

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

March 5, 2019

TO: Honorable Larry Taylor, Chair, Senate Committee on 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; making an appropriation.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for SB11, As Introduced: a negative impact of (\$547,187,855) through the biennium ending August 31, 2021.

The amount of Economic Stabilization Fund appropriations for grants to school districts and open-enrollment charter schools for facility safety improvements is not specified in the bill; consequently costs related to the grant program cannot be determined at this time. However, as an example of potential costs, Senate Bill 500, As Introduced, appropriates \$100.0 million from the Economic Stabilization Fund over a two year period for certain facility upgrades at public school campuses for the purposes of school safety.

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

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2020	(\$268,922,541)
2021	(\$278,265,314)
2022	(\$289,982,104)
2023	(\$303,450,047)
2024	(\$318,981,100)

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	(\$12,421,370)	(\$256,501,171)	33.0
2021	(\$18,470,130)	(\$259,795,184)	33.0
2022	(\$26,861,542)	(\$263,120,562)	33.0

2023	(\$36,961,542)	(\$266,488,505)	33.0
2024	(\$49,081,542)	(\$269,899,558)	33.0

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 of \$50 per student in average daily attendance, or a greater amount established by appropriation. Funds from the new allotment would have to be used for securing facilities, providing security, and school safety training and planning. The bill would also appropriate an unspecified amount from the Economic Stabilization Fund to the Foundation School Fund to be used for grants to school districts and open-enrollment charter schools for facility safety improvements. The bill specifies various criteria to be used by the Commissioner of Education when awarding grant funds.

A school board would be authorized to issue bonds for retrofitting school buses and other vehicles with safety equipment.

The bill's provisions would apply to open-enrollment charter schools.

Local Mental Health Authorities

The bill would direct each local mental health authority (LMHA) to employ a non-physician mental health professional to serve as a mental health and substance use resource for school districts, in conjunction with each education service center (ESC) served by an LMHA.

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 Higher Education Coordinating Board

Under provisions of the bill, the Higher Education Coordinating Board (THECB) would create a new loan repayment assistance program for certain school counselors. Repayment assistance could not be received for more than five years and the bill includes provisions regarding eligibility and criteria for the amount of loan repayment assistance. This criteria includes the maximum amount of repayment assistance which is 10 percent in the first year and increases in five percent increments to 30 percent in the fifth year. Under provisions of the bill, the total amount of repayment assistance received by a school counselor could not exceed: \$80,000 for assistance received by a school counselor who holds a doctorate degree and \$40,000 for assistance received by a school counselor who holds a master's degree related to counseling.

Effective Dates

The school safety grant program for school districts would take immediate effect if the bill receives a two-thirds vote in both houses of the Legislature. Otherwise, those sections would take effect September 1, 2019. All other provisions of the bill would take effect September 1, 2019.

Methodology

The Texas Education Agency

The School Safety Allotment would provide an annual allotment of \$50 for each student in average daily attendance (ADA), or a greater amount by appropriation through the Foundation School Program. 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, the 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. 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 4.0 FTEs would be required to administer the school safety and security facilities grant program and 3.0 FTEs to implement the other provisions of the bill. The agency estimates that a total of approximately \$214,000 in professional services IT costs would be required to update TSDS PEIMS to collect information from districts on threats and to update the Foundation School Program system. The agency estimates that \$35,000 would be required for a consultant to help develop facility safety standards. Taken together, these costs would total \$1.1 million in fiscal year 2020, \$1.2 million in fiscal year 2021, and \$1.0 million in subsequent fiscal years.

Provisions of the bill appropriating funds from the Economic Stabilization Fund for grants to school districts and open-enrollment charter schools for facility safety improvements are unspecified in the bill and consequently cannot be determined at this time.

Local Mental Health Authorities

This analysis assumes that each of the 37 LMHAs and the two Local Behavioral Health Authorities would hire one additional non-physician mental health professional at an average salary of approximately \$74,000. This analysis assumes that the cost of these additional employees would be appropriated to HHSC and then distributed to the local entities. The cost of these employees including benefit costs would be approximately \$2.9 million per fiscal year. Additional costs would likely result from employee benefits, as well as rent, supplies, and technology costs. These FTEs are not reflected in the summary tables above because they are employed by local, rather than state entities.

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.

The Texas Higher Education Coordinating Board

Based on the criteria established in the bill, the Higher Education Coordinating Board estimates that 5 school counselors, who hold a doctorate degree, would receive \$8,000 in loan repayment assistance, and 1,000 school counselors, who hold a master's degree, would receive \$4,000 in loan repayment assistance beginning in fiscal year 2020. Based on these assumptions, the General Revenue cost for fiscal year 2020 is \$4,040,000. The general revenue costs would increase in fiscal year 2021 through 2024 as the maximum amount of loan repayment assistance increases to 30 percent and new cohorts of school counselors are added to the program. The Higher Education Coordinating Board has indicated that they would need to hire an additional loan representative to administer the program at an annual cost for salary and benefits at \$47,068 per year. Technology and other costs associated with the program are estimated at \$100,724 in fiscal year 2020 and \$12,437 in fiscal year 2021.

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 and the school safety grant program would offset these costs.

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

There may be benefit and ancillary costs to local governments associated with the additional mental health professionals at LMHAs and Local Behavioral Health Authorities.

Source Agencies: 300 Trusteed Programs Within the Office of the Governor, 454 Department of Insurance, 529 Health and Human Services Commission, 537 State Health Services, Department of, 701 Texas Education Agency, 758 Texas

State University System, 781 Higher Education Coordinating Board

LBB Staff: WP, HL, AM, THo, AH, GO