

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0861-05
Bill No.: SCS for HCS for HB 469
Subject: Elementary and Secondary Education; Department of Elementary and Secondary Education; Liability; Teachers
Type: Original
Date: April 13, 2007

Bill Summary: The proposed legislation expands the existing liability protection for teachers and other school personnel.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Total Estimated Net Effect on FTE	0	0	0

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Health and Senior Services, Department of Public Safety – Director’s Office**, and the **Springfield Police Department** assume the proposal would have no fiscal impact on their agencies.

In response to a previous version of the proposal (HCS for HB 469, LR # 0861-03), officials from the **Department of Social Services, Department of Public Safety – Missouri State Highway Patrol, Mexico School District, Parkway Public Schools**, and the **University of Missouri** assumed the proposal would have no fiscal impact on their agencies.

Officials from the **Department of Elementary and Secondary Education (DESE)** assume the language in HA 1 (§ 168.133) allows the criminal background check and fingerprint collection to be transferable from one school district to another district. DESE operates under the policy that these records may be transferred from one district to the next. However, DESE is currently awaiting a response from the FBI regarding the transferability of such information.

DESE states there appears to be some uncertainty as to whether the language will result in additional costs and procedures for the department and local school districts. One interpretation is that the new language simply speaks to the one-year validity of the background check and fingerprint collection; therefore, no additional fiscal impact will be incurred. Another interpretation is that the language will require every individual having contact with any pupil to undergo the criminal background check and fingerprint collection on an annual basis. Should the second interpretation be correct, the result will be annual costs to locals totaling \$3,978,000 (78,000 pupil contact individuals x \$51 fee) and a significant increase in workload for the department.

Oversight assumes the provisions in proposed § 168.133.8 would allow any criminal background check to be valid for one year and to be transferred from one school district to another during this one-year period. Therefore, Oversight assumes no fiscal impact to Department of Elementary and Secondary Education or local school districts.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

ASSUMPTION (continued)

Officials from the **Office of the Secretary of State (SOS)** assume many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this proposal for Administrative Rules is less than \$2,500. The SOS recognizes this is a small amount and does not expect additional funding would be required to meet these costs. However, SOS also recognizes that many such bills may be passed in a given year and that collectively the costs may be in excess of what the SOS can sustain with their core budget. Any additional required funding would be handled through the budget process.

Officials from the **Poplar Bluff R-1 School District** did not respond to Oversight's request for fiscal impact. However, in response to a similar proposal from the 2006 Session (HB 1115, LR # 3687-01), officials assumed this proposal could have a positive fiscal impact on public schools.

Officials from the **Columbia School District** did not respond to Oversight's request for fiscal impact. However, in response to a similar proposal from the 2006 Session (HB 1115, LR # 3687-01), officials assumed the proposal could have a significant fiscal impact on their district. Officials did not quantify the impact.

Oversight assumes that the training requirement by school districts is elective. Therefore, Oversight assumes no fiscal impact to the local school districts.

Officials from the **Boone County Sheriff's Department** assume there will be no cost to law enforcement if the school officers are employees of and paid for by the school districts.

Officials from the Kansas City Public Schools, Nixa Public Schools, St. Louis Public Schools, Greene County Sheriff's Department, Jackson County Sheriff's Department, St. Louis County Police Department, Columbia Police Department, Kansas City Police Department, and the St. Louis Metropolitan Police Department did not respond to Oversight's request for fiscal impact.

FISCAL IMPACT - State Government

FY 2008
(10 Mo.)

FY 2009

FY 2010

\$0

\$0

\$0

<u>FISCAL IMPACT - Local Government</u>	FY 2008 (10 Mo.)	FY 2009	FY 2010
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

The proposed legislation appears to have no fiscal impact.

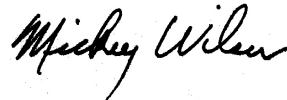
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of State Courts Administrator
Department of Elementary and Secondary Education
Department of Health and Senior Services
Department of Social Services
Department of Public Safety
 – Missouri State Highway Patrol
 – Director's Office
Office of the Secretary of State
Poplar Bluff R-1 School District
Columbia School District
Mexico School District
Parkway Public Schools
University of Missouri
Boone County Sheriff's Department
Springfield Police Department

NOT RESPONDING

**Kansas City Public Schools
Nixa Public Schools
St. Louis Public Schools
Greene County Sheriff's Department
Jackson County Sheriff's Department
St. Louis County Police Department
Columbia Police Department
Kansas City Police Department
St. Louis Metropolitan Police Department**

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA
Director
April 13, 2007