

Commission on Local Government

Estimate of Local Fiscal Impact
2012 General Assembly Session

Bill: HB 1080 **Patron:** Hugo **Date:** January 13, 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 the school principal to take certain procedures, including parental notification and the issuance of due process warnings, prior to questioning a student in the case of a serious violation. A serious violation is defined as a violation of a school board policy or the compulsory school attendance requirements when such violation could result in the student's suspension, the notification of law enforcement, or the filing of a court petition.

II. Fiscal Impact Analysis

The Commission on Local Government did not solicit data from localities in the assessment of this bill; however, the Virginia Association of School Superintendents assisted the Commission in obtaining information from local school divisions.

HB 1080 requires that school principals notify parents or guardians of students who commit serious violations. The bill further provides that, if a serious violation requires questioning of a student, the principal or his designee shall question a student only after (a) the student's parents have been notified; (b) the student and his parents receive, both orally and in writing, the appropriate cautions against cooperation with questioning; and (c) the student, if he is at least 18 years old, or his parents, if he is less than 18 years old, agree in writing to proceed with questioning. For the purposes of this section, the "appropriate cautions against cooperation with questioning" include warning that the request for questioning need not be complied with and that the student may remain silent if he so chooses, that any statement made by the student may be used against him, and that he may have an attorney present to assist him. HB 1080 also provides that, under no circumstances shall the principal or his designee compel or coerce written statements from any student, regardless of the student's age.

Compliance could result in some administrative opportunity costs depending upon the frequency of serious violations and the time between when parents or guardians are notified and when they are available to receive guidance regarding cooperation with questioning. Expected costs as a result of the bill are unavailable at this time.

Orange County Public Schools indicated that the bill would result in an enormous increase in administrative time that is devoted to the investigation of each violation. They noted that it will also lead to more litigation costs because it creates more points of contention on each disciplinary matter.

Chesapeake Public Schools reported that a cost would be difficult to estimate. They believe that the bill would impede the operation of the administrative staff.

III. Conclusion

The fiscal impact of HB 1080 on localities will vary, with the frequency of serious violations being the primary variable.