

## ATTACHMENT II

### Text of Proposed New 19 TAC Chapter 61, School Districts, Subchapter CC, Commissioner's Rules Concerning School Facilities

#### §61.1037, Science Laboratory Grant Program.

(a) Definitions. The following definitions apply to the science laboratory grant program governed by this section:

- (1) average daily attendance--as defined under Texas Education Code (TEC), §42.005(a);
- (2) construction project--a project consisting of the construction of a new free-standing building or the construction of a new addition to an existing building;
- (3) renovation project--a project consisting of the renovation of space that is not currently used as a science laboratory within an existing building that does not include the addition of any new space;
- (4) high school campus--a campus that houses Grades 9 through 12 (a district that has a separate 9<sup>th</sup> grade campus and a separate 10<sup>th</sup> through 12<sup>th</sup> grade campus, or some similar division, for purposes of this grant program, shall combine the two campuses on the application and submit as one campus);
- (5) science laboratories--rooms identified as combination science laboratories/classrooms per §61.1036(d)(5)(C)(iii) of this title (relating to School Facilities Standards for Construction on or after January 1, 2004), or identified as laboratories per §61.1036(d)(5)(C)(iv) of this title. To provide clarity in the exercise of the grant program governed by this section, rooms identified as laboratories per §61.1036(d)(5)(C)(iv) of this title shall be referred to as "stand-alone laboratories" within this section and within the grant application;
- (6) enrollment--the actual high school campus enrollment for the school year before a district's submission of an application under the science laboratory grant program; and
- (7) support areas--for a construction project, support areas are limited to prep rooms, storage areas, and corridor access space; for a renovation project, support areas are limited to prep rooms and storage areas.

(b) Application process. A school district must complete an application to request funding under the science laboratory grant program. The application shall contain at a minimum the following:

- (1) a description of each individual high school campus for which funds are being requested;
- (2) the enrollment on each campus;
- (3) the number of existing science laboratories on each campus;

(4) a certification that the existing district science laboratories are insufficient in number to comply with the curriculum requirements imposed for the recommended and advanced high school programs under TEC, §28.025(b-1)(1);

(5) the number of science laboratories to be constructed or renovated; and

(6) a timeline for each construction or renovation project proposed by campus.

(c) Prioritization and notice of award. Upon close of the application cycle, all eligible applications shall be ranked in order of the district's property wealth per student in average daily attendance. Grants will be awarded beginning with the district with the lowest property wealth and continue until all available funds have been used. The commissioner shall award the full amount of the grant to which a district is entitled under this section, except that the commissioner may award less than the full amount to the last district for which any funds are available. Each district shall be notified of the amount of grant awarded and its position in the rank order for the application cycle by posting on the Texas Education Agency (TEA) website.

(d) Data sources.

(1) For purposes of determining prioritization, the projected average daily attendance as adopted by the legislature for appropriations purposes shall be used.

(2) For purposes of prioritization, the final property values certified by the comptroller of public accounts for the tax year preceding the year in which assistance is to begin shall be used. If final property values are unavailable, the most recent projection of property values shall be used.

(3) For purposes of prioritization, the commissioner may consider, before the deadline for receipt of applications for that fiscal year, adjustments to data values determined to be erroneous.

(e) Payments, determination of need, and eligible projects.

(1) Payment of the grant shall be made as soon as practicable after June 1 of each year. No payments shall be made until all initial submissions required by the application have been received and approved by the State Funding Division at the TEA.

(2) The grant amount shall be limited to not more than:

(A) for a construction project, \$200 per square foot of the science laboratory to be constructed.

(i) For science laboratories identified as combination science laboratories/classrooms, the grant amount will be paid on the actual square footage plus reasonable support areas identified on the application not to exceed 2,050 square feet for each science laboratory/classroom.

(ii) For science laboratories identified as stand-alone laboratories, the grant amount will be paid on the actual square footage plus reasonable support areas identified on the application not to exceed 1,550 square feet for each stand-alone science laboratory.

(B) for a renovation project, \$100 per square foot of the science laboratory to be renovated.

(i) For science laboratories identified as combination science laboratories/classrooms, the grant amount will be paid on the actual square footage plus reasonable support areas identified on the application not to exceed 1,640 square feet for each science laboratory/classroom.

(ii) For science laboratories identified as stand-alone laboratories, the grant amount will be paid on the actual square footage plus reasonable support areas identified on the application not to exceed 1,240 square feet for each stand-alone science laboratory.

(C) The maximum number of science laboratories/classrooms eligible for funding for each campus under this grant program is determined by subtracting the number of existing laboratories/classrooms on the campus from the number of laboratories/classrooms needed. The number of laboratories/classrooms needed is based on the following formula:

the number of laboratories/classrooms needed on a campus = E x LC

Where:

“E” is the campus enrollment;

“LC” is the laboratories/classrooms calculation factor, which is equal to 0.007353; and

any resulting fractional number of laboratories/classrooms needed is rounded up to the next whole number.

(D) The maximum number of science stand-alone laboratories eligible for funding for each campus under this grant program is determined by subtracting the number of existing stand-alone laboratories on the campus from the number of stand-alone laboratories needed. The number of stand-alone laboratories needed is based on the following formula:

the number of stand-alone laboratories needed on a campus = E x SAL

Where:

“E” is the campus enrollment;

“SAL” is the stand-alone laboratories calculation factor, which is equal to 0.003676; and

any resulting fractional number of stand-alone laboratories needed is rounded up to the next whole number.

(3) Additional limitations and requirements.

(A) For the science laboratory grant program application cycle that occurs before August 31, 2008, for a project to be eligible for the grant program, a contract for construction or renovation cannot have been entered into by a school district before September 1, 2007.

(B) For science laboratory grant program application cycles that fall after August 31, 2008, for a project to be eligible for the grant program, a contract for construction or renovation cannot have been entered into by a school district at the time of the application deadline.

(C) Renovations to existing science laboratories/classrooms or to existing science stand-alone laboratories are not eligible for this grant program.

(D) Eligibility is limited to construction or renovation projects at high school campuses.

(E) All projects must comply with §61.1036 of this title (relating to School Facilities Standards for Construction on or after January 1, 2004).

(f) Deadlines and accountability.

(1) By January 15 of each fiscal year, the commissioner of education shall certify whether the amount appropriated for the fiscal year for purposes of TEC, Chapter 46, Subchapters A and B, exceeds the amount to which school districts are entitled under those subchapters for that fiscal year. The commissioner shall use the excess funds, in an amount not to exceed \$20 million, for the purpose of making grants under this section. The commissioner of education shall conduct an annual application cycle with a deadline of March 31 or the next working day after March 31 every year based on the availability of excess funds. A district may file an amendment to its initial application before the deadline; any amendment received after the deadline will not be considered.

(2) When all funds within an application cycle have been awarded, the remaining unfunded applications shall carry forward and be considered valid applications for the two application cycles immediately following the initial application except for those applications withdrawn by the submitting districts before the end of the two following cycles; a district that subsequently proceeds with its construction or renovations projects in the absence of grant funds shall not have its application invalidated. An application that remains unfunded after three application cycles will expire and will not be eligible for consideration in future cycles.

(3) If no excess funds are available, the commissioner will not make awards, and all applications received on or before the March 31 deadline shall be considered valid applications for the following cycle except for those applications withdrawn by the submitting districts before the end of the following application cycle; a district that subsequently proceeds with its construction or renovation projects in the absence of grant funds shall not have its application invalidated.

(4) An application received after the deadline shall be considered a valid application for the following cycle unless withdrawn by the submitting district before the end of the following application cycle.

(5) Within one year of award of grant, the district must submit evidence in a form acceptable to the commissioner that a contract has been awarded for the construction or renovation projects identified in the application. Within two years of award of grant, the district must submit evidence in a form acceptable to the commissioner that all work has been completed for the construction or renovation projects identified in the application, and with a final accounting of the costs incurred by the district for the projects. Failure to provide satisfactory evidence by any of the deadlines noted herein could be cause for the commissioner to cancel the district's grant and to recover the grant amount from other scheduled FSP payments due to the district.

(g) Reports required. The commissioner shall require such information and reports as are necessary to assure compliance with applicable laws.

*Statutory Authority: The provisions of this §61.1037 issued under the Texas Education Code, §7.062, as added by House Bill 2237, 80th Texas Legislature, 2007.*