Fiscal Note & Local Impact Statement

123 rd General Assembly of Ohio

BILL: **Sub. S.B. 1** DATE: **March 2, 1999**

STATUS: **In Senate Education** SPONSOR: **Sen. Gardner**

LOCAL IMPACT STATEMENT REQUIRED: **Yes**

CONTENTS: **Makes changes to school discipline laws, substitutes "school safety zone" for similar terms in relation to the criminal code, and prohibit any student from having a driver's license or permit if the student has been disciplined by a school district for misconduct involving a weapon**

State Fiscal Highlights

STATE FUND	FY 1999	FY 2000	FUTURE YEARS
General Revenue Fund			
Revenues	- 0 -	-0-	-0-
Expenditures	- 0 -	Potential minimal increase	Potential minimal increase
State Highway Fund 036			
Revenues	- 0 -	Potential minimal loss	Potential minimal loss
Expenditures	- 0 -	-0-	-0-
Bureau of Motor Vehicles Operating Fund 4W4			
Revenues	- 0 -	Potential minimal loss	Potential minimal loss
Expenditures	- 0 -	Potential minimal increase	Potential minimal increase

Note: The state fiscal year is July 1 through June 30. For example, FY 2000 is July 1, 1999 – June 30, 2000.

- As a result of the additional two-year prison term for certain offenses committed in a "school safety zone" the bill could generate a potential minimal increase in state expenditures for indigent defense and incarceration.

- By possibly creating a minimal number of additional long-term expulsions, the bill could produce a potential decrease in state expenditures as a result of fewer students being counted as part of a school district's average daily membership (ADM). Since the number of additional long-term expulsions is expected to be small, any reduction in expenditures would be minimal.

- As a result of prohibiting the possession of a driver's license or permit by a public school student receiving disciplinary action for an offense involving the use of a firearm or knife, the State Highway Fund (036) could experience a potential minimal loss in revenue while the Bureau of Motor Vehicles Operating Fund (4W4) could experience a potential minimal increase in both revenues and expenditures.

Local Fiscal Highlights

LOCAL GOVERNMENT	FY 1999	FY 2000	FUTURE YEARS
Counties			
Revenues	- 0 -	Potential minimal loss	Potential minimal loss
Expenditures	- 0 -	Potential minimal increase	Potential minimal increase
School Districts			
Revenues	- 0 -	Potential loss	Potential loss
Expenditures	- 0 -	Potential increase	Potential increase

Note: For most local governments, the fiscal year is the calendar year. The school district fiscal year is July 1 through June 30.

- As a result of the specification added for the commission of certain offenses in a "school safety zone", the bill could create a potential minimal increase in county expenditures related to additional prosecution, adjudication, indigent defense, and incarceration costs. Additionally, as a result of a provision in the bill relating to driver's license and permit denial or suspension, counties could indirectly experience a potential minimal loss in revenues from the local component of vehicle registration fees.

- School districts could experience a increase in expenditures as a result of the requirement to adopt and implement comprehensive school safety plans. The development of a comprehensive safety plan is a new requirement and that the plan must be building-specific, could require a increase in school district expenditures.

- By expanding the geographic applicability of school discipline policies and codifying the requirement to hold expulsion proceedings for students attempting to transfer to another district, the bill could generate a potential minimal increase in expenditures related to carrying out additional expulsion and disciplinary hearings. By increasing the possible number of one-year expulsions, the bill could create a potential loss in school district revenues by reducing ADM for purposes of computing state aid.

Detailed Fiscal Analysis

Provisions and Effects of the Bill

School Safety Zone and Enhanced Penalties

The bill defines a "school safety zone" as consisting of a school, school building, school premises, school activity, and school bus and adds an optional specification applicable to any felony offense of violence committed in a "school safety zone". If applied, the specification would carry a mandatory two-year prison term that would be in addition to enhanced penalties already in place for committing certain offenses in the vicinity of school.

Since the specification for committing a felony act of violence in a "school safety zone" would only serve to enhance penalties for existing crimes, the bill should not create additional criminal caseload. However, since the specification would carry with it an additional mandatory prison term of two years and that prison term would be served consecutively with any other term

imposed, the bill could generate a potential increase in both state and local criminal justice expenditures. Specifically, both the state and counties could incur a potential increase in indigent defense costs as a result of potentially longer and more complex prosecutions. Furthermore, the extent to which the specification is pursued and successfully prosecuted could create an additional potential increase in state incarceration expenditures in future years as those convicted serve longer prison terms than they otherwise would have. However, based on discussions with a representative of the Ohio Prosecuting Attorneys Association, it appears that the number of cases impacted by the bill would be very small and that as a result any increase in state and local criminal justice expenditures would be minimal.

Change in School Discipline Law and Safety Plans

Expulsion Process In all Cases

Although a school district may already initiate expulsion proceedings against a student who withdraws in order to avoid disciplinary action, the bill requires a superintendent initiate such proceedings for the commission of a relevant act under the district expulsion policy. If the superintendent finds that the student has committed an act warranting expulsion, the student must be expelled for the period of time prescribed in statute and district policies. The expulsion period imposed on a student who has withdrawn from the district must be identical to that which would have been imposed had the student not withdrawn.

By mandating that the expulsion process go forward regardless of whether a student attempts to transfer to another school district, the bill could create a potential increase in district administrative expenditures related to providing due process for the student. Furthermore, by potentially increasing the number of students expelled, the bill could result in a potential decrease in state expenditures for assistance to school districts due to a reduction in overall ADM. However, since the bill in effect mandates procedures already in practice in many school districts, the number of additional expulsions and the accompanying decrease in state aid would both be minimal.

Expansion of School District Jurisdiction

In addition to mandating the expulsion process go forward for students attempting to transfer, the bill expands the scope of school district jurisdiction over student misconduct to include that which occurs on non-school property, but is directed at a school district official or employee. In order for a school district to have jurisdiction for disciplinary purposes however, the student misconduct must be connected to activities or incidents that have occurred on property owned or controlled by the district. The bill also expands the territorial scope of the firearm and knife expulsion provisions to include incidents occurring on non-school property at which an activity, event, or program sponsored by or in which the district is a participant is being conducted. According to a representative of the Buckeye Association of School Administrators (BASA), while certain districts might be already be making use of the authority granted in this provision of the bill, the bill explicitly grants such expanded authority. Since the circumstances addressed in this provision of the bill are not widespread it should result in no more than a minimal increase in school district administrative expenditures for the processing of additional disciplinary actions.

Expansion of Offenses Eligible for One-Year Expulsion

The bill permits a board of education to adopt a policy authorizing the expulsion of any student for up to one year for committing an act on school property or property related to a district-sponsored event that would be a criminal act if committed by an adult and that results in "serious physical harm" to persons or property. Serious physical harm to persons or property is defined in sections 2901.01 of the Ohio Revised Code. According to a representative of OSBA, the frequency with which the types of acts addressed in this provision of the bill occur is extremely rare. This being said, since the provision provides the potential for increasing the number of one-year expulsions it could result in a potential minimal decrease in state aid to school districts as a result of an accompanying drop in ADM.

Change in Suspension Laws

The bill expands the provision currently in place permitting a school district to deny admittance to any student currently expelled from another district to include students currently under suspension from another district. Furthermore, in regard to suspensions, the bill eliminates current law requiring post-removal notice and hearing requirements for removing a student from extracurricular activities when the student's presence poses a continuing danger to persons or property or an ongoing threat of disruption in such settings. Instead of suspension, the provision permits a school district to prohibit students from participating in extracurricular activities in accordance with district general policies regarding suspension from extracurricular activities. Unlike suspensions, removal of a student from extracurricular activities does not require a notice or opportunity for a hearing. Authority to enforce the policy is also expanded to include personnel employed by the district to coach, direct, or supervise a student activity program. In addition to expanding the authority to remove students from extracurricular activities, the bill also permits a board of education to adopt a policy granting assistant principals and other administrators the authority to suspend a pupil from school for up to ten days. Lastly, the bill exempts schools from the notice and opportunity for hearing requirements in the case of an in-school suspension. Based on discussions with representatives of both the Ohio School Boards Association (OSBA) and BASA, the changes made in the bill in regard to student suspension mostly serve to codify existing practices and should have little or no fiscal impact.

School Safety Plans

The bill requires boards of education to adopt comprehensive school safety plans for each school building in their district and lays out procedures to follow in preparing the plans. Specifically, each board of education must adopt a comprehensive school safety plan for each school building under its control after conducting an examination of the environmental conditions and operations of each building and identifying potential safety hazards. These safety plans would include proposed operating changes that promote the prevention of potentially dangerous situations and would have to be formulated with the opportunity for law enforcement, safety officials, staff members, parents, and other interested parties to comment. The plan that would eventually be adopted must incorporate a protocol for addressing serious threats to the safety of school property, students, employees, or administrators and for responding to incidents which compromise safety.

As a result of having to adopt building-specific school safety plans that meet the requirements of the bill, school districts could experience varying increases in expenditures. Specifically, according to representatives of both OSBA and BASA, the bill would at least necessitate additional staff hours in order develop the plans within each district. While the burden incurred in developing school safety plans in smaller districts could be negligible, some of the larger metropolitan districts might require significant expenditures in order to comply.

Ohio School Facilities Commission Review

The bill also requires the Ohio School Facilities Commission to consider student and staff safety when reviewing design plans for state-assisted classroom facility construction projects and to consider requiring changes in design plans to improve student and staff safety as a condition for approval. Specifically, the Commission must review with a focus on safety standards during the project approval process, including standards related to the location and number of exits and location of restrooms. If necessary, the Commission would amend the standards it uses in the project approval process. According to a representative of the Commission, since classroom facility construction projects are required to adhere to standards set forth in the *Ohio School Design Manual* and the manual currently addresses these safety issues, the provision should not require a change in current practices.

Driver's License Suspension, Revocation, or Prohibition

This version of the bill also specifies that student suspension, expulsion, removal, or permanent exclusion from school for misconduct involving a firearm, knife, or other weapon would result in a prohibition from securing or possessing a driver's license or permit. Any student prohibited from holding a driver's license or permit would be afforded the right to a hearing before a juvenile court. The scope of the hearing is limited to the issues of whether the information received from the school district is correct and whether the suspension or denial of driving privileges will result in substantial hardship.

In expanding the acts for which a driver's license may be suspended, revoked, or prohibited, the bill could create a potential minimal increase in state and local expenditures related to due process afforded under the law. Specifically, this provision could result in a potential loss in state revenues to the State Highway Fund (036) as a result of a reduction in the collection of driver's license, driver's permit, and vehicle registration fees. Furthermore, the Bureau of Motor Vehicles Operating Fund (4Y4) could experience a potential increase in revenues and expenditures related to lost fees and processing costs. Based on figures collected by the Ohio Department of Education, during the 1997-98 school year there were 677 incidents statewide in which student possession of a firearm prompted disciplinary action and would have been affected by this provision of the bill most had it been in force. Based on the number of potential cases affected, the bill would likely have no more than a minimal impact on Bureau of Motor Vehicles revenues and expenditures. Counties meanwhile could experience a potential minimal increase in expenditures as a result of the juvenile court hearing requirement.

In addition to any direct impact on the state and counties as a result of this provision of the bill, reducing the number of persons eligible for a driver's license or permit could result in a potential loss in both state and local revenues received from motor vehicle registration fees. Fees collected for motor vehicle registrations are comprised of a state and local component, with the state portion deposited in Funds 036 and 4W4 and the local component returned to the county of origin. Based on the estimated number of students affected by this provision the bill however, the loss in county and state revenue should be minimal.

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