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FISCAL IMPACT REPORT

SPONSOR Munoz/Lane LAST UPDATED _____
ORIGINAL DATE 1/27/23
SHORT TITLE Statewide School Safety BILL NUMBER Senate Bill 95
ANALYST Liu

APPROPRIATION* (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY23	FY24		
	\$25,000.0	Nonrecurring	Public School Capital Outlay Fund

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent analysis of this legislation.

Duplicates SB131
Relates to SB95

Sources of Information

LFC Files
Legislative Education Study Committee (LESC) Files

Responses Received From
Public School Facilities Authority (PSFA)
Department of Public Safety (DPS)

No Response Received
Public Education Department (PED)

SUMMARY

Synopsis of Senate Bill 95

Senate Bill 95 appropriates \$25 million from the public school capital outlay fund to PED for the purpose of school safety statewide. This bill does not contain an effective date and, as a result, would go into effect June 16, 2023, (90 days after the Legislature adjourns) if signed into law.

FISCAL IMPLICATIONS

The appropriation of \$25 million contained in this bill is a nonrecurring expense to the public school capital outlay fund. Any unexpended or unencumbered balance remaining at the end of FY24 shall revert to the public school capital outlay fund.

Balances in the public school capital outlay fund have grown in recent years due to fewer applications from districts and growth in supplemental severance tax bond (SSTB) capacity—uncommitted balances currently hover around \$500 million. Statewide facility conditions have substantially improved, but many schools still need substantial repairs or replacement. Both short- and long-term factors are likely contributing to suppressed demand:

- Funding (phase 2) formula changes, student enrollment declines, and growth in legislative offsets may be discouraging participation;
- Labor shortages and inflation are driving up construction costs; engineering and construction firms are backlogged, making it difficult to move new money efficiently;
- Local districts are reluctant to leverage existing bonding capacity;
- Schools have more urgency to spend federal emergency relief and cash balances on capital projects, particularly for educational technology and air quality upgrades; and
- Local capacity to generate capital outlay revenue has shifted to plaintiff districts in the *Zuni* adequacy lawsuit.

SIGNIFICANT ISSUES

In 2018, the state authorized the Public School Capital Outlay Council (PSCOC) to fund security projects for New Mexico public schools. In 2019 and 2020 PSCOC implemented a security program to fund security improvements. School districts were required to apply for specific schools and projects. According to PSFA, the council awarded 350 projects totaling \$24.3 million.

PSFA notes the bill does not define “school safety” but appropriations from the public school capital outlay fund must be used for capital expenditures. The agency further notes the bill does not delineate how funding will be distributed to schools or whether PED will develop a grant application process for awards. PSFA notes previous efforts to oversee and administer the 350 small security projects was administratively burdensome.

The use of certain safety and security measures in public schools has become more prevalent over time. According to the National Center for Education Statistics, between FY10 and FY20 the percentage of public schools reporting the use of the following safety and security measures increased: controlling access to school buildings (from 92 percent to 97 percent), using security cameras (from 61 percent to 91 percent), and requiring faculty and staff to wear badges or picture IDs (from 63 percent to 77 percent). The percentage of public schools that reported requiring students to wear badges or picture IDs was also higher in FY20 than in FY10 (10 percent versus 7 percent), although there was no consistent pattern of change throughout the period. However, there were no measurable differences between FY10 and FY20 in the percentages of public schools that reported using random sweeps for contraband, requiring school uniforms, or using random metal detector checks on students.

Schools across the country are taking a variety of measures to improve safety including physical surveillance. However, few measures have been evaluated and determined effective. Weapons deterrence, the most commonly used physical surveillance strategy in schools, uses metal detectors, security cameras, or other security infrastructure to prevent students from bringing weapons to school. Research shows weapons deterrence prevents students from bringing guns to school but it cannot prevent all school shootings. Additionally, some schools are decreasing their use of weapons deterrence because of research showing that weapons deterrence may increase

physical safety but compromises the psychological well-being of students.

Improvements to a facility based on the replacement or addition of a security project may improve the facility's weighted New Mexico condition index (wNMCI). This index enables the comparison of all the public schools in the state to determine greatest need for funding the correction of school deficiencies. This list is used to identify and rank projects by greatest capital need. An improved wNMCI may affect eligibility for funding under the standards-based program or other funding programs which use the wNMCI as prioritization for awards. As such, school districts close to the eligibility threshold for standards- or systems-based awards may choose to forgo a security system project to ensure their building wNMCI score and rank make them eligible for the standards- or systems-based award.

ADMINISTRATIVE IMPLICATIONS

The appropriation in this bill must be expended or encumbered in FY24. PSFA notes school security projects awarded by PSCOC in 2019 and 2020 had a three-year limit for the expenditure of awarded funding. Many districts were unable to complete the security projects in three years. This was in part due to Covid-19 related delays in materials and labor and related challenges with prioritization at the district level. In an effort to ensure the security projects were completed as planned, PSCOC approved emergency awards for districts that requested additional time to complete high priority projects. Therefore, a one year limit might not be enough time for the districts to expend and encumber the funding.

According to a PSFA analysis in 2018, many security structures are included as part of new school building designs; however, emergency response stakeholders (e.g. law enforcement, emergency medical teams, fire response personnel, etc.) are not typically included in design discussions and security structures are not effectively incorporated. For example, law enforcement may need sufficient signage on separate buildings to identify incident locations, medical responders may need larger entry points for ambulances, and glass vestibules may not be an effective barrier for intruders.

DUPLICATION, RELATIONSHIP

This bill duplicates an appropriation in Senate Bill 131, which appropriates \$25 million from the public school capital outlay fund directly to school districts for security infrastructure. The bill relates to Senate Bill 95, which appropriates \$78 thousand from the general fund to Mora Independent School District.

OTHER SUBSTANTIVE ISSUES

The most recent New Mexico school shooting happened on December 7, 2017, in the Aztec school district, which resulted in the death of two students and the suicide of the shooter. On January 14, 2014, a school shooting happened in the Roswell school district, which resulted in two students being wounded before a teacher talked the shooter into conceding the gun.

According to the K-12 School Shooting Database, an independent, nonpartisan research project, the number of school shootings has tripled in recent years. The database includes all shootings at schools when a gun is brandished, fired, or a bullet hits school property for any reason, regardless of the number of victims, time, or day of the week. According to the database, schools

reported 302 shooting incidents in 2022, compared to 250 shootings in 2021 and 114 shootings in 2020. The number of people shot (both fatal and wounded) totaled 332 in 2022, up from 227 shot in 2021 and 105 shot in 2020. The majority of shootings resulted from an escalation of a dispute, occurred in the parking lot, happened during morning classes, and targeted a high school. Most shooters were students of the school in question.

In 2000, the 11th Judicial District Court ruled in the *Zuni Public District v. State of New Mexico* lawsuit that New Mexico's public school capital outlay system violated constitutional requirements, and ordered the state to establish and implement a uniform funding system for capital improvements and for correcting past inequities. Since the *Zuni* lawsuit, the state has spent \$2.7 billion to build school facilities up to the approved statewide adequacy standards. Despite significant improvements in statewide facility conditions, the *Zuni* lawsuit was never closed and, in December 2020, the court ruled in favor of plaintiff school districts on new claims of inequity. The major claim of the plaintiffs was their inability to raise sufficient local capital outlay revenue to maintain capital assets and build facilities that were outside of the statewide adequacy standards like other districts with available local resources. Provisions of this bill do not specify how the \$25 million will be allocated, which may detract from the existing standards-based system of funding capital improvements through PSCOC.

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