

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

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 22, 2019**

**TO:** Honorable Dan Patrick, Lieutenant Governor, Senate

**FROM:** John McGeady, Assistant Director     Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE:** **SB11** by Taylor (Relating to policies, procedures, and measures for school safety and mental health promotion in public schools. ), **As Passed 2nd House**

**Estimated Two-year Net Impact to General Revenue Related Funds** for SB11, As Passed 2nd House: a negative impact of (\$526,795,731) through the biennium ending August 31, 2021.

This analysis assumes that the school safety allotment would be set at \$50 per student in average daily attendance. However, costs associated with the allotment could be higher or lower, depending on the allotment amount established by appropriation.

Depending on the amount of funding distributed by the Consortium's executive committee to health-related institutions of higher education for expanding the mental health workforce and for psychiatric fellowships, there would be some fiscal impact to the state. The consortium is required to implement a provision of this chapter only if the legislature appropriates money specifically for that purpose. The Senate Committee Substitute for House Bill 1 includes \$50 million in General Revenue for each year of the 2020-21 biennium for this purpose. Costs relating to the consortium are not included in the tables reflected below.

Provisions of the bill related to Junior Colleges are expected to have costs. However, these costs cannot be determined at this time.

Entities would be required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, those entities may, but would not be required to, implement a provision of this Act using other appropriations available for that purpose.

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
2020	(\$261,678,015)
2021	(\$265,117,716)
2022	(\$268,369,466)
2023	(\$271,722,409)
2024	(\$275,148,462)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 1	Probable Savings/(Cost) from Foundation School Fund 193	Change in Number of State Employees from FY 2019
2020	(\$5,176,844)	(\$256,501,171)	27.0
2021	(\$5,322,532)	(\$259,795,184)	27.0
2022	(\$5,248,904)	(\$263,120,562)	27.0
2023	(\$5,233,904)	(\$266,488,505)	27.0
2024	(\$5,248,904)	(\$269,899,558)	27.0

Fiscal Analysis

The bill would establish various new programs and requirements related to improving public school safety and student mental health.

Texas Education Agency and Local Education Agencies

A school board that receives notice of noncompliance with the Texas School Safety Center's (TSSC) audit findings and fails to correct plan deficiencies within six months of notification would be required to hold a public hearing to notify the public of information related to its noncompliance. The Commissioner of Education would be empowered to appoint a conservator to a district that fails to submit a multihazard emergency operations plan. The Commissioner could appoint a board of managers if a district fails to comply with a conservator's order to submit a multihazard emergency operations plan.

The multi-hazard emergency operations plan for school districts and junior colleges would have to incorporate emergency response protocols, including training for employees and measures to ensure communication access to emergency services.

The bill would require the Commissioner of Education to adopt rules on building standards for school district and charter school facilities related to school safety and security.

Each school district would be required to implement a policy of trauma-informed practices into each school environment. This would include training for new employees and staff development. Classroom teacher continuing education requirements would have to include trauma-informed care-based training.

The bill would require the Commissioner of Education to adopt rules on building standards for school district and charter school facilities related to school safety and security. The

Commissioner of Education would be required to adopt rules governing evacuation and lockdown rules, in conjunction with the School Safety Center and the State Fire Marshal.

A school district receiving a bomb or terroristic threat to a campus or district facility would be required to notify parents as soon as possible. School districts would also be required to establish threat assessment teams to determine appropriate intervention measures when an individual makes threats or exhibits threatening behavior on a campus and the bill would establish guidelines for the operations of those teams. The TSSC would develop model policies and procedures to assist school district in establishing and training of threat assessment teams.

The bill would establish a school safety allotment provided by appropriation for each student in average daily attendance. Funds from the new allotment would have to be used for securing facilities, providing security, and school safety training and planning.

The bill would amend the Education Code to require the Texas Education Agency (TEA) to develop a rubric for regional education service centers (ESCs) to use in identifying resources related to student mental health that are available to schools in each region. The bill would require TEA to develop the rubric in coordination with the Health and Human Services Commission (HHSC), the Department of Family and Protective Services (DFPS), the Texas Juvenile Justice Department (TJJD), the Texas Higher Education Coordinating Board (THECB), and the Texas Workforce Commission (TWC); and to revise the rubric as necessary every two years.

Using the rubric created by TEA, ESCs would be required to develop regional inventories of resources related to student mental health that meet certain criteria and submit a report on the resources to TEA. ESCs would be allowed to consult with any entity they consider necessary to create the inventories, including school districts, local mental health authorities, community mental health services providers, education groups, hospitals, and institutions of higher education. ESCs would be required to add new resources to the list every two years based on TEA's revised rubric.

The bill would also require TEA to develop a statewide inventory of mental health resources in collaboration with HHSC; DFPS; TJJD; THECB; TWC; hospitals or other health care providers; community service providers; and parent, educator, and advocacy groups. Additionally, TEA would be required to develop a statewide plan for student mental health, hold a public hearing on the plan in each region, and use the plan to develop and revise TEA's long-term strategic plan.

### **The Texas School Safety Center**

Under the provisions of the bill, the Texas School Safety Center (TSSC) would be required to audit school districts and report findings to TEA. The TSSC would be required to establish a random need-based cycle for the center's review and approval of school district and public junior college district multihazard emergency operations plans. The TSSC could require a district to submit its multihazard emergency operations plan for immediate review if the district's audit results indicate that the district is not complying with applicable standards. A school district or public junior college district would be required to submit its multihazard emergency operations plan to the center on request of the center. The bill would also require the School Safety Center to develop a list of best practices related to the security of portable buildings.

### **The Texas Child Mental Health Consortium**

The bill would establish the Texas Child Mental Health Care Consortium. The consortium would consist of thirteen health-related institutions of higher education (HRIs), the Health and Human

Services Commission, the Higher Education Coordinating Board (THECB), at least three nonprofit organizations that focus on mental health care, and any other entity the executive committee of the consortium considers necessary. The consortium would be administratively attached to HECB for the purpose of receiving an appropriation. The THECB would not be not responsible for providing to the consortium staff, human resources, contract monitoring, purchasing or any other administrative support services.

The consortium would establish a network of comprehensive child psychiatry access centers at the member HRIs. A center shall provide consultation services and training opportunities for pediatricians and primary care providers in the center's geographic area to help them better care for children and youth with behavioral needs. The consortium would develop and post on its website a consent form for parents or guardians to sign on behalf of children under 18 years old.

The consortium would also establish or expand telemedicine or tele-health programs at the member HRIs for identifying and assessing behavioral health needs and providing access to mental health services, with a focus on the behavioral health needs of at-risk children and adolescents.

In carrying out these responsibilities, the consortium would leverage the resources of a hospital system if the hospital system provides consultation services and training opportunities for pediatricians and primary care providers that are consistent with the consultation and training requirements of the child psychiatry access centers and if the hospital system has an existing telemedicine or tele-health program for identifying, assessing, and providing services for the behavioral and mental health needs of children and adolescents.

The consortium's executive committee may provide funding to a member HRI for a full-time psychiatrist to serve as academic medical director at a facility operated by a community mental health provider and two new resident rotation positions.

The executive committee may provide funding to a member HRI for a physician fellowship position that would lead to a medical specialty in the diagnosis and treatment of psychiatric and associated behavioral health issues affecting children and adolescents. This funding would increase a member HRI's fellowship positions and not be used to replace existing funding for the institution.

## **Effective Date**

The bill would take effect September 1, 2019.

## **Methodology**

### **The Texas Education Agency**

This analysis assumes that the School Safety Allotment would provide an annual allotment of \$50 for each student in average daily attendance (ADA). Based on statewide ADA estimates of 5,130,023 in fiscal year 2020, 5,195,904 in fiscal year 2021, and growing to 5,397,991 in fiscal year 2024, such an allotment is estimated to cost \$256.5 million in fiscal year 2020, \$259.8 million in fiscal year 2021, growing to \$269.9 million in fiscal year 2024. Costs associated with the allotment could be higher or lower, depending on the amount established by appropriation. Although language in the bill may be interpreted to authorize Chapter 41 districts to receive twice the allotment as other districts, this analysis assumes that all districts would receive an equivalent amount per student in ADA. Costs would significantly increase if Chapter 41 districts were

intended to receive twice the allotment.

This analysis assumes that 1.0 FTE would be required to implement the provisions of the bill related to TEA. Costs associated with this FTE, including salary, benefits, and other expenses, would total \$200,428 in the biennium.

The agency estimates that a total of approximately \$265,443 in professional services IT costs would be required in the 2020-2021 biennium to update TSDS PEIMS.

The agency's cost estimate to implement the bill's requirements in the FSP system is \$81,933 in the biennium. The agency estimates that \$20,000 in fiscal year 2020 would be required for a consultant to help develop facility safety standards. Taken together, these administrative costs would total \$209,058 in fiscal year 2020 and \$358,746 in fiscal year 2021.

TEA assumes it would contract with a vendor to design the rubric and collect, assemble, and electronically present the information for an annual cost of \$300,000 in both fiscal years 2020 and 2021.

TEA assumes it would require 1.0 Program Specialist VI to convene required collaborating agencies, research resources, and to manage the process, interagency work, and contract. This analysis assumes costs associated with the FTE would total \$102,214 in fiscal year 2020 and \$98,214 in subsequent years.

**The Texas School Safety Center**

Based on information provided by Texas State University, it is projected that an additional 25 positions would be needed to meet the existing deliverables of the Texas State School Safety Center at an increased level (training, research, technical assistance), as well as to meet the additional deliverables outlined in this bill. These additional deliverables include staff to review and approve school district, charter, and community college emergency operations plans, as well as validation and maintenance of the school safety registry. The University estimates costs associated with these additional FTEs, as well as travel, and other operating expenses, to be approximately \$4.6 million beginning in fiscal year 2020 and increasing slightly to \$5.0 million by fiscal year 2024.

**Junior Colleges**

According to the Texas Association of Community Colleges, several institutions could see increased costs due to the bill's requirements that telephone and electronic communication devices be available to district employees. However, these costs cannot be determined at this time.

**The Texas Child Mental Health Consortium**

The cost, timing, and institutional recipients of the funding authorized by the bill are not known. Costs of the funding may vary depending on the size, infrastructure, and existing resources of the member institutions.

**Local Government Impact**

School districts are likely to see increased costs resulting from several of the bill's provisions, including the bill's requirements that districts comply with TSSC noncompliance findings. These

include the following requirements:

- Adoption of trauma-informed care policies and training.
- Compliance with new facilities standards and any findings of noncompliance by the TSSC.
- Updates to school districts' multi-hazard emergency operations plans.
- Notification requirements and threat assessment teams.
- Providing access to emergency communications to campus staff.

Increased funding through the school safety allotment would offset these costs.

Charter schools could see increased costs related to compliance with various school safety provisions included in the bill.

TEA assumes each ESC would incur costs of approximately \$75,000 per year to hire one coordinator to identify resources related to student mental health available to schools in the region, and to submit a report to TEA. Across the 20 ESCs statewide, TEA assumes there would be a total cost of approximately \$1.5 million per year.

**Source Agencies:** 300 Truusted Programs Within the Office of the Governor, 454 Department of Insurance, 537 State Health Services, Department of, 758 Texas State University System, 781 Higher Education Coordinating Board, 529 Health and Human Services Commission, 701 Texas Education Agency

**LBB Staff:** WP, CPa, AM, THo, JSm, HL, AH, GO