

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0414H.02I
Bill No.: HB 634
Subject: Education, Elementary and Secondary; Department of Elementary and Secondary Education; Mental Health; Children and Minors; Health Care; Civil Procedure; Courts
Type: Original
Date: February 27, 2023

Bill Summary: This proposal establishes protections of parental rights to direct the mental, emotional, and physical health and well-being of children.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
General Revenue	(\$145,077)	(\$159,244)	(\$161,010)
Total Estimated Net Effect on General Revenue	(\$145,077)	(\$159,244)	(\$161,010)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
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 2024	FY 2025	FY 2026
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
General Revenue	1 FTE	1 FTE	1 FTE
Total Estimated Net Effect on FTE	1 FTE	1 FTE	1 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 AFFECTED	FY 2024	FY 2025	FY 2026
Local Government	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)

FISCAL ANALYSIS

ASSUMPTION

161.845 - Protections of Parental Rights

Officials from **Department of Elementary and Secondary Education (DESE)** estimate at least one (1) FTE Supervisor at approximately \$53,976 annual salary with an initial equipment and expense cost of \$17,007 (\$12,414 annually) would be required to comply with these requirements. This will cause a significant impact to the School Counseling, School-Based Mental Health and Health/PE sections.

The impact will be the development of model procedures for pupil's mental, emotional, physical health or wellbeing, parent involvement, the establishment of guidelines, standards and frameworks for school social work and school psychology (as the department currently does not offer these services), and the review and update of the school counseling, any other pupil services (school social workers, school psychologists and school nurses) guidelines, standards and/or frameworks. This would require DESE to work with DHSS and DMH to establish an advisory workgroup for the development of a model procedure, guidelines, standards and frameworks for school social workers and school psychologists and to review school counseling standards. This work would require advisory travel, lodging, meals and 1 FTE.

In developing a workgroup to meet the requirements DESE plans for 24 representatives for 4 meetings = \$55,344. Estimated / anticipated representatives include nine health, PE, and health science educators and nine school counselors/social workers/mental health professionals (representing all RPDC regions and rural, urban, suburban districts); six from relevant professional organizations and agencies (e.g., Counseling and Health/PEDESE, DESE, DHSS, and DMH). DESE expects this workgroup to be ongoing to continue to address the related issues, changes, and policies.

Oversight will show the costs as estimated by DESE.

Officials from the **Attorney General's Office**, **Department of Mental Health** and the **Office of the State Courts Administrator** each assume the proposal will 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 **Department of Health and Senior Services** did not respond to **Oversight's** request for fiscal impact for this proposal.

Oversight assumes there could be administrative, mediation and legal costs for schools districts and charter schools.

Oversight received a limited number of 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 to publish a new fiscal note.

Oversight only reflects the responses received from state agencies and political subdivisions; however, other < local political subdivisions > were requested to respond to this proposed legislation but did not. A listing of political subdivisions included in the Missouri Legislative Information System (MOLIS) database is available upon request.

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 (SOS)** note 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 fiscal note to the SOS for Administrative Rules is less than \$5,000. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes 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 the office can sustain with its core budget. Therefore, the SOS reserves 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.

<u>FISCAL IMPACT – State Government</u>	FY 2024 (10 Mo.)	FY 2025	FY 2026
GENERAL REVENUE			
<u>Costs - DESE - §161.845</u>			
Personnel Service	(\$44,980)	(\$55,055)	(\$56,157)
Fringe Benefits	(\$29,815)	(\$36,185)	(\$36,593)
Expense & Equipment	(\$14,938)	(\$12,660)	(\$12,916)
Total Costs - DESE	(\$89,733)	(\$103,900)	(\$105,666)
FTE Change	1 FTE	1 FTE	1 FTE
<u>Costs - DESE - workgroup meeting costs - §161.845</u>	<u>(\$55,344)</u>	<u>(\$55,344)</u>	<u>(\$55,344)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>(\$145,077)</u>	<u>(\$159,244)</u>	<u>(\$161,010)</u>
Estimated Net FTE Change on General Revenue	1 FTE	1 FTE	1 FTE

<u>FISCAL IMPACT – Local Government</u>	FY 2024 (10 Mo.)	FY 2025	FY 2026
SCHOOL DISTRICTS & CHARTER SCHOOLS			
<u>Costs - administrative, mediation and legal costs §161.845</u>	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>
ESTIMATED NET EFFECT ON SCHOOL DISTRICTS & CHARTER SCHOOLS	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>

FISCAL IMPACT – Small Business

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

FISCAL DESCRIPTION

This bill requires that before July 1, 2024, the Department of Elementary and Secondary Education (DESE) shall develop a model procedure for parental notification of any change in a pupil's mental, emotional, or physical health and a schools services or ability to provide a safe and supportive learning environment.

Such policy will include procedures to allow parents to access pupils' education and health records. School districts must adopt a policy of this nature for the 2024-25 school term. The bill includes specific procedures that must be included.

School personnel are prohibited from providing classroom instruction relating to sexual orientation or gender identity.

The bill requires school districts to notify parents of health care services offered to students and provide an option to withhold or decline such services for their student. Schools are restricted from administration of questionnaires relating to the well-being or health of students in grades K-three without first obtaining the parental permission.

The bill requires DESE to update school counseling frameworks, educator practices, and any other pupil services guidelines before July 1, 2024, to align with the provisions of this section. Procedures relating to violations of the provisions of this section are outlined and the State Board of Education is empowered to appoint a neutral mediator from a list maintained by DESE.

The bill includes penalty provisions for any violation to include damages for a parent receiving declaratory or injunctive relief.

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

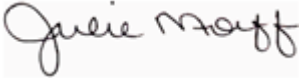
Department of Elementary and Secondary Education
Department of Mental Health
Attorney General's Office
Office of the State Courts Administrator
Office of the Secretary of State
Joint Committee on Administrative Rules

L.R. No. 0414H.02I

Bill No. HB 634

Page **7** of **7**

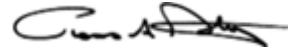
February 27, 2023

A handwritten signature in cursive script, appearing to read "Julie Morff".

Julie Morff

Director

February 27, 2023

A handwritten signature in cursive script, appearing to read "Ross Strobe".

Ross Strobe

Assistant Director

February 27, 2023