

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill No: SB 628

49th Legislature, 1st Session, 2009

Short Title: Schools for Blind & Deaf Deficiencies

Sponsor(s): Senator Cynthia Nava and Others

Analyst: Peter B. van Moorsel

Date: March 4, 2009 (revised)

Bill Summary:

SB 628 amends the *Public School Capital Outlay Act* to:

- delete the provision requiring that Public School Capital Outlay Council (PSCOC) allocations for construction projects at the New Mexico School for the Blind and Visually Impaired (NMSBVI), and the New Mexico School for the Deaf (NMSD), be contingent on appropriations for such projects;
- include the NMSBVI and the NMSD in the definition of “school district”; and
- add a temporary provision requiring the Public School Capital Outlay Oversight Task Force (PSCOOTF) during calendar year 2009, to:
 - study alternatives for determining the local match required from the NMSBVI and NMSD for a PSCOC grant award;
 - and report its findings and recommendations to the 2010 Legislature.

Revised Fiscal Impact:

SB 628 does not contain an appropriation.

In past fiscal years, the NMSBVI and NMSD have relied on direct appropriations for their capital needs, including:

- a total of \$10.2 million to the NMSBVI in school year 2006-2008; and
- a total of approximately \$15.7 million to the NMSD in school year 2006-2008.

Including the construction needs of the NMSBVI and the NMSD in the Public School Facilities Authority’s (PSFA) facility assessment database would increase the estimated cost of the total construction needs statewide which, according to the PSFA, currently totals an estimated \$3.6 billion.

The NMSBVI reports that, according to a recent facilities condition assessment, facility deficiencies and needs at the school exceed \$12.0 million, including:

- asbestos and lead abatement;
- deficient ramps and handrails;
- inefficient windows;

- leaking and outdated roofs;
- damaged exterior wall finish system;
- worn, outdated, and stained restroom finishes; and
- noncompliance with the requirements of the *Americans with Disabilities Act*.

NMSD reports that its facility deficiencies total \$9.6 million, including:

- deteriorated structural foundations;
- outdated mechanical, plumbing, and electrical systems;
- deteriorated building exteriors, including roofs; and
- noncompliance with the requirements of the *Americans with Disabilities Act*.

According to the PSFA, the current PSCOC financial plan for the use of the Public School Capital Outlay Fund (PSCOF) indicates that current revenues will only support previously awarded projects and may allow only a limited number of new projects under the standards-based capital outlay process. Barring new sources of funds to the PSCOF, construction dollars for new projects, including projects at the NMSBVI and the NMSD, are not projected to be available until FY 11 or FY 12.

Issues:

A 2006 amendment to the *Public School Capital Outlay Act* required the PSFA, in consultation with the Higher Education Department and the applicable board of regents, to verify the assessed outstanding health, safety, or infrastructure deficiencies at the NMSBVI and the NMSD and to develop a plan to correct the deficiencies. PSFA reports, however, that funding was not available to perform these assessments.

PSFA adds that, to perform these assessments, separate adequacy standards would need to be developed for these two institutions, due to the schools' unique educational needs and residential components.

Including the NMSBVI and NMSD in the definition of a school district would require the PSCOC to assist these schools with:

- identifying critical capital outlay needs;
- preparing grant applications; and
- developing and implementing preventive maintenance plans.

SB 628 would also require the NMSBVI and the NMSD to develop and implement a preventive maintenance plan and participate in the facility information management system pursuant to the schedule adopted by the PSCOC.

Related Bills:

*SB 378 *Public School Capital Outlay Amendments*
 HB 780 *School for the Blind Deficiency Corrections* (identical)