

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

April 17, 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 and active shooter training for certain peace officers.), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for SB11, Committee Report 1st House, Substituted : a negative impact of (\$230,169,268) 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	(\$116,932,700)
2025	(\$119,426,568)
2026	(\$119,286,621)
2027	(\$120,013,706)
2028	(\$121,222,554)

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	(\$98,568,177)	\$17,546,709	(\$18,364,523)	45.0
2025	(\$104,678,242)	\$17,630,425	(\$14,748,326)	45.0
2026	(\$104,538,295)	\$17,673,001	(\$14,748,326)	45.0
2027	(\$105,265,380)	\$18,957,657	(\$14,748,326)	45.0
2028	(\$106,116,728)	\$19,314,922	(\$15,105,826)	45.0

Fiscal Analysis

This legislation would require that regional education service centers (ESC), directly or in collaboration with the Texas School Safety Center (TxSSC), assist school districts or open-enrollment charters with development and implementation of multi-hazard emergency operations plans (EOP) and other safety measures.

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 TxSSC, in conjunction with the governor's office of homeland security, the commissioner of education, and the commissioner of higher education, to establish definitions of prevention, mitigation, preparedness, response, and recovery for purposes of an EOP. The bill would require TEA to collaborate with the TxSSC to provide technical assistance to school districts. 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 require TEA to create an office of school safety and security and to establish school safety review teams in each region served by an ESC. These teams would be required to conduct annual onsite general intruder detection audits of school district campus. The bill would require that TEA conduct detailed vulnerability assessments of school districts once every four years on a random basis, and that TEA work with the TxSSC to develop metrics and rubrics. Provisions of the bill would also require annual intruder detection audits.

The bill would amend the school safety allotment to provide additional funding based on campus enrollment 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.

The bill would require certain active shooter training for officers at public schools and require the Texas Commission on Law Enforcement to adopt rules.

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 office would consist of individuals with substantial expertise and experience in school or law enforcement safety and security operations and oversight. The total cost for these office of school safety FTEs, including salaries, benefits, setup costs, and operating costs would be \$6.2 million in fiscal year 2024 and \$6.4 million in fiscal years 2025-2028.

This analysis assumes TEA would incur additional costs for the development of 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 onsite assessments of districts would be approximately \$5.8 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 would be the best approach to ensure statewide auditing coverage.

This analysis assumes costs to the TxSSC and the Texas Commission on Law Enforcement 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) to change the school safety allotment from an average daily attendance (ADA) basis to a calculation based on campus size. The bill would provide a tiered per campus allotment of \$16,800 for each campus with over 1,100 students, \$16,000 for each campus with between 600 and 1,099 students, \$15,500 for campuses with between 350 and 699 students, and \$15,000 for campuses for campuses with fewer than 349 students. The current allotment of \$9.72 per student in average daily attendance would be discontinued. The total net increase would be \$98.6 million in fiscal year 2024 increasing to \$104.7 million in fiscal year 2025 with the expiration of the Formula Transition Grant, increasing to \$106.1 million in fiscal year 2028.

The cost to the FSP includes estimated decreases in Recapture Payments - Attendance Credits of \$17.5 million in fiscal year 2024, \$17.6 million in fiscal year 2025, increasing to \$19.3 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.

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 \$2.1 million 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 \$271,911 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

This analysis assumes districts may incur costs related to truancy and safety reporting and the provision of certain student records. District may also incur costs related to implementation of provisions of 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. Districts may incur costs related to required active shooter training for officers. Districts may also incur costs related to implementation of audit findings or safety recommendations. The bill would provide schools with additional per campus 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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