

PUBLIC SCHOOL CAPITAL IMPROVEMENTS ACT (SB-9) – Chapter 5, Laws of 1975

22-25-2. Definitions

As used in the Public School Capital Improvements Act:

A. "ADM" means basic program ADM, ADM in special education Classes C and D and early childhood ADM, all as those terms are defined in Section 77-6-2(2) NMSA 1953;

B. "capital improvements" means expenditures, exclusive of any debt service expenses, for:

(1) erecting, remodeling, making additions to, providing equipment for or furnishing public school buildings;

(2) purchasing or improving public school grounds; and

(3) maintenance of public school buildings or public school grounds, exclusive of salary expenses of school district employees.

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22-25-2. Definitions

As used in the Public School Capital Improvements Act:

A. "program unit" means the product of the program element multiplied by the applicable cost differential factor, as defined in Section 22-8-2 NMSA 1978; and

B. "capital improvements" means expenditures, including payments made with respect to lease-purchase arrangements as defined in the Education Technology Equipment Act or the Public School Lease Purchase Act but excluding any other debt service expenses, for:

(1) erecting, remodeling, making additions to, providing equipment for or furnishing public school buildings and pre-kindergarten classroom facilities;

(2) purchasing or improving public school or pre-kindergarten grounds;

(3) maintenance of public school buildings or public school or pre-kindergarten grounds, including the purchasing or repairing of maintenance equipment and participating in the facility information management system as required by the Public School Capital Outlay Act and including payments under contracts with regional education cooperatives for maintenance support services and expenditures for technical training and certification for maintenance and facilities management personnel, but excluding salary expenses of school district employees;

(4) purchasing activity vehicles for transporting students to extracurricular school activities;

(5) purchasing computer software and hardware for student use in public school classrooms; and

(6) purchasing and installing education technology improvements, excluding salary expenses of school district employees, but including tools used in the educational process that constitute learning and administrative resources, and that may also include:

(a) satellite, copper and fiber-optic transmission; computer and network connection devices; digital communication equipment, including voice, video and data equipment; servers; switches; portable media devices, such as discs and drives to contain data for electronic storage and playback; and the purchase or lease of software licenses or other technologies and services, maintenance, equipment and computer infrastructure information, techniques and tools used to implement technology in schools and related facilities; and

(b) improvements, alterations and modifications to, or expansions of, existing buildings or tangible personal property necessary or advisable to house or otherwise accommodate any of the tools listed in this paragraph.

Timeline of Significant Changes to the Public School Improvements Act

- 1981** – Opinion from the Attorney General’s Office that revenues cannot be used for teacher housing
- 1989** – Allowable expenditures expanded to include the purchasing activity vehicles for transporting students to extracurricular school activities
- 1996** - Allowable expenditures expanded to include the purchasing computer software and hardware for student use in public school classrooms
- 1997** – The imposition of the proposed tax changed from three years to no more than four property tax years
- 2001** – For calculating the state match distribution, the amount in the formula was changed to \$35
- 2003** - changed the imposition of the proposed tax from four years to no more than six property tax years
- 2003** – all school districts shall not receive a distribution less than \$5 multiplied by the total program units and further multiplying the product obtained by the approved tax rate
- 2004** - For calculating the state match distribution, the amount in the formula was changed to \$50
- 2004** - Allowable expenditures expanded to include the expenditures for technical training and certification for maintenance and facilities management personnel, but excluding salary expenses of school district employees
- 2004** - required school districts and charter schools shall give priority to maintenance projects, including payments under contracts with regional education cooperatives for maintenance support services. Expenditures made also be for the school district portion of the total project cost for roof repairs
- 2005** - For calculating the state match distribution, the amount in the formula was changed to \$60. Language was added so that the \$60 and \$5 minimum are adjusted every year by the percentage increase of the consumer price index.
- 2004** - Allowable expenditures expanded to include the school district portion for a roof repair allocation
- 2006** - Allowable expenditures expanded to include payments under contracts with for maintenance support services
- 2007** - For calculating the state match distribution, the amount in the formula was changed to \$70

2007 - Allowable expenditures expanded to include the payments made with respect to lease-purchase arrangements as defined in the Education Technology Equipment Act or the Public School Lease Purchase Act

2009 - A resolution submitted to the qualified electors pursuant shall include capital improvements funding for a locally chartered or state-chartered charter school located within the school district

2009 - Each year, PED shall certify to the county treasurer the percentage of the revenue to be distributed to each charter school.

2009 - Allowable expenditures expanded to include payments under contracts with regional education cooperatives for maintenance support services and expenditures for technical training

2011 – By December 1 of each year, charter schools shall to report to PED how they expect to spend their funds during the next calendar year. PED is required to give opinion if the proposed expenditures are consistent with law by December 20. By January 31 of each year, charter schools shall submit a report to PED and its chartering authority showing how the funds were expended

2017 - Allowable expenditures expanded to include purchasing and installing education technology improvements including certain tools used in the educational process and that may also include:

(a) satellite, copper and fiber-optic transmission; computer and network connection devices; digital communication equipment, including voice, video and data equipment; servers; switches; portable media devices, such as discs and drives to contain data for electronic storage and playback; and the purchase or lease of software licenses or other technologies and services, maintenance, equipment and computer infrastructure information, techniques and tools used to implement technology in schools and related facilities; and

(b) improvements, alterations and modifications to, or expansions of, existing buildings or tangible personal property necessary or advisable to house or otherwise accommodate any of the tools listed in this paragraph.

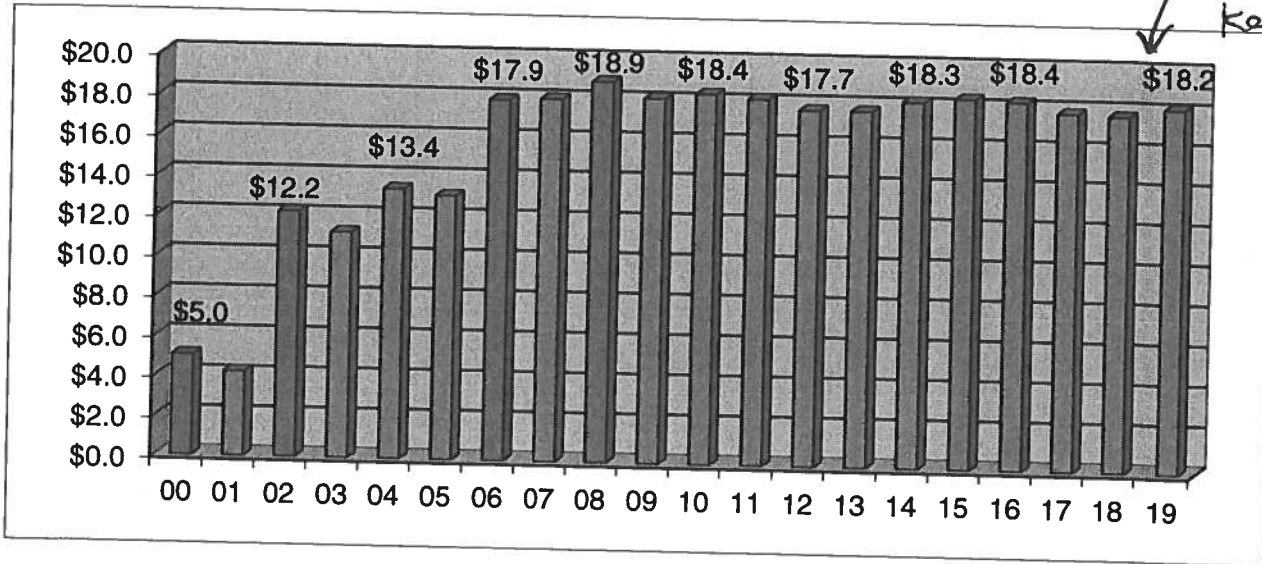
2018 – The state match formula changed from using 40th day program units to the prior year average of 80th and 120th day program units

2019 – The definition of capital improvements expanded to include the "pre-kindergarten classroom facilities"

2019 – changes to time frames required by the Election Code pertaining to regular school district elections and special school district elections

20 Year Funding History of Public School Capital Improvements Fund (SB-9)

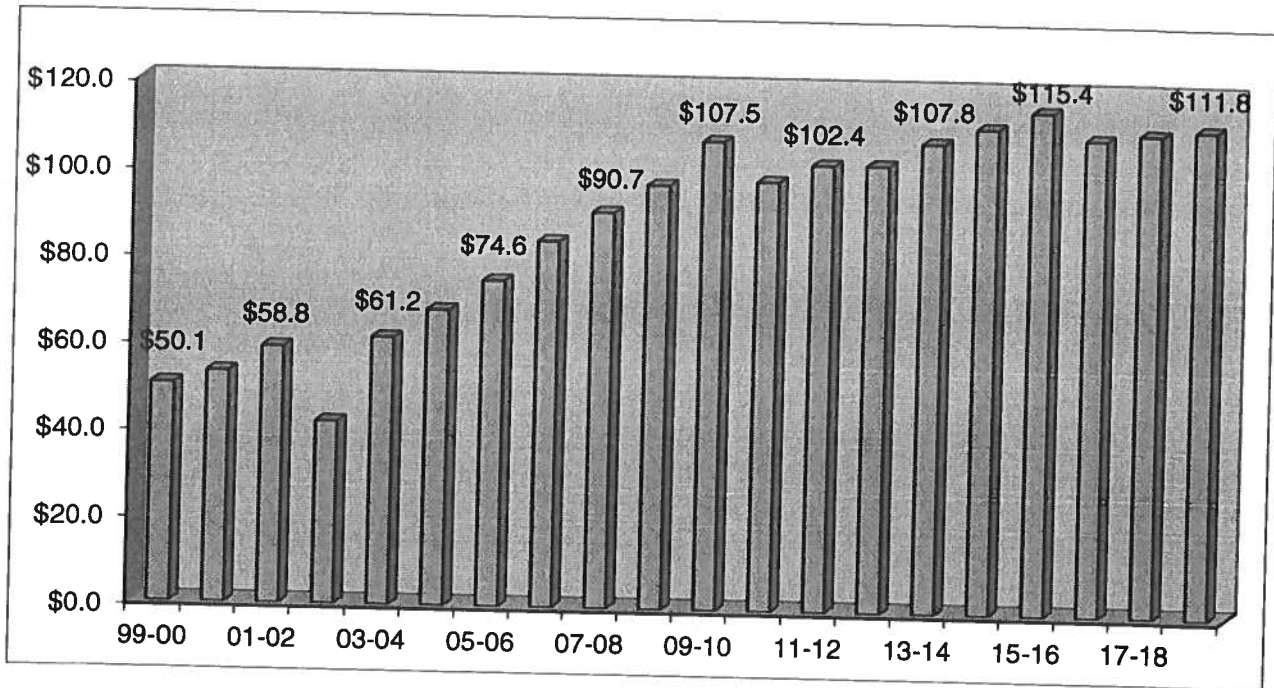
State Match Distribution



CPI adjusted keeps flat.

Indicates a year that the matching dollar amount was change for the state match calculation

Local Funds



Percentage of State Funds vs Local Funds

YEAR	LOCAL REVENUE	STATE MATCH	TOTAL	% OF STATE FUNDS VS. LOCAL FUNDS
99-00	\$ 50,109,481	\$ 4,968,473	\$ 55,077,954	10%
00-01	\$ 53,024,782	\$ 4,156,262	\$ 57,181,044	8%
01-02	\$ 58,811,228	\$ 12,196,277	\$ 71,007,505	21%
02-03	\$ 41,825,836	\$ 11,230,835	\$ 53,056,671	27%
03-04	\$ 61,201,912	\$ 13,398,314	\$ 74,600,226	22%
04-05	\$ 67,681,590	\$ 13,071,479	\$ 80,753,069	19%
05-06	\$ 74,572,036	\$ 17,981,036	\$ 92,553,072	24%
06-07	\$ 83,876,717	\$ 18,001,388	\$ 101,878,105	21%
07-08	\$ 90,677,292	\$ 18,982,760	\$ 109,660,052	21%
08-09	\$ 97,234,074	\$ 19,118,076	\$ 116,352,150	20%
09-10	\$ 107,543,845	\$ 18,447,662	\$ 125,991,507	17%
10-11	\$ 98,350,556	\$ 18,227,390	\$ 116,577,946	19%
11-12	\$ 102,361,606	\$ 17,727,736	\$ 120,089,342	17%
12-13	\$ 102,454,923	\$ 17,745,356	\$ 120,200,279	17%
13-14	\$ 107,802,362	\$ 18,263,590	\$ 126,065,952	17%
14-15	\$ 111,350,834	\$ 18,474,742	\$ 129,825,576	17%
15-16	\$ 115,417,016	\$ 18,360,529	\$ 133,777,545	16%
16-17	\$ 109,866,392	\$ 17,830,904	\$ 127,697,296	16%
17-18	\$ 111,114,724	\$ 17,787,006	\$ 128,901,730	16%
18-19	\$ 111,774,932	\$ 18,194,161	\$ 129,969,093	16%
TOTAL	\$ 1,847,377,593	\$ 326,331,103	\$ 2,173,708,696	18%