

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0939-02
Bill No.: SB 175
Subject: Education, Elementary and Secondary; Elementary and Secondary Education Department
Type: Original
Date: February 10, 2009

Bill Summary: Requires the Department of Elementary and Secondary Education to produce "The Parents' Bill of Rights" for parents of children with an individualized education program

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
General Revenue	(\$138,850)	\$0	\$0
Total Estimated Net Effect on General Revenue Fund	(\$138,850)	\$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	(Unknown - Could exceed \$100,000)	(Unknown - Could exceed \$100,000)	(Unknown - Could exceed \$100,000)

FISCAL ANALYSIS

ASSUMPTION

According to officials from the **Office of Secretary of State (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 Elementary and Secondary Education (DESE)** state they have adopted the federal model of the "notice of right" referred to as "Procedural Safeguards" which meets all federal requirements. DESE has indicated they would not be likely to change the federal model to accommodate the requirements of this proposal. The provisions of this proposal appear to provide for "rights" that are additional to those provided under the Individuals with Disabilities Education Act (IDEA) to parents. Should this proposal pass, DESE would most likely create a new (additional) document for distribution to families.

The existing "Federal Procedural Safeguards" document is 32 pages in length. DESE assumes that an additional state procedural safeguards document (bill-of-rights) would be approximately ten pages in length. Distribution to school districts/charter schools is based on child count.

Estimated Costs:

Staff time: 100 staff hours	\$ 2,500 (includes federal approval process)
Materials:	\$ 250
Printing: 150,000 copies	\$ 30,000
Translation: 22 languages	\$100,000
American Sign Language/Video/DVD	\$ 5,500
Distribution Costs/Postage	<u>\$ 600</u>
	\$138,850

Officials from the **Special School District of St Louis (SSD)** assume that most of the requirements listed in the proposal are already required under IDEA. This proposal would add

ASSUMPTION (continued)

compliance requirements that don't currently exist under IDEA such as discussing classroom programming and behavior therapy. These requirements would add expense to the district, but SSD could not quantify an amount of fiscal impact.

Officials from the **Sikeston School District** state there will be a fiscal impact associated with the compliance steps, but that a specific cost is not known.

Officials from the **Francis Howell School District** assume the proposed legislation would require printing of the brochures. The estimated fiscal impact would be less than \$1,000 per year.

Officials from the **Blue Springs School District** assume this proposed legislation will lead to more due process hearings in the state. They reported they spent \$130,000 last year on attorney's fees for special education issues and just went through one in the last month and attorney's fees alone were in excess of \$50,000. They assume that if this proposal is enacted they will at least double those costs.

Officials from the **St Charles School District** responded to the request for fiscal note, but did not specify if there would be fiscal impact to their district.

<u>FISCAL IMPACT - State Government</u>	FY 2010 (10 Mo.)	FY 2011	FY 2012
GENERAL REVENUE			
<u>Cost - Department of Elementary and Secondary Education - Costs associated with production of "Parents' Bill of Rights" document</u>	<u>(\$138,850)</u>	<u>\$0</u>	<u>\$0</u>
EXPECTED NET EFFECT ON GENERAL REVENUE	<u>(\$138,850)</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2010 (10 Mo.)	FY 2011	FY 2012
LOCAL POLITICAL SUBDIVISIONS			
<u>Cost</u> - School Districts - Additional due process hearings	(Unknown - Could exceed <u>\$100,000</u>)	(Unknown - Could exceed <u>\$100,000</u>)	(Unknown - Could exceed <u>\$100,000</u>)
ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	<u>(Unknown - Could exceed \$100,000)</u>	<u>(Unknown - Could exceed \$100,000)</u>	<u>(Unknown - Could exceed \$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 proposal requires the Department of Elementary and Secondary Education to produce "The Parents' Bill of Rights", to inform parents of children with an individualized education program (IEP) of their educational rights under federal and state law by January 1, 2010. The publication must contain ten points of information, which are described in the proposal.

Each school district must provide a copy of "The Parents' Bill of Rights" at least ten days prior to the IEP meeting to the parent or parents of a child with an IEP. At the meeting, the parents must indicate whether they have received it.

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

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SOURCES OF INFORMATION

Department of Elementary and Secondary Education
Office of Secretary of State

School Districts

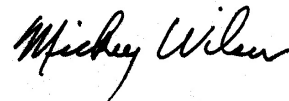
St Charles

Special School District of St Louis County

Blue Springs School District

Sikeston

Francis Howell



Mickey Wilson, CPA

Director

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