

LEGISLATIVE BUDGET BOARD  
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

April 27, 2015

**TO:** Honorable Jimmie Don Aycock, Chair, House Committee on Public Education

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB3282** by Simmons (Relating to the establishment by the commissioner of education of an autism program to provide applied behavior analysis services to students with autism spectrum disorder and to the coordination of autism services in this state.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB3282, As Introduced: a negative impact of (\$9,982,057) through the biennium ending August 31, 2017.

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:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2016	(\$5,486,101)
2017	(\$4,495,956)
2018	(\$4,795,956)
2019	(\$4,495,956)
2020	(\$4,795,956)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 1
2016	(\$5,486,101)
2017	(\$4,495,956)
2018	(\$4,795,956)
2019	(\$4,495,956)
2020	(\$4,795,956)

Fiscal Analysis

The bill would require the Commissioner of Education to establish and administer an autism program to provide applied behavior analysis (ABA) services to students through grant contracts between school districts and participating universities, local community agencies, and other

applicable organizations, to the extent funds were appropriated by the legislature for this purpose.

The bill specifies eligibility criteria and required program services, and delegates to the Commissioner the authority to specify the appropriation and enrollment processes.

The bill would require a student's treatment be based on their needs not to exceed a cumulative period of 24 months, which could be composed on nonconsecutive periods of treatment, regardless of any change in the contract or change in service providers. The bill would allow a student to reenroll in the program after six months out of the program, if they withdrew from the program prior to receiving the maximum allowable services.

The bill would allow a student's parent or guardian to pay the expense of continuing to receive services from the participating entity after the student received the maximum allowable services. A school district would not be liable for any costs accrued in the provision of services to a student in the program for the maximum allowable period.

The bill would require certain specifications for service providers.

The bill would require the Commissioner to maintain a statewide autism database of the number of students being served in the program, statewide best practices, and the identification of underserved regions, and provide a report to the legislature of the information maintained in the database and would require the Commissioner to make the database readily accessible online for school districts, participating entities, service providers, and the public.

The bill would require service providers to submit quarterly data to the Commissioner.

The bill would require the Speaker of the House and the Lieutenant Governor to appoint members to respective Select Committees on Statewide Coordination of Autism Services to review, study and evaluate certain autism programs, jointly adopt recommendations, and provide a report to the legislature.

The bill would take effect September 1, 2015.

## **Methodology**

The bill indicates implementation of the applied behavior analysis (ABA) autism program is subject to appropriations and does not specify a level of funding for the program. This analysis assumes costs based on anticipated program participation and a hypothetical funding level per eligible student. However, actual program costs will be limited to amounts appropriated for that purpose.

Actual fiscal year 2014 performance measures for the Department of Assistive and Rehabilitative Services (DARS) reflect the average monthly cost per eligible child receiving comprehensive ABA program services of \$1,812 per student. This estimate assumes this same average monthly cost per eligible child. However, actual program costs would vary to the extent the Commissioner chooses to provide a different funding level.

The bill specifies certain eligibility and program duration requirements, including that a student receive services for not more than 24 months, which could be composed of nonconsecutive periods of treatment. According to DARS performance measures, the average monthly number of students receiving comprehensive autism services, or ABA, was 200 students in fiscal year 2014. This estimate assumes the same number of students would receive services monthly under the

ABA program as described by the bill, totaling \$362,400 each month (200 students x \$1,812). Under these assumptions, the ABA program would result in a cost of approximately \$4.3 million each fiscal year to provide autism services to eligible students for the recommended program duration. However, to the extent that average monthly cost per eligible child is less than assumed by this analysis, additional children may be provided services through the program.

This analysis assumes two FTEs would be required to provide program approval, administer grants and the budget, and provide technical support. The estimated costs of these FTEs, including salary, benefits, travel, and other operating expenses, would be \$155,156 in fiscal year 2016 and \$139,156 in subsequent years.

This analysis assumes an estimated \$300,000 would be required to provide professional expertise to conduct program evaluations and report on the information collected by the TEA in even numbered years.

**Technology**

Based on information provided by TEA, the development of a statewide database would cost \$674,145 in fiscal year 2016.

**Local Government Impact**

School districts would incur some costs to develop and oversee contracts for ABA services and to submit required data to the statewide database. However, this analysis assumes that all costs for ABA services under this program would be covered by grants.

**Source Agencies:** 529 Health and Human Services Commission, 538 Assistive and Rehabilitative Services, Department of, 701 Central Education Agency

**LBB Staff:** UP, JBi, AM, AW