

### Proposed Rule Abstract

1. **Agency:** Public School Facilities Authority
2. **Rule Citation:** 6.27.30 NMAC, Statewide Adequacy Standards
3. **Rulemaking Action:** Amendment
4. **Register Issue and Date of Notice of Proposed Rulemaking:** Volume 30, Issue 16, August 27, 2019
5. **Effective Date:** See Technical Issues
6. **Citation to Specific Legal Authority:** Section 22-24-5 NMSA 1978
7. **Short Explanation of the Rule's Purpose:** To ensure that updates to space and attributes needed to support educational and technology programs and curricula, defined and justified as required by Public Education Department standards and benchmarks, are incorporated into the adequacy standards as time and circumstance require.
8. **Link to Full Text of the Rule:** [http://www.nmpsfa.org/files/misc/6.27.30\\_NMAC\\_Amended\\_10-29-19\\_For\\_Web.pdf](http://www.nmpsfa.org/files/misc/6.27.30_NMAC_Amended_10-29-19_For_Web.pdf)
9. **How Information on the Rule Can Be Obtained:** [http://www.nmpsfa.org/files/misc/Notice\\_of\\_Rulemaking\\_2019\\_Adequacy\\_Standards\\_0.pdf](http://www.nmpsfa.org/files/misc/Notice_of_Rulemaking_2019_Adequacy_Standards_0.pdf) or from Casandra Cano at (505) 468-0283
10. **Comment Period and Deadlines:** August 27, 2019 to September 27, 2019. Written comments may be submitted to Casandra Cano, Program Support Manager, Public School Facilities Authority, 1312 Basehart SE, Suite 200, Albuquerque, New Mexico 87106, or [programs@nmpsfa.org](mailto:programs@nmpsfa.org).
11. **Rule Hearing:** September 26, 2019, from 9:00 a.m. to 11:00 a.m., at University of New Mexico Science and Technology Park Auditorium, 800 Bradbury Dr. SE, Albuquerque, New Mexico 87106
12. **Link to Permanent Agency Rulemaking Record:** [http://statenm.force.com/public/SSP\\_RuleHearingSearchPublic](http://statenm.force.com/public/SSP_RuleHearingSearchPublic)

## Summary of Proposed Rule

The August 27, 2019 issue of the *New Mexico Register* contained a Notice of Proposed Rulemaking for Part 30 of 6.27 NMAC, Statewide Adequacy Standards. The New Mexico public school statewide adequacy standards establish the minimum acceptable levels for the physical condition and capacity of school buildings, the educational suitability, and the need for technological infrastructure at those facilities. The proposed rule would primarily clarify meaning, increase minimum space requirements, add new requirements, and reduce minimum space requirements for public school facilities. The proposed rule changes standards for general building requirements, security, prekindergarten, technology, special education, libraries and media centers, and janitorial space. See **Attachment, 6.27.30 NMAC, Statewide Adequacy Standards**.

# Analysis

## Background

New Mexico's current public school capital outlay system was largely developed as a result of the 11th Judicial District Court's ruling in the *Zuni* capital outlay lawsuit, filed in 1999, which required the state to establish and maintain an adequate funding system for public school facilities. The Constitution of the State of New Mexico requires the state to establish and maintain "a uniform system of free public schools sufficient for the education of, and open to, all the children of school age." This clause was interpreted to extend to capital funding in the *Zuni* lawsuit, which provided the impetus for widespread changes in New Mexico's system of funding capital outlay in the early 2000s. Since then, the state has invested more than \$2.5 billion to improve public school buildings as well as the public school capital outlay process itself. While the condition of public school buildings has improved substantially over the last 15 years, the *Zuni* lawsuit is still ongoing. In FY06, the first year of wNMCI rankings, 145 schools needed to be replaced, comparatively, in FY20, three schools need to be replaced.

The statewide adequacy standards, which set the minimum space and performance requirements used to evaluate every school and generate the prioritized statewide ranking of schools through the weighted New Mexico Condition Index (wNMCI), were created to address the *Zuni* capital outlay lawsuit. The New Mexico statewide adequacy standards set the minimum educational space requirements schools are measured by. These standards are used to evaluate existing school facilities and identify the minimum space needed to support education and technology programs and curricula as defined by the Public Education Department's (PED's) standards for excellence. The statewide adequacy standards inform the [adequacy planning guide](#) – the measuring stick for how schools are built – which clarifies the adequacy standards and provides assistance through references and "best practices" to outline the functional impact of the standards. The adequacy planning guide then informs the gross square foot calculator, which defines the true limits of state funding participation based on school size and type. This means the gross square foot calculator designates the amount of educational space that will be funded through the Public School Capital Outlay Council (PSCOC) grants. Any space that is not included in the adequacy standards and is not included in the ranking calculation is considered "outside of adequacy" and must be funded entirely by a school district or charter school. PSCOC adopted the first version of the adequacy standards in 2002, with the understanding the standards would be updated periodically "as time and circumstance require." The adequacy standards were last updated in 2012 to include provisions for the constitutional special schools.

After the public comment period closes on September 27, 2019, the Public School Facilities Authority (PSFA), staff to PSCOC, will review all feedback and present these comments to the PSCOC in November. PSCOC will consider incorporating comments into the adopted rule and then finalize the rule changes. After changes are adopted, PSFA will update the adequacy planning guide, and present these changes to PSCOC for potential adoption. According to PSFA, changes to the adequacy planning guide will likely be substantial. As the adequacy planning guide outlines the true impact of proposed amendments to the statewide adequacy standards, and it is difficult to determine the actual impact of the proposed changes to the statewide adequacy standards without it.

According to PSFA, the proposed changes to the statewide adequacy standards will not have a significant impact on the wNMCI rankings. The wNMCI ranks school conditions from worst to best – schools in the worst condition are at the top of the list for PSCOC funding. PSFA has presented examples to PSCOC of proposed adequacy standards changes on three schools that show impacts to school wNMCI scores ranging from an increase of 0.29 percent to 0.59 percent. However, PSFA has

yet to present a complete analysis to PSCOC on the impact to the wNMCI rankings. PSFA indicates proposed changes to the statewide adequacy standards will take about three years to be integrated into the facility assessment data of all schools. This means it will take three years for the entire wNMCI ranked list to reflect the impact of changes to the statewide adequacy standards.

## Overview of the Proposed Rule

**Scope and Objectives.** The scope and objectives sections of the proposed rulemaking are amended to specify that the statewide adequacy standards are intended for use in the evaluation of baseline requirements for public schools and are not intended to restrict a facility's maximum size.

**Definitions.** The proposed rule adds eight definitions: average enrollment, d-level (in reference to class D programs for special education students – see Technical Issues), kitchenette, network distribution space, occupiable space, school safety plan, technology infrastructure, and technology support space. Added definitions serve to further specify existing standards, such as occupiable space, or to expand what is included in the standards, such as kitchenette. Five definitions are amended: infrastructure, planned school program capacity, specialty classroom, specialty program capacity, and student. Amended definitions are technical changes. For example, amending the definition of student from “means ‘qualified student or MEM’ as defined in Section 22-8-2 NMSA 1987” to “means ‘qualified student or MEM’ as defined in Section 22-8-2 NMSA 1978” so the statutory reference is correct. Other amendments expand the standards, for example including technology support space, which will be a new space requirement for schools, and will now be factored into the wNMCI rankings, as schools lacking technology support space will be considered to have a deficiency. Lastly, the proposed rule removes the definition for gross square footage, as net square footage – not gross – is used in the rule.

**General Requirements.** The proposed rule adds general requirements for technological infrastructure and school security in addition to technical changes. The rule proposes a baseline for technological infrastructure, specifying that a school facility must have built-in technological infrastructure appropriate to serve all aspects of educational, operational, and administrative processes, with functional access to wired and wireless Internet throughout the school. The proposed rule also adds several requirements related to security, such as building access control and security systems that are included in the school safety plan, and the requirement that all classroom doors are lockable from the inside of the classroom. Proposed technical changes include specifying that restrooms should be reasonably available so students do not have to exit the building; in current rule, this requirement is

All schools are required to have a school safety plan in accordance with 6.12.6 NMAC, which lists general department duties as its statutory authority; it appears statute does not specifically require school safety plans. Administrative code stipulates that school safety plans must focus on supporting healthy and safe learning environments, and must be submitted to PED on a three-year cycle.

limited to fifth grade and below. In addition, the proposed rule specifies that schools must have both interior and exterior communication systems.

**School Site.** Proposed changes to the school site section encompass alignment of the statewide adequacy standards with school safety plan

requirements. For example, the proposed rule specifies that site security features included within a school safety plan must be well-maintained and integrated with all layers of school security.

***Site Recreation and Outdoor Physical Education.*** The proposed rule adds prekindergarten and kindergarten playground standards, specifying that prekindergarten and kindergarten students will require a fenced or walled playground area convenient to their classrooms, with playground equipment meeting appropriate fall height requirements. The proposed rule also stipulates that middle school and high school playing fields and equipment can be based on average enrollment; current rule is limited to planned program capacity, providing an option of average enrollment considers enrollment of existing schools, while planned program capacity is primarily for new schools.

***Occupiable Space.*** Pursuant to the proposed rule, academic classroom space will be considered occupiable space in the statewide adequacy standards – effectively expanding the standards. This means requirements that were previously limited to academic classroom space are now applicable to all occupiable space in the proposed rule. For example, now all occupiable space must have a heating, ventilation, and air conditioning system capable of maintaining a temperature between 68 and 75 degrees Fahrenheit with full occupancy – instead of just academic classroom space – pursuant to the proposed rule. In addition to changing all references from “classroom” to general “occupiable space,” the proposed rule adds a few additional requirements, such as stipulating that occupiable administrative and facility support spaces must meet or exceed requirements for minimum fixtures and equipment. The proposed rule also adds technology and security standards for occupiable space.

***General Use Classrooms (Language Arts, Mathematics, and Social Studies).*** The proposed rule adds prekindergarten to the standards, specifying that prekindergarten and kindergarten classrooms will be subject to a minimum space requirement of 50 net square feet per student. In addition, the proposed rule also specifies that each prekindergarten classroom must have a sink. Lastly, the proposed rule specifies that all classrooms must have at least 2 net square feet per student for dedicated classroom storage – expanding space requirements for all classrooms.

***Specialty Classrooms.*** Amendments to science, special education, art education, career education, and technology and computer skills classroom standards are proposed in the rule, with both substantial and technical changes. The proposed rule amends the science standards to increase the amount of science storage and prep space from 80 net square feet to 96 net square feet, specifies that science classrooms must have the technology necessary to meet educational requirements, and allows the size of science classrooms to depend on planned school program capacity or average enrollment. Special education classroom standards are amended in the proposed rule to specify that d-level special education classrooms should have 100 net square feet per student, along with additional space for an accessible unisex restroom. The proposed rule amends art education standards to require art classrooms, excluding performing arts classrooms, to have a sink. Career education classroom standards are amended to specify that career education programs must

have adequate space for specialized curriculum, equipment and technology requirements, and safety zones; the standards are also amended to specify that career education classrooms must not be smaller than “the average classroom.” Pursuant to the proposed rule, technology and computer skills classroom standards are amended to require school facilities to have a space to deliver technology and computer skills instruction, and specify that the classroom size can be based on planned school program capacity or average enrollment.

***Physical Education.*** The proposed rule expands physical education facility standards by requiring gyms to have wireless Internet access, and potentially reduces physical education standards by requiring middle school and high school locker rooms to have at least one shower, instead of “showers.” Other amendments to the physical education standards are technical in nature.

***Libraries, Media, and Research Centers.*** Amendments to the proposed rule add technology requirements to school libraries and media centers, specifying that a school facility must have space for students to access research materials, computer work stations, literature, non-text reading materials, books, and technology, including digital devices. The proposed rule also reduces the size of the area for stacks and seating space from 3 net square feet per student to 2.5 net square feet per student, and adds a cumulative minimum of 200 net square feet for office and storage space.

***Food Service Standards.*** The amendments to the food services facility standards in the proposed rule primarily serve to clarify details. For example, the proposed rule specifies that cafeterias may “be multi-purpose” instead of may “have more than one function.”

***Other Facility Areas.*** The proposed rule expands the adequacy standards in the listed categories of student health, counseling, and ancillary space; faculty workspace or teacher lounge; and adds requirements for network distribution space and technology support space. Pursuant to the proposed rule, a school facility must have space to isolate sick students, and must include space for the delivery of other health, counseling, testing and ancillary programs, including storage space. The proposed rule also requires the nurse’s suite to have a connected, accessible restroom. Faculty workspace or teacher lounge requirements are expanded in the proposed rule to require a kitchenette – which is defined as “a small food storage and warming area, which usually has a refrigerator, sink, and a microwave, but may have other appliances” – instead of only a sink. This means schools now must have a kitchenette in their faculty workspace or teacher lounge to be considered “to adequacy.” The proposed rule requires each school to have at least 120 net square feet of network distribution space to support technology operational needs, and a minimum of 300 net square feet of technology support space for storage.

***Maintenance or Janitorial Space.*** Amendments to the proposed rule expand maintenance and janitorial space from 0.5 net square feet per student to 1 net square feet per student of the planned school program capacity or average enrollment.

## Technical Issues

The proposed rule contains several minor technical issues, noted below.

***Effective Date.*** The proposed rule does not specify an effective date. While the proposed rule states the effective date is “September 1, 2002, unless a later date is cited at the end of a section,” there is only “XX/XX/XXXX” at the end of amended sections. According to PSFA, there is no effective date because the November PSCOC meeting has not yet been scheduled, so it is difficult to determine when PSCOC will discuss incorporating public comments and publish the adopted rule.

According to Section 14-4-5.7 NMSA 1978 of the State Rules Act, terms defined in applicable statute should not be defined in rule. Any conflict between statutorily defined terms and their corresponding regulatory definitions will be resolved in favor of statute.

***Definitions.*** The definition of “council” is included even though this term is already defined in Section 22-24-3 NMSA 1978; this definition should be removed as the term is defined in statute.

The proposed rule defines the term “d-level” in reference to class D programs for special education students; this definition should be amended to “class D programs” to align with Section 22-8-21 NMSA 1978.

***Specialty Classrooms.*** The proposed rule amends career education standards to specify that each classroom should not be smaller than “the average classroom;” however, the average classroom is not defined. The proposed rule should specify if this means the average classroom size in the school, the school district, or the state. In addition, this does not consider schools with small career education programs that may not need as much space as the average academic classroom, whether that means the average classroom size of the school, school district, or the state.

***Other Facility Areas.*** Subsection F – technology support space(s) – specifies “a school shall have 0.5 net sf/student with a minimum of 300 sf to store and/or service user devices;” this sentence should be amended to specify 300 **net** square feet.

**TITLE 6            PRIMARY AND SECONDARY EDUCATION**  
**CHAPTER 27       PUBLIC SCHOOL CAPITAL OUTLAY COUNCIL**  
**PART 30            STATEWIDE ADEQUACY STANDARDS**

**6.27.30.1            ISSUING AGENCY:** Public School Capital Outlay Council.  
 [6.27.30.1 NMAC - N, 9/1/2002]

**6.27.30.2            SCOPE:** The purpose of this rule is to provide statewide adequacy standards for public school buildings and grounds. The application of these standards shall be limited to space and attributes needed to support educational and technology programs and curricula, defined and justified as required by public education department standards and benchmarks, and that is sustainable within the operational budget for staffing, maintenance, and full utilizations of the facilities. The New Mexico public school statewide adequacy standards are dynamic and the council plans to review them at least annually, and change them as time and circumstances require. These standards are intended for use in the evaluation of baseline requirements for existing and planned public school facilities and are not intended to limit the flexibility of design solutions for new construction and renovation projects. A companion document is the New Mexico public school adequacy planning guide, provided by the state for use in the programming and design of school projects [to meet adequacy]. The New Mexico public school adequacy planning guide is incorporated by reference into these standards, and may be amended by the council with adequate notice and input from the public.  
 [6.27.30.2 NMAC - N, 9/1/2002; A, 8/31/2005; A, 12/14/2007; A, 7/15/2010; A, 9/14/2012; A, XX/XX/XXXX]

**6.27.30.3            STATUTORY AUTHORITY:** The Public School Capital Outlay Act, Section 22-24-5 NMSA 1978.  
 [6.27.30.3 NMAC - N, 9/1/2002]

**6.27.30.4            DURATION:** Permanent.  
 [6.27.30.4 NMAC - N, 9/1/2002]

**6.27.30.5            EFFECTIVE DATE:** September 1, 2002, unless a later date is cited at the end of a section.  
 [6.27.30.5 NMAC - N, 9/1/2002; A, 8/31/2005; A, XX/XX/XXXX]

**6.27.30.6            OBJECTIVES:** The New Mexico public school statewide adequacy standards establish the acceptable levels for the physical condition and capacity of school buildings, the educational suitability of those facilities and the need for technological infrastructure at those facilities. The standards are not intended to restrict a facility's maximum size.  
 [6.27.30.6 NMAC - N, 9/1/2002; A, 8/31/2005]

**6.27.30.7            DEFINITIONS.** Unless otherwise specified, the following definitions apply:

- A.** **“ancillary space”** means any subordinate space necessary to support an activity or function of main programmatic space(s);
- B.** **“art education program”** includes visual and performing arts programs;
- C.** **“average enrollment”** means the average number of students enrolled at an existing school over a period consisting of the past 5 years;
- ~~[C.]~~ **D.** **“combination school”** means a school that contains the elementary, middle school/junior high school and high school or any combination thereof;
- ~~[D.]~~ **E.** **“council”** means the public school capital outlay council;
- ~~[E.]~~ **F.** **“d-level”** means class d programs in which department certified individuals provide services to children whose individualized education programs require a maximum amount of special education;
- ~~[F.]~~ **G.** **“equipment”** means a specified item not affixed to the real property of a school facility;
- ~~[G.]~~ **H.** **“exterior envelope”** means the exterior walls, floor and roof of a building;
- ~~[H.]~~ **I.** **“fixture”** means a specified item that is affixed to the real property of a school facility;
- ~~[I.]~~ **J.** **“general use classroom”** means a classroom space that is or can be appropriately configured for instruction in at least the areas of language arts (including bi-lingual), mathematics and social studies;
- ~~[J.]~~ **K.** **“gross sf”** means a measurement from exterior wall to exterior wall and calculated to obtain the gross square footage of a space;

~~[J.]~~ **K.** “**infrastructure**” means the on-site physical support systems needed for the operation of the school, including internal roads, and utilities, and drainage systems, and building subsystems such as structure, mechanical, electrical, data, ~~[and]~~ telecommunications, and technology;

~~[K.]~~ **L.** “**interior finish**” means an aesthetic or protective final coating or fabric applied to an exposed surface inside the building;

~~[L.]~~ **M.** “**interior surface**” means any exposed area of the interior enclosure for an interior space, finished or unfinished;

**N.** “kitchenette” means a small food storage and warming area, which usually has a refrigerator, sink, and a microwave, but may have other appliances;

~~[M.]~~ **O.** “**net sf**” means a measurement from interior face of wall to interior face of wall and calculated to obtain the net square footage of a space;

**P.** “network distribution space” means space dedicated to securely house all devices and cabling necessary to cross-connect any outside line(s) with the school internal distribution frame and ensure full functionality, resiliency and testing capabilities (MDF);

**Q.** “occupiable space” means enclosed space within the school facility and serving a classroom, administrative, or support purpose and is occupied by staff, students, or public on a regular or flexibly assigned basis; this shall not include space exclusively used for storage or to house mechanical, electrical, or other equipment;

~~[N.]~~ **R.** “**planned school program capacity**” means the planned number of students ~~[to]~~ in a new or replacement facility, or in an existing school facility to be modified in capacity, and shall be accommodated in the entire facility when all phases of construction are fully completed; these shall include students in regular education classes in combination with special education students requiring special education classrooms in compliance with public education department requirements;

~~[O.]~~ **S.** “**school facility**” means a building or group of buildings and outdoor area that are administered together to comprise a school;

**T.** “school safety plan” means a school’s currently-approved plan supporting a safe learning environment and submitted to the public education department for approval on a three-year cycle as required in 6.12.6 NMAC.

~~[P.]~~ **U.** “**school site or school campus**” means one or more parcels of land where a school facility is located; more than one school facility may be located on a school site or school campus;

~~[Q.]~~ **V.** “**space**” means the net square footage located within the interior of a building;

~~[R.]~~ **W.** “**specialty classroom**” means a classroom space that is or can be appropriately configured for instruction in a specific subject such as science, physical education, special education, career education, or art;

~~[S.]~~ **X.** “**specialty program capacity**” means the planned number of students or the five-year average to be accommodated in a specialty program area in compliance with public education department requirements;

~~[T.]~~ **Y.** “**student**” means “qualified student or MEM” as defined in Section 22-8-2 NMSA ~~[1987]~~ 1978;

~~[and]~~ ~~[U.]~~ **Z.** “**teachorage**” means a residence that houses a teacher or administrator on site;

**AA.** “technology infrastructure” means telecommunications, automated data processing, word processing and management information systems, and related information, equipment, goods and services; and

**BB.** “technology support space” means spaces dedicated to housing all devices and cabling necessary to interconnect MDF lines to workstations/devices, and provide full functionality, resiliency and testing capabilities for the internal distribution frame.

[6.27.30.7 NMAC - N, 9/1/2002; A, 8/31/2005; A, 12/14/2007; A, 7/15/2010; A, 9/14/2012; A, XX/XX/XXXX]

**6.27.30.8 GENERAL REQUIREMENTS:** These standards are not intended to supersede or omit, compliance with applicable building and fire code or any other code, regulation, law or standard that has been adopted by state agencies.

**A.** Building condition. A school facility must be safe and capable of being maintained.

(1) Structural. A school facility must be structurally sound. A school facility shall be considered structurally sound and safe if the building presents no imminent danger or major visible signs of decay or distress.

(2) Exterior envelope. An exterior envelope is safe and capable of being maintained if:

(a) walls and roof are weather tight under normal conditions with routine upkeep;

and

(b) doors and windows are weather tight under normal conditions with routine

upkeep, and the building structural systems support the loads imposed on them.



- (3) Interior surfaces. An interior surface is safe and capable of being maintained if it is:
  - (a) structurally sound;
  - (b) capable of supporting a finish; and
  - (c) capable of continuing in its intended use, with normal maintenance and repair.
- (4) Interior finishes. An interior finish is safe and capable of being maintained if it is:
  - (a) free of exposed lead paint;
  - (b) free of friable asbestos; and
  - (c) capable of continuing in its intended use, with normal maintenance and repair.

**B. Building systems.** Building systems in a school facility must be in working order and capable of being properly maintained. Building systems include roof, plumbing, telephone, electrical and heating and cooling systems as well as fire alarm, 2-way internal communication, external communication, appropriate technological infrastructure and security systems.

(1) General. A building system shall be considered to be in working order and capable of being maintained if all of the following apply.

- (a) The system is capable of being operated as intended and maintained.
- (b) Newly manufactured or refurbished replacement parts are available.
- (c) The system is capable of supporting the adequacy standards established in this

rule.

(d) Components of the system present no imminent danger of personal injury.

(2) Plumbing fixtures. A school facility shall be equipped with sanitary facilities in accordance with the New Mexico building code. Fixtures shall include, but are not limited to, water closets, urinals, lavatories and drinking fountains. ~~[In all new construction, restrooms]~~ Restrooms shall be reasonably available so students will not have to exit the building. ~~[In existing facilities, restrooms shall be available for classrooms for grades 5 and below, and special needs classrooms, without having to exit the building, wherever possible within reasonable cost constraints.]~~

(3) Fire alarm and emergency notification system. A school facility shall have a fire alarm and emergency notification system as required by applicable state fire codes and emergency procedures.

(4) 2-way communication ~~[system]~~ and exterior site communication systems. A school facility shall have a 2-way ~~[internal]~~ building interior communication system between a central location and each classroom, isolated office space, library, physical education space, cafeteria, and other regularly-used spaces. An exterior communication system allowing emergency instructions to be clearly broadcast from a central location to all outdoor site areas adjacent to the school building(s) shall be provided. Exterior communications systems shall be capable of remote administrator control.

(5) Technological infrastructure. A school facility shall have built-in technology infrastructure as appropriate to support all aspects of the educational, operational and administrative processes, with functional access to wired and wireless connectivity throughout all occupiable spaces. Wireless coverage and density shall be appropriate to serve all users' devices at all locations within the facility and at exterior seating areas adjacent to the building(s).

C. Building access control. Building attributes supporting controlled access to the building(s) and interior spaces, and which are part of the school safety plan shall be well-maintained and integrated with all layers of school security.

(1) Security systems. Built-in security systems which support building access control and emergency operations and included within the school safety plan shall be well-maintained and in working order.

(2) Classroom doors. All interior and exterior classroom doors accessible from indoor and outdoor traffic areas shall have hardware which is lockable from the inside of the classroom.

[6.27.30.8 NMAC - N, 9/1/2002; A, 8/31/2005; A, 12/14/2007; A, XX/XX/XXXX]

**6.27.30.9 CLASSIFICATION OF PUBLIC SCHOOLS:** The classifications for public schools, including charter schools, under these standards are:

- A. Elementary school.
- B. Middle school/junior high school.
- C. High school.
- D. Combination school.

[6.27.30.9 NMAC - N, 9/1/2002; A, 8/31/2005; A, 12/14/2007]

**6.27.30.10 SCHOOL SITE:** A school site shall be of sufficient size to accommodate safe access, parking, drainage and security. Additionally, the site shall be provided with an adequate source of water and appropriate means of effluent disposal.

**A.** Safe access and circulation. ~~[A school site shall be configured for safe and controlled access that separates pedestrian from vehicular traffic.]~~ A school site shall be configured for safe, controlled access and on-site circulation that conforms to the school safety plan. It shall have clearly identified and visually-observable pedestrian and vehicular pathways extending from the site perimeter to the main building entrance. Pedestrian and vehicular traffic, including service vehicle traffic shall be safely separated on site. If buses are used to transport students then separate bus loading/unloading areas shall be provided wherever possible. Dedicated student drop-off and pickup areas shall be provided for safe use by student passengers arriving or departing by automobile.

**B.** ~~[Parking]~~ Staff, student and visitor parking. A school site shall include a maintainable surfaced area that is stable, firm and slip resistant and is large enough to accommodate 1.5 parking spaces /staff FTE and one student space /four high school students. If this standard is not met, alternative parking may be approved after the sufficiency of parking at the site is reviewed by the council using the following criteria:

- (1) availability of street parking around the school;
- (2) availability of any nearby parking lots;
- (3) availability of public transit;
- (4) number of staff who drive to work on a daily basis; and
- (5) average number of visitors on a daily basis.

**C.** Drainage. A school site shall be configured such that runoff does not undermine the structural integrity of the school buildings located on the site or create flooding, ponding or erosion resulting in a threat to health, safety or welfare.

**D.** ~~[Security]~~ Site Security. Site security features included within a school safety plan shall be well-maintained and integrated with all layers of school security.

(1) 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:

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

(2) For schools which include students below grade 6, a fenced or walled play/physical education area shall be provided.

[6.27.30.10 NMAC - N, 9/1/2002; A, 12/14/2007; A, XX/XX/XXXX]

**6.27.30.11 SITE RECREATION AND OUTDOOR PHYSICAL EDUCATION:** A school facility shall have area, space and fixtures, in accordance with the standard equipment necessary to meet the educational requirements of the public education department, for physical education activity.

**A.** Elementary school. Safe play area(s) and playground(s) including hard surfaced court(s) or unpaved recreation area(s) shall be conveniently accessible to the students. Play area(s) and appropriate equipment for physical education and school recreational purposes shall be provided based on the planned school program capacity. Pre-kindergarten and kindergarten students will require a fenced or walled playground area convenient to the pre-kindergarten and kindergarten classroom(s), with playground equipment meeting appropriate fall height requirements.

**B.** Middle school/junior high school. Hard surfaced court(s) and playing field(s) for physical education activities shall be provided. Playing field(s) and equipment shall be based on the planned school program capacity or average enrollment.

**C.** High school. A paved multipurpose play surface and a playing field for physical education activities shall be provided. Playing fields and equipment shall be based on the planned school program capacity or average enrollment.

**D.** Combination school. A combination school shall provide the elements of the grades served by Subsections A, B and C above without duplication, but shall meet the highest standard.

[6.27.30.11 NMAC - N, 9/1/2002; A, 12/14/2007; A, XX/XX/XXXX]

**6.27.30.12** ~~[ACADEMIC CLASSROOM]~~ **OCCUPIABLE SPACE:** All ~~[classroom]~~ occupiable space within the building(s) shall meet or exceed the general requirements listed below:

**A.** Classroom space. Classroom space shall be sufficient for appropriate educational programs for the class level needs.

**B.** ~~[Classroom fixtures]~~ Fixtures and equipment.

(1) Each general and specialty classroom shall contain a work surface and seat for each student in the classroom. The work surface and seat shall be appropriate for the normal activity of the class conducted in the room.

(2) Each general and specialty classroom shall have an erasable surface and a surface suitable for projection purposes, appropriate for group classroom instruction, and a display surface. A single surface may meet one or more of these purposes.

(3) Each general and specialty classroom shall have storage for classroom materials or access to conveniently located storage.

(4) Each general and specialty classroom shall have a work surface and seat for the teacher and for the aide assigned to the classroom, and it shall have secure storage for student records that is located in the classroom or is convenient to access from the classroom.

(5) Occupiable administrative and facility support spaces shall meet or exceed requirements for the minimum fixtures and equipment necessary for functions performed within.

**C.** ~~[Classroom lighting]~~ Lighting.

(1) ~~[Each general and specialty classroom]~~ All occupiable space within the building(s) shall have a light system capable of maintaining at least 50 foot-candles of well-distributed light. Provide appropriate task lighting in specialty classrooms and other occupiable spaces where enhanced visibility is required.

(2) The light level shall be measured at a work surface located in the approximate center of the classroom, between clean light fixtures.

**D.** ~~[Classroom temperature]~~ Temperature.

(1) Each general and specialty classroom shall have a heating, ventilation and air conditioning (HVAC) system capable of maintaining a temperature between 68 and 75 degrees fahrenheit with full occupancy.

(2) The temperature shall be measured at a work surface in the approximate center of the classroom.

**E.** ~~[Classroom acoustics]~~ Acoustics.

(1) ~~[Each general and specialty classroom]~~ All occupiable space within the building(s) shall be maintainable at a sustained background sound level of less than 55 decibels.

(2) The sound level shall be measured at a work surface in the approximate center of the classroom.

(3) All occupiable space within the building(s) shall be acoustically-separated from adjoining spaces when necessary to meet privacy or confidentiality requirements.

**F.** ~~[Classroom air]~~ Air quality.

(1) ~~[Each general, science and arts classroom]~~ All occupiable space within the building(s) shall have an HVAC system that continually moves air and is capable of maintaining a CO<sub>2</sub> level of not more than ~~[1,200]~~ 1,000 parts per million.

(2) The air quality shall be measured at a work surface in the approximate center of the classroom.

**G.** Technology. All occupiable spaces within the building(s) shall have technology and connectivity that will appropriately support educational activities conducted in the room. Safe and adequate access to power to recharge and operate technology devices by all students and staff simultaneously shall be provided.

**H.** Security. All occupiable spaces within the building(s) shall have the ability to control access to the extent required for confidentiality and security and as addressed by the school safety plan.

[6.27.30.12 NMAC - N, 9/1/2002; A, 8/31/2005; A, 12/14/2007; A, XX/XX/XXXX]

**6.27.30.13** **GENERAL USE CLASSROOMS (LANGUAGE ARTS, MATHEMATICS AND SOCIAL STUDIES):**

**A.** Cumulative classroom net square foot (sf) requirements, excluding in-classroom storage space, shall be at least:

- |     |                             |                   |
|-----|-----------------------------|-------------------|
| (1) | <u>Pre-K - Kindergarten</u> | 50 net sf/student |
| (2) | Grades 1 - 5                | 32 net sf/student |
| (3) | Grades 6 - 8                | 28 net sf/student |
| (4) | Grades 9 - 12               | 25 net sf/student |

**B.** ~~[A]~~ In addition, at least 2 net sf/student shall be available for dedicated classroom storage.

**C.** All pre-kindergarten classrooms shall have a sink.

~~[C]~~ **D.** Sufficient number of classrooms shall be provided to meet statutory student/staff ratio requirements.

[6.27.30.13 NMAC - N, 9/1/2002; A, 8/31/2005; A, 12/14/2007; A, XX/XX/XXXX]

#### **6.27.30.14 SPECIALTY CLASSROOMS:**

**A.** Science:

(1) For grades ~~[K]~~ Pre-K through 6, no additional space is required beyond the classroom requirement.

(2) For grades 7 through 12, 4 net sf/student of the [specialty] planned school program capacity or average enrollment for science is required. The space shall not be smaller than the average classroom at the facility. This space is included in the academic classroom requirement and may be used for other instruction. The space shall have science fixtures and equipment, in accordance with the standard equipment and technology necessary to meet the educational requirements of the public education department. If an alternate science learning method is used by a school district, the district shall verify the appropriate alternate fixtures and equipment to the council. Provide at least ~~[80]~~ 96 net sf for securable, well-ventilated storage/prep space for each science room having science fixtures and equipment. Storage/prep room(s) may be combined and shared between more than one classroom.

**B.** Special education classroom. If a special education space is provided and the space is required to support educational programs, services, and curricula, the space shall not be smaller than 450 net sf. ~~[When the need is demonstrated in type II (d-level) classrooms, additional space in the classroom shall be provided with, or students shall have an accessible route to; an accessible unisex restroom with one toilet, sink, washer/dryer and shower stall/tub, and at least 15 net sf of storage]~~ In most restrictive (d-level) classrooms serving students requiring a high degree of personal care and assistance, 100 net sf/student shall be provided (or no larger than the average-sized general education classroom), along with additional space in the classroom for an accessible unisex restroom. When the need is demonstrated ~~[in 7th grade classrooms and above]~~, a kitchenette with at least 15 net sf of storage shall be provided.

**C.** Art education programs. A school facility shall have classroom space to deliver art education programs, including dance, music, theatre/drama, and visual arts programs, or have access to an alternate learning method. Classroom space(s) for art education shall not be smaller than the average classroom at the facility. Art education classroom space(s) may be included in the academic classroom requirement and may be used for other instruction.

(1) Elementary school. Art education programs may be accommodated within a general use or dedicated art classroom. Provide additional dedicated art program storage of at least 60 net sf per facility.

Dedicated art classrooms, excluding performing arts, shall have a sink.

(2) Middle school/junior high school. Classroom space(s) for art education programs shall have no less than 4 net sf/student of the specialty program capacity for art. Provide additional ancillary space for group music practice, individual music practice room(s), specialized storage/library rooms, and office(s). Dedicated art classrooms, excluding performing arts, shall have a sink.

(3) High school. Classroom space(s) for art education programs shall have no less than 5 net sf/student of the specialty program capacity for art. Provide additional ancillary space for group music practice, individual music practice room(s), specialized storage/library rooms, and office(s). Dedicated art classrooms, excluding performing arts, shall have a sink.

(4) Combination school. A combination school shall provide the elements of the grades served by Paragraphs (1), (2) and (3) above without duplication.

**D.** Career education.

(1) Elementary school. No requirement.

(2) Middle school/junior high school. Career education programs shall be provided with no less than 3 net sf/student of the specialty program capacity of the school for career education and adequate space for specialized curriculum, equipment and technology requirements, and safety zones. Each program lab or classroom space shall not be smaller than ~~[650 net sf]~~ the average classroom.

(3) High school. Career education programs space shall be provided with no less than 4 net sf/student of the specialty program capacity of the school for career education and adequate space for specialized curriculum, equipment and technology requirements, and safety zones. Each program lab or classroom space shall not be smaller than ~~[650 net sf]~~ the average classroom.

(4) Combination school. A combination school shall provide the elements of the grades served by Paragraphs (1), (2) and (3) above without duplication, but meeting the higher standards.

E. ~~[Technology aided]~~ Technology and computer skills instruction. A school facility shall have space to deliver educational ~~[technology aided instructional]~~ programs in technology and computer skills or have access to an alternate learning method. This requirement may be distributed throughout other program spaces within the facility.

(1) Elementary school. Provide space that meets 3 net sf/student of the planned school program capacity or average enrollment, with no less than 700 net sf.

(2) Middle school/junior high school. Provide space that meets at least 3 net sf/student of the planned school program capacity or average enrollment, with no less than 800 net sf.

(3) High school. Provide space that meets 3 net sf/student of the planned school program capacity or average enrollment, with no less than 900 net sf.

(4) Combination school. A combination school shall provide the elements of the grades served by Paragraphs (1), (2) and (3) above without duplication, but meeting the higher standards.

F. Alternate delivery method. If an alternate delivery method is used by a school district for instruction, the space used for the alternate method may be approved following review by the council. [6.27.30.14 NMAC - N, 9/1/2002; A, 8/31/2005; A, 12/14/2007; A, 7/15/2010; A, 9/14/2012; A, XX/XX/XXXX]

#### **6.27.30.15 PHYSICAL EDUCATION:**

A. General requirements. A school facility shall have an area, space and fixtures for indoor physical education activity. This space may have more than one function and may fulfill more than one standard requirement.

(1) Elementary school. Provide an indoor physical education teaching facility with at least 2,400 net sf. This space may have multi-purpose use in accommodating other educational program activities such as art program performances.

(2) Middle school/junior high school. For a middle school/junior high school facility, an indoor physical education teaching facility that shall have a minimum of 5,200 net sf plus bleachers for 1.5 design capacity.

(3) High school. A physical education complex shall have a minimum of 6,500 net sf plus bleachers for 1.5 design capacity.

(4) Combination school. Provide the elements of the grades served by Paragraphs (1), (2) and (3) above without duplication, but meeting the higher net sf standards with bleacher capacity for at least 2.0-planned school program capacity or average enrollment. A single high school gymnasium shall fulfill the minimum requirements of both high school and middle school/junior high school classes. If the school includes an elementary, then it shall provide in addition the separate space required for an elementary school. This space may have more than one function and may fulfill more than one standard requirement.

(5) Physical education space and seating shall support access to and use of appropriate technology devices and have access to power and functional wireless connectivity.

B. Additional physical education requirements. In addition to space requirements in Subsection A:

(1) Elementary school. One office shall be provided, with separate physical education equipment storage with a combined minimum of 200 net sf. ~~[This space may have more than one function and may fulfill more than one standard requirement.]~~

(2) Middle school/junior high school. Two dressing rooms shall be provided, with lockers, ~~[showers and restroom fixtures. Two offices shall be provided, each with a minimum of 150 net sf. Each shall be provided with a telephone. Separate physical education equipment storage space shall be provided]~~ restroom fixtures, and at least one shower per dressing room. Two offices shall be provided, along with separate physical education equipment storage space, with a combined minimum of 300 net sf. Each shall be provided with a telephone.

(3) High school. Two dressing rooms shall be provided, with lockers, ~~[showers and restroom fixtures. Two offices shall be provided, each with a minimum of 150 net sf. Each shall be provided with a telephone. Separate physical education equipment storage space shall be provided]~~ restroom fixtures, and at least

one shower per dressing room. Two offices shall be provided, along with separate physical education equipment storage space, with a combined minimum of 300 net sf. Each shall be provided with a telephone.

(4) Combination school. A combination school shall provide the elements of the grades served by Paragraphs (1), (2) and (3) above without duplication, but meeting the higher standards.  
[6.27.30.15 NMAC - N, 9/1/2002; A, 8/31/2005; A, 12/14/2007; A, 7/15/2010; A, 9/14/2012; A, XX/XX/XXXX]

**6.27.30.16** ~~[LIBRARIES AND MEDIA CENTERS/RESEARCH AREA—GENERAL REQUIREMENTS]~~ **LIBRARIES, MEDIA, AND RESEARCH CENTERS:**

A. A school facility shall have space for students to access research materials, computer workstations, literature, non-text reading materials, books and technology, including digital devices. This shall include ~~[space for reading, listening and viewing materials]~~ flexible space and comfortable seating with wired and wireless connectivity.

(1) Elementary school. The area for stacks and seating space shall be at least ~~[3]~~ 2.5 net sf/student of the planned school program capacity or average enrollment, but no less than 1,000 net sf. In addition, office/workroom space and secure storage shall be provided, with a cumulative minimum of 200 net sf.

(2) Middle school/junior high school or high school. The area for stacks and seating shall be at least ~~[3]~~ 2.5 net sf/student of the planned school program capacity or average enrollment but no less than 1,000 net sf. In addition, office/workroom space and secure storage shall be provided, with a cumulative minimum of 200 net sf.

(3) Combination school. Provide the elements of the grades set out in Paragraphs (1) and (2) above without duplication, but meeting the higher standards.

B. A school facility shall have library fixtures, equipment, technology, and resources in accordance with the standard equipment necessary to meet the educational requirements of the public education department.  
[6.27.30.16 NMAC - N, 9/1/2002; A, 8/31/2005; A, 12/14/2007; A, 7/15/2010; A, XX/XX/XXXX]

**6.27.30.17** **FOOD SERVICE STANDARDS:**

A. Cafeterias - general requirements. A school facility shall have adequate space and equipment necessary to provide regular meals to students during the school day.

(1) Serving and dining. A school facility shall have a covered area or space, or combination, to permit students to eat within the school site, outside of general classrooms. This space may ~~[have more than one function]~~ be multi-purpose and may fulfill more than one adequacy standards requirement not in conflict with the regular serving and dining function. Dining area shall be sized for the planned school program capacity or average enrollment to allow for a meal period requiring no more than 3 ~~[servings]~~ serving periods. The dining area shall have no less than 15 net sf/seated student.

(2) Serving ~~[area]~~ area(s) accommodating efficient flow of traffic shall be provided in addition to net sf areas assigned to dining and food preparation area.

(3) Fixtures ~~[and equipment]~~ equipment, and storage. A school facility shall have space, fixtures and equipment accessible to the serving area, in accordance with the standard equipment required, for the preparation, receipt, storage or service of food to students.

(a) The space, fixtures and equipment shall be appropriate for the food service program of the school facility and shall be provided in consideration of the size and location of the facility and frequency of food service supply deliveries. Food service facilities and equipment shall comply with the food service and food processing regulations of the New Mexico department of environment.

(b) Fixtures and equipment should include: food prep area items, including sink, oven, range, serving area equipment (or buffet equipment), dishwasher, and cold storage, dry storage and other appropriate fixture and equipment items.

B. Kitchen. Kitchen and equipment shall comply with either the food preparation kitchen or the serving kitchen standards defined as follows:

(1) Food preparation kitchen - 2 net sf/meal served minimum based upon the single largest serving period:

(a) Elementary school: 1,000 net sf minimum.

(b) Middle school/junior high school: 1,600 net sf minimum.

(c) High school: 1,700 sf minimum.

(d) Combination school: shall provide the elements of the grades served by Subparagraphs (a), (b) and (c) above without duplication, but meeting the higher standards.

(2) Serving kitchen. Where food is not prepared on the school site but is delivered prepared, there shall be a minimum of 200 net sf with a hand wash sink and a phone.  
[6.27.30.17 NMAC - N, 9/1/2002; A, 8/31/2005; A, 12/14/2007; A, 7/15/2010; A, 9/14/2012]

**6.27.30.18 OTHER FACILITY AREAS:**

**A.** Parent ~~[workspace]~~ organization storage. A school facility shall include ~~[a workspace]~~ secure storage for use by ~~[parents]~~ the school parent organization(s). ~~[If this space is provided, it shall consist of at least .5 net sf/student of the planned school program capacity but no less than 150 net sf]~~ Space provided shall consist of no less than 150 net sf. The space may consist of more than one room and may have more than one function.

**B.** Administrative space. A school facility shall have space to be used for the administration of the school. The space shall consist of a minimum of 150 net sf, plus 1.5 net sf/student of the planned school program capacity or average enrollment.

**C.** Student health, counseling and ancillary space. A school facility shall have space to isolate ~~[a sick student]~~ any sick student(s) from the other students and ~~[may]~~ shall include space for the delivery of other health, counseling, testing and ancillary programs. It shall include secure storage for records, medications, supplies, and it shall have a telephone. This space shall be a designated space ~~[that is accessible to a restroom, and shall consist]~~ consisting of at least 1 net sf/student of the planned school program capacity or average enrollment with a minimum of 150 net sf. ~~[The space may consist of more than one room and may have more than one function. This space shall include a telephone]~~ The nurse's suite shall have a connected accessible restroom, not included in the minimum.

**D.** Faculty workspace or teacher lounge. A school facility shall have workspace available to the faculty. This space is in addition to any workspace available to a teacher, in or near a classroom. The space shall consist of at least 1 net sf/student of the planned school program capacity or average enrollment with no less than 150 net sf. The space may consist of more than one room and may have more than one function. This space shall include a break area with a ~~[sink]~~ kitchenette.

**E.** Network distribution space. A school shall have at least 120 net sf of appropriately distributed, securable, well-ventilated, temperature-controlled space to accommodate routers, switches, servers and other devices to support school technology operational needs.

**F.** Technology support space(s). A school shall have 0.5 net sf/student with a minimum of 300 sf to store and/or service user devices. This space may be provided in a centralized location off-site.

[6.27.30.18 NMAC - N, 9/1/2002; A, 8/31/2005; A, 12/14/2007; A, XX/XX/XXXX]

**6.27.30.19 GENERAL STORAGE (EXCLUDES LOCKERS, JANITORIAL, KITCHEN, GENERAL CLASSROOM, SPECIALTY CLASSROOMS, AND ADMINISTRATIVE STORAGE):** For storage, at least 1 net sf/student of the planned school program capacity or average enrollment may be distributed in or throughout any type of room or space, but may not count toward required room square footages. General storage must be securable and include textbook storage.

[6.27.30.19 NMAC - N, 9/1/2002; A, 8/31/2005; A, 12/14/2007; A, XX/XX/XXXX]

**6.27.30.20 MAINTENANCE OR JANITORIAL SPACE:** Each school shall designate ~~[-.5]~~ 1.0 net sf/student of the planned school program capacity or average enrollment for maintenance or janitorial space. Janitorial space shall include a janitorial sink.

[6.27.30.20 NMAC - N, 9/1/2002; A, 8/31/2005; A, 12/14/2007; A, XX/XX/XXXX]

**6.27.30.21 TEACHERAGES:** Teacherages shall meet standards required by the United States department of housing and urban development.

[6.27.30.21 NMAC - N, 9/1/2002]

**6.27.30.22 STANDARDS VARIANCE:**

**A.** The council may grant a variance from any of the adequacy standards. The council shall grant a variance if it determines that the intent of the standard can be met by the school district in an alternate manner, or if a variance is required for appropriate programmatic needs as demonstrated by the district. If the council grants the variance, the school district shall be deemed to have met the standard.

**B.** The council may, with adequate justification, also grant a variance from any of the provisions of the New Mexico public school adequacy planning guide provided by the state for use in the programming and design of school projects ~~[to meet adequacy]~~. Such variance shall be considered through an appeal to the council by

the school district following a final administrative interpretation of the planning guide. Procedures for achieving final administrative interpretation and filing an appeal to the council for a variance are as provided for in the planning guide document.

[6.27.30.22 NMAC - N, 9/1/2002; A, 12/14/2007; A, XX/XX/XXXX]

**HISTORY OF 6.27.30 NMAC: [RESERVED]**