

Department of Planning and Budget

2023 Fiscal Impact Statement

1. **Bill Number:** HB1461

House of Origin	<input type="checkbox"/> Introduced	<input checked="" type="checkbox"/> Substitute	<input checked="" type="checkbox"/> Engrossed
Second House	<input checked="" type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. **Patron:** Wiley

3. **Committee:** Education and Health

4. **Title:** Department of Education; uniform system of discipline for disruptive student behavior.

5. **Summary:** Requires the Department of Education to establish, within its regulations governing student conduct, and each school board to adhere to, a uniform system of discipline for disruptive behavior and the removal of a student from a class that includes, among other things, (i) criteria for teachers to remove disruptive students from their classes, including a requirement for a teacher to remove a disruptive student from a class if the disruptive behavior is violent and (ii) a prohibition against holding a teacher liable for taking reasonable actions or utilizing reasonable methods to control a physically disruptive or violently disruptive student. The bill also requires the Department to establish a stakeholder work group to discuss and make recommendations to the Board of Education and the General Assembly no later than November 1, 2023, regarding the feasibility of implementing a uniform system of classroom discipline in public elementary and secondary schools in each local school division in the Commonwealth whereby a teacher is required to remove a student from a classroom if the student repeats or continues nonviolent disruptive behavior after the teacher provides two warnings to the student, giving due consideration to the need for appropriate exceptions for students with disabilities.

6. **Budget Amendment Necessary:** Yes, Item 130.

7. **Fiscal Impact Estimates:**

7a. Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2024	\$298,384	2	General Fund
2025	\$278,384	2	General Fund
2026	\$278,384	2	General Fund
2027	\$278,384	2	General Fund
2028	\$278,384	2	General Fund
2029	\$278,384	2	General Fund

- 8. Fiscal Implications:** The provisions of this bill would require the Department of Education (DOE) to establish new regulations and would require DOE to take increased responsibility for implementation of these regulations as well as monitoring and compliance with the uniform system of discipline. DOE estimates that the Division of Special Education and Student Services would need two additional staff members to support the establishment and implementation of the new regulations. Assuming a salary of \$85,000, with benefits and technology costs, DOE would need an additional \$278,384 in additional general fund support annually beginning in fiscal year 2024.

DOE also estimates a one time cost of \$20,000 in fiscal year 2024 to convene a stakeholder group to advise the Board of Education on the establishment of the regulation and guidance for school divisions, and to discuss and make recommendations on the feasibility of implementing the three-strike system. Several bills have been introduced by the 2023 General Assembly that require DOE to issue a report to the Board of Education or the General Assembly by November 1, 2023. If several of these proposals are adopted, additional state support may need to be provided to DOE above what is estimated in fiscal impact reviews in order to meet all deadlines.

DOE can absorb any costs associated with data collection.

Local school divisions may experience increased costs to provide additional programming to students removed for disciplinary reasons in order to comply with the provision of education services. Any actual impact to local school divisions is indeterminate.

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

- 10. Technical Amendment Necessary:** No

- 11. Other Comments:** None