

School Facilities Standards

Texas Education Code (TEC) and Texas Administrative Code (TAC) References

TEC, §46.008; 19 TAC §61.1033 and §61.1036

History/Relevant Background Information

TEC, §16.402, as added by the 71st Texas Legislature, 1989, authorized the State Board of Education (SBOE) to establish standards addressing the adequacy of Texas public school facilities. In July 1992, the SBOE adopted 19 TAC §§61.101–61.104, effective September 1, 1992, which set such standards. In 1997, through new TEC, §46.008, the 75th Texas Legislature transferred to the commissioner of education the authority to establish standards for adequacy for facilities constructed after September 1, 1998. In 1998, in accordance with TEC, §46.008, the SBOE repealed 19 TAC §§61.11–61.14, effective September 1, 1998, and the commissioner adopted the rule outlined in 19 TAC §61.1033, effective September 1, 1998. In June 2003, the commissioner adopted amendments to 19 TAC §61.1033 and added new 19 TAC §61.1036, effective January 1, 2004. Amendments to 19 TAC §61.1036 that addressed the inspections of portable, modular school facilities and that incorporated other revisions, such as adding several definitions and modifying certain existing definitions, were adopted effective September 24, 2008.

Description of Program/Funding Element

The adopted rules are commonly referred to as the School Facilities Standards (19 TAC §61.1036). All public school districts must comply with the standards in the design and construction of their school facilities projects. The standards establish definitions and procedures; the effective date; requirements for certification of design and construction; space, minimum square footage, and design requirements; educational adequacy requirements; and construction quality requirements. The authorizing statute does not provide for an ongoing enforcement activity, but properly submitted complaints of noncompliance are investigated. In addition, if budgeted travel funds are available, a small number of school construction projects are inspected annually for compliance with the standards as a part of the audit process for districts that participate in the Instructional Facilities Allotment program.

Contact for More Information

Gary B. Marek, REFP, Director of School Facilities, (512) 463-9190 or gary.marek@tea.state.tx.us