



Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: H.B. 498 of the 131st G.A.

Date: November 14, 2016

Status: As Introduced

Sponsor: Rep. Kunze

Local Impact Statement Procedure Required: No

Contents: Expulsion of students for communicating a threat of violence to occur on school grounds

State Fiscal Highlights

- No direct fiscal effect on the state.

Local Fiscal Highlights

- Public districts and schools that choose to establish a policy for the expulsion of students that communicate a threat of violence to occur on school grounds may incur potentially significant costs to continue educating expelled students in an alternative setting.
- Public districts and schools that opt to require an expelled student to undergo a mental health assessment before returning to school may incur increased costs if they also opt to pay for them.
- The bill may also lead to an increase in caseloads for any state or local entity that employs mental health service providers. Much of the cost to these entities will be reimbursed by either Medicaid or private insurance providers, or paid for by the local alcohol, drug addiction, and mental health (ADAMH) services board.
- Courts of common pleas may experience a minimal increase in costs incurred to process any civil action cases brought by school districts and local law enforcement agencies seeking restitution under the bill, which are likely to be offset to some degree by court cost and filing fee revenue.
- If the bill's provisions act as a deterrent, school districts may realize lower costs for special security efforts, transportation, or other costs that occur due to these threats. Likewise, local law enforcement and first responders could realize lower costs related to responding to and investigating threats.

Detailed Fiscal Analysis

Under continuing law, school district superintendents generally may expel students for serious violations of the district's or school's code of conduct for up to 80 school days. Longer expulsions are required if a student brings a firearm to school, and permitted if a student commits certain other acts. The bill permits the board of education of a school district or the governing authority of a community or STEM school to establish a policy that authorizes the district superintendent, or the equivalent at a community or STEM school, to expel a student for up to 60 school days for communicating a threat to kill or do physical harm to persons or property under certain conditions.

Continued education of expelled students

While developing and adopting a policy permitted by the bill will itself not have a significant fiscal impact on public districts and schools, districts and schools that opt to establish such a policy may incur costs associated with the continued education of students who have been expelled under that policy. Under the bill, a district or school that chooses to adopt a policy is required to develop a plan for the continued education of the expelled pupil. The cost to public districts and schools of continued education would be dependent upon the plan developed by the school, but could be more than minimal. According to the Buckeye Association of School Administrators (BASA), if a district elects to educate the student at home and send a tutor, the minimum cost would be about \$150 per week but would vary based on a district's hourly tutoring rate. If the district uses an alternative school, the cost could reach \$200 to \$250 per week but could also depend on the number of students in the alternative classroom. If the district uses an Internet- or computer-based community school (i.e., an e-school), the cost would likely be about \$165 per week (assuming a cost of about \$33 per day based on the per pupil formula amount of \$6,000 in FY 2017 divided by 180 days). Therefore, if a student were expelled for the full 60 school days (about 12 weeks) authorized by the bill, the cost of continued education for that student could be anywhere from \$1,800 to \$3,000.

Mental health assessments

Students subject to expulsion under the bill are entitled to the same due process procedures as students subject to other types of expulsion. However, the bill also gives a district or school the option to require a student to undergo an assessment to determine whether the student poses a danger to the student's self or to other students or school employees before the student is reinstated. If the student fails to undergo a required assessment, the superintendent may extend the expulsion up to one calendar year. The bill does not specify who is to perform or pay for the assessments. Thus, it appears that school districts adopting a policy under the bill requiring such assessments may provide for them or may leave the assessment to be performed at the parent's

expense, or perhaps some combination of both.¹ The bill may lead to an increase in caseloads for any state or local entity that employs mental health service providers. Much of the cost to these entities will be reimbursed by either Medicaid or private insurance providers, or paid for by the local alcohol, drug addiction, and mental health (ADAMH) services board where the student resides.

Civil actions

The bill permits a school district board of education or law enforcement agency to file a civil action in the appropriate court of common pleas to seek recovery for restitution from the parent, guardian, or custodian of a student who is expelled under the bill's new expulsion provisions for the costs to the district or agency associated with the student's conduct that gave rise to the expulsion. Closing a single school and sending children home at a time other than normal dismissal may be expensive in terms of transportation costs. In addition, law enforcement and first responders incur costs associated with responding to and investigating such threats. Nevertheless, civil action filings by school districts and law enforcement agencies are likely to be infrequent. As a result, the cost to courts of common pleas to adjudicate these matters is likely to be minimal. Revenues collected from court costs and filing fees will offset to some degree the costs that counties incur to process any such cases.

Deterrent effect

Another possible result of the bill could be a deterrent effect for students who might consider communicating a threat of violence to occur on school grounds. If threats to kill or do physical harm decrease as a result of the provisions in the bill, school districts might realize lower costs for special security efforts, transportation, or other costs that occur due to these threats. Likewise, law enforcement and first responders could realize lower costs related to responding to and investigating such threats. It may also decrease the number of hearings and expulsion proceedings for such violations of the school disciplinary code.

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¹ For example, it may be that the district contracts with a licensed mental health professional to perform the assessments, but also gives a parent the option to seek an outside mental health professional at the parent's expense.