

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1935-01
Bill No.: SB 365
Subject: Education, Elementary and Secondary; Elementary and Secondary Education Department
Type: Original
Date: February 18, 2015

Bill Summary: This proposal modifies provisions relating to students with special needs.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
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 2016	FY 2017	FY 2018
Local Government	(Unknown)	(Unknown)	(Unknown)

FISCAL ANALYSIS

ASSUMPTION

Officials at the **Department of Elementary and Secondary Education (DESE)** assume it would appear local school districts could incur significant expenses to conduct evaluations but there would be no impact to the state. We polled a few districts and determined a cost range of \$500 - \$1,250 for an evaluation.

Officials at the **Special School District of St. Louis** assume this would increase legal fees and the cost of the additional services would be approximately \$100,000.

Officials at the **Nixa Public Schools** assume this would have a fiscal impact due to several provisions. However, they can not determine the impact at this time.

Officials at the **Kansas City Public Schools** and the **Malta Bend Schools** each assume there is no fiscal impact to their school district from this proposal.

Officials at the following schools: Blue Springs Public Schools, Branson Public Schools, Caruthersville School District, Cole R-I Schools, Columbia Public Schools, Everton R-III School District, Fair Grove Schools, Fulton Public School, Harrisonville School District, Independence Public Schools, Jefferson City Public Schools, Kirksville Public Schools, Kirbyville R-VI Schools, Lee Summit Public Schools, Macon School, Mexico Public Schools, Monroe City R-I Schools, Parkway Public Schools, Pattonville Schools, Raymore-Peculiar R-III Schools, Raytown School District, Riverview Gardens School District, Sedalia School District, Sikeston Public Schools, Silex Public Schools, County, Spickard School District, Springfield School District, St Joseph School District, St Louis Public Schools, St. Charles Public Schools, Sullivan Public Schools, Warren County R-III School District and Waynesville Public School did not respond to **Oversight's** request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
LOCAL SCHOOL DISTRICT FUNDS			
<u>Cost - School District - evaluations</u>	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT ON LOCAL SCHOOL DISTRICT FUNDS	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

This act requires a school district to conduct an evaluation of a student to determine if an individualized education program is warranted at least once every twenty-four months, if requested by the student's parent or legal guardian.

This act prohibits a school district's legal counsel from being present during the evaluation or any meetings concerning a student's IEP. If the district violates this prohibition, the legal counsel and any of his or her coworkers or fellow employees will be prohibited from representing the school district in any action concerning the student.

A school district in an administrative or legal action concerning action regarding the evaluation or the student's IEP must justify its decision by proving that it is in compliance with the federal Individuals with Disabilities Education Act. If a mediation is scheduled, any unjustified absence or lack of good faith to resolve the issue by the district, as determined by the mediator, will result in a default judgment against the district. A third party evaluator will develop an IEP for the student at the district's expense.

School districts are prohibited from retaining an attorney or law firm to provide counsel or litigate proceedings concerning a district's decision regarding the evaluation or IEP of a student that employs or contracts with members of the district's school board or its employees.

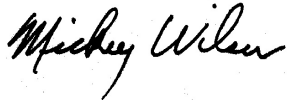
Districts are prohibited from maintaining a policy prohibiting the parent or legal guardian of a student from recording any conversation or proceeding they attend.

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

L.R. No. 1935-01
Bill No. SB 365
Page 5 of 5
February 18, 2015

SOURCES OF INFORMATION

Department of Elementary and Secondary Education
Kansas City Public Schools
Malta Bend Schools
Nixa Public Schools
Special School District of St. Louis



Mickey Wilson, CPA
Director
February 18, 2015

Ross Strobe
Assistant Director
February 18, 2015