

TITLE 6 PRIMARY AND SECONDARY EDUCATION
CHAPTER 12 PUBLIC SCHOOL ADMINISTRATION – HEALTH AND SAFETY
PART 12 ARMED PUBLIC SCHOOL SECURITY PERSONNEL

6.12.12.1 ISSUING AGENCY: Public Education Department, hereinafter the department.
[6.12.12.1 NMAC – N, 7/28/2020]

6.12.12.2 SCOPE: This rule applies to school districts, local school boards, state-chartered charter schools, and governing bodies of charter schools.
[6.12.12.2 NMAC – N, 7/28/2020]

6.12.12.3 STATUTORY AUTHORITY: This rule is promulgated pursuant to Sections 9-24-8, 22-2-1, 22-2-2, 22-5-18, 22-10A-5, 22-10A-40, 22-10A-41, and 28-2-4 NMSA 1978.
[6.12.12.3 NMAC – N, 7/28/2020]

6.12.12.4 DURATION: Permanent.
[6.12.12.4 NMAC – N, 7/28/2020]

6.12.12.5 EFFECTIVE DATE: July 28, 2020, unless a later date is cited at the end of a section.
[6.12.12.5 NMAC – N, 7/28/2020]

6.12.12.6 OBJECTIVE: The objective of this rule is to provide parameters for a local school board or governing body of a charter school to authorize formerly certified and commissioned law enforcement officers employed by a school district or charter school as school security personnel to carry a firearm on school premises or other school property to mitigate loss of life during an emergency and until local law enforcement arrives.
[6.12.12.6 NMAC – N, 7/28/2020]

6.12.12.7 DEFINITIONS:

A. “Firearm” means a handgun, as recommended by the department of public safety and authorized by the public school insurance authority, adopted for use by a local law enforcement agency in the jurisdiction within which a school district or charter school is located.

B. “School premises” means:
(1) the building and grounds, including playgrounds, playing fields, and parking areas, and any school bus or vehicle of a public school, whether owned or under contract by the school district or charter school, in or on which school or school-related activities are being conducted under the supervision of the local school board or governing body of a charter school; or
(2) any other public buildings or grounds, including playing fields and parking areas that are not public school property, in or on which school-related and school-sanctioned activities are being performed.

C. “School security personnel” means formerly certified and commissioned law enforcement officers employed by a school district or governing body of a charter school and authorized by department rules and local school board or governing body policy to carry a firearm on school premises.
[6.12.12.7 NMAC – N, 7/28/2020]

6.12.12.8 PROHIBITION OF EMPLOYMENT AS SCHOOL SECURITY PERSONNEL: Persons prohibited from employment as school security personnel include the following:

A. an individual who has been convicted of a felony or a misdemeanor involving moral turpitude and the criminal conviction relates to the employment as school security personnel;

B. an individual who has been convicted of trafficking in controlled substances, criminal sexual penetration or a related sexual offense, child abuse, or sexual exploitation of children;

C. an individual who has been subject to an employment investigation under Subsection H of Section 22-10A-5 NMSA 1978 that resulted in a finding of ethical misconduct, including:

(1) inappropriate touching;

- (2) sexual harassment;
- (3) sexual assault;
- (4) sexual abuse;
- (5) discrimination; or
- (6) behavior intended to induce a child into engaging in illegal, immoral, or other prohibited

behavior.

D. an individual who has been convicted of battery on a household member or dependent, criminal damage to property of a household member or dependent, or stalking;

E. an individual who has been convicted of the negligent or illegal use of a firearm; or

F. an individual who has received formal discipline for the use of excessive force.

[6.12.12.8 NMAC – N, 7/28/2020]

6.12.12.9 EMPLOYMENT REQUIREMENTS OF SCHOOL SECURITY PERSONNEL: Each local school board and governing body of a charter school shall establish policies and procedures addressing pre-employment and continuing employment requirements for school security personnel. Policies and procedures shall include the following:

A. requirement of proof that the former law enforcement officer was certified and commissioned for no less than three years and left law enforcement in good standing;

B. successful completion of a 16-hour program of training, approved by the department in collaboration with the New Mexico public school insurance authority, for working with students with special needs, prior to employment as school security personnel;

C. successful completion of a four-hour program of training, approved by the department in collaboration with the New Mexico public school insurance authority, on cultural competency and prohibited profiling practices, prior to employment as school security personnel; and

D. proof of current firearms training and successful firearms qualification provided by a certified use-of-force instructor through a local law enforcement agency, or through a New Mexico law enforcement academy certified firearms instructor approved by a local law enforcement agency in the jurisdiction in which the school district or charter school is located. Firearms training shall include the following:

(1) an initial use-of-force training program of eight hours, prior to employment as school security personnel, including the following topics:

- (a) resistance;
- (b) confrontational dynamics;
- (c) deadly force (when it is justifiable);
- (d) communication;
- (e) self-control, fear, and anger management in the use of force;
- (f) consequences of unreasonable force;
- (g) vicarious liability;
- (h) legality of use of force in school setting by school security personnel;
- (i) documenting use of force;
- (j) search and seizure; and
- (k) other topics as recommended by the local law enforcement agency, school

district, or charter school;

(2) an initial firearms training program of 16 hours prior to employment as school security personnel;

(3) prior to employment as school security personnel and annually thereafter, a qualification shoot requiring qualifying scores that meet or exceed the New Mexico law enforcement academy standard scores in daytime qualification shoot and night or low light qualification shoot; and

(4) an annual firearms manipulation training program of four hours.

E. a background check indicating the individual has not been convicted of a crime or engaged in behavior that violates prohibitions against ethical misconduct pursuant to the New Mexico School Personnel Act, Section 22-10A-5 NMSA 1978, as ethical misconduct; or Subsection A of 6.12.12.8 NMAC; and

F. any other conditions required by law, department rule, or school district or charter school policy.

[6.12.12.9 NMAC – N, 7/28/2020]

6.12.12.10 LIMITING SCOPE OF WORK OF ARMED SCHOOL SECURITY PERSONNEL: Each school board or governing body of a charter school shall adopt policies and procedures prohibiting armed school security personnel from performing any other job in the school district or charter school, by title or duty, other than school security, while carrying a firearm. School security personnel do not have the power of arrest or detention as do school resource officers and law enforcement agents.

[6.12.12.10 NMAC – N, 7/28/2020]

6.12.12.11 ADDITIONAL SCHOOL SECURITY PERSONNEL REQUIREMENTS:

A. Prior to school security personnel being permitted to carry firearms as authorized by department rule and local school board or governing body policy, school security personnel shall successfully pass a physical and psychological evaluation to determine suitability to carry a firearm.

- (1) The physical examination shall:
 - (a) be conducted and signed by a licensed medical doctor;
 - (b) be completed on the department-approved form; and
 - (c) indicate the individual is fit for duty.
- (2) The psychological evaluation shall:
 - (a) be conducted and signed by a licensed psychologist;
 - (b) be completed on the department-approved form; and
 - (c) indicate the individual is fit for duty.

B. The school district or charter school shall bear the cost of the physical and psychological evaluations for current and potential school security personnel.

[6.12.12.11 NMAC – N, 7/28/2020]

6.12.12.12 SCHOOL SECURITY PERSONNEL CONSTRUCTION: Nothing in this rule shall be construed as:

A. Allowing armed school security personnel to carry firearms on school premises if doing so would be a violation of state or federal law; or

B. Applying to school resource officers.

[6.12.12.12 NMAC – N, 7/28/2020]

HISTORY OF 6.12.12 NMAC: [RESERVED]