

January 28, 2014

The Honorable Lance Kinzer, Chairperson
House Committee on Judiciary
Statehouse, Room 165-W
Topeka, Kansas 66612

Dear Representative Kinzer:

SUBJECT: Fiscal Note for HB 2432 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2432 is respectfully submitted to your committee.

HB 2432 would require each school district to adopt and implement a plan to address child sexual abuse for each of its schools offering any of grades kindergarten through six. The plan would be required to include training and education for teachers in order to assist with teacher awareness of child sexual abuse, as well as age-appropriate instruction for students that is related to child sexual abuse.

Prior to providing any instruction on sexual abuse, each district would be required to inform parents that they may examine and review the educational materials and decide if the child would be instructed with the materials. If a parent decides that his or her child should not be taught using the materials, the parent would have to inform the school in writing. The State Board of Education would develop materials and guidelines that local boards of education could use in implementing a plan for sexual abuse education.

Estimated State Fiscal Effect				
	FY 2014 SGF	FY 2014 All Funds	FY 2015 SGF	FY 2015 All Funds
Revenue	--	--	--	--
Expenditure	--	--	\$28,600	\$28,600
FTE Pos.	--	--	--	--

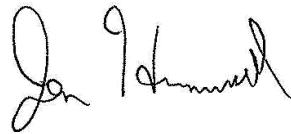
The Honorable Lance Kinzer, Chairperson

January 28, 2014

Page 2—HB 2432

The Department of Education estimates that enactment of HB 2432 would require additional expenditures totaling \$28,600, all from the State General Fund, or approximately \$100 for each of the state's 286 school districts. The estimate include the cost of engaging outside consultants and agencies in the area of child sexual abuse, as well as making the materials accessible to educators and parents on the Department's website. Any fiscal effect associated with HB 2432 is not reflected in *The FY 2015 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Hummell". The signature is fluid and cursive, with the first name "Jon" being more prominent than the last name "Hummell".

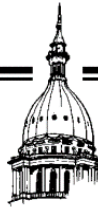
Jon Hummell,
Interim Director of the Budget

cc: Dale Dennis, Education



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL



ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bills 1112, 1113, and 1114 (as enacted)
Sponsor: Senator John Proos (S.B. 1112)
Senator Rebekah Warren (S.B. 1113)
Senator Judy K. Emmons (S.B. 1114)
Senate Committee: Health Policy
House Committee: Education

Date Completed: 2-6-13

CONTENT

Senate Bill 1112 amended the Child Protection Law to do the following:

- **Create the Task Force on the Prevention of Sexual Abuse of Children.**
- **Require the Task Force to make recommendations for reducing child sexual abuse in Michigan, and for school policies that address the sexual abuse of children.**
- **Require the Task Force to submit to the Governor and the Legislature a final report containing its recommendations within 365 days.**
- **Abolish the Task Force when the final report is submitted.**

Senate Bill 1113 amended the Revised School Code to require the board of a school district or intermediate school district or board of directors of a public school academy to adopt and implement a policy addressing sexual abuse of children.

Senate Bill 1114 amended the Revised School Code to require a pupil's parent or guardian to be given advance notice of pupil instruction under the policy adopted under Senate Bill 1113, and allow the parent or guardian to have the pupil excused from the instruction.

Senate Bill 1113 was tie-barred to both of the other bills, which were tie-barred to Senate Bill 1113. All of the bills took effect on January 9, 2013.

PUBLIC ACTS 593-595 of 2012

Senate Bill 1112

The bill created the Task Force on the Prevention of Sexual Abuse of Children within the Department of Human Services (DHS). The Governor, in consultation with the Department, must appoint members to the Task Force. The appointment of members must reflect the State's geographic diversity. Task Force members must include the following:

- Individuals who have experience and expertise in the fields of intervention and prevention of child abuse and neglect, education, or child welfare.
- One representative each from the Michigan Coalition to End Domestic and Sexual Violence, the Michigan Domestic and Sexual Violence Prevention and Treatment Board, and the Michigan chapter of the National Children's Alliance.
- An administrator or staff member of a child assessment center.
- A licensed therapist trained to counsel or treat child sexual abuse victims.
- A circuit court judge or his or her designee.
- A member of the board of a school district, intermediate school district, or public school academy.

The DHS Director or his or her designee must serve as the Task Force's presiding officer. Task Force members will serve without compensation and may not be reimbursed for their expenses.

The Task Force must make recommendations for reducing child sexual abuse in Michigan, as well as for school policies that address the sexual abuse of children. In making those recommendations, the Task Force must do all of the following:

- Gather information concerning child sexual abuse throughout the State.
- Receive reports and testimony from individuals, State and local agencies, community-based organizations, and other public and private organizations.
- Review steps taken and programs established in other states to reduce child sexual abuse.
- Create goals for State policy that are aimed at preventing child sexual abuse.
- Develop a child sexual abuse protocol to be used by all community partners in order to help identify, prevent, and investigate child abuse.

In addition, the Task Force must create recommendations and guidelines for all of the following:

- School policies addressing sexual abuse of children according to Section 1505 of the Revised School Code (enacted by Senate Bill 1113).
- Age-appropriate, evidence-based child sexual abuse awareness.
- School personnel's appropriate response to pupils affected by sexual abuse.
- The provision of educational material to parents and guardians on the warning signs of child sexual abuse and information on assistance and referrals or resources.

The recommendations may include proposals for specific statutory changes and methods to foster cooperation among State agencies and between the State and local government.

Within 365 days after its members are appointed, the Task Force must submit a final report with the recommendations to the Governor and the Legislature.

The Task Force must consult with DHS employees who work on child protection matters, the Department of State Police, the State Board of Education, and any other State agency or department necessary to accomplish the Task Force's responsibilities.

Upon written request from a child or his or her parent or legal guardian, the child must be excused, without penalty, from participating in the Task Force's information-gathering efforts.

Upon submission of the required final report, the Task Force will be abolished.

Senate Bill 1113

The bill allows the board of a school district or intermediate school district (ISD) or the board of directors of a public school academy to adopt and implement a policy addressing sexual abuse of children. If a board chooses to do so, the policy must be substantially consistent with the recommendations and guidelines set by the Task Force on the Prevention of Sexual Abuse of Children. The policy may address any of the following, but is not limited to these topics:

- Age-appropriate, evidence-based curriculum and instruction for pupils in grades pre-K to five concerning child sexual abuse awareness and prevention.
- Training for school personnel on child sexual abuse, including training on supportive, appropriate response to disclosure of abuse.
- Available counseling and resources for pupils affected by sexual abuse.
- Emotional and educational support for a pupil affected by sexual abuse to allow the pupil to continue to be successful in school.
- The provision of educational information to parents or guardians on the warning signs of a child's being sexually abused and information on needed assistance, referral, or resources.

The educational information may be provided in the student handbook distributed to pupils and parents and guardians.

In addition, the policy may address a review of the system in place in the school district, ISD, or public school academy to educate and support school personnel who are required to report child abuse or neglect under the Child Protection Law, and the process in place for making those mandatory reports. The bill states that this review should include an analysis of the level of compliance with the mandatory reporting

requirements and suggestions to improve compliance.

Any instruction, training, or information provided pursuant to the policy must be substantially consistent with the Task Force's guidelines and recommendations, and may address, but is not limited to, any of the following:

- Methods for increasing teacher, pupil, and parent awareness of issues regarding sexual abuse of children, including knowledge of likely warning signs indicating that a child might be a victim of sexual abuse.
- Actions that a child who is a victim of sexual abuse should take to obtain assistance and intervention.
- Available counseling options for pupils affected by sexual abuse.

Pupil instruction under the bill is subject to Section 1505a of the Code (which Senate Bill 1114 added).

Senate Bill 1114

Under the bill, if a school district, ISD, or public school academy provides instruction to pupils on child sexual abuse pursuant to the policy adopted under Senate Bill 1113, a pupil may not be given the instruction unless his or her parent or guardian is notified in advance of the instruction and its content, given a prior opportunity to review the materials to be used, and notified in advance of his or her right to have the pupil excused from the instruction. Upon the written request of a pupil's parent or legal guardian, the pupil must be excused from the instruction without penalty or loss of academic credit.

MCL 722.632b (S.B. 1112)
380.1505 (S.B. 1113)
380.1505a (S.B. 1114)

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

Senate Bill 1112

Creation of the Task Force will result in marginal costs to the State and possibly to local units of government. Associated costs could include printing, organizing and posting meetings, and distributing a final report.

Senate Bill 1113

The option for a school board to adopt and implement a policy on sexual abuse likely will result in a cost to school districts that choose to adopt a policy and do not already have such a policy in place. The extent of the cost will depend upon the type and breadth of sexual abuse policy that is adopted and implemented. The cost is therefore inestimable, but will be at the discretion of the district.

Senate Bill 1114

The requirement for schools to inform parents of upcoming instruction on child sexual abuse likely will cause minimal increases in administrative costs, associated with the costs of notification.

Fiscal Analyst: Frances Carley
Kathryn Summers

S1112\S1112es

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.

Consolidated Fiscal Note – 2013-14 Session**Bill #:** H1316-0 **Complete Date:** 04/22/13**Chief Author:** LESCH, JOHN**Title:** ERIN'S LAW-CHILD SEX ABUSE SCHL PLCY

Fiscal Impact	Yes	No
State	X	
Local	X	
Fee/Departmental Earnings		X
Tax Revenue		X

Agencies: Education Department (04/17/13)
Health Dept (04/22/13)
Legislature (04/22/13)

Public Safety Dept (04/17/13)
Human Services Dept (04/19/13)

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY13	FY14	FY15	FY16	FY17
Net Expenditures					
-- No Impact --					
Revenues					
-- No Impact --					
Net Cost <Savings>					
-- No Impact --					
Total Cost <Savings> to the State					

	FY13	FY14	FY15	FY16	FY17
Full Time Equivalents					
-- No Impact --					
Total FTE					

Consolidated EBO Comments

It is unclear which agency will staff the advisory taskforce and coordinate the report due February 15, 2014. No agency assigned to this fiscal note assumed staffing responsibilities. The agency responsible to staff the taskforce will incur administrative expenses through February 16, 2014.

EBO Signature: KRISTY SWANSON

Date: 04/22/13 Phone: 651-201-8082

Fiscal Note – 2013-14 Session**Bill #:** H1316-0 **Complete Date:** 04/17/13**Chief Author:** LESCH, JOHN**Title:** ERIN'S LAW-CHILD SEX ABUSE SCHL PLCY

Fiscal Impact	Yes	No
State		X
Local	X	
Fee/Departmental Earnings		X
Tax Revenue		X

Agency Name: Education Department

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY13	FY14	FY15	FY16	FY17
Expenditures					
-- No Impact --					
Less Agency Can Absorb					
-- No Impact --					
Net Expenditures					
-- No Impact --					
Revenues					
-- No Impact --					
Net Cost <Savings>					
-- No Impact --					
Total Cost <Savings> to the State					

	FY13	FY14	FY15	FY16	FY17
Full Time Equivalents					
-- No Impact --					
Total FTE					

Bill Description

Section 1 of this bill requires school districts to adopt and implement a policy to prevent and address child sexual abuse. The requirements for the policy are listed.

Section 2 creates an advisory task force on preventing child sexual abuse. The membership of the task force includes the commissioner of education or the commissioner's designee. The task force is required to recommend to the commissioner of education and the legislature how schools can help reduce child sexual abuse in Minnesota. A report is due by February 15, 2014 at which time the task force expires.

Assumptions

One representative from the Minnesota Department of Education (MDE) will participate in the task force.

MDE will not be in charge of coordinating the task force and the required report.

There is no compensation for task force members.

Expenditure and/or Revenue Formula

None

Long-Term Fiscal Considerations

Task force expires on February 16, 2014.

Local Government Costs

School districts will incur costs creating and implementing policies to prevent and address child sexual abuse.

Agency Contact Name: Dykoski, Karen 651-582-8766

FN Coord Signature: KAREN DYKOSKI

Date: 04/17/13 Phone: 651-582-8766

EBO Comments

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: KRISTY SWANSON

Date: 04/17/13 Phone: 651-201-8082

Fiscal Note – 2013-14 Session**Bill #:** H1316-0 **Complete Date:** 04/19/13**Chief Author:** LESCH, JOHN**Title:** ERIN'S LAW-CHILD SEX ABUSE SCHL PLCY

Fiscal Impact	Yes	No
State		X
Local		X
Fee/Departmental Earnings		X
Tax Revenue		X

Agency Name: Human Services Dept

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY13	FY14	FY15	FY16	FY17
Expenditures					
-- No Impact --					
Less Agency Can Absorb					
-- No Impact --					
Net Expenditures					
-- No Impact --					
Revenues					
-- No Impact --					
Net Cost <Savings>					
-- No Impact --					
Total Cost <Savings> to the State					

	FY13	FY14	FY15	FY16	FY17
Full Time Equivalents					
-- No Impact --					
Total FTE					

Narrative for HF1316-0

Bill Description

This bill establishes a new law under Minnesota Statutes 2012, chapter 121A that requires school district policies to address child sexual abuse and creates an advisory task force on the prevention of child sexual abuse.

Assumptions

Section 2 of the bill creates an advisory task force on preventing child sexual abuse, to include the Commissioners of Education, Health, Human Services and Public Safety. It is assumed that a representative of the Department of Human Services (DHS) would participate in the task force that would make recommendations on how schools can help reduce child sexual abuse in Minnesota and that DHS would not have the lead in convening the advisory task force. Participation would fall under the current scope of work of the department, therefore there are no fiscal impacts to DHS.

Expenditure and/or Revenue Formula

Fiscal Summary (000's)						
Fund	BACT	Description	FY2014	FY2015	FY2016	FY2017
		Total Net Fiscal Impact	0	0	0	0
		FTE				

Long-Term Fiscal Considerations

Local Government Costs

References/Sources

Christeen Borsheim, Director Child Safety & Permanency
Children & Family Services
Minnesota Department of Human Services
(651) 431-3857

Agency Contact Name: Jenny Ehrnst 651-431-3831
FN Coord Signature: JAYNE RANKIN
Date: 04/19/13 Phone: 651-431-3432

EBO Comments

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: SUSAN MELCHIONNE
Date: 04/19/13 Phone: 651-201-8035

Fiscal Note – 2013-14 Session**Bill #:** H1316-0 **Complete Date:** 04/22/13**Chief Author:** LESCH, JOHN**Title:** ERIN'S LAW-CHILD SEX ABUSE SCHL PLCY

Fiscal Impact	Yes	No
State		X
Local		X
Fee/Departmental Earnings		X
Tax Revenue		X

Agency Name: Health Dept

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY13	FY14	FY15	FY16	FY17
Expenditures					
-- No Impact --					
Less Agency Can Absorb					
-- No Impact --					
Net Expenditures					
-- No Impact --					
Revenues					
-- No Impact --					
Net Cost <Savings>					
-- No Impact --					
Total Cost <Savings> to the State					

	FY13	FY14	FY15	FY16	FY17
Full Time Equivalents					
-- No Impact --					
Total FTE					

Bill Description

This bill requires school districts to adopt and implement a policy to prevent and address child sexual abuse and establishes an advisory task force on preventing child sexual abuse to recommend to the legislature how to reduce child sexual abuse throughout Minnesota.

Section 2, item (5), indicates that the commissioner of health or the commissioner's designee will be included as a member of the advisory task force.

Assumptions

It is assumed that an existing staff person from the Health Department's Injury and Violence Prevention Unit will be designated by the commissioner to serve on the advisory task force on preventing child sexual abuse. Serving on the task force will be considered part of that staff person's duties. Therefore, this legislation will not have a fiscal impact on MDH.

Expenditure and/or Revenue Formula

No fiscal impact.

Long-Term Fiscal Considerations

None

Local Government Impact

None

References/Sources

Child sexual abuse is within the current scope of the Injury and Violence Prevention Unit.

FN Coord Signature: DAVE GREEMAN
Date: 04/22/13 Phone: 651-201-5235

EBO Comments

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: SUSAN MELCHIONNE
Date: 04/22/13 Phone: 651-201-8035

Fiscal Note – 2013-14 Session**Bill #:** H1316-0 **Complete Date:** 04/22/13**Chief Author:** LESCH, JOHN**Title:** ERIN'S LAW-CHILD SEX ABUSE SCHL PLCY

Fiscal Impact	Yes	No
State		X
Local		X
Fee/Departmental Earnings		X
Tax Revenue		X

Agency Name: Legislature

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY13	FY14	FY15	FY16	FY17
Expenditures					
-- No Impact --					
Less Agency Can Absorb					
-- No Impact --					
Net Expenditures					
-- No Impact --					
Revenues					
-- No Impact --					
Net Cost <Savings>					
-- No Impact --					
Total Cost <Savings> to the State					

	FY13	FY14	FY15	FY16	FY17
Full Time Equivalents					
-- No Impact --					
Total FTE					

Bill Description

HF 1316 creates the Advisory Task Force on Preventing Child Sexual Abuse. The 14 member task force will be composed of two representatives, two senators, four state employees and six public members. The Department of Education, Health and Human Services, and Public Safety will provide staff assistance to the task force. The task force will submit a report of its recommendations to the Department of Education and the Legislature by February 15, 2014.

Task force members will serve without compensation and shall not be reimbursed for their expenses. The task force expires on February 16, 2014.

Assumptions

This bill has no fiscal impact on the Legislature since the legislative members of the task force must serve without compensation or reimbursement of expense.

Expenditure and/or Revenue Formula

N/A

Long-Term Fiscal Considerations

N/A

Local Government Costs

N/A

References/Sources

Greg Hubinger, Legislative Coordinating Commission

FN Coord Signature: DIANE HENRY-WANGENSTEEN
Date: 04/19/13 Phone: 651-296-1121

EBO Comments

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: MICAH INTERMILL
Date: 04/22/13 Phone: 651-201-8044

Fiscal Note – 2013-14 Session**Bill #:** H1316-0 **Complete Date:** 04/17/13**Chief Author:** LESCH, JOHN**Title:** ERIN'S LAW-CHILD SEX ABUSE SCHL PLCY

Fiscal Impact	Yes	No
State	X	
Local		X
Fee/Departmental Earnings		X
Tax Revenue		X

Agency Name: Public Safety Dept

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY13	FY14	FY15	FY16	FY17
Expenditures					
-- No Impact --					
Less Agency Can Absorb					
-- No Impact --					
Net Expenditures					
-- No Impact --					
Revenues					
-- No Impact --					
Net Cost <Savings>					
-- No Impact --					
Total Cost <Savings> to the State					

	FY13	FY14	FY15	FY16	FY17
Full Time Equivalents					
-- No Impact --					
Total FTE					

Bill Description

House File 1316 mandates that school districts adopt and implement policies to prevent and address child sexual abuse including eight specific requirements listed in the bill. In addition, the bill creates an advisory task force that would include the Commissioner of Public Safety or his/her designee.

Assumptions

The Department of Public Safety/Office of Justice Program (OJP) would supply the Commissioner's designee.

Expenditure and/or Revenue Formula

Staff time and travel would be required to attend task force meetings. These costs would be absorbed using existing state funds.

Agency Contact Name: Jeri Boisvert 651-201-7305

FN Coord Signature: LARRY FREUND

Date: 04/11/13 Phone: 651-201-7050

EBO Comments

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: KEITH BOGUT

Date: 04/17/13 Phone: 651-201-8034

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 30, 2009

TO: Honorable David Dewhurst , Lieutenant Governor, Senate
Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1041 by Parker (relating to school district policies addressing sexual abuse of children and establishment of a state strategy to reduce child abuse and neglect and improve child welfare.), **Conference Committee Report**

No significant fiscal implication to the State is anticipated.

The bill would create a 9-member task force to establish a strategy for reducing child abuse and neglect and improving child welfare. The provisions relating to the task force would take effect on September 1, 2009 and would expire on September 1, 2011. It is assumed that any costs associated with the bill would be minimal and could be absorbed within available resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Costs for school districts, in implementing the bill's requirement to develop and implement a policy addressing sexual abuse of children, are not expected to be significant.

Source Agencies: 530 Family and Protective Services, Department of, 537 State Health Services, Department of, 696 Department of Criminal Justice

LBB Staff: JOB, JSp, CL, NM, MB



125th MAINE LEGISLATURE

LD 1705

LR 2353(05)

Resolve, To Create the Task Force on the Prevention of Sexual Abuse of Children

Fiscal Note for Bill as Engrossed with:

C "A" (H-796)

S "A" (S-571)

Committee: Health and Human Services

Fiscal Note

Legislative Cost/Study

Legislative Cost/Study

The general operating expenses of this task force are projected to be \$2,430 in fiscal year 2012-13, assuming 4 task force meetings. The Legislature's budget includes \$10,000 for studies to be conducted during the interim after the 2nd Regular Session. The Legislative Council has authorized funding for this task force from that budget.

Fiscal Detail and Notes

Additional costs to the Department of Education and the Department of Health and Human Services associated with department representatives serving on the task force can be absorbed within the departments' existing budgeted resources.

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0248-02
Bill No.: Truly Agreed To and Finally Passed SCS for SB 54
Subject: Education, Elementary and Secondary; Teachers; Elementary and Secondary
Education Department; Children and Minors; Highway Patrol; Social Services
Department
Type: Original
Date: June 1, 2011

Bill Summary: This bill creates the Amy Hestir Student Protection Act and Erin's Law.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
General Revenue	(\$105,750)	\$0	\$0
Total Estimated Net Effect on General Revenue Fund	(\$105,750)	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 11 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Federal Funds	(\$105,750)	\$0	\$0
Total Estimated Net Effect on <u>All</u> Federal Funds	(\$105,750)	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Total Estimated Net Effect on FTE	0	0	0

☒ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

The following agencies indicated this bill would have no fiscal impact on their respective agencies: **Department of Labor and Industrial Relations, Department of Public Safety - Missouri State Highway Patrol, Office of State Public Defender, Office of State Auditor, Office of Prosecution Services, Office of Administration - Office of Child Advocate.**

Officials from the **Department of Public Safety - Office of the Director** assume any costs associated with this bill may be absorbed with existing resources.

Officials from the **Department of Health and Senior Services** state this bill will have no fiscal impact on their agency.

Officials from the **Department of Social Services - Division of Youth Services and Children's Division** state this bill will have no fiscal impact on these respective divisions.

According to officials from the **Joint Committee on Administrative Rules (JCAR)**, this bill should not create any additional fiscal impact above current appropriations to JCAR.

Officials from the **Office of State Courts Administrator** state this bill will have no fiscal impact on the Courts.

Officials from the **Department of Mental Health** state this bill would not appear to add any requirement or responsibility to the their agency that would result in a fiscal impact.

According to officials from the **Office of Secretary of State (SOS)**, many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the proposal. The SOS 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 the SOS for Administrative Rules is less than \$2,500.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process. Any decisions to raise fees to defray costs would likely be made in subsequent fiscal years.

ASSUMPTION (continued)

Officials from the **Department of Corrections (DOC)** state that, currently, the DOC cannot predict the number of new commitments which may result from the creation of the offense(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in operational cost through supervision provided by the Board of Probation and Parole (FY10 average of \$3.92 per offender, per day or an annual cost of \$1,431 per offender).

In summary, supervision by the DOC through probation would result in some additional costs, but it is assumed the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

Officials from the **Office of the Attorney General (AGO)** identify two provisions in this bill that may result in additional costs to AGO:

§162.068.3 requires that, if a school employee provides certain information regarding personnel information of a fellow employee (presumably to a potential employer), the AGO would represent the employee providing the information in the event that employee is sued for providing it. Because AGO cannot project the number of cases that could be generated from this provision, AGO assumes that costs would be unknown but under \$100,000 per year, but if there is a significant increase in claims over time, the AGO may seek appropriations to adequately enforce the proposal.

Oversight assumes the that cases that might be generated due to this bill are speculative and for fiscal note purposes only, will assign no fiscal impact.

§168.071 provides some additional crimes which, if committed by a licensed teacher, would subject the teacher to automatic license revocation. Because the AGO handles these revocation cases before DESE, AGO assumes that this amended section could generate additional cases in the event a licensee commits one of the newly enumerated crimes. AGO assumes that any costs associated with this provision could be absorbed within existing resources, but if there is a significant increase in claims over time, the AGO may seek appropriation to adequately enforce the proposal.

ASSUMPTION (continued)

§168.133

Officials from the **Department of Elementary and Secondary Education (DESE)** state that OA-ITSD has determined that automation will be required to share data between DESE, Department of Health and Senior Services, Department of Public Safety, Department of Corrections, and Department of Mental Health. Additional work by the licensure staff would be required as well.

Currently the certificated and non-certificated school employees are not always kept in the same data storage area. In order to make this process the most efficient, that would need to change. Because of outdated and unsupported software, a new system is currently in process of being developed. That system is estimated at \$1.5 million and is being funded primarily through a federal grant. This system also would accomplish the goal of verifying all employees are on the Family Care Safety Registry and Access Line (FCSR) system, once that system is fully automated. This system also would accomplish the goal of verifying the appropriateness of Social Security Numbers and gather information from national clearing houses for infractions in other states.

The annual cost of verifying that all school employees are registered in the FCSR will be approximately \$1,200,000 (\$10 per person for 120,000 certified teachers). In order to accomplish these requirements, DESE will require 1.5 FTE administrative assistant.

DESE further notes that according to officials with the Missouri Highway Patrol, a "RAP-BACK" system is currently being constructed which will automatically perform checks on all persons currently registered in the FCSR; therefore, once this system is implemented, the annual cost to DESE will no longer exist.

Oversight assumes this system will be in place during FY 11, so **Oversight** will be showing no cost to DESE.

§168.133.4 states that the Missouri State Highway Patrol(MSHP) will provide ongoing electronic updates to criminal history background checks. MSHP is currently in the process of establishing a Rapback system that would provide electronic updates to criminal history background checks. It is estimated that the program will be implemented in 2011. Until the MSHP RapBack system is implemented, the annual criminal background check and sex offender registry check will be included as part of the Family Care Safety Registry. Therefore, the MSHP anticipates no fiscal impact.

ASSUMPTION (continued)

Oversight notes that in response to a similar proposal from last session (SCS/SB 631 FN 3358-06) the certificated and non-certificated school employees are not always kept in the same data storage area. Because of outdated and unsupported software, a new system would need to be developed to accomplish the goal of verifying all employees are on the Family Care Safety Registry and Access Line (FCSR) system. That system is estimated at \$1.5 million. This system also would accomplish the goal of verifying the appropriateness of Social Security Numbers and gather information from national clearing houses for infractions in other states. **Oversight** notes that apparently a federal government grant has been obtained to develop the new system.

§210.152.3

According to officials from the **Department of Social Services (DOS)**, §210.152.3 is the only section that has a fiscal impact on DOS business systems. The Family and Children Electronic System (FACES) would require modifications to allow a concluded investigation to be re-opened for review and/or investigation in certain instances up to one year after the children's division rendered a decision. This requirement impacts the Investigation and Assessment and the Case Management components of FACES.

Passage of this proposal would require modifications to FACES allow the re-opening of formerly concluded and closed investigations, including those where the call has been expunged. Effort includes:

- Business requirements definition
- Updates to high level design documents
- Updates to technical specification documents
- Coding and unit testing
- System testing
- Regression testing

Two enhancements would be needed in the Family and Children Electronic System:

1. Modifications required to reopen cases in FACES that have not been expunged:
 - Modify the Appeal and Conclusion to "ReOpen" a closed case. This will invalidate the previous conclusion.
 - o Appeal - 80 hrs
 - o Conclusion - 160 hours
 - o Documentation & Testing -180 hours

ASSUMPTION (continued)

2. Modifications required to re-open cases in FACES where the call has been expunged requires creation of an Expunged Record Retrieval Screen to select the records to be retrieved. Create a batch program to search FACES expunged tapes and restore records into FACES.
 - o Expunged Record Retrieval Screen - 800 hrs
 - o FACES Expunged record search batch program - 800 hrs
 - o FACES Expunged Record Restore program -- 800 hrs

Contractor rate for systems work on FACES averages \$75.00 per hour.

Total Cost = 2,820 hours X \$75.00/hr = \$211,500.00

Assumptions:

Modify the Appeal and Conclusion to "ReOpen" a closed case. This will invalidate the previous conclusion.

Currently, records to be expunged from FACES are written to an expunge table. CD has 30 days to retrieve the records before they are expunged and the "Original Call documents" are shredded.

To retrieve Records expunged from FACES

- o Create a Screen to select the records to be retrieved. Use Call ticket #, DCN, name, etc.
- o Batch program to search FACES expunged tapes and restore records.
- o Records are restored into the FACES database as they were.
- o Call is "ReOpened"

Fund sources for FACES are 50% GR and 50% Federal.

Cost from General Revenue Funds	\$105,750
Cost from Federal Funds	<u>\$105,750</u>

Total Cost	\$211,500
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ITSD would be required to complete all system changes in FY12 and do not anticipate additional costs beyond FY12.

LMD:LR:OD (12/02)

ASSUMPTION (continued)

Officials from the **Jefferson City Police Department, Springfield Police Department, and the Columbia Sheriff's Department** state this proposal does not create a fiscal impact on their respective departments.

Officials from the **Parkway School District** and the **St Louis Public School District** stated this proposal would have no fiscal impact on their respective districts.

Officials from the **Special School District of St Louis County (SSD)** state the only question regarding fiscal impact would be the cost of mediation which is not expected to be material as SSD only has seven schools.

Officials from the **Independence School District** estimated an annual cost of \$50,000, but did not elaborate on what that cost would cover.

DESE assumes there might be some increased time by school employees to meet the provisions of this proposal. **Oversight** assumes, based on responses from school districts, that costs would be minimal and could be absorbed with existing resources. The criminal background check and fingerprint collections permitted in §168.133.9 are at the school districts' expense but are permissive so no cost is assigned.

§160.2100 & 160.2110 - Erin's Law

Officials from the **Department of Corrections, Department of Social Services, Department of Health and Senior Services, Office of Attorney General, Department of Public Safety-Missouri State Highway Patrol, and the Missouri House of Representatives** state this portion of the bill will have no fiscal impact on their respective agencies.

Officials from the **Department of Elementary and Secondary Education** state their agency could incur expenses related to the duties of the task force; however, those expenses are not expected to be significant.

Officials from the **Missouri Senate** state this bill either has no fiscal impact as it relates to their agency, or minimal costs which can be absorbed by present appropriations.

Officials from the **Office of the Governor** state there should be no added cost to the Governor's Office as a result of this bill. If additional duties are placed on the office related to appointments resulting from other legislation, there may be the need for additional staff resources in the future.

<u>FISCAL IMPACT - State Government</u>	FY 2012 (10 Mo.)	FY 2013	FY 2014
GENERAL REVENUE			
<u>Cost - Department of Social Services -</u> Programming expenses (§210.152.3)	<u>(\$105,750)</u>	<u>\$0</u>	<u>\$0</u>
ESTIMATE NET EFFECT ON GENERAL REVENUE	<u>(\$105,750)</u>	<u>\$0</u>	<u>\$0</u>
FEDERAL FUNDS			
<u>Cost - Department of Social Services -</u> Programming expenses (§210.152.3)	<u>(\$105,750)</u>	<u>\$0</u>	<u>\$0</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>(\$105,750)</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2012 (10 Mo.)	FY 2013	FY 2014
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

§210.152

The Department of Social Services - Children's Division may reopen a case for review at the request of any party to the investigation if information is obtained that the investigation was not properly conducted under the provisions of Chapter 210, RSMo, or if new information becomes available. For any case previously investigated by the Children's Division for which there was a finding of "unsubstantiated", the Children's Division must reconduct its investigation one time at the request of the Office of the Child Advocate if the Child Advocate has reasonable suspicion of wrongdoing. The Children's Division must not reopen an investigation if a court of law has entered a final judgment on the matter.

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

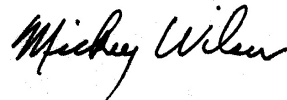
SOURCES OF INFORMATION

Department of Social Services
 Children's Division
 Division of Youth Services
Department of Health and Senior Services
Department of Elementary and Secondary Education
Department of Labor and Industrial Relations
Department of Public Safety
 Missouri State Highway Patrol
 Office of the Director
Joint Committee on Administrative Rules
Office of Secretary of State
 Administrative Rules Division
Office of State Courts Administrator
Office of Administration
 Office of Child Advocate
Department of Corrections
Office of the Governor
Missouri House of Representatives
Missouri Senate
Office of Prosecution Services
Office of State Auditor
Office of State Public Defender

LMD:LR:OD (12/02)

SOURCES OF INFORMATION (Continued)

Office of Corrections
Department of Mental Health
Office of Attorney General
Local Law Enforcement
 Springfield Police Department
 Jefferson City Police Department
 Boone County Sheriff's Department
School Districts
 Parkway
 St Louis Public School District
 Independence
 Special School District of St Louis County



Mickey Wilson, CPA
Director
June 1, 2011



2013 NY A 661: Sponsor Memo - 01/08/2013

SPONSORS MEMO:

NEW YORK STATE ASSEMBLY

MEMORANDUM IN SUPPORT OF LEGISLATION

submitted in accordance with Assembly Rule III, Sec 1(e)

RETRIEVE BILL

BILL NUMBER: A661

SPONSOR: Dinowitz(MS)

TITLE OF BILL: An act to amend the education law, in relation to enacting **"Erin Merryn's law"**

PURPOSE OR GENERAL IDEA OF BILL: Enacts "Erin Merryn's Law" to require provision of instruction to prevent child sexual exploitation and abuse in grades kindergarten through eight.

SUMMARY OF SPECIFIC PROVISIONS: Section 1. Short title "Erin Merryn's law"

Section 2. Legislative findings and intent

Section 3. Amends section 803-a of the education law, as added by chapter 658 of the laws of 1994 to add prevention of child sexual abuse and exploitation to instruction students already receive in the prevention of child abduction. The duties of the local boards of education to select curricula and the commissioner to provide technical assistance are unchanged.

Section 4. Effective date.

EXISTING LAW: Section 803-a of the education law currently requires all public school students in grades K-8 to receive instruction designed to prevent child abduction. The law does not mandate how much time must be allocated to the subject, or how frequently the instruction must be given. It must, however, be given under the direct supervision of a regular classroom teacher, even if outside speakers are used. This requirement ensures the quality of the instruction and that the time spent on these important lessons counts toward required classroom time.

JUSTIFICATION: Awareness of the epidemic of child sexual abuse has come a long way since section 803-a was enacted in 1994 and quality school safety programs are already evolving to teach children that abduction by strangers is not the only, or the most common, danger they face. Like other sex crimes, most child sexual abuse is committed by people who know their victims. Trusted acquaintances are most often the perpetrators, followed by family members and then strangers. Updating the language of New York's education requirement to reflect the current understanding of both the sources and warning signs of child predation will help ensure that more children receive practical and age-appropriate instruction that they can incorporate into their daily lives.

As more and more abuse victims of all ages are coming forward to share stories of horrifying abuses, we are regularly reminded of our sacred obligation to prepare the next generation children to meet life's major challenges. Despite greater openness about these crimes, feelings of shame or stigma still keep many victims and witnesses silent. Many young people suffering abuse or exploitation are still unaware of when and from whom to seek help. Concerned parents may not even know about the latest techniques being used by predators to meet and groom their victims through electronic communications, the internet and social media.

Expanding the required instruction under 803-a to encompass child sex abuse and exploitation prevention will require the state education department to make revisions to its technical advisories but it need not require districts to devote any additional time or staffing resources to student safety instruction. With our growing understanding of the many dangers facing our children and the lifelong injuries sexual abuse and exploitation can inflict, the cost of not providing this vital safety information is simply too high.

PRIOR LEGISLATIVE HISTORY; .UP OFF;; 2011-12 - A.8993 - HELD FOR CONSIDERATION IN EDUCATION/S.6182 - PASSED SENATE

FISCAL IMPLICATIONS: Minimal. The state education department will continue to provide technical assistance to school districts in their development of age-appropriate curricula.

EFFECTIVE DATE: This act shall take effect immediately, provided, however, that the amendments to subdivision 1 of section 8-3-a of the education law, made by section 3 of this act, shall take effect July 1, 2014.

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
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FISCAL IMPACT STATEMENT

LS 6088

BILL NUMBER: SB 267

NOTE PREPARED: Mar 11, 2012

BILL AMENDED: Feb 23, 2012

SUBJECT: Education Concerning Child Abuse.

FIRST AUTHOR: Sen. Rogers

FIRST SPONSOR: Rep. Behning

BILL STATUS: Enrolled

FUNDS AFFECTED: ☒ **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill requires the Department of Education(DOE), in collaboration with the Department of Child Services and organizations that have expertise in child abuse, including child sexual abuse, to identify or develop model education materials, response policies, and reporting procedures on child abuse, including child sexual abuse, for use by schools for Grade 2 through Grade 5.

Effective Date: July 1, 2012.

Explanation of State Expenditures: The education materials and procedures referred to above have to be made available to schools no later than July 1, 2013. The education materials may include topics such as warning signs of child abuse (including sexual abuse), basic principles of child abuse (including sexual abuse), prevention, and methods of student, teacher, and parental education and outreach.

The model child abuse and child sexual abuse response and reporting policies may include defining how a victim of abuse may seek assistance, how staff personnel may intervene when they suspect or recognize that a student is a victim of abuse, identifying the counseling options and the educational support available to assist a victim of abuse, and outlining how to report such incidents.

Education materials would probably be obtained from local and national organizations. However, the Department would have to organize and distribute the materials to schools. The DOE would have to carry out these provisions within its existing level of resources.

Explanation of State Revenues:

Explanation of Local Expenditures: Under the guidance of DOE, schools would have to implement child abuse and child sexual abuse education programs, response, and reporting procedures in Grade 2 through Grade 5. School health education curriculums may have to be modified to include instruction on child abuse, but this can be carried out within the existing level of school resources.

The immediate impact would be the cost of training materials for students and staff. Training for staff could be accomplished during teacher in-service days.

Explanation of Local Revenues:

State Agencies Affected: Department of Education.

Local Agencies Affected: Schools.

Information Sources: American Academy of Child and Adolescent Psychiatry website:
<http://www.aacap.org/>

Fiscal Analyst: Chuck Mayfield, 317-232-4825.



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

SENATE BILL NO. 449

PRINTERS NO. 2248

PRIME SPONSOR: Vance

COST / (SAVINGS)

FUND	FY 2011/12	FY 2012/13
General Fund	\$0	\$0

SUMMARY: Senate Bill 449 amends the Public School Code concerning child abuse recognition and reporting. It would take effect in 180 days.

ANALYSIS: This legislation requires school entities and independent contractors of school entities to provide employees who have direct contact with children with mandatory training on child abuse recognition and reporting. The training must address certain topics enumerated in the bill.

School entities and independent contractors may provide the training through the internet or other distance communications systems. Employees must complete a minimum of three hours of training every five years and employees required to undergo continuing professional education will receive credit toward these requirements if the training program has been approved by the Department of Education in consultation with the Department of Public Welfare.

FISCAL IMPACT: Enactment of the legislation will have no adverse impact on Commonwealth funds.

PREPARED BY: Jeff Miller
House Appropriations Committee (R)

DATE: June 18, 2012

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.