



Brownsville Independent School District

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Brett Springston,
Interim Superintendent of Schools

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OCT 06 2009

OPINION COMMITTEE

FILE # MI-46192-09
I.D. # 46192

October 01, 2009

The Honorable Greg Abbott
Office of the Attorney General
P.O. Box 12548

RQ-0835-GA

Dear Attorney General Abbott,

I represent the Texas School Safety Center's Board, as board chairman, I write to request a written opinion regarding the board jurisdiction under Section 37.215, Education Code to approve or dis-approve the The Texas School Safety Center's annual budget.

Section 37.203 (a), Education Code, as Amended By Chapters 258 (S.B. 11) and 263 (S.B. 103). Acts of the 80th Legislature, Regular Session, 2007, is reenacted to read as follows: (a) The center is advised by a board of directors composed of: (1) the attorney general, or the attorney general's designee; (2) the commissioner, or the commissioner's designee; (3) the executive director of the Texas Juvenile Probation Commission, or executive director's designee; (4) the executive commissioner of the Texas Youth Commission, or the executive commissioner's designee; (5) the commissioner of the Department of State Health Services, or the commissioner's designee; (6) the commissioner of higher education, or the commissioner's designee; and (7) the following members appointed by the governor with the advice and consent of the senate; (A) a juvenile court judge, (B) member of a school district's board of trustees; (C) an administrator of a public primary school; (D) an administrator of a public secondary school; (E) a member of the state parent - teacher association; (F) a teacher from a public primary or secondary school' (G) a public school superintendent who is a member of the Texas Association of School Administrators; (H) a school district police officer or a peace officer whose primary duty consists of working in a public school; and (I) two members of the public;

Section 37.204 Education Code, OFFICERS; MEETINGS; COMPENSATION. (a) The board shall annually elect from among its members a chairperson and a vice chairperson. (b) The board shall meet at least four times each year. (c) A member of the board may not receive compensation but is entitled to reimbursement of the travel expenses incurred by the member while conducting the business of the board as provided by the General Appropriations Act.

Section 37.214 Education Code, Authority To Accept Certain Funds. The center may solicit and accept gifts, grants, and donations from public and private entities to use for the purpose of this subchapter.

BISD does not discriminate on basis of race, color, national origin, sex, religion, age or disability in employment or provisions of services, programs or activities.

Section 37.215 Education Code, Budget, (a) The board shall annually approve a budget for the center. (b) The center shall biannually prepare a budget request for submission to the legislature.

Section 37.216 Education Code, BIENNIAL REPORT. (a) Not later than January 1 of each odd-numbered year, the board shall provide a report to the governor, the legislature, the State Board of Education, and the agency. (b) The biennial report must include any findings made by the center regarding school safety and security and the center's functions, budget information, and strategic planning initiative of the center.

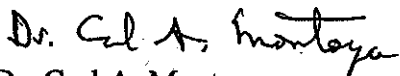
The Texas School Safety Center is funded by the legislature under Article III Education to Texas State University, San Marcos out of General Revenue Funds, C. Goal: Special Item Support C.1.3 : School Safety Center; For the Year Ending August 31, 2010, \$1,500,000 and For the Year Ending August 31, 2011, \$1,500,000 and \$308,000 out of other legislative funds.

Based on the above facts and Law, the Board asks the following questions.

- (1) Does the board have jurisdiction under the Education Code To approve or dis-approve the Texas School Safety Center's budget (General Revenue Funds, C. Goal Special Item Support C.1.3.; School Safety Center). Based on Section 37.215 (a) Education Code?
- (2) Does the Board have jurisdiction to advise the Texas School Safety Center and approve budgets for programs not required under the Education Code (Sections 37.108, 37.201-37.217)?
- (3) Does the Board have jurisdiction to advise the organization and design of the Texas School Safety Center under the Texas Education Code Sections 37.203, 37.204, 37.214, 37.215, and 37.216?
- (4) Does the Board have liability for the funds approved for the operation of the Texas School Safety Center pursuant to Section 37.215, Education Code?

Should you need any further guidance or clarification, please contact me at 956-698-0008.

Sincerely,



Dr. Carl A. Montoya

Chairman of the Texas School Safety Center Board