

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4673-01
Bill No.: HB 1384
Subject: Education, Elementary and Secondary; Internet and E-Mail
Type: Original
Date: January 7, 2016

Bill Summary: This proposal allows school districts to discipline students for cyberbullying that occurs off campus.

FISCAL SUMMARY

| ESTIMATED NET EFFECT ON GENERAL REVENUE FUND | | | |
|--|------------|------------|------------|
| FUND AFFECTED | FY 2017 | FY 2018 | FY 2019 |
| | | | |
| Total Estimated Net Effect on General Revenue | \$0 | \$0 | \$0 |

| ESTIMATED NET EFFECT ON OTHER STATE FUNDS | | | |
|---|------------|------------|------------|
| FUND AFFECTED | FY 2017 | FY 2018 | FY 2019 |
| | | | |
| Total Estimated Net Effect on <u>Other</u> State Funds | \$0 | \$0 | \$0 |

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 8 pages.

| ESTIMATED NET EFFECT ON FEDERAL FUNDS | | | |
|---|----------------|----------------|----------------|
| FUND AFFECTED | FY 2017 | FY 2018 | FY 2019 |
| | | | |
| | | | |
| Total Estimated Net Effect on <u>All</u> Federal Funds | \$0 | \$0 | \$0 |

| ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE) | | | |
|---|----------------|----------------|----------------|
| FUND AFFECTED | FY 2017 | FY 2018 | FY 2019 |
| | | | |
| | | | |
| Total Estimated Net Effect on FTE | 0 | 0 | 0 |

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

| ESTIMATED NET EFFECT ON LOCAL FUNDS | | | |
|--|---------------------------------|---------------------------------|---------------------------------|
| FUND AFFECTED | FY 2017 | FY 2018 | FY 2019 |
| Local Government | (Unknown over \$100,000) | (Unknown over \$100,000) | (Unknown over \$100,000) |

FISCAL ANALYSIS

ASSUMPTION

Oversight notes this proposal allows school district to discipline students for cyberbullying. It gives jurisdiction to districts to prohibit cyberbullying that originates on the school's campus and jurisdiction to prohibit cyberbullying that originates off campus in certain circumstances. Oversight assumes this would not fiscally impact the state but school districts would be impacted. Oversight will show the impact to school district funds as Unknown over \$100,000.

Officials at the **Department of Elementary and Secondary Education** assume there is no fiscal impact from this proposal.

Officials at the **Bakersfield R-IV** and the **Sarcoxie R-II** school districts each assume this would require an additional assistant principal position with a salary and benefits of \$60,000-\$65,000.

Officials at the **Bismarck R-V School District** assume no impact as long as this is voluntary.

Officials at the **Central R-III School District** assume the impact would be the number of students suspended or expelled which would impact the state adequacy target number.

Officials at the **Concordia School District** assume that it would involve time to investigate these cases. Based on the salary and length of contract my principals salary for a 40 hour week (which it never is) is \$38.22. Generally a bullying investigation depending on the amount of students involved that need to be interviewed and whether or not the police are involved takes anywhere between 6-10 hours including the paperwork. The interviews generally take place during the regular school day but if we are now involving off-campus activities it may include weekend time and most of the paperwork is done after the regular school day. The district estimates that at least 4 hours will be outside the regular day. Last year on 4 occasions we told a student or parent they needed to go to the police based on text or social media message their child received. So the four hours on 4 occasions would be 16 hours on uncompensated time my principal would work \$611.52. Then generally with these kinds of discipline issues we consult with our district attorney. They charge \$185.00 an hour. If each case involved an average of 1.5 hours of attorney time that would be \$1,110. Additionally if the district were involved in a lawsuit the attorney costs could be \$20,000-\$100,000.

Officials at the **Fredericktown, Oregon-Howell R-III** and the **Smithville R-II** school districts each assume the district could incur costs for offenders to attend counseling or education sessions. The impact is unknown at this time.

ASSUMPTION (continued)

Officials at the **Grain Valley R-V School District** assume this is difficult to determine. There may be no impact if no cyberbullying occurs. If potential violations occur the cost would include the salary of the employee investigating. It could be over \$100,000 depending on number of violations.

Officials at the **Kearney** and the **Renick R-V** school districts each assume this could result in a loss of ADA for increased suspensions and increased costs for school administrators and personnel to handle the investigation and discipline.

Officials at the **Kennett School District** assume an impact but it is unknown at this time.

Officials at the **Kingston 42** and the **Shelby County R-IV** school districts each assume the impact would be based on the number of incidents and amount of time to address the incidents. The impact is unknown at this time.

Officials at the **Kirbyville** and the **Shell Knob** school districts each assume the impact is unknown at this time.

Officials at the **Lewis County C-1** and the **Seymour R-II** school districts each assume the only impact would be the loss of revenue from decreased ADA.

Officials at the **Macon County R-IV School District** assume the cost would come from required education services should the suspended student have an IEP or from legal fees associated with an expulsion hearing. Expulsion hearings cost \$1,000-\$2,000 for time and travel.

Officials at the **Milan C-2 School District** assume the financial impact of this legislation will be difficult to specifically ascertain. The most practical comparison regarding district resources would be time. If enacted, the appropriate administration will spend significant amounts of time investigating, analyzing and/or interpreting “off-campus” student correspondence/communication. This, in-turn, would lessen their attention to other items within the educational process; including, but not limited to - classroom observations, visibility check-points (being in the hallways/cafeteria during changing times or lunch/breakfast), instructional leadership/assistance, etc. Depending on the scope of the electronic investigation, schools may have to upgrade available technological equipment to better investigate any/all claims of cyberbullying - this could have an impact on the fiscal action within the district. The exact impact at this time is unknown.

ASSUMPTION (continued)

Officials at the **Salisbury R-IV School District** assume no impact unless they are required to create and teach the education classes mentioned as a consequence for cyberbullying.

Officials at the **Verona R-VII School District** assume an impact of \$35,000.

Officials at the **Wright City School District** assume \$55,000 for additional staff. \$60,000-\$125,000 for phone company access to complete the investigations.

Officials at the **Arcadia Valley R-II, Bloomfield R-14, Bowling Green, Brentwood, Bronaugh, Campbell R-II, Chilhowee R-IV, East Newton, Eldon, Everton, Forsyth R-III, Hancock Place, Hawthorne Leadership Academy, Kansas City, Laredo R-VII, Lindbergh, Middle Grove C-1, New Haven, Parkway, Pettis County R-XII, St. Charles, St. Elizabeth, Warren County R-III, Webster Groves** and the **West Plains** school districts each assume there is no fiscal impact from this proposal to their respective districts.

Officials at the following school districts: Aurora R-8, Belton, Benton County R-2, Blue Springs, Bolivar R-I, Branson, Carrollton R-7, Caruthersville, Cassville R-4, Chillicothe R-II, Clarkton C-4, Cole R-I, Columbia, Crawford County R-1, Crocker R-II, Delta C-7, East Carter R-2, Fair Grove, Fair Play, Fayette R-3, Fox C-6, Fulton, Hannibal, Harrisonburg R-8, Harrisonville, Hillsboro R-3, Hollister R-5, Humansville R-4, Hurley R-1, Independence, Jefferson City, King City R-1, Kirksville, Laclede County R-1, Lee Summit, Leeton R-10, Lonedell R-14, Macon County R-1, Malta Bend, Mehville, Mexico, Midway R-1, Moberly, Monroe City R-I, Morgan County R-2, Nixa, North St. Francois Co. R-1, Northeast Nodaway R-5, Odessa R-VII, Osage County R-II, Osborn R-O, Pattonville, Pierce City, Plato R-5, Princeton R-5, Raymore-Peculiar R-III, Raytown, Reeds Springs R-IV, Richland R-1, Riverview Gardens, Scotland County R-I, Sedalia, Sikeston, Silex, Slater, Special School District of St. Louis County, Spickard R-II, Springfield, St Joseph, St Louis, Sullivan, Valley R-6, Warrensburg R-6 and the Westview C-6 school districts did not respond to **Oversight's** request for fiscal impact.

| <u>FISCAL IMPACT - State Government</u> | FY 2017 (10 Mo.) | FY 2018 | FY 2019 |
|---|---------------------|------------|------------|
| | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> |

| <u>FISCAL IMPACT - Local Government</u> | FY 2017 (10 Mo.) | FY 2018 | FY 2019 |
|--|--|--|--|
| SCHOOL DISTRICT FUNDS | | | |
| <u>Cost</u> - School Districts - time and resources to investigate cyberbullying | (Unknown over <u>\$100,000</u>) | (Unknown over <u>\$100,000</u>) | (Unknown over <u>\$100,000</u>) |
| ESTIMATED NET EFFECT ON SCHOOL DISTRICT FUNDS | (Unknown over <u>\$100,000</u>) | (Unknown over <u>\$100,000</u>) | (Unknown over <u>\$100,000</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 authorizes any school district to subject a student to discipline for cyberbullying. The district must have jurisdiction to prohibit cyberbullying that originates on a school's campus if the electronic communication was made using the school's technological resources or the electronic communication was made on the school's campus using the student's own personal technological resources. The district must have jurisdiction to prohibit cyberbullying that originates off the school's campus if it was reasonably foreseeable that the electronic communication would reach the school's campus or there is a sufficient nexus between the electronic communication and the school which includes, but is not limited to, speech that is directed at a school-specific audience or the speech was brought onto or accessed on the school campus, even if it was not the student in question who did so.

"Cyberbullying" means bullying through the transmission of a communication including, but not limited to, a message, text, sound, or image by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager.

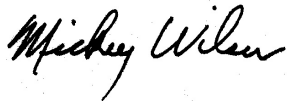
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Arcadia Valley R-II School District
Bakersfield School District
Bismarck R-V School District
Bloomfield R-14 School District
Bowling Green School District
Brentwood School District
Bronaugh School District
Campbell R-II School District
Central R-III School District
Chilhowee R-IV School District
Concordia R-II School District
East Newton School District
Eldon School District
Everton School District
Forsyth R-III School District
Fredericktown R-I School District
Grain Valley R-V School District
Hancock Place
Hawthorne Leadership Academy
Kansas City School District
Kearney School District
Kennett School District
Kingston 42 School District
Kirbyville R-VI School District
Laredo R-VII School District
Lewis County C-1 School District
Lindbergh School District
Macon County R-IV School District
Middle Grove C-1 School District
Milan C-2 School District
New Haven School District
Oregon-Howell R-III School District
Parkway School District
Pettis County R-XII School District
Renick School District
Salisbury R-IV School District
Sarcoxie R-II School District
Seymour R-II School District

SOURCES OF INFORMATION (continued)

Shelby County R-IV School District
Shell Knob School District
Smithville School District
St. Charles School District
St. Elizabeth R-IV School District
Verona R-VII School District
Warren County R-III School District
Webster Groves School District
West Plains School District
Wright City School District



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