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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
57th Legislature, 1st Session, 2025

Bill Number	<u>SB256</u>	Sponsor	<u>Thornton/Paul</u>
Tracking Number	<u>.228751.2</u>	Committee Referrals	<u>SEC/SJC</u>
Short Title	<u>School Teachers On-Site Protection Act</u>		
Analyst	<u>Hicks</u>	Original Date	<u>2/13/2025</u>
		Last Updated	<u></u>

BILL SUMMARY

Synopsis of Bill

Senate Bill 256 (SB256) would create and amend several sections of state law to allow school employees to carry handguns. The bill would direct the Department of Public Safety (DPS) to conduct (or designate an approved provider for) school employee firearm training, create licensing procedures and associated fees for school employees to carry handguns, and designate authorized armed school personnel as an exception to the unlawful carrying of a deadly weapon on school premises.

SB256 would require school employees in school districts, charter schools, and private schools to complete 40 hours of DPS-approved training and pass a psychological examination to receive certification to carry a concealed firearm on school premises.

Under SB256, a school superintendent or charter school head administrator may appoint one or more school employees to carry handguns on each campus in their jurisdiction. SB256 also outlines reporting requirements for DPS to the DPS secretary, school officials, and local law enforcement. Identifying information of authorized armed school employees would be exempt from the Inspect Public Records Act.

FISCAL IMPACT

SB256 does not contain an appropriation.

SB256 would likely have fiscal implications for DPS and public schools given expected costs associated with the development and offering of firearm training for school employees. DPS anticipates significant fiscal implications for the agency should SB256 become law.

The presence of firearms on school campuses would likely introduce new insurance liabilities for public schools. As a result, the New Mexico Public Schools Insurance Authority (NMPSIA) and New Mexico public schools could see increased insurance costs; the exact impact to school budgets is indeterminate.

Both the LESC and Legislative Finance Committee (LFC) FY26 recommendations for public school support include a proposed \$50 million capital outlay appropriation for school safety. See the **Substantive Issues** section of this analysis for more detail on school safety funding appropriated to date.

SUBSTANTIVE ISSUES

School Safety in New Mexico. School safety encompasses a broad range of topics, including school discipline, security personnel and equipment, mental wellness and behavioral health, culturally and linguistically responsive education, and more. According to the [National Center for School Safety \(NC2S\)](#), based at the University of Michigan’s Institute of Firearm Injury Prevention and School of Public Health, an impactful school safety strategy is multi-disciplinary, evidence-based, and includes a combination of measures focused on prevention, response (physical security measures fall primarily under this category), and recovery. NC2S notes prevention strategies such as social emotional learning, anti-bullying programs, threat assessment and screening, restorative practices, and trauma-informed responses have the strongest evidence base. In the 2024 interim, LESC studied school safety trends and best practices with briefs published in [June](#) and [November](#).

New Mexico Statute. SB256 would amend existing law to allow licensed and appointed school employees to carry handguns on school property. Section 30-7-2.1 NMSA 1978 defines the unlawful carrying of a firearm on school premises, with current exemptions for peace officers, school security personnel, and a student, instructor, or other school-authorized personnel participating in reserve officer training corps or hunter safety training programs.

Body of Evidence. The effectiveness of allowing school employees, particularly teachers, to carry firearms is unclear. National education [reporting](#), however, indicates school safety experts typically caution against recommending arming teachers and school staff. National School Safety and Security Services, a school safety consulting firm, [reports](#) arming school employees can cause liability issues and implementation challenges.

In 2018, the National Association of School Resource Officers (NASRO), an organization focused on training and supporting school resource officers, [expressed](#) opposition to arming teachers and other school employees. NASRO cited concerns about limited training, the possibility of an armed school employee being mistaken for an assailant, and the risks of discharging a firearm in a crowded school setting.

Teacher and School Security Personnel Perspectives. According to a [2022 school safety survey](#) of kindergarten through 12th grade (K-12) teachers conducted by the RAND Corporation, a nonpartisan, nonprofit research organization, indicated 54 percent of respondents believed arming teachers would make their school less safe, compared with 20 percent of respondents who believed it would make their school safer.

National Context. Under the federal Gun Free-School Zones Act of 1990 and the Gun-Free Schools Act of 1994, possession of a loaded or unsecured firearm by an unauthorized individual is prohibited on the premises of public, private, and parochial schools. However, these laws provide exemptions for law enforcement and concealed carry permit holders, as well as allowing for individuals to keep firearms secured in locked containers or racks on a vehicle on school grounds. States and localities are also empowered to exempt individuals from the overarching

prohibition with the creation of specific licenses. The [National Conference of State Legislatures](#) reports that as of 2023:

“At least nine states—Idaho, Florida, Kansas, Missouri, Oklahoma, South Dakota, Tennessee, Texas and Wyoming—specifically list school employees as exempt from their ban on firearms on school grounds. All of these states require a school employee to first get approval from a school authority such as the school board or superintendent. Seven states—Idaho, Kansas, Missouri, Oklahoma, Tennessee, Texas and Wyoming—also require school employees to be licensed to carry a firearm. In addition, seven states—Florida, Missouri, Oklahoma, Tennessee, Texas, South Dakota and Wyoming—also require school employees to complete training programs, typically provided by a local law enforcement agency.”

In 2013, Texas established a school marshal program to allow educators who complete an 80-hour training to volunteer as armed protectors for their school campus. According to [2022 data](#) cited by the Texas Tribune, just 361 of the more than 369,000 public school teachers in the state had opted to undergo the required training to become licensed school marshals. In [Georgia](#) in 2023, where local districts have the discretion to allow school employees to carry firearms, only three of the state’s 180 school districts had adopted an armed school employee policy.

School Safety Investments and Funding to Date. The state has made significant investments in school safety through several sources. NMPSIA contracts with Poms & Associates Insurance Brokers to provide schools with on-the-ground technical assistance and training for active shooter situations and restorative practices. Additionally, NMPSIA covers the cost for schools to use the [STOPit](#) anonymous reporting software. The state also provided \$5.6 million in funding between FY21 and FY25 for schools to implement the RAVE panic button system, a software allowing school staff to quickly contact emergency services for a variety of safety incidents including fires, medical emergencies, and active assailants, among others. This software can also be used for immediate internal communication between staff to manage incidents. In FY25, the Legislature appropriated \$35 million from the public school capital outlay fund to help schools purchase physical security measures and technology.

ADMINISTRATIVE IMPLICATIONS

Under SB256, DPS would be required to establish a school employee firearm training program, create licensure requirements, fees, and procedures for designating armed school employees, and develop a psychological evaluation to determine a person’s fitness to carry a handgun on school premises. According to DPS, the state’s Law Enforcement Academy would need to update its curriculum for sworn law enforcement officers to prepare for school-based scenarios involving armed school employees. DPS’ concealed carry unit would also need to modify its existing database to keep a record of armed school employees, among other administrative implications.

School districts and charter schools would also need to devise administrative processes for the appointment of school employees to carry handguns and relevant safety procedures.

OTHER SIGNIFICANT ISSUES

Possible Conflicts with Existing State Statute. SB256 would authorize a superintendent or charter school head administrator to appoint school employees to carry handguns on campus. According to PED, this provision could conflict with Section [22-5-18](#) NMSA 1978 and Section [22-8B-5.4](#) NMSA 1978, which grant the authority to approve the arming of school security

personnel solely to local school boards and charter school governing bodies, rather than superintendents and administrators.

RELATED BILLS

Related to SB136, which would create the firearm detection software fund for K-12 schools and provide grants to districts and charter schools for purchasing eligible software.

SOURCES OF INFORMATION

- LESC Files
- Department of Public Safety (DPS)
- New Mexico Public Schools Insurance Authority (NMPSIA)
- Department of Health (DOH)
- Public Education Department (PED)

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