DPS anticipates a need to promulgate rules and hold public rule hearings.

OTHER SIGNIFICANT ISSUES

HB283 is similar to a 2013 school marshal policy enacted in Texas. The Texas law allows school boards to appoint teachers to serve as school marshals if they complete training in child development and psychology, conflict resolution, de-escalation, and mental health crisis intervention. The school marshal program has been unpopular among teachers and school staff; a [2022 article](#) from the Texas Tribune explained that, of the 369 thousand teachers in Texas, only 361 teachers have become school marshals. HB283 differs from the Texas law in that it would reserve the position of school marshal for former law enforcement officers, though would apparently allow any teacher who is a former law enforcement officer to serve as a school marshal at the discretion of local school boards.

A report by the [U.S. Department of Education](#) found students of color, particularly Black students, see a disproportionate number of arrests and referrals to law enforcement. Training for law enforcement personnel in schools should ensure equitable treatment of New Mexico's diverse student populations.

SOURCES OF INFORMATION

- LESC Files
- Department of Public Safety (DPS)

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