

The Texas Education Agency (TEA) proposes new §61.1008, concerning the school safety allotment. The proposed new rule would reflect changes made by Senate Bill (SB) 11, 86th Texas Legislature, 2019.

BACKGROUND INFORMATION AND JUSTIFICATION: Texas Education Code (TEC), §42.168, added by SB 11, 86th Texas Legislature, 2019, directs the commissioner to adopt rules and take action as necessary to implement and administer the school safety allotment. The allotment provides additional funding for a school district in the amount provided by appropriation for each student in average daily attendance. Funds allocated for that purpose must be used to improve school safety and security, including costs associated with: (1) securing school facilities; (2) providing security for the district; (3) school safety and security training and planning; and (4) providing programs related to suicide prevention, intervention, and postvention.

House Bill 3, 86th Texas Legislature, 2019, passed independently of SB 11, transferred many Foundation School Program formulas to TEC, Chapter 48. Proposed new 19 TAC §61.1008 would implement TEC, §42.168, by explaining that the school safety allotment will be treated as if it is located in TEC, Chapter 48. It is anticipated that the legislature will transfer TEC, §42.168, to TEC, Chapter 48, when it convenes in 2021.

FISCAL IMPACT: Leo Lopez, associate commissioner for school finance, has determined that for the first five-year period the proposal is in effect there are no additional costs to state or local government, including school districts and open-enrollment charter schools, required to comply with the proposal beyond what the authorizing statute requires. The rulemaking itself would not require an increase in future legislative appropriations to the agency, but SB 11 does require an increase in future legislative appropriations to the agency estimated to be \$49,672,915 in fiscal year 2020 and \$50,327,085 in fiscal year 2021 by the General Appropriations Act.

LOCAL EMPLOYMENT IMPACT: The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis, specified in Texas Government Code, §2006.002, is required.

COST INCREASE TO REGULATED PERSONS: The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, §2001.0045.

TAKINGS IMPACT ASSESSMENT: The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under Texas Government Code, §2007.043.

GOVERNMENT GROWTH IMPACT: TEA prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, the proposed rule would create a new regulation to implement the school safety allotment. The rulemaking itself would not require an increase in future legislative appropriations to the agency, but SB 11 does require an increase in future legislative appropriations to the agency estimated to be \$49,672,915 in fiscal year 2020 and \$50,327,085 in fiscal year 2021 by the General Appropriations Act.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require a decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not expand, limit, or repeal an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: Mr. Lopez has determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of enforcing the proposal would be implementation of legislative changes that help school districts provide a safe and secure environment through the school safety allotment. There is no anticipated economic cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: The proposal would have no data and reporting impact.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: The TEA has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: The public comment period on the proposal begins May 1, 2020, and ends June 15, 2020. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on May 1, 2020. A form for submitting public comments is available on the TEA website at [https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_\(TAC\)/Proposed_Commissioner_of_Education_Rules/](https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_(TAC)/Proposed_Commissioner_of_Education_Rules/). Comments on the proposal may also be submitted to Cristina De La Fuente-Valadez, Rulemaking, Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701.

STATUTORY AUTHORITY. The new section is proposed under Texas Education Code, §42.168, as added by Senate Bill 11, 86th Texas Legislature, 2019, authorizes the school safety allotment.

CROSS REFERENCE TO STATUTE. The new section implements Texas Education Code, §42.168, as added by Senate Bill 11, 86th Texas Legislature, 2019.

<rule>

§61.1008. School Safety Allotment.

The school safety allotment calculated under Texas Education Code (TEC), §42.168, is treated as an allotment under TEC, Chapter 48, Subchapter C.