

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1151H.01P  
Bill No.: Perfected HB 387  
Subject: Education, Elementary and Secondary; Elementary and Secondary Education,  
Department of  
Type: Original  
Date: March 23, 2021

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Bill Summary: This proposal modifies provisions relating to seclusion and restraint policies in public schools.

**FISCAL SUMMARY**

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

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

Numbers within parentheses: () indicate costs or losses.

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

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

- ☐ 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.

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

## **FISCAL ANALYSIS**

### **ASSUMPTION**

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.

Officials from the **High Point R-III School District** assume 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.

<u>FISCAL IMPACT – State Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
<b>GENERAL REVENUE</b>			
<u>Cost - DESE - IT expenses</u>	<u>(\$62,400)</u>	<u>(\$5,000)</u>	<u>(\$5,000)</u>
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE</b>	<b><u>(\$62,400)</u></b>	<b><u>(\$5,000)</u></b>	<b><u>(\$5,000)</u></b>

<u>FISCAL IMPACT – Local Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

#### FISCAL IMPACT – Small Business

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

#### FISCAL DESCRIPTION

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);

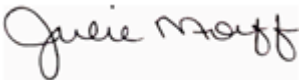
(4) Notification requirement for each occurrence of a restraint, seclusion, or isolation incident to parents or guardians within one hour after the end of school on the day the incident occurs.

(5) Protections for individuals that report or provide information about violations of policy under this section.

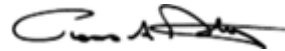
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

#### SOURCES OF INFORMATION

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



Julie Morff  
Director  
March 23, 2021



Ross Strobe  
Assistant Director  
March 23, 2021