

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0691S.03C
 Bill No.: SCS for HCS for HB 228
 Subject: Children and Minors; Education, Elementary and Secondary; Elementary and Secondary Education, Department of; Teachers
 Type: Original
 Date: April 30, 2021

Bill Summary: This proposal modifies provisions related to school district policies addressing the treatment of parents in and students in special circumstances.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
General Revenue	(\$62,400)	(\$5,000)	(\$5,000)
Total Estimated Net Effect on General Revenue	(\$62,400)	(\$5,000)	(\$5,000)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on FTE	0	0	0

- Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.
- Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Section 160.263 Mechanical Restraint

Officials from the **Department of Elementary and Secondary Education (DESE)** estimate a one-time expense of \$62,400 and yearly maintenance of \$5,000 thereafter to securely collect and compile the data. The initial \$62,400 cost includes \$38,400 in development, and \$24,000 project management costs.

In response to a similar proposal (HB 119), officials from the **Fordland School District** assumed no fiscal impact from this proposal.

In response to a similar proposal, Perfected HB 387 (2021), officials from the **High Point R-III School District** assumed no fiscal impact from this proposal.

In response to a similar proposal from 2020 (Perfected HB 1568), officials from the **Wellsville-Middletown R-I School District** stated as they don't currently use physical restraints or seclusion in their school, there wouldn't be a substantial fiscal impact from this bill.

Oversight assumes schools districts already using restraint have policies requiring training for employees performing such duties, and will be able to absorb any additional duties this proposal may require.

Oversight received few responses from school districts related to the fiscal impact of this proposal. Oversight has presented this fiscal note on the best current information available. Upon the receipt of additional responses, Oversight will review to determine if an updated fiscal note should be prepared and seek the necessary approval of the chairperson of the Joint Committee on Legislative Research to publish a new fiscal note.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other school districts were requested to respond to this proposed legislation but did not. A general listing of political subdivisions included in our database is available upon request.

Section 162.686 Recording IDEA Meetings

Officials from the **Department of Elementary and Secondary Education** assume the proposal will have no fiscal impact on their agency.

In response to a previous version of the proposal, officials from the **Fordland School District** assumed the proposal would have no fiscal impact on their district.

In response to a previous version of the proposal, officials from the **High Point R-III School District** stated the bill would have a fiscal impact but did not elaborate.

Oversight notes that some of the above mentioned agencies have stated this provision would not have a direct fiscal impact on their organizations. Oversight does not have any information to the contrary. Oversight assumes the proposal would not have a material direct fiscal impact on school districts. Therefore, Oversight will reflect a zero impact on the fiscal note.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, many other school districts were requested to respond to this proposed legislation but did not. A general listing of political subdivisions included in our database is available upon request.

<u>FISCAL IMPACT – State Government</u>	FY 2022	FY 2023	FY 2024
GENERAL REVENUE			
Cost - DESE - IT expenses - §160.263	<u>(\$62,400)</u>	<u>(\$5,000)</u>	<u>(\$5,000)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>(\$62,400)</u>	<u>(\$5,000)</u>	<u>(\$5,000)</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2022	FY 2023	FY 2024
	<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

Section 160.263 - This bill defines "restraint" and "seclusion" and requires school districts, charter schools, or publicly contracted private providers to include in policy a prohibition on the use of restraint and seclusion, including "prone restraint" as defined by the bill, for any purpose other than situations or conditions in which there is imminent danger of physical harm to self or others. Any incident requiring restraint or seclusion shall be monitored by school personnel with written observation.

The bill requires that before July 1, 2022, each school district, and charter school, or publicly contracted private providers policy shall include:

- (1) When to remove a child from restraint, seclusion, or isolation;
- (2) Requirement for annual mandatory training;
- (3) Reporting requirements for any occurrence of restraint, seclusion or isolation as outlined in the bill, including the reporting requirements for parental notification and providing a copy of each report to the Department of Elementary and Secondary Education (DESE);
- (4) Notification requirement for each occurrence of a restraint, seclusion, or isolation incident to parents or guardians within one hour after the end of school on the day the incident occurs.
- (5) Protections for individuals that report or provide information about violations of policy under this section.

Section 162.686 - This bill prevents any public school districts and charter schools from prohibiting a parent or guardian from audio recording any meeting held under the Federal Individuals with Disabilities Education Act (IDEA) or a Section 504 plan meeting (Federal Rehabilitation Act of 1973).

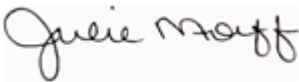
Districts or charter schools may not require parents to provide more than 24 hours notice in order to record said meeting, and no school district employee who reports a violation under this section shall be subject to discharge, retaliation, or any other adverse employment action for reporting.

Section 162.686 of this bill contains as emergency clause.

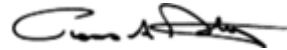
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Elementary and Secondary Education
Fordland School District
High Point R-III School District



Julie Morff
Director
April 30, 2021



Ross Strope
Assistant Director
April 30, 2021