

## **BILL ANALYSIS**

Senate Research Center  
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S.B. 1409  
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Open Government  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The report released last year by the comptroller of public accounts of the State of Texas addressing government transparency, focusing on Texas public and higher education debt, found that public education debt is growing faster than enrollment. This debt is primarily used for school facility construction and renovation. Construction costs varied greatly between school districts, ranging from as low as \$88 per square foot (\$8,000 per student) to as high as \$280 per square foot (\$50,000 per student). The bill requires that schools post inventory of their existing facilities, along with construction plans, on their website to provide easier access to this information to parents and the community. Taxpayers will be better equipped to make informed decisions about whether to vote for a school bond election if they know what the school district's facility needs are and whether the district is making cost-effective construction decisions. This bill will allow voters to know what their construction needs and costs are before they authorize new debt for additional facilities.

As proposed, S.B. 1409 amends current law relating to public information regarding facilities of school districts and open-enrollment charter schools.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the commissioner of education in SECTION 1 (Sections 46.102 and 46.103, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 46, Education Code, by adding Subchapter D, as follows:

#### **SUBCHAPTER D. PUBLIC INFORMATION REGARDING FACILITIES**

Sec. 46.101. DEFINITION. Defines "instructional facility" in this subchapter.

Sec. 46.102. INVENTORY OF EXISTING FACILITIES. (a) Requires a school district or open-enrollment charter school to post an inventory of the district's or school's existing facilities on the district's or school's Internet website.

(b) Requires that the inventory include at least the following information regarding instructional facilities:

(1) the total available square footage and maximum student capacity of the district's or school's instructional facilities in aggregate;

(2) the total current student enrollment in the district or school; and

(3) for each separate instructional facility:

(A) square footage;

(B) maximum student capacity; and

(C) current student enrollment.

(c) Requires that the inventory include at least the following information regarding each facility other than an instructional facility:

(1) square footage;

(2) a statement of the facility's current use; and

(3) any other information specified by rule adopted by the commissioner of education (commissioner).

(d) Requires that the information provided under this section for a facility, for which the school district or open-enrollment charter school developed and posted construction or renovation information in accordance with Section 46.103, also includes the final updated information required under Section 46.103. Provides that this subsection does not require a district or school to develop and post information regarding construction or renovation costs for a facility not subject to Section 46.103.

(e) Requires a school district or open-enrollment charter school to update the information posted under this section at least annually and more frequently if necessary to ensure that the information provides an accurate description of existing facilities.

(f) Requires a school district or open-enrollment charter school to maintain an Internet website to comply with this section.

Sec. 46.103. CONSTRUCTION AND RENOVATION OF FACILITIES. (a) Requires a school district or open-enrollment charter school to post on the district's or school's Internet website at least the information specified by this section regarding each project for the construction or renovation of a facility.

(b) Requires that the following information be posted regarding an instructional facility:

(1) the square footage of the facility;

(2) the square footage per student, computed using the maximum student capacity at the facility;

(3) the cost per square foot;

(4) the cost per student, computed using the maximum student capacity at the facility; and

(5) the average cost of constructing a comparable facility in the region, as determined by the commissioner under Subsection (f).

(c) Requires that the following information be posted regarding a facility other than an instructional facility:

(1) the square footage of the facility;

(2) a statement of the intended use of the facility;

(3) the cost per square foot;

(4) the average cost of constructing a comparable facility in the region, as determined by the commissioner under Subsection (f); and

(5) any other information specified by rule adopted by the commissioner.

(d) Requires a school district or open-enrollment charter school to comply with this section at the beginning of a project by posting information based on estimated costs and anticipated construction or renovation design plans. Requires the district or school, at the conclusion of the project, to post updated information that reflects the actual cost and final specifications of the project. Requires the district or school to continue to post the information as provided by Section 46.102(d).

(e) Requires a school district or open-enrollment charter school to maintain an Internet website to comply with this section.

(f) Requires the commissioner to determine and periodically update information regarding the average cost per square foot in each region of the state of constructing instructional facilities and other school district or open-enrollment charter school facilities. Authorizes the commissioner to base a determination under this subsection on any relevant information available to the commissioner and to enter into any contract necessary to authorize use of or access to the information.

SECTION 2. Makes application of Section 46.103, Education Code, as added by this Act, prospective.

SECTION 3. Effective date: September 1, 2013.