

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 14, 2019

TO: Honorable Dan Huberty, Chair, House Committee on Public Education

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.), **Committee Report 2nd House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for SB11, Committee Report 2nd House, Substituted: a negative impact of (\$530,595,303) 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.

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

The Texas Education Agency, Texas School Safety Center, and Local Mental Health Authorities 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	(\$263,575,801)
2021	(\$267,019,502)
2022	(\$270,571,252)
2023	(\$273,924,195)
2024	(\$277,350,248)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1	Probable Savings/(Cost) from <i>Foundation School Fund</i> 193	Change in Number of State Employees from FY 2019
2020	(\$7,074,630)	(\$256,501,171)	26.0
2021	(\$7,224,318)	(\$259,795,184)	26.0
2022	(\$7,450,690)	(\$263,120,562)	26.0
2023	(\$7,435,690)	(\$266,488,505)	26.0
2024	(\$7,450,690)	(\$269,899,558)	26.0

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.

Local Mental Health Authorities

This bill requires the provision of 20 non-physician mental health professionals, one per education service center (ESC) region, by local mental health authorities (LMHA). The bill requires HHSC to annually compile reports from LMHAs and prepare a report to the legislature regarding program outcomes.

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.

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, TEA's administrative costs would total \$209,058 in fiscal year 2020 and \$358,746 in fiscal year 2021.

Local Mental Health Authorities

This analysis assumes that LMHAs would hire one additional non-physician mental health professional for each of the 20 Education Service Centers. The Texas Council of Community Centers estimates an annual average salary, benefits and expenses of approximately \$115,600 per ESC. This analysis assumes that the cost of these additional employees would be appropriated to HHSC and then distributed to the local entities. The total cost estimate is \$2.3 million per fiscal year ($\$115,600 \times 20$). These FTEs are not reflected in the summary tables above because they would be employed by local, rather than state entities. This analysis assumes that administrative tasks associated with these provisions could be absorbed within HHSC's existing resources.

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.

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.

Source Agencies: 300 Trusted 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, THo, JSm, HL, AM, AH, GO