

LFC Requester:	Sunny Liu
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**AGENCY BILL ANALYSIS
2018 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply: Date 01/29/18
Original Amendment _____ Bill No: SB124
Correction Substitute _____

Sponsor: Senator George K. Munoz Agency Code: 924
Short PUBLIC SCHOOL SECURITY Person Writing Jane Henzerling
Title: MEASURES Phone: _____ Email Jane.henzerling@state.nm.us

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY18	FY19		
	\$60,000.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY18	FY19	FY20		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY18	FY19	FY20	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		\$65.0	\$65.0	\$130.0	Recurring	PED Operating Accounts

(Parenthesis () Indicate Expenditure Decreases)

Relates to: HB-130

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

Senate Bill 124 (SB-124) appropriates sixty million dollars (\$60,000,000) from the General Fund to the New Mexico Public Education Department (PED) for school safety and security expenditures. Specifically

- \$15,000,000 - to train school personnel on how to respond to an armed threat or attack on school premises;
- \$15,000,000 to contract or employ appropriately trained personnel to provide security on school premises;
- \$15,000,000 to purchase, install and maintain security cameras on school premises; and,
- \$15,000,000 to install and maintain metal detectors on school premises.

FISCAL IMPLICATIONS

The appropriation contained in SB-124 is a non-reverting expense to the general fund. Balances remaining at the end of any fiscal year do not revert but remain available for expenditure until depleted.

The Governor’s FY19 Budget Recommendations include \$6 million in public school capital outlay funds, 5% of the total distribution, to invest in needed security systems in our public schools. \$30 million of the appropriation set-aside for security cameras and metal detectors can be considered as capital expenses and could be better included in the “systems” set-aside in the Public School Capital Outlay Act. This would reduce pressure on the general fund and allow school districts and charter schools to include these measures in their facility master plans to ensure that they are integrated into existing systems.

It is important to note that one of the initiatives to be considered under the provisions of this bill is the contract or employ appropriately trained personnel to provide security on school premises. These are recurring obligations to school districts and charter schools that would have to be picked up in the operating budget when these funds are depleted. Consideration should be given as to how this can be accomplished at that time.

Funding received from this appropriation may have an impact on school districts and charter schools requesting and receiving funds from the Public School Capital Outlay Council Standards-Based construction program. Offsets are required for legislative grants under this

program and it is unclear if these amounts would be considered for offset. This is an issue that should be considered if the legislation advances.

SIGNIFICANT ISSUES

Families and communities expect schools to keep children safe from threats and hazards during the school day, on school grounds and to/from/at off-site school activities. With “active shooter” events alone now totaling more than 20 per year in the United States, and approximately 25% of those happening in our schools, schools need better safety and security measures to keep students and staff safe. Effective countermeasures require funding for schools to help prevent, protect against, mitigate, respond to and recover from these types of incidents.

SB124 identifies \$15,000,000 for training for school personnel on how to respond to an armed threat or attack on school premises. Funding could support schools hiring outside professionals to train staff annually (or even bi-annually) on national best practices for active shooter response. Currently in New Mexico, the New Mexico State Police (NMSP) provides no-cost active shooter training for schools, as do many county sheriff’s departments and local police departments. All, however, are not necessarily training schools on the same curriculum, nor can these entities support the staff time to train each local education agencies (LEAs) in the state annually. Poms & Associates (the New Mexico Public Insurance Authority’s contracted risk manager) also provides no-cost active shooter training for LEAs in the state, but again, does not have the capacity to provide training to each LEA on an annual basis. National best practice for active shooter includes [“Run, Hide, Fight”](https://www.dhs.gov/active-shooter-preparedness) (website link: <https://www.dhs.gov/active-shooter-preparedness>) as recommended by both the U.S. Department of Homeland Security and the U.S. Department of Education. Existing entities in New Mexico promote best practices such as the Run, Hide, Fight model.

School Resource Officers (SROs) are licensed through the New Mexico Regulation and Licensing Department and are minimal in New Mexico. SROs are often paid for by the local law enforcement agency providing the officer with some school districts electing to use their district budgets to support the hiring of an SRO. Security personnel are not only an effective deterrent to crime at schools, but are also positioned on-site to respond immediately if an incident occurs.

SB124 provides \$15,000,000 for school security cameras. Schools currently without a camera system or with inadequate camera systems would be able to purchase, install and maintain needed security. Because each school is different, camera system specifications would vary from school to school. Some schools may require cameras for front door access to accompany entry systems, while others may need cameras for outlying areas such as parking lots, sports fields, or mobile classrooms. Camera systems also require staff to monitor cameras, which means that monitoring is a consideration that schools will have to address if purchasing a camera system for their sites. The last time that the legislature provided funding for security cameras in schools was in 2007 for the 2007-2008 school year where schools were selected for funding through a request for information process.

SB124 provides \$15,000,000 for metal detectors for schools. LEAs may purchase metal detectors as part of their overall security strategy. Many schools have experimented with metal detectors over the past two decades, some with success. Using metal detectors at the main entrances of schools generally serves to reduce the risk of students, staff or any other visitors entering the premises with a gun, knife, bomb or other dangerous metallic object. Metal detectors may either be handheld or stationary and may require people either to walk through the

detectors or to submit themselves to a search before being allowed to enter the school. Metal detectors must be used as part of an overall physical security strategy, that: (1) funnels all school building access to the doors with the detectors, closing off other entrances so that there is only one way in or out; (2) has trained personnel assigned to monitor the detectors at all times; and (3) requires extra time for the inevitable searches that will result in positive hits from the detectors.

PERFORMANCE IMPLICATIONS

SB124 may support the PED's strategic lever by ensuring that students are ready for success by providing a safe and healthy learning environment.

ADMINISTRATIVE IMPLICATIONS

SB124 would require the PED to develop an application process and criteria from which districts and state-chartered charter schools could request funding for school safety and security measures as categorized within SB124. This may require the development and implementation of multiple requests for applications focusing on different school safety and security measures. School districts and state-chartered charter schools would also need to develop a request for proposal, following state procurement guidelines, for services exceeding \$60,000.00 within the district (e.g., the employment of trained personnel to provide security on school premises).

The PED would also need to review budget adjustment requests and provide fiscal oversight for potentially 89 school districts and 54 state-chartered charter schools through the request for reimbursement process.

The PED would also need to provide programmatic oversight as to the quality and effectiveness of trainings provided by the school districts on how to respond to an armed threat or attack on school premises. The PED would need to ensure that any training aligns with the PED's *Planning for Safe Schools in New Mexico Guidance Document* and with best practices prescribed by both the New Mexico Department of Homeland Security and Emergency Management and as detailed in the National Response Framework (NRF) *Guide for Developing High-Quality School Emergency Operation Plans*. This would require significant staff time for both programmatic and fiscal oversight that can't easily be quantified.

While SB124 allocates \$60,000,000 from the General Fund to the PED for enhanced school safety and security measures, as described in the Bill Synopsis, it does not provide for additional PED staff members who may be required to: (1) assess training programs and evaluate technologies being purchased with these funds, and (2) monitor and administer the funds to the local educational agencies (LEA).

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None as of 01/23/18.

TECHNICAL ISSUES

None as of 01/23/18.

OTHER SUBSTANTIVE ISSUES

The Governor's focus on Pre-K-12 Public School Support as noted in the Governor's Fiscal Year 2019 Executive Budget Recommendation, Page 2, reads "\$6 million in public school capital outlay (5% of the total distribution) to begin investing in needed security systems in our public schools."

ALTERNATIVES

None as of 01/23/18.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Schools will continue to follow the safe school provisions within NMAC 6.12.6, School District Wellness Policy, including the requirement of site-specific written protocol for an active shooter on a school campus and recommended protective action(s), utilizing existing state agency, district, and/or other state entity resources for security measures in public schools.

AMENDMENTS

None as of 01/23/18.