

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**March 29, 2007**

**TO:** Honorable Florence Shapiro, Chair, Senate Committee on Education

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: SB1000** by Shapiro (relating to the accessibility of services for certain students with autism or autism spectrum disorder and to the training of and support for educators serving students with autism. ), **Committee Report 1st House, Substituted**

**Estimated Two-year Net Impact to General Revenue Related Funds** for SB1000, Committee Report 1st House, Substituted: a negative impact of (\$250,000) through the biennium ending August 31, 2009.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

| <b>Fiscal Year</b> | <b>Probable Net Positive/(Negative)<br/>Impact to General Revenue Related<br/>Funds</b> |
|--------------------|---|
| 2008               | (\$125,000)   |
| 2009               | (\$125,000)   |
| 2010               | (\$125,000)   |
| 2011               | (\$125,000)   |
| 2012               | (\$125,000)   |

**All Funds, Five-Year Impact:**

| <b>Fiscal Year</b> | <b>Probable Savings/(Cost) from<br/>GENERAL REVENUE FUND<br/>1</b> | <b>Change in Number of State Employees<br/>from FY 2007</b> |
|--------------------|--|---|
| 2008               | (\$125,000)  | 2.0   |
| 2009               | (\$125,000)  | 2.0   |
| 2010               | (\$125,000)  | 2.0   |
| 2011               | (\$125,000)  | 2.0   |
| 2012               | (\$125,000)  | 2.0   |

**Fiscal Analysis**

Section 1 of the bill would establish a program to allow public school students with autism or autism spectrum disorder to transfer to another public school district or to attend a program provided by a nongovernmental community-based education establishment. As described below, fiscal implications for state costs under the Foundation School Program are not anticipated to reach significant levels. The Texas Education Agency would incur cost to administer the program.

Section 2 of the bill would direct the Agency to select and contract with a regional education service center to coordinate services and training statewide for educators who serve students with autism.

Section 3 of the bill would limit agency expenditures to implement the bill's provisions

to \$125,000 each fiscal year.

The program would be specifically subject to the Texas Sunset Act and would expire on September 1, 2017 unless continued in existence.

## **Methodology**

Section 1 of the bill defines eligible students to include children who meet the following conditions: (1) are eligible to attend public school and are eligible to receive special education services; (2) have a diagnosis of autism or autism spectrum disorder; and (3) have an individualized educational program (IEP) that has been developed under the public school special education program. Because of these eligibility criteria, particularly the requirement that an eligible student have an existing IEP, it is assumed for the purpose of this fiscal note that the vast majority of students who would choose to participate in the program would currently be enrolled in public schools. The bill's funding provisions describe a transfer of Foundation School Program (FSP) entitlement, with an exception that would allow for a receiving public school district that has a higher FSP entitlement per student than the sending district to receive the higher per student amount. Based on the assumption that the vast majority of program participants are currently enrolled in public schools and the mechanism that provides for a very similar level of FSP entitlement, it is estimated that the bill would have no significant fiscal impact for state costs under the Foundation School Program.

There is the potential for additional state costs under the FSP under a scenario in which students that otherwise would have enrolled in the 2008-09 school year directly in a nongovernmental community-based education establishment instead enroll in public school to establish eligibility under the bill, and then transfer to the nongovernmental school with state aid. This potential impact cannot be estimated; however, the IEP requirement under the bill may reduce the practicality of this option for such students.

The bill would have fiscal impact for the administrative operations of the Texas Education Agency. Costs to administer the program would be assumed to be a function both of the number of student participants and the number of participating nongovernmental community-based education establishments.

During the 2005-2006 school year, approximately 17,282 students with autism were enrolled in Texas public schools. The growth rate for this population of students has averaged about 17% per year over the past five-year period. Assuming a continued growth rate of about 17% per year, the population of students eligible to participate in the program under this bill would reach approximately 28,000 in FY2009, the first year that students would be allowed to participate in the program. For the purpose of this estimate it is assumed that 10% of eligible students, about 2,800 students, would choose to participate in the program. It is further assumed that on a statewide basis, as many as 100 nongovernmental community-based education establishments would seek status as qualifying schools and would enroll the participating students who do not transfer to another public school district.

Based on the administrative mechanisms described in the bill, it is estimated that a total of 2.0 FTEs would be required to implement and support the operations of the program. It is assumed that the FTEs would be needed over the course of FY2008 to develop the infrastructure within which the program will operate and administer processes to qualify nongovernmental community-based education establishments that intend to participate in the program when it is made available to students in FY2009. Costs associated with administrative operations would be anticipated to be approximately \$125,000 annually.

The bill would require the commissioner of education to designate an impartial organization to conduct an annual evaluation of the program. The bill would prohibit the use of state funds for the purpose of conducting the evaluation. The bill would authorize the Agency to accept grants to assist in funding the evaluation. The bill would require that the results of the evaluation be reported to members of the legislature no later than December 1, 2010.

The Agency indicates that costs associated with the requirement under Section 2 of the bill to contract with an education service center for coordinated services, training, and technical assistance would be

financed to the greatest extent possible using federal funds available under the Individuals with Disabilities Education Act.

### **Technology**

The bill would impact the Agency's data collection and funding calculation systems. Existing attendance reporting and FSP-related and funding calculation structures would require significant modification to implement the funding mechanisms described in the bill. Costs would be incurred to develop and maintain alternative attendance reporting and funding and payment calculation structures. Estimates costs for contracted systems development would be approximately \$225,000 in fiscal year 2008. Ongoing systems maintenance contract costs would be estimated to be \$100,000 per year in FY2009 and subsequent years.

As agency costs would be subject to the general limitation on expenditures to implement the program prescribed under Section 3 of the bill, it is assumed that TEA would fund its technology needs as a result of the bill out of existing resources available to the agency.

### **Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

School districts would experience increased workload associated with providing the annual notification to parents of students who are eligible to participate in the program and processing requests for transfer of student records to other public schools and qualifying nongovernmental community-based education establishments. Costs associated with these activities would be anticipated to vary widely among districts depending upon the degree of automation of student records information and the number of eligible students in the district. Costs are not anticipated to be significant on a statewide basis.

**Source Agencies:** 701 Central Education Agency

**LBB Staff:** JOB, JGM, UP, JSp