



Certification of the Permanent School Fund's Bond Guarantee Program for Fiscal Year 2019

January 24, 2020

Members of the Legislative Audit Committee:

The State Auditor's Office certifies that, for the fiscal year ended August 31, 2019, the amount of school district and charter district bonds guaranteed by the Permanent School Fund's (Fund) Bond Guarantee Program (Program) was within the limits applicable to the Program. In addition, the Fund had sufficient capacity to meet the State Board of Education's (Board) requirement to hold no less than 5 percent of the total guarantee capacity in reserve for the same time period.

As of August 31, 2019, the total principal of the 3,346 outstanding bond issues guaranteed by the Program was \$84.4 billion, which included \$82.5 billion for public school districts and \$1.9 billion for charter districts. (See attachment for additional information on the Program's fiscal year 2019 activity.)

The Program capacity is limited by the lesser of two calculations by the Board (the State Capacity Limit) and the U.S. Internal Revenue Service (the Internal Revenue Service Limit). That limit is also subject to an additional statutory reserve set by the Board. Additional limits apply to allocations available to guarantee charter district bonds and to charter district refunding bonds. Those limits, before the additional reserve, are detailed in Table 1. As of August 31, 2019, the Program could guarantee an additional \$26.9 billion in bonds before reaching the limit imposed by Board rules and federal regulation, net of its \$6.0 billion reserve. The final remaining capacity is equal to 23 percent of the Program's capacity.

Table 1

Limits Applicable to the Program		
Type of Limit	Limit Amount	Total Applicable Bonds Guaranteed as of August 31, 2019
Total guarantee limit imposed by the State Capacity Limit	\$123.5 billion ^a	\$84.4 billion
Total guarantee capacity limit imposed by the Internal Revenue Service Limit	\$117.3 billion ^b	\$84.4 billion
Charter district allocation	\$3.3 billion ^c	\$1.9 billion
Charter district refunding bonds limit	\$1.6 billion ^d	\$553.2 million

^a Title 19, Texas Administrative Code, Section 33.65(e), set a limit on the Program's bond guarantee capacity of 3.5 times the cost value of the Fund, as permitted by Texas Education Code, Section 45.053(d).

^b Title 26, Code of Federal Regulations, Section 1.148-11(d)(1)(i)(F), established a bond guarantee capacity limit of no more than 500 percent of the total cost of the assets held by the Fund as of December 16, 2009.

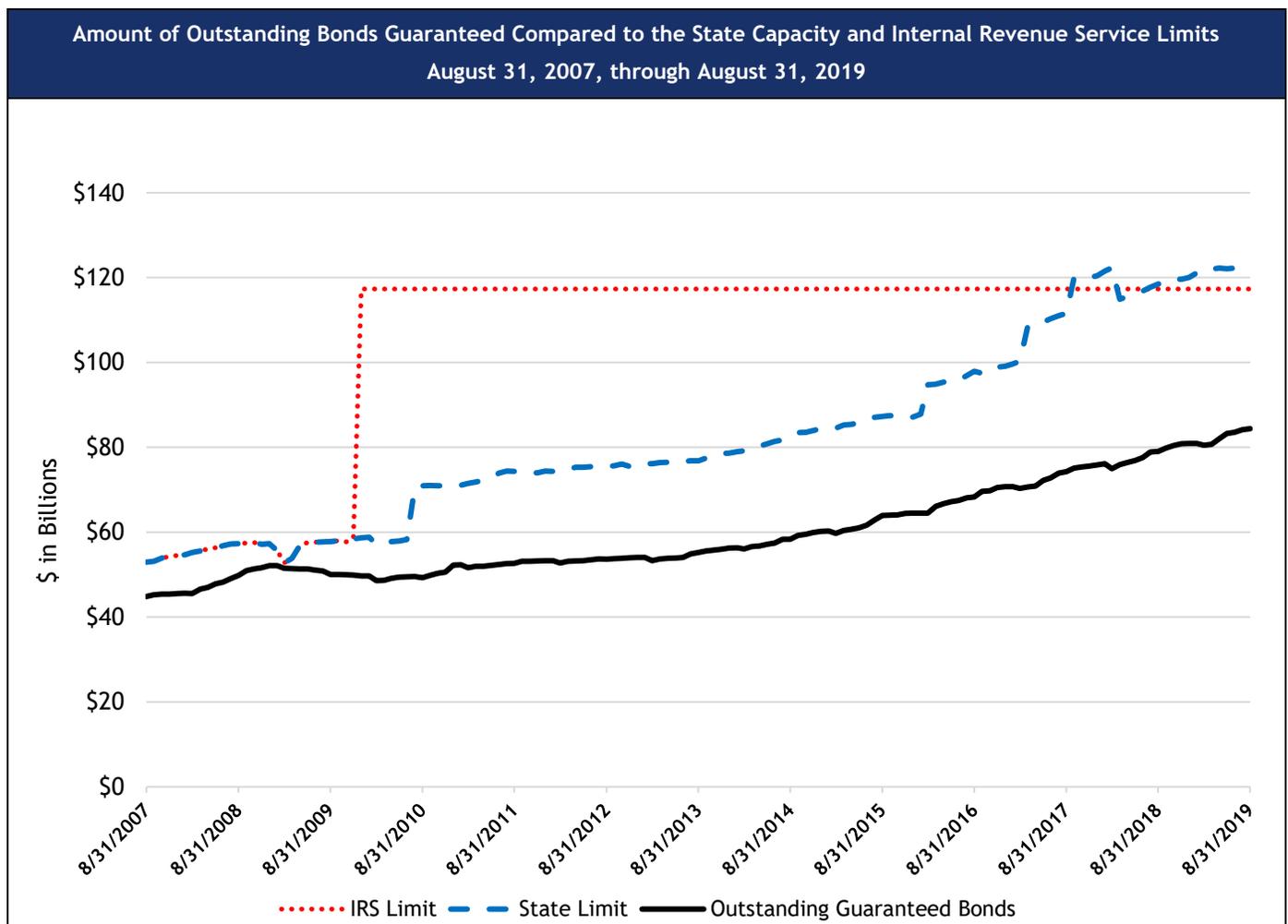
^c Texas Education Code, Section 45.0532(a), limited the available bond capacity for charter districts. That limit, as further described in Title 19, Texas Administrative Code, Section 33.67(d)(1), is based on the percentage of the number of students enrolled in open-enrollment charter districts compared to the total number of students enrolled in all Texas public schools as determined by the commissioner of education. For fiscal year 2019, that percentage was 5.9 percent.

Limits Applicable to the Program		
Type of Limit	Limit Amount	Total Applicable Bonds Guaranteed as of August 31, 2019
^d Texas Education Code, Section 45.0532(a-1), limited the amount that the commissioner of education can approve for charter district refunding or refinanced bonds for guarantee to one-half of the total amount available for the guarantee of charter district bonds.		

Sources: Texas Administrative Code; Texas Education Code; the *Texas Permanent School Fund Comprehensive Annual Financial Report for the Fiscal Year Ending August 31, 2019*; and Program data from the Texas Education Agency.

Figure 1 shows the amounts of outstanding bonds guaranteed, the calculated State Capacity Limit, and the Internal Revenue Service Limit from August 31, 2007, through August 31, 2019. The Board’s additional reserve is not presented in the graph.

Figure 1



Sources: *Texas Permanent School Fund Comprehensive Annual Financial Report for the Fiscal Year Ending August 31, 2019*, and Program data from the Texas Education Agency.

The guarantee saves public school districts and charter districts money by enhancing their bond ratings to the highest possible rating. Without the Program's guarantee, public school districts and charter districts would need to (1) purchase private bond insurance or (2) pay higher interest rates on the bonds they sell.

We appreciate the Texas Education Agency's cooperation during this audit, particularly the cooperation of staff of the Permanent School Fund. If you have any questions, please contact Michael Clayton, Audit Manager, or me at (512) 936-9500.

Sincerely,

Lisa R. Collier, CPA, CFE, CIDA
First Assistant State Auditor

Attachment

cc: The Honorable Greg Abbott, Governor
Members of the State Board of Education
Dr. Keven Ellis, Chair
Mr. Marty Rowley, Vice Chair
Ms. Georgina C. Pérez, Secretary
Mr. Lawrence A. Allen, Jr.
Ms. Donna Bahorich
Ms. Barbara Cargill
Mr. Ruben Cortez, Jr.
Ms. Aicha Davis
Ms. Patricia Hardy
Ms. Pam Little
Mr. Tom Maynard
Ms. Sue Melton-Malone
Mr. Ken Mercer
Ms. Marisa B. Perez-Diaz
Dr. Matt Robinson
Texas Education Agency
Mr. Mike Morath, Commissioner of Education
Mr. Holland Timmins, Executive Administrator
and Chief Investment Officer, Permanent
School Fund

Objective, Scope, and Methodology

The objective of this audit was to determine whether the total amount of school district and charter school bonds that the Permanent School Fund's (Fund) Bond Guarantee Program (Program) guarantees is within the limits established by state statute.

The scope of this audit covered the Fund's valuation and all bonds guaranteed by the Fund at the end of fiscal year 2019.

Audit work included reviewing the State Board of Education's bond guarantee limit and reserve calculations for accuracy and determining the Fund's total cost value as of the end of fiscal year 2019.

Auditors also assessed the design and operation of applicable internal controls. That assessment included observing key controls relevant to the Program.

Audit fieldwork was conducted from September 2019 through December 2019. We conducted this audit in conjunction with the financial opinion audit of the Permanent School Fund and in accordance with generally accepted governmental auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective. The following staff of the State Auditor's Office performed the audit:

- Jules Hunter, CPA, CIA (Project Manager)
- Michael Yokie, CISA (Assistant Project Manager)
- Mohammad Bawany
- Dennis Ray Bushnell, CPA (Quality Control)
- Michael Owen Clayton, CPA, CISA, CFE, CIDA (Audit Manager)



This document is not copyrighted. Readers may make additional copies of this report as needed. In addition, most State Auditor's Office reports may be downloaded from our Web site: www.sao.texas.gov.

In compliance with the Americans with Disabilities Act, this document may also be requested in alternative formats. To do so, contact our report request line at (512) 936-9500 (Voice), (512) 936-9400 (FAX), 1-800-RELAY-TX (TDD), or visit the Robert E. Johnson Building, 1501 North Congress Avenue, Suite 4.224, Austin, Texas 78701.

The State Auditor's Office is an equal opportunity employer and does not discriminate on the basis of race, color, religion, sex, national origin, age, or disability in employment or in the provision of services, programs, or activities.

To report waste, fraud, or abuse in state government call the SAO Hotline: 1-800-TX-AUDIT.

Attachment

Summary of Bond Guarantee Information

Tables 2 and 3 provide a summary of fiscal year 2019 activity for the Permanent School Fund's Bond Guarantee Program (Program) and show the changes in the number and dollar amount of outstanding bonds guaranteed by the Program.

Table 2

Number of Guaranteed Bonds Outstanding			
Category	School Districts	Charter Districts	Total Number of Issues
Balance on August 31, 2018	3,249	44	3,293
Issued during fiscal year 2019	195	6	201
Issues that matured during fiscal year 2019	(118)	(1)	(119)
Issues that refunded during fiscal year 2019	(29)	0	(29)
Number of Issues on August 31, 2019	3,297	49	3,346

Source: Supplementary information in the Permanent School Fund's *Comprehensive Annual Financial Report for the Fiscal Year Ending August 31, 2019*.

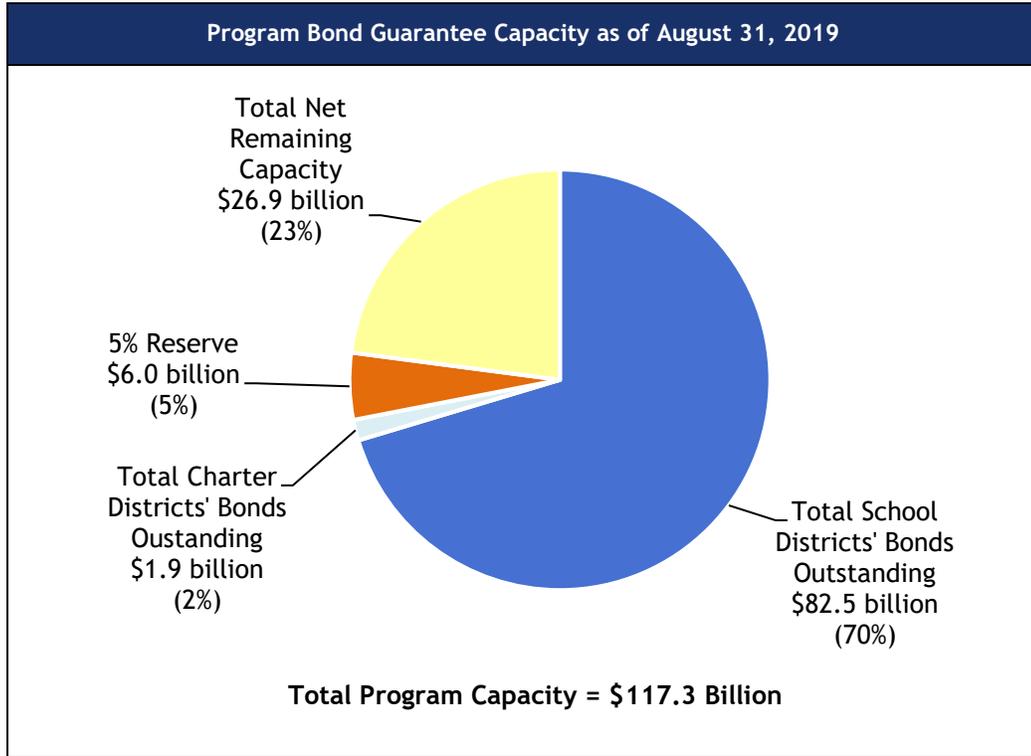
Table 3

Dollar Amount of Guaranteed Bonds Outstanding			
Category	School Districts	Charter Districts	Total Amount of Issues
Balance on August 31, 2018	\$ 77,647,966,069	\$ 1,432,935,000	\$ 79,080,901,069
Issued during fiscal year 2019	9,346,850,087	452,220,000	\$9,799,070,087
Issues that matured during fiscal year 2019	(3,062,917,954)	(25,010,000)	(3,087,927,954)
Issues that refunded during fiscal year 2019	(1,394,142,999)	0	(1,394,142,999)
Balance on August 31, 2019	\$82,537,755,203	\$1,860,145,000	\$84,397,900,203

Source: Supplementary information in the Permanent School Fund's *Comprehensive Annual Financial Report for the Fiscal Year Ending August 31, 2019*.

Figure 2 provides a summary of the Program's capacity as of August 31, 2019.

Figure 2



Source: Based on Program data from the Texas Education Agency.