

The Ground Floor

Bonds/Elections/Regulations

Texas School Construction and Procurement Conference - November 29, 2023

Pre-Bond Planning



Before You Hire The
Architect And Before
You Hire The
"Program Manager."

PRE-BOND PLANNING

THIS SHOULD BE WHERE WE
ADOPT
*THE EDUCATIONAL
SPECIFICATIONS
&
LONG-RANGE FACILITY PLAN.*

The New Rules - Planning, Assessment and Programming



The Educational Specifications 2.0

19 TAC 61.1040





EDUCATIONAL ADEQUACY

- ☺ **Instruction Drives Construction**
- ☺ **The Development of Educational Specifications Is Required for Instructional Facilities**
- ★ **Educational Specifications Are Required for New Construction and for Major Space Renovations**

NEW EDUCATIONAL SPECIFICATIONS

Key Requirements:

- For New Construction and Major Renovations**
- Created Separately From the Long Range Facility Plan (To Be Incorporated Into the LRFP)**
- Must Be a Written Document and It Must Be Adopted by the Board of Trustees**

NEW EDUCATIONAL SPECIFICATIONS

An Educational Specification Shall Be Created for Each Campus Type.

- HIGH SCHOOL**
- MIDDLE SCHOOL**
- ELEMENTARY SCHOOL**
- AG BARN**
- ETC.**
- Must Be Completed Prior to Initiating the Planning or Programming Phase of a Project**

NEW EDUCATIONAL SPECIFICATIONS

Elements:

- **District Mission, Vision, Goals, and Pedagogy**
- **Preliminary Details About the Facility**
- **Pertinent Provisions of the Multi-Hazard Emergency Operations Plan**
- **District Inclusive Design Goals and How They Will Be Implemented Into the Facility.**

NEW EDUCATIONAL SPECIFICATIONS

Elements (Cont.)

- ★ **Square Footage Calculations and Requirements**
- ★ **“Innovative Teaching or Operations Practices Intended for Implementation That May Lead to the Use of the “Qualitative Method of Compliance”**”

THE EDUCATIONAL SPECIFICATIONS

*The Ed Specs MUST INCLUDE:
Facility Type, Grades Served,
and a
Maximum Population.*

NEW EDUCATIONAL SPECIFICATIONS

- *When Do You Prepare Them?*
- *Before You Hire the Architect
(BIG CHANGE From the Old Rules)*
- *Must Be Included in the Long
Range Facility Plan*
- ★ *Each Educational Specification
Shall Be Updated After Five
Years.*

The Long Range Facilities Plan 2.0

19 TAC 61.1040



Adopt The Long-Range Facilities Plan



NEW LONG-RANGE FACILITY PLAN

- *The Long-Range Facility Plan Is a Written Document, That Will Be **Approved by the Board of Trustees** and Provided by the District to the Architect. It Will Include:*
 - ***Existing and Proposed Instructional Programs Offered at Each Campus, Including, **Special Education, Dual Language, Course Offerings, and Partnerships;*****
 - ***The Age and Condition of all Buildings and Systems at the Project Campus;***

NEW LONG-RANGE FACILITY PLAN

- *Elements:*
 - ★ *A Site Evaluation of Each Campus, Including:*
 - ★ *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.*
 - ★ *The District's Educational Specifications;*
 - ★ *The District's Enrollment Projections; and*
 - ★ *The Security Compliance Status of the Safety Standards Required in Subsection*

NEW LONG-RANGE FACILITY PLAN

It Must Also Include:

- ★ **Maximum Student Enrollment of the Facility; and**
- ★ **The Facility's Maximum Instructional Capacity, if Applicable**

NEW LONG-RANGE FACILITY PLAN

The District Should Be Ready To Hand This to the Architect the Day the Architect Signs the Agreement With the District.

Evaluation of the District's Program Is One of the Architect's First Duties Under the Standard Contracts.

NEW LONG-RANGE FACILITY PLAN

- ☺ *Process for Development of the LRFP:*
 - ★ *Shall Consider the Inclusion of Input From:*
 - ★ **Teachers;**
 - ★ **Students;**
 - ★ **Parents;**
 - ★ **Taxpayers; and**
 - ★ **Other District Stakeholders**

NEW LONG-RANGE FACILITY PLAN - COMMUNITY

- ☺ *Go With a Framework - Do Not Give the Impression That You Are Starting From Scratch*
 - ★ *Community Input Is Important and Required, but You Need To Be Prepared To Explain Your Educational Specifications*
 - ★ *Input Is To Augment the LRFP*
- ☺ *There Is no Specific Direction on How To Get the Input*
 - ★ *Community LRFP Meetings and "Citizen's Bond Committee" Are Not Synonymous.*
 - ★ *LRFP Establishes Standards That Will Assist Future Bond Committee With Decision Making and Prioritization*

NEW LONG-RANGE FACILITY PLAN

☺ *Proof of Compliance.*

★ *The Requirement for a Long-Range Facility Plan Is Met When:*

- ★ *A School District **Completes the Applicable Long-Range Facility Plan.***
- ★ ***Presents It to the Board of Trustees***
- ★ ***Provides It to the Prime Design Professional for the Project***

NEW LONG-RANGE FACILITY PLAN

The long-range facility plan shall be updated after five years.

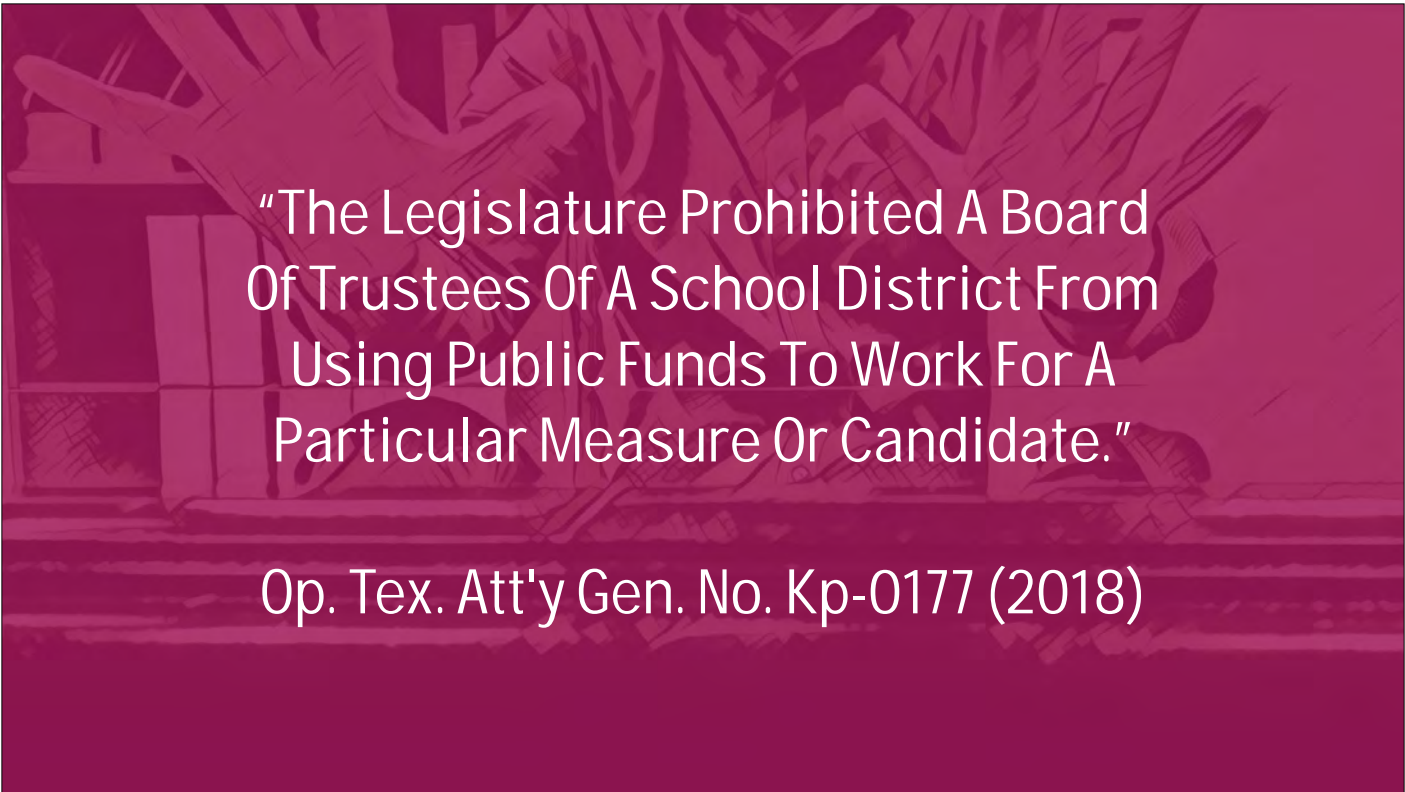
Political Advertising and Public Funds

PRE-BOND PLANNING

DECIDE WHAT YOU
WANT TO DO **BEFORE**
GOING OUT FOR A
BOND



**POLITICAL
ADVERTISING
&
ELECTIONEERING
ARE *PROHIBITED***



"The Legislature Prohibited A Board
Of Trustees Of A School District From
Using Public Funds To Work For A
Particular Measure Or Candidate."

Op. Tex. Att'y Gen. No. Kp-0177 (2018)

Prior To Calling For The Bond Create A Public Record About The Need For The Bond.

CREATING THE RECORD

BEFORE VOTING TO CALL THE ELECTION HAVE A SERIES OF MEETINGS WHERE THE BOARD DEBATES THE REASONS THE DISTRICT NEEDS TO CALL A BOND ELECTION.



AFTER CALLING FOR THE BOND , BOARD MEETINGS CANNOT BE USED BY THE BOARD TO ADVOCATE FOR THE PASSAGE OF THE BOND

POLITICAL ADVERTISING

- ☺ **POLITICAL ADVERTISING MEANS:**
- ☺ **A COMMUNICATION**
- ☺ **SUPPORTING OR OPPOSING A MEASURE THAT:**
- ☺ **IN RETURN FOR CONSIDERATION, IS PUBLISHED IN A NEWSPAPER, MAGAZINE, OR OTHER PERIODICAL OR IS BROADCAST BY RADIO OR TELEVISION OR APPEARS IN A PAMPHLET, CIRCULAR, FLIER, BILLBOARD OR OTHER SIGN, BUMPER STICKER, OR SIMILAR FORM OF WRITTEN COMMUNICATION OR ON AN INTERNET WEBSITE.**

POLITICAL ADVERTISING

- **THE PROHIBITION DOES NOT APPLY TO A COMMUNICATION THAT **FACTUALLY** DESCRIBES THE PURPOSES OF A MEASURE **IF** THE COMMUNICATION **DOES NOT ADVOCATE PASSAGE OR DEFEAT** OF THE MEASURE.**

SPENDING PUBLIC FUNDS

- **“SPENDING” OF PUBLIC FUNDS INCLUDES THE **USE OF SCHOOL DISTRICT EMPLOYEES’ WORK TIME** AS WELL AS THE USE OF EXISTING SCHOOL DISTRICT EQUIPMENT.**
- **INCLUDES HAVING AN EMPLOYEE PLACE **FLYERS IN THE BREAK ROOM**.**
- **“SPENDING” OF PUBLIC FUNDS ALSO INCLUDES THE **USE OF FACILITIES** MAINTAINED BY A POLITICAL SUBDIVISION**

PRE-BOND PLANNING - MORE AND MORE

- ***COST ESTIMATION***
- ***DESIGN FIRM OR***
- ***CONSTRUCTION FIRM***
- ***DEMOGRAPHIC STUDIES***
- ***CITIZEN'S BOND COMMITTEES***
- ***IN ADDITION TO THE LRFP COMMITTEE***
- ***GET EVERYONE ON THE SAME PAGE***

**Congratulations!
It Passed!**

Now What!

Any questions?

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