

HOUSE BILL 325

51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

INTRODUCED BY

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AN ACT

RELATING TO PUBLIC SCHOOL SAFETY; REQUIRING SCHOOL DISTRICTS
AND CHARTER SCHOOLS TO ESTABLISH AND IMPLEMENT A SCHOOL
SECURITY SYSTEM; ESTABLISHING A PROCESS FOR AWARDING FUNDS FOR
SCHOOL SECURITY GRANTS; MAKING AN APPROPRIATION; DECLARING AN
EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the Public School Capital
Outlay Act is enacted to read:

"[NEW MATERIAL] SCHOOL SECURITY PARENT IDENTIFICATION
SYSTEM.--By the beginning of the 2014-2015 school year, school
districts and charter schools shall establish and implement a
security system."

SECTION 2. A new section of the Public School Capital
Outlay Act is enacted to read:

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1 "[NEW MATERIAL] COUNCIL GRANTS FOR SECURITY SYSTEMS FOR
2 SCHOOL DISTRICTS AND CHARTER SCHOOLS.--

3 A. The council shall develop guidelines for grant
4 awards to fund a security system initiative in public schools
5 and charter schools.

6 B. A school district desiring a grant award
7 pursuant to this section shall submit an application to the
8 council. The application shall include an assessment of the
9 school district or charter school's current security systems in
10 place at the time of submission of the application.

11 C. The public school facilities authority shall
12 verify the assessment made by the school district or charter
13 school and rank the application with similar applications
14 pursuant to a methodology adopted by the council.

15 D. After a public hearing, and to the extent that
16 money is available in the fund for such purposes, the council
17 shall approve funding requests for security system projects on
18 the established priority basis; provided that no project shall
19 be approved unless the council determines that the school
20 district is willing and able to pay the portion of the total
21 cost of the project that is not funded with grant assistance
22 from the fund.

23 E. The state share of the cost of an approved
24 security system project shall be calculated pursuant to the
25 methodology in Paragraph (5) of Subsection B of Section 22-24-5

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1 NMSA 1978.

2 F. A grant made pursuant to this section shall be
3 expended by the school district or charter school within two
4 years of the grant allocation."

5 SECTION 3. Section 22-24-4 NMSA 1978 (being Laws 1975,
6 Chapter 235, Section 4, as amended) is amended to read:

7 "22-24-4. PUBLIC SCHOOL CAPITAL OUTLAY FUND CREATED--
8 USE.--

9 A. The "public school capital outlay fund" is
10 created. Balances remaining in the fund at the end of each
11 fiscal year shall not revert.

12 B. Except as provided in Subsections G and I
13 through ~~[E]~~ M of this section, money in the fund may be used
14 only for capital expenditures deemed necessary by the council
15 for an adequate educational program.

16 C. The council may authorize the purchase by the
17 public school facilities authority of portable classrooms to be
18 loaned to school districts to meet a temporary requirement.
19 Payment for these purchases shall be made from the fund. Title
20 to and custody of the portable classrooms shall rest in the
21 public school facilities authority. The council shall
22 authorize the lending of the portable classrooms to school
23 districts upon request and upon finding that sufficient need
24 exists. Application for use or return of state-owned portable
25 classroom buildings shall be submitted by school districts to

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1 the council. Expenses of maintenance of the portable
2 classrooms while in the custody of the public school facilities
3 authority shall be paid from the fund; expenses of maintenance
4 and insurance of the portable classrooms while in the custody
5 of a school district shall be the responsibility of the school
6 district. The council may authorize the permanent disposition
7 of the portable classrooms by the public school facilities
8 authority with prior approval of the state board of finance.

9 D. Applications for assistance from the fund shall
10 be made by school districts to the council in accordance with
11 requirements of the council. Except as provided in Subsection
12 ~~[K]~~ L of this section, the council shall require as a condition
13 of application that a school district have a current five-year
14 facilities plan, which shall include a current preventive
15 maintenance plan to which the school adheres for each public
16 school in the school district.

17 E. The council shall review all requests for
18 assistance from the fund and shall allocate funds only for
19 those capital outlay projects that meet the criteria of the
20 Public School Capital Outlay Act.

21 F. Money in the fund shall be disbursed by warrant
22 of the department of finance and administration on vouchers
23 signed by the secretary of finance and administration following
24 certification by the council that an application has been
25 approved or an expenditure has been ordered by a court pursuant

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1 to Section 22-24-5.4 NMSA 1978. At the discretion of the
2 council, money for a project shall be distributed as follows:

3 (1) up to ten percent of the portion of the
4 project cost funded with distributions from the fund or five
5 percent of the total project cost, whichever is greater, may be
6 paid to the school district before work commences with the
7 balance of the grant award made on a cost-reimbursement basis;
8 or

9 (2) the council may authorize payments
10 directly to the contractor.

11 G. Balances in the fund may be annually
12 appropriated for the core administrative functions of the
13 public school facilities authority pursuant to the Public
14 School Capital Outlay Act, and, in addition, balances in the
15 fund may be expended by the public school facilities authority,
16 upon approval of the council, for project management expenses;
17 provided that:

18 (1) the total annual expenditures from the
19 fund for the core administrative functions pursuant to this
20 subsection shall not exceed five percent of the average annual
21 grant assistance authorized from the fund during the three
22 previous fiscal years; and

23 (2) any unexpended or unencumbered balance
24 remaining at the end of a fiscal year from the expenditures
25 authorized in this subsection shall revert to the fund.

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1 H. Up to ten million dollars (\$10,000,000) of the
2 fund may be allocated annually by the council for expenditure
3 in fiscal years 2010 through 2015 for a roof repair and
4 replacement initiative with projects to be identified by the
5 council pursuant to Section 22-24-4.3 NMSA 1978; provided that
6 money allocated pursuant to this subsection shall be expended
7 within two years of the allocation.

8 I. A total of up to three million dollars
9 (\$3,000,000) of the fund may be allocated by the council for
10 expenditure in fiscal years 2015 through 2017 for school
11 districts and charter schools to establish and implement
12 security systems.

13 ~~[F.]~~ J. The fund may be expended annually by the
14 council for grants to school districts for the purpose of
15 making lease payments for classroom facilities, including
16 facilities leased by charter schools. The grants shall be made
17 upon application by the school districts and pursuant to rules
18 adopted by the council; provided that an application on behalf
19 of a charter school shall be made by the school district, but,
20 if the school district fails to make an application on behalf
21 of a charter school, the charter school may submit its own
22 application. The following criteria shall apply to the grants:

- 23 (1) the amount of a grant to a school district
- 24 shall not exceed:
- 25 (a) the actual annual lease payments

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1 owed for leasing classroom space for schools, including charter
2 schools, in the district; or

3 (b) seven hundred dollars (\$700)
4 multiplied by the number of MEM using the leased classroom
5 facilities; provided that in fiscal year 2009 and in each
6 subsequent fiscal year, this amount shall be adjusted by the
7 percentage change between the penultimate calendar year and the
8 immediately preceding calendar year of the consumer price index
9 for the United States, all items, as published by the United
10 States department of labor;

11 (2) a grant received for the lease payments of
12 a charter school may be used by that charter school as a state
13 match necessary to obtain federal grants pursuant to the
14 federal No Child Left Behind Act of 2001;

15 (3) at the end of each fiscal year, any
16 unexpended or unencumbered balance of the appropriation shall
17 revert to the fund;

18 (4) no grant shall be made for lease payments
19 due pursuant to a financing agreement under which the
20 facilities may be purchased for a price that is reduced
21 according to the lease payments made unless:

22 (a) the agreement has been approved
23 pursuant to the provisions of the Public School Lease Purchase
24 Act; and

25 (b) the facilities are leased by a

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1 charter school;

2 (5) if the lease payments are made pursuant to
3 a financing agreement under which the facilities may be
4 purchased for a price that is reduced according to the lease
5 payments made, neither a grant nor any provision of the Public
6 School Capital Outlay Act creates a legal obligation for the
7 school district or charter school to continue the lease from
8 year to year or to purchase the facilities nor does it create a
9 legal obligation for the state to make subsequent grants
10 pursuant to the provisions of this subsection; and

11 (6) as used in this subsection:

12 (a) "MEM" means: 1) the average
13 full-time-equivalent enrollment using leased classroom
14 facilities on the eightieth and one hundred twentieth days of
15 the prior school year; or 2) in the case of an approved charter
16 school that has not commenced classroom instruction, the
17 estimated full-time-equivalent enrollment that will use leased
18 classroom facilities in the first year of instruction, as shown
19 in the approved charter school application; provided that,
20 after the eightieth day of the school year, the MEM shall be
21 adjusted to reflect the full-time-equivalent enrollment on that
22 date; and

23 (b) "classroom facilities" or "classroom
24 space" includes the space needed, as determined by the minimum
25 required under the statewide adequacy standards, for the direct

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1 administration of school activities.

2 ~~[J-]~~ K. In addition to other authorized
3 expenditures from the fund, up to one percent of the average
4 grant assistance authorized from the fund during the three
5 previous fiscal years may be expended in each fiscal year by
6 the public school facilities authority to pay the state fire
7 marshal, the construction industries division of the regulation
8 and licensing department and local jurisdictions having
9 authority from the state to permit and inspect projects for
10 expenditures made to permit and inspect projects funded in
11 whole or in part under the Public School Capital Outlay Act.
12 The authority may enter into contracts with the state fire
13 marshal, the construction industries division or the
14 appropriate local authorities to carry out the provisions of
15 this subsection. Such a contract may provide for initial
16 estimated payments from the fund prior to the expenditures if
17 the contract also provides for additional payments from the
18 fund if the actual expenditures exceed the initial payments and
19 for repayments back to the fund if the initial payments exceed
20 the actual expenditures. Money distributed from the fund to
21 the state fire marshal or the construction industries division
22 pursuant to this subsection shall be used to supplement, rather
23 than supplant, appropriations to those entities.

24 ~~[K-]~~ L. Pursuant to guidelines established by the
25 council, allocations from the fund may be made to assist school

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1 districts in developing and updating five-year facilities plans
2 required by the Public School Capital Outlay Act; provided
3 that:

4 (1) no allocation shall be made unless the
5 council determines that the school district is willing and able
6 to pay the portion of the total cost of developing or updating
7 the plan that is not funded with the allocation from the fund.
8 Except as provided in Paragraph (2) of this subsection, the
9 portion of the total cost to be paid with the allocation from
10 the fund shall be determined pursuant to the methodology in
11 Paragraph (5) of Subsection B of Section 22-24-5 NMSA 1978; or

12 (2) the allocation from the fund may be used
13 to pay the total cost of developing or updating the plan if:

14 (a) the school district has fewer than
15 an average of six hundred full-time-equivalent students on the
16 eightieth and one hundred twentieth days of the prior school
17 year; or

18 (b) the school district meets all of the
19 following requirements: 1) the school district has fewer than
20 an average of one thousand full-time-equivalent students on the
21 eightieth and one hundred twentieth days of the prior school
22 year; 2) the school district has at least seventy percent of
23 its students eligible for free or reduced-fee lunch; 3) the
24 state share of the total cost, if calculated pursuant to the
25 methodology in Paragraph (5) of Subsection B of Section 22-24-5

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1 NMSA 1978, would be less than fifty percent; and 4) for all
2 educational purposes, the school district has a residential
3 property tax rate of at least seven dollars (\$7.00) on each one
4 thousand dollars (\$1,000) of taxable value, as measured by the
5 sum of all rates imposed by resolution of the local school
6 board plus rates set to pay interest and principal on
7 outstanding school district general obligation bonds.

8 ~~[E.]~~ M. Upon application by a school district,
9 allocations from the fund may be made by the council for the
10 purpose of demolishing abandoned school district facilities,
11 provided that:

12 (1) the costs of continuing to insure an
13 abandoned facility outweigh any potential benefit when and if a
14 new facility is needed by the school district;

15 (2) there is no practical use for the
16 abandoned facility without the expenditure of substantial
17 renovation costs; and

18 (3) the council may enter into an agreement
19 with the school district under which an amount equal to the
20 savings to the district in lower insurance premiums ~~[are]~~ is
21 used to reimburse the fund fully or partially for the
22 demolition costs allocated to the district."

23 SECTION 4. EMERGENCY.--It is necessary for the public
24 peace, health and safety that this act take effect immediately.

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