

**PUBLIC SCHOOL CAPITAL OUTLAY COUNCIL MEETING  
MINUTES**

**November 14, 2019**

**STATE CAPITOL BUILDING, ROOM 317  
SANTA FE, NEW MEXICO**

**Members Present:** Mr. Joe Guillen, NMSBA      Mr. David Abbey, LFC  
                         Mr. Antonio Ortiz, PED      Mr. David Robbins, PEC  
                         Ms. Rachel Gudgel, LESC      Ms. Olivia Padilla-Jackson, DFA  
                         Mr. Raúl Burciaga, LSC

**Designee:**      Mr. Martin Romero (for Ms. Marguerite Salazar, RLD)

**Members Absent:** Ms. Stephanie Rodriguez, Office of the Governor

1. **Call to Order** – Chair Guillen called the meeting to order at 8:37 A.M.
  - a. **Approval of Agenda** – Chair Guillen asked if there was any objection to the agenda presented; as there was none the agenda was unanimously approved.
  - b. **Correspondence** – Mr. Chamblin referenced the three letters that were handed out as well as the letter included in the meeting material. The letter from Grants/Cibola County Schools was to inform the PSFA and PSCOC that the district was rejecting the pre-k classroom award for Mesa View ES. Upon re-evaluating the school and their local resources, the District has decided to wait and pursue a standards-based award to do a larger project at the facility. The letter from the PRC/State Fire Marshal discusses their move to adopt the 2015 International Fire Code (IFC) and how it will be implemented going forward. Also included is a draft letter for Chair Guillen's signature laying out the PSFA request to the PRC/State Fire Marshal to implement the 2015 IFC on projects in accordance with standard code implementation and code change updates that occur with other permitting bodies. This would allow previously permitted PSCOC-funded projects to move forward with the code that was used when they were originally permitted rather than retroactively permit ongoing projects that might be nearing construction completion. Mr. Abbey moved for Council support of the PSFA's response letter to the PRC/State Fire Marshal; unanimous support was received. The last item under correspondence was an email received from Mora Independent School District Superintendent Mr. Marvin MacAuley regarding an emergency funding request for a sewer lift station pump system. PSFA is communicating with the district and may potentially move forward with an approval of a small amount of emergency funding assistance.
2. **Public Comment** – None.
3. **PSCOC Financial Plan**

Mr. Evans reviewed the changes to the financial plan since the last meeting: Awards in the amount of \$8.7M for FY20 Standards-based awards; \$7.2M for FY20 Systems-based awards

and \$24.0M for FY20 Outside of Adequacy awards to impact aid districts with tribal lands for a total of \$39.9M. Projects pending Council approval include an increase to SB9 of \$20.0M in FY21-FY24; removing \$25.0M for Instructional Materials and Transportation Distribution for FY21-22 and adding it to FY20. Adding \$10.0M for Security in FY21; adjusting School Bus Replacements from \$15.0M to \$8.9M as well as adding the Teacherage/Retroactive awards for \$25.0M in FY21-22. The Projected Fund balance as of October 23 is \$275.3M. Revenue projections from Board of Finance moved \$31.1M into FY20; the same amount was moved out of the June projections.

Additional discussion took place regarding the items requiring legislative action and those requiring Council approval. Ms. Gudgel spoke to district concerns about the administrative burden when applying for funds. If the SB9 match is increased, it has to be paid for somehow as the fund has a discreet amount of money; what has been discussed is decreasing future year's security and systems awards and reallocating those funds through SB9. It was noted that the Board of Finance is looking into some of the questions/concerns regarding the burden of reimbursements on SSTBs. Ms. Padilla-Jackson asked that the LFC and LESC analysis that has been done be shared so she can have the background on issues regarding Public School Capital Funding and Impact Aid. There was additional discussion regarding the pressure to make the funding formula fair, not taking credit for impact aid and the acknowledgement that SB9 funds are a way for poorer districts get more help. Mr. Guillen agreed additional information would be helpful and that this requires a longer discussion. Based on items discussed, the financial plan will be adjusted accordingly and a more comprehensive discussion will take place at the next meeting. Mr. Abbey asked if there were any pre-k applications that had not been funded during the last round; Mr. Chamblin replied in the affirmative. Mr. Abbey then requested that for the next Awards Subcommittee meeting there be some follow-up and look at reprioritizing unused funds; Mr. Chamblin agreed.

#### **4. Consent Agenda**

- a. Approval of Minutes – October 18, 2019
- b. BDCP – 2019 Category 1 (Fiber) Awards
- c. BDCP – 2019 Category 2 (Equipment) Awards
- d. Final FY19 PSFA Annual Report

Mr. Guillen read through the items listed within the consent agenda and asked members if any item needed to be pulled for discussion; as there was none, a motion to approve was made.

**MOTION:** Mr. Robbins moved for Council approval of the consent agenda. Mr. Burciaga seconded and the motion was unanimously approved.

#### **5. 2019-2020 Award Cycle**

##### **a. 2019-2020 Master Plan Assistance Awards**

Ms. Gudgel noted there was one waiver request that the Subcommittee was not recommending for approval and there were two locally-chartered charter schools that have issues with Albuquerque Public Schools (APS) including them in their facility master plan. Ms. Gudgel added that Council is not allowed to make an award to locally-chartered charter schools as it was not statutorily allowed and those schools needs to take the issue



up with APS as their authorizer. Mr. Guillen asked what the match requirement was for FMPs; Ms. Casias replied it was the same as the state/local match for standards-based projects.

**MOTION:** Council approval of the Awards Subcommittee recommendation to make 2019-2020 Facilities Master Plan awards as listed to the districts/state-chartered charters up to the estimated amounts specified on lines 1 through 10 in Column I of the spreadsheet for this agenda item. These amounts represent the state share portion of the estimated cost to develop a facility master plan at each of these districts/state-chart red charters to the PSFA guidelines and require a corresponding district match as set forth in the current state/local match formula. As this was a Subcommittee recommendation a second was not needed and the motion was unanimously approved.

**b. 2019-2020 PSCOC Work Plan Timeline**

Ms. Cano reminded members that staff had ben tasked to look at the 2020 PSCOC and Subcommittee meetings and try to avoid member conflicts. Though some dates have been changed, associated activities have not. Following discussion on additional conflicts, members agreed that Monday meetings would likely work and consensus was that monthly meetings were preferred versus the proposed six-week intervals.

Mr. Abbey felt it was reasonable for Ms. Padilla-Jackson to be included on the budget making decisions and questioned the effectiveness of the Subcommittees when material is presented again to the full Council. Mr. Guillen felt the amount of work taken to the Subcommittees for discussion would be time consuming for the full Council. Mr. Ortiz commented that prior to there being subcommittees everything came to the Council; the point of having the subcommittees was to hash out the details so that Council meetings wouldn't be as time consuming however, that no longer appears to be the case. Ms. Padilla-Jackson asked whether members had considered conducting executive committees where the executives would brief each other on their work; Mr. Guillen agreed it would be helpful so that he was informed of any forthcoming issues. Ms. Gudgel suggested rescinding the Subcommittee motion and bringing the item back in December. Mr. Burciaga suggested that members review their calendars to determine what can be scheduled for January-June. Mr. Abbey reiterated the monthly Monday meeting option and members agreed.

**MOTION:** Council approval of the Awards Subcommittee recommendation to adopt the 2020-2021 proposed PSCOC Work Plan/Timeline, subject to change as deemed necessary by the PSCOC. No action was taken; item was deferred until the December PSCOC meeting.

**6. 2020-2021 Award Cycle**

**a. 2020-2021 Weight/Rank Methodology – New Mexico Condition index (NMCI)**

Mr. Chamblin noted that a key issue discussed during the AMS Subcommittee was whether or not to transition to a weight factor of 1.0 for systems beyond their expected life and whether it was ultimately the correct target for that category. Mr. Chamblin stated

that the plan was to bring the item back to the December AMS Subcommittee for additional discussion. Mr. Robbins expressed concern with raising it to 1.0 and provided the example of taking an item that may have a specific life where, if properly maintained, will last beyond the expected life. By claiming its expected life has been reached and automatically giving it a value of 1.0 diminishes the efforts needed to maintain equipment properly. Mr. Robbins continued by saying that even with a warranty things go bad but when properly maintained, it may continue to work for many years beyond the expected life. Ms. Gudgel reminded members that later on the agenda Council would be asked to approve a preliminary wNMCI ranking and if a weighting factor is changed certain districts may see their position change. Ms. Gudgel suggested if Council is considering making this change that it be done for the 2021-2022 cycle and that the 0.625 be used for the 2020-2021 cycle for consistency; Mr. Robbins and Ms. Padilla-Jackson agreed delaying the change would be the better option. Ms. Gudgel then recommended removing the second sentence from the proposed motion.

**MOTION:** Council approval of the AMS Subcommittee recommendation to continue all current NMCI Weight Ranking Factors for the 2020-2021 capital funding award cycle. Council may consider a change to Category 4 Beyond Expected Life weight factor from 0.625 to a weight factor of 1.0 to the Public School Facilities Assessment Database prior to the adoption of the 2020-2021 Final Ranking. As this was a Subcommittee recommendation a second was not needed and the motion was unanimously approved.

**REVISED MOTION:** Ms. Gudgel moved for Council approval to continue all current NMCI Weight Ranking Factors for the 2020-2021 capital funding cycle. Ms. Padilla-Jackson seconded and the motion was unanimously approved.

**b. 2020-2021 Variance Renewal – Charter & Alternative Schools**

Ms. Casias reviewed information listed within the executive summary and reminded members that in the past, Council has chosen to waive requirements for a charter school except for life/health/safety issues. Ms. Gudgel sought confirmation that staff was not proposing any changes to the variances Council has used; Ms. Casias replied in the affirmative. Mr. Ortiz confirmed this was already being done and was brought to the Council every year for approval; Ms. Casias replied in the affirmative. As there is not a statutory requirement that the variances be approved every year, Mr. Abbey proposed approving for three years.

**MOTION:** Council approval of the AMS Subcommittee recommendation to approve the variances for all alternative schools and those charter schools that have not been renewed. The charter schools that are in at least their first renewal period will be evaluated based on their current programs, enrollments and alternative facility use to determine specific facility needs and will be ranked accordingly.

**AMENDED MOTION:** Mr. Abbey moved for Council approval of the variances for all alternative schools and those charter schools that have not been renewed. The charter schools that are in at least their first renewal period will be evaluated based on their current



programs, enrollments and alternative facility use to determine specific facility needs and will be ranked accordingly. Approval shall be valid for three years. Mr. Robbins seconded and the motion was unanimously approved.

**c. 2020-2021 Preliminary wNMCI Ranking**

Ms. Casias reminded members how the ranking was formulated as well as the next steps. Information listed within the ranking is based on facility master plans, PSFA field assessment and district updates. The districts are the owners of the data and are required to report said data to PSFA. Following release of the preliminary ranking, districts will have until December 27<sup>th</sup> to provide any data changes to PSFA, after which a final ranking will be produced and brought to Council for approval. The final ranking is then used to make awards. Acknowledging that there had been district comment on data and ranking not being accurate, Mr. Abbey asked that the record note that the Awards Subcommittee had a pretty extensive hearing on this topic and districts presented data and it was very informative. Mr. Abbey referring to conversation relating to some districts hiring a consulting engineer while not all districts have that option available however, it was noted that PSFA was willing to use staff resources to help any district that thinks they have the wrong information listed but cannot afford a consulting engineers service to help them with their ranking. Mr. Chamblin agreed and reiterated there was no requirement that a district hire an engineer to do a thorough investigative study. PSFA staff can do an assessment with the district to see the conditions of the buildings and building systems and update the data accordingly. Recalling photos of the issues at Zuni, Mr. Romero stated he would like to be included on the reassessment to view the conditions himself; Ms. Padilla-Jackson requested that she be included as well. Noting that Council isn't on the ground looking at schools, Ms. Padilla-Jackson encouraged Mr. Chamblin to have Council be more involved in PSFA's strategic planning so that they can get a better sense of what the schools actually look like and what shape they are in versus relying solely on the wNMCI score.

**MOTION:** Council approval of the AMS Subcommittee recommendation to release the Preliminary wNMCI Rankings for the 2020-2021 capital funding award cycle based on criteria and weightings previously adopted by the Council. Release of the ranking is subject to necessary technical corrections and Districts are encouraged to work with PSFA staff to resolve any outstanding technical corrections to the data with ability to make a formal appeal to the PSCOC by December 27, 2019 deadline. As this was a Subcommittee recommendation a second was not needed and the motion was unanimously approved.

**7. Requests for Local Match Reduction**

**a. 2018-2019 School Security Awards – Chama Valley Independent Schools**

Noting there was concern about doing waivers on small projects, Ms. Gudgel reminded members that a requirement for applying for an award was that the district certify they had their local matching funds and based on the districts statement of financial position, they have the ability to fund their security projects. Mr. Chamblin stated that the district's request for local match reduction was for \$59,144. Upon reviewing their statement of financial position, the district has the available funding capacity of up to \$2.0M in addition to SB9 and other funding sources that could easily cover the local match requirement.

**MOTION:** Council approval of the Awards Subcommittee recommendation to deny the Chama Valley Schools Request for Local Match Reduction for the 2018-2019 Security

Awards. As this was a Subcommittee recommendation a second was not needed and the motion was unanimously approved.

**b. 2019-2020 School Security Awards – Gallup-McKinley County Schools**

(\*\*\*Items 7a and 7b were presented and discussed simultaneously thus the duplicative verbiage listed).

Ms. Gudgel reiterated the concern about doing waivers on small projects as part of the requirements for applying for and award was that the district certify they have their local matching funds. Based on the districts statement of financial position, they have the ability to fund their security projects.

The district's request for a local match reduction, as well as the request to waive offsets, was for \$238,600. The district is above 10 mills (and does technically qualify under that measure) and are bonded nearly to capacity however, they do have a large cash balance of \$10.0M-\$11.0M available to use on projects such as these.

**MOTION:** Council approval of the Awards Subcommittee recommendation to deny the Gallup McKinley County Schools Request for Local Match Reduction for the 2019-2020 School Security Award. As this was a Subcommittee recommendation a second was not needed and the motion was unanimously approved.

**c. 2019-2020 Systems-Based Capital Outlay Awards – Gallup-McKinley County Schools**

Ms. Gudgel recalled that conversation regarding the systems-based awards clearly indicated that Council needs to do something as the district is pretty vocal about the need to have more assistance on their capital outlay, however there is concern with opening waivers for systems-based awards. Acknowledging there was a split vote between subcommittee members; Ms. Gudgel stated here preference was to make a bigger local match reduction on the districts standards-based project instead of on the systems-based award. There is also an issue that needs to be addressed as Gallup has used the fact that Council has never given them a waiver despite the fact that they qualify. Not included in the motion is the need to ensure Council is paying attention to that on the current standards-based awards when they come back for planning and design and construction funding.

Mr. Chamblin noted the district's total request for the local match reduction is \$1.3M and consists of waiving the local match requirement as well as the offset balance that would be applied to the awarded projects. Upon reviewing the districts statement of financial position, they are over 10 mills and are bonded to nearly capacity but do have a large cash balance that could be used for these projects.

Ms. Gudgel reminded Council that statute does not allow them to waive direct legislative appropriation offsets; Mr. Chamblin acknowledged there is the provision to waive or reduce the local match requirement but there is no language or provision that would allow Council to waive offset balances. Ms. Padilla-Jackson acknowledged that the district had



provided a detailed response regarding their high cash balance and requested that they be allowed to present to the Council their rebuttal and find out why they need to have such a high cash balance. Ms. Gudgel acknowledged there have been conversations about the need for cash balances, reimbursement issues and timing issues for Impact Aid while also noting there are potential solutions that don't require additional money like PED front loading some SEG payments so districts don't have such high cash balances to float payments. Ms. Gudgel drew attention to the statement of financial position and noted that in the "uses" section security application #1 and security application #2 were listed which indicates they have money budgeted for their security matches. Mr. Abbey recalled that when Council made the standards-based awards in October \$5.0M had been reserved in the financial plan for future waivers. Mr. Abbey stressed Council cannot be in the business of doing waivers for small projects. Mr. Guillen stressed this would set precedent and noted Council has been pretty strict on match waivers in the past and was confident the Subcommittee reviewed this and made a recommendation based on that. Mr. Guillen expressed mixed feeling but stated he would support the recommendation with the understanding that this may result in an increase of these types of requests.

**MOTION:** Council approval of the Awards Subcommittee recommendation to approve a partial local match reduction for the 2019-2020 Systems-Based Awards to the Gallup-McKinley County Schools as follows:

- Gallup High School - \$265,503;
- Crownpoint Middle School - \$106,512
- Tse Yi Gai High School - \$31,600

These amounts represent 30% of the local match of the awarded total estimated project cost to maximum allowable. The corresponding state match will be increased by the amounts itemized for each project, for a total local match reduction of \$403,615. The final net state and local match requirements are outlined in the attached Adjustments for Partial Local Match Reduction spreadsheet of this agenda item. As this was a Subcommittee recommendation a second was not needed and the motion was unanimously approved.

## 8. Other Business

### a. Recertification of SSTBs

Funds will be recertified and reallocated to the Socorro High School S19-016 project.

**MOTION:** Council approval of the Awards Subcommittee recommendation to adopt the Resolution, Notification, and Certification amendment for reauthorization of unexpended bond proceeds as follows: SSTB16SB 0001 in the amount of \$2,845,583 to PSCOC awarded projects totaling \$2,845,583. As this was a Subcommittee recommendation a second was not needed and the motion was unanimously approved.

### b. Certification of SSTBs

Authorization for Board of Finance (BoF) to sell SSTBs in December. Mr. Evans noted that BoF had requested that PSFA change the certification from the original \$196,148,692 amount to the full \$208,300,608. It was noted that the additional money could be used to reinstate another year of systems-based awards.

**MOTION:** Council approval of the Awards Subcommittee recommendation to adopt the November 2019 Certification and Resolution to sell SSTBs in the amount of \$196,148,692, subject to review by DFA Secretary Padilla-Jackson and Member Abbey verifying the amounts.

**AMENDED MOTION:** Council approval of the Awards Subcommittee recommendation to adopt the November 2019 Certification and Resolution to sell SSTBs in the amount of \$208,300,608. As the original motion was a Subcommittee recommendation, members agreed to approve the new certification amount and the motion was unanimously approved.

**c. Offsets for Constitutional Special Schools**

Mr. Chamblin drew member attention to the meeting material and noted that the decision on applying/not applying offsets to the special schools is at Council discretion; NMSBVI has some projects that are ongoing and NMSD is effectively done with their projects and will likely not be coming for an award any time soon. Ms. Gudgel referred to verbiage listed within the executive summary that was pulled from Section 22-24-5 NMSA 1978 “...*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...*” this anticipates the same analysis on every project Council does for waivers, not we are never going to consider these because it is contingent on doing an analysis of local resources. Ms. Gudgel noted that staff has never brought this for Council consideration of the statutory provision when making awards for the special schools. Mr. Guillen sought clarification of the motion by asking if the Subcommittee was stating it should not be applied at this point; Ms. Padilla-Jackson replied in the affirmative stating that the motion is to continue with recent history of not applying offsets to the special schools as the Subcommittee agreed they were unique enough and wanted to continue the practice of not applying the offsets. Ms. Gudgel requested that staff look at the legality of what has historically been done. Mr. Robbins requested the item be brought back with financial analysis on if the schools have the funds available to waive 100% of the offset then it may not be the appropriate thing to do. Ms. Padilla-Jackson agreed.

**MOTION:** Council approval of the AMS Subcommittee recommendation that offsets shall not be applied to the constitutional special schools.

**AMENDED MOTION:** Mr. Robbins moved to defer this until following additional analysis, Ms. Padilla-Jackson seconded and the motion was unanimously approved.

**d. Statewide Adequacy Standards – Review of Public Comment and Adoption of Final Changes**

Ms. Padilla-Jackson drew member attention to the public comments sheet listed within the meeting material, specifically noting the comment from Mr. Benavidez, Superintendent of Zuni Public Schools where he stated there were no language classrooms addressed in the standards. Mr. Chamblin replied that language classrooms, regardless of



the language, are covered as part of the general education classroom square footage, like science and math and other core education program spaces. All of those are captured and assigned square footage in the general education classroom square footage component; it is a space type accounted for in the standards but not called out as a separate and unique space for a minimum requirement that we measure at every school. The follow-up issue is if there was a minimum space requirement for language classrooms regardless of the particular language, would every district in the state have an absolute need for specific language classrooms and a minimum criterion that is over and above, or apart from, the general education classroom criteria. Mr. Guillen asked if there were examples of what was considered a general education classroom where this could be added so that it would be clear they were included. Mr. Chamblin referred to Section 6.27.30.13 NMAC, identified as General Use Classroom (Language Arts, Mathematics and Social Studies), and reiterated it was a catch-all title that captured the basic core education programs types within that minimum standard. Ms. Gudgel expressed concern with verbiage found in 6.27.30.14B where “*most restrictive*” was changed to “*least restrictive*” and felt it should stay “*most*” as special education spaces are being referred to and if kids are in a restrictive classroom and need additional support you are giving them an additional “x” square feet per student whereas with a least restrictive classroom you don’t. Ms. Gudgel also questioned why there was the need to designate “least” or “most” when talking about a high degree of personal care and assistance. Mr. Chamblin replied that the term “d-level” was out dated and a lot of districts no longer use the term. Most, or least, restrictive is a similar kind of definition used for special education students. Ms. Gudgel reiterated statute still uses “a, b, c and d-levels” to qualify students. Ms. Gudgel also questioned what the practical impact would be; how it would change the ranked list. How many years will it take to assess all of these things for current schools as only a couple hundred schools are being done each year? Mr. Chamblin referred to the implementation timeline listed within the executive summary and noted that when the standards are adopted it would take staff a period of time to assess schools for any new deficiencies identified as part of the changes as well as the technical timing of integrating the new data into the database for a new ranking. As we are currently in the middle of next years’ ranking preparation, the proposal is that the 2021-2022 ranking would be the first year when these changes to the adequacy standards would be part of the database for the ranking; in addition, during the first six months of 2020 there is time to do a direct outreach to all districts and update them on any potential changes and ask them to help staff flag any particular deficiencies they might have based on any new changes that are adopted.

**MOTION:** Council approval of the AMS recommendation to adopt the proposed changes to 6.27.30 NMAC Statewide Adequacy Standards, subject to technical revisions by staff. As this was a Subcommittee recommendation a second was not needed and by a vote of 7 to 1 the motion was approved with Ms. Gudgel voting in the negative.

Additional discussion: Ms. Gudgel clarified that her negative vote was not necessarily an objection but that she would like to have an opportunity to look over the proposed changes in detail.

**e. Albuquerque Sign Language Academy – Approval of Variance from the Adequacy Standards**

Ms. Casias reminded members this item was brought in September to consider including the Albuquerque Sign Language Academy (ASLA) in the Constitutional Special Schools Adequacy Standards. It was noted during that meeting that it was not an appropriate method to move forward with so staff did additional research and brought back to the AMS Subcommittee the potential of allowing ASLA to use the net square foot (nsf) per student for general use classrooms and intensive support classrooms. This would allow ASLA to use a variance from the existing adequacy standards classroom space and replace it with the classroom space requirements that the constitutional special schools use. Staff felt approach would better allow ASLA to have the right amount of space for their students. Ms. Casias reiterated that 60% of the students at ASLA are special needs (hard of hearing, visually impaired, deaf, blind and may have mobility impairments). ASLA representatives had attended the AMS Subcommittee meeting and are aware, and support, this recommendation.

Ms. Gudgel expressed concern that an individual charter school wants a specific set of standards crafted for them and asked how it would change the ranking; Ms. Casias replied that they would move to the number one position on the ranked list. Ms. Gudgel clarified they would be bumped to the top of the list simply by deciding they would be measured differently than other schools; Ms. Casias replied in the affirmative noting they would move to the top of the list based solely on their need for classroom space. Ms. Gudgel reiterated her concern that Council would be applying a set of very specific standards to an individual school that would bump them to number one and then Council could expect them to come forward with a funding request and be eligible if the other statutory requirements were met. Ms. Gudgel asked if they did meet the statutory statewide adequacy standards requirements in 22-8b-4.2 NMSA 1978; as they were authorized after 2011; if so, are they eligible to come back to Council for funding next year? Mr. Guillen asked if the space(s) would be similar to those approved for NMSBVI and NMSD; Ms. Casias replied in the affirmative. Mr. Guillen then asked if staff was comfortable that this additional space was necessary required space. Ms. Casias replied she was comfortable the space was the required space for classrooms. Mr. Guillen asked if there were any other charters that addressed similar clientele. Ms. Casias replied she was unaware of any with the high percentage of special needs students. Mr. Abbey stated that we have the need for a different standard but is the School for the Deaf standards the right standard; perhaps it needs to be somewhere in-between because it should be different for a school where 100% of the students are special needs versus a school where 60% of the students are special needs. Ms. Casias replied that if the motion were approved, we could take the number of students and apply the nsf to those students and then the traditional learners at the school could have the traditional adequacy standards nsf applied. Mr. Guillen asked if that would impact the rating; Ms. Casias replied is likely would to some degree. Mr. Abbey stated it was hard to automatically apply a different standard for a school and asked Ms. Padilla-Jackson if the Subcommittee was aware the school would shoot to the top of the list. Ms. Padilla-Jackson said they were aware and stated it was not a major concern to the



subcommittee members; they were more concerned with getting the space right and if they shot up because of it that was a consequence of getting it right. Mr. Robbins added that each class not a 60/40 split between special education and traditional learners and there are some classes that could have 80-90% special education students and because they are open enrollment and do a lottery, they cannot control then limit the classrooms; by limiting the classrooms by stating they are going to be “x” big and the following year the split was higher then the classroom would not meet adequacy standards and therefore you would need to make every classroom meet the maximum because of that fluctuation in population and the unique circumstances such as mobility issues. Mr. Abbey asked if the school was going to ask for a new facility; Ms. Casias replied that the school is interested in looking at a different facility. The current location on Lomas has numerous mobility issues and will not accommodate their student cap. Mr. Guillen felt that the variance granted through the Subcommittee appeared to be justified and acknowledged this was a unique set of circumstances to be considered for the students. The 60% issue needs to be addressed as well as all details related to potential application funding.

Ms. Gudgel proposed a motion to table the item noting that additional information was needed such as asking if they would be coming for a standards award, what the fiscal impact to the fund would be, and suggested that additional analysis be done as other charters may come forward with similar requests and potentially have it brought back to the December Subcommittee meeting. Mr. Abbey proposed rewording the motion to include *“for purposes of ranking, the variance will be applied but Council will reserve the right to adjust the standard for making an award.”* Mr. Guillen agreed that a motion along those lines would be helpful and did not think the process should be delayed because of one project that might move into a potential funding slot. Mr. Abbey suggested Council approval to apply a variance for purposes of determining ranking for the next award cycle and allow ASLA to use the special school standards as an assessment and ranking tool adding that the variance may be reconsidered in the design process. Ms. Gudgel stated if the variance was going to be changed staff should go back to when they got into their facility and apply that variance to make sure that they comply with the law and that they had to bring their facility up to the standard before they come to the Council to ask for funding. Ms. Gudgel reiterated that her fundamental problem with this is that the Council would be changing, in a very significant way, the standards and the law basically says you cannot open as a charter school and jump the queue and get funding unless you have made sure you are at an average statewide FCI or wNMCI and if this standards is applied back to the time of their authorization they would rise in the ranking but they wouldn’t be eligible for an award from the Council because it would be their responsibility just like every other charter school. We haven’t done this for any other school and a single school is creating a scenario that can change the methodology to be able to come to the Council for funding.

**MOTION:** Apply a variance from the general classroom net square foot (nsf) per student listed in the Adequacy Standards and allow Albuquerque Sign Language Academy to use the Special Schools Adequacy Standards general classroom and intensive support

classroom nsf per student space as an assessment, ranking and design tool for educational classroom spaces and intensive support classroom spaces.

**AMENDED MOTION:** Mr. Abbey moved to apply a variance from the general classroom net square foot (nsf) per student listed in the Adequacy Standards and allow Albuquerque Sign Language Academy to use the Special Schools Adequacy Standards general classroom and intensive support classroom nsf per student space as an assessment, and ranking tool. The variance may be adjusted as a design tool. Mr. Robbins seconded and by a vote of 7 to 1 the motion was approved with Ms. Gudgel voting in the negative.

**f. Ben Lujan Maintenance Achievement Awards - *informational***

Mr. Tillotson thanked Mr. Robbins for being the keynote speaker at the 14<sup>th</sup> Annual Ben Lujan Maintenance Achievement Awards which took place October 21, 2019. Ms. Padilla-Jackson was also thanked for her attendance at the event. The highest achiever awards were presented to six districts, there were many individual awards and for the second time ever, the Plant Manager of the Year Award was presented. In order to be eligible for the Highest Achievement District Performance Awards, districts had to demonstrate continuous and sustained performance based solely on FMAR Performance Measures, Key Performance Indicators and FIMS as well as having a current maintenance plan. Individual and Team Awards are presented to all districts that had nomination letters submitted from the Superintendents and/or Board Members. Three district awards were presented to maintenance teams.

**g. Historical Maintenance Program Status Report - *informational***

Mr. Tillotson drew member attention to the meeting material which included the maintenance program status report (key performance indicators, current status of New Mexico performance in several data components including PM Planning, Dude Solutions/FIMS tools and resources (are products being used and to what level), the FMAR district average. The historical program status report takes into account three cycles of the FMAR. The report was pulled from the end of the 2015 FMAR cycle, the end of the 2017 cycle and the current cycle as well as historical FIMS use.

**9. Informational**

**a. PSCOC Project Status Report**

Mr. Chamblin noted a meeting had been held with Los Alamos to discuss the Barranca Mesa ES project that is currently under construction. The district would like to make some design changes to the project; they want to move away from having portables on the campus and build permanent square footage. This is a new design plan; the district anticipates bringing their request back in December for participation in the square footage, based in part on what the utilization will be for the spaces. The district would like to build two special education classrooms. Another project, Anton Chico ES/MS, has chosen to go out for additional soil testing to determine the issues they are having with the building sitting on expansive soils and breaking. The school will be coming back at some point in the next few months. The district would like for staff to conduct a reassessment of the building to look at the damage that has occurred over the last few months. Referring to



the soil issues that many districts seem to have issues with, Ms. Gudgel asked how staff decides soil testing on projects that Council is participating in needs to be done; are there standards for that or are there tell-tale signs? Mr. Chamblin replied that soil testing is part of the baseline level of service that occurs on every project; it has to happen to any new construction. The owners (the district and PSFA) engage a geotechnical firm to test the soils. The issue on some past projects is whether soil testing had been done; in the past it wasn't necessarily the case on all projects. Mr. Abbey noted there were three Roswell schools that were not making progress and inquired as to the reason; Mr. Chamblin replied that the projects are out for procurement and would provide members with a more detailed update after looking into the details.

**b. Broadband Deficiencies Correction Program Status Report**


This item was not presented.

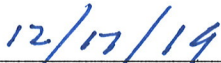
**c. Lease Assistance Status Report**

This item was not presented.

**10. Next PSCOC Meeting- Proposed for December 17, 2019**

**11. Adjourn** – There being no further business to come before the Council, Ms. Gudgel moved to adjourn the meeting. Mr. Burciaga seconded and the motion was unanimously approved. The meeting adjourned at 11:56 a.m.

  
\_\_\_\_\_  
Chair

  
\_\_\_\_\_  
Date