



Texas
Education
Agency

ID#12710
mjs

1701 NORTH CONGRESS AVENUE

AUSTIN, TEXAS 78701-1494

(512) 463-9734

June 11, 1991

RQ-99

The Honorable Dan Morales
Texas Attorney General
Supreme Court Building
P. O. Box 12548
Austin, TX 78711-2548

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Opinion Committee

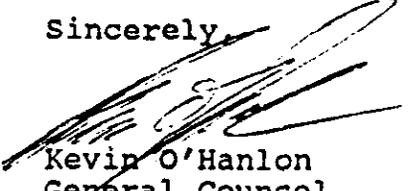
Re: Request for Attorney General Opinions - Surety Bonds;
Handicapped Access

Dear Mr. Morales:

Enclosed please find a request by Carolyn Honea Crawford, Chairman of the State Board of Education, regarding surety bonds and handicapped access. Also enclosed is correspondence from the law firm of Grambling & Mounce on behalf of the El Paso Independent School District which provides the legal and factual background for this request.

Please send a copy of the opinion to the undersigned.

Sincerely,



Kevin O'Hanlon
General Counsel
Office of Legal Services

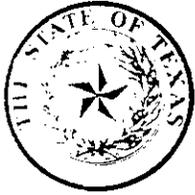
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Enclosures

ACCOMPANIED BY ENCLOSURES --
FILED SEPARATELY

State Board Of Education

1701 North Congress Avenue
Austin, Texas 78701-1494
(512) 463-9007



June 8, 1991

The Honorable Dan Morales
Texas Attorney General
Supreme Court Building
P.O. Box 12548
Austin, Texas 78711-2548

Re: Request for Attorney General Opinions -
Surety Bonds; Handicapped Access

Dear Mr. Morales:

I am writing pursuant to Texas Government Code section 402.042(B)(5), to request that you issue a written opinion on three questions presented to me by the El Paso Independent School District. I have determined that the following questions affect the public interest within the meaning of that statute:

(1) Can Texas' school districts require corporate sureties on bid bonds, and performance and payment bonds under Article 5160, V.A.T.S., to be sufficiently financially solvent under the Texas Insurance Code to issue these bonds without the necessity for reinsurance?

(2) If the answer to question one is "no," can Texas' school districts either (a) require that any reinsurance company be admitted and authorized to do business in Texas, and licensed to issue surety bonds in Texas, or (b) require the reinsurer to meet minimum financial standards set by the school district?

(3) Can a Texas municipality refuse to issue building permits or certificates of occupancy to an independent school district or a common school district for failing to comply with municipal building code requirements on handicapped accessibility even though the school district complies with, or has obtained

Carolyn Honea Crawford, Ph.D.
Chairman
Beaumont, District 7

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Vice Chairman
Commerce, District 9

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Secretary
Corpus Christi, District 2

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ubbock, District 15

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Dallas, District 12

Jane Nelson
Denton, District 11

Rene Nuñez
El Paso, District 1

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John H. Shields
San Antonio, District 5

Esteban Sosa
San Antonio, District 3

Thomas E. Anderson, Jr., Ph.D.
Interim Commissioner of Education
112-90585

The Honorable Dan Morales
June 8, 1991
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a waiver under, the accessibility standards and specifications of the Elimination of Architectural Barriers Act?

The attached correspondence from the law firm of Grambling & Mounce on behalf of the El Paso Independent School District provides the legal and factual background for this request. The State Board of Education does not take a position with regard to the proper resolution of these questions.

Sincerely,



Carolyn Honea Crawford, Chairman
State Board of Education