

By: Shapiro

S.B. No. 962

A BILL TO BE ENTITLED

AN ACT

relating to state assistance for school district instructional facilities.

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

SECTION 1. Subchapter A, Chapter 46, Education Code, is amended by adding Sections 46.0021, 46.0022, and 46.0023 to read as follows:

Sec. 46.0021. SQUARE FOOTAGE ALLOWANCES FOR NEW INSTRUCTIONAL FACILITIES. (a) The agency shall establish square footage per student allowances for the planning and construction of new instructional facilities. In establishing a square footage allowance, the agency shall determine:

(1) the spaces or rooms to be included in an instructional facility and the allowable square footage per student of each space or room;

(2) the allowable square footage per student required for walls and hallways and other spaces needed for circulation of students and employees; and

(3) the allowable square footage for spaces for mechanical and electrical equipment and similar support facilities.

(b) In determining the allowable square footage per student of a new instructional facility, the agency shall consider:

(1) the intended use of the facility as a primary or

1 secondary school;

2 (2) the intended student capacity of the facility
3 being planned; and

4 (3) the requirements for providing the curriculum to
5 be offered at the planned facility.

6 (c) Using the allowable square footage per student
7 determined under this section, the commissioner shall establish a
8 cost factor for the construction of new instructional facilities.

9 (d) In developing square footage allowances and cost
10 factors for new instructional facilities under this section, the
11 agency shall consult with persons who:

12 (1) have significant experience in designing and
13 constructing school facilities; and

14 (2) represent a diverse spectrum of this state's
15 school districts and regions.

16 (e) This section does not apply to the renovation or
17 improvement of an existing instructional facility.

18 (f) The agency shall develop the square footage per student
19 allowances and cost factors not later than September 1, 2006. This
20 subsection expires September 1, 2006.

21 Sec. 46.0022. REGIONAL COST INDEX. (a) The agency shall
22 develop a regional cost index for new instructional facilities that
23 accounts for differences in construction costs, materials,
24 building systems, and environmental and climatic conditions in
25 various regions of the state.

26 (b) The agency shall update the regional cost index each
27 calendar quarter.

1 (c) The regional cost index may not include site acquisition
2 and development costs.

3 (d) The commissioner shall assign each school district in
4 this state to a region for purposes of this section. The
5 commissioner's determination under this subsection is final and may
6 not be appealed.

7 Sec. 46.0023. COST LIMIT ON AID FOR NEW INSTRUCTIONAL
8 FACILITY. (a) A school district is not entitled to state
9 assistance under this subchapter for any portion of the cost of
10 constructing a new instructional facility that exceeds the cost
11 allowance determined using the student capacity of the facility,
12 the cost factor for the facility established under Section 46.0021,
13 and the appropriate regional cost index under Section 46.0022.

14 (b) A school district may use local funds to pay the portion
15 of the cost of constructing a new instructional facility that
16 exceeds the amount for which the district may receive state
17 assistance under this subchapter.

18 (c) The commissioner may exempt a school district from the
19 application of Subsection (a) if the district demonstrates to the
20 commissioner's satisfaction that extraordinary circumstances
21 justify spending a greater amount on a new instructional facility
22 than the amount for which the district may receive state assistance
23 under Subsection (a). The commissioner's determination under this
24 subsection is final and may not be appealed.

25 SECTION 2. Section 46.0023, Education Code, as added by
26 this Act, applies only to the payment of state assistance under
27 Subchapter A, Chapter 46, Education Code, for which an application

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1 is submitted to the commissioner of education on or after January 1,
2 2007.

3 SECTION 3. This Act takes effect September 1, 2005.