

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0099-02
Bill No.: HCS for HB 96
Subject: Education, Elementary and Secondary: Elementary and Secondary Education
Department; Teachers
Type: Original
Date: February 6, 2009

Bill Summary: Changes the laws regarding school employee liability, safety practices,
and reporting acts of violence

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
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 2010	FY 2011	FY 2012
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
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 2010	FY 2011	FY 2012
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of State Courts Administrator** state this proposal will have no fiscal impact on the courts.

Officials from the **Department of Health and Senior Services** state this proposal will have no fiscal impact on their agency.

According to officials from the **Secretary of State's Office (SOS)**, 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 \$2,500.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process. Any decisions to raise fees to defray costs would likely be made in subsequent fiscal years.

Officials from the **Department of Public Safety - Office of the Director** and **Missouri State Highway Patrol** state this proposal will have no fiscal impact on their respective agencies.

According to officials from the **Department of Social Services - Children's Division (DOS-CD)**, this proposed legislation would not fiscally impact the Children's Division. The legislation changes the laws regarding school employee liability, safety practices, and reporting acts of violence. Children in the Division's custody by definition are homeless for schooling purposes. The change in definition proposed in the legislation would not change policy or procedure. Since this does not affect children in CD custody, there is no fiscal impact.

§ 162.215

Officials from the **Blue Springs School District** state there will not be any additional cost to their district as a result of this proposal.

Oversight notes that this substitute changes this section to include only the Blue Springs School District.

ASSUMPTION (continued)

§ 167.020

According to officials from the **Department of Social Services - Division of Youth Services (DOS-DYS)**, this section contains a provision that appears to potentially impact the DYS. It requires districts to forward Individual Education Plans and health records with education records within two business days. Although this is commonly considered a best practice, it is not currently required by statute.

These changes are most applicable to public school policy and procedures and are not expected to fiscally impact DOS-DYS.

§ 167.022

According to officials from the **Department of Social Services - Division of Youth Services (DOS-DYS)**, this section also contains a provision that appears to potentially impact the DYS. It requires districts to request all education records within two business days, including health records and individual education plans. Although this is commonly considered a best practice, it is not currently required by statute.

These changes are most applicable to public school policy and procedures and are not expected to fiscally impact DOS-DYS.

§ 168.133.8

Officials from the **Department of Elementary and Secondary Education (DESE)** were unable to determine a fiscal impact for this section due to uncertainties regarding the meaning of the language. The meaning of the sentence, "A teacher's change in type of certification shall have no effect on the transferability of such records" is unclear. Currently, when a person adds a different classification area, they are re-fingerprinted; this does not affect how long the background clearance is considered valid. DESE states it is necessary to continue to fingerprint people when they add a new classification – sometimes information is obtained that DESE has never been able to access. Fingerprints completed within the last year would be accepted. For those who have not been printed for 5-10 years, DESE needs to check because otherwise they have no opportunity to determine if their background is clear in other states.

Oversight assumes the language in this section of the proposed legislation addresses the transferability of records and does not mandate additional fingerprinting or background checks

ASSUMPTION (continued)

and therefore will assign no fiscal impact.

Officials from the **Department of Elementary and Secondary Education (DESE)** do not anticipate a significant fiscal impact to school districts as a result of the proposal; however, DESE defers to the local school districts regarding any impact on insurance premiums, litigation costs, or administrative duties.

Officials from the **Marshfield School District** indicate that their district is already in compliance with the terms of this proposed legislation.

Officials from the **St Charles School District** state this proposal would appear to have little, if any, fiscal impact on their district.

Officials from the **Springfield Police Department** assume no fiscal impact to their department from this proposed legislation.

<u>FISCAL IMPACT - State Government</u>	FY 2010 (10 Mo.)	FY 2011	FY 2012
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2010 (10 Mo.)	FY 2011	FY 2012
	<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.

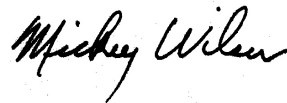
FISCAL DESCRIPTION

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
 Children's Division
 Division of Youth Services
Department of Public Safety
 Office of the Director
 Missouri State Highway Patrol
Office of Secretary of State
 Administrative Rules Division
School Districts
 Blue Springs



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Director
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