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**LEGISLATIVE EDUCATION STUDY COMMITTEE**  
**BILL ANALYSIS**  
**54th Legislature, 2nd Session, 2020**

<b>Bill Number</b>	<u>HB184/HJCS/aHAFC</u>	<b>Sponsor</b>	<u>HJC</u>
<b>Tracking Number</b>	<u>.217044.3</u>	<b>Committee Referrals</b>	<u>HJC/HAFC;SEC</u>
<b>Short Title</b>	<u>Law Enforcement Officers at Schools</u>		
<b>Analyst</b>	<u>Alexander</u>	<b>Original Date</b>	<u>1/28/2020</u>
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**BILL SUMMARY**

Synopsis of HAFC Amendment

The House Appropriations and Finance Committee Amendment to the House Judiciary Committee Substitute for House Bill 184 (HB184/HJCS/aHAFC) sets July 1, 2022 as the effective date of the provisions outlined in the act, and shifts the onset of implementation from the 2021-2022 school year to the 2022-2023 school year.

Synopsis of Original Bill

HB184/HJCS would set the following requirements for law enforcement officers in public schools:

- Require certified law enforcement officers seeking employment as School Resource Officers (SROs) be specifically trained for these positions;
- Allow school district police departments employing full-time SROs to receive funding from the law enforcement protection fund;
- Change the amounts distributed from the law enforcement protection fund; and
- Provide distributions from the law enforcement protection fund to the Department of Public Safety (DPS) to offset costs incurred due to special deployments.

HB184/HJCS would require certified law enforcement officers to complete training within 12 months of being assigned as SROs. The training must be approved by the New Mexico Law Enforcement Academy in consultation with the Public Education Department (PED), and outline the following:

- Law enforcement within a school environment, understanding the adolescent brain, crisis management, and de-escalation techniques;
- Tools to be a positive role model, such as informal mentoring and counseling;
- The responsibility of an SRO to school personnel, students, and families;
- Strategies for facilitating referrals and mitigating truancy;
- Tools, such as classroom management, to provide law-related education to students;

- Content on adolescent development, mental health disorders, and treatment; and
- Identification and response to students with mental and behavioral health needs.

## **FISCAL IMPACT**

HB184/HJCS/aHAFC updates distributions from the law enforcement protection fund, such that annually school district police departments shall be entitled to a distribution of \$45,000. A school district police department is defined as a department of “commissioned law enforcement officers who are charged with preventing, investigating and solving crimes on school district property.” DPS identified two school district police departments in the state, operating in Albuquerque Public Schools (APS) and Los Lunas Public Schools.

HB184/HJCS/aHAFC states school district police departments shall be entitled to \$1,000 for each full-time certified police officer or sheriff’s deputy, and school district police departments that assign officers as SROs shall be entitled to \$1,000 for each SRO’s training. The Department of Finance and Administration (DFA) and PED report approximately 60 officers employed at APS and 17 officers at Los Lunas, suggesting a distribution of \$77,000 based on the per-officer entitlement and a distribution of \$77,000 based on the per-training entitlement, for a total of \$154 thousand. PED noted that additional school districts may be incentivized to create police departments, thus becoming eligible for distributions from the fund in upcoming fiscal years.

The bill also changes funding amounts for municipal, sheriff, university, and tribal police departments. Notably, university police departments shall be entitled to a distribution of \$45,000, identical to the distribution to school district police departments.

The House Appropriations and Finance Committee Substitute for House Bills 2 and 3 includes \$15.1 million for the law enforcement protection fund in FY21. If the balance in the fund is insufficient to permit the allocations outlined in HB184/HJCS/aHAFC, the Local Government Division of DFA may reduce the allocations. If the balance in the fund is sufficient to permit the allocations, HB184/HJCS/aHAFC adds that DPS shall be entitled to a distribution of up to \$2 million.

## **SUBSTANTIVE ISSUES**

School security continues to be a concern in New Mexico. On December 7, 2017, a 21-year-old entered Aztec High School disguised as a student, and shot and killed Casey Jordan-Marquez and Francisco “Paco” Fernandez. Following this incident, the Legislature approved additional school security funding in 2018 and began a discussion of the issues of school violence and security that continued throughout the 2018 and 2019 interims. Despite these initial measures, on February 14, 2019, a student fired a gun inside Cleveland High School in Rio Rancho, though no one was injured. These incidents are reminiscent of school shootings happening nationwide. A 2019 NBC analysis of news and law enforcement reports found that 42 school shootings have occurred throughout the country since 2013, killing or injuring 172 people.

**Best Practices for School-Based Law Enforcement Officers.** Research suggests that school-based law enforcement is most successful when held to best practices. The non-partisan WestEd Justice & Prevention Research Center conducted an extensive review of research on the impact of law enforcement officers in school settings. Their 2018 report highlights studies linking the presence of a law enforcement officer to reduced crime and improved learning outcomes when SROs were carefully selected and trained to work in school environments. However, some research

has linked the presence of SROs to increased rates of exclusionary discipline, such as out-of-school suspension and expulsion, and increased rates of criminalization among youth of color. Notably, the report found no conclusive evidence that the presence of school-based law enforcement has a positive impact of students' perceptions of safety at school.

HB184/HJCS/aHAFC contains provisions for training SROs in alignment with reported best practices. SROs will be required to study school environments, identification and response to students with behavioral and mental health challenges, and strategies for crisis management and de-escalation. The Federal Bureau of Investigation (FBI) states violence at schools is rarely unpredictable or spontaneous if information is collected and used appropriately, and has recommended that school-based law enforcement conduct threat assessments, practice efficient intelligence gathering, collaborate with school administrators, develop clear emergency plans, and proactively determine procedures for working with outside agencies like Child Protective Services.

### **ADMINISTRATIVE IMPLICATIONS**

Annually on or before April 15, DFA would be required to assess the relative needs as requested by school districts and DPS to determine distributions from the law enforcement protection fund. No later than May 1 of each year, DFA would be required to provide written notification to DPS and school district police of the determined distribution. Appeals may be filed no later than May 15, and results of the appeal must be decided by the secretary of DFA no later than June 30.

The required training for certified law enforcement officers assigned as SROs would be provided or approved by the New Mexico law enforcement academy in consultation with PED. SROs would be required to complete this training within 12 months; SROs serving prior to the 2022-2023 school year will be required to complete the training no later than July 1, 2023. The bill does not state consequences for SROs who fail to complete training within this timeframe.

### **RELATED BILLS**

Duplicates Senate Education Committee Substitute for Senate Bill 202 (SB202/SECS), School Law Enforcement Training.

Relates to SB34, COLA Increases to Retired Law Enforcement, which would allow cost-of-living adjustment increases to retired law enforcement officers hired as school security personnel.

### **SOURCES OF INFORMATION**

- LESC Files
- Department of Public Safety (DPS)
- Public Education Department (PED)

**CA/tb/mc/sgs**