

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4174H.01I
Bill No.: HB 2010
Subject: Education, Elementary and Secondary; Department of Elementary and Secondary Education
Type: Original
Date: February 3, 2022

Bill Summary: This proposal places the burdens of proof and production on school districts in due process hearings for children with a disability.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
Total Estimated Net Effect on FTE	0	0	0

- ☐ 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.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
Local Government	(Unknown)	(Unknown)	(Unknown)

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of Administration - Administrative Hearing Commission, Department of Social Services** and the **Department of Elementary and Secondary Education** each assume the proposal will have no fiscal impact on their respective organizations.

Oversight notes that the above mentioned agencies have stated the proposal would not have a direct fiscal impact on their organization. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note for these agencies.

Officials from the **Gordon Parks Elementary Charter School** assume the proposal will have a fiscal impact on their organization.

Officials from the **Taneyville R-II School District** state, by shifting the burden of proof to the school district, it could have a very large fiscal impact on school districts. This includes increased attorney fees, increased costs for special education process coordination fees, not to mention every time a parent requests a one-on-one paraprofessional for their child. It's much harder to prove a child would not benefit from an individual paraprofessional - every child would benefit from this. If granted, a district is looking at approximately \$20,000-\$25,000 easily for each extra paraprofessional.

Oversight assumes this proposal shifts the burden of proof and production to school districts in due process hearings for children with a disability. Oversight assumes this could result in additional costs for school districts. Therefore, Oversight will show an unknown cost.

Oversight received a limited number of 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 the necessary approval to publish a new fiscal note.

Oversight only reflects the responses received from state agencies and political subdivisions; however, other school districts were requested to respond to this proposed legislation but did not. A general listing of political subdivisions included in Oversight's database is available upon request.

<u>FISCAL IMPACT – State Government</u>		FY 2023 (10 Mo.)	FY 2024	FY 2025
		<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT – Local Government</u>		FY 2023 (10 Mo.)	FY 2024	FY 2025
SCHOOL DISTRICTS				
<u>Costs</u> - additional costs for shifting the burden of proof and production to school districts - §162.961		(Unknown)	(Unknown)	(Unknown)
ESTIMATED NET EFFECT ON SCHOOL DISTRICTS		(Unknown)	(Unknown)	(Unknown)

FISCAL IMPACT – Small Business

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

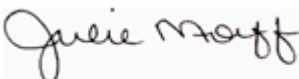
FISCAL DESCRIPTION

This bill requires that for hearings for children with disabilities the burden of proof and the burden of production shall be on the school district regarding any matter related to identification, evaluation, reevaluation, classification, educational placement, disciplinary action, or the provision of free appropriate public education.

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
 Office of Administration - Administrative Hearing Commission
 Department of Social Services
 Gordon Parks Elementary Charter School
 Taneyville R-II School District



Julie Morff
 Director
 February 3, 2022



Ross Strobe
 Assistant Director
 February 3, 2022