

*Commission on Local Government*

**Estimate of Local Fiscal Impact**  
2012 General Assembly Session

**Bill:** HB 138                      **Patron:** Cole                      **Date:** January 24, 2012

In accordance with the provisions of §30-19.03 of the Code of Virginia, the staff of the Commission on Local Government offers the following analysis of the above-referenced legislation:

**I. Bill Summary**

Requires public schools to determine whether each student enrolling in public school was born outside the jurisdiction of the United States or is the child of an alien not lawfully present in the United States and qualifies for assignment to an English as a Second Language class or other remedial program. The Board of Education must prepare a report on the impacts of such students in public schools and request reimbursement from the U.S. Department of Education for the fiscal costs to the state and political subdivisions thereof of providing educational instruction, computers, textbooks and other supplies, free or discounted school meals, and extracurricular activities to students who are aliens not lawfully present in the United States.

**II. Fiscal Impact Analysis**

The Commission on Local Government (CLG) received fiscal impact statements from 10 localities – the Counties of Campbell, Carroll, Rappahannock, and Spotsylvania; the Cities of Danville, Richmond, and Winchester; and the Towns of Blacksburg, Christiansburg, and Hillsville. In addition, the Virginia Association of School Superintendents assisted the Commission in obtaining information from local school divisions, including Orange County Public Schools and Chesapeake Public Schools.

The City of Winchester indicated that they expect an increase in costs as a result of the bill, but are unsure of the exact impact.

Three of the respondents – Towns of Blacksburg, Christiansburg, and Hillsville – stated that HB 138 would not result in additional costs. The three towns stated that the provisions of the bill do not apply to them because they do not operate school systems.

The County of Rappahannock reported that they anticipate net expenditures from HB 138 to total less than \$5,000. They reported that they have not had difficulty receiving birth records in the past and that the provisions of the bill would apply only to a very few.

The remaining five respondents – the Counties of Campbell, Carroll, and Spotsylvania; and the Cities of Danville and Richmond – anticipate that they will see

costs increase by over \$5,000. The estimates ranged from a low of \$40,000 in Campbell County to a high of \$1,000,000 in the City of Richmond. Listed below are the estimates:

Campbell County:	\$40,000
Carroll County:	50,000
Spotsylvania County:	50,000-70,000
Danville City:	51,770
Richmond City:	1,000,000

Campbell County included an estimate, but also stated that it is mostly a “best guess.” They expressed concern about the efforts that could be involved for those who do not have proper identification or lawful residence.

Spotsylvania County believes that they would need to hire a centralized registrar if the bill passes. Their estimate represents the salary and benefits for the new position. The City of Danville’s estimate also includes the hiring of a new position.

The City of Richmond reported that, with such a large school division (over 23,000 students), they would likely have to create a new department to verify and establish the citizenship of their students.

Chesapeake Public Schools estimates \$65,000 in costs related to HB 138. They indicate the possibility of increased staff to comply with the provisions of the bill. The additional reporting requirement could also require additional training and staffing.

Orange County Public Schools (OCSS) did not provide a cost estimate for the bill. However, they described a recent case that involved the enrollment of a kindergarten student from a family in which no members spoke English and the child was exhibiting symptoms of a medical problem. Situating the student in school and with Medicaid required 30 to 40 hours of time on the part of several staff members. OCSS highlighted the case as an example of the time-consuming and complex nature of some cases that involve non-English speaking parties, even where immigration status is not an issue.

### **III. Conclusion**

Most school divisions will likely experience an increase in expenditure as a result of HB 138. Some schools will be required to hire additional staff in order to comply with the provisions of the bill. Those that do not increase their staff will experience opportunity costs as existing staff are used to make the determinations and create the reports mandated by the bill.

Finally, it is not clear whether the Department of Education has the authority to invoice the federal government for the costs to the state and localities attributable to providing educational instruction, computers, textbooks and other supplies, free or discounted school meals, and extracurricular activities to students who are aliens not

lawfully present in the United States. Furthermore, if reimbursement is received by the state, the bill does not specify whether any of it will be remitted to the localities.