

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 3235S.01I  
Bill No.: SB 728  
Subject: Education, Elementary and Secondary; Department of Elementary and Secondary  
Education; Teachers; Children and Minors  
Type: Original  
Date: January 15, 2024

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Bill Summary: This proposal creates provisions relating to public elementary and secondary school students.

**FISCAL SUMMARY**

| <b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>  |                |                |                |
|--|----------------|----------------|----------------|
| <b>FUND AFFECTED</b>                                 | <b>FY 2025</b> | <b>FY 2026</b> | <b>FY 2027</b> |
|  |                |                |                |
|  |                |                |                |
| <b>Total Estimated Net Effect on General Revenue</b> | <b>\$0</b>     | <b>\$0</b>     | <b>\$0</b>     |

| <b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>              |                |                |                |
|---|----------------|----------------|----------------|
| <b>FUND AFFECTED</b>  | <b>FY 2025</b> | <b>FY 2026</b> | <b>FY 2027</b> |
|   |                |                |                |
|   |                |                |                |
| <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.

| <b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>                  |                |                |                |
|---|----------------|----------------|----------------|
| <b>FUND AFFECTED</b>  | <b>FY 2025</b> | <b>FY 2026</b> | <b>FY 2027</b> |
|   |                |                |                |
|   |                |                |                |
| <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> |                |                |                |
|---|----------------|----------------|----------------|
| <b>FUND AFFECTED</b>                                      | <b>FY 2025</b> | <b>FY 2026</b> | <b>FY 2027</b> |
|   |                |                |                |
|   |                |                |                |
| <b>Total Estimated Net Effect on FTE</b>                  | <b>0</b>       | <b>0</b>       | <b>0</b>       |

- Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.
- Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

| <b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b> |                         |                         |                         |
|--|-------------------------|-------------------------|-------------------------|
| <b>FUND AFFECTED</b>                       | <b>FY 2025</b>          | <b>FY 2026</b>          | <b>FY 2027</b>          |
|  |                         |                         |                         |
| <b>Local Government*</b>                   | <b>\$0 or (Unknown)</b> | <b>\$0 or (Unknown)</b> | <b>\$0 or (Unknown)</b> |

## FISCAL ANALYSIS

### ASSUMPTION

#### Section 161.841 - Parents' Bill of Rights

**Oversight** assumes there could be costs for school staff to meet requests for information on curriculum, instructional material, contracts, and funding. Additionally, Oversight assumes there could be training costs and administrative costs related to notifications and printing. Oversight is uncertain if these costs could be absorbed by school districts. Therefore, Oversight will show a range of impact of \$0 (no additional costs or costs can be absorbed) to unknown costs to school districts.

#### Sections 170.385 and 170.386 – Discussion of Certain Topics by School Personnel

**Oversight** assumes there could be costs for school districts if the Attorney General's Office or a parent brings a civil action against district. Oversight will show a range of impact of \$0 to an unknown cost.

#### Response to the Legislation as a Whole

Officials from **Department of Elementary and Secondary Education (DESE)** assume Sections 170.386.8(1) and section 170.386.8(2) requires discipline of a teaching certificate upon charges filed by a school district or brought by the State Board after a hearing establishing a violation of the section.

Based on this proposed language, DESE, Office of Governmental Affairs estimates costs of less than \$100,000. These costs which will be dependent on the number of hearings the State Board must hold include but are not limited to:

- Hearing officer time for hearing and drafting recommendations for the State Board;
- Administrative assistant time to schedule hearings, provide notice to parties and any settlement negotiations;
- Court reporter costs;

For cost explanation purposes, the average cost for a teacher discipline hearing is \$566.55/hearing:

- Average of 3 hours of hearing officer time x average of \$58.08/hour
- Average of 7 hours administrative assistant time x \$31.08/hour
- Average of \$174.75 in court reporter costs/hearing.

DESE assumes the required investigations will be conducted in the manner of current investigations and can be absorbed by current staffing. However, depending upon the number of investigations and hearings required additional FTE may be required in the future. In this circumstance DESE will seek additional FTE through the appropriations process.

Officials from the **Office of Attorney General (AGO)** assume any potential litigation costs arising from this proposal can be absorbed with existing resources. The AGO may seek additional appropriations if the proposal results in a significant increase in litigation or investigation. Officials from the Office of Attorney General (AGO) assume any potential litigation costs arising from this proposal can be absorbed with existing resources. The AGO may seek additional appropriations if the proposal results in a significant increase in litigation or investigation.

Officials from the **Department of Commerce and Insurance, Department of Mental Health, Office of the State Auditor, and Office of Administration - Administrative Hearing Commission** each assume the proposal will have no fiscal impact on their organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note.

In response to a similar proposal, SCS for SB 134 (2023), officials from the **Department of Elementary and Secondary Education** assumed the proposal will have no fiscal impact on their respective organizations.

Officials from the **Office of the State Courts Administrator** did not respond to **Oversight's** request for fiscal impact for this proposal.

**Oversight** received no responses from school districts related to the fiscal impact of this proposal. Oversight has presented this fiscal note on the best current information available. Upon the receipt of additional responses, Oversight will review to determine if an updated fiscal note should be prepared and seek approval to publish a new fiscal note. Oversight only reflects the responses received from state agencies and political subdivisions; however, school districts were requested to respond to this proposed legislation but did not. A listing of political subdivisions included in the Missouri Legislative Information System (MOLIS) database is available upon request.

| <u>FISCAL IMPACT – State Government</u> | FY 2025<br>(10 Mo.) | FY 2026           | FY 2027           |
|---|---------------------|-------------------|-------------------|
|   |                     |                   |                   |
|   | <b><u>\$0</u></b>   | <b><u>\$0</u></b> | <b><u>\$0</u></b> |
|   |                     |                   |                   |

| <u>FISCAL IMPACT – Local Government</u>   | FY 2025<br>(10 Mo.)         | FY 2026                     | FY 2027                     |
|---|-----------------------------|-----------------------------|-----------------------------|
| <b>SCHOOL DISTRICTS</b>   |                             |                             |                             |
| <u>Costs</u> - to adopt policies/administrative costs related to parents’ rights - §161.841 | \$0 or<br>(Unknown)         | \$0 or<br>(Unknown)         | \$0 or<br>(Unknown)         |
| <u>Costs</u> - for court costs, attorney fees and damages - §170.386.9                      | \$0 or<br>(Unknown)         | \$0 or<br>(Unknown)         | \$0 or<br>(Unknown)         |
| <b>ESTIMATED NET EFFECT ON SCHOOL DISTRICTS</b>   | <b>\$0 or<br/>(Unknown)</b> | <b>\$0 or<br/>(Unknown)</b> | <b>\$0 or<br/>(Unknown)</b> |

FISCAL IMPACT – Small Business

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

FISCAL DESCRIPTION

This act establishes the Parents' Bill of Rights Act of 2024 and creates provisions relating to discussion of certain topics by school personnel.

**PARENTS' BILL OF RIGHTS ACT OF 2024**  
 (Section 161.841)

This act creates the "Parents' Bill of Rights Act of 2024", which shall be construed to empower parents to enforce rights, as delineated in the act, to access records maintained by schools in which their children are enrolled in a timely manner or as specified in the act. The act defines a "school" as a public school, school district, charter school, or virtual school authorized under the provisions of the Missouri Course Access and Virtual School Program.

No school shall require nondisclosure agreements for a parent's review of curricula, and each school shall allow parents, within two business days upon request, to review or make a copy of curriculum documents or to receive such documents in an electronic format, provided that no request would cause an infringement of copyright protections under the federal Copyright Act of 1976. Where the curricular materials being made available to parents for review are subject to copyright, trademark, or other intellectual property protection, the review process shall include technical and procedural safeguards to ensure that the materials are not able to be widely disseminated to the general public in violation of the intellectual property rights of the publisher or any contractual agreements between the publisher and the school, and that content validity is not undermined. If more than twenty pages are being copied using the school's equipment, the school may, at the school's discretion, charge the parent a fee described in the act.

No school shall collect any biometric data of a minor child without obtaining parental consent, except for biometric data necessary to create and issue appropriate school identification cards. A school that collects such data shall ensure that all copies of such data are destroyed within one year of a student's withdrawal of participation in all school activities.

Finally, each school shall notify parents of certain safety incidents and criminal charges filed against teachers, employees, and any guests or visitors to a school, as outlined in the act.

#### DISCUSSION OF CERTAIN TOPICS BY SCHOOL PERSONNEL

(Sections 170.385 and 170.386)

This act prohibits public school officials from encouraging a student under the age of eighteen years old to adopt a gender identity or sexual orientation. The act additionally prohibits public school officials from withholding information regarding a student's gender identity from the student's parent.

The act defines a student's "documented identity" as such student's gender identity or sex as registered by the student's parent during enrollment. If a student's parent does not register such student's gender identity or sex during enrollment, the student's documented identity shall be their biological sex as correctly stated on their birth certificate or other government record, as specified in the act.

A school official shall inform a student's parent within twenty-four hours if the student expresses confusion about their documented identity or requests to use personal pronouns that differ from their documented identity. A school official shall obtain written parental consent before allowing a student to use a name other than the name provided by the parent when registering the student for school and before encouraging a student to wear certain items of clothing. Finally, a school official shall not encourage a student to pursue gender reassignment therapy or surgical procedures.

Any teacher, including any school counselor, who violates the provisions of the act shall face charges of incompetence, immorality, and neglect of duty under the laws governing the discipline of holders of certificate of license to teach. The State Board of Education shall promptly investigate any claim from a parent of a public school student that a teacher of such student has violated the act. If the claim is found to be valid, the State Board shall discipline such teacher as set forth in the act. The Board of Nursing shall promptly investigate any claim from a parent of a public school student that school nurse has knowingly violated the act. If the Board finds that such claim is valid, the Board shall file a complaint against such school nurse's license with the Administrative Hearing Commission on grounds of unethical or unprofessional conduct involving a minor. Any other school staff member who knowingly violates the provisions of the act shall have his or her employment terminated for gross misconduct, and shall additionally be ineligible to work in any public school for a period of four years.

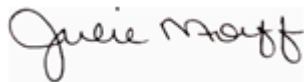
A parent may bring a civil action against a school district, public elementary or secondary school, or public charter school that violates the provisions of the act, and the attorney general

may bring a civil action against any school district, public elementary or secondary school, or public charter school that violates the provisions of the act.

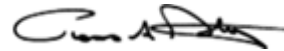
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Elementary and Secondary Education  
Department of Commerce and Insurance  
Department of Mental Health  
Office of Administration - Administrative Hearing Commission  
Attorney General's Office  
Office of the State Auditor



Julie Morff  
Director  
January 15, 2024



Ross Strobe  
Assistant Director  
January 15, 2024