

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

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 7157

BILL NUMBER: HB 1300

DATE PREPARED: Jan 7, 2000

BILL AMENDED:

SUBJECT: School safety and employee matters.

FISCAL ANALYST: David Hoppmann

PHONE NUMBER: 232-9559

**FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL**

IMPACT: State & Local

Summary of Legislation: 1) This bill requires consultation with a teacher before action is initiated to suspend or expel a student or to take other disciplinary action against a student.

2) It requires a one year expulsion for bringing a deadly weapon to school property or possessing a deadly weapon on school property. (Current law provides this penalty for a firearm only, not for other deadly weapons.)

3) The bill requires the reporting of a threat or intimidation of a school employee.

4) It also requires the Department of Education to establish and seek the adoption as a local school policy of a parental declaration of responsibilities concerning the education of the parent's child.

5) The bill removes a provision that allows a governmental entity to refuse to pay a judgment, compromise, or settlement of a claim or suit against an employee when the entity determines that paying is in the best interest of the entity.

6) It establishes a specific actionable offense for communicating a threat by using school or other governmental property, including electronic equipment or systems (from a Class A misdemeanor to a Class D felony).

Effective Date: July 1, 2000.

Explanation of State Expenditures: (4) The Department of Education would experience an increase in administrative expenses fulfilling the requirements of this portion of the bill. These figures are currently indeterminable.

However, the funds and resources required above could be supplied through a variety of sources, including the following: 1) existing staff and resources not currently being used to capacity; 2) existing staff and resources currently being used in another program; 3) authorized, but vacant, staff positions, including those positions that would need to be reclassified; or 4) funds that, otherwise, would be reverted.

Based on the 10/15/99 State Manning Table, the Department of Education has 375 authorized positions of which 83 are currently vacant, and the Professional Standards Board has 35 authorized positions of which nine are currently vacant.

Ultimately, the source of funds and resources required to satisfy the requirements of this bill would depend upon administrative actions.

(5) This provision of the bill could result in a fiscal liability for State governmental entities no longer being able to decide whether or not to refuse awards of tort claim judgements, compromises, or settlements against themselves and employees. (Under current law, State governmental entities can refuse to award judgements, compromises, or settlements based on discretion concerning whether or not awards are in the best interest of the entity).

Specific effects are indeterminable, would vary between State governmental entities, and would depend upon the types of tort claims that are in existence for each entity.

(6) State expenditures could increase if an offender is incarcerated in a state prison rather than in a local jail. A Class D felony is punishable by a prison term ranging between six months to three years or reduction to Class A misdemeanor. The period of incarceration will depend upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$17,500 in FY 98. Individual facility expenditures range from \$11,900 to \$29,400. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost per offender for medical care, food, and clothing is approximately \$1,825 annually or \$5 daily. The average length of stay in DOC facilities for all Class D felony offenders is approximately ten and a half months.

Explanation of State Revenues: (6) More revenue to the Common School Fund could be collected if a larger criminal fine is assessed by the sentencing court. The maximum fine for a Class A misdemeanor is \$5,000 while the maximum fine for a Class D felony is \$10,000. Court fees for both misdemeanors and felonies are \$120.

Explanation of Local Expenditures: (3) This portion of the bill would require public school employees to report threats or intimidation to respective school principals, and would require school principals to then report orally to respective local law enforcement agencies. This portion of the bill would result in a minimal increase in administrative cost and time, and would vary from school corporation to school corporation.

(4) In working with parent and teacher organizations to prepare a parental declaration of responsibilities, the Department of Education would be required to encourage schools and school corporations to adopt the declaration as policy. Schools and school corporations would experience a minimal increase in administrative time and cost fulfilling the requirements of this portion of the bill. Specific effects would vary from school corporation to school corporation, and would depend upon local action.

(5) This provision of the bill could result in a fiscal liability for local governmental entities no longer being able to decide whether or not to refuse awards of tort claim judgements, compromises, or settlements against

themselves and employees. (Under current law, local governmental entities can refuse to award judgements, compromises, or settlements based on discretion concerning whether or not awards are in the best interest of the entity).

Specific effects are indeterminable, would vary between local governmental entities, and would depend upon the types of tort claims that are in existence for each entity.

(6) If an offender is sentenced to state prison rather than to a county jail, the costs to the county may be reduced. The maximum term of imprisonment for a Class A misdemeanor is up to one year. The average daily cost to incarcerate a prisoner in a county jail is roughly \$44.

Explanation of Local Revenues: (2) Approximately 2000 schools within Indiana’s 294 school corporations could possibly experience an increase in the number of students suspended or expelled if this new provision subjects more students to disciplinary procedures. Any additional expenditures or affect on tuition support funding would depend upon local action.

Depending on the date of suspension or expulsion with regards to the September student count for school funding formula purposes, school corporations could experience a slight decrease in school funding formula dollars. However, since students would need to be suspended or expelled before the count date on or about September 20 of a new school year, it is not likely that expulsions or suspensions would be a significant number. In addition, school corporations would be able to keep dollars generated by the school funding formula for students expelled after the September count date in accordance with this bill.

The following table illustrates the number of suspensions and expulsions from school years 1996-1998 (data for 1999 are not yet complete).

Suspensions and Expulsions for School Years 1996-1998

YEAR	SUSPENSIONS	EXPULSIONS
1998	302,593	10,241
1997	306,034	9,340
1996	227,326	8,982

(6) Court fees for both misdemeanors and felonies are \$120.

State Agencies Affected: Department of Education, Department of Correction, and all other State Governmental Entities.

Local Agencies Affected: School Corporations, Trial Courts, Local Law Enforcement Agencies, and all other Local Governmental Entities.

Information Sources: DOE ORACLE Data Tables, Indiana Sheriffs Association, State Manning Table.