

**HOUSE OF REPRESENTATIVES
COMPILATION OF PUBLIC COMMENTS**

Submitted to the Committee on Youth Health & Safety, Select
For HB 4406

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Hearing Date: March 27, 2023 2:30 PM - or upon final adjourn./recess or bill referral if permission granted

Mark Wiggins

Association of Texas Professional Educators
Austin, TX

The Association of Texas Professional Educators (ATPE) offers the following neutral input on HB 4406 by Rep. King, which would create a State School Safety Fund from excess entitlement funds under the Foundation School Program.

School safety is one of ATPE's top legislative priorities. ATPE's 2022-23 Legislative Program, which was unanimously adopted by members of the 2022 House of Delegates, states the following:

"ATPE supports measures to ensure all educational settings are safe and secure environments where students, school employees, and volunteers can be productive."

HB 4406 would direct up to 100 percent of excess FSP funds to be transferred to the State School Safety Fund, which would in turn fund an annual school safety grant program designed to reimburse school districts for expenditures required to implement a school safety plan approved by the Texas Education Agency. Awards would be limited to \$10 million per district and capped at \$250 million per school year.

Excess FSP funding totaled more than \$8.2 billion during the 2022-23 budget biennium. In the event of a similar excess under HB 4406, the commissioner of education could unilaterally direct the entirety to the State School Safety Fund. This would result in the fund exploding to 32 times what the fund would be allowed to spend annually on grant awards and potentially encumber billions of dollars that may be utilized to address more immediate concerns elsewhere.

If this legislation moves forward, ATPE recommends placing a reasonable cap on the amount of excess FSP funds the commissioner may direct to the State School Safety Fund. Doing so would help avoid inefficiencies and the further consolidation of spending authority in the unelected office of education commissioner.

Nothing is more important than the safety of Texas children. We appreciate the effort of HB 4406 to provide funding support. We respectfully ask your consideration of this recommendation, which we believe will make the bill stronger. For additional information, contact ATPE Governmental Relations at (800) 777-2873 or government@atpe.org.

Amanda Brownson

Texas Association of School Business Officials

AUSTIN, TX

The Texas Association of School Business Officials appreciates the commitment to keeping students safe shown in House Bill 4406, and we are in support of the bill. We think ongoing school safety needs will be a good use of surplus funds.

Under current law, the commissioner has been given direction to address a number of needs with FSP surpluses. Specifically,

- TEC 48.259 allows for using excess funds to reimburse districts that have local optional homestead exemptions;
- TEC 48.260 and 48.261 allow for using excess funds for disaster costs;
- TEC 48.265 requires the use of excess funds to purchase cameras for special education classrooms;
- TEC 48.267 allows the commissioner to provide temporary help to a district when a major taxpayer fails to pay, which is important because it can take significant time (sometimes years) before the loss of value is agreed to and recognized through the PVS process; and
- TEC 48.266(e) allows the commissioner to adjust the estimates that are used to cash flow FSP payments when the district can demonstrate that the estimates are so far off as to cause hardship if the district has to wait until settle-up for reimbursement.

In spite of these current law provisions, SB 30 contemplates raking back \$8.2 billion from TEA due to an existing FSP surplus. We recommend working with the Agency to determine how to ensure new provisions are implemented and funding reaches classrooms. We also recommend ensuring that new provisions don't limit the commissioner's ability to assist districts that face unforeseen circumstances, such as a disaster (TEC 48.260 and 48.261) or significant cash flow difficulties due to the state's process of paying on estimates and then employing settle-up (48.266(e) and 48.267).