

The Texas Education Agency (TEA) proposes the repeal of §61.1033, an amendment to §61.1036, and new §61.1040, concerning school facilities. The proposed rule actions would remove an obsolete rule, provide an end date for the current school facilities standards rule, and create a new rule to implement the safety standards required by Senate Bill (SB) 11, 86th Texas Legislature, 2019.

BACKGROUND INFORMATION AND JUSTIFICATION: Texas Education Code (TEC), §46.008, requires the commissioner to establish standards for the adequacy of school facilities. Section 61.1033, adopted effective September 1, 1998, establishes standards for school facilities constructed before January 1, 2004. Section 61.1036, adopted effective June 9, 2003, establishes standards for facilities constructed on or after January 1, 2004.

SB 11, 86th Texas Legislature, 2019, added TEC, §7.061, which requires the commissioner to adopt or amend rules as necessary to ensure that building standards for instructional facilities provide a secure and safe environment.

To implement SB 11, proposed new §61.1040 would establish updated school facilities standards beginning with facilities constructed on or after September 1, 2020. The standards reflect recommendations from a school facilities standards committee convened by the Texas Association of School Administrators. Except for the safety and security standards identified in the proposed new rule, the standards would not apply to open-enrollment charter schools.

Proposed new §61.1040 would address definitions; requirements for school districts with and without local building codes; minimum standards, including the requirement for school districts to have educational specifications and long-range facilities plans; safety and security standards; square footage requirements for common areas and special spaces; and methods to demonstrate compliance with the standards.

Section 61.1036 would be amended to provide an end date that corresponds with the start date of the new standards. In addition, §61.1033 would be repealed as those standards are obsolete.

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, including school districts and open-enrollment charter schools, 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. During the first five years the proposed rulemaking would be in effect, it would repeal an existing regulation, limit an existing regulation, and create a new regulation. Section 61.1033 would be repealed as it is obsolete. The standards in §61.1036 would be limited by specifying that the standards apply to facilities constructed before September 1, 2020; currently the standards apply to all facilities built on or after January 1, 2004, with no specific end date. Proposed new §61.1040 would be added to address facilities constructed on or after September 1, 2020.

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 expand 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: The proposal would ensure that building standards for instructional facilities and other school district and open-enrollment charter school facilities provide a secure and safe environment. 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: The 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 15, 2020, and ends June 29, 2020. 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 15, 2020. A form for submitting public comments is available on the TEA website at [https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_\(TAC\)/Proposed_Commissioner_of_Education_Rules/](https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_(TAC)/Proposed_Commissioner_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.

STATUTORY AUTHORITY. The repeal is proposed under Texas Education Code (TEC), §7.061, as added by Senate Bill 11, 86th Texas Legislature, 2019, which requires the commissioner of education to adopt or amend rules as necessary to ensure that building standards for instructional facilities provide a secure and safe environment; TEC, §46.001, which provides a definition for instructional facility; TEC, §46.002, which allows the commissioner to adopt rules for administering instructional facility programs; and TEC, §46.008, which requires the commissioner to establish standards for adequacy of school facilities.

CROSS REFERENCE TO STATUTE. The repeal implements Texas Education Code, §§7.061, 46.001, 46.002, and 46.008.

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§61.1033. School Facilities Standards for Construction before January 1, 2004.

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STATUTORY AUTHORITY. The amendment and new section are proposed under Texas Education Code (TEC), §7.061, as added by Senate Bill 11, 86th Texas Legislature, 2019, which requires the commissioner of education to adopt or amend rules as necessary to ensure that building standards for instructional facilities provide a secure and safe environment; TEC, §46.001, which provides a definition for instructional facility; TEC, §46.002, which allows the commissioner to adopt rules for administering instructional facility programs; and TEC, §46.008, which requires the commissioner to establish standards for adequacy of school facilities.

CROSS REFERENCE TO STATUTE. The amendment and new section implement Texas Education Code, §§7.061, 46.001, 46.002, and 46.008.

<rule>

§61.1036. School Facilities Standards for Construction before September 1, 2020 ~~on or after January 1, 2004~~.

- (a) (No change.)
- (b) Implementation date. The requirements for school facility standards shall apply to projects for new construction or major space renovations approved by a school district board of trustees after January 1, 2004, and before September 1, 2020 ~~[for which the construction documents have been approved by a school district board of trustees, or a board's authorized representative, on or after January 1, 2004. For projects for which a school district approved the construction documents prior to January 1, 2004, if a school district makes changes or revisions to the design of the projects on or after January 1, 2004, and before the end of construction, the changes or revisions are subject to the standards specified in §61.1033 of this title (relating to School Facilities Standards for Construction before January 1, 2004). For projects funded from bond elections passed prior to October 1, 2003, and for which a contract for construction has been awarded no later than December 31, 2005, a school district may comply with the standards specified in §61.1033(d)(2)(B)(ii) of this title in lieu of the standards specified in subsection (d)(5)(C)(iii) of this section, and with the standards specified in §61.1033(d)(2)(C)(ii) of this title in lieu of the standards specified in subsection (d)(5)(D)(ii) of this section]~~.
- (c)-(f) (No change.)

§61.1040. School Facilities Standards for Construction on or after September 1, 2020.

- (a) Applicability. Except for the safety and security standards identified in subsection (d)(4) of this section, this section does not apply to open-enrollment charter schools.
- (b) Definitions and procedures. The following words, terms, and procedures, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.
 - (1) Abbreviations--
 - (A) ANSI--American National Standards Institute;
 - (B) IBC--International Building Code;
 - (C) ICC--International Code Council;
 - (D) IFC--International Fire Code;
 - (E) IMC--International Mechanical Code;
 - (F) NFPA--National Fire Protection Association; and
 - (G) OSHA--Occupational Safety and Hazard Administration.
 - (2) Architect--An individual registered as an architect under the Texas Occupations Code, Chapter 1051, and responsible for compliance with the architectural design requirements and all other applicable requirements of the Texas Occupations Code, Chapter 1051.

- (3) Certification or certify--An indication that an architect or engineer has reviewed the standards contained in this section 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.
 - (4) Engineer--An individual registered as an engineer under the Texas Occupations Code, Chapter 1001, and responsible for compliance with the engineering design requirements and all other applicable requirements of the Texas Occupations Code, Chapter 1001.
 - (5) Hazardous chemical--This term is defined by the Texas Health and Safety Code, Chapter 502, Hazard Communication Act.
 - (6) Inclusive design--Design that considers the full range of human diversity with respect to ability, language, culture, gender, age, and other forms of human difference.
 - (7) Instructional space--All interior general learning spaces.
 - (8) Portable, modular building--An industrialized building as defined by the Texas Occupations Code, §1202.003, or any other manufactured or site-built building that is capable of being relocated and is used as a school facility.
 - (9) Primary entrance--The main entrance to an instructional facility that is closest to or directly connected to the reception area as well as any entrance used by visitors during school hours.
 - (10) Qualified building code consultant--A person who maintains, as a minimum, a current certification from the ICC.
 - (11) Qualified, independent third-party inspector--A person who maintains, as a minimum, a current certification from the ICC as a combination commercial inspector and commercial energy inspector.
 - (12) School level--
 - (A) elementary school level--a school facility that includes some or all grades from prekindergarten through Grade 5 or Grade 6;
 - (B) middle school level--a school facility that includes some or all grades from Grade 6 through Grade 8 or Grade 9, or a school facility that includes only Grade 6;
 - (C) high school level--a school facility that includes some or all grades from Grade 9 or Grade 10 through Grade 12, or a school facility that includes only Grade 9; and
 - (D) secondary school level--a school facility that includes some or all grades from Grade 6 through Grade 12.
 - (13) Secondary entrance--Any entrance used:
 - (A) by students during school hours to go outside to access another building or outdoor instructional space or program; or
 - (B) by students, staff, or visitors outside school hours.
 - (14) Square feet per room--The net square footage of a room includes exposed storage space, such as cabinets or shelving, but does not include hallway space, classroom door alcoves, or storage space, such as closets or preparation offices. The net square footage of a room shall be measured from the inside surfaces of the room's walls.
 - (15) Square feet per pupil--The net square footage of a room divided by the maximum number of students to be housed in that room during any single class period.
- (c) Administration.
- (1) Implementation date. The requirements for school facility standards under this section shall apply to capital improvement projects for which the budget has been publicly approved by the school district board of trustees on or after September 1, 2020. For projects where action was taken by the

board of trustees prior to September 1, 2020, the school district may elect to comply with the standards specified in §61.1036 of this title (relating to School Facilities Standards for Construction before September 1, 2020). A board of trustees meets the standards under this section by either:

- (A) adoption of a fiscal year maintenance and operations budget where a capital improvement project title and budget are delineated; or
 - (B) calling a bond election where a capital improvement project title and budget are delineated.
- (2) Trigger language. If a project scope requires a school district to hire an architect or engineer per the Texas Occupations Code, the project is required to comply with the standards under this section. If additional scopes of work are added to the triggering project scope that alone would not trigger these standards, the affected areas of the additional scopes of work are not required to be brought into compliance with these standards.
- (3) Compliance. Every project required to comply with the standards under this section must meet the requirements of this subsection and subsection (d) of this section and one of the two methods of compliance described in subsections (e) and (f) of this section.
- (4) Designation. The school board shall designate either a qualitative or quantitative method of compliance prior to the solicitation of a licensed design professional.
- (5) Educational adequacy. A facility meets the threshold of educational adequacy if the design is based on the requirements of:
- (A) the minimum standards under subsection (d) of this section, including the educational specifications under subsection (d)(2) of this section and the long-range facility plan under subsection (d)(3) of this section;
 - (B) at least one method of compliance under subsection (e) or (f) of this section.
- (6) Certification of design and construction.
- (A) The architect or engineer must certify that the certification of design and construction conforms to the provisions of this section, except as indicated on the certification.
 - (B) The school district shall notify and obligate the architect or engineer to provide the required certification. The architect's or engineer's signature and seal on the construction documents shall certify compliance.
 - (C) To ensure that facilities have been designed and constructed according to the provisions of this section, each of the involved parties shall execute responsibilities as follows.
 - (i) The school district shall provide the architect or engineer the educational specifications and long-range facility plan approved by the board of trustees as required by this section, and any district-approved design standards for the facility.
 - (ii) The architect or engineer shall perform a building code search under applicable regulations that may influence the project and shall certify that the design has been researched before it is final.
 - (iii) The architect or engineer shall certify that the facility has been designed according to the provisions of this section, based on the educational specifications, long-range facility plan, building code specifications, and all documented changes to the construction documents provided by the district. The design professional shall be required to provide certification on or within 30 calendar days of the date the construction documents are signed and sealed for bidding.
 - (iv) The building contractor or construction manager shall certify that the facility has been constructed in general accordance with the construction documents

specified in clause (iii) of this subparagraph. If the school district acts as general contractor, it shall make the certification required by this paragraph. The contractor or construction manager shall be required to provide certification on or within 30 calendar days of the date of providing the certificate of substantial completion.

(v) When construction is completed, the school district shall certify that the facility conforms to the design requirements specified in subparagraph (A) of this paragraph. The owner of the facility shall be required to provide certification on or within 30 calendar days of written approval to occupy the building by the authority having jurisdiction.

(vi) The certifications specified in clauses (i)-(v) of this subparagraph shall be gathered on the "Certification of Project Compliance" form developed by Texas Education Agency (TEA). The school district will retain this form in its files indefinitely until review and/or submittal is required by representatives of TEA.

(7) Life safety code coordination.

(A) Authority having jurisdiction. If a local authority having jurisdiction deletes an entire chapter of a locally adopted code, the school district or design professional may choose to use that section for code compliance purposes.

(B) Districts with existing building codes.

(i) A school 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. The school district is not required to seek additional plan review of school facilities projects other than what is required by the local building authority. If the local building authority does not require a plan review, then a qualified, independent third-party inspector, not employed by the design architect or engineer, shall review the plans and specifications for compliance with the requirements of the adopted building code. The plan review shall examine compliance conditions for emergency egress, fire protection, structural integrity, life safety, plumbing, energy conservation, and mechanical and electrical design. The review shall be conducted prior to the commencement of construction and must be conducted by a qualified building code consultant or a third-party architect or engineer. The reviewer shall prepare a summary list of any conditions not in conformance with the provisions of the adopted building code and is required to send a copy to the school district, design architect, or engineer. The design architect or engineer shall revise the plans and specifications as necessary and certify code compliance to the district. The reviewer, in his or her reasonable judgment and with the approval of the local building authority, may allow a limited number of variances from the codes if such variances do not negatively affect the quality or safety of the facility. Any disputes shall be a matter for contract resolution.

(ii) For school facilities projects subject to the standards under this section, and where not otherwise required by local code, fire alarm systems shall be provided. Fire alarm systems shall be designed and installed in accordance with applicable portions of the latest edition of the IBC and IFC.

(iii) As part of its school facilities projects and where not otherwise required by local code, a school district shall consider providing automatic sprinkler systems for fire protection, fire suppression, and life safety. In absence of a local code, each automatic sprinkler system shall be installed in accordance with the latest edition of the IBC and IFC.

(iv) 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 inspector, not employed by the design architect, engineer, or contractor, shall perform a reasonable number of reviews and inspections during the course of construction for compliance with the requirements of the adopted building code. The reviews and inspections shall examine compliance conditions for emergency egress, fire protection, structural integrity, life safety, plumbing, energy conservation, and mechanical and electrical design.

(C) Districts without existing building codes.

- (i) A school 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 ICC and the National Electric Code as published by the NFPA. As an alternative, a school district may adopt the building code and related fire, plumbing, mechanical, fuel gas, and energy conservation codes as adopted by a nearby municipality or county. A qualified, independent third-party inspector, not employed by the design architect or engineer, shall review the plans and specifications for compliance with the requirements of the adopted building code. The plan review shall examine compliance conditions for emergency egress, fire protection, structural integrity, life safety, plumbing, energy conservation, and mechanical and electrical design. The review shall be conducted prior to the commencement of construction and must be conducted by a qualified building code consultant or a third-party architect or engineer. The reviewer shall prepare a summary list of any conditions not in conformance with the provisions of the adopted building code and is required to send a copy to the school district, design architect, or engineer. The design architect or engineer shall revise the plans and specifications as necessary and certify code compliance to the district. The reviewer, in his or her reasonable judgment, may allow a limited number of variances from the codes if such variances do not negatively affect the quality or safety of the facility. Any disputes shall be a matter for contract resolution.
- (ii) For school facilities projects subject to the standards under this section, fire alarm systems shall be provided. Fire alarm systems shall be designed and installed in accordance with applicable portions of the latest edition of the IBC and IFB.
- (iii) As part of its school facilities projects, a school district shall consider providing automatic sprinkler systems for fire protection, fire suppression, and life safety. Each automatic sprinkler system shall be installed in accordance with the latest edition of the IBC and IFB.
- (iv) A qualified, independent third-party inspector, not employed by the design architect, engineer, or contractor, shall perform a reasonable number of reviews and inspections during the course of construction of the facility for compliance with the requirements of the adopted building code. The reviews and inspections shall examine compliance conditions for emergency egress, fire protection, structural integrity, life safety, plumbing, energy conservation, and mechanical and electrical design.

(D) Special provisions for portable, modular buildings. Any portable, modular building capable of being relocated that is purchased or leased for use as a school facility by a school district, whether that building is manufactured off-site or constructed on-site, must comply with all provisions of this section. Effective September 1, 2020, the following additional provisions shall apply to any portable, modular building that is purchased or leased for use as a school facility by a school district.

- (i) A school district located in an area that has adopted local construction codes shall have the portable, modular building, including the construction of the

foundation system and the erection and installation of the building on the foundation, inspected by the local building authority for compliance with the mandatory building codes or approved designs, plans, and specifications. The school district is not required to seek additional inspection of the portable, modular building other than what is required by the local building authority. If the local building authority does not perform inspections, then a qualified, independent third-party inspector, not employed by the design architect, engineer, contractor, or manufacturer, shall inspect the facility, including the construction of the foundation system and the erection and installation of the facility on the foundation, for compliance with the mandatory building codes or approved designs, plans, and specifications. The inspections shall be performed within 30 calendar days of the completion of the construction, erection, and installation of the facility on the site, and the school district shall not occupy or use the facility until the independent third-party inspector makes a final determination that the facility is in compliance with all provisions of this section. For a manufactured portable, modular building that is an industrialized building as defined by Texas Occupations Code, §1202.003, the factory inspection performed under the oversight of the Texas Department of Licensing and Regulation shall suffice to determine compliance of the building envelope with the mandatory building codes or approved designs, plans, and specifications in lieu of an inspection by the local building authority or an independent third-party inspector for a portable, modular building constructed on or after January 1, 1986. However, an inspection of the construction of the foundation system and the erection and installation of the portable, modular building on the foundation shall still be performed.

- (ii) A school district located in an area that has not adopted local building codes shall have the portable, modular building, including the construction of the foundation system and the erection and installation of the building on the foundation, inspected by a qualified, independent third-party inspector, not employed by the design architect, engineer, contractor, or manufacturer, for compliance with the mandatory building codes or approved designs, plans, and specifications. The inspections shall be performed within 30 calendar days of the completion of the construction, erection, and installation of the facility on the site, and the school district shall not occupy or use the facility until the independent third-party inspector makes a final determination that the facility is in compliance with all provisions of this section. For a manufactured portable, modular building that is an industrialized building as defined by Texas Occupations Code, §1202.003, the factory inspection performed under the oversight of the Texas Department of Licensing and Regulation shall suffice to determine compliance of the building envelope with the mandatory building codes or approved designs, plans, and specifications in lieu of an inspection by an independent third-party inspector for a portable, modular building constructed on or after January 1, 1986. However, an inspection of the construction of the foundation system and the erection and installation of the portable, modular building on the foundation shall still be performed.
- (iii) A school district that has purchased or leased a portable, modular building for use as a school facility on or after September 1, 2007, and before the effective date of this section, shall have the inspections required by this subsection performed within 60 calendar days of the effective date of this section. Any items of noncompliance identified during the inspections shall be brought into compliance by the school district within 90 calendar days of the date of the inspections.
- (iv) Portable, modular buildings are required to comply with the minimum standards for safety and security established in subsection (d)(4) of this section.

(E) Other provisions.

- (i) For school facilities projects subject to the standards in this section, an adequate technology, electrical, and communications infrastructure shall be provided. To ensure the adequacy of the infrastructure, the school district and the architect or engineer shall consider the input of the school district staff, including, but not limited to, the technology director, the library director, the program directors, the maintenance director, and the campus staff, in the planning and design of the infrastructure.
- (ii) As part of its school facilities projects, a school district shall consider the use of designs, methods, and materials that will reduce the potential for indoor air quality problems. A school district may use the voluntary indoor air quality guidelines adopted by the Texas Department of State Health Services under Texas Health and Safety Code, Chapter 385. A school district may also use the "Indoor Air Quality Tools for Schools" program administered by the U.S. Environmental Protection Agency.
- (iii) As part of its school facilities projects, a school district shall consider the use of sustainable school designs. A sustainable design is a design that minimizes a facility's impact on the environment through energy and resource efficiency.
- (iv) School district facilities shall comply with the 2010 Americans with Disabilities Act Standards for Accessible Design as well as the Texas Accessibility Standards of 2012.
- (v) School district facilities shall comply with all other local, state, and federal requirements, as applicable.

(d) Minimum standards.

(1) Requirement. All projects shall comply with the requirements of this section.

(2) Educational specifications.

- (A) Written document. The educational specification must be in writing and include pertinent information regarding the school district mission, vision, goals, and pedagogy, as well as preliminary details related to facility type, grades served, and a maximum population. The educational specification shall include:
 - (i) the pertinent provision of the district/campus emergency operations plan relating to the constructed environment; and
 - (ii) a written statement that includes:
 - (I) the definition of inclusive design principles supported by the district; and
 - (II) how inclusive design principles will be addressed in new and renovated facility designs.
- (B) Compliance. The requirement for an educational specification is met when a school district completes the referenced template and makes it available to the architect or engineer.
- (C) Exemptions. The following projects are exempt from the application of this section:
 - (i) a project that consists solely of maintenance upgrades; or
 - (ii) a building or facility constructed, renovated, or modified on a temporary or emergency basis.
- (D) Schedule. An educational specification shall be created for each campus type. Unique project types require a separate educational specification. Educational specifications shall

be initiated upon the first proposed project of its type and must be completed prior to initiating the planning or programming phase of a project. Each educational specification shall be updated after five years.

(3) Long-range facility plan.

- (A) Elements. A school district shall develop a long-range facility plan. The long-range facility plan may include:
- (i) existing instructional programs at each campus, including, but not limited to, special education, dual language, course offerings, and partnerships;
 - (ii) the age and condition of all buildings and systems at each campus;
 - (iii) site evaluation of each campus, including, but not limited to, overall size; shape; useable land; suitability for intended use as well as planned improvements; adequate vehicular, pedestrian, and emergency access; queuing; parking; and site amenities;
 - (iv) the district's educational specifications; and
 - (v) the district's enrollment projections.
- (B) Process. The process of developing the long-range facility plan shall consider the inclusion of input from teachers, students, parents, taxpayers, and other district stakeholders.
- (C) Plan. The school district's long-range facility plan shall include all facilities owned or operated by the district and shall include recommendations related to sequencing of proposed improvements at each campus.
- (D) Compliance. The requirement for a long-range facility plan is met when a school district completes the applicable long-range facility plan template available on the TEA website. The applicable template shall be determined based on the types, scope, and funding of the campus needs. The long-range facility plan shall be updated after five years.
- (E) Exceptions. A school district is exempt from the requirements of this section:
- (i) when facilities experience catastrophic damage that invokes the emergency provision of the Texas Education Code (TEC); or
 - (ii) in a situation deemed urgent that warrants immediate action that, left unresolved, would impair the conduct of classes.

(4) Safety and security.

(A) Compliance.

- (i) Communications infrastructure. All instructional facilities are required to provide the necessary infrastructure to comply with the operational communications provisions of TEC, §37.108(a)(3), that ensure school district or charter school communications technology and infrastructure are adequate to allow for communication during an emergency.
- (ii) Additional standards based on cost. The following standards apply to all projects until an instructional facility fully complies with all of the additional safety and security standards specified in subparagraph (B) of this paragraph.
 - (I) If a project's construction budget is \$1 million to \$5 million, the facility is required to comply with at least one additional safety and security standard specified in subparagraph (B) of this paragraph.
 - (II) If a project's construction budget is \$5 million to \$10 million, the facility is required to comply with at least two additional safety and security standards specified in subparagraph (B) of this paragraph.

(III) If a project's construction budget is over \$10 million, the facility is required to comply with all of the additional safety and security standards specified in subparagraph (B) of this paragraph.

(iii) Exceptions to additional standards based on cost. A project at a school district or charter school instructional facility may opt out of the requirements specified in clause (ii) of this subparagraph if:

(I) the building may cease operations as an instructional facility within three years of the project; and

(II) the five-year long-range facility plan clearly states that prior to the end date of the plan the campus will be in compliance with at least two additional safety and security standards specified in subparagraph (B) of this paragraph if ceasing operation does not occur. The plan must specify which two standards will be used.

(B) Additional safety and security standards.

(i) Exterior door numbering. All instructional facilities shall be required to include graphically represented numerical characters located on both the interior and exterior of doors. The front door shall always be door 0 and is the only door or set of doors that does not require graphical numbering. Numbering sequence shall be clockwise. The architect shall coordinate this requirement with any and all accessibility requirements related to signage. Exterior numbering shall comply with the IFC §505.

(ii) Visitor management. All primary entrances to instructional facilities must provide the necessary design elements to provide for the following operations:

(I) observation of a person prior to the person's entrance to the building;

(II) prevention of immediate access to students by merely entering the building; and

(III) a visitor check-in and check-out process.

(iii) Security cameras. All instructional facilities shall be required to include a security camera at all primary and secondary entrances.

(iv) Exterior door access control. All exterior doors to instructional facilities shall be locked from the outside during school hours.

(5) Common areas.

(A) Library.

(i) A school district may consider the School Library Standards and Guidelines as adopted under TEC, §33.021, when developing, implementing, or expanding library services.

(ii) The sum total square footage of all library-related areas shall meet the following minimum square feet (SF) requirements based on maximum student capacity and may be contiguous or dispersed:

(I) for 100 students or fewer, a minimum of 1,400 SF;

(II) for 101-500 students, 1,400 SF plus an additional 4 SF for each student in excess of 100;

(III) for 501-2,000 students, a minimum of 3,000 SF plus an additional 3 SF for each student in excess of 500; and

(IV) for 2,001 or more students, a minimum of 7,500 SF plus an additional 2 SF for each student in excess of 2,000.

exhaust shall be vented to the outside above the roof and away from air vents. A built-in fume hood should be provided in each middle school preparation room.

- (E) Preparation/storage rooms. One preparation/storage room at a minimum 10 SF per student shall be provided adjacent to each combination science classroom/laboratory. One preparation/storage room at a minimum of 10 SF per student shall be provided per science classroom and be located adjacent to its partner science laboratory.
 - (F) Chemical storage room. If hazardous or vaporous chemicals are to be used in a science laboratory or combination science classroom/laboratory, a separate chemical storage room shall be provided. The chemical storage room shall be separate from, and shall not be combined as part of, a preparation room or an equipment storage room; however, the chemical storage room may be located so that access is through a preparation room or equipment storage room. The chemical storage room shall be secure to prevent access to chemicals by students or non-authorized adults. One chemical storage room may be shared among multiple laboratories or classrooms/laboratories. Refer to NFPA, IFC, and OSHA for additional requirements.
 - (G) Eye/face wash. A built-in eye/face wash that can wash both eyes simultaneously shall be provided in each room serving Grades 5-12 where hazardous chemicals or eye irritants are used by instructors and/or students. The eye/face wash shall comply with the ANSI Standards for Shower and Eyewash Equipment (Z358.1). The tepid water required by ANSI Z358.1 is not required to come from a heated source; however, school districts that commonly experience lengthy periods of extremely cold temperatures during the winter season shall consider a tepid water system with a heated source.
 - (H) Safety shower. A built-in safety shower shall be provided in each high school level chemistry or AP chemistry laboratory or classroom/laboratory and IPC laboratory or classroom/laboratory. The safety shower shall comply with the ANSI Standards for Shower and Eyewash Equipment (Z358.1). The tepid water required by ANSI Z358.1 is not required to come from a heated source; however, school districts that commonly experience lengthy periods of extremely cold temperatures during the winter season shall consider a tepid water system with a heated source.
 - (I) Exhaust fan and ventilation system. Refer to IMC, ANSI, OSHA, and NFPA for project requirements.
 - (J) Emergency shut-off controls. If electricity, gas, and/or water are provided in student areas, emergency shut-off controls shall be provided for each in a location accessible to the instructor but not easily accessible to students. It shall not be located at any doorway leading to a corridor or hallway.
 - (K) Special education. Specialized classrooms shall be a minimum of 45 SF per student.
- (e) Qualitative method of compliance. To satisfy this method of compliance, the school district shall complete Criteria 1 as specified in paragraph (1) of this subsection and must satisfy either Criteria 2 as specified in paragraph (2) of this subsection or Criteria 3 as specified in paragraph (3) of this subsection.
- (1) Criteria 1. The school district shall complete a process that answers all applicable questions from the Association for Learning Environments Comprehensive Planning Checklist.
 - (2) Criteria 2. The architect or engineer of record or the firm with which the architect or engineer is employed shall have a minimum of 10 years of experience or designed \$500 million in school facilities in Texas.
 - (3) Criteria 3. The school district shall comply with the following requirements to demonstrate a high level of transparency during the planning and design processes.
- (A) The school district must involve a minimum number of stakeholders, including at least five teachers related to the grades served and/or project type; five community members, including parents and business owners; two school board members; and five administrators.

(B) The school district must publicly disclose, from the district's internet homepage, the district educational specification, long-range facility plan, and the relevant project scoping documents.

(f) Quantitative method of compliance.

(1) Process. To satisfy this method of compliance, the project shall meet the minimum total square footage based on the campus's flexibility level as specified in subparagraphs (A)-(D) of this paragraph and maximum student capacity of the campus as specified in paragraph (2) of this subsection. Administration spaces, support spaces, dining, library spaces, any elective program spaces, athletics spaces, fine arts spaces, staff-only spaces, storage, and circulation may not be counted as part of the total square footage of instructional space required under this method of compliance. The minimum total square footage may be divided and dispersed however the school district and design professional choose.

(A) Flexibility Level 1 (L1). Single, fixed teacher presentation space; compact organization of spaces makes access to outdoor space limited and challenging; furniture is exclusively attached student desk/chair with an expectation of very infrequent rearrangement; minimal multipurpose functionality for walls with no capability of reconfiguration; teacher-centric digital instruction with partial access to mobile devices.

(B) Flexibility Level 2 (L2). Single, fixed teacher presentation space; compact organization of spaces makes access to outdoor space limited and challenging, but outdoor spaces may be visible from classrooms; furniture includes detached student desk/chair with an expectation of very infrequent rearrangement; moderate multipurpose functionality for walls with no capability of reconfiguration; teacher-centric digital instruction with moderate access to mobile devices.

(C) Flexibility Level 3 (L3). Multiple student/teacher presentation spaces; organization of spaces allows for proximal outdoor access that is visible from classrooms; flexible and mobile furniture that is easily rearranged; high use of multipurpose walls, including digital touchscreen and other functionalities; learner-centric digital instruction with high levels of access to a range of mobile devices.

(D) Flexibility Level 4 (L4). Multiple student/teacher presentation spaces that are likely mobile; organization of spaces allows for direct outdoor access that is visible from classrooms; highly flexible and mobile furniture that is easily rearranged by students independently or collectively; maximized inclusion of multipurpose walls, including digital capabilities and reconfiguration; learner-centric digital instruction with high levels of access to a range of mobile devices incorporating an "anytime/anywhere" instructional philosophy.

(2) Minimum square footage by campus type and flexibility level.

(A) Elementary schools (prekindergarten-Grade 5):

(i) L1 36 SF per pupil (pp);

(ii) L2 36 SF pp;

(iii) L3 42 SF pp; and

(iv) L4 42 SF pp.

(B) Middle schools (Grades 6-8):

(i) L1 32 SF pp;

(ii) L2 32 SF pp;

(iii) L3 36 SF pp; and

(iv) L4 36 SF pp.

(C) High schools (Grades 9-12):

(i) L1 32 SF pp:

(ii) L2 32 SF pp:

(iii) L3 36 SF pp; and

(iv) L4 36 SF pp.