

Guns on Campus?

Managing Staff and Student Safety

Presented at the NMSBA Leadership Retreat

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450 Strong!

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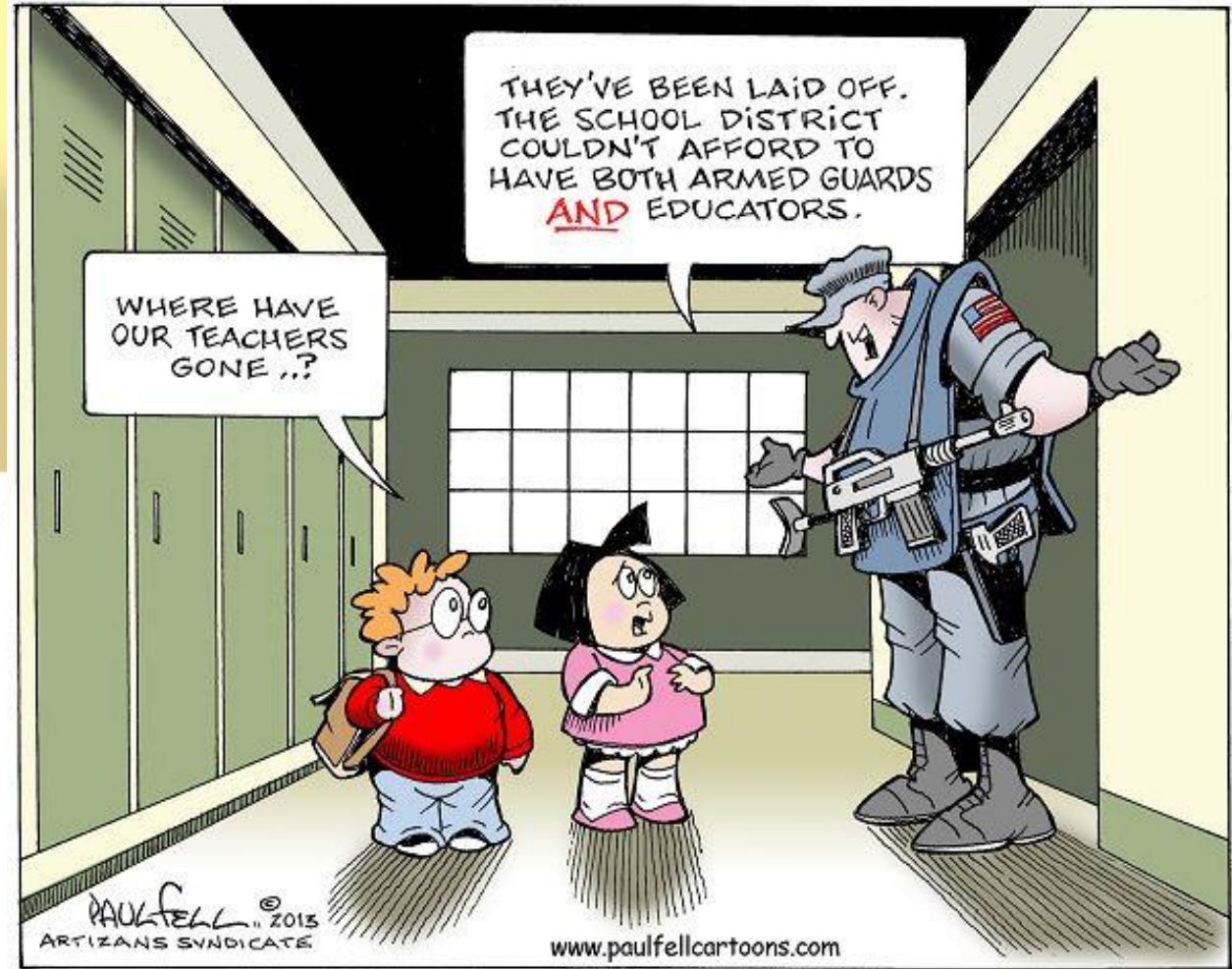
Overview

- Is your District considering allowing guns on campus?
- What laws apply?
- Best practices and practical considerations
- What are the options
- Discussion/Questions



"An armed security guard isn't in the school budget, so all teachers will have to take turns."

Funding



Is Your District Considering Guns on Campus?

- Modern active shooter protocols
- Urban and rural district/school differences
 - Access to law enforcement services
- Who carries the gun and how?
 - Administrators?
 - Teachers?
 - Security personnel?
 - Volunteers?
 - Students?
 - Parents?

Issue Spotting

- Overall Concern: Training and personal demeanor?
 - Administrator: What are primary roles in a crisis?
 - Teacher: What happens to the teacher's class in a crisis?
 - Other staff or volunteer: Attendance, background?
- How is firearm carried and stored?
- How does law enforcement know who is carrying?

Teacher Duties





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 § 30-7-2.1

- 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
- No exception for general personnel
- 4th degree felony

New Mexico Law – Effective July 1, 2020

School security personnel; definitions; required training

NMSA § 22-10A-40

- Only authorizes “school security personnel” (SSP) to carry firearms on school premises
 - SSP: retired or former law enforcement officer with at least 3 years certified and commissioned
 - Premises: buildings, grounds, fields, parking areas and busses
- Physical and psychological exam required
- Completion of SSP training and proof of up-to-date firearms training
- SSP shall not “perform any other job in the school district, by title or duty, other than school security while carrying a firearm”
- Trainings determined by NMPED, NMPSIA, and NMDPS

New Mexico Regulation – Effective July 28, 2020

Armed Public School Security Personnel

NMAC 6.12.12

SSP prohibitions

- Felonies or misdemeanors involving moral turpitude relating to schools
- Convictions for drug trafficking, sexual offenses, child abuse or exploitation
- Employment findings of ethical misconduct relating to sexual offenses and child delinquency
- Convictions for negligent/illegal use of a firearm or discipline for excessive force

Prerequisites:

- Board shall establish policies and procedures for SSPs
 - Trainings
 - Background check
 - Physical and psychological exam
 - No authority to arrest and detain

Policies not yet consistent or updated to comply with State or Federal Laws

- **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:**
 - What is proper authorization?
 - Who is the appropriate school administrator?

NMPSIA consideration for School Security Personnel

- NMPSIA/POMS are neither promoting nor discouraging the arming of School Security Personnel
- Legal standards establish a solid process to increase safety with minimal liability exposure for the districts and their employees
- Failure to follow law could lead to denial of coverage

Options for Armed Safety on School Premises

- **Option 1**: School Resource Officer (SRO)
 - Employed by a local law enforcement agency
- **Option 2**: Licensed Private Security Guard
 - Contracted Security - Licensed through RLD, trained for students and campus setting
 - Insures and indemnifies the District
- **Option 3**: School Security Personnel (SSP)
 - Employed by District
 - Former law enforcement
 - No armed SSP until board policies adopted and complete required licensing, training, and testing
 - SSP includes School District law enforcement/police department commissioned by local law enforcement

Other Considerations

- How do you evaluate options 1, 2, and 3?
- What should be included in your Board policies for school personnel?
 - Job requirements, training, screening, storage, specs for firearms and carrying
 - Use of deadly force on a student
 - standards for carrying and storing firearms on campus
- School Site Specific Training – Working among middle schoolers, teenagers, small children, etc.
- Documentation with all applicable law enforcement agencies:
 - presence of an armed employee on campus
 - standard operating procedures
 - identification and pictures of persons on school grounds with firearms

Discussion and Questions



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- Are we considering guns on campus?
- What laws, regulations, policies and insurance mandates apply?
- How do we comply with State law and regulations?

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