

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0248-02  
Bill No.: Truly Agreed To and Finally Passed SCS for SB 54  
Subject: Education, Elementary and Secondary; Teachers; Elementary and Secondary Education Department; Children and Minors; Highway Patrol; Social Services Department  
Type: Original  
Date: June 1, 2011

Bill Summary: This bill creates the Amy Hestir Student Protection Act and Erin’s Law.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
General Revenue	(\$105,750)	\$0	\$0
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>(\$105,750)</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
<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 11 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Federal Funds	(\$105,750)	\$0	\$0
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>(\$105,750)</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</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 2012	FY 2013	FY 2014
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

The following agencies indicated this bill would have no fiscal impact on their respective agencies: **Department of Labor and Industrial Relations, Department of Public Safety - Missouri State Highway Patrol, Office of State Public Defender, Office of State Auditor, Office of Prosecution Services, Office of Administration - Office of Child Advocate.**

Officials from the **Department of Public Safety - Office of the Director** assume any costs associated with this bill may be absorbed with existing resources.

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

Officials from the **Department of Social Services - Division of Youth Services and Children's Division** state this bill will have no fiscal impact on these respective divisions.

According to officials from the **Joint Committee on Administrative Rules (JCAR)**, this bill should not create any additional fiscal impact above current appropriations to JCAR.

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

Officials from the **Department of Mental Health** state this bill would not appear to add any requirement or responsibility to the their agency that would result in a fiscal impact.

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 proposal. 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.

ASSUMPTION (continued)

Officials from the **Department of Corrections (DOC)** state that, currently, the DOC cannot predict the number of new commitments which may result from the creation of the offense(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in operational cost through supervision provided by the Board of Probation and Parole (FY10 average of \$3.92 per offender, per day or an annual cost of \$1,431 per offender).

In summary, supervision by the DOC through probation would result in some additional costs, but it is assumed the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

Officials from the **Office of the Attorney General (AGO)** identify two provisions in this bill that may result in additional costs to AGO:

§162.068.3 requires that, if a school employee provides certain information regarding personnel information of a fellow employee (presumably to a potential employer), the AGO would represent the employee providing the information in the event that employee is sued for providing it. Because AGO cannot project the number of cases that could be generated from this provision, AGO assumes that costs would be unknown but under \$100,000 per year, but if there is a significant increase in claims over time, the AGO may seek appropriations to adequately enforce the proposal.

**Oversight** assumes the that cases that might be generated due to this bill are speculative and for fiscal note purposes only, will assign no fiscal impact.

§168.071 provides some additional crimes which, if committed by a licensed teacher, would subject the teacher to automatic license revocation. Because the AGO handles these revocation cases before DESE, AGO assumes that this amended section could generate additional cases in the event a licensee commits one of the newly enumerated crimes. AGO assumes that any costs associated with this provision could be absorbed within existing resources, but if there is a significant increase in claims over time, the AGO may seek appropriation to adequately enforce the proposal.

ASSUMPTION (continued)

§168.133

Officials from the **Department of Elementary and Secondary Education (DESE)** state that OA-ITSD has determined that automation will be required to share data between DESE, Department of Health and Senior Services, Department of Public Safety, Department of Corrections, and Department of Mental Health. Additional work by the licensure staff would be required as well.

Currently the certificated and non-certificated school employees are not always kept in the same data storage area. In order to make this process the most efficient, that would need to change. Because of outdated and unsupported software, a new system is currently in process of being developed. That system is estimated at \$1.5 million and is being funded primarily through a federal grant. This system also would accomplish the goal of verifying all employees are on the Family Care Safety Registry and Access Line (FCSR) system, once that system is fully automated. This system also would accomplish the goal of verifying the appropriateness of Social Security Numbers and gather information from national clearing houses for infractions in other states.

The annual cost of verifying that all school employees are registered in the FCSR will be approximately \$1,200,000 (\$10 per person for 120,000 certified teachers). In order to accomplish these requirements, DESE will require 1.5 FTE administrative assistant.

DESE further notes that according to officials with the Missouri Highway Patrol, a "RAP-BACK" system is currently being constructed which will automatically perform checks on all persons currently registered in the FCSR; therefore, once this system is implemented, the annual cost to DESE will no longer exist.

**Oversight** assumes this system will be in place during FY 11, so **Oversight** will be showing no cost to DESE.

§168.133.4 states that the Missouri State Highway Patrol(MSHP) will provide ongoing electronic updates to criminal history background checks. MSHP is currently in the process of establishing a Rapback system that would provide electronic updates to criminal history background checks. It is estimated that the program will be implemented in 2011. Until the MSHP RapBack system is implemented, the annual criminal background check and sex offender registry check will be included as part of the Family Care Safety Registry. Therefore, the MSHP anticipates no fiscal impact.

ASSUMPTION (continued)

**Oversight** notes that in response to a similar proposal from last session (SCS/SB 631 FN 3358-06) the certificated and non-certificated school employees are not always kept in the same data storage area. Because of outdated and unsupported software, a new system would need to be developed to accomplish the goal of verifying all employees are on the Family Care Safety Registry and Access Line (FCSR) system. That system is estimated at \$1.5 million. This system also would accomplish the goal of verifying the appropriateness of Social Security Numbers and gather information from national clearing houses for infractions in other states. **Oversight** notes that apparently a federal government grant has been obtained to develop the new system.

§210.152.3

According to officials from the **Department of Social Services (DOS)**, §210.152.3 is the only section that has a fiscal impact on DOS business systems. The Family and Children Electronic System (FACES) would require modifications to allow a concluded investigation to be re-opened for review and/or investigation in certain instances up to one year after the children's division rendered a decision. This requirement impacts the Investigation and Assessment and the Case Management components of FACES.

Passage of this proposal would require modifications to FACES allow the re-opening of formerly concluded and closed investigations, including those where the call has been expunged. Effort includes:

- Business requirements definition
- Updates to high level design documents
- Updates to technical specification documents
- Coding and unit testing
- System testing
- Regression testing

Two enhancements would be needed in the Family and Children Electronic System:

1. Modifications required to reopen cases in FACES that have not been expunged:
  - Modify the Appeal and Conclusion to "ReOpen" a closed case. This will invalidate the previous conclusion.
    - o Appeal - 80 hrs
    - o Conclusion - 160 hours
    - o Documentation & Testing -180 hours

ASSUMPTION (continued)

2. Modifications required to re-open cases in FACES where the call has been expunged requires creation of an Expunged Record Retrieval Screen to select the records to be retrieved. Create a batch program to search FACES expunged tapes and restore records into FACES.
  - o Expunged Record Retrieval Screen - 800 hrs
  - o FACES Expunged record search batch program - 800 hrs
  - o FACES Expunged Record Restore program -- 800 hrs

Contractor rate for systems work on FACES averages \$75.00 per hour.

Total Cost = 2,820 hours X \$75.00/hr = \$211,500.00

Assumptions:

Modify the Appeal and Conclusion to "ReOpen" a closed case. This will invalidate the previous conclusion.

Currently, records to be expunged from FACES are written to an expunge table. CD has 30 days to retrieve the records before they are expunged and the "Original Call documents" are shredded.

To retrieve Records expunged from FACES

- o Create a Screen to select the records to be retrieved. Use Call ticket #, DCN, name, etc.
- o Batch program to search FACES expunged tapes and restore records.
- o Records are restored into the FACES database as they were.
- o Call is "ReOpened"

Fund sources for FACES are 50% GR and 50% Federal.

Cost from General Revenue Funds	\$105,750
Cost from Federal Funds	<u>\$105,750</u>

Total Cost	<b>\$211,500</b>
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ITSD would be required to complete all system changes in FY12 and do not anticipate additional costs beyond FY12.

LMD:LR:OD (12/02)

ASSUMPTION (continued)

Officials from the **Jefferson City Police Department, Springfield Police Department, and the Columbia Sheriff's Department** state this proposal does not create a fiscal impact on their respective departments.

Officials from the **Parkway School District** and the **St Louis Public School District** stated this proposal would have no fiscal impact on their respective districts.

Officials from the **Special School District of St Louis County (SSD)** state the only question regarding fiscal impact would be the cost of mediation which is not expected to be material as SSD only has seven schools.

Officials from the **Independence School District** estimated an annual cost of \$50,000, but did not elaborate on what that cost would cover.

DESE assumes there might be some increased time by school employees to meet the provisions of this proposal. **Oversight** assumes, based on responses from school districts, that costs would be minimal and could be absorbed with existing resources. The criminal background check and fingerprint collections permitted in §168.133.9 are at the school districts' expense but are permissive so no cost is assigned.

§160.2100 & 160.2110 - Erin's Law

Officials from the **Department of Corrections, Department of Social Services, Department of Health and Senior Services, Office of Attorney General, Department of Public Safety-Missouri State Highway Patrol, and the Missouri House of Representatives** state this portion of the bill will have no fiscal impact on their respective agencies.

Officials from the **Department of Elementary and Secondary Education** state their agency could incur expenses related to the duties of the task force; however, those expenses are not expected to be significant.

Officials from the **Missouri Senate** state this bill either has no fiscal impact as it relates to their agency, or minimal costs which can be absorbed by present appropriations.

Officials from the **Office of the Governor** state there should be no added cost to the Governor's Office as a result of this bill. If additional duties are placed on the office related to appointments resulting from other legislation, there may be the need for additional staff resources in the future.



<u>FISCAL IMPACT - State Government</u>	FY 2012 (10 Mo.)	FY 2013	FY 2014
<b>GENERAL REVENUE</b>			
<u>Cost - Department of Social Services - Programming expenses (\$210.152.3)</u>	<u>(\$105,750)</u>	<u>\$0</u>	<u>\$0</u>
<b>ESTIMATE NET EFFECT ON GENERAL REVENUE</b>	<b><u>(\$105,750)</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>
<b>FEDERAL FUNDS</b>			
<u>Cost - Department of Social Services - Programming expenses (\$210.152.3)</u>	<u>(\$105,750)</u>	<u>\$0</u>	<u>\$0</u>
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE</b>	<b><u>(\$105,750)</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>
<u>FISCAL IMPACT - Local Government</u>	FY 2012 (10 Mo.)	FY 2013	FY 2014
	<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 bill.

## FISCAL DESCRIPTION

### §210.152

The Department of Social Services - Children's Division may reopen a case for review at the request of any party to the investigation if information is obtained that the investigation was not properly conducted under the provisions of Chapter 210, RSMo, or if new information becomes available. For any case previously investigated by the Children's Division for which there was a finding of "unsubstantiated", the Children's Division must reconduct its investigation one time at the request of the Office of the Child Advocate if the Child Advocate has reasonable suspicion of wrongdoing. The Children's Division must not reopen an investigation if a court of law has entered a final judgment on the matter.

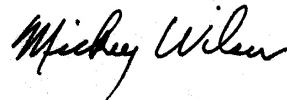
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

## SOURCES OF INFORMATION

Department of Social Services  
    Children's Division  
    Division of Youth Services  
Department of Health and Senior Services  
Department of Elementary and Secondary Education  
Department of Labor and Industrial Relations  
Department of Public Safety  
    Missouri State Highway Patrol  
    Office of the Director  
Joint Committee on Administrative Rules  
Office of Secretary of State  
    Administrative Rules Division  
Office of State Courts Administrator  
Office of Administration  
    Office of Child Advocate  
Department of Corrections  
Office of the Governor  
Missouri House of Representatives  
Missouri Senate  
Office of Prosecution Services  
Office of State Auditor  
Office of State Public Defender

SOURCES OF INFORMATION (Continued)

Office of Corrections  
Department of Mental Health  
Office of Attorney General  
Local Law Enforcement  
    Springfield Police Department  
    Jefferson City Police Department  
    Boone County Sheriff's Department  
School Districts  
    Parkway  
    St Louis Public School District  
    Independence  
    Special School District of St Louis County



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Director  
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