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FISCAL IMPACT REPORT

ORIGINAL DATE 02/05/14

SPONSOR Neville LAST UPDATED _____ HB _____

SHORT TITLE School District Police Forces SB 264

ANALYST Armstrong

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY14	FY15		
	TBD		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Public Education Department (PED)
 Department of Public Safety (DPS)
 Children, Youth and Families Department (CYFD)
 Public Defender Department (PDD)

SUMMARY

Synopsis of Bill

Senate Bill 264 allows school districts to establish a police force with jurisdiction within the boundaries of the district. Those that elect to do so must adopt policies and rules including: defining acts that pose a significant threat to school safety; providing a procedure for handling the variety of infractions; and establishing employment qualifications for officers. The bill tasks school districts with collecting and reporting statistics related to the police force's activities to PED annually. Finally, SB 264 requires that a school district electing to establish a police force shall provide a report to the appropriate interim legislative committees within one year of doing so, and thereafter as requested by the committee chairs. The bill sunsets on July 1, 2019.

FISCAL IMPLICATIONS

SB 264 does not include an appropriation, however, school districts electing to establish a police would incur significant costs associated with maintaining and training the force. Such costs would vary by the district's size and needs. DPS estimates that a district can expect a cost of at least \$100 thousand per officer for salary, benefits, and equipment. These costs are in addition to

operational costs incurred in vehicle fuel, maintenance, and officer advanced training required for ongoing certification.

In response to a duplicate bill introduced in the 2013 legislative session (Senate Bill 306), Albuquerque Public Schools obtained a legal opinion stating that a school district that currently has a police presence in schools would not incur any additional liability if it established its own police force. However, according to the NM Public School Insurance Authority, a school district that creates its own police force that previously did not have a police presence would experience insurance rate premium increases estimated between \$250 thousand and \$400 thousand.

According to DPS analysis, assuming the state's Law Enforcement Academy trained 55 new cadets to meet the requirements for new officers for school district police forces, SB 264 would cost the department at least \$250 thousand. However, DPS notes that another option potentially exists. If school district police officers are employed under the Education Retirement rather than the Public Employees Retirement Act, then retired police officers could return to work for school district police forces without fear of losing their pensions. Given the current extreme shortfall of candidates for NM law enforcement officer positions, if the school district police officers are covered under the PERA, it is unlikely that the demand for officers could be filled.

Funding for a school police force would come from State Equalization Guarantee distribution to the school district.

SIGNIFICANT ISSUES

Currently, a school district may enter into an agreement with local, county, or state police, or a private entity for the assignment of a resource officer on a school campus. However, an established police force within the boundaries of a school district does not currently exist.

For example, APS Police officers are commissioned by the Bernalillo County Sheriff's Department and the officers must follow the sheriff department's standard operating procedures, which are not tailored for work with children or adolescents.

According to PED analysis, national studies show that the presence of campus police or school resource officers often result in a greater number of suspensions as well as a disproportionate number of arrests and referrals to juvenile justice systems for African American and Latino students. Moreover, schools have experienced increased violent confrontations by police or resource officers in some schools. Although school boards can dictate the types of possible infractions, in many cases what would previously have been handled by school officials have been handled by police officers, resulting in more escalated consequences including the issuance of citations, school suspensions, and arrests.

SB 264 requires school districts to submit certain data to PED. Currently, PED tracks disciplinary infractions through its Student Teacher Accountability Report System (STARS). STARS includes multiple infraction codes and descriptions as part of the required Consolidated State Performance Report (safe schools reporting) to the U.S. Department of Education. Modification of STARS may be necessary in order to include all possible infractions. STARS response codes may require changes to allow districts to report those infractions that were referred to CYFD, as required by SB 264, to PED.

ADMINISTRATIVE IMPLICATIONS

PED would need to communicate the new reporting requirements to districts and amend NMAC 6.11.2 (Rights and Responsibilities of the Public Schools and Public School Students) to comply with SB 264. PED would also need to communicate changes to existing rule to all public schools, charter schools and state supported educational institutions. This could be done with existing administrative resources.

TECHNICAL ISSUES

SB 264 grants school district police officers the same powers of peace officers when operating within the district’s “exterior boundaries.” According to DPS analysis, this term tends to confuse the area of jurisdiction.

JA/svb