# COMMITTEE ON LEGISLATIVE RESEARCH OVERSIGHT DIVISION

#### **FISCAL NOTE**

L.R. No.: 0748S.05C

Bill No.: SCS for HCS for HB 320

Subject: Athletics; Disabilities; Education, Elementary and Secondary; Education; Higher;

Elementary and Secondary Education, Department of; Employees - Employers; Higher Education and Workforce Development, Department of; Teachers;

**Telecommunications** 

Type: Original Date: May 7, 2021

Bill Summary: This proposal modifies provisions related to education.

#### **FISCAL SUMMARY**

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND						
FUND	FY 2022	FY 2023	FY 2024	Fully		
AFFECTED				Implemented		
				(FY 2029)		
General Revenue	Could exceed	Could exceed	Could exceed	Could exceed		
	(\$2,519,071 to	(\$4,398,868 to	(\$4,533,488 to	(\$1,336,010 to		
	\$8,169,867)	\$22,592,174)	\$22,916,804)	\$6,260,124)		
<b>Total Estimated</b>						
Net Effect on	Could exceed	Could exceed	Could exceed	Could exceed		
General	(\$2,519,071 to	(\$4,398,868 to	(\$4,533,488 to	(\$1,336,010 to		
Revenue*	\$8,169,867)	\$22,592,174)	\$22,916,804)	\$6,260,124)		

<sup>\*</sup>The actual impact of the changes to the MOST program (§166.400 - §166.02 – largest cost driver of this fiscal note) is dependent upon utilization. If a percentage of participants utilize the expansion (to include repayment of student loan debt) similar to those currently using the MOST program to fund K-12 and higher education, the lower estimates should be used. If utilization percentage is similar to those claiming student loan interest deduction on their tax returns, the larger estimates should be used. If a larger population of those with student loan debt utilize the program, Oversight used "could exceed".

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ESTIMATED NET EFFECT ON OTHER STATE FUNDS						
FUND AFFECTED	FY 2022	FY 2023	FY 2024	Fully		
				Implemented		
				(FY 2029)		
Competency-Based						
Education Grant	\$0	\$0	\$0	\$0		
Fund*						
Colleges &	\$0 or Unknown	\$0 or	\$0 or	\$0 or		
Universities	50 of Olikhowh	Unknown	Unknown	Unknown		
<b>Total Estimated Net</b>						
Effect on Other	\$0 or	<b>\$0</b> or	<b>\$0</b> or	<b>\$0 or</b>		
State Funds	Unknown	Unknown	Unknown	Unknown		

<sup>\*</sup>Appropriations from General Revenue and distributions to school districts net to \$0.

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ESTIMATED NET EFFECT ON FEDERAL FUNDS						
FUND	FY 2022	FY 2023	FY 2024	Fully		
AFFECTED				Implemented		
				(FY 2029)		
<b>Total Estimated</b>						
Net Effect on						
All Federal						
Funds	\$0	\$0	\$0	\$0		

ESTIM	ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)						
FUND	FY 2022	FY 2023	FY 2024	Fully			
AFFECTED				Implemented			
				(FY 2029)			
General Revenue							
	1.5 FTE	Up to 3.5 FTE	Up to 3.5 FTE	Up to 3.5 FTE			
<b>Total Estimated</b>							
Net Effect on	1.5 FTE	Up to 3.5 FTE	Up to 3.5 FTE	Up to 3.5 FTE			
FTE							

- ⊠ 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	FY 2022	FY 2023	FY 2024	Fully		
AFFECTED				Implemented		
				(FY 2029)		
Local Government	\$0 or Unknown or (Unknown)					

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## **FISCAL ANALYSIS**

#### **ASSUMPTION**

Due to time constraints, **Oversight** was unable to receive some agency responses in a timely manner and performed limited analysis. Oversight has presented this fiscal note on the best current information that we have or on information regarding a similar bill(s). Upon the receipt of agency responses, Oversight will review to determine if an updated fiscal note should be prepared and seek the necessary approval to publish a new fiscal note.

# Section 160.560 Show Me Success Diploma Program

Officials from **Department of Elementary and Secondary Education (DESE)** assume this provision would be no cost to the department but DESE believes there would be a cost to school districts and vendors to modify their programs to be able to track and report attendance of these students.

**Oversight** assumes if a student receives a show me success diploma and enrolls in a postsecondary educational institution, the state will continue to count this student in their funding calculation, and this will not result in a material difference in state aid. Therefore, Oversight will not reflect a fiscal impact to Section 160.560.8.

In response to a previous version, officials from the **Office of the State Treasurer (STO)** stated they are estimating anywhere from no fiscal impact up to two FTEs. The overall impact to the State Treasurer's Office will depend on negotiation with the state's 529 program manager to implement these provisions. The STO assumed a possible need for two (2) FTE Analysts, each at \$39,708 annually plus fringe benefits and other expense and equipment.

**Oversight** notes that subsection 160.560.8 states the Office of the State Treasurer shall provide guidance and assist with the creation, maintenance, and use of an account that has been established under sections 166.400 to 166.455 (MOST program).

**Oversight** will range the fiscal impact "Up to" the 2 FTE estimated by the STO starting in FY 2023 depending upon the activity and complexity of additional accounts.

**Oversight** assumes there would be a cost to school districts that deposit state, federal and local funds into a 529 account for the student participating in the program.

**Oversight** is unable to determine how many students will participate in the Show Me Success Diploma Program and is therefore unable to accurately determine the fiscal impact of this section on local school districts or charter schools.

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Officials from the **University of Missouri System** assume it is not possible to determine the financial impact of this legislation, but the University of Missouri System anticipates that there could be a positive financial impact if students utilize the provisions to access or otherwise prepare for a postsecondary education. It is not possible to determine the financial impact of this legislation, but the University of Missouri System anticipates that there could be increased costs associated with evaluating and making necessary changes associated with the possibility of minors enrolling at the University.

## Sections 161.380, 161.385 and 162.1255 Competency-Based Education

Officials from **DESE** assume this provision requires DESE to facilitate the creation, sharing, and development of assessments and curriculum and training for teachers, and best practices for the school districts that offer competency-based education courses. Costs for development of competency-based assessments will vary depending upon the number of courses/content domains necessary. The department estimates \$1,000,000 costs\* **for each course/content domain**. The department has projected these costs across two fiscal years along with \$25,000 annually for the Competency Task Force support until the work is complete.

\*This includes: \$100,000 for test specifications/blueprint review, \$50,000 for passage review, \$100,000 for item writing, \$100,000 for item review, \$100,000 for forms creation, \$300,000 for field testing, and \$300,000 for establishing mastery standards.

In response to a similar proposal, SB 33 (2021), officials from the **Department of Social Services**, the **Office of the State Treasurer** and the **Office of the Governor** each assumed the proposal would not fiscally impact their respective agencies.

Officials from the **Missouri House of Representatives** assume the proposal will have no fiscal impact on their organization.

Officials from the **Missouri Senate** stated they anticipate a negative fiscal impact to reimburse 2 Senators for travel to Task Force meetings. It will cost approximately \$225 per meeting.

**Oversight** assumes the General Assembly could absorb the cost of the Task Force meetings within the current appropriation levels and will not reflect a fiscal impact.

#### Section 162.1255.2

Officials from **DESE** project Section 162.1255.2 may have additional costs to school districts/charter schools and to the vendors they used to determine and report the appropriate attendance hours to DESE.

**Oversight** does not have any information to the contrary, so will reflect DESE's amounts with the footnote that the \$1,000,000 cost is per course content/domain.

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## Section 161.670 Missouri Course Access and Virtual School Program

161.670.3 (2) (c) - Officials from **DESE** assume the legislation will require the department to update the student information system to develop and handle continuous enrollment for students not enrolled in a full time virtual school. DESE estimates a fiscal impact of \$50,000 with ongoing annual fees based on course enrollment.

161.670.3 (6) - This provision indicates the department will monitor aggregate performance of providers. Anticipated changes to the data collection system is \$250,000.

161.670.14 - This provision requires the department to monitor enrollment of full-time providers on a weekly basis, to issue freezes on enrollment beyond the caps and to assign new enrollment slots. Software to track enrollment on this basis is estimated at \$60,000 annually. Additionally, .5 F.T.E at the Supervisor level will be needed to address enrollment monitoring.

**Oversight** will show the cost as estimate by DESE.

**Oversight** notes this proposal (161.670.3 (1) (b)) removes the existing requirement for school districts to approve a student's enrollment in virtual courses as well as the process for appealing that decision. Currently, parents can appeal a decision to the local school board and to the Department of Elementary and Secondary Education. Under this proposal, parents have the ultimate decision on whether to enroll their child in a virtual program.

**Oversight** has requested the number of students approved and denied for enrollment by school districts in the MOCAP program. However, DESE has not collected this type of data prior to rule 5 CSR 20-100.230 going into effect. 5 CSR 20-100.230 became effective on 1/30/21.

**Oversigh**t requested the number of applicants that have appealed to DESE. Per DESE, this school year they have had 6 appeals. Two were overturned and four have been upheld.

**Oversight** will show an increased cost for school districts that pay course providers for students that otherwise would not have been approved to enroll in virtual courses. Oversight assumes the maximum payment per student is \$6,375 or the State Adequacy Target unless "the student receives additional federal or state aid which shall additionally be included in the payment". Therefore, Oversight will show an unknown cost to school districts for students that otherwise would not have been approved to enroll in virtual courses.

Per section 161.670.3 (1), **Oversight** notes this proposal appears to remove the following language "with any costs associated with such course or courses to be paid by the school district or charter school". Oversight is uncertain if DESE or school districts are to pay virtual course providers. With the removal of this language, Oversight is also uncertain what amount is to be paid to course providers. For purposes of this fiscal note, Oversight assumes virtual course providers are to be paid by school districts the cost of the course or courses. If these assumptions are incorrect, this could potentially change the fiscal impact as presented in this fiscal note.

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## Section 161.890 School Accountability Board

Officials from **Department of Elementary and Secondary Education** assume this section creates the School Accountability Board which shall advise the State Board of Education and Department of Elementary and Secondary Education on matters pertaining to the development and implementation of the state's school improvement program. The department estimates a cost of \$25,000 for travel, materials and supplies and publications. There could potentially be more costs in the future dependent upon the Board's findings.

**Oversight** will show the costs as estimated by DESE.

In response to a similar proposal, officials from the **Missouri Senate** and the **Missouri House of Representatives** each assumed the proposal would have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

## Section 166.410 - Missouri Education Savings Program - Definitions

In response to a similar proposal, HB 627 (2021), officials from **Office of Administration** - **Budget and Planning (B&P)** stated this proposed legislation changes the definition of "eligible education institution" from those specified in Sections 529(e)(5), 529(c)(7), and 529(e)(3) to all references in Section 529. B&P notes that this would allow individuals to use the savings account program for student loan repayment.

Based on research, B&P determined that the average student loan in Missouri was between \$29,613 and \$35,400. Assuming individuals use a 10-year repayment plan the average annual repayment amount would be between \$2,961.30 and \$3,540. In Tax Year 2018, the most recent complete tax year data available, there were 255,000 tax filers that claimed the federal tax deduction for student loan interest. Therefore, B&P estimates that approximately \$755,134,461 to \$902,700,000 in deductions could be claimed under this provision.

However, deductions do not reduce revenues on a dollar for dollar basis, but rather in proportion to the top tax rate applied. Therefore, B&P will show the estimated impacts throughout the implementation of the tax rate reductions from <u>SB 509 (2014)</u>.

	Current Law	Future Top Tax Rates		
Tax Rate	5.4%	5.3% 5.2% 5.1		
GR Loss - Low	(\$40,777,261)	(\$40,022,126)	(\$39,266,992)	(\$38,511,858)
GR Loss - High	(\$48,745,800)	(\$47,843,100)	(\$46,940,400)	(\$46,037,700)

B&P notes that this provision would take effect August 28, 2021; allowing individuals to use the savings account plan for four (4) months of Tax Year 2021. Therefore, B&P estimates that this proposed legislation will reduce TSR and GR by \$13,592,420 to \$16,248,600 in Fiscal Year

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2022. Once SB 509 (2014) has fully implemented, this proposal could reduce TSR and GR by \$38,511,858 to \$46,037,700 annually.

**Oversight** notes B&P has estimated the impact(s) of individuals first contributing/depositing their (re)payment of student loan principle or interest into a 529 savings account, permitting them to recognize tax savings.

**Oversight** notes B&P's analysis suggests individuals will be on a ten (10) year repayment plan. After conducting independent research, Oversight assumes the average term of repayment of student loan(s) totals anywhere between twenty (20) and twenty-five (25) years (Oversight estimate).

Furthermore, **Oversight** notes individuals would **not** be able to deduct the average total student loan amount on their Missouri taxes. This proposed legislation caps the amount that is permitted to be (re)payed through a student's 529 savings account at \$10,000.

Thus, Oversight anticipates the impact(s) of this section will increase for several years post implementation, and then decrease and flatten out afterwards.

In response to a similar proposal, SB 152, officials from the **Missouri State Treasurer's Office** (STO) stated this section expands the MOST 529 Education Plan Program to allow for the repayment of student loans up to \$10,000 per beneficiary.

STO anticipates this section will reduce state revenues by:

- \$1,409,653 in Fiscal Year 2022
- \$3,623,683 in Fiscal Year 2023
- \$4,286,929 in Fiscal Year 2024
- \$4,346,834 in Fiscal Year 2025 and Fiscal Year 2026
- \$2,895,764 in Fiscal Year 2027
- \$1,444,695 in Fiscal Year 2028
- \$1,081,927 in Fiscal Year 2029 and each year thereafter.

**Oversight** assumes STO anticipates a 4.13% participation rate among beneficiaries who will (re)pay their student loans through MOST 529 Education Savings accounts. Furthermore, Oversight assumes STO anticipates taxpayers will receive full benefit (\$10,000) within 2.25 years.

Oversight assumes, based on independent research, that taxpayers with student loan debt would experience tax savings for a total of seven (7) tax years as a result of the \$10,000 cap placed on the total amount permitted to be contributed/deposited into MOST 529 Education Savings accounts and used for such (re)payment. Furthermore, Oversight assumes the participation rate of individuals who will first contribute/deposit their (re)payment of student loans, before actual payment is required, may be higher.

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Officials from **Department of Revenue (DOR)** state this proposal would change the qualified higher education expenses definition under the MOST program and the MO Education Deposit Program. This change in definition would allow for the repayment of principal and interest on student loans as an allowable expense. Therefore, a taxpayer would be allowed to run their student loan payment through their Missouri Education Savings Program Account (MOST account) and do it tax free.

Based on information posted by the organization LENDEDU, which provides basic information and statistics on the different types of student loans available, they state that Missouri ranks 28th in average student loan debt. Here's how LENDEDU ranks in-state institutions based on average debt:

Lincoln University: \$30,827
 Westminster College: \$29, 691
 Maryville University: \$28,361

4. Southeast Missouri State University: \$27,3185. University of Missouri-Columbia: \$27,146

6. Missouri State University: \$25,196

7. University of Missouri-St. Louis: \$25,110

8. Truman State University: \$24,9389. Washington University: \$22,55510. Columbia College: \$22,159

AVERAGE = \$26,330 - \$219 per month (10 year repayment)

Assuming an annual tax rate of 5.3% (which is estimated for the next three fiscal years), and based on the number of Missouri filers who claim the student loan interest deduction (255,000) this would result in an over \$35,000,000 loss to general revenue annually.

\$26,330 student loan amount = \$219 per month payment X 5.3% tax rate
\$11.61 monthly tax loss
X12 months
\$139.32 total tax loss per person per year
X 255,000
\$35,526,600 loss to state

The Department notes this proposal would become effective August 28, 2021 and therefore only four months of payments would be claimed in FY 2022. The first full year of loss would occur in FY 2023.

FY 22 \$11,842,200 FY 23 \$35,526,600 FY 24 \$35,526,600 L.R. No. 0748S.05C Bill No. SCS for HCS for HB 320 Page **10** of **28** May 7, 2021

DOR notes this proposal places a cap of \$10,000 on the amount that can be run through these programs annually. However, the Department has not assumed that contributions will increase given the average monthly payment of \$219 means most students annually pay \$2,628.

Oversight notes this section modifies the definition of "Eligible Educational Institution"

The current definition is "an institution of post-secondary education as defined in Section 529 (e)(5) of the Internal Revenue Code, and institutions of elementary and secondary education as provide din Section 529 (c)(7) and 529 (e)(3) of the Internal Revenue Code".

This section modifies the definition to define an "Eligible Educational Institution" as "an institution of postsecondary education as defined in Section 529 (e)(5) of the Internal Revenue Code, and institutions of elementary and secondary education as provided in Section(s) 529 (c)(7), 529(c)(8), and 529 (e)(3)".

**Oversight** notes the definition has been modified to add Section 529(c)(8) to the definition of "Eligible Educational Institution". Oversight assumes Section 529(c)(8) of the Internal Revenue Code references registered apprenticeship programs.

**Oversight** notes this section modifies the definition of "Qualified Higher Education Expenses or Qualified Education Expenses".

The current definition is "the qualified costs of tuition and fees and other expenses for attendance at an eligible educational institution, as defined in Section 529 (e)(3) of the Internal Revenue Code.

This section modifies the definition to define "Qualified Higher Education Expenses" or "Qualified Education Expenses" as "the qualified costs of tuition and fees and other expenses for attendance at an eligible educational institution, as defined in Section 529 of the Internal Revenue Code.

**Oversight** assumes this section would allow individuals to first deposit/contribute the amount(s) of principal and/or interest applicable for qualified education loan (re)payment into established Missouri Educational Savings accounts (MOST accounts/529 accounts) prior to actual (re)payment of such loan. Such repayment would then be paid with the funds initially deposited/contributed into the participating individual's MOST account.

**Oversight** assumes this would permit such individuals to recognize Missouri tax savings while completing the obligations/terms of their qualified educational loan(s).

Per Section 166.435, amount(s) deposited/contributed to MOST accounts may be subtracted from the individual's Federal Adjusted Gross Income to determine the individual's Missouri Adjusted Gross Income. The maximum annual amount that may be subtracted cannot exceed \$8,000 per taxpayer.

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**Oversight** notes pre-tax subtraction from income do not reduce revenue(s) on a dollar-for-dollar basis. The estimated amount of deduction must be multiplied by the applicable tax rate to estimate the impact to state revenue(s).

**Oversight** assumes this section would become effective August 28, 2021 (Fiscal Year 2022). Therefore, Oversight assumes Fiscal Year 2022 would be impacted by this section for four (4) months.

Upon completing an independent analysis, Oversight assumes this section would reduce GR by the following amount(s):

Fiscal Year	Cost
2022	\$ 7,060,449
2023	\$ 21,658,615
2024	\$ 22,528,129
2025	\$ 23,397,644
2026	\$ 24,267,158
2027	\$ 25,136,672
2028	\$ 26,006,186
2029	\$ 5,856,916
2030	\$ 5,856,916

For purposes of this fiscal note, since B&P and DOR used what appears to be a term of repayment (10 years) less than what may sources suggest (20-25 years), and since STO's impacts are calculated using a participation rate based on current experience, Oversight will range the fiscal impact(s) of this section from the STO's estimates to amounts that "Could exceed" the impacts estimated by Oversight, depending upon utilization of these changes.

#### Section 170.018 Computer Science Course

Officials from **Department of Elementary and Secondary Education (DESE)** assume this proposal would require updates to the June Core Data/MOSIS cycle to accommodate the bill's requirements:

Adding a field to the MOSIS collection for Computer Science course description: \$10,000 (one-time); \$3,000 maintenance (annual)

Adding a field to the MOSIS collection for Computer Science applicable standards: \$10,000 (one-time); \$3,000 maintenance (annual).

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DESE projects programming for the annual report to be published to cost \$25,000 (one time cost) for a total cost of \$45,000 (\$10,000 + \$10,000 + \$25,000) and an ongoing cost of \$6,000 (\$3,000 + \$3,000).

The legislation also requires the department to add 1.0 FTE Computer Science Supervisor/Director (\$51,288).

**Oversight** does not have any information to the contrary. Therefore, Oversight will reflect the costs provided by DESE for fiscal note purposes.

In response to a previous version, officials from the **High Point R-III School District** assumed the proposal will have no fiscal impact on their organization.

In response to a previous version, officials from the Missouri State University, Northwest Missouri State University, State Technical College of Missouri and University of Central Missouri each assumed the proposal will have no fiscal impact on their respective organizations.

**Oversight** assumes this proposal requires each school to offer at least one computer science course. Oversight is uncertain how many schools currently offer computer science courses. Oversight assumes there could be costs for those school districts that are not currently offering a computer science course; therefore, Oversight will show an unknown cost to school districts beginning in FY 2023.

#### Section 170.036 Computer Science Task Force

Officials from **DESE** state if it is meant for the task force to be controlled under DESE then the estimate for the cost of the task force meetings is \$30,000. The department could have additional costs in the future dependent upon the findings of the task force, therefore, the department will show the impact as a range to unknown.

**Oversight** will show the costs for two Task Force meetings at \$30,000 each as estimated by DESE beginning in FY 2022. Oversight assumes the Task Force is dissolved at the end of FY 2023.

In addition, **Oversight** will show a potential unknown cost for on-going evaluation and implementation of task force findings. Oversight assumes this cost would be dependent on the findings and recommendations of the task force.

Oversight notes, per the <u>Tennessee Computer Science State Education Plan</u>, task force recommendations included regional trainings (\$30,713), grants to educators (\$300,000) and K-8 computer science standards and trainings (\$84,000). Based on these estimates, Oversight will show a range of impact of \$0 (cost of implementing task force finding can be absorbed with existing appropriations) to an unknown cost that could exceed \$250,000.

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In response to a previous version, officials from the **Department of Higher Education and Workforce Development**, **Missouri Ethics Commission**, **Office of the Governor** and **Missouri House of Representatives** each assumed the proposal would have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Officials from the **Missouri Senate** stated they anticipate a negative fiscal impact to reimburse 2 Senators for travel to Task Force meetings. It will cost approximately \$225 per meeting.

**Oversight** assumes the General Assembly could absorb the cost of the Task Force meetings within the current appropriation levels and will not reflect a fiscal impact.

# Section 173.280 Student Athlete Representation

In response to a similar, HB 498 (2021), officials from the **Attorney General's Office**, **Missouri Office of Prosecution Services** and **Department of Higher Education and Workforce Development** each assumed the proposal would have no fiscal impact on their respective organizations.

In response to a similar, HB 498 (2021), officials from the **Missouri State University**, **State Technical College of Missouri**, and the **St. Charles Community College** each assumed the proposal will have no fiscal impact on their respective organizations.

In response to a similar, HB 498 (2021), officials from the **Northwest Missouri State University** assumed there is no impact to their financials. This may affect individual studentathletes if they enter into agreements that utilize their name, image or likeness (NIL). There is some time-management/trainings that need to be held on their part to educate student-athletes on the implications of NIL, but nothing that drastically impacts their normal, yearly operations.

In response to a similar, HB 498 (2021), officials from **University of Central Missouri** assumed there would be an indeterminate fiscal impact.

In response to a similar proposal, HB 1748 (2020), officials from the **University of Missouri System** assumed this proposal would result in additional costs to the University of an undetermined amount.

Upon further inquiry, the **University of Missouri System** indicated there could be costs related to contract review as well as training costs for staff.

**Oversight** assumes there could be costs related to contract review, staff training and for the implementation of an annual financial development program for student athletes. Oversight will show a range of impact from \$0 (the costs are minimal and can be absorbed) to an unknown cost to Colleges and Universities.

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## 173.1003 College Tuition

Officials from the **Department of Higher Education and Workforce Development (DHEWD)** and **Missouri National Guard (MNG)** each assume the proposal will have no fiscal impact on their respective organizations.

Officials from the **University of Missouri System** assume the proposed suspension of the tuition caps will have a positive financial impact on the University of Missouri. The future pricing would still be subject to what market would allow but provides for price adjustment for the degrees that are more costly to deliver and provide higher wages to their graduates. The proposed legislation would have a positive financial impact of an undetermined amount for the University of Missouri.

In response to a similar proposal, HCS for HB 856 (2021), officials from **Missouri State University** assumed this proposal would have a positive impact of an undetermined amount on Missouri State University.

In response to a similar proposal, HCS for HB 856 (2021), officials from **State Technical College of Missouri** assumed this would have a positive fiscal impact on the College. No amount can be estimated.

In response to a similar proposal, HCS for HB 856 (2021), officials from the **St. Charles Community College** assumed the proposal will have no fiscal impact on their organization.

In response to a similar proposal, HCS for HB 856 (2021), officials from the University of Central Missouri assumed there is a potential for an increase or decrease in revenue based on the rates set by the Board of Governors.

In response to a similar proposal, HCS for HB 856 (2021), officials from **Northwest Missouri State University** assumed a minimal fiscal impact due to usage of differentiated tuition instead of course fees. This version has no end date compared to the previous version. Since no reinstatement (of tuition caps), there could be a long term favorable impact.

#### Section 173.1003.9 Tuition Caps Suspended

Oversight assumes the Higher Education Student Funding Act (HESFA) average tuition calculation is based on four year institutions only, so suspending the cap on four-institutions could potentially raise the average tuition calculation, thereby setting a higher tuition ceiling for two-year colleges. However, per DHEWD, no two-year institution has exceeded the existing average tuition ceiling, so Oversight assumes it would be unlikely that two-year colleges would increase tuition as a result of a higher average tuition ceiling.

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**Oversight** is uncertain how the recent approval by the Coordinating Board for Higher Education for St. Louis Community College and Ozarks Technical Community College to offer a single bachelor's (four year) degree will impact the HESFA calculation.

**Oversight** notes some scholarship programs offer full reimbursement of tuition such as the A+ Scholarship program. Oversight assumes the impact to the A+ Scholarship program is likely limited to those students attending State Technical College. State Tech has 971 students receiving A+ Scholarship awards.

Below is a chart of scholarship programs that offer reimbursement of tuition along with the estimated program expenditures for students attending public four year universities and State Tech.

Public Four Year & State Tech (Only)

	Program
Program	Expenditure
	FY 2020
A+ Scholarship (State Tech only)	\$5,704,093
Fast Track	\$154,408
Public Service Officer or Employee's Child Survivor Grant	\$106,417
Wartime Veteran's Survivors Grant	\$258,585
Total	\$6,223,503

Source: FY 2022 DHEWD Budget Request

If tuition increases allowed under this proposal resulted in a 3% increase in the total award amount, **Oversight** estimates the cost at approximately \$186,705 (\$6,223,503 \* .03). This estimate does not include the estimated growth of the Fast Track program in FY 2022 (from 189 students to 1,567 students per the DHEWD FY 2022 Budget Request).

In addition, the A+ Scholarship programs was expanded to include reimbursement of any dual credit and dual enrollment courses including those offered by public four-year colleges and public universities. Oversight notes this expansion was not funded in FY 2021. Oversight is uncertain if the expansion of the A+ Scholarship program will be funded in future years.

**Oversight** notes State Technical College of Missouri has 971 students receiving A+ Scholarships.

Upon further inquiry, **DHEWD** stated, if this bill passes, State Tech may raise its tuition more than it would otherwise be allowed to under HESFA; however, it is unlikely to raise the tuition so much as to significantly impact the A+ appropriation. There are market factors and other considerations that effectively limit how high an institution can raise its tuition without losing students. Further, State Tech has a comparatively small number of A+ students compared the community colleges. For all these reasons, DHEWD does not estimate a fiscal impact.

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In addition, for FY 2022, DHEWD's A+ new decision item (NDI) for FY 2022 already includes a three percent increase in the program cost. Likewise, DHEWD has included a three percent increase in the FY 2022 NDI for the War Vets program. For Public Service Officer, DHEWD projected a 2 percent increase but should have sufficient funding to cover an additional one percent. Fast Track is a little more difficult because it is still growing, but staff believe that for FY 2022, DHEWD have requested sufficient funds to cover a three percent tuition increase at public four-year institutions.

In the out years, beyond FY 2022, it is almost impossible to predict because other factors, such as student interest, enrollment patterns, federal changes to the FAFSA and the Pell grant, are probably going to have a bigger impact on program costs than removing the HESFA cap. Since the bill does not mandate tuition increases and DHEWD will have the opportunity to request those funds as part of the regular growth in the programs, staff still do not believe the fiscal impact in those years will be significant.

**Oversight** notes tuition increases would also impact the State Educational Assistance Program administered by the Missouri National Guard with a program expenditure of approximately \$4.6 million. Oversight is uncertain how many of the students receiving State Educational Assistance are attending public four year universities or State Technical College of Missouri.

Upon further inquiry, MNG stated raising tuition doesn't change the scholarship amounts, but would lower their ability to approve requests for tuition assistance. Increased tuition would significantly impact the scholarship buying power, which would require MNG to likely request an increase in appropriations for their tuition assistance program.

Oversight notes DHEWD and MNG do not anticipate a fiscal impact. However, Oversight assumes if some institutions of higher education increase tuition rates beyond the existing cap this could increase scholarship reimbursement costs for certain scholarship programs relative to what would occur under current law. In order to award tuition reimbursement at a higher rate, Oversight assumes these agencies would have to request additional appropriations. Therefore, Oversight assumes this would be an additional cost to the state and will show a range of impact of \$0 (no tuition increases, scholarship programs not impacted, or no increase in appropriation) to an unknown cost to General Revenue for increased scholarship award costs.

**Oversight** assumes this proposal suspends tuition caps indefinitely beginning on July 1, 2022. Therefore, Oversight will show a range of impact to Colleges and Universities of \$0 (no tuition increases) to an unknown revenue gain for Colleges and Universities depending on the increase(s) beginning in FY 2023.

#### Section 173.1003.10 Course Fees and Differential Tuition

**Oversight** assumes, with the indefinite suspension of tuition caps, some institutions may implement differential tuition schedules. This proposal states that institutions can no longer utilize course fees if an institution implements differentiated tuition. Depending on the price

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elasticity of demand, Oversight assumes some institutions could charge lower tuition rates that would result in an increase in the quantity demanded and subsequently an increase in revenue. For purposes of this fiscal note, Oversight assumes institutions would not charge differentiated tuition rates (and forego course fees) that would result in a cumulative decrease in revenue; therefore, Oversight assumes this provision would result in a net positive impact to universities.

**Oversight** assumes differentiated tuition rates would have an unknown impact on tuition reimbursement programs depending on if the students receiving reimbursement are enrolled in programs that charge higher or lower tuition rates relative to what would occur under current law.

## Section 178.935 Shelter Workshop

Officials from the **Department of Elementary and Secondary Education** assume this provision would have no fiscal impact on their organization.

Upon further inquiry, **DESE** stated the state aid distributed to shelter workshops is not based on the wages paid to disabled workers. Therefore, this proposal does not change the state distribution to sheltered workshops. Oversight notes DESE has paid an average of \$23,954,571 (General Revenue) per year for Sheltered Workshops

**Oversight** assumes the sheltered workshops determine the wages paid to disabled workers. This proposal could change the amount paid to disabled persons working in sheltered workshops if the calculation of commensurate wage is different than current practice. Oversight notes per section 178.900, RSMo, sheltered workshops are operated by not-for-profit corporations. Therefore, Oversight will show a potential impact to small businesses.

#### Bill as a Whole

Officials from the **Department of Higher Education and Workforce Development**, **Missouri National Guard** and the **University of Central Missouri** each assume the proposal will have no fiscal impact on their respective organizations.

**Oversight** received a limited number of responses from colleges, universities and 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 to publish a new fiscal note.

**Oversight** only reflects the responses that we have received from state agencies and political subdivisions; however, other colleges, universities and 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.

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## **Rule Promulgation**

Officials from the **Joint Committee on Administrative Rules** assume this proposal is not anticipated to cause a fiscal impact beyond its current appropriation.

Officials from the **Office of the Secretary of State** notes many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The Secretary of State's office 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 fiscal note to Secretary of State's office for Administrative Rules is less than \$5,000. The Secretary of State's office recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, they also recognize that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what their office can sustain with their core budget. Therefore, they reserve the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

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FISCAL IMPACT – State Government	FY 2022 (10 Mo.)	FY 2023	FY 2024	Fully Implemented (FY 2029)
GENERAL REVENUE FUND				
<u>Costs</u> – STO - p. 4 §160.560.8		Up to	Up to	Up to
Personal Service	\$0	(\$80,210)	(\$81,012)	(\$85,145)
Fringe Benefits	\$0	(\$49,664)	(\$49,908)	(\$52,616)
Expense and Equip	<u>\$0</u>	(\$28,500)	(\$11,236)	(\$11,364)
<u>Total Cost</u>	\$0	(\$158,374)	(\$142,156)	(\$149,125)
FTE Change - STO	0 FTE	Up to 2 FTE	Up to 2 FTE	Up to 2 FTE
Costs – DESE – development of competency-based assessments per course/content domain - §161.380 p.5	(\$500,000 to Unknown)	(\$500,000 to Unknown)	\$0	\$0
Transfer Out – to the Competency Based Education Grant Program Fund – §161.380.3 - p.5	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
Costs – DESE – Competency-Based Education Task Force §161.385 - p.5	(\$25,000)	(\$25,000)	(\$25,000)	(\$25,000)
Cost – DESE – potential cost to foundation formula associated with students taking competency-based courses §162.1255 - p.5	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
Costs - DESE - update to student information system for continuous enrollment - §161.670 - p.5-6	(\$50,000)	(Unknown)	(Unknown)	(Unknown)

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FISCAL IMPACT – State Government Continued	FY 2022 (10 Mo.)	FY 2023	FY 2024	Fully Implemented (FY 2029)
Costs – DESE - §161.670				
- p. 5-6	(01 ( 770)	(\$20, 225)	(\$20,520)	(\$21.574)
Personal Service	(\$16,770)	(\$20,325)	(\$20,528)	(\$21,574)
Fringe Benefits	(\$10,635)	(\$12,830)	(\$12,898)	(\$13,243)
Expense & Equip.	(\$14,949)	(\$7,403)	(\$7,588) (\$41,014)	(\$8,585)
Total Costs	(\$42,354)	(\$40,558)	(\$41,014)	(\$43,402)
FTE Change – DESE	.5 FTE	.5 FTE	.5 FTE	.5 FTE
Costs - DESE - changes to data collection system for monitoring performance - §161.670 - p. 5-6	(\$250,000)	\$0	\$0	\$0
Costs - DESE - software to monitor enrollment caps - \$161.670 - p.5-6	(\$60,000)	(\$60,000)	(\$60,000)	(\$60,000)
Costs - DESE - travel, materials, supplies and publications - §161.890 - p.7	(\$25,000)	(\$25,000)	(\$25,000)	(\$25,000)
Revenue Reduction – §166.410 & §166.435 – Subtraction From Federal Adjusted Gross Income For Contributions to 529/MOST Savings Accounts - p.8-11	Could exceed (\$1,409,653 to \$7,060,449)	Could exceed (\$3,623,683 to \$21,658,615)	Could exceed (\$4,286,929 to \$22,528,129)	Could exceed (\$1,081,927 to \$5,856,916)

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Net FTE Change on General Revenue	1.5 FTE	Up to 3.5 FTE	Up to 3.5 FTE	Up to 3.5 FTE
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	Could exceed (\$2,519,071 to \$8,169,867)	Could exceed (\$4,398,868 to \$22,592,174)	Could exceed (\$4,533,488 to \$22,916,804)	Could exceed (\$1,336,010 to \$6,260,124)
Savings/Costs - DHEWD/MNG - savings or costs for diff tuition rates - §173.1003 - p.17	\$0	\$0 or (Unknown) to <u>Unknown</u>	\$0 or (Unknown) to Unknown	\$0 or (Unknown) to <u>Unknown</u>
Costs - DHEWD/MNG - increased costs for tuition reimbursement programs from suspension of caps - §173.1003 - p. 15-16	\$0	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
Costs - DESE - on-going evaln and implementation of task force findings - §170.036 - p.12	\$0	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
Costs - DESE - task force meetings- §170.036 - p12	(\$30,000)	(\$30,000)	\$0	\$0
Costs - DESE - updates to the June Core Data/MOSIS cycle - §170.018 - p.12	(\$45,000)	(\$6,000)	(\$6,000)	(\$6,000)
Total Costs FTE Change – DESE	(\$82,064) 1 FTE	(\$88,627) 1 FTE	(\$89,505) 1 FTE	(\$94,681) 1 FTE
Expense & Equipment	(\$14,949)	(\$7,403)	(\$7,588)	(\$8,585)
Costs - DESE - §170.018 - p.11-12 Personal Service Fringe Benefits	(\$42,740) (\$24,375)	(\$51,801) (\$29,423)	(\$52,319) (\$29,598)	(\$54,988) (\$31,108)
FISCAL IMPACT – State Government Continued	FY 2022 (10 Mo.)	FY 2023	FY 2024	Fully Implemented (FY 2029)

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FISCAL IMPACT – State Government Continued	FY 2022 (10 Mo.)	FY 2023	FY 2024	Fully Implemented (FY 2029)
COMPETENCY- BASED EDUCATION GRANT PROGRAM FUND				
Transfer In — from General Revenue - §161.380 - unknown number and amount of grants - p.5	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
Income – §161.380 gifts, contributions, grants and/or bequests - p.5	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
Costs – §161.380 - Grant awards to local school districts for unknown number and amount of grants - p.5	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
ESTIMATED NET EFFECT TO THE COMPETENCY- BASED EDUCATION GRANT PROGRAM FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

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FISCAL IMPACT – State Government Continued	FY 2022 (10 Mo.)	FY 2023	FY 2024	Fully Implemented (FY 2029)
COLLEGE & UNIVERSITY FUNDS				
Costs - contact review, staff training and financial development program - §173.280 - p.13	\$0	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
Revenue Gain - from suspending the statutory cap on tuition rates - §173.1003 - p.14-17	\$0	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
Revenue Gain - institutions charging differential tuition rates - §173.1003 - p.17	\$0	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
Revenue Loss - institutions no longer charging course fees - §173.1003 - p.17	<u>\$0</u>	\$0 or (Unknown)	\$0 or ( <u>Unknown)</u>	\$0 or (Unknown)
ESTIMATED NET EFFECT ON COLLEGE & UNIVERSITY FUNDS	<u>\$0</u>	\$0 or <u>Unknown</u>	\$0 or <u>Unknown</u>	\$0 or <u>Unknown</u>

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FISCAL IMPACT – Local Government	FY 2022 (10 Mo.)	FY 2023	FY 2024	Fully Implemented (FY 2029)
LOCAL SCHOOL DISTRICTS				
Cost - State, Local, Federal Student Aid Deposited into 529 MOST Account - §160.560 - p.4	\$0	\$0	\$0 or (Unknown)	\$0 or (Unknown)
Income – grants from DESE §161.380 - p.5	\$0 or	\$0 or	\$0 or	\$0 or
	Unknown	Unknown	Unknown	Unknown
Costs – implementing competency-based education program §161.380 - p.5	\$0 or	\$0 or	\$0 or	\$0 or
	(Unknown)	(Unknown)	(Unknown)	(Unknown)
Income – increased call to the foundation formula §162.1255 - p.5	\$0 or	\$0 or	\$0 or	\$0 or
	Unknown	Unknown	Unknown	Unknown
Costs - payments to course providers for students that otherwise would have been denied - §161.670 p.5-6	(Unknown)	(Unknown)	(Unknown)	(Unknown)
ESTIMATED NET EFFECT ON LOCAL SCHOOL DISTRICTS	\$0 or	\$0 or	\$0 or	\$0 or
	Unknown or	Unknown or	Unknown or	Unknown or
	<u>(Unknown)</u>	(Unknown)	(Unknown)	<u>(Unknown)</u>

# <u>FISCAL IMPACT – Small Business</u>

Oversight assumes this proposal could change the amount paid to disabled persons working in sheltered workshops if the calculation of commensurate wage is different than current practice.

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#### FISCAL DESCRIPTION

## Section 160.560 Show Me Success Diploma

These provision establish the "Show Me Success Diploma Program" as an alternative pathway to graduation for high school students. Students may earn the Show Me Success Diploma beginning at the end of a student's tenth grade year. By July 1, 2022, the Department of Elementary and Secondary Education shall develop detailed requirements for students to become eligible for the Show Me Success Diploma.

Students who earn a Show Me Success Diploma may elect to remain in high school. Alternatively, a student having earned the diploma may instead enroll in a qualifying postsecondary educational institution. For each student enrolled in such an institution, an amount equal to 90% of the pupil's proportionate share of the state, local, and federal aid that the district or charter school receives for such pupil, shall be deposited into an account that lists the pupil as the beneficiary.

## Section 161.380, 161.385 & 162.1255 - Competency Based Education

This act establishes the Competency-Based Education Grant Program. By application, the Department of Elementary and Secondary Education shall award grants from the fund to eligible school districts for the purpose of providing competency-based education programs. The Department shall facilitate the creation, sharing, and development of course assessments, curriculum, training and guidance for teachers, and best practices for the school districts that offer competency-based education courses.

This act establishes the Competency-Based Education Task Force to study and develop competency-based education programs in public schools. The Task Force shall conduct interviews and at least three public hearings to identify promising competency-based education programs and obstacles to implementing such programs. Before December 1 of each year, the Task Force shall present its findings and recommendations to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the Joint Committee on Education, and the State Board of Education.

Under this act, school districts and charter schools shall receive state school funding under the foundation formula for high school students who are taking competency-based courses offered by their school district or charter school.

Attendance of a student enrolled in a competency-based course shall equal the product of the district or charter school's prior year average attendance percentage multiplied by the total number of attendance hours normally allocable to a non-competency-based course of equal credit value.

## Section 161.670 Missouri Course Access and Virtual School Program

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This section modifies provision related to virtual course enrollment.

## Section 161.890 School Accountability Board

This section creates the School Accountability Board.

## Section 166.400 - 166.502 and 209.610 Missouri Education Program

These provisions changes the name of the "Missouri Education Savings Program" to the "Missouri Education Program".

# Section 170.018 - Computer Science

This section modifies the definition of "computer science course" by including any elementary, middle, or high school course that embeds computer science content within other subjects.

This act requires, for all school years on or after July 1, 2022, certain coursework and instruction in computer science and computational thinking in public and charter high schools, middle schools, and elementary schools. Courses and instruction offered under this act must meet certain standards established by the State Board of Education and the Department of Elementary and Secondary Education.

This act requires school districts to submit to the Department certain information related to its computer science courses and demographic enrollment information for such courses.

Computer science courses successfully completed and counted toward state graduation requirements shall be equivalent to one mathematics, science, or practical arts credit for the purpose of satisfying admission requirements at any public institution of higher education in the state.

#### Section 170.036 - Computer Science Task Force

This section establishes the Computer Science Education Task Force.

## Section 173.280 Student Athlete Representation

This bill enacts provisions governing the compensation for a student athlete. In its main provisions the bill:

- (1) Prohibits public or private institutions of higher education from preventing a student from earning compensation for the student's name, image, likeness rights, or athletic reputation;
- (2) Limits these institutions from preventing a student from participating in intercollegiate athletics if the student earns compensation, or from hiring professional representation as outlined in the bill;

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- (3) Prohibits the postsecondary educational institution from revoking or reducing any grant-inaid or stipend if a student earns compensation;
- (4) Limits a student athlete from entering into any contract for compensation that requires the athlete to display a sponsor's apparel, equipment, beverage, or otherwise advertise for the sponsor during official team activities if it would conflict with the provisions of the athlete's team contract;
- (5) Limits team activities to not exceed 20 hours per week during the season and eight hours per week during the off-season;
- (6) Requires a postsecondary educational institution that enters into a commercial agreement that directly or indirectly requires the use of an athlete's name, image, likeness, or athletic reputation to conduct a financial development program, as specified in the bill, of up to 15 hours once per year for their athletes;
- (7) Specifies that an attorney representing an athlete must be licensed in Missouri;
- (8) Allows any athlete to bring a civil action for appropriate injunctive relief or actual damages, or both against third parties violating this provision in the county that the violation occurs; and
- (9) Specifies that any student and state or local prosecutor seeking to prosecute a violator shall not be deprived of any protections provided under law with respect to a controversy that arises, and shall have the right to adjudicate claims that arise under this provision.

This bill has a delayed effective date of July 1, 2022.

#### Section 173.1003 Tuition

This bill will allow community colleges and public universities to exceed the percentage change limitations for tuition currently established in Section 173.1003, RSMo. The bill requires public institutions that utilize differentiated tuition to notify the Department of Higher Education and Workforce Development and to no longer utilize required course fees.

## Section 178.935 Shelter Workshop

In order to prevent the curtailment of employment opportunities for disabled persons working at sheltered workshops, the Department of Elementary and Secondary Education shall permit sheltered workshops to pay such disabled persons commensurate wages, defined as wages based on the disabled person's productivity in proportion to the productivity of an experienced non-disabled person in a similar job and that may be lower than the state minimum wage. The sheltered workshop shall provide written assurance to the Department that such wages shall be reviewed and adjusted periodically and no sheltered workshop shall be permitted to reduce the agreed-upon wage rate for a period of two years after approval without prior authorization from the Department.

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

## **SOUURCES OF INFORMATION**

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Office of Administration – Budget & Planning Division

Missouri State Treasurer's Office

Missouri Department of Elementary and Secondary Education

Missouri Department of Higher Education and Workforce Development

Missouri Department of Revenue

Missouri Department of Social Services

Missouri Secretary of State's Office

Joint Committee on Administrative Rules

Missouri House of Representatives

Missouri Senate

Office of the Governor

University of Missouri System

Missouri State University

Northwest Missouri State University

State Technical College of Missouri

University of Central Missouri

St. Charles Community College

Julie Morff Director

May 7, 2021

Ross Strope Assistant Director May 7, 2021