

# Legislative Council Service

## Information Memorandum

DATE: July 26, 2011

**DISCUSSION DRAFT**

TO: Representative Rick Miera

FROM: Sharon S. Ball

SUBJECT: SPECIAL CONSTITUTIONAL SCHOOLS' STANDARDS DEVELOPMENT

You have requested background information about progress on the development of standards for two of the special constitutional schools, specifically, the New Mexico School for the Blind and Visually Impaired (NMSBVI) and the New Mexico School for the Deaf (NMSD). The following memorandum is submitted in response to that request. Any opinions expressed are those of the author and do not necessarily reflect the opinions of the New Mexico Legislative Council or any other member of its staff.

### **BACKGROUND — LEGISLATIVE ACTION**

During the 2005 interim, the Public School Capital Outlay Oversight Task Force (PSCOOTF) heard testimony from the Higher Education Department and representatives from the NMSBVI and the NMSD requesting the task force to consider allowing these two constitutional schools to qualify for funding under the standards-based process established in the Public School Capital Outlay Act for the 89 public school districts as a result of the judge's findings in the *Zuni* lawsuit in 2000. The 2006 legislature enacted a PSCOOTF-endorsed measure (Laws 2006, Chapter 95) that included the NMSBVI and NMSD in the deficiencies correction program (DCP).

The 2009 legislature passed additional amendments to the Public School Capital Outlay Act to clarify NMSBVI and NMSD inclusion in the DCP and to request the PSCOOTF to study "reasonable alternatives for determining local matching funds" for the NMSBVI and NMSD. After hearing testimony from Public School Facilities Authority (PSFA) staff regarding the

necessity for the Public School Capital Outlay Council (PSCOC) to establish adequacy standards for these two special schools, the task force agreed by consensus to wait for the PSFA's report on the development of adequacy standards to begin a formal study of the issue of a local match, but it requested staff to begin to examine this issue for later task force consideration.

In the meantime, the legislature made a total of \$16.2 million in capital outlay appropriations to the NMSBVI (\$8.8 million for the NMSBVI preschool in Albuquerque) and \$21.6 million to the NMSD, most of which was designated for deficiencies corrections projects. The table below shows the total appropriations to both the NMSBVI and NMSD from general obligation bonds (GOB), severance tax bonds (STB) and the general fund (GF).

**Appropriations for NMSBVI and NMSD**

<b>Year</b>	<b>Institution</b>	<b>Purpose</b>	<b>Source</b>	<b>Amount</b>
2005	NMSBVI	Early Childhood Facility/ABQ	GF	\$189,000
2006	NMSBVI	Early Childhood Facility/ABQ	GF, GOB	\$3,100,000
2007	NMSBVI	Early Childhood Facility/ABQ & Alamo Campus	STB	\$5,500,000
2008	NMSBVI	Health, safety, accessibility improvements/Alamo	STB	\$1,600,000
2009	NMSBVI	Deficiencies upgrades/Alamo	STB	\$2,300,000
2010	NMSBVI	Deficiencies upgrades/Watkins ed center/Alamo	STB	\$3,500,000
			TOTAL	\$16,189,000
2006	NMSD	Preschool/ABQ	GF	\$100,000
2006	NMSD	Dillon/Connor Halls Renovate/ SFe	GOB	\$7,000,000
2007	NMSD	NMSD Improvements/SFe	STB	\$5,500,000
2008	NMSD	Improvements Dillon Hall; demolish Hester Hall/SFe	STB, GOB	\$6,125,000

Year	Institution	Purpose	Source	Amount
2009	NMSD	Deficiencies upgrades/SFe	STB	\$3,000,000
2010	NMSD	Deficiencies upgrades/SFe	GOB, failed	(\$3,000,000)
2010	Sign & Lang CS	Reauth from 2008	RET	(\$100,000)
2010	NMSD	Reauth from 2008/expand purpose	RET	\$2,591,704
			TOTAL	\$21,625,000

The 2011 legislature considered a measure (SB 441), sponsored by PSCOOTF Co-Chair Cynthia Nava, to exempt both the NMSBVI and the NMSD from the Public School Capital Outlay Act requirement of a local match on the part of each school. SB 441 passed the senate late in the session and did not pass the house.

In its 2011 interim work plan, the PSCOOTF has included language to monitor "the progress of the development of adequacy standards and consideration of funding requirements for [both special schools], including, but not limited to, the unique constitutional nature of these schools and their historical nature". The consideration of this item on the PSCOOTF July 28 agenda is in response to the 2011 approved work plan.

Robert Gorrell, director, PSFA; Dr. Ronald Stern, superintendent, NMSBVI; and Linda Lyle, superintendent, NMSBVI, will provide the task force with additional information on development of standards and other considerations related to inclusion of these special constitutional schools in the PSCOC standards-based process.

**QUESTIONS TASK FORCE MEMBERS MAY WISH TO CONSIDER:**

1. How can standards be developed for special schools that would provide an accurate comparison of the needs between the NMSBVI and NMSD and all other public schools in the 89 districts?
2. If capital outlay needs for special schools are addressed through the standards-based process, how will needs that are not related to adequacy standards be addressed?
3. If the NMSBVI and NMSD become part of the standards-based process, under what conditions

will those schools be able to continue to receive proceeds from the issuance of statewide GOBs and statewide STBs?

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