

1-1 By: Shapiro S.B. No. 962
1-2 (In the Senate - Filed March 3, 2005; March 14, 2005, read
1-3 first time and referred to Committee on Education; April 19, 2005,
1-4 reported adversely, with favorable Committee Substitute by the
1-5 following vote: Yeas 6, Nays 0; April 19, 2005, sent to printer.)

1-6 COMMITTEE SUBSTITUTE FOR S.B. No. 962 By: Shapiro

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to state assistance for school district instructional
1-10 facilities.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subchapter A, Chapter 46, Education Code, is
1-13 amended by adding Sections 46.0021, 46.0022, and 46.0023 to read as
1-14 follows:

1-15 Sec. 46.0021. SQUARE FOOTAGE ALLOWANCES FOR NEW
1-16 INSTRUCTIONAL FACILITIES. (a) The agency shall establish square
1-17 footage per student allowances for the planning and construction of
1-18 new instructional facilities. In establishing a square footage
1-19 allowance, the agency shall determine:

1-20 (1) the spaces or rooms to be included in an
1-21 instructional facility and the allowable square footage per student
1-22 of each space or room;

1-23 (2) the allowable square footage per student required
1-24 for walls and hallways and other spaces needed for circulation of
1-25 students and employees; and

1-26 (3) the allowable square footage for spaces for
1-27 mechanical and electrical equipment and similar support
1-28 facilities.

1-29 (b) In determining the allowable square footage per student
1-30 of a new instructional facility, the agency shall consider:

1-31 (1) the intended use of the facility as a primary or
1-32 secondary school;

1-33 (2) the intended student capacity of the facility
1-34 being planned; and

1-35 (3) the requirements for providing the curriculum to
1-36 be offered at the planned facility.

1-37 (c) Using the allowable square footage per student
1-38 determined under this section, the commissioner shall establish a
1-39 cost factor for the construction of new instructional facilities.

1-40 (d) In developing square footage allowances and cost
1-41 factors for new instructional facilities under this section, the
1-42 agency shall consult with persons who:

1-43 (1) have significant experience in designing and
1-44 constructing school facilities; and

1-45 (2) represent a diverse spectrum of this state's
1-46 school districts and regions.

1-47 (e) This section does not apply to the renovation or
1-48 improvement of an existing instructional facility.

1-49 (f) The agency shall develop the square footage per student
1-50 allowances and cost factors not later than September 1, 2006. This
1-51 subsection expires September 1, 2006.

1-52 Sec. 46.0022. REGIONAL COST INDEX. (a) The agency shall
1-53 develop a regional cost index for new instructional facilities that
1-54 accounts for differences in construction costs, materials,
1-55 building systems, and environmental and climatic conditions in
1-56 various regions of the state.

1-57 (b) The agency shall update the regional cost index each
1-58 calendar quarter.

1-59 (c) The regional cost index may not include site acquisition
1-60 and development costs.

1-61 (d) The commissioner shall assign each school district in
1-62 this state to a region for purposes of this section. The
1-63 commissioner's determination under this subsection is final and may

2-1 not be appealed.

2-2 Sec. 46.0023. COST LIMIT ON AID FOR NEW INSTRUCTIONAL
2-3 FACILITY. (a) A school district is not entitled to state
2-4 assistance under this subchapter for any portion of the cost of
2-5 constructing a new instructional facility that exceeds the cost
2-6 allowance determined using the student capacity of the facility,
2-7 the cost factor for the facility established under Section 46.0021,
2-8 and the appropriate regional cost index under Section 46.0022.

2-9 (b) A school district may use local funds to pay the portion
2-10 of the cost of constructing a new instructional facility that
2-11 exceeds the amount for which the district may receive state
2-12 assistance under this subchapter.

2-13 (c) The commissioner may exempt a school district from the
2-14 application of Subsection (a) if the district demonstrates to the
2-15 commissioner's satisfaction that extraordinary circumstances
2-16 justify spending a greater amount on a new instructional facility
2-17 than the amount for which the district may receive state assistance
2-18 under Subsection (a). The commissioner's determination under this
2-19 subsection is final and may not be appealed.

2-20 SECTION 2. Section 46.0023, Education Code, as added by
2-21 this Act, applies only to the payment of state assistance under
2-22 Subchapter A, Chapter 46, Education Code, for which an application
2-23 is submitted to the commissioner of education on or after January 1,
2-24 2007.

2-25 SECTION 3. This Act takes effect September 1, 2005.

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