

## BILL ANALYSIS

Senate Research Center  
79R13280 ESH-D

C.S.S.B. 962  
By: Shapiro  
Education  
4/15/2005  
Committee Report (Substituted)

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

Under current law, school districts build both instructional and non-instructional facilities funded with state support with limited restrictions on the type of facilities they choose to build. Since the state subsidizes all design types, some districts will not look at cost-efficient ways to limit construction. Ultimately, a school district will not be entitled to state assistance for any portion of the cost of constructing a new instructional facility that exceeds the cost allowance determined using the student capacity of the facility, the cost factor for the facility, and the appropriate regional cost index.

C.S.S.B. 962 requires the Texas Education Agency (agency) to establish square footage per student allowances for the planning and construction of new instructional facilities. In establishing a square footage allowance, the agency is required to determine the spaces or rooms to be included in an instructional facility and the allowable square footage per student of each space or room.

### RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 46, Education Code, by adding Sections 46.0021-46.0023, as follows:

Sec. 46.0021. SQUARE FOOTAGE ALLOWANCES FOR NEW INSTRUCTIONAL FACILITIES. (a) Requires the Texas Education Agency (agency) to establish square footage per student allowances for the planning and construction of new instructional facilities. Requires the agency to make certain determinations in establishing a square footage allowance.

(b) Sets forth the factors the agency is required to consider in determining the allowable square footage per student of a new instructional facility.

(c) Requires the commissioner of education (commissioner) to establish a cost factor for the construction of new instructional facilities using the allowable square footage per student determined under this section.

(d) Requires the agency to consult with certain persons in developing square footage allowances and cost factors for new institutional facilities.

(e) Provides that this section does not apply to the renovation or improvement of an existing instructional facility.

(f) Requires the agency to develop the square footage per student allowances and cost factors by September 1, 2006. Provides that this subsection expires September 1, 2006.

Sec. 46.0022. REGIONAL COST INDEX. (a) Requires the agency to develop a regional cost index for new instructional facilities that accounts for differences in

construction costs, materials, building systems, and environmental and climatic conditions in various regions of the state.

(b) Requires the agency to update the regional cost index each calendar quarter.

(c) Prohibits the regional cost index from including site acquisition and development costs.

(d) Requires the commissioner to assign each school district in this state to a region for purposes of this section. Provides that the commissioner's determination under this subsection is final and may not be appealed.

Sec. 46.0023. COST LIMIT ON AID FOR NEW INSTRUCTIONAL FACILITY. (a) Provides that a school district is not entitled to state assistance under this subchapter for any portion of the cost of constructing a new instructional facility that exceeds the cost allowance determined using the student capacity of the facility, the cost factor for the facility, and the appropriate regional cost index.

(b) Authorizes a school district to use local funds to pay the portion of the cost of constructing a new instructional facility that exceeds the amount a district is authorized to receive by the state.

(c) Authorizes the commissioner to exempt a school district from the application of Subsection (a) if the district demonstrates, to the commissioner's satisfaction, that certain circumstances justify spending a greater amount on a new instructional facility than the amount for which the district may receive state assistance under Subsection (a). Provides that the commissioner's determination under this subsection is final and may not be appealed

SECTION 2 Makes application of Section 46.0023, Education Code, as added by this Act, prospective to January 1, 2007.

SECTION 3. Effective date: September 1, 2005.