

DRAFT - PROPOSED CHANGES TO THE ADEQUACY STANDARDS - DRAFT

ISSUE		CURRENT STANDARD	DESCRIPTION OF CURRENT STANDARD	*LAW CHANGE REQUIRED	NM RULE CHANGE REQUIRED	ADEQUACY STANDARDS SUPPORTS ISSUE	POTENTIAL COSTS	PSFA NOTES	DISTRICT NOTES
1	PSCOC participation in Pre-Kindergarten classrooms	no		yes		no	TBD	PED participates in funding of Pre Kindergarten classroom space.	
2	PSCOC participation in funding of additional Playing Fields to satisfy the Federal requirements of Title IX	no	Site Recreation and Outdoor Physical Education - safe play area and playground including hard surface courts or unpaved recreation areas accessible to the students. Play areas and appropriate equipment for physical education and school recreational purposes shall be provided based on the planned school program capacity. Physical Education- provide an indoor physical education teaching facility.	no		no	TBD	Adequacy Standards do not include Athletics Definition of Title IX - equal opportunities based on sex; with respect to athletic programs -levels of completion effectively accommodate both sexes, equipment and supplies, scheduling of games and practices time, coaching, locker rooms, competitive facilities etc..	
3	PSCOC participation in extension of utilities outside of site	no	on site physical support systems needed for the operation of the school, including internal roads, and utilities, and drainage systems ...	yes		no	TBD	PSCOC funds infrastructure including utilities on the school site	
4	PSCOC participation in concession stands	no		yes		no	TBD	Adequacy standards do not include athletics.	
5	PSCOC participation in Navajo language classrooms	NMAC 6.27.30.13	General use classrooms (language arts, math and social studies)	no		yes	\$0	Navajo and cultural classrooms are language arts	Administrative solutions available.
6	PSCOC participation in cultural classrooms	NMAC 6.27.30.13	General use classrooms (language arts, math and social studies)	no		yes	\$0	Navajo and cultural classrooms are language arts	District indicates this is same as Navajo language classrooms (above).
7	PSCOC participation in parent education space	NMAC 6.27.30.18	Parent workspace	no		yes	\$0	Can be used for parent education.	Administrative solutions available.
8	PSCOC participation in response to intervention space	NMAC 6.27.30.18	Student health, counseling and ancillary space	no		yes	\$0	Intervention space is considered counseling.	Administrative solutions available.
9	PSCOC participation in pull out for OT/PT	NMAC 6.27.30.14.B	Specialty classrooms - special education	no		yes	\$0	May include pull-out tutoring areas or OT/PT equipment.	Administrative solutions available.
10	PSCOC participation in computer-based testing space	NMAC 6.27.30.14.E	Space for technology aided instruction; 700 square feet minimum	no		yes	\$0	This is a computer lab and can be used for testing.	Administrative solutions available.
11	PSCOC participation in security features	NMAC 6.27.30.10	School site- security; fencing or other barriers with accommodation for safe passage ... to discourage unauthorized access to campus. Alternative security may be provided.	no		yes	\$0	Security can also be controlled through design	Administrative solutions available.
12	PSCOC participation in minimal landscaping	NMAC 6.27.30.10	Drainage . . Configured such that runoff does not undermine the structural integrity of school buildings.	no		yes	\$0	Landscaping is provided if required to assist with erosion control; and to highlight entrance of school.	Administrative solutions available.
13	PSCOC participation in Teacherages	NMAC 6.27.30.21	Teacherages shall meet standards required by the United States Department of Housing and Urban Development. Teacherages are defined in the adequacy standards - a residence that houses a teacher or administrator on site.	no		yes	TBD	To date, PSCOC has not funded teacherage construction.	Administrative solutions available.
14	PSCOC participation in softball, baseball fields	NMAC 6.27.30.11	safe play area and playground including hard surface courts or unpaved recreation areas accessible to the students. Play areas and appropriate equipment for physical education and school recreational purposes shall be provided based on the planned school program	no		yes		Baseball or softball may occur in the unpaved recreation area.	

OTHER ITEMS FOR CONSIDERATION

15	PSCOC participation in payment of Navajo Tax	n/a		no		no	TBD	Navajo Tax (Business Activity Tax) net source gains are taxed at a rate of 5%. PSCOC has operated under the policy that TERO and NNBAT are not applicable to state contracts and therefore PSCOF revenues are not used to pay these local taxes for the following reasons: AG opinion under a highway project that tribes do not have sovereign power to tax state contractors; nationwide research showed that tribes ceded their educational responsibilities to school districts and the state; and implications to the Zuni lawsuit. It is understood that the taxes cannot be applied directly to the school districts or state, but TERO has stated that the taxes are applicable to the contractor performing the work, regardless of the funding source. The Procurement Code requires that bids/proposals exclude applicable state gross receipts tax or applicable local option tax but that the contracting agency shall be required to pay the applicable tax.
16	Additional funding for maintenance	n/a		yes		n/a	TBD	Local control of maintenance expenditures and the ultimate responsibility of providing adequate educational facilities has created a conundrum concerning this topic. The current methodology does not allow us to track how well the increase in SB9 provided in 2003 has affected maintained conditions, nor does it allow for a breakdown of routine and infrastructure maintenance expenditures. A systems replacement program similar to the roof program but inclusive of all critical systems would benefit our districts. However the responsibility of taking care of any replacement systems would still reside under local control and the districts would need to be responsible for providing adequate staff with the skillsets necessary to maintain the systems, or staff to oversee contractors providing these services.
17	Revisions in state share and district share	n/a		yes		n/a	TBD	Intent of state-local match formal is to "equalize" funding of public school. The state share adjustment calculation takes into account the relative property tax wealth of the district and the amount of the property tax mill levy imposed by the district. Some districts can afford to build above adequacy, in either gross square footage or items not covered under the adequacy standards, while others cannot.

* PSFA Staff review indicates rule change needed