

## Department of Planning and Budget 2019 Fiscal Impact Statement

**1. Bill Number:** HB2463

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

**2. Patron:** Tran

**3. Committee:** Education

**4. Title:** Children with disabilities; due process hearings; burden of proof.

**5. Summary:** Specifies that, in any due process hearing before a hearing officer to resolve certain disputes relating to the education of children with disabilities, the local school division has the burden of proof, including the burden of production and the burden of persuasion, provided that in any due process hearing brought by a parent, the parent shall establish a prima facie case before the burden of persuasion falls on the local school division and in any dispute in which a party seeks tuition reimbursement for a unilateral placement, such party seeking tuition reimbursement has the burden of production and the burden of persuasion solely on the issue of the appropriateness of the unilateral placement.

**6. Budget Amendment Necessary:** No.

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

**8. Fiscal Implications:** This bill could result in an increase in the number due process hearings escalated to the Board of Education for final decision. Costs for due process hearings are supported by federal Individuals with Disabilities Education Act (IDEA) funds. The fiscal impact of any such increase in hearings on the Department of Education is indeterminate.

The Children's Services Act (CSA) provides a portion of the funding for children placed in private educational settings. The average cost of a private day placement in FY 2018 was \$45,119, with an average state match of 66 percent, or \$29,779, for each student placed in a private day setting. If more children are placed in private educational settings as a result of the changes proposed in this legislation, the costs for CSA will increase. The impact on projected expenditures for private day services provided through the CSA is indeterminate.

Any impact to localities is also indeterminate.

**9. Specific Agency or Political Subdivisions Affected:** Local school divisions, Department of Education, Children's Services Act.

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** None.