

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: *HB 325

51st Legislature, 2nd Session, 2014

Tracking Number: .196267.2

Short Title: School Security Systems

Sponsor(s): Representatives Sandra D. Jeff and Nora Espinoza and Others

Analyst: Ian Kleats

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Bill Summary:

HB 325 amends the *Public School Capital Outlay Act* to:

- require by school year 2014-2015 that school districts and charter schools establish and implement a school security system (see “Technical Issues,” below);
- establish a process for awarding funds for school security grants by the Public School Capital Outlay Council (PSCOC); and
- allocate up to \$3.0 million of the Public School Capital Outlay Fund (PSCOF) for expenditure in FY 15 through FY 17 for school districts and charter schools to establish and implement school systems.

Among its provisions, HB 325 requires that:

- the PSCOC to develop guidelines for grant awards for security systems in public schools and charter schools;
- a school district seeking a grant award for a security system to submit an application to the PSCOC, which includes an assessment of the school district’s or charter school’s current security systems;
- the Public School Facilities Authority (PSFA) to verify assessments and rank applications in accordance with a methodology approved by the PSCOC;
- the PSCOC to approve grant requests for security system projects on the established priority basis to the extent that money is available in the fund;
- no project shall be approved unless the PSCOC determines the school district is willing and able to pay its local share of the project costs;
- the state share of the cost of an approved security system project shall be calculated pursuant to Paragraph (5) of Subsection B of §22-24-5 [Public school capital outlay projects; application; grant assistance] NMSA 1978; and
- a security system grant shall be expended by the school district or charter school within two years of the grant allocation.

*HB 325 contains an emergency clause.

Fiscal Impact:

HB 325 does not contain an appropriation; instead, it requires the allocation of and provides guidelines for expending a portion of the PSCOF toward security systems (see “Technical Issues,” below).

Fiscal Issues:

Because of the amounts dedicated by HB 325 from the PSCOF for security systems, available funding for current programs under the *Public School Capital Outlay Act* would be decreased by a total of \$3.0 million across FY 15 through FY 17. According to the PSFA bill analysis, the redirection of these funds could reduce the amounts available for standards-based public school building projects by that amount.

According to data from the Public Education Department (PED) Capital Outlay Bureau, the statewide average state matching percentage for PSCOC grant awards was 46 percent over the last three years. Assuming a district share of 54 percent, this \$3.0 million allocation from the PSCOF could leverage a total investment in security systems of approximately \$6.5 million.

HB 325 requires that the state share of the cost of an approved security system project shall be calculated pursuant to Paragraph (5) of Subsection B of §22-24-5 [Public school capital outlay projects; application; grant assistance] NMSA 1978. This calculation would not allow for:

- reductions in the state share for direct legislative appropriations to school districts;
- increases in the state share if the PSCOC finds that the subject school district has been exemplary in implementing and maintaining a preventive maintenance program; or
- adjustments by PSCOC to the amount of local share otherwise required if the PSCOC determines that a school district has used all of its local resources.

Technical Issues:

The PSFA bill analysis notes that HB 325 does not include a definition for “security system.” PSFA suggests that, without a strict definition, “security system” could include alarms, cameras, card readers, doors, lighting, windows, fences, gates, card key access, designated access points, metal detectors, traffic barricades, scheduled roving guards, and many other security attributes.

To the extent that certain items included under an unrestricted definition of “security system” may be considered operational expenses, such as security personnel, it is unclear whether the provisions of HB 325 would allow the PSCOC to allocate bond revenue for operational purposes. The sponsor may wish to offer an amendment that defines “security system” to include only capital improvements or equipment.

The PED bill analysis notes that HB 325 requires school districts and charter schools to implement security systems by July 1, 2014. PED suggests that the Legislature may wish to consider removing this requirement to allow for local board decisions requiring security systems yet make the funding available to those districts that choose to access the funds.

The title of HB 325 contains the phrase, “making an appropriation.” However, HB 325 does not contain an appropriation; instead, it provides guidelines for expending a portion of the PSCOF. The sponsor may wish to amend the title to remove this reference to an appropriation.

Substantive Issues:

According to the PED, the department's Safe Schools Plans Guidance provides schools with a guidance document to assist in developing clear plans and procedures for schools, which can be found on the PED website. It is mandatory that every public school have Safe Schools Plans which include:

- Active Shooter Drills;
- lockdown plans;
- shelter-in-place procedures; and
- numerous other, comprehensive emergency response plans.

PED indicates that these procedures are practiced on a regular basis by every school in the state. All Safe Schools Plans require compliance and approval from the PED through a statewide review team of experts, and plans must be updated annually.

PED notes that, instead of relying solely on physical security, school security researchers suggest that schools should be paying more attention to listening to students, discouraging and discovering attacks while they're still in the planning stages. These practices focus attention on identifying pre-attack behaviors and communications.

After noting that the number of homicides per thousand committed by students at primary and secondary schools has steadily shrunk from 1993 to 2010, the PSFA bill analysis cites Stephen Brock of California State University, Sacramento, a leading expert on school violence and the author of several books on the subject, as saying "Not only are rates of school violence going steadily down, but it's clear that schools are the safest place for a student to be."

Citing the importance of security in schools, the PSFA analysis refers to the K-12 School Security Checklist published by the federal Department of Homeland Security published in April 2013. PSFA suggests that the Emergency Operations Plan portion of that report might be considered even more important than physical characteristics of the school facility.

PSFA notes that important parts of that report, which include two-way communication and alarming, have already been accomplished in public schools through the PSCOC Deficiencies Correction and Standards Based programs; each time a school is renovated or replaced through that process, security measures are enhanced.

However, PSFA suggests that the proposed level funding provided in HB 325 could further enhance communications systems, which in combination with statewide standard signalization and training could greatly enhance emergency communications and the safety of students and staff.

Committee Referrals:

HEC/HAFC

Related Bills:

*HB 260 *Education Technology Infrastructure Funding*

*SB 159aa *Education Technology Infrastructure Funding*