

**MINUTES
of the
SIXTY-FIFTH MEETING
of the
PUBLIC SCHOOL CAPITAL OUTLAY OVERSIGHT TASK FORCE**

**June 13, 2018
State Capitol, Room 307
Santa Fe**

The sixty-fifth meeting of the Public School Capital Outlay Oversight Task Force (PSCOOTF) was called to order by Representative Stephanie Garcia Richard, chair, on June 13, 2018 at 9:40 a.m. in Room 307 at the State Capitol in Santa Fe.

Present

Rep. Stephanie Garcia Richard, Chair
Greg Ewing
Dr. Carl Foster
Sen. Stuart Ingle
Sen. Mary Kay Papen
Richard A. Perea
Rep. Debbie A. Rodella
Secretary Duffy Rodriguez, Department of
Finance and Administration
Eugene Schmidt
Sen. John Arthur Smith

Advisory Members

Rep. Eliseo Lee Alcon
Rep. Harry Garcia
Sen. Howie C. Morales
Sen. Mimi Stewart

Guest Legislators

Sen. Ron Griggs
Rep. Tim D. Lewis
Rep. Linda M. Trujillo

Absent

Sen. William P. Soules, Vice Chair
Sen. Craig W. Brandt
Martha "Marty" Braniff
Rep. Brian Egolf
Kirk Hartom
Rep. Patricia A. Lundstrom
Antonio Ortiz
T.J. Parks
Mike Phipps
Rep. Dennis J. Roch
Rep. G. Andrés Romero
Stan Rounds
Sen. Benny Shendo, Jr.
Harry Teague

Sen. Daniel A. Ivey-Soto
Rep. D. Wonda Johnson
Sen. Gay G. Kernan
Sen. Cliff R. Pirtle
Sen. Sander Rue
Sen. Pat Woods

Staff

Raúl E. Burciaga, Director, Legislative Council Service (LCS)

Jeff Eaton, Research and Fiscal Policy Analyst, LCS

Rebecca Griego, Staff, LCS

Guests

The guest list is in the meeting file.

Handouts

Copies of all handouts and other written testimony are in the meeting file.

Wednesday, June 13**Welcome and Introductions**

Representative Garcia Richard welcomed task force members and asked members and staff to introduce themselves.

Brief Review: PSCOOTF 2017 Interim and 2018 Session

Mr. Eaton presented a brief history of the *Zuni* lawsuit, the establishment of the task force and the creation of the standards-based awards process and the Public School Facilities Authority (PSFA). Mr. Eaton presented highlights of the 2018 legislative session and PSCOOTF-endorsed bills, some of which were passed and signed into law and others that had action postponed indefinitely, as follows.

- Senate Bill 30, "CHANGE CAPITAL OUTLAY FUNDING FORMULA" (Chapter 66), as amended, co-sponsored by Senator Stewart and Representative Roch, changes the state-local match formula that is used to calculate the amounts contributed by the state and by school districts for standards-based public school capital outlay projects.
- House Bill 41, "CHARTER SCHOOL FACILITY OWNERSHIP", co-sponsored by Representative James E. Smith and Senator Ivey-Soto, proposed to clarify ownership of charter school facilities under lease-purchase agreements; the bill passed the house of representatives but did not pass the senate prior to adjournment.
- House Bill 48, "PRIOR YEAR DATA FOR SCHOOL DISTRIBUTIONS" (Chapter 38), sponsored by Representative Roch, requires the Public Education Department to use property valuation data from the previous year in calculating the amount of funding distributed to a school district whose taxpayers have approved a property tax for public school capital improvements through the program established by the Public School Capital Improvements Act. The change will reportedly improve the timeliness of those distributions to school districts.

Public School Capital Outlay Council (PSCOC) and PSFA: Update of the 2018 Awards Cycle and Ranking Methodology

David Abbey, director, Legislative Finance Committee, and chair, PSCOC; and Jonathan Chamblin, director, PSFA, presented the PSCOC financial plan and past awards, and they also discussed potential project awards.

Mr. Abbey presented highlights in the financial plan. He noted a \$42 million increase in available funding due to strong oil and natural gas revenue receipts in the Severance Tax Bonding Fund, and he said that fiscal year (FY) 2019 receipts could also increase substantially. In contrast, Mr. Abbey said that only \$24.2 million was awarded during the 2017-2018 awards cycle. Mr. Abbey noted that the *Zuni* lawsuit is still open and that the school districts can still sue the state, but currently, there appears to be no activity toward doing so at this time. Mr. Abbey noted recent legislation appropriating \$5 million in funding from the Public School Capital Outlay Fund for pre-kindergarten, and he reported that approximately \$6 million in applications were submitted. Mr. Abbey concluded his remarks by saying that the PSFA is redoubling its efforts in reviewing charter school lease assistance grant applications to ensure compliance by charter schools with legal and regulatory requirements.

Denise Irion, chief financial officer, PSFA, presented a project award spreadsheet and described some specific projects in progress.

A task force member expressed concern that the legislature appropriated \$16 million for school security projects for expenditure in FY 2019, but the financial plan presented shows only \$10 million allocated. Another member was concerned that over a period of years, the state is going to spend \$50 million on school security, and the task member asked what the PSCOC and the PSFA are doing to make sure that the money is spent on effective systems. Mr. Chamblin responded that the PSFA is doing extensive research at both local and national levels to ensure that the types of security measures planned for school project awards maximize effectiveness and minimize cost.

A member noted that the financial plan emergency reserve for contingencies is only \$1 million and does not seem to be enough to cover project cost inflation and other contingencies. Ms. Irion responded by saying that the PSFA believes construction costs are going to be increasing, and it has discussed increasing the contingency reserve amount.

Public School Security Initiatives — Status Report

Mr. Chamblin gave a presentation on the early-stage progress of the PSFA on the public school security initiative. Mr. Chamblin reviewed program objectives and the process of collecting information, including conducting workshops throughout the state, and he invited school staff members, parent-teacher organizations and local police and sheriff's offices to attend. The PSFA used a survey instrument to gauge school districts' preference of security features and other concerns at the local level. The outcome of this process, Mr. Chamblin said, will be a set of deliverables that include a security guidelines document (completed), a security program set of

processes for application and award (in development) and an update in the statewide adequacy standards (in development). Mr. Chamblin noted that many school districts are already partnering with local law enforcement to "walk" the school site and become familiar with the school from a security standpoint. Mr. Chamblin described a variety of security projects that may be formed, depending on the specific school security improvements needed. Security layers and priorities include the site, the building exterior and the building interior. Mr. Chamblin continued by showing examples of the types of security that could be used in each of the three priority areas to improve school security. The schedule of implementation is as follows: application/assessment period (June-July); site visits (August); receipt of final applications (September); application scoring (September-October); and project awards (October).

A task force member asked what the number and cost of the proposed applications are expected to be. Mr. Chamblin replied that the PSFA is not certain, but given the interest in the initiative, it could encompass several hundred different school sites.

A member noted that slide 12 of the handout included fencing, which is already a requirement. Mr. Chamblin acknowledged that fencing at schools is typically required, but some school sites need improvement by limiting ingress and egress points and, in some cases, providing locking gates and security checkpoints at the school's perimeter.

A task member asked about windows and how they can be secured. Mr. Chamblin explained that windows can be fortified for intruder resistance with various tempered and shatter-resistant glass. He noted, however, that the entire door and window system, including the frame, needs to be fortified. The weak point of a window or door is typically at the frame, he said. Experience has demonstrated that window and door failures typically occur where the window glass meets the frame. Not fortifying the frame causes the glass to fail and fall out of the frame. Mr. Chamblin added that other window treatments can increase security through the application of decals and stickers that limit visibility. In other considerations, a window can be modified for easy egress so that students can quickly exit through the window if necessary to avoid a threat inside the building.

Task force members discussed whether the funding appropriated by the legislature is sufficient for all needs and further analysis by using site visits rather than a survey instrument. Two members asked that an effort be made to ensure that all 33 county sheriff's offices are invited to workshops on the subject. Mr. Chamblin said he believes that all local sheriff's offices were sent emails inviting them to their respective local workshops, but he would follow up with the members by providing a list of law enforcement departments that were contacted. Mr. Chamblin commented that many school districts are pleased to know that free security training is available. He also noted that the school districts' staff often mention that licensed health care providers and school counselors are not free, and there may be a gap in funding for in-school mental health providers. A member commented on this issue and said that a school counselor can have a caseload of 700 people, and he believes additional mental health counseling funding is needed in schools. Another member commented that the award funding made available by the

legislature is the "state match" funding and that school districts are required under the current law to provide a local match in the same way as standards-based project awards. Mr. Chamblin acknowledged this and added that the \$6 million appropriation provided in House Bill 306 (2018) (Chapter 80) for school security has fewer strings attached. Representative Garcia Richard thanked Mr. Chamblin for the presentation and thanked staff for working hard to move the process forward.

School Security Presentation

Julianna Koob, legislative advocate, Moms Demand Action, and Miranda Viscoli, New Mexicans to Prevent Gun Violence, introduced themselves and three student presenters. Each student addressed the task force. They described their personal experiences and those of their friends of threats of violence against them. They described cases of violence, including one that ended in the death of a student, and the problem of suicide. One of the students said that approximately one of every two homes in New Mexico has a firearm. The students stressed that it is important to address the issue of school violence with timely intervention and prevention by mental health providers at the schools. Ms. Koob provided a handout to the task force on child access prevention laws that have been adopted in 12 states.

Ms. Viscoli provided a handout to the task force of red flag laws implemented in five states. Red flag laws empower law enforcement and immediate family members to petition a court for an extreme risk protection order that temporarily prohibits a person from purchasing or possessing guns while the order is in effect. The task force thanked the presenters for their information and their courage. A member asked what the legislators and teachers can do to help the students. Panelists replied that making students feel listened to by providing them a voice and a platform to share concerns is an important and effective way to help them.

Proposed 2018 Interim Work Plan and Meeting Schedule

Mr. Eaton discussed the PSCOOTF's interim work plan and meeting schedule. A date in September was moved at the request of a member due to a scheduling conflict. At the request of a member, an item on disposing of unused school property was added to the interim work plan. A task force member then moved to approve the amended work plan and meeting schedule, and the motion passed unanimously.

Adjournment

There being no further business to come before the task force, the meeting adjourned at 12:04 p.m.