

Gun Free School Policies and Procedures

Purpose: *In compliance with sections 30-7-2.1 and 32A-2-33 NMSA (1978), Raíces has established this policy to commit to a gun free school and the safest possible environment for all students and employees. This policy aligns with the New Mexico statutes cited above and is intended to prevent the carrying of a deadly weapon onto school grounds and to promptly deal with a child in possession of a deadly weapon on school premises.*

Policy: In compliance with sections 30-7-2.1 and 32A-2-33 NMSA (1978), the carrying of a deadly weapon by anyone, including a child, on the school premises is strictly prohibited except by:

- 1) a peace officer;
- 2) school security personnel;
- 3) a student, instructor or other school-authorized personnel engaged in army, navy, marine corps or air force reserve officer training corps programs or state-authorized hunter safety training instruction;
- 4) a person conducting or participating in a school-approved program, class or other activity involving the carrying of a deadly weapon; or
- 5) a person older than nineteen years of age on school premises in a private automobile or other private means of conveyance, for lawful protection of the person's or another's person or property.

Whoever commits unlawful carrying of a deadly weapon on school premises is guilty of a fourth degree felony.

Definition of "school premises":

- 1) the buildings and grounds, including playgrounds, playing fields and parking areas and any school bus of any public elementary, secondary, junior high or high school in or on which school or school-related activities are being operated under the supervision of a local school board; or
- 2) any other public buildings or grounds, including playing fields and parking areas that are not public school property, in or on which public school-related and sanctioned activities are being performed.

Definition of "firearm"

As used in section 32A-2-33 NMSA, "firearm" means any weapon that will or is designed to or may readily be converted to expel a projectile by the action of an explosion; the frame or receiver of any such weapon; or any firearm muffler or firearm silencer. "Firearm" includes any handgun, rifle or shotgun.

Procedures:

1. If the Raíces principal has reasonable cause to believe that someone is on the school premises who is in possession of a deadly weapon, the principal will immediately inform teachers to go into lock down mode and notify 911 to bring police protection to the school.
2. If for any reason the principal is not readily available, the Director of Operations will carry out the tasks listed in step number 1.
3. Teachers and other employees at Raíces will be trained on how to respond to a situation where there is reasonable cause to believe that someone is on the school premises who is in possession of a deadly weapon. All employees will be required to participate in scheduled emergency drills on how to immediately get students into a lock down mode and then notify the school leadership, Principal or Director of Operations, of the danger if they are the first to become aware that someone is on the premises with a deadly weapon.

Procedures if a child is in possession of a deadly weapon on school premises:

1. If the school principal or a school employee has reasonable cause to believe that a child is in possession of or has been in possession of a firearm on school premises in violation of the policy described above, the principal or employee shall immediately report the child's actions to a law enforcement agency and the Children, Youth and Families Department.
2. Upon receipt of a report pursuant to the above policy, the law enforcement agency may conduct an investigation to determine if there is probable cause to believe that the child possessed a firearm on school premises.
3. If the law enforcement agency determines there is probable cause to believe that the child possessed a firearm on school premises, the law enforcement agency may take the child into custody and deliver the child to a detention facility licensed by the Children, Youth and Families Department (CYFD). After the child is delivered to such a facility, the department shall comply with the notification provisions set forth in Subsection C of Section 32A-2-10 NMSA 1978, which states that

“ If a child under the age of eleven poses a substantial risk of harm to the child's self or others, a peace officer may detain and transport that child for emergency mental health evaluation and care in accordance with Section 32A-6A-19 NMSA 1978” which states that

“a child may not be held for purposes of a mental health evaluation or care in a jail or facility intended for incarceration of adults charged with criminal offenses or for the detention of children alleged or adjudicated to be delinquent children.”

4. The child shall be detained in an appropriate evaluation facility, pending a detention hearing pursuant to the provisions of Section 32A-2-13 NMSA 1978, which states that

A (2) a petition for a court hearing is filed within 24 hours from the time the child is taken into custody, excluding Saturdays, Sundays and legal holidays, and

A (3) the detention hearing shall be held within 24 hours, excluding Saturdays, Sundays and legal holidays, from the time of filing the petition to determine whether continued detention is required pursuant to the criteria established by the Children's Code [32A-1- 1 NMSA 1978].