

RESOLUTION

PUBLIC SCHOOL CAPITAL OUTLAY COUNCIL

Procedure for completion of deficiency correction projects at the New Mexico School for the Deaf (NMSD) and the New Mexico School for the Blind and Visually Impaired (NMSBVI)

WHEREAS, the purpose of the Public School Capital Outlay Act (PSCOA), pursuant to Chapter 22, Article 24, NMSA 1978, is to ensure that through a standards-based process the physical condition of public school facilities in New Mexico meets an adequate level that promotes safe, functional and durable learning environments for student success;

WHEREAS, the PSCOC is created pursuant to Section 22-24-6, NMSA 1978 and is empowered to approve allocations for public school capital outlay assistance, and is granted certain oversight authority for public school capital outlay projects;

WHEREAS, the PSFA is created as staff to the PSCOC pursuant to Section 22-24-9, NMSA 1978 and is empowered to work with school districts to validate requests for grant assistance, oversee all aspects of contracts, and provide oversight and management of planning, construction and maintenance of school facilities;

WHEREAS, Sections 22-24-5.6, NMSA 1978 provides for a program to correct assessed outstanding health, safety or infrastructure deficiencies upon validation of the existing five-year facilities plans and the facilities condition assessments at the NMSD and NMSBVI;

WHEREAS, the Public School Capital Outlay Oversight Task Force (PSCOOTF) is created pursuant to Section 22-24-7, NMSA and is charged with monitoring the effectiveness and overseeing the PSCOC and PSFA in their implementation of the standards-based process, as well as other programs administered pursuant to the PSCOA;

WHEREAS, during the 2005 interim, the PSCOOTF heard testimony from the Higher Education Department (HED), NMSD, and NMSBVI requesting that these two institutions be allowed to qualify for funding under the standards-based capital outlay process for other public schools because of their similar missions as opposed to competing with higher education institutions for capital outlay funds;

WHEREAS, the PSCOOTF endorsed legislation to the 2006 legislature to create a deficiency correction program for the NMSD & NMSBVI, requesting \$40 million to address priorities identified in their respective facility master plans as an interim solution while studying options for bringing these institutions under the standards-based capital outlay process with other public schools;

WHEREAS, the 2006 legislature enacted a program to correct outstanding health, safety or infrastructure deficiencies at the NMSD & NMSBVI under the public school capital outlay act but did not provide funding necessary to implement the program;

WHEREAS, based on input from the PSFA, HED and the two institutions in mid-2008, the PSCOC developed a plan to prioritize the various capital needs contained in the respective facility master plans through a similar process utilized to identify and correct deficiencies at other public school facilities pursuant to Section 22-24-4.1, NMSA 1978. The resultant surveys were completed in early 2009 and identified \$27.2 million in deficiencies, including \$7.9 million in priority projects;

WHEREAS, the 2009 legislature provided severance tax bond appropriations to the public school capital outlay fund (PSCOF) of \$2.5 million for the NMSD and \$2.3 million for the NMSBVI to begin the deficiency correction program at the two institutions, as well as, additional amendments to request the PSCOOTF to study ways to address the local match requirements under the standards-based capital outlay system;

WHEREAS, the PSCOC approved funding for initial prioritized deficiencies totaling \$2.5 million for the NMSD on March 11, 2009 and \$2.3 million for the NMSBVI on April 6, 2011;

WHEREAS, the PSCOC subsequently increased the allocation to the NMSD by \$1.8 million in April 2011 and to the NMSBVI by \$1.75 million in June 2011 from the PSCOF to address cost increases and additional roof deficiencies;

WHEREAS, the PSCOC declared the deficiency program for these two institutions complete because the subsequent funding brought the deficiency corrections to the same priority level as all public school facilities through a separate program under the PSCOA pursuant to Section 22-24-4.1, on which this program was based;

WHEREAS, adequacy standards need to be developed that appropriately address the unique facility and programmatic needs of these institutions in order to assess and prioritize along-side the needs of other public school facilities throughout the state under the standards-based capital outlay process;

WHEREAS, significant efforts have been made over the past two years internally to develop adequacy standards required for these institutions, but because of the lack of comparable standards after a nationwide search and lack of resources requires further development through the hiring of a consultant to study and assist the PSCOC in creating the adequacy standards. This effort will require additional time for the consultant and staff to conduct field surveys of the existing facilities of the NMSD & NMSBVI to quantify the differences in all educational programs when compared to the current New Mexico Adequacy Standards for public schools; and

WHEREAS, critical deficiencies remain at these two institutions that have not been addressed;

NOW, THEREFORE, be it resolved that, if the PSCOC does not adopt adequacy standards for the special schools by the December 2011 PSCOC meeting, the PSCOC sets forth the following policy and procedure to allow the NMSD and NMSBVI to correct deficiencies necessary for an adequate educational program as follows:

The New Mexico School for the Blind and Visually Impaired and the New Mexico School for the Deaf shall be authorized to submit applications for up to 2 projects until December 2012 for full or partial funding consideration by the PSCOC. These projects shall be based on those projects that were previously identified in the facility master plans and validated assessments of the building condition and structure, exterior envelope, interior surfaces and finishes, building systems, including plumbing fixtures, and compliance with building codes which are necessary to provide an adequate educational program for special needs students or needed as indicated by other available data. The total combined award amount available for projects pursuant to this provision shall not exceed eight million dollars (\$8,000,000). The PSCOC, in making an award pursuant to this provision, may take into consideration other available funding and may reduce the total award amount for each project accordingly. All other provisions of Section 22-24-5.7, NMSA 1978 shall apply to allocations under this process.

