

Facilities Standards	All new facilities must meet the commissioner’s standards for adequacy of school facilities to be eligible to be financed with state or local tax funds. <i>Education Code 46.008</i>
State Standards After January 1, 2004	The requirements for school facility standards set out in 19 Administrative Code 61.1036 (“section 61.1036”) apply to projects for new construction or major space renovations approved by a board or its authorized representative on or after January 1, 2004. <i>19 TAC 61.1036(b)</i>
Definitions	<p>“Major space renovation” means renovations to all or part of the facility’s instructional space where the scope of the work in the affected part of the facility involves substantial renovations to the extent that most existing interior walls and fixtures are demolished and then subsequently rebuilt in a different configuration and/or function. Other renovations associated with repair or replacement of architectural interior or exterior finishes, fixtures, equipment, and electrical, plumbing, and mechanical systems are not subject to space or educational adequacy requirements of section 61.1036(d) and (e), but shall comply with applicable building codes under section 61.1036(f). <i>19 TAC 61.1036(a)(10)</i></p> <p>“Educational program” means a written document, developed and provided by a district, that includes the following information:</p> <ol style="list-style-type: none">1. A summary of the school district's educational philosophy, mission, and goals; and2. A description of the general nature of the district's instructional program in accordance with the 19 Administrative Code 74.1 (relating to Essential Knowledge and Skills). The written educational program should describe:<ol style="list-style-type: none">a. The learning activities to be housed, by instructional space;b. How the subject matter will be taught (methods of instructional delivery);c. The materials and equipment to be used and stored;d. Utilities and infrastructure needs; ande. The characteristics of furniture needed to support instruction. <p><i>19 TAC 61.1036(a)(2)</i></p> <p>“Educational specifications” means a written document for a proposed new school facility or major space renovation that includes a description of the proposed project, expressing the range of issues</p>

and alternatives. School districts that do not have personnel on staff with experience in developing educational specifications shall use the services of a design professional or consultant experienced in school planning and design to assist in the development of the educational specifications. The school district shall allow for input from teachers, other school campus staff, and district program staff in developing the educational specifications. The following information should be included in the educational specifications:

1. The instructional programs, grade configuration, and type of facility;
2. The spatial relationships—the desired relationships for the functions housed at the facility:
 - a. Should be developed by the school district to support the district's instructional program;
 - b. Should identify functions that should be:
 - (1) Adjacent to, immediately accessible;
 - (2) Nearby, easily accessible; and
 - (3) Removed from or away from; and
 - c. Should relate to classroom/instructional functions, instructional support functions, building circulation, site activities/functions, and site circulation.
3. Number of students;
4. A list of any specialized classrooms or major support areas, noninstructional support areas, outdoor learning areas, outdoor science discovery centers, living science centers, or external activity spaces;
5. A schedule of the estimated number and approximate size of all instructional and instructional support spaces included in the facility;
6. Estimated budget for the facility project;
7. School administrative organization;
8. Provisions for outdoor instruction;
9. Hours of operation that include the instructional day, extracurricular activities, and any public access or use;
10. The safety of students and staff in instructional programs, such as science and vocational instruction; and

11. The overall security of the facility.

19 TAC 61.1036(a)(3)

Certification of
Design and
Construction

The school district shall notify and obligate the architect or engineer to provide the required certification.

“Certify” indicates that the architect or engineer has reviewed the standards contained in 19 Administrative Code Chapter 61 and used the best professional judgment and reasonable care consistent with the practice of architecture or engineering in the state of Texas in executing the construction documents. The architect or engineer also certifies that these documents conform to the provisions of section 61.1036, except as indicated on the certification. The architect's or engineer's signature and seal on the construction documents shall certify compliance.

To ensure that facilities have been designed and constructed according to the provisions of section 61.1036, each involved party shall execute responsibilities as set forth in section 61.1036(c)(3).

19 TAC 61.1036(c)

Construction Quality
*Districts with
Building Codes*

A district located in an area that has adopted local construction codes shall comply with those codes (including building, fire, plumbing, mechanical, fuel gas, energy conservation, and electrical codes). If the local building authority does not require a plan review, then a qualified, independent third party, not employed by the design architect or engineer, shall review the plans and specifications for compliance with the requirements of the adopted building code. If the local building authority does not conduct reviews and inspections during the course of construction of the facility, then a qualified, independent third party, not employed by the design architect or engineer or contractor, should perform a reasonable number of reviews and inspections during the course of construction for compliance with the requirements of the adopted building code. *19 TAC 61.1036(f)(1)(A), (D)*

*Districts without
Building Codes*

A district located in an area that has not adopted local building codes shall adopt and use the building code and related fire, plumbing, mechanical, fuel gas, and energy conservation codes from the latest edition of the family of International Codes as published by the International Code Council (ICC); and the National Electric Code as published by the National Fire Protection Association (NFPA). As an alternative, a district may adopt the building code and related codes as adopted by a nearby municipality or county. A qualified, independent third party, not employed by the design architect or engineer, shall review the plans and specifications for compliance with the requirements of the adopted building

code. A qualified, independent third party, not employed by the design architect or engineer or contractor, should perform a reasonable number of reviews and inspections during the course of construction for compliance with the requirements of the adopted building code. *19 TAC 61.1036(f)(2)(A), (D)*

International
Energy
Conservation
Code

The International Energy Conservation Code as it existed on May 1, 2015, is adopted as the energy code for use in this state for all commercial construction. *Health and Safety Code 388.003(b); 34 TAC 19.53(b)*

Because a public school building is not a residential building, it falls within the scope of “commercial” construction for purposes of the International Energy Conservation Code and likely for purposes of Health and Safety Code Chapter 388. *Atty. Gen. Op. KP-148 (2017)*

Fire Protection

Fire alarms shall be provided. Districts should consider providing automatic sprinkler systems for fire protection, fire suppression, and life safety. *19 TAC 61.1036(f)(1)(B)–(C), (f)(2)(B)–(C)*

**State Standards
Before January 1,
2004**

The requirements for school facility standards set out in 19 Administrative Code 61.1033 apply to projects for new construction and major space renovations approved by a board before January 1, 2004. *19 TAC 61.1033(b)*

Fire Escapes

School buildings of at least two stories shall be equipped with fire escapes as required by law. *Health and Safety Code 791.002, .035, .036*

Security Criteria

A district that constructs a new instructional facility or conducts a major renovation of an existing instructional facility using Instructional Facilities Allotment funds shall consider, in the design of the instructional facility, appropriate security criteria. *Education Code 46.0081*

Accessibility

No qualified individual with a disability shall, because a district’s facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in or be denied the benefits of the services, programs, and activities of a district or be subject to discrimination. *42 U.S.C. 12132; 28 C.F.R. 35.149; 29 U.S.C. 794; 34 C.F.R. 104.21*

A district shall operate each program, service, or activity so that when viewed in its entirety, it is readily accessible to and usable by individuals with disabilities. A district is not required to make each existing facility or every part of a facility accessible to and usable by individuals with disabilities.

A district may comply with these requirements by:

1. Redesigning or acquisitioning equipment.
2. Reassigning classes or other services to accessible buildings.
3. Assigning aides to qualified individuals with disabilities.
4. Home visits.
5. Delivery of services at alternate accessible sites.
6. Alteration of existing facilities.
7. Constructing new facilities that comply with 34 C.F.R. 104.23 and 28 C.F.R. 35.151.
8. Any other methods that result in making services, programs, and activities accessible to individuals with disabilities.

A district is not required to make structural changes in existing facilities when other methods will achieve compliance with Title II of the Americans with Disabilities Act and its implementing regulation. In choosing among available alternatives for meeting these requirements, a district shall give priority to methods that offer services, programs, and activities to qualified individuals with disabilities in the most integrated setting appropriate.

28 C.F.R. 35.150; 34 C.F.R. 104.22

Review of Plans

All plans and specifications for construction or for the substantial renovation or modification of a building or facility that has an estimated construction cost of \$50,000 or more shall be submitted to the Department of Licensing and Regulation for review and approval. A district as owner of the building or facility may not allow an application to be filed with a local governmental entity for a building construction permit related to the plans and specifications or allow construction, renovation, or modification of the building or facility to begin before the date the plans and specifications are submitted to the Department by the architect, interior designer, landscape architect, or engineer.

A district, as owner of each building or facility that has an estimated construction, renovation, or modification cost of at least \$50,000, is responsible for having the building or facility inspected for compliance with the standards and specifications adopted by the Commission of Licensing and Regulation not later than the first anniversary of the date that construction or substantial renovation or modification of the building or facility is completed. The inspection must be performed by the Department, an entity with whom the Commission contracts, or a person who holds a certificate of registration to perform inspections.

Gov't Code 469.101, .102(a), (c), .105

Notice

A district shall adopt and implement procedures to ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of services, activities, and facilities that are accessible to and usable by persons with disabilities. *34 C.F.R. 104.22(f)*

**Relocatable
Educational Facility**

In this section, "relocatable educational facility" means a portable, modular building capable of being relocated, regardless of whether the facility is built at the installation site, that is used primarily as an educational facility for teaching the curriculum required under Education Code 28.002.

A relocatable educational facility that is purchased or leased on or after January 1, 2010, must comply with all provisions applicable to industrialized buildings under Occupations Code Chapter 1202.

Occupations Code 1202.004

Any portable, modular building capable of being relocated that is purchased or leased for use as a school facility by a district, whether that building is manufactured off-site or constructed on-site, must comply with all provisions of 19 Administrative Code 61.1036. *19 TAC 61.1036(a)(11), (f)(3)*

Playgrounds

Public funds may not be used to purchase or install:

1. Playground equipment that:
 - a. Does not comply with each applicable provision of ASTM Standard F1487-07ae1, "Consumer Safety Performance Specification for Playground Equipment for Public Use," published by ASTM International; or
 - b. Has a horizontal bare metal platform or a bare metal step or slide, unless the bare metal is shielded from direct sun by a covering provided with the equipment or by a shaded area in the location where the equipment is installed;
2. Surfacing for the area under and around playground equipment if the surfacing will not comply with each applicable provision of ASTM Standard F2223-04e1, "Standard Guide for ASTM Standards on Playground Surfacing," published by ASTM International.

Exception

Public funds may be used to maintain playground equipment or surfacing that was purchased before September 1, 2009, even if the equipment or surfacing does not comply with the applicable specifications described above.

Health and Safety Code 756.061

Outdoor Lighting

An outdoor lighting fixture may be installed, replaced, maintained, or operated using state funds only if it meets standards for state-funded outdoor lighting fixtures in Health and Safety Code Chapter 425.

Exceptions

The standards for state-funded outdoor lighting fixtures do not apply if:

1. A federal law, rule, or regulation preempts state law;
2. The fixture is used on a temporary basis;
3. Because emergency personnel temporarily require additional illumination for emergency procedures;
4. For nighttime work;
5. Special events or circumstances require additional illumination;
6. The fixture is used solely to enhance the aesthetic beauty of an object; or
7. A compelling safety interest cannot be addressed by another method.

Special events or situations that may require additional illumination include sporting events and illumination of monuments, historic structures, or flags. Illumination for special events or situations must be installed to shield the outdoor lighting fixtures from direct view and to minimize upward lighting and light pollution.

Health and Safety Code 425.002

**Natural Gas Piping
Pressure Testing**

A district shall perform biennial pressure tests on the natural gas piping system in a school facility before the beginning of the school year. A district with more than one facility may perform the testing on a two-year cycle under which the district pressure tests the natural gas piping system in approximately one-half of the facilities each year. If a district operates the facilities on a year-round calendar, the pressure test in each of those facilities must be conducted and reported not later than July 1 of the year in which the pressure test is performed.

A natural gas piping pressure test performed under a municipal code in compliance with Railroad Commission rules shall satisfy the pressure testing requirements.

Utilities Code 121.502; 16 TAC 8.230(c)(1), (4)

Requirements of
Test

A district shall perform the pressure test to determine whether the natural gas piping downstream of a district facility's meter holds at

least normal operating pressure over a specified period determined by the Railroad Commission. During the pressure test, each system supply inlet and outlet in the facility must be closed. The pressure test shall be performed by a person authorized under Railroad Commission rules. At a district's request, the Railroad Commission shall assist the district in developing a procedure for conducting the test. *Utilities Code 121.503; 16 TAC 8.230(c)(2), (3)*

Notice

A district shall provide written notice to the district's natural gas supplier specifying the date and result of each pressure test or other inspection. The supplier shall develop procedures for receiving such written notice from the district. *Utilities Code 121.504(a); 16 TAC 8.230(b)(1)*

Termination of Service

A supplier shall terminate service to a district facility if:

1. The supplier receives official notification from the firm or individual conducting the test of a hazardous natural gas leakage in the facility piping system; or
2. A test or other inspection is not performed as required.

Utilities Code 121.505(a)

A supplier shall develop procedures for terminating service to a district if the supplier:

1. Receives notification of a hazardous natural gas leak in the school facility piping system; or
2. Does not receive written notification from the district specifying the completion date and results of the testing.

16 TAC 8.230(b)(2)

Reporting Leaks

An identified natural gas leakage in a district facility must be reported to the board. The firm or individual conducting the natural gas piping pressure test shall immediately report any hazardous natural gas leak in a district facility to the board and the natural gas supplier. *Utilities Code 121.506; 16 TAC 8.230(c)(6)*

LP-Gas Systems Testing

At least biennially, a district shall perform leakage tests on the LP-gas piping system in each district facility before the beginning of the school year. The district may perform the leakage tests on a two-year cycle under which the tests are performed for the LP-gas piping systems of approximately half of the facilities each year. If a district operates one or more district facilities on a year-round calendar, the leakage test in each of those facilities must be conducted and reported not later than July 1 of the year in which the test is performed.

A test performed under a municipal code satisfies the testing requirements.

Natural Resources Code 113.352; 16 TAC 9.41

Requirements of
Test

A district shall perform the leakage test to determine whether the LP-gas piping system holds at least the amount of pressure specified by the Railroad Commission. The leakage test must be conducted in accordance with Railroad Commission rules at 16 Administrative Code 9.41. The leakage test shall be conducted by a person authorized under Railroad Commission rules. At a district's request, the Railroad Commission shall assist the district in providing for the certification of a district employee to conduct the test and in developing a procedure for conducting the test. *Natural Resources Code 113.353; 16 TAC 9.41(b)-(d)*

Notice

Before the introduction of any LP-gas into the LP-gas piping system, a district shall provide verification to its supplier that the piping has been tested.

Documentation

A district shall retain documentation specifying the date and the result of each leakage test or other inspection of each LP-gas piping system until at least the fifth anniversary of the date the test or other inspection was performed. The Railroad Commission may review a district's documentation of each leakage test or other inspection conducted by the district.

Natural Resources Code 113.354; 16 TAC 9.41(b)(3)-(4)

Termination of
Service

A supplier shall terminate service to a district facility if:

1. The supplier receives official notification from the district or the person conducting the test that there is leakage in a school LP-gas system;
2. The leakage test performed on a school LP-gas system was not performed as required; or
3. The supplier has not received a copy of the required form from the district verifying that the LP-gas system has been tested in accordance with 16 Administrative Code 9.41.

Natural Resources Code 113.355; 16 TAC 9.41(e)

Reporting Leaks

An identified school LP-gas leakage in a school district facility shall be reported to the board. The district shall immediately remove the affected school district facility from LP-gas service until repairs are made and it passes a subsequent school LP-gas system leakage test. If a district employee performs the initial test, then the subsequent test may not be performed by a district employee. *Natural Resources Code 113.356; 16 TAC 9.41(b)(2)*

Definitions

“School district facility” means each building or structure operated by a school district and equipped with a school LP-gas system, in which students receive instruction or participate in school sponsored extracurricular activities, excluding maintenance or bus facilities, vehicle fueling facilities, administrative offices, and similar facilities not regularly used by students.

“School LP-gas system” means all piping, fittings, valves, regulators, appliance connectors, equipment, and connections supplying fuel gas from the outlet of the shutoff valve at each LP-gas storage container or upstream of each meter to the shutoff valve(s) on each appliance in a school district facility.

16 TAC 9.41(a)(4)–(5)

**Intrastate Pipeline
Emergency
Response Plan**

The Railroad Commission shall require the owner or operator of each intrastate hazardous liquid or carbon dioxide pipeline facility, any part of which is located within 1,000 feet of a public school building containing classrooms, or within 1,000 feet of another public school facility where students congregate, to:

1. On written request from a district, provide in writing the following parts of a pipeline emergency response plan that are relevant to the school:
 - a. A description and map of the pipeline facilities that are within 1,000 feet of the school building or facility;
 - b. A list of any product transported in the segment of the pipeline that is within 1,000 feet of the school facility;
 - c. The designated emergency number for the pipeline facility operator;
 - d. Information on the state’s excavation one-call system; and
 - e. Information on how to recognize, report, and respond to a product release; and
2. Mail a copy of the requested items by certified mail, return receipt requested, to the superintendent of the district in which the school building or facility is located.

A pipeline operator or the operator’s representative shall appear at a regularly scheduled board meeting to explain the above items if requested by the board or district.

The Railroad Commission may not require the release of parts of an emergency response plan that include security sensitive information, including maps or data. Security sensitive information shall be made available for review by but not provided to the board.

Natural Resources Code 117.012(k)-(m); 16 TAC 8.315