

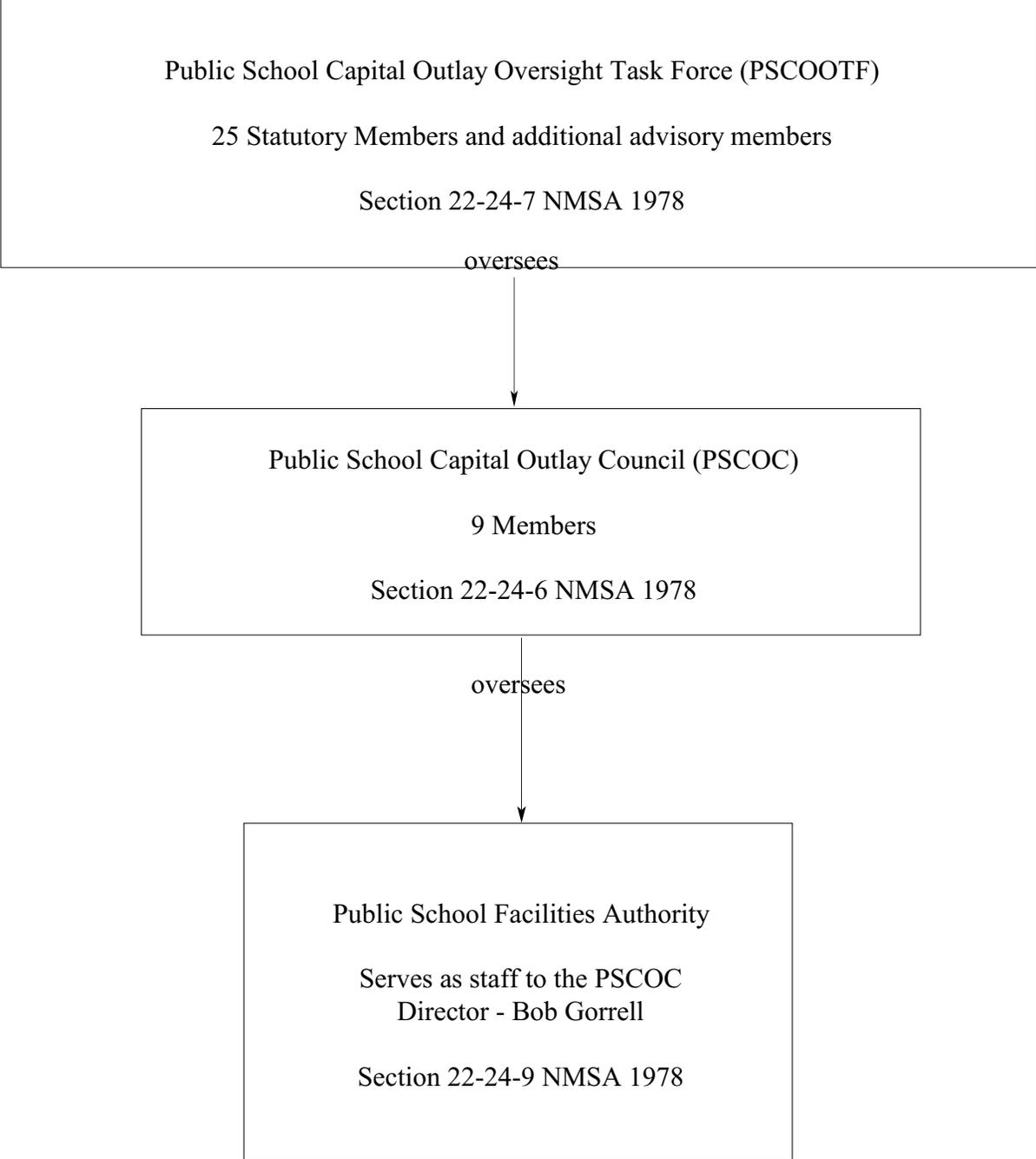
# PUBLIC SCHOOL CAPITAL OUTLAY OVERSIGHT TASK FORCE RESOURCE BINDER

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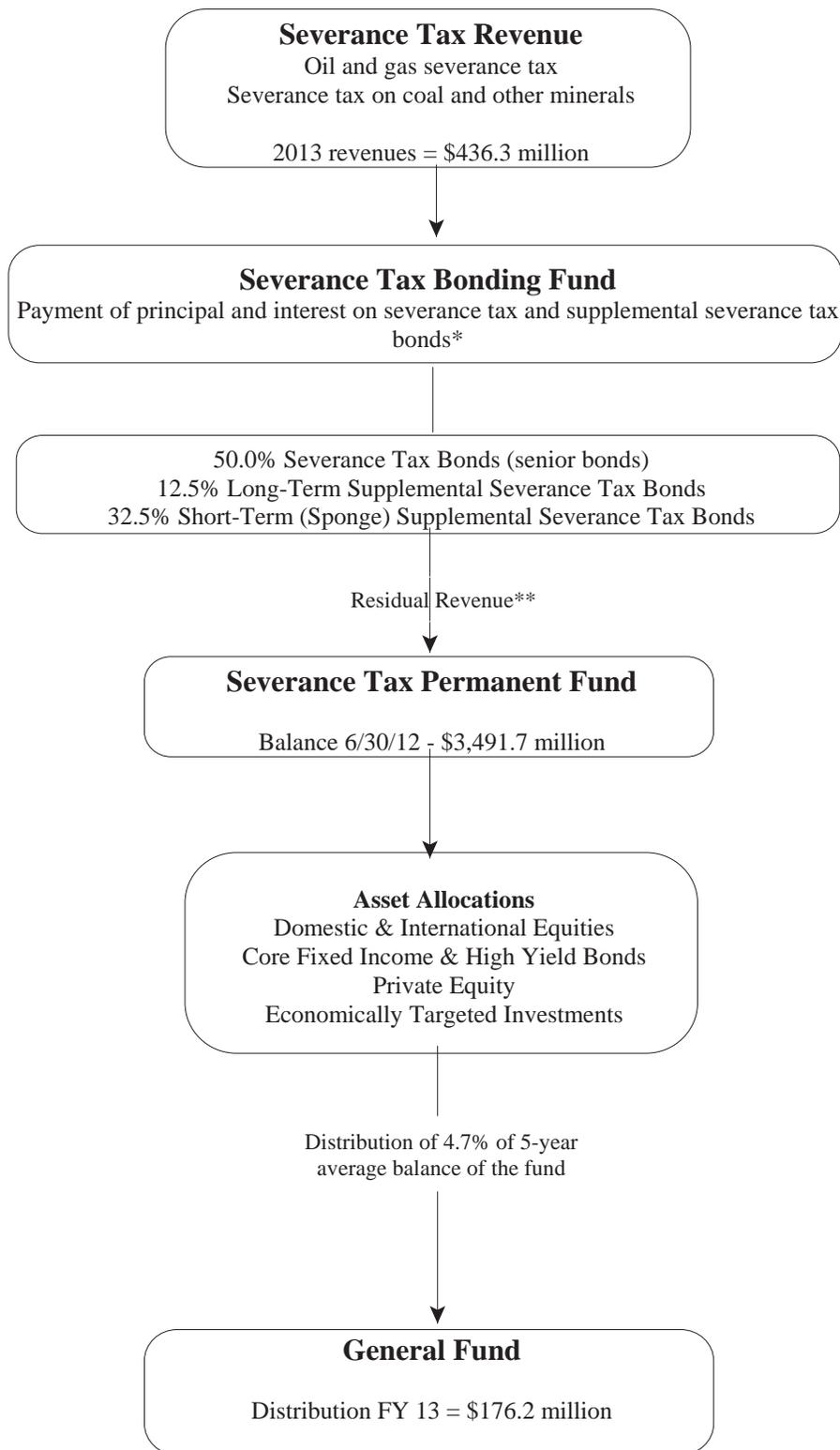
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# Public School Capital Outlay Funding Standards-Based Process



# Severance Tax Permanent Fund Flow Chart



\* The amount of new bonding capacity is limited based on previous year revenues, as follows: 50% of revenues may be used for senior severance tax bonds; an additional 12.5% of revenues may be used for long-term supplemental bonds; and an additional 32.5% of revenues may be used for short-term supplemental tax bonds. The remaining 5% is intended to be transferred to the severance tax permanent fund.

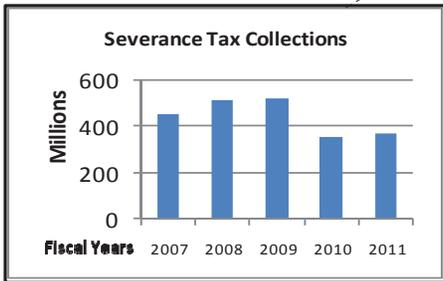
\*\* The residual revenue required to be transferred to the severance tax permanent fund is the lesser of 5% of the prior year revenues or, if current year revenues are less than prior year revenues, actual current year revenues not needed for the payment of bonds. The amount actually transferred may be greater than 5% of prior year revenues.

# New Mexico State Investment Council SEVERANCE TAX PERMANENT FUND

The Severance Tax Permanent Fund (STPF) was established by the legislature as a permanent endowment in 1973, to receive and invest severance taxes collected on natural resources extracted from New Mexico lands.



**INFLOWS**  
A severance tax is imposed on oil, natural gas, other liquid hydrocarbons, carbon dioxide and hard rock minerals severed from the land.  
**Collected by Tax & Revenue Department**



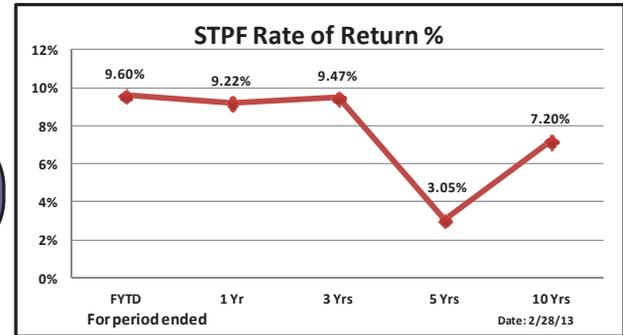
Taxes are transferred monthly to the **Severance Tax Bonding Fund** administered by the State Treasurer's Office for **Debt Service Requirements** on **Senior and Supplemental Bonds** issued under the **Severance Tax Bonding Act** for capital projects

Year(s)	% Split between bond fund & STPF deposits
1976-1999	50/50
1999	62.5/37.5
2000	87.5/12.5
2004 ⇨	95/5

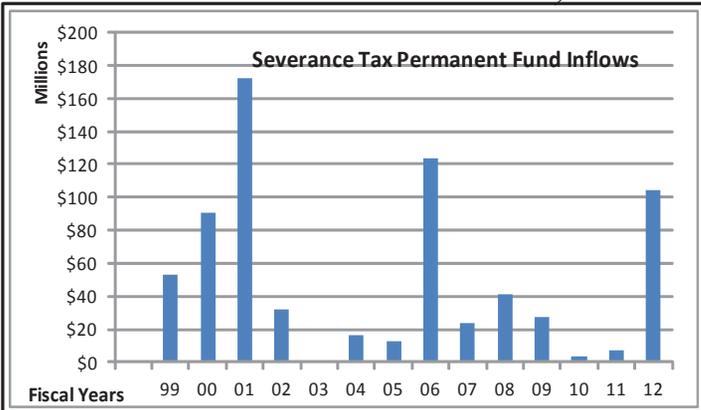
Amounts in the Bonding Fund in excess of the amounts necessary to service bond principal and interest payments are transferred twice a year to the

Most of the fluctuation in severance tax revenue is due to wide and frequent swings in the market price of oil and gas. States that rely on revenue from severance taxes face volatility in production, demand and price changes.

## SEVERANCE TAX PERMANENT FUND

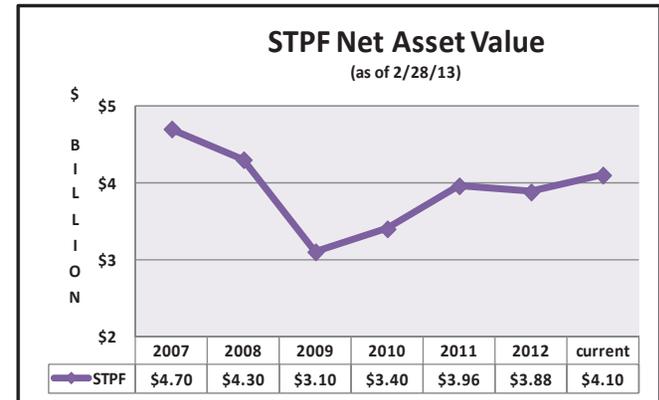


**Constitutional Distribution Formula** to the **State General Fund**  
4.7% of 5-year average market value



2007	\$170,972,508
2008	\$177,171,816
2009	\$191,292,480
2010	\$187,488,067
2011	\$184,570,728
2012	\$183,423,504

Averages 3% of General Fund  
\$1.78B over the past 10 years



2014-2015 wNMCI Preliminary Ranking, Sorted by District, Then School

Rank	District	School Name	Gross Area (Sq. Ft.)	Weighted NMCI
06-07-24	Deming	Deming HS	180,000	92.48%
08-09-29	Clovis	James Bickley ES	39,383	75.53%
10-11-07	Gallup McKinley	Washington ES	43,512	74.84%
10-11-16	Gallup McKinley	Church Rock Academy ES	38,202	63.49%
10-11-23	Gallup McKinley	Jefferson ES	39,299	58.10%
10-11-32	Alamogordo	Yucca ES	55,212	56.05%
11-12-10	Socorro	San Antonio ES	14,875	81.45%
11-12-22	Belen	Family Alternative School	4,450	70.26%
11-12-30	Bernalillo	Bernalillo HS	234,905	66.34%
11-12-34	Espanola	E. T. S Fairview ES	50,492	64.11%
11-12-52	Albuquerque	Douglas MacArthur ES	44,441	57.77%
11-12-59	Albuquerque	McKinley MS	100,710	56.01%
11-12-60	Espanola	Velarde ES	25,206	55.94%
12-13-01	NMSD Santa Fe Campus	Site	262,052	134.00%
12-13-06	NMSBVI Alamogordo Campus	Site	180,521	76.58%
12-13-07	NMSBVI Alamogordo Campus	Health Services (1933) - New Library	180,521	76.58%
12-13-09	Capitan	Capitan HS	78,298	74.61%
12-13-16	Capitan	Capitan ES	38,844	61.32%
12-13-33	Espanola	Los Ninos Kindergarten	23,388	55.76%
12-13-37	Gadsden	Desert View ES	52,854	43.42%
12-13-41	Zuni	Dowa Yalanne ES	63,189	33.31%
12-13-46	Zuni	A:Shiwi ES	57,489	42.82%
12-13-47	Bernalillo	Santo Domingo ES/MS	78,213	44.88%
12-13-52	Central Consolidated	Naschitti ES	33,665	42.92%
12-13-61	Farmington	Farmington HS	255,413	40.66%
12-13-99	West Las Vegas	West Las Vegas MS	71,886	35.03%
13-14-03	Deming	Deming Intermediate School	80,043	84.78%
13-14-08	NMSBVI Alamogordo Campus	Quimby Gymnasium (1952)	14,378	77.11%
13-14-10	Lordsburg	Lordsburg HS	89,920	71.33%
13-14-12	Central Consolidated	Grace B Wilson ES	53,816	67.53%
13-14-20	Mesa Vista	Ojo Caliente ES	22,278	60.45%
13-14-21	Reserve	Reserve Combined School	90,992	59.02%
13-14-24	Grants Cibola	Las Alamos MS	74,458	57.40%
13-14-30	Roswell	Parkview Early Literacy	27,796	53.41%
13-14-34	Central Consolidated	Ruth N Bond ES	73,620	50.87%
13-14-36	Albuquerque	Marie M Hughes ES	69,922	50.63%
13-14-41	Hobbs	Broadmoor ES	31,682	48.41%
13-14-41	Hobbs	New Elementary School (2015)		48.41%
13-14-41	Hobbs	Jenkins-Nunan Center Early Childhood		48.41%
13-14-45	Central Consolidated	Newcomb HS	102,089	46.27%
13-14-47	Silver - State Chartered	Aldo Leopold Charter School	18,816	46.09%
13-14-49	Albuquerque	Arroyo Del Oso ES	50,760	45.34%

2014-2015 wNMCI Preliminary Ranking, Sorted by District, Then School

Rank	District	School Name	Gross Area (Sq. Ft.)	Weighted NMCI
13-14-54	Gallup McKinley	Ramah ES	29,354	44.13%
13-14-61	Farmington	Northeast ES	46,365	41.92%
13-14-75	NMSBVI Alamogordo Campus	Sacramento Dormitory (1968)	16,053	38.58%
13-14-76	Albuquerque	Collet Park ES	42,459	38.53%
13-14-77	Belen	Rio Grande ES	44,163	38.40%
13-14-78	Gadsden	Chaparral ES	81,755	38.23%
13-14-78	Gadsden	New Elementary School (2015)		38.23%
13-14-86	Albuquerque	Atrisco ES	65,406	37.16%
13-14-91	NMSBVI Alamogordo Campus	Recreation/Ditzler Auditorium	19,026	36.68%
13-14-99	Farmington	Hermosa MS	93,788	34.59%
<p>Schools with "XX-XX-XX" rankings are projects that received partial funding through a previous standards-based award. The rank is formatted by award year followed by the rank from that award cycle. These projects may be eligible for additional phase funding upon submission of an application in current or future award cycles.</p>				
445	Alamogordo	Academy Del Sol Alternative HS	21,177	13.81%
307	Alamogordo	Alamogordo HS	329,975	21.16%
226	Alamogordo	Buena Vista ES	35,606	24.48%
136	Alamogordo	Chaparral MS	117,335	28.37%
304	Alamogordo	Heights ES	38,436	21.31%
9	Alamogordo	High Rolls Mountain Park ES	12,354	64.65%
168	Alamogordo	Holloman Intermediate	38,857	26.60%
353	Alamogordo	Holloman MS	53,714	18.75%
95	Alamogordo	Holloman Primary	62,859	32.33%
236	Alamogordo	La Luz ES	47,087	24.22%
521	Alamogordo	Mountain View MS	92,934	9.68%
724	Alamogordo	New Elementary School (2014)	55,555	0.00%
173	Alamogordo	North Elem ES	58,594	26.49%
12	Alamogordo	Oregon ES	35,727	63.68%
135	Alamogordo	Sacramento ES	52,385	28.63%
450	Alamogordo	Sierra ES	43,307	13.34%
190	Albuquerque	A. Montoya ES	55,472	25.63%
374	Albuquerque	Acoma ES	49,932	17.45%
551	Albuquerque	Adobe Acres ES	80,741	7.83%
334	Albuquerque	Alameda ES	46,089	19.53%
59	Albuquerque	Alamosa ES	76,255	40.35%
418	Albuquerque	Albuquerque HS	289,173	15.02%
250	Albuquerque	Alvarado ES	53,887	23.74%
94	Albuquerque	Apache ES	60,071	32.53%
123	Albuquerque	Armijo ES	59,513	29.45%
699	Albuquerque	Atrisco Heritage Academy HS	511,626	0.67%
242	Albuquerque	Bandelier ES	85,070	24.14%
267	Albuquerque	Barcelona ES	59,593	22.90%

2014-2015 wNMCI Preliminary Ranking, Sorted by District, Then School

Rank	District	School Name	Gross Area (Sq. Ft.)	Weighted NMCI
291	Albuquerque	Bel-Air Elem ES	75,966	21.86%
26	Albuquerque	Bellehaven ES	51,904	51.41%
350	Albuquerque	Carlos Rey ES	94,789	18.79%
81	Albuquerque	Chamiza ES	70,179	34.13%
738	Albuquerque	Chaparral ES	89,125	0.00%
436	Albuquerque	Chelwood ES	126,308	14.22%
452	Albuquerque	Cibola HS	361,631	13.18%
205	Albuquerque	Cleveland MS	113,030	25.14%
315	Albuquerque	Cochiti ES	52,276	20.56%
176	Albuquerque	Comanche ES	49,356	26.31%
626	Albuquerque	Coronado ES	45,621	3.81%
341	Albuquerque	Corrales ES	58,932	19.24%
332	Albuquerque	Del Norte HS	299,642	19.58%
282	Albuquerque	Dennis Chavez ES	83,129	22.19%
503	Albuquerque	Desert Ridge MS	169,297	10.60%
687	Albuquerque	Desert Willow Family Alternative School	39,629	1.10%
195	Albuquerque	Dolores Gonzales ES	46,492	25.47%
169	Albuquerque	Double Eagle ES	78,458	26.56%
56	Albuquerque	Duranes ES	54,919	40.54%
582	Albuquerque	Early College Academy Alternative School	3,808	6.21%
467	Albuquerque	East San Jose ES	97,052	12.31%
706	Albuquerque	eCADEMY	36,128	0.13%
73	Albuquerque	Edmund G. Ross ES	65,349	35.00%
630	Albuquerque	Edward Gonzales ES	167,997	3.61%
288	Albuquerque	Eisenhower MS	136,131	21.96%
225	Albuquerque	Eldorado HS	381,206	24.49%
243	Albuquerque	Emerson ES	94,678	24.13%
159	Albuquerque	Ernie Pyle MS	122,554	27.01%
50	Albuquerque	Eubank ES	64,462	42.70%
109	Albuquerque	Eugene Field ES	56,860	30.90%
501	Albuquerque	Freedom HS	43,667	10.67%
167	Albuquerque	Garfield MS	100,688	26.60%
636	Albuquerque	Georgia O'Keefe ES	49,893	3.32%
145	Albuquerque	Governor Bent ES	64,036	27.53%
262	Albuquerque	Grant MS	127,267	23.14%
178	Albuquerque	Griegos ES	45,514	26.22%
253	Albuquerque	Harrison MS	123,861	23.60%
313	Albuquerque	Hawthorne ES	63,069	20.80%
410	Albuquerque	Hayes MS	108,635	15.22%
690	Albuquerque	Helen Cordero Primary	85,000	0.95%
179	Albuquerque	Highland HS	352,245	26.17%
404	Albuquerque	Hodgin ES	78,399	15.74%

2014-2015 wNMCI Preliminary Ranking, Sorted by District, Then School

Rank	District	School Name	Gross Area (Sq. Ft.)	Weighted NMCI
368	Albuquerque	Hoover MS	115,323	17.67%
15	Albuquerque	Hubert Humphrey ES	59,698	61.46%
17	Albuquerque	Inez ES	60,078	57.12%
119	Albuquerque	Jackson MS	88,993	30.04%
558	Albuquerque	James Monroe MS	182,241	7.50%
158	Albuquerque	Jefferson MS	125,678	27.05%
425	Albuquerque	Jimmy Carter MS	149,859	14.60%
255	Albuquerque	John Adams MS	124,329	23.44%
337	Albuquerque	John Baker ES	81,455	19.45%
183	Albuquerque	Kennedy MS	99,715	25.96%
89	Albuquerque	Kirtland ES	53,298	33.03%
111	Albuquerque	Kit Carson ES	76,144	30.82%
140	Albuquerque	La Cueva HS	387,921	27.87%
181	Albuquerque	La Luz ES	58,329	26.12%
154	Albuquerque	La Mesa ES	85,779	27.17%
103	Albuquerque	Lavaland ES	61,091	31.35%
552	Albuquerque	Lew Wallace ES	44,862	7.83%
543	Albuquerque	Longfellow ES	50,612	8.37%
74	Albuquerque	Los Padillas ES	51,035	34.93%
573	Albuquerque	Los Ranchos ES	49,393	6.45%
377	Albuquerque	Lowell ES	59,010	17.38%
451	Albuquerque	Lyndon B. Johnson MS	154,635	13.23%
219	Albuquerque	Madison MS	129,662	24.69%
221	Albuquerque	Manzano HS	343,317	24.63%
540	Albuquerque	Manzano Mesa ES	77,767	8.54%
257	Albuquerque	Mark Twain ES	33,013	23.39%
588	Albuquerque	Mary Ann Binford ES	89,435	5.97%
258	Albuquerque	Matheson Park ES	55,096	23.38%
125	Albuquerque	McCullum ES	56,441	29.39%
147	Albuquerque	Mission Avenue ES	59,224	27.50%
319	Albuquerque	Mitchell ES	61,082	20.22%
8	Albuquerque	Monte Vista ES	62,325	66.43%
129	Albuquerque	Montezuma ES	62,974	29.00%
101	Albuquerque	Mountain View ES	52,183	31.67%
464	Albuquerque	Navajo ES	82,834	12.48%
559	Albuquerque	New Futures Alternative High School	44,721	7.44%
705	Albuquerque	nex+Gen Academy HS	46,894	0.28%
575	Albuquerque	North Star ES	74,810	6.42%
294	Albuquerque	Onate ES	66,131	21.66%
538	Albuquerque	Osuna ES	98,398	8.71%
51	Albuquerque	Painted Sky ES	98,646	41.59%
72	Albuquerque	Pajarito ES	80,193	35.29%

2014-2015 wNMCI Preliminary Ranking, Sorted by District, Then School

Rank	District	School Name	Gross Area (Sq. Ft.)	Weighted NMCI
385	Albuquerque	Petroglyph ES	79,801	17.00%
244	Albuquerque	Polk MS	107,293	23.91%
100	Albuquerque	Reginald Chavez ES	46,926	31.69%
281	Albuquerque	Rio Grande HS	294,689	22.27%
155	Albuquerque	Roosevelt MS	121,362	27.16%
534	Albuquerque	Rudolfo Anaya ES	83,609	8.99%
298	Albuquerque	S. Y. Jackson ES	56,004	21.59%
363	Albuquerque	San Antonito ES	53,719	18.13%
360	Albuquerque	Sandia Base ES	51,962	18.25%
739	Albuquerque	Sandia HS	331,463	0.00%
142	Albuquerque	School on Wheels Alternative School	20,290	27.70%
396	Albuquerque	Seven Bar ES	88,728	16.33%
57	Albuquerque	Sierra Vista ES	82,936	40.46%
443	Albuquerque	Sombra del Monte ES	68,183	13.87%
662	Albuquerque	Sunset View ES	85,654	2.25%
500	Albuquerque	Susie R. Marmon ES	93,874	10.68%
212	Albuquerque	Taft MS	146,304	24.91%
29	Albuquerque	Taylor MS	108,601	49.71%
607	Albuquerque	Tierra Antigua ES	85,693	4.83%
459	Albuquerque	Tomasita ES	66,511	12.82%
661	Albuquerque	Tony Hillerman MS	150,740	2.28%
114	Albuquerque	Truman MS	190,905	30.62%
7	Albuquerque	Valle Vista ES	63,157	69.31%
414	Albuquerque	Valley HS	288,799	15.07%
270	Albuquerque	Van Buren MS	84,128	22.69%
373	Albuquerque	Ventana ES	88,215	17.46%
577	Albuquerque	Vision Quest Alternative Middle School	2,000	6.39%
308	Albuquerque	Volcano Vista HS NW	454,940	21.14%
141	Albuquerque	Washington MS	99,198	27.71%
619	Albuquerque	West Mesa HS	355,994	4.26%
93	Albuquerque	Wherry ES	85,778	32.54%
202	Albuquerque	Whittier ES	69,030	25.28%
107	Albuquerque	Wilson MS	94,841	31.00%
79	Albuquerque	Zia ES	69,068	34.54%
25	Albuquerque	Zuni ES	62,281	51.72%
260	Albuquerque-Charter	Academia de Lengua y Cultura Charter S	15,972	23.25%
692	Albuquerque-Charter	Albuquerque Talent Development Seco	13,572	0.79%
433	Albuquerque-Charter	Alice King Community Charter School	11,016	14.27%
585	Albuquerque-Charter	Bataan Military Academy Charter Schoo	8,800	6.09%
536	Albuquerque-Charter	Christine Duncan Community Charter Sc	13,332	8.92%
342	Albuquerque-Charter	Corrales International School Charter Sc	16,143	19.14%
434	Albuquerque-Charter	Digital Arts and Technology Academy Cl	50,436	14.22%

2014-2015 wNMCI Preliminary Ranking, Sorted by District, Then School

Rank	District	School Name	Gross Area (Sq. Ft.)	Weighted NMCI
359	Albuquerque-Charter	El Camino Real Academy Charter School	61,380	18.32%
629	Albuquerque-Charter	Gordon Bernell Charter School	22,187	3.72%
483	Albuquerque-Charter	La Academia de Esperanza Charter School	22,400	11.60%
553	Albuquerque-Charter	Los Puentes Charter School	19,381	7.72%
131	Albuquerque-Charter	Montessori of the Rio Grande Charter School	21,014	28.84%
539	Albuquerque-Charter	Mountain Mahogany Community Charter School	13,926	8.69%
545	Albuquerque-Charter	Native American Community Academy Charter School	34,552	8.17%
177	Albuquerque-Charter	Nuestros Valores Charter School	11,719	26.28%
346	Albuquerque-Charter	Public Academy for Performing Arts Charter School	29,568	18.97%
721	Albuquerque-Charter	Robert F. Kennedy Charter High School	24,743	0.00%
487	Albuquerque-Charter	SIA Tech Charter School	11,564	11.22%
393	Albuquerque-Charter	South Valley Academy Charter School	37,888	16.37%
232	Albuquerque-Charter	Twenty-First Century Public Academy Charter School	20,120	24.33%
522	ABQ-State Chartered	Academy of Trades and Technology Charter School	25,629	9.59%
671	ABQ-State Chartered	Albuquerque Institute for Math and Science Charter School	23,525	1.86%
375	ABQ-State Chartered	Amy Biehl Charter High School	41,900	17.40%
556	ABQ-State Chartered	Cesar Chavez Community Charter School	26,000	7.64%
162	ABQ-State Chartered	Cien Aguas International Charter School	15,608	26.98%
252	ABQ-State Chartered	Cottonwood Classical Preparatory Charter School	13,836	23.64%
533	ABQ-State Chartered	Creative Education Preparatory Institute Charter School	13,330	9.06%
581	ABQ-State Chartered	East Mountain Charter High School	43,752	6.23%
601	ABQ-State Chartered	Gilbert L Sena Charter High School	16,016	5.09%
642	ABQ-State Chartered	Horizon Academy West Charter School	35,075	3.10%
676	ABQ-State Chartered	International School at Mesa del Sol Charter School	5,376	1.53%
486	ABQ-State Chartered	La Promesa Early Learning Charter School	60,426	11.28%
655	ABQ-State Chartered	La Resolana Leadership Academy Charter School	10,514	2.50%
480	ABQ-State Chartered	Media Arts Collaborative Charter School	16,192	11.69%
635	ABQ-State Chartered	Montessori Elementary Charter School	29,997	3.33%
667	ABQ-State Chartered	New America Charter School - Albuquerque	10,096	2.03%
623	ABQ-State Chartered	North Valley Academy Charter School	36,150	4.09%
549	ABQ-State Chartered	Ralph J. Bunche Academy Charter School	11,022	7.99%
625	ABQ-State Chartered	Southwest Intermediate Learning Center	15,120	3.83%
592	ABQ-State Chartered	Southwest Primary Learning Center	14,160	5.81%
608	ABQ-State Chartered	Southwest Secondary Learning Center	14,160	4.81%
386	ABQ-State Chartered	The Learning Community Charter School	25,287	16.88%
43	Animas	Animas ES	24,376	44.88%
40	Animas	Animas MS/HS	82,237	45.35%
272	Artesia	Artesia HS	309,152	22.58%
193	Artesia	Central ES	19,892	25.53%
383	Artesia	Grand Heights Early Childhood	36,800	17.09%
191	Artesia	Hermosa ES	46,120	25.57%
286	Artesia	Park Junior HS	122,020	22.09%

2014-2015 wNMCI Preliminary Ranking, Sorted by District, Then School

Rank	District	School Name	Gross Area (Sq. Ft.)	Weighted NMCI
146	Artesia	Penasco ES	5,858	27.52%
122	Artesia	Roselawn ES	40,972	29.59%
323	Artesia	Yeso ES	54,646	20.01%
217	Artesia	Yucca ES	33,839	24.74%
77	Artesia	Zia Intermediate	111,518	34.75%
453	Aztec	Aztec HS	228,389	13.16%
531	Aztec	C.V. Koogler MS	131,750	9.17%
300	Aztec	Lydia Rippey ES	65,843	21.41%
358	Aztec	McCoy Avenue ES	68,199	18.34%
348	Aztec	Park Avenue ES	70,531	18.93%
624	Aztec	Vista Nueva Alternative HS	15,010	3.94%
615	Aztec-Charter	Mosaic Academy Charter School	9,024	4.54%
264	Belen	Belen HS	245,154	23.00%
379	Belen	Belen MS	147,981	17.36%
665	Belen	Central ES	32,800	2.05%
230	Belen	Dennis Chavez ES	54,927	24.35%
408	Belen	Gil Sanchez ES	48,054	15.46%
693	Belen	Infinity Alternative HS	25,076	0.79%
112	Belen	Jaramillo ES	51,691	30.70%
395	Belen	La Merced ES	52,903	16.34%
560	Belen	La Promesa ES	58,119	7.42%
403	Bernalillo	Algodones ES	26,885	15.77%
659	Bernalillo	Bernalillo ES	65,479	2.34%
447	Bernalillo	Bernalillo MS	106,109	13.68%
421	Bernalillo	Carroll ES	65,479	14.93%
438	Bernalillo	Cochiti ES/MS	55,168	14.08%
598	Bernalillo	Placitas ES	38,862	5.29%
497	Bloomfield	Blanco ES	45,885	10.72%
618	Bloomfield	Bloomfield Early Childhood Center	57,772	4.30%
488	Bloomfield	Bloomfield HS	274,934	11.18%
164	Bloomfield	Central Primary School	90,897	26.92%
493	Bloomfield	Charlie Y. Brown HS	20,631	10.82%
175	Bloomfield	Mesa Alta Junior HS	117,090	26.31%
324	Bloomfield	Naaba Ani ES	84,121	19.93%
318	Capitan	Capitan MS	15,359	20.32%
66	Carlsbad	Alta Vista MS	121,861	37.19%
256	Carlsbad	Carlsbad HS	371,698	23.43%
149	Carlsbad	Craft ES	36,770	27.39%
431	Carlsbad	Dr. E.M. Smith Pre-school	17,417	14.29%
143	Carlsbad	Early Childhood Education Center	52,126	27.60%
201	Carlsbad	Hillcrest ES	38,920	25.29%
33	Carlsbad	Joe Stanley Smith ES	36,879	47.61%

2014-2015 wNMCI Preliminary Ranking, Sorted by District, Then School

Rank	District	School Name	Gross Area (Sq. Ft.)	Weighted NMCI
196	Carlsbad	Monterrey ES	40,550	25.42%
296	Carlsbad	P.R. Leyva MS	167,325	21.62%
32	Carlsbad	Pate ES	32,969	47.71%
124	Carlsbad	Puckett ES	25,969	29.40%
45	Carlsbad	Riverside ES	35,302	44.70%
31	Carlsbad	Sunset ES	45,031	49.15%
461	Carlsbad-Charter	Jefferson Montessori Academy Charter	22,955	12.68%
34	Carrizozo	Carrizozo Combined School	96,098	47.02%
675	Central Consolidated	Central Career Prep	31,364	1.55%
548	Central Consolidated	Eva B. Stokely ES	81,325	8.11%
104	Central Consolidated	Kirtland Central HS	208,300	31.12%
118	Central Consolidated	Kirtland ES	89,029	30.15%
648	Central Consolidated	Kirtland MS	140,492	2.80%
528	Central Consolidated	Mesa ES	66,445	9.31%
54	Central Consolidated	Newcomb ES	69,657	41.13%
542	Central Consolidated	Newcomb MS	53,472	8.37%
527	Central Consolidated	Nizhoni ES	65,177	9.31%
569	Central Consolidated	Ojo Amarillo ES	79,565	6.64%
132	Central Consolidated	Shiprock HS	217,812	28.81%
64	Central Consolidated	Tse'bit'ai MS	103,204	37.74%
229	Chama Valley	Chama ES/ MS	46,736	24.45%
673	Chama Valley	Escalante MS/HS	82,494	1.59%
554	Chama Valley	Tierra Amarilla ES	27,384	7.67%
484	Cimarron	Cimarron ES/MS	59,818	11.48%
204	Cimarron	Cimarron HS	54,607	25.16%
505	Cimarron	Eagle Nest ES/MS	58,035	10.53%
367	Cimarron-Charter	Moreno Valley Charter High School	17,314	17.84%
87	Clayton	Alvis ES	33,406	33.34%
30	Clayton	Clayton HS	95,399	49.25%
251	Clayton	Clayton Junior HS	34,800	23.66%
512	Clayton	Kiser ES	13,527	10.09%
322	Cloudcroft	Cloudcroft ES/MS	60,554	20.07%
524	Cloudcroft	Cloudcroft HS	79,009	9.52%
331	Clovis	Barry ES	48,106	19.58%
714	Clovis	Bella Vista ES	44,396	0.00%
27	Clovis	Cameo ES	49,919	50.88%
245	Clovis	Clovis Freshman Academy	99,396	23.87%
321	Clovis	Clovis HS	364,100	20.08%
23	Clovis	Highland ES	48,361	52.85%
616	Clovis	La Casita ES	47,837	4.52%
712	Clovis	Lockwood ES	47,384	0.00%
574	Clovis	Marshall Junior HS	161,322	6.45%

2014-2015 wNMCI Preliminary Ranking, Sorted by District, Then School

Rank	District	School Name	Gross Area (Sq. Ft.)	Weighted NMCI
76	Clovis	Mesa ES	58,164	34.82%
24	Clovis	Parkview ES	48,642	52.00%
120	Clovis	Ranchvale ES	49,321	30.00%
275	Clovis	Sandia ES	46,911	22.45%
726	Clovis	W.D. Gattis MS	131,835	0.00%
71	Clovis	Yucca Junior HS	126,769	35.34%
110	Clovis	Zia ES	62,218	30.85%
732	Cobre	Bayard ES	55,240	0.00%
277	Cobre	Central ES	78,764	22.42%
91	Cobre	Cobre HS	151,807	33.00%
647	Cobre	Hurley ES	37,104	2.88%
213	Cobre	San Lorenzo ES	20,000	24.81%
645	Cobre	Snell MS	92,859	2.92%
362	Corona	Corona Combined School	62,099	18.13%
565	Cuba	Cuba ES	40,653	7.07%
654	Cuba	Cuba HS	114,572	2.52%
422	Cuba	Cuba MS	47,381	14.85%
614	Deming	Bataan ES	65,927	4.54%
271	Deming	Bell ES	33,884	22.64%
268	Deming	Chaparral ES	53,940	22.85%
535	Deming	Columbus ES	75,322	8.93%
344	Deming	Memorial ES	42,037	19.06%
429	Deming	My Little School	10,642	14.46%
203	Deming	Red Mountain MS	122,947	25.19%
595	Deming	Ruben S. Torres ES	68,976	5.36%
439	Deming-Charter	Deming Cesar Chavez Charter High School	23,559	14.08%
475	Des Moines	Des Moines Combined School	76,455	11.97%
99	Dexter	Dexter ES	80,092	31.72%
605	Dexter	Dexter HS	121,534	4.93%
239	Dexter	Dexter MS	42,462	24.17%
329	Dora	Dora Combined	103,542	19.77%
628	Dulce	Dulce ES	68,764	3.79%
372	Dulce	Dulce HS	222,142	17.53%
472	Dulce	Dulce MS	77,188	12.20%
328	Elida	Elida ES	14,387	19.85%
389	Elida	Elida MS/HS	52,220	16.56%
20	Espanola	Abiquiu ES	24,561	55.69%
463	Espanola	Carlos F Vigil MS	124,674	12.49%
121	Espanola	Chimayo ES	36,047	29.77%
369	Espanola	Dixon ES	18,707	17.66%
55	Espanola	Espanola Valley HS	178,046	40.55%
92	Espanola	Hernandez ES	37,057	32.91%

2014-2015 wNMCI Preliminary Ranking, Sorted by District, Then School

Rank	District	School Name	Gross Area (Sq. Ft.)	Weighted NMCI
473	Espanola	James Rodriguez ES	61,269	12.13%
309	Espanola	Mountain View ES	20,601	21.13%
590	Espanola	New Alcalde ES	24,711	5.96%
544	Espanola	San Juan ES	49,748	8.34%
639	Espanola	Tony E Quintana ES	38,552	3.24%
4	Espanola-Charter	Carinos Charter School	55,924	80.25%
165	Estancia	Estancia Combined ES	81,283	26.91%
380	Estancia	Estancia HS	117,501	17.28%
737	Estancia	Estancia MS	34,323	0.00%
370	Estancia	Estancia Valley Learning Center	3,840	17.66%
21	Eunice	Caton MS	74,332	53.58%
47	Eunice	Eunice HS	118,995	44.27%
688	Eunice	NEW Mettie Jordan ES	81,865	0.98%
320	Farmington	Animas ES	57,462	20.18%
246	Farmington	Apache ES	59,865	23.83%
206	Farmington	Bluffview ES	62,914	25.06%
352	Farmington	Country Club ES	63,644	18.76%
446	Farmington	Esperanza ES	74,804	13.71%
664	Farmington	Heights MS	83,956	2.06%
69	Farmington	Ladera Del Norte ES	58,317	36.93%
75	Farmington	McCormick ES	56,546	34.89%
530	Farmington	McKinley ES	71,170	9.20%
156	Farmington	Mesa Verde ES	50,571	27.13%
224	Farmington	Mesa View MS	100,987	24.52%
231	Farmington	Piedra Vista HS	245,698	24.35%
494	Farmington	Rocinante HS	26,003	10.82%
707	Farmington	Tibbetts MS	98,561	0.04%
61	Floyd	Floyd Combined School	94,941	38.64%
587	Fort Sumner	Fort Sumner Combined	124,702	6.00%
420	Gadsden	Anthony ES	110,137	14.96%
509	Gadsden	Berino ES	87,167	10.31%
564	Gadsden	Chaparral HS	221,997	7.07%
216	Gadsden	Chaparral MS	93,937	24.75%
200	Gadsden	Desert Trail Intermediate	68,474	25.29%
470	Gadsden	Gadsden ES	62,565	12.23%
729	Gadsden	Gadsden HS	279,060	0.00%
510	Gadsden	Gadsden MS	166,310	10.31%
185	Gadsden	La Union ES	58,910	25.87%
295	Gadsden	Loma Linda ES	56,660	21.65%
180	Gadsden	Mesquite ES	74,760	26.16%
637	Gadsden	North Valley ES	61,565	3.31%
222	Gadsden	Riverside ES	66,148	24.58%

2014-2015 wNMCI Preliminary Ranking, Sorted by District, Then School

Rank	District	School Name	Gross Area (Sq. Ft.)	Weighted NMCI
568	Gadsden	Santa Teresa ES	63,357	6.74%
356	Gadsden	Santa Teresa HS	250,295	18.48%
152	Gadsden	Santa Teresa MS	132,268	27.19%
333	Gadsden	Sunland Park ES	57,584	19.53%
596	Gadsden	Sunrise ES	61,565	5.34%
627	Gadsden	Vado ES	61,565	3.80%
485	Gadsden-Charter	Anthony Charter School	6,297	11.31%
273	Gallup McKinley	Chee Dodge ES	58,036	22.57%
682	Gallup McKinley	Chief Manuelito MS	119,034	1.33%
704	Gallup McKinley	Crownpoint ES	48,592	0.39%
42	Gallup McKinley	Crownpoint HS	99,209	45.05%
330	Gallup McKinley	Crownpoint MS	54,677	19.76%
163	Gallup McKinley	David Skeet ES	43,882	26.92%
401	Gallup McKinley	Gallup Central HS	33,976	15.86%
405	Gallup McKinley	Gallup HS	401,900	15.72%
576	Gallup McKinley	Gallup MS	102,981	6.40%
613	Gallup McKinley	Hiroshi Miyamura HS	198,476	4.55%
541	Gallup McKinley	Indian Hills ES	58,905	8.37%
666	Gallup McKinley	John F. Kennedy MS	141,662	2.03%
1	Gallup McKinley	Juan de Onate ES	46,834	97.68%
44	Gallup McKinley	Lincoln ES	36,513	44.84%
506	Gallup McKinley	Navajo ES	60,879	10.42%
672	Gallup McKinley	Navajo MS	52,761	1.81%
293	Gallup McKinley	Navajo Pine HS	77,415	21.70%
570	Gallup McKinley	Ramah HS	64,430	6.54%
58	Gallup McKinley	Red Rock ES	51,436	40.43%
115	Gallup McKinley	Rocky View ES	50,743	30.54%
65	Gallup McKinley	Roosevelt ES	33,527	37.63%
351	Gallup McKinley	Stagecoach ES	59,322	18.78%
10	Gallup McKinley	Thoreau ES	48,006	64.17%
105	Gallup McKinley	Thoreau HS	122,442	31.06%
247	Gallup McKinley	Thoreau MS	52,152	23.77%
285	Gallup McKinley	Tobe Turpen ES	49,361	22.12%
600	Gallup McKinley	Tohatchi ES	46,180	5.16%
297	Gallup McKinley	Tohatchi HS	103,183	21.60%
354	Gallup McKinley	Tohatchi MS	45,894	18.57%
652	Gallup McKinley	Tse' Yi' Gai HS	62,196	2.57%
586	Gallup McKinley	Twin Lakes ES	42,998	6.01%
502	Gallup McKinley-Charter	Middle College Charter High School	3,314	10.63%
644	Grady	Grady Mun. Combined	69,532	3.03%
249	Grants Cibola	Bluewater ES	22,747	23.74%
620	Grants Cibola	Cubero ES New 2011	37,482	4.25%

2014-2015 wNMCI Preliminary Ranking, Sorted by District, Then School

Rank	District	School Name	Gross Area (Sq. Ft.)	Weighted NMCI
492	Grants Cibola	Grants HS	299,624	10.87%
583	Grants Cibola	Laguna-Acoma MS/ HS	120,648	6.15%
448	Grants Cibola	Mesa View ES	55,573	13.64%
669	Grants Cibola	Milan ES	77,403	2.02%
234	Grants Cibola	Mount Taylor ES	74,577	24.29%
643	Grants Cibola	San Rafael ES	26,662	3.04%
339	Grants Cibola	Seboyeta ES	17,384	19.38%
382	Hagerman	Hagerman Combined	149,474	17.21%
602	Hatch Valley	Garfield ES	33,799	5.01%
621	Hatch Valley	Hatch Valley ES	42,289	4.14%
604	Hatch Valley	Hatch Valley HS	166,024	4.97%
471	Hatch Valley	Hatch Valley MS	70,024	12.21%
555	Hatch Valley	Rio Grande ES	36,816	7.64%
198	Hobbs	Booker T. Washington ES	31,492	25.41%
127	Hobbs	College Lane ES	60,544	29.16%
400	Hobbs	Coronado ES	49,806	16.19%
106	Hobbs	Edison ES	34,933	31.03%
516	Hobbs	Heizer Middle School	87,774	10.00%
411	Hobbs	Highland MS (f.k.a Highland Junior HS)	97,243	15.18%
482	Hobbs	Hobbs Freshman School	127,258	11.62%
719	Hobbs	Hobbs HS	370,611	0.00%
70	Hobbs	Houston Middle School	109,982	36.61%
97	Hobbs	Jefferson ES	42,906	32.16%
392	Hobbs	Mills ES	37,152	16.39%
312	Hobbs	Sanger ES	42,547	20.91%
194	Hobbs	Southern Heights ES	49,775	25.53%
299	Hobbs	Stone ES	53,758	21.53%
108	Hobbs	Taylor ES	38,130	31.00%
306	Hobbs	Will Rogers ES	59,756	21.27%
237	Hondo Valley	Hondo Combined school	56,830	24.20%
187	House	House Combined School	50,021	25.74%
311	Jal	Jal ES	41,500	21.01%
160	Jal	Jal Jr./Sr. HS	121,227	27.00%
303	Jemez Mountain	Coronado MS/HS	89,749	21.33%
316	Jemez Mountain	Gallina ES	16,777	20.49%
519	Jemez Mountain	Lybrook ES/MS	27,811	9.77%
361	Jemez Mountain-Charter	Lindrith Heritage Charter	11,569	18.21%
435	Jemez Valley	Jemez Valley ES	52,706	14.22%
437	Jemez Valley	Jemez Valley HS	66,984	14.19%
456	Jemez Valley	Jemez Valley MS	35,432	13.01%
37	Jemez Valley-Charter	San Diego Riverside Charter School	18,816	46.44%
612	Jemez Valley-State Chartered	Walatowa Charter High School	11,860	4.57%

2014-2015 wNMCI Preliminary Ranking, Sorted by District, Then School

Rank	District	School Name	Gross Area (Sq. Ft.)	Weighted NMCI
151	Lake Arthur	Lake Arthur Combined School	105,170	27.29%
220	Las Cruces	Alameda ES	52,277	24.68%
317	Las Cruces	Booker T. Washington ES	68,294	20.48%
504	Las Cruces	Camino Real MS	115,817	10.58%
727	Las Cruces	Centennial HS	369,293	0.00%
347	Las Cruces	Central ES	27,768	18.95%
477	Las Cruces	Cesar Chavez ES	75,291	11.80%
606	Las Cruces	Columbia ES	78,000	4.91%
305	Las Cruces	Conlee ES	58,788	21.30%
240	Las Cruces	Desert Hills ES	70,181	24.17%
188	Las Cruces	Dona Ana ES	69,458	25.73%
235	Las Cruces	East Picacho ES	54,986	24.23%
84	Las Cruces	Fairacres ES	45,824	33.63%
301	Las Cruces	Hermosa Heights ES	63,372	21.39%
278	Las Cruces	Highland ES	84,789	22.38%
174	Las Cruces	Hillrise ES	56,080	26.32%
184	Las Cruces	Jornada ES	53,406	25.91%
734	Las Cruces	Las Cruces HS	302,474	0.00%
711	Las Cruces	Loma Heights ES	46,443	0.00%
399	Las Cruces	Lynn MS	114,988	16.21%
90	Las Cruces	MacArthur ES	51,700	33.00%
563	Las Cruces	Mayfield HS	296,855	7.17%
579	Las Cruces	Mesa MS	118,000	6.32%
197	Las Cruces	Mesilla ES	46,505	25.42%
133	Las Cruces	Mesilla Park ES	62,964	28.80%
700	Las Cruces	Monte Vista ES	50,000	0.61%
241	Las Cruces	Ocate HS	281,096	24.16%
259	Las Cruces	Picacho MS	128,314	23.38%
413	Las Cruces	San Andres Learning Center	49,001	15.08%
388	Las Cruces	Sierra MS	96,249	16.73%
622	Las Cruces	Sonoma ES	85,899	4.12%
150	Las Cruces	Sunrise ES	65,292	27.29%
283	Las Cruces	Tombaugh ES	74,432	22.18%
715	Las Cruces	University Hills ES	56,410	0.00%
499	Las Cruces	Valley View ES	63,433	10.71%
189	Las Cruces	Vista MS	96,550	25.65%
82	Las Cruces	White Sands ES/MS	56,693	33.96%
440	Las Cruces	Zia MS	112,360	13.97%
52	Las Cruces-Charter	La Academia Dolores Huerta Charter Sc	12,400	41.58%
449	Las Cruces-Charter	Las Montanas Charter School	26,737	13.60%
474	Las Cruces-State Chartered	Alma d' Arte Charter High School	47,308	12.10%
394	Las Vegas City	Legion Park ES	34,219	16.35%

2014-2015 wNMCI Preliminary Ranking, Sorted by District, Then School

Rank	District	School Name	Gross Area (Sq. Ft.)	Weighted NMCI
415	Las Vegas City	Los Ninos ES	55,395	15.06%
562	Las Vegas City	Memorial MS	104,130	7.27%
289	Las Vegas City	Mike Mateo Sena ES	27,709	21.92%
137	Las Vegas City	Paul D. Henry ES	32,591	28.29%
128	Las Vegas City	Robertson HS	173,924	29.00%
113	Las Vegas City	Sierra Vista ES	50,547	30.64%
417	Logan	Logan Combined	90,369	15.03%
2	Lordsburg	Central ES	32,594	92.19%
571	Lordsburg	Dugan Tarango MS	41,718	6.53%
214	Lordsburg	R.V. Traylor ES	37,873	24.78%
13	Lordsburg	Southside ES	17,674	63.14%
733	Los Alamos	Aspen ES	49,559	0.00%
39	Los Alamos	Barranca Mesa ES	61,871	45.58%
68	Los Alamos	Chamisa ES	47,894	37.00%
717	Los Alamos	Los Alamos HS	309,840	0.00%
513	Los Alamos	Los Alamos MS	87,885	10.04%
287	Los Alamos	Mountain ES	58,971	22.05%
67	Los Alamos	Pinon ES	57,520	37.07%
390	Los Lunas	Ann Parish ES	67,682	16.52%
656	Los Lunas	Bosque Farms ES	69,417	2.44%
632	Los Lunas	Century Alternative High	28,000	3.56%
211	Los Lunas	Daniel Fernandez ES	59,030	24.97%
589	Los Lunas	Desert View ES	66,009	5.97%
511	Los Lunas	Katherine Gallegos ES	61,243	10.30%
402	Los Lunas	Los Lunas ES	62,984	15.79%
670	Los Lunas	Los Lunas Family School	10,000	1.99%
716	Los Lunas	Los Lunas HS	276,738	0.00%
327	Los Lunas	Los Lunas MS	100,475	19.88%
228	Los Lunas	Peralta ES	48,554	24.45%
130	Los Lunas	Raymond Gabaldon ES	56,620	28.86%
663	Los Lunas	Sundance ES	70,546	2.20%
376	Los Lunas	Tome ES	65,407	17.39%
496	Los Lunas	Valencia ES	52,236	10.74%
465	Los Lunas	Valencia HS	205,569	12.47%
355	Los Lunas	Valencia MS (AKA - Manzano Vista MS)	96,874	18.54%
685	Los Lunas-State Chartered	School of Dreams Academy Charter Sch	21,106	1.14%
266	Loving	Loving ES	44,075	22.97%
523	Loving	Loving HS	79,233	9.56%
653	Loving	Loving New MS	55,614	2.54%
381	Lovington	Ben Alexander ES	53,065	17.25%
78	Lovington	Jefferson ES	43,841	34.69%
371	Lovington	Lea ES	49,164	17.65%

2014-2015 wNMCI Preliminary Ranking, Sorted by District, Then School

Rank	District	School Name	Gross Area (Sq. Ft.)	Weighted NMCI
384	Lovington	Llano ES	62,445	17.01%
426	Lovington	Lovington 6th Grade Academy	105,607	14.57%
460	Lovington	Lovington Freshman Academy	17,600	12.81%
210	Lovington	Lovington HS	209,757	25.00%
424	Lovington	New Hope Alternative HS	5,400	14.67%
314	Lovington	Taylor MS	82,680	20.63%
38	Lovington	Yarbro ES	55,254	45.61%
423	Magdalena	Magdalena Combined	143,306	14.82%
227	Maxwell	Maxwell Combined School	53,822	24.47%
98	Melrose	Melrose Combined School	113,040	31.89%
532	Mesa Vista	El Rito ES	24,766	9.14%
199	Mesa Vista	Mesa Vista MS/HS	71,460	25.37%
397	Mora	Holman ES	20,955	16.31%
218	Mora	Mora Combined School	144,335	24.73%
261	Moriarty / Edgewood	Edgewood ES	57,900	23.23%
594	Moriarty / Edgewood	Edgewood MS	144,817	5.58%
263	Moriarty / Edgewood	Moriarty ES	65,435	23.13%
192	Moriarty / Edgewood	Moriarty HS	258,450	25.54%
713	Moriarty / Edgewood	Moriarty MS	66,672	0.00%
366	Moriarty / Edgewood	Mountainview ES	67,809	17.84%
458	Moriarty / Edgewood	Route 66 ES	54,680	12.83%
476	Moriarty / Edgewood	South Mountain ES	43,174	11.85%
148	Mosquero	Mosquero Combined School	43,500	27.49%
170	Mountainair	Mountainair ES	42,684	26.54%
83	Mountainair	Mountainair Jr./Sr. HS	70,744	33.85%
85	NMSBVI Alamogordo Campus	Garret Dormitory (1964)	14,145	33.58%
660	NMSBVI Alamogordo Campus	Jack Hall Building with Health Services	24,426	2.32%
490	NMSBVI Alamogordo Campus	North Cottage (1930)	1,050	10.97%
561	NMSBVI Alamogordo Campus	South Cottage (1930)	1,050	7.35%
702	NMSBVI Albuquerque Campus	Early Childhood Facility (2009)	39,171	0.60%
698	NMSBVI Albuquerque Campus	Site	39,171	0.70%
584	NMSD Albuquerque Preschool	Preschool Building (1995)	8,443	6.13%
479	NMSD Albuquerque Preschool	Site	8,443	11.72%
634	NMSD Santa Fe Campus	Bldg 04-Connor Hall	30,350	3.50%
694	NMSD Santa Fe Campus	Bldg 05-Cottage A	6,003	0.78%
695	NMSD Santa Fe Campus	Bldg 06-Cottage B	6,003	0.78%
696	NMSD Santa Fe Campus	Bldg 07-Cottage C	6,003	0.78%
697	NMSD Santa Fe Campus	Bldg 08-Cottage D	6,003	0.78%
88	NMSD Santa Fe Campus	Bldg 09-Delgado Hall	11,945	33.30%
649	NMSD Santa Fe Campus	Bldg 10a-Dillon Hall Main Bldg	35,054	2.68%
172	NMSD Santa Fe Campus	Bldg 15-Larson Gym	13,638	26.51%
49	NMSD Santa Fe Campus	Cartwright Hall	22,457	43.23%

2014-2015 wNMCI Preliminary Ranking, Sorted by District, Then School

Rank	District	School Name	Gross Area (Sq. Ft.)	Weighted NMCI
207	Pecos	Pecos ES	53,075	25.06%
208	Pecos	Pecos HS	96,160	25.04%
391	Pecos	Pecos MS	34,946	16.48%
365	Penasco	Penasco ES	60,248	17.92%
398	Penasco	Penasco HS	68,757	16.28%
455	Penasco	Penasco MS	30,697	13.02%
406	Pojoaque Valley	Pablo Roybal ES	77,050	15.71%
432	Pojoaque Valley	Pojoaque HS	166,455	14.28%
651	Pojoaque Valley	Pojoaque Intermediate	31,306	2.65%
138	Pojoaque Valley	Pojoaque MS	90,237	28.07%
454	Portales	Brown ES	56,038	13.16%
209	Portales	James ES	57,520	25.00%
681	Portales	Lindsey-Steiner ES	60,829	1.36%
302	Portales	Portales HS	211,933	21.37%
284	Portales	Portales Jr HS	96,358	22.16%
364	Portales	Valencia ES	64,413	17.95%
53	Quemado	Datil ES	10,964	41.28%
427	Quemado	Quemado Combined	68,917	14.51%
457	Questa	Alta Vista ES/MS	66,150	12.85%
416	Questa	Questa Junior High/HS	126,828	15.05%
498	Questa	Rio Costilla ES	23,002	10.72%
658	Questa-Charter	Roots & Wings Community Charter Sch	4,493	2.37%
646	Questa-State Chartered	Red River Valley Charter School	10,118	2.90%
11	Raton	Columbian ES	27,115	63.88%
63	Raton	Kearny ES	25,952	37.96%
102	Raton	Longfellow ES	32,620	31.66%
641	Raton	Raton HS	104,593	3.12%
157	Raton	Raton MS	54,773	27.07%
6	Reserve	Glenwood ES	5,841	79.74%
691	Rio Rancho	Cielo Azul ES	85,672	0.95%
340	Rio Rancho	Colinas del Norte ES	101,532	19.37%
276	Rio Rancho	Eagle Ridge MS	139,338	22.44%
343	Rio Rancho	Enchanted Hills ES	106,410	19.08%
444	Rio Rancho	Ernest Stapleton ES	87,201	13.84%
603	Rio Rancho	Independence High	20,000	5.00%
153	Rio Rancho	Lincoln MS	118,735	27.18%
638	Rio Rancho	Maggie Cordova ES	77,714	3.28%
238	Rio Rancho	Martin Luther King, Jr. ES	114,563	24.18%
233	Rio Rancho	Mountain View MS	124,106	24.33%
357	Rio Rancho	Puesta Del Sol ES	84,977	18.36%
274	Rio Rancho	Rio Rancho ES	66,539	22.55%
335	Rio Rancho	Rio Rancho HS	379,923	19.49%

2014-2015 wNMCI Preliminary Ranking, Sorted by District, Then School

Rank	District	School Name	Gross Area (Sq. Ft.)	Weighted NMCI
525	Rio Rancho	Rio Rancho MS	251,624	9.42%
680	Rio Rancho	Sandia Vista ES	80,800	1.41%
580	Rio Rancho	Sue Cleveland HS	433,788	6.26%
518	Rio Rancho	Vista Grande ES	88,251	9.82%
735	Roswell	Berrendo ES	51,055	0.00%
466	Roswell	Berrendo MS	108,235	12.42%
5	Roswell	Del Norte ES	48,165	79.82%
720	Roswell	East Grand Plains ES	35,324	0.00%
126	Roswell	Goddard HS	237,394	29.22%
14	Roswell	Mesa MS	80,242	61.68%
736	Roswell	Military Heights ES	53,725	0.00%
678	Roswell	Missouri ES	54,362	1.49%
718	Roswell	Monterrey ES	49,500	0.00%
48	Roswell	Mountain View MS	65,802	43.47%
19	Roswell	Nancy Lopez ES	32,462	55.79%
723	Roswell	NEW El Capitan ES (2013)	60,380	0.00%
514	Roswell	Pecos ES	46,371	10.04%
46	Roswell	Roswell HS	247,004	44.59%
677	Roswell	Sierra MS	109,940	1.52%
591	Roswell	Sunset ES	42,721	5.93%
668	Roswell	University High	64,523	2.02%
731	Roswell	Valley View ES	44,720	0.00%
36	Roswell	Washington Avenue ES	38,950	46.61%
336	Roswell-Charter	Sidney Gutierrez Charter Middle School	10,110	19.47%
481	Roy	Roy Combined School	51,400	11.67%
611	Ruidoso	Nob Hill Early Childhood Center	10,000	4.59%
35	Ruidoso	Nob Hill ES	46,027	46.95%
139	Ruidoso	Ruidoso HS	170,054	27.97%
546	Ruidoso	Ruidoso MS	70,000	8.12%
468	Ruidoso	Sierra Vista Primary	40,102	12.29%
520	Ruidoso	White Mountain ES	49,466	9.69%
349	San Jon	San Jon Combined	88,899	18.93%
28	Santa Fe	Acequia Madre ES	20,492	49.99%
599	Santa Fe	Agua Fria Community School	137,957	5.21%
722	Santa Fe	Agua Fria Community School (2013)	103,494	0.00%
412	Santa Fe	Agua Fria ES	72,124	15.08%
279	Santa Fe	Amy Biehl Community School	64,516	22.33%
507	Santa Fe	Aspen Community Magnet School	97,287	10.34%
441	Santa Fe	Atalaya ES	40,005	13.96%
489	Santa Fe	Calvin Capshaw MS	101,244	11.16%
186	Santa Fe	Capital HS	183,031	25.78%
572	Santa Fe	Career Academy at Larragoite	22,298	6.52%

2014-2015 wNMCI Preliminary Ranking, Sorted by District, Then School

Rank	District	School Name	Gross Area (Sq. Ft.)	Weighted NMCI
701	Santa Fe	Carlos Gilbert ES	42,346	0.61%
134	Santa Fe	Cesar Chavez ES	64,315	28.65%
345	Santa Fe	Chaparral ES	56,884	19.04%
547	Santa Fe	De Vargas MS	100,596	8.11%
161	Santa Fe	E. J. Martinez ES	41,078	27.00%
215	Santa Fe	Edward Ortiz MS	107,000	24.75%
491	Santa Fe	El Dorado Community School	96,098	10.96%
325	Santa Fe	Francis X. Nava ES	50,818	19.91%
633	Santa Fe	Gonzales Community School	75,355	3.51%
80	Santa Fe	Kearny ES	55,150	34.32%
265	Santa Fe	Pinon ES	77,539	22.99%
550	Santa Fe	R.M. Sweeney ES	83,850	7.96%
515	Santa Fe	Ramirez Thomas ES	81,195	10.03%
526	Santa Fe	Salazar ES	56,487	9.37%
442	Santa Fe	Santa Fe HS	325,234	13.87%
725	Santa Fe	Southside Elementary School- YET TO B	81,340	0.00%
683	Santa Fe	Tesuque ES	24,351	1.26%
96	Santa Fe	Wood-Gormley ES	31,832	32.22%
674	Santa Fe-Charter	Academy for Technology and the Classic	25,165	1.55%
578	Santa Fe-Charter	Monte Del Sol Charter School	29,173	6.33%
16	Santa Fe-Charter	Tierra Encantada Charter School	28,000	57.67%
326	Santa Fe-Charter	Turquoise Trail Elementary Charter Scho	63,249	19.89%
710	Santa Fe-State Chartered	NM School for the Arts Charter School	45,183	0.00%
709	Santa Rosa	NEW Rita Marquez / Anton Chico Comb	20,274	0.00%
254	Santa Rosa	Santa Rosa ES	58,159	23.44%
116	Santa Rosa	Santa Rosa HS	109,055	30.30%
593	Santa Rosa	Santa Rosa MS	49,700	5.78%
650	Silver	Cliff Combined	71,135	2.66%
378	Silver	G.W. Stout ES	74,704	17.37%
62	Silver	Harrison H. Schmitt ES	59,416	38.19%
60	Silver	Jose Barrios ES	41,272	40.00%
566	Silver	La Plata MS	108,953	7.00%
597	Silver	Silver City Opportunity School	9,000	5.31%
537	Silver	Silver HS	193,194	8.74%
144	Silver	Sixth Street ES	33,618	27.59%
689	Socorro	Midway ES	22,215	0.95%
508	Socorro	Parkview ES	79,400	10.31%
462	Socorro	Raymond Sarracino MS	90,484	12.68%
292	Socorro	Socorro HS	136,527	21.71%
567	Socorro	Zimmerly ES	40,000	6.81%
469	Socorro-Charter	Cottonwood Valley Charter School	18,052	12.23%
280	Springer	Springer ES/MS Combined	45,569	22.33%

2014-2015 wNMCI Preliminary Ranking, Sorted by District, Then School

Rank	District	School Name	Gross Area (Sq. Ft.)	Weighted NMCI
409	Springer	Springer HS	54,025	15.42%
631	T or C	Arrey ES	32,813	3.59%
640	T or C	Hot Springs HS	138,455	3.17%
86	T or C	Sierra ES	24,044	33.44%
708	T or C	Truth or Consequences ES	55,740	0.00%
171	T or C	Truth or Consequences MS	66,460	26.53%
407	Taos	Arroyo del Norte ES	38,231	15.52%
3	Taos	Chrysalis Alternative School	7,440	81.66%
495	Taos	Enos Garcia ES	110,304	10.80%
22	Taos	Ranchos de Taos ES	55,851	52.94%
338	Taos	Taos HS	212,569	19.42%
290	Taos	Taos MS	94,457	21.89%
703	Taos-Charter	Anansi Charter School	13,682	0.58%
684	Taos-Charter	Taos Municipal Charter School	32,090	1.15%
609	Taos-Charter	Vista Grande Charter High School	10,016	4.71%
182	Taos-State Chartered	Taos Academy Charter School	9,824	26.10%
18	Tatum	Tatum ES	36,745	56.27%
41	Tatum	Tatum Jr./Sr. HS	114,253	45.31%
387	Texico	Texico Combined	165,809	16.78%
557	Tucumcari	Tucumcari ES	114,140	7.54%
686	Tucumcari	Tucumcari HS	119,277	1.14%
248	Tucumcari	Tucumcari MS	79,085	23.77%
430	Tularosa	Tularosa ES	69,252	14.33%
679	Tularosa	Tularosa HS	126,941	1.41%
478	Tularosa	Tularosa Intermediate	47,144	11.80%
117	Tularosa	Tularosa MS	64,142	30.25%
310	Vaughn	Vaughn Combined School	72,314	21.04%
223	Wagon Mound	Wagon Mound Combined	64,713	24.58%
529	West Las Vegas	Don Cecilio Martinez ES	29,704	9.27%
517	West Las Vegas	Luis E. Armijo ES	47,935	9.96%
419	West Las Vegas	Tony Serna Jr. ES	27,613	14.96%
728	West Las Vegas	Union Street ES	14,580	0.00%
428	West Las Vegas	Valley ES, Valley MS	49,239	14.48%
730	West Las Vegas	West Las Vegas Family Partnership	6,318	0.00%
610	West Las Vegas	West Las Vegas HS	139,333	4.64%
269	West Las Vegas-Charter	Rio Gallinas Charter School	4,467	22.73%
657	Zuni	Twin Buttes HS	21,638	2.43%
617	Zuni	Zuni HS	116,224	4.40%
166	Zuni	Zuni MS (Old Intermediate)	68,008	26.65%

2014-2015 wNMCI Preliminary Ranking, Sorted by District, Then School

Rank	District	School Name	Gross Area (Sq. Ft.)	Weighted NMCI
Schools with "NRC" rankings are charter schools that have not reached their first renewal, followed by the expected date of renewal of charter. As such, these schools are not measured against the New Mexico Educational Adequacy Standards. Upon PEC or District renewal of the charter, these schools will be measured, evaluated and prioritized in the above list and eligible for grants under the standards-based capital outlay process.				
NRC-2015	ABQ-State Chartered	ACE Leadership Charter High School	11,360	0.00%
NRC-2015	ABQ-State Chartered	Albuquerque School of Excellence Chart	24,652	0.00%
NRC-2015	ABQ-State Chartered	Albuquerque Sign Language Academy C	9,510	0.00%
NRC-2015	ABQ-State Chartered	South Valley Preparatory Charter Schoo	7,488	0.00%
NRC-2015	Taos-State Chartered	Taos Integrated School of the Arts	14,954	0.00%
NRC-2015	Rio Rancho-State Chartered	The ASK Academy	24,100	0.00%
NRC-2015	Santa Fe-State Chartered	The MASTERS Program Early College Ch	10,000	0.00%
NRC-2015	ABQ-State Chartered	Tierra Adentro Charter School	7,762	0.00%
NRC-2016	Las Cruces-State Chartered	J. Paul Taylor Academy Charter School	9,629	0.00%
NRC-2016	ABQ-State Chartered	NM International Charter School	10,283	0.00%
NRC-2016	ABQ-State Chartered	The GREAT Academy	15,040	0.00%
NRC-2017	ABQ-State Chartered	Coral Community Charter School	26,047	0.00%
NRC-2017	Moriarty-State Chartered	Estancia Valley Classical Academy	23,000	0.00%
NRC-2017	Espanola-State Chartered	La Tierra Montessori School of the Arts	6,730	0.00%
NRC-2017	Espanola-State Chartered	McCurdy Charter School	18,648	0.00%
NRC-2017	ABQ-State Chartered	Mission Achievement & Success	24,996	0.00%
NRC-2017	Las Cruces-State Chartered	New America Charter School - Las Cruce	24,329	0.00%
NRC-2017	Farmington-Charter	New Mexico Virtual Academy	2,531	0.00%
NRC-2017	ABQ-State Chartered	Sage Montessori Charter School	10,919	0.00%
NRC-2017	ABQ-State Chartered	Southwest Aeronautics, Mathematics, &	37,975	0.00%
NRC-2017	Gallup McKinley-Charter	Uplift Community Charter School	7,581	0.00%
NRC-2017	ABQ-State Chartered	William W. & Josephine Dorn Charter C	9,715	0.00%
NRC-2018	Gasden-State Chartered	Health Science Academy Charter Schoo		0.00%
NRC-2018	ABQ-State Chartered	Explore Academy Charter School		0.00%

## How Offsets Work

The Public School Capital Outlay Offset for Direct Appropriations can be confusing. Here's a simple, practical explanation.

### What It is

The law says that the PSCOC must “*reduce any grant amounts awarded to a school district by a percent of all direct non-operational legislative appropriations for schools in that district that have been accepted, including educational technology and re-authorizations of previous appropriations.*”<sup>1</sup>

### How It Works

The *percent reduction* mentioned in the law is each school district's local match percent for PSCOC award funding.

The offset applies to all PSCOC award allocations after January 2003.

The offset applies to the *district*, so if one school in a district receives a direct appropriation, other projects in the district that receive PSCOC award funding will be subject to an offset.

Offset amounts not used in the current year apply to future PSCOC grant amounts.

The law gives districts the right to reject a direct appropriation because of the effect of the offset. For example, a school district receives a direct legislative appropriation for a specific purpose. The effect of the offset would cause the district to accordingly receive reduced PSCOC award funding for what it considers a higher priority need, and it chooses to reject the appropriation.

### An Example

Legislative appropriation to a school	\$1,000
PSCOC award to that school's district	\$2,000
That district's local match percent	40%
Offset reduction in district's PSCOC award allocation (\$1,000 x 40%)	(\$400)
District's net PSCOC award amount (\$2,000 - \$400)	\$1,600
Total funds received by district (\$1,000 + \$1,600)	\$2,600

### Fiscal Effects

The most significant effect of the offset is not to reduce total funds that the district receives<sup>2</sup>, but instead to potentially reduce funds available for higher priority needs, in the event that the direct appropriation was for a lower-priority project than projects for which the district had applied for PSCOC award funding. In this case, the higher priority projects would have funding levels reduced by the amount of the offset.

### Why An Offset?

The Legislature enacted the offset as one of a number of initiatives it has taken recently to better equalize state funding of capital requests across all of New Mexico's school districts. The 2002 report of the Special Master appointed as a result of the Zuni lawsuit specifically highlighted “*the dis-equalizing effect of direct legislative appropriation to individual schools for capital outlay purposes.*” The offset was enacted to mitigate this concern.

<sup>1</sup> Section 22-24-5.B(6) NMSA 1978

<sup>2</sup> The post-offset net amount of a direct appropriation will always be revenue positive for the district, given current local match percentages.

**2014-2015 PERCENTAGE OF PARTICIPATION  
FOR PSCOC PROJECTS**

DISTRICT	3 YEAR AVERAGE	
	STATE SHARE	DISTRICT SHARE
Alamogordo	65%	35%
Albuquerque	57%	43%
Animas	46%	54%
Artesia	10%	90%
Aztec	25%	75%
Belen	63%	37%
Bernalillo	40%	60%
Bloomfield	17%	83%
Capitan	10%	90%
Carlsbad	17%	83%
Carrizozo	10%	90%
Central	61%	39%
Chama	10%	90%
Cimarron	10%	90%
Clayton	15%	85%
Cloudcroft	10%	90%
Clovis	76%	24%
Cobre	58%	42%
Corona	10%	90%
Cuba	69%	31%
Deming	71%	29%
Des Moines	12%	88%
Dexter	81%	19%
Dora	61%	39%
Dulce	10%	90%
Elida	45%	55%
Espanola	63%	37%
Estancia	63%	37%
Eunice	10%	90%
Farmington	62%	38%
Floyd	77%	23%
Fort Sumner	38%	62%
Gadsden	87%	13%
Gallup	82%	18%
Grady	75%	25%
Grants	75%	25%
Hagerman	79%	21%
Hatch	86%	14%
Hobbs	52%	48%
Hondo	33%	67%
House	59%	41%
Jal	10%	90%
Jemez Mountain	10%	90%
Jemez Valley	52%	48%
Lake Arthur	10%	90%
Las Cruces	65%	35%
Las Vegas City	59%	41%
Las Vegas West	71%	29%
Logan	27%	73%
Lordsburg	31%	69%
Los Alamos	42%	58%
Los Lunas	76%	24%
Loving	11%	89%
Lovington	25%	75%
Magdalena	76%	24%
Maxwell	58%	42%

**2014-2015 PERCENTAGE OF PARTICIPATION  
FOR PSCOC PROJECTS**

DISTRICT	3 YEAR AVERAGE	
	STATE SHARE	DISTRICT SHARE
Melrose	63%	37%
Mesa Vista	43%	57%
Mora	46%	54%
Moriarty	54%	46%
Mosquero	10%	90%
Mountainair	36%	64%
Pecos	41%	59%
Penasco	67%	33%
Pojoaque	74%	26%
Portales	78%	22%
Quemado	10%	90%
Questa	10%	90%
Raton	57%	43%
Reserve	13%	87%
Rio Rancho	64%	36%
Roswell	72%	28%
Roy	39%	61%
Ruidoso	11%	89%
San Jon	67%	33%
Santa Fe	10%	90%
Santa Rosa	56%	44%
Silver	46%	54%
Socorro	76%	24%
Springer	52%	48%
Taos	10%	90%
Tatum	10%	90%
Texico	64%	36%
Truth or Consequences	31%	69%
Tucumcari	74%	26%
Tularosa	74%	26%
Vaughn	10%	90%
Wagon Mound	10%	90%
Zuni	100%	0%

Note: The district share is equivalent to the percentage of participation that the district will have to participate for PSCOC projects funded in 14-15 and is also the percentage used to calculate the offsets.

# 2014 DIRECT APPROPRIATIONS TO THE PUBLIC EDUCATION DEPARTMENT

<b>Agency: PUBLIC EDUCATION DEPARTMENT</b>
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556 ELDORADO HIGH SCHL GYM INFRA/BLEACHERS	\$50,000	VETO	Bernalillo	STB	13/ 1
3028 ADOBE ACRES ELEM SCHL GROUNDS/PLAYGROUNDS	\$25,000	Albuquerque	Bernalillo	STB	13/ 2
2051 ADOBE ACRES ELEM SCHL SEC CAMERAS & INFO TECH	\$50,000	Albuquerque	Bernalillo	STB	13/196
2907 ALAMEDA ELEM SCHL EQUIP & FURNISH	\$4,000	Albuquerque	Bernalillo	STB	13/ 3
2908 ALAMEDA ELEM SCHL GROUNDS/PLAYGROUNDS IMPROVE	\$40,000	Albuquerque	Bernalillo	STB	13/ 4
2938 ALAMOSA ELEM SCHL INFO TECH	\$75,000	Albuquerque	Bernalillo	STB	13/ 5
3585 ALB INSTITUTE FOR MATHEMATICS & SCIENCE EXPANSION	\$50,000	Albuquerque	Bernalillo	STB	13/ 6
3014 ALB PSD AUTISM CTR GROUNDS/PLAYGROUNDS RENOVATE	\$280,000	Albuquerque	Bernalillo	STB	13/ 7
3050 ALB PSD AUTISM CTR INFO TECH	\$35,000	Albuquerque	Bernalillo	STB	13/ 8
3052 ALB PSD SPECIAL ED TRANSITION SERVICES INFO TECH	\$30,000	Albuquerque	Bernalillo	STB	13/ 9
3456 ALBUQUERQUE HIGH SCHL BASEBALL SCOREBOARD/EQUIP	\$50,000	VETO Albuquerque	Bernalillo	STB	13/ 10
3504 ALBUQUERQUE HIGH SCHL INFO TECH	\$30,000	Albuquerque	Bernalillo	STB	13/ 11
2905 ALVARADO ELEM SCHL INFO TECH	\$50,000	Albuquerque	Bernalillo	STB	13/ 12
3175 AMY BIEHL HIGH SCHL BUILDING SECURITY SYSTEM	\$5,000	Albuquerque	Bernalillo	STB	13/ 13
3176 AMY BIEHL HIGH SCHL FRONT OFFICES RENOVATE	\$25,000	Albuquerque	Bernalillo	STB	13/ 14
2948 AMY BIEHL HIGH SCHL SECURITY FENCE/GATE/LIGHTS	\$13,750	Albuquerque	Bernalillo	STB	13/ 15
3047 APACHE ELEM SCHL INFO TECH	\$50,000	Albuquerque	Bernalillo	STB	13/ 16
3046 APACHE ELEM SCHL SECURITY CAMERAS & INFO TECH	\$75,000	Albuquerque	Bernalillo	STB	13/ 17
3434 APS INFO TECH-HOUSE DISTRICT 17 SCHOOLS	\$100,000	Albuquerque	Bernalillo	STB	13/ 18
3327 APS JR RESERVES OFFICERS TRAINING TRAILER & EQUIP	\$87,000	Albuquerque	Bernalillo	STB	13/ 19
2937 ARMIJO ELEM SCHL INFO TECH	\$50,000	Albuquerque	Bernalillo	STB	13/ 20
3533 ARROYO DEL OSO ELEM SCHL INFO TECH	\$100,000	Albuquerque	Bernalillo	STB	13/ 21
3461 ATRISCO ELEM SCHL INFO TECH	\$75,000	Albuquerque	Bernalillo	STB	13/ 22
3017 ATRISCO HERITAGE HIGH SCHL INFO TECH	\$35,000	Albuquerque	Bernalillo	STB	13/ 23
3090 BANDELIER ELEM SCHL GROUNDS/PLAYGROUNDS IMPROVE	\$25,000	Albuquerque	Bernalillo	STB	13/ 24
3092 BANDELIER ELEM SCHL INFO TECH	\$50,000	Albuquerque	Bernalillo	STB	13/ 25
3091 BANDELIER ELEM SCHL LIBRARY EQUIP & FURNISH	\$20,000	Albuquerque	Bernalillo	STB	13/ 26
2661 BARCELONA ELEM SCHL INFO TECH	\$100,000	Albuquerque	Bernalillo	STB	13/197
3496 BEL-AIR ELEM SCHL INFO TECH	\$50,000	Albuquerque	Bernalillo	STB	13/ 27

**Capital Outlay Projects  
Chart by Agency**

**Chapter 66**

**Legislative Council Service  
51st Legislature, 2nd Session, 2014**

<b>Project Title</b>	<b>Amount</b>	<b>City</b>	<b>County</b>	<b>Fund</b>	<b>Track</b>
3520 CAREER ENRICHMENT CTR INFO TECH/SOUND SYSTEM	\$25,000	Albuquerque	Bernalillo	STB	13/ 28
2985 CARLOS REY ELEM SCHL GROUNDS & PLAYGROUNDS IMPRO	\$55,000	Albuquerque	Bernalillo	STB	13/ 29
3022 CARLOS REY ELEM SCHL INFO TECH	\$40,000	Albuquerque	Bernalillo	STB	13/ 30
3020 CARLOS REY ELEM SCHL SECURITY CAMERAS & INFO TECH	\$70,000	Albuquerque	Bernalillo	STB	13/ 31
3057 CESAR CHAVEZ COMMUNITY SCHL INFO TECH & AWNING	\$80,000	Albuquerque	Bernalillo	STB	13/ 32
2915 CHAMIZA ELEM SCHL EQUIP & FURNISH	\$6,000	Albuquerque	Bernalillo	STB	13/ 33
2914 CHAMIZA ELEM SCHL LIBRARY EQUIP & FURNISH	\$2,500	Albuquerque	Bernalillo	STB	13/ 34
3202 CHAPARRAL ELEM SCHL INFO TECH	\$75,000	Albuquerque	Bernalillo	STB	13/ 35
2971 CHELWOOD ELEM SCHL GROUNDS & PLAYGROUND IMPROVE	\$25,000	Albuquerque	Bernalillo	STB	13/ 36
2969 CHELWOOD ELEM SCHL LIBRARY EQUIP & IMPROVE	\$25,000	Albuquerque	Bernalillo	STB	13/ 37
2968 CHELWOOD ELEM SCHL SECURITY CAMERAS & INFO TECH	\$75,000	Albuquerque	Bernalillo	STB	13/ 38
2913 CIBOLA HIGH SCHL GROUNDS & FIELDS IMPROVE	\$150,000	Albuquerque	Bernalillo	STB	13/ 39
2912 CIBOLA HIGH SCHL LIBRARY EQUIP & FURNISH	\$125,000	Albuquerque	Bernalillo	STB	13/ 40
2873 CIEN AGUAS INTERNATIONAL SCHL LAND/FACILITIES	\$105,000	Albuquerque	Bernalillo	STB	13/ 41
3495 CLEVELAND MID SCHL INFO TECH	\$43,000	Albuquerque	Bernalillo	STB	13/ 42
3402 COCHITI ELEM SCHL INFO TECH	\$20,000	Albuquerque	Bernalillo	STB	13/ 43
3405 COCHITI ELEM SCHL SOUND SYS & INFO TECH	\$25,000	Albuquerque	Bernalillo	STB	13/ 44
2882 COLLEGE AND CAREER HIGH SCHL INFO TECH	\$30,000	Albuquerque	Bernalillo	STB	13/ 45
3029 COLLET PARK ELEM SCHL INFO TECH	\$20,000	Albuquerque	Bernalillo	STB	13/ 46
3379 CORRALES ELEM SCHL GROUNDS & PLAYGROUND IMPROVE	\$50,000	Albuquerque	Bernalillo	STB	13/ 47
686 CORRALES INTERNATIONAL SCHL EQUIP	\$70,000	Albuquerque	Bernalillo	STB	13/ 48
689 CORRALES INTERNATIONAL SCHL INFO TECH	\$50,000	Albuquerque	Bernalillo	STB	13/ 49
3494 DEL NORTE HIGH SCHL INFO TECH	\$50,000	Albuquerque	Bernalillo	STB	13/ 50
3153 DESERT RIDGE MIDDLE SCHL FCLTIES/GROUNDS/GYM	\$200,000	Albuquerque	Bernalillo	STB	13/ 51
3410 DIGITAL ARTS & TECH ACADEMY INFO TECH	\$40,000	Albuquerque	Bernalillo	STB	13/ 52
2936 DOLORES GONZALES ELEM SCHL INFO TECH	\$49,000	Albuquerque	Bernalillo	STB	13/ 53
3157 DOUBLE EAGLE ELEM SCHL INFO TECH	\$50,000	Albuquerque	Bernalillo	STB	13/ 54
3401 DURANES ELEM SCHL INFO TECH	\$20,000	Albuquerque	Bernalillo	STB	13/ 55
3505 ECADEMY VIRTUAL HIGH SCHL INFO TECH	\$15,000	Albuquerque	Bernalillo	STB	13/ 56
2906 EDMUND G. ROSS ELEM SCHL INFO TECH	\$50,000	Albuquerque	Bernalillo	STB	13/ 57
2983 EDWARD GONZALES ELEM SCHL INFO TECH	\$65,000	Albuquerque	Bernalillo	STB	13/ 58
3162 EISENHOWER MID SCHL SECURITY CAMERAS & INFO TECH	\$50,000	Albuquerque	Bernalillo	STB	13/ 59
2973 ELDORADO HIGH SCHL INFO TECH	\$50,000	Albuquerque	Bernalillo	STB	13/ 60
3580 EMERSON ELEM SCHL GROUNDS/PLAYGROUNDS	\$50,000	Albuquerque	Bernalillo	STB	13/ 61
3089 EMERSON ELEM SCHL INFO TECH	\$25,000	Albuquerque	Bernalillo	STB	13/ 62
2935 ERNIE PYLE MIDDLE SCHL LIBRARY EQUIP & INFRA	\$95,000	Albuquerque	Bernalillo	STB	13/ 63
3230 EUBANK ACADEMY OF LITERACY & FINE ARTS IMPROVE	\$48,500	Albuquerque	Bernalillo	STB	13/ 64
3016 EUBANK ELEM SCHL INFO TECH	\$25,000	Albuquerque	Bernalillo	STB	13/ 65
2932 EUGENE FIELD ELEM SCHL GROUNDS/FIELDS IMPROVE	\$75,000	Albuquerque	Bernalillo	STB	13/ 66
3509 FREEDOM HIGH SCHL INFO TECH	\$5,000	Albuquerque	Bernalillo	STB	13/ 67
3569 FREEDOM HIGH SCHL SECURITY CAMERAS & INFO TECH	\$10,000	Albuquerque	Bernalillo	STB	13/ 68
3400 GARFIELD MIDDLE SCHL INFO TECH	\$20,000	Albuquerque	Bernalillo	STB	13/ 69

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<b>Project Title</b>	<b>Amount</b>	<b>City</b>	<b>County</b>	<b>Fund</b>	<b>Track</b>
559 GILBERT L. SENA CHARTER HIGH SCHL INFO TECH	\$110,000	Albuquerque	Bernalillo	STB	13/ 70
3488 GOVERNOR BENT ELEM SCHL SECURITY CAMERAS/INFO TEC	\$50,000	Albuquerque	Bernalillo	STB	13/ 71
3443 GRANT MIDDLE SCHL INFO TECH	\$38,000	Albuquerque	Bernalillo	STB	13/ 72
3018 GRANT MIDDLE SCHL SECURITY CAMERAS & INFO TECH	\$45,000	Albuquerque	Bernalillo	STB	13/ 73
3299 GRIEGOS ELEM SCHL GROUNDS & PLAYGROUNDS IMPROVE	\$51,000	Albuquerque	Bernalillo	STB	13/ 74
3015 HARRISON MID SCHL INFO TECH	\$25,000	Albuquerque	Bernalillo	STB	13/ 75
3021 HARRISON MID SCHL SECURITY CAMERAS & INFO TECH	\$35,000	Albuquerque	Bernalillo	STB	13/ 76
3579 HAWTHORNE ELEM SCHL GROUNDS/PLAYGROUNDS	\$50,000	Albuquerque	Bernalillo	STB	13/ 77
3023 HAYES MIDDLE SCHL INFO TECH	\$67,500	Albuquerque	Bernalillo	STB	13/ 78
2666 HEALTH LEADERSHIP CHARTER HIGH SCHL TECH/LAB	\$115,000	Albuquerque	Bernalillo	STB	13/ 79
2947 HIGHLAND HIGH SCHL FCLTY/FIELD/GROUNDS IMPROVE	\$95,000	Albuquerque	Bernalillo	STB	13/ 80
3511 HIGHLAND HIGH SCHL INFO TECH	\$30,000	Albuquerque	Bernalillo	STB	13/ 81
3501 HODGIN ELEM SCHL FACILITIES/GROUNDS IMPROVE	\$98,800	Albuquerque	Bernalillo	STB	13/ 82
2967 HOOVER MIDDLE SCHL INFO TECH	\$50,000	Albuquerque	Bernalillo	STB	13/ 83
3220 HUBERT HUMPHREY ELEM SCHL INFO TECH	\$100,000	Albuquerque	Bernalillo	STB	13/ 84
3490 INEZ ELEM SCHL INFO TECH	\$50,000	Albuquerque	Bernalillo	STB	13/ 85
3497 INEZ ELEM SCHL LIBRARY EQUIP & FURNISH	\$85,000	Albuquerque	Bernalillo	STB	13/ 86
3486 INEZ ELEM SCHL SECURITY CAMERAS & INFO TECH	\$50,000	Albuquerque	Bernalillo	STB	13/ 87
3218 JACKSON MID SCHL INFO TECH	\$37,500	Albuquerque	Bernalillo	STB	13/ 88
3024 JACKSON MIDDLE SCHL SECURITY CAMERAS & INFO TECH	\$105,000	Albuquerque	Bernalillo	STB	13/ 89
3357 JAMES MONROE MID SCHL GROUNDS/FIELDS/FACILITIES	\$200,000	Albuquerque	Bernalillo	STB	13/ 90
3358 JAMES MONROE MID SCHL INFO TECH	\$75,000	Albuquerque	Bernalillo	STB	13/ 91
3361 JAMES MONROE MID SCHL LIBRARY EQUIP & FURNISH	\$20,000	Albuquerque	Bernalillo	STB	13/ 92
3359 JAMES MONROE MID SCHL SECURITY CAMERAS & INFO TECH	\$120,000	Albuquerque	Bernalillo	STB	13/ 93
2881 JEFFERSON MID SCHL INFO TECH	\$65,000	Albuquerque	Bernalillo	STB	13/ 94
3200 JOHN ADAMS MID SCHL GROUNDS/FACILITIES IMPROVE	\$210,000	Albuquerque	Bernalillo	STB	13/ 95
2966 JOHN BAKER ELEM SCHL INFO TECH	\$50,000	Albuquerque	Bernalillo	STB	13/ 96
3053 KENNEDY MIDDLE SCHL INFO TECH	\$75,000	Albuquerque	Bernalillo	STB	13/ 97
3513 KIRTLAND ELEM SCHL INFO TECH	\$30,000	Albuquerque	Bernalillo	STB	13/ 98
2934 KIT CARSON ELEM SCHL GROUNDS/PLAYGROUNDS IMPROVE	\$95,000	Albuquerque	Bernalillo	STB	13/ 99
871 LA ACADEMIA DE ESPERANZA GREENHOUSE	\$15,000	VETO Albuquerque	Bernalillo	STB	13/100
968 LA ACADEMIA DE ESPERANZA WORKSHOP	\$55,000	Albuquerque	Bernalillo	STB	13/101
3085 LA MESA ELEM SCHL FIXTURES/FURNITURE/EQUIPMENT	\$25,000	Albuquerque	Bernalillo	STB	13/102
3578 LA MESA ELEM SCHL GROUNDS/PLAYGROUNDS	\$50,000	Albuquerque	Bernalillo	STB	13/103
3088 LA MESA ELEM SCHL INFO TECH	\$20,000	Albuquerque	Bernalillo	STB	13/104
3577 LA MESA ELEM SCHL OUTDOOR CLASSROOM	\$30,000	Albuquerque	Bernalillo	STB	13/105
3084 LA MESA ELEM SCHL SECURITY CAMERAS & INFO TECH	\$15,000	Albuquerque	Bernalillo	STB	13/106
2630 LA PROMESA EARLY LEARNING CTR FURNISH	\$50,000	Albuquerque	Bernalillo	STB	13/107
726 LA PROMESA EARLY LEARNING CTR INFO TECH	\$160,000	Albuquerque	Bernalillo	STB	13/108
729 LA PROMESA EARLY LEARNING CTR RENOVATE	\$55,000	Albuquerque	Bernalillo	STB	13/109
2980 LAVALAND ELEM SCHL PLAYGROUND EQUIP	\$123,927	Albuquerque	Bernalillo	STB	13/110
3516 LONGFELLOW ELEM SCHL INFO TECH	\$85,000	Albuquerque	Bernalillo	STB	13/111

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<b>Project Title</b>	<b>Amount</b>	<b>City</b>	<b>County</b>	<b>Fund</b>	<b>Track</b>
3030 LOS PADILLAS ELEM SCHL GROUNDS/PLAYGROUNDS	\$130,000	Albuquerque	Bernalillo	STB	13/112
3467 LOWELL ELEM SCHL AMPHITHEATER/GROUNDS	\$55,000	Albuquerque	Bernalillo	STB	13/113
3426 LYNDON B. JOHNSON MIDDLE SCHL EQUIP & FURNISH	\$7,000	Albuquerque	Bernalillo	STB	13/114
3207 MADISON MID SCHL GROUNDS/COURTYARD	\$19,000	Albuquerque	Bernalillo	STB	13/115
3215 MADISON MID SCHL SECURITY CAMERAS & INFO TECH	\$62,000	Albuquerque	Bernalillo	STB	13/116
2919 MANZANO HIGH SCHL INFO TECH	\$50,000	Albuquerque	Bernalillo	STB	13/117
3060 MARK TWAIN ELEM SCHL INFO TECH	\$60,000	Albuquerque	Bernalillo	STB	13/118
3082 MARK TWAIN ELEM SCHL SECURITY CAMERAS & INFO TECH	\$25,000	Albuquerque	Bernalillo	STB	13/119
2982 MARY ANN BINFORD ELEM SCHL INFO TECH	\$65,000	Albuquerque	Bernalillo	STB	13/120
3025 MATHESON PARK ELEM SCHL INFO TECH	\$50,000	Albuquerque	Bernalillo	STB	13/121
3581 MCCOLLUM ELEM SCHL GROUNDS/PLAYGROUNDS	\$30,000	Albuquerque	Bernalillo	STB	13/122
3492 MCKINLEY MID SCHL INFO TECH	\$100,000	Albuquerque	Bernalillo	STB	13/123
643 MEDIA ARTS COLLABORATIVE CHARTER SCHL FACILITIES	\$160,000	Albuquerque	Bernalillo	STB	13/124
3413 MISSION ACHIEVEMENT & SUCCESS INFO TECH/COMM SYS	\$95,000	Albuquerque	Bernalillo	STB	13/125
3304 MISSION AVENUE ELEM SCHL FCLTIES/GROUNDS IMPROVE	\$20,000	Albuquerque	Bernalillo	STB	13/126
3213 MITCHELL ELEM SCHL INFO TECH	\$50,000	Albuquerque	Bernalillo	STB	13/127
3086 MONTE VISTA ELEM SCHL GROUNDS & PLAYGROUNDS	\$63,000	Albuquerque	Bernalillo	STB	13/128
2878 MONTE VISTA ELEM SCHL INFO TECH	\$30,000	Albuquerque	Bernalillo	STB	13/129
610 MONTESSORI ELEM SCHL BUS	\$80,000	Albuquerque	Bernalillo	STB	13/130
609 MONTESSORI ELEM SCHL PLAYGROUND EQUIP	\$35,000	Albuquerque	Bernalillo	STB	13/131
3087 MONTEZUMA ELEM SCHL GROUNDS & FCLTIES IMPROVE	\$50,000	Albuquerque	Bernalillo	STB	13/132
3515 MONTEZUMA ELEM SCHL INFO TECH	\$30,000	Albuquerque	Bernalillo	STB	13/133
3436 MOUNTAIN MAHOGANY COMMUNITY SCHL INFO TECH	\$10,000	Albuquerque	Bernalillo	STB	13/134
3013 MOUNTAIN VIEW ELEM SCHL INFO TECH	\$70,000	Albuquerque	Bernalillo	STB	13/135
3011 NAVAJO ELEM SCHL INFO TECH	\$20,000	Albuquerque	Bernalillo	STB	13/136
2660 NAVAJO ELEM SCHL SECURITY CAMS & INFO TECH	\$75,000	Albuquerque	Bernalillo	STB	13/198
3503 NEX+GEN ACADEMY HIGH SCHL INFO TECH	\$50,000	Albuquerque	Bernalillo	STB	13/137
3144 NORTH STAR ELEM SCHL INFO TECH	\$50,000	Albuquerque	Bernalillo	STB	13/138
2633 NUESTROS VALORES CHARTER SCHL FACILITY-PLAN/DESIGN	\$68,000	Albuquerque	Bernalillo	STB	13/199
598 NUESTROS VALORES CHARTER SCHL LAND & BLDG	\$90,000	Albuquerque	Bernalillo	STB	13/139
3198 PAINTED SKY ELEM SCHL INFO TECH	\$50,000	Albuquerque	Bernalillo	STB	13/140
3008 PAJARITO ELEM SCHL SECURITY CAMERAS & INFO TECH	\$85,000	Albuquerque	Bernalillo	STB	13/141
2916 PETROGLYPH ELEM SCHL INFO TECH	\$25,000	Albuquerque	Bernalillo	STB	13/142
3010 POLK MID SCHL INFO TECH	\$45,000	Albuquerque	Bernalillo	STB	13/143
3416 REGINALD CHAVEZ ELEM SCHL EQUIP/FURNISH	\$18,000	Albuquerque	Bernalillo	STB	13/144
3415 REGINALD CHAVEZ ELEM SCHL LIBRARY EQUIP/FURNISH	\$20,000	Albuquerque	Bernalillo	STB	13/145
3422 RIO GRANDE HIGH SCHL BASEBALL FIELD	\$40,000	VETO Albuquerque	Bernalillo	STB	13/146
3360 RIO GRANDE HIGH SCHL INFO TECH	\$50,000	Albuquerque	Bernalillo	STB	13/147
649 ROBERT F. KENNEDY CHARTER HIGH SCHL INFO TECH	\$135,000	Albuquerque	Bernalillo	STB	13/149
599 ROBERT F. KENNEDY CHARTER HIGH SCHL LAND & FCLITIES	\$45,000	Albuquerque	Bernalillo	STB	13/148
801 ROBERT F. KENNEDY CHARTER HIGH SCHL MEDIA EQUIP	\$30,000	Albuquerque	Bernalillo	STB	13/150
3364 ROBERT F. KENNEDY CHARTER SCHL FCLTIES & PARKING	\$25,000	Albuquerque	Bernalillo	STB	13/151

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2669 RUDOLFO ANAYA ELEM SCHL INFO TECH	\$20,000	Albuquerque	Bernalillo	STB	13/200
3204 S. Y. JACKSON ELEM SCHL INFO TECH	\$50,000	Albuquerque	Bernalillo	STB	13/152
3177 S.Y. JACKSON ELEM SCHL EXTERIOR SIGNAGE	\$33,000	VETO Albuquerque	Bernalillo	STB	13/153
3027 S.Y. JACKSON ELEM SCHL GROUNDS & PLAYGROUNDS	\$40,000	Albuquerque	Bernalillo	STB	13/154
3464 SANDIA BASE ELEM SCHL INFO TECH	\$30,000	Albuquerque	Bernalillo	STB	13/155
3237 SANDIA HIGH SCHL WADING POOL IMPROVE	\$50,000	VETO Albuquerque	Bernalillo	STB	13/156
3271 SEVEN BAR ELEM SCHL INFO TECH	\$50,000	Albuquerque	Bernalillo	STB	13/157
3363 SIERRA VISTA ELEM SCHL GROUNDS/FACILITIES/EQUIP	\$110,000	Albuquerque	Bernalillo	STB	13/158
3205 SOMBRA DEL MONTE ELEM SCHL GROUNDS/PLAYGROUNDS	\$83,000	Albuquerque	Bernalillo	STB	13/159
2827 SOUTH VALLEY ACADEMY INFO TECH	\$49,000	Albuquerque	Bernalillo	STB	13/160
741 SW AERONAUTICS, MATH, SCI ACAD HANGAR/TARMAC	\$90,000	Albuquerque	Bernalillo	STB	13/161
742 SW AERONAUTICS, MATH, SCI ACADEMY FENCING	\$20,000	Albuquerque	Bernalillo	STB	13/162
739 SW AERONAUTICS, MATH, SCI ACADEMY INFO TECH	\$25,000	Albuquerque	Bernalillo	STB	13/163
759 SW INTERMEDIATE LEARNING CTR INFO TECH	\$226,000	Albuquerque	Bernalillo	STB	13/164
750 SW PRIMARY LEARNING CENTER PLAYGROUND	\$20,000	Albuquerque	Bernalillo	STB	13/165
756 SW SECONDARY LEARNING CENTER INFO TECH-PARCC	\$130,000	Albuquerque	Bernalillo	STB	13/166
2909 TAFT MIDDLE SCHL INFO TECH	\$30,000	Albuquerque	Bernalillo	STB	13/167
2910 TAFT MIDDLE SCHL LIBRARY IMPROVE	\$20,000	Albuquerque	Bernalillo	STB	13/168
2946 TIERRA ADENTRO CHARTER SCHL INFO TECH & EQUIP	\$55,000	Albuquerque	Bernalillo	STB	13/169
3369 TIERRA ANTIGUA ELEM SCHL GROUNDS/PLAYGROUNDS	\$40,000	Albuquerque	Bernalillo	STB	13/170
3366 TIERRA ANTIGUA ELEM SCHL INFO TECH	\$50,000	Albuquerque	Bernalillo	STB	13/171
3048 TOMASITA ELEM SCHL GROUNDS & PLAYGROUNDS IMPROVE	\$20,000	Albuquerque	Bernalillo	STB	13/172
3049 TOMASITA ELEM SCHL INFO TECH	\$50,000	Albuquerque	Bernalillo	STB	13/173
3193 TRUMAN MIDDLE SCHL INFO TECH	\$75,000	Albuquerque	Bernalillo	STB	13/174
3192 TRUMAN MIDDLE SCHL LIBRARY EQUIP/FURNISH/INFO TECH	\$26,000	Albuquerque	Bernalillo	STB	13/175
2981 TRUMAN MIDDLE SCHL SECURITY CAMERAS & INFO TECH	\$40,000	Albuquerque	Bernalillo	STB	13/176
935 VALLEY HIGH SCHL BASEBALL FIELD FENCE	\$17,000	Albuquerque	Bernalillo	STB	13/177
3411 VALLEY HIGH SCHL FOOTBALL LOCKER ROOM LOCKERS	\$75,000	VETO Albuquerque	Bernalillo	STB	13/178
2845 VALLEY HIGH SCHL LANDSCAPE	\$50,000	Albuquerque	Bernalillo	STB	13/179
3506 VALLEY HIGH SCHL ROOF & SEATING	\$30,000	Albuquerque	Bernalillo	STB	13/180
3055 VAN BUREN MIDDLE SCHL LIBRARY	\$30,000	Albuquerque	Bernalillo	STB	13/181
3370 VENTANA RANCH ELEM SCHL INFO TECH	\$50,000	Albuquerque	Bernalillo	STB	13/182
3197 VISION QUEST ALTERNATIVE SCHL INFO TECH	\$10,000	Albuquerque	Bernalillo	STB	13/183
3354 WEST MESA HIGH SCHL GROUNDS & FACILITIES IMPROVE	\$132,000	Albuquerque	Bernalillo	STB	13/184
3203 WEST MESA HIGH SCHL LIBRARY EQUIP/FURNISH	\$56,000	Albuquerque	Bernalillo	STB	13/185
3196 WEST MESA HIGH SCHL SECURITY CAMERAS/INFO TECH	\$111,000	Albuquerque	Bernalillo	STB	13/186
3463 WHERRY ELEM SCHL INFO TECH	\$30,000	Albuquerque	Bernalillo	STB	13/187
3517 WHITTIER ELEM SCHL INFO TECH	\$30,000	Albuquerque	Bernalillo	STB	13/188
3076 WHITTIER ELEM SCHL SECURITY CAMERAS & INFO TECH	\$25,000	Albuquerque	Bernalillo	STB	13/189
3518 WILSON MID SCHL INFO TECH	\$30,000	Albuquerque	Bernalillo	STB	13/190
3445 ZIA ELEM SCHL GROUNDS IMPROVE/MESSAGE BOARD	\$20,000	VETO Albuquerque	Bernalillo	STB	13/191
3081 ZIA ELEM SCHL INFO TECH	\$55,000	Albuquerque	Bernalillo	STB	13/192

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3499 ZUNI ELEM SCHL GROUNDS/COURTYARD/FACILITIES	\$25,000	Albuquerque	Bernalillo	STB	13/193
3493 ZUNI ELEM SCHL INFO TECH	\$25,000	Albuquerque	Bernalillo	STB	13/194
3489 ZUNI ELEM SCHL SECURITY CAMERAS & INFO TECH	\$30,000	Albuquerque	Bernalillo	STB	13/195
3139 EAST MOUNTAIN HIGH SCHL LIBRARY AIR CONDITIONING	\$25,000	Sandia Park	Bernalillo	STB	13/201
489 GRADY MSD BUS	\$100,000		Curry	STB	13/202
2856 HEALTH SCIENCES ACADEMY INFRA & EQUIP	\$133,000	Santa Teresa	Dona Ana	STB	13/203
583 CARLSBAD HIGH SCHL BLEACHERS	\$96,600		Eddy	STB	13/204
590 CARLSBAD HIGH SCHL CEILINGS/LIGHTS	\$65,000		Eddy	STB	13/205
585 MONTERREY ELEM SCHL CEILING/LIGHTS/HVAC	\$134,200		Eddy	STB	13/206
656 ARTESIA PARK JUNIOR HIGH SCHL OFFICE	\$300,000	Artesia	Eddy	STB	13/207
2802 ALTA VISTA 6TH GR ACADEMY ASBESTOS IMPROVE	\$28,000	Carlsbad	Eddy	STB	13/208
2805 CARLSBAD MSD CENTRAL OFFICE INFO TECH	\$50,000	Carlsbad	Eddy	STB	13/209
2807 EARLY COLLEGE HIGH SCHL INFO TECH	\$80,000	Carlsbad	Eddy	STB	13/210
2998 SANTA ROSA CSD VOCATIONAL EQUIPMENT	\$25,000		Guadalupe	STB	13/211
536 LOVINGTON LLANO KINDERGARTEN SCHL PLAYGROUND	\$60,000		Lea	STB	13/212
534 LOVINGTON MSD AUTISM CTR FOR ED SVCS PLAYGROUND	\$20,000		Lea	STB	13/213
2942 MORA ISD PARKING LOTS/ROADS	\$100,000		Mora	STB	13/214
435 WAGON MOUND PSD SECURITY SYSTEM	\$20,000	Wagon Mound	Mora	STB	13/215
525 CLOUDCROFT MSD BUS	\$125,000		Otero	STB	13/216
3345 ESPANOLA PSD WEIGHT-LIFTING EQUIPMENT	\$30,000	VETO	Rio Arriba	STB	13/217
3001 DORA CSD AG SHOP BUILDING IMPROVE	\$100,000		Roosevelt	STB	13/218
673 ELIDA HIGH SCHL SHOP BLDG EXHAUST SYSTEM	\$30,000		Roosevelt	STB	13/219
3453 FLOYD MSD SECURITY SYSTEM	\$75,000		Roosevelt	STB	13/220
3270 PORTALES MSD WELDING/AG BUILDING EXHAUST	\$15,000		Roosevelt	STB	13/221
2852 LAS VEGAS CITY PSD BAND INSTRUMENTS & STUDIO	\$33,000		San Miguel	STB	13/222
2883 PECOS ISD BASEBALL/SOFTBALL FIELD LIGHTING	\$50,000	VETO	San Miguel	STB	13/223
3012 WEST LAS VEGAS PSD BAND EQUIPMENT/INSTRUMENTS	\$25,000	VETO	San Miguel	STB	13/224
740 WEST LAS VEGAS PSD FENCING	\$45,000		San Miguel	STB	13/225
3019 WEST LAS VEGAS PSD MARIACHI INSTRUMENTS	\$25,000	VETO	San Miguel	STB	13/226
624 WEST LAS VEGAS PSD PLAYGROUND EQUIP	\$20,000		San Miguel	STB	13/227
522 WEST LAS VEGAS PSD EMERGENCY GENERATOR	\$5,000	VETO Las Vegas	San Miguel	STB	13/228
2793 RIO RANCHO PSD ELEM SCHL VISITOR IMPROVEMENTS	\$680,000		Sandoval	STB	13/229
2904 RIO RANCHO PSD NM LEARNING & DVLP CTR & LAND	\$280,000		Sandoval	STB	13/230
737 ASK ACADEMY CHARTER SCHL INFO TECH	\$85,000	Rio Rancho	Sandoval	STB	13/231
738 ASK ACADEMY CHARTER SCHL LAB EQUIPMENT	\$125,000	Rio Rancho	Sandoval	STB	13/232
2842 ASK ACADEMY CHARTER SCHL LAND & BLDG	\$20,000	Rio Rancho	Sandoval	STB	13/233
940 AGUA FRIA ELEM SCHL EARLY LEARNING CENTER	\$335,000		Santa Fe	STB	13/234
3549 EL DORADO COMMUNITY SCHL RAINWATER CATCHMENT SYS	\$40,000		Santa Fe	STB	13/235
3340 NYE EARLY CHILDHOOD CTR PLAYGROUND IMPROVE	\$15,000		Santa Fe	STB	13/236
3444 SANTA FE HIGH SCHL EARLY HEAD START SITE PGRND	\$38,000		Santa Fe	STB	13/237
3255 TESUQUE ELEM SCHL DIGITAL SECURITY SYSTEM UPGRADES	\$3,500		Santa Fe	STB	13/238
3491 WOOD GORMLEY ELEM SCHL SECURITY SYS UPGRADES	\$3,500		Santa Fe	STB	13/239

**Capital Outlay Projects  
Chart by Agency**

**Chapter 66**

**Legislative Council Service  
51st Legislature, 2nd Session, 2014**

<b>Project Title</b>	<b>Amount</b>	<b>City</b>	<b>County</b>	<b>Fund</b>	<b>Track</b>
3524 ATALAYA ELEM SCHL RAINWATER CATCHMENT SYSTEM	\$120,000	Santa Fe	Santa Fe	STB	13/240
3184 NM SCHL FOR THE ARTS REAL PROPERTY PURCHASE	\$210,000	Santa Fe	Santa Fe	STB	13/241
2995 SOCORRO CSD ACTIVITY BUS	\$100,000		Socorro	STB	13/242
47 PED PRE-KINDERGARTEN CLASSROOMS-PSCOF	\$2,500,000		Statewide	PSCO	47/ 1
46 PED SCHOOL BUS REPLACEMENT-PSCOF	\$7,395,000		Statewide	PSCO	47/ 2
3670 PED ED TECH INFRA FOR COMPUTER-BASED ASSESSMENTS	\$5,000,000		Statewide	PSCO	47/ 3
565 PUBLIC SCHOOLS ROBOT EQUIPMENT	\$169,000		Statewide	STB	13/243
3149 BELEN CSD BUSES	\$200,000		Valencia	STB	13/244
3591 LOS LUNAS HIGH SCHL PERF ARTS CTR IMPROVE	\$100,000		Valencia	STB	13/245
3592 VALENCIA HIGH SCHL PERF ARTS CTR PLAN/DESIGN	\$150,000		Valencia	STB	13/246
<b>PUBLIC EDUCATION DEPARTMENT</b>	<b>\$30,146,277</b>				

**TOTAL OFFSETS FOR 2014-2015  
AWARD CYCLE**

**DRAFT**

DISTRICT	2014 DISTRICT SHARE	TOTAL OFFSET FOR 2013-2014	TOTAL OFFSET USED FOR 13-14 AWARD CYCLE	TOTAL OFFSET USED FOR 13-14 STANDARD BASED ROOFS	TOTAL OFFSET USED FOR 13-14 OUT OF CYCLE AWARDS	OFFSET BALANCE	2014 OFFSET FOR APPROPRIATIONS IN TOP 150	2014 OFFSET NOT IN TOP 150	TOTAL OFFSETS FROM 2014 LEGISLATIVE APPROPRIATIONS	PROJECTS REAUTHORIZED TO OTHER RECIPIENTS & REJECTIONS (Voided Projects)	TOTAL OFFSET FOR 2014-2015
1	ALAMOGORDO	35%	\$ (50,100)	\$ -	\$ (50,100)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
2	ALBUQUERQUE	43%	\$ 2,543,415	\$ 2,543,415	\$ -	\$ -	\$ 518,242	\$ 2,916,389	\$ 3,434,631	\$ -	\$ 3,434,631
3	ANIMAS	54%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
4	ARTESIA	90%	\$ 1,004,908	\$ -	\$ -	\$ 1,004,908	\$ -	\$ 270,000	\$ 270,000	\$ -	\$ 1,274,908
5	AZTEC	75%	\$ 638,100	\$ -	\$ -	\$ 638,100	\$ -	\$ -	\$ -	\$ -	\$ 638,100
6	BELEN	37%	\$ 37,000	\$ 37,000	\$ -	\$ -	\$ -	\$ 74,000	\$ 74,000	\$ -	\$ 74,000
7	BERNALILLO	60%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
8	BLOOMFIELD	83%	\$ 1,190,599	\$ -	\$ -	\$ -	\$ 1,190,599	\$ -	\$ -	\$ -	\$ 1,190,599
9	CAPITAN	90%	\$ 810,430	\$ -	\$ -	\$ 810,430	\$ -	\$ -	\$ -	\$ -	\$ -
10	CARLSBAD	83%	\$ 1,464,448	\$ -	\$ -	\$ 1,464,448	\$ 11,620	\$ 353,414	\$ 365,034	\$ -	\$ 1,829,482
11	CARRIZOZO	90%	\$ 198,182	\$ -	\$ -	\$ 198,182	\$ -	\$ -	\$ -	\$ -	\$ 198,182
12	CENTRAL	39%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
13	CHAMA	90%	\$ 154,857	\$ -	\$ -	\$ 154,857	\$ -	\$ -	\$ -	\$ -	\$ 154,857
14	CIMARRON	90%	\$ 214,750	\$ -	\$ -	\$ 214,750	\$ -	\$ -	\$ -	\$ -	\$ 214,750
15	CLAYTON	85%	\$ 17,250	\$ -	\$ -	\$ 17,250	\$ -	\$ -	\$ -	\$ -	\$ 17,250
16	CLOUDCROFT	90%	\$ 1,170,934	\$ -	\$ -	\$ 1,170,934	\$ -	\$ 112,500	\$ 112,500	\$ -	\$ 1,283,434
17	CLOVIS	24%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
18	COBRE	42%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
19	CORONA	90%	\$ 91,380	\$ -	\$ -	\$ 91,380	\$ -	\$ -	\$ -	\$ -	\$ 91,380
20	CUBA	31%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
21	DEMING	29%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
22	DES MOINES	88%	\$ 69,330	\$ -	\$ -	\$ 69,330	\$ -	\$ -	\$ -	\$ -	\$ 69,330
23	DEXTER	19%	\$ 89,132	\$ -	\$ -	\$ 89,132	\$ -	\$ -	\$ -	\$ -	\$ 89,132
24	DORA	39%	\$ 103,650	\$ -	\$ -	\$ 103,650	\$ -	\$ 39,000	\$ 39,000	\$ -	\$ 142,650
25	DULCE	90%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
26	ELIDA	55%	\$ 245,844	\$ -	\$ -	\$ 245,844	\$ -	\$ 16,500	\$ 16,500	\$ -	\$ 262,344
27	ESPANOLA	37%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
28	ESTANCIA	37%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
29	EUNICE	90%	\$ (13,444)	\$ -	\$ -	\$ (13,444)	\$ -	\$ -	\$ -	\$ -	\$ (13,444)
30	FARMINGTON	38%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
31	FLOYD	23%	\$ 11,500	\$ -	\$ -	\$ 11,500	\$ 8,625	\$ -	\$ 8,625	\$ -	\$ 20,125
32	FORT SUMNER	62%	\$ 66,450	\$ -	\$ -	\$ 66,450	\$ -	\$ -	\$ -	\$ -	\$ 66,450
33	GADSDEN	13%	\$ (0)	\$ -	\$ -	\$ (0)	\$ -	\$ -	\$ -	\$ -	\$ (0)
34	GALLUP	18%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
35	GRADY	25%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 25,000	\$ 25,000	\$ -	\$ 25,000
36	GRANTS	25%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
37	HAGERMAN	21%	\$ 118,770	\$ -	\$ -	\$ 118,770	\$ -	\$ -	\$ -	\$ -	\$ 118,770
38	HATCH	14%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
39	HOBBS	48%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
40	HONDO	67%	\$ 100,500	\$ -	\$ -	\$ 100,500	\$ -	\$ -	\$ -	\$ -	\$ 100,500
41	HOUSE	41%	\$ 8,625	\$ -	\$ -	\$ 8,625	\$ -	\$ -	\$ -	\$ -	\$ 8,625
42	JAL	90%	\$ 1,017,887	\$ -	\$ -	\$ 1,017,887	\$ -	\$ -	\$ -	\$ -	\$ 1,017,887
43	JEMEZ MOUNTAIN	90%	\$ 64,084	\$ -	\$ -	\$ 64,084	\$ -	\$ -	\$ -	\$ -	\$ 64,084
44	JEMEZ VALLEY	48%	\$ 22,490	\$ -	\$ -	\$ 22,490	\$ -	\$ -	\$ -	\$ -	\$ 22,490
45	LAKE ARTHUR	90%	\$ 246,953	\$ -	\$ -	\$ 246,953	\$ -	\$ -	\$ -	\$ -	\$ 246,953
46	LAS CRUCES	35%	\$ 111,600	\$ -	\$ 111,600	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
47	LAS VEGAS CITY	41%	\$ 782,569	\$ -	\$ 182,099	\$ -	\$ 600,470	\$ 13,530	\$ 13,530	\$ -	\$ 614,000
48	LAS VEGAS WEST	29%	\$ 39,200	\$ -	\$ 39,200	\$ -	\$ (0)	\$ 18,850	\$ 18,850	\$ -	\$ 18,850
49	LOGAN	73%	\$ 41,740	\$ -	\$ -	\$ 41,740	\$ -	\$ -	\$ -	\$ -	\$ 41,740
50	LORDSBURG	69%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
51	LOS ALAMOS	58%	\$ 139,500	\$ -	\$ -	\$ 139,500	\$ -	\$ -	\$ -	\$ -	\$ 139,500
52	LOS LUNAS	24%	\$ 24,000	\$ -	\$ 24,000	\$ -	\$ -	\$ 60,000	\$ 60,000	\$ -	\$ 60,000
53	LOVING	89%	\$ 487,430	\$ -	\$ -	\$ 487,430	\$ -	\$ -	\$ -	\$ -	\$ 487,430
54	LOVINGTON	75%	\$ 2,623,239	\$ -	\$ -	\$ 2,623,239	\$ -	\$ 60,000	\$ 60,000	\$ -	\$ 2,683,239
55	MAGDALENA	24%	\$ 52,800	\$ -	\$ -	\$ 52,800	\$ -	\$ -	\$ -	\$ -	\$ 52,800
56	MAXWELL	42%	\$ 65,604	\$ -	\$ -	\$ 65,604	\$ -	\$ -	\$ -	\$ -	\$ 65,604
57	MELROSE	37%	\$ 134,567	\$ -	\$ -	\$ 134,567	\$ -	\$ -	\$ -	\$ -	\$ 134,567
58	MESA VISTA	57%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
59	MORA	54%	\$ 687,066	\$ -	\$ -	\$ 687,066	\$ -	\$ 54,000	\$ 54,000	\$ -	\$ 741,066
60	MORIARTY	46%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
61	MOSQUERO	90%	\$ 22,500	\$ -	\$ -	\$ 22,500	\$ -	\$ -	\$ -	\$ -	\$ 22,500

**TOTAL OFFSETS FOR 2014-2015  
AWARD CYCLE**

**DRAFT**

DISTRICT	2014 DISTRICT SHARE	TOTAL OFFSET FOR 2013-2014	TOTAL OFFSET USED FOR 13-14 AWARD CYCLE	TOTAL OFFSET USED FOR 13-14 STANDARD BASED ROOFS	TOTAL OFFSET USED FOR 13-14 OUT OF CYCLE AWARDS	OFFSET BALANCE	2014 OFFSET FOR APPROPRIATIONS IN TOP 150	2014 OFFSET NOT IN TOP 150	TOTAL OFFSETS FROM 2014 LEGISLATIVE APPROPRIATIONS	PROJECTS REAUTHORIZED TO OTHER RECIPIENTS & REJECTIONS (Voided Projects)	TOTAL OFFSET FOR 2014-2015
62	MOUNTAINAIR	64%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
63	PECOS	59%	\$ 137,213	\$ -	\$ 137,213	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
64	PENASCO	33%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
65	POJOAQUE	26%	\$ 276,317	\$ -	\$ -	\$ 276,317	\$ -	\$ -	\$ -	\$ -	\$ -
66	PORTALES	22%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,300	\$ 3,300	\$ -	\$ 3,300
67	QUEMADO	90%	\$ 108,000	\$ -	\$ -	\$ 108,000	\$ -	\$ -	\$ -	\$ -	\$ 108,000
68	QUESTA	90%	\$ 785,997	\$ -	\$ -	\$ 785,997	\$ -	\$ -	\$ -	\$ -	\$ 785,997
69	RATON	43%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
70	RESERVE	87%	\$ 203,763	\$ 8,000	\$ -	\$ 195,763	\$ -	\$ -	\$ -	\$ -	\$ 195,763
71	RIO RANCHO	36%	\$ 221,200	\$ -	\$ -	\$ 221,200	\$ -	\$ 345,600	\$ 345,600	\$ -	\$ 566,800
72	ROSWELL	28%	\$ 28,000	\$ 28,000	\$ -	\$ 0	\$ -	\$ -	\$ -	\$ -	\$ 0
73	ROY	61%	\$ 8,750	\$ -	\$ -	\$ 8,750	\$ -	\$ -	\$ -	\$ -	\$ 8,750
74	RUIDOSO	89%	\$ 164,961	\$ -	\$ -	\$ 164,961	\$ -	\$ -	\$ -	\$ -	\$ 164,961
75	SAN JON	33%	\$ 13,200	\$ -	\$ -	\$ 13,200	\$ -	\$ -	\$ -	\$ -	\$ 13,200
76	SANTA FE	90%	\$ 2,562,059	\$ -	\$ -	\$ 2,562,059	\$ 1,575	\$ 496,350	\$ 497,925	\$ -	\$ 3,059,984
77	SANTA ROSA	44%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 11,000	\$ 11,000	\$ -	\$ 11,000
78	SILVER	54%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
79	SOCORRO	24%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 24,000	\$ 24,000	\$ -	\$ 24,000
80	SPRINGER	48%	\$ 86,857	\$ -	\$ -	\$ 86,857	\$ -	\$ -	\$ -	\$ -	\$ 86,857
81	TAOS	90%	\$ 466,094	\$ -	\$ -	\$ 466,094	\$ -	\$ -	\$ -	\$ -	\$ 466,094
82	TATUM	90%	\$ 349,972	\$ -	\$ -	\$ 349,972	\$ -	\$ -	\$ -	\$ -	\$ 349,972
83	TEXICO	36%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
84	T or C	69%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
85	TUCUMCARI	26%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
86	TULAROSA	26%	\$ (74,000)	\$ -	\$ (74,000)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
87	VAUGHN	90%	\$ 414,000	\$ -	\$ -	\$ 414,000	\$ -	\$ -	\$ -	\$ -	\$ 414,000
88	WAGON MOUND	90%	\$ 208,680	\$ -	\$ -	\$ 208,680	\$ -	\$ 18,000	\$ 18,000	\$ -	\$ 226,680
89	ZUNI	0%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
90	ASK ACADEMY CHARTER SCHOOL	36%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 82,800	\$ 82,800	\$ -	\$ 82,800
91	ABQ. INSTITUTE OF MATH & SCIENCE	43%	\$ 22,500	\$ -	\$ -	\$ 22,500	\$ -	\$ 21,500	\$ 21,500	\$ -	\$ 44,000
92	ABQ. SIGN LANGUAGE ACADEMY	43%	\$ 44,000	\$ -	\$ -	\$ 44,000	\$ -	\$ -	\$ -	\$ -	\$ 44,000
93	AMY BIEHL CHARTER	43%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 18,813	\$ 18,813	\$ -	\$ 18,813
94	CESAR CHAVEZ COMM. SCHOOL	43%	\$ 22,500	\$ -	\$ -	\$ 22,500	\$ -	\$ 34,400	\$ 34,400	\$ -	\$ 56,900
95	CIEN AGUAS CHARTER	43%	\$ 141,500	\$ -	\$ -	\$ 141,500	\$ -	\$ 45,150	\$ 45,150	\$ -	\$ 186,650
96	EAST MOUNTAIN CHARTER	43%	\$ 96,750	\$ -	\$ -	\$ 96,750	\$ -	\$ 10,750	\$ 10,750	\$ -	\$ 107,500
97	GILBERT L. SENA CHARTER	43%	\$ 29,250	\$ -	\$ -	\$ 29,250	\$ -	\$ 47,300	\$ 47,300	\$ -	\$ 76,550
98	HEALTH LEADERSHIP CHARTER	43%	\$ 117,000	\$ -	\$ -	\$ 117,000	\$ -	\$ 49,450	\$ 49,450	\$ -	\$ 166,450
99	HEALTH SCIENCE ACADEMY	13%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 17,550	\$ 17,550	\$ -	\$ 17,550
100	LA PROMESA CHARTER SCHOOL	43%	\$ 363,750	\$ -	\$ -	\$ 363,750	\$ -	\$ 113,950	\$ 113,950	\$ -	\$ 477,700
101	McCURDY CHARTER	37%	\$ 38,000	\$ -	\$ -	\$ 38,000	\$ -	\$ -	\$ -	\$ -	\$ 38,000
102	MEDIA ARTS COLLABORATIVE	43%	\$ 327,770	\$ -	\$ -	\$ 327,770	\$ -	\$ 68,800	\$ 68,800	\$ -	\$ 396,570
103	MISSION ACHIEVEMENT	43%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 40,850	\$ 40,850	\$ -	\$ 40,850
104	MONTESSORI CHARTER	43%	\$ 40,500	\$ -	\$ -	\$ 40,500	\$ -	\$ 49,450	\$ 49,450	\$ -	\$ 89,950
105	NEW MEXICO SCHOOL FOR THE ARTS	90%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 189,000	\$ 189,000	\$ -	\$ 189,000
106	SCHOOL OF DREAMS	24%	\$ 24,000	\$ -	\$ -	\$ 24,000	\$ -	\$ -	\$ -	\$ -	\$ 24,000
107	SW AERONAUTICS MATH & SCIENCE	43%	\$ 147,920	\$ -	\$ -	\$ 147,920	\$ -	\$ 58,050	\$ 58,050	\$ -	\$ 205,970
108	SW INTERMEDIATE CHARTER	43%	\$ 114,300	\$ -	\$ -	\$ 114,300	\$ -	\$ 97,180	\$ 97,180	\$ -	\$ 211,480
109	SW PRIMARY LEARNING CENTER	43%	\$ 34,150	\$ -	\$ -	\$ 34,150	\$ -	\$ 8,600	\$ 8,600	\$ -	\$ 42,750
110	SW SECONDARY CHARTER	43%	\$ 91,000	\$ -	\$ -	\$ 91,000	\$ -	\$ 55,900	\$ 55,900	\$ -	\$ 146,900
111	TIERRA ADENTRO CHARTER	43%	\$ 22,500	\$ -	\$ -	\$ 22,500	\$ -	\$ 23,650	\$ 23,650	\$ -	\$ 46,150
<b>TOTALS</b>			\$ 24,488,192	\$ 2,616,415	\$ 370,012	\$ 1,086,747	\$ 20,415,018	\$ 540,062	\$ 5,944,576	\$ 6,484,637	\$ 26,899,655

NOTE: Capital outlay grant awards made by the Public School Capital Outlay Council (PSCOC) will be reduced by a percentage of direct appropriations for capital outlay projects received by a school district. The amount of the reduction will be determined by multiplying the amount of the total direct appropriations by the local share percentage and subtracting the resulting amount from any Public School Capital Outlay Council award to the district. The offsets are all aggregate and remain in place until they have been used up. The offsets calculated for 2006 include direct legislative appropriations allocated in HB-622 from the 2006 legislative session. Offsets also include all appropriations allocated to other governmental entities for the purposes of passing the money through directly to the subject school district.

**2014-2015 SUMMARY OF DIRECT APPROPRIATION OFFSETS**

<b>DISTRICT</b>	<b>TOTAL DIRECT APPROPRIATIONS 2003-2014</b>	<b>TOTAL OFFSETS 2003-2014</b>	<b>TOTAL OFFSETS USED</b>	<b>BALANCE OF OFFSETS</b>
ALAMOGORDO	\$ 2,231,000	\$ 637,065	\$ 637,065	\$ -
ALBUQUERQUE	\$ 121,205,013	\$ 57,614,867	\$ 54,180,237	\$ 3,434,631
ANIMAS	\$ -	\$ -	\$ -	\$ -
ARTESIA	\$ 1,476,000	\$ 1,298,808	\$ 23,900	\$ 1,274,908
AZTEC	\$ 709,000	\$ 638,100	\$ -	\$ 638,100
BELEN	\$ 5,985,000	\$ 1,842,384	\$ 1,768,385	\$ 74,000
BERNALILLO	\$ 105,000	\$ 47,051	\$ 47,052	\$ -
BLOOMFIELD	\$ 1,438,000	\$ 1,190,599	\$ -	\$ 1,190,599
CAPITAN	\$ 1,196,000	\$ 1,051,430	\$ 1,051,430	\$ -
CARLSBAD	\$ 2,646,800	\$ 2,034,335	\$ 204,853	\$ 1,829,482
CARRIZOZO	\$ 325,000	\$ 200,996	\$ 2,814	\$ 198,182
CENTRAL	\$ 793,900	\$ 305,802	\$ 305,802	\$ -
CHAMA	\$ 528,000	\$ 467,803	\$ 312,946	\$ 154,857
CIMARRON	\$ 515,000	\$ 362,250	\$ 147,500	\$ 214,750
CLAYTON	\$ 25,000	\$ 17,250	\$ -	\$ 17,250
CLOUDCROFT	\$ 1,479,000	\$ 1,283,434	\$ -	\$ 1,283,434
CLOVIS	\$ 645,000	\$ 136,246	\$ 136,246	\$ -
COBRE	\$ 475,000	\$ 199,410	\$ 199,410	\$ -
CORONA	\$ 164,867	\$ 148,380	\$ 57,000	\$ 91,380
CUBA	\$ -	\$ -	\$ -	\$ -
DEMING	\$ 75,000	\$ 18,250	\$ 18,250	\$ -
DES MOINES	\$ 195,000	\$ 107,474	\$ 38,144	\$ 69,330
DEXTER	\$ 604,000	\$ 90,525	\$ 1,393	\$ 89,132
DORA	\$ 345,000	\$ 142,650	\$ -	\$ 142,650
DULCE	\$ -	\$ -	\$ -	\$ -
ELIDA	\$ 485,000	\$ 286,744	\$ 24,400	\$ 262,344
ESPANOLA	\$ 2,590,000	\$ 965,643	\$ 965,643	\$ -
ESTANCIA	\$ -	\$ -	\$ -	\$ -
EUNICE	\$ 250,000	\$ 211,556	\$ 225,000	\$ (13,444)
FARMINGTON	\$ -	\$ -	\$ -	\$ -
FLOYD	\$ 321,400	\$ 49,850	\$ 29,725	\$ 20,125
FORT SUMNER	\$ 327,500	\$ 148,718	\$ 82,268	\$ 66,450
GADSDEN	\$ 5,501,537	\$ 601,028	\$ 601,028	\$ -
GALLUP	\$ 255,000	\$ 43,158	\$ 43,158	\$ -
GRADY	\$ 185,000	\$ 44,550	\$ 19,550	\$ 25,000
GRANTS	\$ 361,000	\$ 95,481	\$ 95,481	\$ -
HAGERMAN	\$ 660,000	\$ 120,191	\$ 1,420	\$ 118,770
HATCH	\$ 52,000	\$ 4,906	\$ 4,906	\$ -
HOBBS	\$ 2,108,000	\$ 834,518	\$ 834,518	\$ -
HONDO	\$ 440,000	\$ 294,490	\$ 193,990	\$ 100,500
HOUSE	\$ 75,000	\$ 8,625	\$ -	\$ 8,625
JAL	\$ 1,205,985	\$ 1,017,887	\$ -	\$ 1,017,887
JEMEZ MOUNTAIN	\$ 250,000	\$ 154,084	\$ 90,000	\$ 64,084
JEMEZ VALLEY	\$ 45,000	\$ 22,490	\$ -	\$ 22,490
LAKE ARTHUR	\$ 548,000	\$ 251,198	\$ 4,245	\$ 246,953
LAS CRUCES	\$ 3,888,746	\$ 1,256,874	\$ 1,256,874	\$ -
LAS VEGAS CITY	\$ 3,026,339	\$ 1,054,199	\$ 440,199	\$ 614,000
LAS VEGAS WEST	\$ 3,137,783	\$ 734,683	\$ 715,833	\$ 18,850
LOGAN	\$ 67,000	\$ 41,740	\$ -	\$ 41,740
LORDSBURG	\$ -	\$ -	\$ -	\$ -
LOS ALAMOS	\$ 255,000	\$ 139,500	\$ -	\$ 139,500
LOS LUNAS	\$ 4,338,300	\$ 953,467	\$ 893,467	\$ 60,000
LOVING	\$ 756,000	\$ 487,430	\$ -	\$ 487,430
LOVINGTON	\$ 3,780,000	\$ 2,683,239	\$ -	\$ 2,683,239
MAGDALENA	\$ 330,000	\$ 52,800	\$ -	\$ 52,800
MAXWELL	\$ 225,000	\$ 65,604	\$ -	\$ 65,604
MELROSE	\$ 402,500	\$ 134,567	\$ -	\$ 134,567

**2014-2015 SUMMARY OF DIRECT APPROPRIATION OFFSETS**

<b>DISTRICT</b>	<b>TOTAL DIRECT APPROPRIATIONS 2003-2014</b>	<b>TOTAL OFFSETS 2003-2014</b>	<b>TOTAL OFFSETS USED</b>	<b>BALANCE OF OFFSETS</b>
MESA VISTA	\$ 331,000	\$ 146,078	\$ 146,078	\$ -
MORA	\$ 2,022,196	\$ 741,065	\$ -	\$ 741,066
MORIARTY	\$ 2,703,000	\$ 924,766	\$ 924,766	\$ 0
MOSQUERO	\$ 25,000	\$ 22,500	\$ -	\$ 22,500
MOUNTAINAIR	\$ 230,000	\$ 103,038	\$ 103,038	\$ -
PECOS	\$ 317,000	\$ 140,153	\$ 140,153	\$ -
PENASCO	\$ 380,000	\$ 95,936	\$ 95,936	\$ -
POJOAQUE	\$ 1,488,000	\$ 381,497	\$ 381,497	\$ -
PORTALES	\$ 1,044,143	\$ 238,974	\$ 235,674	\$ 3,300
QUEMADO	\$ 120,000	\$ 108,000	\$ -	\$ 108,000
QUESTA	\$ 885,000	\$ 785,997	\$ -	\$ 785,997
RATON	\$ 45,000	\$ 15,900	\$ 15,900	\$ -
RESERVE	\$ 275,000	\$ 203,763	\$ 8,000	\$ 195,763
RIO RANCHO	\$ 7,116,120	\$ 2,431,223	\$ 1,864,424	\$ 566,800
ROSWELL	\$ 8,135,500	\$ 2,279,259	\$ 2,279,259	\$ -
ROY	\$ 25,000	\$ 8,750	\$ -	\$ 8,750
RUIDOSO	\$ 725,000	\$ 506,275	\$ 341,314	\$ 164,961
SAN JON	\$ 55,000	\$ 13,200	\$ -	\$ 13,200
SANTA FE	\$ 4,983,519	\$ 4,218,734	\$ 1,158,750	\$ 3,059,984
SANTA ROSA	\$ 436,400	\$ 198,782	\$ 187,782	\$ 11,000
SILVER	\$ 515,000	\$ 256,947	\$ 256,947	\$ -
SOCORRO	\$ 495,000	\$ 110,042	\$ 86,042	\$ 24,000
SPRINGER	\$ 240,000	\$ 126,637	\$ 39,780	\$ 86,857
TAOS	\$ 1,025,000	\$ 861,500	\$ 395,406	\$ 466,094
TATUM	\$ 394,000	\$ 349,972	\$ -	\$ 349,972
TEXICO	\$ 412,000	\$ 141,349	\$ 141,349	\$ -
T or C	\$ -	\$ -	\$ -	\$ -
TUCUMCARI	\$ -	\$ -	\$ -	\$ -
TULAROSA	\$ 1,315,000	\$ 181,532	\$ 181,532	\$ -
VAUGHN	\$ 460,000	\$ 414,000	\$ -	\$ 414,000
WAGON MOUND	\$ 550,000	\$ 226,680	\$ -	\$ 226,680
ZUNI	\$ 100,000	\$ -	\$ -	\$ -
ASK ACADEMY CHARTER SCHOOL	\$ 230,000	\$ 82,800	\$ -	\$ 82,800
ABQ. INSTITUTE OF MATH & SCIENCE	\$ 100,000	\$ 44,000	\$ -	\$ 44,000
ABQ. SIGN LANGUAGE ACADEMY	\$ 100,000	\$ 44,000	\$ -	\$ 44,000
AMY BIEHL CHARTER	\$ 43,750	\$ 18,813	\$ -	\$ 18,813
CESAR CHAVEZ COMM. SCHOOL	\$ 130,000	\$ 56,900	\$ -	\$ 56,900
CIEN AGUAS CHARTER	\$ 415,000	\$ 186,650	\$ -	\$ 186,650
EAST MOUNTAIN CHARTER	\$ 240,000	\$ 107,500	\$ -	\$ 107,500
GILBERT L. SENA CHARTER	\$ 175,000	\$ 76,550	\$ -	\$ 76,550
HEALTH LEADERSHIP CHARTER	\$ 375,000	\$ 166,450	\$ -	\$ 166,450
HEALTH SCIENCE ACADEMY	\$ 135,000	\$ 17,550	\$ -	\$ 17,550
LA PROMESA CHARTER SCHOOL	\$ 1,065,000	\$ 477,700	\$ -	\$ 477,700
McCURDY CHARTER	\$ 100,000	\$ 38,000	\$ -	\$ 38,000
MEDIA ARTS COLLABORATIVE	\$ 844,000	\$ 396,570	\$ -	\$ 396,570
MISSION ACHIEVEMENT CHARTER	\$ 95,000	\$ 40,850	\$ -	\$ 40,850
MONTESSORI CHARTER	\$ 205,000	\$ 89,950	\$ -	\$ 89,950
NM SCHOOL FOR THE ARTS	\$ 210,000	\$ 189,000	\$ -	\$ 189,000
SCHOOL OF DREAMS	\$ 100,000	\$ 24,000	\$ -	\$ 24,000
SW AERONAUTICS MATH & SCIENCE	\$ 462,000	\$ 205,970	\$ -	\$ 205,970
SW INTERMEDIATE CHARTER	\$ 476,000	\$ 211,480	\$ -	\$ 211,480
SW PRIMARY LEARNING CENTER	\$ 95,000	\$ 42,750	\$ -	\$ 42,750
SW SECONDARY CHARTER	\$ 330,000	\$ 146,900	\$ -	\$ 146,900
TIERRA ADENTRO CHARTER	\$ 105,000	\$ 46,150	\$ -	\$ 46,150
<b>TOTALS</b>	<b>\$ 221,907,297</b>	<b>\$ 101,537,409</b>	<b>\$ 74,637,761</b>	<b>\$ 26,899,653</b>



# **Public School Capital Outlay Oversight Task Force**

**2013  
ANNUAL REPORT**

*Legislative Council Service  
411 State Capitol  
Santa Fe, New Mexico 87501*

***PUBLIC SCHOOL CAPITAL OUTLAY  
OVERSIGHT TASK FORCE***

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**2013 INTERIM REPORT  
of the  
PUBLIC SCHOOL CAPITAL OUTLAY OVERSIGHT TASK FORCE**

**Introduction**

As the "direct descendent" of several task forces that were created as a result of the 1998 *Zuni* lawsuit (*The Zuni Public School District et al. v. The State of New Mexico et al.*, CV-98-14-11), the Public School Capital Outlay Oversight Task Force (PSCOOTF) is the entity charged by statute to monitor the implementation of the standards-based process established in provisions of the Public School Capital Outlay Act, the Public School Capital Improvements Act and the Public School Buildings Act; to monitor the revenue streams that fund the standards-based process; to oversee the work of the Public School Facilities Authority (PSFA); and to make annual recommendations related to the implementation of the standards-based public school capital outlay process to the legislature and the executive before the beginning of each legislative session.

The legislature established the standards-based public school capital outlay process in response to the judge's order in the *Zuni* lawsuit that found the state to be in violation of the Constitution of New Mexico uniformity clause (Article 12, Section 1)<sup>1</sup>. Filed by parents on behalf of their children in the Zuni public schools, and later joined by parents in the Gallup-McKinley County and Grants-Cibola County public schools, the *Zuni* lawsuit successfully challenged the constitutionality of New Mexico's process for funding public school capital outlay that was in effect at the time. In 1999, Judge Joseph L. Rich, Eleventh Judicial District, gave the state until July 28, 2000 to correct past inequities and to establish and to implement a uniform system of funding for future public school capital improvements. Later, the court extended the deadline in order to evaluate the legislation recommended by a task force established in 2000 and subsequently created by law in 2001.

The current task force consists of 25 members, including members of the legislature and the executive; certain designated public members, some of whom have expertise in finance and education; and superintendents of school districts or their designees, two of whom must be from districts that receive federal impact aid grants. Appendix A provides a listing of the members who served during the 2013 interim.

Previous reports of the public school capital outlay task forces created by Laws 2001, Chapter 338 and re-created by Laws 2004, Chapter 125 provide details related to the background and development of the statewide standards-based public school capital outlay process that is now in its tenth year of implementation. While this report focuses primarily on the work of the

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<sup>1</sup>"A uniform system of free public schools sufficient for the education of, and open to, all the children of school age in the state shall be established and maintained." (Article 12, Section 1, Constitution of New Mexico).

task force during the 2013 interim, the following background information is provided for perspective on the issues before the task force.

## Background

The earliest work that addressed public school capital outlay funding discrepancies was performed by a task force established by the State Department of Public Education (now the Public Education Department (PED)) in 1998 and co-chaired by Representative Ben Lujan and Senator Linda M. Lopez. This task force contracted with a nationally known consulting firm, MGT of America, Inc., to conduct a comprehensive review of issues concerning New Mexico public school capital outlay, including conducting a sampling assessment of public school facilities in 35 school districts.

The first legislatively created task force was established in 2000 in Senate Joint Memorial 21 by the Forty-Fourth Legislature, Second Special Session, in response to an order by *Zuni* lawsuit Judge Rich giving the state until July 28, 2000 to correct past inequities and establish and implement a uniform system of funding for future public school capital improvements. Many of this first Public School Capital Outlay Task Force's recommendations, issued in December 2000, were adopted in Laws 2001, Chapter 338, including statutory authorization to continue its work.

These recommendations, which were enacted in Laws 2001, Chapter 338, focused on establishment of a transitional three-pronged framework for public school capital outlay that:

- 1) corrected past inequities by providing 100 percent state funding for immediate remediation of health and safety deficiencies identified in a one-time initial assessment of every public school throughout the state;
- 2) continued to fund the substantial backlog of critical capital outlay needs of school districts that had substantially used up their own resources for public school capital improvements; and
- 3) implemented a long-term public school capital improvement process based on the development of adequacy standards.

In addition, this measure increased the Public School Capital Improvements Act (also called "SB 9" or "the two-mill levy") state guarantee from \$35.00 per mill per unit (the first such increase in almost 30 years) to \$50.00 per mill per unit and designated supplemental severance tax bonds as the permanent revenue source for public school capital outlay.

In April 2001, Judge Rich appointed the Honorable Dan McKinnon, former state supreme court justice, as a special master to review the progress the state had made in correcting past inequities and in developing and implementing the new capital outlay process. In his report, Justice McKinnon concluded "that since 1998 the state has made a substantial effort to rectify the disparities..." in funding for school facilities and that "... at this time the state is in good faith and with substantial resources attempting to comply with the requirements of Judge Rich's previous directions". Adopting the report of the special master in May 2002, Judge Rich reserved the right

to hold status conferences to monitor and review the state's progress in addressing issues raised by the *Zuni* lawsuit.

The special master's report emphasized the importance of mitigating the disequalizing effect of direct legislative appropriations to individual schools for capital outlay purposes and directed that these appropriations be taken into account in the funding formula that was to go into effect after September 1, 2003. In response to this directive, the 2003 legislature amended the funding formula (Laws 2003, Chapter 147) to provide an offset against state grant awards for public school capital outlay equal to a percentage of any funds received by a school district as a direct legislative appropriation using the local/state-share formula. At the time, the offset provision also applied to legislative appropriations for educational technology, with the reduction credited against the school district's annual distribution under the Education Technology Equipment Act.

Legislation enacted in 2004 made a number of improvements to the capital outlay process and provided \$57 million of additional funding for deficiency correction and continuation projects (Laws 2004, Chapter 125). It enacted many of the recommendations of the task force from the 2003 interim, including a recommendation to extend the life of the task force for an additional year, and added provisions relating to what are called "recalcitrant districts". These provisions would allow the Public School Capital Outlay Council (PSCOC) to bring a court action against a school district if it determines that a school district's facilities are below the minimum standard required by the constitution and that the district has consistently failed to take action. The court action could result in the imposition of a property tax in the school district to pay the district's required share of the costs of bringing the school facilities up to the adequacy standards. The task force considered the enactment of these "recalcitrant district" provisions as another important step for ensuring that the new process will comply with the directives of the court in addressing the *Zuni* remedies.

### ***2005 Legislative Session and Interim***

Legislation enacted in 2005 (Laws 2005, Chapter 274) added a number of refinements to the standards-based awards process as a result of experience gained during the pilot year, including many of the recommendations of the task force from the 2004 interim. Among those recommendations was completion of the deficiencies correction program with specific emphasis on the correction of serious roof deficiencies. In addition, this legislation created a separate two-year roof repair and replacement initiative and allocated up to \$30 million per year for fiscal years 2006 and 2007 for this initiative. The lease assistance program enacted in 2004 was modified to increase the maximum grant award from \$300 per member to \$600 per member and to extend this lease assistance to charter schools in their initial year of operation. In response to the task force's focus on improving maintenance of public school buildings, the SB 9 guarantee amount was increased from \$50.00 per mill per unit to \$60.00 per mill per unit with automatic yearly increases based upon the Consumer Price Index. The legislation also established a framework to allow the PSCOC to waive all or a portion of the local share when funding a project if the district meets certain criteria.

The 2005 legislation also required new charter schools to meet educational occupancy standards before being chartered and established guidelines to assist in the transition of charter schools to public facilities by 2010 (later amended to 2015).

During the 2005 interim, the first full year of the task force's existence in its current iteration, the members reviewed the statewide assessment of school facilities; the deficiencies correction program; the roof deficiency correction program; PSCOC awards; lease payment awards; the development of educational technology adequacy standards as directed by HB 511 from the 2005 legislature; and a number of issues related to charter schools. The task force also explored a number of new subjects, including high-growth districts and schools; issues related to rural and very small schools; alternative capital financing options, including tax increment financing and industrial revenue bonds; and opportunities for energy-efficient school buildings.

### ***2006 Legislative Session and Interim***

Acting on the recommendations of the PSCOOTF, the 2006 legislature passed and the governor signed into law amendments to the Public School Capital Outlay Act to:

- increase distributions for lease payments from \$600 to \$700;
- provide for partial state funding to school districts for five-year facilities master plans, including full funding for some of the smaller districts;
- allow state funding to demolish abandoned school buildings;
- create a process to identify and correct serious outstanding deficiencies at the New Mexico School for the Blind and Visually Impaired (NMSBVI) and the New Mexico School for the Deaf (NMSD);
- exempt all PSFA staff from provisions of the Personnel Act; and
- create a program for advancing to a school district the local matching share otherwise required if the money is for a "qualified high priority project".

Additional legislation passed and signed into law:

- requires districts to submit a five-year facilities plan to the PSFA before beginning any PSCOC project;
- allows school district cash balances to be used for the local match required for PSCOC grants;
- provides funding for school districts for one-time expenditures associated with opening new schools;
- amends the Procurement Code to allow the PSFA to be its own central purchasing office;
- appropriates funding to continue the development and implementation of the facility information management system (FIMS) program, a uniform web-based system to manage maintenance for school district facilities; and
- allocates funding to improve the indoor air quality of public schools.

During the 2006 interim, the task force heard testimony about the continuing statewide implementation of the FIMS and school district facilities master plans; revision of current PSFA oversight and review responsibilities, as well as concerns about a perceived PSFA staff focus on regulation rather than assistance; cooperation among school districts, counties and municipalities regarding issues related to growth; energy-efficient school buildings; factors affecting construction costs; an update on development and implementation of educational technology adequacy standards as required in HB 511, passed by the 2005 legislature; and concerns about offsets for direct appropriations.

### ***2007 Legislative Session and Interim***

PSCOOTF endorsements for legislation for the 2007 session addressed testimony that the task force heard during the 2006 interim, particularly the effects and some unintended consequences of legislation enacted over the previous six or seven years. Recommendations in the task force "omnibus" bill that were enacted and signed into law (Laws 2007, Chapter 366, p.v.) included the following:

- exemption from PSFA approval of school construction projects costing \$200,000 or less;
- the following amendments to the Public School Capital Outlay Act:
  - reduction of offsets from future projects awards for special appropriations by 50 percent if the special appropriation is for a project that ranks in the top 150 projects statewide;
  - transfer of the offset against a local school district for special appropriations for state-chartered charter schools from the school district to the state-chartered charter school;
  - allowance of PSCOC grant assistance to purchase a privately owned facility that is already in use by a school district if the facility meets specified requirements;
  - provision for additional time to correct outstanding deficiencies in the remaining deficiencies correction process, including some roofing projects;
  - an increase in lease reimbursement payments from \$600 to \$700 per MEM with yearly increases for inflation; and
  - an extension of time for the lease payments to 2020 and an allowance for limited leased administrative space to qualify for the lease reimbursement;
- an amendment to the Public School Capital Improvements Act to increase the state guarantee from \$60.00 to \$70.00 per mill per unit with additional annual increases for inflation;
- amendments to the Public School Buildings Act (often called "HB 33") to:
  - allow a percentage of revenues to be used for project management;
  - increase the period for which a tax may be imposed from five to six years to track with SB 9 and other school district elections;
  - require that future local board bond resolutions include the capital needs of charter schools based upon the appropriate five-year plans; and
  - require that the proportionate revenue from future HB 33 taxes approved by voters be distributed directly to charter schools;

- amendments to state statute to assist with implementation of the constitutional amendment approved by voters in the 2006 general election whereby lease-purchases are not considered debt in the constitutional sense, allowing school districts to enter into lease-purchase agreements without the leases being subject to voter approval; and
- amendments to the Procurement Code to provide for a contractor-at-risk mechanism for construction of education facilities.

Since 2003, when all districts became eligible to apply for public school capital outlay funds and the adequacy standards were made operational, the task force has heard testimony that some students live in school districts that may never have a large enough property tax base to be able to finance the building of facilities that can ever go above adequacy standards. The governor vetoed language in the "omnibus" bill that would have established a process to allow a school district to be eligible for an additional "beyond-adequacy" award if the PSCOC determined that:

1. the school district is otherwise eligible to apply for a grant under the Public School Capital Outlay Act;
2. the state share for existing grants under the act is 70 percent or greater;
3. the district's voters have approved a total school property tax rate of at least nine mills over the past three years;
4. at least 70 percent of the students in the district are eligible for free or reduced-fee lunches; and
5. for the next four years, the school district will have no available resources from the state to exceed statewide adequacy standards because any local resources of the school district will be spent as the local match for projects.

The vetoed legislation would have equaled an amount from 10 percent to 25 percent of the original project cost and would have been funded through a five-year reversion of 20 percent of all unreserved, undesignated reverting balances to a special fund; and by "shaving" three percent of all special legislative appropriations and depositing the proceeds into the fund. In his veto message, the governor requested further study of the funding sources and selection process.

***2008 Legislative Session and Interim***

PSCOOTF recommendations to the 2008 legislature resulted in the passage of another "omnibus" measure that proposed to amend the Public School Capital Outlay Act to allow the PSCOC to make awards above adequacy to qualifying school districts in addition to their standards-based funding. This section of the legislation was vetoed by the executive and did not become law. Other provisions of the bill that managed to avoid the veto pen include provisions to reduce the offset from a PSCOC grant award for direct appropriations made for joint use with

another governmental entity; to provide an increased grant award to districts with a demonstrable exemplary record of preventive maintenance; to reauthorize continuation of FIMS funding; and to appropriate funding to the already established New School Development Fund for fiscal year (FY) 2009 and subsequent fiscal years for distributions to school districts for equipment and other non-operating costs unique to the first year of a new school's operation.

Other PSCOOTF-recommended legislation did not receive executive messages and therefore were not considered by the 2008 legislature. They included measures to: 1) repeal the current statutory requirement for bonding of subcontractors; 2) allow for out-of-cycle transfer of charter school chartering authority from the local district to the state or vice versa, if appropriate; and 3) amend the Public School Insurance Authority Act to provide for limited coverage in certain circumstances, such as the community use of a public school building.

In response to testimony heard during the 2008 interim regarding difficulties with implementation of the Public School Lease Purchase Act, the task force endorsed a measure (Laws 2009, Chapter 132) that amended the legislation passed in 2007, including the following:

- amendments to public school general obligation bond statutes to eliminate general obligation bond proceeds as a source of funding for lease-purchase agreements; and
- amendments to the Public School Lease Purchase Act to:
  - ▶ extend the lease-purchase time to 30 years;
  - ▶ limit the interest to the amount determined by the Public Securities Act;
  - ▶ allow a school district to require the owner to pay the current market value in excess of the outstanding principal due at the time of termination;
  - ▶ allow property acquired in a lease-purchase to be considered public property;
  - ▶ require a local school board to comply with the Open Meetings Act when it enters into a lease-purchase agreement; and
  - ▶ require a local school board to include the tax revenue needed by a charter school if the charter school's charter has been renewed at least once.

### ***2009 Legislative Session and Interim***

PSCOOTF recommendations to the 2009 legislature reflected the task force's focus on an examination of the ramifications of the Charter Schools Act's requirement that charter schools be located in public facilities by 2010 and other charter school facility issues; policies to encourage the joint use of school facilities by other governmental, community and certain private entities; the relationship of funding to provide adequacy and space flexibility; and costs related to revisions to the statewide adequacy standards.

Legislation based on PSCOOTF recommendations that passed the 2009 legislature and were signed into law by the governor include the following in SFC/SB 378 (Laws 2009, Chapter 258):

- amendments to the Charter Schools Act to extend to 2015 the deadline for charter schools to be located in public buildings;
- amendments to the Public School Capital Outlay Act to:
  - ▶ provide \$10 million to be awarded in FY 2010 through FY 2012 for a roof repair and replacement initiative;
  - ▶ limit lease payment assistance for lease-purchase arrangements to charter school facilities;
  - ▶ remove the limit on the amount of lease payment assistance funds that may be awarded; and
  - ▶ require federal funds received by a school district or charter school for non-operating costs to be included in the district's or charter school's offset; and
- amendments to the Public School Capital Improvements Act to:
  - ▶ expand the definition of "capital improvements";
  - ▶ require bond resolutions to include charter school capital improvements; and
  - ▶ require proportional distributions of bond proceeds and state match dollars to charter schools.

The governor vetoed language in this measure that would have provided Public School Capital Outlay Act funding to pay for lights and bleachers for athletic fields at certain rural high schools and authorized an increase in grant assistance for qualifying rural high schools. The governor vetoed similar legislative language allowing an increase in grant assistance for certain rural high schools that passed in the 2008 session.

Other legislation that passed the 2009 legislature and was signed into law includes the following:

- amendments to the Public School Insurance Authority Act to allow for insurance for joint use of school buildings (Laws 2009, Chapter 198);
- a measure that appropriates \$575,000 from the Public School Capital Outlay Fund (PSCOF) to develop and implement a geographic information system (Laws 2009, Chapter 115);
- amendments to the Public School Capital Outlay Act to add the NMSBVI and the NMSD in the statewide deficiencies correction program (Laws 2009, Chapter 37); and
- new legislation to enact the Qualified School Construction Bonds Act to provide statutory language to implement the "qualified school construction bonds" program included in the federal American Recovery and Reinvestment Act of 2009 (ARRA).

During the 2009 interim, the task force heard testimony about, among other issues, the costs associated with subcontractor bonding, public school capital outlay project planning (development and implementation of education specifications), the effects of the broad economic decline that began in 2008, charter school facility issues and the positive effects of passage of the ARRA that have saved the state from massive budget cuts.

### ***2010 Legislative Session and Interim***

Legislation that passed in 2010 and was signed into law includes the following:

- amendments to the Public School Capital Outlay Act (Laws 2010, Chapter 104, p.v.) to:
  - extend the roof repair and replacement initiative sunset date from 2012 to 2015;
  - require that money distributed from the PSCOF to the state fire marshal or the Construction Industries Division of the Regulation and Licensing Department be used to supplement, rather than supplant, appropriations to those agencies;
  - allow the PSFA to manage procurement for certain emergency school projects;
  - require the PSCOOTF to continue the work group studying performance-based procurement issues for public school capital outlay projects and report findings to the legislature and the executive before the 2011 legislative session; and
  - repeal sections of the law passed during the Forty-Ninth Legislature, Second Session, that appropriated \$29.9 million from the PSCOF directly to the Public School Insurance Authority to pay property insurance premiums and charter schools (including Albuquerque Public Schools (APS)); and
- amendments to the Qualified School Construction Bonds Act to clarify the methodology for allocation of bonding authority (Laws 2010, Chapter 56).

The 2010 interim addressed several issues, including:

- the APS Capital Master Plan and APS' current policy regarding charter school facilities;
- the geographic information system, developed by the PSFA in collaboration with the University of New Mexico's Earth Data Analysis Center as the result of legislation endorsed by the PSCOOTF for the 2009 session;
- progress on the implementation of the PSFA's FIMS and on equipment inventories and school district preventive maintenance plans;
- monitoring the implementation of the standards-based capital outlay program to ensure continued success toward achieving the goal of bringing all schools up to the adequacy standards and working to keep them there;
- the adequacy of the current permanent revenue streams;
- the effect of the current economy on the revenues to fund the current round of PSCOC grants and capital outlay funding resources and requirements for charter schools; and
- PSFA audit reports on state sources of funding.

Key issues that the PSCOOTF addressed were charter school facility issues, which were discussed at almost every meeting. The task force heard testimony that legislation passed in 2006 requires districts to share Public School Buildings Act (HB 33) funds with charter schools and that legislation passed in 2009 with the same requirement for the Public School Capital Improvements Act ("two-mill levy" or "SB 9"). Representatives from charter schools and from the PED told the task force that several districts recently had HB 33 elections that did not include charter schools in the proclamation. PSFA staff presented information regarding a potential "incubator process" for charter school startups. The task force co-chair requested staff to work

on the issue during the 2011 interim and to bring a more fully developed plan to both the PSCOC and the PSCOOTF for consideration for legislation for the 2012 session. The task force also spent time at several meetings discussing issues related to PSFA and/or PSCOC approval of leases and lease-purchase agreements.

During the course of the 2010 interim, PSCOC and PSFA staff determined that enough funding would be available from supplemental severance tax bonds to allow for the awarding of special short-cycle, standards-based planning grants to qualify districts among the top 60 in the weighted New Mexico Condition Index (wNMCI) rankings. The task force heard a presentation from the PSCOC chair and the PSCOC Awards Subcommittee chair on the funding for grant awards, criteria for making grant awards and potential grant award recipients.

The 2010 recommendations of the PSCOOTF continued the work of the task force in terms of monitoring the continuing implementation of the standards-based process established in the Public School Capital Outlay Act while continuing to be mindful of the state's commitments related to the *Zuni* lawsuit and the standards-based process for allocating PSCOC funds.

For the previous four years, the task force endorsed legislation, which did not pass, to eliminate or modify the statutory requirements for the bonding of subcontractors for public school projects. In response to continued concerns and a requirement in the "omnibus" bill, the task force continued and expanded the work group to examine the cost and benefits of bonding subcontractors on public school projects. The working group included task force members as well as representatives from the General Services Department, the PSFA and various representative groups from the construction industry. The group met on August 30 and again on October 7 and was facilitated by a contract professional to bring forth recommendations to the task force.

Members who were present at the last meeting of the task force work group agreed upon the following recommendations:

- Legislation: Increase the subcontractor bonding threshold from \$125,000 to \$250,000;
- Rule changes: Make wording changes in the New Mexico Administrative Code to modify proposal submission requirements and the resident preference; and
- Process changes for the PSFA: 1) develop a standardization template for submission of requests for proposals for construction, with detailed instructions; 2) develop a web-based training module for contractors and subcontractors; and 3) develop a process for web-based training for evaluation of committee members and require members to acknowledge completing it.

### ***2011 Legislative Session and Interim***

PSCOOTF endorsed-legislation for the 2011 legislature that was signed into law included:

- HB 113 (Laws 2011, Chapter 11), in which the Public School Capital Improvements Act (SB 9) and the Public School Buildings Act (HB 33) were amended to require charter schools to report anticipated and actual expenditure of distributions made pursuant to those acts; and
- HB 283 (Laws 2011, Chapter 69), which amends the Public School Capital Outlay Act to require that, on or after July 1, 2011, a new charter school cannot open or an existing charter school cannot relocate unless the facilities of the new or relocated school have a wNMCI rating equal to or better than average for all New Mexico public schools for that year and provides 18 months for charter schools to achieve this rating. The bill also exempts a school district leasing facilities to a charter school from State Board of Finance approval and requires PSFA approval before entering into a lease agreement or lease-purchase agreement for school facilities or before applying for a grant for lease payment.

The 2011 interim addressed several issues, including:

- special schools, including availability of grants and conditions for their eligibility for Public School Capital Outlay Act grants as well as the development of adequacy standards and inclusion of special schools in the standards-based process;
- amending the Procurement Code to clarify the use of "best and final offer";
- charter school facility issues, including the Charter School Capital Outlay Fund; and
- allowing mill levy proceeds to be used to meet local match requirements for Public School Capital Outlay Act grants.

The PSCOOTF addressed several other key issues during the interim, including modifying statutory requirements for the bonding of subcontractors on public school projects. A subcommittee was appointed consisting of task force members, representatives from the General Services Department and the PSFA, legislative staff and representatives from a variety of construction industries. The subcommittee met on October 17 and November 10 in Santa Fe to bring forth recommendations for the task force's consideration. Members present at the final meeting of the subcommittee agreed on several recommendations, only one of which required legislative action: amending the Procurement Code to clarify the use of "best and final offer" in relation to requests for proposals for construction, maintenance, services and repairs. Other changes were administrative and related to changes in PSFA guidelines and the New Mexico Administrative Code.

The PSCOOTF also spent time considering issues unique to the NMSD and the NMSBVI. Working together with legislative staff and appropriate staff members from the two

schools, PSFA staff members were able to provide the task force the opportunity to review and comment on proposed statutory and rule changes that would make the NMSBVI and the NMSD eligible to participate in the standards-based process. Bills endorsed by the PSCOOTF in 2012 included legislation to:

- amend the Public School Capital Outlay Act to repeal the 2012 repeal of the Charter School Capital Outlay Fund and repeal the language regarding reversion of unencumbered balances in the fund;
- amend the Public School Capital Outlay Act to make the NMSBVI and the NMSD eligible to participate in the Public School Capital Outlay Act standards-based process and provide for funding sources for the two schools to meet local match requirements;
- amend the Public School Buildings Act to allow mill levy proceeds to be used to meet local match requirements for Public School Capital Outlay Act grants; and
- amend the Procurement Code to clarify the use of "best and final offer" as it relates to requests for proposals for construction, maintenance, services and repairs.

### ***2012 Legislative Session and Interim***

The task force began its tenth year of overseeing the implementation of the Public School Capital Outlay Act standards-based process with a brief review of task force-endorsed measures considered by the 2012 legislature.

One of the task force's policy recommendations was enacted by the 2012 legislature and signed by the governor. Laws 2012, Chapter 53 (SB 196) allows the NMSBVI and the NMSD to participate in the Public School Capital Outlay Act standards-based process. Both of these special schools, which are established by the state constitution, have their own boards of regents and are overseen by the Higher Education Department, even though they are pre-kindergarten through twelfth grade schools. Enactment of this measure provides an additional source of funding for the capital outlay needs of these two historic institutions.

Two other task force-endorsed bills did not pass — one that would have delayed the repeal of the Charter School Capital Outlay Fund and one that would have made more consistent the language in the Procurement Code that addresses competitive sealed proposals.

At the task force's request, the PSFA developed a series of policy briefs for task force members to use as resources for their 2012 interim policy discussions. These policy briefs provided background material on issues related to the statutory lease-assistance program, including standardizing language in lease documents, a policy review of the Public School Capital Outlay Act, capital outlay funding formula issues and charter school facilities issues. The briefs also provided policy options in each of these areas, some of which required legislative change and others that required changes to the New Mexico Administrative Code or PSCOC guidelines.

The task force discussed the public school capital outlay funding formula at several meetings and eventually endorsed legislation to: 1) allow an annual distribution from the PSCOF for building systems repair, remodel or replacement; 2) allow the PSCOC more flexibility to determine local match waiver eligibility; 3) allow the PSCOC to make optional or adjust the automatic Consumer Price Index rate for the lease-assistance program; and 4) provide a separate appropriation from the PSCOF to increase availability of funding for deferred maintenance.

The task force and its subcommittees spent time at each meeting discussing the availability of facilities for charter schools to meet the statutory requirement that all charter schools be in public buildings by 2015, always a topic of concern, as well as other charter school facilities issues. As the result of extensive discussion by both the task force and its work groups, the task force endorsed two bills at its December 12 meeting dealing with charter school facility issues: 1) to amend the Public School Capital Outlay Act to reestablish the Charter School Capital Outlay Fund that was repealed July 1, 2012 and to reestablish criteria for grant awards from that fund; and 2) to amend the Charter Schools Act to allow the PSCOC to recommend suspension, nonrenewal or revocation of a charter based on the charter school's facility condition.

## Work During the 2013 Interim

With a record 18 new members (including, for the first time, nine advisory members), the task force began its tenth year of overseeing the implementation of the public school capital outlay standards-based process with discussion of a number of basic issues on its first meeting in the 2013 interim, including staff presentations on interim committee procedures, a primer and brief background review of the task force's purpose and history and a review of the *Zuni* lawsuit. The chair of the Public School Capital Outlay Council (PSCOC) provided the task force with the council's fiscal year 2012 annual report and proposed fiscal year 2013 strategic issues.

Noting that the 2013 legislature had passed only one of the task force's endorsed bills — which the governor vetoed — the task force focused on its 2013 work plan and on approving Representative Mimi Stewart as chair and Senator John M. Sapien as vice chair.

Continuing its review of public school capital outlay basics at its second 2013 interim meeting, the task force heard a staff presentation on a brief overview of property tax rates as they relate to public school capital outlay and a presentation from the state investment officer and his deputy on the Public School Capital Outlay Act funding stream, which is the Severance Tax Permanent Fund, and issuance of severance tax bonds. The PSCOC chair provided a report on the PSCOC fiscal year 2014 awards, and the New Mexico Finance Authority provided a presentation on other sources of funding to finance school-related buildings outside Public School Capital Outlay Act provisions.

During the remainder of the interim, the task force heard a presentation from the State Board of Finance on the state's severance tax bonding program and the Severance Tax Permanent Fund. PSFA staff provided presentations on PSCOC finances, funding allocations and the Facilities Condition Index, as well as PSFA staff presentations on utilization and maintenance issues related to public school facilities.

Always a topic of concern, the task force spent some time at each meeting discussing the availability of facilities for charter schools to meet the statutory requirement that all charter schools be in public buildings by 2015. The third meeting was devoted almost entirely to charter school capital outlay issues with a general presentation by PSFA staff on Public School Capital Outlay Fund lease assistance. PSFA staff also provided an update on the current status of the development of a standardized lease form as well as an update on the status of charter schools already in public buildings.

School district staff and PSFA staff provided a presentation on opportunities to lease public spaces that local districts have been using. Finally, representatives of the New Mexico Coalition for Charter Schools presented on their proposal to include charter schools in a buying consortium similar to the Cooperative Educational Services purchasing consortium used by a large number of school districts and charter schools to purchase supplies and pay for some capital outlay projects.

At its final meeting, the task force unanimously agreed to endorse legislation to amend the Public School Capital Outlay Act to allow the PSCOC to allocate up to \$15 million per year in fiscal years 2015 through 2019 for building systems repair, renovation or replacement projects. The task force had endorsed a similar bill in 2013 that did not pass.

The task force declined to endorse proposed legislation to allow PSCOC allocations to purchase educational technology to meet assessments requirements of the common core currently adopted and being implemented by the Public Education Department. The task force also discussed the possibility of supporting proposed legislation to provide waivers of the district match for certain qualifying districts but decided the issue needed additional study.

Recommendations included in this report represent the policy examination and development work of the task force during the 2013 interim related to the ongoing monitoring of the standards-based capital outlay program to ensure continued success toward achieving the goal of bringing all school facilities up to the adequacy standards and working to keep them there. The work of the task force during the 2013 interim was assisted by a team of professional staff from the Legislative Council Service, the Legislative Education Study Committee, the Legislative Finance Committee, the Department of Finance and Administration, the Public Education Department and the PSFA. The task force has expressed its appreciation for the assistance of the staff in furthering its work.

### **Highlights of Proposed 2014 Legislation**

The PSCOOTF endorsed a measure for consideration by the 2014 legislature to define "building systems" as a set of interacting parts that make up a single, non-portable or fixed component of a facility that, together with other building systems, makes up an entire integrated facility or property, including roofing, electrical distribution, electronic communication, plumbing, lighting, mechanical, fire prevention, facility shell, interior finishes and heating, ventilation and air conditioning systems (as defined by the PSCOC) and to allow the PSCOC to provide up to \$15 million per year for expenditure in each of fiscal years 2015 through 2019 to address building system repairs.

ELEVENTH JUDICIAL DISTRICT COURT  
COUNTY OF MCKINLEY  
STATE OF NEW MEXICO

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NO: CV-98014-II

THE ZUNI PUBLIC SCHOOL DISTRICT, et al.,

Plaintiffs,

THE GALLUP-MCKINLEY SCHOOL DISTRICT NO. 1, et al.

Plaintiff-Intervenors

v.

THE STATE OF NEW MEXICO, et al.

Defendants

REPORT of SPECIAL MASTER

Introduction and Summary

On October 14, 1999 this court, after considering the briefs and oral arguments of the parties, entered a Partial Summary Judgment, determining that, "[T]he current funding of capital improvements for New Mexico's school districts violates Article XII, Section 1 of the New Mexico Constitution". The court also found that the disparity in bonding capacity, and differing taxable land values among the school districts created a lack of uniformity for funding capital improvements. To remedy the constitutional violation and past inequities, the State was given until July 28, 2000 in which "to establish and implement a uniform system" for future capital improvements as required under

Article XII, Section 1 of the Constitution.<sup>1</sup> Finally, the court reserved jurisdiction to review any plan developed by the State, and to impose sanctions for failure to adopt “an adequate and constitutional funding system.”

Subsequently, the court convoked a Status Conference with counsel on December 19, 2000, and was presented with a report of the Public School Capital Outlay Task Force. A Memorandum commemorating the conference was filed on February 14, 2001 (State Exh. 2, last entry). Paragraphs 6 and 7 of the Memorandum signed by Judge Rich state as follows:

6. This court found this report and its recommendations as presented by Task Force Chairman Dean Robert Desiderio to reflect a substantial and good faith effort.

7. This court further recognizes that any ultimate solution requires further legislative consideration and enactment.

A copy of the Report of the Public School Task Force dated December 2000 is included with this filing as State Exh. 8.

In 2000 House Bills 31 and 32 (Pltfs.’ Exh. 5 and 6) were signed by the Governor and provided for the use of supplemental severance tax bonds for the funding of public school capital projects. On April 5, 2001, Senate Bill 167 was signed by the Governor which provides for considerable programmatic changes and very substantial additional revenues to help service the capital needs of the public schools (State Exh. 13) primarily through supplemental severance tax bonds.

On April 18, 2001, approximately two weeks after S.B. 167 became law, Judge Rich convoked another Status Conference which resulted in the court determining that a special master “be appointed to delineate and hear the remaining issues and to hold and conduct such evidentiary hearings

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<sup>1</sup> This section provides as follows: A uniform system of free public schools sufficient for the education of, and open to, all children of school age in the state shall be established and maintained.

as are necessary" (State Exh. 2, first entry). On May 8, 2001 pursuant to Judge Rich's Order, the undersigned was appointed as special master.

On or about July 2, 2001 in a motion filed by the plaintiffs, the issue for decision was framed as follows:

The Plaintiffs and the Plaintiff-Intervenors now request the Special Master to hear testimony and other evidence as to whether the Defendants have complied with the court's order of developing and implementing a uniform system for funding capital improvements for New Mexico school districts.

However, as noted above, under paragraph 5 (p. 4) of the Partial Summary Judgment, the State was also required to have in place a uniform system by July 28, 2000, almost a year before the filing of the motion.

After a conference with counsel on June 14, 2001 at which time certain ground rules for a merits hearing were set, the hearing on the above issue was convoked in federal court in Albuquerque on October 24, 2001 which lasted for two and one-half days. During the hearing the following witnesses were heard by me:

Paul Cassidy, Dain Rauscher, financial analyst,

Margaret Garcia, Zuni School Board Member,

Janet Peacock, Chief Economist for the Legislative Council Services,

David Cockerham, Zuni Superintendent of Schools,

Robert J. Desiderio, Dean of the UNM Law School

and co-chair of the Public School Capital Outlay Task Force,

John Samford, Asst. Supt. of Business Services for the Gallup-McKinley Schools,

Kenneth Martinez, State Senator,

Larry Binkley, Financial Officer, City of Gallup,

Dr. Forbls Jordan, a School Financial Reform Expert Witness,  
Steve Burrell, State Director, Public School Capital Outlay Unit, and  
Paula Tackett, Director, State Legislative Council, and  
Chair, Public School Capital Outlay Council

In addition, all exhibits offered by the parties were admitted in evidence and are included herewith for filing with the Clerk.

Based on my hearing the testimony of the witnesses, reviewing the transcript of most of the testimony, and reviewing the voluminous exhibits, I have concluded that for the reasons outlined in the accompanying Findings of Fact and Conclusions of Law, the state is to the extent possible under the circumstances, complying with the court's order requiring the development and implementation of a uniform system for funding capital improvements for New Mexico school districts. However, it is premature to completely judge the adequacy of the state's response to the court's Order. More time is needed to determine the efficacy of the state's deficiency corrections program, the adequacy standards for school facilities which must be adopted by September 2002, and the revenue streams for the funding of capital projects. What can be said at this point is that the state is engaging in a good faith attempt to rectify what all parties agree to have been a past failure to provide adequate resources for the funding of capital programs for the education of our children. Related to this failure is the inability of the plaintiffs to raise meaningful capital funds. Additionally, these poor school districts lack the political clout to fund needed capital projects with money generated by direct appropriations from the legislature, otherwise known as "pork". This practice conflicts with the constitutional principle requiring that a uniform system be in place for the education of our children.

The legislature will be meeting again in January. Notwithstanding the events of September 11<sup>th</sup>, it has the opportunity to address the issue of pork in order to insure a fair approach to the funding of our state's capital needs for its school-aged children. Nevertheless, based on the testimony of all of

those who are working within the system on the matters in issue, I find that the state is attempting in good faith to establish and implement a sufficient uniform system for the funding and development of capital projects in our school districts.

I recommend to Judge Rich adoption of the foregoing views, as well as the following Findings of Fact and Conclusions of Law:

### Findings of Fact

#### I

All parties agree that prior to the year 2000, the capital funding process for school districts was at least inadequate or non-existent for many, if not unfair and discriminatory (Tr. 92, 525-526).

#### II

Noting that a district court had ruled the system of funding capital improvements for New Mexico school districts to be unconstitutional, Senate Joint Memorial 21 was passed in 2000 during the second Special Session of the 44<sup>th</sup> Legislature (Pltfs'. Exh. 4). It essentially provided for the appointment of a Task Force (sometimes referred to as a "Blue Ribbon Commission") to analyze the state's capital funding process, and to study options for a continuing funding mechanism therefor. In addition, the Task Force was to analyze the financial impacts of those options, and consider the differing property values in the various districts.

#### III

The Work Plan adopted by the Task Force required it to review the current and future needs for public school outlay projects, to review issues relating to federal "impact aid" funds and other revenues

received by school districts, and to develop and analyze the funding options as stated above (State Exh. 3, App. B).

#### IV

Throughout 2000 the Task Force conducted over ten public meetings regarding the details of the Work Plan (Id., App. C).

#### V

In December 2000 the Task Force issued its Report to the legislature (State Exh. 8). In summary, it recommended immediate state action to correct health, safety, and code violations in New Mexico schools, make necessary maintenance and repairs, and provide funding for Critical Outlay (Id. App. D, Table 1). The total recommended for funding these projects was more than \$550 million over a four-year period. Commencing in FY 05 through FY 06, funding for maintenance and repairs would be \$89 million in supplemental severance tax bonds, and funding for Standards-based Capital Outlay would be at \$100 million per year by the utilization of supplemental severance tax bonds, and other sources.

#### VI

On April 5, 2001, in response to the Task Force Report, the legislature passed and the governor signed Senate Bill 167 which is one of the most dramatic actions ever taken by the state to remedy disparities of capital funding among New Mexico school districts (Pltfs'. Exh. 13; Tr. 466). Under its provisions outstanding, serious deficiencies affecting the health and safety of students is first addressed on a priority of need basis, financed entirely by the state over a three-year period through supplemental severance tax bonds. This source of funding should be permanent, without a cap, and generate \$65 to \$75 million a year for at least the next five years unless the statute is changed (Tr. 130-131). If not, this funding should continue indefinitely without the need to seek annual appropriations from the legislature, but subject to the market price of minerals sold (Tr. 469).

VII

Under S.B. 167 two hundred million dollars was appropriated to provide the initial funding for correcting health and safety deficiencies of facilities on a priority of need basis until the end of 2004 (Tr. 494-495). In addition under S.B. 9 another \$14 million a year will be available for other maintenance and repair needs (Id.). In summary, the State expects to spend \$70 million per year in Public Outlay for the next ten years and "two and \$300 million" in additional funding for correction of deficiencies (Tr. 530).

VIII

The following sums under the Capital Outlay Act were distributed or projected in the years indicated for the funding of capital projects in New Mexico School districts (Tr. 425-426):

1998 - \$17.5 million

1999 - \$33.5 million

2000 - \$33 million

2001 - \$103 million

2002 - \$118 million

IX

State Exh. 14, second entry, demonstrates the very substantial increases in capital funding since 1998 for the plaintiff school districts from the Public Outlay Fund. Since 1998, through August, 2001, the following sums were received by the plaintiff school districts:

Grants-Cibola - \$4,950,000

Gallup-McKinley - \$5,200,000

Zuni \_\_\_\_\_ \$9,230,000

Total - \$19,380,000

In October, 2001 the following additional sums from the Public Outlay Fund were distributed to the plaintiff school districts (Tr. 430-431):

Grants-Cibola	\$6,000,000
Gallup-McKinley	\$8,100,000
Zuni	<u>\$1,700,000</u>
Total \$15,800,000	

Combining the two amounts results in a total amount of \$35,180,000 having been received by the plaintiff school districts from the Public School Capital Outlay Fund since 1998. It does not include significant matching funds under S.B. 9, and Impact Aid which are also shown on the exhibit.

X

Under S.B. 167 (Pltfs.' Exh. 13 at p. 16), the state must issue statewide adequacy Standards for facilities applicable to all school districts. The Standards must establish the minimum acceptable level for the physical construction and capacity of buildings, the educational suitability of facilities, and the need for technological infrastructure. During the hearing the latest draft of the Standards with revisions up to October 1, 2001 were admitted in evidence as S.M. Exh. 6.

XI

The Standards are too detailed and diverse to summarize the content, and plaintiffs' counsel did not have access to them until they were admitted. However, an attachment to the exhibit indicates that at least five public hearings have been held at various locations in the state, and numerous groups and individuals have been consulted on matters affecting the Standards. While the State Superintendent of Public Instruction believes that the Standards require a high level of quality in the facilities (Tr. 525), the Public School Capital Outlay Council may waive, supplement, or modify a Standard as needed (Tr. 505). The goal of the Standards is not to achieve uniformity; "our goal is to achieve a uniform system" (Tr. 231). The Standards have been developed by many technical experts working with a

subcommittee of the Council (Tr. 509-510). At this time, the Standards are a "work in process" (Tr. 157-158); however, the statute requires that they be issued no later than September 1, 2002 (Pltfs.' Exh.13, p. 16).

## XII

Once the Standards are adopted and issued, school districts may apply to the Capital Outlay Council for the funding of projects (Tr. 140-141, 415-416, 442). Using a computer model and data base the proposals will be ranked according to need based on a comparison of the condition of a facility as compared to the applicable Standard thereby establishing priorities in the funding process (Tr. 467, 484).

## XIII

Over forty states have been litigating constitutional issues similar to ours regarding the requirement that New Mexico maintains a uniform system sufficient for the education of our children. While the wording of the constitutional provisions may vary from ours, it appears that there are basically two approaches for settling the constitutional debate: Equity v. Adequacy. From Dean Desiderio's perspective, practically all of which I credit and endorse, the equity approach of providing equal-per-student funding does not result in equal education because of the disparities related to special needs throughout the school districts, and the adequacy approach presents the best method for the funding of projects (State Exh. 8, app. E at p.6). The equity approach also tends to sacrifice local control to some extent (Id. p.7).

In contrast, adequacy standards present fewer practical problems. As Dean Desiderio points out, the "establishment of minimum standards of education define(s) what it takes to adequately educate students while identifying those districts that fail to comply" (Id.). Funding for those districts lacking resources will be provided by the state in order to meet the Standards. He adds that our sister

state Arizona is also required to provide a uniform system for the education of students and highlights the two requirements that must be met in order to withstand a constitutional challenge: 1) there must be adequate facility standards coupled with state funding for the projects not in compliance therewith, and 2) the funding mechanism must not cause substantial disparities between districts. To Dean Desiderio, adequacy standards translate into quality education for every student (Tr. 212). Finally, he states that the "trend in school finance has shifted from equity to adequacy" (State Exh. 8, app. E, p.8).

#### XIV

It will take at least three to five years in order to bring all facilities in the state up to an adequate level. When this is accomplished, it is contemplated S.B. 9 funding will be at a sufficient level to provide maintenance and repair funding of the facilities for the indefinite future (Tr. 210-211).

#### XV

The state must continuously monitor to assure that whatever it takes must be done to provide a quality education (Tr. 212). Dean Desiderio believes the Standards when adopted will contain provisions affecting at-risk and special education students (Tr. 217). Also, a status report apparently was made to the legislature in December 2001 on the work of the Task Force.

#### XVI

In 2000 the legislature passed and the governor approved direct appropriations, also known as "pork", for the funding of capital projects in certain school districts having political clout. Similarly, in 2001 in excess of \$28 million of pork was passed by the legislature; however, the governor vetoed this legislation (Pltfs'. Exh. 17, p. 3; Exh. 18, p. 2).

#### XVII

Direct legislative appropriations or "pork" conflict with the constitutional provision which requires that the state provide a sufficient uniform system of education. Dean Desiderio is troubled by

It to the extent that unless changes are made, there will be "more and more cases like this" one because the system won't work (Tr. 241). Similarly, Dr. Forbls Jordan, the State's expert witness, testified that from a finance reform perspective, the use of pork can not be defended because it contributes to non-uniformity (Tr. 386). Finally, State Senator Kenneth Martinez testified that "pork" should be a recognized equalization element in the capital funding formula and should be handled in a similar manner to that used in the operational budget (Tr. 301-302). I adopt and credit this cited testimony of Dean Desidorio, Dr. Jordan and Senator Martinez.

### XVIII

As noted by Judge Rich in his Memorandum of February 14, 2001 (State Exh. 2, last entry), I also find that the Task Force Report and recommendations evidences a "substantial and good faith effort" to address his concerns and rulings. Similarly, the work of the legislature in enacting S.B. 167, which appropriates very substantial funds for the purposes described in these findings, is further and continuing evidence of good faith. To this extent, and since Judge Rich specifically noted that in his memorandum that "any ultimate solution" will require further "legislative consideration and enactment", I find the July 28, 2000 deadline for correction of the unconstitutional deficiencies to be unrealistic given the vagaries of the legislative process. I further find that all parties are acting in good faith to obtain a sufficient uniform system of education aptly described herein.

### XIX

At this point the parties must wait for the Standards to be promulgated so that they may be applied to school districts' inventory of needs, and be addressed in some priority fashion (Tr. 380). In short, more time is needed to see how the process develops before Judge Rich should impose any sanctions.

XX

All parties to this suit believe that the state has made great strides and efforts in an attempt to remedy the lack of capital funding for the school districts, especially the poorer ones (Tr. 552-554, 556). As Mr. VanAmberg put it: "the current system and as proposed is not too far off" (Tr. 559).

XXI

The attorneys were not only well prepared, but also presented their positions competently and professionally, both at the hearing and in their submissions.

#### Conclusions of Law

I

At the time this litigation was commenced, the state's method of financing the capital needs of the school districts violated Article XII, Section 1 of the Constitution in that it created substantial and impermissible disparities among the districts, thereby perpetuating a non-uniform system for the funding of capital projects in our school districts.

II

Since 1998 the state has made a substantial effort to rectify the disparities as outlined in the Findings. While many improvements in our school facilities are still in the planning state, I conclude that at this time the state is in good faith and with substantial resources attempting to comply with the requirements of Judge Rich's previous directions.

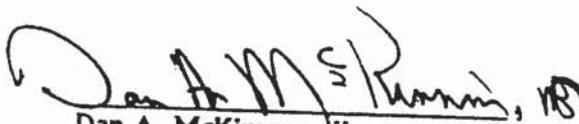
III

Because the use of direct appropriations necessarily removes substantial funds from the capital outlay process where merit and need on a priority basis dictate how funds are to be distributed, the state should take into account in its funding formula these appropriations as an element thereof.

IV

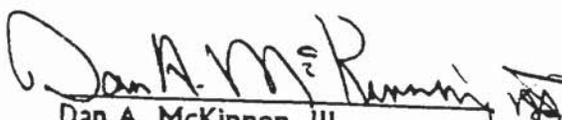
While the state has shown good faith, it should be required to account to this court in detail about the status of all of its efforts and programs to bring the state in compliance with our constitutional requirement. This should include a mechanism for periodic review of the adequacy Standards to insure that education needs are not judged by out of date Standards. The timing and frequency of such accountings is left to the court.

Respectfully submitted,

  
Dan A. McKinnon, III  
January 14, 2002

Certificate of Service

I certify that on January 14, 2002 I mailed copies of this Report to the Honorable Joseph L. Rich, District Judge, and all counsel of record. I further certify that on the same date I mailed the original of this Report for filing together with a transcript of the hearing, and all exhibits introduced into evidence at the hearing to Ms. Francisca Palochak, Chief Deputy Clerk.

  
Dan A. McKinnon, III



IN THE ELEVENTH JUDICIAL DISTRICT  
STATE OF NEW MEXICO  
COUNTY OF MCKINLEY N.M.

DISTRICT COURT  
MCKINLEY COUNTY  
N.M.

THE ZUNI PUBLIC SCHOOL DISTRICT, et al.,  
Plaintiffs,

2002 MAY 30 A 11: 29

THE GALLUP-MCKINLEY SCHOOL DISTRICT  
NO.1, et al.,

Plaintiffs-Intervenors .

-vs-

No. CV-98-14-II

THE STATE OF NEW MEXICO, et al.,

Defendants.

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**ORDER APPROVING REPORT OF SPECIAL MASTER**

THIS CAUSE came before the Court pursuant to Rule 1-053 E (2), NMRA 2002. All parties were represented by counsel. Each party was given the opportunity to state its position regarding the Report of the Special Master.

**Background**

1. This Court entered a Partial Summary Judgment in favor of the Plaintiff/Intervenors (Plaintiffs) on October 14, 1999.

2. At the request of Plaintiffs, this Court agreed to and agreed to appoint a Special Mater to hear issues and conduct such evidentiary hearings as may be necessary. This was referenced in this Court's Status Conference Memorandum filed on April 24, 2001.

3. The Honorable Dan McKinnon was appointed as Special Master by this Court's Order filed on May 8, 2001.

4. The Special Master conducted an evidentiary hearing which took place over a three-day period beginning October 24, 2001. Hundreds of pages of exhibits were introduced into evidence. Twelve witnesses testified.

5. On January 14, 2002 the Special Master rendered his Report.

6. All Plaintiffs have filed objections to the Report in one form or another.

7. This Court held a hearing on the objections on May 2, 2002.

#### Standard Of Review

8. Rule 1-053 E (2), NMRA 2002 states in pertinent part:

(2) In an action to be tried without a jury, the Court shall accept the master's findings of fact unless clearly erroneous.

Further,

...the Court after hearing, may adopt the report or may modify it or may reject it in whole or in part or may receive further evidence or may recommit it with instructions.

9. "Clearly erroneous" within the rule that the Trial Court shall accept the Special Master's findings of fact unless they are "clearly erroneous" means findings not supported by substantial evidence. See *Lopez v. Singh*, 53 N.M. 245 (S.C. 1949).

10. If there is any testimony consistent with the Special Master's findings, they must be treated as unassailable. See *Witt v. Skelly Oil Company*, 71 N.M. 411 (S.C. 1963).

11. The Special Master's findings are presumed to be correct and where there is any testimony consistent with the findings, they must be treated as unassailable. See *State ex rel. Reynolds v. Niccum*, 102 N.M. 330 (S.C. 1985).

12. A Trial Court has the authority to consider the Conclusions of Law reached in the Report on a de novo basis. See *Lozano v. GTE Lenkurt, Inc.*, 122 N.M. 103 (Ct. App 1996).

#### **Report of Special Master**

13. The Report of the Special Master was based upon his synthesis of the testimony and his critical review of all exhibits. The Special Master had the unique opportunity to view the witnesses to determine their sincerity and credibility.

14. The Special Master clearly labored to present a Report to this Court which was concise, succinct and supported by the record. He has the thanks of this Court for a difficult job well done.

#### **Findings of Special Master**

15. The Findings of the Special Master has been reviewed in accordance with the above cited authorities. As to the Findings of Fact of the Special Master, the Court rules as follows:

- a. Finding No. I is adopted.
- b. Finding No. II is adopted.
- c. Finding No. III is adopted.
- d. Finding No. IV is adopted.
- e. Finding No. V is adopted
- f. Finding No. VI is adopted
- g. Finding No. VII is adopted
- h. Finding No. VIII is adopted
- i. Finding No. IX is adopted

- j. Finding No. X is adopted
- k. Finding No. XI is adopted.
- l. Finding No. XII is adopted
- m. Finding No. XIII is adopted.
- n. Finding No. XIV is adopted.
- o. Finding No. XV is adopted.
- p. Finding No. XVI is adopted.
- q. Finding No. XVII is adopted.
- r. Finding No. XVIII is adopted.
- s. Finding No. XIX is adopted.
- t. Finding No. XX is adopted.
- u. Finding No. XXI is adopted.

16 As to the Conclusions of Law of the Special Master, the Court rules as follows:

- a. Conclusion No. I is adopted.
- b. Conclusion No. II is adopted.
- c. Conclusion No. III is adopted.
- d. Conclusion No. IV is adopted.

17 The above Conclusion of Law is supported by the Findings of Fact and the record in this cause and should be adopted. See *State ex rel. Reynolds*, supra at page 333 and *Witt v. Skelly Oil Company*, supra at page 412.

WHEREUPON, it is:

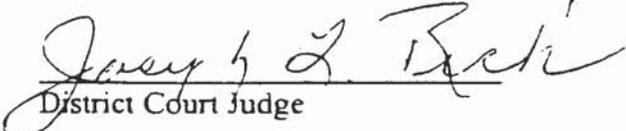
ORDERED, ADJUDGED AND DECREED as follows:

1. The Report of the Special Master is approved as corrected by the State's Motion for Corrections.

2. The objections of the Plaintiffs to the Report are overruled.

3. The Legislature has made some progress since this Court's Partial Summary Judgment but should continue its work in this area.

4. This Court reserves the right to hold status conferences or review of legislative activity subsequent to any session of legislature.

  
District Court Judge



## Impact Aid Districts

Alamogordo Public Schools  
Albuquerque Public Schools  
Bernalillo Public Schools  
Bloomfield Schools  
Central Consolidated Schools  
Cloudcroft Municipal Schools  
Clovis Municipal Schools  
Cuba Independent Schools  
Dulce Independent Schools  
Española Public Schools  
Farmington Municipal Schools  
Gallup-McKinley County Schools  
Grants-Cibola County Schools  
Jemez Mountain Public Schools  
Jemez Valley Public Schools  
Las Cruces Public Schools  
Los Alamos Public Schools  
Los Lunas Public Schools  
Magdalena Municipal Schools  
Maxwell Municipal Schools  
Peñasco Independent Schools  
Pojoaque Valley Public Schools  
Portales Municipal Schools  
Raton Public Schools  
Ruidoso Municipal Schools  
Taos Municipal Schools  
Tularosa Municipal Schools  
Zuni Public Schools

## A Primer on Public School Capital Outlay Funding in New Mexico

By Sharon Ball, New Mexico Legislative Council Service

Public school *capital outlay* funding, that is, funding used to purchase *capital assets* like buildings (as opposed to operating funds that are used to pay ongoing *expenses that are not capital assets*) is both a local and a state responsibility in New Mexico.

School districts can generate capital outlay revenues *from the state* through two statutory measures: one that guarantees a level of funding based on a district's ability to support its capital outlay needs through local property taxes, and another that provides funding to meet state adequacy standards for school facilities.

School districts can generate capital outlay revenues *locally* from the sale of bonds, direct levies, earnings from investments, rents, sales of real property & equipment, and other miscellaneous sources.

### DETAILS ON STATE SOURCES OF REVENUE:

#### **Public School Capital Improvements Act:**

Also called "SB9" or the "two-mill levy," this funding mechanism allows districts, with voter approval, to impose a levy of up to two mills<sup>1</sup> for a maximum of six years.

Participating districts are guaranteed a certain level of funding supplemented with state funds if the local tax effort does not generate the guaranteed amount. The "program guarantee" is based on the school district's 40<sup>th</sup> day total program units<sup>2</sup> multiplied by the matching dollar amount (\$70 per program unit, plus consumer price index adjustments) multiplied by the mill rate stated in the voter approved resolution. The total revenue generated by the two-mill levy is subtracted to determine the amount of "matching," or guarantee funds the district will receive from the state (see also Public School Capital Improvements Act under "Local Support").

The Public School Capital Improvements Act also guarantees each district whose voters agree to impose the levy a minimum distribution from state funds of approximately \$5 per mill per unit (with yearly adjustments based upon the consumer price index).

#### **Public School Capital Outlay Act:**

Enacted in 1975 and formerly called "critical capital outlay," this funding mechanism has provided for state funding of critical school district capital outlay needs that could not be met by school districts after they had exhausted other sources of funding. Generally, these were districts that had imposed the SB9 levy and were bonded to "capacity." Amendments enacted beginning in 2003, however, have changed the former "critical capital outlay" process to a new standards-based process that all school districts may access regardless of bonded indebtedness. The new

<sup>1</sup> A "mill" is \$.001. A mill levy is the number of dollars a taxpayer must pay for every \$1,000 of assessed value of taxable real property. In New Mexico, one third of the assessed value of qualifying real property is taxable, so a two mill levy would cost a property owner \$2.00 for each \$1,000 of taxable assessed value. A property worth \$100,000 in assessed value would have a taxable value of \$33,000. A two mill levy would therefore cost this property owner \$66.00 (that is, \$2.00 x 33 = \$66.00)

<sup>2</sup> On average, a student generates approximately two program units.

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process is based on the public school facilities adequacy standards that the Public School Capital Outlay Council (PSCOC) adopted in September 2002.

Provided for in statute, the PSCOC is required to investigate all applications for grant assistance from the Public School Capital Outlay Fund and determine grant amounts for each qualifying applicant district. The council's membership consists of the following representatives (or their designees):

- Secretary of the Department of Finance & Administration (DFA)
- Secretary of Education
- Governor
- President of the New Mexico School Boards Association
- Director of the Construction Industries Division
- President of the Public Education Commission
- Director of the Legislative Education Study Committee
- Director of the Legislative Finance Committee
- Director of the Legislative Council Service

Through legislation enacted in 1999, 2001, and 2003, and later amended, the standards-based public school capital outlay program was developed and established partially in response to a 1998 lawsuit filed in state district court by the Zuni Public Schools and later joined by the Gallup-McKinley County Public Schools and the Grants-Cibola County Public Schools. State district court Judge Joseph Rich found, in a partial summary judgment rendered in October 1999, that, through its public school capital outlay funding system, which relied primarily upon local property tax wealth to fund public school capital outlay, the state was violating that portion of the state constitution that guarantees establishment and maintenance of a "uniform system of free public schools sufficient for the education of ...all children of school age" in the state.

In 2001, the legislature also established a Deficiencies Corrections Program (DCP) to identify and correct serious deficiencies in all public school buildings and grounds that may adversely affect the health or safety of students and school personnel. All districts received DCP funding based on evaluation of deficiencies. Currently, all districts' DCP projects are completed or near completion.

In 2003, the legislature enacted a state share funding formula to take into account the availability of school district revenues from both bond levies and direct mill levies that support capital outlay. Relying primarily on the relative property tax wealth of a school district as measured by assessed property tax valuation per student, the funding formula calculation also takes into account the total mill levy applicable to residential property of the district for education purposes. The formula recognizes that the maximum state share of the most property-poor districts in the state can be a total of 100 percent state funding. The overall formula provides approximately an average state share for all districts of approximately 50 percent, while providing for a minimum state share of 10 percent.

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Also in 2003, the legislature created the Public School Facilities Authority (PSFA) to serve as staff to the PSCOC and, under PSCOC oversight, to administer the public school capital outlay standards-based program, which was implemented for the first time in 2004. The PSCOC developed the New Mexico Condition Index (NMCI), which ranks every facility in every school district based upon relative need, from the greatest to the least. The current NMCI database includes all 89 school districts, approximately 800 public school buildings in these districts, and 65,000 separate, distinct systems in those buildings. In all, about 200,000 specific line items feed into nine weighted categories. Working with PSFA staff, each school district is responsible for updating its respective buildings' database as projects are funded.

Each year, the PSCOC updates and publishes the NMCI-ranked list, which includes the estimated cost of repair or replacement of each need on the list. In 2010, the total cost of repair or replacement for all of the state's school district facilities was about \$3.4 billion for existing facilities. It did not include estimated costs for constructing new facilities in high-growth areas. Since the state lacks the resources to fund all facilities' needs at once, each year, the PSCOC works down from the top of the list to fund needs as available revenues allow. Once the need has been funded, it drops down to the bottom of the ranked list, and lower level needs accordingly move up in priority.

Within the ranked needs database, deficiencies are divided into categories. Categories with higher importance, including life, safety, or health needs, get higher relative weights, placing those projects higher on the priority list.

**NMCI Ranking Categories and Weights:**

	<i>Data Category</i>	<i>Weight</i>
<b>1</b>	<b>Adequacy, life, safety, health</b>	<b>3.50</b>
<b>2</b>	<b>Potential mission impact/degraded</b>	<b>1.50</b>
<b>3</b>	<b>Mitigate additional damage</b>	<b>2.00</b>
<b>4</b>	<b>Beyond expected life</b>	<b>0.25</b>
<b>5</b>	<b>Grandfathered or state/district recommended</b>	<b>0.50</b>
<b>6</b>	<b>Adequacy: facility</b>	<b>1.00</b>
<b>7</b>	<b>Adequacy: space</b>	<b>3.00</b>
<b>8</b>	<b>Adequacy: equipment</b>	<b>0.50</b>
<b>9</b>	<b>Normal—within lifecycle</b>	<b>0.25</b>

In addition, adequacy of space is highly weighted so that districts' needs generated by population growth also move those projects higher on the priority list.

The primary source of state funding for the standards-based process is the issuance of Supplemental Severance Tax Bonds (SSTBs). These bonds are issued by the state Board of

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Finance and paid for with revenue realized from taxes levied upon the extraction of oil and natural gas. Legislative reauthorization for the issuance of Supplemental Severance Tax Bonds on a year-to-year basis is not required, a condition that makes SSTBs a dedicated funding stream for public school capital outlay. Since its beginning in 2003, the standards-based funding process has provided over \$1.4 billion in state funding for public school capital outlay.

**Lease Assistance Payments:**

State statute authorizes the PSCOC to make grants to school districts and charter schools from the Public School Capital Outlay Fund to assist with lease payments for classroom space. The grants amount to the lesser of the actual lease payment or \$700 per student (adjusted yearly based on the Consumer Price Index (CPI)).

**Direct Legislative Appropriations:**

Sponsored by individual legislators, direct legislative appropriations are capital outlay project funding targeted for specific projects within the school district. Revenue sources can include the general fund, severance tax bonds, or statewide general obligation bonds. For FY 09, the legislature appropriated approximately \$39 million (which was reduced to approximately \$25.9 million after executive vetoes) from the general fund and from the sale of severance tax bonds for capital outlay projects and equipment in public school districts.

In response to state district court findings related to the Zuni Lawsuit regarding the disequalizing effect of direct legislative appropriations for capital outlay expenditures for school districts or individual schools, the 2003 legislature enacted a measure to require that an offset be applied against the state share of funds awarded to a school district by the PSCOC for all capital outlay projects (including those for educational technology) beginning with the 2003 legislative session. The offset is an amount based on the state share formula equaling 100 percent minus the state share percentage calculated by the formula, times the amount of the legislative appropriation, as shown in the example below:

**Example of How the Legislative Offset Works:**

Legislative appropriation to a school	\$1,000
PSCOC award to that school's district	\$2,000
That district's local match percent	40%
Offset reduction in district's PSCOC award calculation ( $\$1,000 \times 40\%$ )	(\$400)
District's net PSCOC award amount ( $\$2,000 - \$400$ )	\$1,600
<b>Total funds received by district (<math>\\$1,000 + \\$1,600</math>)</b>	<b>\$2,600</b>

*The most significant effect of the offset is not to reduce total funds that the district receives, but to potentially reduce funds available for higher priority needs, if the direct appropriation was for a lower-priority project than projects for which the district had applied for PSCOC award funding. In this case, the higher priority projects would have funding levels reduced by the amount of the offset.*

**A Primer on Public School Capital Outlay Funding in New Mexico***By Sharon Ball, New Mexico Legislative Council Service***DETAILS ON LOCAL SOURCES OF REVENUES:*****Local General Obligation (GO) Bonds:***

GO bonds allow local school districts to seek voter approval to raise revenues to erect, remodel, make additions to, or furnish school buildings; to purchase or improve school grounds; to purchase computer hardware or software for student use in the classroom; or any combination of these purposes. Each district's issuance of bonds is subject to the constitutional (Article IX, Section 11, NM Constitution) limit of six percent of the assessed valuation of the district. Prior to the bond election, the district must request that the Public Education Department (PED) verify the district's remaining bonding capacity.

If the election is successful, the local school board, subject to the approval of the Attorney General, may begin to issue the bonds. The authorized bonds must be sold within four years of voter approval.

***Public School Capital Improvements Act:***

Commonly referred to as "SB9" or the "two-mill levy," this funding mechanism allows school districts to ask voters to approve a levy of up to two mills for a maximum of six years.

Funds generated through imposition of the two-mill levy may only be used to:

- Erect, remodel, make additions to, provide equipment for, or furnish public buildings;
- Purchase or improve public school grounds;
- Maintain public school buildings or public school grounds, including the purchase or repair of maintenance equipment, participation in the facility information management system (FIMS), make payments under contracts with regional education cooperatives (RECs) for maintenance support services and expenditures for technical training and certification for maintenance and facilities managements personnel, excluding salaries of school district employees;
- Purchase student activity buses for transporting students to and from extracurricular activities; and/or
- Purchase computer software and hardware for student use in classrooms.

***The Public School Buildings Act:***

Often referred to as HB33, the Public School Buildings Act allows districts to ask voters to approve the imposition of up to 10 mills for a maximum of six years on the net taxable value of property in the district.

HB33 funds may only be used to:

- Erect, remodel, and make additions to, provide equipment for, or furnish public school buildings;
- Make payments in accordance with a financing agreement entered into by a school district or a charter school to lease a building or other real property with an option to purchase for a price that is reduced according to payments made;

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- Purchase or improve school grounds;
- Purchase activity vehicles to transport students to and from extracurricular activities (This authorization does not apply to the Albuquerque school district); and
- Pay for administration of public school capital outlay projects up to five percent of total project costs.

A limitation to the use of HB33 requires that the voter-authorized HB33 tax rate, when added to the tax rates for servicing the debt of the school district and the rate authorized under the Public School Capital Improvements Act (SB9), cannot exceed a total of 15 mills. If so, the HB33 rate would be adjusted downward to compensate. This funding mechanism is most useful for districts with high assessed valuation and low bonded indebtedness.

***Educational Technology Equipment Act:***

Enacted in 1997, the *Educational Technology Equipment Act* provides the enabling legislation to implement a constitutional amendment approved by voters in 1996 to allow school districts to create debt, without submitting the question to voters, to enter into a lease-purchase agreement to acquire educational technology equipment.

***Public Building Energy Efficiency and Water Conservation Act:***

This is a self-funded program that allows school districts to enter into a guaranteed utility savings contract with a qualified provider to reduce energy, water, or conservation-related operating costs, if the cost of the program does not exceed the cost savings over a period of not more than ten years.

**DETAILS ON FEDERAL SOURCES OF REVENUES**

***Impact Aid Funds:***

The federal government provides certain funds to school districts in lieu of local property taxes for children residing on federal lands or children having parents working on federal property.

***Forest Reserve Funds:***

Fifty-seven school districts in 22 New Mexico counties receive Forest Reserve funds. The counties in which these school districts are located receive 25 percent of the net receipts from operations (primarily timber sales) within their respective reserve areas.

**DETAILS ON MISCELLANEOUS SOURCES OF REVENUES**

Districts can also derive capital outlay funds from such sources as donations, earnings from investments, rent, and sale of real property and equipment. The legislature can also appropriate limited funds for capital outlay emergencies to the Public Education Department (PED) for distribution to public school districts, based upon need.

## PUBLIC SCHOOL CAPITAL OUTLAY REVENUE SOURCES

Funding Source	Voter Approval?	Maximum Levied	Time	Receipt of Payments	Repay w/ Interest?	Applies to Charter Schools?	Specify Projects?	Include Maintenance?	Yield Control?
G.O. Bonds (22-18-1 <i>et seq.</i> NMSA 1978)	Yes	Up to 6% of total valuation	As needed to pay off—up to 20 years	Lump sum as bonds are sold	Yes	No	Yes	No	No
Public School Capital Improvements Act ("SB 9" or "2-mill levy") (22-25-1 <i>et seq.</i> NMSA 1978)	Yes	2 mills plus state guarantee for qualifying districts	Up to 6 years	Payments from county treasurer as collected-- guarantee portion from PSCOA SSTBs	No	Yes—per student basis	Yes	Yes, except for salaries	Yes
Public School Capital Outlay Act (Standards- Based Process) (22-26-1 <i>et seq.</i> NMSA 1978)	No	State & local shares determined by statutory formula	Districts may apply yearly depending on NMFCI ranking	Awarded on a yearly cycle; qualified distrs may apply for out-of- cycle phase funding	No	Yes—after first renewal	Yes	No	No
Public School Buildings Act ("HB 33") (22-24-1 <i>et seq.</i> NMSA 1978)	Yes	Up to 10 mills —Limited to 15 mills max from all sources	Up to 6 years	Payments from county treasurer as collected	No	Yes—per student basis	Yes	No	Yes
Education Technology Equipment Act (6-15A-1 <i>et seq.</i> NMSA 1978)	No	Amt levied must be included in 6% constitutional limit	5 years	Lump sum as bonds are sold	Yes	No	Yes	No	No
Technology for Education Act (22-15A-1 <i>et seq.</i> NMSA 1978)	No	Legislative appropriation	Yearly	No appropriation to the fund & no distribu- tion to districts for several years	No	No	Yes	No	No
Direct Appropriations	No	N/A	Generally 3 years	Stipulated in legislation	No: requires offset against PSCOC grants	Yes	Yes	No	No
Public School Lease Purchase Act (22-26A-1 <i>et seq.</i> NMSA 1978)	Yes—also req PED approval	Depends on cost of buildings or other real property	30 years maximum	As approved taxes are collected	Yes—Interest paid to leaseholder	Yes, but local board must submit tax question to voters	Yes	No	No

## ARTICLE 8B Charter Schools

### Section

- 22-8B-1 Short title.
- 22-8B-2 Definitions.
- 22-8B-3 Purpose.
- 22-8B-4 Charter schools' rights and responsibilities; operation.
- 22-8B-4.1 Charter schools' enrollment procedures.
- 22-8B-4.2 Charter school facilities; standards.
- 22-8B-5 Charter schools; status; local school board authority.
- 22-8B-5.1 Governing body training.
- 22-8B-5.2 Governing body conflicts of interest.
- 22-8B-5.3 Chartering authority; powers; duties; liability.
- 22-8B-6 Charter school requirements; application process; authorization; state board of finance designation required; public hearings; subcommittees.
- 22-8B-7 Appeal of denial, nonrenewal, suspension or revocation; procedures.
- 22-8B-8 Charter application; contents.
- 22-8B-9 Charter school contract; contents; rules.
- 22-8B-9.1 Performance framework.
- 22-8B-10 Charter schools; employees.
- 22-8B-11 Charter schools; maximum number established.
- 22-8B-12 Charter schools; term; oversight and corrective actions; site visits; renewal of charter; grounds for nonrenewal or revocation.
- 22-8B-12.1 Charter school closure; chartering authority protocols; chartering authority duties; distribution of assets.
- 22-8B-13 Charter school financing.
- 22-8B-14 Charter schools stimulus fund created.
- 22-8B-14.1 Repealed.
- 22-8B-15 Repealed.
- 22-8B-16 Public education commission; powers and duties.
- 22-8B-17 Charter schools division; duties.
- 22-8B-17.1 Division; annual report.

### **22-8B-1. Short title.**

Chapter 22, Article 8B NMSA 1978 may be cited as the "Charter Schools Act".

History: Laws 1999, ch. 281, § 1; 2005, ch. 221, § 1; 2006, ch. 94, § 26.

**The 2006 amendment**, effective July 1, 2007, changed "1999 Charter Schools Act" to "Charter Schools Act".

**The 2005 amendment**, effective July 1, 2005, changed the statutory reference to the act.

### **22-8B-2. Definitions.**

As used in the Charter Schools Act:

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A. "charter school" means a conversion school or start-up school authorized by the chartering authority to operate as a public school;

B. "chartering authority" means either a local school board or the commission;

C. "commission" means the public education commission;

D. "conversion school" means an existing public school within a school district that was authorized by a local school board to become a charter school prior to July 1, 2007;

E. "division" means the charter schools division of the department;

F. "governing body" means the governing structure of a charter school as set forth in the school's charter; and

G. "start-up school" means a public school developed by one or more parents, teachers or community members authorized by the chartering authority to become a charter school.

History: Laws 1999, ch. 281, § 2; 2006, ch. 94, § 27.

**The 2006 amendment**, effective July 1, 2007, in Subsection A, deleted the qualification that a charter school be located within a school district authorized by the local school board to operate as a charter school and added the qualification that a charter school be authorized by the chartering authority to operate as a public school; added Subsection B to define chartering authority; added Subsection C to define commission; provided in Subsection D (former Subsection B) that a conversion school is a school that was authorized to become a charter school prior to July 1, 2007; added a new Subsection E to define division and changed "local school board of the school district" to "chartering authority" in Subsection G (formerly Subsection D).

### **22-8B-3. Purpose.**

The Charter Schools Act is enacted to enable individual schools to structure their educational curriculum to encourage the use of different and innovative teaching methods that are based on reliable research and effective practices or have been replicated successfully in schools with diverse characteristics; to allow the development of different and innovative forms of measuring student learning and achievement; to address the needs of all students, including those determined to be at risk; to create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site; to improve student achievement; to provide parents and students with an educational alternative to create new, innovative and more flexible ways of educating children within the public school system; to encourage parental and community involvement in the public school system; to develop and use site-based budgeting; and to hold charter schools accountable for meeting the department's educational standards and fiscal requirements.

History: Laws 1999, ch. 281, § 3; 2006, ch. 94, § 28.

**The 2006 amendment**, effective July 1, 2007, changed "restructure" to "structure"; changed "state board" to "department" and deleted the requirement that charter schools meet minimum educational standards and financial requirements.

**22-8B-4. Charter schools' rights and responsibilities; operation.**

A. A charter school shall be subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, physical or mental handicap, serious medical condition, race, creed, color, sex, gender identity, sexual orientation, spousal affiliation, national origin, religion, ancestry or need for special education services.

B. A charter school shall be governed by a governing body in the manner set forth in the charter contract; provided that a governing body shall have at least five members; and provided further that no member of a governing body for a charter school that is initially approved on or after July 1, 2005 or whose charter is renewed on or after July 1, 2005 shall serve on the governing body of another charter school. No member of a local school board shall be a member of a governing body for a charter school or employed in any capacity by a locally chartered charter school located within the local school board's school district during the term of office for which the member was elected or appointed.

C. A charter school shall be responsible for:

- (1) its own operation, including preparation of a budget, subject to audits pursuant to the Audit Act; and
- (2) contracting for services and personnel matters.

D. A charter school may contract with a school district, a university or college, the state, another political subdivision of the state, the federal government or one of its agencies, a tribal government or any other third party for the use of a facility, its operation and maintenance and the provision of any service or activity that the charter school is required to perform in order to carry out the educational program described in its charter contract. Facilities used by a charter school shall meet the standards required pursuant to Section 22-8B-4.2 NMSA 1978.

E. A conversion school chartered before July 1, 2007 may choose to continue using the school district facilities and equipment it had been using prior to conversion, subject to the provisions of Subsection F of this section.

F. The school district in which a charter school is geographically located shall provide a charter school with available facilities for the school's operations unless the facilities are currently used for other educational purposes. An agreement for the use of school district facilities by a charter school may provide for reasonable lease payments; provided that the payments do not exceed the sum of the lease reimbursement rate provided in Subparagraph (b) of Paragraph (1) of Subsection I of Section 22-24-4 NMSA 1978 plus any reimbursement for actual direct costs incurred by the school district in providing the facilities; and provided further that any lease payments received by a school district may be retained by the school district and shall not be considered to be cash balances in any calculation pursuant to Section 22-8-41 NMSA 1978. The available facilities provided by a school district to a charter school shall meet all occupancy standards as specified by the public school capital outlay council. As used in this

subsection, "other educational purposes" includes health clinics, daycare centers, teacher training centers, school district administration functions and other ancillary services related to a school district's functions and operations.

G. A locally chartered charter school may pay the costs of operation and maintenance of its facilities or may contract with the school district to provide facility operation and maintenance services.

H. Locally chartered charter school facilities are eligible for state and local capital outlay funds and shall be included in the school district's five-year facilities plan.

I. A locally chartered charter school shall negotiate with a school district to provide transportation to students eligible for transportation under the provisions of the Public School Code [Chapter 22 [except Article 5A] NMSA 1978]. The school district, in conjunction with the charter school, may establish a limit for student transportation to and from the charter school site not to extend beyond the school district boundary.

J. A charter school shall be a nonsectarian, nonreligious and non-home-based public school.

K. Except as otherwise provided in the Public School Code, a charter school shall not charge tuition or have admission requirements.

L. With the approval of the chartering authority, a single charter school may maintain separate facilities at two or more locations within the same school district; but, for purposes of calculating program units pursuant to the Public School Finance Act [Chapter 22, Article 8 NMSA 1978], the separate facilities shall be treated together as one school.

M. A charter school shall be subject to the provisions of Section 22-2-8 NMSA 1978 and the Assessment and Accountability Act [Chapter 22, Article 2C NMSA 1978].

N. Within constitutional and statutory limits, a charter school may acquire and dispose of property; provided that, upon termination of the charter, all assets of the locally chartered charter school shall revert to the local school board and all assets of the state-chartered charter school shall revert to the state, except that, if all or any portion of a state-chartered charter school facility is financed with the proceeds of general obligation bonds issued by a local school board, the facility shall revert to the local school board.

O. The governing body of a charter school may accept or reject any charitable gift, grant, devise or bequest; provided that no such gift, grant, devise or bequest shall be accepted if subject to any condition contrary to law or to the terms of the charter. The particular gift, grant, devise or bequest shall be considered an asset of the charter school to which it is given.

P. The governing body may contract and sue and be sued. A local school board shall not be liable for any acts or omissions of the charter school.

Q. A charter school shall comply with all state and federal health and safety requirements applicable to public schools, including those health and safety codes relating to educational building occupancy.

R. A charter school is a public school that may contract with a school district or other party for provision of financial management, food services, transportation, facilities, education-related services or other services. The governing body shall not contract with a for-profit entity for the management of the charter school.

S. To enable state-chartered charter schools to submit required data to the department, an accountability data system shall be maintained by the department.

T. A charter school shall comply with all applicable state and federal laws and rules related to providing special education services. Charter school students with disabilities and their parents retain all rights under the federal Individuals with Disabilities Education Act and its implementing state and federal rules. Each charter school is responsible for identifying, evaluating and offering a free appropriate public education to all eligible children who are accepted for enrollment in that charter school. The state-chartered charter school, as a local educational agency, shall assume responsibility for determining students' needs for special education and related services. The division may promulgate rules to implement the requirements of this subsection.

History: Laws 1999, ch. 281, § 4; 2000, ch. 82, § 2; 2001, ch. 348, § 1; 2003, ch. 153, § 32; 2005, ch. 221, § 2; 2006, ch. 94, § 31; 2007, ch. 366, § 16; 2011, ch. 14, § 1.

**Cross references.** — For the Human Rights Act, see 28-1-1 NMSA 1978.

For the Public School Facilities Authority, see 22-20-1 NMSA 1978.

For the Public School Capital Outlay Act, see 22-24-1 NMSA 1978.

For the Public School Capital Improvements Act, see 24-25-1 NMSA 1978.

For Public School Buildings Act, see 22-26-1 NMSA 1978.

For the federal Individuals with Disabilities Education Act, see 20 U.S.C. § 1400.

**The 2011 amendment**, effective July 1, 2012, prohibited discrimination based on physical or mental handicap, serious medical condition, sex, gender identity, sexual orientation and spousal affiliation; and prohibited a member of a local school board from being a member of the governing body of a charter school or being employed by a charter school in the school board's school district.

**The 2007 amendment**, effective July 1, 2007, amended Subsection F to authorize reasonable lease payments for the use of school district facilities by charter schools provided that the payments do not exceed the lease reimbursement rate specified in 22-24-4 NMSA 1978 and that the payments are not considered to be cash balance in calculations under 22-8-41 NMSA 1978 and amended Subsection N to provide that upon the termination of the charter of a chartered school, the assets financed by general obligation bonds issued by the school district shall revert to the local school board.

**The 2006 amendment**, effective July 1, 2007, added the condition in Subsection B that a governing body must have at least five members; provided in Paragraph (1) of Subsection C that operations are subject to audit pursuant to the Audit Act; in Subsection E, added the qualification that the conversion school must be chartered before July 1, 2007 and added the condition that the use of equipment and facilities is subject to Subsection F; provided in Subsection F that the facilities provided to a charter

school must meet all occupancy standards specified by the public school capital outlay council; changed "charter school" to "locally chartered charter school" in Subsections G through I; changed "school district" to "chartering authority" in Subsection L; in Subsection N, added the qualification that the acquisition and disposition of property must be within constitutional and statutory limits and that all assets of state-chartered schools will revert to the state, added Subsection R to provide for contracting authority of charter schools; added Subsection S to require an accountability data system; and added Subsection T to provide for special education services.

**The 2005 amendment**, effective July 1, 2005, provided in Subsection B that no member of a governing body of a school that is initially approved or whose charter is renewed on or after July 1, 2005 shall serve on the governing body of another charter school; provided in Subsection D that a charter school may contract with the state and its political subdivisions, the federal government or its agencies and a tribal government; provided in Subsection D that the facilities of a charter school must meet the standards of 22-8B-4.2 NMSA 1978; deleted the former provision in Subsection E which provided for the use by charter schools of school district facilities; provided in Subsection E that a conversion school may choose to continue using school district facilities and equipment; added Subsection F to provide for the use by charter schools of school district facilities; authorized a charter school in Subsection G to pay the costs of operation and maintenance of its facilities and to contract with a school district for facility operation and maintenance services; added Subsection H to provide that charter school facilities are eligible for state and local capital outlay funds and shall be included in the school district's five-year facilities plan; deleted the former provision of Subsection G, which provided that a charter school may negotiate with a school district for capital expenditures; added Subsection L to provide that a single charter school may maintain separate facilities at two or more locations, but that all locations shall be deemed to be a single location for purposes of calculating program units pursuant to the Public School Finance Act; and provided in Subsection Q that applicable health and safety requirements include health and safety codes relating to educational building occupancy.

**The 2003 amendment**, effective April 4, 2003, deleted "local" preceding "school district" throughout the section; and in Subsection J substituted "Section" for "Sections 22-1-6 and" preceding "22-2-8" near the middle and inserted "and the Assessment and Accountability Act" at the end.

**The 2001 amendment**, effective June 15, 2001, in Subsection F, substituted "shall" for "may" in the first sentence and added the second sentence.

**The 2000 amendment**, effective March 7, 2000, deleted former Subsection B, relating to enrollment procedures at start-up charter schools, and redesignated the remaining subsections accordingly.

## ANNOTATIONS

**Am. Jur. 2d, A.L.R. and C.J.S. references.** — Validity, construction, and application of statute or regulation governing charter schools, 78 A.L.R.5th 533.

### 22-8B-4.1. Charter schools' enrollment procedures.

A. Start-up schools and conversion schools are subject to the following enrollment procedures:

(1) a start-up school may either enroll students on a first-come, first-served basis or through a lottery selection process if the total number of applicants exceeds the number of spaces

available at the start-up school; and

(2) a conversion school shall give enrollment preference to students who are enrolled in the public school at the time it is converted into a charter school and to siblings of students admitted to or attending the charter school. The conversion school may either enroll all other students on a first-come, first-served basis or through a lottery selection process if the total number of applicants exceeds the number of spaces available at the conversion school.

B. In subsequent years of its operation, a charter school shall give enrollment preference to:

(1) students who have been admitted to the charter school through an appropriate admission process and remain in attendance through subsequent grades; and

(2) siblings of students already admitted to or attending the same charter school.

**History:** 1978 Comp., § 22-8B-4.1, enacted by Laws 2000, ch. 82, § 3.

#### **22-8B-4.2. Charter school facilities; standards.**

A. The facilities of a charter school that is approved on or after July 1, 2005 and before July 1, 2015 shall meet educational occupancy standards required by applicable New Mexico construction codes.

B. The facilities of a charter school whose charter has been renewed at least once shall be evaluated, prioritized and eligible for grants pursuant to the Public School Capital Outlay Act [Chapter 22, Article 24 NMSA 1978] in the same manner as all other public schools in the state; provided that for charter school facilities in leased facilities, grants may be used to provide additional lease payments for leasehold improvements made by the lessor.

C. On or after July 1, 2011, a new charter school shall not open and an existing charter school shall not relocate unless the facilities of the new or relocated charter school, as measured by the New Mexico condition index, receive a condition rating equal to or better than the average condition for all New Mexico public schools for that year or the charter school demonstrates, within eighteen months of occupancy or relocation of the charter, the way in which the facilities will achieve a rating equal to or better than the average New Mexico condition index.

D. On or after July 1, 2015, a new charter school shall not open and an existing charter shall not be renewed unless the charter school:

(1) is housed in a building that is:

(a) owned by the charter school, the school district, the state, an institution of the state, another political subdivision of the state, the federal government or one of its agencies or a tribal government; or

(b) subject to a lease-purchase arrangement that has been entered into and approved pursuant to the Public School Lease Purchase Act [Chapter 22, Article 26A NMSA 1978]; or

(2) if it is not housed in a building described in Paragraph (1) of this subsection,

demonstrates that:

(a) the facility in which the charter school is housed meets the statewide adequacy standards developed pursuant to the Public School Capital Outlay Act and the owner of the facility is contractually obligated to maintain those standards at no additional cost to the charter school or the state; and

(b) either: 1) public buildings are not available or adequate for the educational program of the charter school; or 2) the owner of the facility is a nonprofit entity specifically organized for the purpose of providing the facility for the charter school.

E. Without the approval of the public school facilities authority pursuant to Section 22-20-1 NMSA 1978, a charter school shall not enter into a lease-purchase agreement.

F. The public school capital outlay council:

(1) shall determine whether facilities of a charter school meet the educational occupancy standards pursuant to the requirements of Subsection A of this section or the requirements of Subsections B, C and D of this section, as applicable; and

(2) upon a determination that specific requirements are not appropriate or reasonable for a charter school, may grant a variance from those requirements for that charter school.

History: Laws 2005, ch. 221, § 3; 2005, ch. 274, § 2; 2007, ch. 366, § 17; 2009, ch. 258, § 1; 2011, ch. 69, § 2.

**Cross references.** — For the Public School Capital Outlay Council, see 22-24-6 NMSA 1978.

**The 2011 amendment**, effective July 1, 2011, added Subsection C to require new and relocated charter schools to use facilities that meet the average condition of public school facilities or to demonstrate the way in which the facilities will achieve the average condition of public school facilities; and added Subsection E to require the public school facilities authority to approve lease-purchase agreements.

**The 2009 amendment**, effective April 8, 2009, in Subsection A, after "and before", changed "July 1, 2010" to "July 1, 2015"; in Subsection B, after "charter school", deleted "that is in existence, or has been approved, prior to July 1, 2005" and added "whose charter has been renewed at least once"; after "grants may be used", deleted "as" and added "to provide"; and after "leasehold improvements", added "made by the lessor"; in Subsection C, after "July 1", deleted "2010, an application for a charter shall not be approved" and added "2015, a new charter school shall not open", in Paragraph (1) of Subsection C, after "housed in a", deleted "public"; deleted former Subparagraph (b) of Paragraph (1) of Subsection C, which provided that the building must be eligible for grants pursuant to the Public School Capital Outlay Act; deleted former Paragraph (2) of Subsection C, which provided that the building must meet statewide adequacy standards and be leased with an option to purchase; added Subparagraph (b) of Paragraph (1) of Subsection C; and in Paragraph (1) of Subsection D, after "Subsection A of this section", deleted "shall determine whether facilities of a charter school meet".

**The 2007 amendment**, effective July 1, 2007, added Paragraph (2) of Subsection C to require charter schools to meet the statewide adequacy standards for buildings on or after July 1, 2010.

### **22-8B-5. Charter schools; status; local school board authority.**

A. The local school board may waive only locally imposed school district requirements for locally chartered charter schools.

B. A state-chartered charter school is exempt from school district requirements. A state-chartered charter school is responsible for developing its own written policies and procedures in accordance with this section.

C. The department shall waive requirements or rules and provisions of the Public School Code [Chapter 22 [except Article 5A] NMSA 1978] pertaining to individual class load, teaching load, length of the school day, staffing patterns, subject areas, purchase of instructional material, evaluation standards for school personnel, school principal duties and driver education. The department may waive requirements or rules and provisions of the Public School Code pertaining to graduation requirements. Any waivers granted pursuant to this section shall be for the term of the charter granted but may be suspended or revoked earlier by the department.

D. A charter school shall be a public school accredited by the department and shall be accountable to the chartering authority for purposes of ensuring compliance with applicable laws, rules and charter provisions.

E. A local school board shall not require any employee of the school district to be employed in a charter school.

F. A local school board shall not require any student residing within the geographic boundary of its district to enroll in a charter school.

G. A student who is suspended or expelled from a charter school shall be deemed to be suspended or expelled from the school district in which the student resides.

History: Laws 1999, ch. 281, § 5; 2006, ch. 94, § 32.

**Cross references.** — For the Public School Capital Outlay Council, see 22-24-6 NMSA 1978.

**The 2006 amendment**, effective July 1, 2007, provided in Subsection A for waiver of requirements for locally chartered charter schools; deleted former Subsection B; added a new Subsection B to provide that a state-chartered charter schools is exempt form school district requirements and is responsible for developing policies and procedures; and in Subsection C (formerly Subsection B), provided that the department shall waive requirements for class load, teaching load, length of school day, staffing, subject areas and instructional material.

#### **22-8B-5.1. Governing body training.**

The department shall develop a mandatory training course for all governing body members that explains department rules, policies and procedures, statutory powers and duties of governing boards, legal concepts pertaining to public schools, finance and budget and other matters deemed relevant by the department. The department shall notify the governing body members of the

dates of the training courses.

History: Laws 2009, ch. 18, § 1.

**Effective dates.** — Laws 2009, ch. 18 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective June 19, 2009, 90 days after the adjournment of the legislature.

### **22-8B-5.2. Governing body conflicts of interest.**

A. A person shall not serve as a member of a governing body of a charter school if the person or an immediate family member of the person is an owner, agent of, contractor with or otherwise has a financial interest in a for-profit or nonprofit entity with which the charter school contracts directly, for professional services, goods or facilities. A violation of this subsection renders the contract between the person or the person's immediate family member and the charter school voidable at the option of the chartering authority, the department or the governing body. A person who knowingly violates this subsection may be individually liable to the charter school for any financial damage caused by the violation.

B. No member of a governing body or employee, officer or agent of a charter school shall participate in selecting, awarding or administering a contract with the charter school if a conflict of interest exists. A conflict of interest exists when the member, employee, officer or agent or an immediate family member of the member, employee, officer or agent has a financial interest in the entity with which the charter school is contracting. A violation of this subsection renders the contract voidable.

C. Any employee, agent or board member of the chartering authority who participates in the initial review, approval, ongoing oversight, evaluation or charter renewal process of a charter school is ineligible to serve on the governing body of the charter school chartered by the chartering authority.

D. As used in this section, "immediate family member" means spouse, father, father-in-law, mother, mother-in-law, son, son-in-law, daughter, daughter-in-law, brother, brother-in-law, sister, sister-in-law or any other relative who is financially supported.

History: Laws 2011, ch. 14, § 7.

**Effective dates.** — Laws 2011, ch. 14, § 10 made Laws 2011, ch. 14, § 7 effective July 1, 2012.

### **22-8B-5.3. Chartering authority; powers; duties; liability.**

A chartering authority shall:

- A. evaluate charter applications;
- B. actively pursue the utilization of charter schools to satisfy identified education needs and promote a diversity of educational choices;

- C. approve charter applications that meet the requirements of the Charter Schools Act;
- D. decline to approve charter applications that fail to meet the requirements of the Charter Schools Act or are otherwise inadequate;
- E. negotiate and execute, in good faith, charter contracts that meet the requirements of the Charter Schools Act with each approved charter school;
- F. monitor, in accordance with the requirements of the Charter Schools Act and the terms of the charter contract, the performance and legal compliance of charter schools under their authority;
- G. determine whether a charter school merits suspension, revocation or nonrenewal; and
- H. develop and maintain chartering policies and practices consistent with nationally recognized principles and standards for quality charter authorizing in all major areas of authorizing, including:
  - (1) organizational capacity and infrastructure;
  - (2) evaluating charter applications;
  - (3) performance contracting;
  - (4) charter school oversight and evaluation; and
  - (5) charter school suspension, revocation and renewal processes.

History: Laws 2011, ch. 14, § 8.

**Effective dates.** — Laws 2011, ch. 14, § 10 made Laws 2011, ch. 14, § 8 effective July 1, 2012.

**22-8B-6. Charter school requirements; application process; authorization; state board of finance designation required; public hearings; subcommittees.**

- A. A local school board has the authority to approve the establishment of a charter school within the school district in which it is located.
- B. No later than the second Tuesday of January of the year in which an application will be filed, the organizers of a proposed charter school shall provide written notification to the commission and the school district in which the charter school is proposed to be located of their intent to establish a charter school. Failure to notify may result in an application not being accepted.
- C. A charter school applicant shall apply to either a local school board or the commission for a charter. If an application is submitted to a chartering authority, it must process the application. Applications for initial charters shall be submitted between June 1 and July 1 to be eligible for consideration for the following fiscal year; provided that the July 1 deadline may be waived upon agreement of the applicant and the chartering authority.
- D. An application shall include the total number of grades the charter school proposes to

provide, either immediately or phased. A charter school may decrease the number of grades it eventually offers, but it shall not increase the number of grades or the total number of students proposed to be served in each grade.

E. An application shall include a detailed description of the charter school's projected facility needs, including projected requests for capital outlay assistance that have been approved by the director of the public school facilities authority or the director's designee. The director shall respond to a written request for review from a charter applicant within forty-five days of the request.

F. An application may be made by one or more teachers, parents or community members or by a public post-secondary educational institution or nonprofit organization. Municipalities, counties, private post-secondary educational institutions and for-profit business entities are not eligible to apply for or receive a charter.

G. An initial application for a charter school shall not be made after June 30, 2007 if the proposed charter school's proposed enrollment for all grades or the proposed charter school's proposed enrollment for all grades in combination with any other charter school's enrollment for all grades would equal or exceed ten percent of the total MEM of the school district in which the charter school will be geographically located and that school district has a total enrollment of not more than one thousand three hundred students.

H. A state-chartered charter school shall not be approved for operation unless its governing body has qualified to be a board of finance.

I. The chartering authority shall receive and review all applications for charter schools submitted to it. The chartering authority shall not charge application fees.

J. The chartering authority shall hold at least one public hearing in the school district in which the charter school is proposed to be located to obtain information and community input to assist it in its decision whether to grant a charter school application. The chartering authority may designate a subcommittee of no fewer than three members to hold the public hearing, and, if so, the hearing shall be transcribed for later review by other members of the chartering authority. Community input may include written or oral comments in favor of or in opposition to the application from the applicant, the local community and, for state-chartered charter schools, the local school board and school district in whose geographical boundaries the charter school is proposed to be located.

K. The chartering authority shall rule on the application for a charter school in a public meeting by September 1 of the year the application was received; provided, however, that prior to ruling on the application for which a designated subcommittee was used, any member of the chartering authority who was not present at the public hearing shall receive the transcript of the public hearing together with documents submitted for the public hearing. If not ruled upon by that date, the charter application shall be automatically reviewed by the secretary in accordance with the provisions of Section 22-8B-7 NMSA 1978. The charter school applicant and the chartering authority may, however, jointly waive the deadlines set forth in this section.

L. A chartering authority may approve, approve with conditions or deny an application. A chartering authority may deny an application if:

- (1) the application is incomplete or inadequate;
- (2) the application does not propose to offer an educational program consistent with the requirements and purposes of the Charter Schools Act;
- (3) the proposed head administrator or other administrative or fiscal staff was involved with another charter school whose charter was denied or revoked for fiscal mismanagement or the proposed head administrator or other administrative or fiscal staff was discharged from a public school for fiscal mismanagement;
- (4) for a proposed state-chartered charter school, it does not request to have the governing body of the charter school designated as a board of finance or the governing body does not qualify as a board of finance; or
- (5) the application is otherwise contrary to the best interests of the charter school's projected students, the local community or the school district in whose geographic boundaries the charter school applies to operate.

M. If the chartering authority denies a charter school application or approves the application with conditions, it shall state its reasons for the denial or conditions in writing within fourteen days of the meeting. If the chartering authority grants a charter, the approved charter shall be provided to the applicant together with any imposed conditions.

N. A charter school that has received a notice from the chartering authority denying approval of the charter shall have a right to a hearing by the secretary as provided in Section 22-8B-7 NMSA 1978.

History: Laws 1999, ch. 281, § 6; 2005, ch. 221, § 4; 2006, ch. 94, § 33; 2007, ch. 198, § 1; 2009, ch. 6, § 1; 2009, ch. 12, § 1; 2011, ch. 69, § 3.

**The 2011 amendment**, effective July 1, 2011, in Subsection E, required the director of the public school facilities authority or the director's designee to review and approve requests by charter schools for capital outlay assistance within forty-five days.

**The 2009 amendment**, effective June 19, 2009, in Subsection J, permitted a chartering authority to designate a subcommittee to hold public hearings; and in Subsection K, provided that prior to ruling on an application for which a subcommittee was used, any member of a chartering authority who was not present at the public hearing shall receive the transcript of the public hearing and documents submitted for the public hearing.

**The 2007 amendment**, effective April 2, 2007, prohibited the filing of an application for a charter school after June 2007 if the school's proposed enrollment for all grades in combination with any other charter school's enrollment for all grades will equal or exceed ten percent of the total MEM of the school district.

**The 2006 amendment**, effective July 1, 2007, added Subsection B to provide advance notice to the commission and the school district of intent to establish a charter school; in Subsection C provided that

the chartering authority must process applications submitted to it and changed "local school board" to "chartering authority"; added Subsection D to provide for the number of grades of charter schools and changed the number of grades; provided in Subsection E (formerly Subsection C) that the application shall include a detailed description of the projected capital outlay needs; provided in Subsection F (formerly Subsection D) that an application may be made by a public post-secondary educational institution or nonprofit organization and that certain institutions and entities are not eligible to apply for or to receive a charter; added Subsection G to prohibit applications after June 30, 2007 under certain circumstances; added Subsection H to require the charter school to qualify as a board of finance; deleted former Subsection E, which provided for applications for conversion schools; in Subsection I (formerly Subsection F) changed "local school board" to "chartering authority" and deleted the provision that if an application is incomplete, the board shall request the necessary information from the applicant; in Subsection J (formerly Subsection G), changed "local school board" to "chartering authority", requires a public meeting in the school district in which the charter school is proposed to be located, and provides for community input; deleted former Subsection H, which provided for an appeal by an applicant to the secretary; added Subsection K to provide for the approval and denial of an application; in Subsection L (formerly Subsection I), changed "local school board" to "chartering authority", required written reasons within fourteen days after a meeting, deleted the requirement that a copy of the approved charter be sent within fifteen days after granting the charter and added the provision that the approved charter be provided to the applicant together with any imposed conditions; and added Subsection M to provide for a hearing by the secretary if an application is denied.

**The 2005 amendment**, effective July 1, 2005, changed the application deadline from October 1 to July 1 and changed "school year" to "fiscal year" in Subsection B; added Subsection C to provide that an application shall include a request for capital outlay funding; and provided in Subsection I that if the local school board approves the application with conditions, it shall state the reasons for the conditions.

### **22-8B-7. Appeal of denial, nonrenewal, suspension or revocation; procedures.**

A. The secretary, upon receipt of a notice of appeal or upon the secretary's own motion, shall review decisions of a chartering authority concerning charter schools in accordance with the provisions of this section.

B. A charter applicant or governing body that wishes to appeal a decision of the chartering authority concerning the denial, nonrenewal, suspension or revocation of a charter school or the imposition of conditions that are unacceptable to the charter school or charter school applicant shall provide the secretary with a notice of appeal within thirty days after the chartering authority's decision. The charter school applicant or governing body bringing the appeal shall limit the grounds of the appeal to the grounds for denial, nonrenewal, suspension or revocation or the imposition of conditions that were specified by the chartering authority. The notice shall include a brief statement of the reasons the charter school applicant or governing body contends the chartering authority's decision was in error. Except as provided in Subsection E of this section, the appeal and review process shall be as follows within sixty days after receipt of the notice of appeal, the secretary, at a public hearing that may be held in the school district in which the charter school is located or in which the proposed charter school has applied for a charter, shall review the decision of the chartering authority and make findings. If the secretary finds that the chartering authority acted arbitrarily or capriciously, rendered a decision not supported by substantial evidence or did not act in accordance with law, the secretary may reverse the

decision of the chartering authority and order the approval of the charter with or without conditions. The decision of the secretary shall be final.

C. The secretary, on the secretary's own motion, may review a chartering authority's decision to grant a charter. Within sixty days after the making of a motion to review by the secretary, the secretary, at a public hearing that may be held in the school district in which the proposed charter school that has applied for a charter will be located, shall review the decision of the chartering authority and determine whether the decision was arbitrary or capricious or whether the establishment or operation of the proposed charter school would:

- (1) violate any federal or state laws concerning civil rights;
- (2) violate any court order; or
- (3) threaten the health and safety of students within the school district.

D. If the secretary determines that the charter would violate the provisions set forth in Subsection C of this section, the secretary shall deny the charter application. The secretary may extend the time lines established in this section for good cause. The decision of the secretary shall be final.

E. If a chartering authority denies an application or refuses to renew a charter because the public school capital outlay council has determined that the facilities do not meet the standards required by Section 22-8B-4.2 NMSA 1978, the charter school applicant or charter school may appeal the decision to the secretary as otherwise provided in this section; provided that the secretary shall reverse the decision of the chartering authority only if the secretary determines that the decision was arbitrary, capricious, not supported by substantial evidence or otherwise not in accordance with the law.

F. A person aggrieved by a final decision of the secretary may appeal the decision to the district court pursuant to the provisions of Section 39-3-1.1 NMSA 1978.

History: Laws 1999, ch. 281, § 7; 2005, ch. 221, § 5; 2006, ch. 94, § 34.

**Cross references.** — For the Public School Capital Outlay Council, see 22-24-6 NMSA 1978.

For the secretary of public education, see 9-24-5 NMSA 1978.

For the secretary of public education, see 9-24-5 NMSA 1978.

For appeals to the district court, see 1-074 NMRA.

**The 2006 amendment**, effective July 1, 2007, changed "local school board" to "chartering authority" in Subsections A through C and E; in Subsection B, deleted the provision which provided for remand of the decision of the local school board if the secretary finds the decision contrary to the best interests of the students, school district or community with directions to approve the application and added a new provision which provides for the reversal of a decision of the chartering authority if the decision is arbitrary, capricious, not supported by substantial evidence or not in accordance with the law; deleted the provision of former Paragraph (2) of Subsection B which provided that within thirty days after remand the application shall be approved; deleted Paragraph (4) of Subsection C which provided for review to determine if the charter school would violate Section 22-8B-11 NMSA 1978; and added Subsection F to

provide for an appeal to the district court.

**The 2005 amendment**, effective July 1, 2005, changed "state board" to "secretary"; provided in Subsection B that the appellant shall limit the grounds of the appeal to grounds that include the imposition of conditions that were specified by the local school board, that the notice shall include a statement of the reasons the governing board contends the local school board's decision was in error, and that except as provided in Subsection E, the appeal and review process shall consist of the procedure specified in Subsections B(1) and (2); provided in Subsection B(1) that the hearing shall be held in the school district in which the charter school is located; and added Subsection E to provide for the appeal by a charter school of a decision to deny an application or to refuse to renew a charter because the public school capital outlay council has determine the facilities does not meet statutory standards and to prescribe a standard of review by the secretary.

### **22-8B-8. Charter application; contents.**

The charter school application shall include:

- A. the mission statement of the charter school;
- B. the goals, objectives and student performance outcomes to be achieved by the charter school;
- C. a description of the charter school's educational program, student performance standards and curriculum that must meet or exceed the department's educational standards and must be designed to enable each student to achieve those standards;
- D. a description of the way a charter school's educational program will meet the individual needs of the students, including those students determined to be at risk;
- E. a description of the charter school's plan for evaluating student performance, the types of assessments that will be used to measure student progress toward achievement of the state's standards and the school's student performance outcomes, the time line for achievement of the outcomes and the procedures for taking corrective action in the event that student performance falls below the standards;
- F. evidence that the plan for the charter school is economically sound, including a proposed budget for the term of the charter and a description of the manner in which the annual audit of the financial and administrative operations of the charter school is to be conducted;
- G. evidence that the fiscal management of the charter school complies with all applicable federal and state laws and rules relative to fiscal procedures;
- H. evidence of a plan for the displacement of students, teachers and other employees who will not attend or be employed in the conversion school;
- I. a description of the governing body and operation of the charter school, including:
  - (1) how the governing body will be selected;
  - (2) qualification and terms of members, how vacancies on the governing body will be filled and procedures for changing governing body membership; and

(3) the nature and extent of parental, professional educator and community involvement in the governance and operation of the school;

J. an explanation of the relationship that will exist between the proposed charter school and its employees, including evidence that the terms and conditions of employment will be addressed with affected employees and their recognized representatives, if any;

K. the employment and student discipline policies of the proposed charter school;

L. an agreement between the charter school and the chartering authority regarding their respective legal liability and applicable insurance coverage;

M. a description of how the charter school plans to meet the transportation and food service needs of its students;

N. a description of both the discretionary waivers and the waivers provided for in Section 22-8B-5 NMSA 1978 that the charter school is requesting or that will be provided from the local school board or the department and the charter school's plan for addressing and using these waiver requests; and

O. a description of the facilities the charter school plans to use.

History: Laws 1999, ch. 281, § 8; 2006, ch. 94, § 35; 2011, ch. 14, § 2.

**Cross references.** — For transfer of powers and duties of former state board of education, see 9-24-15 NMSA 1978.

For the Assessment and Accountability Act, see 22-2C-1 NMSA 1978.

For the Public School Finance Act, see 22-8-1 NMSA 1978.

For School Personnel Act, see 22-10A-1 NMSA 1978.

For educational standards, see 22-13-1 to 22-13-27 NMSA 1978.

**The 2011 amendment**, effective July 1, 2012, required that the applications of all charter schools contain the information specified in this section; required that applications contain a statement of student performance outcomes to be achieved by the school, an agreement between the charter school and the chartering authority regarding legal liability and insurance coverage, and a description of discretionary waivers and waivers under Section 22-8B-5 NMSA 1978 that will be provided and the school's planned use of the waivers.

**The 2006 amendment**, effective July 1, 2007, changed "local school board" to "chartering authority"; deleted conversion schools in Subsection A; in Subsection C, changed "state board of education" to "department"; added Paragraph (2) of Subsection I to require inclusion of qualifications and terms of members, the method of filling vacancies and procedures for changing membership; in Paragraph (3) of Subsection I, deleted a statement of the relationship between the governing body and the local school board; in Subsection L, added the qualification referring to a locally chartered charter school; and in Subsection P, changed "local school board" to "chartering authority".

## **22-8B-9. Charter school contract; contents; rules.**

A. The chartering authority shall enter into a contract with the governing body of the applicant charter school within thirty days of approval of the charter application. The charter contract shall be the final authorization for the charter school and shall be part of the charter. If the chartering authority and the applicant charter school fail to agree upon the terms of or enter into a contract within thirty days of the approval of the charter application, either party may appeal to the secretary to finalize the terms of the contract; provided that such appeal must be provided in writing to the secretary within forty-five days of the approval of the charter application. Failure to enter into a charter contract or appeal to the secretary pursuant to this section precludes the chartering authority from chartering the school.

B. The charter contract shall include:

(1) all agreements regarding the release of the charter school from department and local school board rules and policies, including discretionary waivers and waivers provided for in Section 22-8B-5 NMSA 1978;

(2) any material term of the charter application as determined by the parties to the contract;

(3) the mission statement of the charter school and how the charter school will report on implementation of its mission;

(4) the chartering authority's duties to the charter school and liabilities of the chartering authority as provided in Section 8 of this 2011 act [22-8B-5.3 NMSA 1978];

(5) a statement of admission policies and procedures;

(6) signed assurances from the charter school's governing body members regarding compliance with all federal and state laws governing organizational, programmatic and financial requirements applicable to charter schools;

(7) the criteria, processes and procedures that the chartering authority will use for ongoing oversight of operational, financial and academic performance of the charter school;

(8) a detailed description of how the chartering authority will use the withheld two percent of the school-generated program cost as provided in Section 22-8B-13 NMSA 1978;

(9) the types and amounts of insurance liability coverage to be obtained by the charter school;

(10) the term of the contract;

(11) the process and criteria that the chartering authority intends to use to annually monitor and evaluate the fiscal, overall governance and student performance of the charter school, including the method that the chartering authority intends to use to conduct the evaluation as required by Section 22-8B-12 NMSA 1978;

(12) the dispute resolution processes agreed upon by the chartering authority and the charter school, provided that the processes shall, at a minimum, include:

(a) written notice of the intent to invoke the dispute resolution process, which notice

shall include a description of the matter in dispute;

(b) a time limit for response to the notice and cure of the matter in dispute;

(c) a procedure for selection of a neutral third party to assist in resolving the dispute;

(d) a process for apportionment of all costs related to the dispute resolution process;

and

(e) a process for final resolution of the issue reviewed under the dispute resolution process;

(13) the criteria, procedures and time lines, agreed upon by the charter school and the chartering authority, addressing charter revocation and deficiencies found in the annual status report pursuant to the provisions of Section 22-8B-12 NMSA 1978;

(14) if the charter school contracts with a third-party provider, the criteria and procedures for the chartering authority to review the provider's contract and the charter school's financial independence from the provider;

(15) all requests for release of the charter school from department rules or the Public School Code [Chapter 22 NMSA 1978]. Within ten days after the contract is approved by the local school board, any request for release from department rules or the Public School Code shall be delivered by the local school board to the department. If the department grants the request, it shall notify the local school board and the charter school of its decision. If the department denies the request, it shall notify the local school board and the charter school that the request is denied and specify the reasons for denial;

(16) an agreement that the charter school will participate in the public school insurance authority;

(17) if the charter school is a state-chartered charter school, a process for qualification of and review of the school as a qualified board of finance and provisions for assurance that the school has satisfied any conditions imposed by the commission; and

(18) any other information reasonably required by either party to the contract.

C. The process for revision or amendment to the terms of the charter contract shall be made only with the approval of the chartering authority and the governing body of the charter school. If they cannot agree, either party may appeal to the secretary as provided in Subsection A of this Section.

History: Laws 1999, ch. 281, § 9; 2006, ch. 94, § 36; 2011, ch. 14, § 3.

**Cross references.** — For transfer of powers and duties of former state board of education, see 9-24-15 NMSA 1978.

**The 2011 amendment**, effective July 1, 2012, required that a chartering authority and a charter school enter into a contract as a condition to chartering the school; provided a procedure for finalizing a contract if the parties fail to timely enter into a contract and for amending a contract if the parties cannot agree upon amendments; and specified the minimum required contents of a contract.

**The 2006 amendment**, effective July 1, 2007, changed "local school board" to "chartering authority" in Subsection A; in Subsection B, deleted the reference to a contract between the charter school and the local school board and changed "school district" to "department", in Subsection C; added the qualification for locally chartered charter schools at the beginning of the first sentence and changed "state board" to "department"; deleted former Subsection D, which provided for waiver of certain Public School Code requirements for charter schools; in Subsection E (formerly Subsection F), changed "local school board" to "chartering authority"; and in Subsection F (formerly Subsection G), added the qualification for locally chartered charter schools at the beginning of the first sentence.

## ANNOTATIONS

**Am. Jur. 2d, A.L.R. and C.J.S. references.** — Validity, construction, and application of statute or regulation governing charter schools, 78 A.L.R.5th 533.

### **22-8B-9.1. Performance framework.**

A. The performance provisions in the charter contract shall be based on a framework that clearly sets forth the academic and operations performance indicators, measures and metrics that will guide the chartering authority's evaluation of each charter school. The performance framework shall include indicators, measures and metrics for, at a minimum:

- (1) student academic performance;
- (2) student academic growth;
- (3) achievement gaps in both proficiency and growth between student subgroups;
- (4) attendance;
- (5) recurrent enrollment from year to year;
- (6) if the charter school is a high school, post-secondary readiness;
- (7) if the charter school is a high school, graduation rate;
- (8) financial performance and sustainability; and
- (9) governing body performance, including compliance with all applicable laws, rules and terms of the charter contract.

B. Annual performance targets shall be set by each chartering authority in consultation with its charter schools and shall be designed to help each charter school meet applicable federal, state and chartering authority expectations as set forth in the charter contracts to which the authority is a party.

C. The performance framework shall allow for the inclusion of additional rigorous, valid and reliable indicators proposed by a charter school to augment external evaluations of its performance, provided that the chartering authority shall approve the quality and rigor of such proposed indicators and the indicators are consistent with the purposes of the Charter Schools Act.

D. The performance framework shall require the disaggregation of all student performance data collected in compliance with this section by student subgroup, including gender, race, poverty status, special education or gifted status and English language learner.

E. The chartering authority shall collect, analyze and report all data from state assessment tests in accordance with the performance framework set forth in the charter contract for each charter school overseen by that chartering authority.

History: Laws 2011, ch. 14, § 4.

**Effective dates.** — Laws 2011, ch. 14, § 10 made Laws 2011, ch. 14, § 4 effective July 1, 2012.

### **22-8B-10. Charter schools; employees.**

A. A charter school shall hire its own employees. The provisions of the School Personnel Act [Chapter 22, Article 10A NMSA 1978] shall apply to such employees. The head administrator of the charter school shall employ, fix the salaries of, assign, terminate and discharge all employees of the charter school.

B. The head administrator of a charter school shall not initially employ or approve the initial employment in any capacity of a person who is the spouse, father, father-in-law, mother, mother-in-law, son, son-in-law, daughter, daughter-in-law, brother, brother-in-law, sister or sister-in-law of a member of the governing body or the head administrator. The governing body may waive the nepotism rule for family members of a head administrator.

C. Nothing in this section shall prohibit the continued employment of a person employed on or before July 1, 2008.

History: Laws 1999, ch. 281, § 10; 2006, ch. 94, § 37; 2007, ch. 259, § 1; 2008, ch. 5, § 2; 2009, ch. 195, § 2.

**Cross references.** — For the Educational Retirement Act, see 22-11-1 NMSA 1978.

**The 2009 amendment**, effective June 19, 2009, in Subsection B, after "daughter-in-law", added "brother, brother-in-law, sister or sister-in-law".

**The 2008 amendment**, effective February 13, 2008, deleted the authorization of charter schools to authorize the governing board to make employment decisions.

**The 2007 amendment**, effective June 15, 2007, provided for employment decisions to be made by the head administrator and prohibits the head administrator from initially employing a person who is related to a member of the governing body or the head administrator.

**The 2006 amendment**, effective July 1, 2007, in Subsection A, deleted the qualification "notwithstanding the provisions of Section 22-5-4 NMSA 1978" at the beginning of the first sentence and added the provision regarding employment decisions; deleted former Subsection B, which provided for leave of absence for employees of a school district who are employed by a conversion school; deleted former Subsection C, which provided for longevity credit for employees on leave of absence; deleted former Subsection D, which provided retirement benefits for employees on leave of absence; deleted

former Subsection E, which provided that a leave of absence is not a break of service with a school district; deleted former Subsection F, which provided for the return of employees to a school district; deleted former Subsection G, which provided for the effect of discharge or termination by a charter school; added a new Subsection B to prohibit nepotism; and added a new Subsection C to provide for continued employment of persons employed on or before July 1, 2007.

### **22-8B-11. Charter schools; maximum number established.**

A. The commission shall authorize the approval of start-up charter schools.

B. No more than fifteen start-up schools may be established per year statewide. The number of charter school slots remaining in that year shall be transferred to succeeding years up to a maximum of seventy-five start-up schools in any five-year period.

History: Laws 1999, ch. 281, § 11; 2006, ch. 94, § 38.

**Cross references.** — For transfer of powers and duties of former state board of education, see 9-24-15 NMSA 1978.

**The 2006 amendment**, effective July 1, 2007, in Subsection A, changed "local school boards" to "commission" and in Subsection B, deleted the references to conversion schools and the provision that the state board notify the local school board when the limits set in this section are reached.

### **22-8B-12. Charter schools; term; oversight and corrective actions; site visits; renewal of charter; grounds for nonrenewal or revocation.**

A. A charter school may be approved for an initial term of six years; provided that the first year shall be used exclusively for planning and not for completing the application. A charter may be renewed for successive periods of five years each. Approvals of less than five years may be agreed to between the charter school and the chartering authority.

B. During the planning year, the charter school shall file a minimum of three status reports with the chartering authority and the department for the purpose of demonstrating that the charter school's implementation progress is consistent with the conditions, standards and procedures of its approved charter. The report content, format and schedule for submission shall be agreed to by the chartering authority and the charter school and become part of the charter contract.

C. Prior to the end of the planning year, the charter school shall demonstrate that its facilities meet the requirements of Section 22-8B-4.2 NMSA 1978.

D. A chartering authority shall monitor the fiscal, overall governance and student performance and legal compliance of the charter schools that it oversees, including reviewing the data provided by the charter school to support ongoing evaluation according to the charter contract. Every chartering authority may conduct or require oversight activities that allow the chartering authority to fulfill its responsibilities under the Charter Schools Act, including conducting appropriate inquiries and investigations; provided that the chartering authority complies with the provisions of the Charter Schools Act and the terms of the charter contract and

does not unduly inhibit the autonomy granted to the charter schools that it governs.

E. As part of its performance review of a charter school, a chartering authority shall visit a charter school under its authority at least once annually to provide technical assistance to the charter school and to determine the status of the charter school and the progress of the charter school toward the performance framework goals in its charter contract.

F. If, based on the performance review conducted by the chartering authority pursuant to Subsection D of this section, a charter school's fiscal, overall governance or student performance or legal compliance appears unsatisfactory, the chartering authority shall promptly notify the governing body of the charter school of the unsatisfactory review and provide reasonable opportunity for the governing body to remedy the problem; provided that if the unsatisfactory review warrants revocation, the revocation procedures set forth in this section shall apply. A chartering authority may take appropriate corrective actions or exercise sanctions, as long as such sanctions do not constitute revocation, in response to the unsatisfactory review. Such actions or sanctions by the chartering authority may include requiring a governing body to develop and execute a corrective action plan with the chartering authority that sets forth time frames for compliance.

G. Every chartering authority shall submit an annual report to the division, including a performance report for each charter school that it oversees, in accordance with the performance framework set forth in the charter contract.

H. The department shall review the annual report received from the chartering authority to determine if the department or local school board rules and policies from which the charter school was released pursuant to the provisions of Section 22-8B-5 NMSA 1978 assisted or impeded the charter school in meeting its stated goals and objectives. The department shall use the annual reports received from the chartering authorities as part of its report to the governor, the legislative finance committee and the legislative education study committee as required by the Charter Schools Act.

I. No later than two hundred seventy days prior to the date in which the charter expires, the governing body may submit a renewal application to the chartering authority. A charter school may apply to a different chartering authority for renewal. The chartering authority shall rule in a public hearing on the renewal application no later than one hundred eighty days prior to the expiration of the charter.

J. A charter school renewal application submitted to the chartering authority shall contain:

(1) a report on the progress of meeting the academic performance, financial compliance and governance responsibilities of the charter school, including achieving the goals, objectives, student performance outcomes, state minimum educational standards and other terms of the charter contract, including the accountability requirements set forth in the Assessment and Accountability Act [Chapter 22, Article 2C NMSA 1978];

(2) a financial statement that discloses the costs of administration, instruction and other spending categories for the charter school that is understandable to the general public, that

allows comparison of costs to other schools or comparable organizations and that is in a format required by the department;

(3) a copy of the charter contract executed in compliance with the provisions of Section 22-8B-9 NMSA 1978;

(4) a petition in support of the charter school renewing its charter status signed by not less than sixty-five percent of the employees in the charter school;

(5) a petition in support of the charter school renewing its charter status signed by at least seventy-five percent of the households whose children are enrolled in the charter school; and

(6) a description of the charter school facilities and assurances that the facilities are in compliance with the requirements of Section 22-8B-4.2 NMSA 1978.

K. A charter may be suspended, revoked or not renewed by the chartering authority if the chartering authority determines that the charter school did any of the following:

(1) committed a material violation of any of the conditions, standards or procedures set forth in the charter contract;

(2) failed to meet or make substantial progress toward achievement of the department's minimum educational standards or student performance standards identified in the charter contract;

(3) failed to meet generally accepted standards of fiscal management; or

(4) violated any provision of law from which the charter school was not specifically exempted.

L. The chartering authority shall develop processes for suspension, revocation or nonrenewal of a charter that:

(1) provide the charter school with timely notification of the prospect of suspension, revocation or nonrenewal of the charter and the reasons for such action;

(2) allow the charter school a reasonable amount of time to prepare and submit a response to the chartering authority's action; and

(3) require the final determination made by the chartering authority to be submitted to the department.

M. If a chartering authority suspends, revokes or does not renew a charter, the chartering authority shall state in writing its reasons for the suspension, revocation or nonrenewal.

N. A decision to suspend, revoke or not to renew a charter may be appealed by the governing body pursuant to Section 22-8B-7 NMSA 1978.

History: Laws 1999, ch. 281, § 12; 2005, ch. 221, § 6; 2006, ch. 94, § 39; 2010, ch. 48, § 1; 2011, ch. 14, § 5.

**Cross references.** — For transfer of powers and duties of former state board of education, see 9-24-15 NMSA 1978.

**The 2011 amendment**, effective July 1, 2012, required a chartering authority to monitor the performance of the charter schools it oversees, including visits to the school; permitted a chartering authority to take corrective actions and impose sanctions if a school's performance is unsatisfactory; required chartering authorities to submit an annual report to the charter school division that includes a performance report; required the department to review the annual report to determine how waivers of requirements affected the school's performance; and required chartering authorities to develop processes for suspension, revocation or nonrenewal of charters.

**The 2010 amendment**, effective May 19, 2010, added Subsection B and relettered succeeding subsections accordingly.

**The 2006 amendment**, effective July 1, 2007, in Subsection A, provided that the first year shall be used exclusively for planning and not for completing the application and changed "local school board" to "chartering authority"; added a new Subsection C to require demonstration of qualification as a board of finance and satisfaction of conditions imposed by the commission and to provide for the issuance of an authorization to commence operations; in Subsection D (formerly Subsection C), changed "January 1 of the year prior to the year the charter expires" to "two hundred seventy days prior to the date the charter expires"; changed "local school board" to "chartering authority", added the provision that a charter school may apply to a different chartering authority for renewal, and changed the date for ruling on a renewal application from March 1 of the fiscal year in which the charter expires to one hundred eighty days prior to the expiration of the charter; in Subsection E (formerly Subsection D), changed "local school board" to "chartering authority"; in Paragraph (5) of Subsection E (formerly Subsection D), changed "majority" to "at least seventy-five percent"; in Subsection F (formerly Subsection E), provided that a charter may be suspended and changes "local school board" to "chartering authority"; in Paragraph (2) of Subsection F (formerly Subsection E), changed "state board" to "department"; in Subsection G (formerly Subsection F), changed "local school board" to "chartering authority" and required written reasons for suspension of a charter; and in Subsection H (formerly Subsection G), provided for the appeal of the suspension of a charter.

**The 2005 amendment**, effective July 1, 2005, changed the initial term from five to six years and provided that the first year shall be used for planning; added Subsection B to provide that prior to the end of the planning year, the charter school shall demonstrate that its facilities meet statutory standards; provided in Subsection D(1) that an application for renewal shall contain a report on the progress in meeting the accountability requirements of the Assessment and Accountability Act; and added Subsection D(6) to provide that an application for renewal shall contain a description of the charter school facilities and assurances that the facilities comply with statutory standards.

### **22-8B-12.1. Charter school closure; chartering authority protocols; chartering authority duties; distribution of assets.**

A. Prior to any charter school closure decision, the chartering authority shall develop a charter school closure protocol to ensure timely notification to parents, orderly transition of students and student records to new schools and proper disposition of school funds, property and assets in accordance with the provisions of Subsection C of this section. The protocol shall specify tasks, time lines and responsible parties, including delineating the respective duties of the

charter school, the governing body and the chartering authority.

B. If a charter school is ordered closed for any reason, prior to closure, the chartering authority shall oversee and work with the closing school to ensure a smooth and orderly closure and transition for students and parents according to the closure protocol.

C. When a charter school is closed, the assets of the school shall be distributed first to satisfy outstanding payroll obligations for employees of the school, then to creditors of the school and then to the state treasury to the credit of the current school fund. If the assets of the school are insufficient to pay all parties to whom the schools owes compensation, the prioritization of the distribution of assets may be determined by decree of a court of law.

History: Laws 2011, ch. 14, § 6.

**Effective dates.** — Laws 2011, ch. 14, § 10 made Laws 2011, ch. 14, § 6 effective July 1, 2012.

### **22-8B-13. Charter school financing.**

A. The amount of funding allocated to a charter school shall be not less than ninety-eight percent of the school-generated program cost. The school district or division may withhold and use two percent of the school-generated program cost for its administrative support of a charter school.

B. That portion of money from state or federal programs generated by students enrolled in a locally chartered charter school shall be allocated to that charter school serving students eligible for that aid. Any other public school program not offered by the locally chartered charter school shall not be entitled to the share of money generated by a charter school program.

C. When a state-chartered charter school is designated as a board of finance pursuant to Section 22-8-38 NMSA 1978, it shall receive state and federal funds for which it is eligible.

D. Charter schools may apply for all federal funds for which they are eligible.

E. All services centrally or otherwise provided by a local school district, including custodial, maintenance and media services, libraries and warehousing shall be subject to negotiation between the charter school and the school district. Any services for which a charter school contracts with a school district shall be provided by the district at a reasonable cost.

History: Laws 1999, ch. 281, § 13; 2006, ch. 94, § 40.

**The 2006 amendment**, effective July 1, 2007, provided in Subsection A for the withholding and use of two percent of school-generated program cost for administrative support of a charter school; in Subsection B, changed "charter school" to "locally chartered charter school"; added Subsection C to provide for the receipt of state and federal funds by state-chartered charter schools that are designated as a board of finance; and added Subsection D to provide that charter schools may apply for federal funds.

### **22-8B-14. Charter schools stimulus fund created.**

A. The "charter schools stimulus fund" is created in the state treasury. Money in the fund is appropriated to the department of education [public education department] to provide financial support to charter schools, whether start-up or conversion, for initial start-up costs and initial costs associated with renovating or remodeling existing buildings and structures for expenditure in fiscal year 2000 and subsequent fiscal years. The fund shall consist of money appropriated by the legislature and grants, gifts, devises and donations from any public or private source. The department of education [public education department] shall administer the fund in accordance with rules adopted by the state board [department]. The department of education [public education department] may use up to three percent of the fund for administrative costs. Money in the fund shall not revert to the general fund at the end of a fiscal year.

B. If the charter school receives an initial grant and fails to begin operating a charter school within the next eighteen months, the charter school shall immediately reimburse the fund.

**History:** Laws 1999, ch. 281, § 14.

**Bracketed material.** — The bracketed material was inserted by the compiler and is not part of the law.

Laws 2004, ch. 25, § 27, provided that all references to the superintendent of public instruction shall be deemed references to the secretary of public education and all references to the former state board of education or state department of education shall be deemed references to the public education department. See 9-24-15 NMSA 1978.

### **22-8B-14.1. Repealed.**

**Repeals.** — Laws 2007, ch. 214, § 4 repealed 22-8B-14.1, as enacted by Laws 2007, ch. 214, § 3, relating to charter school capital outlay fund, effective July 1, 2012. For provisions of former section, see the 2011 NMSA 1978 on *NMONESOURCE.COM*.

Laws 2007, ch. 214, § 4 also provided that upon repeal, the proportion of the unencumbered balance of the charter school capital outlay fund attributable to proceeds of severance tax bonds shall revert to the severance tax bonding fund, and the remaining unencumbered balance shall revert to the general fund.

### **22-8B-15. Repealed.**

**Repeals.** — Laws 2006, ch. 94, § 60 repealed 22-8B-15 NMSA 1978, as enacted by Laws 1999, ch. 281, § 15, relating to charter extensions, effective July 1, 2007. For provisions of former section, see the 2005 NMSA 1978 on *NMONESOURCE.COM*.

### **22-8B-16. Public education commission; powers and duties.**

The commission shall receive applications for initial chartering and renewals of charters for charter schools that want to be chartered by the state and approve or disapprove those charter applications. The commission may approve, deny, suspend or revoke the charter of a

state-chartered charter school in accordance with the provisions of the Charter Schools Act. The chartering authority for a charter school existing on July 1, 2007 may be transferred to the commission; provided, however, that if a school chartered under a previous chartering authority chooses to transfer its chartering authority, it shall continue to operate under the provisions of that charter until its renewal date unless it is suspended or revoked by the commission. An application for a charter school filed with a local school board prior to July 1, 2007, but not approved, may be transferred to the commission on July 1, 2007.

History: Laws 2006, ch. 94, § 29.

**Cross references.** — For the public education commission, see 9-24-9 NMSA 1978 and N.M. Const., art. XII, § 6.

**Effective dates.** — Laws 2006, ch. 94, § 61 made Laws 2006, ch. 94, § 29 effective July 1, 2007.

### **22-8B-17. Charter schools division; duties.**

The "charter schools division" is created in the department. The division shall:

- A. provide staff support to the commission;
- B. provide technical support to all charter schools;
- C. review and approve state-chartered charter school budget matters; and

D. make recommendations to the commission regarding the approval, denial, suspension or revocation of the charter of a state-chartered charter school.

History: Laws 2006, ch. 94, § 30.

**Cross references.** — For divisions of the public education department, see 9-24-4 NMSA 1978.

**Effective dates.** — Laws 2006, ch. 94, § 61 made Laws 2006, ch. 94, § 30 effective July 1, 2007.

#### **22-8B-17.1. Division; annual report.**

By December 1 annually, the division shall issue to the governor, the legislative finance committee and the legislative education study committee a report on the state's charter schools for the school year ending in the preceding calendar year, drawing from the annual reports submitted by every chartering authority as well as any relevant data compiled by the division. The annual report shall include a comparison of the performance of charter school students with the performance of academically, ethnically and economically comparable groups of students in noncharter public schools. The report shall also include an assessment of the successes, challenges and areas for improvement in meeting the purposes of the Charter Schools Act, including the division's assessment of the sufficiency of funding for charter schools, the efficacy of the state formula for chartering authority funding and any suggested changes to state law or policy necessary to strengthen the state's charter schools. The annual report shall be published

on the department's web site.

History: Laws 2011, ch. 14, § 9.

**Effective dates.** — Laws 2011, ch. 14, § 10 made Laws 2011, ch. 14, § 9 effective July 1, 2012.

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## ARTICLE 24

### Public School Capital Outlay

#### Section

- 22-24-1 Short title.
- 22-24-2 Purpose of act.
- 22-24-3 Definitions.
- 22-24-4 Public school capital outlay fund created; use.
- 22-24-4.1 Outstanding deficiencies; assessment; correction.
- 22-24-4.2 Repealed.
- 22-24-4.3 Roof repair and replacement initiative.
- 22-24-4.4 Serious roof deficiencies; correction.
- 22-24-4.5 Education technology infrastructure deficiency corrections.
- 22-24-5 Public school capital outlay projects; application; grant assistance.
- 22-24-5.1 Council assistance and oversight.
- 22-24-5.2 Repealed.
- 22-24-5.3 Preventive maintenance plans; guidelines; approval.
- 22-24-5.4 Recalcitrant school districts; court action to enforce constitutional compliance; imposition of property tax.
- 22-24-5.5 Preventive maintenance plans; participation in facility information management system.
- 22-24-5.6 Outstanding deficiencies at certain state educational institutions.
- 22-24-5.7 Local match provisions for qualified high priority projects.
- 22-24-5.8 Adequacy standards; constitutional special schools.
- 22-24-6 Council created; organization; duties.
- 22-24-6.1 Procedures for a state-chartered charter school.
- 22-24-6.2 Repealed.
- 22-24-7 Public school capital outlay oversight task force; creation; staff.
- 22-24-8 Public school capital outlay oversight task force; duties.
- 22-24-9 Public school facilities authority; creation; powers and duties.
- 22-24-10 Public facilities to be used by charter schools; assessment.
- 22-24-11 Recompiled.

#### **22-24-1. Short title.**

Chapter 22, Article 24 NMSA 1978 may be cited as the "Public School Capital Outlay Act".

**History:** 1953 Comp., § 77-24-9, enacted by Laws 1975, ch. 235, § 1; 1978, ch. 152, § 1; 2000 (2nd S.S.), ch. 19, § 1.

**Cross references.** — For public school finances generally, see 22-8-1 NMSA 1978 et seq.

For public school capital improvements, see 22-25-1 NMSA 1978 et seq.

**The 2000 amendment**, effective April 12, 2000, substituted "Chapter 22, Article 24 NMSA 1978" for "Sections 22-24-1 through 22-24-6 NMSA 1978".

## ANNOTATIONS

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For article, "No Cake For Zuni: The Constitutionality of New Mexico's Public School Capital Finance System," see 37 N.M.L. Rev. 307 (2007).

### **22-24-2. Purpose of act.**

The purpose of the Public School Capital Outlay Act is to ensure that, through a standards-based process for all school districts, the physical condition and capacity, educational suitability and technology infrastructure of all public school facilities in New Mexico meet an adequate level statewide and the design, construction and maintenance of school sites and facilities encourage, promote and maximize safe, functional and durable learning environments in order for the state to meet its educational responsibilities and for New Mexico's students to have the opportunity to achieve success.

History: 1953 Comp., § 77-24-10, enacted by Laws 1975, ch. 235, § 2; 1978, ch. 152, § 2; 1994, ch. 88, § 1; 2004, ch. 125, § 6.

**The 2004 amendment**, effective May 19, 2004, replaced the previous purpose to "meet critical school district capital outlay which cannot be met by the school district after it has exhausted available resources" with the purpose that follows "is to" at the beginning of the section.

**The 1994 amendment**, effective May 18, 1994 deleted "all" preceding "available" near the end of the section.

### **22-24-3. Definitions.**

As used in the Public School Capital Outlay Act:

A. "constitutional special schools" means the New Mexico school for the blind and visually impaired and the New Mexico school for the deaf;

B. "constitutional special schools support spaces" means all facilities necessary to support the constitutional special schools' educational mission that are not included in the constitutional special schools' educational adequacy standards, including, but not limited to, performing arts centers, facilities for athletic competition, school district administration and facility and vehicle maintenance;

C. "council" means the public school capital outlay council;

D. "education technology infrastructure" means the physical hardware used to interconnect education technology equipment for school districts and school buildings necessary to support broadband connectivity as determined by the council;

E. "fund" means the public school capital outlay fund; and

F. "school district" includes state-chartered charter schools and the constitutional special schools.

History: 1953 Comp., § 77-24-11, enacted by Laws 1975, ch. 235, § 3; 1978, ch. 152, § 3; 2006,

ch. 94, § 58; 2012, ch. 53, § 1; 2014, ch. 28, § 1.

**The 2014 amendment**, effective March 6, 2014, added a definition of "education technology infrastructure" to provide for allocations from the public school capital outlay fund for education technology infrastructure; and added Subsection D.

**The 2012 amendment**, effective May 16, 2012, made the school for the blind and visually impaired and the school for the deaf, including all facilities that are necessary for their educational missions, eligible for public school capital outlay funding; added Subsections A and B; and in Subsection E, after "charter schools", added "and the constitutional special schools".

**The 2006 amendment**, effective May 17, 2006, added Subsection C to define school district.

#### **22-24-4. Public school capital outlay fund created; use.**

A. The "public school capital outlay fund" is created. Balances remaining in the fund at the end of each fiscal year shall not revert.

B. Except as provided in Subsections G and I through M of this section, money in the fund may be used only for capital expenditures deemed necessary by the council for an adequate educational program.

C. The council may authorize the purchase by the public school facilities authority of portable classrooms to be loaned to school districts to meet a temporary requirement. Payment for these purchases shall be made from the fund. Title to and custody of the portable classrooms shall rest in the public school facilities authority. The council shall authorize the lending of the portable classrooms to school districts upon request and upon finding that sufficient need exists. Application for use or return of state-owned portable classroom buildings shall be submitted by school districts to the council. Expenses of maintenance of the portable classrooms while in the custody of the public school facilities authority shall be paid from the fund; expenses of maintenance and insurance of the portable classrooms while in the custody of a school district shall be the responsibility of the school district. The council may authorize the permanent disposition of the portable classrooms by the public school facilities authority with prior approval of the state board of finance.

D. Applications for assistance from the fund shall be made by school districts to the council in accordance with requirements of the council. Except as provided in Subsection K of this section, the council shall require as a condition of application that a school district have a current five-year facilities plan, which shall include a current preventive maintenance plan to which the school adheres for each public school in the school district.

E. The council shall review all requests for assistance from the fund and shall allocate funds only for those capital outlay projects that meet the criteria of the Public School Capital Outlay Act.

F. Money in the fund shall be disbursed by warrant of the department of finance and administration on vouchers signed by the secretary of finance and administration following

certification by the council that an application has been approved or an expenditure has been ordered by a court pursuant to Section 22-24-5.4 NMSA 1978. At the discretion of the council, money for a project shall be distributed as follows:

(1) up to ten percent of the portion of the project cost funded with distributions from the fund or five percent of the total project cost, whichever is greater, may be paid to the school district before work commences with the balance of the grant award made on a cost-reimbursement basis; or

(2) the council may authorize payments directly to the contractor.

G. Balances in the fund may be annually appropriated for the core administrative functions of the public school facilities authority pursuant to the Public School Capital Outlay Act, and, in addition, balances in the fund may be expended by the public school facilities authority, upon approval of the council, for project management expenses; provided that:

(1) the total annual expenditures from the fund for the core administrative functions pursuant to this subsection shall not exceed five percent of the average annual grant assistance authorized from the fund during the three previous fiscal years; and

(2) any unexpended or unencumbered balance remaining at the end of a fiscal year from the expenditures authorized in this subsection shall revert to the fund.

H. Up to ten million dollars (\$10,000,000) of the fund may be allocated annually by the council for expenditure in fiscal years 2010 through 2015 for a roof repair and replacement initiative with projects to be identified by the council pursuant to Section 22-24-4.3 NMSA 1978; provided that money allocated pursuant to this subsection shall be expended within two years of the allocation.

I. The fund may be expended annually by the council for grants to school districts for the purpose of making lease payments for classroom facilities, including facilities leased by charter schools. The grants shall be made upon application by the school districts and pursuant to rules adopted by the council; provided that an application on behalf of a charter school shall be made by the school district, but, if the school district fails to make an application on behalf of a charter school, the charter school may submit its own application. The following criteria shall apply to the grants:

(1) the amount of a grant to a school district shall not exceed:

(a) the actual annual lease payments owed for leasing classroom space for schools, including charter schools, in the district; or

(b) seven hundred dollars (\$700) multiplied by the number of MEM using the leased classroom facilities; provided that in fiscal year 2009 and in each subsequent fiscal year, this amount shall be adjusted by the percentage change between the penultimate calendar year and the immediately preceding calendar year of the consumer price index for the United States, all items, as published by the United States department of labor;

(2) a grant received for the lease payments of a charter school may be used by that

charter school as a state match necessary to obtain federal grants pursuant to the federal No Child Left Behind Act of 2001;

(3) at the end of each fiscal year, any unexpended or unencumbered balance of the appropriation shall revert to the fund;

(4) no grant shall be made for lease payments due pursuant to a financing agreement under which the facilities may be purchased for a price that is reduced according to the lease payments made unless:

(a) the agreement has been approved pursuant to the provisions of the Public School Lease Purchase Act [Chapter 22, Article 26A NMSA 1978]; and

(b) the facilities are leased by a charter school;

(5) if the lease payments are made pursuant to a financing agreement under which the facilities may be purchased for a price that is reduced according to the lease payments made, neither a grant nor any provision of the Public School Capital Outlay Act creates a legal obligation for the school district or charter school to continue the lease from year to year or to purchase the facilities nor does it create a legal obligation for the state to make subsequent grants pursuant to the provisions of this subsection; and

(6) as used in this subsection:

(a) "MEM" means: 1) the average full-time-equivalent enrollment using leased classroom facilities on the eightieth and one hundred twentieth days of the prior school year; or 2) in the case of an approved charter school that has not commenced classroom instruction, the estimated full-time-equivalent enrollment that will use leased classroom facilities in the first year of instruction, as shown in the approved charter school application; provided that, after the eightieth day of the school year, the MEM shall be adjusted to reflect the full-time-equivalent enrollment on that date; and

(b) "classroom facilities" or "classroom space" includes the space needed, as determined by the minimum required under the statewide adequacy standards, for the direct administration of school activities.

J. In addition to other authorized expenditures from the fund, up to one percent of the average grant assistance authorized from the fund during the three previous fiscal years may be expended in each fiscal year by the public school facilities authority to pay the state fire marshal, the construction industries division of the regulation and licensing department and local jurisdictions having authority from the state to permit and inspect projects for expenditures made to permit and inspect projects funded in whole or in part under the Public School Capital Outlay Act. The public school facilities authority may enter into contracts with the state fire marshal, the construction industries division or the appropriate local authorities to carry out the provisions of this subsection. Such a contract may provide for initial estimated payments from the fund prior to the expenditures if the contract also provides for additional payments from the fund if the actual expenditures exceed the initial payments and for repayments back to the fund if the

initial payments exceed the actual expenditures. Money distributed from the fund to the state fire marshal or the construction industries division pursuant to this subsection shall be used to supplement, rather than supplant, appropriations to those entities.

K. Pursuant to guidelines established by the council, allocations from the fund may be made to assist school districts in developing and updating five-year facilities plans required by the Public School Capital Outlay Act; provided that:

(1) no allocation shall be made unless the council determines that the school district is willing and able to pay the portion of the total cost of developing or updating the plan that is not funded with the allocation from the fund. Except as provided in Paragraph (2) of this subsection, the portion of the total cost to be paid with the allocation from the fund shall be determined pursuant to the methodology in Paragraph (5) of Subsection B of Section 22-24-5 NMSA 1978; or

(2) the allocation from the fund may be used to pay the total cost of developing or updating the plan if:

(a) the school district has fewer than an average of six hundred full-time-equivalent students on the eightieth and one hundred twentieth days of the prior school year; or

(b) the school district meets all of the following requirements: 1) the school district has fewer than an average of one thousand full-time-equivalent students on the eightieth and one hundred twentieth days of the prior school year; 2) the school district has at least seventy percent of its students eligible for free or reduced-fee lunch; 3) the state share of the total cost, if calculated pursuant to the methodology in Paragraph (5) of Subsection B of Section 22-24-5 NMSA 1978, would be less than fifty percent; and 4) for all educational purposes, the school district has a residential property tax rate of at least seven dollars (\$7.00) on each one thousand dollars (\$1,000) of taxable value, as measured by the sum of all rates imposed by resolution of the local school board plus rates set to pay interest and principal on outstanding school district general obligation bonds.

L. Upon application by a school district, allocations from the fund may be made by the council for the purpose of demolishing abandoned school district facilities, provided that:

(1) the costs of continuing to insure an abandoned facility outweigh any potential benefit when and if a new facility is needed by the school district;

(2) there is no practical use for the abandoned facility without the expenditure of substantial renovation costs; and

(3) the council may enter into an agreement with the school district under which an amount equal to the savings to the district in lower insurance premiums are used to reimburse the fund fully or partially for the demolition costs allocated to the district.

M. Up to ten million dollars (\$10,000,000) of the fund may be expended each year in fiscal years 2014 through 2019 for an education technology infrastructure deficiency corrections initiative pursuant to Section 4 of this 2014 act; provided that funding allocated pursuant to this

section shall be expended within three years of its allocation.

History: 1953 Comp., § 77-24-12, enacted by Laws 1975, ch. 235, § 4; 1978, ch. 152, § 4; 1983, ch. 301, § 70; 1993, ch. 226, § 50; 1994, ch. 88, § 2; 2001, ch. 338, § 5; 2001, ch. 339, § 1; 2002, ch. 65, § 1; 2003, ch. 147, § 3; 2004, ch. 125, § 7; 2005, ch. 274, § 5; 2006, ch. 95, § 4; 2007, ch. 366, § 3; 2008, ch. 90, § 1; 2009, ch. 258, § 2; 2010, ch. 104, § 1; 2014, ch. 28, § 2.

**Cross references.** — For the federal No Child Left Behind Act of 2001, see 20 U.S.C. § 6301.

For the public school facilities authority, see 22-24-9 NMSA 1978.

**The 2014 amendment**, effective March 6, 2014, established an education technology infrastructure deficiency corrections initiative; in Subsection J, in the second sentence, added "public school facilities"; and added Subsection M.

**The 2010 amendment**, effective March 9, 2010, in Subsection C, in the third sentence, after "Title", added "to" and after "custody" deleted "to"; in Subsection H, after "fund may be allocated", added "annually" and after "fiscal years 2010 through", changed "2012" to "2015"; and in Subsection J, in the second sentence, after "The authority", changed "shall" to "may"; and added the last sentence.

**The 2009 amendment**, effective April 8, 2009, in Subsection B, added the reference to Subsection I; in Paragraph (1) of Subsection G, after "expenditures from the fund", added "for the core administrative functions"; in Subsection H, after "Up to", deleted "thirty million dollars (\$30,000,000)" and added "ten million dollars (\$10,000,000)"; after "allocated", deleted "annually"; after "by the council", changed "in fiscal years 2006 and 2007" to "for expenditure in fiscal years 2010 through 2012"; and after "subsection shall be expended", deleted "prior to September 1, 2008" and added "within two years of the allocation"; in Subsection I, after "annually by the council", deleted "in fiscal years 2006 through 2020"; in Subparagraph (b) of Paragraph (1) of Subsection I, after "percentage", deleted "increase" and added "change"; and after "department of labor", deleted the remainder of the sentence, which provided for a rate if the total grants awarded exceed the total annual amount available; added Paragraph (4) of Subsection I; deleted former Subparagraph (a) of Paragraph (5) of Subsection I, which provided that a grant shall not be made unless the facilities met the statewide adequacy standards; and deleted former Paragraph (5) of Subsection I, which provided limitations on the amounts expended from the fund.

**The 2008 amendment**, effective May 14, 2008, in Subsection J, provided that the contract may provide for initial estimated payments from the fund prior to the expenditures if the contract provides for additional payments from the fund if the actual expenditures exceed the initial payments and for repayments to the fund if the initial payments exceed the actual expenditures.

**The 2007 amendment**, effective July 1, 2007, provided that, except as permitted in 22-24-5.8 NMSA 1978, money in the fund shall be used for capital expenditures for an adequate educational program; eliminated the \$7,500,000 limitation on expenditures for lease payments; increased the maximum amount of a grant to a school district to \$700,000,000; provided a formula for adjustment of the maximum amount of grants; added Paragraphs (4) and (5) of Subsection I; and added Subparagraph (b) of Paragraph (6) of Subsection I.

**The 2006 amendment**, effective March 6, 2006, added the qualification "except as provided in Subsection K" in Subsection D; deleted former Subsection H, which provided for expenditure of balances in the fund in fiscal years 2003 and 2004; in Subsection I (formerly Subsection J), changed four million dollars to seven million five hundred thousand dollars, changed "2005" to "2006" and changed "2009" to "2010"; in Subparagraph (b) of Paragraph (1) of Subsection I (formerly Subsection J), deleted three

hundred dollars for fiscal year 2005 and deleted fiscal years 2006 through 2006 after six hundred dollars; in Subparagraph (b) of Paragraph (4) of Subsection I (formerly Subsection J), changed "fortieth" to "eightieth"; added a new Subsection K to provide for allocations for five-year facilities plans; added Paragraphs (1) and (2) of Subsection K to provide criteria for allocations for five-year facilities plans; added Subsection L to provide for allocations for demolishing abandoned school district facilities; and added Paragraphs (1) through (3) of Subsection L to provide criteria for allocations for demolishing abandoned school district facilities.

**The 2005 amendment**, effective April 6, 2005, changed the statutory reference in Subsection F from Section 22-24-5.5 NMSA 1978 to Section 22-24-5.4 NMSA 1978; deleted former Subsection I, which provided an appropriation to the council for core administrative functions of the deficiencies corrections program; deleted former Subsection J, which provided for the expenditures by the council for the core administrative functions of the public school facilities authority; provided in Subsection I for the allocation of funds for a roof repair and replacement initiative; provided in Subsection J that an application on behalf of a charter school shall be made by the school district, but if the school district fails to make an application, the charter school may submit its own application; provided in Subsection J(1)(b) that the amount of the grant shall not exceed \$300 for fiscal year 2005 and \$600 for fiscal years 2006 through 2009; changed "total" to "average" and "final funded prior school year" to "fortieth, eightieth and one hundred twentieth days of the prior school year" in Subsection J(4)(a); added Subsection J(4)(b) to define "MEM" in the case of a charter school that has not commenced classroom instruction; and added Subsection K to provide for the reimbursement of the state fire marshal, the construction industries division and local jurisdiction of costs incurred to permit and inspect projects.

**The 2004 amendment**, effective May 19, 2004, amended Subsection B to substitute "through K" for "and H", Subsection C to substitute in three places "public school facilities authority" for "property control division of the general services department" and to change in three places "property" to "portable classrooms", Subsection F to insert after "approved" "or an expenditure has been ordered by a court pursuant to Section 22-24-5.5 NMSA 1978" and Paragraph (2) to change "make" to "authorize", Subsection G to delete the present subsection and add new Subsection G, amended Subsection I to change "fiscal year 2004" to "fiscal years 2004 through 2007", and added new Subsection K.

**The 2003 amendment**, effective April 4, 2003, in Subsection F, inserted the second sentence and added Paragraphs F(1) and (2); rewrote Subsections G and H pertaining to distribution of money for projects; and added Subsections I and J.

**The 2002 amendment**, effective May 15, 2002, inserted the exception clause in Subsection B; and added Subsections G and H.

**The 2001 amendment**, effective July 1, 2001, added the last sentence of Subsection D; deleted "that cannot be financed by the school district from other sources and" following "capital outlay projects" in Subsection E; and added Subsection F.

**The 1994 amendment**, effective May 18, 1994, deleted "and the capital expenditures are limited to the purchase or construction of temporary or permanent classrooms" following "educational program" in Subsection B, and deleted "public" preceding "school" near the end of the fifth sentence of Subsection C.

**The 1993 amendment**, effective July 1, 1993, deleted "Annual" from the beginning of the fourth sentence of Subsection C.

## ANNOTATIONS

**Disposal of portable classrooms not limited to sale.** — The discretion of the council to authorize the disposal of portable classrooms purchased by the fund is not limited to sale for consideration or exchange. 1980 Op. Att'y Gen. No. 80-05.

**When gratis transfer of classrooms proper.** — A gratis transfer by the public school capital outlay council of portable classrooms to local school boards does not violate N.M. Const., art. IX, § 14, since the prohibition there does not apply as between the state and one of its subordinate agencies. 1980 Op. Att'y Gen. No. 80-05.

**Veto power over gratis transfer.** — Section 13-6-2C NMSA 1978 (now Section 13-6-2D NMSA 1978) gives the secretary of finance and administration or the state board of finance (now the state budget division) veto power over any gratis transfer of school property. 1980 Op. Att'y Gen. No. 80-05.

#### **22-24-4.1. Outstanding deficiencies; assessment; correction.**

A. No later than September 1, 2001, the council shall define and develop guidelines, consistent with the codes adopted by the construction industries commission pursuant to the Construction Industries Licensing Act [Chapter 60, Article 13 NMSA 1978 NMSA 1978], for school districts to use to identify outstanding serious deficiencies in public school buildings and grounds, including buildings and grounds of charter schools, that may adversely affect the health or safety of students and school personnel.

B. A school district shall use these guidelines to complete a self-assessment of the outstanding health or safety deficiencies within the school district and provide cost projections to correct the outstanding deficiencies.

C. The council shall develop a methodology for prioritizing projects that will correct the deficiencies.

D. After a public hearing and to the extent that money is available in the fund for such purposes, the council shall approve allocations from the fund on the established priority basis and, working with the school district and pursuant to the Procurement Code [13-1-28 through 13-1-199 NMSA 1978], enter into construction contracts with contractors to correct the deficiencies.

E. In entering into construction contracts to correct deficiencies pursuant to this section, the council shall include such terms and conditions as necessary to ensure that the state money is expended in the most prudent manner possible and consistent with the original purpose.

F. Any deficiency that may adversely affect the health or safety of students or school personnel may be corrected pursuant to this section, regardless of the local effort or percentage of indebtedness of the school district.

G. It is the intent of the legislature that all outstanding deficiencies in public schools and grounds that may adversely affect the health or safety of students and school personnel be identified and awards made pursuant to this section no later than June 30, 2005, and that funds be expended no later than June 30, 2007, provided that the council may extend the expenditure

period upon a determination that a project requires the additional time because existing buildings need to be demolished or because of other extenuating circumstances.

History: 1978 Comp., § 22-24-4.1, enacted by Laws 2001, ch. 338, § 6; 2003, ch. 147, § 4; 2004, ch. 125, § 8; 2007, ch. 366, § 4.

**The 2007 amendment**, effective July 1, 2007, amended Subsection G to authorize the council to extend the expenditure period for a project.

**The 2004 amendment**, effective May 19, 2004, amended Subsection B to add "school" before "district" and amended Subsection G to change "June 30, 2004" to "June 30, 2005" and "June 30, 2005" to "June 30, 2007".

**The 2003 amendment**, effective April 4, 2003, deleted "local" preceding "school district" in Subsection B; in Subsection G, substituted "awards made" for "funded" and added "and that funds be expended no later than June 30, 2006" at the end of the sentence.

#### **22-24-4.2. Repealed.**

**Repeals.** — Laws 2003, ch. 147, § 14 repealed 22-24-4.2 NMSA 1978, as enacted by Laws 2001, ch. 338, § 7, regarding the deficiencies correction unit, effective July 1, 2003. For provisions of former section, see the 2002 NMSA 1978 on *NMONESOURCE.COM*. For provisions of present law, see 22-24-9 NMSA 1978.

#### **22-24-4.3. Roof repair and replacement initiative.**

A. The council shall develop guidelines for a roof repair and replacement initiative pursuant to the provisions of this section.

B. A school district, desiring a grant award pursuant to this section, shall submit an application to the council. The application shall include an assessment of the roofs on district school buildings that, in the opinion of the school district, create a threat of significant property damage.

C. The public school facilities authority shall verify the assessment made by the school district and rank the application with similar applications pursuant to a methodology adopted by the council.

D. After a public hearing and to the extent that money is available in the fund for such purposes, the council shall approve roof repair or replacement projects on the established priority basis; provided that no project shall be approved unless the council determines that the school district is willing and able to pay the portion of the total cost of the project that is not funded with grant assistance from the fund. In order to pay its portion of the total project cost, a school district may use state distributions made to the school district pursuant to the Public School Capital Improvements Act [Chapter 22, Article 25 NMSA 1978] or, if within the scope of the authorizing resolution, proceeds of the property tax imposed pursuant to that act.

E. The state share of the cost of an approved roof repair or replacement project shall be calculated pursuant to the methodology in Paragraph (5) of Subsection B of Section 22-24-5 NMSA 1978.

F. A grant made pursuant to this section shall be expended by the school district within two years of the grant allocation.

History: Laws 2005, ch. 274, § 6; 2009, ch. 258, § 3.

**The 2009 amendment**, effective April 8, 2009, in Subsection E, after "cost of an approved", added "roof repair or replacement"; and in Subsection F, after "school district", deleted "prior to September 1, 2008" and added "within two years of the grant allocation".

#### **22-24-4.4. Serious roof deficiencies; correction.**

A. To complete the program to correct outstanding deficiencies, those serious deficiencies in the roofs of public school facilities identified pursuant to Section 22-24-4.1 NMSA 1978 as adversely affecting the health or safety of students and school personnel shall be corrected pursuant to this section, regardless of the local effort or percentage of indebtedness of the school district, subject to the following provisions:

(1) if the council determines that the school district has excess capital improvement funds received pursuant to the Public School Capital Improvements Act [Chapter 22, Article 25 NMSA 1978], the cost of correcting the deficiencies shall first come from the school district's excess funds, and if the excess funds are insufficient to correct the deficiencies, the difference shall be paid from the public school capital outlay fund; and

(2) if the school district refuses to pay its share of the cost of correcting deficiencies as determined pursuant to Paragraph (1) of this subsection, future distributions from the public school capital improvements fund pursuant to Section 22-25-9 NMSA 1978 shall not be made to the school district but shall be made to the public school capital outlay fund until the public school capital outlay fund is reimbursed in full for the school district's share.

B. It is the intent of the legislature that all awards for correcting outstanding deficiencies in public school roofs that may adversely affect the health and safety of students and school personnel be made pursuant to this section no later than September 30, 2005 and that funds be expended no later than September 30, 2008.

History: Laws 2005, ch. 274, § 7; 2007, ch. 366, § 5.

**The 2007 amendment**, effective July 1, 2007, changed the deadline for expenditure of funds to September 30, 2008.

#### **22-24-4.5. Education technology infrastructure deficiency corrections.**

A. No later than September 1, 2014, the council, with the advice of the public education

department and the department of information technology, shall define and develop:

- (1) minimum adequacy standards for an education technology infrastructure deficiency corrections initiative to identify and determine reasonable costs for correcting education technology infrastructure deficiencies in or affecting school districts;
- (2) a methodology for prioritizing projects to correct education technology infrastructure deficiencies in or affecting school districts; and
- (3) a methodology for determining a school district's share of the project costs.

B. The council may approve allocations from the fund pursuant to Subsection M of Section 22-24-4 NMSA 1978 and this section for projects in or affecting a school district committing to pay its share of the project costs. The council may adjust the school district's share of the project costs in accordance with Paragraph (9) of Subsection B of Section 22-24-5 NMSA 1978 or the methodology for determining the school district's share of the project costs.

History: Laws 2014, ch. 28, § 4.

**Emergency clauses.** — Laws 2014, ch. 28, § 5, contained an emergency clause and was approved March 6, 2014.

#### **22-24-5. Public school capital outlay projects; application; grant assistance.**

A. Applications for grant assistance, approval of applications, prioritization of projects and grant awards shall be conducted pursuant to the provisions of this section.

B. Except as provided in Sections 22-24-4.3, 22-24-5.4 and 22-24-5.6 NMSA 1978, the following provisions govern grant assistance from the fund for a public school capital outlay project not wholly funded pursuant to Section 22-24-4.1 NMSA 1978:

- (1) all school districts are eligible to apply for funding from the fund, regardless of percentage of indebtedness;
- (2) priorities for funding shall be determined by using the statewide adequacy standards developed pursuant to Subsection C of this section; provided that:
  - (a) the council shall apply the standards to charter schools to the same extent that they are applied to other public schools;
  - (b) the council shall adopt and apply adequacy standards appropriate to the unique needs of the constitutional special schools; and
  - (c) in an emergency in which the health or safety of students or school personnel is at immediate risk or in which there is a threat of significant property damage, the council may award grant assistance for a project using criteria other than the statewide adequacy standards;
- (3) the council shall establish criteria to be used in public school capital outlay projects that receive grant assistance pursuant to the Public School Capital Outlay Act. In establishing the criteria, the council shall consider:

(a) the feasibility of using design, build and finance arrangements for public school capital outlay projects;

(b) the potential use of more durable construction materials that may reduce long-term operating costs;

(c) concepts that promote efficient but flexible utilization of space; and

(d) any other financing or construction concept that may maximize the dollar effect of the state grant assistance;

(4) no more than ten percent of the combined total of grants in a funding cycle shall be used for retrofitting existing facilities for technology infrastructure;

(5) except as provided in Paragraph (6), (8), (9) or (10) of this subsection, the state share of a project approved and ranked by the council shall be funded within available resources pursuant to the provisions of this paragraph. No later than May 1 of each calendar year, a value shall be calculated for each school district in accordance with the following procedure:

(a) the final prior year net taxable value for a school district divided by the MEM for that school district is calculated for each school district;

(b) the final prior year net taxable value for the whole state divided by the MEM for the state is calculated;

(c) excluding any school district for which the result calculated pursuant to Subparagraph (a) of this paragraph is more than twice the result calculated pursuant to Subparagraph (b) of this paragraph, the results calculated pursuant to Subparagraph (a) of this paragraph are listed from highest to lowest;

(d) the lowest value listed pursuant to Subparagraph (c) of this paragraph is subtracted from the highest value listed pursuant to that subparagraph;

(e) the value calculated pursuant to Subparagraph (a) of this paragraph for the subject school district is subtracted from the highest value listed in Subparagraph (c) of this paragraph;

(f) the result calculated pursuant to Subparagraph (e) of this paragraph is divided by the result calculated pursuant to Subparagraph (d) of this paragraph;

(g) the sum of the property tax mill levies for the prior tax year imposed by each school district on residential property pursuant to Chapter 22, Article 18 NMSA 1978, the Public School Capital Improvements Act [Chapter 22, Article 25 NMSA 1978], the Public School Buildings Act [Chapter 22, Article 26 NMSA 1978], the Education Technology Equipment Act [6-15A-1 through 6-15A-16 NMSA 1978] and Paragraph (2) of Subsection B of Section 7-37-7 NMSA 1978 is calculated for each school district;

(h) the lowest value calculated pursuant to Subparagraph (g) of this paragraph is subtracted from the highest value calculated pursuant to that subparagraph;

(i) the lowest value calculated pursuant to Subparagraph (g) of this paragraph is subtracted from the value calculated pursuant to that subparagraph for the subject school district;

(j) the value calculated pursuant to Subparagraph (i) of this paragraph is divided by the value calculated pursuant to Subparagraph (h) of this paragraph;

(k) if the value calculated for a subject school district pursuant to Subparagraph (j) of this paragraph is less than five-tenths, then, except as provided in Subparagraph (n) or (o) of this paragraph, the value for that school district equals the value calculated pursuant to Subparagraph (f) of this paragraph;

(l) if the value calculated for a subject school district pursuant to Subparagraph (j) of this paragraph is five-tenths or greater, then that value is multiplied by five-hundredths;

(m) if the value calculated for a subject school district pursuant to Subparagraph (j) of this paragraph is five-tenths or greater, then the value calculated pursuant to Subparagraph (l) of this paragraph is added to the value calculated pursuant to Subparagraph (f) of this paragraph. Except as provided in Subparagraph (n) or (o) of this paragraph, the sum equals the value for that school district;

(n) in those instances in which the calculation pursuant to Subparagraph (k) or (m) of this paragraph yields a value less than one-tenth, one-tenth shall be used as the value for the subject school district;

(o) in those instances in which the calculation pursuant to Subparagraph (k) or (m) of this paragraph yields a value greater than one, one shall be used as the value for the subject school district;

(p) except as provided in Section 22-24-5.7 NMSA 1978 and except as adjusted pursuant to Paragraph (6), (8), (9) or (10) of this subsection, the amount to be distributed from the fund for an approved project shall equal the total project cost multiplied by a fraction the numerator of which is the value calculated for the subject school district in the current year plus the value calculated for that school district in each of the two preceding years and the denominator of which is three; and

(q) as used in this paragraph: 1) "MEM" means the average full-time-equivalent enrollment of students attending public school in a school district on the eightieth and one hundred twentieth days of the prior school year; 2) "total project cost" means the total amount necessary to complete the public school capital outlay project less any insurance reimbursement received by the school district for the project; and 3) in the case of a state-chartered charter school that has submitted an application for grant assistance pursuant to this section, the "value calculated for the subject school district" means the value calculated for the school district in which the state-chartered charter school is physically located;

(6) the amount calculated pursuant to Subparagraph (p) of Paragraph (5) of this subsection shall be reduced by the following procedure:

(a) the total of all legislative appropriations made after January 1, 2003 for nonoperating purposes either directly to the subject school district or to another governmental entity for the purpose of passing the money through directly to the subject school district, and

not rejected by the subject school district, is calculated; provided that: 1) an appropriation made in a fiscal year shall be deemed to be accepted by a school district unless, prior to June 1 of that fiscal year, the school district notifies the department of finance and administration and the public education department that the district is rejecting the appropriation; 2) the total shall exclude any education technology appropriation made prior to January 1, 2005 unless the appropriation was on or after January 1, 2003 and not previously used to offset distributions pursuant to the Technology for Education Act [Chapter 22, Article 15A NMSA 1978]; 3) the total shall exclude any appropriation previously made to the subject school district that is reauthorized for expenditure by another recipient; 4) the total shall exclude one-half of the amount of any appropriation made or reauthorized after January 1, 2007 if the purpose of the appropriation or reauthorization is to fund, in whole or in part, a capital outlay project that, when prioritized by the council pursuant to this section either in the immediately preceding funding cycle or in the current funding cycle, ranked in the top one hundred fifty projects statewide; 5) the total shall exclude the proportionate share of any appropriation made or reauthorized after January 1, 2008 for a capital project that will be jointly used by a governmental entity other than the subject school district. Pursuant to criteria adopted by rule of the council and based upon the proposed use of the capital project, the council shall determine the proportionate share to be used by the governmental entity and excluded from the total; and 6) unless the grant award is made to the state-chartered charter school or unless the appropriation was previously used to calculate a reduction pursuant to this paragraph, the total shall exclude appropriations made after January 1, 2007 for nonoperating purposes of a specific state-chartered charter school, regardless of whether the charter school is a state-chartered charter school at the time of the appropriation or later opts to become a state-chartered charter school;

(b) the applicable fraction used for the subject school district and the current calendar year for the calculation in Subparagraph (p) of Paragraph (5) of this subsection is subtracted from one;

(c) the value calculated pursuant to Subparagraph (a) of this paragraph for the subject school district is multiplied by the amount calculated pursuant to Subparagraph (b) of this paragraph for that school district;

(d) the total amount of reductions for the subject school district previously made pursuant to Subparagraph (e) of this paragraph for other approved public school capital outlay projects is subtracted from the amount calculated pursuant to Subparagraph (c) of this paragraph; and

(e) the amount calculated pursuant to Subparagraph (p) of Paragraph (5) of this subsection shall be reduced by the amount calculated pursuant to Subparagraph (d) of this paragraph;

(7) as used in this subsection:

(a) "governmental entity" includes an Indian nation, tribe or pueblo; and

(b) "subject school district" means the school district that has submitted the

application for funding and in which the approved public school capital outlay project will be located;

(8) the amount calculated pursuant to Subparagraph (p) of Paragraph (5) of this subsection, after any reduction pursuant to Paragraph (6) of this subsection, may be increased by an additional five percent if the council finds that the subject school district has been exemplary in implementing and maintaining a preventive maintenance program. The council shall adopt such rules as are necessary to implement the provisions of this paragraph;

(9) the council may adjust the amount of local share otherwise required if it determines that a school district has made a good-faith effort to use all of its local resources. Before making any adjustment to the local share, the council shall consider whether:

(a) the school district has insufficient bonding capacity over the next four years to provide the local match necessary to complete the project and, for all educational purposes, has a residential property tax rate of at least ten dollars (\$10.00) on each one thousand dollars (\$1,000) of taxable value, as measured by the sum of all rates imposed by resolution of the local school board plus rates set to pay interest and principal on outstanding school district general obligation bonds;

(b) the school district: 1) has fewer than an average of eight hundred full-time-equivalent students on the eightieth and one hundred twentieth days of the prior school year; 2) has at least seventy percent of its students eligible for free or reduced-fee lunch; 3) has a share of the total project cost, as calculated pursuant to provisions of this section, that would be greater than fifty percent; and 4) for all educational purposes, has a residential property tax rate of at least seven dollars (\$7.00) on each one thousand dollars (\$1,000) of taxable value, as measured by the sum of all rates imposed by resolution of the local school board plus rates set to pay interest and principal on outstanding school district general obligation bonds; or

(c) the school district: 1) has an enrollment growth rate over the previous school year of at least two and one-half percent; 2) pursuant to its five-year facilities plan, will be building a new school within the next two years; and 3) for all educational purposes, has a residential property tax rate of at least ten dollars (\$10.00) on each one thousand dollars (\$1,000) of taxable value, as measured by the sum of all rates imposed by resolution of the local school board plus rates set to pay interest and principal on outstanding school district general obligation bonds;

(10) the local match for the constitutional special schools shall be set at fifty percent for projects that qualify under the educational adequacy category and one hundred percent for projects that qualify in the support spaces category; provided that the council may adjust or waive the amount of any direct appropriation offset to or local share required for the constitutional special schools if an applicant constitutional special school has insufficient or no local resources available; and

(11) no application for grant assistance from the fund shall be approved unless the council determines that:

(a) the public school capital outlay project is needed and included in the school

district's five-year facilities plan among its top priorities;

(b) the school district has used its capital resources in a prudent manner;

(c) the school district has provided insurance for buildings of the school district in accordance with the provisions of Section 13-5-3 NMSA 1978;

(d) the school district has submitted a five-year facilities plan that includes: 1) enrollment projections; 2) a current preventive maintenance plan that has been approved by the council pursuant to Section 22-24-5.3 NMSA 1978 and that is followed by each public school in the district; 3) the capital needs of charter schools located in the school district; and 4) projections for the facilities needed in order to maintain a full-day kindergarten program;

(e) the school district is willing and able to pay any portion of the total cost of the public school capital outlay project that, according to Paragraph (5), (6), (8) or (9) of this subsection, is not funded with grant assistance from the fund; provided that school district funds used for a project that was initiated after September 1, 2002 when the statewide adequacy standards were adopted, but before September 1, 2004 when the standards were first used as the basis for determining the state and school district share of a project, may be applied to the school district portion required for that project;

(f) the application includes the capital needs of any charter school located in the school district or the school district has shown that the facilities of the charter school have a smaller deviation from the statewide adequacy standards than other district facilities included in the application; and

(g) the school district has agreed, in writing, to comply with any reporting requirements or conditions imposed by the council pursuant to Section 22-24-5.1 NMSA 1978.

C. After consulting with the public school capital outlay oversight task force and other experts, the council shall regularly review and update statewide adequacy standards applicable to all school districts. The standards shall establish the acceptable level for the physical condition and capacity of buildings, the educational suitability of facilities and the need for education technology infrastructure. Except as otherwise provided in the Public School Capital Outlay Act, the amount of outstanding deviation from the standards shall be used by the council in evaluating and prioritizing public school capital outlay projects.

D. The acquisition of a facility by a school district or charter school pursuant to a financing agreement that provides for lease payments with an option to purchase for a price that is reduced according to lease payments made may be considered a public school capital outlay project and eligible for grant assistance under this section pursuant to the following criteria:

(1) no grant shall be awarded unless the council determines that, at the time of exercising the option to purchase the facility by the school district or charter school, the facility will equal or exceed the statewide adequacy standards and the building standards for public school facilities;

(2) no grant shall be awarded unless the school district and the need for the facility

meet all of the requirements for grant assistance pursuant to the Public School Capital Outlay Act;

(3) the total project cost shall equal the total payments that would be due under the agreement if the school district or charter school would eventually acquire title to the facility;

(4) the portion of the total project cost to be paid from the fund may be awarded as one grant, but disbursements from the fund shall be made from time to time as lease payments become due;

(5) the portion of the total project cost to be paid by the school district or charter school may be paid from time to time as lease payments become due; and

(6) neither a grant award nor any provision of the Public School Capital Outlay Act creates a legal obligation for the school district or charter school to continue the lease from year to year or to purchase the facility.

E. In order to encourage private capital investment in the construction of public school facilities, the purchase of a privately owned school facility that is, at the time of application, in use by a school district may be considered a public school capital outlay project and eligible for grant assistance pursuant to this section if the council finds that:

(1) at the time of the initial use by the school district, the facility to be purchased equaled or exceeded the statewide adequacy standards and the building standards for public school facilities;

(2) at the time of application, attendance at the facility to be purchased is at seventy-five percent or greater of design capacity and the attendance at other schools in the school district that the students at the facility would otherwise attend is at eighty-five percent or greater of design capacity; and

(3) the school district and the capital outlay project meet all of the requirements for grant assistance pursuant to the Public School Capital Outlay Act; provided that, when determining the deviation from the statewide adequacy standards for the purposes of evaluating and prioritizing the project, the students using the facility shall be deemed to be attending other schools in the school district.

F. It is the intent of the legislature that grant assistance made pursuant to this section allows every school district to meet the standards developed pursuant to Subsection C of this section; provided, however, that nothing in the Public School Capital Outlay Act or the development of standards pursuant to that act prohibits a school district from using other funds available to the district to exceed the statewide adequacy standards.

G. Upon request, the council shall work with, and provide assistance and information to, the public school capital outlay oversight task force.

H. The council may establish committees or task forces, not necessarily consisting of council members, and may use the committees or task forces, as well as existing agencies or organizations, to conduct studies, conduct surveys, submit recommendations or otherwise

contribute expertise from the public schools, programs, interest groups and segments of society most concerned with a particular aspect of the council's work.

I. Upon the recommendation of the public school facilities authority, the council shall develop building standards for public school facilities and shall promulgate other such rules as are necessary to carry out the provisions of the Public School Capital Outlay Act.

J. No later than December 15 of each year, the council shall prepare a report summarizing its activities during the previous fiscal year. The report shall describe in detail all projects funded, the progress of projects previously funded but not completed, the criteria used to prioritize and fund projects and all other council actions. The report shall be submitted to the public education commission, the governor, the legislative finance committee, the legislative education study committee and the legislature.

History: 1953 Comp., § 77-24-13, enacted by Laws 1975, ch. 235, § 5; 1977, ch. 247, § 205; 1978, ch. 152, § 5; 1987, ch. 326, § 1; 1994, ch. 88, § 3; 2000 (2nd S.S.), ch. 19, § 2; 2001, ch. 338, § 8; 2003, ch. 147, § 10; 2004, ch. 125, § 9; 2005, ch. 274, § 8; 2006, ch. 95, § 5; 2007, ch. 366, § 6; 2008, ch. 90, § 2; 2009, ch. 258, § 5; 2010, ch. 104, § 2; 2012, ch. 53, § 2; 2014, ch. 28, § 3.

**Cross references.** — For PL 874 funds, see 20 USCS § 7701 et seq.

**The 2014 amendment**, effective March 6, 2014, permitted the public school outlay council to adjust the amount of the local share if it determines that a school district has made a good-faith effort to use all of its local resources; in Subsection B, in Paragraph (6), in Subparagraph (a), after "2) the total shall exclude any", deleted "educational" and added "education"; in Subsection B, in Paragraph (9), in the introductory sentence, after "school district has", deleted "used" and added "made a good-faith effort to use"; and in Subsection C, in the second sentence, after "and the need for", deleted "technological" and added "education technology".

**The 2012 amendment**, effective May 16, 2012, made the school for the blind and visually impaired and the school for the deaf, including facilities that are necessary for their educational missions, eligible for public school capital outlay funding; permitted the council to waive local matching if the schools have insufficient or no local resources available; and in Subsection B, in Paragraph (2), added Subparagraph (b); in Paragraph (5), in the first sentence, after the paragraph number "(9)", added "or (10)"; in Paragraph (5), in Subparagraph (p), after the paragraph number "(9)", added "or (10)"; in Paragraph (6), deleted former Subparagraph (b), which required that the amount to be distributed for a project be reduced by the amount of federal money received by the school district for nonoperating purposes; in Paragraph (6), deleted former Subparagraph (c), which required that the amount to be distributed for a project be reduced by the amount of state appropriations to the school district for nonoperating purposes; and added Paragraph (10).

**Laws 2010, ch. 104, § 2**, effective March 9, 2010, would have amended 22-24-5 NMSA 1978 as follows: in Subsection B(5), after "Paragraph (6), (8), (9)", added "or (11)"; in Subsection B(5)(p), after "Paragraph (6), (8), (9)", added "or (11)"; and added Subsection B(11), including Subparagraphs (a) and (b). These changes were line-item vetoed by the governor.

**The 2009 amendment**, effective April 8, 2009, in Paragraph (5) of Subsection B, added the reference to Paragraph (11); in Subparagraph (p) of Paragraph (5) of Subsection B, added the reference to

Paragraph (11); added Subparagraphs (b) and (c) of Paragraph (6) of Subsection B; added Paragraph (11) of Subsection B; in Paragraph (1) of Subsection D, after "awarded unless the council", deleted "finds that, prior to the purchase of" and added "determines that, at the time of exercising the option to purchase"; and in Subsection F, after "prohibits a school district from using" changed "local funds to exceed" to "other funds available to the district to exceed".

**The 2008 amendment**, effective May 14, 2008, added the reference to Paragraph (9) of Subsection B in Paragraph (5), Subparagraph (p) of Paragraph (5) and Subparagraph (e) of Paragraph (10) of Subsection B; added item 5) of Subparagraph (a) of Paragraph (6) of Subsection B; and added Subparagraph (a) of Paragraph (7) and Paragraph (8) of Subsection B.

**The 2007 amendment**, effective July 1, 2007, amended Subsection B to: add Subparagraph (c) of Paragraph (3); add item (3) of Subparagraph (q) of Paragraph (5) of Subsection B to define "value calculated for the subject school district"; and add items (2) through (5) of Subparagraph (a) of Paragraph (6); and, added new Subsections D and E.

**The 2006 amendment**, effective March 6, 2006, deleted the provision in Subsection A that provided an order of priority and funding of projects in the two years beginning July 1, 2004; in Subsection B, deleted the reference to Subsection A of this section; in Subparagraph (p) of Paragraph (5) of Subsection B, added the exception in Section 22-24-5.7 NMSA 1978 and deleted the provision that provided for a formula to determine the distribution for calendar year 2005; and in Subparagraph (b) of Paragraph (7) of Subsection B, deleted "fortieth" before "eightieth".

**The 2005 amendment**, effective April 6, 2005, changed "three years" to "two years" and changed "projects" to "specific projects" in Subsection A; provided in Subsection A that the order of projects that were partially funded shall exclude any expansion of the scope of the projects; changed the statutory reference in Subsection B and revised the funding priorities in Subsection B.

**The 2004 amendment**, effective May 19, 2004, replaced Subsections A and B with new Subsection A; designated former Subsection C as the last sentence of new Subsection A and added new language prior to Paragraph (1) of former Subsection C, now Subsection B; redesignated former Subsection D as Subsection C; redesignated former Subsections E through I as Subsections D through H; amended Subsection G to add the requirement of recommendation of the authority at the beginning of the subsection; and in Subsection H, changed "state board" to "public education commission" and deleted "each member of" preceding "the legislature".

**The 2003 amendment**, effective April 4, 2003, inserted Paragraph B(2) and redesignated former Paragraph B(2) as B(3); rewrote Paragraph C(5); inserted present Paragraphs C(6) and C(7), and redesignated the remaining paragraphs accordingly; substituted "that has been approved by the council pursuant to Section 22-24-5.3 NMSA 1978 and that is followed by" for "to which the school adheres for" in Subparagraph C(9)(d); substituted "(6) or (8) of this subsection" for "established by law" in Subparagraph C(9)(e); and in Subsection D, deleted "no later than September 1, 2002"; inserted "and regularly review and update" preceding "statewide adequacy standards" in the first sentence and substituted "December 15" for "December 1" in Subsection I.

**The 2001 amendment**, effective April 5, 2001, rewrote the section.

**The 2000 amendment**, effective April 12, 2000, inserted "school" at the beginning of Subsection A(4) and in the second sentence of Subsection B; in Subsection A(6), added "unless a determination and certification have been made pursuant to Subsection D of this section" to the preliminary language, designated the existing provisions of the subsection as Subparagraph (a) and added Subparagraph (b); in Subsection B, added Subsection B(1) and designated part of former Subsection B as Paragraph (2);

and added Subsections D and E.

**The 1994 amendment**, effective May 18, 1994, deleted "all" preceding "available resources" in Paragraph A(2) and added Paragraphs A(6) and A(7), making related stylistic changes.

### **22-24-5.1. Council assistance and oversight.**

In providing grant assistance pursuant to Section 22-24-5 NMSA 1978, the council shall:

A. assist school districts in identifying critical capital outlay needs and in preparing grant applications;

B. take such actions as are necessary to assist school districts in implementing the projects for which grants are made, including assistance with the preparation of requests for bids or proposals, contract negotiations and contract implementation;

C. take such actions as are necessary to ensure cost savings and efficiencies for those school districts that are not large enough to maintain their own construction management staff; and

D. include such reporting requirements and conditions and take such actions as are necessary to ensure that the grants are expended in the most prudent manner possible and consistent with the original purpose for which they were made. In order to ensure compliance with the intent of this subsection, the council may:

(1) access the premises of a project and review any documentation relating to a project;

(2) withhold all or part of the amount of grant assistance available for a project for grounds established by rule of the council; and

(3) if it determines that a project is repeatedly in substantial noncompliance with any reporting requirement or condition, take over the direct administration of the project until the project is completed.

**History:** 1978 Comp., § 22-24-5.1, enacted by Laws 2001, ch. 338, § 9.

### **22-24-5.2. Repealed.**

**Repeal.** — Laws 2004, ch. 125, § 20 repealed 22-24-5.2 NMSA 1978, as enacted by Laws 2001, ch. 328, § 3, relating to effect upon school district indebtedness requirement, effective May 19, 2004. For provisions of former section, see the 2003 NMSA 1978 on *NMONESOURCE.COM*.

### **22-24-5.3. Preventive maintenance plans; guidelines; approval.**

A. The council shall adopt guidelines that will assist school districts in the development and implementation of preventive maintenance plans. In developing the guidelines, the council shall ensure that they are not overly complex, that they are user-friendly and that they take into account the geographic and size variations of the districts throughout the state. The guidelines

shall include the major requirements for:

- (1) establishing and implementing a preventive maintenance plan;
- (2) necessary budgets, personnel and staff support;
- (3) staff training; and
- (4) evaluation and auditing.

B. The council shall develop, implement and maintain a uniform web-based facility information management system. Within available appropriations, the council shall develop a schedule and procedure for phasing all school districts into the system, including those school districts not applying for grant assistance pursuant to the Public School Capital Outlay Act. The facility information management system shall:

- (1) provide a centralized database of maintenance activities to allow for monitoring, supporting and evaluating school-level and districtwide maintenance efforts;
- (2) provide comprehensive maintenance request and expenditure information to the school districts and the council; and
- (3) facilitate training of facilities maintenance and management personnel.

C. To the extent resources are available, the council shall provide assistance to districts in developing and implementing a preventive maintenance plan.

D. For project allocation cycles beginning after September 1, 2003, a school district shall not be eligible for funding pursuant to Section 22-24-5 NMSA 1978 unless:

- (1) the school district has a preventive maintenance plan that has been approved by the council; and
- (2) if applicable, the school district is participating in the implementation of the facility information management system.

E. As used in this section, "preventive maintenance" means the regularly scheduled repair and maintenance needed to keep a building component operating at peak efficiency and to extend its useful life. "Preventive maintenance" includes scheduled activities intended to prevent breakdowns and premature failures, including periodic inspections, lubrication, calibrations and replacement of expendable components of equipment.

**History:** 1978 Comp., § 22-24-5.3, enacted by Laws 2003, ch. 147, § 5; 2005, ch. 274, § 9.

**The 2005 amendment**, effective April 6, 2005, added Subsections B(1) through (3) to provide that the council shall develop, implement and maintain a uniform web-based facility information management system; and added Subsection D(2) to provide that a school district shall not be eligible for funding unless, if applicable, the school district is participating in the implementation of the facility information management system.

#### **22-24-5.4. Recalcitrant school districts; court action to enforce constitutional compliance; imposition of property tax.**

A. The council may bring an action against a school district pursuant to the provisions of this section if, based upon information submitted to the council by the public school facilities authority, the council determines that:

(1) the physical condition of a public school facility in the school district is so inadequate that the facility or the education received by students attending the facility is below the minimum required by the constitution of New Mexico;

(2) the school district is not taking the necessary steps to bring the facility up to the constitutionally required minimum; and

(3) either:

(a) the school district has not applied for the grant assistance necessary to bring the facility up to minimum constitutional standards; or

(b) the school district is unwilling to meet all of the requirements for the approval of an application for grant assistance pursuant to Paragraph (10) of Subsection B of Section 22-24-5 NMSA 1978.

B. An action brought pursuant to this section shall be brought by the council in the name of the state against the school district in the district court for Santa Fe county.

C. After a hearing and consideration of the evidence, if the court finds that the council's determination pursuant to Subsection A of this section was correct, the court shall:

(1) order the council to expend sufficient resources necessary to bring the facility up to the minimum level required by the constitution of New Mexico;

(2) order the school district to comply with Paragraph (10) of Subsection B of Section 22-24-5 NMSA 1978 and to take all other actions necessary to facilitate the completion of the project ordered pursuant to Paragraph (1) of this subsection; and

(3) enter a judgment against the school district for court costs and attorney fees and the necessary amount to satisfy the school district share, as determined by the formula prescribed by Subsection B of Section 22-24-5 NMSA 1978, for the project ordered pursuant to Paragraph (1) of this subsection.

D. The amount of a judgment entered against a school district pursuant to Paragraph (3) of Subsection C of this section is a public debt of the school district. If the court finds that the debt cannot be satisfied with available school district funds, other than funds needed for the operation of the public schools and other existing obligations, the court shall order the imposition of a property tax on all taxable property allocated to the school district at a rate sufficient to pay the judgment, with accrued interest, within a reasonable time as determined by the court. After paying court costs and attorney fees, amounts received pursuant to this subsection shall be deposited by the council into the fund.

History: Laws 2004, ch. 125, § 10; 2008, ch. 90, § 3.

**The 2008 amendment**, effective May 14, 2008, changed the reference from Paragraph (9) to Paragraph (10) of Subsection B of Section 22-24-5 NMSA 1978 in Subparagraph (b) of Paragraph (3) of Subsection A and in Paragraph (2) of Subsection C.

#### **22-24-5.5. Preventive maintenance plans; participation in facility information management system.**

Each school district shall:

A. develop and implement a preventive maintenance plan following guidelines adopted by the public school capital outlay council pursuant to Section 22-24-5.3 NMSA 1978; and

B. participate in the facility information management system pursuant to the schedule adopted by the public school capital outlay council.

History: Laws 2005, ch. 274, § 16.

**Effective dates.** — Laws 2005, ch. 274, § 20 made the act effective April 6, 2005.

#### **22-24-5.6. Outstanding deficiencies at certain state educational institutions.**

A. In consultation with the higher education department and the applicable board of regents, and after reviewing the existing five-year facilities plan and the facilities condition assessment, the public school facilities authority shall verify the assessed outstanding health, safety or infrastructure deficiencies at the constitutional special schools and shall develop a plan to correct the deficiencies.

B. The council may approve allocations from the fund and, working with the higher education department and the applicable board of regents, enter into construction contracts to correct the deficiencies.

C. The council shall establish oversight functions for the public school facilities authority and such other guidelines and conditions as it deems necessary to ensure that the allocations from the fund pursuant to this section are expended in the most prudent manner possible and consistent with the original purpose.

D. As used in the Public School Capital Outlay Act, "public school capital outlay project", "capital outlay project" or "project" includes a program for the correction of deficiencies at the constitutional special schools pursuant to this section.

History: Laws 2006, ch. 95, § 6; 2009, ch. 37, § 1; 2012, ch. 53, § 3.

**The 2012 amendment**, effective May 16, 2012, included the school for the blind and visually impaired and the school for the deaf in the defined term "constitutional special schools"; in Subsection A, after "deficiencies at the", deleted "New Mexico school for the blind and visually impaired and the New Mexico school for the deaf" and added "constitutional special schools"; in Subsection D, after "deficiencies at the", deleted "New Mexico school for the blind and visually impaired and the New Mexico

school for the deaf" and added "constitutional special schools"; and deleted former Subsection E, which defined "school district" for purposes of Sections 22-24-5.1, 22-24-5.3, 22-24-5.5, and Paragraph (10) of 22-24-5 NMSA 1978 to be the school for the blind and visually impaired and the school for the deaf.

**The 2009 amendment**, effective March 31, 2009, in Subsection B, deleted "To the extent that money has been appropriated for such purposes"; in Subsection D, changed "handicapped" to "impaired"; and added Subsection E.

### **22-24-5.7. Local match provisions for qualified high priority projects.**

A. For a qualified high priority project, if money has been specifically appropriated for the purposes of this section, and if the school district so requests, the money may be used to pay both the state share, as calculated by Paragraphs (5) and (6) of Subsection B of Section 22-24-5 NMSA 1978 and all or a portion of the district share, subject to the following criteria:

(1) the amount paid as the district's share plus any amount added pursuant to Paragraph (3) of this subsection shall be recouped by offsetting future allocations that otherwise would be made from the fund for the state share of projects qualifying for a grant award pursuant to Subsections B and C of Section 22-24-5 NMSA 1978;

(2) except as provided in Paragraph (6) of this subsection, once a project within a district has been funded pursuant to the provisions of this section, then, until the amount paid as the district's share plus any amount added pursuant to Paragraph (3) of this subsection is fully recouped, no standard-based grant awards from the fund shall be made to the district and the district shall be solely responsible for using its local resources to bring those facilities, that would otherwise be eligible for allocations from the fund pursuant to Section 22-24-5 NMSA 1978, up to the statewide adequacy standards;

(3) in determining the amount to be recouped pursuant to Paragraphs (1) and (2) of this subsection, any legislative appropriations for nonoperating purposes made either directly to the school district or to another governmental entity for the purpose of passing the money directly to the school district and not rejected by the school district shall be added to the amount advanced from the fund as the district's share for a project;

(4) the amount to be recouped pursuant to Paragraph (1) of this subsection may be reduced by payments from the school district with cash balances and other available district resources that may legally be used for such payments;

(5) allocations from the fund for the district share shall only be made if the council finds that the school district is likely to complete the project within thirty-six months after the allocation for the district share is made available to the district; and

(6) notwithstanding the requirements of Paragraph (2) of this section, two projects within a school district may be funded pursuant to this section before the recoupment process under that paragraph commences, if:

(a) both projects qualify pursuant to the provisions of Paragraph (2) of Subsection B of this section; or

(b) both projects qualify during the same awards cycle, beginning on or after July 1, 2006.

B. As used in this section, "qualified high priority project" means a project:

(1) that is approved for a grant award pursuant to Section 22-24-5 NMSA 1978 during an awards cycle occurring in 2006 and subsequent award cycles and:

(a) is located in a high-growth area, as designated by the council;

(2) that was approved for a grant award pursuant to Section 22-24-5 NMSA 1978 during the 2004-2005 or 2005-2006 awards cycle but for which the school district, as of July 1, 2006, has not obtained funding for the district share and:

(a) is located in a high-growth area, as designated by the council.

C. The council may designate an area that equals a contiguous attendance area of one or more existing schools as a "high-growth area" if the council determines that:

(1) within five years of the grant allocation decision, the estimated occupancy rate of the proposed new school would be seventy percent or more of the design capacity;

(2) at the time of the application, the attendance at the existing schools in the high-growth area from which students at the new school will be drawn is above design capacity; and

(3) for the period of five years after the grant allocation decision the attendance at those existing schools will be maintained at ninety-five percent or greater of design capacity.

History: Laws 2006, ch. 95, § 7.

**Emergency clause.** — Laws 2006, ch. 95, § 15 contained an emergency clause and was approved March 6, 2006.

#### **22-24-5.8. Adequacy standards; constitutional special schools.**

Until July 1, 2018, the council may apply the adequacy standards to the constitutional special schools on a building-by-building basis rather than the entire campus. After that time, the adequacy standards rankings shall be based on the facilities condition of the entire campus.

History: Laws 2012, ch. 53, § 4.

**Effective dates.** — Laws 2012, ch. 53 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective May 16, 2012, 90 days after the adjournment of the legislature.

#### **22-24-6. Council created; organization; duties.**

A. There is created the "public school capital outlay council", consisting of the:

(1) secretary of finance and administration or his designee;

- (2) state superintendent [secretary] or his designee;
- (3) the governor or his designee;
- (4) president of the New Mexico school boards association or his designee;
- (5) the director of the construction industries division of the regulation and licensing department or his designee;
- (6) the president of the state board or his designee;
- (7) the director of the legislative education study committee or his designee;
- (8) the director of the legislative finance committee or his designee; and
- (9) the director of the legislative council service or his designee.

B. The council shall investigate all applications for assistance from the fund and shall certify the approved applications to the secretary of finance and administration for distribution of funds.

C. The council shall elect a chairman from among the members. The council shall meet at the call of the chairman.

D. The department of education [public education department] shall account for all distributions and shall make annual reports to the legislative education study committee and to the legislative finance committee.

**History:** 1953 Comp., § 77-24-14, enacted by Laws 1975, ch. 235, § 6; 1977, ch. 247, § 206; 1978, ch. 152, § 6; 1980, ch. 151, § 51; 1988, ch. 64, § 43; 1993, ch. 226, § 51; 1994, ch. 88, § 4.

**Bracketed material.** — The bracketed material was inserted by the compiler and is not part of the law.

Laws 2004, ch. 25, § 27, provided that all references to the superintendent of public instruction shall be deemed references to the secretary of public education and all references to the former state board of education or state department of education shall be deemed references to the public education department. See 9-24-15 NMSA 1978.

**The 1994 amendment,** effective May 18, 1994, substituted "state superintendent" for "superintendent of public instruction" in Paragraph A(2), deleted "of education" following "state board" in Paragraph A(6), and added Paragraphs A(8) and (9), making related stylistic changes.

**The 1993 amendment,** effective July 1, 1993, in Subsection A, added "or his designee" at the end of Paragraphs (1), (2) and (5) and deleted "state" preceding "superintendent" at the beginning of Paragraph (2).

**The 1988 amendment,** effective May 18, 1988, substituted "the governor or his designee" for "director of the public school finance division" in Subsection A(3); made a minor stylistic change in Subsection A(4); substituted "regulation and licensing department" for "commerce and industry department" in Subsection A(5); added Subsections A(6) and (7); inserted "shall" in Subsection B; and substituted "department of education" for "council shall employ a staff director who" in Subsection D.

### **22-24-6.1. Procedures for a state-chartered charter school.**

All of the provisions of the Public School Capital Outlay Act apply to an application by a state-chartered charter school for grant assistance for a capital project except:

A. the portion of the cost of the project to be paid from the fund shall be calculated pursuant to Paragraph (5) of Subsection B of Section 22-24-5 NMSA 1978 using data from the school district in which the state-chartered charter school is located;

B. in calculating a reduction pursuant to Paragraph (6) of Subsection B of Section 22-24-5 NMSA 1978:

(1) the amount to be used in Subparagraph (a) of that paragraph shall equal the total of all legislative appropriations made after January 1, 2007 for nonoperating expenses either directly to the charter school or to another governmental entity for the purpose of passing the money through directly to the charter school, regardless of whether the charter school was a state-chartered charter school at the time of the appropriation or later opted to become a state-chartered charter school, except that the total shall not include any such appropriation if, before the charter school became a state-chartered charter school, the appropriation was previously used to calculate a reduction pursuant to Paragraph (6) of Subsection B of Section 22-24-5 NMSA 1978; and

(2) the amount to be used in Subparagraph (b) of that paragraph shall equal the total of all federal money received by the charter school for nonoperating purposes pursuant to Title XIV of the American Recovery and Reinvestment Act of 2009, regardless of whether the charter school was a state-chartered charter school at the time of receiving the federal money or later opted to become a state-chartered charter school, except that the total shall not include any such federal money if, before the charter school became a state-chartered charter school, the money was previously used to calculate a reduction pursuant to Paragraph (6) of Subsection B of Section 22-24-5 NMSA 1978; and

C. if the council determines that the state-chartered charter school does not have the resources to pay all or a portion of the total cost of the capital outlay project that is not funded with grant assistance from the fund, to the extent that money is available in the charter school capital outlay fund, the council shall make an award from that fund for the remaining amount necessary to pay for the project. The council may establish, by rule, a procedure for determining the amount of resources available to the charter school and the amount needed from the charter school capital outlay fund.

History: Laws 2007, ch. 214, § 1; 2009, ch. 258, § 6.

**The 2009 amendment**, effective April 8, 2009, added Paragraph (2) of Subsection B.

### **22-24-6.2. Repealed.**

**Repeals.** — Laws 2007, ch. 214, § 4 repealed 22-24-6.2 NMSA 1978, as enacted by Laws 2007, ch. 214, § 2, relating to public facilities for charter schools, effective July 1, 2012. For provisions of former

section, see the 2011 NMSA 1978 on *NMONESOURCE.COM*.

**22-24-7. Public school capital outlay oversight task force; creation; staff.**

A. The "public school capital outlay oversight task force" is created. The task force consists of twenty-five members as follows:

- (1) the secretary of finance and administration or the secretary's designee;
- (2) the secretary of public education or the secretary's designee;
- (3) the speaker of the house of representatives or the speaker's designee;
- (4) the president pro tempore of the senate or the president pro tempore's designee;
- (5) the chairs of the house appropriations and finance committee, the senate finance committee, the senate education committee and the house education committee or their designees;
- (6) two minority party members of the house of representatives, appointed by the New Mexico legislative council;
- (7) two minority party members of the senate, appointed by the New Mexico legislative council;
- (8) a member of the interim legislative committee charged with the oversight of Indian affairs, appointed by the New Mexico legislative council, provided that the member shall rotate annually between a senate member and a member of the house of representatives;
- (9) a member of the house of representatives and a member of the senate who represent districts with school districts receiving federal funds commonly known as "PL 874" funds or "impact aid", appointed by the New Mexico legislative council;
- (10) two public members who have expertise in education and finance appointed by the speaker of the house of representatives;
- (11) two public members who have expertise in education and finance appointed by the president pro tempore of the senate;
- (12) three public members, two of whom are residents of school districts that receive grants from the federal government as assistance to areas affected by federal activity authorized in accordance with Title 20 of the United States Code, appointed by the governor; and
- (13) three superintendents of school districts or their designees, two of whom are from school districts that receive grants from the federal government as assistance to areas affected by federal activity authorized in accordance with Title 20 of the United States Code, appointed by the New Mexico legislative council in consultation with the governor.

B. The chair of the public school capital outlay oversight task force shall be elected by the task force. The task force shall meet at the call of the chair, but no more than four times per calendar year.

C. Non-ex-officio members of the task force shall serve at the pleasure of their appointing authorities.

D. The public members of the public school capital outlay oversight task force shall receive per diem and mileage pursuant to the Per Diem and Mileage Act [10-8-1 through 10-8-8 NMSA 1978].

E. The legislative council service, with assistance from the public school facilities authority, the department of finance and administration, the public education department, the legislative education study committee and the legislative finance committee, shall provide staff for the public school capital outlay oversight task force.

History: Laws 2001, ch. 338, § 12; 2004, ch. 125, § 16; 2005, ch. 274, § 10; 2007, ch. 366, § 11; 2008, ch. 90, § 5.

**Cross references.** — For PL 874 funds, see 20 USCS § 7701 et seq.

**Temporary provisions.** — Laws 2010, ch. 104, § 5 provided that during calendar year 2010, the public school capital outlay oversight task force shall continue the working group studying issues relating to performance-based procurement for public school capital outlay projects, and shall report its findings and recommendations no later than December 15, 2010 to the governor and the legislature.

**The 2008 amendment,** effective May 14, 2008, in Subsection A, changed the number of members from twenty-six to twenty five and deleted the state investment officer or the state investment officer's designee.

**The 2007 amendment,** effective July 1, 2007, changed the number of members of the public school capital outlay oversight task force to twenty-six and added Paragraph (10) of Subsection A to provide new legislative members representing PL 874 school districts.

**The 2005 amendment,** effective April 6, 2005, changed the name of the task force to the public school capital outlay oversight task force and the number of members from twenty to twenty four in Subsection A; deleted the dean of the university of New Mexico school of law or the dean's designee as a member in Subsection A; added in Subsections A(3), (4) and (9) respectively, the speaker of the house of representatives or the speaker's designee, the president pro tempore of the senate or the president pro tempore's designee, and a member of the interim legislative committee charged with the oversight of Indian affairs as members of the task force; provided in Subsection A(9) that the member who is a member of the committee charged with Indian affairs shall rotate annually between a senate member and a house of representatives member; deleted the former requirement in Subsection A(10) that three members be public members who have expertise in education and finance; provided in Subsection A(12) that two of the public members must reside in school districts that receive federal grants as assistance to areas affected by federal activity; provided in Subsection A(13) that two superintendents must be from school districts that receive federal grants as assistance to areas affected by federal activity; provided in Subsection B that the task force shall meet no more than four times per calendar year; deleted the former provision of Subsection C that members shall serve through June 30, 2005 and that the task force is terminated on July 1, 2005; and provided in Subsection C that non-ex-officio members shall serve at the pleasure of their appointing authorities.

## **22-24-8. Public school capital outlay oversight task force; duties.**

The public school capital outlay oversight task force shall:

- A. monitor the overall progress of bringing all public schools up to the statewide adequacy standards developed pursuant to the Public School Capital Outlay Act;
- B. monitor the progress and effectiveness of programs administered pursuant to the Public School Capital Outlay Act and the Public School Capital Improvements Act [Chapter 22, Article 25 NMSA 1978];
- C. monitor the existing permanent revenue streams to ensure that they remain adequate long-term funding sources for public school capital outlay projects;
- D. oversee the work of the public school capital outlay council and the public school facilities authority as they perform functions pursuant to the Public School Capital Outlay Act, particularly as they implement the statewide-based process for making grant awards;
- E. appoint an advisory committee to study the feasibility of implementing a long-range planning process that will facilitate the interaction between charter schools and their school districts on issues relating to facility needs; and
- F. before the beginning of each regular session of the legislature, report the results of its analyses and oversight and any recommendations to the governor and the legislature.

History: Laws 2001, ch. 338, § 13; 2004, ch. 125, § 17; 2005, ch. 274, § 11.

**Temporary provisions.** — Laws 2009, ch. 37, § 2 provided that during calendar year 2009, the public school capital outlay oversight task force shall study reasonable alternatives for determining the local matching funds to be required from the New Mexico school for the blind and visually impaired and the New Mexico school for the deaf for a grant award pursuant to the Public School Capital Outlay Act and shall report its findings and recommendations to the second session of the forty-ninth legislature.

**The 2005 amendment**, effective April 6, 2005, added Subsection A to provide that the task force shall monitor the progress of bringing public schools up to the statewide adequacy standards; deleted the former requirement in Subsection B that the task force review the condition index and the methodology used for ranking projects; provided in Subsection C that the task force monitor revenue streams to ensure that they remain adequate; provided in Subsection D that the task force oversee the work of the council and the authority; added Subsection E to provide that the task force appoint an advisory committee to study the feasibility of a long-range planning process to facilitate interaction between charter schools and school districts.

#### **22-24-9. Public school facilities authority; creation; powers and duties.**

A. The "public school facilities authority" is created under the council. The authority shall be headed by a director, selected by the council, who shall be versed in construction, architecture or project management. The director may hire no more than two deputies with the approval of the council, and, subject to budgetary constraints set out in Subsection G of Section 22-24-4 NMSA 1978, shall employ or contract with such technical and administrative personnel as are necessary to carry out the provisions of this section. The director, deputies and all other employees of the authority shall be exempt from the provisions of the Personnel Act [Chapter

10, Article 9 NMSA 1978].

B. The authority shall:

- (1) serve as staff to the council;
- (2) as directed by the council, provide those assistance and oversight functions required of the council by Section 22-24-5.1 NMSA 1978;
- (3) assist school districts with:
  - (a) the development and implementation of five-year facilities plans and preventive maintenance plans;
  - (b) procurement of architectural and engineering services;
  - (c) management and oversight of construction activities; and
  - (d) training programs;
- (4) conduct ongoing reviews of five-year facilities plans, preventive maintenance plans and performance pursuant to those plans;
- (5) as directed by the council, assist school districts in analyzing and assessing their space utilization options;
- (6) ensure that public school capital outlay projects are in compliance with applicable building codes;
- (7) conduct on-site inspections as necessary to ensure that the construction specifications are being met and periodically inspect all of the documents related to projects;
- (8) require the use of standardized construction documents and the use of a standardized process for change orders;
- (9) have access to the premises of a project and any documentation relating to the project;
- (10) after consulting with the department, recommend building standards for public school facilities to the council and ensure compliance with building standards adopted by the council;
- (11) notwithstanding the provisions of Subsection D of Section 22-24-6 NMSA 1978, account for all distributions of grant assistance from the fund for which the initial award was made after July 1, 2004, and make annual reports to the department, the governor, the legislative education study committee, the legislative finance committee and the legislature;
- (12) maintain a database of the condition of school facilities and maintenance schedules;
- (13) as a central purchasing office pursuant to the Procurement Code [13-1-28 through 13-1-199 NMSA 1978] and as directed by the council, select contractors and enter into and administer contracts for certain emergency projects funded pursuant to Subparagraph (b) of Paragraph (2) of Subsection B of Section 22-24-5 NMSA 1978; and

(14) ensure that outstanding deficiencies are corrected pursuant to Section 22-24-4.1 NMSA 1978. In the performance of this duty, the authority:

(a) shall work with school districts to validate the assessment of the outstanding deficiencies and the projected costs to correct the deficiencies;

(b) shall work with school districts to provide direct oversight of the management and construction of the projects that will correct the outstanding deficiencies;

(c) shall oversee all aspects of the contracts entered into by the council to correct the outstanding deficiencies;

(d) may conduct on-site inspections while the deficiencies correction work is being done to ensure that the construction specifications are being met and may periodically inspect all of the documents relating to the projects;

(e) may require the use of standardized construction documents and the use of a standardized process for change orders;

(f) may access the premises of a project and any documentation relating to the project; and

(g) shall maintain, track and account for deficiency correction projects separately from other capital outlay projects funded pursuant to the Public School Capital Outlay Act.

C. All actions taken by the authority shall be consistent with educational programs conducted pursuant to the Public School Code [Chapter 22 [except Article 5A] NMSA 1978]. In the event of any potential or perceived conflict between a proposed action of the authority and an educational program, the authority shall consult with the secretary.

D. A school district, aggrieved by a decision or recommendation of the authority, may appeal the matter to the council by filing a notice of appeal with the council within thirty days of the authority's decision or recommendation. Upon filing of the notice:

(1) the decision or recommendation of the authority shall be suspended until the matter is decided by the council;

(2) the council shall hear the matter at its next regularly scheduled hearing or at a special hearing called by the chair for that purpose;

(3) at the hearing, the school district, the authority and other interested parties may make informal presentations to the council; and

(4) the council shall finally decide the matter within ten days after the hearing.

History: Laws 2003, ch. 147, § 1; 2004, ch. 125, § 11; 2005, ch. 274, § 12; 2006, ch. 95, § 8; 2010, ch. 104, § 4.

**The 2010 amendment**, effective March 9, 2010, added Paragraph (13) of Subsection B and renumbered succeeding paragraphs.

**The 2006 amendment**, effective March 6, 2006, in Subsection A, added all other employees of the

authority and deleted the provision that subjected all other employees to the Personnel Act after July 1, 2006.

**The 2005 amendment**, effective April 6, 2005, provided in Subsection A that the hiring of deputies is subject to the budgetary constraints set out in Subsection G of Section 22-24-4 NMSA 1978 and that after July 1, 2006, all other employees shall be subject to the Personnel Act; and added Subsection B(11) to provide that the authority shall account for all distributions of grant assistance from the fund awarded after July 1, 2004 and make annual reports to the specified agencies or officers.

**The 2004 amendment**, effective May 19, 2004, amended Subsection A to delete "public school capital outlay" preceding "council", amended Subsection B to add new Paragraph (5), redesignated former Paragraphs (6) through (11) of Subsection B as Paragraphs (7) through (12), amended Paragraph (8) to delete "where appropriate" before "require" and amended Paragraph (10) to delete "of education, develop" following "education" and insert in its place "recommend", to add "to the council" after "facilities", to replace "those" with "building" preceding "standards" and to insert "adopted by the council at the end of the paragraph, amended Subsection C to substitute "secretary of public education" for "state superintendent", and added Subsection D.

### **22-24-10. Public facilities to be used by charter schools; assessment.**

A. Prior to the occupancy of a public facility by a charter school, the charter school shall notify the council of the intended use, together with such other information as required by rule of the council.

B. Within sixty days of the notification to the council, the public school facilities authority shall assess the public facility in order to determine the extent of compliance with the statewide adequacy standards and the amount of outstanding deviation from those standards. The results of the assessment shall be submitted to the charter school, the school district in which the charter school is located and the council.

C. Once assessed pursuant to Subsection B of this section, the public facility shall be prioritized and eligible for grants pursuant to the Public School Capital Outlay Act in the same manner as all other public schools in the state.

D. As used in this section, "public facility" means a building owned by the charter school, the school district, the state, an institution of the state, another political subdivision of the state, the federal government or a tribal government.

History: Laws 2005, ch. 274, § 13.

**Effective dates.** — Laws 2005, ch. 274, § 20 makes the act effective April 6, 2005.

### **22-24-11. Recompiled.**

**Recompilations.** — Laws 2007, ch. 366, § 25, effective July 1, 2007, recompiled former 22-24-11 NMSA 1978 as 22-8-48 NMSA 1978.



**ARTICLE 25**  
**Public School Capital Improvements**

Section	
22-25-1	Short title.
22-25-2	Definitions.
22-25-3	Authorization for local school board to submit question of capital improvements tax imposition.
22-25-4	Authorizing resolution; time limitation.
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22-25-7	Imposition of tax; limitation on expenditures.
22-25-8	Tax to be imposed for a maximum of six years.
22-25-9	State distribution to school district imposing tax under certain circumstances.
22-25-10	Public school capital improvements fund created.
22-25-11	Expenditures by charter schools; reports to department.

**22-25-1. Short title.**

Chapter 22, Article 25 NMSA 1978 may be cited as the "Public School Capital Improvements Act".

History: 1953 Comp., § 77-25-1, enacted by Laws 1975 (S.S.), ch. 5, § 1; 2007, ch. 366, § 12.

**Cross references.** — For public school finances generally, see 22-8-1 NMSA 1978 et seq.

For public school emergency capital outlays, see 22-24-1 NMSA 1978 et seq.

**The 2007 amendment**, effective July 1, 2007, changed the statutory reference to the act.

**ANNOTATIONS**

**Revenues not to be used for teacher housing.** — Revenues generated by school district general obligation bonds or pursuant to the Public School Capital Improvements Act may not be spent to construct teacher housing. 1981 Op. Att'y Gen. No. 81-1.

For article, "No Cake For Zuni: The Constitutionality of New Mexico's Public School Capital Finance System," see 37 N.M.L. Rev. 307 (2007).

**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 [6-15A-1 through 6-15A-16 NMSA 1978] or the Public School Lease Purchase Act [Chapter 22, Article 26A NMSA 1978] but excluding any other 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;

(3) maintenance of public school buildings or public school grounds, including the purchasing or repairing of maintenance equipment, participating in the facility information management system as required by the Public School Capital Outlay Act [Chapter 22, Article 24 NMSA 1978] 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; or

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

History: 1953 Comp., § 77-25-2, enacted by Laws 1975 (S.S.), ch. 5, § 2; 1981, ch. 314, § 1; 1989, ch. 159, § 1; 1996, ch. 67, § 2; 1999, ch. 89, § 2; 2004, ch. 125, § 12; 2006, ch. 95, § 9; 2007, ch. 366, § 13; 2009, ch. 258, § 8.

**The 2009 amendment**, effective April 8, 2009, in Subsection B, added the reference to the Public School Lease Purchase Act; deleted former Paragraph (2) of Subsection B, which excluded lease payments on a lease with option to purchase; and in Paragraph (3) of Subsection B, added the language between "public school grounds" and "including payments under contracts", and after "including payments under contracts", added "with regional education cooperatives".

**The 2007 amendment**, effective July 1, 2007, added Paragraph (2) of Subsection B to include within the definition of "capital improvements" payments made for lease purchases.

**The 2006 amendment**, effective March 6, 2006, in Paragraph (3) of Subsection B, included payments under contracts for maintenance support services.

**The 2004 amendment**, effective May 19, 2004, in Paragraph (3) of Subsection B, deleted "exclusive of" preceding "salary expenses" and added "including expenditures for technical training and certification for maintenance and facilities management personnel, but excluding".

**The 1999 amendment**, effective March 19, 1999, substituted the language beginning "including payments" and ending "any other" for "exclusive of any" in Subsection B.

**The 1996 amendment**, effective May 15, 1996, added Paragraph B(5).

**The 1989 amendment**, effective June 16, 1989, added Subsection B(4).

**22-25-3. Authorization for local school board to submit question of capital improvements tax imposition.**

A. A local school board may adopt a resolution to submit to the qualified electors of the school district the question of whether a property tax should be imposed upon the net taxable value of property allocated to the school district under the Property Tax Code [Chapter 7, Articles 35 through 38 NMSA 1978] at a rate not to exceed that specified in the resolution for the purpose of capital improvements in the school district. The resolution shall:

- (1) identify the capital improvements for which the revenue proposed to be produced will be used;
- (2) specify the rate of the proposed tax, which shall not exceed two dollars (\$2.00) on each one thousand dollars (\$1,000) of net taxable value of property allocated to the school district under the Property Tax Code;
- (3) specify the date an election will be held to submit the question of imposition of the tax to the qualified electors of the district; and
- (4) limit the imposition of the proposed tax to no more than six property tax years.

B. On or after July 1, 2009, a resolution submitted to the qualified electors pursuant to Subsection A of this section shall include capital improvements funding for a locally chartered or state-chartered charter school located within the school district if the charter school timely provides the necessary information to the school district for inclusion in the resolution that identifies the capital improvements of the charter school for which the revenue proposed to be produced will be used.

History: 1953 Comp., § 77-25-3, enacted by Laws 1975 (S.S.), ch. 5, § 3; 1986, ch. 32, § 21; 1997, ch. 138, § 1; 2003, ch. 147, § 6; 2009, ch. 258, § 9.

**The 2009 amendment**, effective April 8, 2009, added Subsection B.

**The 2003 amendment**, effective April 4, 2003, substituted "six property tax years" for "four property tax years" at the end of Subsection D.

**The 1997 amendment**, effective June 20, 1997, substituted "four" for "three" in Subsection D.

**22-25-4. Authorizing resolution; time limitation.**

The resolution authorized under Section 3 [22-25-3 NMSA 1978] of the Public School Capital Improvements Act shall be adopted no later than May 15 in the year in which the tax is proposed to be imposed.

**History:** 1953 Comp., § 77-25-4, enacted by Laws 1975 (S.S.), ch. 5, § 4.

**22-25-5. Conduct of election; notice; ballot.**

A. An election on the question of imposing a tax under the Public School Capital Improvements Act may be held in conjunction with a regular school district election or may be conducted as or held in conjunction with a special school district election, but the election shall be held prior to July 1 of the property tax year in which the tax is proposed to be imposed. Conduct of the election shall be as prescribed in the School Election Law [1-22-1 through 1-22-19 NMSA 1978] for regular and special school district elections.

B. The proclamation required to be published as notice of the election under Section 1-22-4 or 1-22-5 NMSA 1978 shall include as the question to be submitted to the voters whether a property tax at a rate not to exceed the rate specified in the authorizing resolution should be imposed for the specified number of property tax years not exceeding six years upon the net taxable value of all property allocated to the school district for the capital improvements specified in the authorizing resolution.

C. The ballot shall include the information specified in Subsection B of this section and shall present the voter the choice of voting "for the public school capital improvements tax" or "against the public school capital improvements tax".

**History:** 1953 Comp., § 77-25-5, enacted by Laws 1975 (S.S.), ch. 5, § 5; 1986, ch. 32, § 22; 1997, ch. 138, § 2; 2003, ch. 147, § 7.

**The 2003 amendment,** effective April 4, 2003, substituted "proclamation" for "resolution" and "six years" for "four years" in Subsection B.

**The 1997 amendment,** effective June 20, 1997, substituted "four years" for "three years" in Subsection B.

**22-25-6. Election results; certification.**

The certification of the results of an election held on the question of imposition of a public school capital improvements tax shall be made in accordance with Section 22-6-16 NMSA 1978 [repealed] and a copy of the certificate of results shall be mailed immediately to the director.

**History:** 1953 Comp., § 77-25-6, enacted by Laws 1975 (S.S.), ch. 5, § 6; 1977, ch. 246, § 66.

**Bracketed material.** — The bracketed material was inserted by the compiler and is not part of the law.

Laws 1985, ch. 168, § 22 repealed former 22-6-16 NMSA 1978, referred to in this section, effective June 16, 1985

**22-25-7. Imposition of tax; limitation on expenditures.**

A. If as a result of an election held in accordance with the Public School Capital Improvements Act a majority of the qualified electors voting on the question votes in favor of the imposition of the tax, the tax rate shall be certified, unless the local school board requests by resolution that a rate be discontinued, by the department of finance and administration at the rate specified in the resolution authorized under Section 22-25-3 NMSA 1978 or at any lower rate required by operation of the rate limitation provisions of Section 7-37-7.1 NMSA 1978 upon the rate specified in the resolution and be imposed at the rate certified in accordance with the provisions of the Property Tax Code [Chapter 7, Articles 35 through 38 NMSA 1978].

B. The revenue produced by the tax and, except as provided in Subsection F, G or H of Section 22-25-9 NMSA 1978, any state distribution resulting to the district under the Public School Capital Improvements Act shall be expended only for the capital improvements specified in the authorizing resolution.

C. For resolutions approved by the electors on or after July 1, 2009, the amount of tax revenue to be distributed to each charter school that was included in the resolution shall be determined each year and shall be in the same proportion as the average full-time-equivalent enrollment of the charter school on the fortieth day of the prior school year is to the total such enrollment in the school district; provided that no distribution shall be made to an approved charter school that had not commenced classroom instruction in the prior school year and, provided further, that, in determining a school district's total enrollment, students attending a state-chartered charter school within that school district shall be included. Each year, the department shall certify to the county treasurer of the county in which the eligible charter schools in the school district are located the percentage of the revenue to be distributed to each charter school. The county treasurer shall distribute the charter school's share of the property tax revenue directly to the charter school.

History: 1953 Comp., § 77-25-7, enacted by Laws 1975 (S.S.), ch. 5, § 7; 1986, ch. 32, § 23; 2004, ch. 125, § 13; 2009, ch. 258, § 10.

**The 2009 amendment**, effective April 8, 2009, in Subsection B, added the reference to Subsections G and H; and added Subsection C.

**The 2004 amendment**, effective May 19, 2004, added "except as provided in Subsection F of Section 22-25-9 NMSA 1978," after "The revenue produced by the tax and,".

## ANNOTATIONS

**The "tax rate imposed in the district" under the Public School Capital Improvements Act** is that rate certified in accordance with this section which incorporates Section 7-37-7.1 NMSA 1978. This certified rate must be that which the voters approve unless the operation of the rate limitation provisions of Section 7-37-7.1 NMSA 1978 requires a lower rate, in which case the lower rate must be certified. 1987 Op. Att'y Gen. No. 87-52.

**22-25-8. Tax to be imposed for a maximum of six years.**

A tax imposed in a school district as a result of an election under the Public School Capital Improvements Act shall be imposed for a specified number of property tax years not exceeding six years commencing with the property tax year in which the election was held. The local school board may discontinue, by resolution, the Public School Capital Improvements Act tax levy at the end of any property tax year. The local school board shall direct that the Public School Capital Improvements Act tax levy be decreased by the amount required for any year in which the decrease is required by operation of the rate limitation provisions of Section 7-37-7.1 NMSA 1978.

**History:** 1953 Comp., § 77-25-8, enacted by Laws 1975 (S.S.), ch. 5, § 8; 1976 (S.S.), ch. 31, § 1; 1986, ch. 32, § 24; 1997, ch. 138, § 3; 2003, ch. 147, § 8.

**The 2003 amendment,** effective April 4, substituted "six years" for "four years" in the section heading; substituted "a specified number of property tax years not exceeding six years" for "one, two, three or four years" in the first sentence, and substituted "any property tax year" for "the first or second year of the levy" in the second sentence.

**The 1997 amendment,** effective June 20, 1997, substituted "four years" for "three years" in the section heading and "two, three or four years" for "two or three years" in the first sentence.

**22-25-9. State distribution to school district imposing tax under certain circumstances.**

A. Except as provided in Subsection C or G of this section, the secretary shall distribute to any school district that has imposed a tax under the Public School Capital Improvements Act an amount from the public school capital improvements fund that is equal to the amount by which the revenue estimated to be received from the imposed tax, at the rate certified by the department of finance and administration in accordance with Section 22-25-7 NMSA 1978, assuming a one hundred percent collection rate, is less than an amount calculated by multiplying the school district's first forty days' total program units by the amount specified in Subsection B of this section and further multiplying the product obtained by the tax rate approved by the qualified electors in the most recent election on the question of imposing a tax under the Public School Capital Improvements Act. The distribution shall be made each year that the tax is imposed in accordance with Section 22-25-7 NMSA 1978; provided that no state distribution from the public school capital improvements fund may be used for capital improvements to any administration building of a school district. In the event that sufficient funds are not available in the public school capital improvements fund to make the state distribution provided for in this section, the dollar per program unit figure shall be reduced as necessary.

B. In calculating the state distribution pursuant to Subsection A of this section, the following amounts shall be used:

- (1) the amount calculated pursuant to Subsection D of this section per program unit;

and

(2) an additional amount certified to the secretary by the public school capital outlay council. No later than June 1 of each year, the council shall determine the amount needed in the next fiscal year for public school capital outlay projects pursuant to the Public School Capital Outlay Act [Chapter 22, Article 24 NMSA 1978] and the amount of revenue, from all sources, available for the projects. If, in the sole discretion of the council, the amount available exceeds the amount needed, the council may certify an additional amount pursuant to this paragraph; provided that the sum of the amount calculated pursuant to this paragraph plus the amount in Paragraph (1) of this subsection shall not result in a total statewide distribution that, in the opinion of the council, exceeds one-half of the total revenue estimated to be received from taxes imposed pursuant to the Public School Capital Improvements Act.

C. For any fiscal year notwithstanding the amount calculated to be distributed pursuant to Subsections A and B of this section, except as provided in Subsection G of this section, a school district, the voters of which have approved a tax pursuant to Section 22-25-3 NMSA 1978, shall not receive a distribution less than the amount calculated pursuant to Subsection E of this section multiplied by the school district's first forty days' total program units and further multiplying the product obtained by the approved tax rate.

D. For purposes of calculating the distribution pursuant to Subsection B of this section, the amount used in Paragraph (1) of that subsection shall equal seventy dollars (\$70.00) in fiscal year 2008 and in each subsequent fiscal year shall equal the amount for the previous fiscal year adjusted by the percentage increase between the next preceding calendar year and the preceding calendar year of the consumer price index for the United States, all items, as published by the United States department of labor.

E. For purposes of calculating the minimum distribution pursuant to Subsection C of this section, the amount used in that subsection shall equal five dollars (\$5.00) through fiscal year 2005 and in each subsequent fiscal year shall equal the amount for the previous fiscal year adjusted by the percentage increase between the next preceding calendar year and the preceding calendar year of the consumer price index for the United States, all items, as published by the United States department of labor.

F. In expending distributions made pursuant to this section, school districts and charter schools shall give priority to maintenance projects, including payments under contracts with regional education cooperatives for maintenance support services. In addition, distributions made pursuant to this section may be expended by school districts and charter schools as follows:

(1) for the school district portion of the total project cost for roof repair or replacement required by Section 22-24-4.3 NMSA 1978; or

(2) for the school district portion of payments made under a financing agreement entered into by a school district or a charter school for the leasing of a building or other real property with an option to purchase for a price that is reduced according to the payments made, if

the school district has received a grant for the state share of the payments pursuant to Subsection D of Section 22-24-5 NMSA 1978.

G. If a serious deficiency in a roof of a public school facility has been corrected pursuant to Section 22-24-4.4 NMSA 1978 and the school district has refused to pay its share of the cost as determined by that section, until the public school capital outlay fund is reimbursed in full for the share attributed to the district, the distribution calculated pursuant to this section shall not be made to the school district but shall be made to the public school capital outlay fund.

H. A portion of each distribution made by the state pursuant to this section on or after July 1, 2009 shall be further distributed by the school district to each locally chartered or state-chartered charter school located within the school district. The amount to be distributed to each charter school shall be in the same proportion as the average full-time-equivalent enrollment of the charter school on the fortieth day of the prior school year is to the total such enrollment in the school district; provided that no distribution shall be made to an approved charter school that had not commenced classroom instruction in the prior school year. Each year, the department shall certify to the school district the amount to be distributed to each charter school. Distributions received by a charter school pursuant to this subsection shall be expended pursuant to the provisions of the Public School Capital Improvements Act; except that if capital improvements for the charter school were not identified in a resolution approved by the electors, the charter school may expend the distribution for any capital improvements, including those specified in Subsection F of this section.

I. In determining a school district's total program units pursuant to Subsections A and C of this section and a school district's total enrollment pursuant to Subsection H of this section, students attending a state-chartered charter school within the school district shall be included.

J. In making distributions pursuant to this section, the secretary shall include such reporting requirements and conditions as are required by rule of the public school capital outlay council. The council shall adopt such requirements and conditions as are necessary to ensure that the distributions are expended in the most prudent manner possible and are consistent with the original purpose as specified in the authorizing resolution. Copies of reports or other information received by the secretary in response to the requirements and conditions shall be forwarded to the council.

History: 1953 Comp., § 77-25-9, enacted by Laws 1975 (S.S.), ch. 5, § 9; 1976 (S.S.), ch. 31, § 2; 1977, ch. 246, § 67; 1981, ch. 314, § 2; 1986, ch. 32, § 25; 1988, ch. 64, § 44; 1988, ch. 66, § 2; 2001, ch. 338, § 10; 2003, ch. 147, § 9; 2004, ch. 125, § 14; 2005, ch. 274, § 15; 2006, ch. 95, § 10; 2007, ch. 366, § 14; 2009, ch. 258, § 11.

**Compiler's notes.** — Sections 22-24-7 and 22-24-8 NMSA 1978, Laws 2004, ch. 125, §§ 16 and 17, effective May 19, 2004, created the public school capital outlay oversight tax force; provided that the task force shall study and evaluate the progress and effectiveness of the programs administered pursuant to the Public School Capital Outlay Act and the Public School Capital Improvements Act; and provided that the task force shall report prior to the forty-seventh legislature.

**The 2009 amendment**, effective April 8, 2009, in Subsection F, in the first sentence, after "school districts", added "and charter schools", and after "payments under contracts", added "with regional education cooperatives"; in the second sentence, deleted "for the school district portion of", and added "and charter schools as follows"; in Paragraphs (1) and (2) of Subsection F, at the beginning of each sentence, added "for the school district portion of"; and added Subsections H and I.

**The 2007 amendment**, effective July 1, 2007, changed the amount used in Paragraph (1) of Subsection B from sixty dollars (\$60.00) in fiscal year 2006 to seventy dollars (\$70.00) in fiscal year 2008 and added Paragraph (2) of Subsection F relating to payments made by a district for leases until an option to purchase.

**The 2006 amendment**, effective March 6, 2006, in Paragraph (2) of Subsection B, deleted "for fiscal year 2006 and thereafter" at the beginning of the sentence and changed "June 1, 2005 and each June thereafter" to "June 1 of each year"; in Subsection C, changed "fiscal year 2004 and thereafter" to "any fiscal year"; in Subsection D, deleted the amount of fifty dollars through fiscal year 2005; and in Subsection F, included payments under contracts for maintenance support services.

**The 2005 amendment**, effective April 6, 2005, added the exception in Subsection G in Subsection A; added the exception in Subsection G in Subsection C; added the amount of \$60 for fiscal year 2006 in Subsection D; provided in Subsection F that distributions may be expended by school districts for the school district portion of the total project cost for roof repair or replacement; and added Subsection G to provide that if a roof deficiency has been corrected and the school district refuses to pay its share of the cost, until the school district reimbursed the capital outlay fund for its share of the cost, the distribution shall not be made to the school district but shall be made to the capital outlay fund.

**The 2004 amendment**, effective May 19, 2004, amended Subsection A to substitute "secretary of public education" for "state superintendent", amended Subsection B to substitute in Paragraph (1) "the amount calculated pursuant to Subsection D of this subsection" for "fifty dollars (\$50.00)" and to substitute in Paragraph (2) "secretary of public education" for "state superintendent", amended Subsection C to substitute "an amount equal to five dollars (\$5.00)" for "the amount calculated pursuant to Subsection E of this section", added new Subsections D through F, redesignated former Subsection C as Subsection G and substituted "secretary of public education" for "state superintendent" and "secretary" for "state superintendent".

**The 2003 amendment**, effective April 4, 2003, inserted Subsection C.

**The 2001 amendment**, effective April 5, 2001, redesignated the former section as Subsection A; inserted the exception at the beginning of Subsection A; substituted "by the dollar amount specified in Subsection B of this section" for "times thirty-five dollars"; and added Subsections B and D.

As vetoed by the governor April 5, 2001, Subsection C read: "Notwithstanding the amount calculated to be distributed pursuant to Subsections A and B of this section, no school district, the voters of which have approved a tax pursuant to Section 22-25-3 NMSA 1978, shall receive a distribution less than an amount equal to five dollars (\$5.00) multiplied by the school district's first forty days' total program units and further multiplying the product obtained by the approved tax rate."

**The 1988 amendments**, effective March 8, 1988, substituted "approved by the qualified electors in the most recent election on the question of imposing a tax" for "imposed in the district" near the end of the first sentence; deleted "by December 1" preceding "of each year" in the second sentence; and inserted the proviso at the end of the second sentence.

## ANNOTATIONS

The "tax rate imposed in the district" under the Public School Capital Improvements Act is that rate certified in accordance with Section 22-25-7 NMSA 1978 which incorporates Section 7-37-7.1 NMSA 1978. This certified rate must be that which the voters approve unless the operation of the rate limitation provisions of Section 7-37-7.1 NMSA 1978 requires a lower rate, in which case the lower rate must be certified. 1987 Op. Att'y Gen. No. 87-52.

**Administrative charge not to be used to reduce revenue estimate.** — The school district, not the state's public school capital improvements fund, must absorb the two percent (now one percent) administrative charge authorized by Section 7-38-38.1 NMSA 1978, and such fee may not be used to reduce the revenue estimate that this section requires. 1987 Op. Att'y Gen. No. 87-52 (rendered prior to 1988 amendment).

### **22-25-10. Public school capital improvements fund created.**

There is created a "public school capital improvements fund." Balances in the fund remaining at the end of a fiscal year shall not revert.

**History:** 1953 Comp., § 77-25-10, enacted by Laws 1975 (S.S.), ch. 5, § 10; 1976 (S.S.), ch. 31, § 3.

### **22-25-11. Expenditures by charter schools; reports to department.**

A. No later than December 1 of each year, each locally chartered or state-chartered charter school that expects a state distribution or a distribution of property taxes pursuant to the Public School Capital Improvements Act during the next calendar year shall submit a report to the department and its chartering authority showing the purposes for which the expected distribution will be expended. The department shall review the report and, no later than twenty days after receiving the report, shall advise the charter school if, in its opinion, the proposed expenditures are consistent with law and shall provide a copy of the advice to the local district.

B. No later than January 31 of each year, each locally chartered or state-chartered charter school that received a state distribution or a distribution of property taxes pursuant to the Public School Capital Improvements Act during the preceding calendar year shall submit a report to the department and its chartering authority showing the purposes for which the distribution was expended and the amount expended for each purpose.

History: Laws 2011, ch. 11, § 1.

**Effective dates.** — Laws 2011, ch. 11 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective June 17, 2011, 90 days after the adjournment of the legislature.

## ARTICLE 26

### Public School Buildings

Section	
22-26-1	Short title.
22-26-2	Definition.
22-26-3	Authorization for local school board to submit question of capital improvements tax imposition.
22-26-4	Authorizing resolution; time limitation.
22-26-5	Conduct of election; notice; ballot.
22-26-6	Election results; certification.
22-26-7	Imposition of tax; limitations.
22-26-8	Tax to be imposed for a maximum of six years.
22-26-9	Charter schools; receipt of local property tax revenue.
22-26-10	Expenditures by charter schools; reports to department.

#### **22-26-1. Short title.**

Chapter 22, Article 26 NMSA 1978 may be cited as the "Public School Buildings Act".

History: Laws 1983, ch. 163, § 1; 2007, ch. 366, § 18.

**The 2007 amendment**, effective July 1, 2007, changed the statutory reference to the act.

### ANNOTATIONS

For article, "No Cake For Zuni: The Constitutionality of New Mexico's Public School Capital Finance System," see 37 N.M.L. Rev. 307 (2007).

#### **22-26-2. Definition.**

As used in the Public School Buildings Act, "capital improvements" means expenditures, including payments made with respect to lease-purchase arrangements as defined in the Education Technology Equipment Act [6-15A-1 through 6-15A-16 NMSA 1978] but excluding any other debt service expenses, for:

- A. erecting, remodeling, making additions to, providing equipment for or furnishing public school buildings;
- B. payments made pursuant to a financing agreement entered into by a school district or a charter school for the leasing of a building or other real property with an option to purchase for a price that is reduced according to payments made;
- C. purchasing or improving public school grounds;
- D. purchasing activity vehicles for transporting students to and from extracurricular

school activities, provided that this authorization for expenditure does not apply to school districts with a student MEM greater than sixty thousand; or

E. administering the projects undertaken pursuant to Subsections A and C of this section, including expenditures for facility maintenance software, project management software, project oversight and district personnel specifically related to administration of projects funded by the Public School Buildings Act; provided that expenditures pursuant to this subsection shall not exceed five percent of the total project costs.

History: Laws 1983, ch. 163, § 2; 1999, ch. 89, § 3; 2007, ch. 366, § 19; 2009, ch. 25, § 1.

**The 2009 amendment**, effective June 19, 2009, added Subsection D.

**The 2007 amendment**, effective July 1, 2007, added Subsections B and D.

**The 1999 amendment**, effective March 19, 1999, substituted the language beginning "including payments" and ending "any other" for "exclusive of any" in the introductory language.

### **22-26-3. Authorization for local school board to submit question of capital improvements tax imposition.**

A. A local school board may adopt a resolution to submit to the qualified electors of the school district the question of whether a property tax at a rate not to exceed the rate specified in the resolution should be imposed upon the net taxable value of property allocated to the school district under the Property Tax Code [Chapter 7, Articles 35 through 38 NMSA 1978] for the purpose of capital improvements to public schools in the school district. The resolution shall:

- (1) identify the capital improvements for which the revenue proposed to be produced will be used;
- (2) specify the rate of the proposed tax, which shall not exceed ten dollars (\$10.00) on each one thousand dollars (\$1,000) of net taxable value of property allocated to the school district under the Property Tax Code;
- (3) specify the date an election will be held to submit the question of imposition of the tax to the qualified electors of the district; and
- (4) limit the imposition of the proposed tax to no more than six property tax years.

B. After July 1, 2007, a resolution submitted to the qualified electors pursuant to Subsection A of this section shall include capital improvements funding for a locally chartered or state-chartered charter school located within the school district if:

- (1) the charter school timely provides the necessary information to the school district for inclusion on the resolution that identifies the capital improvements of the charter school for which the revenue proposed to be produced will be used; and
- (2) the capital improvements are included in the five-year facilities plan:
  - (a) of the school district, if the charter school is a locally chartered charter school; or

(b) of the charter school, if the charter school is a state-chartered charter school.

History: Laws 1983, ch. 163, § 3; 1986, ch. 32, § 26; 2007, ch. 366, § 20.

**The 2007 amendment**, effective July 1, 2007, added Paragraph (1) of Subsection A to require bond resolutions to identify the capital improvements and added Subsection B.

#### **22-26-4. Authorizing resolution; time limitation.**

The resolution authorized under Section 3 [22-26-3 NMSA 1978] of the Public School Buildings Act shall be adopted no later than May 15 in the year in which the tax is proposed to be imposed.

**History:** Laws 1983, ch. 163, § 4.

#### **22-26-5. Conduct of election; notice; ballot.**

A. An election on the question of imposing a tax under the Public School Buildings Act may be held in conjunction with a regular school district election or may be conducted as or held in conjunction with a special school district election, but the election shall be held prior to July 1 of the property tax year in which the tax is proposed to be imposed. Conduct of the election shall be as prescribed in the School Election Law [1-22-1 through 1-22-19 NMSA 1978] for regular and special school district elections.

B. The resolution required to be published as notice of the election under Section 1-22-4 or 1-22-5 NMSA 1978 shall include as the question to be submitted to the voters whether a property tax at a rate not to exceed the rate specified in the authorizing resolution should be imposed for the specified number of property tax years not exceeding six years upon the net taxable value of all property allocated to the school district for capital improvements.

C. The ballot shall include the information specified in Subsection B of this section and shall present the voter the choice of voting "for the public school buildings tax" or "against the public school buildings tax".

History: Laws 1983, ch. 163, § 5; 1986, ch. 32, § 27; 2007, ch. 366, §21.

**The 2007 amendment**, effective July 1, 2007, changed the maximum number of property tax years for imposing the tax from five to six years.

#### **22-26-6. Election results; certification.**

The certification of the results of an election held on the question of imposition of a public school buildings tax shall be made in accordance with the School Election Law [1-22-1 through 1-22-19 NMSA 1978], and a copy of the certificate of results shall be mailed immediately to the state superintendent [secretary].

**History:** Laws 1983, ch. 163, § 6; 1993, ch. 226, § 52.

**Bracketed material.** — The bracketed material was inserted by the compiler and is not part of the law.

Laws 2004, ch. 25, § 27, provided that all references to the superintendent of public instruction shall be deemed references to the secretary of public education and all references to the former state board of education or state department of education shall be deemed references to the public education department. See 9-24-15 NMSA 1978.

**The 1993 amendment,** effective July 1, 1993, substituted "the School Election Law" for "Section 22-6-16 NMSA 1978" and "state superintendent" for "director of public school finance".

### **22-26-7. Imposition of tax; limitations.**

If as a result of an election held in accordance with the Public School Buildings Act a majority of the qualified electors voting on the question votes in favor of the imposition of the tax, the tax rate shall be certified, unless the local school board directs that the tax levy not be made for the year, by the department of finance and administration at the rate specified in the authorizing resolution or at any lower rate required by operation of the rate limitation provisions of Section 7-37-7.1 NMSA 1978 upon the rate specified in the authorizing resolution or at any rate lower than the rate required by operation of the rate limitation provisions of Section 7-37-7.1 NMSA 1978 if directed by the local school board pursuant to Section 22-26-8 NMSA 1978, and the tax shall be imposed at the rate certified in accordance with the provisions of the Property Tax Code [Chapter 7, Articles 35 through 38 NMSA 1978]. If in any tax year the authorized tax rate under the Public School Buildings Act, when added to the tax rates for servicing debt of the school district and for capital improvements pursuant to the Public School Capital Improvements Act [Chapter 22, Article 25 NMSA 1978], exceeds fifteen dollars (\$15.00), or a lower amount that would be required by applying the rate limitation provisions of Section 7-37-7.1 NMSA 1978 to the amount of fifteen dollars (\$15.00), on each one thousand dollars (\$1,000) of net taxable value of property allocated to the school district under the Property Tax Code, the tax rate under the Public School Buildings Act shall be reduced to an amount that, when added to such additional rates, will equal fifteen dollars (\$15.00), or the lower amount that would be required by applying the rate limitation provisions of Section 7-37-7.1 NMSA 1978 to the amount of fifteen dollars (\$15.00), on each one thousand dollars (\$1,000) of net taxable value of property so allocated to the school district. The revenue produced by the tax and any state distribution resulting to the district under the Public School Buildings Act shall be expended only for capital improvements.

**History:** Laws 1983, ch. 163, § 7; 1986, ch. 32, § 28; 1996, ch. 63, § 1.

**The 1996 amendment,** effective May 15, 1996, substituted "fifteen dollars (\$15.00)" for "ten dollars (\$10.00)" throughout the section.

### **22-26-8. Tax to be imposed for a maximum of six years.**

A tax imposed in a school district as a result of an election under the Public School Buildings Act shall be imposed for one, two, three, four, five or six years commencing with the property tax year in which the election was held. The local school board may direct that such levy be decreased or not made for any year if, in its judgment, the total levy is not necessary for such year and shall direct that the levy be decreased by the amount required if a decrease is required by operation of the rate limitation provisions of Section 7-37-7.1 NMSA 1978.

History: Laws 1983, ch. 163, § 8; 1986, ch. 32, § 29; 2007, ch. 366, § 22.

**The 2007 amendment**, effective July 1, 2007, changed the maximum number of property tax years for imposing the tax from five to six years.

### **22-26-9. Charter schools; receipt of local property tax revenue.**

If, in an election held after July 1, 2007, the qualified electors of a school district have voted in favor of the imposition of a property tax as provided in Section 22-26-3 NMSA 1978, the amount of tax revenue to be distributed to each charter school that was included in the resolution shall be determined each year and shall be in the same proportion as the average full-time-equivalent enrollment of the charter school on the first reporting date of the prior school year is to the total such enrollment in the district; provided that, in the case of an approved charter school that had not commenced classroom instruction in the prior school year, the estimated full-time-equivalent enrollment in the first year of instruction, as shown in the approved charter school application, shall be used, subject to adjustment after the first reporting date. Each year, the department shall certify to the county treasurer of the county in which the eligible charter schools in the school district are located the percentage of the revenue to be distributed to each charter school. The county treasurer shall distribute the charter school's share of the property tax revenue directly to the charter school.

History: Laws 2007, ch. 366, § 23; 2010, ch. 116, § 8.

**The 2010 amendment**, effective May 19, 2010, in the first sentence, after "enrollment of the charter school on the", deleted "fortieth day" and added "first reporting date" and after "subject to adjustment after the", deleted "fortieth day" and added "first reporting date".

**Temporary provisions.** — Laws 2010, ch. 116, § 9 provided that references in the Public School Code pertaining to the fortieth-day or forty-day report of public school membership or enrollment shall be deemed to be references to the first reporting date, which is the second Wednesday in October; references pertaining to the eightieth-day or eighty-day report of public school membership or enrollment shall be deemed to be references to the second reporting date, which is the second Wednesday in December; and references pertaining to the one-hundred twentieth-day or one-hundred twenty-day report of public school membership or enrollment shall be deemed to be references to the third reporting date, which is the second Wednesday in February.

As the public schools transition from former reporting dates to new reporting dates, the public education department may use any combination of former and new reporting dates as necessary to develop membership and cost projections and budgets for the 2010-2011 school year.

**22-26-10. Expenditures by charter schools; reports to department.**

A. No later than December 1 of each year, each locally chartered or state-chartered charter school that expects a distribution of property taxes pursuant to the Public School Buildings Act during the next calendar year shall submit a report to the department and its chartering authority showing the purposes for which the expected distribution will be expended. The department shall review the report and, no later than twenty days after receiving the report, shall advise the charter school if, in its opinion, the proposed expenditures are consistent with law and shall provide a copy of the advice to the local district.

B. No later than January 31 of each year, each locally chartered or state-chartered charter school that received a distribution of property taxes pursuant to the Public School Buildings Act during the preceding calendar year shall submit a report to the department and its chartering authority showing the purposes for which the distribution was expended and the amount expended for each purpose.

History: Laws 2011, ch. 11, § 2.

**Effective dates.** — Laws 2011, ch. 11 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective June 17, 2011, 90 days after the adjournment of the legislature.



NEW MEXICO DEPARTMENT OF  
**FINANCE & ADMINISTRATION**

**LOCAL GOVERNMENT DIVISION  
BUDGET AND FINANCE BUREAU  
PROPERTY TAX FACTS FOR TAX YEAR 2013**

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## Introduction

The Property Tax Facts (“Facts”) are intended to primarily help analysts, legislators and others understand the probable fiscal impact of proposed legislation changes to current New Mexico property tax statutes.

Information in this document is derived primarily from three sources: 1) rate certificates developed annually by the Local Government Division of New Mexico Department of Finance and Administration (DFA); 2) “Abstract” forms containing statistical summaries provided by county assessors; and 3) data supplied by the State Assessed Bureau, Property Tax Division <sup>1</sup> of the New Mexico Taxation and Revenue Department (TRD).

This publication provides a series of charts and tables depicting 1) distribution of New Mexico tax obligations or revenues, assuming 100 percent collection; 2) various statewide aggregates by county, such as net taxable value and tax obligations; 3) various types of rate data; 4) property tax information pertaining to municipalities. In some cases, the order of presentation of the charts and tables varies from the above due to space considerations.

Since readers of the report may not be familiar with New Mexico’s property tax system, explanatory notes pertaining to figures and tables in the document are provided, beginning on page 4.

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<sup>1</sup>The State Assessed Bureau of the Taxation and Revenue Department’s Property Tax Division is also sometimes called the “Central Assessed Bureau”. It assesses property that is complex and difficult by nature to appraise or is located in more than one county. Examples include railroad and mineral extraction properties.

## Table and Chart Notes

### **Table 1: Net Taxable Value by County**

The net taxable value of New Mexico property is expected to total approximately \$54.2 billion in Tax Year 2013<sup>2</sup>. Approximately \$31.2 billion (57.5 percent) consists of residential property. Roughly 30.3 percent or \$16.5 billion consists of traditional nonresidential property. The remaining \$10.2 billion is property associated with mineral extraction property – commonly referred to as ad valorem production and production equipment.<sup>3</sup>

### **Table 2: Obligations by County**

In Tax Year 2013 the property tax system is expected to generate approximately \$1.566 billion in tax obligations revenues assuming 100 percent collection.<sup>4</sup> The distribution within property categories is similar to that of net taxable value with 57.7 percent paid by owners of residential property and the remaining 32.5 percent paid by owners of nonresidential property.

### **Table 3: Distribution of Obligations by Recipient**

Recipients include counties, municipalities, school districts and other entities – hospitals, institutions of higher education and various special districts. Revenues have historically been distributed roughly as follows: 31.1 percent to counties 14.2 percent to municipalities; 31.7 percent to school districts; 9.3 to higher education and 9.0 percent to hospitals and other entities. About 4.7 percent of the revenues have financed voter-approved capital construction projects administered by the State Board of Finance. The distributions vary annually in response to rate changes authorized by voters and governing bodies – primarily municipal councils and county commissions. Distributions also vary substantially with property location, as shown in later sections of this report.

### **Table 4: Uses of Property Tax Obligations by Major Recipients**

Data in this table portray the distribution of recipient uses calculated from figures in Table 3. Approximately 91.5 and 67.6 percent of revenues flowing to counties and municipalities respectively, fund ongoing operations. The remaining 8.5 and 32.3 percent of those governmental entities is to pay debt service and other obligations. A very small portion of school district revenues, approximately 3.9 percent, fund operations. Remaining school district revenues pay for capital construction projects.

### **Table 5, Distribution of Net Taxable Value in and Outside Municipalities**

The data in this table is a little difficult to interpret. As indicated in column 2, row 2, however, roughly 2/3rds of the statewide \$29,080 billion in net taxable value (Table 4) is within municipalities. Of the \$29.4 billion in net taxable value within municipalities, 70 percent is residential, and 30 percent is nonresidential. Of the \$54.2 billion in total net taxable value, 54.1 percent is residential, and 45.9 percent is nonresidential.

<sup>2</sup>Section 7-35-2 P, New Mexico Statutes Annotated, defines the term “tax year” as calendar year.

<sup>3</sup>For a description, please see the Taxation and Revenue Department web site at:<http://www.tax.newmexico.gov/Tax-Library/Economic-and-Statistical-Information/Pages/Oil-Natural-Gas-and-Mineral-Extraction-Taxes.aspx>.

<sup>4</sup>Please see Table 11.

**Table 6: Weighted Average Property Tax Rates by County in Mills**

The data displays average property tax rates for a particular class of property – residential or non-residential -- weighted in proportion to taxable value of the tax district in which the rates appear. The Certificates of Tax Rates serve to illustrate the calculation.

**Table 7: Approximate Property Tax Obligations -- Percent of Assessed Value**

Although not apparent, data in Table 7 are actually rates without the mill designation. Rates in many states are expressed as the ratio or tax obligations to the assessed or market value. Assessed value in New Mexico is three times net taxable value, plus exemptions. Assuming no exemptions, and multiplying net taxable value by three, generates an estimate of assessed value. By adjusting the data for the state's \$2,000 head of household exemptions and \$4,000 veterans exemptions produces data smaller than, but similar to, those in Table 7. In any case, property tax obligations currently average slightly less than one or 0.96.3 percent of net taxable value, as shown in the final figure in Table 7.

**Table 8: County Operating Rates -- Imposed, Actual and Remaining Authority**

Article 8, Section 2 of New Mexico's constitution limits property tax rate totals that have not been approved by voters to 20 mills. New Mexico statutes distribute the rate totals as follows: 11.85 mills to counties, 7.65 mills to municipalities, and .5 mills to school districts ( $11.85 + 7.65 + .5 = 20$ ). Hence governing bodies of counties, municipalities and school districts may impose rates listed above without voter approval.<sup>5</sup> When entities impose the maximum authorized rates, they possess no remaining rate authority. As shown in the final column of Table 8, 20 of the state's 33 counties noted in bold print, or 60.6 percent, have imposed the maximum rate authorized by law. The aggregate maximum mills allowed by statute are 391.05 mills. Rates imposed by counties shown in the next-to-final column of the table total 366.55 mills. It may be argued that New Mexico counties have imposed 93.73 percent ( $366.55/391.05 \times 100$ ) of the non-voter-approved rate authority allowed by law.

The first two columns of Table 8 display actual or "post yield control" county operating rates – rates resulting after the imposed rate has filtered through the yield control formula, reduces the rate in response to reassessment. Since yield control has had a greater impact on residential rates than non-residential rates, nonresidential operating rates are almost always higher than their residential counterparts. Actual rates will not exceed the imposed rate.

Ad Valorem Production and Equipment rates are essentially always the same as the imposed rates, because they are not subject to yield control. Ad valorem rates exceed traditional non-residential rates, unless the actual or post yield control rates are identical to imposed rates.

**Table 9: Per Capita Obligations by County**

Obligations per person average about \$751 statewide. High per capita figures for a particular jurisdiction typically reflect high rates or high taxable values of properties to which the rates are applied, although exceptions occur. High figures for Harding County, for example, reflect its extremely small population, coupled with relatively high ad valorem tax collections. The large Lincoln County tax per capita amount is probably due to absentee property ownership in Lincoln's resort areas. The tax per person is simply the total tax obligations associated with properties in a given area, divided by the population of permanent residents in the area. The figure is high when much of the property in a particular area is owned by individuals who do not live in the area.

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<sup>5</sup>Voter-approved rates are used primarily to service debt on capital construction projects, although some may be used for operating purposes. About half the state's existing rates were approved by voters.

**Table 10 County Collection Rates**

Counties collect all of the state's property tax revenues except payments against ad valorem production and ad valorem production equipment obligations. County collection ratios range from 99.39 percent in Harding County to 90.36 percent in San Miguel County and average approximately 95.94 percent statewide. When tax bills remain unpaid for three or more years, the associated properties are offered for sale by the TRD's Delinquent Property Bureau. Proceeds of the sales, other than penalty and interest – which is retained by TRD – are distributed to property tax recipients.

**Tables 11 and 12: Net Taxable Value and Obligations by County – Percent of State Total**

The data in Tables 11 and 12 are best understood when considered within the context of county population totals. Bernalillo County, for example, currently accounts for approximately 32.29 percent of the state's population. That county's total net taxable value of property taxpayers represents only 26.3 percent of the state's total.

When ad valorem production and equipment value is excluded in the net taxable value total, however, Bernalillo County net taxable value totals approximately 29.9 percent of the statewide total, which is very close to the county's share of the state population. The largest concentration of mineral extraction properties are in Lea, Eddy, San Juan and Rio Arriba counties. Very small portions of the state's residential tax base are in these counties, however.

Perhaps the most dramatic data in Table 12 is the 46.7 percent of statewide residential property tax obligations accruing to Bernalillo County residents. That is due to the relatively high rates in that county. Taxpayers in Bernalillo, Dona Ana, Santa Fe and Sandoval counties account for about 56 percent of the state's population, but pay almost 75 percent of its residential property taxes.

**Figure 1: County Population Estimates\*: Rank and Percent of State Total**

County	Population	Rank	Percent of State Total	County	Population	Rank	Percent of State Total
Bernalillo	673,460	1	32.29%	Luna	25,041	18	1.20%
Dona Ana	214,445	2	10.28%	Roosevelt	20,419	19	0.98%
Santa Fe	146,375	3	7.02%	Lincoln	20,309	20	0.97%
Sandoval	135,588	4	6.50%	Los Alamos	18,159	21	0.87%
San Juan	128,529	5	6.16%	Socorro	17,603	22	0.84%
Valencia	76,631	6	3.67%	Torrance	16,021	23	0.77%
McKinley	73,016	7	3.50%	Colfax	13,223	24	0.63%
Lea	66,338	8	3.18%	Sierra	11,895	25	0.57%
Otero	66,041	9	3.17%	Quay	8,769	26	0.42%
Chaves	65,784	10	3.15%	Hidalgo	4,794	27	0.23%
Eddy	54,419	11	2.61%	Mora	4,705	28	0.23%
Curry	49,938	12	2.39%	Guadalupe	4,603	29	0.22%
Rio Arriba	40,318	13	1.93%	Union	4,431	30	0.21%
Taos	32,779	14	1.57%	Catron	3,658	31	0.18%
Grant	29,388	15	1.41%	De Baca	1,927	32	0.09%
San Miguel	28,891	16	1.39%	Harding	707	33	0.03%
Cibola	27,334	17	1.31%	TOTAL	2,085,538		100.00%

\*Source: New Mexico Bureau of Business and Economic Research

**Tables 13 and 14: Net Taxable Value and Obligations by County, Percent of County Total**

The Tables 13 and 14 illustrate the dramatic differences between the distribution of property tax base and obligations among counties by property type. Almost 86.7 percent of net taxable value in Los Alamos County, for example, consists of residential property, compared to 4.2 percent in Harding County. Ad Valorem production and equipment represents more than 50 percent of net taxable value in Eddy and Lea counties. Differences in relative shares of obligations, compared to net taxable value among counties reflect 1) impacts of the yield control formula 2) that a number of jurisdictions extend across state lines, and 3) that some tax collecting entities, such as community colleges, do not impose taxes in all jurisdictions within a particular county.

**Tables 15 and 16: Obligations for County Operating and Debt Service Purposes**

Obligations for operating purposes range from a high of \$116.6 million in Bernalillo County to a low of \$694.7 thousand in De Baca County. On a per capita basis, they average about \$212. Ten counties impose property tax rates for debt service purposes. The largest county debt service obligation total is

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Bernalillo County at approximately \$17.7 million and Santa Fe is a close second at approximately \$11.1 million.

**Figure 1: Rate Location Map (Page 16)**

Figure 1 illustrates the approximate location of “tax districts” within counties. It does not sketch municipal boundaries, though the map indicates approximate municipal locations. A more accurate and detailed map is currently being developed by TRD’s Information Systems Bureau.

**Table 17: Rates by Location**

As suggested by data listed in Table 17, over 500 rate totals exist in New Mexico. The highest traditional residential and nonresidential rates are in Albuquerque – 41.715 and 45.995 mills respectively. The lowest residential rate, in an unincorporated region of Chaves County, totals 10.415 mills. The lowest nonresidential rate of 14.166 mills, is in the same unincorporated portion of Chaves County. The highest rate applicable to ad valorem production and equipment, 36.757 mills, applies to properties within the Eunice municipal boundaries in Lea County. The lowest, 14.206 mills, is applied to properties in an unincorporated area of Eddy County.

**Table 18: New Mexico’s 105 Municipalities – Their Associated Counties**

Although hardly analytical, this table is extremely useful for a number of purposes, including, for example, locating municipalities on Figure 1 (Rate Location Map).

**Table 19: Municipal Operating Rates – Imposed, Actual and Remaining Authority**

Thirty three of the 105 municipalities have imposed the maximum 7.65 mill rate allowed by New Mexico law. Multiplying the maximum 7.65 mill rate by 105 and comparing the result with the sum of rates imposed by municipalities suggests that 63.4 percent of the total rate authority has been imposed by the state’s municipal governments. That is probably due to significant reliance by municipalities on gross receipts taxes.

**Table 20: Net Taxable Value by Municipality**

Net taxable value of New Mexico’s municipalities totals \$29.37 billion, if Los Alamos is not included and \$30.06 billion if Los Alamos is included in the total. That value represents approximately 55.42 percent of the state’s total net taxable value. Los Alamos is the only entity in New Mexico that combines municipal and county governments.

Municipal net taxable values range from a high of almost \$11.7 billion in Albuquerque, to a low of \$467.8 thousand in Grenville. Net taxable value is less than \$1 million in each of 8 municipalities (Dora, Floyd, Folsom, Grady, Grenville, House, Mosquero and Virden). Net taxable value is distributed between \$1 and \$10 million in 27 municipalities, between \$10 million and \$100 million in 34 municipalities and between \$100 million and \$1 billion plus in 35 municipalities. Rio Communities was incorporated in tax year 2013. Therefore data for the new municipality is not considered this tax year.

**Tables 21 and 22: Obligations for Operating and Debt Service Purposes by Municipality**

Municipal operating revenues will total approximately \$150.78 million in 2013 assuming a 100% collection rate. The largest amount of operating revenue for any municipality is paid by Albuquerque property owners and will total \$76.8 million, slightly over half of the \$150.78 million municipal total in 2013. Rio Rancho’s \$13.65 million in obligations for operating purposes was the state’s next largest amount in 2013. Four municipalities – Anthony, Edgewood, Los Ranchos de Albuquerque, Peralta and Rio Communities did not impose operating rates in Tax Year 2013.

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Only 12 of New Mexico's municipalities impose property rates for the purpose of funding debt service, 73.76 percent of which is paid by owners of residential property. The resulting approximately \$68.1 million in obligations represents about 4.35 percent of statewide property tax obligations.

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Table 1  
Net Taxable Value for Property Tax Purposes by New Mexico County, 2013 Tax Year

County	Total	Residential	Nonresidential	Subtotal	Ad Valorem		
					Production	Equipment	Subtotal
Bernalillo	\$14,243,476,048	\$10,635,811,025	\$3,607,665,023	\$14,243,476,048			
Catron	\$123,992,815	\$75,371,855	\$48,620,960	\$123,992,815			
Chaves	\$1,145,602,834	\$574,986,059	\$449,343,884	\$1,024,329,943	\$101,678,708	\$19,594,183	\$121,272,891
Cibola	\$311,345,382	\$114,388,182	\$196,957,200	\$311,345,382			
Colfax	\$623,863,938	\$370,095,726	\$215,484,017	\$585,579,743	\$32,443,544	\$5,840,651	\$38,284,195
Curry	\$772,963,688	\$482,473,199	\$290,490,489	\$772,963,688			
De Baca	\$61,861,080	\$13,300,987	\$48,560,093	\$61,861,080			
Dona Ana	\$3,874,858,844	\$2,627,437,876	\$1,247,420,968	\$3,874,858,844			
Eddy	\$4,335,095,515	\$521,327,359	\$1,149,935,867	\$1,671,263,226	\$2,220,779,395	\$443,052,894	\$2,663,832,289
Grant	\$748,601,307	\$391,946,153	\$207,164,165	\$599,110,318	\$149,490,989		\$149,490,989
Guadalupe	\$122,108,862	\$29,403,023	\$92,705,839	\$122,108,862			
Harding	\$110,453,194	\$4,597,641	\$70,817,638	\$75,415,279	\$29,448,190	\$5,589,725	\$35,037,915
Hidalgo	\$155,721,854	\$22,779,411	\$132,942,443	\$155,721,854			
Lea	\$3,566,667,211	\$444,442,585	\$924,262,206	\$1,368,704,791	\$1,837,287,307	\$360,675,114	\$2,197,962,420
Lincoln	\$1,131,149,006	\$794,775,887	\$336,373,119	\$1,131,149,006			
Los Alamos	\$691,665,036	\$599,393,400	\$92,271,636	\$691,665,036			
Luna	\$533,967,808	\$234,882,617	\$299,085,191	\$533,967,808			
McKinley	\$819,302,678	\$264,429,332	\$552,888,231	\$817,317,563	\$1,650,643	\$334,472	\$1,985,115
Mora	\$118,241,121	\$64,050,969	\$54,190,152	\$118,241,121			
Otero	\$1,031,184,626	\$705,760,881	\$325,423,745	\$1,031,184,626			
Quay	\$192,450,182	\$87,716,211	\$100,916,630	\$188,632,841	\$3,220,242	\$597,098	\$3,817,341
Rio Arriba	\$1,360,279,905	\$488,925,019	\$297,183,698	\$786,108,717	\$477,368,259	\$96,802,929	\$574,171,188
Roosevelt	\$340,077,016	\$140,808,592	\$180,803,373	\$321,611,965	\$15,463,151	\$3,001,900	\$18,465,051
San Juan	\$3,653,470,195	\$1,300,934,841	\$1,612,407,271	\$2,913,342,112	\$617,524,174	\$122,603,908	\$740,128,083
San Miguel	\$538,325,884	\$362,871,491	\$175,454,393	\$538,325,884			
Sandoval	\$3,152,673,758	\$2,380,224,568	\$762,409,655	\$3,142,634,223	\$8,192,977	\$1,846,558	\$10,039,535
Santa Fe	\$6,755,055,876	\$5,215,975,384	\$1,539,080,492	\$6,755,055,876			
Sierra	\$298,794,409	\$176,630,851	\$122,163,558	\$298,794,409			
Socorro	\$244,291,271	\$129,767,122	\$114,524,149	\$244,291,271			
Taos	\$1,349,589,815	\$832,856,152	\$516,733,663	\$1,349,589,815			
Torrance	\$351,607,630	\$165,874,548	\$185,733,082	\$351,607,630			
Union	\$194,946,009	\$33,527,415	\$135,158,992	\$168,686,407	\$22,166,166	\$4,093,436	\$26,259,602
Valencia	\$1,283,250,950	\$910,969,540	\$372,281,410	\$1,283,250,950			
<b>Total</b>	<b>\$54,236,935,745</b>	<b>\$31,198,735,901</b>	<b>\$16,457,453,232</b>	<b>\$47,656,189,133</b>	<b>\$5,516,713,745</b>	<b>\$1,064,032,866</b>	<b>\$6,580,746,612</b>
Percent	100.0	57.5	30.3	87.9	10.2	2.0	12.1

Information source: compiled from rate certificate files issued by the NM Department of Finance and Administration.

Table 2  
Property Tax Obligations<sup>1</sup> by New Mexico County, 2013 Tax Year

County	Total	Residential	Nonresidential	Subtotal	Ad Valorem		
					Production	Equipment	Subtotal
Bernalillo	\$580,756,187	\$420,869,575	\$159,886,612	\$580,756,187			
Catron	\$1,918,349	\$1,097,371	\$820,977	\$1,918,349			
Chaves	\$28,862,899	\$13,979,522	\$12,139,060	\$26,118,582	\$2,300,687	\$443,630	\$2,744,317
Cibola	\$9,913,249	\$3,419,220	\$6,494,029	\$9,913,249			
Colfax	\$12,901,742	\$7,128,616	\$5,047,933	\$12,176,548	\$614,558	\$110,636	\$725,194
Curry	\$17,360,318	\$10,830,918	\$6,529,400	\$17,360,318			
De Baca	\$1,556,282	\$340,903	\$1,215,378	\$1,556,282			
Dona Ana	\$109,975,487	\$70,761,182	\$39,214,306	\$109,975,487			
Eddy	\$84,206,310	\$10,584,275	\$22,566,886	\$33,151,160	\$42,566,041	\$8,489,109	\$51,055,150
Grant	\$14,686,083	\$6,604,658	\$4,728,656	\$11,333,315	\$3,352,769		\$3,352,769
Guadalupe	\$3,379,913	\$758,624	\$2,621,289	\$3,379,913	\$0	\$0	\$0
Harding	\$2,238,880	\$83,835	\$1,441,749	\$1,525,584	\$599,502	\$113,793	\$713,295
Hidalgo	\$3,325,409	\$441,491	\$2,883,918	\$3,325,409			
Lea	\$96,969,749	\$11,214,500	\$25,939,905	\$37,154,405	\$50,007,416	\$9,807,928	\$59,815,344
Lincoln	\$26,281,909	\$17,733,872	\$8,548,037	\$26,281,909			
Los Alamos	\$15,542,898	\$13,195,046	\$2,347,852	\$15,542,898			
Luna	\$12,194,806	\$5,174,214	\$7,020,593	\$12,194,806			
McKinley	\$28,457,619	\$8,610,764	\$19,780,608	\$28,391,372	\$55,085	\$11,162	\$66,247
Mora	\$2,557,575	\$1,252,829	\$1,304,746	\$2,557,575			
Otero	\$24,306,810	\$15,313,371	\$8,993,438	\$24,306,810			
Quay	\$4,638,914	\$1,897,500	\$2,667,479	\$4,564,980	\$62,370	\$11,565	\$73,934
Rio Arriba	\$32,180,063	\$9,125,423	\$8,018,368	\$17,143,791	\$12,500,906	\$2,535,366	\$15,036,272
Roosevelt	\$7,419,505	\$3,309,399	\$3,812,118	\$7,121,517	\$249,466	\$48,522	\$297,988
San Juan	\$90,771,207	\$29,745,676	\$41,763,142	\$71,508,818	\$16,071,559	\$3,190,830	\$19,262,389
San Miguel	\$13,083,654	\$7,815,988	\$5,267,666	\$13,083,654			
Sandoval	\$106,207,335	\$78,526,838	\$27,382,022	\$105,908,860	\$243,577	\$54,898	\$298,475
Santa Fe	\$146,924,966	\$103,114,007	\$43,810,959	\$146,924,966			
Sierra	\$6,340,810	\$3,606,934	\$2,733,876	\$6,340,810			
Socorro	\$7,419,195	\$3,789,588	\$3,629,607	\$7,419,195			
Taos	\$23,344,151	\$12,611,159	\$10,732,992	\$23,344,151			
Torrance	\$8,096,829	\$3,866,134	\$4,230,695	\$8,096,829			
Union	\$3,577,275	\$607,554	\$2,516,481	\$3,124,034	\$382,588	\$70,653	\$453,241
Valencia	\$39,203,422	\$26,476,066	\$12,727,355	\$39,203,422			
<b>Total</b>	<b>\$1,566,599,801</b>	<b>\$903,887,052</b>	<b>\$508,818,133</b>	<b>\$1,412,705,185</b>	<b>\$129,006,524</b>	<b>\$24,888,093</b>	<b>\$153,894,616</b>
Percent	100.0	57.7	32.5	90.2	8.2	1.6	9.8

Information source: calculated from rate certificate files issued by the New Mexico Department of Finance and Administration.

<sup>1</sup>Obligations are the product of rates and net taxable value, or revenues assuming 100% collection. These are total property tax obligations of property tax owners within the county for all property tax recipients -- school districts, municipalities, counties and other jurisdictions within the county.

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Table 3: Distribution of New Mexico Property Tax Obligations by Recipient, 2013 Tax Year

Recipient	Total	Residential	Non-Residential	Ad Valorem Production & Equipment	Percent of Total			
					Total	Residential	Non-Residential	Ad Valorem Production & Equipment
<b>State Debt Service</b>	<b>\$73,692,226</b>	<b>\$42,367,988</b>	<b>\$22,374,423</b>	<b>\$8,949,815</b>	<b>4.7</b>	<b>2.7</b>	<b>1.4</b>	<b>0.6</b>
County Operating	\$444,593,127	\$211,496,005	\$172,684,416	\$60,412,706	28.4	13.5	11.0	3.9
<b>County Debt Service</b>	<b>\$35,705,292</b>	<b>\$26,441,561</b>	<b>\$9,074,927</b>	<b>\$188,804</b>	<b>2.3</b>	<b>1.7</b>	<b>0.6</b>	<b>0.0</b>
County Other	\$5,428,002	\$3,122,289	\$1,929,923	\$375,790	0.3	0.2	0.1	0.0
<b>Total County</b>	<b>\$485,722,028</b>	<b>\$241,056,380</b>	<b>\$183,688,318</b>	<b>\$60,977,329</b>	<b>31.0</b>	<b>15.4</b>	<b>11.7</b>	<b>3.9</b>
Municipal Operating	\$150,832,810	\$103,964,868	\$46,278,085	\$589,857	9.6	6.6	3.0	0.0
Municipal Debt Service	\$68,124,405	\$50,254,696	\$17,868,562	\$1,147	4.3	3.2	1.1	0.0
Municipal Other	\$4,123,138	\$2,817,583	\$1,305,555	\$0	0.3	0.2	0.1	0.0
<b>Total Municipal</b>	<b>\$223,081,275</b>	<b>\$157,037,796</b>	<b>\$65,452,476</b>	<b>\$591,004</b>	<b>14.2</b>	<b>10.0</b>	<b>4.2</b>	<b>0.0</b>
School District Operating	\$19,364,168	\$8,221,141	\$7,874,660	\$3,288,367	1.2	0.5	0.5	0.2
School District Debt Service	\$249,609,638	\$150,646,772	\$80,457,589	\$18,505,277	15.9	9.6	5.1	1.2
School District Capital Improvement	\$106,723,253	\$60,888,163	\$32,673,597	\$13,161,493	6.8	3.9	2.1	0.8
School District HB-33	\$106,087,270	\$63,015,101	\$27,461,774	\$15,610,394	6.8	4.0	1.8	1.0
School District Educational Technology	\$15,342,966	\$9,205,247	\$5,155,491	\$982,227	1.0	0.6	0.3	0.1
<b>Total School District</b>	<b>\$497,127,295</b>	<b>\$291,976,425</b>	<b>\$153,623,111</b>	<b>\$51,527,759</b>	<b>31.7</b>	<b>18.6</b>	<b>9.8</b>	<b>3.3</b>
Higher Education Operating	\$119,067,094	\$64,556,013	\$37,119,538	\$17,391,542	7.6	4.1	2.4	1.1
Higher Education Debt Service	\$26,561,004	\$17,365,054	\$8,620,263	\$575,688	1.7	1.1	0.6	0.0
<b>Total Higher Education</b>	<b>\$145,680,174</b>	<b>\$81,955,463</b>	<b>\$45,757,480</b>	<b>\$17,967,230</b>	<b>9.3</b>	<b>5.2</b>	<b>2.9</b>	<b>1.1</b>
Hospital Operating	\$137,804,893	\$89,110,984	\$37,044,660	\$11,649,249	8.8	5.7	2.4	0.7
Hospital Debt Service	\$3,155,943	\$249,354	\$674,971	\$2,231,618	0.2	0.0	0.0	0.1
<b>Total Hospitals</b>	<b>\$140,960,836</b>	<b>\$89,360,337</b>	<b>\$37,719,632</b>	<b>\$13,880,867</b>	<b>9.0</b>	<b>5.7</b>	<b>2.4</b>	<b>0.9</b>
Conservancy Districts	\$335,100	\$132,594	\$202,507	\$0	0.0	0.0	0.0	0.0
<b>Grand Total</b>	<b>\$1,566,599,801</b>	<b>\$903,887,052</b>	<b>\$508,818,133</b>	<b>\$153,894,616</b>	<b>100.0</b>	<b>57.7</b>	<b>32.5</b>	<b>9.8</b>

Information source: compiled from New Mexico Department of Finance and Administration rate certificate files. Notes: 1) Sums do not necessarily equal totals due to rounding. Some conservancy district obligations are not included above because their rates apply to other measurements (e.g., water consumed) rather than net taxable value.

Table 4: Percentage Distribution -- Uses of Property Tax Obligations by Major Recipients -- 2013 Tax Year

	Total	Residential	Non-Residential	Ad Valorem Production & Equipment
<b>State Obligations</b>				
Percent Funding Debt Service	100.0	100.0	100.0	100.0
<b>County Obligations -- Percent Funding:</b>				
Operations	91.5	87.7	94.0	99.1
Debt Service	7.4	11.0	4.9	0.3
Other	1.1	1.3	1.1	0.6
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<b>Municipal Obligations -- Percent Funding:</b>				
Operations	67.6	66.2	70.7	99.8
Debt Service	30.5	32.0	27.3	0.2
Other	1.8	1.8	2.0	0.0
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<b>School District Obligations -- Percent Funding:</b>				
Operations	3.9	2.8	5.1	6.3
Debt Service	50.2	51.6	52.4	35.9
Capital Improvement	21.5	20.9	21.3	25.5
School Building (HB-33)	21.3	21.6	17.9	30.3
Education Technology	3.1	3.2	3.4	1.9
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<b>Higher Education Obligations -- Percent Funding:</b>				
Operations:	81.7	78.8	81.1	96.8
Debt Service	18.2	21.2	18.8	3.2
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<b>Hospital Obligations -- Percent Funding:</b>				
Operations:	97.8	99.7	98.2	83.9
Debt Service	2.2	0.3	1.8	16.1
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

Information source: compiled from New Mexico Department of Finance and Administration rate certificate files. Note: The Percentages listed on Table 4 were calculated from corresponding amounts in Table 3.

Table 5: Distribution of Net Taxable Value In and Outside of Municipalities 2013 Tax Year

Property Classification	Within	Outside	Total
	Municipalities	Municipalities	
Residential	\$20,570,430,277	\$10,628,305,624	\$31,198,735,901
Percent of Total Residential	65.9	34.1	100.0
Non-residential	\$8,796,411,838	\$14,241,788,006	\$23,038,199,844
Percent of Total Nonresidential	38.2	61.8	100.0
<b>Totals*</b>	<b>\$29,366,842,115</b>	<b>\$24,870,093,630</b>	<b>\$54,236,935,745</b>
Percent Residential	70.0	42.7	54.1
Percent Nonresidential	30.0	57.3	45.9
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

Information source: compiled from NM Department of Finance and Administration rate certificate files.

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**Table 6: Weighted Average Property Tax Rates by County in Mills<sup>1</sup>  
2013 Tax Year<sup>2</sup>**

County	Residential	Nonresidential	Ad Valorem	
			Production	Equipment
Bernalillo	39.057	43.991	N/A	N/A
Catron	12.383	16.058	N/A	N/A
Chaves	24.521	27.042	19.905	19.922
Cibola	26.587	29.927	N/A	N/A
Colfax	18.901	23.179	18.814	18.814
Curry	23.528	22.992	N/A	N/A
De Baca	26.084	25.404	N/A	N/A
Dona Ana	26.600	31.492	N/A	N/A
Eddy	20.640	19.954	19.193	19.190
Grant	16.863	22.906	22.968	N/A
Guadalupe	25.037	28.027	22.241	22.241
Harding	17.272	18.516	18.484	18.484
Hidalgo	19.750	21.703	N/A	N/A
Lea	24.875	27.319	26.771	26.735
Lincoln	21.356	26.374	N/A	N/A
Los Alamos	21.811	25.464	N/A	N/A
Luna	20.692	22.710	N/A	N/A
McKinley	31.503	35.162	32.389	32.389
Mora	19.762	23.977	N/A	N/A
Otero	21.875	27.659	N/A	N/A
Quay	20.565	26.305	18.990	18.990
Rio Arriba	15.467	25.003	24.369	24.335
Roosevelt	24.672	21.959	18.004	18.002
San Juan	22.074	25.110	24.058	24.052
San Miguel	21.762	30.293	N/A	N/A
Sandoval	32.491	35.140	29.715	29.715
Santa Fe	19.230	28.176	N/A	N/A
Sierra	22.250	24.711	N/A	N/A
Socorro	28.993	31.686	N/A	N/A
Taos	14.199	19.840	N/A	N/A
Torrance	22.127	21.366	N/A	N/A
Union	18.423	19.244	17.260	17.260
Valencia	28.840	34.045	N/A	N/A
Mean	28.468	30.739	23.143	23.125
Median	21.875	25.404	21.073	19.922

Information source: calculated from DFA rate certificate files. <sup>1</sup>Expressed in mills or \$ per \$1,000 in net taxable value. <sup>2</sup>Total obligations/total net taxable value or rate in each jurisdiction weighted by net taxable value in the jurisdiction.  
Note: Grant County only has Copper Production.

**Table 7: Approximate Property Tax Obligations as a Percent of  
Assessed Value by County, 2013 Tax Year<sup>1</sup>**

County	Residential	Nonresidential	Ad Valorem		All Property Types
			Production	Equipment	
Bernalillo	1.319	1.477	N/A	N/A	1.359
Catron	0.485	0.563	N/A	N/A	0.516
Chaves	0.810	0.901	0.754	0.755	0.840
Cibola	0.996	1.099	N/A	N/A	1.061
Colfax	0.642	0.781	0.631	0.631	0.689
Curry	0.748	0.749	N/A	N/A	0.749
De Baca	0.854	0.834	N/A	N/A	0.839
Dona Ana	0.898	1.048	N/A	N/A	0.946
Eddy	0.677	0.654	0.639	0.639	0.647
Grant	0.562	0.761	0.748	N/A	0.654
Guadalupe	0.860	0.943	N/A	N/A	0.923
Harding	0.608	0.679	0.679	0.679	0.676
Hidalgo	0.646	0.723	N/A	N/A	0.712
Lea	0.841	0.936	0.907	0.906	0.906
Lincoln	0.744	0.847	N/A	N/A	0.774
Los Alamos	0.734	0.848	N/A	N/A	0.749
Luna	0.734	0.782	N/A	N/A	0.761
McKinley	1.085	1.193	1.112	1.112	1.158
Mora	0.652	0.803	N/A	N/A	0.721
Otero	0.723	0.921	N/A	N/A	0.786
Quay	0.721	0.881	0.646	0.646	0.803
Rio Arriba	0.622	0.899	0.873	0.873	0.789
Roosevelt	0.783	0.703	0.538	0.539	0.727
San Juan	0.762	0.863	0.868	0.868	0.828
San Miguel	0.718	1.001	N/A	N/A	0.810
Sandoval	1.100	1.197	0.991	0.991	1.123
Santa Fe	0.659	0.949	N/A	N/A	0.725
Sierra	0.681	0.746	N/A	N/A	0.707
Socorro	0.973	1.056	N/A	N/A	1.012
Taos	0.505	0.692	N/A	N/A	0.577
Torrance	0.777	0.759	N/A	N/A	0.768
Union	0.604	0.621	0.575	0.575	0.612
Valencia	0.969	1.140	N/A	N/A	1.018
Total	0.966	1.031	0.779	0.780	0.963

Information source: calculated from DFA rate certificate files  
<sup>1</sup>Obligations divided by net taxable value multiplied by 3; does not account for property tax exemptions because data on them is not currently available.

**Table 8  
New Mexico County Operating Rates -- Imposed and  
Remaining Authority in Mills, 2013 Tax Year**

County	Residential	Nonresidential	Ad Valorem Production & Equipment	Imposed Operating Rate	Remaining Authority <sup>1</sup>
Bernalillo	7.320	10.750	N/A	10.750	1.100
<b>Catron</b>	<b>9.719</b>	<b>11.850</b>	<b>N/A</b>	<b>11.850</b>	<b>0.000</b>
Chaves	6.621	10.350	10.350	10.350	1.500
<b>Cibola</b>	<b>8.897</b>	<b>11.850</b>	<b>N/A</b>	<b>11.850</b>	<b>0.000</b>
Colfax	7.123	10.350	10.350	10.350	1.500
Curry	8.875	9.850	N/A	9.850	2.000
<b>De Baca</b>	<b>11.231</b>	<b>11.231</b>	<b>N/A</b>	<b>11.850</b>	<b>0.000</b>
<b>Dona Ana</b>	<b>9.103</b>	<b>11.850</b>	<b>N/A</b>	<b>11.850</b>	<b>0.000</b>
Eddy	6.357	7.500	7.500	7.500	4.350
<b>Grant</b>	<b>6.310</b>	<b>11.850</b>	<b>11.850</b>	<b>11.850</b>	<b>0.000</b>
<b>Guadalupe</b>	<b>8.853</b>	<b>11.850</b>	<b>11.850</b>	<b>11.850</b>	<b>0.000</b>
Harding	8.686	10.850	10.850	10.850	1.000
<b>Hidalgo</b>	<b>9.687</b>	<b>11.850</b>	<b>N/A</b>	<b>11.850</b>	<b>0.000</b>
Lea	7.580	10.600	10.600	10.600	1.250
Lincoln	5.164	8.096	N/A	11.600	0.250
Los Alamos	5.599	8.850	N/A	8.850	3.000
<b>Luna</b>	<b>9.809</b>	<b>11.682</b>	<b>N/A</b>	<b>11.850</b>	<b>0.000</b>
<b>McKinley</b>	<b>5.859</b>	<b>11.850</b>	<b>11.850</b>	<b>11.850</b>	<b>0.000</b>
<b>Mora</b>	<b>7.186</b>	<b>11.103</b>	<b>N/A</b>	<b>11.850</b>	<b>0.000</b>
<b>Otero</b>	<b>7.048</b>	<b>11.850</b>	<b>N/A</b>	<b>11.850</b>	<b>0.000</b>
<b>Quay</b>	<b>6.801</b>	<b>10.321</b>	<b>10.350</b>	<b>11.850</b>	<b>0.000</b>
<b>Rio Arriba</b>	<b>4.405</b>	<b>11.850</b>	<b>11.850</b>	<b>11.850</b>	<b>0.000</b>
Roosevelt	10.647	10.814	10.850	10.850	1.000
San Juan	5.810	8.000	8.500	8.500	3.350
<b>San Miguel</b>	<b>5.323</b>	<b>11.850</b>	<b>N/A</b>	<b>11.850</b>	<b>0.000</b>
Sandoval	6.137	10.350	10.350	10.350	1.500
<b>Santa Fe</b>	<b>5.219</b>	<b>11.850</b>	<b>N/A</b>	<b>11.850</b>	<b>0.000</b>
<b>Sierra</b>	<b>9.379</b>	<b>11.619</b>	<b>N/A</b>	<b>11.850</b>	<b>0.000</b>
<b>Socorro</b>	<b>8.846</b>	<b>11.850</b>	<b>N/A</b>	<b>11.850</b>	<b>0.000</b>
<b>Taos</b>	<b>5.702</b>	<b>10.602</b>	<b>N/A</b>	<b>11.850</b>	<b>0.000</b>
<b>Torrance</b>	<b>10.777</b>	<b>11.356</b>	<b>N/A</b>	<b>11.850</b>	<b>0.000</b>
Union	7.239	9.150	9.150	9.150	2.700
<b>Valencia</b>	<b>6.519</b>	<b>11.850</b>	<b>N/A</b>	<b>11.850</b>	<b>0.000</b>

<sup>1</sup>11.85 mill maximum allowed by law less the imposed rate.  
Information source: compiled from DFA rate certificate files.

Department of Finance and Administration  
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**Table 9**  
**Per Capita Property Tax Obligations by New Mexico County, 2013 Tax Year**

County	Estimated Population, 2012 <sup>1</sup>	Per Capita Annual Property Tax Obligations <sup>2</sup>					Ad Valorem: <sup>3</sup>		
		Total	Residential	Non-residential	Subtotal	Production	Equipment	Subtotal	
Bernalillo	673,460	\$862	\$625	\$237	\$862				
Catron	3,658	\$524	\$300	\$224	\$524				
Chaves	65,784	\$439	\$213	\$185	\$397	\$35	\$7	\$42	
Cibola	27,334	\$363	\$125	\$238	\$363				
Colfax	13,223	\$976	\$539	\$382	\$921	\$46	\$8	\$55	
Curry	49,938	\$348	\$217	\$131	\$348				
De Baca	1,927	\$808	\$177	\$631	\$808				
Dona Ana	214,445	\$513	\$330	\$183	\$513				
Eddy	54,419	\$1,547	\$194	\$415	\$609	\$782	\$156	\$938	
Grant	29,388	\$500	\$225	\$161	\$386	\$114		\$114	
Guadalupe	4,603	\$734	\$165	\$569	\$734	\$0	\$0	\$0	
Harding	707	\$3,167	\$119	\$2,039	\$2,158	\$848	\$161	\$1,009	
Hidalgo	4,794	\$694	\$92	\$602	\$694				
Lea	66,338	\$1,462	\$169	\$391	\$560	\$754	\$148	\$902	
Lincoln	20,309	\$1,294	\$873	\$421	\$1,294				
Los Alamos	18,159	\$856	\$727	\$129	\$856				
Luna	25,041	\$487	\$207	\$280	\$487				
McKinley	73,016	\$390	\$118	\$271	\$389	\$1	\$0	\$1	
Mora	4,705	\$544	\$266	\$277	\$544				
Otero	66,041	\$368	\$232	\$136	\$368				
Quay	8,769	\$529	\$216	\$304	\$521	\$7	\$1	\$8	
Rio Arriba	40,318	\$798	\$226	\$199	\$425	\$310	\$63	\$373	
Roosevelt	20,419	\$363	\$162	\$187	\$349	\$12	\$2	\$15	
San Juan	128,529	\$706	\$231	\$325	\$556	\$125	\$25	\$150	
San Miguel	28,891	\$453	\$271	\$182	\$453				
Sandoval	135,588	\$783	\$579	\$202	\$781	\$2	\$0	\$2	
Santa Fe	146,375	\$1,004	\$704	\$299	\$1,004				
Sierra	11,895	\$533	\$303	\$230	\$533				
Socorro	17,603	\$421	\$215	\$206	\$421				
Taos	32,779	\$712	\$385	\$327	\$712				
Torrance	16,021	\$505	\$241	\$264	\$505				
Union	4,431	\$807	\$137	\$568	\$705	\$86	\$16	\$102	
Valencia	76,631	\$512	\$346	\$166	\$512				
<b>Total/Average</b>	<b>2,085,538</b>	<b>\$751</b>	<b>\$433</b>	<b>\$244</b>	<b>\$677</b>	<b>\$62</b>	<b>\$12</b>	<b>\$74</b>	

<sup>1</sup>Source: New Mexico County Populations from the Census Bureau, published by the University of New Mexico's Bureau of Business and Economic Research: <http://bber.unm.edu/demograp2.htm>

<sup>2</sup>Source: New Mexico Department and Finance and Administration rate certificate files -- all data except population estimates. <sup>3</sup>Zero figures in the ad valorem columns indicate amounts less than \$1.

**Table 10**  
**Property Tax Collection Rate by County, 2013 Tax Year**

County	Collection Rate*	County	Collection Rate*
Bernalillo	98.02%	McKinley	97.33%
Catron	95.47%	Mora	91.28%
Chaves	98.13%	Otero	97.03%
Cibola	93.52%	Quay	95.36%
Colfax	93.98%	Rio Arriba	93.62%
Curry	98.11%	Roosevelt	97.02%
De Baca	97.99%	San Juan	96.62%
Dona Ana	97.35%	San Miguel	90.36%
Eddy	98.26%	Sandoval	96.20%
Grant	96.49%	Santa Fe	96.84%
Guadalupe	96.48%	Sierra	92.29%
Harding	99.39%	Socorro	93.85%
Hidalgo	95.71%	Taos	94.85%
Lea	98.00%	Torrance	94.01%
Lincoln	97.51%	Union	97.63%
Los Alamos	98.98%	Valencia	94.01%
Luna	94.48%	Average	95.94%

Information source: DFA rate certificate files.

\*Applicable to traditional residential and non-residential properties. Collection rates on ad valorem production and equipment taxes average close to 100%.

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**Table 11: Net Taxable Value by New Mexico County, 2013 Tax Year  
Percent of Statewide Total and Rank**

County	Total		Non-residential					Ad Valorem				
	Total	Rank	Residential	Rank	Rank	Subtotal	Rank	Production	Equipment	Subtotal	Rank	
Bernalillo	26.3	1	34.1	1	21.9	1	29.9	1				
Catron	0.2	29	0.2	27	0.3	32	0.3	29				N/A
Chaves	2.1	11	1.8	11	2.7	10	2.1	12	1.8	1.8	1.8	6
Cibola	0.6	23	0.4	25	1.2	19	0.7	23				N/A
Colfax	1.2	18	1.2	17	1.3	17	1.2	18	0.6	0.5	0.6	7
Curry	1.4	15	1.5	14	1.8	16	1.6	15				N/A
De Baca	0.1	33	0.0	32	0.3	33	0.1	33				N/A
Dona Ana	7.1	4	8.4	3	7.6	4	8.1	3				N/A
Eddy	8.0	3	1.7	12	7.0	5	3.5	6	40.3	41.6	40.5	1
Grant	1.4	16	1.3	16	1.3	18	1.3	17	2.7		2.3	5
Guadalupe	0.2	30	0.1	30	0.6	28	0.3	30	0.0	0.0	0.0	N/A
Harding	0.2	32	0.0	33	0.4	30	0.2	32	0.5	0.5	0.5	8
Hidalgo	0.3	28	0.1	31	0.8	24	0.3	28				N/A
Lea	6.6	6	1.4	15	5.6	6	2.9	7	33.3	33.9	33.4	2
Lincoln	2.1	12	2.5	8	2.0	12	2.4	10				N/A
Los Alamos	1.3	17	1.9	10	0.6	29	1.5	16				N/A
Luna	1.0	20	0.8	20	1.8	14	1.1	20				N/A
McKinley	1.5	14	0.8	19	3.4	8	1.7	13	0.0	0.0	0.0	13
Mora	0.2	31	0.2	28	0.3	31	0.2	31				N/A
Otero	1.9	13	2.3	9	2.0	13	2.2	11				N/A
Quay	0.4	27	0.3	26	0.6	27	0.4	26	0.1	0.1	0.1	12
Rio Arriba	2.5	8	1.6	13	1.8	15	1.6	14	8.7	9.1	8.7	4
Roosevelt	0.6	22	0.5	23	1.1	21	0.7	22	0.3	0.3	0.3	10
San Juan	6.7	5	4.2	5	9.8	2	6.1	5	11.2	11.5	11.2	3
San Miguel	1.0	19	1.2	18	1.1	22	1.1	19				N/A
Sandoval	5.8	7	7.6	4	4.6	7	6.6	4	0.1	0.2	0.2	11
Santa Fe	12.5	2	16.7	2	9.4	3	14.2	2				N/A
Sierra	0.6	24	0.6	21	0.7	25	0.6	24				N/A
Socorro	0.5	25	0.4	24	0.7	26	0.5	25				N/A
Taos	2.5	9	2.7	7	3.1	9	2.8	8				N/A
Torrance	0.6	21	0.5	22	1.1	20	0.7	21				N/A
Union	0.4	26	0.1	29	0.8	23	0.4	27	0.4	0.4	0.4	9
Valencia	2.4	10	2.9	6	2.3	11	2.7	9				N/A
Total	100.0		100.0		100.0		100.0		100.0	100.0	100.0	

Source: NM Department of Finance and Administration property tax rate certificate files.

**Table 12: Property Tax Obligations by New Mexico County, 2013 Tax Year  
Percent of Statewide Total and Rank**

County	Total		Non-residential					Ad Valorem				
	Total	Rank	Residential	Rank	Rank	Subtotal	Rank	Production	Equipment	Subtotal	Rank	
Bernalillo	37.1	1	46.7	1	32.5	1	41.5	1				N/A
Catron	0.1	32	0.1	28	0.2	33	0.1	31				N/A
Chaves	1.8	10	1.5	9	2.4	10	1.8	10	1.7	1.7	1.7	5
Cibola	0.6	21	0.3	25	1.2	17	0.6	21				N/A
Colfax	0.9	18	0.8	18	1.0	19	0.9	18	0.7	0.6	0.6	7
Curry	1.1	15	1.2	12	1.3	15	1.2	14				N/A
De Baca	0.1	33	0.0	32	0.2	32	0.1	32				N/A
Dona Ana	7.0	3	7.9	4	7.7	4	7.8	3				N/A
Eddy	5.0	7	1.2	14	4.4	7	2.3	8	27.3	28.2	27.5	2
Grant	0.9	17	0.7	19	0.9	20	0.8	20	2.0		1.7	6
Guadalupe	0.2	29	0.1	29	0.5	27	0.2	28	0.0	0.0	0.0	N/A
Harding	0.1	31	0.0	33	0.3	30	0.1	33	0.4	0.4	0.4	8
Hidalgo	0.2	28	0.0	31	0.5	24	0.2	27				N/A
Lea	6.1	6	1.2	13	4.7	6	2.5	7	36.9	37.6	37.0	1
Lincoln	1.6	12	2.0	7	1.6	13	1.8	11				N/A
Los Alamos	1.0	16	1.5	10	0.5	29	1.1	15				N/A
Luna	0.7	20	0.6	20	1.3	16	0.8	19				N/A
McKinley	1.7	11	1.0	15	3.4	8	1.9	9	0.0	0.0	0.0	13
Mora	0.2	30	0.1	27	0.2	31	0.2	30				N/A
Otero	1.5	13	1.7	8	1.7	12	1.7	12				N/A
Quay	0.3	26	0.2	26	0.5	28	0.3	26	0.1	0.0	0.0	12
Rio Arriba	2.4	9	0.8	17	1.5	14	1.1	16	13.1	13.6	13.2	4
Roosevelt	0.5	23	0.4	24	0.7	22	0.5	24	0.2	0.2	0.2	10
San Juan	6.3	5	3.2	5	8.2	3	5.0	5	17.1	17.2	17.2	3
San Miguel	0.8	19	0.9	16	1.1	18	0.9	17				N/A
Sandoval	6.8	4	8.8	3	5.5	5	7.6	4	0.1	0.2	0.1	11
Santa Fe	9.5	2	11.6	2	8.9	2	10.6	2				N/A
Sierra	0.4	25	0.4	21	0.5	25	0.5	25				N/A
Socorro	0.5	24	0.4	22	0.7	23	0.5	23				N/A
Taos	1.4	14	1.3	11	2.0	11	1.6	13				N/A
Torrance	0.5	22	0.4	23	0.8	21	0.5	22				N/A
Union	0.2	27	0.1	30	0.5	26	0.2	29	0.3	0.3	0.3	9
Valencia	2.5	8	2.9	6	2.6	9	2.8	6				N/A
Total	100.0		100.0		100.0		100.0		100.0	100.0	100.0	

Source: NM Department of Finance and Administration property tax rate certificate files.

**Department of Finance and Administration**  
**2013 Property Tax**

**Table 13: Net Taxable Value by New Mexico County, 2013 Tax Year**  
**Percent of County Total**

County	Total	Non-residential			Ad Valorem		
		Residential	residential	Subtotal	Production	Equipment	Subtotal
Bernalillo	100.0	74.7	25.3	100.0	0.0	0.0	0.0
Catron	100.0	60.8	39.2	100.0	0.0	0.0	0.0
Chaves	100.0	50.2	39.2	89.4	8.9	1.7	10.6
Cibola	100.0	36.7	63.3	100.0	0.0	0.0	0.0
Colfax	100.0	59.3	34.5	93.9	5.2	0.9	6.1
Curry	100.0	62.4	37.6	100.0	0.0	0.0	0.0
De Baca	100.0	21.5	78.5	100.0	0.0	0.0	0.0
Dona Ana	100.0	67.8	32.2	100.0	0.0	0.0	0.0
Eddy	100.0	12.0	26.5	38.6	51.2	10.2	61.4
Grant	100.0	52.4	27.7	80.0	20.0	0.0	20.0
Guadalupe	100.0	24.1	75.9	100.0	0.0	0.0	0.0
Harding	100.0	4.2	64.1	68.3	26.7	5.1	31.7
Hidalgo	100.0	14.6	85.4	100.0	0.0	0.0	0.0
Lea	100.0	12.5	25.9	38.4	51.5	10.1	61.6
Lincoln	100.0	70.3	29.7	100.0	0.0	0.0	0.0
Los Alamos	100.0	86.7	13.3	100.0	0.0	0.0	0.0
Luna	100.0	44.0	56.0	100.0	0.0	0.0	0.0
McKinley	100.0	32.3	67.5	99.8	0.2	0.0	0.2
Mora	100.0	54.2	45.8	100.0	0.0	0.0	0.0
Otero	100.0	68.4	31.6	100.0	0.0	0.0	0.0
Quay	100.0	45.6	52.4	98.0	1.7	0.3	2.0
Rio Arriba	100.0	35.9	21.8	57.8	35.1	7.1	42.2
Roosevelt	100.0	41.4	53.2	94.6	4.5	0.9	5.4
San Juan	100.0	35.6	44.1	79.7	16.9	3.4	20.3
San Miguel	100.0	67.4	32.6	100.0	0.0	0.0	0.0
Sandoval	100.0	75.5	24.2	99.7	0.3	0.1	0.3
Santa Fe	100.0	77.2	22.8	100.0	0.0	0.0	0.0
Sierra	100.0	59.1	40.9	100.0	0.0	0.0	0.0
Socorro	100.0	53.1	46.9	100.0	0.0	0.0	0.0
Taos	100.0	61.7	38.3	100.0	0.0	0.0	0.0
Torrance	100.0	47.2	52.8	100.0	0.0	0.0	0.0
Union	100.0	17.2	69.3	86.5	11.4	2.1	13.5
Valencia	100.0	71.0	29.0	100.0	0.0	0.0	0.0
Average	100.0	57.5	30.3	87.9	10.2	2.0	12.1

Source: NM Department of Finance and Administration property tax rate certificate files.

**Table 14: Property Tax Obligations by New Mexico County, 2013 Tax Year**  
**Percent of County Total**

County	Total	Non-residential			Ad Valorem		
		Residential	residential	Subtotal	Production	Equipment	Subtotal
Bernalillo	100.0	72.5	27.5	100.0	0.0	0.0	0.0
Catron	100.0	57.2	42.8	100.0	0.0	0.0	0.0
Chaves	100.0	48.4	42.1	90.5	8.0	1.5	9.5
Cibola	100.0	34.5	65.5	100.0	0.0	0.0	0.0
Colfax	100.0	55.3	39.1	94.4	4.8	0.9	5.6
Curry	100.0	62.4	37.6	100.0	0.0	0.0	0.0
De Baca	100.0	21.9	78.1	100.0	0.0	0.0	0.0
Dona Ana	100.0	64.3	35.7	100.0	0.0	0.0	0.0
Eddy	100.0	12.6	26.8	39.4	50.5	10.1	60.6
Grant	100.0	45.0	32.2	77.2	22.8	0.0	22.8
Guadalupe	100.0	22.4	77.6	100.0	0.0	0.0	0.0
Harding	100.0	3.7	64.4	68.1	26.8	5.1	31.9
Hidalgo	100.0	13.3	86.7	100.0	0.0	0.0	0.0
Lea	100.0	11.6	26.8	38.3	51.6	10.1	61.7
Lincoln	100.0	67.5	32.5	100.0	0.0	0.0	0.0
Los Alamos	100.0	84.9	15.1	100.0	0.0	0.0	0.0
Luna	100.0	42.4	57.6	100.0	0.0	0.0	0.0
McKinley	100.0	30.3	69.5	99.8	0.2	0.0	0.2
Mora	100.0	49.0	51.0	100.0	0.0	0.0	0.0
Otero	100.0	63.0	37.0	100.0	0.0	0.0	0.0
Quay	100.0	40.9	57.5	98.4	1.3	0.2	1.6
Rio Arriba	100.0	28.4	24.9	53.3	38.8	7.9	46.7
Roosevelt	100.0	44.6	51.4	96.0	3.4	0.7	4.0
San Juan	100.0	32.8	46.0	78.8	17.7	3.5	21.2
San Miguel	100.0	59.7	40.3	100.0	0.0	0.0	0.0
Sandoval	100.0	73.9	25.8	99.7	0.2	0.1	0.3
Santa Fe	100.0	70.2	29.8	100.0	0.0	0.0	0.0
Sierra	100.0	56.9	43.1	100.0	0.0	0.0	0.0
Socorro	100.0	51.1	48.9	100.0	0.0	0.0	0.0
Taos	100.0	54.0	46.0	100.0	0.0	0.0	0.0
Torrance	100.0	47.7	52.3	100.0	0.0	0.0	0.0
Union	100.0	17.0	70.3	87.3	10.7	2.0	12.7
Valencia	100.0	67.5	32.5	100.0	0.0	0.0	0.0
Average	100.0	57.7	32.5	90.2	8.2	1.6	9.8

Source: NM Department of Finance and Administration property tax rate certificate files.

Department of Finance and Administration  
2013 Property Tax Facts

Table 15: Obligations for County Operating Purposes by County, 2013 Tax Year

County	Total	Residential	Nonresidential	Subtotal	Ad Valorem Production	Equipment	Subtotal
Bernalillo	\$116,636,536	\$77,854,137	\$38,782,399	\$116,636,536	\$0	\$0	\$0
Catron	\$1,308,697	\$732,539	\$576,158	\$1,308,697	\$0	\$0	\$0
Chaves	\$9,712,866	\$3,806,983	\$4,650,709	\$8,457,692	\$1,052,375	\$202,800	\$1,255,174
Cibola	\$3,351,654	\$1,017,712	\$2,333,943	\$3,351,654	\$0	\$0	\$0
Colfax	\$5,262,693	\$2,636,192	\$2,230,260	\$4,866,451	\$335,791	\$60,451	\$396,241
Curry	\$7,143,281	\$4,281,950	\$2,861,331	\$7,143,281	\$0	\$0	\$0
De Baca	\$694,762	\$149,383	\$545,378	\$694,762	\$0	\$0	\$0
Dona Ana	\$38,166,840	\$23,500,615	\$14,666,225	\$38,166,840	\$0	\$0	\$0
Eddy	\$31,917,339	\$3,314,078	\$8,624,519	\$11,938,597	\$16,655,845	\$3,322,897	\$19,978,742
Grant	\$6,699,544	\$2,473,180	\$2,454,895	\$4,928,076	\$1,771,468	\$0	\$1,771,468
Guadalupe	\$1,358,869	\$260,305	\$1,098,564	\$1,358,869	\$0	\$0	\$0
Harding	\$1,188,468	\$39,935	\$768,371	\$808,306	\$319,513	\$60,649	\$380,161
Hidalgo	\$1,796,032	\$220,664	\$1,575,368	\$1,796,032	\$0	\$0	\$0
Lea	\$36,464,456	\$3,368,875	\$9,797,179	\$13,166,054	\$19,475,245	\$3,823,156	\$23,298,402
Lincoln	\$6,827,499	\$4,104,223	\$2,723,277	\$6,827,499	\$0	\$0	\$0
Los Alamos	\$4,172,608	\$3,356,004	\$816,604	\$4,172,608	\$0	\$0	\$0
Luna	\$5,797,877	\$2,303,964	\$3,493,913	\$5,797,877	\$0	\$0	\$0
McKinley	\$8,124,541	\$1,549,291	\$6,551,726	\$8,101,017	\$19,560	\$3,963	\$23,524
Mora	\$1,061,944	\$460,270	\$601,673	\$1,061,944	\$0	\$0	\$0
Otero	\$8,830,474	\$4,974,203	\$3,856,271	\$8,830,474	\$0	\$0	\$0
Quay	\$1,677,628	\$596,558	\$1,041,561	\$1,638,118	\$33,330	\$6,180	\$39,509
Rio Arriba	\$12,479,270	\$2,153,715	\$3,521,627	\$5,675,342	\$5,656,814	\$1,147,115	\$6,803,929
Roosevelt	\$3,654,743	\$1,499,189	\$1,955,208	\$3,454,397	\$167,775	\$32,571	\$200,346
San Juan	\$26,378,714	\$7,558,431	\$12,899,258	\$20,457,690	\$4,940,193	\$980,831	\$5,921,025
San Miguel	\$4,010,700	\$1,931,565	\$2,079,135	\$4,010,700	\$0	\$0	\$0
Sandoval	\$22,602,287	\$14,607,438	\$7,890,940	\$22,498,378	\$84,797	\$19,112	\$103,909
Santa Fe	\$45,460,279	\$27,222,176	\$18,238,104	\$45,460,279	\$0	\$0	\$0
Sierra	\$3,076,039	\$1,656,621	\$1,419,418	\$3,076,039	\$0	\$0	\$0
Socorro	\$2,505,031	\$1,147,920	\$1,357,111	\$2,505,031	\$0	\$0	\$0
Taos	\$10,227,356	\$4,748,946	\$5,478,410	\$10,227,356	\$0	\$0	\$0
Torrance	\$3,896,815	\$1,787,630	\$2,109,185	\$3,896,815	\$0	\$0	\$0
Union	\$1,757,140	\$242,705	\$1,274,160	\$1,516,865	\$202,820	\$37,455	\$240,275
Valencia	\$10,350,145	\$5,938,610	\$4,411,535	\$10,350,145	\$0	\$0	\$0
<b>Total</b>	<b>\$444,593,127</b>	<b>\$211,496,005</b>	<b>\$172,684,416</b>	<b>\$384,180,421</b>	<b>\$50,715,527</b>	<b>\$9,697,179</b>	<b>\$60,412,706</b>

Information source: compiled from rate certificate files issued by the NM Department of Finance and Administration.

Table 16: Obligations for County Debt Service Purposes by County, 2013 Tax Year

County	Total	Residential	Nonresidential	Subtotal	Ad Valorem Production	Equipment	Subtotal
Bernalillo	\$17,742,079	\$13,248,269	\$4,493,810	\$17,742,079	\$0	\$0	\$0
Catron	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Chaves	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Cibola	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Colfax	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Curry	\$188,605	\$117,724	\$70,880	\$188,605	\$0	\$0	\$0
De Baca	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Dona Ana	\$376,745	\$254,659	\$122,086	\$376,745	\$0	\$0	\$0
Eddy	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Grant	\$893,684	\$467,907	\$247,314	\$715,221	\$178,463	\$0	\$178,463
Guadalupe	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Harding	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Hidalgo	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Lea	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Lincoln	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Los Alamos	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Luna	\$0	\$0	\$0	\$0	\$0	\$0	\$0
McKinley	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Mora	\$202,674	\$109,788	\$92,886	\$202,674	\$0	\$0	\$0
Otero	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Quay	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Rio Arriba	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Roosevelt	\$0	\$0	\$0	\$0	\$0	\$0	\$0
San Juan	\$0	\$0	\$0	\$0	\$0	\$0	\$0
San Miguel	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Sandoval	\$3,241,462	\$2,446,273	\$784,848	\$3,231,121	\$8,439	\$1,902	\$10,341
Santa Fe	\$11,086,785	\$8,560,758	\$2,526,027	\$11,086,785	\$0	\$0	\$0
Sierra	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Socorro	\$472,896	\$251,201	\$221,694	\$472,896	\$0	\$0	\$0
Taos	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Torrance	\$336,428	\$158,713	\$177,715	\$336,428	\$0	\$0	\$0
Union	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Valencia	\$1,163,934	\$826,267	\$337,667	\$1,163,934	\$0	\$0	\$0
<b>Total</b>	<b>\$35,705,292</b>	<b>\$26,441,561</b>	<b>\$9,074,927</b>	<b>\$35,516,488</b>	<b>\$186,902</b>	<b>\$1,902</b>	<b>\$188,804</b>

Information source: compiled from rate certificate files issued by the NM Department of Finance and Administration.



Department of Finance and Administration  
2013 Property Tax

Table 17  
Property Tax Rates by Location -- 2013 Property Tax Year

County	Municipality	Tax District	Residential	Non-Residential	Production & Equipment	County	Municipality	Tax District	Residential	Non-Residential	Production & Equipment			
Bernalillo	Albuquerque	12 In	41.715	45.995		Eddy	Artesia	16 In	21.053	22.686	22.722			
		Los Ranchos	12 In	31.195	35.475			(continued)	Hope	16D In	23.694	28.111		
	Tijeras	12 In	31.055	36.700					C Out	16.166	17.697	17.697		
		Corrales	2A In	0.508	0.508					10 Out	12.962	14.206	14.206	
	Rio Rancho	R1-A NR	N/A	N/A	41.989					16 Out	19.244	20.461	20.497	
			12 Out	30.195	34.475					Grant	Silver City	1 IN	18.044	24.856
		8T	27.563	31.118					Hurley	2H IN	19.622	24.633		
24 Out		27.563	31.118		Bayard	2B IN			19.595	26.083				
Catron	Reserve	1 In	15.480	17.935				Santa Clara	2C IN	18.999	25.223			
		1 Out	13.532	15.710				1 OUT	15.316	20.969	20.969			
		2 Out	14.916	17.524				2 OUT	18.301	23.858	23.858			
		2A Out	14.916	17.524				Guadalupe	Santa Rosa	8 IN	27.584	32.003		
Chaves	Roswell	1 in	26.017	30.797		Vaughn	33 IN			28.889	31.865			
		Hagerman	6 in	19.165	23.539		8 OUT	23.193	27.065					
Dexter	8 in	23.362	28.482				33 OUT	21.239	24.215					
		Lake Arthur	20 In R	20.632			24.631		Harding	Roy	3 IN	19.462	22.417	
		1 Out R	18.867	22.925	21.925			Mosquero			5 IN	19.174	22.589	
		6 Out	18.330	22.336	21.336			3 OUT	17.911	20.192	20.192			
		8 Out	23.161	27.301	26.301			5 OUT	17.915	20.364	20.364			
		20 Out	18.535	22.512	22.517			24/25	16.094	18.359				
		14	15.371	19.174	19.210			Hidalgo	Lordsburg	1 IN	22.767	25.638		
		27/28	10.415	14.166						Virden	1A IN	21.466	24.710	
		28	N/A	N/A	14.210					1 OUT	20.229	22.485		
1L	17.367	22.480		1A OUT	20.229	22.485								
Cibola	Grants	3 In	32.086	35.506				6	13.317	15.642				
		Milan	3A In	30.510	35.666				Lea	Lovington	1 IN	27.991	33.907	
		3 Out	27.564	30.951				Eunice			8 IN	30.391	36.757	36.757
Qmo2	18.344	21.774					Hobbs	16 IN	25.869	31.808	31.955			
							Colfax	Cimarron	3 In	20.953	26.903		Jal	19 In
Eagle Nest	3A In	17.527	21.979		Tatum	28 IN			25.697	30.955				
Angel Fire	3B In	20.697	26.534				1 OUT	23.792	28.257	28.257				
Raton	11 in	18.216	23.903				8 OUT	24.373	29.107	29.107				
Springer	24 In	30.942	37.750				16 OUT	21.648	26.400	26.400				
Maxwell	26 In	22.980	29.11				19 OUT	18.064	22.460	22.460				
		3 Out	15.865	19.253			19.253	28 OUT	22.326	26.730	26.730			
		11 Out	12.823	16.253			16.253	Lincoln	Ruidoso	3 IN	26.885	28.977		
		24 Out	25.884	30.100						Ruidoso Downs	35 IN	28.731	34.034	
26 Out	17.291	21.460				Carrizozo	7 IN	25.976	26.16					
35	12.457	15.913				Corona	13 IN	20.958	24.224					
Curry	Clovis	1 In	23.052	24.700				Capitan	28 IN	19.86	23.447			
		2 In	20.249	21.511				3/35 OUT	21.743	24.526				
	Melrose	12 In	18.875	20.240				7 OUT	19.591	22.425				
			Grady	61 In	26.181			28.263		13 OUT	17.016	19.799		
	1 Out	19.681			20.975		20	21.112	23.883					
	2 Out	18.267	19.286		Los Alamos	Los Alamos	28 OUT	16.535	19.414					
12 Out	16.931	18.015		1			22.014	25.445						
61 Out	19.504	20.613		Luna	Deming	1 IN	23.889	25.921						
De Baca	Fort Sumner	20 In	26.889			26.923		Columbus	1A IN	23.349	28.541			
		20 Out	24.785	24.806		1 OUT	19.572	21.446						
Dona Ana	Las Cruces	2 In	29.170	32.443		McKinley	Gallup	1 IN	34.24	42.524				
		Mesilla	2D In	23.473	27.663				1 OUT	27.149	33.372	33.372		
	Sunland Park	16 In	36.038	39.785		Mora	Wagon Mound	Zuni	23.695	29.686				
	Hatch	11 In	30.918	33.794				12 IN	23.95	28.511				
	Anthony	18in	29.210	32.135				1	19.165	23.503				
2 Out	22.413	25.323				12 OUT	18.948	23.751						
11 Out	25.418	28.294				12C	24.581	29.521						
16 Out	29.210	32.135				1-A	18.948	23.751						
Eddy	Carlsbad	C In	21.879	23.922	23.922									
		Loving	10 In	14.756	16.140									

Source: rate certificate files issued by the New Mexico Department of Finance and Administration's Local Government Division.

Department of Finance and Administration  
2013 Property Tax

Table 17  
Property Tax Rates by Location -- 2013 Property Tax Year (Continued)

County	Municipality	Tax District	0.000			0.000		
			Residential	Non-Residential	Production & Equipment	Residential	Non-Residential	Production & Equipment
Otero	Alamogordo	1 IN	24.856	32.146				
	Tularosa	4 IN	25.178	32.359				
	Cloudcroft	11 IN	16.110	22.555				
		1 OUT	18.345	23.626				
		4 OUT	19.711	24.709				
		11 OUT	15.181	20.330				
		16	26.092	31.041				
Quay	Tucumcari	1 IN	25.372	33.514				
	House	19 IN	21.171	28.788				
	Logan	32 IN	21.440	25.403				
	San Jon	34 IN	21.536	27.512				
		1 OUT	20.664	25.864				
		19 OUT	17.068	21.138				
		32 OUT	14.742	18.990				
		34 OUT	16.573	20.807				
		23/47	18.620	22.715				
		33	14.742	18.990	18.990			
		53	15.865	19.995				
Rio Arriba	Chama	19 IN	21.515	30.434				
	Espanola	45 IN	17.276	26.940				
		19 OUT	18.035	26.799				
		21	16.104	25.635	25.635			
		45 OUT	14.088	22.773				
		53	12.407	21.338	21.338			
		6T	17.111	25.918				
		32	12.475	21.481				
Roosevelt	Portales	1 IN	26.280	25.427				
	Elida	2 IN	20.202	20.520				
	Floyd	5 IN	16.901	16.621				
	Causey	39A IN	19.902	20.106				
	Dora	39 IN	19.518	20.106				
		1 OUT	23.100	23.011				
		2 OUT	18.458	18.419	18.546			
		5 OUT	14.688	14.623	14.710			
		39 OUT	17.934	17.881	17.968			
		3	19.960	19.904				
		9/53	18.937	18.908				
		9A	20.140	20.051				
Sandoval	Bernalillo	1 IN	27.287	34.367				
	Cuba	20 IN	28.656	37.045				
	Jemez Springs	31 IN	27.371	33.969				
	San Ysidro	31A IN	29.245	35.669				
	Corrales	2A IN	30.816	37.368				
	Rio Rancho	94 IN	35.341	37.840				
		1 OUT	24.245	28.642				
		20 OUT	25.033	29.395	29.715			
		31 out	23.623	28.019				
		2AC IN	30.746	37.298				
		94 OUT	26.734	31.064				
San Juan	Aztec	2 IN	24.521	30.306	30.670			
	Farmington	5 IN	22.450	26.929	26.929			
	Bloomfield	6 IN	27.181	32.996	33.131			
		2 OUT	19.934	23.797	23.797			
		5 OUT	21.019	24.704	24.704			
		6 OUT	20.176	24.032	24.032			
		22	20.355	24.108	24.108			
		61/20	26.939	32.761				
San Miguel	Las Vegas	1 IN	28.266	36.286				
	Las Vegas	2 IN	28.926	36.881				
San Miguel	Pecos	21 IN	13.019	20.527				
	(continued)	1 OUT	21.740	29.241				
		2 OUT	21.004	28.554				
		21 OUT	12.577	19.219				
		50	15.413	22.815				
	Santa Fe	C IN	20.737	29.890				
	Espanola	18 IN	19.510	27.411				
	Edgewood	8T IN	19.445	26.201				
		C OUT	18.655	26.197				
		1	19.922	26.873				
		8T	19.445	26.201				
		18 OUT	16.269	22.941				
Sierra	T or C	6 IN	20.327	23.228				
	Williamsburg	6W IN	20.383	23.283				
	Elephant Butte	6 EB	23.092	24.828				
		6 OUT	18.867	21.058				
Socorro	Socorro	1 IN	31.255	35.347				
	Magdalena	12 IN	25.217	29.176				
		1 OUT	26.317	29.534				
		12 OUT	24.510	27.601				
		5	29.055	32.422				
		7L	24.109	27.184				
		13L	21.534	24.558				
		13T	23.971	27.112				
Taos	Taos	1 IN	16.798	22.706				
	Questa	9 IN	17.189	23.577				
	Red River	9RR IN	19.502	25.510				
	Taos Ski Valley	8-18 IN	21.861	25.516				
		1 OUT	14.211	18.785				
		1A	14.211	18.785				
		4	13.058	18.307				
		6	15.450	20.479				
		9 OUT	13.329	18.352				
Torrance	Estancia	7 IN	22.164	21.609				
	Willard	7W IN	24.832	24.966				
	Moriarty	8 IN	26.463	26.309				
	Mountainair	13 IN	25.845	27.178				
	Encino	16 IN	21.186	22.207				
		7 OUT	20.727	21.198				
		8 OUT	24.319	25.023				
		13 OUT	20.673	21.389				
		16 OUT	19.870	20.428				
		20 / 35	18.236	18.835				
Union	Clayton	1 IN	20.189	22.198				
	Des Moines	22D IN	21.761	23.901				
	Folsom	22F IN	20.043	24.388				
	Grenville	22G IN	23.511	26.613				
		1 OUT	15.251	17.260			17.260	
		22 OUT	16.823	18.963				
		49	26.000	28.900				
Valencia	Los Lunas	1 IN	35.198	41.039				
	Bosque Farms	1 IN	29.955	35.209				
	Belen	2 IN	29.757	35.316				
	Peralta	PR IN	27.669	33.389				
	Rio Communities	1RC IN	0.000	0.000				
		1 OUT	27.669	33.389				
		2 OUT	24.193	29.893				
		3LL OUT	27.669	33.389				
		3BN OUT	24.193	29.893				
		PR OUT	27.669	33.389				

Source: rate certificate files issued by the New Mexico Department of Finance and Administration's Local Government Division.

**Department of Finance and Administration  
2013 Property Tax**

**Table 18  
New Mexico's 105 Municipalities: Their Associated Counties**

Municipality	County	Municipality	County	Municipality	County
Alamogordo	Otero	Farmington	San Juan	Peralta	Valencia
Albuquerque	Bernalillo	Floyd	Roosevelt	Portales	Roosevelt
Angel Fire	Colfax	Folsom	Union	Questa	Taos
Anthony	Dona Ana	Fort Sumner	De Baca	Raton	Colfax
Artesia	Eddy	Gallup	McKinley	Red River	Taos
Aztec	San Juan	Grady	Curry	Reserve	Catron
Bayard	Grant	Grants	Cibola	Rio Communities	Valencia
Belen	Valencia	Grenville	Union	Rio Rancho <sup>2</sup>	Sandoval
Bernalillo	Sandoval	Hagerman	Chaves	Roswell	Chaves
Bloomfield	San Juan	Hatch	Dona Ana	Roy	Harding
Bosque Farms	Valencia	Hobbs	Lea	Ruidoso	Lincoln
Capitan	Lincoln	Hope	Eddy	Ruidoso Downs	Lincoln
Carlsbad	Eddy	House	Quay	San Jon	Quay
Carrizozo	Lincoln	Hurley	Grant	San Ysidro	Sandoval
Causey	Roosevelt	Jal	Lea	Santa Clara	Grant
Chama	Rio Arriba	Jemez Springs	Sandoval	Santa Fe	Santa Fe
Cimarron	Colfax	Lake Arthur	Chaves	Santa Rosa	Guadalupe
Clayton	Union	Las Cruces	Dona Ana	Silver City	Grant
Cloudcroft	Otero	Las Vegas	San Miguel	Socorro	Socorro
Clovis	Curry	Logan	Quay	Springer	Colfax
Columbus	Luna	Lordsburg	Hidalgo	Sunland Park	Dona Ana
Corona	Lincoln	Los Alamos	Los Alamos	T or C	Sierra
Corrales	Sandoval	Los Lunas	Valencia	Taos	Taos
Cuba	Sandoval	Los Ranchos	Bernalillo	Taos Ski Valley	Taos
Deming	Luna	Loving	Eddy	Tatum	Lea
Des Moines	Union	Lovington	Lea	Texico	Curry
Dexter	Chaves	Magdalena	Socorro	Tijeras	Bernalillo
Dora	Roosevelt	Maxwell	Colfax	Tucumcari	Quay
Eagle Nest	Colfax	Melrose	Curry	Tularosa	Otero
Edgewood	Santa Fe	Mesilla	Dona Ana	Vaughn	Guadalupe
Elephant Butte	Sierra	Milan	Cibola	Virden	Hidalgo
Elida	Roosevelt	Moriarty	Torrance	Wagon Mound	Mora
Encino	Torrance	Mosquero	Harding	Willard	Torrance
Espanola <sup>1</sup>	Rio Arriba	Mountainair	Torrance	Williamsburg	Sierra
Estancia	Torrance	Pecos	San Miguel		
Eunice	Lea				

<sup>1</sup>A portion of Espanola containing roughly 25% of its net taxable value is in Rio Arriba County.

<sup>2</sup>A small portion -- less than 1% of Rio Rancho's net taxable value -- is in Bernalillo County.

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2013 Property Tax

**Table 19**  
**Municipal Operating Rates Imposed and Remaining Authority, 2013 Tax Year**

Actual Rates:					Actual Rates:				
Municipality	Residential	Non-Residential	Rate Imposed	Remaining Authority <sup>1</sup>	Municipality	Residential	Non-Residential	Rate Imposed	Remaining Authority <sup>1</sup>
Alamogordo	5.058	7.064	7.064	0.586	Las Cruces	4.757	5.120	5.120	2.530
Albuquerque	6.544	6.544	6.544	1.106	<b>Las Vegas</b>	<b>6.873</b>	<b>7.650</b>	<b>7.650</b>	<b>0.000</b>
Angel Fire	4.832	7.281	7.650	0.000	Logan	7.583	6.892	7.650	0.000
Anthony*	0.000	0.000	0.000	7.650	Lordsburg	2.538	3.153	3.225	4.425
Artesia	1.809	2.225	2.225	5.425	Los Alamos	1.748	1.748	1.748	5.902
Aztec	4.571	6.873	6.873	0.777	<b>Los Lunas</b>	<b>7.529</b>	<b>7.650</b>	<b>7.650</b>	<b>0.000</b>
Bayard	1.294	2.225	2.225	5.425	Los Ranchos*	0.000	0.000	0.000	7.650
<b>Belen</b>	<b>5.564</b>	<b>5.423</b>	<b>7.650</b>	<b>0.000</b>	Loving	1.794	1.934	2.225	5.425
Bernalillo	3.125	5.725	5.725	1.925	Lovington	4.199	5.650	5.650	2.000
Bloomfield	4.882	6.984	7.000	0.650	Magdalena	0.707	1.575	2.225	5.425
Bosque Farms	2.286	1.820	3.725	3.925	<b>Maxwell</b>	<b>5.689</b>	<b>7.650</b>	<b>7.650</b>	<b>0.000</b>
Capitan	3.325	4.033	4.225	3.425	Melrose	1.944	2.225	2.225	5.425
Carlsbad	5.713	6.225	6.225	1.425	Mesilla	1.060	2.340	2.340	5.310
Carrizozo	6.385	3.735	7.225	0.425	<b>Milan</b>	<b>2.576</b>	<b>4.345</b>	<b>7.650</b>	<b>0.000</b>
Causey	1.678	2.225	2.225	5.425	Moriarty	2.144	1.286	2.225	5.425
Chama	3.546	3.780	5.225	2.425	Mosquero	1.259	2.225	2.225	5.425
<b>Cimarron</b>	<b>5.088</b>	<b>7.650</b>	<b>7.650</b>	<b>0.000</b>	<b>Mountainair</b>	<b>5.172</b>	<b>5.789</b>	<b>7.650</b>	<b>0.000</b>
Clayton	4.938	4.938	4.938	2.712	Pecos	0.442	1.308	2.225	5.425
Cloudcroft	0.923	2.225	2.225	5.425	Peralta *	0.000	0.000	0.000	7.650
Clovis	3.371	3.725	3.725	3.925	Portales	3.142	2.448	3.225	4.425
<b>Columbus</b>	<b>3.777</b>	<b>7.095</b>	<b>7.650</b>	<b>0.000</b>	Questa	3.860	5.225	5.225	2.425
Corona	3.942	4.425	4.425	3.225	<b>Raton</b>	<b>5.393</b>	<b>7.650</b>	<b>7.650</b>	<b>0.000</b>
Corrales	3.972	6.015	6.870	0.780	Red River	6.173	7.158	7.650	0.000
<b>Cuba</b>	<b>3.596</b>	<b>7.650</b>	<b>7.650</b>	<b>0.000</b>	Reserve	1.948	2.225	2.225	5.425
Deming	4.317	4.475	4.475	3.175	Rio Communities *	0.000	0.000	0.000	7.650
Des Moines	4.938	4.938	4.938	2.712	<b>Rio Rancho</b>	<b>7.181</b>	<b>0.000</b>	<b>7.650</b>	<b>0.000</b>
Dexter	1.201	2.181	2.225	5.425	Roswell	6.928	7.650	7.650	0.000
Dora	1.535	2.225	2.225	5.425	Roy	1.551	2.225	2.225	5.425
Eagle Nest	1.662	2.726	3.225	4.425	Ruidoso	5.142	4.451	6.368	1.282
Edgewood*	0.000	0.000	0.000	7.650	<b>Ruidoso Downs</b>	<b>5.130</b>	<b>7.650</b>	<b>7.650</b>	<b>0.000</b>
Elephant Butte	4.225	3.770	4.225	3.425	San Jon	5.667	6.829	7.650	0.000
Elida	1.758	1.974	2.225	5.425	<b>San Ysidro</b>	<b>5.869</b>	<b>7.650</b>	<b>7.650</b>	<b>0.000</b>
Encino	1.316	1.779	2.225	5.425	Santa Clara	0.698	1.365	2.225	5.425
<b>Espanola</b>	<b>3.241</b>	<b>4.470</b>	<b>7.650</b>	<b>0.000</b>	Santa Fe	1.206	2.817	2.817	4.833
Estancia	1.437	0.411	2.225	5.425	Santa Rosa	4.391	4.938	4.938	2.712
<b>Eunice</b>	<b>6.018</b>	<b>7.650</b>	<b>7.650</b>	<b>0.000</b>	Silver City	2.066	3.225	3.225	4.425
Farmington	1.426	2.225	2.225	5.425	Socorro	4.938	5.813	5.813	1.837
Floyd	1.813	2.225	2.225	5.425	<b>Springer</b>	<b>5.058</b>	<b>7.650</b>	<b>7.650</b>	<b>0.000</b>
Folsom	3.220	5.425	5.425	2.225	<b>Sunland Park</b>	<b>6.828</b>	<b>7.650</b>	<b>7.650</b>	<b>0.000</b>
Fort Sumner	2.104	2.117	2.225	5.425	T or C	1.460	2.170	2.225	5.425
<b>Gallup</b>	<b>5.589</b>	<b>7.650</b>	<b>7.650</b>	<b>0.000</b>	Taos	2.587	3.921	4.225	3.425
<b>Grady</b>	<b>6.677</b>	<b>7.650</b>	<b>7.650</b>	<b>0.000</b>	<b>Taos Ski Valley</b>	<b>7.650</b>	<b>6.731</b>	<b>7.650</b>	<b>0.000</b>
Grants	4.522	4.555	4.555	3.095	Tatum	3.371	4.225	4.225	3.425
<b>Grenville</b>	<b>6.688</b>	<b>7.650</b>	<b>7.650</b>	<b>0.000</b>	Texico	1.982	2.225	2.225	5.425
Hagerman	1.835	2.203	2.225	5.425	Tijeras	0.860	2.225	2.225	5.425
Hatch	5.500	5.500	5.500	2.150	<b>Tucumcari</b>	<b>4.708</b>	<b>7.636</b>	<b>7.650</b>	<b>0.000</b>
Hobbs	4.221	5.408	5.555	2.095	Tularosa	5.469	7.650	7.650	0.000
<b>Hope</b>	<b>4.450</b>	<b>7.650</b>	<b>7.650</b>	<b>0.000</b>	<b>Vaughn</b>	<b>7.650</b>	<b>7.650</b>	<b>7.650</b>	<b>0.000</b>
<b>House</b>	<b>4.606</b>	<b>7.650</b>	<b>7.650</b>	<b>0.000</b>	Virden	1.237	2.225	2.225	5.425
Hurley	1.321	0.775	2.225	5.425	<b>Wagon Mound</b>	<b>5.002</b>	<b>4.760</b>	<b>7.650</b>	<b>0.000</b>
Jal	6.468	7.650	7.650	0.000	Willard	4.105	3.768	5.225	2.425
Jemez Springs	3.497	4.999	5.950	1.700	Williamsburg	1.516	2.225	2.225	5.425
Lake Arthur	2.097	2.119	2.225	5.425	Average (unweighted)	3.657	4.432	4.893	2.757

Information Source: New Mexico Department of Finance and Administration rate certificate files.

<sup>1</sup>The imposed rate less the 7.65 mill maximum rate allowed by New Mexico statutes.

\*The municipality does not impose an operating rate.

Department of Finance and Administration  
2013 Property Tax Facts

Table 20  
Net Taxable Value by Municipality -- 2013 Tax Year

Municipality	Total	Residential Values	Nonresidential Values	Subtotal	Ad Valorem		
					Production	Equipment	Subtotal
Alamogordo	\$511,106,560	\$371,913,133	\$139,193,427	\$511,106,560			
Albuquerque	\$11,735,108,421	\$8,656,090,586	\$3,079,017,835	\$11,735,108,421			
Angel Fire	\$263,366,858	\$192,342,098	\$71,024,760	\$263,366,858			
Anthony	\$55,568,638	\$45,803,779	\$9,764,859	\$55,568,638			
Artesia	\$348,080,122	\$107,436,520	\$240,586,391	\$348,022,911	\$48,462	\$8,749	\$57,211
Aztec	\$113,538,451	\$78,283,196	\$33,790,179	\$112,073,375	\$1,237,119	\$227,957	\$1,465,076
Bayard	\$19,625,563	\$14,889,848	\$4,735,715	\$19,625,563			
Belen	\$124,903,719	\$67,376,811	\$57,526,908	\$124,903,719			
Bernalillo	\$179,366,385	\$112,654,014	\$66,712,371	\$179,366,385			
Bloomfield	\$111,237,723	\$68,330,192	\$42,359,857	\$110,690,049	\$464,057	\$83,617	\$547,674
Bosque Farms	\$82,340,054	\$68,745,247	\$13,594,807	\$82,340,054			
Capitan	\$21,976,703	\$16,286,773	\$5,689,930	\$21,976,703			
Carlsbad	\$397,947,200	\$253,365,565	\$142,351,840	\$395,717,405	\$1,871,670	\$358,126	\$2,229,795
Carrizozo	\$16,824,904	\$7,036,405	\$9,788,499	\$16,824,904			
Causey	\$1,152,321	\$270,444	\$881,877	\$1,152,321			
Chama	\$24,488,793	\$14,229,694	\$10,259,099	\$24,488,793			
Cimarron	\$11,962,193	\$8,447,316	\$3,514,877	\$11,962,193			
Clayton	\$28,270,373	\$16,104,899	\$12,165,474	\$28,270,373			
Cloudcroft	\$45,782,053	\$35,784,274	\$9,997,779	\$45,782,053			
Clovis	\$544,459,265	\$402,715,804	\$141,743,461	\$544,459,265			
Columbus	\$13,476,090	\$8,211,415	\$5,264,675	\$13,476,090			
Corona	\$3,128,364	\$1,367,560	\$1,760,804	\$3,128,364			
Corrales	\$338,319,890	\$297,833,537	\$40,486,353	\$338,319,890			
Cuba	\$8,925,287	\$3,305,839	\$5,619,448	\$8,925,287			
Deming	\$253,658,470	\$126,494,489	\$127,163,981	\$253,658,470			
Des Moines	\$1,870,031	\$668,233	\$1,201,798	\$1,870,031			
Dexter	\$9,231,745	\$6,924,265	\$2,307,480	\$9,231,745			
Dora	\$912,022	\$614,896	\$297,126	\$912,022			
Eagle Nest	\$16,360,663	\$10,301,837	\$6,058,826	\$16,360,663			
Edgewood	\$93,894,827	\$61,958,700	\$31,936,127	\$93,894,827			
Elephant Butte	\$63,095,241	\$43,106,508	\$19,988,733	\$63,095,241			
Elida	\$1,861,432	\$1,012,665	\$848,767	\$1,861,432			
Encino	\$1,095,362	\$433,417	\$661,945	\$1,095,362			
Espanola	\$172,840,599	\$98,765,932	\$74,074,667	\$172,840,599			
Estancia	\$24,342,205	\$6,733,491	\$17,608,714	\$24,342,205			
Eunice	\$30,878,553	\$13,844,988	\$7,538,575	\$21,383,563	\$8,041,719	\$1,453,271	\$9,494,990
Farmington	\$1,067,740,222	\$682,328,247	\$380,521,027	\$1,062,849,274	\$4,140,985	\$749,963	\$4,890,948
Floyd	\$765,049	\$551,259	\$213,790	\$765,049			
Folsom	\$778,278	\$433,202	\$345,076	\$778,278			
Fort Sumner	\$10,441,360	\$5,341,504	\$5,099,856	\$10,441,360			
Gallup	\$348,085,891	\$201,921,660	\$146,164,231	\$348,085,891			
Grady	\$614,913	\$412,675	\$202,238	\$614,913			
Grants	\$118,955,802	\$58,296,859	\$60,658,943	\$118,955,802			
Grenville	\$467,820	\$116,227	\$351,593	\$467,820			
Hagerman	\$6,058,346	\$3,921,569	\$2,136,777	\$6,058,346			
Hatch	\$15,634,983	\$6,885,961	\$8,749,022	\$15,634,983			
Hobbs	\$558,876,895	\$239,748,084	\$234,435,108	\$474,183,192	\$71,673,972	\$13,019,731	\$84,693,703
Hope	\$2,729,034	\$574,527	\$2,154,507	\$2,729,034			
House	\$787,895	\$436,709	\$351,186	\$787,895			
Hurley	\$10,654,173	\$9,427,906	\$1,226,267	\$10,654,173			
Jal	\$21,767,210	\$8,561,198	\$12,166,333	\$20,727,531	\$877,906	\$161,773	\$1,039,679
Jemez Springs	\$11,129,919	\$5,451,914	\$5,678,005	\$11,129,919			
Lake Arthur	\$1,805,945	\$1,302,872	\$503,073	\$1,805,945			

Information Source: New Mexico Department of Finance and Administration rate certificate files.

Department of Finance and Administration  
2013 Property Tax

**Table 20**  
**Net Taxable Value by Municipality -- 2013 Tax Year (Continued)**

Municipality	Total	Residential Values	Nonresidential Values	Subtotal	Ad Valorem* Production	Equipment	Subtotal
Las Cruces	\$2,061,568,936	\$1,408,791,265	\$652,777,671	\$2,061,568,936			
Las Vegas	\$189,958,220	\$123,023,610	\$66,934,610	\$189,958,220			
Logan	\$28,396,042	\$19,232,225	\$9,163,817	\$28,396,042			
Lordsburg	\$34,801,751	\$10,097,560	\$24,704,191	\$34,801,751			
Los Alamos	\$691,665,036	\$599,393,400	\$92,271,636	\$691,665,036			
Los Lunas	\$328,798,100	\$241,497,311	\$87,300,789	\$328,798,100			
Los Ranchos	\$225,102,738	\$199,585,905	\$25,516,833	\$225,102,738			
Loving	\$7,456,582	\$5,045,967	\$2,410,615	\$7,456,582			
Lovington	\$75,319,840	\$53,704,547	\$21,615,293	\$75,319,840			
Magdalena	\$7,107,419	\$4,433,762	\$2,673,657	\$7,107,419			
Maxwell	\$2,245,037	\$1,548,664	\$696,373	\$2,245,037			
Melrose	\$6,282,641	\$3,830,024	\$2,452,617	\$6,282,641			
Mesilla	\$59,814,487	\$47,248,822	\$12,565,665	\$59,814,487			
Milan	\$49,701,074	\$9,024,788	\$40,676,286	\$49,701,074			
Moriarty	\$42,432,326	\$16,651,824	\$25,780,502	\$42,432,326			
Mosquero	\$838,470	\$522,060	\$316,410	\$838,470			
Mountainair	\$9,854,414	\$6,345,751	\$3,508,663	\$9,854,414			
Pecos	\$19,913,132	\$16,185,369	\$3,727,763	\$19,913,132			
Peralta	\$56,499,148	\$49,575,139	\$6,924,009	\$56,499,148			
Portales	\$140,631,859	\$90,537,356	\$50,094,503	\$140,631,859			
Questa	\$24,986,572	\$17,563,696	\$7,422,876	\$24,986,572			
Raton	\$101,003,469	\$59,703,222	\$41,300,247	\$101,003,469			
Red River	\$53,813,328	\$33,560,656	\$20,252,672	\$53,813,328			
Reserve	\$5,572,848	\$2,798,594	\$2,774,254	\$5,572,848			
Rio Communities							
Rio Rancho	\$1,994,779,763	\$1,558,255,219	\$436,524,544	\$1,994,779,763			
Roswell	\$645,635,183	\$426,181,839	\$219,453,344	\$645,635,183			
Roy	\$1,837,674	\$1,069,763	\$767,911	\$1,837,674			
Ruidoso	\$489,861,408	\$357,461,687	\$132,399,721	\$489,861,408			
Ruidoso Downs	\$47,609,927	\$25,959,924	\$21,650,003	\$47,609,927			
San Jon	\$2,207,349	\$845,163	\$1,362,186	\$2,207,349			
San Ysidro	\$2,878,983	\$1,569,230	\$1,309,753	\$2,878,983			
Santa Clara	\$13,934,813	\$10,755,658	\$3,179,155	\$13,934,813			
Santa Fe	\$3,632,609,540	\$2,684,086,516	\$948,523,024	\$3,632,609,540			
Santa Rosa	\$46,278,929	\$15,043,079	\$31,235,850	\$46,278,929			
Silver City	\$200,952,122	\$128,898,902	\$72,053,220	\$200,952,122			
Socorro	\$108,072,440	\$72,787,440	\$35,285,000	\$108,072,440			
Springer	\$9,820,014	\$7,406,541	\$2,413,473	\$9,820,014			
Sunland Park	\$186,286,067	\$99,755,213	\$86,530,854	\$186,286,067			
T or C	\$97,154,254	\$58,900,609	\$38,253,645	\$97,154,254			
Taos	\$308,361,965	\$152,298,600	\$156,063,365	\$308,361,965			
Taos Ski Valley	\$61,555,454	\$28,458,838	\$33,096,616	\$61,555,454			
Tatum	\$6,991,286	\$3,284,832	\$3,706,454	\$6,991,286			
Texico	\$6,794,952	\$4,423,975	\$2,370,977	\$6,794,952			
Tijeras	\$11,506,412	\$7,661,742	\$3,844,670	\$11,506,412			
Tucumcari	\$60,969,611	\$27,176,946	\$33,792,665	\$60,969,611			
Tularosa	\$30,632,083	\$22,079,082	\$8,553,001	\$30,632,083			
Vaughn	\$7,016,276	\$2,156,195	\$4,860,081	\$7,016,276			
Virden	\$914,769	\$616,282	\$298,487	\$914,769			
Wagon Mound	\$4,584,479	\$2,326,359	\$2,258,120	\$4,584,479			
Willard	\$1,695,689	\$897,290	\$798,399	\$1,695,689			
Williamsburg	\$5,511,425	\$4,168,493	\$1,342,932	\$5,511,425			
Totals	\$30,058,507,151	\$21,169,823,677	\$8,784,264,398	\$29,954,088,075	\$88,355,888	\$16,063,187	\$104,419,076

Information source: compiled from rate certificate files issued by the New Mexico Department of Finance and Administration.

\*Blank values should be considered zero.

Department of Finance and Administration  
2013 Property Tax

**Table 21**  
**Obligations for Municipal Operating Purposes by Municipality, 2013 Tax Year**

Municipality	Total	Residential	Nonresidential	Subtotal	Ad Valorem		
					Production	Equipment	Subtotal
Alamogordo	\$2,864,399	\$1,881,137	\$983,262	\$2,864,399			
Albuquerque	\$76,794,550	\$56,645,457	\$20,149,093	\$76,794,550			
Angel Fire	\$1,446,528	\$929,397	\$517,131	\$1,446,528			
Anthony <sup>1</sup>							
Artesia	\$729,785	\$194,353	\$535,305	\$729,657	\$108	\$19	\$127
Aztec	\$600,142	\$357,832	\$232,240	\$590,072	\$8,503	\$1,567	\$10,069
Bayard	\$29,804	\$19,267	\$10,537	\$29,804			
Belen	\$686,853	\$374,885	\$311,968	\$686,853			
Bernalillo	\$733,972	\$352,044	\$381,928	\$733,972			
Bloomfield	\$626,211	\$333,588	\$288,789	\$622,377	\$3,248	\$585	\$3,834
Bosque Farms	\$181,894	\$157,152	\$24,743	\$181,894			
Capitan	\$77,101	\$54,154	\$22,947	\$77,101			
Carlsbad	\$2,347,498	\$1,447,477	\$886,140	\$2,333,618	\$11,651	\$2,229	\$13,880
Carrizozo	\$81,487	\$44,927	\$36,560	\$81,487			
Causey	\$2,416	\$454	\$1,962	\$2,416			
Chama	\$89,238	\$50,458	\$38,779	\$89,238			
Cimarron	\$69,869	\$42,980	\$26,889	\$69,869			
Clayton	\$139,599	\$79,526	\$60,073	\$139,599			
Cloudcroft	\$55,274	\$33,029	\$22,245	\$55,274			
Clovis	\$1,885,549	\$1,357,555	\$527,994	\$1,885,549			
Columbus	\$68,367	\$31,015	\$37,353	\$68,367			
Corona	\$13,182	\$5,391	\$7,792	\$13,182			
Corrales	\$1,426,520	\$1,182,995	\$243,525	\$1,426,520			
Cuba	\$54,877	\$11,888	\$42,989	\$54,877			
Deming	\$1,115,136	\$546,077	\$569,059	\$1,115,136			
Des Moines	\$9,234	\$3,300	\$5,934	\$9,234			
Dexter	\$13,349	\$8,316	\$5,033	\$13,349			
Dora	\$1,605	\$944	\$661	\$1,605			
Eagle Nest	\$33,638	\$17,122	\$16,516	\$33,638			
Edgewood <sup>1</sup>							
Elephant Butte	\$257,483	\$182,125	\$75,358	\$257,483			
Elida	\$3,456	\$1,780	\$1,675	\$3,456			
Encino	\$1,748	\$570	\$1,178	\$1,748			
Espanola	\$651,214	\$320,100	\$331,114	\$651,214			
Estancia	\$16,913	\$9,676	\$7,237	\$16,913			
Eunice	\$213,626	\$83,319	\$57,670	\$140,989	\$61,519	\$11,118	\$72,637
Farmington	\$1,830,542	\$973,000	\$846,659	\$1,819,659	\$9,214	\$1,669	\$10,882
Floyd	\$1,475	\$999	\$476	\$1,475			
Folsom	\$3,267	\$1,395	\$1,872	\$3,267			
Fort Sumner	\$22,035	\$11,239	\$10,796	\$22,035			
Gallup	\$2,246,697	\$1,128,540	\$1,118,156	\$2,246,697			
Grady	\$4,303	\$2,755	\$1,547	\$4,303			
Grants	\$539,920	\$263,618	\$276,301	\$539,920			
Grenville	\$3,467	\$777	\$2,690	\$3,467			
Hagerman	\$11,903	\$7,196	\$4,707	\$11,903			
Hatch	\$85,992	\$37,873	\$48,120	\$85,992			
Hobbs	\$2,750,275	\$1,011,977	\$1,267,825	\$2,279,802	\$398,149	\$72,325	\$470,474
Hope	\$19,039	\$2,557	\$16,482	\$19,039			
House	\$4,698	\$2,011	\$2,687	\$4,698			
Hurley <sup>2</sup>	\$13,405	\$12,454	\$950	\$13,405			
Jal	\$156,400	\$55,374	\$93,072	\$148,446	\$6,716	\$1,238	\$7,954
Jemez Springs	\$47,450	\$19,065	\$28,384	\$47,450			
Lake Arthur	\$3,798	\$2,732	\$1,066	\$3,798			

Information Source: New Mexico Department of Finance and Administration rate certificate files.

<sup>1</sup>Imposes no operating rate. <sup>2</sup>The extreme difference between residential and nonresidential obligations in Hurley results from very small nonresidential tax rates and net taxable value relative to residential rates and values.

Department of Finance and Administration  
2013 Property Tax

**Table 21**  
**Obligations for Municipal Operating Purposes by Municipality, 2013 Tax Year (Continued)**

Municipality	Total	Residential	Nonresidential	Subtotal	Ad Valorem		Subtotal
					Production	Equipment	
Las Cruces	\$10,043,842	\$6,701,620	\$3,342,222	\$10,043,842			
Las Vegas	\$1,357,591	\$845,541	\$512,050	\$1,357,591			
Logan	\$208,995	\$145,838	\$63,157	\$208,995			
Lordsburg	\$103,520	\$25,628	\$77,892	\$103,520			
Los Alamos	\$1,209,030	\$1,047,740	\$161,291	\$1,209,030			
Los Lunas	\$2,486,084	\$1,818,233	\$667,851	\$2,486,084			
Los Ranchos <sup>1</sup>							
Loving	\$13,715	\$9,052	\$4,662	\$13,715			
Lovington	\$347,632	\$225,505	\$122,126	\$347,632			
Magdalena	\$7,346	\$3,135	\$4,211	\$7,346			
Maxwell	\$14,138	\$8,810	\$5,327	\$14,138			
Melrose	\$12,903	\$7,446	\$5,457	\$12,903			
Mesilla	\$79,487	\$50,084	\$29,404	\$79,487			
Milan	\$199,986	\$23,248	\$176,738	\$199,986			
Moriarty	\$68,855	\$35,702	\$33,154	\$68,855			
Mosquero	\$1,361	\$657	\$704	\$1,361			
Mountainair	\$53,132	\$32,820	\$20,312	\$53,132			
Pecos	\$12,030	\$7,154	\$4,876	\$12,030			
Peralta <sup>1</sup>							
Portales	\$407,100	\$284,468	\$122,631	\$407,100			
Questa	\$106,580	\$67,796	\$38,785	\$106,580			
Raton	\$637,926	\$321,979	\$315,947	\$637,926			
Red River	\$352,139	\$207,170	\$144,969	\$352,139			
Reserve	\$11,624	\$5,452	\$6,173	\$11,624			
Rio Communities <sup>1</sup>							
Rio Rancho	\$13,650,590	\$11,189,831	\$2,460,760	\$13,650,590			
Roswell	\$4,631,406	\$2,952,588	\$1,678,818	\$4,631,406			
Roy	\$3,368	\$1,659	\$1,709	\$3,368			
Ruidoso	\$2,427,379	\$1,838,068	\$589,311	\$2,427,379			
Ruidoso Downs	\$298,797	\$133,174	\$165,623	\$298,797			
San Jon	\$14,092	\$4,790	\$9,302	\$14,092			
San Ysidro	\$19,229	\$9,210	\$10,020	\$19,229			
Santa Clara	\$11,847	\$7,507	\$4,340	\$11,847			
Santa Fe	\$5,908,998	\$3,237,008	\$2,671,989	\$5,908,998			
Santa Rosa	\$220,297	\$66,054	\$154,243	\$220,297			
Silver City	\$498,677	\$266,305	\$232,372	\$498,677			
Socorro	\$564,536	\$359,424	\$205,112	\$564,536			
Springer	\$55,925	\$37,462	\$18,463	\$55,925			
Sunland Park	\$1,343,090	\$681,129	\$661,961	\$1,343,090			
T or C	\$169,005	\$85,995	\$83,010	\$169,005			
Taos	\$1,005,921	\$393,996	\$611,924	\$1,005,921			
Taos Ski Valley	\$440,483	\$217,710	\$222,773	\$440,483			
Tatum	\$26,733	\$11,073	\$15,660	\$26,733			
Texico	\$14,044	\$8,768	\$5,275	\$14,044			
Tijeras	\$15,143	\$6,589	\$8,554	\$15,143			
Tucumcari	\$385,990	\$127,949	\$258,041	\$385,990			
Tularosa	\$186,181	\$120,750	\$65,430	\$186,181			
Vaughn	\$53,675	\$16,495	\$37,180	\$53,675			
Virden	\$1,426	\$762	\$664	\$1,426			
Wagon Mound	\$22,385	\$11,636	\$10,749	\$22,385			
Willard	\$6,692	\$3,683	\$3,008	\$6,692			
Williamsburg	\$9,307	\$6,319	\$2,988	\$9,307			
<b>Totals</b>	<b>150,787,415</b>	<b>103,964,868</b>	<b>46,232,689</b>	<b>150,197,558</b>	<b>499,108</b>	<b>90,749</b>	<b>589,857</b>

<sup>1</sup>Imposes no operating rate.

Department of Finance and Administration  
2013 Property Tax Facts

Table 22: Obligations for Municipal Debt Service Purposes , 2013 Tax Year

Municipality	Total	Residential	Nonresidential	Ad Valorem Production	Ad Valorem Equipment	Municipality	Total	Residential	Nonresidential	Ad Valorem Production	Ad Valorem Equipment
Alamogordo	\$751,091	\$546,541	\$204,550			Las Cruces					
Albuquerque	\$58,393,900	\$43,072,707	\$15,321,193			Las Vegas					
Angel Fire						Logan					
Anthony						Lordsburg					
Artesia						Los Alamos					
Aztec						Los Lunas					
Bayard						Los Ranchos*	\$225,081	\$199,567	\$25,514		
Belen						Loving					
Bernalillo						Lovington					
Bloomfield	\$232,904	\$143,067	\$88,691	\$972	\$175	Magdalena					
Bosque Farms						Maxwell					
Capitan						Melrose					
Carlsbad						Mesilla					
Carrizozo						Milan	\$18,390	\$3,339	\$15,050		
Causey						Moriarty					
Chama						Mosquero					
Cimarron						Mountainair					
Clayton						Pecos					
Cloudcroft						Peralta					
Crows						Portales					
Columbus						Questa					
Corona						Raton					
Corrales	\$194,334	\$168,038	\$26,295			Red River					
Cuba						Reserve					
Deming						Rio Communities					
Des Moines						Rio Rancho	\$3,568,921	\$2,787,921	\$780,999		
Dexter						Roswell	\$788,966	\$520,794	\$268,172		
Dora						Roy					
Eagle Nest						Ruidoso					
Edgewood*						Ruidoso Downs	\$88,473	\$48,241	\$40,232		
Elephant Butte						San Jon					
Elida						San Ysidro					
Encino						Santa Clara					
Espanola						Santa Fe	\$3,181,072	\$2,350,452	\$830,621		
Estancia						Santa Rosa					
Eunice						Silver City	\$133,047	\$85,342	\$47,705		
Farmington						Socorro					
Floyd						Springer					
Folsom						Sunland Park					
Fort Sumner						T or C					
Gallup	\$522,825	\$303,286	\$219,539			Taos					
Grady						Taos Ski Valley					
Grants						Tatum					
Grenville						Texico					
Hagerman						Tijeras					
Hatch						Tucumcari					
Hobbs						Tularosa					
Hope						Vaughn					
House						Virgen					
Hurley1						Wagon Mound					
Jal						Willard					
Jemez Springs						Williamsburg					
Lake Arthur						Totals	\$68,099,004	\$50,229,295	\$17,868,562	\$972	\$175

Information Source: New Mexico Department of Finance and Administration rate certificate files.

Muni Debt	\$68,099,004
total obligations	1566599801
% of Muni Debt Obligations To Total Obligations	4.35%

District Name	School Name	School Category	School Type	Total NMCI Gross Square Feet	Number of Students	Square Foot Per Student	FCI	wNMCI	Asset - Ownership	Renewal
Albuquerque	Academia De Lengua y Cultura	Charter								
Albuquerque	Albuquerque Talent Development Secondary Charter School	Charter	High	13572	135	101	5.07%	1.16	Lease Purchase	2018
Albuquerque	Alice King Community Charter School	Charter	Elementary	11016	326	34	10.36%	14.89		2016
Albuquerque	Nuestros Valores Charter School	Charter	High	14686	109	135	68.56%	28.62		2016
Albuquerque	Robert F. Kennedy Charter High School	Charter	High	40000	193	207	46.84%	10.75	Public building	2016
Albuquerque	Public Academy for Performing Arts Charter School	Charter	High	29568	366	81	101.19%	18.97	Public building	2016
Albuquerque	Corrales International Charter	Charter	High	23418	217	108	0.00%	0.25	Lease Purchase	2017
Albuquerque	Bataan Military Academy Charter School	Charter	High	8800	130	68	16.16%	6.50		2015
Albuquerque	Gordon Bernell Charter School	Charter	High	22187	685	32	13.55%	51.28	Public building	2018
Albuquerque	Christine Duncan Community Charter School	Charter	Elementary	13332	115	116	94.44%	87.03		2016
Albuquerque	Native American Community Academy Charter School	Charter	Middle	34552	381	91	32.73%	8.42	Public buiding	2016
Albuquerque	El Camino Real Academy Charter School	Charter	High	61380	362	170	38.69%	23.16		2018
Albuquerque	Digital Arts and Technology Academy Charter School	Charter	High	50436	295	171	65.68%	39.41	Lease Purchase	2015
Albuquerque	La Academia de Esperanza Charter School	Charter	High	22400	351	64	52.84%	19.75	Lease from a non profit	2018
Albuquerque	Los Puentes Charter School	Charter	High	19381	196	99	18.24%	7.91	Lease from a non profit	2015
Albuquerque	Montessori of the Rio Grande Charter School	Charter	Elementary	21014	199	106	52.14%	33.12	Public building	2019
Albuquerque	SIA Tech Charter School	Charter	High	11564	297	39	11.41%	12.28		2019
Albuquerque	Mountain Mahogany Community Charter School	Charter	Elementary	13926	205	68	27.77%	9.96	Lease Purchase	2015
Albuquerque	South Valley Academy Charter School	Charter	High	37888	253	150	36.88%	17.17	Public building	2015
Albuquerque	Twenty-First Century Public Academy Charter School	Charter	Middle	21290	232	92	26.30%	5.69		2015
Aztec	Mosaic Academy Charter School	Charter	Middle	9024	180	50	31.50%	5.90		2019
Carlsbad	Jefferson Montessori Academy Charter School	Charter	High	22955	204	113	38.09%	19.41	Public buiding	2017
Cimarron	Moreno Valley Charter High School	Charter	High	17314	92	188	14.98%	21.63	Lease from a non profit	2017
Deming	Deming Cesar Chavez Charter High School	Charter	High	23559	146	161	31.63%	14.54	Public building	2019
Espanola	Carinos Charter School	Charter	Elementary	55924	219	255	81.25%	81.18	Public building	2016
Farmington	NM Virtual Academy	Charter	High	4300	12	358	33.27%	14.93		2017
Gadsden	Anthony Charter School	Charter	High	6297	200	31	36.94%	28.38		2015
Gallup McKinley	Middle College Charter High School	Charter	High	3314	63	53	46.82%	11.32	Public building	2018
Jemez Mountain	Lindrith Heritage Charter	Charter	Middle	11569	24	482	50.01%	19.65		2016
Jemez Valley	San Diego Riverside Charter School	Charter	Middle	18816	92	205	61.50%	47.45	Public building	2019
Las Cruces	Las Montanas Charter School	Charter	High	26737	226	118	62.77%	23.31	Lease from a non profit	2019
Questa	Roots & Wings Community Charter School	Charter	Middle	4493	50	90	12.22%	2.91		2016
Roswell	Sidney Gutierrez Charter Middle School	Charter	Middle	10110	65	156	65.82%	22.29	Public building	2019
Santa Fe	Tierra Encantada Charter School	Charter	High	33936	400	85	38.07%	17.17	Public building	2015
Santa Fe	Turquoise Trail Elementary Charter School	Charter	Elementary	63249	463	137	38.54%	20.94	Public building	2015
Santa Fe	Monte Del Sol Charter School	Charter	High	31761	382	83	22.31%	6.50		2015
Santa Fe	Academy for Technology and the Classics Charter School	Charter	High	25165	369	68	6.90%	2.15	Lease from a non profit	2015
Socorro	Cottonwood Valley Charter School	Charter	Middle	18052	170	106	29.95%	14.11		2015
State Chartered Schools	La Academia Dolores Huerta Charter School	Charter	Middle	12400	133	93	78.26%	42.16		2019
State Chartered Schools	North Valley Academy Charter School	Charter	Middle	36150	454	80	17.04%	5.24		2016
State Chartered Schools	Cesar Chavez Community Charter School	Charter	High	26000	202	129	35.72%	8.18	Lease from a non profit	2019
State Chartered Schools	Creative Education Preparatory Institute #1 Charter School	Charter	High	13330	173	77	25.14%	10.28		2019
State Chartered Schools	Gilbert L Sena Charter High School	Charter	High	16016	178	90	25.14%	5.76		2019
State Chartered Schools	Southwest Primary Learning Center	Charter	Elementary	14160	104	136	29.11%	6.69		2015
State Chartered Schools	Southwest Intermediate Learning Center	Charter	Middle	15120	113	134	20.09%	4.56		2015

State Chartered Schools	Alma d' Arte Charter High School	Charter	High	47308	189	250	39.59%	12.76		2019
State Chartered Schools	Aldo Leopold Charter High School	Charter	High	10800	84	129	81.30%	46.75		2015
State Chartered Schools	Southwest Secondary Learning Center	Charter	High	14160	280	51	17.02%	5.86		2015
State Chartered Schools	Explore Academy Charter School	Charter	High	33860	500	68	7.52%	1.62		2019
State Chartered Schools	La Tierra Montessori School of the Arts & Sciences	Charter	Middle	9000	85	106	47.11%	16.85	Public building	2017
State Chartered Schools	Albuquerque Institute for Math and Science Charter School	Charter	High	23525	312	75	10.61%	2.43	Public	2015
State Chartered Schools	Albuquerque School of Excellence Charter School	Charter	High	24652	316	78	17.66%	24.18		2015
State Chartered Schools	The GREAT Academy	Charter	High	15040	180	84	44.74%	10.20		2017
State Chartered Schools	Amy Biehl Charter High School	Charter	High	41900	292	143	45.81%	18.15	Public	2015
State Chartered Schools	East Mountain Charter High School	Charter	High	43752	364	120	25.12%	7.13	Lease purchase from a non profit	2015
State Chartered Schools	La Promesa Early Learning Charter School	Charter	Elementary	60426	303	199	10.45%	11.83	Lease from a non profit	2015
State Chartered Schools	South Valley Preparatory Charter School	Charter	High	10736	147	73	78.62%	35.10		2015
State Chartered Schools	Albuquerque Sign Language Academy Charter School	Charter	Middle	9700	71	137	9.25%	2.10	Public building	2015
State Chartered Schools	Tierra Adentro Charter School	Charter	High	15786	205	77	68.36%	21.10		2015
State Chartered Schools	NM International Charter School	Charter	Elementary	21551	240	90	1.03%	0.24		2017
State Chartered Schools	The MASTERS Program Early College Charter School	Charter	High	5800	156	37	35.32%	8.13	Public building	2015
State Chartered Schools	Academy of Trades and Technology Charter School	Charter	High	25629	88	291	43.27%	14.60	Lease to purchase from non profit	2015
State Chartered Schools	The ASK Academy	Charter	High	24120	170	142	5.58%	1.27		2015
State Chartered Schools	La Resolana Leadership Academy Charter School	Charter	Middle	10514	77	137	11.47%	3.24		2019
State Chartered Schools	Walatowa Charter High School	Charter	High	11860	59	201	24.88%	5.53	Public building	2017
State Chartered Schools	Coral Community Charter School	Charter	Elementary	10000	94	106	102.40%	119.80		2017
State Chartered Schools	Mission Achievement & Success Charter School	Charter	Middle	24996	107	234	15.80%	3.60		2017
State Chartered Schools	Sage Montessori Charter School	Charter	Middle	28980	318	91	25.06%	4.82		2017
State Chartered Schools	Southwest Aeronautics, Mathmatics, & Science Academy Charter School	Charter	High	40000	276	145	9.01%	2.06	Public building	2017
State Chartered Schools	William W & Josephine Dorn Community Charter School	Charter	Elementary	13848	90	154	31.49%	12.09		2017
State Chartered Schools	Uplift Community Charter School	Charter	Elementary	10000	156	64	102.40%	119.80		2017
State Chartered Schools	New America Charter School - Las Cruces Campus	Charter	High	24329	235	104	0.72%	0.16		2017
State Chartered Schools	Estancia Valley Classical Academy Charter School	Charter	High	3840	21	183	0.51%	17.44	Lease from a non profit	2017
State Chartered Schools	Red River Valley Charter School	Charter	Middle	10118	65	156	16.84%	3.65	Public building	2016
State Chartered Schools	Horizon Academy West Charter School	Charter	Elementary	35075	435	81	16.94%	3.86	Public building	2018
State Chartered Schools	Cien Aguas International Charter School	Charter	Middle	28334	330	86	45.35%	10.36		2019
State Chartered Schools	Health Sciences Academy Charter School	Charter	High	12780	315	41	20.67%	31.45	Lease from a non profit	2019
State Chartered Schools	Taos Integrated School of the Arts	Charter	Middle	12000	169	71	23.47%	5.87		2015
State Chartered Schools	ACE Leadership Charter High School	Charter	High	22790	420	54	0.00%	-	Lease purchase	2015
State Chartered Schools	Cottonwood Classical Preparatory School	Charter	High	47161	542	87	0.14%	0.03		2018
State Chartered Schools	Taos Academy Charter School	Charter	High	18912	162	117	6.47%	14.28		2019
State Chartered Schools	Taos International School	Charter	Elementary	17040	360	47	23.82%	5.98	Private	2019
State Chartered Schools	La Jicarita Community Charter School	Charter	Middle	6720	52	129	43.21%	16.07	Lease from a non profit	2018
State Chartered Schools	J. Paul Taylor Academy Charter School	Charter	Elementary	13224	175	76	27.26%	6.01	Public building lease to purchase	2017
State Chartered Schools	New America Charter School - Albuquerque Campus	Charter	High	10096	425	24	11.02%	2.52	Lease from a non profit	2019
State Chartered Schools	School of Dreams Academy Charter School	Charter	High	21106	326	65	6.90%	1.59		2019
State Chartered Schools	International School at Mesa del Sol Charter School	Charter	Elementary	5376	261	21	12.38%	2.39		2019
State Chartered Schools	NM School for the Arts Charter School	Charter	High	38029	201	189	43.72%	22.92		2019
State Chartered Schools	Media Arts Collaborative Charter School	Charter	High	16192	199	81	42.14%	12.05	Lease purchase	2018
State Chartered Schools	Dream/ta'a Dine	Charter	Elementary	5963	105	57	76.59%	19.15	Lease from non profit	2019
State Chartered Schools	McCurdy Charter School	Charter	High	66376	584	114	22.75%	10.33	Lease to purchase from non profit	2017
State Chartered Schools	Health Leadership High School	Charter	High	15972	86	186	35.13%	19.76	Lease from a non profit	2018
Taos	Anansi Charter School	Charter	Elementary	13682	115	119	3.93%	0.90	Lease to purchase from non profit	2016

Taos	Taos Municipal Charter School	Charter	Middle	32090	213	151	6.59%	1.61	Lease from non profit	2015
Taos	Vista Grande Charter High School	Charter	High	10016	80	125	12.01%	4.72	Public building	2017
West Las Vegas	Rio Gallinas Charter School	Charter	Middle	4467	95	47	70.66%	23.35	Public building	2017

**Opportunities to Lease Public Space  
Presented to:**

**Public School Capital Outlay Oversight Task Force  
September 3, 2014**

**By:**

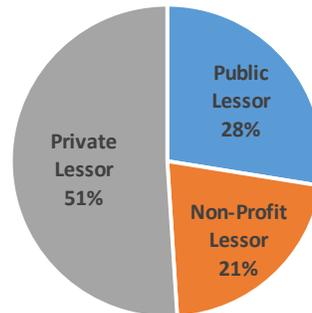
**Robert Gorrell, Director, Public School Facilities Authority (PSFA)  
David Abbey, Chair, PSCOC; Director, LFC**

(Previously presented to the PSCOOTF October 10, 2013)

The rising cost of public school funds going to private owners leasing facilities to charter schools prompted the 2005 Legislature to create a deadline of 2010 for charters to be located in public facilities, or meet other requirements prior to authorization (or re-authorization). As the 2010 deadline approached, only a small percentage of charter schools were in public facilities. The 2009 Legislature amended the deadline again to 2015 -where it is today. With less than one years from the deadline, only 48 of the 98 are currently in a public facility or are leasing from a non-profit entity specifically organized for the purpose of providing the facility for the charter school.<sup>1</sup> The other 50 charter schools are still located in privately owned facilities.

**Table 1. – New Mexico Charter Schools Lessor Status (2014)**

<b>Lessor (Public Building)</b>	<b>Number of Schools</b>
Federal	1
County	3
Tribal	3
School District	13
Municipal	3
University	4
<b>Subtotal Public Building</b>	<b>27</b>
Non-Profit	14
Non-Profit Lease Purchase	7
<b>Subtotal Non-Profit</b>	<b>21</b>



Source: PSFA 2014-2015 Lease Assistance Awards.

Table 1 above indicates that 27 charter schools are in public buildings. However, for the purposes of the 2015 deadline, a charter school that leases from a non-profit charter

<sup>1</sup> Section 22-8B-4.2(2)(a.) NMSA 1978

foundation qualifies as being in a “public facility” in relation to the relevant statute: Section 22-8B-4.2(D)(2)(b), NMSA.

Ideally, all charter schools would be in available school district facilities, as stated in Section 22-8B-4(F):

*“The school district in which a charter school is geographically located shall provide a charter school with available facilities for the school's operations unless the facilities are currently used for other educational purposes...”*

With regard to determining whether traditional public schools have potential to house charter schools in their facilities, PSFA relies on the school district’s facilities master plan (FMP) capacity and utilization analysis. The capacity analysis quantifies the number of students a school can hold in its general and special educational rooms while discounting the spaces that are used for special purposes and unable to accommodate students based on current educational program. The FMP consultant, in conjunction with the district, determines the school’s capacity and then compares it to the school’s enrollment to determine the number of seats available for growth or other functions.

For example, the capacity analysis for a particular school may reveal that the building can hold 500 students but has a current enrollment of 200 students, which suggests that the school has capacity for an additional 300 students. It appears that a charter school could potentially move into this space. However, we must use caution before we can say definitively whether the space could accommodate a charter school. Without further study, we don’t immediately know how that space is configured within the building. It could be that the available capacity is found in an entire wing or it could be in noncontiguous spaces spread out throughout the campus, making it difficult for a charter school to function in a seamless manner. Also, the available space may not necessarily be appropriate for a charter school. For example, some of the available space might be found in vocational space and would need renovation before a charter elementary school could occupy the area. The school might also utilize the room for specialized instruction during part of the school week.

The FMP’s utilization analysis reveals the manner and frequency a school uses its spaces throughout the school day and school week. The FMP contains worksheets that identify the room number, the room’s grade level or subject taught, the number of hours or periods the room is in use, and size of the room. This information yields a percentage of utilization for the room and for building as a whole. PSFA regards 95-100% a fully utilized elementary school and 80-95% for secondary schools. Based on the utilization analysis, the charter may or may not be able to implement its schedule in the traditional school space.

Other points to consider when evaluating a traditional public school's vacant or underutilized space for a charter include

- Age appropriateness of the space – A district may have available seats in its high school but an elementary charter school may need space? Would this situation be optimal?
- Scheduling – Scheduling of cafeteria, multi-purpose spaces, administration areas need to be considered.
- Rules and procedures – If the traditional school and charter school have different procedures (i.e. students leaving campus for lunch), how will the schools address this situation?

But due to difficulties of school districts and charter schools identifying space, The 2009 Legislature also added that the following criteria, that if met, satisfies the statutory requirement of being in a public facility by July 1, 2015:

*“if the facility in which the charter school is housed meets the statewide adequacy standards<sup>2</sup> ... and the owner of the facility is contractually obligated to maintain those standards at no additional cost to the charter school or the state; and either: 1) public buildings are not available or adequate for the educational program of the charter school; or 2) the owner of the facility is a nonprofit entity specifically organized for the purpose of providing the facility for the charter school.*

See **Appendix A.** for the full versions of Section 22-8B-4 and Section 22-8B-4.2 NMSA 1978.

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<sup>2</sup> As it concerns the suitability of space and a charter schools facilities condition, The 2011 Legislature passed House Bill 283 in which stated that on or after July 1, 2011, new or existing charter schools could not locate in a facility whose condition rating was not equal or better than the average wNMCI for all New Mexico Public Schools. It also required applicant charters to provide a facilities master plan/educational specification document approved by PSFA with their application to PED.



**Issue Brief  
to  
The PUBLIC SCHOOL CAPITAL OUTLAY  
OVERSIGHT TASK FORCE**



**Review of Charter School Facilities Issues  
September 3, 2014**

**Previously presented on September 24, 2012 for the  
PSCOOTF Capital Outlay Work Group**



## **PUBLIC SCHOOL CAPITAL OUTLAY OVERSIGHT TASK FORCE**

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Each year, the PEC and districts authorize new charters, creating a need for space to house these schools.

As charters locate in new facilities, the amount of public school gross square footage increases.

Section 22-8B-4 requires all newly authorized and relocated charters locate in public facilities by 2015. To date, fewer than half meet this requirement.

Charter schools account for 3% of total public school gross square feet and over 5% of all public school membership.

Charter schools can waive various spaces in facilities if they demonstrate an alternative method of delivery. Gyms, libraries and media centers are examples of spaces charters can waive, meaning that PSFA does not require them to meet "adequacy".

PSFA staff prepared this brief and reviewed by the Public School Capital Outlay Council (PSCOC)

**INTRODUCTION**

Each year the Public Education Commission (PEC) and school districts consider authorization of new charter schools. The growth of charter schools has been significant and creates several issues for the schools themselves, the PSCOC, and the Public School Facilities Authority (PSFA) particularly when it comes to facilities. The PSFA has organized this report around four problem statements associated with their work on charter school facilities.

**Problem Statements:**

1. Some Charter schools could benefit from PSFA, PED's or the Charter School Coalition's experience or expertise in planning for their facility needs and/or managing those facilities in which they locate.
2. Section 22-8B-4 NMSA 1978 requires school districts to offer available space to charter schools but there is no administrative procedure to implement this provision.
3. Charter schools could benefit from using standardized leases.
4. Charter schools may differ significantly from traditional schools in facility needs based upon their educational programs.

**OBJECTIVE OF ANALYSIS**

The purpose of this brief is to identify the issues that PSFA experiences in working with charter schools from a facilities standpoint. It also presents policy considerations and analysis of ways to improve charter school facility planning and management.

**KEY FINDINGS**

In preparing this report, PSFA identified the following key findings:

- As of the recently completed 2013-14 school year, there are 98 charter schools operating in New Mexico, 54 of which are state-authorized and 44 are district-authorized. Some of these schools are still in their planning year and have yet to enroll students.
- Certified 40-day enrollment numbers for the 2013-14 school year showed that charter school enrollment numbered 19,795 or 5.8% of all

public school students in New Mexico.

- The applicant charter schools in 2014 could increase the charter school enrollment to over 20,000 students if PEC and districts authorize all.
- Charter school Gross Square Footage (GSF) totals 2,669,334 or 4.5% of all public school GSF. In total, all public schools comprise approximately 59 million GSF.
- Out of the 98 charters, 25 have located in public facilities, 7 are in a lease purchase situations, and 14 lease from non-profits. All of these situations meet the requirements of Statute 22-8B-4.2, requiring charters to be in public facilities by 2015 or meet certain exceptions. In total 48 schools or 49% meet the requirement.
- Charter schools can waive various spaces in facilities if they demonstrate an alternative method of delivery. Gyms, libraries, and library/media centers are examples of spaces charter schools can waive in a facility, meaning that PSFA does not require them for the school to meet adequacy.

## **LEGISLATIVE BACKGROUND**

The New Mexico Charter School Act, Section 22-8B-4 NMSA 1978 and subsequent amendments outline clear implications for charter school facilities, particularly in ensuring that charter schools locate in educationally and conditionally adequate facilities that are fiscally responsible for taxpayers. The New Mexico Legislature first authorized the formation of charter schools in 1992 through Section 22-8B-4 NMSA 1978, referred to as the Charter School Act, but the original legislation only allowed traditional public schools to convert to charter schools. According to the New Mexico Coalition of Charter Schools, few schools took advantage of this legislation and of those that did, only one survives.

The Legislature passed two key bills amending the Charter School Act, which helped foster charter school survival as well as growth. In 1999, the Legislature passed Senate Bill 192, which amended Section 22-8B-4 NMSA 1978 and allowed creation of district-authorized start-up charter schools in addition to conversion schools. In 2006, the Legislature passed Senate Bill 600, the second key piece of legislation that amended Section 22-8B-4 NMSA 1978 to allow the Public Education Commission (PEC) to authorize charter schools independently of a local school district. Local authorization still remains an option for proposed charter schools but more existing and new schools seek state-authorization. These two bills helped to increase the number of charter schools and thus created more demand for facilities.

The 2011 Legislature passed House Bill 283 in which the most significant facilities requirement is that on or after July 1, 2011, new or existing charter schools could not locate in a facility whose condition rating was not equal or better than the average wNMCI for all New Mexico Public Schools. It also required applicant charters to provide a facilities master plan/educational specification document approved by PSFA with their application to PED.

Another critical component of Section 22-8B-4, and perhaps the most significant for facilities, is the requirement for all new or renewed charters to be located in public facilities or meet other requirements. In 2005, the legislature placed into statute a deadline of 2010 for charters to meet this requirement. As the 2010 deadline approached, only a small fraction of schools were in public facilities prompting the 2009

Legislature to amend the deadline, pushing it back to 2015. The following section outlines the specific language regarding charter schools from the portions of the statute that pertain to charter school facilities. See **Appendix A** for the full versions of Section 22-8B-4 NMSA 1978 and Section 22-8B-4.2.

**Section 22-8B-4.2**

*On or after July 1, 2011, a new charter school shall not open and an existing charter school shall not relocate unless the facilities of the new or relocated charter school, as measured by the New Mexico condition index, receive a condition rating equal to or better than the average condition for all New Mexico public schools for that year or the charter school demonstrates, within eighteen months of occupancy or relocation of the charter, the way in which the facilities will achieve a rating equal to or better than the average New Mexico condition index.*

*D. On or after July 1, 2015, a new charter school shall not open and an existing charter shall not be renewed unless the charter school:*

*(1) is housed in a building that is:*

*(a) owned by the charter school, the school district, the state, an institution of the state, another political subdivision of the state, the federal government or one of its agencies or a tribal government; or*

*(b) subject to a lease-purchase arrangement that has been entered into and approved pursuant to the Public School Lease Purchase Act [22-26A-1 NMSA 1978]; or*

*(2) if it is not housed in a building described in Paragraph (1) of this subsection, demonstrates that:*

*(a) the facility in which the charter school is housed meets the statewide adequacy standards developed pursuant to the Public School Capital Outlay Act and the owner of the facility is contractually obligated to maintain those standards at no additional cost to the charter school or the state; and*

*(b) either: 1) public buildings are not available or adequate for the educational program of the charter school; or 2) the owner of the facility is a nonprofit entity specifically organized for the purpose of providing the facility for the charter school.*

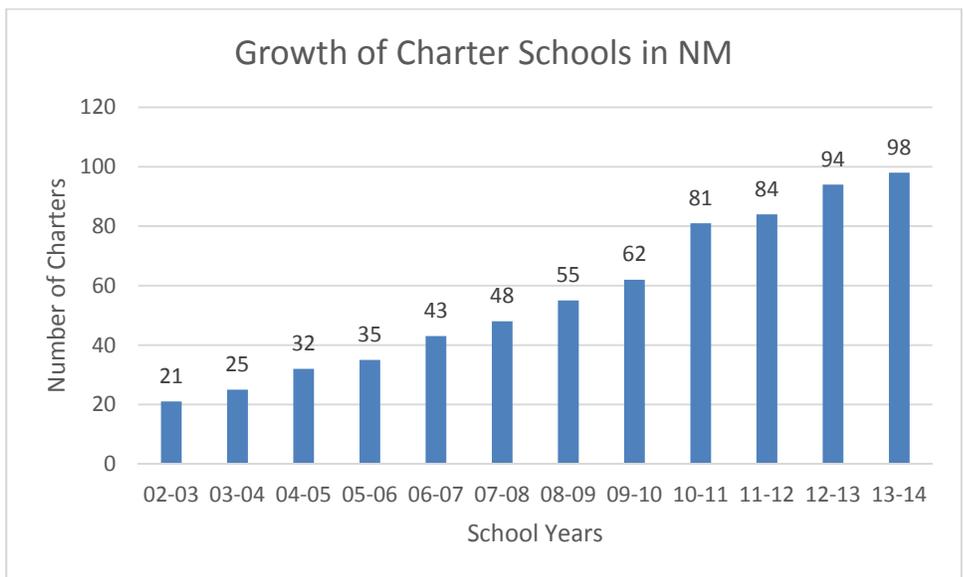
*The other portion of the legislation pertinent to this brief is **Section 22-8B-4** under Charter Schools' rights, responsibilities; operation.*

*F. The school district in which a charter school is geographically located shall provide a charter school with available facilities for the school's operations unless the facilities are currently used for other educational purposes. An agreement for the use of school district facilities by a charter school may provide for reasonable lease payments; provided that the payments do not*

*exceed the sum of the lease reimbursement rate provided in Subparagraph (b) of Paragraph (1) of Subsection I of Section 22-24-4 NMSA 1978 plus any reimbursement for actual direct costs incurred by the school district in providing the facilities; and, provided further, that any lease payments received by a school district may be retained by the school district and shall not be considered to be cash balances in any calculation pursuant to Section 22-8-41 NMSA 1978. The available facilities provided by a school district to a charter school shall meet all occupancy standards as specified by the public school capital outlay council. As used in this subsection, "other educational purposes" includes health clinics, daycare centers, teacher training centers, school district administration functions and other ancillary services related to a school district's functions and operations.*

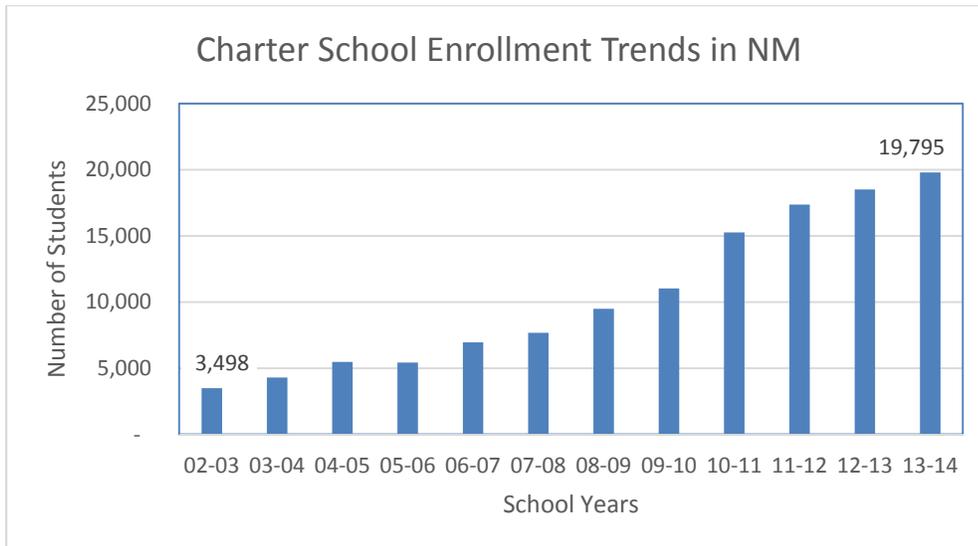
**ENROLLMENT & PROGRAM GROWTH**

The growth of charter schools has certainly been dynamic in the past few years in terms of both number of schools and students served. Figure 6.01 shows the growth of the number of charter schools over the past ten years.



**Figure 6.01: Growth of Charter Schools in NM**

Charter school enrollment has also increased every year. In 2002, charter schools served 3,500 students. Today, that number is 19,795 students or 5.8% of all public school students in the State of New Mexico. Figure 6.02 illustrates the growth in Charter enrollment over the past ten years.



**Figure 6.02: Charter School Enrollment Trends in NM**

57% of charter schools are authorized by the PEC, 16% are authorized by the Albuquerque Public School Board and 28% are authorized by all other local schools boards collectively. The majority of charter schools in the state are located within the geographical boundaries of the Albuquerque Public School District, however, there are charter schools in 17 other school districts.

The increase of charter schools brings with it the need to find space to appropriately house these types of schools that comply with the provisions of Section 22-8B-4 NMSA 1978 and subsequent amendments. The following policy considerations seek to assist in this process.

**Policy Consideration #1: Provide Charter Schools with Access to Increased Facilities Knowledge and Experience**

This policy option under consideration begins with the notion that charter schools can benefit from facilities knowledge and experience through a dedicated centralized resource. This scenario would require creation of appropriate support to help charter schools choose and then manage safe facilities. This support could be a statewide resource for charter schools and could reside in either the Charter School Division of the Public Education Department, PSFA, Charter School Coalition, or a private contractor. Some of the job duties of this resource could include:

- Keeping a data base of available spaces that a charter school might be able to occupy,
- Reviewing capacity and utilization of traditional public schools to determine if space in existing educational facilities is available.
- Serve as a liaison between public school districts and charter schools to facilitate the sharing of facilities available or other public agencies,

- Developing and presenting workshops or training to help existing and applicant charter schools understand the requirements of the various statutes and rules related to school facilities,
- Developing standardized lease and lease-purchase agreements to help manage these processes more transparently and consistently, and
- Assisting in FMP/Ed spec development, especially in the absence of state funding for FMP/Ed Spec assistance grants.

PSFA has not performed a detailed analysis for providing these centralized support services. PSFA currently interacts with charters by performing the following tasks, expending well over 1 FTE:

- Review of Facilities Master Plan/Educational Specifications (FMP/Ed Specs),
- Physical assessment of facilities for compliance with the wNMCI provisions of HB283, as well as conformance to the building code requirements of a facility for educational E-Occupancy,
- Support the charter's facilities maintenance responsibilities,
- Ranking the charter schools in the PSFA Facilities Assessment Database (FAD); and
- Managing the Lease Payment Assistance Program.

In total, PSFA staff estimates that it spends up to 80-100 hours per proposed, existing, newly-authorized, or relocated charter school. This time is on top of the amount of time spent on other duties for traditional public schools and involves plan review, building assessment, data entry, and travel between PSFA offices and the charter locations.

### *Significant Issues*

PSFA has found that many charter schools as well as traditional school districts lack either a dedicated person or resources with facility knowledge and experience in facility planning, management, maintenance, and operations. As a result, charter schools have located in inadequate facilities and/or don't focus on building maintenance and operation needs once they are in a facility. Since a charter school's first responsibility is for student education, they may not have the resources to hire a dedicated facilities person nor have the time to learn the role themselves. Establishing this resource could provide the facilities guidance that the charters need and could decrease time spent away from managing the school's educational delivery.

For example, a charter school in Las Cruces had difficulty with facility decision making. This school was authorized prior to 22-8B-4.2 NMSA, 1978 (House Bill 283) and was, therefore, not required to develop an FMP/Ed Spec document (Appendix B describes the PSFA's charter school FMP/Ed Spec program in greater detail ) or to have a weighted New Mexico Condition Index score at least equal to the statewide average. The school did not have anyone who had knowledge about facilities. Consequently, the Board selected a facility that met the general classroom space requirements of the statewide adequacy standards,

E-Occupancy and building code. However, the school has found that the facility does not support their educational program and has spent the last two years trying to locate a suitable facility.

After hiring a planning consultant, the school developed a FMP/Ed Spec and appointed a leader to coordinate their search. Their leader, a medical doctor, is using the FMP/Ed Spec but may still not have the knowledge or experience to effectively conduct the facility search.

### ***Impacts/Pros of this Policy Consideration***

Establishing adequate charter school coordination could lead to potentially positive outcomes:

- **Pros:** Charters schools will be able to move into adequate and compliant space from the start and will not have to worry about moving or finding another space within a few years, as has been the case in the past. This would help to ensure the charters' success.
- **Pros:** The support could help charter schools in managing their preventive maintenance plans ensuring a longer facility life, and thereby reducing the amount of money the school will need to spend for building repairs.
- **Pros:** Could lessen reliance on foundations.

### ***Obstacles to Deployment/Cons of Policy Consideration***

Some obstacles and cons of this policy consideration include:

- **Cons:** Decreased revenues are a continuous obstacle to all government or private sector services.
- **Cons:** Charters may not understand the benefits of adequate facility support resources and may view this resource as unwarranted state intrusion on their autonomy.

## **Policy Consideration #2: Provide Better Charter School Facility Planning Support**

This policy option would reinstate the Charter School Capital Outlay Fund. This fund provided charter schools with local match funding to hire planning consultants to prepare their FMP/Ed Specs, resulting in higher quality facility decisions.

### ***Significant Issues***

The State established the Charter School Capital Outlay Fund in 2007, primarily to assist state-authorized charter schools with their local match, but also allows use for all charter schools to meet match requirements. The PSCOC has provided master planning assistance grants to school districts to help cover the cost of the FMP, provided the District provided its own local match. Beginning in 2008, the PSCOC authorized access to the master plan grant program to state-authorized charters (district-authorized charters must be included in the district FMP). Previously the PSCOC has funded from the Charter School Capital Outlay Fund 40% of the local match, which made it easier for the charter school to participate in the program as they would not have to pay their full local match. Since 2008, the PSCOC has authorized

\$253,505 for the state share of charter school FMP/Ed Specs from the Charter School Capital Outlay Fund along with \$99,908 to assist districts with their local share (See Appendix C for information on PSCOC awards for charter school FMP/Ed Specs).

Appropriations to the Charter School Capital Outlay Fund reverted in 2011, yet House Bill 283 (HB-283) requires applicant charter schools to complete a FMP/Ed Spec document with their application to PED. Understanding that an applicant charter may have limited financial resources, PSFA streamlined its FMP/Ed Specs process specifically for applicant charter schools to enable them to produce this document without the need to hire a consultant. Several applicant charter schools produced these documents themselves with mixed results in quality and detail.

These mixed results may correlate to charter resources, including the knowledge, experience, and expertise of staff preparing the plans. For example, the 2012 applicant pool included charter organizations with multi-state operations that had more facility-related experience. These prospective applicants submitted far more detailed plans with a better idea of their space needs than those with limited experience who know about their educational program but not necessarily how that program translates to their facility needs.

Charter schools face numerous start-up costs including but not limited to the developing an educational program, purchasing supplies and other costs associated with opening a new school of which are beyond the scope of this analysis. Paying for a plan on their own without state assistance may be problematic for many. With the charter fund, they received assistance for their required match, enabling more charters to participate in the planning process. New requirements for Senate Bill 9 (SB-9) and House Bill 33 (HB-33) distribution allow state-authorized charters to tap into these revenue streams but there is no requirement that these funds be used for planning or search for public space.

#### ***Impacts/Pros of this Policy Consideration***

The FMP/Ed Specs provide critical guidance for the charter schools in selecting an appropriate facility. By going through the FMP/Ed Spec process, the charter school can focus on the spaces required to accommodate planned programs, which aids it in locating the most appropriate facility. In addition, the consultant can help them navigate through the requirements of Section 22-8B-4.2 NMSA 1978, HB283 (Chapter 69, Laws of 2010), and the PSFA adequacy planning guide so they would be less likely to locate in inadequate and non-compliant space.

#### ***Obstacles to Deployment/Cons of this Policy Consideration***

Currently, budget and funding remains an obstacle/con for re-authorizing this fund.

### **Policy Consideration #3: Make authorizing bodies that approve/renew charters responsible for acquiring and managing their facilities.**

This policy option under consideration is based upon the notion that the governing body authorizing the charter school is ultimately responsible for the financing for and maintenance of the facilities of the charter school.

#### **Background**

Charter schools must gain approval to deliver their educational program either from the school district where they are located or from the state Public Education Commission (PEC). Generally, charter schools need to demonstrate they fulfill a need not met by the school districts educational delivery method. If the school district or PEC rejects or elects not to renew a charter after five years, the charter school may appeal the decision to the Public Education Department (PED). Charter schools receive approvals at five year intervals.

Under the policy option under consideration the school district or PEC would assume full responsibility for charter schools facilities needs. As with traditional public school facilities expectations, the school district or PEC would be responsible for the charter schools facility needs. These needs may include providing, providing funding for, or procuring new or existing school space providing maintenance, custodial service and utilities; and financially supporting all other costs associated with providing an adequate facility. All funding, including but not limited to proportionate SB9 & HB33 distributions that would be made to the charter school would instead be allocated to the charter schools authorizer. This will require a statutory change.

#### **District Authorized Charter:**

If the charter applies to a school district, and the district authorizes it, the district would provide appropriate facilities or would negotiate a lease agreement with a third party for appropriate facilities.

##### ***Significant Issues***

- The school district would be fully responsible for all charter school facility needs. This will require a statutory change.
- If a charter is not authorized directly by the district's school board, it would not be a district authorized charter. The state would not have authority to override the district's chartering decisions. This will require a statutory change.

#### **State Authorized Charter:**

If the charter applies to the PEC, and the PEC authorizes it, the PEC would provide appropriate facilities or would negotiate a lease agreement with a third party for appropriate facilities.

##### ***Significant Issues***

- The PEC has no staff and may have to utilize the Public Education Department (PED) Charter School Division (CSD) to administer facility acquisition and management. This could be done

internally or by public/private contractor. The PED-CSD is currently funded by 2% of state charters SEG. *This will require statutory change.*

- The PEC may find available funding for charters is insufficient and may require additional funding either by re-direct of SB9 and HB33 or other sources. *This will require statutory change.*
- If the PEC or school district denies approval or revokes or denies renewal of a school charter, the charter school may appeal to the PED. If the PED overturns a denial or revocation, is the PED responsible for the financing for and maintenance of the facilities of the charter school?

### ***Impacts/Pros of this Policy Consideration***

Delineating responsibility for the capital needs to the authorizing authority for charter schools could lead to potentially positive outcomes:

- **Pro:** Charter school facility maintenance issues would be brought to forefront.
- **Pro:** PSFA staff resources could be reallocated to other tasks.

### ***Obstacles to Deployment/Cons of Policy Consideration***

Some obstacles and cons of this policy consideration include:

- **Cons:** Puts responsibilities on school districts or the PEC that may not have sufficient resources or expertise.

## **Policy Consideration #4: Enforce Facility Sharing Requirements of 22-8B-4 NMSA 1978**

This policy consideration is to develop an administrative process to assist the State in enforcement of Section 22-8B-4, which requires school districts to offer available space to charter schools (for an explanation on how PSFA interprets available space, see Appendix D). Section 22-8B-4(F) NMSA 1978, requires school districts to offer available space to charters unless these spaces are currently in use for educational purposes (specific language shown on page 5-6). PSCOC, PSFA, and PED do not have an administrative process to enforce this provision.

### ***Significant Issues***

Some districts have unutilized and vacant space that might be appropriate for charter school location. However, charters have not fully taken advantage of these situations. The amount of public school facility gross square footage continues to increase while schools with the unutilized facilities continue to pay to heat and cool these unutilized spaces diverting funds from education. This is inefficiency in the use of both capital and operational dollars. The New Mexico Board of Finance has a policy that requires districts to offer space to a charter school prior to disposition, and the term “disposition” does not include demolition.

The PSCOC could make compliance to Section 22-8B-4 (F) NMSA 1978 a condition of a capital outlay award as they did with the 2012-13 awards. In this situation, the PSCOC made an award contingent on the district considering providing charter school space in an unutilized facility adjacent to the subject school.

### ***Impacts/Pros of Policy Consideration***

The policy consideration would give PSCOC the opportunity to draft a set of administrative rules and procedures to better fulfill the requirements of Section 22-8B-4 NMSA 1978 and create a thoughtful procedure that considers all stakeholders. Any procedure developed pursuant to this recommendation should grant PSCOC authority to ensure that school districts offer their available facilities to charter schools including repurposing to a non-educational function or demolition, provided the space is conditionally and educationally adequate to meet the charter schools needs.

Some pros and positive impacts of this policy consideration include:

- **Pro:** Better implementation could lead to better utilized public school facilities.
- **Pro:** Charters could move into space that is already classified as E-occupancy and contain existing or shared spaces charters may utilize like media centers or gyms.
- **Pro:** The lease provisions allow districts to recover funds to assist in maintenance and operations of the school.
- **Pro:** By charter schools locating in already existing but unutilized space, capital dollars will be maximized.

### ***Obstacles to Deployment/Cons of Policy Consideration***

Some obstacles and cons of this policy consideration include:

- It may be difficult for school districts to offer available space to charters due to programmatic requirements.
  - Schools cite the need for additional space to conduct testing and online assessments.
  - Space that appears to be unutilized and available may in fact be purposed for special programs or events that do not occur regularly during the school week but are used nonetheless.
  - Districts retain local control of their properties and may want to retain their facilities in the event of growth or changes in program.
  - They may also want to sell vacant unwanted facilities to another entity. If a district offers its facilities to charters, it represents a government to government transaction with streamlined requirements.
  - Logistically, it may be difficult to carry out this policy. Clearly defined space allocations are needed within the school so that the charter and school have access to facilities and common areas without distracting the other program.

## **Policy Consideration #5: Assist Charter Schools in Lease Management**

This policy option under consideration begins with the notion that it is fiscally sound policy to develop a standardized lease instrument that will lead to greater transparency in the use of charter school lease funds. The main problem with the current lease structure is that there are a variety of leases that make it difficult to know if the leases are fair and reasonably structured. Lack of transparency leads to uncertainty in the way the charter spends tax payer money. An unstructured lease also puts a strain on maintenance since responsibility for maintenance is often unclear without pre-defined language (For more information on the PSCOC Lease Assistance Program, see Appendix E).

### ***Significant Issues***

There is a lack of transparency that makes it difficult to determine how lease money flows once it has been allocated from the State. For example, current lease documents don't always identify the maintenance costs or responsibility or even the total amount of square footage the lease covers. Lease terms also present a major concern for charter schools. Since the charter must be renewed every five years, there is an uncertainty tied to renewal that may cause inflated costs in the lease. In short, there is no consistency among the lease documents. PSFA has found that the most successful leases contain the following elements:

- Defined gross square footage that the lease covers,
- Clearly defined lease terms,
- Defined types of space the lease covers (classroom space, administrative space, etc),
- Identification of responsibility for maintenance and custodial duties and costs,
- Statement indicating that the lessor maintains site, facility, and systems in good working order,
- Identification of responsibility for utility costs, and

### ***Impacts/Pros of Policy Option***

The pros of this policy option center on making the leases user friendly for both the state and charter schools and increased transparency. A standardized lease developed by PSFA and available for use by Charter Schools has been developed . While not required a standardized lease can make the contract process predictable and comparable, is easy to understand, makes analyzing lease costs easier, identifies the owners and who benefits from the lease, is customizable and can keep legal review costs to a minimum.

### ***Obstacles/Cons to Deployment of Policy Option***

- A potential con to a standardized lease is that it might be ignoring the need for flexibility to meet unique conditions of the facility or site.
- If use of the standardized lease is mandatory, it would require state-level oversight and approval authority.

## Policy Consideration #6: Strengthen the “Be in Public Facilities” Language in the PSCOA

The policy option under consideration begins with the notion that it is beneficial for charter schools to be located in publicly owned facilities and the current statute regarding “available and adequate” deadlines could be more clearly defined.

### *Significant Issues*

After July 1, 2015, new charter schools cannot open and existing ones will not be renewed unless the charter school is housed in a public building. A public building is one owned by the school, a school district, the state, or any subdivision of the state and federal and tribal government facilities are also considered public buildings.

In addition, charter schools who are engaged in a lease-purchase arrangement are considered compliant in meeting the requirement to be in a public building.

There are exceptions and the policy option under consideration is to strengthen the language of the exceptions in order to reign in the costs of the lease assistance program.

The exceptions, per Section 22-8B-4.2 NMSA 1978, state a new or existing charter school may open and/or be renewed if the school demonstrates that:

*(a) the facility in which the charter school is housed meets the statewide adequacy standards developed pursuant to the Public School Capital Outlay Act and the owner of the facility is contractually obligated to maintain those standards at no additional cost to the charter school or the state; and*

*(b) either: 1) public buildings are not available or adequate for the educational program of the charter school; or 2) the owner of the facility is a nonprofit entity specifically organized for the purpose of providing the facility for the charter school.*

In paragraph (a), The language is a stance that that addresses future capital outlay assistance; it does not contain cost to the lease assistance program (for full version of Section 22-8B-4.2, see Appendix A).

### *Scenarios and Impacts*

To contain the lease assistance program costs and incentivize charter schools to step up their efforts to locate available spaces in public facilities, a possible language change to consider is as follows:

*(a) the facility in which the charter school is housed meets the statewide adequacy standards developed pursuant to the Public School Capital Outlay Act and the owner of the facility is contractually obligated to maintain those standards at no additional cost to the charter school or the state and the facility lease costs are not funded by the lease assistance program in Section 22-24-4(I) of the public school capital outlay act ; and*

In paragraph (b) 1), “not available or adequate” are undefined terms and therefore can be ambiguously applied. Without relating to some definition of what “available or adequate” is, the statement makes certain that charter schools will be able to remain open and operating in private leases indefinitely. In other words, it makes the deadline devoid of meaning and enforceability if they are in a facility meeting the criteria I paragraph (a) above.

In addition, charter schools who are engaged in a lease-purchase arrangement are considered compliant in meeting the requirement to be in a public building.

(2) if it is not housed in a building described in Paragraph (1) of this subsection, demonstrates that:

(a) the facility in which the charter school is housed meets the statewide adequacy standards developed pursuant to the Public School Capital Outlay Act and the owner of the facility is contractually obligated to maintain those standards at no additional cost to the charter school or the state; and

(b) either: 1) public buildings are not available or adequate for the educational program of the charter school; or 2) the owner of the facility is a nonprofit entity specifically organized for the purpose of providing the facility for the charter school.

#### ***Pros to Policy Consideration***

- **Pro:** Charter schools locating in adequate E-Occupancy space as soon as they commence operation,
- **Pro:** The Lease-Assistance program would be easier to manage and puts more responsibility on the building owner and charter school.
- **Pro:** Lease Assistance would only go to public entities

The deadline to be in a publicly owned space is approaching and half of charter schools are still in leases with private owners.

#### ***Obstacles/Cons to Policy Consideration***

- **Con:** Public building availability may be an issue in some communities

**Appendix A: Charter School Legislation Pertaining to Facilities: Section 22-8B-4 & 22-8B-4.2**  
**NMSA 1978**

**22-8B-4. Charter schools' rights and responsibilities; operation.**

A. A charter school shall be subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, physical or mental handicap, serious medical condition, race, creed, color, sex, gender identity, sexual orientation, spousal affiliation, national origin, religion, ancestry or need for special education services.

B. A charter school shall be governed by a governing body in the manner set forth in the charter contract; provided that a governing body shall have at least five members; and provided further that no member of a governing body for a charter school that is initially approved on or after July 1, 2005 or whose charter is renewed on or after July 1, 2005 shall serve on the governing body of another charter school. No member of a local school board shall be a member of a governing body for a charter school or employed in any capacity by a locally chartered charter school located within the local school board's school district during the term of office for which the member was elected or appointed.

C. A charter school shall be responsible for:

(1) its own operation, including preparation of a budget, subject to audits pursuant to the Audit Act; and

(2) contracting for services and personnel matters.

D. A charter school may contract with a school district, a university or college, the state, another political subdivision of the state, the federal government or one of its agencies, a tribal government or any other third party for the use of a facility, its operation and maintenance and the provision of any service or activity that the charter school is required to perform in order to carry out the educational program described in its charter contract. Facilities used by a charter school shall meet the standards required pursuant to Section [22-8B-4.2](#) NMSA 1978.

E. A conversion school chartered before July 1, 2007 may choose to continue using the school district facilities and equipment it had been using prior to conversion, subject to the provisions of Subsection F of this section.

F. The school district in which a charter school is geographically located shall provide a charter school with available facilities for the school's operations unless the facilities are currently used for other educational purposes. An agreement for the use of school district facilities by a charter school may provide for reasonable lease payments; provided that the payments do not exceed the sum of the lease reimbursement rate provided in Subparagraph (b) of Paragraph (1) of Subsection I of Section [22-24-4](#) NMSA 1978 plus any reimbursement for actual direct costs incurred by the school district in providing the facilities; and provided further that any lease payments received by a school district may be retained by the

school district and shall not be considered to be cash balances in any calculation pursuant to Section [22-8-41](#) NMSA 1978. The available facilities provided by a school district to a charter school shall meet all occupancy standards as specified by the public school capital outlay council. As used in this subsection, "other educational purposes" includes health clinics, daycare centers, teacher training centers, school district administration functions and other ancillary services related to a school district's functions and operations.

G. A locally chartered charter school may pay the costs of operation and maintenance of its facilities or may contract with the school district to provide facility operation and maintenance services.

H. Locally chartered charter school facilities are eligible for state and local capital outlay funds and shall be included in the school district's five-year facilities plan.

I. A locally chartered charter school shall negotiate with a school district to provide transportation to students eligible for transportation under the provisions of the Public School Code [Chapter 22 [except Article 5A] NMSA 1978]. The school district, in conjunction with the charter school, may establish a limit for student transportation to and from the charter school site not to extend beyond the school district boundary.

J. A charter school shall be a nonsectarian, nonreligious and non-home-based public school.

K. Except as otherwise provided in the Public School Code, a charter school shall not charge tuition or have admission requirements.

L. With the approval of the chartering authority, a single charter school may maintain separate facilities at two or more locations within the same school district; but, for purposes of calculating program units pursuant to the Public School Finance Act [Chapter [22](#), Article 8 NMSA 1978], the separate facilities shall be treated together as one school.

M. A charter school shall be subject to the provisions of Section [22-2-8](#) NMSA 1978 and the Assessment and Accountability Act [Chapter [22](#), Article 2C NMSA 1978].

N. Within constitutional and statutory limits, a charter school may acquire and dispose of property; provided that, upon termination of the charter, all assets of the locally chartered charter school shall revert to the local school board and all assets of the state-chartered charter school shall revert to the state, except that, if all or any portion of a state-chartered charter school facility is financed with the proceeds of general obligation bonds issued by a local school board, the facility shall revert to the local school board.

O. The governing body of a charter school may accept or reject any charitable gift, grant, devise or bequest; provided that no such gift, grant, devise or bequest shall be accepted if subject to any condition contrary to law or to the terms of the charter. The particular gift, grant, devise or bequest shall be considered an asset of the charter school to which it is given.

P. The governing body may contract and sue and be sued. A local school board shall not be liable for any acts or omissions of the charter school.

Q. A charter school shall comply with all state and federal health and safety requirements applicable to public schools, including those health and safety codes relating to educational building occupancy.

R. A charter school is a public school that may contract with a school district or other party for provision of financial management, food services, transportation, facilities, education-related services or other services. The governing body shall not contract with a for-profit entity for the management of the charter school.

S. To enable state-chartered charter schools to submit required data to the department, an accountability data system shall be maintained by the department.

T. A charter school shall comply with all applicable state and federal laws and rules related to providing special education services. Charter school students with disabilities and their parents retain all rights under the federal Individuals with Disabilities Education Act and its implementing state and federal rules. Each charter school is responsible for identifying, evaluating and offering a free appropriate public education to all eligible children who are accepted for enrollment in that charter school. The state-chartered charter school, as a local educational agency, shall assume responsibility for determining students' needs for special education and related services. The division may promulgate rules to implement the requirements of this subsection.

History: Laws 1999, ch. 281, § 4; 2000, ch. 82, § 2; 2001, ch. 348, § 1; 2003, ch. 153, § 32; 2005, ch. 221, § 2; 2006, ch. 94, § 31; 2007, ch. 366, § 16; 2011, ch. 14, § 1.

#### **22-8B-4.1. Charter schools' enrollment procedures.**

A. Start-up schools and conversion schools are subject to the following enrollment procedures:

(1) a start-up school may either enroll students on a first-come, first-served basis or through a lottery selection process if the total number of applicants exceeds the number of spaces available at the start-up school; and

(2) a conversion school shall give enrollment preference to students who are enrolled in the public school at the time it is converted into a charter school and to siblings of students admitted to or attending the charter school. The conversion school may either enroll all other students on a first-come, first-served basis or through a lottery selection process if the total number of applicants exceeds the number of spaces available at the conversion school.

B. In subsequent years of its operation, a charter school shall give enrollment preference to:

(1) students who have been admitted to the charter school through an appropriate admission process and remain in attendance through subsequent grades; and

(2) siblings of students already admitted to or attending the same charter school.

**History:** 1978 Comp., § 22-8B-4.1, enacted by Laws 2000, ch. 82, § 3.

**22-8B-4.2. Charter school facilities; standards.**

A. The facilities of a charter school that is approved on or after July 1, 2005 and before July 1, 2015 shall meet educational occupancy standards required by applicable New Mexico construction codes.

B. The facilities of a charter school whose charter has been renewed at least once shall be evaluated, prioritized and eligible for grants pursuant to the Public School Capital Outlay Act [Chapter [22](#), Article 24 NMSA 1978] in the same manner as all other public schools in the state; provided that for charter school facilities in leased facilities, grants may be used to provide additional lease payments for leasehold improvements made by the lessor.

C. On or after July 1, 2011, a new charter school shall not open and an existing charter school shall not relocate unless the facilities of the new or relocated charter school, as measured by the New Mexico condition index, receive a condition rating equal to or better than the average condition for all New Mexico public schools for that year or the charter school demonstrates, within eighteen months of occupancy or relocation of the charter, the way in which the facilities will achieve a rating equal to or better than the average New Mexico condition index.

D. On or after July 1, 2015, a new charter school shall not open and an existing charter shall not be renewed unless the charter school:

(1) is housed in a building that is:

(a) owned by the charter school, the school district, the state, an institution of the state, another political subdivision of the state, the federal government or one of its agencies or a tribal government; or

(b) subject to a lease-purchase arrangement that has been entered into and approved pursuant to the Public School Lease Purchase Act [Chapter [22](#), Article 26A NMSA 1978]; or

(2) if it is not housed in a building described in Paragraph (1) of this subsection, demonstrates that:

(a) the facility in which the charter school is housed meets the statewide adequacy standards developed pursuant to the Public School Capital Outlay Act and the owner of the facility is contractually obligated to maintain those standards at no additional cost to the charter school or the state; and

(b) either: 1) public buildings are not available or adequate for the educational program of the charter school; or 2) the owner of the facility is a nonprofit entity specifically organized for the purpose of providing the facility for the charter school.

E. Without the approval of the public school facilities authority pursuant to Section [22-20-1](#) NMSA 1978, a charter school shall not enter into a lease-purchase agreement.

F. The public school capital outlay council:

(1) shall determine whether facilities of a charter school meet the educational occupancy standards pursuant to the requirements of Subsection A of this section or the requirements of Subsections B, C and D of this section, as applicable; and

(2) upon a determination that specific requirements are not appropriate or reasonable for a charter school, may grant a variance from those requirements for that charter school.

History: Laws 2005, ch. 221, § 3; 2005, ch. 274, § 2; 2007, ch. 366, § 17; 2009, ch. 258, § 1; 2011, ch. 69, § 2.

## **Appendix B: PSFA FMP/Educational Specifications Program and Charters**

PSFA has two programs to help guide school districts in their facility planning; the district-wide facilities master plan (FMP) and the project specific educational specifications (Ed Specs). Beginning with the 2008-09 FMP awards cycle, PSFA applied these two programs to state-authorized charter schools and awarded them assistance grants to pay for consultants for planning services. The school district's FMP covers the capital needs of all district facilities including district-authorized charters and PSFA staff will not approve a plan that does not cover all district educational facilities.

Given the unique needs and characteristics of charters, however, PSFA worked in conjunction with FMP/Ed Spec consultants to create a hybrid FMP/Ed spec process and checklist specific to charters. Whereas, the FMP and Ed Spec are two separate documents for traditional school districts, PSFA allowed the FMP and Ed Spec to be combined for charter and also streamlined the process by removing unnecessary criteria that may not be applicable to charter schools.

The FMP/Ed Spec assistance grants applied to existing state-authorized charters who have been through at least one renewal cycle, with the charter providing a local match based upon the district where they are geographically located (it is important to note that the state-authorized charter school is autonomous but for charter share calculation, PSFA used the local match of the local district). The State established a \$4.5 charter school capital outlay fund that helped to offset the local match by providing money to help pay the cost of the plan. This statutory provision has now been repealed and the remaining money reverted. At the same time, House Bill 283 required all prospective charter schools applying to the PEC to turn in a FMP/Ed Spec document with their application beginning with 2012 applicants, even if a school has not selected a facility. This requirement's intent helps prospective charter schools to begin thinking about the spaces they will need to deliver their education and guide them in facility selection.

As of August 18, 2012, 21 state-authorized charter schools that have been renewed have FMP/Ed Spec documents.

**Appendix C: for FMP/Ed Specs Funding to Charter Schools**

Award Year	State Share	Charter School Capital Outlay Fund	Total State and Charter School Fund
2008-09	\$65,278	\$18,038	\$83,316
2009-10	\$70,700	\$37,320	\$108,020
2010-11	\$66,235	\$27,367	\$93,602
2011-12	\$51,293	\$17,183	\$68,476
2012-13	\$235,754	\$0	\$235,754
2013-14	\$483,136	\$0	\$483,136
TOTALS	\$253,505	\$99,908	\$353,414

Source: Public School Facilities Authority

## **Appendix D: PSFA’s Capacity and Utilization Analysis in Determining Available Space**

The question as to what constitutes available space needs examination. PSFA interprets available space to mean underutilized or vacant space. PSFA evaluates available space both on a district wide and individual school scale in order to determine if the district or school needs additional space based on growth or portable replacement. It has not looked at available space in the context of housing charters within a school in significant detail. PSFA examines available space in two ways. The first way is to look at a school’s working capacity, identified in its master plan, in relation to its current enrollment count. Working capacity is the capacity of the school based on general and special education classrooms and discounting specialized space like music rooms. For example, the table below shows the enrollment count for two hypothetical schools, the working capacity number, and available capacity.

School	40-Day Enrollment	Working Capacity	Available Capacity
Washington ES	550	500	-50
Adams ES	375	500	125

In the example, Adams ES has capacity for an additional 125 students while Washington is overcapacity. However, capacity alone does not provide a full picture of a school’s available space. PSFA also relies on a utilization study to determine how the school is using its spaces. While Adams ES looks like it could have the space to accommodate the students, those students might be spread around several classrooms, giving the impression that the school has full utilization when in reality, each classroom could be housing a small number of students, which could be inefficient depending on the purpose. The utilization reveals how and to the extent that the school is using its space. Even if the school is using the space to house a small number of students, PSFA may ask the school whether the classes could be consolidated with another similar grade level or subject in order to create more room to accommodate growth or house additional programs. These two types of analysis could provide useful in determining if a school district has available space to accommodate charters.

Many school districts, particularly in rural areas of the State, built their schools several years ago when they had a much larger enrollment. Through the past several decades, many of these districts have experienced enrollment decline leaving empty classrooms or facilities that might be appropriate for charter schools. The vast majority of charters, however, locate in larger school districts that have experienced growth and where available space in existing public schools may be not be readily available, especially for charter school with a large enrollment. On paper, the District or school looks like it has available space but it could be spread out among several rooms, wings, or schools and would not easily house an entire charter school dependent on contiguous space.

The other aspect of this issue applies particularly to vacant facilities and more specifically to why the facility is no longer in use. Another reason that districts might have vacant space is due to replacing facilities that are no longer adequate. The facility may have a high weighted wNMCI due to conditional and/or educational adequacy issues, which may have prompted replacement of the school. Part of the

Section 22-8B-4 F states that the available space must meet all occupancy standards as specified by the PSCOC, meaning space may be available but if it is not code compliant or has a high wNMCI score due to conditional or educational adequacy deficiencies, it may not be appropriate for a charter school.

Conversely, a district may experience shifting demographics making a school unnecessary at its current location. In this case, depending on the facility's condition, it could house a charter school.

Even if space is found to be available within a school district, a primary focus of this problem is that the PSCOC has not established an administrative process for implementation of this requirement. PSFA has amended its charter school FMP/Ed Specs requirements checklist to ensure that charters inquire about available space in district facilities but it is only a checkbox but does not require the school to include details about their conversation or identify the person they spoke with at the district. Without an administrative process, this requirement is difficult to implement. The 2015 deadline for charters to be in public compliant space that meets E-occupancy and wNMCI further compounds this issue since the deadline is quickly approaching.

## Appendix E: Information on PSCOC's Lease Assistance Program

### PSCOC Lease Payment Assistance Program

#### History

<b>Year</b>	<b>Rate</b>	<b>Max Award</b>	<b>Awards</b>	<b>Number of Awards</b>
2004-2005	\$300/MEM	\$4 million	\$2,041,261	40 total awards/34 charter <sup>1</sup>
2005-2006	\$477/MEM <sup>2</sup>	\$4 million	\$3,973,258	51 total awards/46 charter
2006-2007	\$600/MEM	\$7.5 million	\$5,046,095	63 total awards/56 charter
2007-2008	\$700/MEM	\$7.5 million	\$6,375,293	68 total awards/61 charter <sup>3</sup>
2008-2009	\$719.60/MEM <sup>4</sup>	\$7.5 million	\$7,302,193	75 total awards/64 charter
2009-2010	\$724.71/MEM <sup>4</sup>	\$ No Limit	\$8,221,670	77 total awards/69 charter
2010-2011	\$721.81/MEM <sup>4</sup>	\$ No Limit	\$9,883,579	86 total awards/80 charter
2011-2012	\$733.35/MEM <sup>4</sup>	\$ No Limit	\$10,780,043	90 total awards/83 charter
2012-2013	\$733.35/MEM <sup>4</sup>	\$ No Limit	\$13,433,436	98 total awards/92 charter
2013-2014	\$739.95/MEM <sup>4</sup>	\$ No Limit	\$12,963,756	97 total awards/91 charter
2014-2015	\$739.95/MEM <sup>4</sup>	\$ No Limit	\$12,963,756	95 total awards/89 charter

<sup>1</sup> Includes \$284,400 for retroactive amounts to charters in first year of operation.

<sup>2</sup> \$600/MEM reduced to stay within \$4M cap.

<sup>3</sup> First year to allow lease of facilities from District.

<sup>6</sup> \$700/MEM decreased by CPI correction for FY 09 = 1.9%, FY 10 = 1.6%,

FY 11 =-0.4%, FY 12=1.6%, FY 13=0%, FY14=0.8% FY15=0%

## 2009-2010 Awards

Total Awards: \$8,221,670 (77) Total Awards to Charters: \$8,071,995 (69)

- 10 State Charters
- 6 Charters in first year of operation
- 15 in public building/ 1 partially in public building/ Lindrith in public bldg. -no lease cost
- 45 charters limited by MEM
- 24 charters limited by actual lease cost
- % of Actual –vs.- Reimbursement: 63.7%

Charter Schools Only:

	<b>Low</b>	<b>High</b>	<b>Total</b>	<b>Average</b>
Total Square Feet:	2,982	50,445	1,182,326	17,135
SF Per MEM:	10	240	6,832	99
Actual Lease Cost (annual):	\$1,200	\$1,053,455	\$12,728,739	\$184,474
Cost Per SF:	\$0.40	\$20.88		\$10.76

## 2010-2011 Awards

Total Requests: \$9,883,579 (86) Total Requests for Charters: \$9,749,850 (80)

- 32 State Charters
- 9 Charters in first year of operation
- 22 in public building/ East Mountain High School partially in public building/ (Lindrith in public bldg. -no lease cost, 3 charters leasing from counties, 12 from districts, 2 from the Federal Gov., 1 from city, 2 from Tribal, 3 from colleges or Universities and 10 nonprofit)
- 2 schools in lease purchase agreements
- 48 charters limited by MEM
- 38 charters limited by actual lease cost
- % of Actual –vs.- Reimbursement: 65.8%

Charter Schools Only:

	<b>Low</b>	<b>High</b>	<b>Total</b>	<b>Average</b>
Total Square Feet:	3,387	59,899	1,332,080	16,862
SF Per MEM:	11	342	7,641	97

Actual Lease Cost (annual):	14,460	1,053,455	14,869,846	185,873
Cost Per SF:	.03	38.99		11.51

## **2011-2012 Awards**

Total Requests: \$10,780,043 (90)      Total Awards for Charters: \$10,634,630 (83)

- 41 State Charters
- 3 Charters in first year of operation
- 24 in public building/ East Mountain High School partially in public building/ (Lindrith in public bldg. -no lease cost, 3 charters leasing from counties, 13 from districts, 2 from the Federal Gov., 1 from city, 2 from Tribal, 3 from colleges or Universities and 13 nonprofit)
- 3 schools in lease purchase agreements
- 50 charters limited by MEM
- 33 charters limited by actual lease cost
- % of Actual –vs.- Reimbursement: 66.3%

Charter Schools Only:

	<b>Low</b>	<b>High</b>	<b>Total</b>	<b>Average</b>
Total Square Feet:	3,584	61,500	1,432,242	17,256
SF Per MEM:	20	316	8,197	98
Actual Lease Cost (annual):	1,200	700,000	16,119,660	194,213
Cost Per SF:	.03	52.51		11.93

## **2012-2013 Applications**

Total Requests: \$13,433,436.00      Total Requests for Charters: \$13,295,927.00

- 52 State Charters
- 11 Charters in first year of operation
- 24 in public building/ (Lindrith in public bldg. -no lease cost), 3 charters leasing from counties, 12 from districts, 1 from the Federal Gov., 2 from city, 3 from Tribal, 3 from colleges or Universities and 16 nonprofit)
- 5 schools in lease purchase agreements
- 72 charters limited by MEM
- 20 charters limited by actual lease cost
- % of Actual –vs.- Reimbursement: 66.9%

Charter Schools Only:

	<b>Low</b>	<b>High</b>	<b>Total</b>	<b>Average</b>
Total Square Feet:	666	92,527	1,880,810	20,444
SF Per MEM:	10	368	9644	105
Actual Lease Cost (annual):	1200	700,000	19,453,341	211,449
Cost Per SF:	.03	56.46		12.42

## **2013-2014 Applications**

Total Requests: \$12,963,756.00      Total Requests for Charters: \$12,828,187.70

- 52 State Charters
- 2 Charters in first year of operation
- 47 in public building, 3 charters leasing from counties, 11 from districts, 1 from the Federal Gov., 2 from city, 3 from Tribal, 3 from colleges or Universities and 24 nonprofit)
- 7 schools in lease purchase agreements
- 71 charters limited by MEM
- 20 charters limited by actual lease cost
- % of Actual –vs.- Reimbursement: 67%

Charter Schools Only:

	<b>Low</b>	<b>High</b>	<b>Total</b>	<b>Average</b>
Total Square Feet:	1,248	187,568	2,074,433	22,795.96
SF Per MEM:	8	533	10,564	116
Actual Lease Cost (annual):	1,200	700,000	19,202,326	211,015
Cost Per SF:	0.03	25.06		10.47

## **2014-2015 Applications**

Total Requests: \$14,320,909      Total Requests for Charters: \$14,180,501

- 56 State Charters
- 2 Charters in first year of operation
- 55 in public building, 3 charters leasing from counties, 12 from districts, 1 from the Federal Gov., 3 from city, 3 from Tribal, 4 from colleges or Universities and 33 nonprofit)

- 6 schools in lease purchase agreements
- 80 charters limited by MEM
- 15 charters limited by actual lease cost
- % of Actual –vs.- Reimbursement: 74.4%

Charter Schools Only:

	<b>Low</b>	<b>High</b>	<b>Total</b>	<b>Average</b>
Total Square Feet:	1,483	187,607	2,082,645	22,394.03
SF Per MEM:	18	348	9,428	101
Actual Lease Cost (annual):	1,200	829,016	21,071,135	226,571
Cost Per SF:	0.03	28.17		11.16

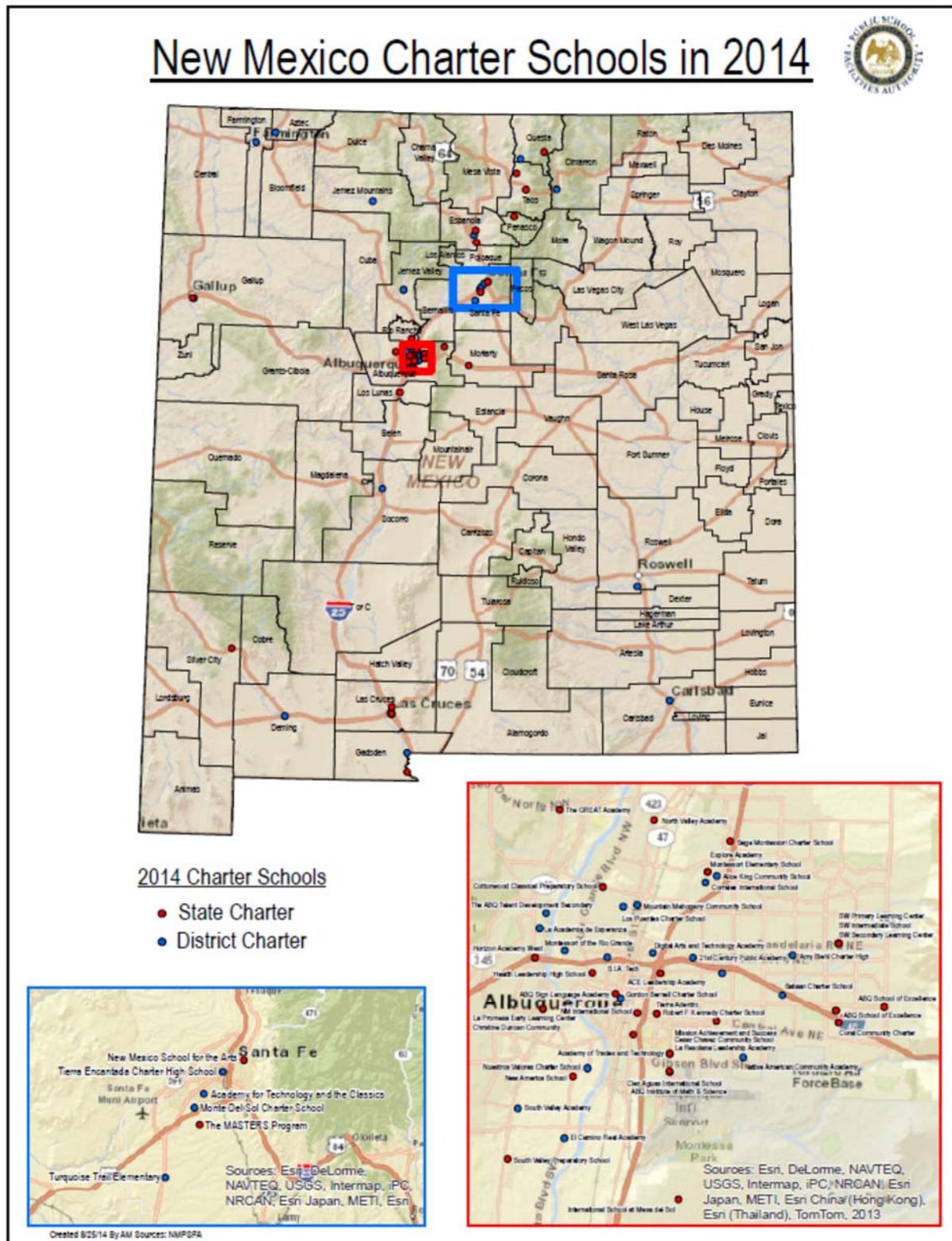
**A-Occupancy** – Building code classification that is designates places for assembly

**B-Occupancy** – Building code classification that designates space for offices

**E-Occupancy** - Building code classification for facility that is designed and constructed to meet the life, health and safety requirements for the education of children through the 12th grade.

**FMP/Ed Specs** – Planning document unique to a state-authorized and applicant charter that identifies the school’s educational program, space needs, and capital projects/sources of funding. The document is unique in that it combines the FMP and Ed Specs, which are separate documents for traditional school districts.

**wNMCI** – Weighted New Mexico Conditions Index



1. Academy for Technology and the Classics (Santa Fe)
2. Academy of Trades and Technology (State Charter)
3. ACE Leadership Academy (State Charter)
4. Albuquerque Institute of Math & Science (State Charter)
5. Albuquerque School of Excellence (State Charter)
6. Albuquerque Sign Language Academy (State Charter)
7. Aldo Leopold Charter School (State Charter)
8. Alice King Community School (APS)
9. Alma De Arte High (Las Cruces)
10. Amy Biehl Charter High (APS)
11. Anansi Charter School (Taos)
12. Anthony Charter School (Gadsden)
13. Bataan Charter Military Academy (APS)
14. Carinos de Los Ninos Charter School (Espanola)
15. Cesar Chavez Community School (State Charter)
16. Christine Duncan Community (APS)
17. Cien Aguas International School (State Charter)
18. Coral Community Charter (State Charter)
19. Corrales International School (APS)
20. Cottonwood Classical Preparatory School (State Charter)
21. Cottonwood Valley Charter School (Socorro)
22. Creative Education Prep Institute #1 (State Charter)
23. Deming Cesar Chavez Charter High (Deming)
24. Digital Arts and Technology Academy (APS)
25. East Mountain High School (State Charter)
26. El Camino Real Academy (APS)
27. Estancia Valley Classical Academy (State Charter)
28. Explore Academy (State Charter)
29. Gilbert L. Sena Charter High School (State Charter)
30. Gordon Bernell Charter School (APS)
31. Health Leadership High School (State Charter)
32. Health Sciences Academy (State Charter)
33. Horizon Academy West (State Charter)
34. International School at Mesa del Sol (State Charter)
35. Jefferson Montessori Academy (Carlsbad)
36. John Paul Taylor Academy (State Charter)
37. La Academia de Esperanza (APS)
38. La Academia Dolores Huerta (Las Cruces)
39. La Jicarita Community School (State Charter)
40. La Promesa Early Learning Center (State Charter)
41. La Resolana Leadership Academy (State Charter)
42. La Tierra Montessori School of the A&S (State Charter)
43. Las Montanas Charter School (Las Cruces)
44. Lindrith Area Heritage Charter School (Jemez Mtns.)
45. Los Puentes Charter School (APS)
46. McCurdy Charter School (State Charter)
47. Media Arts Collaborative Charter (State Charter)
48. Middle College Charter School (Gallup)
49. Mission Achievement and Success (State Charter)
50. Monte Del Sol Charter School (Santa Fe)
51. Montessori Elementary Charter School (State Charter)
52. Montessori of the Rio Grande (APS)
53. Moreno Valley High School (Cimarron)
54. Mosaic Academy Charter (Aztec)
55. Mountain Mahogany Community School (APS)
56. Native American Community Academy (APS)
57. New America School - Las Cruces (State Charter)
58. New America School - Albuquerque (State Charter)
59. New Mexico Connections Academy (State Charter)
60. New Mexico School for the Arts (State Charter)
61. New Mexico Virtual Academy (Farmington)
62. NM International School (State Charter)
63. North Valley Academy (State Charter)
64. Nuestros Valores Charter School (APS)
65. Public Academy for Performing Arts (APS)
66. Red River Valley Charter (State Charter)
67. Rio Gallinas School (West Las Vegas)
68. Robert F. Kennedy Charter High School (APS)
69. Roots and Wings Community School (Questa)
70. S.I.A. Tech (School for Integrated Academics) (APS)
71. Sage Montessori Charter School (State Charter)
72. San Diego Riverside (Jemez Valley)
73. School of Dreams (State Charter)
74. Sidney Gutierrez Middle School (Roswell)
75. South Valley Academy (APS)
76. South Valley Preparatory School (State Charter)
77. Southwest Intermediate School (State Charter)
78. Southwest Primary Learning Center (State Charter)
79. Southwest Secondary Learning Center (State Charter)
80. SW Aeronautics, Mathematics, and Science (State Charter)
81. Taos Academy (State Charter)
82. Taos Integrated School of the Arts (State Charter)
83. Taos International Charter School (State Charter)
84. Taos Municipal Charter School (Taos)
85. The Albuquerque Talent Development Secondary (APS)
86. The ASK Academy (State Charter)
87. The GREAT Academy (State Charter)
88. The MASTERS Program (State Charter)
89. Tierra Adentro (State Charter)
90. Tierra Encantada Charter High School (Santa Fe)
91. Turquoise Trail Elementary (Santa Fe)
92. Twenty-First Century Public Academy (APS)
93. Uplift Community School (State Charter)
94. Village Academy (State Charter)
95. Vista Grande High School (Taos)
96. Walatowa Charter High School (Jemez Valley)
97. William W. & Josephine Dorn Charter School (State Charter)

**Opportunities to Lease Public Space  
Presented to:**

**Public School Capital Outlay Oversight Task Force  
September 3, 2014**

**By:**

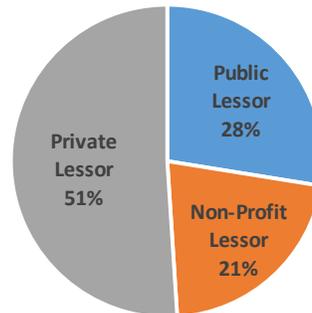
**Robert Gorrell, Director, Public School Facilities Authority (PSFA)  
David Abbey, Chair, PSCOC; Director, LFC**

(Previously presented to the PSCOOTF October 10, 2013)

The rising cost of public school funds going to private owners leasing facilities to charter schools prompted the 2005 Legislature to create a deadline of 2010 for charters to be located in public facilities, or meet other requirements prior to authorization (or re-authorization). As the 2010 deadline approached, only a small percentage of charter schools were in public facilities. The 2009 Legislature amended the deadline again to 2015 -where it is today. With less than one years from the deadline, only 48 of the 98 are currently in a public facility or are leasing from a non-profit entity specifically organized for the purpose of providing the facility for the charter school.<sup>1</sup> The other 50 charter schools are still located in privately owned facilities.

**Table 1. – New Mexico Charter Schools Lessor Status (2014)**

<b>Lessor (Public Building)</b>	<b>Number of Schools</b>
Federal	1
County	3
Tribal	3
School District	13
Municipal	3
University	4
<b>Subtotal Public Building</b>	<b>27</b>
Non-Profit	14
Non-Profit Lease Purchase	7
<b>Subtotal Non-Profit</b>	<b>21</b>



Source: PSFA 2014-2015 Lease Assistance Awards.

Table 1 above indicates that 27 charter schools are in public buildings. However, for the purposes of the 2015 deadline, a charter school that leases from a non-profit charter

<sup>1</sup> Section 22-8B-4.2(2)(a.) NMSA 1978

foundation qualifies as being in a “public facility” in relation to the relevant statute: Section 22-8B-4.2(D)(2)(b), NMSA.

Ideally, all charter schools would be in available school district facilities, as stated in Section 22-8B-4(F):

*“The school district in which a charter school is geographically located shall provide a charter school with available facilities for the school's operations unless the facilities are currently used for other educational purposes...”*

With regard to determining whether traditional public schools have potential to house charter schools in their facilities, PSFA relies on the school district’s facilities master plan (FMP) capacity and utilization analysis. The capacity analysis quantifies the number of students a school can hold in its general and special educational rooms while discounting the spaces that are used for special purposes and unable to accommodate students based on current educational program. The FMP consultant, in conjunction with the district, determines the school’s capacity and then compares it to the school’s enrollment to determine the number of seats available for growth or other functions.

For example, the capacity analysis for a particular school may reveal that the building can hold 500 students but has a current enrollment of 200 students, which suggests that the school has capacity for an additional 300 students. It appears that a charter school could potentially move into this space. However, we must use caution before we can say definitively whether the space could accommodate a charter school. Without further study, we don’t immediately know how that space is configured within the building. It could be that the available capacity is found in an entire wing or it could be in noncontiguous spaces spread out throughout the campus, making it difficult for a charter school to function in a seamless manner. Also, the available space may not necessarily be appropriate for a charter school. For example, some of the available space might be found in vocational space and would need renovation before a charter elementary school could occupy the area. The school might also utilize the room for specialized instruction during part of the school week.

The FMP’s utilization analysis reveals the manner and frequency a school uses its spaces throughout the school day and school week. The FMP contains worksheets that identify the room number, the room’s grade level or subject taught, the number of hours or periods the room is in use, and size of the room. This information yields a percentage of utilization for the room and for building as a whole. PSFA regards 95-100% a fully utilized elementary school and 80-95% for secondary schools. Based on the utilization analysis, the charter may or may not be able to implement its schedule in the traditional school space.

Other points to consider when evaluating a traditional public school's vacant or underutilized space for a charter include

- Age appropriateness of the space – A district may have available seats in its high school but an elementary charter school may need space? Would this situation be optimal?
- Scheduling – Scheduling of cafeteria, multi-purpose spaces, administration areas need to be considered.
- Rules and procedures – If the traditional school and charter school have different procedures (i.e. students leaving campus for lunch), how will the schools address this situation?

But due to difficulties of school districts and charter schools identifying space, The 2009 Legislature also added that the following criteria, that if met, satisfies the statutory requirement of being in a public facility by July 1, 2015:

*“if the facility in which the charter school is housed meets the statewide adequacy standards<sup>2</sup> ... and the owner of the facility is contractually obligated to maintain those standards at no additional cost to the charter school or the state; and either: 1) public buildings are not available or adequate for the educational program of the charter school; or 2) the owner of the facility is a nonprofit entity specifically organized for the purpose of providing the facility for the charter school.*

See **Appendix A.** for the full versions of Section 22-8B-4 and Section 22-8B-4.2 NMSA 1978.

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<sup>2</sup> As it concerns the suitability of space and a charter schools facilities condition, The 2011 Legislature passed House Bill 283 in which stated that on or after July 1, 2011, new or existing charter schools could not locate in a facility whose condition rating was not equal or better than the average wNMCI for all New Mexico Public Schools. It also required applicant charters to provide a facilities master plan/educational specification document approved by PSFA with their application to PED.