

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1585H.02C  
 Bill No.: HCS for SB 323  
 Subject: Education, Elementary and Secondary  
 Type: Original  
 Date: May 5, 2021

Bill Summary: This proposal modifies and enacts provisions governing elementary and secondary education.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
General Revenue	Could exceed (\$526,934)	Could exceed (\$481,598)	Could exceed (\$485,291)
<b>Total Estimated Net Effect on General Revenue</b>	<b>Could exceed (\$526,934)</b>	<b>Could exceed (\$481,598)</b>	<b>Could exceed (\$485,291)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Lottery Fund	(\$8,416 or Unknown)	(\$8,416 or Unknown)	(\$8,416 or Unknown)
High Need Fund*	\$0	\$0	\$0
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>(\$8,416 or Unknown)</b>	<b>(\$8,416 or Unknown)</b>	<b>(\$8,416 or Unknown)</b>

\*Transfers and costs net to zero.

Numbers within parentheses: () indicate costs or losses.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</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 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
General Revenue	5 FTE	5 FTE	5 FTE
<b>Total Estimated Net Effect on FTE</b>	<b>5 FTE</b>	<b>5 FTE</b>	<b>5 FTE</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 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
<b>Local Government</b>	<b>(Unknown, Potentially significant)</b>	<b>(Unknown, Potentially significant)</b>	<b>(Unknown, Potentially significant)</b>

## FISCAL ANALYSIS

### ASSUMPTION

**Oversight** was unable to receive some of the agency responses in a timely manner due to the short fiscal note request time. Oversight has presented this fiscal note on the best current information that we have or on prior year information regarding a similar bill. Upon the receipt of agency 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** 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.

### Section 160.263 Mechanical Restraint

In response to a similar proposal, SCS for HCS for HB 228 (2021), officials from the **Department of Elementary and Secondary Education (DESE)** estimated a one-time expense of \$62,400 and yearly maintenance of \$5,000 thereafter to securely collect and compile the data. The initial \$62,400 cost includes \$38,400 in development, and \$24,000 project management costs.

Officials from the **Sikeston R-6 School District** assume the impact will be related to training for the restraint provision.

In response to a similar proposal (HB 119), officials from the **Fordland School District** assumed no fiscal impact from this proposal.

In response to a similar proposal, Perfected HB 387 (2021), officials from the **High Point R-III School District** assumed no fiscal impact from this proposal.

In response to a similar proposal from 2020 (Perfected HB 1568), officials from the **Wellsville-Middletown R-I School District** stated as they don't currently use physical restraints or seclusion in their school, there wouldn't be a substantial fiscal impact from this bill.

**Oversight** assumes schools districts already using restraint have policies requiring training for employees performing such duties, and will be able to absorb any additional duties this proposal may require.

### Section 160.565 Extended Learning Opportunities

In response to a similar proposal, HCS for SS for SCS for SB 152 (2021), officials from **Department of Elementary and Secondary Education** estimate at least 5 FTE would be needed to comply with the Extended Learning Opportunities Act identified in the bill. 1 FTE at the Director level, 3 FTE at the Assistant Director level, and 1 FTE for an Administrative Assistant. These positions would be assisting students and parents in completing the enrollment process, developing an agreement form for each vendor that parents or students must sign, follow ups on those forms, assuring the student and one parent signs the form, determining if the parent has parental rights in place to sign such a form, etc.

The section also requires the development of a statewide policy, including criteria for provider approval, basis for credit acceptance and application processes, etc. DESE estimates an additional fiscal impact of at least \$35,000 for the policy development and modifications to the data collection system.

Officials from the **Sikeston R-6 School District** assume the impact will be related to developing new learning opportunities for students with new partnerships.

**Oversight** notes this section requires, beginning with the 2022-2023 school year, the state board of education and each local school board shall routinely inform students and their parents of the ability to earn credit for participating in extended learning opportunities.

**Oversight** assumes there could be costs associated with informing and assisting students and parents who want to participate in extended learning opportunities. Oversight will show the costs as estimated by DESE and an unknown cost to school districts.

### Section 160.2700 to 160.2705 Adult High School

In response to similar provisions in Perfected HCS for HB 733, officials from the **Department of Elementary and Secondary Education**, the **Department of Higher Education and Workforce Development**, and the **Department of Health and Senior Services** each assumed that these provisions would have no direct fiscal impact on their respective organizations.

**Oversight** does not anticipate a fiscal impact from this provision.

### Section 160.3005 Accommodations for Nursing Mothers

In response to a similar proposal, HB 254 (2021), officials from the **Department of Elementary and Secondary Education** assumed the proposal would have no fiscal impact on their organization.

In response to a similar proposal, SB 76 (2021), officials from the **Department of Social Services** assumed the proposal would have no fiscal impact on their organizations.

In response to a similar proposal, SB 76 (2021), officials from the **Gordon Parks Elementary Charter School** assumed there could be a fiscal impact to their organization.

Officials from the **Fordland R-III School District** and the **High Point R-III School District** each assume the proposal will have no fiscal impact on their respective organizations.

**Oversight** is uncertain if all school buildings would currently meet the requirements of the proposal; therefore, Oversight will show a range of impact of \$0 (districts currently meet the requirements of this proposal) to an unknown cost to provide minimum accommodations. Oversight assumes these costs would likely be one-time costs occurring in FY 2022.

#### Section 161.097, 167.263, 167.268 and 167.645 Reading Success Plans

In response to a similar proposal, SCS for SB 54 (2021), officials from **Department of Elementary and Secondary Education (DESE)** stated, due to sections 167.268 and 167.645, potentially, more students could be attending summer school which could affect the foundation formula but there would be no way for their department to estimate that number.

**Oversight** assumes this proposal removes the requirement that a student attend summer school if they are reading below third-grade at the third-grade level. However, Oversight assumes this proposal also states that Charter Schools are now required to offer summer school reading instruction to students with reading success plans and Charter Schools may require students to attend summer school as a condition of promotion to fourth grade.

Upon further inquiry, **DESE** stated this proposal does remove the requirement in subsection 167.645.7 but subsection 167.645.9 still requires summer school to be offered to any student with a reading success plan. The Department does not believe the changes in this legislation will significantly change the amount of ADA reported for summer school. Charter schools are now included and could increase the call on the formula if more charter schools students would now be attending summer school.

**Oversight** will adopt DESE's assumption that this could result in an increased call to the foundation formula. Oversight will show a range of impact of \$0 (no additional summer school attendance or no appropriation) to an unknown cost to General Revenue with subsequent gain in revenue to school districts.

**Oversight** notes, per section 163.011, "Full-time equivalent average daily attendance of summer school students" shall be computed by dividing the total number of hours, except for physical education hours that do not count as credit toward graduation for students in grades nine, ten, eleven, and twelve, attended by all summer school pupils by the number of hours required in section 160.011 in the school term."

One full term of attendance is 1,044 hours per student. For each full term of attendance, the average state funding per ADA is approximately at \$5,066 (per DESE) or \$4.85 per hour of full term attendance. For each additional hour of summer school attendance, Oversight estimates the cost to be approximately \$4.85. However, Oversight notes this is an approximation of the cost as the state aid payment can vary greatly by district.

**Oversight** notes Charter Schools reported 1,058,885 hours of summer school attendance in 2018, based on information provided by DESE from a previous year.

**Oversight** estimates to reach a revenue impact of \$250,000 would require a change in attendance hours of approximately 52,000 hours or approximately 50 ADA ( $52,000 * \$4.85 = \$252,200$ ). An increase of 52,000 hours would be a 4.9% increase in Charter School summer attendance; therefore, Oversight assumes it is possible the impact could reach the \$250,000 threshold.

In response to the previous version, officials from the **Springfield R-XII School District** stated the total fiscal impact to the district is \$6,562,500.

In response to the previous version, officials from the **High Point R-III School District** assumed the proposal will have no fiscal impact on their organization.

In response to a similar proposal, HB 2470 (2020), officials from the **Park Hills School District** anticipated a fiscal impact to hire additional staff to implement and monitor the extended requirements. Estimated cost would exceed \$100,000 annually.

In response to a similar proposal, HB 2470 (2020), officials from the **Shell Knob School District** assumed that bill would have a negative fiscal impact.

In response to a similar proposal, HB 2470 (2020), officials from the **Wellsville -Middletown School District** estimated needing at least one possibly two additional elementary teachers, at a cost of \$92,000 per year.

Per the Achievement Level Report available on the Missouri Comprehensive Data System, **Oversight** notes the following number of students with scores in the below basic level and the basic level:

Springfield School District - School Year 2019

Grade	Below Basic	Basic	Total
Third Grade	470	550	1020
Fourth Grade	245	707	952
Fifth Grade	233	805	1038
Sixth Grade	317	658	975
<b>Total</b>	<b>1265</b>	<b>2720</b>	<b>3985</b>

Based on the cost reported by the Springfield School District, **Oversight** estimates the cost per student reading at below basic and basic (in grades 3 through 6) at approximately \$1,647 (\$6,562,500/3,985).

Statewide - School Year 2019

Grade	Below Basic	Basic	Total
Third Grade	15,664	18,527	34,191
Fourth Grade	8,389	26,406	34,795
Fifth Grade	8,653	28,510	37,163
Sixth Grade	10,938	27,226	38,164
<b>Total</b>	<b>43,644</b>	<b>100,669</b>	<b>144,313</b>

Applying the \$1,647 to the statewide total of students reading at below basic and basic in grades 3 through 6, **Oversight** estimates a cost of \$237,683,511. Without additional information from school districts, Oversight is uncertain if other school districts would experience costs similar to those reported by the Springfield School District. Oversight assumes additional resources, namely additional teacher time, assessments and materials, will be required to implement these changes. Therefore, Oversight will show an unknown cost to school districts that could be significant.

Section 162.686 Recording IDEA Meetings

In response to a similar proposal, SCS for HCS for HB 228 (2021), officials from the **Department of Elementary and Secondary Education** assumed the proposal would have no fiscal impact on their agency.

In response to a similar proposal, HB 228 (2021), officials from the **Fordland School District** assumed the proposal would have no fiscal impact on their district.

In response to a similar proposal, HB 228 (2021), officials from the **High Point R-III School District** stated the bill would have a fiscal impact but did not elaborate.

**Oversight** assumes the proposal would not have a material direct fiscal impact on school districts. Therefore, Oversight will reflect a zero impact on the fiscal note.

Section 162.974 High Need Fund

In response to a similar proposal, HB 64 (2021), officials from **Department of Elementary and Secondary Education** assumed this proposal would make two specific changes to current law. Each of these changes will have impact as discussed below:

- 1) The first change adds the following sentence: "For any school district with an average daily attendance of five hundred students or fewer, the calculation of three times the current

expenditure per average daily attendance shall not include any money reimbursed to a school district under this section."

This will result in an additional cost to the High Need Fund of \$25,503.

2) The second change adds the word "special" to section 162.974.1.

Adding the word "special" would allow DESE to deny any education costs (that are not special education costs) reported under the High Need Fund. The ability to deny reimbursement of these regular education costs will result in a savings to the state; however, DESE cannot calculate the extent of the savings.

In summary, the first change will result in an increased cost of approximately \$25,503; however, the second change will diminish this cost by some unknown amount.

In response to a similar proposal, HB 64 (2021), officials from the **High Point R-III School District** assumed the proposal would have no fiscal impact on their organization.

**Oversight** will show the impact as calculated by DESE to General Revenue and Lottery Fund for the first change. Additionally, Oversight will show a savings from the second change which allows DESE to deny reimbursement of regular education (non-special education) costs from the High Need Fund. The increased cost from the first change will be somewhat offset by the savings from the second change.

**Oversight** notes the High Need Fund reimburses school districts for the costs of educating students that exceed three times the current expenditure per average daily attendance (ADA). DESE assumes the proposal removes the cost reimbursed by the High Need Fund from the calculation of current expenditure per ADA which would lower the current expenditure per ADA threshold and increase the potential costs eligible for reimbursement for districts with ADA of 500 or fewer.

Current

Cost of Student > (Current Expenditure/ADA)\*3

Proposed

Cost of Student > ((Current Expenditure - High Need Fund Reimbursed Costs)/ADA)\*3



**Oversight** notes the following regarding the High Need Fund:

<b>High Need Fund</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021 Proj.</b>
<b>Total Costs Reported</b>	\$180,862,560	\$184,676,057	\$197,257,252	\$199,229,825
<b>Total Reimbursed</b>	\$60,755,719	\$61,174,204	\$61,174,204	\$63,489,324
<b>Percent Reimbursed</b>	34%	33%	31%	32%
<b>Districts Paid</b>	227	235	242	244
<b>Students Claimed</b>	3,664	3,637	3,785	3,823

DESE FY 2022 Budget Book

**Oversight** notes, per DESE’s FY 2020 budget book, the High Need Fund is funded with \$39,946,351 from General Revenue (67%) and \$19,590,000 from the Lottery Fund (33%).

Section 170.025 Cursive Writing

In response to a similar proposal, HB 108 (2021), officials from the **Department of Elementary and Secondary Education** assumed the proposal would have no fiscal impact on their organization.

In response to a similar proposal, HB 108 (2021), officials from the **Bowling Green R-1 School District** stated this proposal is redundant. This is already a communications arts standard in our state that requires students in 2nd and 3rd grade to write legibly (print, cursive).

In response to a similar proposal, HB 108 (2021), officials from the **Fordland R-III School District, High Point R-III School District** and the **Shell Knob 78 School District** each assumed the proposal will have no fiscal impact on their respective organizations.

In response to a similar proposal, HB 54 (2019), the **Springfield Public Schools** said it would cost \$85,000 in materials, assessments and teacher time.

**Oversight** notes the [English Language Arts Missouri Learning Standards](#) for K-5 include a standard for Grade 2 and Grade 3 to “write legibly (print, cursive)”.

Based on the cost estimate provided by the Springfield Public Schools and the district’s 4<sup>th</sup> and 5<sup>th</sup> grade enrollment numbers, **Oversight** estimates a per student cost of approximately \$21 (\$85,000/4,087).

The statewide total enrollment for Grade 4 and Grade 5 is 130,473. Assuming a per student cost of \$21, **Oversight** estimates the cost to implement this proposal at \$2,739,933. However, **Oversight** notes some districts indicated there would be no fiscal impact from this proposal; therefore, **Oversight** will show a cost of less than \$2,739,933.

Section 170.029 Career and Technical Advisory Council

In response to a similar proposal, SB 386 (2021), officials from the **Department of Elementary and Secondary Education (DESE)** estimated that approximately 10 workgroups will be needed at an average cost of \$7,500 per workgroup. This cost will be spread out over multiple years as it will take some time to update the standards for all areas. Therefore, the Department will show the impact over a three year period at \$25,000 per year.

**Oversight** does not have information to the contrary and therefore, Oversight will reflect the estimates as provided by DESE.

In response to a similar proposal, HB 896 (2021), officials from the **High Point R-III School District** and the **Springfield Public Schools** each assumed the provision would not fiscally impact their schools.

In response to a similar proposal, HB 896 (2021), officials from the **Lee's Summit R-VII Schools** stated the cost is minimal and would amount to the cost of the ACT exam for students.

**Oversight** assumes school districts will not be materially impacted by this proposal.

Section 170.047 Suicide Awareness

In response to a similar proposal, SB 515 (2021), officials from the **Department of Elementary and Secondary Education** assumed the proposal would have no fiscal impact on their organization.

In response to a similar proposal, HB 465 (2021), officials from the **High Point R-III School District** assumed the proposal would have no fiscal impact on their organization.

**Oversight** assumes this proposal requires training or professional development in youth suicide awareness and prevention to contain at least one unit relating to stress management. Oversight assumes this proposal would not have a fiscal impact as the teachers are already required to have a set number of professional development hours, and they may annually complete up to two hours in youth suicide awareness and prevention.

Section 170.341 Elective Course

In response to a similar proposal, SB 323 (2021), officials from the **Department of Elementary and Secondary Education** assumed the proposal would have no fiscal impact on their organization.

Officials from **Affton 101 School District** assume there could be a fiscal impact to the organization.

Officials from the **High Point R-III School District** assume the proposal will have no fiscal impact on their organization.

In response to the similar HB 267 (2019), officials from the **Springfield Public Schools** assumed the proposal would have no fiscal impact on their organization.

In response to the similar HB 267 (2019), officials from **Wellsville-Middletown R-1 School District** stated public schools already have the ability to teach any religious text in a neutral manner, on a factual and historical basis.

**Oversight** notes that this proposal is permissive and appears to be consistent with what is already allowed under current law; therefore, Oversight does not anticipate a fiscal impact from this proposal.

#### Section 171.033 Inclement Weather Policy

In response to a similar proposal, HB 872 (2021), officials from the **Department of Elementary and Secondary Education (DESE)** estimated a minimal impact from the proposed legislation as it would result in ITSD costs to modify edits in Web Applications (webpage school districts/charters use to submit data to the department).

OA-ITSD assumes every new IT project/system will be bid out because all ITSD resources are at full capacity. IT contract rates are estimated at \$95/hour. It is assumed modifications will require 120.96 hours for a cost of \$11,491 in FY 2022 with continuing costs of \$2,356 in FY 2023 and \$2,415 in FY 2024.

In response to a similar proposal, HB 872 (2021), officials from the **High Point R-III School District** assume the proposal could have a fiscal impact on their organization, but did not provide any further details.

In response to a similar proposal, HB 872 (2021), officials from the **Springfield R-XII School District** assumed the proposal would have no fiscal impact on their organization.

Per DESE's School Calendar Requirements publication, "A half-day Kindergarten or Prekindergarten program must provide a minimum of five hundred twenty-two hours of actual pupil attendance and shall also include thirty-six make-up hours for possible loss of attendance due to inclement weather." **Oversight** assumes that this proposal would potentially reduce the number of hours required for makeup days on a proportional basis.

**Oversight** assumes this proposal could result in savings if this reduced transportation costs, hourly wages, food service costs, etc. Oversight will show a range of impact of \$0 (no additional savings) to an unknown savings from a reduction in the number of hours required.

Section 186.080 Literacy Advisory Council

Officials from **DESE** state they would be required to establish a literacy advisory council and hold two meetings annually. The estimated cost for these meetings is \$20,000.

**Oversight** will show the costs as estimated by DESE.

Responses regarding the proposed legislation as a whole

Officials from the **Department of Higher Education and Workforce Development** and **Department of Health and Senior Services** each assume the proposal will have no fiscal impact on their respective organizations.

**Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Rule Promulgation

Officials from the **Joint Committee on Administrative Rules** assume this proposal is not anticipated to cause a fiscal impact beyond its current appropriation.

Officials from the **Office of the Secretary of State** notes many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The Secretary of State's office 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 Secretary of State's office for Administrative Rules is less than \$5,000. The Secretary of State's office recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, they also recognize that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what their office can sustain within their core budget. Therefore, they reserve the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

<u>FISCAL IMPACT – State Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
<b>GENERAL REVENUE</b>			
<u>Costs</u> - DESE - IT costs for mechanical restraint data collection - §160.263 - p. 3	(\$62,400)	(\$5,000)	(\$5,000)
<u>Costs</u> - DESE - policy development and modifications to data collection system - §160.565 - p. 4	(\$35,000)	(\$35,000)	(\$35,000)
<u>Costs</u> - DESE - §160.565 - p. 4			
Personal Service	(\$176,920)	(\$214,427)	(\$216,571)
Fringe Benefits	(\$109,461)	(\$132,069)	(\$132,793)
Expense & Equipment	(\$69,575)	(\$30,659)	(\$31,425)
<u>Total Costs</u>	(\$355,956)	(\$377,155)	(\$380,789)
FTE Change DESE	5 FTE	5 FTE	5 FTE
<u>Costs</u> - increased call to the foundation formula for Charter School Summer School ADA §167.268 & §167.645 - p. 5	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
<u>Cost Avoidance</u> - denial of non-special education costs - §162.974 - p. 7-8	Unknown	Unknown	Unknown
<u>Transfer Out</u> - to High Need Fund - §162.974 - p. 7-8	(\$17,087 or Unknown)	(\$17,087 or Unknown)	(\$17,087 or Unknown)
<u>Costs</u> – DESE - Career and Technical Advisory Council workgroups spread over 3 years - §170.029 - p. 9-10	(\$25,000)	(\$25,000)	(\$25,000)
<u>Costs</u> - DESE - ITSD changes to Web Applications for Inclement Weather Policy changes - §171.033 - p.11	(\$11,491)	(\$2,356)	(\$2,415)
<u>Costs</u> - annual meetings for literacy advisory council - §186.080 - p.12	(\$20,000)	(\$20,000)	(\$20,000)
<b>ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND</b>	<b>Could exceed (\$526,934)</b>	<b>Could exceed (\$481,598)</b>	<b>Could exceed (\$485,291)</b>
Net FTE Change for General Revenue	5 FTE	5 FTE	5 FTE

<u>FISCAL IMPACT – State Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
<b>LOTTERY FUND</b>			
<u>Cost Avoidance</u> - denial of non-special education costs - §162.974 - p.7-8	Unknown	Unknown	Unknown
<u>Transfer Out</u> - to High Need Fund - §162.974 - p.7-8	(\$8,416 or <u>Unknown</u> )	(\$8,416 or <u>Unknown</u> )	(\$8,416 or <u>Unknown</u> )
<b>ESTIMATED NET EFFECT ON LOTTERY FUND</b>	<b>(\$8,416 or <u>Unknown</u>)</b>	<b>(\$8,416 or <u>Unknown</u>)</b>	<b>(\$8,416 or <u>Unknown</u>)</b>
<b>HIGH NEED FUND</b>			
<u>Transfers In</u> - from General Revenue - §162.974 - p.7-8	\$17,087 or Unknown	\$17,087 or Unknown	\$17,087 or Unknown
<u>Transfer In</u> - from Lottery Fund - §162.974 - p.7-8	\$8,416 or Unknown	\$8,416 or Unknown	\$8,416 or Unknown
<u>Savings</u> - denial of non-special education costs - §162.974 - p.7-8	Unknown	Unknown	Unknown
<u>Cost</u> - increase in eligible costs - §162.974 - p.7-8	(\$25,503 or <u>Unknown</u> )	(\$25,503 or <u>Unknown</u> )	(\$25,503 or <u>Unknown</u> )
<b>ESTIMATED NET EFFECT ON HIGH NEED FUND</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

<u>FISCAL IMPACT – Local Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
<b>SCHOOL DISTRICTS &amp; CHARTER SCHOOLS</b>			
<u>Costs</u> - inform and assist students/parents who want to participate in extended learning opportunities - §160.565 - p. 4	(Unknown)	(Unknown)	(Unknown)
<u>Costs</u> - additional accommodations for nursing mothers - §160.3005 - p. 4-5	\$0 or (Unknown)	\$0	\$0
<u>Revenue Gain</u> - distributions in state aid to Charter Schools for Summer School - §167.268 & §167.645 - p.5-6	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
<u>Costs</u> - reading success plans and reading intervention for students - §167.268 & §167.645 - p.5-7	(Unknown, Potentially significant)	(Unknown, Potentially significant)	(Unknown, Potentially significant)
<u>Loss</u> - denial of non-special education costs - §162.974 - p.7-8	(Unknown)	(Unknown)	(Unknown)
<u>Revenue</u> - increase in eligible costs - §162.974 - p. 7-8	\$25,503 or Unknown	\$25,503 or Unknown	\$25,503 or Unknown
<u>Costs</u> - materials, assessments and teacher time to implement cursive writing - §170.025 - p.8-9	(Less than \$2,739,933)	(Less than \$2,739,933)	(Less than \$2,739,933)
<u>Savings</u> - from reduced transportation costs, hourly wages or food service costs from changes to inclement weather policy - §171.033 - p.11	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
<b>ESTIMATED NET EFFECT ON SCHOOL DISTRICTS &amp; CHARTER SCHOOLS</b>	<b>(Unknown, Potentially significant)</b>	<b>(Unknown, Potentially significant)</b>	<b>(Unknown, Potentially significant)</b>

FISCAL IMPACT – Small Business

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

## FISCAL DESCRIPTION

### Section 160.263 Mechanical Restraint

This bill defines "restraint" and "seclusion" and requires school districts, charter schools, or publicly contracted private providers to include in policy a prohibition on the use of restraint and seclusion, including "prone restraint" as defined by the bill, for any purpose other than situations or conditions in which there is imminent danger of physical harm to self or others. Any incident requiring restraint or seclusion shall be monitored by school personnel with written observation.

The bill requires that before July 1, 2022, each school district, and charter school, or publicly contracted private providers policy shall include:

- (1) When to remove a child from restraint, seclusion, or isolation;
- (2) Requirement for annual mandatory training;
- (3) Reporting requirements for any occurrence of restraint, seclusion or isolation as outlined in the bill, including the reporting requirements for parental notification and providing a copy of each report to the Department of Elementary and Secondary Education (DESE);
- (4) Notification requirement for each occurrence of a restraint, seclusion, or isolation incident to parents or guardians within one hour after the end of school on the day the incident occurs.
- (5) Protections for individuals that report or provide information about violations of policy under this section.

### Section 160.565 Extended Learning Opportunities Act

This act establishes the "Extended Learning Opportunities Act".

Beginning with the 2022-23 school year, the State Board of Education and each local school board shall routinely inform students and parents of the ability to earn credit through extended learning opportunities, which the act defines as out-of-classroom learning experiences approved by the State Board, a school board, or a charter school to provide enrichment, career readiness skills, or other approved educational opportunities.

State Board, public school, and charter school employees may assist students and parents in enrolling in such programs. Such opportunities shall not require the permission of the student's school so long as the student and at least one parent sign an agreement detailing all program requirements.

Extended learning opportunities shall count as credit toward graduation requirements and the achievement of state standards. Students shall submit a written request and proof of completion to a school administrator to receive credit.



The State Board shall adopt, and each local school district shall distribute and implement, policies related to the approval of extended learning opportunities by outside entities, a list of approved entities, a process for requesting credit, criteria for the approval of extended learning opportunities by districts and charter schools, and criteria for awarding a certificate of completion and credit.

Entities approved by the State Board shall be qualified to offer extended learning opportunities for all districts and charter schools.

A student awarded a certificate of completion and credit shall be considered to have completed all coursework for the particular course of study. Opportunities that satisfy all required coursework for a high school course shall count toward credit for graduation.

Policies and procedures adopted by the State Board and by schools shall provide students an equal opportunity to participate in extended learning opportunities and shall satisfy existing timelines and requirements for transcribing and reporting credits. (Section 160.565)

#### Section 160.2700 to 160.2725 Adult High Schools

These sections make changes to the adult high school provisions.

#### Section 160.3005 Accommodations for Nursing Mothers

This bill requires the Department of Elementary and Secondary Education to develop a model policy, by January 1, 2022 relating to accommodations for breastfeeding. Public school districts must adopt a written policy by July 1, 2022.

The policy must include provisions to provide accommodations to lactating employees, teachers, and students to express, or breastfeed for each public school building within the district for at least a year after the birth of a child. Accommodations must meet requirements as specified in bill and districts must provide a minimum of three opportunities during a school day to express or breast-feed.

#### Sections 161.097, 167.263, 167.268 and 167.645 - Reading Success Plans

This act modifies current law regarding literacy and reading education, including provisions related to reading success plans, formerly known as reading intervention plans.

Under this act, the State Board of Education shall require literacy and reading coursework for teacher education programs aligned to certification for teachers in early childhood, elementary, language arts, English, special reading, and special education. Such coursework shall include the core components of reading, oral and written language development, identification of reading deficiencies and language difficulties, the administration of assessments, and the application of assessment data to the classroom. (Section 161.097)

The State Board of Education, in collaboration with the Coordinating Board for Higher Education and the Literacy Advisory Council established under this act, shall develop a plan to establish a comprehensive system of services for reading instruction.

Each local school district and charter school shall have on file a policy for reading success plans for any pupils of the district in grades kindergarten through four, rather than through grade three. Each policy shall be aligned with the guidelines developed by the Department of Elementary and Secondary Education for reading success plans. Authority to develop guidelines to assist school districts and charter schools in formulating policies for reading success plans is transferred from the State Board of Education to the Department. Any guidelines for instruction shall meet the needs of the student by ensuring that instruction is explicit and systematic and diagnostic, and based on certain elements set forth in the act. Each school shall provide supplemental reading instruction under a reading success plan to any student who exhibits a reading deficiency. (Section 167.268)

Each school district and charter school shall provide training on the administration of reading assessments to all K-5 teachers and any other personnel who provide literacy instruction.

Under current law, each school district and charter school shall administer a reading assessment to each student within 45 days of the end of the third-grade year, unless a student has been determined in the current school year to be reading at grade level or above. Under this act, each school district and charter school shall administer a reading assessment or set of assessments to each student within the first 30 days of school for grades one through four, and by January 31 for kindergarten, unless a student has been determined in the previous school year to be reading at grade level or above. School districts and charter schools shall provide reading success plans to students with an individualized education plan (IEP) that have a reading deficiency, and to students receiving services under the Rehabilitation Act of 1973 whose services plan includes an element addressing reading.

This act repeals the requirement that school districts and charter schools design a reading success plan for the student's fourth-grade year if the student's third-grade reading assessment determines the student is reading below second-grade level. The provision is replaced with a requirement that school districts and charter schools offer a reading success plan to each K-4 student who exhibits a reading deficiency that has been identified as being at risk for dyslexia in the statewide dyslexia screening requirement, or has a formal diagnosis of dyslexia. The reading success plan shall be provided in addition to the core reading instruction provided to all students, and shall meet criteria set forth in the act.

If a student who is provided a reading success plan is determined to not be reading at or above grade level by the end of 2nd grade, the student shall receive structured literacy instruction as well as additional support and services. For students in grades 6-12, schools shall continue to address the reading deficiencies of any student for whom the deficiency creates a barrier to success in school.

A reading success plan shall be created no later than 45 days after the identification of a reading deficiency. Such plan shall be created by the teacher and other pertinent school personnel, along with the parent or legal guardian, and shall describe the evidence-based reading improvement services the student shall receive. The reading success plan shall specify if a student was found to be at risk for dyslexia in the statewide dyslexia screening requirement or if the student has a formal diagnosis of dyslexia.

Under current law, each student for whom a reading success plan has been designed shall be given another reading assessment to be administered within 45 days of the end of the student's fourth-grade year. If such student is determined to be reading below third-grade level, the student shall be required to attend summer school. This act repeals such requirement, and instead requires such student to be referred for an evaluation for an IEP plan and the district shall provide appropriate intensive structured literacy instruction on an individualized basis. If the student does not qualify for an IEP, the student shall continue to receive appropriate, intensive structured literacy instruction on an individualized basis until the student is reading at grade level.

Each school district and charter school is required to offer summer school reading instruction to any student with a reading success plan. Districts may fulfill the requirement through cooperative arrangements with neighboring districts.

The parent or legal guardian of any K-5 student who exhibits a deficiency in reading shall be notified as set forth in the act.

These provisions shall become effective on July 1, 2022.

#### Section 162.686 IDEA Meetings

This bill prevents any public school districts and charter schools from prohibiting a parent or guardian from audio recording any meeting held under the Federal Individuals with Disabilities Education Act (IDEA) or a Section 504 plan meeting (Federal Rehabilitation Act of 1973).

Districts or charter schools may not require parents to provide more than 24 hours notice in order to record said meeting, and no school district employee who reports a violation under this section shall be subject to discharge, retaliation, or any other adverse employment action for reporting.

#### Section 162.974 - High Needs Fund

Currently, the Department of Elementary and Secondary Education (DESE) will reimburse school districts for the costs of special education for high-needs children with an Individualized Education Program (IEP) exceeding three times the current expenditure per average daily attendance as calculated on the District Annual Secretary of the Board Report for the year in

which the expenditures are claimed. This bill states that any money reimbursed to a school district, with 500 or less students, is excluded from such calculation.

This bill specifies that a school district shall submit the cost of serving any high-needs student with an IEP to DESE.

#### Section 170.025 - Cursive Writing

This bill requires school districts to provide instruction in cursive writing by the end of the fifth grade, including a proficiency test of competency in reading and writing cursive.

#### Section 170.029 Career and Technical Advisory Council

Under this act, the State Board of Education, in consultation with the Career and Technical Advisory Council, shall develop a statewide plan establishing the minimum requirements for a Career and Technical Education (CTE) Certificate. The statewide plan shall match workforce needs with appropriate educational resources.

Each local school district shall determine the curriculum, programs of study, and course offerings based on student needs and interests and the requirements of the statewide plan.

The Department of Elementary and Secondary Education shall convene work groups from each CTE program area. Such work groups shall develop and recommend performance standards or course competencies. The Department shall develop written model curriculum frameworks for CTE programs, which shall not be subject to certain limits on performance standards provided under existing law, as described in the act.

#### Section 170.047 Suicide Awareness

Under current law, licensed educators may complete up to two hours of training or professional development in youth suicide awareness and prevention to meet part of the professional development requirements for certification.

Under this act, beginning in the 2021-2022 school year, such training or professional development shall contain at least one unit relating to stress management strategies for students and faculty members.

Beginning July 16, 2022, public schools and charter schools serving 7th through 12th grade students that issue pupil identification cards, and public institutions of higher education that issue student identification cards, shall print the National Suicide Prevention Lifeline telephone number on one side of such cards and may print the Crisis Text Line telephone number and a local suicide prevention hotline number. Public institutions of higher education may also print the telephone number for campus police, security, or local law enforcement. Schools and institutions with an existing supply of unissued identification cards as of July 1, 2022, may issue

such cards without the National Suicide Prevention Lifeline number until such supply is depleted. These requirements apply to newly-issued or replacement identification cards.

#### Section 170.341 - Elective Course

This act allows a school district to offer an elective social studies unit on the Hebrew Scriptures, the Old Testament of the Bible, or the New Testament of the Bible. The course will include the contents, history, literary style and structure, and influences on society. No requirement shall be made by the district on the text translation students must use. This act requires that any course offered shall follow applicable laws maintaining religious neutrality, and shall not endorse, favor, promote, or show hostility to any particular religion, nonreligious faith, or religious perspective.

#### Section 171.033 Inclement Weather Policy

Beginning with the 2021-22 school term a school district's 1/2 day education program will only make up days or hours of school that are required of the district due inclement weather on a proportional basis.

#### Section 186.080 - Literacy Advisory Council

This act establishes the Literacy Advisory Council within the Department of Elementary and Secondary Education. The council shall include 15-20 members appointed by the Commissioner of Education. Members shall include stakeholders and specialists specified in the act. The advisory council shall meet biannually to review best practices in literacy instruction and related policies, and shall make recommendations to the Commissioner and the State Board of Education.

The Department, in conjunction with the Advisory Council, shall identify and create a list of approved materials, resources, and curriculum programs for public school districts and charter schools. A school district or charter school shall use only materials, resources, or curriculum programs from such list. (Section 186.080)

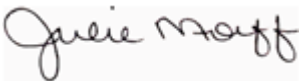
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

#### SOURCES OF INFORMATION

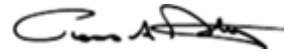
Department of Elementary and Secondary Education  
Department of Higher Education and Workforce Development  
Department of Social Services  
Office of the Secretary of State  
Joint Committee on Administrative Rules  
Springfield R-XII School District

L.R. No. 1585H.02C  
Bill No. HCS for SB 323  
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High Point R-III School District  
Gordon Parks Elementary Charter School  
Park Hills School District  
Shell Knob School District  
Fordland School District  
Bowling Green R-1 School District  
Wellsville -Middletown School District  
Sikeston R-6 School District



Julie Morff  
Director  
May 5, 2021



Ross Strobe  
Assistant Director  
May 5, 2021