

The State Board of Education (SBOE) proposes an amendment to §109.41, concerning budgeting, accounting, and auditing. The proposed amendment would reference the updated *Financial Accountability System Resource Guide* (FASRG) and remove language relating to the commissioner's role in amending the FASRG.

**BACKGROUND INFORMATION AND JUSTIFICATION:** The *FASRG* describes the rules of financial accounting for school districts, charter schools, and education service centers and is adopted by reference under §109.41. The proposed amendment to §109.41 would remove subsection (b), relating to the commissioner's role in amending the FASRG, to eliminate unnecessary administrative procedures. In addition, revisions to the FASRG would align the content with current governmental accounting and auditing standards, remove obsolete requirements, and remove descriptions and discussions of best practices and other non-mandatory elements.

Requirements for financial accounting and reporting are derived from generally accepted accounting principles (GAAP). School districts and charter schools are required to adhere to GAAP. Legal and contractual considerations typical of the government environment are reflected in the fund structure basis of accounting.

An important function of governmental accounting systems is to enable administrators to assure and report on compliance with finance-related legal provisions. This assurance and reporting means that the accounting system and its terminology, fund structure, and procedures must be adapted to satisfy finance-related legal requirements. However, the basic financial statements of school districts and charter schools should be prepared in conformity with GAAP.

School district and charter school accounting systems shall use the accounting code structure presented in the Account Code section of the FASRG (Module 1). Funds shall be classified and identified on required financial statements by the same code number and terminology provided in the Account Code section of the FASRG (Module 1).

The following proposed revisions would be made to Modules 1-11 of the FASRG. The full text of the updated FASRG modules is available electronically on the Texas Education Agency (TEA) website at [https://tea.texas.gov/Finance\\_and\\_Grants/Financial\\_Accountability/Financial\\_\\_Accountability\\_System\\_Resource\\_Guide/](https://tea.texas.gov/Finance_and_Grants/Financial_Accountability/Financial__Accountability_System_Resource_Guide/).

#### *Module 1, Financial Accounting and Reporting (FAR) and FAR Appendices*

Current Module 1 would be replaced with a new Module 1 that would align with current governmental accounting standards. Proposed new Module 1 would include the following significant changes. School districts and charter schools would be required to maintain proper budgeting and financial accounting and reporting systems. In addition, school districts would be required to establish principles and policies to ensure uniformity in accounting in conformity with GAAP established by the Governmental Accounting Standards Board (GASB) and the Financial Accounting Standards Board (FASB).

#### *Module 3, Purchasing*

Current Module 3 would be replaced and renumbered to new Module 5 that would align with current purchasing laws and standards. Proposed new Module 5 would include the following significant changes. School districts and charter schools would be required to establish procurement policies and procedures that align with their unique operating environment and ensure compliance with relevant statutes and policies.

#### *Module 4, Auditing*

Current Module 4 would be replaced with a new Module 4 that would align with current governmental auditing standards. Proposed new Module 4 would include the following significant changes. The revised module would establish auditing requirements for Texas public school districts and charter schools and would include current requirements from Texas Education Code, §44.008, as well as 2 Code of Federal Regulations Part 200, Subpart F, Audit Requirements, that implement the federal Single Audit Act. The proposed new module would also include current auditing guidance that complements the American Institute of Certified Public Accountants' (AICPA) *Audit and Accounting Guide, State and Local Governments* and supplements the *Government Auditing Standards* of the

United States Government Accountability Office (GAO). These requirements would facilitate preparation of financial statements that conform to GAAP established by the GASB.

*Module 9, Compensatory Education, Guidelines, Financial Treatment, and an Auditing and Reporting System*

Current Module 9 would be replaced with a new Module 6 that would align with current governmental accounting standards. Proposed new Module 6 would include the following significant changes. School districts and charter schools would be required to maintain proper budgeting and financial accounting and reporting systems. The module would provide current information to assist local school officials' understanding of the numerous options for use of the state compensatory education allotment and provide current guidance for compliance.

*Module 10, Special Supplement - Charter Schools*

Current Module 10 would be replaced and renumbered to new Module 2 that would align with current financial and accounting reporting standards. Proposed new Module 2 would include the following significant changes. The revised module would establish financial and accounting requirements for Texas public school charter schools to ensure uniformity in accounting in conformity with GAAP. The proposed new module would also include current guidance that complements the *AICPA Audit and Accounting Guide, State and Local Governments* and supplements the *Government Auditing Standards* of the United States GAO. These requirements would facilitate preparation of financial statements that conform to GAAP established by the FASB.

*Module 11, Special Supplement - Non-profit Charter Schools Chart of Accounts*

Current Module 11 would be replaced and renumbered to new Module 3 that would align with current governmental accounting standards. Proposed new Module 3 would include the following significant changes. Charter schools would be required to maintain proper budgeting and financial accounting and reporting systems that are in conformity with Texas Education Data Standards (TEDS) in the Texas Student Data Systems (TSDS) Public Education Information Management System (PEIMS). In addition, charter schools would be required to establish principles and policies to ensure uniformity in accounting in conformity with GAAP established by the FASB. The proposed new module would also include current auditing guidance that complements the *AICPA Audit and Accounting Guide, State and Local Governments* and supplements the *Government Auditing Standards* of the United States GAO. These requirements would facilitate preparation of financial statements that conform to GAAP established by the FASB.

*Module 2, Budgeting; Module 5, Site Based Decision-Making; Module 6, Accountability; Module 7, Data Collection and Reporting; and Module 8, Management*

These modules currently include guidance that is obsolete or related to financial best practices that school districts and charter schools receive from their regional education service centers (ESCs). Content from Module 2 that aligns with current governmental accounting standards would be moved to proposed new Module 1 and the remainder of the module would be repealed. Additionally, Modules 5, 6, 7, and 8 would be removed in their entirety, and school districts and charter schools will continue to receive guidance and examples related to best practices from ESCs.

The SBOE approved the proposed amendment for first reading and filing authorization at its April 5, 2019 meeting.

**FISCAL IMPACT:** Leo Lopez, associate commissioner for school finance, has determined that for the first five-year period the proposal is in effect there are no additional costs to state or local government required to comply with the proposal.

**LOCAL EMPLOYMENT IMPACT:** The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

**SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT:** The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis specified in Texas Government Code, §2006.002, is required.

**COST INCREASE TO REGULATED PERSONS:** The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, §2001.0045.

**TAKINGS IMPACT ASSESSMENT:** The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under Texas Government Code, §2007.043.

**GOVERNMENT GROWTH IMPACT:** TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not create a new regulation; would not expand, limit, or repeal an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

**PUBLIC BENEFIT AND COST TO PERSONS:** Mr. Lopez has determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of enforcing the proposal would be ensuring that the provisions of the FASRG align with current governmental accounting and auditing standards for school districts and charter schools. There is no anticipated economic cost to persons who are required to comply with the proposal.

**DATA AND REPORTING IMPACT:** The proposal would have no data and reporting impact.

**PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS:** TEA has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

**PUBLIC COMMENTS:** The public comment period on the proposal begins May 3, 2019, and ends June 7, 2019. A form for submitting public comments is available on the TEA website at [https://tea.texas.gov/About\\_TEA/Laws\\_and\\_Rules/SBOE\\_Rules\\_\(TAC\)/Proposed\\_State\\_Board\\_of\\_Education\\_Rules/](https://tea.texas.gov/About_TEA/Laws_and_Rules/SBOE_Rules_(TAC)/Proposed_State_Board_of_Education_Rules/). Comments on the proposal may also be submitted to Cristina De La Fuente-Valadez, Rulemaking, Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in June 2019 in accordance with the SBOE board operating policies and procedures. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on May 3, 2019.

**STATUTORY AUTHORITY.** The amendment is proposed under Texas Education Code (TEC), §7.055(b)(32), which requires the commissioner to perform duties in connection with the public school accountability system as prescribed by TEC, Chapters 39 and 39A; TEC, §7.102(c)(32), which requires the State Board of Education (SBOE) to adopt rules concerning school district budgets and audits of school district fiscal accounts as required under TEC, Chapter 44, Subchapter A; TEC, §44.001(a), which requires the commissioner to establish advisory guidelines relating to the fiscal management of a school district; TEC, §44.001(b), which requires the commissioner to report annually to the SBOE the status of school district fiscal management as reflected by the advisory guidelines and by statutory requirements; TEC, §44.007(a), which requires the board of trustees of each school district to adopt and install a standard school fiscal accounting system that conforms with generally accepted accounting principles; TEC, §44.007(b), which requires the accounting system to meet at least the minimum requirements prescribed by the commissioner, subject to review and comment by the state auditor; TEC, §44.007(c), which requires a record to be kept of all revenues realized and of all expenditures made during the fiscal year for which a budget is adopted. A report of the revenues and expenditures for the preceding fiscal year is required to be filed with the agency on or before the date set by the SBOE; TEC, §44.007(d), which requires each district, as part of the report required by TEC, §44.007, to include management, cost accounting, and financial information in a format prescribed by the SBOE in a manner sufficient to enable the board to monitor the funding process and determine educational system costs by district, campus, and program; and TEC, §44.008(b), which requires the independent audit to meet at least the minimum requirements and be in the format prescribed by the SBOE, subject to review and comment by the state auditor. The audit must include an audit of the accuracy of the fiscal information provided by the district through the Public Education Information Management System.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code, §§7.055(b)(32), 7.102(c)(32), 44.001(a) and (b), 44.007(a)-(d), and 44.008(b).

<rule>

**§109.41. Financial Accountability System Resource Guide.**

- ~~[(a)]~~ The rules for financial accounting are described in the official Texas Education Agency publication [2] Financial Accountability System Resource Guide, dated July 2019 [~~January 2010 (with *Module 4—Auditing* updated April 2012)~~], which is adopted by this reference as the agency's official rule. A copy is available for examination during regular office hours, 8:00 a.m. to 5:00 p.m., except holidays, Saturdays, and Sundays, at the Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701.
- ~~[(b)]~~ ~~The commissioner of education shall amend the Financial Accountability System Resource Guide and this section adopting it by reference, as needed. The commissioner shall inform the State Board of Education of the intent to amend the Resource Guide and of the effect of proposed amendments before submitting them to the Office of the Secretary of State as proposed rule changes.]~~