

LEGISLATIVE BUDGET BOARD  
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

April 5, 2023

TO: Honorable Brandon Creighton, Chair, Senate Committee on Education

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: SB11 by Nichols (Relating to measures for ensuring safety and security in public schools, including measures related to certain student records and truant conduct.), As Introduced

Estimated Two-year Net Impact to General Revenue Related Funds for SB11, As Introduced : a negative impact of (\$323,811,562) 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>	<i>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</i>
2024	(\$174,525,181)
2025	(\$172,175,843)
2026	(\$171,389,887)
2027	(\$170,527,375)
2028	(\$169,393,935)

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	<i>Probable Savings/(Cost) from Foundation School Fund 193</i>	<i>Probable Savings/(Cost) from Recapture Payments Atten Crdts 8905</i>	<i>Probable (Cost) from General Revenue Fund 1</i>	<i>Change in Number of State Employees from FY 2023</i>
2024	(\$152,839,911)	\$26,652,267	(\$21,685,270)	45.0
2025	(\$153,503,751)	\$27,878,721	(\$18,672,092)	45.0
2026	(\$152,717,795)	\$27,631,739	(\$18,672,092)	45.0
2027	(\$151,855,283)	\$29,368,677	(\$18,672,092)	45.0
2028	(\$150,364,343)	\$29,989,190	(\$19,029,592)	45.0

## **Fiscal Analysis**

This legislation would require that a regional education service center (ESC) act as a school safety resource for districts and open-enrollment charter schools in the region served by the center. Each school district or public junior college district would be required to adopt and implement multi-hazard emergency operations plan (EOP) for use in the district's facilities. The plan must address prevention, mitigation, preparedness, response, and recovery. The Texas Education Agency (TEA) would be required to provide technical assistance to school districts to support the implementation and operation of safety and security requirements.

The bill would require local education agencies (LEAs) to be provided with a copy of the student's disciplinary record and any threat assessment involving the child's behavior upon enrollment or in the case of a transfer.

The bill would amend attendance regulations related to student truancy.

The bill would require the Texas School Safety Center (TxSSC) to establish definitions of prevention, mitigation, preparedness, response and recovery for district and public junior college EOPs.

The would require TEA to monitor, and in consultation with the TxSSC, adopt rules regarding the implementation and operation of requirements related to school district safety and security, including school district multi-hazard emergency operations plans and safety and security audits. The would establish an office of school safety and security within the agency.

The bill would require TEA to provide technical assistance to school districts to support the implementation and operation of safety and security requirements.

The bill would allow TEA to engage or require a school district to engage a third party as necessary to enable the agency to monitor the implementation and operation of school district safety and security requirements.

The bill would allow the commissioner of education to take appropriate action under Chapter 39A, including the assignment of a conservator or the appointment of a board of managers, if a school district fails to submit to the required monitoring under this section, to comply with applicable safety and security requirements, or address in a reasonable time period, as determined by commissioner rule, issues raised by the monitoring of the district.

The bill would allow TEA to require a school district to submit information necessary for the agency to monitor the implementation and operation of school district safety and security requirements.

The bill would require the office of school safety and security to establish a school safety review team in each region served by a regional education service center. The bill would require that a team shall twice annually conduct on-site vulnerability assessments of each school district campus in the team's region. The bill would require that a regional education service center provide support as necessary to assist the region's team in conducting on-site vulnerability assessments under this section. The bill would require that a report produced by a team under this section be kept confidential.

The bill would amend the school safety allotment to provide additional funding and would designate certain technologies that a school district, in using funds allocated under this section, may purchase only from a vendor approved by the agency.

**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 \$4.5 million in fiscal years 2024-2028.

This analysis assumes TEA would incur additional costs for the office of school safety related to travel, professional development, fieldwork technology, training equipment and supports, and the purchase and maintenance of approximately 30 vehicles. 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 that the cost for the regional school safety review teams to conduct twice annual onsite vulnerability assessments of each campus would cost approximately \$11.6 million annually. This cost is based on the current funding provided to the TxSSC for intruder detection audits. Due to the volume of audits, TEA assumes that continuing to contract for these review teams in the manner would be the best approach to ensure statewide auditing coverage.

This analysis assumes costs to the Texas School Safety Center to implement the provisions of the bill could be absorbed with existing resources. This analysis also assumes costs to public junior colleges to implement updates to multi-hazard operations plans could be absorbed with existing resources.

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 \$520.0 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. However, as the bill does not require an increase to the basic allotment, this analysis does not assume an increased cost related to this provision.

**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 existing agency applications.

The cost estimate to develop and implement the requirements in a new application would be \$1,347,667 for initial development. Technology costs related to implementation of provisions of the bill would also include onetime Data Center Service (DCS) costs of \$11,532 for hardware and software and an ongoing annual DCS cost of \$160,756.

TEA assumes the estimated cost to develop and implement bill requirements in the Texas Student Data System

application would be \$22,644 for initial development.

TEA assumes the estimated cost to develop and implement the requirements in the TREx application would be \$19,021 for initial development.

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 four 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**

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, and acquisition of technology from approved vendors, and physical security upgrades. Districts may also incur costs related to implementation of audit finding or safety recommendations.

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

**Source Agencies:** 405 Department of Public Safety, 644 Juvenile Justice Department, 701 Texas Education Agency, 758 Texas State University System, 978 San Jacinto College

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