

Department of Planning and Budget 2015 Fiscal Impact Statement

1. **Bill Number:** HB1328

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

2. **Patron:** Cole

3. **Committee:** Courts of Justice

4. **Title:** Public schools; impact of student aliens not lawfully present in the United States, report.

5. **Summary:** The proposed bill would require public school principals to determine the citizenship and immigration status of each enrolled student by examining student birth certificates. If students are born outside of the United States, the student's parents are to provide the school principal applicable citizenship or immigration documents or sign a written statement under penalty of perjury that the student is either a United States citizen or an alien lawfully present in the United States. Principals are to report the immigration and citizenship status of students to their division, and divisions are to report the information to the Department of Education (DOE).

The bill requires DOE to report school-level data on the number of enrolled students who are United States citizens, lawfully present aliens, or aliens unlawfully present in the United States. DOE is to request reimbursement from the U.S. Department of Education for the average per pupil cost to educate students who are aliens unlawfully present in the United States. The bill also prohibits the disclosure of information that personally identifies any student and authorizes students to bring court action against anyone who negligently or intentionally discloses such information.

6. **Budget Amendment Necessary:** None.

7. **Fiscal Impact Estimates:** Preliminary. See Item 8.

8. **Fiscal Implications:** Currently, DOE does not collect any information about undocumented students. Collection of this data would require the development of a new data element in DOE's data base, which may require administrative costs, but DOE would perform most of the work with existing staff. The provisions of the bill are not anticipated to create a state fiscal impact.

Local school divisions may incur costs to collect, analyze and report the data, although any such impact cannot be determined at this time. The impact on individual school divisions would likely vary depending on the number of students in the district that were born outside of the United States and require additional documentation reviewed by the principal.

It is possible that the US Department of Education could be billed for costs related to unlawfully present students, however, it is not clear as to what process is available to request reimbursement for these costs or how they would be determined. The bill also does not provide a distribution process if reimbursement is received.

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

10. Technical Amendment Necessary: None.

11. Other Comments: None.

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