



www.lsc.ohio.gov

# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 147  
134<sup>th</sup> General Assembly

## Fiscal Note & Local Impact Statement

[Click here for H.B. 147's Bill Analysis](#)

**Version:** As Introduced

**Primary Sponsors:** Reps. Boggs and Lightbody

**Local Impact Statement Procedure Required:** No

Andrew C. Ephlin, Budget Analyst

### Highlights

- Ohio Department of Education (ODE) operating expenses may increase, likely somewhere in the hundreds of thousands of dollars annually, to establish a unit to investigate complaints regarding public school compliance with the school's anti-bullying policy. The process may also involve state-supported mediation services. Ultimately, the new unit's cost mainly will depend on the volume and complexity of complaints.
- Costs to school districts and other public schools appear to be minimal. District and school administrative workload may increase to comply with ODE investigations. Districts and schools may also incur what are likely minimal legal expenses to consult with counsel and pay hearing officer costs if a complaint results in a state hearing. The available data suggests a district or school will likely be involved in few, if any, state hearings annually.

### Detailed Analysis

The bill requires the Ohio Department of Education (ODE) to conduct an investigation into a public school's compliance with the school's policy prohibiting harassment, intimidation, and bullying (hereafter referred to simply as "anti-bullying policy") upon the request of a student or a student's parent or guardian. ODE will conduct the investigation using procedures it will develop. However, as a part of the investigation, ODE must provide the student and the school an opportunity for a hearing. If ODE determines that the school has not complied with the policy, the Department must order the school to comply "in a specified time and manner."

### Ohio Department of Education

#### Anti-bullying policy complaint volume

Under current law, investigations and hearings regarding bullying are handled by school districts and other public schools. ODE receives complaints of bullying from parents or students

March 29, 2022

but does not currently have oversight over a district or school's anti-bullying policy. Complaints against a school's compliance with its anti-bullying policy appear to be somewhat rare. According to the Buckeye Association of School Administrators (BASA), school districts receive few complaints annually about compliance with anti-bullying policies that ultimately require a hearing at the district level. BASA explained that larger school districts may receive a few complaints per year that ultimately go to a hearing while smaller districts sometimes can go years without such a hearing. Further, ODE reported that, in 2018, it received 90 complaints of bullying cases statewide. The majority of the complaints were from parents unsatisfied with the school's handling of bullying. The available data suggests that the vast majority of complaints will be resolved at the district or school level. However, ODE expects the volume of complaints it receives to increase once parents or guardians are aware of the state complaint process created by the bill.

### Potential payroll costs

The bill requires ODE to provide a new service. As described above, the process will involve ODE investigating a district or school's compliance with its anti-bullying policy, not the bullying incident itself. ODE envisions a complaint process similar to the one its Office for Exceptional Children (OEC) uses for complaints regarding special education services. In general, this process includes providing a first point of contact for technical assistance and dispute resolution in an effort to alleviate the need for a formal complaint, complaint intake and investigation, mediation to reduce the number and cost of hearings, and hearing coordination. To carry out these activities, the staffing needs of the new unit may include an assistant director or manager position; education program specialists to provide technical assistance, investigate complaints, and coordinate mediation and hearings; and an administrative professional. The number of education program specialists needed will depend on the volume and complexity of complaints. The table below presents the estimated personnel costs for each type of position. The estimates assume employees are paid for 2,080 hours per year (i.e., each employee equals one full-time equivalent, or FTE) and include the employer's share for retirement and health insurance benefits, the two major additional payroll costs associated with a state employee. Retirement benefit costs are equal to 14% of each employee's annual salary. Health insurance benefit costs vary depending on whether an employee enrolls in single coverage (used in the "low" cost scenario) or family coverage (used in the "high" scenario). As the table suggests, payroll costs for the unit would likely be somewhere in the hundreds of thousands of dollars annually, mainly depending on the number of education program specialists needed.

Payroll Cost for Anti-Bullying Policy Complaint Unit Position Types			
Position	Starting Hourly Salary	Payroll Cost (Low Estimate)	Payroll Cost (High Estimate)
Assistant director*	\$45.00	\$115,000	\$130,000
Education program specialist	\$29.45	\$78,000	\$93,000
Administrative professional	\$18.84	\$53,000	\$68,000

\*ODE uses various position titles for employees in assistant director roles. This analysis assumes the assistant director position will be paid an hourly salary similar to other assistant directors within OEC.

## **Mediation and other operating costs**

If ODE follows the OEC model, it will pay for the services of mediators to help resolve complaints before they proceed to the hearing stage while districts and schools will bear hearing officer costs. Under the current contract for OEC mediators, most contractors bill ODE at an hourly rate of \$150 plus mileage at 55¢ per mile. Mediation costs could easily be in the tens of thousands of dollars annually, depending on complaint volume. Hypothetically, if mediation was used in 50 complaints each year and mediation sessions average three hours in length per complaint, the annual cost would be \$22,500, not including mileage.

There may be one-time equipment costs for the new unit as well as ongoing costs for supplies and other ancillary items and, if onsite investigations are necessary, travel reimbursements. These items may add costs of several thousand dollars per employee. ODE may also need additional information technology (IT) support to develop a database to track complaints. In general, ODE IT projects are supported by charges assessed to ODE offices based on usage of IT services and from program offices for specific projects.

## **School districts and other public schools**

The administrative workload of school districts and other public schools may increase to comply with any requests it receives from ODE for relevant documentation or other information as part of a complaint investigation. If an anti-bullying policy complaint progresses to a state hearing, school districts and other public schools may incur what appear to be minimal legal expenses, given that any particular district or school will likely be involved in few, if any, state hearings per year. According to BASA, a school district will likely contact its legal counsel for guidance in preparation for a hearing. Legal counsel typically will consult with district staff for 30 minutes to an hour for a typical case and up to three hours for particularly complicated cases. BASA also indicated that many districts have counsel on retainer, while smaller districts pay counsel by the hour. As noted above, a district or school may be billed by ODE for the cost of a hearing officer. As a point of reference, Ohio's contract for "staff augmentation" services for state agencies indicates that general administrative hearing officers are paid about \$50 per hour.