

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill No: HB 561

48th Legislature, 2nd Session, 2008

Short Title: Public School Security Infrastructure Fund

Sponsor(s): Representative Thomas A. Garcia

Analyst: Peter van Moorsel

Date: February 3, 2008

Bill Summary:

HB 561 creates the Public Education Department (PED)-administered Public School Security Infrastructure Fund in the state treasury and provides duties for the Secretary of Education for the administration of the fund.

- The purpose of the fund is to make grants to schools to prevent intruders from:
 - entering schools or student transport vehicles (school buses); and
 - endangering students, teachers or other school personnel.

HB 561 specifies that:

- grants may be awarded to fund the construction or installation of security improvements, including projects to remodel, renovate, or otherwise add to existing public school structures or to reinforce or secure vehicles owned by the school district used to transport students;
- the Secretary of PED must:
 - request that school security grant proposals be submitted to the public education department no later than June 30 of each year;
 - establish criteria for the form and content of the school security grant proposals;
 - identify the schools and school districts to which grants will be awarded based on the completeness of proposals, priority of the need for the project and soundness of the proposed project; and
 - disburse money from the Public School Security Infrastructure Fund for school security grants no later than December 1 of each year;
- no money from the fund may be granted to operate programs or for routine maintenance of existing facilities; and
- PED may not expend more than \$50,000 from the fund per fiscal year for administration and implementation costs.

Fiscal Impact:

\$500,000 is appropriated from the General Fund to the Public School Security Infrastructure Fund for expenditure in FY 09 and subsequent fiscal years.

Issues:

The issue of public school facility security is addressed in the *Public School Capital Outlay Act*, which requires the Public School Capital Outlay Council (PSCOC) to develop statewide facility adequacy standards to establish the acceptable level for the physical condition and capacity of buildings, the educational suitability of facilities, and the need for technological infrastructure.

The adequacy standards address public school facility security as follows:

“All schools shall have safe and secure site fencing or other barriers with accommodations for safe passage through openings to protect students from the hazards of traffic, railroad tracks, steep slopes, animal nuisance, and to discourage unauthorized access to the campus. This standard is met if the entire school is fenced or walled. If this standard is not met, alternative security may be approved after the sufficiency of security at the site is reviewed by the council using the following criteria:

- the amount of vehicular traffic near the school site;
- the existence of hazardous or natural barriers on or near the school site;
- the amount of animal nuisance or unique conditions near the school site;
- visibility of the play/physical education area; and
- site lighting, as required to meet safe, normal access conditions.”

The Public School Facilities Authority, together with the PSCOC, uses the New Mexico Condition Index (NMCI), based on nine weighted categories (including safety and health of facilities), to rank every public school facility in terms of relative need, from greatest to least. Based on these rankings, the PSCOC makes grant awards to fund capital outlay projects at the schools with the greatest need. Since FY 05, the PSCOC has limited funding to projects ranked in the top 100 on the NMCI based on the availability of funds.

The Department of Finance and Administration analysis of HB 561 cites “Mitigating Hazards in School Facilities,” published in 2008 by the National Clearinghouse for Educational Facilities. According to the report:

“School safety is a human concern, one that every school and community must take seriously and strive continually to achieve. It is also a legal concern; schools can be held liable if they don’t make good-faith efforts to provide a safe and secure school environment. How schools are built and maintained is an integral part of school safety and crisis planning. Schools with poor access control are more vulnerable to intruders. Students in schools with overlapping pickup and drop off points are more likely to be hurt by a bus or car. Schools that store materials in stairways will have egress problems during a fire or emergency. Every school is unique by virtue of its design, location, and students, and each has its own history and culture. Some schools are relatively open and safe; others are highly protected yet unsafe.”

Related Bills:

HB 19 *Insurance for Private Use of Public Schools*
SB 146 *Public School Capital Outlay Omnibus Bill*