

LFC Requester:

Liu

AGENCY BILL ANALYSIS  
2023 REGULAR SESSION

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*{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}*

**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 1/24/23  
Bill No: SB95

Sponsor: Muñoz  
Short STATEWIDE SCHOOL  
Title: SAFETY

Agency Name  
and Code PED - 924  
Number:  
Person Writing Gregory Frostad  
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY23	FY24		
N/A	\$25,000.0	Nonrecurring	PSCOF

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY23	FY24	FY25		
N/A	N/A	N/A	N/A	NFA

(Parenthesis ( ) Indicate Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY23</b>	<b>FY24</b>	<b>FY25</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>	N/A	\$220.0	N/A	N/A	N/A	NFA

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:

[SB93, Mora School Security](#)

Duplicates/Relates to Appropriation in the General Appropriation Act

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

Synopsis: Senate Bill (SB95) would appropriate \$25 million to the Public Education Department (PED) for school safety statewide.

#### **FISCAL IMPLICATIONS**

SB95 would appropriate \$25 million from the Public School Capital Outlay Fund to PED for expenditure in FY24 for school safety statewide. Any unexpended or unencumbered balance remaining at the end of the fiscal year shall revert to the Public School Capital Outlay Fund.

#### **SIGNIFICANT ISSUES**

In 2018 the Public School Capital Outlay Act (PSCOA) was amended to allow the Public School Capital Outlay Council (PSCOC) to develop guidelines for a school security system project grant initiative. Grants are distributed according to the public school capital outlay fund distribution requirements in 22-24-5 NMSA 1978, which provide that public school capital outlay funds shall be matched locally. School safety grants have been administered by the Public School Facilities Authority (PSFA) through the PSCOC in recent years.

Because SB95 appropriates money from the Public School Capital Outlay Fund (PSCOF) to PED, the department would need to establish a distribution mechanism and hire 2 FTEs to distribute the funds.

Additionally, the funds in SB95 revert at the end of FY24. PSFA indicates in their analysis that recent past appropriations for school safety and security were given expenditure timeframes of three years, and schools still had difficulty completing projects in a three-year period.

In 2018 the Legislature authorized a total of \$16 million to be distributed from the Public School Capital Outlay Fund for school security systems statewide, and PSFA distributed the funds to schools in school year 2018-2019. The funding was matched by a total of \$14.3 million in matching funds from school districts and charter schools. In 2019-2020, PSCOC awarded a total of approximately \$8.4 million in school security awards to school districts and charter schools with a \$6 million match from school districts and charters.

#### **ADMINISTRATIVE IMPLICATIONS**

PED would need two (2) FTEs at a total cost of \$220,000 to establish the processes and make awards to schools. Considering that the funds revert at the end of FY24, relying on PED to hire staff and establish an award process could delay the distribution of funds, leading to a significant portion reverting to the PSCOF.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

Relationship: [SB93, Mora School Security](#). Appropriates \$78,000 to Mora Independent School District for FY24 to update and install surveillance cameras and security entrance doors districtwide. The Public School Capital Outlay Oversight Task Force also endorsed an omnibus bill that contains an appropriation of \$25 million for security to the Public School Facilities Authority. The PED Public School Support request also includes \$10 million for safety infrastructure.

## **TECHNICAL ISSUES**

It is not clear in SB95 whether the funds are strictly for capital purposes. PSFA indicates that because funds in the PSCOF are statutorily required to be spent on capital expenditures, appropriating funds from the PSCOF to PED without clearly defining the purpose or allocation methodology could create a legal issue.

## **OTHER SUBSTANTIVE ISSUES**

School safety is a primary concern of New Mexico public school educators and administrators and of utmost importance to community constituents, parents and students. Various measures are taken regularly by different agencies to ensure safety and security in New Mexico's public schools:

- The PED Safe and Health Schools Bureau regularly issues guidance to school districts, "Planning for Safe Schools in New Mexico," and provides schools with a template and resources to develop school and district safety plans.
- The PED Safe and Healthy Schools Bureau offers technical assistance in plan development, reviews all state school plans every three years (approximately 300 plans per year), and evaluates the plans in the areas of prevention, protection, mitigation, response, and recovery.
- The New Mexico Public Schools Insurance Authority also regularly conducts safety audits and security/vulnerability assessments of public school facilities as part of its loss prevention measures.
- PSFA has administered and overseen the previous appropriations for school safety and security to the Public School Capital Outlay Fund.

Many school safety projects are undertaken in response to active shooter incidents and to reduce the potential for active shooter events. While active shooter incidents in schools are tragic, they are also rare. There were two of active shooter incidents in US schools 2022 and the most active school shooter incidents in US schools in any year was 11 ([Charts & Graphs - CHDS School Shooting Safety Compendium](#)). Investments in behavioral health services and social and emotional learning rather than safety infrastructure may have a greater effect on improving school safety by reducing bullying, improving self-esteem, increasing student agency and improving the school environment.

## **ALTERNATIVES**

Considering that PSFA has the staff and processes established to distribute the funds, the appropriation could be made available to PSFA (rather than to PED) to distribute according to the existing school security system project grant initiative described in Section 22-24-4.7 NMSA 1978.

## **AMENDMENTS**

Considering the historical difficulty in completing school safety-related projects in even a three-year period, the sponsor may wish to consider amending the bill to allow the funds to be expended

through a three-, four-, or five-year period to prevent large amounts of the money reverting before it can serve its purpose and be properly expended to improve school safety.