

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 1159** HLS 16RS 3233
 Bill Text Version: **ENGROSSED**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.: **HB 833**

Date: May 9, 2016	8:28 AM	Author: LEGER
Dept./Agy.: Education		Analyst: Jodi Mauroner
Subject: Student Discipline		

STUDENT/DISCIPLINE EG INCREASE LF EX See Note Page 1 of 2
 Provides relative to student discipline including the creation of the Commission on Safe Supportive Discipline

Current law requires the Board of Elementary and Secondary Education (BESE) and local school boards to adopt a master plan for improving behavior and discipline within schools which may include the use of positive behavioral supports. Proposed law defines positive behavioral interventions and supports. Proposed legislation requires BESE to create a Commission on Safe Supportive Discipline by October 31, 2016 to be staffed by the Department of Education (DOE) in order to study and implement best practices for addressing student behavior; provides for membership and annual reports to the House and Senate Committees on Education. Provides that the commission recommend minimum guidelines and practices that the local educational agency (LEA) plans shall include which shall include findings pursuant to SR 130 of 2015. Beginning 2018 requires DOE to notify LEAs if they maintain disproportionate suspension rates as defined and requires each LEA to approve a two year implementation plan to lower rates below the relevant thresholds. If rates are not lowered after two years, the matter shall be referred to the commission for review. The commission may identify supports and resources to assist the local education agency in lowering its rates. Requires DOE to annually report certain data on its website.

EXPENDITURES	2016-17	2017-18	2018-19	2019-20	2020-21	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Annual Total						

REVENUES	2016-17	2017-18	2018-19	2019-20	2020-21	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	\$0
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

EXPENDITURE EXPLANATION

There will be costs associated with the creation and staffing of the Commission on Safe and Supportive Discipline, however, the DOE indicates these costs are expected to be minimal and can be absorbed within the department's proposed operating budget. There will be increased costs for some local school districts to implement Positive Behavioral Interventions and Supports (PBIS) to respond to and prevent student misconduct, in lieu of out-of-school suspensions; expenditures could be as much as \$5,000 to \$10,000 for each school. These expenditures could be incurred beginning in FY 17 for those schools which currently exceed the suspension rates. Future costs will be incurred to the extent districts are required to implement plans to lower suspension rates. Costs will vary according to the plan components, the local districts' needs and existing resources and are indeterminable at this time.

DOE reports that in 2014-2015 the state average rate of out-of-school suspensions was 8.3% and 305 schools had rates in excess of 12.45% (150% of the state rate). In the DOE response to SR 130 of 2015, the report provided information obtained through an evaluation of all schools during the 2008-2009 school year to determine whether PBIS was being implemented. At that time, 490 or 34% were classified as non PBIS implementing schools. It is unknown how many of the 305 schools with excessive rates may be included in the non PBIS implementing schools.

The report offered the following for consideration for ongoing support of local school districts implementing PBIS and those desiring to establish or enhance such programs: identify additional funding to be used to support PBIS; develop a sustainability plan including orientation and on-going training for students and staff, data management systems to ensure timely interventions, and partnerships with institutions of higher education for guidance and implementation fidelity; and as funding becomes available, offer state-level training and technical assistance to all public schools.

Continued on Page Two

REVENUE EXPLANATION

There is no anticipated direct material effect on governmental revenues as a result of this measure.

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| <u>Senate</u> | <u>Dual Referral Rules</u> | <u>House</u> |
| <input checked="" type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H} | <input type="checkbox"/> 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S} | |
| <input type="checkbox"/> 13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H} | <input type="checkbox"/> 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S} | |

Evan Brasseaux
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Staff Director

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CONTINUED EXPLANATION from page one:

Expenditure Explanation Continued From Page One

Current law requires school master plans to provide for appropriate training for teachers and other school personnel regarding positive behavioral supports and reinforcement. However, as noted by DOE, implementation of PBIS is complex and requires significant capacity to implement with fidelity and commitment to the process and many schools lack the capacity to do so. Proposed legislation requires that the minimum guidelines and practices recommended by the Commission, which shall be included in the local education agency plans, shall include the findings pursuant to SR 130 regarding the effectiveness of PBIS in Louisiana public schools.

The Technical Assistance Center on Positive Behavioral Interventions and Supports is established by the U.S. Department of Education's Office of Special Education Programs (OSEP) to define, develop, implement, and evaluate a multi-tiered approach to Technical Assistance that improves the capacity of states, districts and schools to establish, scale-up and sustain the PBIS framework. According to information provided by OSEP, districts should consider the following when determining cost of implementation: number of schools implementing PBIS; existing capacity for training and coaching; existing data collection systems; the proposed level of implementation (across 3 tiers); and the number of competing or concurrent academic/and or behavioral initiatives.

A July 2012 report from OSEP indicates a two year implementation effort would cost approximately \$4,600 per school with additional annual expenses of \$400 annually for data applications. The OSEP further advises that these amounts should be doubled to account for unanticipated costs related to staff turnover, additional training requirements, data demands and the potential need for additional staffing to assist in implementation coordination. According to OSEP, schools are generally able to initiate a Tier 1 implementation at a total unit cost of \$5,000 to \$10,000 per school over a two year period.

Based on these projected costs, and assuming that 10% of the 300 schools (30) with rates in excess of the state average would implement PBIS, initial costs could be as much as \$150 K to \$300 K in FY 17 and FY18 (30 * \$5,000 and 30 * \$10,000). Costs would increase to the extent more schools implemented PBIS.

Senate Dual Referral Rules House

13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}

6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}

13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H}

6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

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