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**AGENCY BILL ANALYSIS
2024 REGULAR SESSION**

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SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Original **Amendment**
Correction **Substitute**

Date January 19, 2024

Bill No: SB42

Sponsor: Hemphill
Short Title: Public School Safety Communications System

Agency Name and Code Number: New Mexico Public School Facilities Authority 940
Person Writing: Alyce Ramos
Phone: 505-468-0299 **Email:** aramos@nmpsfa.org

SECTION II: FISCAL IMPACT

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates to: House Bill 49

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

Senate Bill 42 proposes to amend Section 22-13-14 and the Public School Capital Outlay Act (PSCOA) at Section 22-14-3 NMSA 1978 to include school safety communications systems in public schools.

At Section 1, SB42 adds new material to Section 22-13-14 to include the requirement for all public schools to have a school safety communication system, defined as “a multimedia data communications system that connects law enforcement, firefighters and emergency medical services with school administrators and staff during an emergency.” The bill also indicates that the school safety communications system may include manually activated panic alert

devices, real-time communications and information collaboration, and voice and full motion video sharing during an emergency.

At Section 2, SB42 amends the Public School Capital Outlay Act to include “a school safety communications system” as part of the defined term of a “building system” at paragraph B.

FISCAL IMPLICATIONS

PSFA assumes that if SB42 passes and school safety communications systems are mandated to be implemented in public schools, the majority of schools will be deficient and require the new system to be installed and/or implemented. PSFA estimates that this effort could cost up to \$26M, based on the costs specific districts are currently funding for this type of system. Given that this bill does not stipulate a potential funding mechanism, it is unclear at this time how this will be funded, or if this would be paid in part or full by either the school districts or the state.

SIGNIFICANT ISSUES

PSFA understands that school safety communications systems could potentially consist of panic buttons (phone apps, a wearable crisis alert system, or toggle buttons placed within a school facility), which tie into school infrastructure. The panic/alert system is an IP based system that would utilize wireless access points (WAP) on the network. This should include (1) main server, 1 (1) local server at each campus, and alert badges for each staff member. This system will then send the distress signal to the designated monitoring station alerting them of a potential incident.

Due to the fact that the mobile devices connect to and rely on school facility infrastructure to operate and map the location of the emergency, this will be considered a building system within the school facility.

The systems have a variety of emergency modes that can be implemented depending on the situation occurring at the school. The given mode will determine the reaction in terms of who (internal vs. external) will be notified and how (the intercom system, devices, etc.).

Several New Mexico school districts have already implemented and installed school safety communications systems, or are in the process of doing so.

ADEQUACY STANDARDS

Currently the Public School Capital Outlay Council (PSCOC) Statewide Adequacy Standards includes Building Systems within the General Requirements 6.27.30.8 (B), stipulating that “building systems in a school facility must be in working order and capable of being properly maintained. Building systems include roof, plumbing, telephone, electrical, heating and cooling, fire alarm, 2-way internal communication, external communication, appropriate technological infrastructure, and security systems.” Furthermore, at paragraph (4), the Adequacy Standards detail 2 way communication and exterior site communication systems as “a school facility shall have a 2-way building interior communication system between a central location and each classroom, isolated office space, library, physical education space, cafeteria, and other regularly-used spaces. An exterior communication system allowing emergency instructions to be clearly broadcast from a central location to all outdoor site areas adjacent to the school building(s) shall be provided. Exterior communications systems shall be capable of remote administrator control.” As written, there is no requirement for external communication to emergency services. If SB42 is implemented, and school safety communications systems in public schools are added to the PSCOA, the Statewide Adequacy Standards will need to be amended to include this requirement.

Due to the Statewide Adequacy Standards not including this potential requirement, the Public School Facilities Authority (PSFA) does not currently require or assess if a school's communication system has the ability to communicate with local emergency authorities and agencies. Therefore, the capabilities of the existing and installed communication systems in public schools statewide is unknown. The PSFA currently assess communications on a pass/fail scale. If the current system does not operate as intended, a Life/Health/Safety designation is applied to the Facilities Assessment Database (FAD) and the district is made aware. If the system does not fail the system assessment, it is assumed that all other functionalities within that system are in working order.

If the all public schools within New Mexico are mandated to have a school safety communication system, defined as "a multimedia data communications system that connects law enforcement, firefighters, and medical services with school administrators and staff during and emergency," the PSFA expects the majority of schools within the state to be deficient. Therefore, these schools would need to the new system to be installed and/or implemented. As this type of new system may need to tie into existing school infrastructure, which therefore may need to be upgraded to accommodate the technology and capacity necessary to support the new safety communication system. This investment will require capital funding from the school district and/or the state.

School districts may need to have IT staff capable of operating and maintaining the school safety communications systems.

PAST PSCOC SECURITY EFFORTS

The PSCOC has made funded substantial security based investments in New Mexico Public Schools, since 2019. In total, over \$59M has been awarded or distributed to school districts to upgrade and improve security systems at school campuses.

In 2019 and 2020, the PSCOC funded a significant amount of security projects to New Mexico public schools. In FY19, 208 awards were granted and accepted, for a total state match of 14.3M. In FY20, 26 awards were granted and accepted, for a total state match of 20.5M. The programs funded 29 different types of security upgrades, such as: fencing, gates, barriers, site access control, site lighting, emergency notification systems, radio communication, interior/exterior doors/windows, building access controls, rapid entry systems, secure vestibules, security cameras/controls, office space for counselors and school resource officers, gunshot detection systems, and visitor ID scanners. Although these funding awards were beneficial to the schools receiving them, there were several negative consequences to the programs. Per Section 22-24-5.7, districts receiving PSCOC funding for capital projects, must fund the local match (a calculated percentage) of the total project cost; the state funds the state match (the remaining percentage). Several districts opted not to participate in the awarded security projects, due to the high local match. Additionally, the Covid-19 pandemic delayed many projects from completion, beyond the 3 year limit, requiring a 1 year extension. The large number of applications received for funding and the awards granted significantly increased the workload on PSFA staff and regional project managers.

In 2023, the Legislature passed House Bill 505, which included an appropriation from the Public School Capital Outlay Fund (PSCOF) to the PSFA in the amount of \$35M for the purpose of making a distribution to each school district in FY24 for school security infrastructure. The amount distributed to each school district was calculated as such, per the legislation language, "each school district receives the greater of fifty thousand dollars (\$50,000) or a percentage of

the total appropriation equal to the percentage attributable to that school district from the total distributions made to school districts for fiscal year 2024 pursuant to the Public School Capital Improvements Act.” This distribution was

PAST PANIC BUTTON APPROPRIATIONS

Since 2020, the state legislature has included between \$1M and \$1.595M appropriations per year in the annual General Appropriations Act, for the deployment of mobile panic buttons at public schools. In 2020, the funding source was the public education reform fund; from 2021 through 2023, the funding source was the PSCOF; however, the funding was transferred from the PSCOF to PED to manage the distribution of the funding and implementation of the panic button program due to the fact that the panic buttons were not considered a capital project. It is unknown at this point in time if the current Legislature will pass another appropriation in 2024 for the deployment of mobile panic buttons at public schools.

According to the PED website, in 2020 (following the first of the appropriations for panic buttons), the RAVE Panic Button program was deployed to provide all public schools with “rapid communications and collaboration capabilities.” According to the Rave Mobility Safety Implementation Manager, 78 school districts and 79 charter schools have opted into this program. The program reportedly reduces public safety response time to emergencies by providing notification and communication between the school and 9-1-1 emergency response, and supplying accurate information regarding emergency location / facility to emergency responders, as well as several other beneficial features. These features seem to meet the requirements of a school safety communications systems, as set forth in SB42.

It is unclear to PSFA the manner in which the RAVE Panic Button program is run, and if the passage of SB42 would duplicate or correlate with the efforts put forth by the PED and the RAVE Panic Button Program. If this program is already funding investments in panic button infrastructure, there may not be a need for extensive funding for upgrading school facilities to install this system.

Standards and requirements for the school safety communications systems will need to be established to ensure consistency.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

SB42 duplicates House Bill 49.

TECHNICAL ISSUES

SB42 adds the requirement of a *school safety communication system* to Article 13 of the Public School Code at Section 22-13- 14.1 NMSA 1978. However, this Article pertains to the operation of schools, such as: graduation requirements, reading imitative, core curriculum framework, early education programs, special education, school lunch programs, vision screening, etc. These operational requirements on schools do not include facility based requirements or issues, which are typically defined in the Public School Capital Outlay Act and at the Educational Standards requirements as outlined in the NMAC section 6.27.30, Statewide Adequacy Standards. .

Further, Section 22-13-14 specifically addresses emergency drills, indicating the requirement for,

timing and frequency of emergency drills at all public and private schools. If a fire department is maintained within the school locality, a member of the fire department shall be in attendance at the emergency drill. The section does not include requirements for other necessary *building systems* necessary in the event of an emergency or emergency drill, such as fire detection, 2- way communication and exterior site communication systems.

Due to the fact that the suggested added language is related to *school facilities* and *building systems*, not operations, PSFA believes this is an inappropriate statute to place this requirement.

It is unclear if SB42 intends that the council may or shall make awards out of the Public School Capital Outlay Fund (Fund) for the “school safety communications system.” If so, any award would be subject to the requirements of Section 22-24-5 NMSA 1978 (state and local share provisions as unless otherwise specified).

“School safety communications system,” as defined by the council is very broad. The term should at a minimum include the principles and applications of software, hardware and other technologies to effectively enhance multimedia interactive communications of text, audio, and communications.

OTHER SUBSTANTIVE ISSUES

Since public safety communication systems are not coordinated across the state, it will be very difficult to establish a school communication system to tie into local public safety and emergency services. The cost for this is unknown.

There is no effective date for the implementation of this mandate.

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Public Schools will not be required to have a “school safety communications system” as defined by this bill.

AMENDMENTS