

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 24, 2017

TO: Honorable Dan Patrick, Lieutenant Governor, Senate

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB2078 by Taylor, Larry (Relating to the duties of school districts, open-enrollment charter schools, the Texas Education Agency, and the Texas School Safety Center regarding multihazard emergency operations plans and other school safety measures.), **As Passed 2nd House**

Estimated Two-year Net Impact to General Revenue Related Funds for SB2078, As Passed 2nd House: a negative impact of (\$445,778) through the biennium ending August 31, 2019, assuming the legislation is implemented. The agency is not required to implement the legislation in the absence of an appropriation.

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:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2018	(\$230,889)
2019	(\$214,889)
2020	(\$214,889)
2021	(\$214,889)
2022	(\$214,889)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 1	Change in Number of State Employees from FY 2017
2018	(\$230,889)	2.0
2019	(\$214,889)	2.0
2020	(\$214,889)	2.0
2021	(\$214,889)	2.0
2022	(\$214,889)	2.0

Fiscal Analysis

The bill would amend the Education Code related to the duties of school districts, open-enrollment charter schools, and the Texas Education Agency (TEA) regarding multihazard emergency operations plans and other school safety measures. The bill would allow school districts to follow safety and security audit procedures developed by a person on a list maintained by the Texas School Safety Center. The bill would add requirements for provisions that school districts must include in multihazard emergency operations plans.

The bill would require TEA to perform certain duties regarding school safety measures, including adopting a model multihazard emergency operations plan and reviewing and approving all school district multihazard emergency operations plans. The bill would require the TEA to implement these provisions of the bill only if the Legislature appropriates funding specifically for that purpose and would allow the agency to implement the provisions using other appropriations if available.

The bill would also amend the Education Code to add a section related to restroom, locker room, and changing facility privacy and security in school districts and open-enrollment charter schools. The bill would require districts and schools to provide single-occupancy facilities for use by a student who does not wish to use the facilities designated for use or commonly used by the student's biological sex. The bill would allow the Office of the Attorney General (OAG) to enforce these requirements and require the OAG to defend the district or school upon request in related actions. The OAG indicates that any costs associated with the bill could be absorbed within the agency's existing resources.

The bill would take effect September 1, 2017.

Methodology

Implementing the requirements of the bill related to multihazard emergency operations plans would result in costs associated with the operation of TEA totaling \$230,889 in fiscal year 2018 and \$214,889 in subsequent years. This analysis estimates the costs of implementing the provisions of the bill assuming that either the Legislature appropriates money specifically for that purpose or that the agency identifies available funds.

The bill would require TEA to work with the Texas School Safety Center to adopt a model multihazard emergency operations plan, and to review and approve every school district's multihazard emergency operations plan. The bill would require TEA to identify on its website each school district that: (1) failed to submit a plan; 2) submitted a plan that did not comply with applicable standards; or (3) failed the school safety and security audit. The bill would also require TEA to provide assistance to the Texas School Safety Center to develop the model safety and security audit procedures.

TEA indicated that it would require two full-time equivalent (FTE) positions to implement the provisions of the bill. The estimated cost of the FTEs, including salary, benefits, and other operating expenses, would be \$230,889 in fiscal year 2018 and \$214,889 in subsequent years.

Local Government Impact

Implementing the provisions of the bill related to multihazard emergency operations plans and other school safety measures would require school districts to establish a chain of command, report audit results, provide certain notification to parents, provide a statement regarding the amount spent on school safety per student, have certain representatives on their school safety

committee, have three meetings per fiscal year and potentially comply with best practices. Currently, school districts are required to have safety plans and report certain information which may offset some costs. TEA estimates school districts can accomplish these tasks at \$1,000 per school district. These provisions would also require open-enrollment charter schools to comply with certain safety provisions. TEA estimates that initial costs could be \$2,000 per charter school campus and nominal thereafter. The Texas Municipal League anticipates no significant fiscal impact to municipalities related to the implementation of these provisions.

Implementing the requirements of the bill related to restroom, locker room, and changing facility privacy and security would require school districts to provide single-occupancy facilities for certain students. Of the 1,511 high schools and 1,383 middle schools in Texas, TEA estimates that ten percent of high schools and three percent of middle schools, a total of approximately 190 schools, will have a student that may require single-occupancy facilities. Additionally, districts would incur costs to the extent the requirement necessitates provision of separate facilities at elementary schools. TEA indicates that some schools will have existing facilities and be able to provide accommodations at no cost. Other schools may have to incur costs to remodel. TEA estimates remodeling costs could be between \$25,000 and \$50,000, depending on the extent of the remodel. Costs could be significantly higher or lower at some campuses.

Source Agencies: 302 Office of the Attorney General, 701 Texas Education Agency

LBB Staff: UP, THo, AM, RSt, AW, JGA