

By: Shapiro

S.B. No. 962

Substitute the following for S.B. No. 962:

By: Grusendorf

C.S.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 46.0021-46.0023 to read as follows:

Sec. 46.0021. SQUARE FOOTAGE ALLOWANCES FOR NEW INSTRUCTIONAL FACILITIES. (a) The agency by rule 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 secondary school;

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

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

5           (c) Using the allowable square footage per student  
6 determined under this section, the commissioner by rule shall  
7 establish a cost factor for the construction of new instructional  
8 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 by rule shall develop the square footage per  
19 student allowances and cost factors not later than September 1,  
20 2006. This subsection expires September 1, 2006.

21           Sec. 46.0022. REGIONAL COST INDEX. (a) The agency by rule  
22 shall develop a regional cost index for new instructional  
23 facilities that accounts for differences in construction costs,  
24 materials, building systems, and environmental and climatic  
25 conditions in 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 by rule shall assign each school  
4 district in 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 46.008, Education Code, is amended to  
26 read as follows:

27       Sec. 46.008. STANDARDS AND BEST PRACTICES. (a) The

1 commissioner by rule shall establish standards for adequacy of  
2 school facilities. The standards must include requirements related  
3 to [~~space~~] educational adequacy[~~7~~] and construction quality. The  
4 standards may not include requirements related to space or square  
5 footage for a facility or any part of a facility. All new  
6 facilities constructed after September 1, 1998, must meet or exceed  
7 the standards to be eligible to be financed with state or local tax  
8 funds.

9 (b) The commissioner by rule shall establish a program of  
10 best practices for the construction, replacement, renovation, or  
11 improvement of school facilities. The program must:

12 (1) include solicitation of information from school  
13 districts on best practices;

14 (2) recognize school districts that have achieved  
15 cost-effectiveness in construction and long-term maintenance;

16 (3) emphasize cost-effectiveness, energy efficiency,  
17 functionality, and replicability;

18 (4) be designed to encourage, without imposing  
19 requirements relating to specific criteria, school district  
20 consideration of:

21 (A) best practices, including evaluation of the  
22 school district's financial status, total amount of outstanding  
23 debt, maturity of outstanding debt, and preventive maintenance of  
24 facilities;

25 (B) cost-effectiveness;

26 (C) projected enrollment in the portion of the  
27 school district to be served by a facility for which state financial

1 assistance is sought; and

2 (D) if applicable, the condition of a facility  
3 that is to be replaced, renovated, or improved with state financial  
4 assistance; and

5 (5) include a process for local evaluation of the need  
6 for construction, acquisition, renovation, or improvement of a  
7 facility.

8 (c) This section may not be construed in a manner that  
9 impairs or eliminates a guarantee of an eligible bond under  
10 Subchapter C, Chapter 45.

11 SECTION 3. (a) Section 46.0023, Education Code, as added by  
12 this Act, applies only to the payment of state assistance under  
13 Subchapter A, Chapter 46, Education Code, for which an application  
14 is submitted to the commissioner of education on or after January 1,  
15 2007.

16 (b) Section 46.008(a), Education Code, as amended by this  
17 Act, applies to a school facility for which construction begins on  
18 or after September 1, 2005, and such a facility is not required to  
19 meet any requirements related to space established by the  
20 commissioner of education under that section as it existed before  
21 amendment by this Act.

22 (c) Except as otherwise provided by this section,  
23 Subchapter A, Chapter 46, Education Code, as amended by this Act,  
24 applies only to the payment of state assistance under Subchapter A,  
25 Chapter 46, Education Code, for which a school district applies on  
26 or after September 1, 2005. Payment of state assistance under  
27 Subchapter A, Chapter 46, Education Code, for which a school

1 district applies before September 1, 2005, is governed by the law in  
2 effect on the date the district applies for the state assistance,  
3 and the former law is continued in effect for that purpose.

4 SECTION 4. This Act takes effect September 1, 2005.