

BILL ANALYSIS

Senate Research Center
83R8051 VOO-D

S.B. 1457
By: Duncan
Government Organization
3/20/2013
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas School for the Blind and Visually Impaired is a center for educational services for all blind and visually impaired students in Texas. The Texas School for the Deaf is established as a state agency to provide a continuum of direct educational services to students who are deaf or hard of hearing and who may have multiple disabilities.

S.B. 1457 transfers the maintenance and operation of the facilities for the Texas School for the Blind and Visually Impaired and the Texas School for the Deaf to the Texas Facilities Commission (TFC). These schools will retain the title to their property, but will contract with TFC for maintenance and operation. This will allow the schools to focus on educational needs and have TFC maintain the schools' facilities along with other facilities in Austin maintained by TFC.

As proposed, S.B. 1457 amends current law relating to transfer of management services for the physical facilities of the Texas School for the Blind and Visually Impaired and the Texas School for the Deaf from the schools' boards of trustees to the Texas Facilities Commission.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amend Section 30.022, Education Code, by amending Subsections (h) and (i) and adding Subsection (h-1), as follows:

(h) Deletes existing text providing that the governing body of the Texas School for the Blind and Visually Impaired (board) has exclusive jurisdiction over the physical assets of the school.

(h-1) Requires the Texas Facilities Commission (TFC) to provide facilities management services for the physical facilities of the school as provided by Section 2165.007 (Facilities Management Services), Government Code.

(i) Authorizes the board, except as provided by Subsection (h-1), to accept and retain control of gifts, devises, bequests, donations, or grants, either absolutely or in trust, of money, securities, personal property, and real property from any individual, estate, group, association, or corporation.

SECTION 2. Amends Section 30.052, Education Code, by amending Subsections (h) and (i) and adding Subsection (h-1), as follows:

(h) Deletes existing text providing that the governing board of the Texas School for the Deaf (board) has exclusive jurisdiction over the physical assets of the school.

(h-1) Requires TFC to provide facilities management services for the physical facilities of the school as provided by Section 2165.007 (Facilities Management Services), Government Code.

(i) Authorizes the board, except as provided by Subsection (h-1), to accept and retain control of gifts, devises, bequests, donations, or grants, either absolutely or in trust, of money, securities, personal property, and real property from any individual, estate, group, association, or corporation.

SECTION 3. (a) Provides that no later than January 1, 2014, the following are transferred from the Texas School for the Blind and Visually Impaired to TFC:

(1) the powers, duties, functions, programs, and activities of the Texas School for the Blind and Visually Impaired relating to the management of the school's physical facilities under Section 2165.007, Government Code;

(2) any obligations and contracts of the Texas School for the Blind and Visually Impaired that are directly related to implementing a power, duty, function, program, or activity transferred under this subsection; and

(3) all property and records in the custody of the Texas School for the Blind and Visually Impaired that are related to a power, duty, function, program, or activity transferred under this subsection and all funds appropriated by the legislature for that power, duty, function, program, or activity.

(b) Requires TFC and the Texas School for the Blind and Visually Impaired to enter into a memorandum of understanding that:

(1) identifies in detail the applicable powers and duties that are transferred between the two agencies by this Act; and

(2) establishes a plan for the identification and transfer of the records, personnel, property, and unspent appropriations of the Texas School for the Blind and Visually Impaired that are used for purposes of the TFC's powers and duties directly related to the operation of the school's physical facilities under Section 30.022 (Governance of the Texas School for the Blind and Visually Impaired), Education Code.

SECTION 4. (a) Provides that, not later than January 1, 2014, the following are transferred from the Texas School for the Deaf to TFC:

(1) the powers, duties, functions, programs, and activities of the Texas School for the Deaf relating to the management of the school's physical facilities under Section 2165.007, Government Code;

(2) any obligations and contracts of the Texas School for the Deaf that are directly related to implementing a power, duty, function, program, or activity transferred under this subsection; and

(3) all property and records in the custody of the Texas School for the Deaf that are related to a power, duty, function, program, or activity transferred under this subsection and all funds appropriated by the legislature for that power, duty, function, program, or activity.

(b) Requires TFC and the Texas School for the Deaf to enter into a memorandum of understanding that:

(1) identifies in detail the applicable powers and duties that are transferred between the two agencies by this Act; and

(2) establishes a plan for the identification and transfer of the records, personnel, property, and unspent appropriations of the Texas School for the Deaf that are used for purposes of the TFC's powers and duties directly related to the operation of the school's physical facilities under Section 30.052 (Governance of the Texas School for the Deaf), Education Code.

SECTION 5. Effective date: September 1, 2013.