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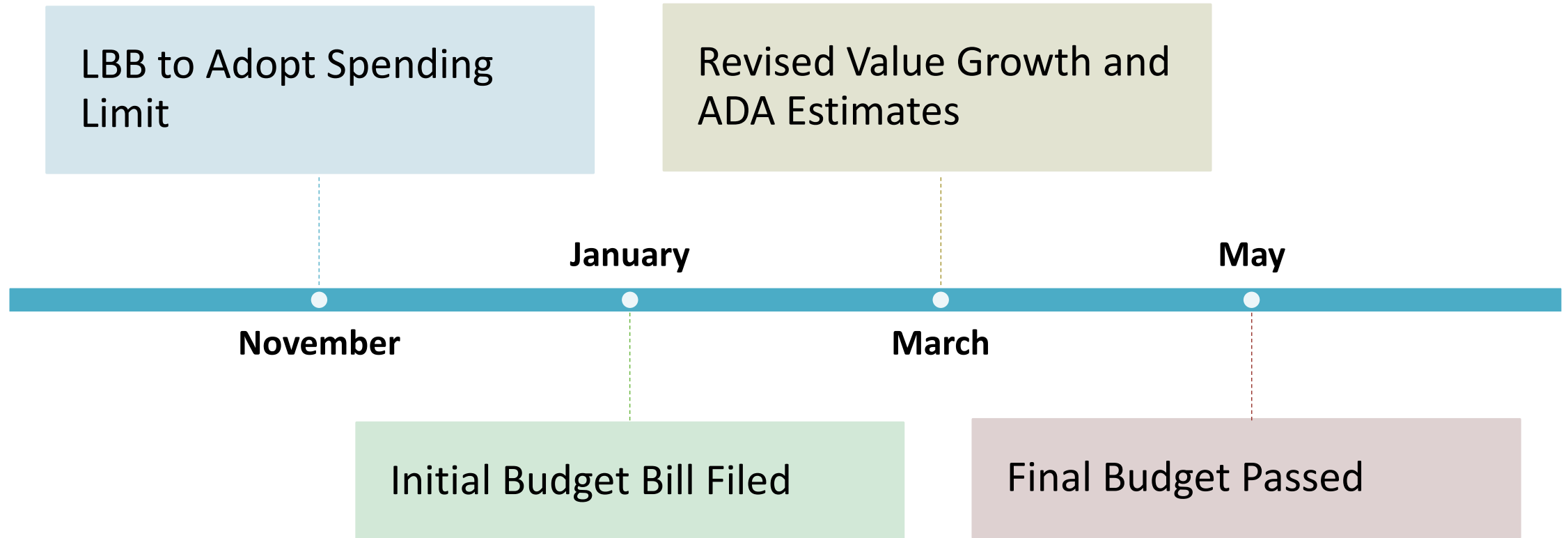
TEXAS ASSOCIATION OF SCHOOL BUSINESS OFFICIALS

Countdown to the 88th Legislative Session

November 9, 2022



88th Legislature: Budget Development



School Safety Update: Proposed Rules

- Must be implemented this year (2022-2023)
- Currently out for public comment
- LEAs must certify and report compliance annually
- LEAs may certify they are not in compliance but have taken necessary steps to initiate an upgrade and the contractor or supplier has been procured and has provided a timeframe when the upgrade will be completed.

School Safety Update: Proposed Rules

- Alpha-numeric door numbering
- A primary entrance that allows someone inside to visually identify someone seeking to enter, a physical barrier that prevents unassisted access, and a location for visitor check-in and check-out
- All exterior doors shall
 - default to a closed, latched, and locked status, unless actively monitored or within secured area;
 - be resistant to entry by intruders;
 - include a mechanism that fully closes and engages locking hardware automatically, with a mechanism that allows the door to be opened from the inside when locked; and if keyed for re-entry, be capable of being unlocked with a single or a small set of master key(s).
- Except when in a secured area, classrooms with exterior doors shall include a means to allow someone inside to visually identify someone seeking to enter, including, but not limited to, windows, camera systems, and/or intercoms.

School Safety Update: Proposed Rules

- Except when in secured area, all windows adjacent to an exterior door and that, if broken, would easily permit an individual to reach in and open the door, shall be constructed or modified such that the glass cannot be easily broken.
- Except when in secured area, all ground-level windows near exterior doors that that could allow entry from the exterior if broken shall be constructed or modified such that the glass cannot be easily broken to allow an intruder to enter through the window frame (for example, using forced entry-resistant film).
- If designed to be opened, all ground-level windows shall have functional locking mechanisms that allow for the windows to be locked from the inside and, if large enough for an individual to enter when opened or if adjacent to a door, be closed and locked when staff are not present.
- Roof access should default to a locked, latched, and closed position when not actively in use and be lockable from the interior
- All facilities must include one exterior secure master key box designed to permit emergency access to first responders (for example, a Knox box) at a location designated by the local authorities with applicable jurisdiction.

School Safety Update: Proposed Rules

- A communications infrastructure shall be implemented that:
 - ensures equipment is in place such that law enforcement and emergency responder two-way radios can function within most portions of the building(s);
 - includes a panic alert button or equivalent alarm system that is capable of being triggered manually by campus staff or automatically if an employee calls 911;
 - notifies designated school administrators as needed;
 - triggers those doors to automatically lock and to automatically notify relevant campus staff of any door where the lock cannot engage.

School Safety Update: Proposed Rules

- The board of trustees shall adopt a policy requiring continued auditing of building access:
 - weekly inspections during school hours of all exterior doors of all instructional facilities to certify that all doors are, by default, set to a closed, latched, and locked status and cannot be opened from the outside without a key;
 - report the findings of weekly inspections to the school system's safety and security committee and ensure the results are kept for review as part of the safety and security audit;
 - report the findings of weekly inspections to the principal or campus leader to ensure awareness of any deficiencies and who must take action to reduce the likelihood of similar deficiencies in the future; and
 - include a provision in the school system's applicable policy stating that nothing in a school system's access control procedures will be interpreted as discouraging parents from visiting campuses they are authorized to visit.

School Safety Update: Proposed Rules

■ Maintenance.

- A school system shall perform at least twice-yearly maintenance checks. At a minimum, maintenance checks shall ensure:
 - instructional facility exterior doors function properly,
 - the locking mechanism for ground-level windows function properly;
 - any perimeter barriers and related gates function properly;
 - all panic alert or similar emergency notification systems function properly;
 - all phones report location services properly when engaging 911 systems;
 - all exterior master key boxes function properly and the keys they contain function properly;
 - law enforcement and emergency responder two-way radios operate effectively within each instructional facility; and
 - two-way radios used by school system peace officers, school resource officers, or school marshals properly communicate with local law enforcement and emergency response services.

School Safety Update: Proposed Rules

- A school system shall ensure procedures are in place to require that staff who become aware of a deficiency immediately report the deficiency to the school system's administration, regardless of the status of the twice-yearly maintenance review.
- A school system shall promptly remedy any deficiencies discovered through maintenance checks or reports made

School Safety Standards: Proposed Update

- In implementing these requirements, districts must comply with construction quality standards as established under TAC 61.1040(j)

School Safety Grants

- Amount appears to be the greater of \$200,000 or roughly \$48 per enrolled student
- Districts must first use funds to get compliant, including upgrades to:
 - fencing, exterior doors, glass exterior doors; windows, silent panic alert technology, and other required components including installation
- Once the standards are met, LEAs may use funds for
 - Security cameras, communications systems, security personnel, collaboration with law enforcement, school safety training, suicide prevention, metal detectors, two-way radios, and electronic door locking systems

SB 179 as Finally Passed

- Requires schools to implement comprehensive school counseling plans (TEC 33.005);
- Requires the board of trustees to adopt a policy that requires 80% of counselors time to be spent on activities as defined in TEC 33.005. Policy must be made available upon request.
- If the board of trustees determines staffing needs prohibit them from meeting the 80%, they must adopt a policy explaining why, what duties the counselor is expected to perform, and set the percentages of time the counselor is expected to perform each task.
- Prohibits contracts from conflicting with this policy.
- Requires districts to assess compliance and provide copy of assessment to commissioner upon request.

SB 179 Rules

- Plans for school counseling must be developed under TEC 33.005;
- School districts shall require each district school counselor to track and document, using a standardized tracking tool, the time spent on work duties performed by the school counselor throughout a school year. This tracking tool shall capture:
 - Total time worked,
 - Time spent on:
 - (i) provision of a guidance curriculum;
 - (ii) responsive services for students;
 - (iii) individual planning for students; and
 - (iv) system support
 - Time spent on duties not components of a counseling program developed under TEC, §33.005;

SB 179 Rules

- Districts must annually assess compliance with SB 179;
- TEA will request documentation from a random sample of districts to include:
 - a copy of the district policy adopted under TEC, §33.006(d);
 - all completed district-standardized tracking tools from the previous school year;
 - the number of school counselors in the district from the previous school year;
 - the number of school counselors whose work is determined by the district to be in compliance with the district policy
 - the percentage of school counselors in the district whose work is determined by the district to be in compliance with the district policy; and
 - any other findings, conclusions, or analysis included in the annual assessment.

Inflation

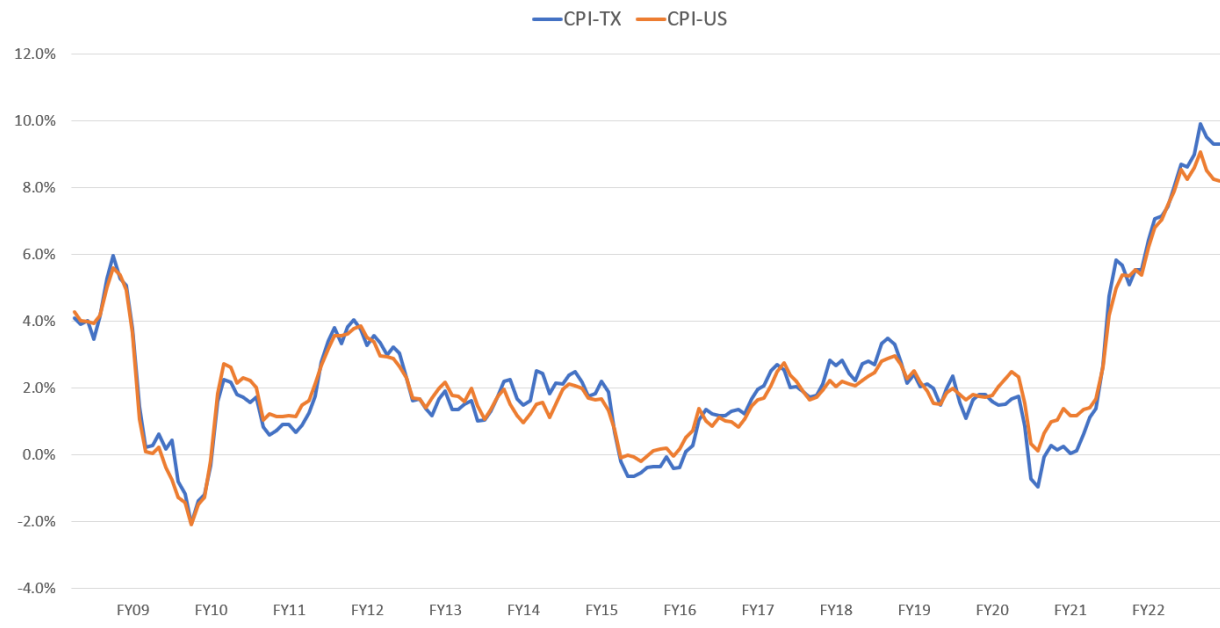
The legislature made significant improvements to public school finance in 2019. These were critical for schools to respond to the challenges brought by COVID-19. Unfortunately, inflation has increased by 15.9% since HB 3 was implemented, eroding the important gains made that session.

From food to fuel to the cost of paper, inflation impacts nearly every aspect of the school budget. But it is felt most significantly in the cost of payroll, which accounts for roughly 80 percent of the overall budget. To help ensure that the school finance system keeps pace with a changing economy, the legislature should first make a significant investment in the basic allotment for FY 2024 and then modify statute so that going forward, the basic allotment is set as the greater of:

- The Basic Allotment from the prior year; or
- The Basic Allotment multiplied by the rate of inflation.

Inflation has grown in recent months at rates not seen in the U.S. since 1981. The chart below suggests that the proposed change to an inflation-determined multiplier on average would result in an increase of about 3.3 percent per year, based on the average of annual rates for the most recent 5 state fiscal years.

Inflation History - Percent Increase from Same Month Prior Year



Staff Shortages

Texas schools are facing unprecedented challenges recruiting and retaining staff. In fact, for fiscal year 2022, the number of retirees in the Texas Teacher Retirement System increased by roughly 11 percent, and the teacher turnover rate increased substantially as well. That year, public schools hired nearly 43,000 teachers just to replace those leaving the teaching ranks. At the same time, preparation of newly certified teachers is not keeping pace with the needs of our school system. But from bus drivers to mechanics to principals and assistant principals, school districts saw staffing shortages across the spectrum. The legislature needs to take significant action to address these challenges.

- **Increase the basic allotment in FY 2024 and index it to inflation** so that districts can provide staff pay increases to mitigate against the recent erosion of salary due to increases in the cost of living. Provisions in TEC 48.011(c) will ensure those increases translate into needed salary enhancements while allowing sufficient flexibility to let districts address specific local needs.
- **Direct the commissioner to increase funding for the teacher mentor allotment under TEC 48.114** to ensure newly hired staff are supported in their first two years of teaching.
- **Provide more flexibility in allowing districts to hire retired staff.** Districts need the flexibility to bring well-qualified staff back into the classroom at least on a temporary basis while staff shortages persist.
- **Ensure that TRS, TRS-Care, and TRS Active Care are adequately funded.** These programs are critical to providing attractive compensation packages to school staff and are a key component to recruitment and retention strategies.

Enrollment and Attendance

Texas has used average daily attendance (ADA) to fund schools since the passage of House Bill 72 in 1984.¹ Those favoring the use of ADA argue it incentivizes schools to improve attendance rates. However, the evidence on whether such an incentive works is mixed at best.²

However, schools budget on enrollment as they must ensure fully-staffed classrooms are available for all enrolled students, even when they miss a day of school. Additionally, research clearly shows that districts serving higher proportions of students who are economically disadvantaged or are chronically ill are likely to have lower attendance rates, thus further disadvantaging those students most in need of additional resources.³

The use of an attendance-based system also adds complexity to the school finance system and makes accurate revenue projection harder. Texas codifies its rules for attendance accounting into the *Student Attendance Accounting Handbook*, a 300-page set of instructions that Texas LEAs must use to account for the attendance of the 35 separate student counts that are included in our FSP funding formulas.⁴

The legislature could use one of two approaches to improve funding stability and predictability.

- Funding based on average daily membership; or
- An attendance rate floor

Funding based on average daily membership (ADM) would rely on the full-year count of FSP eligible students who are scheduled for at least two hours of instruction per day, with no reduction for absences. Using ADM would be less expensive than using total enrollment, because it only captures those students currently eligible for FSP funding. Such a change would increase the student counts used for funding by an average of roughly 6 percent.

An attendance rate guarantee would create a floor on attendance rates to ensure a reliable minimum FSP funding stream in the event of a drop in attendance. The cost would be significantly lower than the cost of funding based on average daily membership. While not fully mitigating against the impact of poverty on attendance rates, such an approach would continue to incentivize high attendance rates, while bringing more stability to school budgets. Such an approach would also reduce the need for waivers in the event of disasters that temporarily reduce attendance rates.

¹ [Appendix I: A Legislative History of Texas School Finance](#)

² [Student Count Options for School Funding \(edpolicyinca.org\)](#)

³ [Not Making the Grade | ChangeLab Solutions](#)

⁴ [Student Attendance Accounting Handbook | Texas Education Agency](#)