

## **BILL ANALYSIS**

Senate Research Center  
83R17476 KKA-D

C.S.S.B. 1409  
By: Patrick; Paxton  
Open Government  
4/9/2013  
Committee Report (Substituted)

### **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).

C.S.S.B. 1409 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.

C.S.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 46.101 and 46.102, 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. AVAILABILITY OF INFORMATION REGARDING FACILITIES. (a) Requires a school district or open-enrollment charter school, for the purpose of providing information to the public regarding district or school facilities usage and taxpayer value, to:

(1) report data elements specified by commissioner of education (commissioner) rule to the Texas Education Agency (TEA) through the Texas Student Data System (TSDS) or a successor data management system maintained by TEA; and

(2) provide a direct link on the district's or school's Internet website to TSDS or a successor data management system maintained by TEA through which the facilities information relevant to the specific district or school may be readily accessed.

(b) Requires the commissioner to adopt rules necessary to implement this section, including rules ensuring that TSDS or a successor data management system

maintained by TEA includes appropriate data elements regarding school facilities usage and taxpayer value.

(c) Requires the commissioner to adopt rules for purposes of Subsection (b) based on the recommendations of the Taxpayer Value and School Facilities Usage Advisory Committee established under Section 46.102. Provides that this subsection expires September 1, 2017.

**Sec. 46.102. TAXPAYER VALUE AND SCHOOL FACILITIES USAGE ADVISORY COMMITTEE.** (a) Establishes the Taxpayer Value and School Facilities Usage Advisory Committee (committee) to serve the function specified by this section.

(b) Sets forth the composition of the committee.

(c) Requires the commissioner and the comptroller of public accounts of the State of Texas (comptroller) to make the appointments required by Subsection (b) not later than October 15, 2013.

(d) Requires the committee to meet to develop recommendations regarding the data that should be considered in evaluating a school district's or open-enrollment charter school's facility usage and taxpayer value with regard to school facility construction and renovation. Requires the committee to hold its initial meeting as soon as possible after the committee members are selected, but not later than November 15, 2013.

(e) Requires the committee, not later than December 31, 2014, to develop its final recommendations and submit a report to the governor, lieutenant governor, and speaker of the house of representatives. Requires the committee to also make the report available electronically to members of the legislature.

(f) Requires the commissioner, based on recommendations developed by the committee, to:

(1) ensure that TSDS or a successor data management system maintained by TEA includes appropriate data elements regarding school facilities; and

(2) adopt rules for purposes of Section 46.101.

(g) Provides that a committee member is not entitled to reimbursement of expenses or to compensation.

(h) Provides that Chapter 2110 (State Agency Advisory Committees), Government Code, does not apply to the committee.

(i) Provides that this section expires September 1, 2017.

**SECTION 2.** Provides that Section 46.101, Education Code, as added by this Act, applies to a school district or open-enrollment charter school beginning on the effective date of rules adopted by the commissioner under Section 46.101(b), Education Code, as added by this Act.

**SECTION 3.** Effective date: September 1, 2013.