

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 10, 2017

TO: Honorable Dan Huberty, Chair, House Committee on Public Education

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2616 by Giddings (Relating to the discipline and behavior management of a student enrolled in a grade level below grade four at a school district or open-enrollment charter school.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB2616, As Introduced: a negative impact of (\$251,604) through the biennium ending August 31, 2019.

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	(\$129,802)
2019	(\$121,802)
2020	(\$121,802)
2021	(\$121,802)
2022	(\$121,802)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund	Change in Number of State Employees from FY 2017
2018	(\$129,802)	1.0
2019	(\$121,802)	1.0
2020	(\$121,802)	1.0
2021	(\$121,802)	1.0
2022	(\$121,802)	1.0

Fiscal Analysis

The bill would amend the Education Code to state that a student enrolled in a grade level below grade four may not be suspended. The bill would require the Texas Education Agency (TEA) to adopt rules to establish minimum standards for behavior management techniques that may be used

for students enrolled in a grade level before grade four as an alternative to suspending the student. The bill would require TEA to develop a database of positive behavior support systems and make the database available to school districts and open-enrollment charter schools.

The bill would require school districts to state in their student code of conduct that a student enrolled in a grade level below grade four may not be suspended. The bill would require school districts to include in their student code of conduct guidance on disciplining students in a grade level below four using behavior management techniques that comply with the minimum standards established by TEA.

The bill would require school districts and open-enrollment charter schools to develop positive behavior and early detection and prevention programs for students enrolled in a grade level below grade four and to submit to TEA for review written procedures detailing the implementation of these programs. The bill would require each school district to train educators and other student support staff as necessary to implement the programs.

The bill would require the Commissioner of Education to sanction school districts and open-enrollment charter schools that permit a student below grade four to be suspended or fail to comply with the requirements for positive behavior and early detection and prevention programs.

The bill would require each school district and open-enrollment charter school to submit to TEA their procedures for positive behavior and early detection and prevention programs by September 1, 2017. The bill would require TEA to review the submitted procedures and determine initial compliance with the requirements not later than March 1, 2018. The bill would take effect immediately if passed with the necessary voting margins, or on September 1, 2017.

Methodology

Implementing the requirements of the bill would result in costs associated with the operation of TEA totaling \$129,802 in fiscal year 2018 and \$121,802 in subsequent years.

The bill would require TEA to review written procedures related to the implementation of positive behavior and early detection and prevention programs submitted by each school district. The bill would also require TEA to sanction school districts that did not comply with certain requirements of the bill. To implement this provision, TEA would need to follow up with school districts that did not submit procedures and submit a list of those districts who did not comply with the requirements of the bill for possible sanctions. TEA indicated that it would require a full-time equivalent (FTE) position to implement the provisions of the bill. The estimated cost of the FTE, including salary, benefits, and other operating expenses, would be \$129,802 in fiscal year 2018 and \$121,802 in subsequent years.

Local Government Impact

The bill requires school districts to adopt a student code of conduct that addresses the suspension and discipline of students enrolled in a grade below grade four. The bill would require school districts and open-enrollment charter schools to adopt a positive behavior program and detection program and provide related information to TEA.

TEA anticipates that school districts would have administrative, training and implementation costs associated with the provisions of this bill. The costs will vary depending on the size of the district and current discipline programs in place. TEA estimates costs of approximately \$1,000 per elementary school campus.

Source Agencies: 701 Texas Education Agency

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