

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 3989-05  
Bill No.: SB 1000  
Subject: Children and Minors; Education, Elementary and Secondary; Juvenile Courts  
Type: Original  
Date: February 18, 2008

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Bill Summary: Establishes education rights for foster care students and requires a full school day of education for certain children.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
General Revenue	Not expected to exceed (\$287,690)	Not expected to exceed (\$305,283)	Not expected to exceed (\$308,439)
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>Not expected to exceed (\$287,690)</b>	<b>Not expected to exceed (\$305,283)</b>	<b>Not expected to exceed (\$308,439)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
<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.  
This fiscal note contains 8 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
<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 2009	FY 2010	FY 2011
General Revenue	1 FTE	1 FTE	1 FTE
<b>Total Estimated Net Effect on FTE</b>	<b>1 FTE</b>	<b>1 FTE</b>	<b>1 FTE</b>

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).

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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## **FISCAL ANALYSIS**

### ASSUMPTION

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

Officials from the **Department of Mental Health (DMH)** assume none of the provisions of this proposed legislation appear to place any additional requirements upon DMH; therefore, no fiscal impact is anticipated.

Officials from the **Office of Administration - Administrative Hearing Commission** and the Department of Health and Senior Services state there would be no fiscal impact to their respective agencies.

Officials from the **Department of Social Services - Children's Division** assume that because the proposal states that the Department of Elementary and Secondary Education would be responsible for the costs associated with overseeing a foster child's education, this proposal will have no fiscal impact on their agency.

Officials from the **Office of Secretary of State (SOS)** assume 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 to the SOS office for Administrative Rules for this proposal is less than \$2,500. The SOS recognizes this is a small amount and does not expect additional funding would be required to meet these costs. However, SOS also recognizes that many such bills may be passed in a given year and that collectively the costs may be in excess of what the SOS can sustain with their core budget. Any additional required funding would be handled through the budget process.

Officials from the **Francis Howell School District** assumed no fiscal impact to their district.

Officials from the **Farmington School District** responded; however, did not make any reference to fiscal impact to their district.

ASSUMPTION (continued)

§167.018

Officials from the **Department of Elementary and Secondary Education (DESE)** assume there is no way to calculate a fiscal cost associated with this section of the proposal. Many districts will not find it necessary to hire an "educational liaison", as existing staff will take on the additional responsibilities. However, some of the larger districts will find it necessary to hire additional staff to keep up with all the requirements of this language. Costs statewide will likely exceed \$100,000.

**Oversight** assumes the school districts could absorb any additional administrative duties related to this proposal.

§167.019

DESE assumes, based on data received from the Children's Division, that 9,400 children are subject to the requirements of this proposed legislation.

Transporting these children to their domicile school will cost a minimum of 2 times the state average cost per pupil to transport due to the higher cost of transporting an individual child. 65% (6110) of these children will be placed outside of their domicile district, requiring additional transportation support (and cost) by the domicile district.

2 times avg. annual statewide transportation costs per child	\$1,217.68
Number requiring transportation support	<u>x 6,110</u>
Total Transportation costs	\$7,440,025

The proposed legislation stipulates that the foster child has the right to remain enrolled in and attend their school of origin pending resolution of school placement disputes. According to officials from the **Department of Social Services - Children's Division**, the Children's Division policy currently addresses this issue in Section 4 Chapter 7.2 of the Child Welfare Manual.

**Oversight** assumes that additional transportation costs, if any, would be minimal and would not be expected to exceed \$100,000.

ASSUMPTION (continued)

§210.1050

DESE assumes 100% of the 9,400 children cited above will require a minimum of one mediation annually; 40% (3760) will require a minimum of two mediations annually; 25% (2350) will require three mediations annually; and 5% (470) will require 4 mediations annually for a total of 15,980 mediations. The average mediation cost per child is \$695.

\$695 per mediation x 15,980 mediations = \$11,106,100

**Oversight** assumes, based on responses from the **Department of Social Services** in legislation from last session (SCS/HCS/HB 827 - FN 1986-05N) that addressed requirements for the education needs of children placed in residential care facilities, that the number of required mediations would be minimal and the cost is not expected to exceed \$100,000.

§210.1050.4

Based on a comparison of ombudsman salaries from the Department of Natural Resources, Department of Health and Senior Services, Department of Conservation, and the Governor's Office, DESE estimates an annual salary of \$65,000. Based on the number of children subject to this proposal, it is likely that at least one additional ombudsman would be required.

**Oversight** assumes one position would be adequate to comply with provisions outlined in the proposal.

FISCAL IMPACT - State Government

FY 2009  
(10 Mo.)

FY 2010

FY 2011

**GENERAL REVENUE**

Cost - Department of Elementary and Secondary Education - Transportation costs (\$167.019)

Not expected to exceed	Not expected to exceed	Not expected to exceed
(\$100,000)	(\$100,000)	(\$100,000)

Cost - DESE - Mediation expenses (\$210.1050)

Not expected to exceed	Not expected to exceed	Not expected to exceed
(\$100,000)	(\$100,000)	(\$100,000)

Cost - DESE - Ombudsman (\$210.1050.4)

Personal Service (1FTE)	(\$55,792)	(\$68,959)	(\$71,027)
Benefits	(\$24,671)	(\$30,494)	(\$31,408)
F F & E	(\$7,227)	(\$5,830)	(\$6,004)
Total Personal Costs	(\$87,690)	(\$105,283)	(\$108,439)

**ESTIMATED NET EFFECT ON GENERAL REVENUE**

<u>Not expected to exceed</u>	<u>Not expected to exceed</u>	<u>Not expected to exceed</u>
(\$287,690)	(\$305,283)	(\$308,439)

Estimated Net FTE Change for General Revenue

1 FTE	1FTE	1FTE
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FISCAL IMPACT - Local Government

FY 2009  
(10 Mo.)

FY 2010

FY 2011

<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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FISCAL IMPACT - Small Business

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

## FISCAL DESCRIPTION

This proposed legislation establishes the "Foster Care Education Bill of Rights."

### §167.018

Each school district must designate a staff person to be an educational liaison for foster care children. This liaison would assist with proper educational placements, transferring between schools, ensuring transfer of grades and credits, requesting school records, and submitting school records that have been requested.

### §167.019

A child placing agency will promote educational stability for foster care children when making placements. A foster care child may continue to attend his or her school of origin pending resolution of a dispute. The Department of Elementary and Secondary Education will promulgate rules and regulations for assigning transportation costs for pupil placement resulting from a dispute resolution.

### §210.1050

Each child who is in foster care or who is placed in a licensed residential care facility is entitled to a full school day of education unless the school district determines that fewer hours are warranted. A full school day is defined as six hours under the guidance and direction of teachers in the education process for children in foster care or for children placed for treatment in a licensed residential care facility by the department of social services. The child's family support team may seek mediation with the school district if it disagrees with the school district's determination.

The Department of Elementary and Secondary Education must implement procedures and policies to allow parties to resolve disputes through mediation. The Department must pay for the mediation costs and maintain a list of qualified mediators.

### §210.1050.4

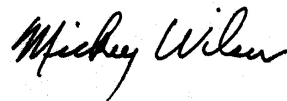
For children placed for treatment in a licensed residential care facility by the Department of Social Services, the Commissioner of Education will appoint an ombudsman to assist the family support team and school district. The ombudsman will have the final decision over discrepancies regarding school day length. A full school day of education will be provided pending the ombudsman's final decision.

FISCAL DESCRIPTION (continued)

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  
Office of Administration  
    Administrative Hearing Commission  
Department of Elementary and Secondary Education  
Department of Social Services  
    Children's Division  
Department of Health and Senior Services  
Department of Mental Health  
Office of Secretary of State  
    Administrative Rules Division  
School Districts  
    Francis Howell  
    Farmington



Mickey Wilson, CPA  
Director  
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