



Technical Guidelines for Inter-jurisdiction Collaboration on School Impacts to Community and Regional Development and Infrastructure

Overview for school planning technical guidelines in the Mid-Region Council of Governments MPO

Public Schools are critical stakeholders in the social and physical development of local and regional communities. This set of technical guidelines is a resource for community and regional planners, as well as zoning agencies, to encourage intergovernmental collaboration by incorporating school planning into municipal and regional planning processes.

- Input from School District Stakeholders Meeting of August 1, 2019

1. Mid-Region Council of Governments (MRCOG) Public School Contacts

Table with 3 columns: Name, Entity, Email/Contact. Rows include Brian Baca, Matthew Montañó, Michael Baker, Gabriella Blakey, Kizito Wijenje, Sarah Young, John Valdez, Martica Casias, Martin Romero, Steven Montiel, Willy Simon, and Kendra Montanari.

2. Jurisdiction

- a. School districts are municipal entities with elected boards and powers of taxation. They may choose through voluntary and mutually beneficial Memorandums of Understanding (MOUs) with local municipalities and the New Mexico Construction Industries Division (CID) to defer permitting through local municipal development entities.

3. New Mexico state laws pertaining to the construction of public schools and the transportation of public school students: Public schools are limited and in many cases prohibited from the use of school bonds and mill levy school funding for off-site infrastructure.

- Chapter 22, Article 16, Transportation of Students, NM State Statute 22-16
- Chapter 22, Article 20, School Construction, NM State Statute 22-20



*Capital Master Plan*

- Chapter 22, Article 24, Public School Capital Outlay, [NM State Statute 22-24](#)
  - Chapter 22, Article 25 Public School Capital Improvements, [NM State Statute 22-25](#) (SB9)
  - Chapter 22, Article 26—Public School Buildings, [NM State Statute 22-26](#) (HB33)
4. State-Level Public School Compliance Stakeholders in the physical development of school sites:
    - a. NM Public School Facility Authority ([PSFA](#))
      - i. [PSFA Adequacy Standards and Guidelines](#)
    - b. NM Construction Industries Division ([CID](#))
    - c. NM State Fire Marshall ([NM PRC](#))
  5. School siting:
    - a. [APS School Siting Procedural Directive/Technical Criteria](#)
    - b. Large urban school districts purchase land for new schools 10 to 15 years prior to building the school.
    - c. Smaller communities have their own process of acquiring land for school construction. Land acquisition is contingent upon available land, resources and need.
    - d. School sites in large urban districts are chosen partly based on the long-range Metropolitan Planning Organization’s Metropolitan Transportation Plan (MTP) projections.
    - e. State-wide general school siting criteria available from NM Public School Facility Authority
  6. Building of new schools and school re-builds: [New School Construction Flow Chart](#)
    - a. New schools are built in mostly unoccupied areas where municipal infrastructure does not exist.
    - b. Majority of new capital projects are re-builds, retrofits and/or renovations and shall be termed such. These projects have significant implications on pick-up, drop-off, and school operations.
    - c. Public schools do not typically add capacity in school rebuild and renovation project of well-established existing schools.
    - d. School Traffic Impact Studies that are paid for by school districts should have a very clear criteria as to why they are needed. Municipalities should not require school districts to pay for Traffic Impact Studies for rebuilds and renovations of existing facilities. School traffic Impact Studies (that are paid for by school districts) should be for new facilities or major expansions that result in increases in enrollment/traffic.
  7. Permitting, Certificates of Occupancy and Inspections: [Legislative Statute of Responsibility, Construction Industries Division \(CID\)](#)
    - a. Construction permitting for school districts is by state statute the purview of NM Construction Industries Division (CID). However, school districts may choose through voluntary and mutually beneficial MOUs with local municipalities and CID to defer permitting through local municipal development entities.
  8. Charter Schools: [NMPED Charter Schools Web Page](#)
    - a. The municipality is legally obligated to hold the private property owner, where the charter school is located, accountable to the same development standards as any other private property owner in associated land use category. Municipalities should proceed with caution when considering a variance or waiver for charter schools.



9. The NM Public School Facility Authority (PSFA) assists charter schools with building assessment and space needs only. The permitting for “E” educational occupancy is provided by the local municipality. Usually charter schools announce with 6 months-1 year in advance when they are looking for a building.
10. Private schools
  - a. Treated like a private development and have to proceed through the local municipal development review process.
11. Security and Emergency Services: [Implementing Security Needs in Albuquerque Public Schools Story Map](#)
  - a. Large urban schools district have their own certified school police forces that coordinate with municipal law enforcement.
  - b. Smaller school districts have a school security component that works with local municipal police or sheriff’s department.
  - c. The State Fire Marshall has the ultimate authority over school district building compliance and fire inspections with Fire Code. However, the State Fire Marshall typically defers to the Local Fire Marshall for compliance and fire inspections.
12. School Traffic and Safety Issues:
  - a. School Districts do not modify public right-of-way (routes and streets), which is outside of School District jurisdiction.
  - b. Parent drop-off and bus drop-off procedures are well-established.
  - c. Collaboration between City, County, school districts, state agencies and law enforcement/traffic enforcement is critical to mitigating traffic impacts around schools.
  - d. Crossing guards are provided typically by municipalities for designated cross-walks adjacent to school campuses in most communities. This is because public-rights-of-way are all within the jurisdiction of local municipalities.
  - e. Vision Zero, which sets a goal of zero fatalities resulting from crashes by focusing on pedestrian and bicyclist safety, advocating for systems-level changes above influencing individual behavior, and acknowledging children as vulnerable populations, should be a consistent theme in the document. The APS Vision Zero for Youth Initiative, which will commence in 2021, will teach students to navigate road infrastructure as pedestrians and bicyclists through District-wide curriculum. It will also increase safety awareness to drivers and reduce speeds near schools (during *and* outside of school hours) through a public awareness campaign.
  - f. Some school districts, like APS, have an established, structured process with the local municipal partners on how to deal with school traffic and safety issues on an ongoing basis. In the case of APS, this process goes through the [APS Bus Loading and Unloading Zone \(BLUZ\) Committee](#).
13. Public School Transportation: Public school student transportation is defined by NM State Statute [NM State Statute 22-16](#).
  - a. Explanation: All school districts in New Mexico operate their own bus transportation systems. These school bus transportation systems are the largest public transportation systems in individual communities in New Mexico. The state funds mileage for a minimum number students located within a fixed geography. Additional costs are borne by the school district, unless there is a barrier to access or safety, such as a freeway.
  - b. Busing demand for elementary school students and Special Education Students will remain steady.



14. School districts annually update their student information as indicators of community vitality

- a. Enrollment trends and projections by school, neighborhood and district
- b. Student race and ethnicity
- c. Student homelessness
- d. Student health
- e. Student access to food
- f. Student access to web-based technologies
- g. Student transportation needs
- h. Student educational outcomes

If any planning or municipal agency needs any of the information above, please contact the school district directly, using the contact table at the beginning of this document.

15. Concurrency: Public agencies must coordinate on capital improvements and work collaboratively with long- and short-term planning efforts for the implementation of seamless development and infrastructure, as well as for the effective, efficient and responsible spending of public dollars. This can be done with school districts through the following ways:

- a. MRCOG boards and committees can make facilitating concurrency and policy coordination a priority.
- b. Align Capital Improvement Plans (CIPs).
- c. Use the Development Review Process as a primary tool for collecting school district opinions for public comment.
- d. School district participation on government agency committees (i.e. CABQ Vision Zero Task Force).
- e. Make use of formal collaborative bodies meetings and initiatives/priorities (i.e. ABCGC).
- f. As stated above, school traffic Impact Studies (that are paid for by school districts) should have clear criteria as to why they are needed and should be only for new facilities or major expansions that result in increases in enrollment/traffic.