

Department of Planning and Budget 2022 Fiscal Impact Statement

1. **Bill Number:** HB1124

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. **Patron:** Anderson

3. **Committee:** Education

4. **Title:** Board of Education; school boards; codes of student conduct; contents.

5. **Summary:** Requires the Board of Education's guidelines and model policies for codes of student conduct to include a requirement that any code of student conduct is enforced and any student behavioral intervention or disciplinary method or measure is utilized in a fair, proportional, unbiased, and neutral manner, for the sole purpose of maintaining safe learning environments, and with full and sole consideration of the student's behavior and with no consideration of any individual immutable characteristic of the student such as the student's sex or race. The bill requires each school board to establish and continuously maintain a system of fair, proportional, unbiased, and neutral student behavioral intervention and discipline and prohibits any school board from establishing or maintaining any system of student behavioral intervention or discipline, including positive behavioral interventions and supports or any substantially similar disciplinary method, that targets or differentiates student behavioral interventions or disciplinary methods or measures based on any factor other than the student's behavior.

6. **Budget Amendment Necessary:** No

7. **Fiscal Impact Estimates:** Preliminary, see Item 8.

8. **Fiscal Implications:** It is unclear if the terms “neutral” and “proportional” would prohibit the ability of the Department of Education and local school divisions from use of the positive behavioral intervention and support program (PBIS). This program costs approximately \$5.0 million per year, including \$3 million in federal funding and \$2 million in state general fund. If the intent of the bill is to prohibit the use of the PBIS, \$500,000 in federal funding could be redirected to other purposes and \$2.5 million in federal funds to school divisions would be lost. The \$2 million in state funding for PBIS could also be redirected to other purposes.

There is no anticipated state fiscal impact for the work to update guidelines and model policies for codes of student conduct. Any impact to local school divisions is indeterminate.

9. **Specific Agency or Political Subdivisions Affected:** Board of Education, Department of Education, local school divisions

10. **Technical Amendment Necessary:** No

11. Other Comments: None