

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

March 27, 2023

TO: Honorable Senfronia Thompson, Chair, House Committee on Youth Health & Safety, Select

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3 by Burrows (Relating to the development and implementation of, and funding for public school safety and security requirements.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3, As Introduced : a negative impact of (\$292,978,263) through the biennium ending August 31, 2025.

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:

<i>Fiscal Year</i>	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2024	(\$132,460,734)
2025	(\$160,517,529)
2026	(\$159,731,573)
2027	(\$158,869,061)
2028	(\$157,735,621)

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	Probable Savings/(Cost) from Foundation School Fund 193	Probable Savings/(Cost) from Recapture Payments Atten Crdts 8905	Probable (Cost) from General Revenue Fund 1	Change in Number of State Employees from FY 2023
2024	(\$122,006,612)	\$26,652,267	(\$10,454,122)	45.0
2025	(\$153,503,751)	\$27,878,721	(\$7,013,778)	45.0
2026	(\$152,717,795)	\$27,631,739	(\$7,013,778)	45.0
2027	(\$151,855,283)	\$29,368,677	(\$7,013,778)	45.0
2028	(\$150,364,343)	\$29,989,190	(\$7,371,278)	45.0

Fiscal Analysis

The bill would require the commissioner of education to review and amend rules necessary to ensure that district and charter building standards continue to provide a secure and safe environment. The commissioner would adopt rules from proposals of the Texas School Safety Center (TxSSC) regarding requirements for school district multi-hazard emergency operations plans (EOP) and safety and security audits(SSAs). The Texas Education Agency (TEA) would monitor the implementation and operation of plans, audits, and other related requirements. Monitoring would include at least one intruder detection audit of each school district.

The commissioner would consult with the TxSSC to identify and adopt changes, and would require that new and, to the extent feasible, existing school facilities at least meet amended building standards.

The bill would require school district boards to determine the appropriate number of armed security officers for each campus; ensuring at least one armed security officer at each school campus.

Each school district and public junior college district would adopt and implement a multi-hazard emergency operations plan for use in the district's facilities.

A school district would follow SSA procedures adopted by the commissioner and, unless a district employee conducts the audit, engage a person approved by the commissioner and included in the registry established by the TxSSC to conduct the audit. A public junior college district would, to the extent possible, follow safety and security audit procedures developed by the TxSSC.

TEA would monitor the implementation and operation of EOPs, SSAs and other school district safety and security requirements. Monitoring would include at least one intruder detection audit of each school. Each school district would have at least one Intruder Detection Audit per year, with at least 25.0 percent of the campuses being physically audited.

TEA would establish an office of school safety and security within the agency to coordinate the agency's monitoring of school district safety and security requirements. The agency would provide technical assistance to support implementation of EOPs and SSAs and other school district safety and security requirements.

The commissioner would take appropriation action if a school district fails to follow certain monitoring, reporting, compliance, and implementation steps.

TEA would require a school district to submit information necessary for the agency to monitor the implementation and operation of school district safety and security requirements. TEA would review school district records as necessary to ensure compliance, and ensure collected information is kept confidential.

Any proceeds from bonds would be used by school districts to come into compliance with safety standards before other bond proceeds could be spent.

The bill would require twice annual meetings coordinated by the sheriff in each county under 350,000 population, of school officials and all law enforcement in the county. The sheriffs would be required to submit related reports to the TxSSC, and TxSSC would maintain the reports and make them publicly available on its website.

The bill would require the TxSSC to establish a random or need-based cycle for the center's review and verification of school district and public junior college district EOPs.

The bill would require the TxSSC to share with the TEA each EOP submitted and any other information requested by the agency regarding reviews. The bill would require certain monitoring of multi-hazard emergency operations plans by the TxSSC, or for school districts, the center and TEA.

The bill would require TxSSC to receive TEA approval before adding to the registry a person providing school safety or security consulting services to school districts.

The bill would require that, at least once every five years, TxSSC would review the building standards for instructional facilities and make recommendations to the commissioner regarding any changes necessary to ensure that the building standards reflect best practices for student safety. The commissioner would work with local jurisdictions to make the adopted building standards part of local building codes to ensure compliance.

Methodology

The Texas Education Agency (TEA) assumes that provisions of the bill would impact the agency's staffing of school safety and security. This analysis assumes that implementation of the bill's monitoring and technical assistance provisions would require 45.0 additional full-time-equivalent positions (FTEs) for operational, technology-related, and administrative staff to support new school safety teams. This analysis assumes that the total cost for these office of school safety FTEs, including salaries, benefits, setup costs, and operating costs would be \$4,426,719 in fiscal year 2024 and \$4,433,022 in fiscal years 2024-2028.

This analysis assumes TEA would incur additional costs related travel and the purchase and maintenance of approximately 30 vehicles and, training equipment and supports. These costs would total \$3.8 million in fiscal year 2024 and \$2.4 million for fiscal years 2025-27. Due to vehicle replacement costs assumed for fiscal year 2028, the total costs in that year would be \$2.8 million.

This analysis assumes costs to public junior colleges to implement updates to multi-hazard operations plans could be absorbed with existing resources. Public junior colleges with early college high school campuses may be required to update safety standards.

The bill would amend the School Safety Allotment under the Foundation School Program (FSP). Under the provisions on the bill, a school district would be entitled to \$15,000 per campus and \$10 per student in average daily attendance plus \$1 per student in average daily attendance for every \$50 basic allotment increase. Because the bill would not require an increase to the basic allotment, this analysis does not include a cost for this provision. The estimated state cost of amending the School Safety Allotment under the FSP would be \$122.0 million in fiscal year 2024, \$153.5 million in fiscal year 2025, and \$150.4 million in fiscal year 2028. The increase from fiscal year 2024 to 2025 is primarily due to the expiration of the formula transition grant after fiscal year 2024.

The cost to the FSP includes estimated decreases in Recapture Payments - Attendance Credits of \$26.7 million in fiscal year 2024, \$27.9 million in fiscal year 2025, increasing to \$30.0 million in fiscal year 2028 as a result of school district entitlement increases. The decrease in recapture is reflected as a savings in the table above because recapture is appropriated as a method of finance for the FSP in the General Appropriations Act.

If the basic allotment were to be increased by \$50 to \$6,210, the estimated state cost of the basic allotment increase and amending the School Safety Allotment under the FSP would be \$431.9 million in fiscal year 2024, \$524.3 million in fiscal year 2025, and \$530.1 million in fiscal year 2028. Recapture would decrease by an estimated \$98.4 million in fiscal year 2024, \$101.7 million in fiscal year 2025, and \$108.9 million in fiscal year 2028.

Technology

TEA assumes that provisions of the bill would require the development and implementation of a new application for school audit data and modifications to the existing FSP application.

The cost estimate to develop and implement the requirements in a new application would be \$1,631,386 for initial development. Technology costs related to implementation of provisions of the bill would also include onetime Data Center Service (DCS) costs of \$193,532 for hardware and software and an ongoing annual DCS cost of \$160,756.

TEA assumes the estimated cost to develop and implement the requirements in the FSP application would be \$271,729 for initial development.

Additionally, this analysis assumes five FTEs, included in total FTEs and personnel costs in the above methodology section, would be needed to provide ongoing support and maintenance.

Local Government Impact

This analysis assumes that districts may experience a fiscal impact implementing provisions of the bill requiring certain security staffing. This impact, while potentially significant, cannot be determined as the bill would require district boards of trustees to determine the appropriate number of armed security officers for each campus; however, they shall ensure an armed security officer is present during regular school hours at each district campus. Districts may also incur significant costs to ensure instructional facilities meet or exceed building standards.

District may also incur costs related to implementation of provisions of the bill that would update safety and security requirements, including updates or modifications to multi-hazard emergency operations plans and related procedures and training, acquisition of technology from approved vendors, and physical security upgrades.

The bill would provide schools with additional per campus and per student safety funding to implement provisions.

Source Agencies: 405 Department of Public Safety, 701 Texas Education Agency, 758 Texas State University System, 978 San Jacinto College

LBB Staff: JMc, NPe, ASA, ENA, MJe