

By: Lucio

S.B. No. 939

A BILL TO BE ENTITLED

AN ACT

relating to a study regarding school facilities and the feasibility of developing model plans for school facilities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 46, Education Code, is amended by adding Section 46.014 to read as follows:

Sec. 46.014. STUDY REGARDING SCHOOL FACILITIES. (a) The comptroller in cooperation with the agency shall study:

(1) existing school facilities in this state;

(2) the projected need for new school facilities in the next 10 years;

(3) the characteristics of an adequate school facility, such as:

(A) suitability as premises on which to provide the required curriculum under Section 28.002;

(B) required classroom features;

(C) square footage for buildings and classrooms;

and

(D) conformance to building codes and standards;

and

(4) the feasibility of developing model plans that school districts may use in constructing new school facilities.

(b) The study of existing school facilities must include an examination of the following characteristics of those facilities:

- (1) age;
- (2) date of most recent renovation, if any;
- (3) overall condition;
- (4) square footage;
- (5) inclusion of features designed to enhance student and teacher safety and security;
- (6) inclusion of features designed to maximize the use of instructional technology;
- (7) for instructional facilities, suitability as premises on which to provide the required curriculum under Section 28.002;
- (8) maintenance costs;
- (9) energy and water use efficiency;
- (10) reliance on portable buildings as classroom spaces; and
- (11) the extent, if any, to which the student enrollment at an instructional facility exceeds the number of students for whom the facility was designed.

(c) In conducting the study of the feasibility of model plans for school facilities, the comptroller and agency shall:

- (1) consult with persons with significant experience in designing or constructing school facilities, including building and facilities engineers, architects, building contractors, and school facilities planning and management experts; and
- (2) determine whether the development of model plans for school facilities would be a viable method of reducing the total cost of, and increasing efficiency in the construction of, new

1 school facilities.

2 (d) The comptroller and agency shall consider whether model  
3 plans for school facilities:

4 (1) could be easily adapted for:

5 (A) differing local educational programs and  
6 special-needs facilities, including special education programs,  
7 disciplinary alternative education programs, and career and  
8 technology programs;

9 (B) use of the facility as a primary or secondary  
10 school; and

11 (C) differing environmental, climatic, and soil  
12 conditions across the state;

13 (2) would permit the use of building materials chosen  
14 by the school district constructing the facility;

15 (3) would affect a school district's ability to select  
16 the contracting method that provides the best value for the  
17 district;

18 (4) could be easily replaced or revised to:

19 (A) permit the use of the most recent technology;  
20 and

21 (B) conform to changing trends in instruction;  
22 and

23 (5) could be used by school districts that use  
24 nontraditional educational delivery systems.

25 (e) The comptroller and agency shall consider the legal  
26 issues raised by the use of model plans for school facilities,  
27 including:

1           (1) the ownership of intellectual property rights to  
2 the model plans;

3           (2) liability for design errors in the model plans;  
4 and

5           (3) the permissibility of school district  
6 modification of the model plans.

7           (f) Not later than December 1, 2006, the comptroller and the  
8 agency shall submit to the legislature a report based on the study  
9 required by this section. This section expires January 15, 2007.

10           SECTION 2. This Act takes effect immediately if it receives  
11 a vote of two-thirds of all the members elected to each house, as  
12 provided by Section 39, Article III, Texas Constitution. If this  
13 Act does not receive the vote necessary for immediate effect, this  
14 Act takes effect September 1, 2005.